

SEATAC CITY COUNCIL REGULAR MEETING MINUTES

March 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 7:30 p.m.

COUNCIL PRESENT: Mayor Gene Fisher, Deputy Mayor Ralph Shape, Councilmembers Anthony (Tony) Anderson, Chris Wythe, Terry Anderson and Joe Brennan. Excused Absence: Councilmember Don DeHan (telephoned in his vote on Agenda Bill No. 2646).

ADMINISTRATIVE STAFF: City Manager Craig Ward, Assistant City Manager Tina Rogers, City Clerk Judith Cary, City Attorney Mary Mirante Bartolo, Planning Director Steve Butler, Public Works Director Dale Schroeder, Facilities Director Pat Patterson, Finance Director Michael McCarty, Parks & Recreation Director Kit Ledbetter, 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, continued his comments stated at the preceding Study Session (SS) relating to Agenda Bill No. 2646. He stated that the City should be sure they have funds to start construction of a new Fire Station 46. He opposes this agenda bill and urged Council to vote against it and suggested drafting a new Resolution that authorizes only definitive design and estimating cost before proceeding until there is budgeted revenue for this project.

CONSENT AGENDA:

- **Approval of claims vouchers (check nos. 70599 – 70786)** in the amount of \$888,664.83 for the period ended March 20, 2006.
- **Approval of payroll vouchers (check nos. 44609 – 44647)** in the amount of \$138,135.58 for the period ended March 15, 2006.
- **Approval of payroll electronic fund transfers (check nos. 46039 – 46204)** in the amount of \$262,262.20 for the period ended March 15, 2006.
- **Approval of payroll wire transfer (Medicare and Federal Withholding Tax)** in the amount of \$48,789.73 for the period ended March 15, 2006.
- **Approval of summary of \$5,000 - \$25,000 purchase requests** for the period ended March 24, 2006.
- **Approval of summary of donations \$500 or greater** for the period ended March 24, 2006.

Approval of Council Meeting Minutes:

- **Administration & Finance Committee Meeting** held March 14, 2006.
- **Joint Public Safety & Justice and Administration & Finance Committee Meeting** held March 14, 2006.
- **Study Session** held March 14, 2006.
- **Special Council Meeting** held March 14, 2006.
- **Transportation & Public Works Committee Meeting** held March 20, 2006.

Acceptance of Advisory Committee Meeting Minutes:

- **Planning Commission Meeting** held February 13, 2006 (Commission approved March 13, 2006).
- **Senior Citizen Advisory Committee Meeting** held February 16, 2006 (Committee approved March 16, 2006).

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

Agenda Bill #2653; Resolution #06-008

A Resolution fixing the Date and Time for a Public Hearing (PH) to consider the merits of vacating South 190th Street Public Right-of-Way (ROW) at 47th Avenue South

Summary: This Resolution sets April 25, 2006 at 6:30 p.m. as the date and time to conduct a PH to consider the merits of vacating South 190th Street public ROW adjacent to 19004 47th Avenue South. The procedures for vacating a public ROW are defined in the Revised Code of Washington (RCW), Chapter 35.79. The date of the PH must not be more than 60 days nor less than 20 days after the date of passage of the Resolution.

Tim Farnam has petitioned for the vacation of unopened South 190th Street ROW. The area measures out at approximately 150 feet long by 30 feet wide and generally consists of wooded terrain. The City has identified and classified an existing Class III stream located within the proposed vacated area that requires a sensitive areas easement and building setbacks per the City's Zoning Code. Mr. Farnam was notified by letter of these conditions

CONSENT AGENDA (Continued):

Agenda Bill #2653; Resolution #06-008 (Continued): that must be agreed upon prior to approving the request to vacate. He provided the City an appraisal determining the land value of the proposed vacation area for review.

Agenda Bill #2643

A Motion authorizing the City Manager to execute a Contract with Dennis R. Craig Construction, Inc. for the Des Moines Memorial Drive (DMMD) South and South 156th Street Intersection Improvements Project

Summary: This project was advertised on January 25, 2006. Four contractors provided bids for the bid opening on February 15, 2006. The Engineer's estimate was \$293,810.00. Dennis R. Craig Construction, Inc. was the low bidder with a total bid of \$299,789.60.

The Engineering staff hired a consultant to design the intersection improvements at DMMD South and South 156th Street. The improvements include replacing the existing span wire signal system with new poles, mast arms and upgraded electronic control system. Minor work will include storm drainage, concrete curb and sidewalk at the corners, a small retaining wall and some asphalt paving. These improvements are being done in conjunction with the recently completed work on South 156th Street by the Port of Seattle (POS). Dennis R. Craig Construction, Inc. has successfully completed a number of larger projects for the City.

It is recommended Council authorize the City Manager to execute a contract with Dennis R. Craig Construction, Inc. in the amount of \$299,789.60 and authorize a 10 percent contingency of \$29,978.96 for a total contract budget of \$329,768.56.

The project is proposed to be funded from the DMMD Signal Project through the 307 Transportation Capital Improvement Plan (CIP) Fund. The current balance in this fund is \$303,596.05. The proposed expenses are:

Construction	\$329,786.56
County Signal Inspection	\$5,000.00
Materials Testing	\$2,000.00
Total	\$336,768.56

The remaining expense of \$33,172.51 will be funded from unused balances in other accounts in the 307 Fund.

Agenda Bill #2644

A Motion authorizing the City Manager to execute a Consultant Agreement with Reid Middleton, Inc. for the Westside Trail Project [along Des Moines Memorial Drive (DMMD) – North SeaTac Park (NSTP) to South 156th Street]

Summary: The Westside Trail Project is identified on the City's Transportation Improvement Program (TIP). Staff is requesting approval to contract with a consultant who will provide professional services including preparation of detailed plans, specifications and estimates required to bid and construct the project.

A Request for Qualifications (RFQ) was advertised in December 2005. Three firms submitted proposals: Parametrics, Reid Middleton, and SvR. Reid Middleton was selected as the best qualified firm due to their experience on similar projects. Staff then negotiated the scope and fee with Reid Middleton. The Consultant Services Agreement includes surveying, civil design, public involvement, environmental documentation, ROW acquisition and landscape architecture.

The amount paid is not to exceed \$243,980 unless authorized by the City. A Federal grant in the amount of \$206,250 is available for the Consultant Agreement. Therefore, the City's portion is \$37,730 and will be paid from the Transportation CIP Fund (307).

Agenda Bill #2645; Resolution #06-009

A Resolution authorizing the City Manager to execute a Local Agency Agreement with the Washington State Department of Transportation (WSDOT) to receive a Federal Congestion Mitigation and Air Quality (CMAQ) Grant for the Westside Trail Project [along Des Moines Memorial Drive (DMMD) – North SeaTac Park (NSTP) to South 156th Street] and any other documents related to the Grant

Summary: A Federal CMAQ grant is available for the design of the Westside Trail Project along DMMD from NSTP to South 156th Street. In order to accept and obligate these funds, the City is required to enter into a Local Agency Agreement with WSDOT.

This project would consist of a new shared-use trail, landscaping and drainage improvements, and where feasible, enhancements to the World War I Memorial. The Westside Trail is included in the City's 10-Year TIP. The design effort would be completed by Reid Middleton, Inc., an engineering consultant. There are \$206,250 in

CONSENT AGENDA (Continued):

Agenda Bill #2645; Resolution #06-009 (Continued): Federal funds allocated for preliminary engineering of this project which can be applied to the consultant fee and City and WSDOT administration costs. Execution of the Local Agency Agreement obligates Federal funds for the design phase. The Federal grant is administered by WSDOT which requires the City to enter into a formal Local Agency Agreement. The City must also adhere to the grant program rules and regulations regarding contract documentation and administration to which the WSDOT has certified the City as being qualified to administer Federal Aid projects. The Federal grant amount is \$206,250 which will require City matching funds in the amount of \$31,640 from the Transportation CIP Fund 307.

Agenda Bill #2651

A Motion authorizing the City Manager to execute an Interlocal Agreement (ILA) between the City of Des Moines, City of SeaTac, and the King County Sheriff's Office (KCSO) for a Partnership to prevent or identify and proactively address Street Crime

Summary: The City of Des Moines has been working collaboratively with SeaTac in a combined Street Crimes Unit (SCU) for three years. The City of Des Moines would like to formalize this partnership with an ILA executed by Des Moines, SeaTac and the KCSO.

The City of SeaTac formed a SCU that has been partnering with the Des Moines Police Department to identify and proactively address law enforcement concerns of the agencies and their communities. The SCU has a scope of activities that includes, but is not limited to: targeting of high impact offenders/locations; narcotics and drug crime; auto theft; prostitution and vice; warrant service; property crimes; fraud and identity theft; and any local crime patterns of concern to the participating agencies. This partnership began in 2002, and has grown to be a mutually beneficial arrangement. The formalized process of enacting an ILA will enable the SCU to continue to address mutual crime concerns.

The only potential fiscal impact is immeasurable; seizures of property, money, and real estate will now be shared when both groups work together. If there was no mutual relationship, SeaTac SCU would not be offered a chance to share in seizures occurring outside SeaTac.

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

MOTION CARRIED UNANIMOUSLY.

PUBLIC HEARING:

●Vacating a portion of a Wall Tie Back Easement at 21428 International Boulevard (IB) – Public Works

Mayor Fisher opened the Public Hearing at 7:38 p.m.

Public Works Director Schroeder gave a brief summary of this item as it was presented during the preceding SS. This vacation is no longer needed. It was initially purchased for a wall to be built. Mr. Schroeder displayed a diagram of the vacation area for reference.

Mayor Fisher stated his concern as to whether the public has been notified of this vacation to which Mr. Schroeder replied the east 15 foot of the easement is not of use to the City and it seemed reasonable to turn it back to the property owners regardless of what development may or may not occur in the future.

Councilmember (CM) Wythe stated giving back the portion of the easement has its merits.

CM Anderson asked if a public hearing was held for the taking of this property to which Mr. Schroeder replied that Council authorized staff to negotiate with property owners for either easements or ROW that would be necessary to construct the IB project.

CM Brennan agreed that this item has no relation to the permits that will have to follow for any development.

City Attorney Mirante Bartolo added that all notice requirements have been met.

With no further input, Mayor Fisher closed the Public Hearing at 7:45 p.m.

NEW BUSINESS:

Agenda Bill #2649; Ordinance #06-1007

An Ordinance vacating a portion of a Wall Tie Back Easement at 21428 International Boulevard (IB)

Summary: As part of the IB Phase IV Improvements, a retaining wall was designed along the frontage at 21428 IB. The design included the extension of horizontal anchors into the property that necessitated a Wall Tie Back

NEW BUSINESS (Continued):

Agenda Bill #2649; Ordinance #06-1007 (Continued): easement. The City purchased the easement to protect the proposed reinforcing. Since the City purchased the easement, the Monarch Care buildings have been demolished, the property has been sold and the City has proceeded with Phase IV construction. The City then 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 requested vacating a portion of the unused easement in order to fit the project on the site. This Ordinance vacates a portion of the existing Wall Tie Back Easement with the condition that the Ordinance does not become effective until payment has been made.

The procedures for vacating a public ROW are defined in the RCW, Chapter 35.79. A PH is to be held to consider the merits of the application to vacate the portion of easement in question. The date of the PH was set by Resolution passed by the City Council on February 28, 2006 with the notice being posted on March 14, 2006. The date of the PH must not be more than 60 days, nor less than 20 days, after the date of passage of the Resolution setting the date for the PH.

The property owner has agreed to pay \$9,050 per this Ordinance, which is based on the unit cost that the City paid for the original easement.

Planning Director Butler interjected that according to the State Environmental Policy Act (SEPA) for the project, notice was sent out to all the adjacent property owners.

MOVED BY BRENNAN, SECONDED BY WYTHE TO ADOPT ORDINANCE NO. 06-1007.

MOTION CARRIED UNANIMOUSLY.

Agenda Bill #2650; Ordinance #06-1008

An Ordinance amending the City's Zoning Code to allow Medical Clinics in Schools within Urban Low (UL) Zones

Summary: This Ordinance will amend the Zoning Code (SMC Section 15.12.020) to allow medical clinics in public schools located within UL zones, subject to the following criteria:

The clinic is limited to a maximum of 1,500 square feet. Only students attending the Highline School District (HSD) within SeaTac may use the clinic at Tyee High School (THS) campus subject to the following criteria: the clinic is limited to a maximum of 1,500 square feet. The clinic may be operated during week days, between the hours of 7:00 am and 5:00 pm.

The HSD, through the Community Health Centers of King County (KC), would like to locate a school-based health clinic at THS to allow easier access to medical care for their students. The school is located in the UL 7200 zone, and medical clinics are not an allowed use in that zone. Staff originally proposed changes to the Zoning Code's land use charts (SMC Section 15.12.020) to the Planning Commission (PC) to allow medical clinics in public schools, subject to limitations on type of school, size, and hours of operation.

After considerable discussion, the PC voted to amend the Zoning Code to allow medical clinics in the UL Zone, subject to the following criteria: 1) A medical clinic is allowed in a public or private school; and 2) Only students attending school in SeaTac may use the clinics. The PC vote on this amendment was as follows: Yes - 2; No - 2; and one abstention on this motion.

There was an active discussion about this proposal at the March 8, 2006 Land Use and Parks (LUP) Committee Meeting, during which the LUP members indicated a need for clarity in the proposed limitations. As a result of that discussion, along with clarifying information from the HSD, staff recommends that the Zoning Code (SMC Section 15.12.020) be amended to allow medical clinics in public schools located within UL zones, subject to the following criteria:

MOVED BY WYTHE, SECONDED BY BRENNAN TO ADOPT ORDINANCE NO. 06-1008.*

Planning Director Butler stated that based on the Council comments made at the SS, he drafted language for discussion purposes.

Tyee Campus Community Engagement Coordinator Colleen Brandt-Schluter stated that a school based health center by the very nature it is set up is really the primary service to that school. The situation with this one is there is a junior high school adjacent so it would seem appropriate to include it in the plans. She stated she has been doing this for 17 years and have never opened a school based health center where there is an influx of students from other schools.

NEW BUSINESS (Continued):

Agenda Bill #2650; Ordinance #06-1008 (Continued): Ms. Brandt-Schluter reassured the Council that it would be highly unlikely that elementary students would access health services at the THS Health Center. Another full-family practice clinic is being established approximately one block from THS Clinic that will service all SeaTac citizens, including elementary school students. Once the THS clinic is operating, as with other partnerships with schools and medical clinics, the providers often go to the elementary school for services such as immunizations.

After considerable discussion by Council and staff, the following motion was made.

MOVED BY T. ANDERSON, SECONDED BY BRENNAN TO AMEND ORDINANCE NO. 06-1008 TO CHANGE THE WORDING TO READ AS FOLLOWS: ...TO ALLOW ONLY AT THE TYEE HIGH SCHOOL CAMPUS, SUBJECT TO THE FOLLOWING CRITERIA: THE MEDICAL CLINIC IS LIMITED TO A MAXIMUM OF 1,500 SQUARE FEET, ONLY STUDENTS ATTENDING TYEE HIGH SCHOOL AND CHINOOK MIDDLE SCHOOL MAY USE THE MEDICAL CLINIC AND THE CLINIC MAY BE OPERATED DURING WEEK DAYS, BETWEEN THE HOURS OF 7:00 AM AND 5:00 PM AND DURING EVENING AND WEEKEND HOURS FOR SCHOOL-SPONSORED SPECIAL EVENTS.

AMENDMENT CARRIED UNANIMOUSLY.

*ORIGINAL MOTION AS AMENDED CARRIED UNANIMOUSLY.

(At this point, CM DeHan participated in the discussion and vote on Agenda Bill No. 2646 via telephonic communication.)

Agenda Bill #2646; Resolution #06-010

A Resolution authorizing the replacement of Fire Station 46, including the design and construction of a New Fire Station at the current location of the Fire Station 46 Site

Summary: In 2005, Council authorized a seismic evaluation of the City Fire Stations. This evaluation, which was completed by MLA Engineering, provided the opinion that the Fire Stations are not structurally sound and in danger of significant damage or collapse in the event of a major earthquake.

The City has several options to address the issue of seismic stability of the Fire Stations. First, the City could do nothing. However, this option would mean that the Fire Stations are still subject to significant damage or collapse in the event of a substantial natural disaster. Second, the City could retrofit the existing Fire Stations. However, this option would be very costly and not meet the operational needs of the department. Thirdly, the City could rebuild the existing Fire Stations.

After various discussions with the Council and after reviewing the City's options regarding this issue, Staff believes that it is in the best interest of the City to eventually rebuild all three Fire Stations. Therefore, in order to begin the process of rebuilding the City's Fire Stations, Staff is proposing that Fire Station 46 be the first station to be rebuilt at its current location. Furthermore, staff believes that the Fire Department Headquarters and the Emergency Coordinations Center (ECC) should be moved from Fire Station 45 to 46 once the new station is complete, and thus the design of the replacement Fire Station 46 should incorporate these elements.

This Resolution authorizes the design and construction of a new Fire Station that will replace the current Fire Station 46. This station would be built at the current location of Fire Station 46. In addition, the Resolution provides that the design and construction of the new replacement Fire Station incorporate the inclusion of the Fire Department headquarters and the City's ECC. Finally, the Resolution states that any related expenditures to building the new Fire Station would be subject to approval by a majority of the Council.

At this time, staff is not asking the Council to address the replacement or retrofitting of Fire Stations 45 or 47.

The Council has budgeted \$2.0 million (\$1.2 million for land acquisition and \$800,000 for construction) in the 2006 budget. Although the actual costs will be determined once the final design has been completed and the contract for construction has been awarded, it is estimated that the cost of construction will be approximately \$4.9 million. This Resolution provides that any expenditure related to the construction of the new Fire Station would be subject to approval of a majority of the Council.

MOVED BY BRENNAN, SECONDED BY WYTHE TO PASS RESOLUTION NO. 06-010.*

Finance Director McCarty stated the 7th and final 2006 Budget Workshop on November 15, there was an extended session on the use of reserve funds. At that point, staff had identified a number of items to be funded in the budget

NEW BUSINESS (Continued):

Agenda Bill #2646; Resolution #06-010 (Continued): from reserves. Staff had identified \$5.1 million for a Fire Station, of that amount, \$2 million in the 2006 budget and \$3.1 million in the 2007 budget.

Council discussion ensued as to the cost and location of the proposed replacement for Fire Station 46. Facilities Director Patterson explained the cost to construction which includes the "soft cost".

CM Brennan stated his opposition to the cost and location of the main station. He gave background information to the history of the Fire Department. He added his concern as to not receiving any calls on this agenda bill. He felt he was not in the loop.

CM A. Anderson stated he cannot support this Resolution as proposed. He feels there is a need for a new fire station, but is not sure that McMicken Heights is the right location. He was also concerned as to whether the neighborhood was aware of the extent of this proposal and how construction of a larger fire station with all its apparatus and call outs would affect their environment.

CM Wythe stated this issue has been discussion extensively and thoroughly and it is time to vote on it. He is in favor of it.

CM T. Anderson added that the history of this neighborhood documents that the residents like having the station and its firefighters in their area. It is considered part of their neighborhood. She stated her support of this agenda bill.

CM DeHan agreed with CM T. Anderson's assessment of the issue. He feels this is the right location. Modernizing Station 46 will make it more efficient. He strongly supports this item.

Mayor Fisher stated that if all the decision-makers governed alike, it would be a dictatorship, not a democracy. He added he is not convinced that the location is right. However, he will support this Resolution.

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

PUBLIC COMMENTS: Mr. Dixon asked if any of the \$5.1 million for the Fire Station was coming from the reserve fund. City Manager Ward replied that staff will speak with Mr. Dixon on his question.

CITY MANAGER'S COMMENTS: City Manager Ward had the following items of business: 1) there will be a public meeting on park improvements adjacent to NSTP at the SeaTac Community Center on Monday, April 3 at 11:30 a.m.; and 2) Mayor Fisher, Deputy Mayor Shape and CMs A. Anderson and Brennan, will be attending a tour of Sound Transit facilities on Friday, March 31, leaving at 8:30 from City Hall.

COUNCIL COMMENTS: CM A. Anderson reported that he attended the National League of Cities (NLC) Conference which was outstanding. He appreciated having the opportunity to attend this worthwhile conference.

Mayor Fisher agreed with CM A. Anderson. He also attended the NLC Conference and it truly was a great conference and he was presented with the Gold Award from the Leadership Training Classes. He would encourage others to attend this particular training.

ADJOURNMENT:

MOVED BY BRENNAN, SECONDED BY A. ANDERSON TO ADJOURN THE REGULAR MEETING OF THE SEATAC CITY COUNCIL AT 8:24 P.M.

MOTION CARRIED UNANIMOUSLY.

Gene Fisher, Mayor

Judith L. Cary, City Clerk