

# SEATAC CITY COUNCIL REGULAR MEETING MINUTES

September 11, 2007  
6:00 PM

City Hall  
Council Chambers

**CALL TO ORDER:** The SeaTac City Council Regular Meeting was called to order by Mayor Fisher at 6:04 p.m.

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

**FLAG SALUTE:** Deputy City Clerk Marcia Rugg led the Council, audience and staff in the Pledge of Allegiance.

**ADMINISTRATIVE STAFF:** City Manager Craig Ward, City Attorney Mary Mirante Bartolo, Deputy City Clerk Marcia Rugg, Senior Assistant City Attorney Mark Johnsen, Assistant City Manager Tina Rogers, Finance Director Mike McCarty, Principal Planner Jack Dodge, Senior Planner Mike Scarey, City Engineer Tom Gut, Parks & Recreation Director Kit Ledbetter, Human Services Coordinator Colleen Brandt-Schluter, Fire Chief Bob Meyer and Police Administrative Captain Annette Louie.

## **MOMENT OF SILENCE:**

Mayor Fisher requested a moment of silence in remembrance of the September 11, 2001 victims.

**PUBLIC COMMENTS:** Tommy and Dianne Ford and Bill Smith expressed concern about various criminal activities at the house at 4410 South 173<sup>rd</sup> Street. They requested additional police and code enforcement actions be taken. Mayor Fisher requested the City Manager have someone call them with the outcome of the meeting scheduled for September 12, 2007 between legal, police and code enforcement staff.

Barry Ladenburg, Angle Lake Shore Club President, thanked the City for its participation in, and support of, the Angle Lake 4<sup>th</sup> of July Fireworks Show.

Councilmember (CM) T. Anderson stated she was concerned with the amount of personal fireworks, which are illegal in the City. Mr. Landenburg stated that he did provide the information in the newsletter, but he does not have any enforcement power.

CM Brennan stated that the personal displays were greatly reduced from past years.

## **PRESENTATIONS:**

### **•Salvation Army**

Human Services Coordinator Brandt-Schluter introduced Salvation Army Social Service Director/Property Manager Bill Talbot.

Mr. Talbot read the Salvation Army Mission Statement and then reviewed how the SeaTac Human Services grant was spent to assist households: 168 program-wide households given utility assistance, 52 SeaTac households given utility assistance from all funding sources, 5 SeaTac households given assistance using SeaTac grant money, 80 program-wide households given rent assistance, 14 SeaTac households given rent assistance from all funding sources, and 3 SeaTac households given rent assistance using SeaTac grant money.

He described the Salvation Army Technology Center's programs for students, seniors, and everyone. All services are free of charge. The food pantry is open five days a week with no limit as to how often people can come.

CM A. Anderson inquired if the computer class students could benefit from receiving computers surplus by a private company. Mr. Talbot stated that may be a possibility but he will have to explore it further.

### **•Update on the Airport Rental Car Facility's Design**

Assistant City Manager Rogers introduced CH2M Hill Principal Project Manager Kathryn Cox-Czosnyka and Airport Operations Development Manager Heather Bornhorst.

Ms. Bornhorst stated the rental car facility hit a major milestone with 60 percent design completion. She detailed the project purpose and location, project schedule, building and landscape concepts, art program, construction haul routes, and the bus maintenance facility.

Ms. Bornhorst stated the POS will be requesting an amendment to the current ILA with the City regarding the limitation on haul traffic which is currently limited to 6 trucks per hour. The POS will be requesting 46 truck trips per hour during mass excavation and 10 trucks per hour for the concrete delivery.

Council discussion ensued as to the art proposals and use of lighting in the project.

**SUSPENSION OF THE RULES:**

MOVED BY SHAPE, SECONDED BY BRENNAN TO SUSPEND THE RULES TO BRING FORWARD THE PUBLIC HEARING AND COUNCIL ACTION RELATED TO AGENDA BILL NO. 2816.

MOTION CARRIED UNANIMOUSLY.

**PUBLIC HEARING (PH):**

**●Puget Sound Energy (PSE), Inc. Franchise – Public Works / Legal**

Mayor Fisher opened the PH at 6:53 p.m.

City Engineer Gut stated this item was first presented to Council at the August 6, 2007 Special Council Meeting (SCM).

Mr. Gut stated this covers all City owned right-of-way (ROW) and allows PSE a franchise to operate natural gas facilities in public ROW. Without this franchise, PSE would need to obtain a permit each time they needed to work in the City's ROW.

Mr. Gut and Senior Assistant City Attorney Johnsen agreed this is the best language for the City.

Mayor Fisher closed the PH at 7:02 p.m.

**NEW BUSINESS:**

**Agenda Bill #2816; Ordinance #07-1017 granting Puget Sound Energy (PSE), a Non-exclusive Franchise to set, erect, lay, construct, extend, support, attach, connect, maintain, repair, replace, enlarge, operate and use Facilities in, upon, over, under, along, across and through the Franchise Area to provide for the transmission, distribution and sale of Natural Gas and such other services as may be provided by such Facilities**

**Summary:** This Ordinance grants a non-exclusive natural gas franchise to PSE through certain public ROW in the City of SeaTac. PSE currently operates natural gas facilities in the City's ROW. PSE previously had a franchise with King County (KC) that expired. PSE and the City have not negotiated a franchise previously, although the PSE and the City have been operating under the terms of the expired KC gas franchise. City staff, including representatives from Public Works (PW) and Legal, have held numerous meetings with PSE and have negotiated what staff believes are appropriate terms for the franchise.

The specifics of the proposed franchise are as follows:

1. PSE is granted a franchise to operate its facilities in the City's ROW.
2. The franchise is effective on October 15, 2007 and expires on December 31, 2022. The City has the ability, upon written request of PSE, to extend the franchise term an additional ten years.
3. PSE shall, except in the case of an emergency, obtain all applicable permits before performing work on its facilities subject to this franchise. In emergency situations, the PW Department will be notified of the situation, and permits will be obtained the next business day.
4. PSE shall repair any damage it causes to the ROW at its expense. When PSE facilities or their repair work cause damage to the ROW (such as causing a street to crack), PSE shall repair the ROW within 30 days or such other shorter time period as the City deems appropriate.
5. PSE will relocate its facilities at its sole expense and at the City's request to accommodate a City Improvement Project. The City would be responsible for relocation costs if the facilities had been relocated within five years, and the City could have reasonably foreseen that they would have needed to be moved again. The City is not responsible for the cost of relocations at the request of third parties. Rather, private third parties would be responsible for relocation costs, and PSE would have the ability to negotiate relocation costs with public third parties.
6. PSE will indemnify the City for negligence caused by PSE, including damage caused by PSE facilities.
7. PSE will provide \$5,000,000 in liability insurance or self-insurance.

MOVED BY DEHAN, SECONDED BY SHAPE TO ADOPT ORDINANCE #07-1017.

MOTION CARRIED UNANIMOUSLY.

**DISCUSSION ITEM:**

**•Summary of \$5,000 - \$25,000 Purchase Requests for the period ended September 7, 2007**

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> |
|---|-----------------------------|---|-----------------------|-----------------|
| Pandemic Flu Supplies   | Fire                        | \$30,000                                      | \$30,000              | \$23,312        |
| Neighborhood Litter Control Program   | PW                          | \$18,100                                      | \$18,100              | \$18,096        |
| Professional Convention Management Association (PCMA) Sponsorship - Recommended by Hotel/Motel Tax Advisory Committee | City Manager's Office (CMO) | \$15,000                                      | \$15,000              | \$16,667        |
|   |                             | <b>**will absorb within existing budget**</b> |                       |                 |
| Install fiber optics for Bow Lake School Recreation Room  | Parks & Recreation (P&R)    | \$10,000                                      | \$10,000              | \$8,742         |
| Riverton Heights School Oil Tank Removal  | P&R                         | \$12,000                                      | \$12,000              | \$10,621        |
| Riverton Heights School Asbestos Survey   | P&R                         | \$10,000                                      | \$10,000              | \$6,492         |
| New SeaTV Equipment   | CMO                         | \$0   | \$0                   | \$5,800         |
|   |                             | <b>**will absorb within existing budget**</b> |                       |                 |

**Council consensus:** Referred to 09/11/07 RCM Consent Agenda

**AGENDA BILL PRESENTATIONS:**

**Agenda Bill #2836 – A Motion authorizing the City Manager to sign a Grant Agreement with the Department of Ecology (DOE) for a \$60,000 Grant to adopt an updated Shoreline Master Program for Angle Lake**

**Summary:** The City has applied for grant funds through the DOE to update and adopt a new Shoreline Master Program for Angle Lake. The State has informed the City that a \$60,000 non-matching grant has been awarded to the City. To accept the grant, Council must authorize the City Manager to sign the grant agreement with the State.

The State requires that all cities in KC update their Shoreline Master Programs in accordance with new State Shoreline regulations under the Shoreline Management Act (RCW 90.58.130 and WAC 173-26). Cities in KC are required to update their programs by 2009. The State has appropriated funding to provide grant funding to cities that need help to upgrade their Shoreline Master Programs. The grants are 100% grants with no matching funds required by the City. The City has applied for and received a \$60,000 grant from the State. The grant funds will be used to hire a consultant to update SeaTac’s Shoreline Master Program.

Principal Planner Dodge reviewed the above summary. Angle Lake is the only affected shoreline.

**Council consensus:** Referred to 09/11/07 RCM Consent Agenda

**Agenda Bill #2844 – A Motion authorizing the City Manager to enter into a Contract with Berk and Associates for Consultant Services to conduct a Potential Annexation Area (PAA) Study**

**Summary:** Council requested staff conduct a study of the fiscal and operational impacts to the City related to adopting a PAA. The proposed PAA is a portion of the North Highline Unincorporated Area. This Motion authorizes the City Manager to enter into a consultant services contract in an amount not to exceed \$56,000. When the Council considered the question of adopting a PAA, it was in the context of establishing the 2007 Final Docket of Comprehensive Plan (CP) Amendments at the July 24, 2007 Regular Council Meeting (RCM). If adopted as a land use policy by the City Council later this year, however, the PAA map and related policies will be contained within the City’s CP. Staff published a Request for Proposals (RFP) on August 15, and received one proposal from the firm of Berk and Associates. This firm is familiar with the issues and conditions in the North Highline Unincorporated Area, having done the analysis for the most recent annexation study commissioned by the City of Burien. The proposed budget for the project is \$56,000; staff had earlier informed the Council (at the July 24 RCM) that the estimated cost of such a study would be approximately \$20,000 to \$50,000. The proposed contract, including the scope of work and budget, commits the consultant to completing the project within the City’s time and budget constraints.

**AGENDA BILL PRESENTATIONS (Continued):**

**Agenda Bill #2844 (Continued):** Senior Planner Scarey reviewed the above summary.

Council discussion ensued as to the following: the PAA process, including whether the City can be forced to annex; the cost for this study and whether it is necessary to conduct the study now when the City may not annex for years, if at all; and the proposed scope of work and the potential for adding detail, including what if the City decided to contract with Fire District 11 instead of annexing the District. These issues will be further researched.

**Council consensus:** Referred to 09/11/07 RCM Consent Agenda

**Agenda Bill #2825 – A Motion authorizing the City Manager to enter into an Interlocal Agreement (ILA) with the Highline School District (HSD) and authorize payment for construction of a City Recreation Room at the new Bow Lake School**

**Summary:** Staff has developed an ILA with the HSD for use and operation of the new facility. Agenda Bill #2539 on May 10, 2005 committed the City to be part of the design process in 2005 and fund the project in 2007.

At the City Council meeting on July 10, 2007 the question of depreciation value in the proposed contract was not resolved. Since that meeting, the City Finance Department worked with the P&R Director and HSD to agree on the following formula for the depreciation value:  $\$434,202.31 - (\# \text{ of months occupied} / 468 \text{ months}) \times [\$434,202.31 \times 70\%]$  -  $(\# \text{ of months occupied} / 120 \text{ months}) \times [\$434,202.31 \times 30\%]$ .

The ILA includes the \$434,202.31 payment for the City Recreation Room of approximately 1,250 square feet (s.f.). The fee was based on a formula of actual bid cost of construction and soft costs per square foot of the new Recreation Room.

Construction of Bow Lake Elementary School will be completed for the September 2007 school year. The Recreation Room will be used mainly for the before and after school childcare program that is currently located at the SeaTac Community Center. This program serves about 30 children per day and the fees pay for all costs of the program with an income of about \$10,000 per year. The P&R Department expects the number of children per day to increase and the income to increase as well. We anticipate the cost of the building to be paid from the program income in 20 to 30 years. The Recreation Room at Bow Lake Elementary School would cut our transportation costs and, because of the central location, we may also increase student participation. This project provides a real opportunity to cooperate with the HSD and expand our community resources.

This project has a 2007 budget of \$454,000.

P&R Director Ledbetter reviewed the above summary.

Mr. Ledbetter and Finance Director McCarty reviewed in detail the depreciation value of the room.

**Council consensus:** Referred to 09/11/07 RCM Consent Agenda

**Agenda Bill #2842 – A Resolution amending the Fee Schedule of the Synthetic Turf Sports Field**

**Summary:** Changes in the Fee Schedule were approved June 12, 2007 by the City Council. After better analysis of other synthetic turf fields in the area the P&R Department is recommending changing the synthetic turf field fees at Valley Ridge Park (VRP) to the following:

Approved fees 6/12/07

**P&R:** Synthetic Turf Fields not to exceed \$20 per hour for youth and \$65 per hour for adults.

Recommended new fees 9/11/07

**P&R:** Synthetic Turf Fields not to exceed \$40 per hour for youth and \$65 per hour for adults. SeaTac youth leagues with at least 51% SeaTac residents not to exceed \$20 per hour.

P&R Director Ledbetter reviewed the above summary.

**Council consensus:** Referred to 09/11/07 RCM Consent Agenda

**Agenda Bill #2817 – A Resolution declaring the December 2006 Windstorm Disaster closed**

**Summary:** This Resolution declares the December 14-15, 2006 Windstorm Disaster closed. On January 9, 2007 Council passed Resolution #07-001 ratifying the Proclamation of an Emergency dated December 15, 2006 for the December 14-15, 2006 windstorm event. SeaTac has completed its billing request from the Federal Emergency Management Agency (FEMA) and all work is completed in the City.

**AGENDA BILL PRESENTATIONS (Continued):**

**Agenda Bill #2817 (Continued):** The City incurred costs totaling \$72,121.21 as a result of the storm. FEMA has reimbursed the City \$52,857.97. Additionally, it is anticipated that the City should receive approximately \$10,923.98 from the State of Washington. Therefore, it is anticipated that the City will receive total reimbursements in the approximate amount of \$63,781.95. This would result in the City being responsible for \$8,339.26. Since the work has been completed and invoiced, the Windstorm Disaster should be closed.

Fire Chief Meyer reviewed the above summary.

**Council consensus:** Referred to 09/11/07 RCM Consent Agenda

**Agenda Bill #2820 – An Ordinance authorizing the City Manager to sign Amendment No. 1 to the Port of Seattle (POS) and City of SeaTac 2005 Interlocal Agreement (ILA-2) entered into on February 16, 2006 and amending the City’s 2007 Annual Budget for transfer of funds to the POS for the SR 518 Project**

**Summary:** ILA-2 identified the Capital Improvement Projects (CIP) to be funded by parking tax revenues based on the Joint Transportation Study (JTS) and forecasted parking tax revenues studied by Berk and Associates. Three projects on the list were identified specifically as “POS Related Projects”. These included the Westside Trail, the Ring Road and the South Access Road. ILA-2 stipulated that parking tax revenue be applied to the projects as shown in the CIP specifically dedicating 36.9% of the actual revenue to the three POS Related Projects with the remaining 63.1% being applied to all other CIP projects.

ILA-2 required that the parties develop a process that defines how, and under what criteria, the CIP will be modified and that this process be adopted as an amendment to ILA-2.

This proposed amendment would accomplish four things. First, it identifies the administrative process that will be used to add or delete projects from the CIP. This process requires a written request and an obligation for the requesting party to address any concerns raised by the other party with respect to the change. It provides for administrative approval of changes to the CIP in the form of a letter of agreement with any conditions for the change to be made to the CIP list. If agreement cannot be reached through this process it provides for use of the Dispute Resolution provisions of ILA-2.

Secondly, this proposed amendment would add SR 518 as a new project to the CIP as requested by the POS, and identifies the source and amount of the funds for this project. The City of SeaTac has been setting aside 22% of the parking tax revenue for funding of South Access Road, the only one of the three POS Related Projects not managed by the City. The proposed amendment clarifies this 22%, up to \$5 million as the source for the SR 518 project funding, thereby only affecting the revenue available for the South Access Road. The amendment clarifies that the remaining 14.9% (36.9% less 22%) for POS related projects shall be dedicated to the Westside Trail and Ring Road (North SeaTac Roadways) which are managed by the City.

Thirdly, this proposed amendment changes the name of the Ring Road project to reflect the current name of project, North SeaTac Roadways.

And finally, this proposed amendment sets forth the terms under which transfer of parking tax revenues from the City to the POS will be made for reimbursement of expenditures on the SR 518 and South Access projects, eliminating the need for future, project-specific ILAs.

This Ordinance also includes a proposed budget amendment to cover the anticipated transfer of \$1.2 million from parking tax receipts to the POS as reimbursement for their portion of funding of the SR 518 project in 2007. The source of these funds is 22% of parking tax revenues set aside for the POS’s South Access Project and shown in the budget as BARS# 102.11.316.30.00.001. Through August 30, 2007 the balance in this set aside is in excess of \$1.7 million which is estimated to grow to \$2.1 million at year end. Future transfers to the POS for reimbursement of expenses on SR 518 or South Access will be estimated and included in future budgets and will be limited by the actual funds in the 22% set aside of the parking tax revenues regardless of level of expenditure by the POS.

There is no direct fiscal impact to revenue available for City transportation projects. However, this will result in transfers of up to \$5 million in parking tax revenue set aside for the POS South Access Road as soon as it is accumulated to fund SR 518, which is earlier than anticipated for the South Access Project. The proposed budget amendment will enable a transfer of \$1.2 million from the City to the POS in 2007.

Assistant City Manager Rogers reviewed the above summary.

**AGENDA BILL PRESENTATIONS (Continued):**

**Agenda Bill #2820 (Continued):** CM DeHan stated this came before the Transportation & Public Works (T&PW) Committee in February and June 2007. Ms. Rogers did a great job in negotiating this amendment. Prior to this agreement, the City was going to receive 63% of the collective parking tax. After this amendment, the City is still going to receive 63% of the parking tax. The T&PW Committee recommended approval.

**Council consensus:** Referred to 09/11/07 RCM Consent Agenda

**10. CONSENT AGENDA:**

- **Approval of claims vouchers** (check no. 76730) in the amount of \$115.00 for the period ended August 2, 2007.
- **Approval of claims vouchers** (check nos. 76731 – 76902) in the amount of \$861,000.72 for the period ended August 6, 2007.
- **Approval of claims vouchers** (check nos. 76903 – 77122) in the amount of \$2,308,970.09 for the period ended August 21, 2007.
- **Approval of claims vouchers** (check nos. 77123 – 77295) in the amount of \$2,144,698.34 for the period ended September 6, 2007.
- **Approval of payroll vouchers** (check nos. 46057 - 46098) in the amount of \$173,517.48 for the period ended August 15, 2007.
- **Approval of payroll electronic fund transfers** (check nos. 51954 - 52131) in the amount of \$306,223.54 for the period ended August 15, 2007.
- **Approval of payroll wire transfer** (Medicare and Federal Withholding Tax) in the amount of \$61,598.81 for the period ended August 15, 2007.
- **Approval of payroll vouchers** (check nos. 46099 - 46147) in the amount of \$356,335.47 for the period ended August 31, 2007.
- **Approval of payroll electronic fund transfers** (check nos. 52132 - 52313) in the amount of \$315,519.02 for the period ended August 31, 2007.
- **Approval of payroll wire transfer** (Medicare and Federal Withholding Tax) in the amount of \$62,041.98 for the period ended August 31, 2007.
- **Summary of \$5,000 - \$25,000 Purchase Requests** for the period ended September 7, 2007.

**Approval of Council Meeting Minutes:**

- **Regular Council Meeting** held July 24, 2007.
- **Administration & Finance Committee Meeting** held August 6, 2007.
- **Public Safety & Justice Committee Meeting** held August 6, 2007.
- **Land Use & Parks Committee Meeting** held August 9, 2007.

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

**Agenda Bill #2836; Motion authorizing the City Manager to sign a Grant Agreement with the Department of Ecology for a \$60,000 Grant to adopt an updated Shoreline Master Program for Angle Lake**

**Agenda Bill #2844; Motion authorizing the City Manager to enter into a Contract with Berk and Associates for Consultant Services to conduct a Potential Annexation Area Study**

**Agenda Bill 2825; Motion authorizing the City Manager to enter into an Interlocal Agreement with the Highline School District and authorize payment for construction of a City Recreation Room at the new Bow Lake School**

**Agenda Bill #2842; Resolution #07-017 amending the Fee Schedule of the Synthetic Turf Sports Field**

**Agenda Bill #2817; Resolution #07-018 declaring the December 2006 Windstorm Disaster Declaration**

**Agenda Bill #2820; Ordinance #07-1018 authorizing the City Manager to sign Amendment No. 1 to the Port of Seattle and City of SeaTac 2005 Interlocal Agreement (ILA-2) entered into on February 16, 2006 and amending the City's 2007 Annual Budget for transfer of funds to the Port of Seattle for the SR 518 Project**

MOVED BY T. ANDERSON, SECONDED BY DEHAN 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:** There were no new business items.

**CITY MANAGER'S COMMENTS:** City Manager Ward had the following items of business: (1) applauded staff's effort in working with HSD to open the new Bow Lake Elementary School building in time for school to begin; and (2) budget workshops are scheduled from noon to 5 p.m. on September 24, and October 8 and 22.

**COUNCIL COMMENTS:** Council stated their appreciation for the VRP Project, and the Neighborhood Enhancement Project at North SeaTac Park, which were both dedicated this past weekend. Both projects are quality projects completed under the direction of P&R Director Ledbetter.

CM A. Anderson stated during the summer recess, he vacationed with family in Florida which made him appreciate the Seattle weather.

CM Wythe stated this summer he re-roofed his house and dealt with Building Plans Examiner/Inspector II Basil Papahronis. He is a great person and a valued employee. His customer service is to be commended.

CM T. Anderson requested the October 22 budget workshop date be changed because she will be at FEMA training for the City during that week.

DM Shape questioned a reference to a taller chair being purchased so Council could be more visible behind the dais.

CM T. Anderson requested a tour of Bow Lake Elementary School. Mr. Ward stated that will be requested after the construction is complete.

Mayor Fisher reiterated CM T. Anderson's request for the October 22 Budget Workshop date change. Mr. Ward stated Executive Assistant Lesa Ellis will be in contact with the Council to determine the best date.

CM Brennan stated the Hotel/Motel Tax Advisory Committee Meeting is scheduled for September 12 at 3 p.m. at the West Coast Hotel.

**EXECUTIVE SESSION:** There was no Executive Session.

**ADJOURNMENT:**

MOVED BY DEHAN, SECONDED BY SHAPE TO ADJOURN THE REGULAR MEETING OF THE SEATAC CITY COUNCIL AT 8:08 P.M.

MOTION CARRIED UNANIMOUSLY.

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Gene Fisher, Mayor

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Marcia Rugg, Deputy City Clerk