

SEATAC CITY COUNCIL REGULAR MEETING MINUTES

February 28, 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 6:43 p.m.

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

ADMINISTRATIVE STAFF: City Manager Craig Ward, Assistant City Manager Tina Rogers, City Clerk Judith Cary, City Attorney Mary Mirante Bartolo, Parks & Recreation Director Kit Ledbetter, 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 he has six reasons why the City should replace Fire Station 45 before the other two stations. He chose to discuss, at this time, his No. 2 reason, the seismic consultant's report which states Station 45 was more vulnerable to earthquake damage than the other two stations. He contended that from a safety and service standpoint, Station 45 has the most to lose from earthquake damage. This station is the headquarters station which contains the Emergency Coordination Center (ECC) and administrative offices, in addition to normal fire and medical services. Mr. Dixon added that he will give his other reasons in a letter to the Council.

Highline School Board President Phyllis Byers thanked the Council for their unanimous support of their March 14 School Bond Measure through a Resolution. It will take a super majority (60 percent plus one) to win the vote. The simple majority passed in the State Legislative House Committee but failed in the Senate. However, there is a new bill for a special provision that could pass through this session where a levy could be done on simple majority (50 percent plus one) for select election dates.

Highline Citizens for Schools Boardmember Cheryl Forbes stated passage of this School Bond is essential in order to build new Highline School District (HSD) schools of which McMicken Elementary is one of them. The new Bow Lake Elementary School construction is being funded from the last School Bond.

MAYORAL APPOINTMENTS:

•Mayoral Appointment of King County (KC) District Court Judge David Christie to the District Court Redistricting Committee

Mayor Gene Fisher made his appointment of Judge Christie to the District Court Redistricting Committee under the advice of City Attorney Mary Mirante Bartolo. Judge Christie thanked Mayor Fisher for the appointment. He added that he contacted the City Attorney to see if the Mayor would appoint him as the SeaTac representative for the committee. Judge Christie trained under SeaTac Municipal Court Judge Paul Codd. The reason he has asked to be appointed to represent SeaTac is that KC District Courts have been re-organized from seven districts to three (Seattle, East KC, and South KC). The number of judges has also been reduced from 26 to 21.

•Confirmation of Mayoral Appointments of Mel McDonald and Darleene Thompson as Alternate Members to the Human Services Advisory Committee, Reappointment of Bruce Tonks to the Human Services Advisory Committee, and Appointment of Jeff Gouge, Hotel Manager, Hilton Hotel, to the Hotel/Motel Tax Advisory Committee

MOVED BY BRENNAN, SECONDED BY WYTHE TO CONFIRM THE MAYORAL APPOINTMENTS OF MEL MCDONALD AND DARLEENE THOMPSON AS ALTERNATE MEMBERS TO THE HUMAN SERVICES ADVISORY COMMITTEE, REAPPOINTMENT OF BRUCE TONKS TO THE HUMAN SERVICES ADVISORY COMMITTEE, AND APPOINTMENT OF JEFF GOUGE, HOTEL MANAGER, HILTON HOTEL, TO THE HOTEL/MOTEL TAX ADVISORY COMMITTEE.

MOTION CARRIED UNANIMOUSLY.

Mayor Fisher read the certificates of appointment. Unfortunately, the newly appointed committee members were unable to attend this meeting to receive their certificates. The documents will be sent to the new members.

CONSENT AGENDA:

- **Approval of claims vouchers** (check nos. 70238 – 70456) in the amount of \$859,370.49 for the period ended February 21, 2006.
- **Approval of payroll vouchers** (check nos. 44531 - 44567) in the amount of \$137,708.07 for the period ended February 15, 2006.
- **Approval of payroll electronic fund transfers** (check nos. 45696 - 45864) in the amount of \$271,564.12 for the period ended February 15, 2006.
- **Approval of payroll wire transfer** (Medicare and Federal Withholding Tax) in the amount of \$51,456.22 for the period ended February 15, 2006.
- **Approval of summary of \$5,000 - \$25,000 purchase requests** for the period ended February 24, 2006.

Approval of Council Meeting Minutes:

- **City Council Retreat** held February 11, 2006.
- **Transportation & Public Works Committee Meeting** held February 13, 2006.
- **Administration & Finance Committee Meeting** held February 14, 2006.
- **Public Safety & Justice Committee Meeting** held February 14, 2006.
- **Study Session** held February 14, 2006.
- **Regular Council Meeting** held February 14, 2006.

Acceptance of Advisory Committee Meeting Minutes:

- **Planning Commission Meeting** held January 23, 2006 (Commission approved February 13, 2006).
- **Senior Citizen Advisory Committee Meetings** held January 19 and 31, 2006 (Committee approved February 16, 2006).

The following Agenda Items were recommended at the February 28, 2006 Study Session for placement on this Consent Agenda:

Agenda Bill #2636

A Motion authorizing the City Manager to execute a Contract to employ a Landscape Architect for the North SeaTac Neighborhood Park Project

Summary: The landscape architecture design fees for John Forest Barker Landscape Architects, P.S. to complete the North SeaTac Neighborhood Park Project are not to exceed \$40,000 plus a 10 percent design contingency of \$4,000 for a total of \$44,000. The firm's services have been negotiated based on the Washington State Fees for Architectural Services.

The 2006 Budget for this park project has sufficient funds to pay for the Landscape Architect fees.

Agenda Bill #2640; Resolution #06-005

A Resolution imposing a Moratorium on acceptance of Applications for Rezones, Land Use Permits, Development Permits, and Building Permits for New Construction of Commercial and Multi-family Structures, affecting any Property located in the South 154th Street Station Area

Summary: This Resolution imposes a moratorium which will halt the acceptance of applications until the City can adopt interim design regulations for the area and complete and implement design standards as a result of the South 154th Street Station Area Study now underway. It is anticipated that this study will be completed by November 2006.

The Revised Code of Washington (RCW) 35A.63.220 and RCW 36.70A.390 permit the City Council to adopt a moratorium relating to planning, zoning, and development regulations, subject to a Public Hearing (PH) within 60 days of the date of adoption of any such moratorium, and further subject to findings-of-fact justifying the moratorium at either the time of adoption or following conclusion of the PH.

Sound Transit is constructing a light rail station in Tukwila on International Boulevard (IB) across the street from the South 154th Street Station Area. Typically, these stations generate new development and redevelopment of nearby properties which provide economic benefits to these areas and to the City. To take advantage of the proximity to the transit station, the South 154th Street Station Area Study explores alternatives to encourage transit oriented development, which includes transit- and pedestrian-friendly redevelopment of the station areas, higher densities of residential and employment uses, a diversity of mix uses and community oriented businesses, and to build on other City planning efforts such as the installation of new infrastructure including new streets, sidewalks, landscaping and other improvements. Based upon public input, transit area design criteria and regulations specific to the South 154th Street Station Area would be developed and adopted.

Agenda Bill #2640; Resolution #06-005 (Continued): Current zoning regulations governing this area do not contain transit area specific design standards that would foster a pedestrian and transit-friendly environment. New development in this area, absent these regulations, would preclude the ability to provide quality pedestrian and transit development or redevelopment. Further, new development would limit the alternatives the City may consider in its South 154th Street Station Area Study effort.

It is recommended that the Council take the following approach regarding development in the South 154th Street Station Area:

- 1) Impose a temporary moratorium until August 1, 2006 on the South 154th Station Area to allow staff and the Planning Commission (PC) time to research and formulate Interim Special Standards for the South 154th Street Station Area.
- 2) Hold a PH no later than 60 days after adoption of this Resolution, and enter findings-of-fact justifying the moratorium.
- 3) Once the South 154th Street Station Area Study is completed later this year, consider adoption of final design standards for the South 154th Street Station Area.

Agenda Bill #2639; Resolution #06-006

A Resolution fixing the date and time for a Public Hearing (PH) to consider the merits of vacating a portion of a Wall Tie Back Easement at 21428 International Boulevard (IB)

Summary: As part of the IB Phase IV improvements, the City purchased a wall tie back easement at 21428 IB. The permanent easement is approximately 35 feet wide and extends along most of the western property edge. The easement was needed to construct a retaining wall that required horizontal anchoring into the property. Since the City purchased the easement, the Monarch Care buildings have been demolished, the property has been sold and the City has proceeded with IB Phase IV. The City approved the contractor's alternative wall design which utilized less than the full width of the wall tie back easement. The new property owner is proposing a multi-family development and has requested vacating a portion of the unused easement in order to fit the project on the site.

A PH is to be held to consider the merits of the application to vacate the easement ROW in question. The date of the PH is set by a Resolution passed by the City Council and must not be more than 60 days nor less than 20 days after the date of passage of the Resolution. The date of March 28, 2006 has been selected as the regularly scheduled City Council meeting that meets these criteria.

Agenda Bill #2635

A Motion authorizing the City Manager to enter into a Schedule 74 Construction Agreement with Puget Sound Energy (PSE) for the conversion of Overhead Power Lines on the Military Road South, South 176th to 188th Streets Project

Summary: The agreement includes the construction of the underground conversion of the distribution power lines on Military Road South from approximately South 176th Street to 188th Streets.

The scope of the improvements to Military Road South includes relocating the existing aerial utilities underground. PSE currently owns and operates both transmission and distribution lines within the Military Road ROW. It is not feasible to relocate the transmission lines so they will remain overhead. On June 14, 2005, the City Council authorized the City Manager to execute a Schedule 74 Project Design Agreement with PSE. PSE has completed the design of the conversion and has prepared the Schedule 74 Construction Agreement. The agreement is in the form that was negotiated by the Cities and approved by the Washington Utilities and Transportation Commission (WUTC). The Schedule 74 Construction Agreement is \$411,600 plus a 10 percent contingency for a total amount not to exceed \$452,760.

The total cost of the conversion including design, easements, construction, and inspection are shared in accordance with the terms of the Tariff. The City's share is 40 percent and PSE's share is 60 percent. The total cost of the conversion is \$1,029,100, therefore, the City's share is \$411,600. The construction costs would be paid from the Military Road South Project fund. Payments for these construction costs will likely occur in 2006 and 2007.

Agenda Bill #2627

A Motion declaring City Property surplus and authorizing its disposal

Summary: Various obsolete and/or inoperable items have been identified by City departments and are being recommended for Council declaration as surplus property. The list includes computers, monitors, furniture, cell phones, cameras, and landscape maintenance equipment. The City last compiled a surplus list two years ago when the Public Works/Park Maintenance staff moved into their new maintenance facility.

Agenda Bill #2627 (Continued): The list includes computers, monitors, furniture, cell phones, cameras, and landscape maintenance equipment. The City last compiled a surplus list two years ago when the Public Works/Park Maintenance staff moved into their new maintenance facility.

In disposing of the equipment and other items, staff will consider a number of options. Some items will be donated to human service agencies serving SeaTac residents. Public Works/Park Maintenance will dispose of some of their items through a small equipment surplus and trade-in program with various vendors that have been used successfully in the past to the City's advantage. Proceeds from any items sold on-line at public sale or auction will be deposited into the appropriate fund. Items that are broken or inoperable and have no salvage value will be disposed of appropriately.

Agenda Bill #2632; Ordinance #06-1005

An Ordinance amending the 2006 Annual City Budget for 2005 Carryovers

Summary: Each year, the City Council receives requests to carryover appropriations from the prior year's budget that were not completed due to a variety of reasons. Some carryovers are legally required due to contractual obligations or grant funding requirements.

This Ordinance will increase the appropriations in the applicable funds, but will have no effect on 2006 year-end fund balance. These expenditures were anticipated to occur in 2005, and the January 1, 2006 fund balance projections were reduced accordingly. Therefore, these amendments simply allow the expenditures to occur in the current fiscal year instead of 2005. In some cases, the City is contractually obligated for these expenditures. In others, the expenditures cannot be made without the additional appropriation authority.

Agenda Bill #2638; Ordinance #06-1006

An Ordinance amending the 2006 Annual City Budget for the Japanese Garden Relocation Project

Summary: This Ordinance provides additional appropriation authority for the Japanese Garden Relocation Project.

At the February 14, 2006 Regular Council Meeting (RCM), the City Council approved Turnstone Construction of Seattle for the pond and stone work related to the Garden Relocation Project. As indicated at that meeting, the total cost will exceed the existing 2006 budget for this project by approximately \$44,890.

The Japanese Garden Relocation Project currently has a 2006 budget of \$296,250 of which \$50,000 was approved in the 2006 Budget process and \$246,250 from 2005 Carryovers. The project total of \$246,250 is grant funded. This Ordinance will result in an increase in appropriations of the Municipal Capital Improvement Plan (CIP) Fund (Fund 301) in the amount of \$44,890.

Agenda Bill #2634

A Motion authorizing the City to implement a Security Plan for SeaTac Municipal Court

Summary: This Motion authorizes the City to implement a SeaTac Municipal Court security plan that will screen all people for weapons who enter SeaTac Municipal Court when Court is in session.

The issue of building security was brought to the Public Safety & Justice (PS&J) Committee in 2005 by the Safety Committee. The Safety Committee endorsed a security plan where all who enter City Hall are pre-screened for weapons. While some security improvements have been made including the addition of a monitor for the front reception area, additional signage, and marked Police cars parked near the front entrance, there are still safety concerns. There have been instances when citizens have confronted City staff, including assaults, threats and intimidation. People who come to the SeaTac Municipal Court for criminal and civil matters are currently not pre-screened for weapons. Victims and other citizens are often in the courtroom during routine Court proceedings. The implementation of Court security in SeaTac will provide best practices to a stand-alone Municipal Court which hears civil infractions mitigations and criminal matters routinely. Weapons screening for the Court will provide additional site security, and discourage unlawful behavior.

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

MOTION CARRIED UNANIMOUSLY.

PUBLIC COMMENTS: (related to Agenda Bill #2637; Resolution #06-007)

●Highline School District (HSD) Proposition No. 1, Bonds for construction and modernization of School Facilities, in the sum of \$148,000,000 – Legal

Mr. Dixon, SeaTac citizen, spoke against public officials encouraging citizens to support for ballot issues such as in the following Resolution. He added they should be to vote as they see fit.

NEW BUSINESS:

Agenda Bill #2637; Resolution #06-007

A Resolution expressing the City Council's support for the Highline School District Proposition No. 1, Bonds for construction and modernization of School Facilities, in the sum of \$148,000,000

Summary: Proposition No. 1 will be presented to the electorate at the Special Election of March 14, 2006. The Council listened to a presentation from Highline School Board President Phyllis Byers during the February 14, 2006 Study Session (SS). Ms. Byers explained that the bond proceeds being presented to the voters on March 14, 2006 will be used to replace five schools in the HSD, including McMicken Heights Elementary, and renovation and improvement of other school facilities. In addition, the bond measure would provide funding to improve school security such as improved lighting and surveillance equipment, rehabilitation of the Camp Waskowitz dining hall and kitchen, improve computer and internet access at schools, and develop a secure student database that allows parents to track student grades and attendance records. Ms. Byers requested City Council support for the bond measure.

RCW 42.17.130 prohibits the use of City facilities to assist in promotion of or opposition to any ballot proposition, such as a school bond measure. However, RCW 42.17.130(1) allows the Council to adopt a Resolution in support of a ballot proposition if certain mandatory procedural steps are taken. This statute states:

“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.”

To validate the collective expression of the Council's position on the HSD **bond** measure, public comments have been solicited for the February 28, 2006 RCM by notice published in the February 28, 2006 City Council Agenda. The Council shall, at that time, hear and receive comments for and against the measure and may then render its final decision as to support, neutrality, or opposition.

MOVED BY BRENNAN, SECONDED BY WYTHE TO PASS AGENDA BILL NO. 2637.

Council concurred that they only encourages citizens to vote.

*MOTION CARRIED UNANIMOUSLY.

PUBLIC COMMENTS: Mr. Dixon stated he voted for the School Bond Measure, too.

Ms. Forbes stated she is impressed with the school including the students in the design work. She has been the parent representative on the design team for the new Bow Lake Elementary School and her interest is the parking area being constructed with safety as a main focus.

Ms. Byers stated she is grateful for Council support and for what the City does for the community and schools. She added that according to District standard, all new schools are required to have pitched roofs rather than the past flat roofs. She added that as for the parking lots, the staff and the parents have paid close attention to safety issues. The buses will be in a different area than the parent drop off.

CITY MANAGER'S COMMENTS: City Manager Craig Ward had the following items of business: 1) southbound on SR 509/South 188th Street, a new City Entrance sign has been installed. The landscape should be done by April 1 and in May, a dedication is being planned and hopefully, the artwork on the tunnel may be installed by then; 2) the Japanese Garden and pond area are coming along very well; 3) announced that three staff members so far this year have resign: Firefighter Robert Clawson (14 year tenure), Human Resource Analyst Denise LeMar (two years), and Public Works Building Official Tom Phillips (15 years).

COUNCIL COMMENTS: CM A. Anderson will be going to the National League of Cities (NLC) Conference, March 11-15.

CM T. Anderson stated she attended the Chinese Engineers Convention at the SeaTac Hilton Hotel with 680 attendees with 22 recipients of worldwide awards who were so pleased to be in the United States. The event was a magnificent formal affair.

Mayor Fisher stated he is also scheduled to attend the NLC Conference.

ADJOURNMENT:

MOVED BY BRENNAN, SECONDED BY T. ANDERSON TO ADJOURN THE REGULAR MEETING OF THE SEATAC COUNCIL MEETING AT 7:19 P.M.

MOTION CARRIED UNANIMOUSLY.

Gene Fisher, Mayor

Judith L. Cary, City Clerk