

City of SeaTac

Regular Council Meeting Minutes

March 25, 2008
6:00 PM

City Hall
Council Chambers

CALL TO ORDER: The SeaTac City Council Regular Meeting was called to order by Mayor Shape at 6:02 p.m.

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

FLAG SALUTE: Wendy Morgan, SeaTac citizen and incoming Chair of the SeaTac Highline Botanical Garden Board of Directors, led the Council, audience and staff in the Pledge of Allegiance.

ADMINISTRATIVE STAFF: City Manager Craig Ward, City Attorney Mary Mirante Bartolo, City Clerk Kristina Gregg, Senior Assistant City Attorney Mark Johnsen, Assistant City Manager (ACM) Tina Rogers, Planning Director Steve Butler, Principal Planner Jack Dodge, Assistant Parks & Recreation (P&R) Director Lawrence Ellis, Public Works (PW) Director Dale Schroeder, Fire Chief Bob Meyer, and Chief of Police Services Jim Graddon.

PUBLIC COMMENTS: There were no public comments.

PRESENTATIONS:

● **Council Confirmation of Mayoral Appointment of Mel McDonald to the Planning Commission (PC)**

MOVED BY T. ANDERSON, SECONDED BY A. ANDERSON TO CONFIRM THE APPOINTMENT OF MEL MCDONALD TO THE PLANNING COMMISSION.

MOTION CARRIED UNANIMOUSLY.

Mayor Shape read the certificate and presented it to Mr. McDonald.

● **SeaTac Highline Botanical Garden**

SeaTac Highline Botanical Garden Board of Directors outgoing Chair Pearl McElharan thanked Council for their support. She introduced Master Planner Greg Butler and incoming Chair Wendy Morgan. She stated the garden has two components: (1) rescued gardens - Elda Behm's Paradise, and Seike Japanese Gardens; and (2) specialty gardens - King County (KC) Iris Society, Puget Sound Daylily Club, and Seattle and Valley Rose Societies.

Ms. McElharan reviewed pictures detailing the transformation of the garden.

She detailed the types of events that occur in the garden: guided tours, weddings, Seattle Rose Society Spring Pruning Event, Puget Sound Daylily Club "Divide and Conquer" Event, and the Plant Sale.

Ms. McElharan explained "The Seike Garden: An American Story" is a video detailing the moving and making of the Seike Garden. The video was shown at City Hall earlier this year. Councilmember (CM) T. Anderson stated she is still getting requests to see the video. Ms. McElharan stated they will provide more opportunities to view it.

August 17, 2008 the Highline Botanical Garden will host its 2nd Annual Ice Cream Social, with Ciscoe.

Mr. G. Butler detailed the proposed future plans which include: rose garden seat walls; Natural Yard Care Garden; Children's Garden; P-Patch; Puget Sound Fuchsia Society; and Mediterranean Garden Society. He thanked the City for its support over the years and for the great project managers provided through the City.

Mayor Shape stated he was impressed with the production of the Seike Garden movie and is proud of the garden.

● **2007 Governor's Smart Communities Award to the City of SeaTac for the Station Area Action Plans**

Planning Director S. Butler announced SeaTac received this award for the South 154th Street and SeaTac/Airport Light Rail Station Areas. This award was in the Smart Vision category. SeaTac received one of only six awards given. The official ceremony was held in October 2007 in Olympia with Deputy Mayor (DM) Fisher (as Mayor) and CM T. Anderson attending. Mr. Butler presented the award to Mayor Shape.

● **American Planning Association (APA) – Washington Chapter's Honorable Mention Award to the City of SeaTac for the Station Area Action Plans**

APA Washington Chapter Vice President Scott Greenberg stated that for 22 years the APA and the Planning Association of Washington have jointly honored outstanding contributions to the field of planning in Washington. This Honorable Mention Award is for the Physical Plans category for the South 154th Street and SeaTac/Airport Station Area Action Plans. He presented the award to Mr. S. Butler and Mayor Shape.

PRESENTATIONS (Continued):

●Legislative Session Report

Lobbyist Joe Daniels reviewed the 2008 Legislative Report, summarizing the following items:

- Infrastructure Funding- Since this was during a supplemental budget cycle, many of the decisions relating to long term infrastructure funding will be made next year. Several elements within the supplemental capital budget (House Bill [HB] 2765) relate to this effort: (1) \$10 million from the PW Assistance Account for a pilot program to provide grants to local governments to “demonstrate options for the most efficient use of the State’s investment in local infrastructure by funding more projects at an accelerated rate.”; (2) Infrastructure Investment Systems are created, which would require the Office of Financial Management (OFM), in consultation with the Legislature and stakeholders, to develop an infrastructure implementation plan. The Jobs Development Fund (JDF) no longer exists.
- SeaTac’s Light Rail Station Area Development - SeaTac supports any legislation that encourages or assists the development of its station areas, including funding for location of State facilities and grant programs targeting Transit Oriented Development (TOD). Again, because this was during a supplemental budget cycle, most of the significant legislative and budgetary elements will be forthcoming in 2009.
- Transportation Funding – The supplemental transportation budget provides for \$7.5 billion for the biennium and makes emergency adjustments to reflect the recent natural disasters (i.e. flooding in southwest Washington, extraordinary snowfall in the passes, etc. However, funding may become available, as soon as next session, for projects already in the works.) For the SR 509 project, \$9.704 million was received to close all of the right-of-way (ROW) in progress and \$4.589 million was received for project engineering.
- Eminent Domain – Senate Bill (SB) 2920, an Attorney General request, called for a pamphlet explaining eminent domain procedures to be sent by the Attorney General to affected property owners. Second Engrossed Substitute House Bill (2ESHB) 2016, which could have restricted the powers of eminent domain by public and private jurisdictions from invoking eminent domain solely for the purposes of increasing tax revenue and Economic Development (ED), died.
- Taped Executive Sessions – This bill had powerful sponsorship and support from the Majority Leader in the House, the Attorney General, and the State Auditor. Most all public agency associations opposed the bill and were able to stop it.
- Lodging Tax Administration – bills which earmark lodging taxes countywide for arts and heritage programs: (1) HB 3054 died; (2) SB 6638 passed, however, the sections affecting the lodging tax expires. He stated he worked with Senator Keiser to develop amendments and strategies to assure SeaTac would be able to secure future funding from this important source. An amendment was drafted to address the 2% "State shared" Hotel/Motel (H/M) Tax which is credited against the State portion of the sales tax; (3) SB 6833 gave all 2% of the tax generated in the County to arts/heritage from the time the Kingdome bonds are paid off until the end of 2015. The Kingdome bonds are expected to be paid off sometime in 2014. The bill also gives 37.5% of this H/M tax to the arts/heritage after 2021, which is when Qwest field is paid off. The amendment would allow SeaTac to keep 1% of the 2%, or half of the tax generated in SeaTac during the above mentioned periods of time; and (4) HB 3081 was introduced late in the session and contained many of the provisions of HB 3054 & SB 6638, but failed to get enough support to advance. This issue will return next session.
- Port Bills – Many of the original bills, which would have severely restricted the Port of Seattle’s (POS) ability to lobby, collect property taxes, and exercise routine functions of government died. Second Substitute House Bill (2SHB) 3274 passed, which required the POS to reform some of its internal contracting and communications functions. In addition, the POS and Highline Water District (HWD) settled an old dispute over service territory which was the subject of HB 3031 and potentially affected service to the rental car facility. Following the approval of an interlocal agreement (ILA) by both commissions, HB 3031 died in Rules.
- Wrongful death – The Association of Washington Cities (AWC) and other local governments opposed 2ESHB 1873, which expands the pool of beneficiaries allowed damages under the state’s wrongful death and survivor statutes. The bill passed the House 59-34 and was amended in the Senate Ways & Means Committee to provide a limited exemption for local government on joint and several liability and an age 26 threshold. The House refused to concur and the bill was sent back to the Senate during the final days of the session. In the end, time ran out and the bill died.

CM A. Anderson questioned if there was something the City should be doing prior to the next session to assist with the lodging tax. Mr. Daniels suggested meeting with Senator Keiser.

SUSPENSION OF THE RULES:

MOVED BY T. ANDERSON, SECONDED BY FISHER TO SUSPEND THE RULES TO BRING FORWARD THE PUBLIC HEARING AND COUNCIL ACTION RELATED TO AGENDA BILL #2925.

MOTION CARRIED UNANIMOUSLY.

PUBLIC HEARING (PH):

•Amending an existing Development Agreement (DA) between the City of SeaTac and International Boulevard (IB), LLC for Master Park Lot A – Legal

Mayor Shape opened the PH at 6:49 p.m.

Master Park Managing Partner Roger McCracken and Senior Assistant City Attorney Johnsen reviewed Agenda Bill #2925 summary below.

CM T. Anderson stated the Administration & Finance (A&F) Committee reviewed this item and recommended it for approval.

Upon a question posed by Mayor Shape, Mr. Johnsen stated the Open Space definition includes 10 types of Open Space.

Mayor Shape closed the PH at 6:57 p.m.

NEW BUSINESS:

Agenda Bill #2925; Resolution #08-004 authorizing the City Manager to execute Amendment No. 1 to a Development Agreement (DA) with International Boulevard (IB), LLC

Summary: In August, 2005, the City entered into a DA with Master Park, which addresses development at the Master Park Lot A property. As part of the public benefit for the DA, Master Park agreed to dedicate property located along the Bow Lake shoreline for a pedestrian walkway, and certain portions of the Bow Lake lakebed. The DA contained a legal description for the property that would be dedicated to the City, and a map of the dedicated area.

Master Park is currently processing the dedication, and they discovered an error in the legal description and the map of the dedicated area. Master Park has requested that the legal description and map listed in the DA as Exhibit E-1 be replaced with a corrected legal description. If this Resolution is passed, the City will not receive approximately 1,800 square feet (sf) of land of what was originally stated in the DA. Master Park has agreed that when their project is developed, this property will be reserved as open space, and this stipulation is also reflected in the proposed amendment.

MOVED BY A. ANDERSON, SECONDED BY FISHER TO PASS RESOLUTION #08-004.

MOTION CARRIED UNANIMOUSLY.

DISCUSSION ITEM:

•Summary of \$5,000 - \$25,000 Purchase Requests for the period ended March 21, 2008

City Manager Ward reviewed the following requests:

<u>Item Description</u>	<u>Department</u>	<u>Original Budget</u>	<u>Amended Budget</u>	<u>Estimate</u>
Two Jaws of Life High Performance Combi Rescue Tools (2008 Funded Decision Card)	Fire	\$26,000	\$26,000	\$24,714
Angle Lake Water Quality Monitoring	PW	\$7,500	\$7,500	\$7,400
Contract to Videotape City Council Meetings	City Manager's Office (CMO)	\$23,000	\$23,000	\$18,000

Council consensus: Referred to 03/25/08 RCM Consent Agenda

AGENDA BILL PRESENTATIONS:

Agenda Bill #2921 – A Motion rejecting bid for the construction of the Angle Lake Performing Stage Cover Project

Summary: Calls for bid were sent out February 19, 2008 and bids were opened March 4, 2008. The City received only one bid for the project even though several contractors requested plans and bid documents. The submitted bid was considerably higher than the cost estimate, and staff is recommending the City Council reject the bid so the

AGENDA BILL PRESENTATIONS (Continued):

Agenda Bill #2921 (Continued): project can be re-evaluated. Below is a summary of the bid:

	Total with Sales Tax	Cost Estimate
Talakai Construction	\$272,226.00	\$110,000.00

Assistant P&R Director Ellis reviewed the above summary.

CM T. Anderson stated the A&F Committee reviewed this item and recommended it for approval.

Upon a question posed by CM Wythe, Mr. Ellis stated this cost includes the cover, construction, and labor.

CM A. Anderson questioned why the bid was so high. Mr. Ellis stated the foundation drove up the cost. Staff will re-evaluate and consider downsizing the foundation, although this might slightly alter the design.

Council consensus: Referred to 03/25/08 RCM Consent Agenda

Agenda Bill #2924 – A Motion authorizing the City Manager to execute an Interlocal Agreement (ILA) with the Miller/Walker Creek Basin Stewardship Consortium

Summary: The Cities of SeaTac, Burien and Normandy Park, along with the POS, KC, and the Washington State Department of Transportation (WSDOT), have worked together to produce the Miller/Walker Creek Basin Plan. The plan includes implementation of a Stewardship program, including public education and outreach, consistent with National Pollutant Discharge Elimination System (NPDES) requirements. The agreement commits the City to its cost share (based on SeaTac's percentage of the drainage basin) toward this effort in 2008 and 2009. KC will provide the services per the scope of work, with Dennis Clark, Miller/Walker Creek Basin Steward, as the Project Manager. Education/outreach programs are a requirement of the NPDES Phase 2 permit; this agreement helps to fulfill that requirement.

The 2008 budget for work in the Miller Creek Basin is \$5,000. SeaTac's share of the services for the 2-year period 2008-2009 is \$2,386.00.

PW Director Schroeder introduced Miller/Walker Basin Steward Dennis Clark. Mr. Schroeder and Mr. Clark reviewed the above summary.

Mr. Clark detailed the Miller/Walker Creek Basin area. He stated the focus needs to be on addressing issues, improving habitat, and eliminating invasive weeds. More people are needed to work on this basin. He stated that as Steward, it is his job to get the people to help.

He detailed the 2007 basin stewardship services beginning with the draft basin plan focusing on stewardship and monitoring. A Technical Services Agreement with KC and the partners was entered into and paid for jointly by the partners based on their percentage of the drainage basin. SeaTac's portion for 2007 was \$359. That money paid for the following: organized Volunteer Stewardship Project high up in basin at South 144th Way, and started a partnership with the Washington State Veterans Conservation Corp (VCC).

Complimenting the ground work are efforts to inform and educate students and adults by focusing people on the resources, problems, and solutions. This is accomplished through presentations, working one-on-one with people in the community, basin photo tours, stream blog, stewardship tips, and links from City websites.

Mr. Clark detailed the 2008 - 2009 ILA Scope of Services.

CM Wythe stated there is more the City can do so the problem is less burdensome in the future.

Council consensus: Referred to 03/25/08 RCM Consent Agenda

Agenda Bill#2928 – An Ordinance amending Section 15.35.950 of the SeaTac Municipal Code (SMC) related to the Parking Bonus Incentive Program in the City Center

Summary: This Ordinance amends the Parking Bonus Incentive Program in the City Center by increasing the square footage of retail/commercial, service, or residential space required to receive an additional parking stall from 25 sf to 250 sf. This Ordinance also adds a separate H/M use incentive of 0.5 parking stalls per H/M unit.

Staff recently discovered that the current formula for the Parking Bonus Incentive Program in the City Center is overly generous and could result in parking structures of immense proportions. For example, under the current Zoning Code, a mixed use development with 87,500 sf of hotel (250 units) and 290,000 sf of residential, office, and retail would receive 15,400 bonus parking spaces. This Ordinance modifies the bonus requirements so that

AGENDA BILL PRESENTATIONS (Continued):

Agenda Bill#2928 (Continued): they are at a more reasonable level. As a result, under this Ordinance, the same development would receive only 1,585 bonus parking spaces.

The PC has recommended that a moratorium or other suitable vehicle for preventing use of the bonus incentive program be enacted until the PC has an opportunity to prepare a better alternative. Staff believes, however, that the proposed code amendments would bring the City's parking bonus provisions to a more sensible level and that enactment of this Ordinance would reduce or eliminate the need for a moratorium. Also, this Ordinance can be viewed as an interim measure, since additional review and discussion about incentives will occur as part of the City's Major Zoning Code Update project (which is currently underway).

Planning Director S. Butler and Principal Planner Dodge reviewed the above summary.

Council discussion ensued regarding the PC recommendation versus staff's recommendation. Council felt it was important to allow the PC more time to review this issue but that a moratorium may not be the best means for that.

Mr. S. Butler stated that there are no DA's in the works now, but something needs to be done to prevent development being submitted under the current provisions.

PC Member Rick Forschler summarized the PC concerns and recommendation: felt some urgency in stopping this loophole; did not feel a moratorium was the only suitable approach; and not comfortable with 250 sf suggestion.

Council discussion ensued as to implementing a moratorium.

City Manager Ward clarified that this Ordinance is the fastest way to impose a change as an alternative to a moratorium.

Ms. Mirante Bartolo stated the Council could pass the Ordinance as is and amend at a later date or they could amend the Ordinance tonight to include a sunset clause.

Upon a question posed by Mr. Ward, Mr. S. Butler stated that 120 days would be a reasonable amount of time to sunset the Ordinance.

Council consensus: Referred to 03/25/08 RCM New Business

CONSENT AGENDA:

- **Approval of claims vouchers** (check nos. 79592 – 79791) in the amount of \$506,624.50 for the period ended March 20, 2008.
- **Approval of payroll vouchers** (check nos. 46603 - 46632) in the amount of \$166,685.50 for the period ended March 15, 2008.
- **Approval of payroll electronic fund transfers** (check nos. 54474 – 54648) in the amount of \$318,167.52 for the period March 15, 2008.
- **Approval of payroll wire transfer** (Medicare and Federal Withholding Tax) in the amount of \$61,350.41 for the period ended March 15, 2008.
- **Summary of \$5,000 - \$25,000 Purchase Requests** for the period ended March 21, 2008.

Approval of Council Meeting Minutes:

- **Regular Council Meeting** held November 27, 2007.
- **Land Use & Parks Committee Meeting** held February 28, 2008.
- **Regular Council Meeting** held March 11, 2008.

Agenda Items reviewed under Agenda Bill Presentations recommended for placement on this Consent Agenda.

Agenda Bill #2921; Motion rejecting bid for the construction of the Angle Lake Performing Stage Cover Project

Agenda Bill #2924; Motion authorizing the City Manager to execute an Interlocal Agreement with the Miller/Walker Creek Basin Stewardship Consortium

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

PUBLIC COMMENTS (related to the Consent Agenda): There were no public comments.

*MOTION CARRIED UNANIMOUSLY.

PUBLIC COMMENTS (related to the following Unfinished and New Business): There were no public comments.

UNFINISHED BUSINESS: There were no unfinished business items.

NEW BUSINESS:

Agenda Bill#2928; Ordinance #08-1014 amending Section 15.35.950 of the SeaTac Municipal Code related to the Parking Bonus Incentive Program in the City Center

MOVED BY T. ANDERSON, SECONDED BY A. ANDERSON TO PASS ORDINANCE NO. 08-1014.*

MOVED BY FISHER, SECONDED BY T. ANDERSON TO AMEND THE SECTION 4 OF THE ORDINANCE TO INCLUDE "...AND SHALL EXPIRE 120 DAYS AFTER THE EFFECTIVE DATE."

MOTION CARRIED UNANIMOUSLY.

*ORIGINAL MOTION AS AMENDED CARRIED UNANIMOUSLY.

CITY MANAGER'S COMMENTS: City Manager Ward had the following items: (1) the Seattle Southside Forum, which will promote the ED opportunities of the Highline region, is scheduled to meet March 26 at 8 a.m.; (2) Special Land Use & Parks (LUP) Committee Meeting scheduled for March 27; and (3) Station Area Plans have earned a third honor, the Vision 2020 award.

COUNCIL COMMENTS: DM Fisher, CM A. Anderson, and CM Gregerson commented on the successful Entertainment District Tour and complimented staff for their efforts in arranging it.

CM Gregerson also stated there will be a work party at the Grandview Park on Saturday, March 29 from nine to noon.

Mayor Shape had the following items: (1) CM Brennan is in the hospital; and (2) the Council Retreat will be held May 31 and June 1 at the Museum of Flight. He requested Council's thoughts regarding using former CM Don DeHan as the facilitator. Council discussion ensued and the Council consensus was to not utilize his services. Mayor Shape requested Council consider what topics they would like to discuss at the retreat and notify Executive Assistant Lesa Ellis.

EXECUTIVE SESSION: There was no Executive Session.

ADJOURNMENT:

MOVED BY WYTHE, SECONDED BY FISHER TO ADJOURN THE REGULAR MEETING OF THE SEATAC CITY COUNCIL AT 8:06 P.M.

MOTION CARRIED UNANIMOUSLY.

Ralph Shape, Mayor

Kristina Gregg, City Clerk