



City Council Meeting Minutes Archive

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SEATAC CITY COUNCIL SPECIAL MEETING MINUTES

January 4, 2000 - 6:00 PM
City Hall Council Chambers

CALL TO ORDER: The SeaTac City Council Special Meeting was called to order by Outgoing Mayor Terry Anderson at 6:04 p.m.

ROLL CALL: Present: Outgoing Mayor Terry Anderson, Councilmembers Gene Fisher, Shirley Thompson, Frank Hansen, Kathy Gehring, Joe Brennan, and Don DeHan.

ADMINISTRATIVE STAFF: Present: Calvin Hoggard, City Manager; Judith L. Cary, City Clerk; Robert McAdams, City Attorney; Jim Downs, Fire Chief; John Madson, Fire Battalion Chief; Steve Butler, Planning Director; Craig Ward, Principal Planner; Bruce Rayburn, Public Works Director; and Scott Somers, Chief of Police Services.

FLAG SALUTE: Boy Scouts of America SeaTac Fire Explorers Post No. 24 performed the Flag Ceremony and led the Council, staff, and audience in the Pledge of Allegiance to the Flag.

PUBLIC SWEARING IN:

Public swearing in of Gene Fisher as a newly elected Councilmember and Terry Anderson, Kathy Gehring, and Don DeHan as newly re-elected Councilmembers effective January 1, 2000

Municipal Judge Paul Codd administered the Oaths of Office to newly elected Councilmembers Fisher, Anderson, Gehring, and DeHan followed by the signing of the Oaths of Office with City Clerk Judith Cary.

COUNCIL ELECTION:

Election of Mayor and Deputy Mayor (Mayor Pro Tem) by the City Council

Outgoing Mayor Anderson declared the nominations open for Mayor.

MOVED BY ANDERSON TO NOMINATE COUNCILMEMBER SHIRLEY THOMPSON AS MAYOR OF THE CITY OF SEATAC.*

When there were no further nominations for Mayor, Outgoing Mayor Anderson declared the nominations closed.

*UPON A ROLL CALL VOTE, WITH ALL SEVEN COUNCILMEMBERS VOTING YES, OUTGOING MAYOR ANDERSON DECLARED COUNCILMEMBER SHIRLEY THOMPSON AS MAYOR FOR A TWO YEAR TERM.

At this point of the meeting, Outgoing Mayor Anderson relinquished the gavel to Incoming Mayor Thompson.

Mayor Thompson thanked the Council for their unanimous support and stated she is looking forward to the next two years.

Mayor Thompson declared the nominations open for Deputy Mayor.

MOVED BY THOMPSON TO NOMINATE COUNCILMEMBER KATHY GEHRING AS DEPUTY MAYOR OF THE CITY OF SEATAC.*

When there were no further nominations for Deputy Mayor, Mayor Thompson declared the nominations closed.

*UPON A ROLL CALL VOTE, WITH ALL SEVEN COUNCILMEMBERS VOTING YES, MAYOR THOMPSON DECLARED COUNCILMEMBER KATHY GEHRING AS DEPUTY MAYOR FOR A TWO YEAR TERM.

PRESENTATION:

Presentation of plaque to Former Mayor

Mayor Thompson presented Former Mayor Anderson with a Plaque of Recognition for her service as the City of

SeaTac's fourth Mayor for the term January 1998 through December 1999. Mayor Thompson stated that each of the former Mayors brought their own special offerings to the City, Former Mayor Anderson rendering a special quality of bringing more audience input into the meetings. Mayor Thompson added that she hope she could take the best of all qualities and add a bit of her own during the next two years as Mayor. Former Mayor Anderson stated her appreciation for the plaque and added her reflection on the workings of being Mayor, a very time consuming but rewarding position.

PRESENTATION:

Presentation of plaque to Former Councilmember Steve Stevenson

Former Mayor Anderson presented Former Councilmember Steve Stevenson with a Plaque of Recognition for his service as SeaTac Councilmember (Position No. 1) for the term January 1996 through December 1999, the Councilmember with the longest term in Position No. 1 to-date.

CERTIFICATES OF APPRECIATION:

Certificates of Appreciation to outgoing Planning Advisory Committee (PAC) Members Dennis Olson and Richard Jordan

Deputy Mayor Gehring presented the Certificates of Appreciation to Richard Jordan and Dennis Olson for their outstanding service to the City on the PAC from September 11, 1990 through January 4, 2000. Mayor Thompson and Council stated their appreciation to these two founding members of the PAC for all their time and energy devoted to this committee and to the City.

CONFIRMATION OF MAYORAL APPOINTMENTS:

Certificates of Appointment to incoming Planning Advisory Committee (PAC) Members Rick Lucas and Linda Snider

MOVED BY DEHAN, SECONDED BY ANDERSON TO CONFIRM THE MAYORAL APPOINTMENTS OF RICK LUCAS AND LINDA SNIDER AS MEMBERS TO THE PLANNING ADVISORY COMMITTEE.

MOTION CARRIED UNANIMOUSLY.

Deputy Mayor Gehring read and presented the Certificates of Appointment to the new PAC members for terms to end September 13, 2002.

ADJOURNMENT:

MOVED BY DEHAN, SECONDED BY ANDERSON TO ADJOURN THE SPECIAL MEETING OF THE SEATAC CITY COUNCIL AT 6:21 P.M.

MOTION CARRIED UNANIMOUSLY.

Terry Anderson, Mayor
Judith L. Cary, City Clerk

RECEPTION: A reception immediately followed the Special Council Meeting to honor the newly elected officials. Following the reception, the regularly scheduled Study Session convened.

SEATAC CITY COUNCIL REGULAR MEETING MINUTES

January 11, 2000 - 6:00 PM
City Hall Council Chambers

CALL TO ORDER: The SeaTac City Council Regular Meeting was called to order by Mayor Shirley Thompson at 6:07 p.m.

ROLL CALL: Present: Mayor Shirley Thompson, Councilmembers Gene Fisher, Terry Anderson, Frank Hansen, Kathy Gehring, Joe Brennan, and Don DeHan.

ADMINISTRATIVE STAFF: Calvin Hoggard, City Manager; Jay Holman, Assistant City Manager; Judith L. Cary, City Clerk; Robert McAdams, City Attorney; Michael McCarty, Assistant Finance Director; Jim Downs, Fire Chief; Steve Butler, Planning Director; Michael Booth, Senior Transit Planner; Craig Ward, Principal Planner; Holly Anderson, Senior Planner; and Scott Somers, Chief of Police Services.

FLAG SALUTE: Councilmember Fisher led the Council, staff, and audience in the Pledge of Allegiance to the Flag.

PUBLIC COMMENTS: Ben Stark, 1310 South 230th Street, spoke on Agenda Bill No. 1689, Multi-family Interim Standards in which he requested that the wetlands not be taken into consideration regarding density calculations. Mr. Stark pointed out that the density is already limited by the Urban High (UH 900) zoning, setbacks, landscaping buffers, and parking requirements, all measurable in the reduction of the allowable amount of construction on his property. The wetlands cannot be precisely defined.

CONSENT AGENDA:

Approval of claims vouchers in the amount of \$1,398,807.45 for the period ending December 30, 1999.

Approval of employee vouchers in the amount of \$336,416.30 for the period ending December 20, 1999.

Approval of employee vouchers in the amount of \$512,403.01 for the period ending December 31, 1999.

Approval of firefighter vouchers in the amount of \$440.00 for the period ending December 31, 1999.

Approval of summary of \$5,000 - \$25,000 purchase requests for the period ending January 7, 2000.

Approval of Council Minutes:

Study Session Meeting held November 2, 1999.

Regular Council Meeting held December 14, 1999.

Special Council Meeting held January 4, 2000.

Acceptance of Advisory Committee Minutes:

Senior Citizen Advisory Committee Meeting held November 18, 1999 (approved by committee December 16, 1999).

Solid Waste Advisory Committee Meeting held September 9, 1999 (approved by committee December 9, 1999).

Volunteer Firefighter Pension Board Meeting held February 23, 1999 (approved by board January 4, 2000).

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

MOTION CARRIED UNANIMOUSLY.

NEW BUSINESS: (The agenda order has been changed to accommodate the presenter and public.)

Agenda Bill #1766; Ordinance #00-1003

An Ordinance adopting amendments to the Official Zoning Map (Non-City Center) – Planning

Summary: In response to various anticipated amendments to the Comprehensive Plan's Land Use Plan Map, the Planning Department has prepared related amendments to the Official Zoning Map (rezones) that would enhance consistency between the Comprehensive Plan and the Zoning Map.

The recommended amendments were evaluated according to the Zone Reclassification (rezone) criteria as shown in the proposed 1999 City Zoning Map Amendments and staff recommendations (Non-City Center).

State Environmental Protection Agency (SEPA) review (SEP0028-99) was completed November 12, 1999 and an appeal of the SEPA determination by the City of Burien affecting Map No. 1 is expected to be withdrawn given City Council concurrence with the revised Property-Specific Standards addressing Map No. 1. The proposed amendments were subject to review by the City Attorney. The proposed amendments reflect consideration of public comments received at a public hearing held before the City Council on December 7, 1999 and consideration of comments received at the December 14, 1999 Council Meeting. All proposed amendments would be consistent with the Comprehensive Plan, as amended on December 14, 1999.

Planning Director Butler stated that due to the City of Burien appeal, Council had requested staff to review the westside issues with Burien staff and perhaps refine some of their conditions. This action has been done and the result was the following revisions. Based on the discussions, the City of Burien has withdrawn their appeal. The Council now has the ability to adopt the rezones.

Principal Planner Ward reviewed with Council the following five proposed changes to the Non-City Center Rezones: Map No. 1 - Westside. Community Business (CB) subject to property-specific conditions; Map No. 2 – Seattle Public Utilities. Neighborhood Business (NB); Map No. 3 – SunReal (Schroedl). Community Business in the Urban Center (CB-C) subject to property-specific conditions; Map No. 4 – Lutheran Social Services. Office/Commercial/Mixed Use (O/C/MU) subject to property-specific conditions; and Map No. 8 – Washington Memorial Park. Park (P).

MOVED BY HANSEN, SECONDED BY DEHAN TO ADOPT ORDINANCE NO. 00-1003.

MOTION CARRIED UNANIMOUSLY.

The Council thanked the City of Burien and their Planning Director Rob Odle for their cooperation on this issue. Mr. Odle stated his appreciation and hoped that as issues of mutual concern arise, that the two Cities can work together in harmony once again. He added that Burien has adopted the same zoning standards for the westside within their Code.

Agenda Bill #1771; Ordinance #00-1001

An Ordinance adopting amendments to the SeaTac Municipal Code (SMC) 15.22.035 in regard to siting of Essential Public Facilities (EPF) – Planning

Summary: The proposed amendments require the City and the agency proposing to build an EPF to analyze alternatives in relation to the City's preferred alternative.

The City's Comprehensive Plan Policies call for a listing of all alternatives for any given EPF, with the alternatives being noted in order of preference by the City. The proposed amendments clarify that the City has the authority to designate a preferred alternative, so long as it does not preclude the facility. These amendments ensure consistency between the Comprehensive Plan and the Zoning Code.

The SEPA review (SEP0026-99) was completed November 11, 1999 and the deadline for appeal of the SEPA determination expired on December 9, 1999. The proposed amendments were subject to legal review. The amendments reflect consideration of public comments to be received at a public hearing to be held by the SeaTac Planning Advisory Committee (PAC) on January 10, 2000. All amendments would be consistent with the Comprehensive Plan, as amended on December 14, 1999.

Planning Director Butler stated that staff recommends approval of this Ordinance. However, recently Sound Transit registered some issues, and therefore, some proposed language to the EPF section is being recommended which Senior Transit Planner Booth detailed. He stated that the amendment adds an additional public hearing regarding any change in the location in the EPFs as well as a clarification that any decisions in regards to EPFs go before the Council or Hearing Examiner. The key issue in regards to Sound Transit's review of the City's amendment is the loss of authority for siting of facilities in the region, particularly in the City of SeaTac. So the language is proposed to be added in the new Section 15.22.035, Subsection H in the EPF. This language has been agreed upon by the City Attorney and Sound

Transit's attorney.

MOVED BY HANSEN, SECONDED BY DEHAN TO ADOPT ORDINANCE NO. 00-1001.*

MOVED BY HANSEN, SECONDED BY DEHAN TO AMEND ORDINANCE NO. 00-1001 TO ADD A FINAL SENTENCE TO THE PROPOSED NEW SECTION H OF SMC 15.22.035 AS FOLLOWS, "THE SAID FINDINGS AND DECISIONS SHALL NOT BE DEEMED, HOWEVER, TO LIMIT THE AUTHORITY OF THE REGIONAL MAKING BODY UNDER LAW NOW EXISTING OR SUBSEQUENTLY AMENDED TO DETERMINE WHERE THE FACILITY SHALL BE SITED."**

**MOTION CARRIED UNANIMOUSLY.

*MOTION CARRIED UNANIMOUSLY AS AMENDED.

Agenda Bill #1689; Ordinance #00-1002

An Ordinance adopting Interim Design Standards for Multi-family Housing – Planning

Summary: This Ordinance amends Chapter 15.19 of the Zoning Code to establish Interim Design Standards for Multi-family Housing. These proposed standards are intended to ensure that new development is safe, well-designed and compatible with surrounding neighborhoods. Adoption of the standards would address several of the concerns that led to the Moratorium on Multi-family Development in October 1998. The moratorium will expire February 11, 2000, the same day that the standards become effective.

MOVED BY BRENNAN, SECONDED BY HANSEN TO ADOPT ORDINANCE NO. 00-1002.*

Senior Planner Holly Anderson stated that the moratorium is still in place and a public hearing was held in May 1999, with presentations to the Council made in June 10, 1999 on proposed standards. The environmental (SEPA) determination on the proposed standards was appealed to the Hearing Examiner and dismissed. It is now being appealed to King County Superior Court, therefore, the need for the adoption of these interim standards, which will be in effect for six months and requires a public hearing within 60 days. This will allow time to resolve the SEPA appeal.

Mr. Butler stated that the standards being adopted on an interim basis allows the Council to have the ability to further review and amend prior to final action.

Ms. Anderson reviewed the major changes to the draft since the standards were presented to Council in June. Changes were made to the format, including: 1) purpose and intent statements were added to each section; 2) the Crime Prevention through Environmental Design (CPTED) section was integrated into relevant code sections instead of being a separate section; 3) references to the City Center zoning code sections have been transferred into the document for clarity; 4) the Concept Illustration section at the end of the document has been updated. Substantive changes made to the document since June include: 1) a section has been added on multi-family development in the City Center (Section 15.19.800) that lists the applicable City Center standards; 2) A new section has been added on colors in buildings (Section 15.19.260 A.1.) and 3) The section on windows has been expanded (Section 15.19.220C).

Council discussion ensued as to building colors and windows. Mr. Butler explained that the requirement is for developers to use of contrasting colors to help reduce the massing of large building(s). The windows are to be of quality design. These issues will assist in creating well-designed and attractive structures.

Ms. Anderson answered a Council concern brought forth at the January 4 Study Session regarding building height adjacent to Single-family zones. The building height of 35 feet is only within 60 feet adjacent to Urban Low (UL) zones with a Residential Low Comprehensive Plan designation.

Councilmember DeHan stated that the transition areas were extended to include High Density Residential across the street from Single-family Residential. The transition area is measured from the Single-family Residential property line so it includes the street. He feels this action will protect the residential neighborhood.

Ms. Anderson continued with the substantive changes: sloped roofs across a street from Single-family Residential (any structure within the first 60 feet from the property line must be sloped at a minimum 6:12 roof pitch and only across from a UL zone with a Residential Low Comprehensive Plan Designation); Lighting levels for parking facilities and surface parking lots have been updated per 1998 recommended industry standards. Lastly, Net Site Area, which excludes floodplains from the list of sensitive areas, leaving wetlands, steep slopes and streams, as the sensitive areas which are not allowed to be included in the net site area, from which allowable density is calculated. Mayor Thompson requested that this last change be brought back to the Land Use, Parks and Economic Development (LUPED) Committee.

*MOTION CARRIED UNANIMOUSLY.

Agenda Bill #1796

An Ordinance amending the Official Zoning Map (City-initiated Rezone) within the City Center for the Colacurcio Property, subject to Property-Specific Conditions or a Letter of Agreement/Development Agreement – Planning

Summary: On December 14, 1999, the City Council took action on all of the recommended City Center Plan-related rezones, except for the proposed Colacurcio property rezone. Since conditions related to the proposed rezone were still being discussed, the Council deferred taking action on the proposal for this property. Conditions being discussed relate to such topics as maximum density, allowed land uses, dedication of land/wetlands, distribution of responsibility for transportation improvement costs, and SEPA procedures. A final set of conditions could be applied to the property, either through a Letter of Agreement/Development Agreement between the City and the property owner or through imposition of property-specific conditions by the City. Another option is to maintain the current zoning of UH-900.

In anticipation of the City Center Subarea Plan adoption, which amended the Comprehensive Plan's Land Use Plan Map, the Planning Department prepared related amendments to the Official Zoning Map that would enhance consistency between the Zoning Map, the City Center Plan and Comprehensive Plan.

The recommended amendments were evaluated according to the Zone Reclassification criteria. SEPA review (SEP0029-99) was completed November 12, 1999 and the deadline for appeal of the SEPA determination expired on December 9, 1999. The proposed amendments were subject to review by the City Attorney. The proposed amendments reflect consideration of public comments received at a public hearing held before the City Council on December 7, 1999. The proposed amendment would be consistent with the Comprehensive Plan, as amended on December 14, 1999, and the adopted City Center Subarea.

Planning Director Butler reviewed the above summary with Council. Since a proposal has not been finalized, staff is recommending that this issue be brought back for discussion at the January 18 Study Session. Council concurred with this action. Mayor Thompson stated that a Special Council Meeting could also be held if the Council is ready for decision-making.

City Manager Hoggard stated that the basic trade off is to maintain the density and property value to allow for heights to go up and preserve more open area to allow access to the street across the property and other amenities and employ mix use at street level.

Agenda Bill #1797

A Motion authorizing the purchase of Vehicles for 2000 – Finance

Summary: The 2000 Annual Budget for the City of SeaTac includes appropriations for the following vehicles:

Fund/Department Description 2000 Budget Actual Cost

General/Parks Dodge Ram ¾ Ton Extended Cab

4X4 Pickup Truck \$ 25,900 \$ 25,448

General/Parks Ford 15-Passenger Van 24,674 23,789

City Street/Public Works Ford Super Duty Truck 40,500 31,045 *

(cab/chassis)

Equipment Rental/Parks Dodge Ram ¾ Ton Extended Cab

Pickup Truck 26,000 20,797

Equipment Rental/PW Dodge Ram ¾ Ton Pickup Truck 21,000 18,403

*Additional equipment needs to be purchased.

This Motion requests that the Council authorize the purchase of these vehicles through the State of Washington Automobile and Truck Contracts for 2000, as a subscriber to the State Purchasing Cooperative. The State conducts a competitive bid process in awarding its automobile and truck contracts, and the purchasing cooperative allows individual municipalities to enjoy the cost savings associated with the State's large volume purchasing. Orders must be placed by March 31, 2000, but the number of vehicles available is fixed so orders are accepted only until that quota is met on a first-come, first-served basis.

It is also noted that the Park and Fire Departments have equipment appropriations included in the 2000 Annual Budget which will be brought to Council for approval at a later date. Assistant Finance Director McCarty reviewed the above summary, explaining the need to order these vehicles early in the year 2000. He added that the first three items on the above listing are requests for new vehicles and the last two items are replacement vehicles.

Councilmember Fisher stated his concern as to the high maintenance of these trucks. He stated, as a new Councilmember he had no input in the budget decision-making for 2000 and would have questioned these purchases.

Councilmember Brennan questioned whether Councilmember Fisher is suggesting the surplus of the current vehicles. Councilmember Fisher stated that is his recommendation.

City Manager Hoggard stated that he shares the same concerns as Councilmember Fisher, which he raised during budget review. He added that this does not affect Council decision but it does affect administration as to funding and maintenance of equipment. He will examine these issues further and report back to Council.

MOVED BY DEHAN, SECONDED BY HANSEN TO ACCEPT AGENDA BILL NO. 1797.

MOTION CARRIED UNANIMOUSLY.

ADDED ITEM:

Agenda Bill #1803; Resolution #00-001

A Resolution expressing the City of SeaTac's gratitude and appreciation for the invaluable assistance and service rendered by the outstanding officers of the SeaTac Police Department and King County Sheriff's Office during the World Trade Organization (WTO) Conference held in Seattle, Washington

Councilmember Hansen requested that this Resolution be added to the agenda. Mayor Thompson concurred with this action. City Manager Hoggard read the Resolution.

MOVED BY HANSEN, SECONDED BY BRENNAN TO PASS RESOLUTION NO. 00-001.*

Council concurred that two plaques be made, one for the SeaTac Police Department and one for the King County Sheriff's Office and certificates for each SeaTac Police Officer also be created. Dates of the presentations will be forthcoming.

*MOTION CARRIED UNANIMOUSLY.

PUBLIC COMMENTS: Joe Dixon, 19211 35th Avenue South, stated a concern he had with Agenda Bill No. 1789 regarding Multi-family Housing and the 60-foot setback and height illustration presented by the Planning staff. He stated that the footage scale was out of proportion. It would be more acceptable if this was shown to scale. He also felt the wordage should either be "pitch" or "angle" on the roof calculation.

CITY MANAGER'S COMMENTS: City Manager Hoggard had the following items of business: 1) regarding New City Hall (NCH), in the meetings this week with the architects, he suggested that they meet with Council in a separate

meeting outside of the regular Study Session due to the full agendas. Staff will arrange this meeting within the next week or two to discuss this item prior to the architects' more formal update; and 2) The City's 10th Anniversary Celebration is in the works and the issue of funding has been addressed. He stated that the 2000 budget has excess reserves of one-time funding of over \$.5 million in the General Fund. There are enough reserves to fund this event and other one-time events during the year.

COUNCIL COMMENTS: Councilmember Gehring stated that the Ways & Means (W&M) Committee met on January 10 with a large agenda: 1) a presentation on Childcare Resources Study; 2) staff report on the Sound Transit Memorandum of Understanding (MOU); 3) staff will examine the possibility of computers for Councilmembers; 4) a staff and salary survey was presented; 5) the General Fund budget which will be discussed further at a future Study Session; 6) review of the vehicle purchases presented earlier in this meeting; 7) a staff report was given on the Y2K with no malfunctions to the City's systems and services; and 8) the City will be a member of the National League of Cities (NLC) for the year 2000.

Councilmember Anderson stated that she attended a South King County Human Services Committee meeting in Kent January 6 and it was the general consensus of the attending representatives that they will form a South King County Roundtable. A Resolution will be forthcoming for Council's consideration. Secondly, she suggested that City Clerk Cary, Chair of the City's 10-Year Anniversary event, brief Council at upcoming Council Meetings on the event planning.

Councilmember Fisher stated he has received concerns from residents as to the City's excessive spending. As he stated earlier, he was not involved with the 2000 budget but will yield to his fellow Councilmembers' decision-making of that budget. However, he will be very involved in forthcoming budgets.

Mayor Thompson had the following items of business: 1) Council received a letter from Metropolitan King County Councilmember Dwight Pelz concerning the passage of Initiative 695, stating why he feels the County lacks power on the State level. She would like Council's input as to the response of this letter; 2) the City's logo has been chosen by the Ten-Year Anniversary Committee. Council concurred with the selection; 3) complimented staff on the January/February edition of the SeaTac Report, the best in 10 years. She added that timely information such as the upcoming events is an excellent addition, as well as is the graphics additions, i.e. "P" for Public Works, etc.

ADJOURNMENT:

MOVED BY ANDERSON, SECONDED BY DEHAN TO ADJOURN THE REGULAR MEETING OF THE SEATAC CITY COUNCIL AT 7:12 P.M.

MOTION CARRIED UNANIMOUSLY.

Shirley Thompson, Mayor
Judith L. Cary, City Clerk

SEATAC CITY COUNCIL REGULAR MEETING MINUTES

January 25, 2000 - 6:00 PM
City Hall Council Chambers

CALL TO ORDER: The SeaTac City Council Regular Meeting was called to order by Mayor Shirley Thompson at 6:06 p.m.

ROLL CALL: Present: Mayor Shirley Thompson, Councilmembers Gene Fisher, Terry Anderson, Frank Hansen, Kathy Gehring, and Joe Brennan. Absent: Councilmember Don DeHan.

ADMINISTRATIVE STAFF: Calvin Hoggard, City Manager; Jay Holman, Assistant City Manager; Judith L. Cary, City Clerk; Robert McAdams, City Attorney; Jim Downs, Fire Chief; Scott Somers, Chief of Police Services and Julie Rodwell, Programs Manager.

FLAG SALUTE: Councilmember Brennan led the Council, staff and audience in the Pledge of Allegiance to the Flag.

INTRODUCTIONS:

New City Employees Angela Lever, School Resource Officer (SRO) and Henri Hardenberg, Police Motorcycle Officer

City Manager Hoggard introduced Officer Hardenberg. Officer Hardenberg started his 23-year law enforcement career with the Washington State Patrol (WSP) in 1976 where he served as an instructor at the WSP Academy and a member of the Special Weapons and Tactics (SWAT) Team. Officer Hardenberg, through a recent life threatening experience, demonstrated the sacrifice and dedication made by police officers to ensure for a safe community. Mr. Hoggard expressed appreciation and gratitude to Officer Hardenberg for his service and that of all the City's public employees who sacrifice so much for the community.

SRO Angela Lever was not able to attend this meeting and will be rescheduled for her introduction to the Council.

PRESENTATIONS:

Presentation of Plaques and Certificates of Appreciation expressing the City of SeaTac's appreciation for the invaluable assistance by the SeaTac Police Department / King County Sheriff's Office during the World Trade Organization (WTO) Conference

Mayor Thompson presented the first plaque to King County Undersheriff Pat Lee and King County Sheriff's Chief Larry Mayes of Field Operations. Undersheriff Lee stated, on behalf of King County Sheriff Dave Reichert, the officers of the King County Sheriff's Office and their support staff, this recognition is an honor and tribute to the officers who served during the WTO Conference. He thanked the Council and City for their support and encouragement. This is evidence of the great partnership between the City and King County Sheriff's Office. Sheriff Reichert requested Council be made aware that he would have been at this presentation but had a prior commitment. Chief Larry Mayes stated that he had primary responsibility for the WTO response and from first-hand experience, he knows how much this means to the men and women of the Sheriff's Department who were on the scene during the event. He added his note of appreciation for the Council honoring the officers, particularly the officers assigned to the City of SeaTac.

Mayor Thompson announced that former SeaTac Chief of Police Services Bill Dickinson was in the audience to observe the presentation.

The second meritorious plaque was presented by Mayor Thompson to SeaTac Chief of Polices Services Scott Somers. She also presented him with Certificates of Appreciation to be given to the 40 SeaTac Police Officers who served during the WTO Conference. Chief Somers thanked the Council for the strong support the department receives from the City and the community in general. He recognized Captain Brad Thompson, who was also in the audience. Captain Thompson was the Precinct's Operation Commander on the streets of Seattle during the WTO event. He was hit in the

head with an object and went right back to the line of action.

Councilmember Anderson stated that the City has been so fortunate in its short history to have had four excellent Police Chiefs and outstanding officers. They have done a commendable job of assisting in the establishment of the City as a desirable community for both businesses and residents.

Councilmember Brennan concurred with Councilmember Anderson's remarks. At the time of incorporation, he was the Fire Commissioner and they knew the direction the Fire Department would take but were unsure as to Police Services in the City. He explained the early on process of contracting with King County for Police Services, which became a model for all other new Cities. He added that during the WTO Conference, the Fire Department was also prepared for any unexpected crisis. He thanked Fire Chief Downs and the City's Firefighters for being on standby ready to protect the community during that unpredictable time.

PUBLIC COMMENTS: Frank Hughes, 3217 South 182nd Place, congratulated Mayor Thompson and Deputy Mayor Gehring on their new Council positions. He wished them well. Speaking on behalf of the seniors in the audience, he urged Council to consider the needs of SeaTac's senior population. He thanked the Council for their guidance in acquiring a senior van, a Senior Coordinator, and a Senior Advisory Committee, as well as senior programs. However, he feels that very little follow up has ensued. Although youth and their programs are vital to our future, seniors cannot be forgotten. Seniors have been promised for years that a senior center would be built and that the parking problem at the North SeaTac Park (NSTP) Community Center would be resolved. He asked that the Council expeditiously address these problems to enhance the quality of life for seniors. He compared senior programs with other surrounding Cities and feels SeaTac is lacking in every area.

Mayor Thompson requested the City Clerk provide each Councilmember with a copy of Mr. Hughes' speech. She asked Mr. Hughes that if there are other specific needs, please relay them to the Council.

Daurene Galliher, 18309 36th Place South, commented on the 16 foot x 3 foot x 10 foot pie-shaped area of land where various vegetation has been planted at the entry of the NSTP Community Center. She stated she is very thrifty and feels this is a complete waste of SeaTac funds.

Jon Ancell, 14629 29th Avenue South, Senior Citizens' Advisory Committee Chair, stated he attends the NSTP Community Center senior functions four days a week and serves in various programs. He relayed senior concerns: 1) a senior resident living on South 170th Street and 40th Avenue South was expecting sidewalks with the South 170th Street project as she is a walker. The project is complete and there are no sidewalks. There has been no explanation as to why this was not included in the project; 2) the seniors would like to have a designated area for a "Pea Patch" to grow vegetables; 3) the new van scheduled to be purchased is not senior/disabled person-friendly, nor are the two current vans. The running boards are too high; 4) the seniors would like to receive a cable TV discount; and 5) they would like the Council Meetings televised.

Barbara Morse, 14620 4th Place South, concurred with Mr. Ancell and stated that she and her husband attend the Senior Lunch Program four days a week, as well as participate in the senior trips. The vans are not senior-friendly and are most awkward to enter and exit. She asked that Council reconsider the purchase of the proposed van and find a more user-friendly one.

Councilmember Brennan also concurred with this concern. He and his wife have taken many trips with the seniors and the vans are not senior-friendly. In the one senior van, there are handgrips that help in exiting and entering. This van is more expensive but would serve the seniors more effectively.

Councilmember Anderson stated that the vans can be retrofitted to serve the seniors.

Mayor Thompson requested that Councilmember Brennan take the lead and work with staff on this issue. Regarding a pea patch, there are excess acres at the NSTP that could be used for this purpose. She requested City Manager Hoggard and Parks Director Ledbetter address this issue. Council concurred.

Councilmember Anderson added that regarding Cable TV, the City has a franchise with the cable company and until it expires, the City is obligated to abide by the agreement. However, she thought there is a small window of opportunity coming up where an adjustment to the franchise may be made.

Jay Himmelman, 1016 South 193rd Place, spoke regarding the International Airport Center (IAC) on South 192nd Street, directly behind his home. He has been working with the airport and City for years, trying to protect his residence from intrusion of this complex. His backyard was adjacent to the slope of the undeveloped property, now completed. There was a lot of dirt and dust and compacting which concerns him as to damage to his home, utilities and landscaping, as well a glaring of lighting from the complex into their home. There is nothing to buffer the building from his home. He inquired of the City over three months ago as to the City Codes for the landscaping, lighting, and a concrete retention pond and to date he has not received a response.

Steve Pinto, 3741 South 192nd Street, reiterated his request that something be done as to the intensity of road traffic on South 188th Street from International Boulevard to Military Road. The current signage does not stop the speeding traffic. He requested that a school zone with a 20 MPH speed limit be posted in this area.

Mayor Thompson stated that the Transportation & Public Works (T&PW) Committee will be asked to work with the Public Works Department to respond to this suggestion of a 20 MPH speed limit on this section of South 188th Street.

Councilmember Anderson reminded the seniors in the audience of the City's 10-year Anniversary Celebration to be held at the NSTP Community Center and that she would look into van service from a designated pickup spot for those seniors who need a ride.

RECESSED: Mayor Thompson recessed the meeting for a five-minute recess at 6:46 p.m.

RECONVENED: Mayor Thompson reconvened the meeting at 6:50 p.m.

PRESENTATIONS (Continued):

Olympic Pipeline Issue

Programs Manager Rodwell stated that the Olympic Pipeline runs from Ferndale, Washington to Portland, Oregon. The SeaTac Lateral Spur, built in 1970, runs from Renton, transmitting jet fuel to the airport. The line runs down both South 170th Street and International Boulevard. The smaller lines cross South 188th Street from the tank farm to the airport. Since the Bellingham explosion last year, the jurisdictions up and down the line are in numerous discussions on the safety concerns of their communities. Leaks have been detected through pressure losses noted in Renton. There are approximately 270 anomalies in Washington and the staff is waiting to hear if any are in SeaTac. In Bellingham, almost 300,000 gallons of fuel were lost into Whatcom Creek on June 10, 1999. Small leaks are not detectable with the current testing system. Hydro testing was done in Whatcom County after several repairs. Nevertheless, one segment ruptured. Olympic Pipeline is pressing to re-open the Whatcom County segment. Pipelines are not strongly regulated through the Federal Office of Pipeline Safety. Many National Transportation Safety Board (NTSB) recommendations have been ignored or have been slow to implement. There are only 50+ inspectors; about one per 25,000 miles of gas and oil pipeline. Nevertheless, States and local governments are pre-empted from having their own regulations and safety procedures. An area of possibility is for local involvement through franchise agreements for use of public rights-of-way. Olympic Pipeline had a franchise with the State Highway Commission, now Washington State Department of Transportation (WSDOT), which expired in 1995; and which was related to International Boulevard and another franchise with King County which also expired in 1995 and was related to the South 188th Street portion of the line. A new franchise document is undergoing State legal review. The Bellingham Mayor and staff briefed Cities and Counties at a forum in SeaTac in October and Governor Locke presented recommendations of his Fuel Accident Prevention and Response Team in December in Bellevue. The next forum is set for Renton on January 27. Ms. Rodwell reviewed with Council the seven proposed State legislative bills on pipeline issues. City staff will be testifying in support of the bills, as will State Senator Julia Patterson.

The National League of Cities (NLC) adopted a Resolution in December to strengthen Federal safety procedures and give States and locals more say. King County Councilmember Jane Hague is the new President of National Counties

Association and may do likewise.

To date the City has done the following: 1) initiated a Cities/Counties Forum; 2) drafted a White Paper; 3) drafted a model franchise agreement/City franchise; 4) conducted dialog with Olympic Pipeline representatives; 5) taken tours of the Renton Control facility and the Airport Fuel Tank Farm; and 6) started "First Response" discussions with Olympic Pipeline.

City Staff is recommending the following to Council: 1) create a joint emergency response plan between the City Fire Department and Olympic, possibly also with Tukwila; 2) continue with forum as a clearing-house for technical and legislative information as long as other Cities and Counties show leadership and interest; 3) Use the forum as a means of saving time in responding to Olympic; 4) develop a joint City-County work scope; 5) enlist the Association of Washington Cities (AWC) and Association of Counties to participate fully; 6) support Federal bill through dialog with our Congressional delegation; 7) support State legislation likewise; 8) attend a National symposium on pipeline issues, if planned; 9) seek Council approval for initiation of negotiations with Olympic on a SeaTac pipeline franchise; and 10) continue dialog with Olympic.

City Manager Hoggard stated that the City also has the following goals to implement in concert with the other entities involved: 1) work out the details for the first response team; 2) have pipeline testing done to the same standards and quality as was conducted in Bellingham; and 3) arrange for an independent oversight body to ensure proper standards are being met to secure a safe pipeline in this area.

Ms. Rodwell stated that the City needs to enact an Ordinance to ensure our own standards are being met. Mr. Hoggard added that even with such standards in place, there is no assurance that they will be adhered to.

Mayor Thompson stated that an emphasis on the level of safety the City has with its Fire and Police Services is one to be proud of, a point to be stressed to State officials. She commended the staff for their excellent work on this important project.

South 188th Street Corridor Subarea Plan

Mayor Thompson stated that this item was discussed in the Land Use, Parks and Economic Development (LUPED) Committee meeting this evening and the committee agreed to remove it from the Council Meeting agenda. It will be included in the Zoning Code amendments which will go through a 60-day period of State review and then come back to the Planning Advisory Committee (PAC) for their recommendation before going to the City Council.

CONSENT AGENDA:

Approval of claims vouchers in the amount of \$705,886.00 for the period ending January 19, 2000.

Approval of employee vouchers in the amount of \$343,192.50 for the period ending January 15, 2000.

Approval of summary of \$5,000 - \$25,000 purchase requests for the period ending January 21, 2000.

Approval of Council Minutes:

Regular Council Meeting held January 11, 2000.

Study Session Meeting held January 18, 2000.

Acceptance of Advisory Committee Minutes:

Civil Service Commission Meeting held October 11, 1999 (commission approved January 10, 2000).

Human Relations Advisory Committee Meeting held October 14, 1999 (committee approved January 13, 2000).

Library Advisory Committee Meeting held October 14, 1999 (committee approved January 13, 2000).

Planning Advisory Committee Meeting held June 7, 1999 (committee approved September 13, 1999).

Planning Advisory Committee Meetings held September 13 and October 4, 1999 (committee approved November 8, 1999).

Planning Advisory Committee Meeting held December 6, 1999 (committee approved January 10, 2000).

Approval of the following Ordinances and Motions recommended at the January 18, 2000 Study Session for placement on this Consent Agenda:

Agenda Bill #1795; Ordinance #00-1004**An Ordinance approving the Final Plat for the Port Estates Subdivision – Planning**

Summary: The Port Estates Subdivision is a six lot subdivision located approximately between 2836 and 2844 South 148th Street. Under an agreement with the City, six Port houses were moved onto the property in 1992 with the requirement that the property owner would subdivide the property to provide individual lots for each house.

The Hearing Examiner conducted a public hearing regarding the Ports Estates preliminary plat on December 15, 1994. The Hearing Examiner recommendation was forwarded to the January 24, 1995 City Council meeting. The City Council approved the preliminary plat under Resolution No. 95-005.

The Council approves a final plat provided that the conditions of the preliminary plat are met. The applicant has conformed with the 14 conditions of approval of the preliminary plat. In summary, the conditions required: 1) the Plat is subject to all requirements of the SMC; 2) engineering plans for storm drainage and roadway construction were to be submitted to and approved by the Public Works Department, the property is surveyed by a registered land surveyor; 3) all lots shall provide at least three off-street parking spaces; 4) the access or handle portion of Lots 2 and 5 cannot be used in determining setbacks; 5) storm drainage shall be installed in conformance with the King County Surface Water Design Manual; 6) the face of the final plat mylar shall show the name of the interior street; 7) the applicant shall pay for the street sign and stop sign prior to final plat approval; 8) the road shall be 28 feet in width from curb to curb with a sidewalk on the west side. A fence shall be installed between the road and the adjacent property on the west side of the road; 9) a new fire hydrant shall be installed at the intersection of the new road and South 148th Street; 10) the east side of the road and cul-de-sac shall be signed "No Parking, This Side"; 11) all catch basins shall be stenciled "Dump No Waste, Drains to Stream"; 13) the hours of construction shall be limited to 8:00 a.m. to 5:00 p.m., weekdays only; 13) the plat shall conform with all State Environmental Protection Agency (SEPA) conditions; and 14) approval of a final plat requires Council review and approval, by Ordinance, in a public meeting.

Agenda Bill #1788**A Motion authorizing an Agreement for the Highline Botanical Garden - Parks & Recreation**

Summary: City staff is requesting approval from Council to enter into an Agreement with Highline Botanical Garden Society to relocate the Elda Behm Garden in North SeaTac Park (NSTP). The Agreement is necessary in order to proceed with plans to move the garden to an area just south of the NSTP Community Center parking lot.

Staff has been meeting with Highline Botanical Garden Society representatives to find a proper site and plan for moving the garden into the park. The area located just south of the community center parking lot was determined to be the best site after several options were discussed. Staff has reviewed the Agreement and worked through several versions with the assistance of the City Attorney.

The Garden Society President, Stephen Lamphear, gave a presentation of the garden master plan. Staff and the Garden Society feel this is a good plan and look forward to starting the project.

There will be some fiscal impact, the use of City staff time and heavy equipment, although the Garden Society is working hard to independently develop, operate and maintain the garden.

Agenda Bill #1790**A Motion authorizing Final Acceptance of Valley Ridge Park Improvements - Parks & Recreation**

Summary: This Motion accepts completion of construction of the Valley Ridge Park improvement project by Hisey Construction, Inc. Improvements to Valley Ridge Park include a playground area, new parking lot, restroom building, sidewalks, skate park, roller hockey court, basketball courts with lights, and landscaping.

The construction contract was awarded by the City Council on May 11, 1999, for the total amount not to exceed \$1,357,470. The total construction cost from this firm, including all change orders, was \$1,198,059. The project was substantially complete on November 23, 1999. All punch list items were completed on December 23, 1999.

Agenda Bill #1801; Ordinance #00-1005**An Ordinance amending Ordinance No. 99-1019 to include the inadvertently omitted full legal description of Parcel 140 (Alaska Airlines) and right-of-way take in addition to the included description of the Storm Drainage Easement; and declaring an emergency - Public Works**

Summary: By inadvertence, the legal description of Parcel 140, and legal description of the right-of-way take needed to construct the 28th/24th Avenue South arterial improvements were not included in Exhibit "B" to Ordinance No. 99-1019. The project schedule is dependent on acquiring the necessary property rights in order to timely construct these improvements, and, thus, an emergency exists sufficient to waive the 30-day effective date.

As part of the 28th/24th Avenue South Arterial Project process, the improvements were defined to identify the necessary additional right-of-way and easements. The property to be acquired has been appraised and a fair market value established. Currently, the City is negotiating the acquisition of portions of Parcel 140, owned by Alaska Airlines, but it is now anticipated that this property must be acquired using condemnation procedures.

Adopting this Ordinance corrects a technical error in the legal descriptions and authorizes the condemnation of interests in this property to allow staff the ability to pursue the acquisition process in a timely manner.

Agenda Bill #1787**A Motion authorizing a Contract with Gary Merlino Construction for the 28th/24th Avenue South Arterial Street Project - Public Works**

Summary: The project was advertised for bids and a bid opening was held on October 28, 1999. The engineer's estimate was \$12,814,000 for Alternative 1 and \$14,150,000 for Alternative 2. Two basic alternatives were bid: Alternative 1 - an asphalt concrete roadway and Alternative 2 - a cement concrete roadway. Gary Merlino Construction was the low bidder for both alternatives with a total bid of \$8,719,661.22 for Alternative 1 and \$8,923,416.22 for Alternative 2.

The project includes construction of a new arterial roadway along the 28th and 26th Avenues South corridors from South 188th Street to South 202nd Street. Improvements include a four-lane roadway section, a center turn median and water quality swale, underground electrical utilities, curb, gutter and sidewalks along with other streetscape amenities. Eight bids were received and evaluated. The bids were competitive and the low bidder, Gary Merlino Construction, along with most other bidders, was significantly lower than the engineer's estimate possibly due to the passage of I-695. Gary Merlino Construction has completed several projects in SeaTac and the surrounding area. Their most recent project for the City was the Phase II improvements to International Boulevard. It was completed within time and well within budget. The City's experience with this contractor has been quite satisfactory which is also the indication from several other agencies that have contracted with this firm. The two alternatives were analyzed for "life cycle" costs by staff. Although the concrete alternative is higher in initial installation cost, about \$204,000, it is the more economical long-term alternative because of its longevity and lower maintenance costs. Over the life of the roadway, 40 years, the cost savings with the concrete alternative is calculated to be three percent per year. Staff recommends Council select the cement concrete alternative.

It is recommended that the City Council move to authorize the City Manager to execute a contract with Gary Merlino Construction in the amount of \$8,923,416.22 and approve a 10 percent contingency of \$892,342 for a total project construction budget of \$9,815,758.22.

The project is included in this year's budget. Funding for the total project cost, including design, right-of-way, construction and associated costs is secured with Transportation Improvement Board (TIB) funds, Local Improvement District (LID) funds and City funds. The total project budget of \$22,022,800 is secured and budgeted over the next three years. Construction activity will occur through the end of 2001.

Agenda Bill #1793**A Motion authorizing the South County Area Transportation Board (SCATBd) Agreement - Public Works**

Summary: This new SCATBd agreement will continue the partnership between South King County Cities and King County regarding transportation issues.

SCATBd was established in 1992 by Motions or Resolutions approved by each participating City and King County. Since that time, the board's membership and role has expanded and this Agreement reflects those changes; while continuing to recognize SCATBd as the South County forum for information sharing, coordination and consensus building on transportation issues. This Agreement does not alter the existing operations of the board and does not propose any dues or cost sharing by the participating Cities. Staff support will continue to be provided by the King County Department of Transportation (KCDOT) through the year 2002. The purpose of this agreement is to identify the voting and non-voting members of the SCATBd. The new Cities of Maple Valley and Covington have been added to the list of voting members and have recently been participating in board discussions. The non-voting members include the Port of Seattle (POS), Puget Sound Regional Council (PSRC), Sound Transit, Pierce Transit, the State TIB and WSDOT.

There is no fiscal impact imposed on the City by the adoption of this agreement other than continued staff time to attend SCATBd Technical Advisory Committee (TAC) meetings and regularly scheduled board meetings.

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

MOTION CARRIED UNANIMOUSLY.

INTRODUCTION: Councilmember Anderson introduced Hunts Point Mayor Fred McConkey who was in the audience.

NEW BUSINESS: There were no new business items.

PUBLIC COMMENTS: There were no public comments.

CITY MANAGER'S COMMENTS: City Manager Hoggard stated that he received an email from the Bellevue Chamber of Commerce requesting, that due to the resulting Initiative 695, jurisdictions sign on to a letter that endorses the King County Transportation Coalition's (KCTC) list of projects and priorities. Included in the list is one most important to SeaTac, the SR 509 extension for \$10 million to continue work on this project. While the City is very supportive of that project, the concern is the "seeking sales tax credit for all transportation and highway construction projects including Sound Transit." The concern being that this could extend to the airport and reflect on sales taxes for the City. This will need to be investigated before the City endorses this project listing. Aside for this one issue, Mr. Hoggard recommends that Council support this proposition. Council will discuss this issue further.

COUNCIL COMMENTS: Councilmember Brennan reiterated the importance for the seniors' concerns voiced at this evening's meeting. He made reference to a "crime scene" tour for seniors that he and his wife, Betty took yesterday. It was an outstanding tour narrated by a King County Detective. They toured through the various historic and current crimes scenes in Seattle's Capital Hill area. A few of the other tours being planned are of the Seattle Churches and the Seattle's Queen Anne Hill crime scene. He mentioned these events as a few of the planned events in the Senior Program. The City is only 10 years old and a lot has been accomplished in that short span of time to improve the City standards and quality of life for all its residents.

Councilmember Gehring inquired as to the Finance Director's report drafted for Councilmember Fisher regarding Human Services funding and the shortfall of \$13,540 due to the I-695. There was an offset from 1998. She wondered if this could be used for the shortfall. City Manager Hoggard will review the report and inform Councilmember Gehring of that possibility.

Councilmember Hansen commented that the senior issues such as a pea patch and the van should be considered normal issues and that the seniors should not need to address these concerns at a Council Meeting. City Manager Hoggard stated that a pea patch was discussed at the January 18 Study Session as a component of the relocated Elda

Behm Garden in NSTP.

Council discussion ensued as to the seniors' concerns. Councilmember Gehring suggested an article in the SeaTac Report be written addressing the senior's concerns and the City's response. Mr. Hoggard further suggested that the Council write the article(s) in the newsletter addressing the citizen issues from time to time.

Councilmember Fisher stated that he feels the seniors' concern is whether a senior center will be built and if so, when and where.

Along this line, Mayor Thompson suggested that a letter could be drafted with the Council signatures regarding the various programs being provided the seniors. Copies could be placed on the entry table at the senior lunches. Regarding a senior center, the Council has not made a decision on this issue. This should probably be addressed first with the LUPED Committee.

Councilmember Anderson suggested that a senior center be considered as an inclusion to the Lutheran Social Services (LSS) complex. An added factor is that this area is on a main bus line.

Mayor Thompson stated that there was an article in a local newspaper regarding a listening device that can be used with cellular phones. Councilmember Anderson stated her husband uses one and it is a good mechanism. Copies of the article will be placed in the Council packet. Also, she received a letter from Tyler Warren, a Star Lake Elementary student, suggesting that a special day be dedicated as "Homeless Day" in which clothing and warm items could be donated to the needy. She stated that the Gospel Mission complex is located north of the City and addressed concerns of the homeless. Some of the hotels have issued vouchers for overnight stays. Council could review this further as a possible Council or staff project.

Regarding the City's 10-year Celebration, Councilmember Anderson stated she contacted the City's first City Manager, Doug Sutherland, now Pierce County Executive, to invite him speak at the event. Unfortunately, he will be out of the country. He will ask Fran McNair, his assistant, who was the first Assistant City Manager, to represent them. He will also furnish a list of names of persons that he suggests should be invited.

City Manager Hoggard stated that Lydia Assefa-Dawson, the City's Program Coordinator, who is on personal leave, is now in Ethiopia in search of her family. City staff has been in touch with her through email, and to date she has not found her family. The television news program, "20/20", has contacted the City and is interested in doing a story on her trip.

ADJOURNMENT:

MOVED BY ANDERSON, SECONDED BY GEHRING TO ADJOURN THE REGULAR MEETING OF THE SEATAC CITY COUNCIL AT 7:46 P.M.

MOTION CARRIED UNANIMOUSLY.

Shirley Thompson, Mayor
Judith L. Cary, City Clerk

SEATAC CITY COUNCIL REGULAR MEETING MINUTES

February 8, 2000 - 6:00 PM
City Hall Council Chambers

CALL TO ORDER: The SeaTac City Council Regular Meeting was called to order by Mayor Shirley Thompson at 6:03 p.m.

ROLL CALL: Present: Mayor Shirley Thompson, Councilmembers Gene Fisher, Frank Hansen, Terry Anderson, Kathy Gehring, Joe Brennan, and Don DeHan.

ADMINISTRATIVE STAFF: Jay Holman, Assistant City Manager; Judith L. Cary, City Clerk; Robert McAdams, City Attorney; Lawrence Ellis, Recreation Supervisor; Craig Ward, Principal Planner; Jim Downs, Fire Chief; and Scott Somers, Chief of Police Services.

FLAG SALUTE: Councilmember Gehring led the Council, staff and audience in the Pledge of Allegiance to the Flag.

INTRODUCTION:

New City Employee Angela Lever, School Resource Officer (SRO)

Assistant City Manager Holman introduced SRO Angela Lever. Officer Lever graduated from Everett Community College with an Associate of Science degree in Criminal Justice. She served as a Reserve Officer for the Lynnwood Police Department and later worked for the Skagit County Sheriff's Office. Officer Lever was hired by the King County Sheriff's Office in June 1998 and was recently selected to be SeaTac's SRO. The Council welcomed Officer Lever to the City.

Ms. Lever stated that this is the most challenging and rewarding job in her career. She is pleased to be with the City and looks forward to being of service to Tyee High School students and the community in the prevention of crime.

PRESENTATIONS:

Certificate of Recognition declaring the Week of February 14 - 18 as National Distributive Education Clubs of America (DECA) Week

Mayor Thompson presented the Certificate of Recognition to Leah Bautista, a member of the DECA Club. Deputy Mayor Gehring read the Certificate of Recognition. Ms. Bautista introduced two other DECA members in the audience, Chris Titus, Vice President of the Tyee Chapter, and Faith Baldy, first year member. Ms. Bautista gave a brief summary of the workings of the DECA Club and its accomplishments. The Club was formed in 1946 as a marketing and educational program in high schools. Over the years, the program has extended to include such activities as competition, retail management, and civic appearances. The program educates the students in the workings of the business world and their options after high school. The DECA Chapter at Tyee High School began in 1993 and for the past six years, Tyee has had great success in competition with many of the students qualifying at the national level. For the last three years, at least one Tyee DECA student has placed in the top ten annually. Tyee's program has earned the title of a model program and is among the most successful DECA programs in the State. In recognition of DECA Week, the students have planned various activities for the week, including an appearance on Seattle's "Northwest Afternoon." Council congratulated the DECA students on their accomplishments in this special program.

5th Annual Youth Art Contest Winners

Recreation Supervisor Ellis introduced the winners of the City's 5th Annual Youth Art Contest in which 58 entries were submitted from Tyee High School, Pacific Christian High School and Chinook Middle School. The criteria was based on originality, creativity and artistic ability. The artwork will be displayed at the North SeaTac Park Community Center until the end of the month. The winners are as follows: Tami Holm - Chinook Middle School; Chris Bishop and Liem Lye - Tyee High School; and Claire Ohlsen and Lisette Hall-Rice - Seattle Christian School. Honorable Mentions artists are: Miyoung Joung - Pacific Christian School; Rene' Peterson - Chinook Middle School; and John Shirkey and Carolyn Roddy - Tyee High School. All the 1st place winners were in attendance, as well as Honorable

Mentions artists Miyoung Joung and Rene' Peterson. Mayor Thompson presented the students with their Certificates of Accomplishment and Deputy Mayor Gehring read the certificate.

PUBLIC COMMENTS: Harold Hardwick, 1013 South 160th Street, a resident of SeaTac since 1947, stated his opposition to the rezoning of the westside area where he resides. He feels the Port has been very unfair to him during the buyout process.

Rich Higginbotham, 15010 Des Moines Memorial Drive, stated his opposition to the westside rezoning until all the residents have moved out and have been taken care of appropriately. He feels the Port should not be allowed to further negatively impact the lives of the remaining buyout residents, which he felt is what would happen if this rezone is adopted.

Jeff Small, 819 South 157th Place, commented on Agenda Bill No. 1769, the Westside Rezone amendment. He understood that all the residents would be moved out before the rezone takes place. The amendment would allow the Port to start construction activities in about two-thirds of the eastern portion of the rezoning. The previous work eastside of 12th Avenue South was very disruptive to his home and he does not want to see this type of construction continue. The zoning comes within 75 feet of his property and this is too close to housing for large earth-moving equipment, road construction and timber removal activities. He has contacted the Port and they seem to have little concern for the remaining homes.

Charles Schuh, 1006 South 174th Street, spoke in opposition to the westside rezone amendment. He stated that he has appeared before the Council several times on the rezone and did not want to belabor the issue. However, there are still more than 70 families living in the buyout area and approving this early rezone will only add to their already high stress level. The remaining residents are not asking for the rezone to be postponed indefinitely, only a few more months to give the residents time to have an adequate living environment while they are in the process of moving out of their homes. He urged the Council to postpone the Port's request for this early rezone by a few more months.

Gloria Goldwesten, 15028 24th Avenue Southwest, Burien, requested Council to direct staff to provide a safe four-foot bike lane along Des Moines Memorial Drive. SeaTac is in the process of designing road improvements along the drive from South 188th to 194th Streets. The plans are to provide 11-foot driving lanes, 12-foot center lane, three-foot class-three bike lane (an unmarked shoulder) with 6.5-foot sidewalks and 3.5-foot planting strip for trees. Both King County and Burien are planning to do similar improvements to their portions of the roadway. She is concerned that the standards being set by SeaTac will create a hazardous situation. The Washington State Department of Transportation (WSDOT) standard for bike lanes is four feet and the American Association of Transportation Officials (AAOTO) recommends four to five feet. She suggested reducing the sidewalks to 5.5-feet. SeaTac has adopted the King County Standards for roads and there is flexibility to reduce the size without compromising American Disability Act (ADA) standards. The trees could be moved to the outer limits of the right of way (ROW) of the property line.

Joe Sackel, 1033 South 171st Street, commented on the westside rezone. The Port, in the past, has made several promises regarding the vacated buyout properties with demolition promised to be done immediately, which have not transpired. Trash is strewn all over these vacated houses and neighbors have to deal with this offensive sight. This lack of action and having to deal with an early rezone which would bring in dump trucks and heavy equipment would be too much stress on the remaining residents. These are SeaTac citizens and their needs need to be addressed.

Mayor Thompson stated that the Council is extremely concerned about this issue and it will be addressed under New Business in this evening's agenda.

New City Hall (NCH) Update

NCH Project Manager Ricky Langford stated that in response to comments made at previous workshops with Council and Department Managers in terms of the current status of the draft NCH design schematics, this presentation will update Council on that portion of the project and hopefully will receive feedback as to the update. The team will bring the balance of the NCH schedule and budget in the near future.

Architects Steve Arai and Bruce Ellison presented the design elements for the 6.5-acre site, including interior and exterior, use of site land, signalization and roads, and ingress/egress to the site. The site plan shown was of the improvements following the Master Plan. The main entrance to the civic campus will be from South 36th Avenue South with a signalized intersection. In front of the building entrance will be a roundabout for easy drop off and parking. He detailed the parking for the public, handicap, employees, Police with Sally-Port transfers, and Fire equipment needs, including an increased radius to the roadway roundabout.

Other key issues are: 1) the wetlands will have to be aggregated and located in the south side of the property along with the surface water detention, both will be on the surface (a cost savings); 2) two means of access and egress onto South 188th Street (one on the west side and one at 36th Avenue South) and the ability to maintain an emergency egress to 37th Avenue South; 3) fire vehicle access and parking; 4) pedestrian access to South 188th Street. Metro Transit access will improve in the future with construction of this civic building; 5) a two layer parking deck allows for City employees to park in the lower deck and visitors on the upper deck, and other parking sufficient for specific needs access to the building; 6) the entry road could be a tree lined boulevard and the turn-around in the front entry could be used for artwork, additional landscaping, flags, etc.; 7) as for the interior of the building, the eastern wing of the main floor (36,000 square feet) is dedicated primarily to general office space, the center of the main floor is for common office usage and lobby area, the western wing is more specialized and is dedicated to the Council Chambers, with the Municipal Court adjacent to the chambers, with separate entry and lobby to each of these vital areas and each with their office support areas, the Sally-Port and secured area. Covered porch areas is being designed at entries and drop off points. The main floor also has departmental common areas; 8) the upper floor has a two-story lobby space, elevator and stairs, Executive Offices, Human Resources, Parks & Recreation, Finance and City Clerk. The space allows for flexibility over time as office needs change; 9) as to the exterior of the building, the east elevation faces 37th Avenue South, maintaining as much of the trees as possible. The south elevation (building rear) is set lower in relationship to residences across the street. On the north elevation (South 188th street) to the south, the east office wing is the closest portion of the building to this main street with the western wing in the background of the site. The exterior of the building is being proposed in brick and glass. The interior will be well lit with an abundant of windows and lighting.

Council questions and discussion ensued. Councilmember Fisher asked if fiber optics would be designed in the project. Mr. Arai stated that the building system will have state-of-the-art electronics for telecommunications. Fiber optics has been budgeted. There will also be an electronic security system. Council thanked the team for their diligent work on the design schematics. Assistant City Manager Holman stated that AT&T and King County has been contacted as to fiber optics systems to connect all the City's public facilities. Ms. Langford added that the team will bring the official design schematic to Council soon for their consideration of approval.

CONSENT AGENDA:

Approval of claims vouchers in the amount of \$558,930.08 for the period ending January 31, 2000.

Approval of claims vouchers in the amount of \$594,156.07 for the period ending February 3, 2000.

Approval of employee vouchers in the amount of \$485,170.48 for the period ending January 31, 2000.

Approval of firefighter vouchers in the amount of \$220.00 for the period ending January 31, 2000.

Approval of summary of \$5,000 - \$25,000 purchase requests for the period ending February 4, 2000.

Approval of Council Minutes:

Regular Council Meeting held January 25, 2000.

Approval of the following Motions recommended at the February 1, 2000 Study Session for placement on this Consent Agenda:

Agenda Bill #1813

A Motion authorizing Final Acceptance of Madrona Elementary School Basketball Court Asphaltting and Lining Project - Parks & Recreation

Summary: This Motion authorizes the completion of construction of the Madrona Elementary School Asphaltting and

Lining project. Improvements to the school's play yard include new asphalt and lining for basketball courts. Mayer Construction Co. Inc. has completed construction per their contract.

The Parks and Recreation Department worked with the school to replace the old basketball courts in their play yard. The Madrona neighborhood lacks a neighborhood park and the schoolyard is used as a park after school hours. The total contract cost, including all change orders, was \$19,629.45. All contract items were completed as of December 21, 1999.

The total project cost was \$27,833, including the purchase of four basketball backboards, and removal of the old backboard poles. The total project was \$5,033 over budget, which was due to higher than anticipated paving costs. The paving costs were higher because of additional leveling due to the poor condition of the existing pavement and unanticipated cost of raising the storm drain catch basin. The project had been bid twice but bid costs were increasing. Therefore, staff felt it was best to move forward and finish the project. Funding for this project came from the King County Community Development Block Grant funds in the amount of \$22,800.

Agenda Bill #1792

A Motion authorizing an Interlocal Agreement (ILA) with King County for Grant Funding to support the City's Commute Trip Reduction (CTR) Program - Public Works

Summary: The City of SeaTac is eligible to receive State Technical Assistance funds to administer the City's CTR program for a two year period, from July 1, 1999 to June 30, 2001.

In 1991, the State passed the CTR Act. Employers are affected by this law if more than 100 employees commute to their site(s) between 6 AM and 9 AM. Affected employers are required to develop and implement an annual plan to reduce the number of single-occupancy vehicles (SOV) arriving at their worksites.

Since the inception of the CTR Act, the State has provided Cities with funding to support local implementation of the CTR law. State CTR funds are allocated annually, based on the number of affected sites in each jurisdiction. Under the proposed agreement, the City would receive \$29,993 to provide technical assistance to its 18 affected sites between July 1, 1999 and June 30, 2000. These funds would retroactively reimburse the City for expenses incurred during the last half of 1999 as well as for expenses the City will incur during the first half of 2000. The City's allocation for the 2000-2001 fiscal year will be determined early in 2000.

Entering into an ILA with King County would secure funding for the City's CTR program. Although the City has the same number of sites as last year, funding for the 1999/2000 fiscal year is approximately \$4,600 lower. Allocations throughout King County have been reduced because the State Legislature allocated less funding to CTR, while the total number of affected sites in the County has continued to grow. To compensate for this, the City of SeaTac participated in a Tri-County application for Federal Congestion Mitigation Air Quality (CMAQ) funds, which has been approved and will bring revenues up to previous levels. Opportunities to reduce program costs in SeaTac will also be explored.

Agenda Bill #1723

A Motion authorizing Final Acceptance of the South 170th Street Phase I Improvement Project - Public Works

Summary: On August 18, 1998, the City Council awarded the South 170th Street Phase I Improvement contract to Dennis R. Craig Construction in the amount of \$1,563,658.46 plus a 10 percent contingency of \$156,366, for a total budgeted amount of \$1,720,024.46. Work began in late September 1998 and reached substantial completion (final paving) by September 30, 1999. The project is now complete. It is recommended that the City Council move to authorize final acceptance of the South 170th Street Phase I Improvement Project as complete and establish a 45 day lien period as required by State law.

The final contract cost is slightly higher than the bid amount, but well within the contract plus contingency amount. All work was completed per plans and specifications. The project included new curb, gutter, sidewalk, landscaping restoration, conversion to underground utilities, and drainage improvements. In addition, the contract included the replacement of over 1,500 feet of Highline Water District's 8-inch waterline at the District's cost. By including this

work in this contract, unnecessary cuts in the new pavement were avoided.

Expenditures Budgeted Final Cost

Construction Contract

(includes 10% contingency) \$ 1,720,024.46 \$1,621,218.85

Puget Sound Energy Tariff \$ 145,000.00 \$ 116,500.43

(for electrical undergrounding)

Puget Sound Energy Street \$ 22,000.00 \$ 41,091.52

Light Installation

Total \$ 1,887,024.46 \$ 1,778,810.80

Revenues

Federal TEA-21 Grant \$ 481,808.00

Highline Water District \$ 192,924.21

8" Waterline Replacement

TCI Underground Conversion \$ 11,459.60

City 307 Transportation Fund \$ 1,092,618.99

Total \$ 1,778,810.80

Agenda Bill #1806

A Motion authorizing an Agreement with the Washington State Department of Ecology (DOE) for Grant Funding to support Recycling Programs - Public Works

Summary: SeaTac is eligible to receive a \$27,214 Coordinated Prevention Grant (CPG) from the DOE, which would provide 60 percent of the funding for proposed recycling programs.

Under the proposed agreement, the City would receive the above funding to administer three on-going recycling programs from January 1, 2000 through December 31, 2001. The programs will provide free and convenient recycling services to SeaTac residents and businesses, such as: 1) residential food waste composting classes and bin distributions; 2) enhanced and expanded community recycling centers; and 3) technical assistance for SeaTac businesses.

The City has entered into similar agreements with the DOE to receive CPG funds during the past four funding cycles, totaling eight years. These funds will provide the revenue that was projected as part of the budget process for the proposed programs.

The City would incur no additional costs by accepting this grant. The CPG program would provide 60 percent of the funding for proposed recycling programs. The required 40 percent local match would be provided through two King County grants, with the exception of the Community Recycling Center enhancements, which are in the City's 2000 budget. The projects are planned to span two years, so that the City's matching funds would be split over two budget years. Additionally, if local matching funds were unobtainable, SeaTac would be under no obligation to implement the projects or expend City funds.

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

MOTION CARRIED UNANIMOUSLY.

PUBLIC HEARING:

Letter of Understanding (LOU) with the owners of the Colacurcio Property, located generally at 18501 36 Avenue South – Planning

Mayor Thompson opened the Public Hearing at 7:00 p.m.

Principal Planner Craig Ward gave an update on the status of draft development agreement on the Colacurcio property. For the benefit of this public hearing, he stated that the draft LOU is not settled. A meeting was held today with the owners with debate on some of the issues and agreement on other issues. Mr. Ward outlined the provisions of the draft LOU to give a sense of its current status: 2.0 Land Uses, 3.0 Density, 5.0 ROW Dedications, 6.0 Dedication of Wetlands, 7.0 City Improvements on 36th Avenue South, and 8.0 Developer Improvements on east ROW.

Mr. Holman added that not all the items that Mr. Ward outlined have been agreed upon by the owner. There is a February 11 meeting with the owners to discuss these issues. Council direction was to have a public hearing tonight, discuss the LOU at the February 15 Study Session and consider a formal adoption of the LOU at February 22 Council Meeting.

Council discussion ensued as to many of the elements of the LOU, particularly on the 60 foot ROW on the east boundary. Councilmember Anderson inquired as to whether this could be called a north/south access so the owner has the option to go on a diagonal on the property with buildings on both sides. Mr. Holman stated that that could be an possibility as far as the City is concerned. However, the owners considered the options and rejected them as not the best use of the property. Councilmember Hansen agreed with Councilmember Anderson's concern. He referred in Items 5.1 and 5.2, a taking of 120 feet by 800-900 feet would be substantial. The concern is to provide an access north/south through the property for the future Main Street. He believes there are other options other than taking two wide paths through the property. He would like to see wording in the LOU that the developer would provide access from east of the wetlands to 36th Avenue South. He suggested that all parties, Council, staff and owner, need to be in discussion to resolve the outstanding issues.

Councilmember DeHan stated that according to discussion at the February 1 Council Meeting, the developer and owner had agreed to set aside 60 feet on each the east and west side of the property to be available for future City construction of a north/south road to 36th Avenue South. It would not be the City's option to take both, only one route.

City Attorney McAdams stated that a consensus of the Council is needed since the draft LOU was written that the two ROWs would be available and the City could require dedication of one or both of the ROWs. If that is not the case, the language in the LOU should be changed.

Councilmember Hansen was concerned that the Council would be locking into a choice of only the east or west side. He would like to include other alternatives, such as a diagonal route that would connect with 36th Avenue South and then connect with the wetlands so the residents would have access to the wetlands and then have the road terminate with a possible extension of 36th Avenue South. Councilmember DeHan felt that it is logical that the road not go at a diagonal because the east side alignment is more in line with what the Bow Lake Mobile Home Park (MHP) desired. Council discussion continued.

Mike Riley, 18525 36th Avenue South, commented on the widening of the roadway to 60 feet. His home is on the corner and down from the roadway. He stated that over the last 15 years, three or four cars have ended up in their yard. They are concerned with the amount of traffic this development would add, the safety of their home and property will be impaired. He would like to know what the City could do to protect his property. Mr. Ward stated that he would talk with Mr. Riley on his concern.

Mayor Thompson closed the Public Hearing at 7:28 p.m.

NEW BUSINESS:**Agenda Bill #1802****A Resolution authorizing a Letter of Understanding (LOU) with the owners of the Colacurcio Property, located generally at 18501 36th Avenue South – Planning**

Due to the above public hearing comments, Mayor Thompson called for a member of the Council to remove Agenda Bill No. 1802 from the agenda and have it placed on the February 15 Study Session. Councilmember Anderson requested this action be done. Council concurred.

Agenda Bill #1769

An Ordinance approving the amendment of portions of the City of SeaTac Zoning Map, subject to certain conditions and procedures, regarding Westside Properties – Planning

Summary: This proposed Ordinance updates the conditions and procedures regarding rezoning of Westside properties that the POS owns or plans to acquire and enables the City to administratively approve the proposed amendments to the Official Zoning map when all adopted conditions and procedures are satisfied.

On January 13, 1998, Council approved amendment of the Official Zoning Map for Westside properties to Aviation Commercial and Aviation Operations zones, consistent with City's Comprehensive Plan (CP) and the City/Port ILA, subject to certain conditions and procedures. One of the adopted conditions requires that all properties within a given "Westside Acquisition Area" must be acquired by the POS before the rezoning can take effect.

The POS has indicated recently that it desires to initiate some projects on the Westside, prior to the complete acquisition of properties within two designated "Westside Acquisition Areas." In addition, the POS has already satisfied some of the conditions necessary for the City to activate the zoning of Westside properties. As a result, the POS has requested that the City's Conditions and Procedures for Westside Rezoning be amended.

The proposed amendments include the following:

The addition of two "Phase I Rezoning Areas," indicated on the "Westside Conditional Rezoning" Map. These areas delineate areas within which the POS plans to undertake construction activities related to the SR 509 Temporary Interchange and Year 2000 Embankment projects.

Revision of the "Conditions And Procedures For Conversion Of Properties To Aviation Operations and Aviation Commercial Zoning" Provisions: These provisions have been revised primarily to accommodate the "Phase I Rezoning Area" approach and to delete outdated or unnecessary requirements.

Incorporation of Proposed "Measures to buffer residents from construction activities for the temporary Interchange and Year 2000 Runway Embankment" into the City's conditions and procedures: The proposed measures include provision of water trucks and street sweepers, limitations on work days/hours, and specific conditions related to residents needing to be moved out of the northern Phase I Rezoning Area prior to embankment-related construction work being allowed west of 12th Avenue South, north of South 160th Street and south of South 154th/156th Streets.

Ordinance No. 98-1002 was subject to environmental review and reflects consideration of testimony received at a public hearing held by the Planning Advisory Committee (PAC) on November 17, 1997. The City Attorney has determined that no additional environmental review or public hearing is required on the proposed amendments to the City's conditions and procedures. All of the proposed amendments would be consistent with the CP, as amended on December 14, 1999, and the City/Port ILA.

Principal Planner Ward distributed to Council a letter from the Port of Seattle (POS) which addressed the map amendments to the Westside Port Property.

Mr. Ward reviewed the potential changes to the Westside Rezoning Process, as outlined in the above summary.

Councilmember Anderson stated that the stress level of the remaining Westside residents is enormous. She suggested that the Ordinance be amended to change the move out date from March 31 to May 1.

Councilmember Brennan opposes this amendment at this time. He wants to make sure the residents are safely out of their homes. Therefore, he requests that the motion be delayed until the residents have been satisfactorily moved.

Councilmember Hansen added that some of the issues are to the City's advantage, such as the SR 509 Interchange. He would like this issue removed from this agenda bill and handled separately.

Mr. Ward stated that the POS believes that it is critical that the rezone to airport related uses go forward in order for them to do projects such as the interchange. He added that there are steps that would have to be taken to rezone these project needs separately and the POS would have to be in agreement.

Mayor Thompson suggested that the agenda bill be removed from this agenda and be sent to the next Joint Advisory Committee (JAC) meeting. Their recommendation could then be brought back to Council. Council concurred.

PUBLIC COMMENTS: There were no public comments.

CITY MANAGER'S COMMENTS: Assistant City Manager Holman had the following items: the Ways & Means (W&M) Committee is scheduled to meet Wednesday, 5:00 p.m.; the Public Safety & Justice (PS&J) Committee on Monday, February 14; the Land Use and Economic Development (LUED) Committee on Wednesday, March 1; and the JAC on March 1 at Pier 69, Seattle.

COUNCIL COMMENTS: Councilmember DeHan attended the South County Area Transportation Board (SCATBd) Meeting. He mentioned two items of interest that were discussed: 1) the decrease in transit service in the year 2000 due to Initiative 695 and the funding reduction. He added that when Transit initially established, the predominant service was downtown Seattle, since then it has been expanded service throughout the County. About 40 percent of the County's populations is in South County and receives far less than that in percentage of service. The reductions in service are being planned to be done in a uniform manner so the downtown core area has little impact and the surrounding suburbs will have most of the cuts in service. This discussion will continue on with the King County Executive and the members of the Metro Board; and 2) House Bill No. 2788, which is intended to increase the bonding authorization for transportation improvement work from \$50 million to \$150 million was also discussed. The revenue stream to pay for this action is from the existing 3.2 percent per gallon gasoline tax. This is not a new tax but the bill would increase Federal matching funds so funds can be taken out of the Transportation Improvement Board (TIB) monies for badly needed transportation projects throughout the State. The SCATBd will be sending a letter of support to the State for the bill. Assistant City Manager Holman stated that with permission from the Council, the City's Lobbyist Joe Daniels could lobby for this bill.

Councilmember Gehring stated that a resident who lives at 878 South 176th Street, west of the overpass, is unsure if she is in the buyout area or not. Mr. Ward stated that he would follow up on this matter.

Councilmember Hansen stated that he went on a trip with a group to tour the Renton Senior Center. The tour was set up by SeaTac resident Frank Hughes. The center is well organized, serving 400-500 lunches a day and have a full activities program for the seniors. He felt it would be a good idea to tour other City's Senior Centers to evaluate what would work in SeaTac.

Councilmember Anderson stated that she met with Brad Jenkes, General Manager of 11 Hiltons in this area and Anchorage. He complimented the City staff in their assistance with the new SeaTac Hilton construction. She asked Programs Manager Julie Rodwell to contact Mr. Jenkes as he was unaware of the Olympic Pipeline alignment near the hotel. He also mentioned that he wants to become involved in City activities. Secondly, she stated that she attended the South County Human Services Roundtable meeting which is progressing well, She was asked to serve on the King County Roundtable at no cost to the City which she agreed to do on the condition that she serve only on the Safe Harbors issues, finding shelter for homeless women and children.

Mayor Thompson stated that Senator Patty Murray is scheduled to be at City Hall on Friday, February 4 for a morning meeting to discuss Senate Bill 2004 and House Bill 33581, bills relating to the pipeline safety. She invited members of the Council to join her in the discussions.

RECESSED: Mayor Thompson recessed the Regular Council Meeting to an Executive Session on Land Acquisition at 7:55 p.m.

EXECUTIVE SESSION: Land Acquisition

RECONVENED: Mayor Thompson reconvened the Regular Council Meeting at 8:31 p.m.

ADJOURNMENT:

MOVED BY DEHAN, SECONDED BY ANDERSON TO ADJOURN THE REGULAR MEETING OF THE SEATAC CITY COUNCIL AT 8:32 PM.

MOTION CARRIED UNANIMOUSLY.

Shirley Thompson, Mayor
Judith L. Cary, City Clerk

SEATAC CITY COUNCIL REGULAR MEETING MINUTES

February 22, 2000 - 6:00 P.M.
City Hall Council Chambers

CALL TO ORDER: The SeaTac City Council Regular Meeting was called to order by Mayor Shirley Thompson at 6:05 p.m.

ROLL CALL: Present: Mayor Shirley Thompson, Councilmembers Frank Hansen, Terry Anderson, Joe Brennan, and Don DeHan. Absent: Councilmembers Gene Fisher and Kathy Gehring.

ADMINISTRATIVE STAFF: Cal Hoggard, City Manager; Jay Holman, Assistant City Manager; Judith L. Cary, City Clerk; Mary Mirante, Assistant City Attorney; Elizabeth Spencer, Finance Director; Steve Butler, Planning Director; Jim Downs, Fire Chief; Bruce Rayburn, Public Works Director; and Scott Somers, Chief of Police Services.

FLAG SALUTE: Councilmember DeHan led the Council, staff and audience in the Pledge of Allegiance to the Flag.

INTRODUCTIONS:

New City Employees Dave English, Parks Maintenance Worker I, and Belinda Russo, Finance Administrative Assistant II

City Manager Hoggard introduced Belinda Russo, the Finance Department's new Administrative Assistant II. Belinda comes to the City from Alaska Airlines where she worked for 14 years beginning as Secretary of Contracts and Budgets for Finance Administration and advancing to Manager of Maintenance, Budgets and Administration.

Parks Department's new Maintenance Worker I, David English was unable to attend this evening and will be rescheduled for another Council Meeting.

PRESENTATION:

Briefing on Findings of Fact justifying adoption of Interim Multi-family Design Standards

Planning Director Butler stated that a public hearing will be held at the March 7 Special Council Meeting regarding the adoption of the Interim Multi-family Design Standards. More details will be expressed at the public hearing.

PUBLIC COMMENTS: Paul Illes, 15820 Des Moines Memorial Drive (DMMD), spoke on the proposed Port of Seattle (POS) rezoning where he is one of six families still residing in this buyout area. The Port/City Interlocal Agreement (ILA) states that no construction would be conducted until all the homeowners had vacated the area. His moving process began in April 1999. He has had two appraisals and the POS has not yet replied on the second appraisal. He requested that Council consider the homeowners' desire to receive fair value for their homes and to have an adequate time to move. He added that he works grave shift and if construction commences, it would jeopardize his sleep, thus his work quality.

Heidi Smith, 17404 42nd Lane South, stated that she made a formal complaint against Ordinance No. 91-1015, Section 2c, regarding prohibiting of storage of certain vehicles on properties. A neighbor of Ms. Smith's is storing a recreational vehicle (RV) in his front yard. City staff had previously inspected this property, noting that the definition of a driveway needs to be clarified. She requested a second inspection and clarification of the definitions of a front yard and a driveway.

Allan Ohlsen, 2639 South 128th Street, opposes the three-foot shoulder proposed for DMMD. He requested standard bicycle four-foot lanes. This roadway is a key route for local traffic and a bicycle lane would be a real asset on this roadway.

Mayor Thompson interjected that if persons were present to address the proposed Westside rezoning, she had requested

at the February 15 Study Session that this issue be sent to the next City/Port Joint Advisory Committee (JAC) to address the concerns and issues of the remaining homeowners in this area prior to Council decision.

Joe Sacco, 1033 South 171st Street, commented on the proposed Westside rezoning, requesting the Council adhere to the original ILA with the Port. He started his move-out process with the POS in July 1998 and finally settled two weeks ago. This length of time is not uncommon. He reminded Council that the remaining residents are still SeaTac residents.

Bill Ravander, 15818 Des Moines Way South, a resident of the SeaTac area since 1950, is also a remaining resident in the buyout area. He is concerned about construction being allowed prior to finalization of residents moving out of the area. His process commenced in April 1999 and has had two offers, neither of which have met the appraised value of his home. He stated that he appreciates the Council sending this issue to the JAC for further review.

Gloria Gould-Wessen, 15028 24th Avenue Southwest, Burien, reiterated her concern expressed at a previous Council Meeting regarding the City's proposed road project for DMMD from South 188th to 194th Streets, in particular regarding bicycle lanes. She opposes the proposed three-foot shoulder on the roadway and requested the standard four-foot bicycle lanes and to reduce the sidewalk to 5.5 feet. She does understand that this roadway was not designed as a bicycle route. At a DMMD Committee meeting, there was discussion as to forming an interjurisdictional committee to work on connecting bicycle routes. She is concerned that SeaTac will continue to use three feet as a standard for bicycle lanes.

Dave Beste, 3202 South 148th Street, read a letter addressed to the Council concerning the improvements to DMMD. As a bicyclist, he is concerned that bicycle lanes are not included in the plan. The three-foot shoulder is an inadequate bicycle lane. The City of Des Moines plans call for marked bicycle lanes along their segment of this roadway. He also opposed the narrow shoulders on International Boulevard in its improvement project.

Tina Gregory, 17407 42nd Lane South, concurred with Ms. Smith's comments regarding the RV parked at 17412 42nd Lane South. The RV completely blocks her vision from her front window. Secondly, she reiterated her complaint of November 1998 regarding the excess of vehicles stored in another property across the street from her home at 4044 South 175th Street. Along with the vehicles, there is a lot of junk and debris such as lumber, garbage being dumped in a hole in the ground and an old shed that abuts her property line. The shed was suppose to be removed but instead the owner cut the rooftop down. The City inspected it and found it in compliance, which she finds hard to believe. She requested a second inspection be done on that property as well.

Matthew Metcalfe, 21836 4th Avenue South, is a bicycle commuter from this area to South Park in Seattle. The section of DMMD south of South 188th Street is the narrowest and most dangerous part of the trek. He urged Council to increase the three-foot shoulder to a four-foot bicycle lane.

Charles Schuh, 1006 South 174th Street, expressed his appreciation for the Council's consideration of the Westside residents in the buyout area by re-examining the proposed rezoning situation.

Rich Higginbothan, 15010 DMMD, urged the Council to not allow the Port's request for the proposed rezoning of the buyout area until all the residents have been relocated. An early rezone can only negatively impact the lives of the remaining residents. He questioned just how many families would still be there if they were being treated fairly and given fair value for the property.

CONSENT AGENDA:

Approval of claims vouchers in the amount of \$202,620.73 for the period ending February 17, 2000.

Approval of employee vouchers in the amount of \$350,687.33 for the period ending February 15, 2000.

Approval of summary of \$5,000 - \$25,000 purchase requests for the period ending February 18, 2000.

Approval of Council Minutes:

Study Session held December 7, 1999.

Regular Council Meeting held February 8, 2000.

Acceptance of Advisory Committee Minutes:

Civil Service Commission Meeting held January 10, 2000 (commission approved February 14, 2000).

Human Relations Advisory Committee Meeting held January 13, 2000 (committee approved February 10, 2000).

Planning Advisory Committee Meeting held January 10, 2000 (commission approved February 7, 2000).

Senior Citizen Advisory Committee Meeting held December 16, 1999 (committee approved January 20, 2000).

Approval of the following Ordinances and Motions recommended at the February 15, 2000 Study Session for placement on this Consent Agenda:

Agenda Bill #1809; Ordinance #00-1006

An Ordinance amending the SeaTac Municipal Code (SMC) 8.05.360 creating new Regulations and Violations related to Noise – Legal

Summary: The current SMC adopts by reference certain chapters of the King County Code (KCC) related to noise. The KCC is limited in its scope and that has resulted in the City's inability to control noise in some cases. Currently, violations are related to decibel-levels, which the Police cannot accurately measure and therefore, cannot enforce the law in response to noise complaints, particularly those related to car-stereo and house-stereo volumes. The regulations proposed herein define noise violations in terms that are easily ascertainable and enforceable. This Ordinance creates new regulations for noise to cover a wider variety of circumstances.

This Ordinance closely resembles the regulations of surrounding jurisdictions also served by the King County Police. Therefore, the Police are familiar with and experienced in applying the proposed noise standards.

Agenda Bill #1810; Ordinance #00-1007

An Ordinance amending the SeaTac Municipal Code (SMC) 8.05.380 creating the Crime of Drug Loitering, designating Anti-drug Emphasis Areas, and making it a crime to be within an Anti-drug Designated Area in violation of Court Order - Legal

Summary: During the past year, the King County Police Street Crimes Detectives assigned to the City of SeaTac have been closely monitoring suspected drug activity within the City. Over 163 felony and 43 misdemeanor drug-related incidents have been documented. Most of the drug activity is concentrated within specific areas of the City. The purpose of this Ordinance is to specifically identify the areas where the drug activity is concentrated and prohibit persons, by court order, who have been arrested on drug-related charges from entering those areas. Violation of such court order would be a gross misdemeanor, punishable by up to a year in jail and up to a \$5,000 fine. The order would be called a Stay Out of Drug Areas (SODA) Order. The high-drug areas identified in the Ordinance include all the areas that fall under the City's Stay Out of Areas of Prostitution (SOAP) Order. According to the detectives, narcotics and prostitution are very closely linked. SOAP orders have proven very effective to discourage known prostitutes from remaining within the City. It is anticipated that a SODA Order will have the same effect with drug users and dealers. The detectives frequently encounter repeat narcotic offenders within the City, however, unless an obvious violation occurs at the time, the offenders are released and free to remain within the City. A SODA Order would be issued as a condition of release or sentence on any Municipal Court case involving narcotics, and thereafter, if a detective encountered that person within a SODA area, the person would be subject to arrest. If this Ordinance is approved, the Legal Department will contact King County about issuing a SODA order on any felony case.

Another purpose of this Ordinance is to create the crime of Drug Loitering. The Ordinance makes it unlawful for any person to loiter in a public place within the City for the purposes of drug loitering. The Ordinance sets forth factors that may be considered to determine if a person's intent is to engage in drug-related activity. The Ordinance is closely modeled on the City of Tacoma Ordinance, which has been declared constitutional by the Washington State Supreme Court. The Ordinance would allow SeaTac Police to take enforcement action against persons who intend to engage in drug activity before the actual drug activity has to occur.

Agenda Bill #1800; Ordinance #00-1008

An Ordinance adding a new Chapter 9.25 to the SeaTac Municipal Code (SMC) providing for Vehicle Impoundment when the driver's privilege to drive is suspended or revoked - Legal

Summary: The proposed Ordinance mandates that when a driver of a vehicle is arrested for driving while his/her license is suspended or revoked, the vehicle shall be impounded for up to 30 days.

Driving While License Suspended or Revoked is the number one crime in Washington State. A person's license or privilege to drive becomes suspended or revoked for a number of reasons, the most common being for unpaid traffic tickets. Driving While License Suspended Third Degree is a misdemeanor punishable by up to 90 days in jail and up to a \$1,000 fine. Driving While License Suspended First or Second Degree are gross misdemeanors punishable by up to a year in jail and up to a \$5,000 fine. However, despite the existence of criminal penalties, an estimated 75 percent of suspended or revoked drivers continue to drive and fail to appear in court. Statistics show that suspended drivers are more likely to cause traffic accidents and most suspended drivers do not have insurance. Suspended or revoked drivers pose a serious physical and financial threat to the validly licensed drivers on the road.

Because the existing sanctions have not proven sufficient to deter or prevent persons with suspended or revoked licenses from driving, more serious consequences need to be considered. Vehicle impoundment will provide an immediate consequence.

[RCW 46.55.113](#) authorizes Cities to adopt local legislation providing for a process to impound vehicles driven by persons whose licenses are suspended or revoked. Under the proposed Ordinance, if a person is arrested for Driving While License Suspended Third Degree, the vehicle will be impounded. If a person is arrested for Driving While License Suspended Second Degree or First Degree, the vehicle will be impounded for thirty days. The vehicle will be impounded whether or not the driver is the registered owner in order to require some measure of accountability from registered owners who let others drive their vehicle.

This matter was brought before the Council at the February 1, 2000 Study Session. Based upon the concerns of the Councilmembers, some changes were made to the Ordinance, outlined as follows:

1) In order to redeem a vehicle after the impoundment period, all towing, impound, storage, and administrative fees must be paid. Additionally, if the driver was the registered owner, then the driver must pay all outstanding tickets on his or her driving record. The Ordinance provides for hearings to contest an impoundment and also allows for spouses or registered owners to petition for early release based upon hardship or equity, but still requires that towing, storage, and impound fees be paid. The requirement that the spouse or registered owner pay the administrative fee in these situations has been removed.

2) The Ordinance has no exception to impoundment for rental cars, although a rental car business does not have to wait for the mandatory impoundment period to end, but can immediately redeem its vehicle upon payment of towing and impound fees. Council expressed concern that rental car companies were being punished when they have no ability to check driving status prior to renting a vehicle. In fact, driving status can be checked via telephone, however, it is rarely done because it is time consuming. Based upon the Council's concerns, the Legal Department took a random sampling of criminal driving while license suspended or revoked cases. The staff could not find one criminal case where the vehicle involved was a rental car. Additionally, several Police Officers were questioned as to how often is a suspended or revoked driver driving a rental car and the response was less than three percent. Therefore, it is very unlikely that the situation will ever arise, and therefore, the effect of this Ordinance on the local car rental companies will be negligible. Furthermore, a provision has been added that requires the officer who orders the impound to notify the rental car company as soon as practicable of the impound so the company can redeem the vehicle immediately.

3) Council was also concerned that if a vehicle is not redeemed, and the tow operator sells the vehicle at a loss, would the City be liable. State statutes provide that any deficiency in the sale of an unclaimed vehicle creates a lien in favor of the tow operator against the registered owner. Language was added to refer to the State statute.

As previously presented to Council, a serious problem with suspended or revoked drivers is the cost to the City. It is estimated that suspended drivers cost the City approximately \$100,000 in jail expenses in 1999. Additionally, suspended or revoked drivers account for additional court staff, police, and prosecutor time.

Other jurisdictions have adopted similar Ordinances, including Seattle, Spokane, Bellevue, Lakewood, Kennewick, Marysville, Yelm, and Island County. The Ordinance has proven effective in all these jurisdictions.

Adoption of this Ordinance is appropriate to increase traffic safety, decrease costs, decrease the criminal caseload, and, first and foremost, to demonstrate intolerance for drivers who continue to drive despite being suspended or revoked under State law.

Agenda Bill #1807

A Motion authorizing the purchase of two Vehicles for the Building Division - Public Works

Summary: The proposed vehicles to be purchased from the General Fund/Public Works Department are two Ford Taurus SE Sedan's. A total of \$38,000 was approved in the 2000 budget for two vehicles. The actual cost for the two vehicles is \$37,568.

The 2000 Budget includes two new positions in the Public Works Building Division. These two positions are a Combination Building Inspector and a Code Enforcement Officer. The Building Inspector position is funded with Port Permit Revenue and will be used to help meet the demand of increased building inspection activity generated by Phase I of the Capital Improvement Program (CIP) at the Airport. The new Code Enforcement Officer position approved in the 2000 Budget will be used to respond to commercial code enforcement issues. A new vehicle for each position was also approved as part of the budget process.

The City has been using Ford Tauruses for some time and they have proven to be very dependable. These sedans are not available through the State Automobile and Truck Contracts for 2000, as they are only offering the station wagon model. Therefore, they would be purchased from a local dealer, such as Millennium Ford in Burien. The cost through this dealer is comparable to that expected through the State Automobile and Truck Contract.

Agenda Bill #1819

A Motion authorizing contracts with the Washington State Department of Community, Trade and Economic Development (CTED) and EDAW, Inc. to conduct the Bow Lake Study - Planning

Summary: This Motion authorizes contracts with the CTED and EDAW, Inc. to evaluate the feasibility of alternative development scenarios designed to balance the natural, regional and local demands on Bow Lake. The City has been awarded an Urban Livability Grant Award from CTED to evaluate the feasibility of alternative development scenarios. Successful performance of this grant may help the City qualify for subsequent grants, prepare more detailed project designs, partner with affected property owners and businesses, and construct related public facilities.

In order to perform the CTED contract, the City solicited proposals to perform the project scope of work. Proposals were submitted from three firms interviewed on February 2 and 3, 2000 by four City staff members: EDAW, Inc., Kato and Warren, Inc., and Susan Black and Associates. The committee recommends EDAW, Inc. as the team best suited to perform the scope of work as demonstrated by the quality of their written proposal and oral presentation, the qualifications and balance of their team, and their proposed approach to the project.

The draft contracts and scope of work with both CTED and EDAW call for evaluation of the feasibility of alternative development scenarios that balance City and regional goals for Bow Lake. These include enhancing the lake's effectiveness in stormwater detention and water quality, supporting the form and functions of anticipated development in and adjacent to the lake as called for in the City Center Plan and Comprehensive Plan, and protecting and enhancing the lake's wetlands and fish and wildlife habitat. The project scope of work includes the following primary tasks: Environmental Assessment, Capital Facility Assessment, Evaluation of Public/Private Facility Option Costs, and Comparison of Alternatives.

Agenda Bill #1815; Ordinance #00-1009

An Ordinance approving a second amendment to Ordinance No. 99-1019 to include the inadvertently omitted parts of the description of the strip take on Parcel 141 (Port of Seattle [POS]); and declaring an emergency - Legal

Summary: By inadvertence, the legal description of the strip take of Parcel 141, needed to construct the 28th/24th Avenue South Arterial Improvements, was not accurately reflected in Ordinance No. 99-1019. The project schedule is dependent on acquiring the necessary property rights in order to timely construct these improvements, and thus, an emergency exists sufficient to waive the usual 30-day effective date.

As part of the 28th/24th Avenue South Arterial Project process, the improvements were defined to identify the necessary additional right-of-way and easements. The property to be acquired has been appraised and a fair market value established. Currently, the City is negotiating the acquisition of portions of Parcel 141, owned by the POS, but it is now anticipated that this property must be acquired using condemnation procedures. The Ordinance simply corrects a technical error in the legal descriptions and authorizes the condemnation of interests in this property to allow staff the ability to pursue the acquisition process in a timely manner.

Agenda Bill #1811

A Motion authorizing the Sole Source Purchase of replacement Self-Contained Breathing Apparatus (SCBA) with trade-in - Fire

Summary: This Motion authorizes entry into a contract with SeaWestern Fire Apparatus and Equipment for the purchase of 42 MSA manufactured SCBA's and 80 MSA 30-Minute Light-Weight Cylinders. This purchase includes the trade-in of Fire's existing 42 SCBAs and 80 Air Cylinders at a total of \$124,890.

The Council approved "Fire Apparatus Equipment Replacement Program" provides for a 5-year SCBA replacement cycle. The Five-Year Replacement Program, by design eliminates the expense of upgrades or technical improvements to existing SCBA's. Such improvement or advancements are provided with the new units at time of replacement. The existing SCBA's are six-years old and operational reliability is critical to Firefighter safety. Adequate funds are available for this purchase.

The justification of a sole source purchase in lieu of a competitive bid process is as follows: 1) SeaWestern is the sole supplier of MSA in the West; 2) existing face masks are MSA; 3) jointly Zone 4 has agreed to use MSA SCBA's to assure identical emergency operations for Firefighter safety; 4) Fire's existing parts inventory is MSA; 5) Fire's Computerized Testing Programs are MSA; 6) Fire's Technical Confined Space Rescue Equipment utilizes MSA Air Line Systems; and 7) Fire personnel are trained in emergency use and repair of MSA equipment.

The new models are fitted with lumbar pads and built with a new lightweight composite construction. This will prove to be an asset to the Firefighters being equipped with better fitting lightweight equipment and should result in more expedient, efficient, and productive emergency scene operations.

Agenda Bill #1812

A Motion authorizing the purchase of two replacement Staff Vehicles and declaring a 1990 and 1992 Chevrolet Caprice Surplus – Fire

Summary: This purchase allows for the replacement of two Caprices with an upgrade to 2000 Ford Expeditions, and includes the surplus of the two existing Caprices. These were included in the City CIP, and the 2000 budget.

Fire District 24, prior to the City's incorporation, purchased the 1990 Caprice, license 10164D. The 1992 Caprice, license 10614D, was purchased immediately after the City's incorporation of Fire Services. These vehicles have exceeded life expectancy, have excessive mileage, and the maintenance and repair costs far exceed vehicle value. In essence, the vehicles are no longer reliable.

Expeditions will serve as first-line emergency response vehicles for the Fire Marshal and Training Officer. In addition to their routine duties, these vehicles are on call 24-hours a day for emergency response. A larger vehicle will allow sufficient space to house necessary protective equipment and tools, and with four-wheel drive, would allow for safer response in adverse weather conditions. The Fire Department has adopted a seven-year replacement cycle, which conforms to the City's replacement cycle. The existing vehicles are 8 and 10 years old.

The Expedition can be purchased utilizing the State contract process. The State has gone to bid and has a contract for utility vehicles. This process allows the City to purchase vehicles at substantial savings and eliminates the required formal bid process. The base price on State bid is \$26,906 per vehicle.

The funding for two vehicles and the required emergency response equipment has been approved in the 2000 budget. A total of \$72,040 was budgeted. The estimated cost for the two vehicles, including taxes and fees, is \$58,202.84. The required emergency equipment will be purchased with the remaining \$13,837.

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

MOTION CARRIED UNANIMOUSLY.

NEW BUSINESS: There was no new business discussed.

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

CITY MANAGER'S COMMENTS: City Manager Hoggard had the following items of business: 1) a public notice was placed in the Seattle Times on February 22, 2000 by a private developer regarding a public hearing to be held by the City Council on March 7 concerning his development agreement. The City did not execute this action and staff will need to go through the process of discounting the notice. The likely date for this public hearing will be toward the end of March due to completion of the required State Environmental Protection Agency (SEPA) process; and 2) regarding the bicycle lane issue previously discussed in public comments this evening, the route that has been designated by the City is 8th Avenue South, not DMMD. The amount of space set aside is three-foot lanes on each side of DMMD. The reason the sidewalks are not narrower on this roadway is due to the preservation of the trees. City staff have discussed this issue with Burien staff and Burien is satisfied with the approach taken by SeaTac.

COUNCIL COMMENTS: Councilmember Hansen agreed with the City Manager's statement on the bicycle lanes. However, he would like staff to re-examine this roadway as to a wider bicycle lane. Mr. Hoggard stated that staff can re-examine this roadway and see if there is a way to accommodate all the issues; sidewalk, trees, roadway and bicycle lanes.

Councilmember DeHan questioned whether Des Moines intends to meet up with SeaTac's 8th Avenue South route. Mr. Hoggard stated that he will verify that that is the case.

Mayor Thompson stated that the March 14 Regular Council Meeting will be cancelled due to lack of a quorum with four Councilmembers attending the National League of Cities (NLC) Conference in Washington D.C.

Upon an inquiry by Mayor Thompson as to the bicycle lane issue, Public Works Director Rayburn stated that a Class-2 bicycle lane, which was adopted from King County standards, requires a five-foot width lane. This issue was brought to the Council's attention as to the lack of pedestrian paths on DMMD. There have been numerous requests for a three-foot widened outside-lane so instead of an 11-foot lane on both sides, there would be 14 feet, allowing for an additional three feet for bicycle traffic. The four-foot lane has not been considered as the standard, which King County sometimes uses. The reason for this project is to increase the flow of vehicle traffic due to the major backup north bound through the intersection of South 188th Street and DMMD. The signalization in this area as part of the project is to alleviate this congestion. Mr. Rayburn outlined the span of the bicycle lane from South 188th Street to DMMD. He will have staff re-examine the possibility of expanding the bicycle lanes on the roadway. Mr. Rayburn stated that this issue was presented to the Transportation and Public Works (T&PW) Committee in the summer 1999 and is scheduled on the March 2000 agenda.

ADJOURNMENT: MOVED BY ANDERSON, SECONDED BY DEHAN TO ADJOURN THE REGULAR MEETING OF THE SEATAC CITY COUNCIL AT 7:48 P.M.

MOTION CARRIED UNANIMOUSLY.

Shirley Thompson, Mayor
Judith L. Cary, City Clerk

SEATAC CITY COUNCIL SPECIAL MEETING MINUTES

March 7, 2000 - 6:00 PM
City Hall Council Chambers

CALL TO ORDER: The SeaTac City Council Regular Meeting was called to order by Mayor Shirley Thompson at 6:07 p.m.

ROLL CALL: Present: Mayor Shirley Thompson, Councilmembers Gene Fisher, Frank Hansen, Terry Anderson, Kathy Gehring, Joe Brennan, and Don DeHan.

ADMINISTRATIVE STAFF: Calvin Hoggard, City Manager; Jay Holman, Assistant City Manager; Judith L. Cary, City Clerk; Robert McAdams, City Attorney; Steve Butler, Planning Director; Holly Anderson, Senior Planner; Jim Downs, Fire Chief; Kit Ledbetter, Park & Recreation Director; Elizabeth Spencer, Finance Director; Bruce Rayburn, Public Works Director; and Scott Somers, Chief of Police Services.

FLAG SALUTE: Councilmember Terry Anderson led the Council, staff and audience in the Pledge of Allegiance to the Flag.

PUBLIC COMMENTS: Joe Sacco, 1033 South 171st Street, reiterated his opposition to a early westside rezone. He urged Council to support the remaining SeaTac residents in this area on this issue.

Linda Snider, 18700 36th Avenue South, stated her appreciation to Mayor Thompson for requesting Police Chief Somers contact her on an issue when she had to leave a meeting early. She met with Chief Somers on the issue. She added that Council and staff have always been responsive to her inquiries.

Ben Stark, PO Box 91638, Seattle, westside property owner, stated that he has been working with the Westside Committee and he feels the residents are not stalling, but that the Port of Seattle (POS) is offering no more than they have to for the properties. The processing of the appraisals has been lengthy. Many of the residents want to relocate in the local area and housing is not all that available.

Jennifer Storm, 3232 South 186th Street, stated that her mother did not receive notice of the City meeting regarding the allowable heights of buildings and buffer zones in the Colacurcio property. She read a letter she sent to the Councilmembers in which she stated she received the Letter of Understanding (LOU) between the City and the property owners. She was shocked at its contents. She felt that the public was led to believe that they had a voice in development in their neighborhood adding that the residents prefer family or townhomes on this property to be more in character with the neighborhood, rather than rental units. She urged Council to reject the proposed LOU.

Mary Hoey, 18609 36th Avenue South, stated her opposition to the 110-foot height limit on the Colacurcio property and the other UL zones. This means that the single-family property owners will have a 110 foot building within 20 feet or less from their home, depending on the buffer area. This also means the landowner can build 480 units with mixed commercial use incorporated in the structure. She is worried at to the impact on schools, traffic and public services. She added that the City of Kent's height limit is 60 feet in the same UL zoned areas.

Charles Schuh, 1010 South 174th Street, appealed to the Council to not approve the early rezone in order that the residents can finish out their existence in the City with some degree of dignity and respect. None of the residents are staying longer than they need to under the circumstances. Councilmember Brennan inquired as to whether Mr. Schuh had an offer on his property yet. He said a formal offer has been made.

PRESENTATIONS:

10-year Service Award to Michael Booth, a recently former City Employee

Mayor Thompson presented Mr. Booth with a 10-year Service Award for his loyal and dedicated service to the City. His work has been instrumental in the development of the City. On behalf of the City Council, she expressed appreciation of his service and wished him the best of luck in his future endeavors. Mr. Booth is a SeaTac resident.

Informational Report on School Levy

Judy Longstreth, Valley View Elementary School Principal, stated that the purpose of this presentation is to remind the Council and citizens of March 14, the date of voting on the School Levy. The Highline School District is putting forward an education program and operations replacement levy, not a new tax but a replacement to the 1998 levy. This levy differs in that it will be of a three year term rather than the former two year levy but will continue to be taken from the assessed value of property. This longer term will decrease the assessment on the first year by one cent, the second year will be of the original payment and in the third year there will be an increase in payment per \$1,000 of six cents. This levy supports 19 percent of the schools' budget and the funds are disbursed as follows: 70 percent to classroom support; 18 percent to support services; six percent to central program services; and six percent to principal's office support. She encouraged the Council, staff and audience to vote on this important levy.

Phyllis Byers, Highline School District Boardmember, stated that working on this campaign has been an eye opener. This is the only district that has visible opposition for support of its public schools. If this levy does not pass, the local school system will digress and residents will leave for better schools and education for their children. It will take 60 percent of the votes to win this levy. Tukwila lost their school levy by .17 percent of a vote.

Fire Department Overtime

Fire Chief Downs responded to Council's request to explain the increase in overtime (OT) experienced by the Fire Department in Fiscal Year (FY) 1999. The increase was directly attributed to three specific issues: 1) Fair Labor Standards Act (FLSA) – a Federal mandate costing \$127,000 in FY99 over which the City has limited control; 2) A one-time expenditure of approximately \$14,000 necessary to prepare the City for the World Trade Organization (WTO) Conference. This amount would have been a savings had the WTO not been held in the Seattle area; and 3) The Fire Marshal's vacancy was filled for the year using acting positions and a vacant Captain's position resulting in the Firefighter promotion to fill this vacancy. This, in turn, resulted in 20 months of vacant Firefighter positions that required the use of OT to fill the vacancies. The vacancies left salary savings of \$60,000, which were transferred to the OT budget in September 1999.

Therefore, the reduction of the \$14,000 for WTO when added to the \$60,000 transferred from salaries to OT, when subtracted from the FY99 OT expenditure was equal to FY98 OT expenditure or an estimated \$129,000. This was actually \$20,000 less than budgeted for the year in OT.

Chief Downs also addressed future OT impacts and concerns that will need to be addressed during the budget process this year.

UNFINISHED BUSINESS:

Agenda Bill #1769; Ordinance #00-1010

An Ordinance approving the amendment of portions of the City of SeaTac Zoning Map, subject to certain conditions and procedures, regarding Westside properties- Planning

Summary: On January 13, 1998, the City Council approved amendment of the Official Zoning Map for Westside properties to Aviation Commercial and Aviation Operations zones, consistent with the City's Comprehensive Plan and the City/Port Interlocal Agreement (ILA), subject to certain conditions and procedures.

This Ordinance updates the conditions and procedures regarding rezoning of Westside properties that the POS owns or plans to acquire. It will enable the City to administratively approve the proposed amendments to the Official Zoning map when all adopted conditions and procedures, as amended, are satisfied.

The POS has indicated recently that it desires to initiate some projects on the Westside, prior to the complete acquisition of properties within two designated "Westside Acquisition Areas." In addition, the POS has already

satisfied some of the conditions necessary for the City to activate the zoning of westside properties. As a result, the Port has requested that the City's Conditions and Procedures for Westside Rezoning be amended.

The proposed amendments include the following: 1) The addition of two "Phase I Rezoning Areas," indicated in blue shading on the "Westside Conditional Rezoning" Map - These areas delineate areas within which the POS plans to undertake construction activities related to the SR 509 Temporary Interchange and Year 2000 Embankment projects; 2) Revision of the "Conditions And Procedures For Conversion Of Properties To Aviation Operations And Aviation Commercial Zoning" Provisions - These provisions have been revised primarily to accommodate the "Phase I Rezoning Area" approach and to delete outdated or unnecessary requirements; and 3) Incorporation of Proposed "Measures to Buffer Residents from Construction Activities for the Temporary Interchange and Year 2000 Runway Embankment" into the City's conditions and procedures - The proposed measures include limitations on work days/hours, provision of water trucks and street sweepers, and specific conditions related to residents needing to be moved out of the northern Phase I Rezoning Area prior to major embankment-related construction work being allowed west of 12th Avenue South, north of South 160th Street and south of South 154th/156th Streets.

Ordinance No. 98-1002 was subject to environmental review and reflects consideration of testimony received at a public hearing held by the Planning Advisory Committee (PAC) on November 17, 1997. The City Attorney has determined that no additional environmental review or public hearing is required on the proposed amendments to the City's conditions and procedures. All of the amendments would be consistent with the Comprehensive Plan, as amended on December 14, 1999, and the City-Port ILA.

City Manager Hoggard briefed on the above summary adding that this Ordinance limits the hours of the construction activity, specifically for the interchange project, retention pond and SR 509 drainage processing hours to 9:00 a.m. to 6:00 p.m., Monday through Friday, and other interchange hours to 7:00 a.m. to 5:00 p.m., Monday through Friday, and extended work hours from 6:00 a.m. to 9:00 p.m. Monday through Friday and 9:00 a.m. to 6:00 p.m. would be allowed if there is mutual agreement for any unforeseen need. On the embankment project, the hours are 7:00 a.m. to 5:00 p.m., Monday through Friday, and extended work hours of 6:00 a.m. to 10:00 p.m., Monday through Saturday, would be allowed if there is mutual agreement for any unforeseen need. He stated that the City Council has heard public testimony on this issue as to the property buyout and the request for rezoning by the Port. The City is not in the position to interject itself in private property negotiations between the property owners and the Port. There are limits the City is allowed. However, the City will continue to encourage the Port to complete the buyouts as quickly as possible. He added that the above conditions go well beyond typical construction activity of this nature and magnitude throughout the County. Many of which conditions meet with best management practices.

MOVED BY DEHAN, SECONDED BY HANSEN TO ADOPT ORDINANCE NO. 00-1010.*

Councilmember Brennan stated his opposition to this amendment due to the problems the property owners have had to endure during this lengthy buyout process. The City has worked with both the Port and the property owners to help resolve most of the problems. He stated he would withhold his support for this action until he sees the property owners treated fairly.

Councilmember Anderson requested identification of the remaining buyout area which Mr. Butler outlined on a map. No embankment work will be done until all residents have moved out of the area. Mr. Hoggard explained the best management practices, which relate to hauling, surface water management (SWM) controls, to name a few identified in the ILA.

*UPON A ROLL CALL VOTE, MOTION CARRIED WITH FISHER, THOMPSON, HANSEN, GEHRING, AND DEHAN VOTING YES AND ANDERSON AND BRENNAN VOTING NO.

Mayor Thompson stated she will work with the Port to see that the buyouts are accelerated and that the residents are treated with dignity and respect.

REQUEST FOR CHANGE IN AGENDA ITEMS ORDER:

Councilmember Brennan requested that Agenda Bill No. 1802 be discussed at this point in the meeting so that he

might be able to vote on it as he needs to take an early leave of the meeting. Mayor Thompson agreed to his request.

NEW BUSINESS:

Agenda Bill #1802; Resolution #00-003

A Resolution authorizing a Letter of Understanding (LOU) with the owners of the Colacurcio property, located generally at 18501 36th Avenue South - Planning / Legal

Summary: This LOU between the City and the Colacurcio property owners identifies key parameters regarding possible investments on the part of the City and conditions on site development on the part of the current or future property owners. The subject property is located generally at 18501 36th Avenue South. The Land Use, Parks and Economic Development Committee (LUPED) has recommended that the Council authorize the City Manager to negotiate the LOU. The LOU would bind subsequent property owners and/or developers, and would require that any subsequent owner/developer develop the property consistent with the terms of the LOU.

The zoning on the property would be Urban High-900 (UH-900), with residential density calculated on the basis of one dwelling unit per 900 square feet of real property (i.e., 48.4 units per net acre). Maximum height of any structure would be 110 feet or 10 stories. Commercial services or retail mixed use could occur, as allowed by the Zoning Code. The proposed development would comply with the City Center Special Standards and Interim Multi-family Design Standards, as long as the site's development density of 480 dwelling units is not reduced.

The property owner/developer would agree to set aside, for right-of-way (ROW) purposes, a 60-foot strip of land within the eastern portion of the site. No structures would be constructed within these areas, but they could be used for surface parking on an interim basis by the owner. When the City determines its ROW needs, the owner/developer would then give ROW dedication deeds to the City.

The cost of traffic improvements (including street construction along 36th Avenue South between South 188th Street and the subject property, and a traffic light at the intersection of South 188th Street and 36th Avenue South) is to be paid by the City. The property owners would deed the property's wetland area to SeaTac at no cost, with the City then being responsible for undertaking all necessary wetlands improvements and maintenance improvements. The property owner, in turn, would be responsible for improvements to, and maintenance of, the wetlands' buffer.

Estimated costs for the City include \$900,000 in traffic improvements and \$170,300 in wetlands mitigation-related improvements, subject to final estimates based upon approved designs. Maintenance of the wetlands will involve future costs to the City.

Planning Director Butler briefed on the above summary. He reviewed Section 3 of the LOU, which outlines the issue of density with Item 3.3 detailing the issue of structure height. Alternative A states that 110 feet height or 10 stories, whichever is less, should be the maximum structure height. A 20 foot setback shall apply to any portion of the site's boundaries that are adjacent to an Urban low (UL) zone. Alternative B states the same but with the additional language to the site's boundaries that are adjacent to the UL zone, "beyond which the 110 foot/10 stories height standard shall apply." The LUPED Committee recommended Alternative B.

John Kenny, representing the property owner, stated that Alternative B is the only alternative they would agree upon.

MOVED BY ANDERSON, SECONDED BY DEHAN TO PASS RESOLUTION NO. 00-003.*

Councilmember Brennan stated he supports this action due to the fact it does not change the number of units, that was established by King County prior to the City's incorporation. Any commercial activity will be minimal. By applying the 110 feet, there is a smaller footprint for building on the site with more open space around the building. The impact on the school will probably be less as the units will be smaller and have higher rent due to the quality of construction. The impact on fire services will need to be considered due to the 10-story height. The impact on the community and traffic will be the same with any development in this area.

Councilmember DeHan stated his preference of Alternative A as it gives a better transition zone form residential

neighborhood into a high rise.

Councilmember Hansen stated his support of Alternative B as it is a good and safe plan that will contribute to the community.

MOVED TO ACCEPT ALTERNATIVE A WITH DEHAN VOTING YES AND FISHER, ANDERSON, THOMPSON, GEHRING, HANSEN, AND BRENNAN VOTING NO.

MOTION FAILED.

MOVED TO ACCEPT ALTERNATIVE B WITH DEHAN VOTING NO AND FISHER, ANDERSON, THOMPSON, GEHRING, HANSEN, AND BRENNAN VOTING YES.

MOTION ACCEPTED.

*ORIGINAL MOTION CARRIED ACCEPTING ALTERNATIVE B.

PUBLIC HEARING:

Findings of Fact justifying adoption of Interim Multi-family Design Standards - Legal / Planning

Mayor Thompson opened the Public Hearing at 7:22 p.m.

City Attorney McAdams explained that under the Growth Management Act (GMA), governing bodies must adopt Findings of Fact after a public hearing to justify its action by either a moratorium or adoption of Interim Standards. Findings are matters of fact and not mere conclusions. This Council, its standing committees and the PAC have all heard testimony, comments and evidence in regard to these matters. All this has been summarized in a proposed Findings of Fact prepared for Council. Council needs to take into consideration any public testimony or comments and find that the proposed Findings are correct or amend the Findings in accordance with what they believe to be correct.

Planning Director Butler stated that the Interim Standards were adopted in January 11, 2000. There are two basic underpinnings as to why the City believes the Interim Standards for Multi-family housing are important and that the adoption should transpire. Two actions the City has are the Comprehensive Plan in 1994 and amended annually and the Resolution adopted early 1999 regarding the Crime Prevention through Environmental Design (CPTED). From the Comprehensive Plan perspective, there are many policies that deal with encouraging good quality multi-family housing development, which he outlined. As for CPTED, it is a good tool as it decreases opportunities for crime and increases safety in multi-family areas. As an end result, it will decrease the cost of police services.

Ben Stark, PO Box 91638, Seattle, urged Council to include in the density calculation the wetlands, deep slopes and streams. This will enable the developer to build a better product. If height limits are increased height limits are increased, more units can be built. If the wetlands are not included in the project, and nothing is done with them, they will be a detraction from the development and impact the property value. After testimony at the public hearing, the PAC recommended that the density be computed on the entire property. The Cities of Seattle, Kent and Tukwila and King County do their calculations this way. Secondly, he stated that the Multi-family Standards are being appealed in Court. At the PAC Hearing last night, the standards were modified with a minimum setback instead of graduated height restrictions. He agrees with this proposal.

Mayor Thompson closed the Public Hearing at 7:31 p.m.

NEW BUSINESS (Continued):

Agenda Bill #1808; Resolution #00-002

A Resolution adopting Findings of Fact in Support of the Interim Design Standards for Multi-family Housing - Legal / Planning

Summary: On January 11, 2000, the City Council adopted Interim Design Standards for Multi-family Housing under Ordinance No. 00-1002. The standards became effective February 10, 2000 and will remain in effect for a period of six

months, providing that a public hearing is held within 60 days and Findings of Fact made in support of the interim standards. The Moratorium on Multi-family Development ended on February 10, 2000, the same time as the interim standards took effect.

The standards were adopted on an interim basis due to the outstanding appeal of the State Environmental Protection Agency (SEPA) review on the proposed Multi-family Standards. While the City Hearing Examiner ruled that the appeal was without merit, the SEPA was further appealed to Superior Court. Adoption of interim standards is an alternative to extending the Moratorium and allows development applications to be submitted under interim zoning controls while permanent zoning regulations are being finalized.

The interim standards are intended to ensure that multi-family housing projects will be consistent with the City's Comprehensive Plan and compatible with surrounding neighborhoods. The standards include sections on Site Design and Building Orientation, Building Design, Vehicular Access and Circulation, Design of Surface and Structured Parking, Recreation and Open Space, Incentives, Townhouses, Small Lot Single-family Development, Multi-family Properties in the City Center, and Concept Illustrations. The proposed standards implement aspects of the Comprehensive Plan, such as features of the Land Use and Community Image Elements on design and transition between zones of differing density. The standards also address concerns regarding safety in the design of multi-family units, and amend Recreation and Open Space Standards to ensure that open space and recreational opportunities are provided in all new developments.

The Findings of Fact in the Resolution detail Comprehensive Plan policies that support the Interim Standards. The Findings of Fact also note a Resolution passed by the Council in 1999 regarding CPTED that supports the adoption of the Interim Standards for Multi-family Housing.

MOVED BY GEHRING, SECONDED BY HANSEN TO PASS RESOLUTION NO. 00-002.*

Councilmember Anderson inquired about Mr. Stark's suggestion regarding wetlands being incorporated in the density. Mr. Butler stated that until the LOU is signed, changes could be made, which would increase the density. The current standards are interim and will be adopted at a later date.

*MOTION CARRIED UNANIMOUSLY.

Agenda Bill #1822

A Motion approving the purchase of a Batwing Mower - Parks & Recreation

Summary: This Motion authorizes the purchase of a Howard Model H1280T Batwing Mower from Empire Equipment, for use on sports fields and in City parks.

Specifications and Bid Invitations were sent to nine vendors. Seven bids were received, including Empire Equipment of Seattle, which represented six manufacturers. Three of the mowers did not meet the specifications. Parks Maintenance staff field-tested the three brands of mowers that met the specifications and used a point matrix to determine which mower should be recommend for purchase. The matrix included ease of operation, ease of maintenance, mower quality, quality of cut, and engine power. Parks Maintenance staff found the Howard Model H1280T Batwing Mower to score three points higher than the John Deere and ten points higher than the Toro mowers. Our references were satisfied with the Howard mowers and found them durable and easy to maintain. Although not the lowest bid cost, the Howard mower is evaluated as the best overall value.

The fiscal impact will be \$42,350 for the Howard Batwing Mower, including sales tax. The approved 2000 Budget for the mower is \$43,500.

MOVED BY ANDERSON, SECONDED BY DEHAN TO ACCEPT AGENDA BILL NO. 1822.

MOTION CARRIED UNANIMOUSLY.

PRESENTATION: Mayor Thompson read a plaque from the Southwest King County Chamber of Commerce

honoring the City's 10th Anniversary of its incorporation which was presented to the Council at the anniversary celebration on February 28, 2000.

NEW BUSINESS (Continued):

Agenda Bill #1818

A Motion authorizing a Service Agreement with the Southwest King County Chamber of Commerce for 2000 - City Manager

Summary: This Motion authorizes entry into a Service Agreement with the Southwest King County Chamber of Commerce in 2000 in the total amount of \$20,000. The sum of \$10,000 is from the non-departmental membership appropriation and the remaining \$10,000 is from the Hotel/Motel Tax Fund Membership appropriation.

The City has entered into annual Service Agreements with the Chamber since 1990 to provide certain services in its ongoing effort in the promotion of tourism, economic development and image enhancement.

Assistant City Manager Holman briefed on the above summary and added that Nancy Damon, the Chamber's new General Manager, has done an excellent job on City-related Chamber activities. He added that she assisted at the 1999 International Festival and raised \$1,350 in children's games.

MOVED BY ANDERSON, SECONDED BY GEHRING TO ACCEPT AGENDA BILL NO. 1818.*

Councilmember Fisher inquired as to why the entire \$20,000 could not be derived from Hotel/Motel Tax funds. Mr. Hoggard stated there are restrictions under State law as to how these funds can be spent.

*MOTION CARRIED UNANIMOUSLY.

Agenda Bill #1776; Resolution #00-004

Resolution fixing the date and time for a Public Hearing to consider the merits of vacating certain street rights-of-way (ROW) abutted on both sides by Port of Seattle (POS) Property - Public Works

Summary: The City has agreed with the POS, as documented in the Port/City ILA dated September 4, 1997, to vacate certain ROWs and to receive direct and community relief payments as compensation for the ROWs and partial mitigation for the impacts from the third runway and its construction. This Resolution sets the public hearing to consider the merits of vacating these ROWs. The POS owns all of the property abutting these ROWs.

The procedures for the vacation of a public ROW are defined in the State Code. The public hearing must not be more than sixty days nor less than twenty days after the date of the passage of the Resolution setting the date for the public hearing. April 25, 2000 at 6:00 p.m. has been selected for the Public Hearing to be held at the regularly scheduled City Council Meeting. This will meet the criteria.

The City will be reimbursed by the POS for the vacation of these ROWs in accordance with the terms and conditions agreed to in the ILA.

MOVED BY ANDERSON, SECONDED BY DEHAN TO PASS RESOLUTION NO. 00-004.

MOTION CARRIED UNANIMOUSLY.

Agenda Bill #1820

A Motion authorizing Professional Service Contracts for the 28th/24th Avenue South Arterial Project - Public Works

Summary: The contract administration for the 28th/24th Avenue South Arterial Project, ST012, will be managed by the Public Works Engineering Division as is normally done for all of its Capital Projects. Frequently the division uses outside services such as testing laboratories and consultants to assist with specialized test procedures and construction activities.

Because of the scope and complexities of the 28th/24th Avenue South Project, there is a need to contract several specialty consultants for services not available on staff. Pursuant to the State Code, professional services have been negotiated with firms, which performed the design work on the 28th/24th Avenue South Arterial Project and are intimately familiar with the project and its complexities.

The following proposed consultant contracts will be "on-call" contracts with a billing limit not to exceed the budget limit. All of these services have been estimated and are included in the current total project funding package.

Consultant Service Provided Budget Limit

Shannon & Wilson Inc. Geo-technical/soils stability analysis. Measurements of \$60,000

(soils) settlement in fill areas, assessment of wall construction &

stability compaction testing.

Shannon & Wilson Inc. Hazardous materials assessment of three properties purchased \$ 5,257

(hazardous materials) by the City. Verification that hazardous materials are handled

and disposed of properly.

Parsons Brinherhoff Review & approve structural wall designs, structural vaults and \$60,000

Quade & Douglas related submittals. Also assist in dam safety inspection for the

detention pond at South 204th Street.

Nakano Associates Inspect and approve landscape plants/trees. Assure proper \$14,920

installation and compliance with City and POS standards.

The service contracts have been budgeted in the overall project cost as adopted in the City's 2000 budget. These services were also included in the Local Improvement District (LID) hearings.

MOVED BY HANSEN, SECONDED BY DEHAN TO ACCEPT AGENDA BILL NO. 1820.

MOTION CARRIED UNANIMOUSLY.

Agenda Bill #1817; Ordinance #00-1011

An Ordinance amending the 1999 Annual City Budget in regard to Special Legal Services – Legal

Summary: During the 1999 Budget process, a decision card was submitted by the Legal Department for "Special Legal Services" (which generally relates to outside legal representation). The original request was a total amount of \$279,500. However, the Volker Stevin Pacific lawsuit settled prior to the end of 1998 and, therefore, the request was reduced to \$200,000. This was approved for the 1999 Budget.

As previously indicated to the City Council, in essence, the City can be sued by any person or entity subject only to payment of the filing fee of the hearings body or court with jurisdiction. Thus, there exists no rational means of budgeting and adhering to a known and fixed annual expenditure. The appropriation of funds for Special Legal Services is an estimate only. As indicated above, the best estimate of required expenditures for such Special Legal Services prior to 1999 was the sum of \$200,000. Unfortunately, actual expenditures exceeded the budgeted amount by the sum of \$9,002.64, rounded to \$9,003. The overage resulted from charges in excess of the budgeted amount for anticipated legal matters, and expenditures for matters, which were not anticipated and budgeted. The three primary

causes for the excess expenditures were: (1) total charges of \$148,989.94 incurred in the Kilroy v. City litigation, which was budgeted at \$100,000; (2) expenditure of \$31,811.67 which exceeded the \$25,000 budget for defense of the Airport Coalition Committee (ACC) Cities appeal to court from the Growth Management Hearings Board (GMHB) decision in favor of SeaTac; and (3) the non-budgeted use by the Office of Program Manager of services of Davis, Wright, Tremaine for Sound Transit matters in the total sum of \$22,855.19.

Councilmember Gehring, Finance Committee Chair, stated that the committee recommended Council approval.

MOVED BY ANDERSON, SECONDED BY DEHAN TO ADOPT ORDINANCE NO. 00-1011.

MOTION CARRIED UNANIMOUSLY.

COUNCIL COMMENTS: Councilmember Gehring stated that the Finance Committee met earlier today and several issues were discussed, some informational only and some items that will be going on the next Study Session.

Councilmember Anderson stated that she attended a Human Services Retreat today and gave alarming statistics on the homeless persons in King County.

Councilmember DeHan added that the statistics show approximately 14 percent of the U.S. citizens are living below poverty level, however, only three to four percent are staying at that level. 10 to 11 percent are rotating in and out of the poverty level due to circumstances, such as job losses.

RECESSED: Mayor Thompson recessed the Special Council Meeting to an Executive Session on Potential Litigation at 7:50 p.m.

Mayor Thompson added that the Regular Council Meeting on March 14 has been cancelled due to lack of a Council quorum with four members attending the National League of Cities (NLC) Conference.

EXECUTIVE SESSION: Potential Litigation

RECONVENED: Mayor Thompson reconvened the Special Council Meeting at 8:43 p.m.

ADJOURNMENT:

MOVED BY DEHAN, SECONDED BY ANDERSON TO ADJOURN THE SPECIAL MEETING OF THE SEATAC CITY COUNCIL AT 8:45 PM.

MOTION CARRIED UNANIMOUSLY.

Shirley Thompson, Mayor
Judith L. Cary, City Clerk

SEATAC CITY COUNCIL REGULAR MEETING MINUTES

March 28, 2000 - 6:00 PM
City Hall Council Chambers

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

ROLL CALL: Present: Mayor Shirley Thompson, Councilmembers Gene Fisher, Frank Hansen, Terry Anderson, Kathy Gehring, and Don DeHan. Absent: Councilmember Joe Brennan.

ADMINISTRATIVE STAFF: Calvin Hoggard, City Manager; Jay Holman, Assistant City Manager; Judith L. Cary, City Clerk; Robert McAdams, City Attorney; Steve Butler, Planning Director; Jim Downs, Fire Chief; Bruce Rayburn, Public Works Director; Don Monaghan, Assistant Public Works Director; Soraya Chang, Public Works Programs Coordinator; and Scott Somers, Chief of Police Services.

FLAG SALUTE: Assistant City Manager Holman led the Council, staff and audience in the Pledge of Allegiance to the Flag.

INTRODUCTIONS:

New City Employees Greg Kinney, Electrical Inspector; Marion Hess, Senior Planner - Port Projects; and David English, Parks Maintenance Worker I

City Manager Hoggard introduced the following new employees. Greg Kinney, Electrical Inspector, Public Works Building Division, is a native Washingtonian with 30+ years of experience as an electrician. He worked on the Hanford Nuclear Reservation in the early 1980s and later as an electrical contractor in the Yakima Valley.

Marion Hess, Senior Planner, Planning Department, earned an Urban Planning Degree from Eastern Washington University and has 40+ years of City Planning experience in municipal government. Due to a hiring freeze by the City of Federal Way, Mr. Hess' position as a Senior Project Planner ended just as SeaTac's search for a Senior Planner for Port of Seattle (POS) projects was beginning.

David English, Maintenance Worker I, Parks Department, comes from New York City where he gained experience in landscape maintenance and concrete finishing. Since arriving in the Seattle area, he has worked in remodeling and maintenance on apartment buildings. These skills will be put to good use with City facilities and park landscaping projects.

PRESENTATIONS:

Proclamation declaring March 2000 as Absolutely Incredible Kid Month

Mayor Thompson read a proclamation from the City to be given to the Campfire Youths of Washington proclaiming March 2000 as Absolutely Incredible Kid Month.

Certificates of Appreciation regarding the City of SeaTac's 10th Anniversary Party

Mayor Thompson presented Certificates of Appreciation to the various individuals involved in making the City's 10th Anniversary Event such as success. With the help of Council, staff and citizens, local businesses, Tyee High School Academy students, Fire Department Explorers, State, King County and the POS representatives, the celebration was a great success and enjoyed by all the attendees.

Briefing on Proposal to establish a Franchise Agreement with the Garbage Haulers

Public Works Programs Coordinator Chang stated that this presentation is a follow up to one presented to Council last

year on Solid Waste System options. The issue examined was whether the City or State should control garbage rates and services in SeaTac. Several years ago, the City's Solid Waste Advisory [Committee \(S RCW\)](#) posed the question, "Is the existing system the best option for SeaTac ratepayers?"

Ms. Chang summarized the system options and implementation options. Basically, there are two system options: 1) the Washington State Utilities and Transportation Commission (WUTC) controls rates, and service is provided indefinitely by a WUTC-selected hauler. SeaTac operates under this system, with two haulers: a) Waste Management – Raffo and; b) SeaTac Disposal - Allied Waste; and 2) a City competitively contracts out collection services and directly negotiates rates and services with the selected hauler. Approximately 60 percent of King County Cities operate under contract and are generally able to ensure better rates, more responsive customer service and more effective recycling programs, meaning that more is recycled and less thrown away.

Based on the two system options, there are three ways a City can proceed, called implementation options. According to State law, if a City wishes to take over regulation from the WUTC, and competitively bid out collection services, it must give the existing garbage haulers a seven-year notice. This can be done in two ways: 1) the City can enter into a seven-year franchise with the existing garbage haulers. Under a franchise, the existing haulers continue to operate under WUTC rates and regulations; 2) a City can negotiate a seven-year contract with the existing WUTC haulers. Under a contract, the City negotiates rates and service levels with the haulers, which gives the City some control. In either case, at the end of the seven years, the City can evaluate whether it is advantageous to competitively contract for garbage services or stay with the WUTC haulers and regulations; and 3) a City could skip the seven-year notification period by purchasing or condemning the garbage haulers' certificates at an agreed price. The City could then immediately issue a competitive bid for garbage services.

During the presentation last year, Council asked several questions, which Ms. Chang addressed this evening: 1) a primary question was whether the WUTC would regulate garbage during the seven-year notification period. There has been, and continues to be, a difference in interpretation between WUTC staff and our City Attorney. WUTC staff claim that they should not regulate during the transition period. According to the City Attorney, the intent of State law is that the WUTC continues to regulate during this transition period. Historically, the WUTC has always regulated during the transition i.e., Tukwila. If for some reason the WUTC decides to make SeaTac the first case in which it does not regulate during the transition period, the City Attorney feels that the WUTC would not have much of a case; 2) another question was whether the City has only one chance to start the seven-year clock. The answer is no. The City can start the clock, decide not to change systems and re-start the clock at a later date. After the seven-year notification period, the City can choose to remain with the WUTC or to contract. If the City decides to remain with the WUTC, the City could, at some future time, start the seven-year clock again and would again have the choice to stay with the WUTC or to contract; and 3) a final question was whether rates and services are better under the WUTC or contracts in our neighboring South King County Cities. She displayed an overhead depicting a cost comparison for curbside service in nine South King County Cities. On average, residents pay eight percent more for comparable services under the WUTC than under a contract. This pattern of lower contract rates is consistent with data throughout the County.

Ms. Chang stated that today, for neighboring Cities, as well as in the County in general, contracts provide better rates than the WUTC. Ultimately, whether it is beneficial to take over regulation will depend on how rates, customer service, local needs and regulations change in the future. Given current trends it is likely that it will become increasingly beneficial for the City to have that choice. For example: 1) with regard to rates, SeaTac residents currently pay more than \$500,000 per year for garbage service. Garbage rates have gone up an average of nine percent per year for the past 20 years. If this trend continues, garbage costs will double in approximately eight years; 2) as for customer service, it has gotten worse since both of the City's haulers were purchased by large national companies last year. For example, customer complaints of missed pickups and incorrect billings have increased noticeably; 3) in terms of local needs, WUTC has a more cookie cutter approach that may not meet SeaTac's needs. For example, the WUTC doesn't allow senior or low income discounts and doesn't allow certain types of services to be bundled so that they are more affordable; and 4) with regard to regulations, recent revisions to State laws governing solid waste have made it more difficult for Cities to assert their authority over garbage collection. For example, the notification period was increased from five to seven years.

In analyzing the system opt[the S RCW](#) City staff agree that regardless of whether the City ultimately chooses to

remain under State regulation or to take over regulation, it is in the City's interest to have a choice. Currently, the City does not have a choice because we have not started the seven-year clock. There is also agreement that there is no immediate need to control rates and services through a contract or outright purchase of the hauler certificate. The S RCW City staff have, therefore, recommended that the City negotiate a seven-year franchise with the City's two existing haulers to reserve the City's future right to choose.

Councilmember Hansen stated that the Transportation and Public Works (T&PW) Committee agreed with staff recommendation that starting of the seven-year clock would be in the best interest of the City. Council discussion ensued and they concurred with staff and T&PW Committee recommendation.

PUBLIC COMMENTS: Bill Ray, owner of Butch Productions, 20050 International Boulevard, Suite 3, located across from the Bull Pen Tavern and adjacent to the 7-Eleven Convenient Store, stated that his establishment has been at this location for the last three years. This location which is zoned commercial, was chosen as the "path of the least resistance" area due to the band's music, the aircraft and tavern noise and knowing that a band had previously been in this location. For three years, all was well. On March 22, the SeaTac Police informed Mr. Ray that his business was in violation of the new Noise Ordinance. Mr. Ray stated that some of the wording disturbed him, which he outlined. He plans to seek peaceful and positive solutions. He agreed to curtail all of their sound at 10:00 p.m. and reduce the weeknight practices and have one on the weekend. He feels that all noise should be subject to the same standards, whether it is from his establishment or the tavern or the aircraft.

Burien Mayor Pro-Tem Rose Clark, on behalf of the City of Burien, read a letter from their Council requesting assistance and consideration from the City of SeaTac to delay its actions regarding the temporary hauling off-ramp improvements at SR 509 and South 176th Street adjacent to Burien until there has been a discussion involving Burien City Council, staff, and impacted residents. This is the second development issue that has come up between the two Cities in the past few months. She requested that SeaTac provide notice to Burien residents and directly to the City of Burien on potential SeaTac Council actions that occur along our common boundary. Ms. Clark stated that Burien Council believes the direct impacts on residents in the South 176th Street neighborhood needs additional review and noise mitigation.

Ina Percival, Executive Director of Domestic Abuse Women's Network (DAWN), PO Box 88007, Tukwila, 98038, stated the agency's desire to continue services to the City of SeaTac rather than the City establishing its own Community Advocate Program. She would like to discuss this issue with the Council directly. She is concerned as to how a single advocate would be able to furnish the same amount of service that the agency would be providing with a number of staff and a full package of services.

Cathea Stanley, 20120 15th Avenue South, inquired into the public hearing on the vacation of POS plats. Mayor Thompson stated that this hearing has been withdrawn by the POS and was removed from the agenda. A special notice of the withdrawal was placed in the Seattle Times and posted in the City. City Manager Hoggard stated that this item would be rescheduled once the POS reissues their proposal.

Joe Sacco, 1033 South 171st Street, addressed Agenda Bill No. 1833, regarding the rezoning of westside properties. He stated that the days and hours now being proposed by the POS are not agreeable to the remaining residents. He urged Council to reconsider the original days and hours.

CONSENT AGENDA:

Approval of claims vouchers in the amount of \$295,464.41 for the period ending February 29, 2000.

Approval of claims vouchers in the amount of \$764,163.00 for the period ending March 9, 2000.

Approval of claims vouchers in the amount of \$2,515,719.14 for the period ending March 28, 2000.

Approval of employee vouchers in the amount of \$482,427.77 for the period ending February 29, 2000.

Approval of employee vouchers in the amount of \$371,999.31 for the period ending March 15, 2000.

Approval of firefighter vouchers in the amount of \$340.00 for the period ending February 29, 2000.

Approval of summary of \$5,000 - \$25,000 purchase requests for the period ending March 24, 2000.

Approval of Council Minutes:

Study Session held February 15, 2000.

Regular Council Meeting held February 22, 2000.

Special Council Meeting held March 7, 2000.

Acceptance of Advisory Committee Minutes:

Civil Service Commission Meeting held February 14, 2000 (commission approved March 13, 2000).

Human Services Advisory Committee Meeting held November 13, 1999 (committee approved March 6, 2000).

Planning Advisory Committee Meeting held February 7, 2000 (committee approved March 6, 2000).

Planning Advisory Committee Meeting held March 6, 2000 (commission approved March 20, 2000).

Senior Citizen Advisory Committee Meeting held January 20, 2000 (committee approved February 17, 2000).

Senior Citizen Advisory Committee Meeting held February 17, 2000 (committee approved March 16, 2000).

Approval of the following Ordinance, Resolution and Motions recommended at the March 21, 2000 Study Session for placement on this Consent Agenda:

Agenda Bill #1830

A Motion authorizing a City-based Community Advocate Program (CAP), and Commencement of a Search for an Advocate - City Manager

Summary: This Motion authorizes the establishment of a CAP and commencement of a search for a qualified Community Advocate to assist domestic violence victims through resource referrals, education, court appearance, emotional support and to coordinate with area businesses, SeaTac Police and Fire Departments.

With the recent staff and program changes at DAWN, it was recommended by City staff and the Human Services Advisory Committee that the Council consider establishment of a City based CAP. This will be a temporary, part-time program while its effectiveness and productivity is being evaluated.

The City has been providing funds to DAWN's different programs for the past nine years, to provide services for the City's domestic violence victims, with its one percent for Human Services funds. For the past three years, City staff has been discussing issues and concerns with DAWN regarding its CAP. This program was funded at \$36,000 per year for 1999 and 2000 and has been receiving the highest funding level out of the one- percent, to have a dedicated full-time advocate to serve the City's needs. However, in reviewing the reports, it was evident that the advocate dedicated to the City would usually serve other Cities, fulfill agency obligations not pertaining to the City, and fill in for other advocates serving other Cities. This has been an ongoing concern to SeaTac. This issue was brought before the Council in 1999, but it was decided to continue contracting with DAWN with additional and closer monitoring.

In monitoring DAWN's performance for 1999, it is evident the agency did not meet its annual goal, except in charging direct service hours.

With a high referral from the City's Legal Advocate to DAWN, this level of service shows either lack of service or lack of immediate responsiveness, since victims of domestic abuse need immediate response to follow through with their claim and initial plan to remove themselves from the situation.

Toward the end of 1999, DAWN went through a major organizational change, which affected delivery of services. One of the main changes DAWN was proposing was to not have a dedicated advocate to any City. Rather, DAWN would hire several new advocates (since the existing advocates had been fired or resigned) to serve all South King County Cities. Given past experience, City staff felt it was very crucial for the City to have a dedicated advocate. This proposal would impact delivery of service, as the most important purpose of an advocate is for the City to have a point contact person, and a person the victim(s) could call and talk to and build a trusting relationship. In turn, the advocate would have a vested interest in the City she serves and better understands the culture and dynamics of that particular City.

With DAWN undergoing several staffing changes, the level of competence is questionable. As this agency hires new advocates and supervisors, the victims will suffer from a diminished or lack of service, as we continue to provide the funds.

At a March 16 meeting hosted by the South King County Human Service Planners regarding DAWN, the following issues of common concerns: 1) lack of training and experience by DAWN staff; 2) lack of communication and miscommunication, internally within the agency and external; 3) unresponsiveness; 4) lack of use and knowledge of available resources; 5) overall organization of the agency; 6) general community mistrust; and 7) high level of staff turn-over.

There are several benefits to having a City-based community advocate, which include the following: 1) most importantly, the advocate will be serving SeaTac clients only; 2) better coordination with other City departments, such as Police, Fire, Human Services, Community Service Officers (CSOs) and Legal Advocate; 3) education of the public, schools, apartment managers, and area businesses; 4) improvement and better administration of the Hotel/Motel Voucher program, Safeway Voucher, Gas Cards and Remain Overnight Kits; and 5) better accessibility and closer proximity to victims who are seeking assistance.

With approval of Council, through this Motion, staff will begin the search for the best qualified Community Advocate and return to Council at a later date for confirmation on terms and conditions to be determined.

The cost of this program for 2000 would be funded from the City's one-percent for Human Services funds. The \$36,000 dedicated for DAWN's CAP would be reallocated to provide the funds needed for this program.

Agenda Bill #1831

A Motion authorizing the Purchase of a 15-Passenger Van - Parks & Recreation

Summary: The County conducted a competitive bid process in awarding its 2000 Model converted 12-15 passenger vans: Chevrolets, General Motors, Dodge, and Ford, and the bid allows individual Cities to enjoy the cost savings associated with the County's large volume purchasing.

The Parks and Recreation Director has worked with the Senior Citizen Advisory Committee to select the type of van. The Committee has recommended this van type for the City to purchase, which will replace the previously City Council approved Ford van.

It is recommended that the City Council approve this Motion to purchase a 15-passenger Dodge Ram 2500 Van at a cost of \$28,018.80 through the King County Department of Finance, Procurement Services Division's bid from Dodge of Bellevue.

The amount budgeted was \$24,674 and the vehicle to be purchased is included in the 2000 Annual Budget. The van is \$3,344.80 over budget, which will be absorbed in the 2000 Parks and Recreation Budget.

Agenda Bill #1827; Resolution #00-005

A Resolution accepting the Hearing Examiner's recommendation and granting Public Agency Exceptions for the Des Moines Creek Basin Improvements Phase I - Public Works

Summary: This Resolution accepts the Hearing Examiner's recommendation and approves a Public Agency Utility Exception to allow construction of a regional retention/detention facility within the Northwest Ponds, a Class I wetland, and the reconstruction of 1,600 lineal feet of the West Branch of Des Moines Creek, a Class II salmonid stream.

Since 1995, the Cities of SeaTac and Des Moines, the POS and King County have been working cooperatively to develop a plan for the restoration and protection of Des Moines Creek from its head waters to Puget Sound. The design report for the Phase I Improvements was completed in November 1999. With the completion of this report, enough work had been completed on the proposed project to warrant approval of a Public Agency Utility Exception to the City's sensitive areas regulations before proceeding with the final design and construction. Exceptions are required to allow a retention/detention pond to be constructed in a Class I wetland and the reconstruction, for the same purpose, of 1,600 lineal feet of Des Moines Creek. A staff report was prepared and submitted to the Hearing Examiner, who held a public hearing on the request for a Public Agency Utility Exception on February 17, 2000. The Hearing Examiner's

report dated February 23, 2000, recommends that the City grant the Public Agency Utility Exceptions, subject to the conditions contained in his report.

There is no direct fiscal impact to the City by granting the Exception. However, there are significant expenditures that will be incurred by proceeding with the design, construction and maintenance of the proposed improvements for which the Exception is granted. The expenditures anticipated in 2000 were included in the 2000 budget approved by Council. Expenditures beyond the year 2000 are included in the Surface Water Management (SWM) Capital Improvement Program (CIP). Future funding will be requested as part of the City's Annual Budget process and expenditure approval will be requested for each project.

Agenda Bill #1825; Ordinance #00-1012

An Ordinance amending Equipment Rental Fund 501 of the 1999 Annual City Budget - Public Works / Finance

Summary: When the December 1999 and the thirteenth month expenditures were charged to the 501 Fund, it resulted in an over expenditure of appropriated funds. After researching the fund expenditures, three areas of expenditures were identified as being responsible for the over expenditure. The first and largest increase over budget was the cost of fuel. Since the time the budget was prepared and the expenditures were incurred, there was upwards of a fifty- percent increase in the cost of a gallon of fuel. The fuel cost for 1999 was just short of the total 1998 actual expenditures of \$25,655 for vehicle operating and repair supplies. The operation of the Equipment Rental Fund was modified after the 1999 Budget was adopted. This revision consisted of a monthly inspection of the sedans and pickups by an outside vendor as compared to a quarterly inspection in connection with routine service by the same vendor. Finally, the equipment repairs and maintenance were much higher than in 1998 and what was anticipated for 1999. These three items result in more expense than the 1999 Budget appropriation. Taking into account the underruns on other line items within the fund, the fund total is over expended by approximately \$8,800. It is recommended that an additional \$8,800 in expenditures be appropriated in the Equipment Rental Fund in the 1999 Annual City Budget and that the 501 Fund balance be reduced by that same amount. These funds will be divided between supplies, \$3,700, and other services and charges, \$5,100.

Agenda Bill #1821

A Motion authorizing an Interlocal Agreement (ILA) regarding Des Moines Memorial Drive (DMMD) - City Manager

Summary: This Motion authorizes the execution of the ILA regarding DMMD for the purpose of maintaining and improving the memorial.

DMMD was established as a World War I memorial in 1921 and is recognized as an important part of Washington State history. It is recognized that each jurisdiction is fully responsible for planning and maintaining their rights-of-way in their respective jurisdictions, and this will not change. However, it is felt that each jurisdiction may benefit by cooperation in design, landscaping and commemorative standards as well as in obtaining grants. This ILA recognizes the existence of the DMMD Advisory Committee and outlines its advisory nature as an advocacy body. The membership of the Advisory Committee is set at 16 voting and six ex-officers with representation from the Cities, County, veterans' groups, citizen leaders, the Highline Historical Society and a utility agency.

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

MOTION CARRIED UNANIMOUSLY.

PUBLIC HEARING:

Development Agreement with SunReal, Inc. for a potential Parking Structure Project - Planning

Mayor Thompson opened the Public Hearing at 6:46 p.m.

Planning Director Butler stated that City Attorney McAdams would address a number of points on the potential parking structure project. A letter was submitted to Council from the Lawler & Burroughs, P.C., Attorneys at Law representing

the Gateway Investments L.L.C. regarding the SunReal Inc. Development Agreement.

Mr. McAdams pointed out that a number of draft development agreements have been created, all of which the City and the developer have attempted to come to agreement in regard to the various terms and conditions in order to present an acceptable agreement that could be reviewed by those who are interested in making comments at the public hearing and to permit final action by the Council. On March 23, City staff received a substantially changed agreement due to the project having changed. The proponent, David Schroedl, now desires to move the site of the parking garage and change the shape in order to avoid the wetlands. In addition, Mr. Schroedl proposes that there be no commercial surface retail/office space within the garage but that it be in a separate building and reduced from a minimum 3,000 square feet (sq.) to 1,000 sf. Due to these changes, final action cannot be taken at this time. Also to withdraw the Determination of Non-Significance (DNS) under the State Environmental Protection Agency (SEPA) due to the wetlands concern and now to the substantial changes, it will require review at minimum of an amended SEPA check list, which was received today.

Mr. McAdams highlighted the substance of his March 27 memorandum regarding statements made by the proponent: 1) SunReal's efforts to obtain a development agreement with the City has been on-going for one year and three months, without success. Mr. McAdams stated that any implication that staff has not been diligently attending to this matter is incorrect; and 2) SunReal can submit a complete application for building permit and construct its garage, outside of the wetlands and buffers, under existing provisions of the SeaTac Municipal Code (SMC). Mr. McAdams stated that is true that they may do so under all existing regulations at this time providing that a complete application for building permit is submitted. The remaining items 3, 4, and 5 reference the substantial changes to the project, lack of agreement or chance to properly negotiate the terms of the March 23 or 28 changed development agreement drafts. Today, staff received, as a result of concern of these changes, a new draft dated March 28, which basically returned to the prior language except that the external commercial building is now a fourth alternative to paragraph five, which was the build out of 3,000 feet within the garage. There are many other concerns and have not had the time to work on them. The major concerns are the parking stall and aisle dimension where there is still significant difference of opinion and finally there are references within the development agreement to future projects of any type anywhere on the extensive property. Staff is not comfortable in granting a "carte blanche" waiver of existing regulations for any projects that come along. He recommended that the Council proceed to hear from the proponent and any public comments and at this point in time that there be a negative vote on Agenda Bill No. 1753 subject to the possibility that it be resurrected when and if a final proposed development agreement may be submitted.

Councilmember Hansen requested that this agenda item be set over since Councilmember Brennan, who is ill and could not attend tonight, is very interested in this project and would like to have the opportunity to participate in this deliberation.

Mayor Thompson called for public comments, which there were none.

Mr. Schroedl stated that since last week, substantial changes have been made due to wetland issues, of which he learned on March 27 from his consultants that it appeared that there would be at least a year and a half delay on the project due to mitigation of the wetlands issue, mainly due to the backlog at the Department of Fisheries as well as at the Corps of Engineers. Therefore, they were forced to start over totally on the project. He understands the City's reluctance to act upon this development agreement at this time. He urged Council to continue this issue for two weeks to give staff time to review all the issues associated with the project and the agreement.

Architect Gerry Gerron, presented an overall concept of the proposed project. He stated the cosmetics of the project essentially have not changed. What has changed is the garage shape from a large square to an L shape, largely to avoid the wetlands at the southend of the parking structure. Also, a commercial office space is planned for the first floor in an attached building set out from the main structure.

Mr. Schroedl explained that the garage aisle width is 59 feet with intrusions of three feet. The POS has 60 feet with intrusions of four feet in its garage. The effective is exactly the same.

Council discussion with the proponent ensued on such issues as incorporation of the wetlands in the design plans, water flow from the wetlands through the building with no impact to the wetlands, and the desire for commercial

office space on the first floor, elevator use and the future projects language to be deleted from the agreement.

Mayor Thompson thanked the proponent and the staff for their diligent work on this project and stated that the Council is supportive of the project. She then continued the Public Hearing at 7:17 p.m. to the April 11 Regular Council Meeting.

NEW BUSINESS:

(The following agenda item was rescheduled to the April 11 Regular Council Meeting as discussed in the above Public Hearing.)

Agenda Bill #1753

A Resolution authorizing a Development Agreement with SunReal, Inc. for a potential Parking Structure Project – Planning

Agenda Bill #1816

A Motion authorizing the City Manager to accept a Public Works Trust Fund Pre-construction Loan for the final design of the Des Moines Creek Basin Improvements Phase I - Public Works

Summary: The Des Moines Creek Basin Committee was about to complete the design report for the Des Moines Creek Basin Improvements Phase I when the Washington State Public Works Board announced the Pre-Construction Loan Program. The City is the major funding agency for the design of the basin improvements. Therefore, being able to spread the City's expenses over time would allow its other surface water projects to continue as anticipated rather than be restricted due to cash limitations. Staff applied for and was offered a Pre-Construction Loan in the amount of \$752,037. The loan is for five years in the amount of up to \$526,426 at one percent annual interest and requires at least a 30 percent match. The match will consist of the other Basin Committee jurisdictions' share of these design costs. These jurisdictions are the City of Des Moines, the POS and King County. The committee support staff are currently in the process of refining the ILA that will cover the final design, operation and maintenance of the Phase I Basin Improvements. No work will proceed on the final design until all parties have executed this ILA. Therefore, the City will not use any of the loan proceeds until that time.

The City will be borrowing up to \$526,426 for five years at one- percent annual interest. Repayment of the loan will be from the Surface Water Management (SWM) Capital Fund 406. The Des Moines Creek Basin Improvements Phase I is a SWM Capital Improvement Project that was included in the Capital Facilities portion of the recently completed SWM rate study.

Assistant Public Works Director Monaghan briefed on the above summary. This item was discussed at the March 21 Study Session. He added that there has been a slight increase in the estimated cost of the design at \$826,500, which is being offset by the inclusion of the Washington Stated Department of Transportation (WSDOT) in the design effort. Their contribution of \$70,000 brings the cost down to approximately \$756,000 for an approximate \$4,000 difference in what the City applied for and what the current share is going to be for the four jurisdictions. The interest on the loan is one percent over five years. The first year is interest only, and the following four years, payment is one quarter of the principal plus interest for each year. The interest on the loan will be approximately \$18,400, for a total payback of \$544,850.

Upon a question posed by Councilmember Gehring, Mr. Monaghan stated that the City's SWM funds are being used to pay back the loan. This project is in the 2000 budget for approximately \$250,000 and in the CIP appropriate, subsequent payments will be made over the next few years to pay for design and construction. The project will not proceed until Council authorizes entry into the ILA with the other jurisdictions for final design.

Councilmember DeHan stated that this is a project that has been in the making for some time with neighboring jurisdiction, including a private organization, Trout Unlimited. There have been some significant findings in conjunction with this project. This project will also be helpful in the City's future negotiations with the Departments of Ecology and Fisheries regarding the Endangered Species Act (ESP).

MOVED BY DEHAN, SECONDED BY HANSEN TO ACCEPT AGENDA BILL NO. 1816.

MOTION CARRIED UNANIMOUSLY.

Agenda Bill #1824

A Motion authorizing the City Manager to accept a Public Works Trust Fund Pre-construction Loan for the Design Report Phase of the Military Road Project (South 160th Street to South 200th Street) - Public Works

Summary: The Military Road Corridor has been identified as one of the arterial corridors for long range improvement in the City's Ten Year Transportation Improvement Plan (TIP). The pre-design report is the first step in identifying the scope and nature of the improvements to the corridor. It will also incorporate citizen input and recommend all the design criteria necessary to complete the project. To facilitate the funding, staff applied for a Public Works Trust Fund Loan last fall. The Washington State Public Works Board recently informed us that the City's Military Road Design Report Project has been selected for the pre-construction loan program and the City has been offered a loan in the amount of \$280,000. The loan is for five years at one percent annual interest and requires a 30 percent match. The match can be provided from the Transportation CIP Fund 307.

The Public Works Board, within the Local Government Division of the Department of Community Trade & Economic Development (CTED), has been created by State law. To add in financing of Public Works projects, the board is authorized to make low-interest loans to local governments from Public Works Trust Funds appropriated from the Public Works assistance account or other sources, pursuant to State law. Such loans may also be made for pre-construction activities, such as design, engineering, bid-document preparation, environmental studies, right-of-way acquisition, and other preliminary phases of Public Works projects.

As required by State law, loan agreements are to comply with [Chapter 39.69 RCW](#) "Public Loans to Municipal Corporations".

The board's regulations accordingly require execution of a form loan agreement, together with a scope of work form, prior to distribution of loan proceeds. The City must secure the loan as either a general obligation of the City or a revenue obligation repayable from utility operations, such as the SWM utility. The pre-construction project must be commenced within three months after execution of the loan agreement and must be completed no later than 18 months after execution of the agreement. Upon completion of the financed project, a "Close-Out Report" must be submitted. The report must include a copy of the Resolution accepting the design project as being complete.

The City will be borrowing \$280,000 for five years at one- percent annual interest. Repayment of the loan will be from the Transportation CIP Fund 307. The Military Road Design Report is included in the City's 2000 Annual Budget. In first year, the City will pay only the interest on the amount of the loan drawn (75 percent of the loan will be drawn the first year). This interest payment is \$2,100. In the second year, we will withdraw the remaining 25 percent of the loan. In the second through fifth years, the City would pay back the loan principal plus interest in four equal payments of \$71,758.71. The total amount of all payments on the loan will then be \$289,134.84.

Public Works Director Rayburn briefed on the above summary adding that this agenda bill has been revised from the March 23 Study Session due to the fact that the loan agreement had not been received at that time from the Public Works Trust Board.

Council discussion ensued as to the purchase of a loan verses "pay as you go". City Manager Hoggard stated that the loan is simply the subsidy. The City is saving money by borrowing at one percent since the money that is not tied up can be invested at a higher percent until the project money is needed.

Councilmember Fisher had concern as to the need to borrow \$280,000 for a study to determine if the project is worthwhile. Councilmember DeHan stated that this issue went before the T&PW Committee and the majority opinion was to proceed with the loan for the study. It has been in the City's Ten Year TIP to do a pre-construction design report on Military Road. The study will determine what traffic modifications need to be done and the traffic impact to this road by the cross-valley connectors at South 180th and 200th Streets. This will give the City the opportunity to not fund the study out of the City's one-year budget but to spread the cost over several years at one percent. He favors moving ahead with the State's offer of the one-percent loan.

Councilmember Hansen agreed with Councilmember DeHan on the cross-valley issue but opposes this loan as it communicates a commitment to the project, which he feels the majority of the Council is unsure of at this time. Councilmember Anderson stated that she was unsure that the Military Road neighborhood could stand the traffic this project will encourage.

City Attorney McAdams stated that the loan does not commit the City to the project. If the study is not done, the money is to be returned.

City Manager Hoggard stated that the issue is not the loan but whether the Council wants to examine Military Road for traffic and safety issues. Councilmember DeHan stated that the T&PW Committee discussions over the last five years has been how to improve Military Road as a residential street but not as an alternative to I5 and International Boulevard traffic. He feels a study is essential with the cross-valley connectors bringing in more traffic. The City has to be able to point out what the impact will be to SeaTac.

Mr. Rayburn stated that there will be more traffic in the future and somehow, it has to be dealt with one way or another. The City has 90 days to decide on acceptance of the loan.

After much discussion, Council concurred that Agenda Bill No. 1824 be sent back to the T&PW Committee for further review and recommendation.

Agenda Bill #1833; Ordinance #00-1013

An Ordinance approving the amendment of portions of the City of SeaTac Zoning Map, subject to certain conditions and procedures, regarding Westside Properties – Planning

Summary: On March 7, 2000, the City Council adopted new amendments to the conditions and procedures regarding rezoning of Westside properties that the Port owns or plans to acquire through Ordinance No. 00-1010. The "Measures to Buffer Residents from Construction Activities for the Temporary Interchange and Year 2000 Runway Embankment" document includes standards that the POS and its contractors are to follow. These buffer measures included, among other provisions, limitations on workdays/hours for construction work within the two "Phase I Rezoning Areas". The POS believes, however, that some of the workday/hour limitations referred to in that Ordinance would overly restrict the SR 509 Temporary Interchange and Embankment-related construction work. After much discussion, the City/Port Joint Advisory Committee (JAC) agreed to bring for Council consideration a proposed revision that would result in new work days/hours of 7:00 a.m. to 9:00 p.m., Monday through Friday, and 9:00 a.m. to 6:00 p.m., Saturday (Interchange Project) and 6:00 a.m. to 10:00 p.m., Monday through Saturday (Year 2000 Third Runway Embankment Project).

Ordinance No. 98-1002 was subject to environmental review and reflects consideration of public testimony received at a public hearing held by the Planning Advisory Committee (PAC) on November 17, 1997. The City Attorney has determined that no additional environmental review or public hearing is required on the proposed amendments to the City's conditions and procedures. All of the proposed amendments would be consistent with the Comprehensive Plan, as amended on December 14, 1999, and the City-Port ILA.

Mr. Butler briefed on the above summary. Council discussion ensued as to the 40 percent increase in the original weekday/hour request for the SR 509 Temporary Interchange construction work and an increase from 50 hours to 70 hours weekdays for the Embankment work.

Jim Soukup, POS Aviation Project Management Group, explained the need for extra hours. The team has worked diligently to lower the impacts to the westside residents and to limiting the access points for the haul routes. The Saturday hours are the most important as they are the more productive with extended period of work hours.

Councilmember Gehring questioned the actually duration of the projects with the newly revised schedule. Mr. Soukup stated this schedule is anticipated for 240 calendar days of work to commence in late-April. The completion for the ramps in scheduled for mid-October, prior to the rainy season. This is what is driving the constraint of the projects.

Council deliberated and concurred with the revised schedule due to the City's desire for the projects to be completed

in a reasonable length of time, prior to the rainy season, which could delay the projects

Mayor Thompson requested that Mr. Soukup relay to the POS that the City's expectations are that the buyouts will continue to be accelerated and that every effort will be put into getting them concluded and helping the remaining residents move as quickly as possible.

MOVED BY HANSEN, SECONDED BY ANDERSON TO ADOPT ORDINANCE NO. 00-1013.

MOTION CARRIED UNANIMOUSLY.

PUBLIC COMMENTS: There were no public comments.

CITY MANAGER'S COMMENTS: City Manager Hoggard had the following items of business: 1) Governor Gary Locke signed House Bill 2420, The Pipeline Safety Act, as the first step toward improving pipeline safety. It still depends on Federal action first; and 2) King County had an informal meeting today at which the decision was made to approach the Suburban Cities Association (SCA) asking for collectively input on the Criminal Justice Study directed at finding ways to avoid building another jail.

COUNCIL COMMENTS: Councilmember Anderson stated that she went on a tour of the Microsoft Campus, which was an interesting experience. Also of interest was a comment made that Harvard University was funding a \$3.5 million grant for a program to provide computer internet between new startup businesses in developing nations that are unable to market their product on the internet.

Councilmember DeHan stated that he attended, along with several Councilmembers and other dignitaries, the groundbreaking ceremony yesterday of the POS's new Airport Ground Control Tower (250 feet in height). POS Executive Director of Aviation Gina Marie Lindsey mentioned that there were two people instrumental in the design phase of the tower, Seattle Mayor Paul Schell (at that time, a Port Commissioner) and SeaTac Councilmember Joe Brennan, who was unable to attend the ceremony so Councilmember DeHan brought him back a hard hat with the POS insignia, which his wife, Betty, accepted for him.

Mayor Thompson had the following items of business: 1) regarding the jail ruling, "Three Strikes and You're Out", it was applied to a woman recently who stole \$439. She felt that elected officials in Olympia need to be lobbied to stress that this ruling should apply to more serious offenders, such as murderer and rapist and other individuals who truly hurt our society; 2) thanked Linda Snider for her assistance with the 10-Year Anniversary Certificates; and 3) she, along with Councilmember Anderson, attended an Annual Job Fest at Chinook Middle School. They assisted students preparing for job interviews. She was inspired by the students who took part in the event, as was Councilmember Anderson. One student Councilmember Anderson interviewed wants to be an author. He has had two book published to date. Another student wants to be a King County Officer.

ADJOURNMENT:

MOVED BY DEHAN, SECONDED BY ANDERSON TO ADJOURN THE REGULAR MEETING OF THE SEATAC COUNCIL AT 8:10 P.M.

MOTION CARRIED UNANIMOUSLY.

Shirley Thompson, Mayor
Judith L. Cary, City Clerk

SEATAC CITY COUNCIL REGULAR MEETING MINUTES

April 11, 2000 - 6:00 PM
City Hall Council Chambers

CALL TO ORDER: The SeaTac City Council Regular Meeting was called to order by Mayor Shirley Thompson at 6:06 p.m.

ROLL CALL: Present: Mayor Shirley Thompson, Councilmembers Gene Fisher, Frank Hansen, Terry Anderson, Joe Brennan, and Don DeHan. Absent: Councilmember Kathy Gehring.

ADMINISTRATIVE STAFF: Jay Holman, Assistant City Manager; Judith L. Cary, City Clerk; Robert McAdams, City Attorney; Elizabeth Spencer, Finance Director; Michael McCarty, Assistant Finance Director; Steve Butler, Planning Director; Jim Downs, Fire Chief; Bruce Rayburn, Public Works Director; Kit Ledbetter, Parks and Recreation Director; and Scott Somers, Chief of Police Services.

FLAG SALUTE: City Attorney McAdams led the Council, staff and audience in the Pledge of Allegiance to the Flag.

PUBLIC COMMENTS: Genita Moore, 13842 29th Avenue South, outlined the problems she has been having with two neighbors, which she has been unsuccessful in resolving. Since December, Jose Jimenez, at 13838 29th Avenue South, has had excessive vehicles parked at his address, which completely block her visibility when exiting her driveway. She suggested a "No Parking" sign placed at least one space from her driveway. City staff examined the situation and stated that there is no need for the sign. Mayor Thompson stated that this issue was discussed in the Land Use and Parks (LUP) Committee meeting and will be discussed further with the Council.

Ms. Moore's second concern is with residents at 13848 29th Avenue South. The property has old tires stacked up to the property line, plus other debris on the property. She has reported this situation to the City and now more junk is on the property as well as an old shed made out of scrap wood and a trailer with possible residents in it. This environment adversely affects the value of her property and her quality of life.

Steve Pinto, 3741 South 192nd Street, had the following concerns: 1) reiterated his concern as to traffic and school dilemma on South 188th Street between Military Road and International Boulevard; 2) inquired as to the status of the design on the new City Hall (NCH); and 3) concerned as to the Little League's fee for ballfield usage. Staff will address these issues with Mr. Pinto.

Stan Watanabe, 16637 40th Avenue South, stated his concerns and resolutions to transportation issues in the City. He suggested that SeaTac develop its own bus service that would connect with Metro and with Sound Transit. He also suggested that a connecting station and Park 'n Ride be placed at the airport.

PRESENTATIONS:

Certificate of Achievement for Excellence in Financial Reporting / Distinguished Budget Presentation Award

Mayor Thompson stated that the Government Finance Officers Association (GFOA) of the United States and Canada is a not-for-profit organization serving governmental entities of all types. In an effort to improve governmental financial reporting, the GFOA administers two national awards programs. The City is proud to have received both of these awards in 1999.

In order to achieve these awards, a City's annual financial report and annual budget document must meet detailed program requirements. Both programs rely on peer reviews to identify conformance or nonconformance with program criteria, and to provide comments and suggestions for further improvement to its financial reporting.

The Certificate of Achievement for Excellence in Financial Reporting was awarded to the City for its 1998 Comprehensive Annual Financial Report (CAFR). Assistant Finance Director Michael McCarty accepted this award on

behalf of the City.

The Distinguished Budget Presentation Award was given to the City for its 1999 Annual Budget document. Finance & Systems Director Elizabeth Spencer accepted this award on behalf of the City.

These awards will be displayed in the Council Chambers, replacing awards received by the City in previous years for each of these programs.

International Festival Update

Parks & Recreation Director Ledbetter gave a brief update on the Annual International Festival to be held June 23 through June 25. He displayed the new posters and flyers, which depict the artwork that will also be incorporated in the street banners and tee shirts. Again this year, various organizations and individuals will sponsor the banners. To-date, eight of the ten banners have been sponsored. The posters and flyers outline the variety of activities for the three days of events, which he briefed on.

Mr. Ledbetter introduced Pat Carter and Carolyn Courtier, who for the second year, are co-chairing the parade and have been working diligently to bring about the City's third annual parade on Saturday, June 24 at 10:30 a.m. Mayor Thompson expressed the Council's appreciation of their work and that of other residents and business people who assist in City events such as this one.

The Children's Area will be held on Saturday and Sunday with "wrist bands" used in lieu of tickets to play games all day. During the event to be held at Angle Lake Park, there will be live entertainment, arts and crafts booths, international food booths and information displays. On Saturday evening, there will be a teen dance under the stars for grades 7 through 12.

Regional Metropolitan Transportation Plan (MTP) Briefing

Norman Abbot, Puget Sound Regional Council (PSRC) Principal Planner, assisted by Rebecca Aue, PSRC staff member, gave an update on the 1995 MTP for 2001. Mr. Abbot explained that the PSRC Regional View brochure (October 1999) introduces the MTP. The MTP is just one of the issues the PSRC is working on. However, in Vision 2020, the plan is the main focus at this time. The major elements of the MTP are outlined in the brochure as follows: System Maintenance Preservation and Management; Transit Facilities and Services; Pedestrian and Bicycle; Freight and Goods; Transportation System Management; Transportation Demand Management (TDM); State Highways and Ferries, City Streets and County Roads; and High Occupancy Vehicle (HOV) System. March 2001 is the scheduled date for the MTP to be adopted at the PSRC General Assembly Meeting.

Mr. Abbot stated that the four County (Snohomish, King, Pierce and Kitsap) Area's common goals for the diverse region address the growing traffic, economic vitality and growth management. The Regional Planning identifies State and local needs and solutions; matches expectations with resources; helps prioritize investments; ensures investments support growth objectives; and links local plans with regional and State plans. As for funding issues, the implementation goal is to: support local plan implementation; enable local and State governments and Transit Agencies to obtain State and Federal Funding through distribution of approximately \$100 million Transportation Improvement Program (TIP) funds (biennial); support Federal discretionary grants and ensure environmental compliance. By the year 2030, the population is estimated to grow to 4.7 million, 1.5 million more than the current population. Mr. Abbot stated that the key reason the PSRC is speaking to the various Councils in this region is to give the local agencies a review of what is being explored by the PSRC Board. There are five steps that run this plan to achieve three State Environmental Protection Agency (SEPA) alternatives (Current Law Revenue, adopted MTP and MTP Plus). He briefed on each of the five steps.

The next phase for the PSRC is to draft an Environment Impact Statement (EIS) for the MTP by October 2000. It is important that local governments give their input to the Transportation Policy Board, which the City's Planning Director serves on.

4th Quarter 1999 Financial Report

Finance Director Spencer distributed copies of the report, noting that although staff have made all year-end adjusting

entries, the amounts reported are subject to change until the State Auditor's Office has completed its audit of the City's financial records for 1999. General Fund Revenue exceeded budget by nearly \$1.8 million for 1999, primarily due to Sales Tax collected on Port of Seattle (POS) Capital Projects and Permit and Plan Review Fees paid by the POS for these projects. Sales Tax collections in 1999 were 8.29 percent above collections for the previous year. General Fund expenditures were nearly \$1.2 million under budget due to salary and benefit vacancy savings, as well as delays in Capital Project spending. After accounting for future commitments and carryovers to be considered by the City Council this evening, the fund balance of the City's General Fund is estimated to be \$1.4 million over budget for December 31, 1999, slightly better than projected in the 3rd Quarter Financial Report.

The City Street Fund reported an ending fund balance of nearly \$17,000 more than budget, with revenues and expenditures very close to budget. The Arterial Street Fund revenues for 1999 were only 91 percent of the budget, with the shortfall due to Parking Tax Revenue lower than projections. This shortfall has been observed throughout the year and has been a topic of discussion by the Finance Committee, which will again discuss this issue at its May 2 meeting. The fiscal year closed with the fund balance about \$230,000 below budget.

The Municipal Facilities Capital Improvement Program (CIP) Fund accounts for the new City Hall (NCH) project. Revenues were significantly below budget because a bond issue was projected for 1999 but has now been delayed until 2001. Expenditures were well below budget due to the timing of the project. On December 31, 1999, this fund reported a balance of \$2.8 million available. The Transportation CIP Fund Revenues and Expenditures were below budget due to delays in Capital Projects such as the 28th/24th Avenue South Improvement Project. Councilmember Hansen asked whether a biennial budget would help with these large variances. Ms. Spencer noted that the longer time period would allow more flexibility, but also noted that with the recent incorporation of the Six-year CIP as part of the budget preparation process, the City should see these variances diminish in the next few years as departments get more experience in projecting annual expenditures on multi-year projects.

The Surface Water Management (SWM) Fund reported revenues and expenditures very close to budget, with the ending fund balance \$200,000 over projections. The SWM CIP Fund reported expenditures at only 39.47 percent of budget, due to timing of Capital Projects, resulting in ending fund balance of \$800,000 more than budget.

Councilmember Anderson inquired as to whether Initiative 695 being deemed unconstitutional changes the City's budget outlook. Ms. Spencer stated that Motor Vehicle Excise Tax Revenue is lost permanently due to the State Legislature's recent repeal of the tax. However, the voter approval of tax and fee increases provided for in I-695 results in a growing budgetary deficit in future years as revenues are held constant and expenditures increase. Should I-695 be found unconstitutional on appeal, the long-term financial picture for the General Fund improves.

CONSENT AGENDA:

Approval of claims vouchers in the amount of \$586,749.09 for the period ending March 30, 2000.

Approval of claims vouchers in the amount of \$148,090.75 for the period ending April 7, 2000.

Approval of employee vouchers in the amount of \$529,833.12 for the period ending March 31, 2000.

Approval of firefighter vouchers in the amount of \$565.00 for the period ending March 31, 2000.

Approval of summary of \$5,000 - \$25,000 purchase requests for the period ending April 7, 2000.

Approval of Council Minutes:

Study Session held January 4, 2000.

Regular Council Meeting held March 28, 2000.

Study Session held April 4, 2000.

Approval of the following Ordinances & Resolution recommended at the April 4, 2000 Study Session for placement on this Consent Agenda:

Agenda Bill #1836; Ordinance #00-1014

An Ordinance approving the amendment of portions of the City of SeaTac Zoning Map, subject to certain conditions and procedures regarding the Westside Properties - Phase II - Planning

Summary: On March 7 and 28, 2000, the Council adopted new amendments to the conditions and procedures

regarding rezoning of Westside properties that the POS owns or plans to acquire through Ordinances Nos. 00-1010 and 00-1013. The amendments were done to accommodate two POS projects: 1) SR 509 Temporary Interchange project; and 2) Year 2000 Third Runway Embankment project. The amendments changed an already existing process for amending the Official Zoning Map for Westside properties, which had been originally adopted on January 13, 1998.

The POS is requesting that the City's Westside rezoning conditions and procedures be amended to accommodate construction of a planned Construction Office and related improvements. As a result of this request, the proposed Ordinance includes the following: 1) The addition of one "Phase II Rezoning Area;" 2) revision of the Conditions and Procedures for Conversion of Properties to Aviation Operations and Aviation Commercial Zoning Provisions; and 3) incorporation of Additional Measures to Buffer Residents from Construction Activities for the Temporary Interchange and Year 2000 Runway Embankment.

Ordinance No. 98-1002 was subject to environmental review and reflects consideration of testimony received at a public hearing held by the Planning Advisory Committee (PAC) on November 17, 1997. The City Attorney has determined that no additional environmental review or public hearing is required on the proposed amendments to the City's conditions and procedures. All of the proposed amendments would be consistent with the Comprehensive Plan, as amended on December 14, 1999, and the City/Port Interlocal Agreement (ILA).

Agenda Bill #1835; Ordinance #00-1015

An Ordinance making a technical amendments to the Surface and Storm Water Management (SWM) Program of Chapter 12.10 of the SeaTac Municipal Code (SMC) - Legal / Public Works

Summary: This Ordinance makes technical amendments to the SWM Code by eliminating references to previously repealed sections and substituting reference to the adopted Surface Water Design Manual.

In preparing the SMC supplement, Code Publishing, Inc. discovered certain discrepancies within the SWM Program of Chapter 12.10. Ordinance No. 98-1054, which adopted the updated King County Surface Water Design Manual, repealed SMC 12.10.030 through 12.10.070 by reason that the provisions thereof were included within the design manual, or were not in compliance with the new standards. Apparently due to oversight, the said Ordinance did not eliminate references within several sections of Chapter 12.10 to the repealed sections. Accordingly, the proposed Ordinance makes technical corrections and does not change the SWM Program.

Agenda Bill #1828; Resolution #00-006

A Resolution amending the City Council Administrative Procedures in regard to Standing Council Committees, a monthly Council Workshop and making technical amendments and corrections – Legal

Summary: This Resolution amends City Council Administrative Procedures which rename two Standing Council Committees, change certain responsibilities, and create a new Standing Council Committee. In addition, provision is made for a monthly Council Workshop. A number of minor technical amendments and corrections are also made.

State law requires that the Council shall determine its own rules and order of business and may also establish rules for the conduct of meetings and the maintenance of order. In conformance with those statutes, the Council has previously adopted Administrative Procedures, which currently provide for four Standing Council Committees, with specified responsibilities.

The Council has indicated its desire to rename the Ways & Means (W&M) Committee to the Finance Committee, to eliminate responsibility for arts and recreation from, and rename, the Land Use, Parks, and Economic Development (LUPED) Committee to the Land Use and Parks (LUP) Committee, and to create a new Standing Council Committee to be known as the Economic Development and Regional Issues (EDRI) Committee. These changes and addition require amendment of Section 3 of the previous City Council Administrative Procedures to formally affect the desired changes.

The Council has also indicated its desire to regularly meet, on a monthly basis, for an informal Council Workshop to discuss issues and concerns, but not to take any final action. The Administrative Procedures, at Section 4, provides for the regular date, time and place of these monthly Workshops. The regular schedule eliminates the need for posting 24-

hour notices. The agenda will be posted on the bulletin board at City Hall as provided at Section 5 of the Administrative Procedures.

Finally, various, minor technical amendments and corrections are made throughout the amended administrative procedures. These generally involve spelling, capitalization, and punctuation. These changes are not substantive.

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

MOTION CARRIED UNANIMOUSLY.

**PUBLIC HEARING (Continued from the March 28 Regular Council Meeting):
Development Agreement with SunReal, Inc. for a potential Parking Structure Project – Planning**

Mayor Thompson opened the Public Hearing at 7:07 p.m.

City Attorney McAdams stated that City staff and SunReal representatives have worked diligently to create a desirable development agreement for both parties. There are still a number of issues outstanding and it is now subject to a third Development Review Committee (DRC) report as of this afternoon's negotiations and at the LUP Committee. The Legal Department had produced a draft development agreement based upon the March 28 agreement with the requested revisions. SunReal has presented a new draft, which incorporates these changes. A final draft is scheduled to be completed soon and will be distributed to Council. Therefore, Mr. McAdams requested that the public hearing be continued until the April 25 Regular Council Meeting at which time public comments will be taken and the draft development agreement will be considered.

Cameron Smock, Manager of the Washington Park and Mortuary located at 16445 International Boulevard, stated his concerns regarding the proposed development agreement for a potential parking structure. He commended the Council for their efforts in targeting economic development that will benefit the City at large. Mr. Smock's business has been serving the community since the 1930's and it is their intent to continue to support the community. He is concerned about the long-term serious impact this project will have on the families who have entrusted his business to the care of their loved ones. He urged Council to follow caution to ensure that this development adheres to the City's development requirements. The development will remove the current buffer of trees with the structure impending within 20 feet of the gravesites. He acknowledged that the developer presented at the LUP meeting atheistic plans for the westside go beyond the City's Code and he applauded them for that measure. His concern is that the setback between the property lines is 10 feet and although he appreciates the landscape being proposed, growth will be slow to reach the height of the structure. He also questioned whether the 10-foot buffer is enough space to support the growth of the trees.

With no further comment made, Mayor Thompson closed the Public Hearing at 7:15 p.m.

NEW BUSINESS:

Agenda Bill #1805; Ordinance #00-1016

An Ordinance amending the 2000 Budget for 1999 Carryovers – Finance

Summary: This Ordinance amends the 2000 Annual Budget to include items budgeted for in 1999, but not completed, requiring a carry over of the appropriation to the following year. This item was discussed at the February 15 Study Session and was deferred to allow additional Council discussion. At issue were those carryover requests deleted at the February 9 W&M Committee (now renamed Finance Committee) which include: Human Services Funding - \$17,631 (revised from \$21,049); Computer Hardware - \$7,000; Human Resources Vacancy Savings - \$11,651; and Tuition Reimbursement Program - \$4,949.

The Finance Committee again considered this item at its April 4 meeting and has recommended the following: 1) the Human Services funding be added back with Council receiving two options. Option No. 1 is to add back the amount reduced in the current budget due to the loss of Motor Vehicle Excise Tax Revenue as a result of I-695. Option No. 2 would carry over the full amount of unspent funds from the 1999 One Percent calculation; and 2) action on the other items would be delayed and could be considered by the Council on a per item basis at a later date should staff need the funds. The savings from these deleted carryovers would remain part of the 2000 beginning fund balance of the General Fund.

When departments develop their requests for the annual budget preparation process each year, they are required to provide estimates of the actual year-end expenditures by line item for the current year. In doing so, they make projections on what items will be completed in the fourth quarter of the year. Due to various circumstances, some of these items are not completed, and the budget appropriation must be carried over and added to the following year's budget to allow expenditure. A brief description of carryovers requested by various departments for 2000 is listed in Agenda Bill No. 1805:

General Fund: 1) Municipal Court -Tools & Equipment - Carryover request eliminated; 2) City Manager - Human Services Contracts; 3) City Manager - Human Services – CDBG. Carryover request eliminated March 6, 2000;4) Finance - Accounting & Auditing; 5) Finance – Geographic Information System (GIS) Program; 6) Finance - Computer Software and Computer Hardware; 7) Police Services -Criminal Justice Area Nos. 1, 2; and 3; 8) Parks & Recreation - Comprehensive Plan; 9) Parks & Recreation - North SeaTac Park (NSP) BMX Track; 10) Parks & Recreation - Remote Irrigation Control; 11) Parks & Recreation - Park Facility Equipment; 12) Non-Departmental - City Center Study; and 13) Non-Departmental - City Hall Site Expend.

Other Funds: 1) Transit Planning Fund - Professional Services; 2) Hotel/Motel Tax Fund - Hotel/Motel Tax Study; 3) Hotel/Motel Tax Fund - Tye High School Scholarship Program; 4) Limited Tax General Obligation Bonds (LTGO) Bond Debt Service Fund - Other Debt Service Costs; 5) Transportation Bond Debt Service Fund - Other Debt Service Costs; 6) SWM Utility Fund - Other Debt Service Costs; and 7) SWM Construction Fund - Surface Water Rate Study.

All carryovers requested in this Ordinance were included in the 1999 Annual Budget. They were also included in year-end 1999 estimates used to determine fund balance levels available to fund 2000 Budget requests. Therefore, there is no fiscal impact of this ordinance, it simply changes the timing of the expenditures (2000 instead of 1999).

Finance Director Spencer noted that this Ordinance was considered by Council on February 15, at which time three issues arose. First, Committee Chair Gehring reported that some carryover requests had been removed by the W&M Committee at its February 9 meeting, and some Councilmembers expressed a desire to add back the Human Services carryover request that had been removed. Second, Council wished to include in this agenda bill, the funding needed to meet Council computer needs identified in early 2000. Third, a suggestion was made by Councilmember Fisher that the funds from the carryover requests denied by W&M Committee be transferred to the City's Contingency Fund.

Ms. Spencer noted that the Council computer needs had been addressed in the original agenda bill, so the committee did not need to consider the second issue.

Finally, the committee noted that the denied carryover requests resulted in additional funds available for possible appropriation. Because Council approval would be required to spend these funds whether they were in Fund Balance of the General Fund or the Contingency Fund, the committee felt that the General Fund was acceptable.

MOVED BY DEHAN, SECONDED BY HANSEN TO ADOPT ORDINANCE NO. 00-1016.

MOTION CARRIED UNANIMOUSLY WITH OPTION ONE.

Agenda Bill #1837

A Motion approving upgrading a half-time Administrative Assistant II position to full-time - Public Works

Summary: This Motion allows for the upgrading of an unfilled half-time Administrative Assistant II position to full-time. This half-time person was approved in the 2000 budget but has not been filled. This full-time position would work at the Building Division's permit counter processing permits and other related clerical work. Due to the increase in work activity at the POS, it is desirable to upgrade this position to full-time.

Assuming an effective date of May 1, 2000, this position will cost the City an additional \$14,000. However, this cost will be offset from savings of other approved but yet unfilled positions in the Building Division. A computer and workstation was already budgeted for this position. Therefore, no additional money will be needed to fund this position.

MOVED BY DEHAN, SECONDED BY BRENNAN TO ACCEPT AGENDA BILL NO. 1837.*

Public Works Director Rayburn briefed on the above summary. Councilmember Fisher questioned the employment of "one by one" hires when it is known that ten new employees need to be hired for the POS permitting process. He was also concerned about the hiring of more employees and only 90 percent of the Consumers Price Index (CPI) granted to the existing employees.

*MOTION CARRIED UNANIMOUSLY.

PUBLIC COMMENTS: There were no public comments.

CITY MANAGER'S COMMENTS: Assistant City Manager Holman had the following items of business: 1) The Des Moines Memorial Drive (DMMD) press conference for the formal signing of the ILA between King County and the Cities of SeaTac, Des Moines, Burien, and Normandy Park was held this afternoon. Mayors or their designees were on hand to sign the ILA for the DMMD improvements. He added that Council is interested in economic development in the City and there is a medical firm is interested in developing a project in 60,000 square feet of property in the City. The concern is that there is very little existing space available; and 2) Upcoming meetings: the Chamber of Commerce luncheon will be held on Friday, April 14 at 11:30 a.m. at the Embassy Suites in Tukwila with David Sabey, developer, as guest speaker; the Public Safety & Justice (PS&J) Committee meeting is scheduled for Monday, April 17 at 4:00 p.m. at Fire Station 1; and the Transportation & Public Works (T&PW) Committee will meet on Tuesday, April 25 at 4:00 p.m. at City Hall.

COUNCIL COMMENTS: Councilmember Hansen stated that he inquired as to the construction at South 192nd Street and was informed by Public Works Director Rayburn that this is the start of the 28th/24th Avenue South Arterial Project. He was pleased to hear that plans for this project have been in the works for ten years.

Councilmember Fisher had concerns as to the "Request for Information" that was included in the Council's Packets. Councilmembers explained that this was a tool used by the first Council to insure that all Councilmembers were kept informed of all Council requests of the staff and their subsequent replies. Since the staff has been receiving various requests from the individual Councilmembers, it was felt that this practice should be reinstated. Secondly, Councilmember Fisher expressed his desire to have the Council Packet delivered on Thursdays rather than Friday, which would give the Council more time to read through the material.

Mayor Thompson added, regarding the Friday night packet, that this practice was instituted when the Council consisted of mainly working members. If an earlier packet is easier for the Council to have time to review, she assured Councilmember Fisher that she felt sure that staff would comply with this schedule. She requested Mr. Holman discuss this with City Manager Hoggard. There are pros and cons of a change in the schedule that will need to be addressed. Councilmember DeHan stated that the one negative might be that the earlier packet would exclude any more recent information that needed to be given to Council. It was suggested that supplemental information could be emailed or faxed to Council.

Mayor Thompson added to Mr. Holman's comments on the DMMD dedication and the collaborative effort of the involved Cities, County, State and private businesses to improve this drive. This is also a tremendous step in working together as regional and local entities.

RECESSED: Mayor Thompson recessed the Regular Council Meeting at 7:42 p.m. to an Executive Session on Personnel Issues.

EXECUTIVE SESSION: Personnel Issues

RECONVENED: Mayor Thompson reconvened the Regular Council Meeting at 8:32 p.m.

ADJOURNMENT: MOVED BY ANDERSON, SECONDED BY DEHAN TO ADJOURN THE REGULAR MEETING OF THE SEATAC CITY COUNCIL AT 8:33 PM.

MOTION CARRIED UNANIMOUSLY.

Shirley Thompson, Mayor
Judith L. Cary, City Clerk

SEATAC CITY COUNCIL REGULAR MEETING MINUTES

April 25, 2000 - 6:00 PM
City Hall Council Chambers

CALL TO ORDER: The SeaTac City Council Regular Meeting was called to order by Mayor Shirley Thompson at 5:05 p.m.

ROLL CALL: Present: Mayor Shirley Thompson, Councilmembers Gene Fisher, Frank Hansen, Terry Anderson, Kathy Gehring (arrived during the first Executive Session), Joe Brennan (arrived during the first Executive Session), and Don DeHan.

ADMINISTRATIVE STAFF: Calvin Hoggard, City Manager; Jay Holman, Assistant City Manager; Kristina Lowrey, Deputy City Clerk; Robert McAdams, City Attorney; Elizabeth Spencer, Finance Director; Steve Butler, Planning Director; Barbara Rudge, Associate Planner; Jim Downs, Fire Chief; Bruce Rayburn, Public Works Director; Desmond Machuca, Administrative Assistant II, Resource Conservation; Paul Slusser, Public Works Inspector I; Larry Ellis, Recreation Supervisor; Brian Tomisser, Recreation Services Coordinator; and Scott Somers, Chief of Police Services.

FLAG SALUTE: Councilmember DeHan led the Council, staff and audience in the Pledge of Allegiance.

RECESSED: Mayor Thompson recessed the Regular Council Meeting to an Executive Session on Personnel Issues at 5:07 p.m.

EXECUTIVE SESSION: Personnel Issues

RECONVENED: Mayor Thompson reconvened the Regular Council Meeting at 6:07 p.m.

2nd FLAG SALUTE: Chief of Police Somers led the Council, staff and audience in the Pledge of Allegiance.

CERTIFICATE OF RECOGNITION:

Certificate of Recognition to Taylor Evans-Race for earning the rank of Eagle Scout with the Boy Scouts of America

Mayor Thompson read and presented the certificate to Taylor Evans-Race.

INTRODUCTIONS:

New City Employees: Barbara Rudge, Associate Planner; Paul Slusser, Public Works Inspector I; Brian Tomisser, Recreation Services Coordinator; and Desmond Machuca, Administrative Assistant II, Resource Conservation (part-time)

City Manager Hoggard introduced the new employees.

Ms. Rudge graduated from the University of California with a degree in Political Science/Environmental Design. She has worked as a Land Use Planner and as a consultant in the private sector and has experience with implementation of the Growth Management Act (GMA).

Mr. Slusser has an Associate of Technology degree in Civil Engineering from Bates Technical College. He has 20 years experience in residential and commercial concrete construction. Before joining SeaTac as an Inspector, he worked for the Washington State Department of Transportation (WSDOT).

Mr. Tomisser graduated from Northwest College and has worked for both the City of Kent and the Highline YMCA in their youth programs. He has been selected by the Parks Department to be the Coordinator for teen programs at the Community Center.

Ms. Machuca graduated from the University of Texas at El Paso where her focus was Marketing and Public Relations. She went on to promote professional sporting events for 10 years. Before moving to the Seattle area, Desmond was the Director of Communications and Marketing for the Greater El Paso Chamber of Commerce.

PUBLIC COMMENTS: Bill Swan, 3210 South 198th Street, President of the South Highline American Little League, stated that he is aware that some league parents have given the Parks Department a hard time. The league has a good working relationship with the City. He apologized for any past comments made. He also congratulated Taylor Evans-Race on his achievement.

PRESENTATION:

City/Port Joint Advisory Committee (JAC) Update

Councilmember Anderson briefed on the April 24 JAC Meeting issues: 1) possibilities for replacement of the overview park; and 2) Surface Water Management (SWM) Fees.

CONSENT AGENDA:

Approval of claims vouchers in the amount of \$703,002.51 for the period ending April 20, 2000.

Approval of employee vouchers in the amount of \$359,465.46 for the period ending April 15, 2000.

Approval of summary of \$5,000 - \$25,000 purchase requests for the period ending April 21, 2000.

Approval of Council Minutes:

Regular Council Meeting held April 11, 2000.

Study Session held April 18, 2000.

Acceptance of Advisory Committee Minutes:

Civil Service Commission Meeting held March 13, 2000 (commission approved April 10, 2000).

Human Relations Advisory Committee Meeting held February 10, 2000 (committee approved April 13, 2000).

Human Services Advisory Committee Meeting held March 6, 2000 (committee approved April 8, 2000).

Library Advisory Committee Meetings held January 13 and March 9, 2000 (committee approved April 13, 2000).

Senior Citizen Advisory Committee Meeting held March 16, 2000 (committee approved April 20, 2000).

Approval of the following Ordinance, Resolution, & Motion recommended at the April 18, 2000 Study Session for placement on this Consent Agenda:

Agenda Bill #1834

A Motion authorizing the purchase of Computers for the 2000 Replacement Program – Finance

Summary: Included in the City's six-year Capital Improvement Program (CIP) is a plan for regular replacement of computer hardware and software utilized by staff. Computer hardware is scheduled for replacement using the following estimated useful lives: 1) computer workstations - four years; 2) computer monitors - five years; 3) printers - eight years.

Although the City is scheduled to replace 65 computers in 2000, the 2000 Budget appropriates only enough money to replace 25 computers, requiring 40 users to keep their computers beyond the four-year estimated life. A staff committee has been asked to consider methods of determining which of the 65 computers will be replaced.

The computers to be purchased are Hewlett Packard Vectra Vei8, 550 MHz Pentium III, 64 MB RAM, 8.4 GB hard drive, with Windows 98 and MS Word 2000. Three price quotes were obtained, with the lowest quote at \$1,030 each plus sales tax and shipping.

Agenda Bill #1839; Resolution #00-007

A Resolution regarding accessing Electronic Information contained in the City of SeaTac's Geographic Information System (GIS) in compliance with the Public Disclosure Act, Chapter 42.17 Revised Code of [Washington \(RCW](#) - Finance

Summary: The City's GIS program is administered by the Finance & Systems Department. Project requests are discussed and prioritized by a GIS Users Committee that meets monthly. The program gained momentum in 1997 with a needs assessment and significant data development for the Planning Department. However, staffing was cut from two to one full-time employees (FTEs) in 1998 and the one remaining staff person found the daily requests for GIS analysis and maps too time-consuming to continue with data development. The single position was vacant most of 1999 with staff conducting a reclassification of the position and then two recruiting efforts, only to lose the most promising candidate to the passage of Initiative 695 and the City's temporary hiring freeze.

In the interim, the Planning Department has been kind enough to allow their Cartographer/GIS Specialist to fill GIS requests from other departments, which can be numerous. GIS Committee members have considered ways in which we might more efficiently obtain, maintain and use GIS data. Public Works, Planning and Finance department staff have reworked the 2000 budget for the GIS program in an effort to maximize production with limited resources. One key to the continued success of the GIS program is data development - increasing the amount and kinds of data available for user departments. The decision has been made to contract for data development instead of creating it in-house. This will reduce staffing from one FTE to one half FTE, but it will ensure that data development occurs.

Getting the most out of limited resources with this program is made even more difficult by the surprising number of outside requests received for GIS data and maps. Many private businesses view government as an inexpensive way to develop data they can then manipulate for their own profit. These companies are doing no business with the City and the City does not benefit from the products they sell. These requests have proven to be drains on GIS resources for many other Puget Sound area Cities as well.

This Resolution was developed to provide City staff written guidance in administering the City's GIS program. It sets out the various types of requests that may be received and how they shall be prioritized, clearly indicating that resources should be concentrated on the data needs of the City first and foremost, while meeting public record requests as expeditiously as possible. Those requests that require significant staff time to create, update or manipulate existing GIS data do not qualify for disclosure under the Public Disclosure Act. Staff recommend that these custom products be accepted at staff's discretion and be given lowest priority, unless the City enters into an agreement providing mutual benefit to each data provider.

The Resolution also sets out the rate structure that applies to GIS product requests, the media and file formats on which GIS data is made available, and provides standard disclaimer language regarding the accuracy of the data. It will also provide City staff clear guidance on how to administer the GIS program objectively and consistently, as all departments will be required to follow these guidelines.

Agenda Bill #1840; Ordinance #00-1017

An Ordinance amending the 457 Deferred Compensation Plan vesting schedule of Subsection 2(B) of Ordinance No. 94-1004 - Finance

Summary: This Ordinance amends the five-year vesting schedule of the City's maximum two percent annual match of managerial employee contributions to the 457 Deferred Compensation Plan so as to provide full vesting.

Prior to 1994, the City Personnel Policies and Procedures provided that all employees were eligible for overtime or compensatory time for hours worked in excess of 40 hours per week. In 1994, the City Council adopted Ordinance No. 94-1004, which applied the Federal Fair Labor Standards Act (FLSA) to the determination and identification of employees not eligible for overtime or compensatory time (typically managerial, supervisory, and professional employees). In partial compensation for this loss, the Ordinance established a 457 Deferred Compensation Plan for these "exempt" employees. The Plan provided that the City would match an eligible employee's contributions to his/her 457 Deferred Compensation Plan at 40 percent of the employee contribution to a maximum total of two percent of the employee's income annually. The City contributions are subject to a five-year vesting schedule. At the completion of the first year of participation in the program, the employee vests at 20 percent of the City contributions. Each year thereafter, the employee vests in additional 20 percent increments. The employee is considered 100 percent, or fully vested in the City's contributions after the completion of five years of participation in the program.

The City's 457 Deferred Compensation Plan is administered by the ICMA Retirement Corporation, which does not

recognize vesting requirements of employers offering a 457 plan. Therefore, the City is responsible for maintaining a second set of account records for each participating employee in order to track the vested and non-vested City contributions. The administration of this plan has proven to be a time-consuming task for Finance Department staff. Participating employees receive two statements on their 457 plan account. One statement is produced by the ICMA Retirement Corporation, which reports the total contributions to the plan on behalf of the employee. A second account statement from the Finance Department is produced, which reports a reduced account balance due to a reduction of the non-vested City contributions. To further complicate matters, Internal Revenue Service (IRS) regulations require that deferred compensation plan contributions be reported on the annual W-2 form in an amount that represents the total employee contributions and only the vested portion of the City contributions.

In 1999, the first group of employees reached completion of their fifth year of participation in the program. The Finance Department prepared 1999 W-2 forms in January of this year, and the most significant problem with this plan became apparent. After five years of participation, the employee became fully vested in all prior City contributions, which were not vested in the year the contributions were made. This "61st month adjustment" was now required to be reported on the W-2 form as deferred compensation contributions. However, that adjustment resulted in four of the five impacted employees exceeding the legal maximum annual contribution to a deferred compensation plan. For those employees contributing at the legal maximum, the adjustment made after five years' participation will require them to reduce their own contributions throughout that year to offset the adjustment to be made for W-2 reporting purposes. This results in an increase in the employee's taxable income and resulting tax liability. In some cases, the adjustment will be high enough that it will prevent the employee from receiving the two-percent maximum City contribution.

Due to these administrative problems with the plan, the Finance Committee on February 9 considered eliminating the vesting requirements. This action would result in each employee becoming immediately fully vested in all City contributions made to the account. The committee voiced support for eliminating the vesting requirements and referred the matter to a future Study Session. The committee requested that staff discuss this potential change with employees currently participating. On February 18, a memorandum was distributed to all employees eligible to participate, detailing the problems that have been encountered and explaining the impact on the plan should Council approve elimination of the vesting requirements. To date, Finance staff has received no comments.

Recently, staff contacted the ICMA Retirement Corporation and received confirmation that it continues to discourage vesting requirements for 457 plans. Furthermore, ICMA representatives stated that if the City opts to continue the vesting provisions, it should change the method of administering the plan. They believe that, to reduce the possibility of legal liability, the City should establish an employer account to which non-vested contributions of all participants are deposited. As vesting steps are reached, the City would transfer the vested portion from the employer account to the individual employee accounts. This procedure would result in a significant increase in staff time required to administer the plan.

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

MOTION CARRIED UNANIMOUSLY.

NEW BUSINESS:

Agenda Bill #1844; Resolution #00-008

A Resolution fixing the time for a Public Hearing and for Council action on vacation of certain streets, alleys, and rights-of way (ROW) abutted on both sides by Port of Seattle (POS) Property - Public Works

Summary: The City has agreed with the POS, as documented in the Interlocal Agreement (ILA) dated September 4, 1997, to vacate certain rights-of-way (ROW) and to receive direct and community relief payments as compensation for the ROW and partial mitigation for the impacts from the third runway and its construction.

The public hearing is to consider vacating Streets and alleys that are unused and/or unopened ROW abutting POS property. The hearing will consider vacating the unused and unopened ROW where the POS is the owner of 100 percent of the abutting property for a street or alley segment. The ILA identifies the streets and alleys to be vacated and defines the compensation to be paid.

Resolution No. 00-004 was adopted by the City Council on March 7, 2000, setting a hearing date, as required by statute, for April 25, 2000. However, notice of the said hearing was not published in the City's official newspaper, as required by statute. Accordingly, this Resolution re-sets the said hearing date for May 23, 2000.

The procedures for the vacation of a public ROW are de~~in~~[in the RCW](#). A public hearing is to be held to consider the merits of the requested street vacation. The date of the public hearing is set by a Resolution of the City Council. The public hearing must not be more than sixty days nor less than twenty days after the date of passage of the Resolution setting the date for the public hearing. The date of May 23, 2000 has been selected as the regularly scheduled City Council meeting that meets this criterion.

Public Works Director Rayburn reviewed the above summary.

MOVED BY HANSEN, SECONDED BY ANDERSON TO PASS RESOLUTION NO. 00-008.

MOTION CARRIED UNANIMOUSLY.

**PUBLIC HEARING (Continued from the April 11 Regular Council Meeting):
Development Agreement with SunReal, Inc. for a potential Parking Structure Project - Planning**

Mayor Thompson opened the Public Hearing at 6:20 p.m.

Cameron Smock, Manager of the Washington Park and Mortuary located at 16445 International Boulevard, stated that he met earlier today with Mayor Thompson and David Schroedl, SunReal Developer. He stated his appreciation of the cooperative spirit demonstrated by Mr. Schroedl. Some very good suggestions came out of that meeting. He is hopeful that as this project goes forward that they will continue to work cooperatively in addressing those issues.

Approximately one week ago, Mr. Smock sent a letter to Council outlining seven concerns he had. Most of those concerns were worked through this afternoon. He encouraged Council to consider the following for the development agreement: 1) no sign on the west side of the structure; and 2) assure that landscaping needed on the west and south include a mixture of both conifer and deciduous trees and not just deciduous trees as originally proposed.

City Attorney McAdams stated that since the draft of the development agreement was placed in the Friday Packet, changes have been made due to ongoing negotiations.

Planning Director Butler reviewed a summary of the SunReal Development Agreement: 1) SunReal's previous development efforts; 2) City to review and process application under existing Development Regulations; 3) Linear Park; 4) Design; 5) Commercial space (two alternatives); 6) City cooperation in Design and Construction Phase of Scheduled Improvements to International Boulevard; 7) Wetlands and Landscaping; 8) Aisle width/Stall width (two alternatives); 9) Future Development (two alternatives); 10) Continued use of additional property; 11) Timing (two alternatives); 12) Off Site Improvement (two alternatives); 13) Phased Construction; 14) Development Regulations; 15) Dispute Resolution as to Design; and 16) General Provisions.

Mr. Butler reviewed the following sections and alternatives with discussion ensuing between the Council, staff and proponent (David Schroedl and his attorney, Dennis Reynolds with the firm of Williams, Kastner & Gibbs PLLC).

Section 5

SunReal Alternative: build 1,000 square feet of commercial space between garage and east property line, at time of garage construction.

Staff Recommendation: provide "rough-in" improvements for 3,000 square feet; construction at developer's option.

Section 8 – "One-size-fits-all" Parking Stall Approach & Maximum Column/Light Pole Intrusion (common to both alternatives)

SunReal Alternative: 90 degree Parking Standards - 8.5 foot stall width / 59 foot parking module width, with 58 foot allowed if no column intrusions; option of reducing aisle width – reduce three inches of aisle width for each additional one inch of stall width; angled parking – Use level of service standards from 1998 AIA Architectural Graphic Standards.

Staff Recommendation: 90 degree Parking Standards - 8.5 foot stall width / 60 foot parking module width; option of reducing aisle width – no reduction; angled parking.

Section 9

SunReal Alternative: City agrees to expeditiously process SunReal's request for: a) a development agreement amendment; b) a new development agreement; c) SEPA approvals; or d) a building permit.

Staff Recommendations: no provisions that would bind the City to future agreements.

Section 11

SunReal Alternative: "...The City, however, agrees to issue its final Mitigated Determination of Non-Significance (MDNS) for the SEPA application for the garage as soon as possible but not later than May 1, 2000, and will publicize a Notice of Action as specified by [RCW 43.21C.080](#) without republishing or recirculating the MDNS for further review or public comment..."; and "...SunReal shall commence construction of the garage within five (5) years of the date of this agreement unless otherwise extended by mutual agreement of the City and SunReal..."

Staff Recommendation: "...The City, however, agrees to issue its SEPA determination for the SEPA application for the garage as soon as possible but not later than May 1, 2000."; and "...SunReal shall submit a complete application for building permit for the garage within 12 months of the later to occur of the date of this agreement or the expiration of the existing leases (if any) on the property, unless otherwise extended by mutual agreement of SunReal and the City, which agreement shall not be unreasonably withheld..."

Section 12

SunReal Alternative: SunReal agrees to a) pay traffic impact fees; b) 100 percent of linear park installation and maintenance costs; and c) "all frontage improvements not included within the scope of the City's proposed improvements to International Boulevard and/or required on an interim basis to meet fire, life and safety requirements..."

Staff Recommendation: Same as above for items a) and b), but different language for c) "...and all frontage improvements required by the development."

Mayor Thompson closed the Public Hearing at 7:40 p.m.

NEW BUSINESS (Continued):

Agenda Bill #1753; Resolution #00-009

A Resolution authorizing the SunReal Development Agreement - Planning

Summary: A development agreement between the City and SunReal, Inc., which is in control of property located at 16253 International Boulevard, together with certain adjacent properties, at 16219, 16221, and 16223 International Boulevard, within the City of SeaTac, would permit flexibility and allow development of a parking structure project to move forward, vested under current development regulations.

In order to provide flexibility, to permit creativity of design, style, and technique, and to provide for phased development and interim uses, development agreements may be entered into by and between the City and property owners or developers pursuant to [RCW 36.70B.170](#) through .210, provided that the terms of any such development agreement shall be generally consistent with the purposes and standards of the comprehensive plan and development regulations in existence.

The subject parking garage project was first brought to the attention of the City upon request for a Development Review Committee (DRC) meeting, which was scheduled for January 18, 1999. However, the proponent, SunReal cancelled the meeting. Thereafter, SunReal commenced a course of telephone conversations, correspondence, and meetings with various City staff for the purpose of seeking approval for numerous variances or waivers from City requirements. A DRC meeting relating to the proposed parking garage project was held on July 27, 1999. On August 25, 1999, SunReal proposed, by letter, entry into a development agreement primarily due to problems associated with the filling of Class III Wetlands on the property. Very numerous meetings and correspondence, as well as telephone conversations ensued which, again, related primarily to requests for variances and waivers, as well as continual changes to the project. Most of the said changes related to off-site mitigation of destruction of the on-site wetlands. Numerous proposals were made but agreement could not be reached due to the necessity of Army Corps of Engineers

and State Department of Ecology approvals and permits. Although most issues had been resolved by February, 2000, late in March, 2000, SunReal advised of a considerable modification to the project which included avoidance of filling the wetlands and placing the garage on a portion of the original property (located at 16253 International Boulevard, directly to the north and east of the Washington Memorial Park Cemetery) and also upon adjacent properties at 16219, 16221, and 16223 International Boulevard (to the north of the original property). This change resulted in withdrawal by the City of its threshold mitigated determination of nonsignificance (MDNS).

A final DRC meeting was held on April 11, 2000, as was a public meeting of the City Council's Land Use and Parks (LUP) Committee. A public hearing, pursuant to statute, was scheduled for March 28, 2000, and has been consecutively continued to April 25, 2000, for consideration by the Council of public comments. Public comments have previously been provided by principals and attorneys for Gateway and a principal of the Washington Memorial Park Cemetery. A threshold determination pursuant to SEPA has now been issued.

Pursuant to Ordinance No. 99-1045, it is for the Council to determine, based upon public comments and all information, whether or not to enter into a development agreement, and also to determine any provisions not resolved by agreement of the City and the proponent.

Mayor Thompson polled the Council as to their preferred alternative:

Section 5: The SunReal Alternative was unanimously agreed to.

Section 8: Councilmember Anderson and Gehring requested that the current standards of compact (eight foot) and average (nine foot) stalls incorporated together be used. The SunReal Alternative was agreed to by a majority of the Council.

Section 9: Councilmember Fisher preferred the SunReal Alternative. The staff recommendation was agreed to by a majority of the Council.

Section 11: The Staff Recommendation was unanimously agreed to.

Section 12: The SunReal Alternative was unanimously agreed to.

MOVED BY BRENNAN, SECONDED BY DEHAN TO PASS RESOLUTION NO. 00-009.

MOTION CARRIED UNANIMOUSLY.

Agenda Bill #1841

A Motion extending employment of City Manager Calvin P. Hoggard - Council

Summary: Extension of the employment contract of City Manager Calvin P. Hoggard is, by terms of the original agreement, to be considered, based upon performance review, within one year of the termination date of the existing employment agreement. A merit increase in salary is also to be considered based upon the said performance review. Employment was previously extended to May 1, 2001. Thus, the time has now arrived to act upon a further extension.

Pursuant to terms of the employment agreement with Mr. Hoggard, the Council conducted a performance review in Executive Session during the Regular Council Meeting of April 25, 2000 and concluded that his performance as City Manager warrants extension of his employment and a merit increase in salary. Review of the performance of a public employee may be conducted in Executive Session pursuant to [RCW 42.30.110\(1\)\(g\)](#), a section of the Open Public Meetings Act.

The existing employment agreement may be extended by action of the Council, with agreement of Mr. Hoggard, within one-year prior to the scheduled termination date of the existing agreement, which is May 1, 2001.

An extension of employment for an additional year, from May 1, 2001 to May 1, 2002 is warranted. The employment agreement provides for an automatic cost of living allowance equal to 100 percent of the CPI-W Seattle-Tacoma-

Bremerton every six months.

MOVED BY ANDERSON, SECONDED BY BRENNAN TO APPROVE AGENDA BILL NO. 1841.

MOTION CARRIED UNANIMOUSLY.

PUBLIC COMMENTS: Genita Moore, 13842 29th Avenue South, stated that she attended the April 11 Council Meeting where she requested assistance with two neighbor issues, residents at 13838 29th Avenue South and 13848 29th Avenue South. She inquired as to the status of her concerns. Mayor Thompson stated that staff would respond to her concerns as soon as possible.

Marion Henry, 3208 South 198th Street, stated that she can not see any reason that the City would put commercial businesses in the parking garage. People want to get to the airport and then they want to go home. They do not want to shop in a parking garage.

CITY MANAGER'S COMMENTS: City Manager Hoggard had the following items: 1) extended his appreciation to the City Attorney, Planning Director and staff for their work on the SunReal Development Agreement; 2) May 3, a meeting will be held regarding Light Rail Station Area Planning; 3) April 27, King County and the Suburban Cities Association (SCA) will hold a joint meeting regarding the Endangered Species Act (ESA); and 4) there was a previous citizen inquiry as to whether the City would fix the street on 8th Avenue South between South 192nd and 188th Streets because it was very rough. It is scheduled for overlay this summer.

COUNCIL COMMENTS: Councilmember DeHan stated that in the Friday Packet he received a very comprehensive report by Chief of Police Services Somers in regards to the traffic on South 188th Street. He stated that if staff hears from the person who inquired as to this issue, he would like to be informed.

Councilmember Gehring stated that when she arrived home Saturday night, the motion lights came on and immediately a police car arrived. She thanked Police for their quick response.

Mayor Thompson stated that the City was awarded \$7,500 for the King County Arts Commission 2000 Sustained Support Program. The City will be reviewing how best to spend this money. If the Council has any input, please contact Parks & Recreation Director Ledbetter. She thanked Chief of Police Services Somers for responding to Steve Pinto's concerns regarding South 188th Street in a timely manner. She also thanked Mr. Butler, Planning staff, Mr. McAdams, and Mr. Hoggard for their effort in the SunReal Development process.

RECESSED: Mayor Thompson recessed the Regular Council Meeting to an Executive Session on Potential Litigation at 7:58 p.m.

EXECUTIVE SESSION: Potential Litigation

RECONVENED: Mayor Thompson reconvened the Regular Council Meeting at 8:20 p.m.

ADJOURNMENT:

MOVED BY DEHAN, SECONDED BY ANDERSON TO ADJOURN THE REGULAR MEETING OF THE SEATAC CITY COUNCIL AT 8:22 PM.

MOTION CARRIED UNANIMOUSLY.

Shirley Thompson, Mayor
Kristina Lowrey, Deputy City Clerk

SEATAC CITY COUNCIL REGULAR MEETING MINUTES

May 9, 2000 - 6:00 PM
City Hall Council Chambers

CALL TO ORDER: The SeaTac City Council Regular Meeting was called to order by Mayor Shirley Thompson at 6:06 p.m.

ROLL CALL: Present: Mayor Shirley Thompson, Councilmembers Gene Fisher, Frank Hansen, Terry Anderson, Kathy Gehring, and Joe Brennan. Absent: Councilmember Don DeHan.

ADMINISTRATIVE STAFF: Calvin Hoggard, City Manager; Jay Holman, Assistant City Manager; Kristina Lowrey, Deputy City Clerk; Robert McAdams, City Attorney; Elizabeth Spencer, Finance Director; Bruce Rayburn, Public Works Director; Don Monaghan, Assistant Public Works Director; Tom Phillips, Building Official; Lawrence Ellis, Recreation Supervisor; Lydia Assefa-Dawson, Programs Coordinator; and Scott Somers, Chief of Police Services.

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

PUBLIC COMMENTS: Genita Moore, 13842 29th Avenue South, reiterated her complaint about vehicles parked on her street, which completely block her visibility when exiting her driveway. She submitted pictures of the cars parked on her street.

City Manager Hoggard gave an update of the situation. There are a lot of cars parked on this street. The Police are monitoring the situation. The cars do move, so they are within their rights to park there.

Ms. Moore stated that cars are not allowed to park for more than 24 hours in the City's right-of-way (ROW). One car has been parked on the opposite side of the street for several months.

Discussion ensued as to citizen's marking the tires of cars for duration tracking. Mr. Hoggard stated that this would not be effective.

Chief of Police Services Scott Somers stated that the issue is not people outside the area parking in the neighborhood, it is people within the neighborhood parking in the ROW. Some cars have been towed. The current cars are moving within the 24-hour time period. The Police Department will continue to monitor the situation. Already, extensive staff time has been dedicated to this issue. It may be that the way to a solution is the neighbors compromising.

Chief Somers stated that he would talk with the City Attorney to see if there are any other innovative strategies as far as dealing with parking.

Mayor Thompson questioned the use of "No Parking" signs on the street. Chief Somers stated that most likely there is not enough "other" parking for the cars. Sometimes, solutions like that can generate even greater problems.

Chief Somers stated that he would report back at the May 16 Study Session as to possible solutions.

Ms. Moore added that she has, in the past, tried to work with her neighbors, to no avail.

CONSENT AGENDA:

Approval of claims vouchers in the amount of \$391,164.07 for the period ending April 28, 2000.

Approval of claims vouchers in the amount of \$805,968.30 for the period ending May 5, 2000.

Approval of employee vouchers in the amount of \$493,827.01 for the period ending April 30, 2000.

Approval of firefighter vouchers in the amount of \$390.00 for the period ending April 30, 2000.

Approval of summary of \$5,000 - \$25,000 purchase requests for the period ending May 5, 2000.

Approval of Council Minutes:

Regular Council Meeting held April 25, 2000.

Acceptance of Advisory Committee Minutes:

Planning Advisory Committee Meeting held March 20, 2000 (committee approved April 24, 2000).

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

MOTION CARRIED UNANIMOUSLY.

PUBLIC HEARING:

2001 Community Development Block Grant (CDBG) Pass-through Funds - City Manager

Mayor Thompson opened the Public Hearing at 6:17 p.m.

Mr. Hoggard stated that SeaTac qualifies for an estimated \$237,599 in CDBG funds. He recommended that the City Manager be approved to execute the agreement with the County to receive these funds.

Frank Hughes, 3217 South 182nd Place, asked Council to consider two alternative uses for the grant. SeaTac has approximately 6,000 citizens 55 years and older. A large number are on low or fixed income. He suggested the grant money be used to enhance the quality of life for these people by applying it to senior housing or a senior center. It would be far better to assist the current citizens before bringing in new people. Additional affordable family housing unfortunately translates in to added fire and police protection. It also adds a tremendous burden to an already overcrowded school system. The second alternative would be to form a commission of local business leaders, retired executives, and prominent residents for the express purpose of exploring a possibility of enticing high-tech business to relocate in SeaTac. This would produce high paying jobs and generating tax relief for years to come and benefit the entire community.

Ms. Assefa-Dawson briefed the Council on how the grant monies have been used in the past. The CDBG funds are for three categories: 1) public service; 2) planning and administration; and 3) capital projects. The planning and administration, and public service funds are usually in a low amount, approximately \$30,000 a year. The public services dollars are usually used for shelters and/or food banks. The capital project funds have been used for such items as the Nike site, the Northwest Housing (for disabled citizens of SeaTac), and \$70,000 - \$80,000 a year has been used for major home repairs. In the year 2000, the City began funding minor home repairs. The remainder of the funds has been used to improve playgrounds at Madrona and Bow Lake Elementary Schools.

Councilmember Fisher inquired as to the amount of funds that SeaTac would actually receive to sponsor these items. Ms. Assefa-Dawson stated that the total funds allotted to SeaTac, after administration costs will be \$237,000, including \$187,000 for capital projects.

Mayor Thompson closed the Public Hearing at 6:25 p.m.

NEW BUSINESS:

Agenda Bill #1838

A Motion authorizing the City to accept 2001 Community Development Block Grant (CDBG) Funds as a Pass-through City - City Manager

Summary: SeaTac qualifies for an estimated \$237,599 in King County Consortium CDBG funds, which will be available January 1, 2001. This is a 17.7 percent increase from 2000 level of \$195,525, but only \$540 more than the 1999 funding level of \$237,059. This Motion allows for the Council to make a recommendation on whether or not to accept the funds as a pass-through City.

Council acceptance of this award is the first step in receiving the funds. King County will notify the City in mid-summer of the updated estimate of our total allocation. Once signed, staff through the Human Services Advisory

Committee, will go before the Council with funding recommendations in early fall for submittal to King County Housing and Community Development.

MOVED BY ANDERSON, SECONDED BY GEHRING TO ACCEPT AGENDA BILL NO. 1838.

MOTION CARRIED UNANIMOUSLY.

Agenda Bill #1849

A Motion authorizing entry into a Consultant Contract to provide Plan Review Services - Public Works

Summary: With the Port of Seattle's (POS) Capital Improvement Program (CIP) underway, the City's plan review workload has increased significantly. The Building Division plans to meet this demand with a combination of additional employees and contracted consultants. The use of consultants will help the City to manage the peak periods of workload while maintaining a stable work force.

Public Works Building Official Tom Phillips reviewed the above summary.

Council discussion ensued as to the money coming out of the General Fund versus setting up a separate fund. Mr. Hoggard stated that the money would be accounted for separately, within the General Fund. Segregating the funds has pros and cons. He suggested that this issue be brought before the Finance Committee if the Council wants to separate the funds.

Mayor Thompson suggested that this Motion be passed tonight and then the issue go before the Finance Committee for recommendation as to separating the funds.

MOVED BY HANSEN, SECONDED BY BRENNAN TO ACCEPT AGENDA BILL NO. 1849.

MOTION CARRIED UNANIMOUSLY.

Agenda Bill #1850; Ordinance #00-1018

An Ordinance amending the 2000 Annual City Budget for Plan Review Consulting Services - Finance

Summary: This Ordinance provides additional appropriation authority in the amount of \$130,000 for plan review consulting services related to POS capital projects such as the South Terminal Expansion Project (STEP). This will increase the 2000 budget for General Fund expenditures by \$130,000, to be funded from POS permitting fees.

Finance Director Elizabeth Spencer stated that this Budget Ordinance relates to Agenda Bill No. 1849.

Councilmember Fisher sought clarification on why the amendment affects the General Fund when the POS permitting costs were in another fund. Ms. Spencer explained that while POS permitting-related revenues and expenditures are tracked separately, they are included as part of the General Fund budget. Ms. Spencer also noted that the Finance Committee has requested that the POS permitting financial status be included as a standing agenda item so that the Committee can track these revenues and expenditures on a monthly basis.

MOVED BY ANDERSON, SECONDED BY BRENNAN TO ADOPT ORDINANCE NO. 00-1018.

MOTION CARRIED UNANIMOUSLY.

Agenda Bill #1855; Resolution #00-010

A Resolution setting the Public Hearing on the Final Assessment Roll for Local Improvement District (LID) No. 1 for 28th/24th Avenue South Arterial Improvement Project as to Alaska Airlines, Inc., Budget Rent-A-Car Systems, Inc. and Highline School District No. 401 - Public Works

Summary: This Resolution sets the time of 4:00 p.m., the date of June 20, 2000 and the location in the City of SeaTac Council Chambers, located at 17900 International Boulevard, Suite 401, SeaTac, Washington 98188 for the hearing on

the Final Assessment Roll for LID No. 1 for the 28th/24th Avenue South Arterial Improvement Project as to Alaska Airlines, Inc., Budget Rent-A-Car Systems, Inc. and Highline School District No. 401.

On April 19, 2000, a hearing was held in Superior Court before the Honorable Harriett M. Cody. On April 26, 2000, Judge Cody ordered that pursuant to [RCW 35.44.250](#) and [Chapter 7.24 RCW](#) the LID assessments levied by the City against Alaska Airlines, Budget and the Highline School District are nullified and that SeaTac Ordinance No. 99-1048 is null and void as to these properties. Thus, the City has prepared a final assessment roll as to Alaska Airlines, Inc., Budget Rent-A-Car Systems, Inc. and Highline School District No. 401 and will proceed to confirmation of the final assessment roll.

The amount of the proposed assessments against these properties is \$1,322,704.50: Alaska Airlines, Inc. \$523,889.22; Budget Rent-A-Car Systems, Inc. \$141,696.62; and Highline School District No. 401 \$657,118.66.

Assistant Public Works Director Don Monaghan reviewed the above summary.

MOVED BY HANSEN, SECONDED BY BRENNAN TO PASS RESOLUTION NO. 00-010.

MOTION CARRIED UNANIMOUSLY.

Agenda Bill #1857; Resolution #00-011

A Resolution establishing an Interim Interest Rate on Special Assessments related to Local Improvement District (LID) No. 1, 28th/24th Avenue South Arterial Improvement Project – Finance

Summary: A property owner included in LID No. 1 wishes to refinance and is required to pay the property's assessment in full. The interest rate to be applied to LID No. 1 assessments has not yet been established because the related bonds have not been sold. Therefore, it is necessary for the City Council to establish an interim interest rate to be applied to assessments paid between now and the date bonds are issued. This rate will be determined based upon the interest rate obtained for other similar bonds issued on or around May 5, 2000.

Ms. Spencer stated that although interest on the assessments began accruing on March 22, an interest rate has not yet been determined. This interest rate will be .5 percent above the interest rate to be paid on bonds issued by the City. The bond issue has been delayed due to the appeal of assessments by certain property owners in the LID. The City's bond counsel recommends that Council approve this Resolution establishing an interim interest rate of seven percent to be applied to any assessments paid between the expiration of the prepayment period and issuance of LID bonds by the City.

MOVED BY HANSEN, SECONDED BY FISHER TO PASS RESOLUTION NO. 00-011.

MOTION CARRIED UNANIMOUSLY.

Agenda Bill #1856; Resolution #00-012

A Resolution fixing the time for a Public Hearing and for Council action on vacation of certain streets, alleys, and rights-of way (ROW) abutted on both sides by Port of Seattle (POS) property - Public Works

Summary: A Resolution setting June 13, 2000 at 6:00 p.m. as the date to conduct a public hearing to consider the merits of vacating streets and alleys abutted by POS property.

The City has agreed with the POS, as documented in the Interlocal Agreement (ILA) dated September 4, 1997, to vacate certain ROW and to receive direct and community relief payments as compensation for the ROW and partial mitigation for the impacts from the third runway and its construction.

The public hearing is to consider vacating streets and alleys that are unused and/or unopened ROW abutting POS property. The hearing will consider vacating the unused and unopened ROW where the POS is the owner of 100 percent of the abutting property for a street or alley segment. The ILA identifies the streets and alleys to be vacated and defines the compensation to be paid.

Resolutions No. 00-004 and 00-008 were adopted by the City Council on March 7 and April 25, 2000, respectively setting hearing dates, as required by statute, for April 25 and May 23, 2000 respectively. However, notice of the said hearings was not published in the City's official newspaper, as required by statute. Accordingly, this Resolution re-sets the said hearing date for June 13, 2000.

The procedures for the vacation of a public ROW are defined in the Revised Code of Washington (RCW). The public hearing must not be more than sixty days nor less than twenty days after the date of passage of the Resolution setting the date for the public hearing. The date of June 13, 2000 has been selected as the regularly scheduled City Council meeting that meets this criteria.

Mr. Monaghan reviewed the above summary.

MOVED BY HANSEN, SECONDED BY FISHER TO PASS RESOLUTION NO. 00-012.

MOTION CARRIED UNANIMOUSLY.

PUBLIC COMMENTS: Denny Lensegrav, Community Relations Manager, Puget Sound Energy (PSE), stated that in the May 9 Seattle Post Intelligencer, there was an article titled "Union puts Fight for Utility Jobs on Radio" and "PSE, Utility has yet to announce layoffs." The rumor of laying off 2,000 people is incorrect. He briefed Council on the past, present, and future environment of energy. Washington is moving into a deregulated environment. Over the past 100 years, investor-owned utilities, such as PSE, have been basically in an irregulated utility box. The future situation is with three boxes: 1) regulated - asset management; 2) energy delivery services (pipes and wires called infrastructure); and 3) northwest service providers - non regulated. The work force is being transitioned into Box No. 3 since the requested jobs can be done in a more economical manner. Currently, 50 percent of the States are deregulated. Washington is not yet. PSE's goal is to become the best energy distribution company in the Nation. PSE's objective is to get out of the generation business and just distribute energy.

CITY MANAGER'S COMMENTS: City Manager Hoggard stated that he received an inquiry from King County Councilmember Chris Vance regarding North SeaTac Park and how much funding is needed by SeaTac for the park. Mr. Hoggard reviewed his response with Council: \$65,000, pending an agreement with AirTouch, that needs to be approved by the POS, for \$12,000, which would result in only needing \$53,000.

King County is also considering a capital appropriation of \$450,000 for additional baseball field lighting. \$300,000 of that appropriation is currently tied up by the County having paid the cost of the removal of hazardous materials found when the ballfields construction occurred. That has not yet been resolved between the POS and the County. If the County were to appropriate the money for the lights, it would generate another net revenue of \$10,000. With the \$10,000, it would be \$43,000 that the County would need to incur.

Mr. Hoggard told Mr. Vance that the City would agree with \$53,000.

Councilmember Anderson stated that some of the services to the ballfields are provided by Seattle City Light. They are still collecting taxes and not putting any of those dollars back in to the City of SeaTac, which she questioned. Mr. Hoggard stated that he would review the issue.

COUNCIL COMMENTS: Mayor Thompson had the following items: 1) five photos were selected and purchased by the City from the 2nd Annual Photography Contest; 2) Des Moines citizen Carl Jensen was named Highline Citizen of the Century at the age of 91. He received more than 60 percent of the votes for this award, which was sponsored by the Highline Times. She thanked Deputy City Clerk Lowrey for preparing a proclamation which was given to Mr. Jensen at an awards ceremony on May 7; 3) regarding the Kent Regional Justice Center (RJC), she will represent Council by writing a letter to County Councilmember Ron Sims but asked Councilmember Brennan to first address the issue in the next Public Safety & Justice (PS&J) Committee meeting and give recommendations to Council; and 4) complimented the new editor and reporter for the Highline Times for accurate reporting of City Council Meetings.

RECESSED: Mayor Thompson recessed the Regular Council Meeting to an Executive Session on Potential Litigation

at 7:10 p.m.

EXECUTIVE SESSION: Potential Litigation

RECONVENED: Mayor Thompson reconvened the Regular Council Meeting at 7:33 p.m.

ADJOURNMENT:

MOVED BY FISHER, SECONDED BY HANSEN TO ADJOURN THE REGULAR MEETING OF THE SEATAC CITY COUNCIL AT 7:35 P.M.

MOTION CARRIED UNANIMOUSLY.

Shirley Thompson, Mayor
Kristina Lowrey, Deputy City Clerk

SEATAC CITY COUNCIL REGULAR MEETING MINUTES

May 23, 2000 - 6:00 PM
City Hall Council Chambers

CALL TO ORDER: The SeaTac City Council Regular Meeting was called to order by Mayor Shirley Thompson at 6:03 p.m.

ROLL CALL: Present: Mayor Shirley Thompson, Councilmembers Gene Fisher, Frank Hansen, Terry Anderson, Kathy Gehring (arrived at 6:05 p.m.), Joe Brennan, and Don DeHan.

ADMINISTRATIVE STAFF: Calvin Hoggard, City Manager; Jay Holman, Assistant City Manager; Kristina Lowrey, Deputy City Clerk; Robert McAdams, City Attorney; Jim Downs, Fire Chief; Bruce Rayburn, Public Works Director; Terry Tackett, Plans Examiner / Inspector I; and Scott Somers, Chief of Police Services.

FLAG SALUTE: Councilmember Hansen led the Council, staff and audience in the Pledge of Allegiance.

INTRODUCTION:

New City Employee: Terry Tackett, Plans Examiner / Inspector I

City Manager Hoggard introduced Terry Tackett, the City's new Plans Examiner / Inspector I replacing Basil Papahronis. Mr. Tackett completed a one-year program at Edmonds Community College with an emphasis on Building Inspection. He is certified by the International Conference of Building Officials (ICBO) as a Building, Plumbing, and Mechanical Inspector. He has been a journeyman plumber for 23 years.

PUBLIC COMMENTS:

David Schroedl, President of SunReal, Inc., thanked Council for their support of the parking garage project. He stated that there are two unfinished items relative to the development agreement: 1) signage and landscaping issues with regards to the cemetery; and 2) State Environmental Protection Agency (SEPA) conditions. Language has been agreed to by City Attorney McAdams regarding the signage and landscaping issues. Mr. Schroedl stated that he has previously commented on the SEPA conditions. Staff declined to make any changes. He requested Council consider those issues and direct staff as to which approach to take.

Dennis Reynolds, Attorney representing Mr. Schroedl, stated an appeal was filed to preserve their options. The intent is to continue discussing these issues with staff. In discussions with staff today, most of the issues were resolved and there are only two issues left, which relate to Resolution No. 99-001. The Resolution establishes a trial period for the Crime Prevention Through Environmental Design (CPTED) principals. The issue is that the Mitigated Determination of Non Significance (MDNS) has mandatory performance standards such as painting the ceiling, at approximately \$500,000 - \$2,000,000. Mr. Reynolds stated that they are not trying to negate the obligations of the development agreement. These conditions came in at the last minute. SunReal exercised their appeal rights and want to resolve those issues quickly to dismiss the SEPA appeal.

Councilmember Brennan stated that he feels that when someone applies for a permit or development agreement, conditions that are in effect at that particular time, when the project starts, should be followed through the entire project.

Council discussion ensued as to why painting the inside of a parking garage is a requirement. Mr. McAdams stated that current CPTED regulations require painting the inside of a garage a light color to aid in illumination.

In regard to Councilmember Brennan's comment, Mr. McAdams stated that the vesting doctrine in Washington State provides that once a completed application for a development permit is filed and accepted as a completed application, the existing development regulations are fixed and the developer is vested with such regulations. The reason for the agreement in this case was to vest this development with the current regulations even if they do not bring the building application in for a couple of years.

Chief of Police Services Somers stated that one of the Police Department's 2000 goals is to examine the current crime statistics and see if through design and/or maintenance CPTED type principals, what can be done to prevent future crimes. Areas that have implemented CPTED have had a decrease in crime.

Council discussion ensued regarding CPTED in parking structures and Council's responsibility in this issue. Council has already authorized the Development Agreement. Therefore, there is nothing for Council to consider at this time.

CONSENT AGENDA:

Approval of claims vouchers in the amount of \$257,451.59 for the period ending May 19, 2000.

Approval of employee vouchers in the amount of \$369,390.07 for the period ending May 15, 2000.

Approval of summary of \$5,000 - \$25,000 purchase requests for the period ending May 19, 2000.

Approval of Council Minutes:

Study Session held May 2, 2000.

Regular Council Meeting held May 9, 2000.

Study Session held May 16, 2000.

Acceptance of Advisory Committee Minutes:

Library Advisory Committee Meeting held April 13, 2000 (committee approved May 11, 2000).

Planning Advisory Committee Meeting held April 24, 2000 (committee approved May 15, 2000).

Approval of the following Ordinances, Resolution, and Motions recommended at the May 16, 2000 Study Session for placement on this Consent Agenda:

Agenda Bill #1861

A Motion authorizing an Agreement with Puget Sound Energy (PSE) for conversion of Overhead Power Lines on the Des Moines Memorial Drive (DMMD) Improvement Project - Public Works

Summary: The agreement covers the conversion of overhead power lines to underground. The City would pay 30 percent of the conversion cost for work between South 188th and 192nd Streets, and 70 percent for work between South 192nd and 194th Streets. The City would pay 100 percent of the cost of installing streetlights. PSE would own, operate and maintain both systems.

It is desirable to work with PSE to cause the existing overhead distribution power system to be replaced with a comparable underground distribution power system. Per this agreement, PSE would provide and install the Main Distribution System and remove the existing overhead system of 15,000 volts or less. The City would perform all trenching, restoration, surveying, and the installation of all conduit, vaults, ground plates and handholds. PSE will provide and deliver all conduit, vaults, ground plates, and handholes along with an inspector to monitor the installation of such equipment. PSE would also design and install a street lighting system for the project. The City shall be responsible for coordinating all the above-mentioned work, including public notification.

The City will reimburse PSE as described above for the work to install the underground distribution system, which is estimated to be \$131,357.61 in accordance with the adopted UTC Tariffs. The City shall also reimburse PSE 100 percent of the costs for the street lighting system and associated circuitry, which is estimated to be \$38,509.94. The total estimated amount of the agreement is \$169,867.55.

Agenda Bill #1853

A Motion authorizing an Interlocal Agreement (ILA) with King County, Kent, Renton and Tukwila for the Trans Valley Study - Public Works

Summary: This agreement commits SeaTac participation in the Trans Valley Arterial Study. SeaTac's financial share is \$13,000. The total study cost is \$485,000.

For many years, the Valley Cities of Kent, Renton and Tukwila have desired improved east-west traffic circulation in

the region. Several proposals have been made by individual jurisdictions; however, a coordinated regional effort has not been undertaken. The Trans Valley Connector Study will identify corridors to fill the demand for better east-west circulation. This proposal has been brought before and received support from the South County Area Transportation Board (SCATBd) of which SeaTac is a charter member. City Council has also been advised of the proposed study in past Transportation and Public Works (T&PW) Committee meetings. SeaTac has an interest in the study because any improved arterial in the valley will connect to one of the SeaTac east-west corridors. SeaTac wants the study to address impacts to our City and propose mitigations for those impacts.

Agenda Bill #1866; Ordinance #00-1019

An Ordinance amending the 2000 Annual City Budget for the Trans Valley Study - Finance

Summary: Approval of an ILA with King County, Kent, Renton and Tukwila for the Trans Valley Study will require additional appropriation authority in the City's 2000 Annual Budget. In the Transportation Capital Improvement Program (CIP) Fund, both revenues and expenditures would increase by \$13,000, SeaTac's portion of the study cost. In the Arterial Street Fund, expenditures would increase by \$13,000, providing a transfer of revenue to the Transportation CIP Fund to cover these costs.

Agenda Bill #1798; Resolution #00-013

A Resolution authorizing a Police Services Contract with King County for continued Police Services - City Manager

Summary: This Resolution authorizes an ILA with King County for continued policing services to be provided by the King County Sheriff's Office (KCSO) for the term beginning January 1, 2000 and extending through December 31, 2002 with possible extension to December 31, 2004. The new police contract improves upon the existing contract.

Negotiations for this renewed contract have been conducted jointly by the Cities presently contracting for police services with the KCSO. A three-person City negotiating team made up of the City Managers of Shoreline, Maple Valley (replaced by Newcastle) and SeaTac was formed in March 1999 and negotiated with King County this past year. This team reported back to the City caucus of the Police Oversight Committee as negotiations progressed. The King County negotiating team was comprised of a representative of the King County Executive, Steve Noland, a representative of the KCSO, Rebecca Norton, and King County Office of Budget and Strategic Planning staffmember.

The contract relationship with King County is a dynamic one. Consequently, the contract strengthens the role of the individual City's Police Chief and the role of the Police Oversight Committee in order to address new or unresolved issues into the future.

Prior to negotiations, the Cities and the County jointly conducted a financial review study of the police services contract. This study was performed by Public Administration Service (PAS) of Mclean, Virginia. The study looked at issues of equity, accounting methodology, costing models, pricing and comparison to stand alone police department organization, staffing and costs. The report was completed February, 1999 and was highly complimentary of the King County/Cities Contract Model. The report basically compared contracting costs as generally equivalent to stand alone costs. SeaTac's costs are comparatively higher than other contract Cities due to policy decisions to provide greater staffing levels to address unique community needs such as traffic.

The proposed contract presented to the City Council for authorization to sign in substantially its presented form would make the following substantive changes to the existing police contract:

1. Rather than maintaining proportionate distribution of vacancies between Cities, the new language requires the KCSO to coordinate with the City to minimize the impact of vacancies.
2. The new contract requires deputies who have been with the City less than 24 months to remain unless a lateral transfer is approved by the City Manager.
3. Promotions are also to be coordinated through concurrence of the City Manager.
4. King County has agreed to a cap on the annual growth in charges at the annual rate of inflation for quartermaster, supplies, services, telephones, capital computers, printing, insurance, motor pool (except for vehicle purchase and fuel at actual cost) and central County support services.

5. The new contract includes the amendment successfully sought by SeaTac to the existing contract which places overtime charges on an actual cost basis for each City rather than a pooled cost basis.
6. The role of the contract City Police Chief is strengthened and clarified to define accountability, specify uniform recognition, establish department head responsibilities within the City, establish stronger operational authority within the KCSO and establish a stronger role for the Police Chief in personnel management.
7. Requires prior County approval of City purchases in lieu of County supplies for which the City desires to be given a contract credit.
8. Clarifies the City's ability to provide its own police facility and receive a contract credit for doing so.
9. Establishes City ownership of 800 MHz radios that were purchased with the Countywide levy funds paid by City taxpayers.
10. Includes language previously agreed upon to amend the existing contract to clarify drug seizure procedures.
11. Requires a KCSO multi-year police services business plan which includes contract Cities in the process.
12. Includes language to manage computer resources.
13. Requires the KCSO to administer the provision of arson investigation services to be provided by the County Department Development and Environmental Services Fire Marshall's Office.
14. Requires long term arson service options to be studied.
15. Requires providing the City access to all traffic accident investigation records as they are completed or available and specifies protocols for coordination in this area.
16. Provides for a term of three years from January 1, 2000 through December 31, 2002 with extension by consensus of the Oversight Committee for two more years until December 31, 2004.
17. Specifies termination procedures, which require 45-day notice of intent prior to an 18-month termination notice; requires a joint meeting to clarify reasons and review alternatives and impacts; and requires joint transition planning.
18. Provides a method for Cities to withhold payment to the County over disputed billings.
19. Provides for Oversight Committee approval of contract amendments agreed to by the KCSO, King County Executive and a City.
20. Provides for a dispute resolution process, which requires its submittal to the Oversight Committee if not resolved between the Sheriff and the City Manager. However, rights to ultimately sue are not lost.
21. Requires performance measures focused upon outcomes for effectiveness and efficiency. Options for the measures to be provided by July 2000.
22. Internal investigation procedures are strengthened to provide accountability to the City Manager not just internally to the KCSO.
23. Defines a whole host of contract terms to improve contract clarity.
24. Specifies the arson services cost allocation model.
25. Specifies the arson investigation call out protocols, which retains the decision authority to call out arson investigators with the City.

Agenda Bill #1804; Ordinance #00-1020

An Ordinance amending the 2000 Annual City Budget for a Police Services Contract - Finance

Summary: Approval of the police services contract with King County requires certain amendments to the City's 2000 Annual Budget. The adopted budget anticipated a contract amount of \$5,515,000, but the total contract amount for 2000 will total \$5,531,155. This budget increase of \$16,155 is offset by the elimination of \$41,000 in the non-departmental portion of the General Fund budget, which was a set-aside for arson investigation services, the cost of which has been provided for in the police contract total budget.

Agenda Bill #1858

A Motion authorizing acceptance of a Fiscal Year 1999 Local Law Enforcement Block Grant (LLEBG) - Finance

Summary: The City received notice from the Bureau of Justice Assistance (BJA) that it has again been awarded a LLEBG. This grant period will run September 30, 1999 to September 30, 2001. The purpose of the LLEBG program is to reduce crime and improve public safety. The grant will reimburse the City 80 percent of its qualifying expenditures to a maximum of \$50,807. Following acceptance of the grant, the City must take the following steps: 1) establish an

advisory committee to review the Police Department's recommended expenditures; 2) hold a public hearing at which the proposed expenditures and committee's recommendation shall be considered, along with public testimony; 3) Council approval of expenditures; and 4) commitment of expenditures must be made in the form of a purchase order prior to September 30, 2000, with expenditures actually being made by September 30, 2001.

Agenda Bill #1829

A Motion approving an appropriation of Hotel/Motel Tax Funds for the Tyee High School Academy of Travel and Tourism (AOTT) for the year 2000 - City Manager

Summary: The Tyee High School AOTT is a school-within-a-school program that provides students the academic focus for careers in the travel, tourism and hospitality industries. This Motion would authorize the expenditure of \$10,000 for student scholarships, as well as a two-for-one match by the City of money raised, up to a maximum total of \$40,000 contribution by the City. At the March 8, 2000 Hotel/Motel Tax Advisory Committee meeting, it was recommended that the Council approve a one-year program. At the end of 2000, the second program will again be evaluated to determine further funding.

The AOTT is one of about 80 such academies and was the first in the Pacific Northwest. The program presently serves about 110 students in grades 9-12. Eight students graduated in 1999. The High School expects 120 students in the program next year.

The Scholars Foundation was established in February 1999 to provide post-secondary educational options for graduates of Tyee. Many of these students cannot afford these educational opportunities without some assistance.

The AOTT is considered a program of choice, and as such, the only costs that are provided by the Highline School District are for the equivalent of two full-time teachers. Program coordination and program directorship are assigned to designated educators at no additional cost to the school district or high school. Curriculum and teaching materials are provided by the Tyee High School instructional budget. All other costs are not covered by "public" dollars generated by the tax base. Currently, supplementary materials, Familiarization (FAM) trips, program promotions, and staff development are funded by grants received from outside the school district.

In 1999, the Council authorized entry into a grant agreement with the Highline School District which established the terms and conditions of the City's support for the academy and foundation. This agreement is automatically renewed, on an annual basis if the Council appropriates funds from the Hotel/Motel Tax revenues. Both programs were quite successful during 1999.

Agenda Bill #1814; Ordinance #00-1021

An Ordinance amending the 2000 Annual City Budget to provide an appropriation for the Tyee High School Academy of Travel and Tourism (AOTT) – Finance

Summary: This Ordinance recommends that the City Council authorize funding of up to \$50,000 for support of the Tyee High School AOTT for the year 2000 in accordance with the above summary of Agenda Bill No. 1829.

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

MOTION CARRIED UNANIMOUSLY.

PUBLIC COMMENTS: There were no public comments.

CITY MANAGER'S COMMENTS: City Manager Hoggard had the following items: 1) on May 10, City, Port and Sound Transit staff were briefed by Ed Anderson and representatives from Lockheed-Martin as to the Taxi2000 Personal Rapid Transit (PRT) system. Lockheed is exploring partnering as a developer of this technology. It will be three to four years before this new team could have a viable product for SeaTac to pursue, even if the decision by Lockheed to proceed is made soon. Thus, it seems questionable at this time for the City to continue to ask Sound Transit to "Keep a PRT design envelope" available at the Link Light Rail stations, as well as to ask the Port to keep access points to the Airport available. Mayor Thompson stated that this issue is scheduled for Council discussion at the

May 24 Council Workshop; 2) received notice that the Olympic Pipeline will begin testing on May 24, the lateral pipeline that goes into SeaTac. In mid-June, another test will be conducted; 3) requested Assistant City Manager Holman to head up an Endangered Species Act (ESA) Taskforce for the staff, to assess the City's compliance as to rules and clarify compliance needs; and 4) the North SeaTac Park Community Center will be closed June 1 and 2 for new carpet installation.

COUNCIL COMMENTS:

Councilmember Brennan stated that the Hotel/Motel Tax Advisory Committee will meet at 9:00 a.m. on May 24.

Councilmember Hansen stated that Council received a letter from a Salmon Stream Activist for the Miller Creek Historic Puget Sound Salmon Stream. Councilmember Hansen reviewed portions of the letter, giving facts as to why he feels the person is uninformed.

Councilmember Anderson requested that the issue of changing the meeting time of the Land Use and Parks (LUP) Committee be added to the May 24 Council Workshop. Councilmember Anderson also stated that she spent three days in Vancouver, British Columbia, where she had a chance to ride the Light Rail. This convinced her that Light Rail is a great community device.

ADJOURNMENT:

MOVED BY DEHAN, SECONDED BY GEHRING TO ADJOURN THE REGULAR MEETING OF THE SEATAC CITY COUNCIL AT 6:39 P.M.

MOTION CARRIED UNANIMOUSLY.

Shirley Thompson, Mayor
Kristina Lowrey, Deputy City Clerk

SEATAC CITY COUNCIL REGULAR MEETING MINUTES

June 13, 2000 - 6:00 PM
City Hall Council Chambers

CALL TO ORDER: The SeaTac City Council Regular Meeting was called to order by Mayor Shirley Thompson at 6:07 p.m.

ROLL CALL: Present: Mayor Shirley Thompson, Councilmembers Frank Hansen, Terry Anderson, and Joe Brennan. Excused absences: Councilmembers Gene Fisher, Kathy Gehring, and Don DeHan.

ADMINISTRATIVE STAFF: Calvin Hoggard, City Manager; Jay Holman, Assistant City Manager; Judith L. Cary, City Clerk; Robert McAdams, City Attorney; Jim Downs, Fire Chief; Steve Butler, Planning Director; Jack Dodge, Principal Planner; Craig Ward, Principal Planner; Barbara Rudge, Associate Planner; Bruce Rayburn, Public Works Director; Don Monaghan, Assistant Public Works Director; and Scott Somers, Chief of Police Services.

FLAG SALUTE: Fire Chief Downs led the Council, staff and audience in the Pledge of Allegiance.

PUBLIC COMMENTS: Linda Snider, 18700 36th Avenue South, stated that she had the privilege of recently graduating from the King County Precinct 4 Citizens Academy. Without the financial support of the City Council, citizens would not have the opportunity. She thanked the Council for their support and hoped this opportunity will continue to be offered to the local citizens. She added that SeaTac has the "Cream of the Crop" in its Police Department and thanked the many officers who conducted the training.

Tom Dantzler, Equitable Capital Group, 19950 International Boulevard, stated that he had met with the City Manager today to review issues he wanted to discuss. He mentioned that he attended the Economic Development Subcommittee where the process was reviewed and, as a developer, had discussed the process with the City Manager. He added that his meeting with the City Manager was excellent and he appreciated Mr. Hoggard's attentiveness to his issues.

David Schroedl, SunReal President, thanked the Council, staff and all involved who worked toward the completion of the parking garage development agreement and through the State Environmental Protection Agency (SEPA) requirements. The site was fraught with problems and all parties have worked diligently through them. He assured the Council that SunReal will make the City prove of the development results.

PRESENTATIONS:

Miscellaneous Amendments to the Zoning Code

Planning Director Butler stated that the amendments are basically housekeeping issues recommended to be added to the Zoning Code. These amendments transpired due to residents' requests that certain activities are not currently addressed in the code.

Principal Planner Dodge outlined the amendments: 1) New Definitions - Butterfly/Moth Breeding, Wholesale/Retail and Landscaping Business; 2) Revised Definitions - revises the definition for "Hotel/Motel and Associated Uses" and provides consistency with the state definition; and 3) Wireless Telecommunications Facilities (WTF) - requires a minor Conditional Use Permit (CUP) for new support structures in the Industrial (I), Business Park (BP), Community Business (CB), Community Business/Center (CB/C), Neighborhood Business (NB), and Office/Commercial Medium (O/CM) zones. No minor CUP is currently required. It requires a major CUP for new WTF and support structures in North SeaTac Park. Currently, WTF and support structures are allowed outright in North SeaTac Park (NSTP).

Councilmember Brennan questioned the issue of Wireless Telecommunications Facilities at the NSTP. Mr. Dodge stated that the facilities are proposed to be placed on a utility pole and under the City Code, a CUP is needed. This amendment would not affect this pole. Part of NSTP is zoned for Aviation Business Center (ABC) verses an actual park zone. More research is needed to determine how this will work in the Interlocal Agreement (ILA) with the Port of Seattle (POS)

Mr. Dodge continued with 4) Land Use Charts (Chapter 15.12) - revises the chart to allow Specialized Instruction Schools, with more than three students, in former school facilities subject to a CUP; 5) Landscaping Charts (Chapter 15.14) - revises the chart to add landscaping requirements for a Butterfly/Moth Breeding business and revises the chart to add landscaping requirements for a landscape business; 6) Off-Street Parking Charts (Chapter 15.15) - revises the chart to add off-street parking requirements for a Butterfly/Moth Breeding business and revises the chart to add off-street parking requirements for a landscape business and; 7) SEPA Exempt Level – Multi-family Development - raises the Exempt Level for Mutli-family Development from four units to 20 units.

Mr. Dodge added that these amendments will go before the City Council in an upcoming Council Meeting.

Concurrency Management for City Facilities and Sewer and Water Capacity

Associate Planner Rudge stated that concurrency is required by the Growth Management Act (GMA). Concurrency is an approach that insures there are adequate facilities available for new development without reducing service to current residents. In order to be eligible to receive grants, local governments are required by the State to adopt concurrency management by the end of June. Concurrency Management System implements the current Comprehensive Plan which requires concurrency for Storm Water Management, Fire Services, Parks and Recreation, Community Center, and City Hall. Sewer and water must be available at the time of occupancy. All other facilities must be available within six years from the time of development. The City of SeaTac determined the Level of Service (LOS) for each facility in its Comprehensive Plan in 1994.

The Comprehensive Plan requires that there be adequate facilities, services and equipment to provide service to any major facility. If these requirements are not met, the developer would have to either provide some form of mitigation or fee for improvement or be denied the opportunity to develop.

Mr. Butler added that every year when the Comprehensive Plan Amendments are being adopted, the Capital Facilities Element is updated and the level of service for each facility is examined. In some cases, the Council has lowered level of service. For example, the Fire Service is measured on Capital (major equipment). Only Transportation (City arterials) is required under State law. However, the Transportation Regulations state that sewer and water should also be required. Staff has listed the longer list because the Comprehensive Plan states that the City needs to deal with concurrency for all the facilities. The Comprehensive Plan is proposed to be changed to included Transportation (City arterials), Sewer, and Public Water to reflect the concurrency for these facilities.

City / Port Joint Advisory Committee (JAC) Update

JAC Committee member, Councilmember Anderson gave a report on the committee's last meeting. The following items of business were discussed: 1) combining the north end development (north of SR 518) and the Port Post Office and the configuring of the roads; 2) off-airport site rental car businesses charging airport rates, which is in disagreement with posted fees; 3) there are 16 homes left in the buyout area and the POS is working diligently to finish this process and protect the remaining residents from crime; 4) The City received the parking tax money from the POS with a deficiency of approximately \$50,000. It will be forthcoming from the POS; 5) recent incidents of adverse taxi driver/client experiences were discussed. The language barrier is a major concern as to understanding clients' needs. The POS is currently in negotiations with the taxi firm that supplies the service from the airport to outlying areas. The POS will keep the City informed on the outcome of discussions; and 6) future topic: landscaping at the POS's new facilities at the North End Aviation Terminal (NEAT) Station.

CONSENT AGENDA:

- Approval of claims vouchers** in the amount of \$627,837.64 for the period ending May 31, 2000.
- Approval of claims vouchers** in the amount of \$1,694.34 for the period ending May 31, 2000.
- Approval of claims vouchers** in the amount of \$895,013.90 for the period ending June 8, 2000.
- Approval of employee vouchers** in the amount of \$503,537.74 for the period ending May 31, 2000.
- Approval of firefighter vouchers** in the amount of \$390.00 for the period ending May 31, 2000.
- Approval of summary of \$5,000 - \$25,000 purchase requests** for the period ending June 9, 2000.

Approval of Council Minutes:

Regular Council Meeting held May 23, 2000.

Study Session held June 6, 2000.

Acceptance of Advisory Committee Minutes:

Library Advisory Committee Meeting held May 11, 2000 (committee approved June 8, 2000).

Planning Advisory Committee Meeting held May 15, 2000 (committee approved June 5, 2000).

Senior Citizen Advisory Committee Meeting held April 20, 2000 (committee approved May 18, 2000).

Approval of the following Ordinance and Motions recommended at the June 6, 2000 Study Session for placement on this Consent Agenda:

Agenda Bill #1863

A Motion approving purchase from the Low Bidder of a Computerized Irrigation Controller and Two Computers - Parks & Recreation

Summary: This Motion authorizes the purchase of a Computerized Irrigation Controller and two ancillary computers for use by both the Parks & Recreation Department and the Public Works Department.

A competitive bid process was conducted with three companies responding. The bid was for all irrigation controllers for the City parks and for the Public Works Department landscape islands. The computerized system will be connected to a weather station that will apply the correct amount of water each day saving both staff time and water usage. The system can also detect breaks in the lines and shut down the system in the event of a breakage. If approved, the system is expected to be in operation by mid July. The two departments jointly bid the system in order to save the City money. This Motion also approves \$3,520.82 for the purchase of two computers for both departments, necessary to operate the new system. The low bidder was TruGreen Landcare, LLC of Tigard, Oregon, for \$40,236.30, plus a five- percent contingency of \$2,011.82, for a total of \$45,768.94.

The two departments have a total of \$51,000 included in the 2000 Annual Budget for the Computerized Irrigation Controller system.

Agenda Bill #1872; Ordinance #00-1022

An Ordinance effecting Technical Corrections to Ordinance No. 00-1013 by adopting a Corrected "Exhibit A" Zoning Map - Planning

Summary: This Ordinance adopts an amended "Exhibit A" of Ordinance No. 00-1013 to correct technical errors in the original Zoning Map regarding westside properties.

On March 28, 2000, the City Council adopted amendments to the conditions and procedures regarding rezoning of westside properties that the Port owns or plans to acquire (Ordinance No. 00-1013). The March 2000 Council actions changed an already existing process for amending the Official Zoning Map for westside properties, which had been originally adopted on January 13, 1998.

Exhibit A of Ordinance No. 00-1013 was subsequently found to contain technical errors that, if not corrected, would alter the purpose and effect of the Ordinance in a manner inconsistent with the Comprehensive Plan, the City-Port ILA, and associated plans, documents and Ordinances. As the corrected Exhibit A is consistent with the purpose and intent of the original Ordinance, the proposed Ordinance correcting the errors is determined to have been subject to the public and agency notice and environmental review procedures of Ordinance No. 00-1013, as adopted.

Agenda Bill #1870

A Motion declaring outdated Self-contained Breathing Apparatus (SCBA) Harnesses surplus; and authorizing a trade of these parts for an Air Booster Pump of equal value - Fire

Summary: This Motion would permit outdated City property to be declared surplus and would also permit the City to implement a trade of these SCBA parts for an air booster tank filling system of equal value.

The Fire Department SCBA parts inventory includes 25 MSA air pack harnesses that are of no value with the newly

acquired replacement SCBAs. Staff has negotiated a trade that will prove beneficial to the City, for a needed booster pump. However, the harnesses would need to be declared surplus in order to facilitate a trade.

The department has an inventory of component parts that were used to keep Fire's inventory of SCBAs in a state of constant combat readiness. Although much of Fire's existing parts inventory can be used with the new replacement SCBAs, these harnesses are not compatible with the new SCBAs, and therefore, of no operational value to the City. Furthermore, there is little resale value if the City were to try to market these harnesses.

Fire contacted SeaWestern for information regarding a Haskel Air Booster Pump for the 2001 budget preparation information. As SeaWestern is the sole provider of MSA equipment on the West Coast, they offered to exchange one pump with all attachments for Fire's surplus harnesses. This pump would assure the ability to fill all SCBA air bottles to the designed pressure of 4500 psi, which the present equipment cannot provide. Quote for the pump was \$4,000. It is staff's opinion that any sale of the surplus harnesses would result in much less than the \$4,000 in trade offered by SeaWestern.

In SeaWestern's quote, there will be no shipping or handling fees assessed, and no sales tax as this would be an even property trade. Also, the new SCBAs are covered with a two-year warranty and the City has a five-year replacement cycle.

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

MOTION CARRIED UNANIMOUSLY.

PUBLIC HEARING:

Phase II of Street Vacation for Port of Seattle (POS)

Mayor Thompson opened the Public Hearing at 6:37 p.m.

City Manager Cal Hoggard stated that this public hearing refers to the vacation of streets on the west side and north side of the POS airport as per the City/POS ILA. Of particular note in the west side are the streets connected with the View Park and in the north side, in the vicinity of SR 518. The value of the streets is over \$2,255,988. The City's proceeds from the vacation would be \$1,127,994; fifty percent of the value as per State law.

Public Works Director Bruce Rayburn outlined the various streets involved in this Phase II vacation for the POS. The POS recently supplied the City with a Phase III streets vacation which lists additions not covered in Phase II; Parcels 43 and 44. They are subject to Council action at a later date. The total amount of the vacations in Phase II constitutes approximately 10 acres.

Hearing no further comments, Mayor Thompson closed the Public Hearing at 6:40 p.m.

NEW BUSINESS:

Agenda Bill #1777; Ordinance #00-1023

An Ordinance vacating certain Street Rights-of-Way (ROWs) within the City of SeaTac abutted on both sides by Port of Seattle (POS) property - City Manager / Public Works

Summary: The City has agreed with the POS, as documented in the Port/City ILA dated September 4, 1997 as amended, to vacate certain rights-of-way. In exchange, the POS would reimburse the City based on 50 percent of the fair market value of the ROWs being vacated up to a maximum of \$6,500,000. The City Council held a public hearing on June 13, 2000, to consider the merits of vacating the ROWs identified in this Ordinance. The passage of this Ordinance will document the City Council's concurrence in vacating these ROWs.

The procedures for vacating a public ROW are defined in the Revised Code of Washington ([RCW](#)). A public hearing is to be held to consider the merits of the application to vacate the street in question. The date of the public hearing was set by Resolution adopted by the City Council on May 9, 2000 with publication dates of May 10 and [Per the RCW](#)

the date of the public hearing will not be more than 60 days nor less than 20 days after the date of the passage of the Resolution setting the date for the public hearing. June 13, 2000 was the first regularly scheduled City Council meeting that met the criteria. June 27, 2000 is the last regularly scheduled City Council meeting that will meet the criteria.

All the utilities serving the City were given notice of the POS's request to vacate these ROWs. Southwest Suburban Sewer District, Val Vue Sewer District and Seattle City Light have requested that an easement be reserved for their facilities on 16th and 25th Avenues South, 27th Place South, South 146th, 150th and 152nd Streets. The POS has agreed to these easements.

The POS had the firm of Lamb Hanson Lamb Appraisal Associates, Inc. appraise the ROWs to be vacated to establish the fair market value. Based upon this appraisal, the fair market value of these ROWs is \$2,255,988. Based upon a valuation of 50 percent of the appraised value, the payment to the City for vacating these ROWs will be \$1,127,994.

The City had the appraisal group of Northwest LLP perform an independent review of the POS's appraisal for validation purposes. Based upon the findings of this independent appraisal and staff review, staff concurs with the findings of the POS's in-depth appraisal.

It is recommended that the City Council adopt the Ordinance vacating these ROWs subject to the utility easements requested by Southwest Suburban Sewer District, Val Vue Sewer District and Seattle City Light.

MOVED BY BRENNAN, SECONDED BY HANSEN TO ADOPT ORDINANCE NO. 00-1023.

MOTION CARRIED UNANIMOUSLY.

Agenda Bill #1862; Ordinance #00-1024

An Ordinance granting Williams Communications, Inc. a Non-exclusive Franchise to install, operate and maintain Telecommunications Systems through the City of SeaTac - City Manager / Public Works

Summary: City staff recommends that Williams Communications, Inc. be granted a franchise to allow the firm to install, operate and maintain telecommunications systems in the City's ROWs, primarily Military Road South. The franchise outlines the rights and responsibilities of both the City and Williams Communications, Inc. for the installation of facilities and the ongoing operation and maintenance of these facilities. Williams Communications, Inc. will pay \$500 to cover the City's preparation and processing costs.

Williams Communications, Inc. is installing telecommunications systems from Portland, Oregon to Vancouver, BC. The system is not intended to serve local customers but rather provide transmission capabilities to local service providers. The installation is planned for early summer 2000. The facilities will be located on Military Road South from the north City limit to the south City limit. Due to the lack of available space and physical constraints in the corridor, the conduit system will be installed under the concrete pavement using a process known as directional drilling. Bore pits will be spaced 500 to 700 feet apart. Two-way traffic will be restricted during the day but will be restored at the end of the workday except when the concrete panels are being repaired.

City Manager Hoggard stated that modifications were discussed at the June 6 Study Session regarding imposing possible fees in the future. City Attorney McAdams suggested that additional language be added to the Ordinance to address the City's imposing fees in the future to sanction that possibility as allowed under the Telecommunications Act, the State ROW Use Act, and the results of court cases.

MOVED BY HANSEN, SECONDED BY BRENNAN TO ADOPT ORDINANCE NO. 00-1024.*

MOVED BY BRENNAN, SECONDED BY ANDERSON TO AMEND THE ORDINANCE BY ADDING PARAGRAPH 5 TO READ "NO RIGHT-OF-WAY USE FEE SHALL BE IMPOSED AT THIS TIME. HOWEVER, AT SUCH TIME AS A RIGHT-OF-WAY USE FEE IS IMPOSED BY CITY ORDINANCE, APPLICABLE TO GRANTEE, THE SAME WILL BE IMPOSED AFTER SIXTY (60) DAYS NOTICE FROM THE CITY TO THE GRANTEE."**

****MOTION CARRIED UNANIMOUSLY.**

***ORIGINAL MOTION CARRIED UNANIMOUSLY AS AMENDED.**

Agenda Bill #1871:

A Motion authorizing the Sublease of an Office to State Senator Julia Patterson - City Manager / Legal

Mayor Thompson removed Agenda Bill No. 1871 from the agenda due to receiving late information not yet shared with the Council. She requested that this agenda item be sent to the next Study Session and perhaps staff contact Senator Julia Patterson regarding her possibility of attending the session.

PUBLIC COMMENTS: There were no public comments.

CITY MANAGER'S COMMENTS: City Manager Hoggard had the following items of business: 1) Saturday, June 17 at 11:00 a.m., there will be a public dedication of the Elda Behn Garden at the entrance to the North SeaTac Park Community Center (NSTPCC); and 2) Wednesday, June 21 at 6:30 p.m., there will be an open house at City Hall on Light Rail Stationary Planning.

COUNCIL COMMENTS: Councilmember Brennan stated: 1) his appreciation of the settlement made between the City and SunReal Development to create a parking garage on property that was essentially neglected. The 33,000-stall garage will bring in substantial revenue and improvement to the City. 2) he was at the NSTPCC on Sunday, June 11 and the volunteers were working diligently on the Elda Behn Garden which is becoming a beautiful area; and 3) upon a question posed by Councilmember Brennan regarding King County Fire District 24, Mr. Hoggard stated that a letter was sent from the City to the district stating that the City should be allowed to review their past expenditures as to monies due to the City from services rendered.

Councilmember Anderson stated: 1) while driving down International Boulevard with her son, he mentioned that the boulevard looked so much better than when he was in high school years ago; and 2) she had concern as to the location of the elimination of the Canadian geese.

Councilmember Hansen mentioned that Warden William A. Perrill will retire from the Federal Bureau of Prisons (FBOP) on July 31 after 28 years of Federal service. As a senior Warden in the FBOP, Warden Perrill provided excellent leadership during the activation of the Federal Detention Center (FDC) in SeaTac. During his tenure in SeaTac, Warden Perrill established strong ties to the local community, other law enforcement agencies and the U.S. Attorney's Office. Warden Willie Jusino has been named as the successor to Warden Perrill. Warden Jusino transfers from a similar position at the Federal Prison Camp in Allenwood, Pennsylvania. Councilmember Hansen suggested that a Certificate of Appreciation be presented to Warden Perrill. Council concurred with this action. Staff will arrange for a presentation.

RECESS: Mayor Thompson recessed the Regular Council Meeting to an Executive Session on Personnel Issues, Potential Litigation, and Land Acquisition at 6:50 p.m.

EXECUTIVE SESSION: Personnel Issues / Potential Litigation / Land Acquisition

RECONVENED: Mayor Thompson reconvened the Regular Council Meeting at 8:52 p.m.

ADJOURNMENT:

MOVED BY BRENNAN, SECONDED BY HANSEN TO ADJOURN THE REGULAR MEETING OF THE SEATAC CITY COUNCIL AT 8:54 PM.

MOTION CARRIED UNANIMOUSLY.

Shirley Thompson, Mayor
Judith L. Cary, City Clerk

SEATAC CITY COUNCIL SPECIAL MEETING MINTUES

June 20, 2000 - 4:00 PM
City Hall Council Chambers

CALL TO ORDER: The SeaTac City Council Regular Meeting was called to order by Deputy Mayor Kathy Gehring at 4:04 p.m.

ROLL CALL: Present: Deputy Mayor Kathy Gehring, Councilmembers Gene Fisher, and Joe Brennan and Don DeHan. Excused absences: Mayor Shirley Thompson, Councilmembers Frank Hansen and Terry Anderson.

ADMINISTRATIVE STAFF: Calvin Hoggard, City Manager; Jay Holman, Assistant City Manager; Judith L. Cary, City Clerk; Robert McAdams, City Attorney; Mary Mirante, Assistant City Attorney; Julie Elsensohn, Assistant City Attorney; Jim Downs, Fire Chief; Bruce Rayburn, Public Works Director; Don Monaghan, Assistant Public Works Director; and Scott Somers, Chief of Police Services.

FLAG SALUTE: Councilmember Fisher led the Council, staff and audience in the Pledge of Allegiance.

QUASI-JUDICIAL HEARING:

Final Assessment Roll and Objections for Local Improvement District (LID) No. 1 for 28th/24th Avenue South Arterial Improvement Project as to Alaska Airlines, Inc., Budget Rent-A-Car Systems, Inc., and Highline School District No. 401

Deputy Mayor Gehring opened the hearing at 4:06 p.m.

City Attorney McAdams informed the City Council on the procedures for this Quasi-Judicial Hearing. He stated that the objections of Budget Rent-A-Car and the Highline School District had been settled, leaving only Alaska's objection for Council consideration. The list of exhibits submitted by both parties was read into the record by number and abbreviated title. The hearing was then turned over to Assistant City Attorney Mirante. Ms. Mirante instructed witnesses as to testifying procedures. City Clerk Cary administered the oath to those persons testifying in the hearing.

Ms. Mirante called on the first witness, Assistant Public Works Director Monaghan, who spoke on behalf of the City. He testified to the background, purpose, nature, scope and physical details of the LID No. 1 project, including the specific improvements that are being made. He also testified to the current status of the construction and what the anticipated costs of the project would be.

Nancy Neraas of Preston, Gates, and Ellis, Bond Counsel for the City of SeaTac, testified to the process of confirming the assessment roll prior to completion of construction. She also testified to the process and timing of issuing the bonds.

Deborah Foreman testified to her qualifications as an expert appraiser. She then testified to the special benefits methodology that she used to determine the special benefits to the properties in LID No. 1. In addition, she testified to the analysis she used in determining the special benefits to Alaska Airlines' properties (Parcels 140, 220, 221, 223 and 224).

Eric Lansverk, attorney for Alaska Airlines, cross-examined Ms. Foreman on issues relating to Parcel 140. Specifically, he inquired whether she considered the deed restrictions and the building expansion with respect to the flight-training center. The City rested.

Mr. Lansverk made an opening statement claiming that the process and procedure are "fundamentally unfair", and outlined Alaska's issues.

Gordon Edberg, architect, testified to the expansion of the flight-training center. Specifically, he testified to the

increase in square footage of the building, which decreased the amount of land available for further development. Ms. Mirante objected to this witness testifying on the grounds of relevance.

Dennis Olson, Director of Properties for Alaska Airlines, testified to the zoning history relating to Parcel 140. He further testified that he disagreed with the City's valuations of Parcels 220, 221, 223 and 224. On cross-examination by Ms. Mirante, Mr. Olson conceded that he was not a certified real estate appraiser.

Alaska Airlines rested and Mr. McAdams requested that the hearing be continued to July 18, 2000 at 4:00 p.m.

Deputy Mayor Gehring continued the Quasi-Judicial Hearing to the said time and date at 6:15 p.m.

ADJOURNMENT:

MOVED BY DEHAN, SECONDED BY FISHER TO ADJOURN THE SPECIAL MEETING OF THE SEATAC CITY COUNCIL AT 6:16 P.M.

MOTION CARRIED UNANIMOUSLY.

Kathy Gehring, Deputy Mayor
Judith L. Cary, City Clerk

SEATAC CITY COUNCIL REGULAR MEETING MINUTES

June 27, 2000 - 6:00 PM
City Hall Council Chambers

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

ROLL CALL: Present: Deputy Mayor Kathy Gehring, Councilmembers Gene Fisher, Terry Anderson, Frank Hansen, Joe Brennan and Don DeHan. Excused absence: Mayor Shirley Thompson.

ADMINISTRATIVE STAFF: Calvin Hoggard, City Manager; Jay Holman, Assistant City Manager; Judith L. Cary, City Clerk; Robert McAdams, City Attorney; Elizabeth Spencer, Finance Director; Jim Downs, Fire Chief; Bruce Rayburn, Public Works Director; Dale Schroeder, Public Works Engineering Manager; Julie Rodwell, Programs Manager; Scott Somers, Chief of Police Services; Kathy Black, Administrative Assistant II, City Manager's Office; Clemens Barrabas, Parks Department Maintenance Worker I; and Heidi Mytinger, Associate City Attorney

FLAG SALUTE: Councilmember DeHan led the Council, staff and audience in the Pledge of Allegiance.

INTRODUCTIONS:

New City Employees: Kathy Black, Administrative Assistant II - City Manager's Office; Clemens Barrabas, Maintenance Worker I - Parks Department; and Heidi Mytinger, Associate City Attorney

City Manager Hoggard introduced the following employees:

Kathy Black came to work at the City in a temporary position before being hired as a permanent employee in the City Manager's Office. She has previous experience as an events coordinator and newsletter editor for the Associated General Contractors of Washington.

For the past 16 years, Clemens Barrabas worked as a manager at the Jefferson Park Golf Course. He now runs the batwing mower for the SeaTac Parks Department and is the resident expert on mole entrapment. Since working for the City, he has captured several moles.

Heidi Mytinger graduated from the University of Washington in 1993 with a Bachelor's Degree in Linguistics. She then entered law school at the University of Puget Sound (now Seattle University) and graduated with a Juris Doctor Degree in 1996. She has served as Deputy Prosecutor for Pierce County and Grays Harbor County and has mediated Small Claims Court cases. She has also worked as a contract attorney for private law firms, including Perkins Coie LLC Law Firm. She is conversant in five languages and American Sign Language.

PUBLIC COMMENTS:

Dave Wilson, 3727 South 164th Street, McMicken Heights Improvement Center Club Manager and SeaTac citizen, spoke regarding last year's July 4th incidents at the center, schoolyard, park, parking lot and in the surrounding neighborhood. He requested Council issue more police surveillance this July 4th and days prior and after the holiday which generate fireworks activities.

Genita Moore, 13842 29th Avenue South, stated her concern that there has been no improvement regarding the neighborhood issues at 13846 29th Avenue South. The property is still disorderly and a deterrent and devaluation to the neighborhood. She would appreciate the City's response to her concern. Deputy Mayor Gehring requested code enforcement action on this issue.

PRESENTATION:

Potential sale of Hughes Angle Lake Property and acquisition of Coluccio South 188th Street Property

Assistant City Manager Holman stated that the Council had requested staff acquire appraisals for the two properties, with the thought of possibly selling the Hughes property and purchasing the Coluccio property. Mr. Holman outlined the appraisals for each property. The Hughes property (4.01 acres at 19608–16 International Boulevard) was appraised at \$2,880,000 in its entirety and \$2,565,000 less waterfront and street access and is zoned as Urban High Density/Urban Center Residential. It was purchased by the City in November 1997 for \$2,789,052. The Coluccio property (2.45 acres in three lots) was appraised at \$1,457,000 with 344 feet on South 288th Street, 120 feet on water and is zoned at Urban Low.

Mr. Holman stated the options as: 1) retain the Hughes property with no further action; 2) offer the property for direct sale with no stipulations; 3) negotiate a sale to a specific party, such as Frank Coluccio, who would consider a trade with cash difference. There are other parties interested in the property; 1) an Olympia group that made an offer of \$3 million for hotel use; 2) Fred McCaulky, for offices and condominium use; 3) Roger McCracken, owner of property north of this land. Mr. McCracken is suggesting a parking garage in exchange for Performance Art Building on his northern property to connect with the garage; and 4) a greenbelt was also suggested by the Stationary Planning Group for this property to connect with the South 200th Street station. Mr. Holman added that there is the issue of retaining waterfront for public access. He requested Council consider the options.

Planning Director Butler clarified the height limit of up to 15 feet by Federal Aviation Authority (FAA) standards to any building on the Hughes property.

Council discussion ensued as to the particulars of the properties, the possibility of a trade, use the Hughes property, and the appraisal and compatibles. After some discussion, Council concurred to have staff draft a request for proposals (RFP) for acquisition of the Hughes property.

City Manager Hoggard stated that inquiries on the Hughes property have indicated a willingness to pay more than the appraised figure. This leads staff to conclude that the best way to precede with the prospect of selling the property would be to solicit for proposals. This brings up the matter of whether the City should incorporate in the RFP such options as the ability to retain some public benefits such as having some control as to the use of the property, partnership arrangement or retaining waterfront. If none of the proposals are agreeable to the Council, the property does not have to be sold.

Pat Carter, 3041 South 201st Street, stated her concern as to the use of the Hughes Property. She added that she does not want the property to be a parking lot. She would rather see the property used for a boat launch and a fishing pier with a few spots for parking. She added that she feels, in general, City residents do not benefit from use of the lake.

Joe Dixon, 19311 35th Avenue South, stated that he had previously suggested a task force be set up to review the Hughes property and how it could be developed. He would like to see residents involved in site usage. He feels another hotel is not a good idea, that a park is the best option.

CONSENT AGENDA:

Approval of claims vouchers in the amount of \$990,543.60 for the period ending June 21, 2000.

Approval of employee vouchers in the amount of \$368,353.53 for the period ending June 15, 2000.

Approval of summary of \$5,000 - \$25,000 purchase requests for the period ending June 23, 2000.

Approval of Council Minutes:

Regular Council Meeting held June 13, 2000.

Special Council Meeting held June 20, 2000.

Acceptance of Advisory Committee Minutes:

Civil Service Commission Meeting held April 10, 2000 (commission approved June 12, 2000).

Planning Advisory Committee Meeting held June 5, 2000 (committee approved June 19, 2000).

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

MOTION CARRIED UNANIMOUSLY.

PUBLIC HEARING:

Ten Year Transportation Improvement Program (TIP)

Deputy Mayor Gehring opened the Public Hearing at 6:38 p.m.

City Manager Hoggard summarized the need for a public hearing on the TIP. The Transportation & Public Works (T&PW) Committee has reviewed the program and recommends Council consideration. A few changes have been added to the program as follows: 1) the Des Moines Memorial Wall; 2) Military Road Study reduced to a design study; 3) 36th Avenue South from South 188th to 184th Streets; 4) 34th Avenue South has been moved forward from year 2004 to 2002; 5) DMMD between South 128th and 136th Streets has been moved back from year 2002 to 2004; 6) 8th Avenue South was moved up to year 2002; 7) International Boulevard – Phase IV has been moved back from year 2001 to start construction 2003 due to funds available; and 8) 38th Avenue South from South 188th to 182nd Streets was changed to a full street improvement.

Councilmember Fisher questioned the Military Road \$400,000 study. Public Works Director Rayburn answered that that project is at great risk for not being funded from the Federal InterModal Surface Transportation Efficiency Act (ISTEA) monies. The grant was for approximately \$354,000 and staff felt an adequate study could be done for \$400,000, leaving \$46,000 to be funded by the City.

Councilmember Hansen, member of the T&PW Committee, stated that the TIP is a good plan and is renewable every year. The committee diligently reviewed the expenditures and felt the plan has been well examined. Councilmember DeHan, chair of the committee, stated that this is a plan required by State law and does not obligate the City to implement any of the projects. It is a planning tool, the actual decision as to whether a project is agreed to is determined in the yearly budget process.

Councilmember Brennan congratulated Mr. Rayburn and his staff for bringing forward such an excellent plan and looks forward to the TIP plan for International Boulevard Phases III and IV. Both projects have great prospect for economic development in the City. The City is fortunate in having revenue from all the parking areas in the City and at the airport that support these projects.

Cheryl Forbes, 5008 South 182nd Street, spoke regarding the Military Road improvements. This roadway is a busy arterial and she is concerned for children using this roadway with no sidewalks to and from the schools in this area. She would also like to see the pedestrian improvement done on this roadway. She also suggested a yellow light caution sign at the South 182nd Street and Military Road crosswalk, which are very effective. Lastly, she would like to see a more active police patrol on this roadway, especially during school hours.

Heather Waters, Port of Seattle (POS) Aviation Planning Department, thanked the City's Public Works Department for joint work and for keeping POS informed as to the City's TIP projects and issues since the two parties' transportation systems are linked. She offered a recommendation on one of the City TIP projects, ST-035, Sea-Tac Terminal Drive. It is a POS project that was in their original plan for South Access in late 1980, prior to City incorporation. The two parities are working jointly with the Washington State Department of Transportation (WSDOT) on the SR 509 project, which includes construction of the South Access for the airport.

Hearing no further comments, Deputy Mayor Gehring closed the Public Hearing at 6:51 p.m.

NEW BUSINESS:

Agenda Bill #1851; Resolution #00-014

A Resolution approving the Ten Year Transportation Improvement Program (TIP) for 2001 - 2010 - Public Works

Summary: Annually, the City is required to review its TIP. This review included a public hearing and formal adoption of the program by the City Council.

State law requires the City to adopt a minimum Six-Year TIP to include arterial street construction. Also, the Growth Management Act (GMA) similarly requires adoption by the City of a comprehensive Ten Year TIP to include a section that lists planned arterial street construction.

There are a number of sources for financing these TIP projects. The City has sold parking tax revenue bonds in the past for the purpose of financing projects. The City previously increased the parking tax from \$.50 to \$1 per transaction to continue funding transportation improvements within the City. A number of these projects on the TIP are partially grant-funded. Additional Transportation Improvement Account (TIA) and Transportation Equity Act (TEA-21) grant applications will be submitted for consideration for some of the higher priority projects. The City has also adopted a Transportation Mitigation Impact Fee as a funding source for regional transportation improvements. Further, the City, in conjunction with the Port, is conducting a Joint Transportation Study (JTS). A major component of this study is to update the City and Port transportation/ground access Capital Improvement Programs (CIPs) and a financing plan capable of funding these projects in a timely manner. Adoption of the TIP does not obligate the City to expend any money.

The adoption of a TIP can be postponed for a short time but a plan needs to be in place before July 1, 2000 and be submitted to the WSDOT within 30 days after adoption. Failure to adopt a plan could result in gas tax revenues being withheld until a plan is adopted and submitted.

MOVED BY HANSEN, SECONDED BY DEHAN TO PASS RESOLUTION No. 00-014.

MOTION CARRIED UNANIMOUSLY.

Agenda Bill #1878; Resolution #00-015

A Resolution fixing the date and time for a Public Hearing to consider the Merits of Vacating Certain Street Rights-of -Way (ROWs) in the City of SeaTac abutted on both sides by Port of Seattle (POS) property - Public Works

Summary: This Resolution sets August 8, 2000 at 6:00 p.m. as the date to conduct a public hearing to consider the merits of vacating streets abutted by POS property. The procedures for the vacation of a public ROW are defined in the Revised Code of Washington (RCW). The date of the public hearing will not be more than sixty days nor less than twenty days after the date of the passage of the Resolution.

The City has agreed with the POS, as documented in the Interlocal Agreement (ILA) dated September 1997, to vacate certain ROWs and to receive direct and community relief payments as compensation for the ROWs and partial mitigation for the impacts from the third runway and its construction.

The POS will reimburse the City for the vacation of these ROWs in accordance with the terms and conditions agreed to in the ILA.

MOVED BY ANDERSON, SECONDED BY HANSEN TO PASS RESOLUTION NO. 00-015.

MOTION CARRIED UNANIMOUSLY.

Agenda Bill #1860

A Motion authorizing a Contract with Gary Merlino Construction Company, Inc. for the Des Moines Memorial Drive South (DMMD) Improvement Project (South 188th Street to South 194th Street) - Public Works

Summary: This project was advertised for bids and the bid opening was held May 25 with an engineer's estimate of \$2,491,112. Gary Merlino Construction Company, Inc. was the low bidder with a bid of \$2,538,390.

Reid Middleton, Consulting Engineers, designed the project and prepared the bid documents. The project consists of new curb, gutters, sidewalks, signalization, street illumination, street trees, underground utilities and storm drainage facilities. The roadway will be rebuilt to 41 feet wide to allow for two travel lanes, a continuous two-way left turn lane

and two four-foot bike lanes. Capacity at the South 188th Street intersection will be improved with the construction of an additional northbound left turn lane. The bid schedule includes an additive for work on South 192nd Street west of DMMD South. The additional work is \$83,899 and includes extending the pavement overlay and walking path 400 feet to the westerly edge of the SR 509 ROW. This additive would tie in the existing sidewalk on the south side of South 192nd Street that was constructed as part of the International Airport Center Development to DMMD South. The additive may be deleted from the bid at the Council's direction.

Two bids were received. Since the bids were within five percent of each other and the low bid was within two percent of the engineer's estimate, the bids are competitive even with the low number of bids.

MOVED BY ANDERSON, SECONDED BY BRENNAN TO ACCEPT AGENDA BILL NO. 1860.*

Councilmember DeHan, Chair of the T&PW Committee, stated that this project was discussed extensively by the committee. The outcome of the discussion was that the project would cost \$2.8 million with the City expending approximately \$1.4 million. If the project is scaled back to doing the intersections at South 188th and 192nd Streets, which need to be done due to the recent development in that area, it would cost the City approximately \$800,000. If the additional \$600,000 is not spent, the City would lose all TIP, State and Utility Works funding. If the project is done in its entirety, it makes sense to include utilities. However, it is a lot of money. The T&PW Committee, therefore, reluctantly recommends the approval of this contract.

Councilmember Hansen stated that he feels the City has many other transportation needs and this project would seem to benefit Des Moines for the most part. He recommended delaying this issue for further review until the next Council Meeting. Councilmember Brennan, member of the committee, stated that this topic was debated at length in the T&PW meeting and feels another two weeks will not change the bids and project work. Mr. Rayburn stated that the main reason for the project is to improve the traffic flow on DMMD, particularly in the peak a.m. hours. In addition, developments have occurred in this area and monies have been collected from the developers as mitigation which are part of the overall revenue budget.

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

Agenda Bill #1873; Ordinance #00-1025

An Ordinance amending the 2000 Annual City Budget for the Des Moines Memorial Drive (DMMD) Improvement Project (South 188th Street to South 194th Street) - Finance

Summary: In Agenda Bill No. 1860, authorization is requested for execution of a contract with Gary Merlino Construction Company, Inc. for this project. The total project cost is estimated by the Public Works Department to be \$2,899,808, exclusive of \$360,000, in design and ROW acquisition costs, to be funded from a combination of grant and Transportation CIP Fund revenues. However, the City's 2000-2005 CIP estimated this project cost at \$2,210,000, with variances in funding from current projections as follows:

Projection Current

00-05 CIP Estimate Variance

Grant Funds \$ 619,000 \$1,199,050 \$ 580,050

Utility Reimbursements 110,560 110,560

Fund 307 1,591,000 1,950,198 359,198

Totals \$2,210,000 \$3,259,808 \$1,049,808

A budget amendment is necessary to provide the difference in Fund 307 funding of \$359,198. Public Works staff

recommends a transfer of appropriation from the International Boulevard Phase IV Improvement project.

It is recommended that the Council approve this Ordinance amending the 2000 Annual City Budget to transfer an appropriation of \$359,200 from the International Boulevard Phase IV Improvement project to the DMMD South Improvement project (South 188th to 194th Streets).

This Ordinance has no fiscal impact on the City's Budget as it is simply a transfer of appropriation. The increased funding required from the Transportation CIP Fund for this project will be funded by future parking tax revenues.

MOVED BY BRENNAN, SECONDED BY DEHAN TO ADOPT ORDINANCE NO. 00-1025.

UPON A ROLL CALL VOTE, THE MOTION CARRIED WITH ANDERSON, GEHRING, BRENNAN, AND DEHAN VOTING YES AND FISHER AND HANSEN VOTING NO.

Agenda Bill #1864

A Motion approving the low bidder for the North SeaTac Park Community Center (NSTPCC) Exterior Painting Contract - City Manager / Parks & Recreation

Summary: The painting project includes painting the entire exterior of the NSTPCC. A special type of paint "Elastimeric" will be used on the brickwork that will seal the walls and prevent water from leaking through. It will also make maintenance easier as it would allow staff to paint over graffiti rather than sandblasting.

Staff sent out specifications and received bids from three vendors for the project. The bid results are as follows, includes sales tax: Picture Perfect Painting at \$60,924.60; America's Best Painters, Inc. at \$63,0997.74; and Ryland Painting CCC at \$71,721.61. The low bidder was Picture Perfect Painting, located in Kent. Staff recommends this firm be awarded the contract.

The Parks & Recreation Department has an approved \$67,300.00 from the General Fund for budget year 2000 for this project. The total impact of this request is \$60,924.60.

MOVED BY DEHAN, SECONDED BY BRENNAN TO ACCEPT AGENDA BILL NO. 1864.*

Upon a question posed by Deputy Mayor Gehring, Parks & Recreation Director Ledbetter stated that the sealer paint is guaranteed to prevent leaks. He will investigate this concern prior to signing the contract.

*MOTION CARRIED UNANIMOUSLY.

Agenda Bill #1874

A Motion approving the Agreement with the Port of Seattle (POS) regarding the \$10,000,000 Interlocal Agreement (ILA) Landscaping Commitment - City Manager / Parks & Recreation / Planning

Summary: The Parks & Recreation and Planning Directors have been negotiating with POS staff for over the past year to resolve the ILA landscaping commitment. The Airport Manager and the City Manager helped to settle the last few issues several weeks ago. Both City and POS staffs have been working on the details of the agreement. The agreement needs to be approved by the City Council in order to start the projects. The Land Use and Parks (LUP) Committee recommended bringing this Motion to the entire City Council.

The agreement approves the following: 1) \$10 million will be escalated based on 1997 dollars (current value \$10,578,100); 2) \$2 million for three City priority landscape projects; 3) South 188th Street located on north side of the street and west of the tunnel; 4) South 188th Street tunnel improvements; 5) south airport entrance at South 182nd Street; 6) extends the time frame to 2008 to complete the \$10 million for landscaping; 7) allows City staff to have the ability to review, comment, and ensure compliance with Port's improved "Landscape Standards"; 8) all of the agreement's landscaping projects will be presented to the City Council for formal comment; and 9) funds a list of POS landscape projects for at least \$8 million.

MOVED BY ANDERSON, SECONDED BY HANSEN TO ACCEPT AGENDA BILL NO. 1874.*

Mr. Ledbetter stated that this has been a cooperative working partnership with the POS.

Troy Brown, POS Representative, stated that the POS sees this as a very positive project and it is the POS's intention to start the project as soon as possible with the design work hopefully to commence this year. Approval for the \$2 million will be brought before the POS Commission within the next two months.

Councilmember DeHan questioned that since this project will be six years to its completion, what is the final dollar amount for the project. Finance Director Spencer stated that the escalation occurs using \$10 million in 1995 dollars. That is increased each year by the annual local Consumer Price Index (CPI) amount. Currently, the amount is \$10,578,000. That amount will escalate depending on the length of the project. Based on the project schedule, it will escalate to \$10.9 million.

*MOTION CARRIED UNANIMOUSLY.

Agenda Bill #1847; Resolution #00-016

A Resolution authorizing entry into the City and County Pipeline Safety Consortium Interlocal Agreement (ILA) - City Manager

Summary: This Resolution authorizes entry into the ILA establishing the Washington City and County Pipeline Safety Consortium.

A number of Western Washington Cities and Counties are uniting to deal with a common issue, the safety of liquid petroleum pipelines. This movement was largely precipitated by the Bellingham petroleum pipeline tragedy in June 1999. An ILA, led by the City of Bellevue, has been drafted and presented to various affected local governments for review and approval. The intent of the Cities and Counties initiating this effort is to form an entity that will be funded by the member jurisdictions and will use legal and engineering experts to fully explore what can and should be done to adequately protect the communities through which these pipelines pass. There are significant legal issues concerning local government oversight authority and there are technical issues regarding the frequency and techniques to be used for the testing of these pipelines. It is hoped that eventually all the impacted jurisdictions will join together for this common goal.

The purpose of the consortium is to provide a mechanism for Cities and Counties affected by the Olympic Pipeline to join forces in undertaking scientific and legal work on issues affecting them similarly. Its threefold purpose is: 1) to save scarce staff time through shared efforts; 2) cost-savings to member communities in the obtaining of necessary research; and 3) development of a stronger presence in interactions with the Pipeline and its Federal regulatory agency, the Office of Pipeline Safety (OPS).

During June 2000, the Cities of Redmond, Bellevue, Kent, Marysville, Thurston County, Tumwater and Renton joined the consortium and several other communities began consideration and committee reviews.

The fiscal impact to the City in the year 2000 would be \$5,000 and a similar amount in future years, or as each member determines.

MOVED BY BRENNAN, SECONDED BY DEHAN TO PASS RESOLUTION NO. 00-016.*

City Manager Hoggard briefed the Council on the above summary. Mr. Hoggard recommended passage of this Resolution, which he feels, will assist the City in handling local pipeline issues.

Programs Manager Rodwell briefed the Council on the current developments with the pipeline issues. With involvement in the consortium, the local Cities will have more input on the issues and would be insured for \$60,000 with the franchise agreement in place.

Council discussion ensued as to the need for joining the consortium. There was concern that without a joint franchise,

the City would have no protection against the perils of pipeline incidents. As to objections voiced, it was felt that the Federal and State governments are taking action since the Bellingham incident and the Cities need to wait until conclusions are made on these levels of government.

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

Agenda Bill #1848; Ordinance #00-1026

An Ordinance amending the 2000 Budget to provide \$5,000 for the Pipeline Safety Consortium and \$3,000 for a First Response Plan - City Manager

Summary: Agenda Bill No. 1847 seeks to authorize the City joining the Pipeline Safety Consortium through signing an ILA with other Cities and Counties. The year 2000 financial contribution being sought is \$5,000 for a pooled fund to do work on common issues. In addition, \$3,000 is being sought for outside services to develop a First Response Plan between the City and Olympic Pipeline, using the services of Accufacts, a pipeline engineering company, and its principal, Rick Kuprewicz.

The First Response Plan is needed because as yet the City and Olympic Pipeline have differing views of what would unfold in the event of a rupture or spill. The City has been working with Olympic to address notification and first response issues should there be a spill or rupture affecting SeaTac. Various levels of the Pipeline hierarchy have offered varying solutions to the current arrangements (which are not satisfactory to SeaTac as they involve the City too little and too late). Olympic is agreeable to entering into a Memorandum of Understanding (MOU) on First Response with the City as soon as possible. The amount of \$3,000 is requested to contract with Rick Kuprewicz, pipeline engineer, to assist the City in developing this plan. Mr. Kuprewicz has over 25 years in the industry and in past assignments has developed such plans for pipelines, working with local jurisdictions. He has recently been assisting Redmond and Renton with their First Response Plans.

The fiscal impact to the City would be \$8,000 in 2000 and additional funds in future years, to be determined.

MOVED BY BRENNAN, SECONDED BY DEHAN TO ADOPT ORDINANCE NO. 00-1026.

UPON A ROLL CALL VOTE, THE MOTION CARRIED WITH ANDERSON, GEHRING, BRENNAN, AND DEHAN VOTING YES AND FISHER AND HANSEN VOTING NO.

PUBLIC COMMENTS: There were no public comments.

CITY MANAGER'S COMMENTS: City Manager Hoggard stated his appreciation for the hardworking effort by Community and City staff volunteers at the International Festival this past weekend.

COUNCIL COMMENTS: Councilmember Anderson stated she received calls regarding fireworks at Angle Lake Park. Vince Coluccio will be doing his annual fireworks on the lake again this July 4th. She added that there is concern as to boats on the water during this event. Last year, someone was injured. City Manager Hoggard stated that the City has jurisdiction on the lake. Some of the lake is privately owned. She would like to see signs posted at the lake or patrolled by police during the fireworks.

Councilmember Brennan stated that the International Parade was the best one to date and thanked Parade Chair Pat Carter and her committee and volunteers. Mrs. Carter thanked everyone involved for their support.

Councilmember DeHan added his congratulation on the parade. Secondly, he stated that the South County Area Transportation Board (SCATBd) met today and the Tukwila freeway alternative linking Sound Transit's Light Rail system was discussed. Tukwila staff has worked on plans for expanding International Boulevard in their City at the northend of SeaTac City limits. That project is presently on hold since there is no rail alignment for that area nor a siting for the South 154th Station. The Draft EIS on the preferred alignment is scheduled for September 2000 and the Final EIS is due in December 2000 with a decision scheduled for 2001. The two alternatives that Sound Transit is

considering are: 1) International Boulevard or 2) down 1-5 and up SR 518 to South 154 Street Station.

Regarding the light rail, Mr. Hoggard stated there was a recommendation made by the local law enforcement agencies regarding police presence and operation. He suggested that he draft a letter for Council approval expressing the City's views on City policing with the County in this area of the light rail alignment.

Councilmember Anderson thanked the volunteers who worked so diligently on the International Parade and Festival. Secondly, she reminded Council that the City's Programs Manager Julie Rodwell will be leaving the City the end of July for a private firm. The City will miss her and the work she has done on behalf of the City.

Deputy Mayor Gehring also thanked the volunteers who worked so diligently on the International Parade and Festival. Secondly, she thanked Police Chief Somers for the statistical report on crime in the local area. Lastly, she reminded everyone that there will not be a Study Session July 4th due to the holiday and will reconvene with a Regular Council Meeting on July 11.

RECESSED: Deputy Mayor Gehring recessed the Regular Council Meeting to an Executive Session on Personnel Issues, Potential Litigation, and Land Acquisition at 7:40 p.m.

EXECUTIVE SESSION: Personnel Issues / Potential Litigation / Land Acquisition

RECONVENED: Deputy Mayor Gehring reconvened the Regular Council Meeting at 9:35 p.m.

ADJOURNMENT:

MOVED BY DEHAN, SECONDED BY ANDERSON TO ADJOURN THE REGULAR MEETING OF THE SEATAC CITY COUNCIL AT 9:37 PM.

MOTION CARRIED UNANIMOUSLY.

Kathy Gehring, Deputy Mayor
Judith L. Cary, City Clerk

SEATAC CITY COUNCIL REGULAR MEETING MINUTES

July 11, 2000 - 6:00 PM
City Hall Council Chambers

CALL TO ORDER: The SeaTac City Council Regular Meeting was called to order by Mayor Shirley Thompson at 6:05 p.m.

ROLL CALL: Present: Mayor Shirley Thompson, Councilmembers Gene Fisher, Frank Hansen, Terry Anderson, Kathy Gehring, and Joe Brennan. Excused absence: Councilmember Don DeHan.

ADMINISTRATIVE STAFF: Calvin Hoggard, City Manager; Jay Holman, Assistant City Manager; Judith L. Cary, City Clerk; Robert McAdams, City Attorney; Elizabeth Spencer, Finance Director; Jim Downs, Fire Chief; Bruce Rayburn, Public Works Director; Dale Schroeder, Public Works Engineering Manager; Scott Somers, Chief of Police Services; Steve Butler, Planning Director; and Jack Dodge, Principal Planner.

FLAG SALUTE: SeaTac Federal Detention Center Retiring Warden William A. Perrill led the Council, staff and audience in the Pledge of Allegiance.

PRESENTATION:

Appreciation Plaque to William A. Perrill, SeaTac Federal Detention Center Retiring Warden

Mayor Thompson presented Warden Perrill with an appreciation plaque recognizing his service to the community during his tenure as Warden of the SeaTac Federal Detention Center (FDC). Mr. Perrill will retire from the Federal Bureau of Prisons (FBOP) on July 31 after 28 years of service. As a Senior Warden in the FBOP, he provided excellent leadership during the activation of the SeaTac FDC. During his tenure, Warden Perrill established strong ties to the local community, other law enforcement agencies and the U.S. Attorney's Office.

Warden Perrill stated the activation of the SeaTac FDC was the highlight of his career, primarily due to the outstanding City leadership and the community as a whole. He outlined some of the activities he and his staff have been involved in during his stay in the local area, such as the restoration of Des Moines Creek, volunteering in the schools in the literacy programs, and assisted in the International Festival clean up efforts. He added that it has been a pleasure working with the Mayor, Councilmembers, City Manager and staff.

INTRODUCTION:

Willie Jusino, SeaTac Federal Detention Center Incoming Warden

Retiring Warden Perrill introduced Incoming Warden Willie Jusino. Warden Jusino began his career in 1980 as a correctional officer in Oxford, Wisconsin, with many promotions prior to being selected as Warden at the SeaTac Federal Detention Center. He is married and has one daughter also working in the FDC system. Warden Perrill also outlined Warden Jusino's community services and stated Mr. Jusino looks forward to becoming an active participant in the local community. Council welcomed Mr. Jusino to the City.

PUBLIC COMMENTS:

Linda Snider, 18700 36th Avenue South, stated she: 1) felt the July/August SeaTac Report article regarding the "New Community Advocate" addressed women but not men victims, sending a discriminatory message; and 2) received a call from a Caldwell Banker representative inquiring into the prospect of selling of property in her neighborhood for a future business park before the City declares eminent domain. Mrs. Snider stated that she was offended by the sales approach. City Manager Hoggard assured her that the City has no such plans.

Pat Carter, 3041 South 201st Street, reiterated her opposition to the suggested use of the Hughes property for a parking lot as stated at a previous Council Meeting. It is much too valuable land for such use. She would like to see it used for a public venture such as a park, public arts center or historical center. The future SeaTac residents will appreciate the

Council's foresight in preserving this land for civic use.

MAYOR'S STATEMENT: Mayor Thompson thanked everyone for all their love and friendship with the recent passing of her husband, Bob.

CONSENT AGENDA:

- Approval of claims vouchers** in the amount of \$760,567.34 for the period ending June 29, 2000.
- Approval of claims vouchers** in the amount of \$158,014.02 for the period ending July 6, 2000.
- Approval of employee vouchers** in the amount of \$541,245.38 for the period ending June 30, 2000.
- Approval of firefighter vouchers** in the amount of \$390.00 for the period ending June 30, 2000.
- Approval of summary of \$5,000 - \$25,000 purchase requests** for the period ending July 7, 2000.

Approval of Council Minutes:

Regular Council Meeting held June 27, 2000.

Acceptance of Advisory Committee Minutes:

Senior Citizen Advisory Committee Meeting held May 18, 2000 (committee approved on June 15, 2000).

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

MOTION CARRIED UNANIMOUSLY.

NEW BUSINESS:

Agenda Bill #1885; Ordinance #00-1027

An Ordinance amending the 2000 Annual City Budget to transfer Port of Seattle (POS) Street Vacation Fees for the 28th/24th Avenue South Local Improvement District (LID) Project – Public Works

Summary: On December 14, 1999, Council adopted Resolution No. 99-033 authorizing an amendment to the September 4, 1997 City/POS Interlocal Agreement (ILA) regarding the 28th/24th Avenue South LID and vacation of street rights-of-way (ROWs). The ILA amendment was made due to the Federal Aviation Authority's (FAA) objection to payment by the POS of \$3 million in special institutional benefit toward the 28th/24th Avenue South project. The Port proposed, and the City approved, the amendment to remove the institutional benefit assessment requirement and to offset that amount by an increase in other revenues received by the City from the POS for City vacation of street ROWs in excess of that already provided in the ILA.

This Ordinance amends the 2000 Annual City Budget to provide for a transfer of \$3 million from the POS ILA Fund to the City's Transportation Capital Improvement Program (CIP) Fund.

MOVED BY HANSEN, SECONDED BY ANDERSON TO ADOPT ORDINANCE NO. 00-1027.

MOTION CARRIED UNANIMOUSLY.

Agenda Bill #1880

A Motion authorizing the City Manager to execute a Contract with Reid Middleton Inc. for the design of the 36th Avenue South (South 186th to 188th Streets) Improvement Project and New City Hall (NCH) Frontage Improvements – Public Works

Summary: 36th Avenue South from South 186th to 188th Streets is the southern end of the proposed City Center Corridor with the NCH on the south side of South 188th Street. On March 7, 2000, Council authorized a Letter of Understanding (LOU) with the owners of the Colacurcio property, which is at the north end of this proposed project. Part of this LOU requires the City to improve this section of 36th Avenue South and install a traffic signal at the intersection with South 188th Street. In March, a Request for Qualifications (RFQ) was advertised and 11 engineering

firms submitted Statements of Qualifications. Staff reviewed these statements and selected Reid Middleton as the most qualified firm to design this project. Reid Middleton has provided design services for other successful City projects over the past several years. Staff has negotiated a scope of work and fee estimate with this firm, which includes surveying and mapping, public involvement, and ROW acquisition and design. The cost of the contract is \$237,385.

MOVED BY BRENNAN, SECONDED BY GEHRING TO ACCEPT AGENDA BILL NO. 1880.*

Councilmember Brennan stated that this item was discussed in the Transportation & Public Works (T&PW) meeting and was recommended for Council approval.

*MOTION CARRIED UNANIMOUSLY.

Agenda Bill #1722

A Motion authorizing Final Acceptance of the South 170th Street Storm Drainage Project (SD-039) - Public Works

Summary: On August 18, 1998, Council awarded the South 170th Street Storm Drainage Project to Laser Underground and Earthworks, Inc. for a contract amount of \$599,803.60, plus a 10 percent contingency of \$59,980, for a total project budget of \$659,784. Notice to proceed with construction was effective in November 1998 and work reached substantial completion in September 1999.

Prior to completion of this Surface Water Management (SWM) CIP, storm drainage flowed from north of South 170th Street to approximately 4615 South 170th Street and then continued east between South 170th and 172nd Streets toward 53rd Avenue South. With larger storm events, the area experienced periodic flooding and erosion. The project resolved such problems by means of a storm drain pipe in South 170th Street which intercepts the flow of surface and storm water and conveys it east toward 53rd Avenue South and into a large underground vault which detains flows from large storms and dissipates them at a controlled rate.

Four change orders, totaling \$80,331.85, were approved during the course of construction. The largest was Change Order No. 1, in the sum of \$45,011, necessitated by the requirement to provide additional shoring to protect Olympic Pipe Line's hazardous materials pipeline in the ROW. Thus, the total contract price with changes, not including contingency, totaled \$680,135.45.

Work under the original contract was completed at approximately \$27,000 under contract price. Therefore, the total cost of the project totaled \$652,664.42, rather than the bid amount and change orders of \$680,135.45.

Considerable delays were encountered in completion of the project. A dispute arose between the City and Laser Underground as to responsibility for the various delays. The contractor requested an equitable adjustment to cover the costs incurred during periods of delay. A tentative settlement has been reached. However, while the equitable adjustment may alter the fiscal impact of the project, it does not alter the fact that the project is now completed. Final acceptance triggers the statutory lien period whereby subcontractors and the State may assert claims against the retainage. After the statutory lien period has expired, the five- percent retainage can be released to the contractor.

MOVED BY BRENNAN, SECONDED BY HANSEN TO ACCEPT AGENDA BILL NO. 1722.*

Councilmember Brennan stated that this item was discussed in the T&PW meeting and the committee recommended it for Council approval.

Mayor Thompson added that when the SeaTac first incorporated, there was some major flooding throughout the neighborhoods in the City and those problems no longer exist due to the Public Works Department corrective measures.

*MOTION CARRIED UNANIMOUSLY.

Agenda Bill #1843 (*This agenda item was deferred to the July 25, 2000 Regular Council Meeting.*)

An Ordinance making technical and minor amendments to the Zoning Code to delete the Airport Use (AU) Zone, to provide for Butterfly/Moth Breeding and Landscaping Businesses, and to re-define "Hotel/Motel and associated uses" - Planning

Agenda Bill #1876; Ordinance #00-1028

An Ordinance amending the Zoning Code to require a Minor Conditional Use Permit (CUP) for Wireless Telecommunications Facilities (WTF) in the High Intensity Zones - Planning

Summary: The review process for the siting and construction of commercial WTFs was established to provide clear local guidelines, standards and procedures. The proposed Code amendments to the WTF section of the Code are intended to correct some oversights in the adoption of the original Ordinance. Specific modifications include establishing siting provisions within the new zone classifications and North SeaTac Park, distinguishing a microcell as a type of WTF with unique permitting requirements from all other WTFs, and expanding the requirement of a Minor CUP to include locating WTFs on new support structures in high intensity zones.

The original intent of the WTF section of the Zoning Code was to provide certain levels of review of WTF by the City. Typically, siting new WTF that were not defined as microcells, required City review through a minor or major CUP process in low intensity zones. In high intensity zones, a minor CUP is required only for those WTFs that are not microcells that are located on a utility pole, and there are no conditions under which a major CUP is required. A minor CUP is handled administratively, while a major CUP requires a public hearing before the Hearing Examiner.

Currently, a minor CUP is not required for new support structures proposed within the high intensity zone. This oversight defeats the intent of encouraging collocation on existing facilities over the siting of new facilities. Additionally, by requiring a minor CUP for new support structures located in the high intensity zones, the City has an opportunity to impose conditions on the construction of these facilities to minimize aesthetic or safety impacts, and protect common land use interests. The Code amendment would establish the requirement for a minor CUP for locating new structures within the high intensity zones in addition to the ongoing requirement of a minor CUP for locating new WTFs that are not microcells on utility poles.

MOVED BY ANDERSON, SECONDED BY BRENNAN TO ADOPT ORDINANCE NO. 00-1028.*

City Manager Hoggard stated that staff is recommending the Ordinance be separated into two Ordinances. There are questions related to the Aviation/Commercial Aviation (A/CA) Operations zoning aspects. Staff proposes that Council adopt this Ordinance which deals specifically to new support structures and the high intensity zones relating specifically to North SeaTac Park. Staff will later present to Council an Ordinance addressing the A/CA Operations zoning areas.

*MOTION CARRIED UNANIMOUSLY.

Agenda Bill #1877

An Ordinance raising the State Environmental Protection Agency (SEPA) Exempt Level of Residential Structures from four units to twenty units - Planning

Summary: At the May 2, 2000 Land Use & Parks (LUP) meeting, the committee requested that the SEPA exemption level for residential projects be increased from four to 20 units.

The SeaTac Municipal Code (SMC) adopts the rules and procedures of the SEPA by reference of the Washington Administrative Code ([RCW](#)) which lists the type of development projects that are exempt from SEPA review. Currently, under the SMC, residential development consisting of four dwelling units or less are exempt from SEPA review. As a result, residential developments of five or more dwelling units are currently subject to SEPA review, which requires the notification of all property owners within 1,000 feet of the proposed development. The SEPA review process also requires a 14-day comment period, followed by a 10-day appeal period.

[Under the RCW](#) the Council, by Ordinance, may raise the exempt level for residential projects up to 20 units. The

primary benefit of the higher exemption level would be to accelerate the development review process of smaller multi-family residential development in the City. The primary negative impact would be that property owners adjacent or close to a multi-family development of between five and 20 units would no longer receive public notification of the impending development, since issuance of a Notice of Applicant (NOA) and a SEPA Determination would no longer be required. As a result, the first time an adjacent property owner would be aware of the multi-family development was when the property was being prepared for the development.

Previously, the City Council has used [WAC 197-11-800](#) (1) (c) to raise the exempt level for the construction of surface parking lots and landfills or excavations.

City Manager Hoggard briefed on the above summary. Council discussion ensued as to the raising of the exempt level for residential projects up to 20 units, and after some deliberation as to the positives and negatives of this proposal, Council concurred to send this item to the July 24 LUP Committee meeting for further review.

Agenda Bill #1875; Ordinance #00-1029

An Ordinance amending the 2000 Annual City Budget for Special Legal Services – City Clerk

Summary: In 1991, Council authorized the codification of prior and future Ordinances within the SMC, and appointed Code Publishing Company as the City's official code reviser. At that time, there was no separate Zoning Code, but zoning and land use regulations (commencing with Ordinance No. 90-1019) were codified within Title 15 of the SMC. Code Publishing's services were paid from the City Clerk's "Special Legal Services" Line Item.

By Ordinance No. 92-1041, adopted October 27, 1992, the Council amended and restated Title 15 as a separate Zoning Code, to include Chapters 15.05 through 15.32. This separate Zoning Code was then maintained and updated in-house by the Planning Department. Printing costs were paid from Planning's printing and binding line item.

At the end of 1997, it was determined to reorganize the SMC into two volumes. Volume II includes the Zoning Code as well as Title 13, Environmental Rules/Procedures, Title 14, Subdivision Code, and Title 16, Development Review Code. The volume of amendments and additions to these titles came to exceed the in-house capability of the Planning Department. Updating, publication, and printing were accordingly assigned to Code Publishing. Using the Professional and Legal Services of Code Publishing insures conformity with State and Federal law, Constitutions, and court decisions, and increases efficiency in City operations by reducing the amount of staff time in monitoring accuracy of documentation and codification.

During preparation of the year 2000 budget, the funds requested for the City Clerk's Special Legal Services, which includes the services of Code Publishing, were based on the 1999 City Clerk's Special Legal Services expenditures. The 2000 budgeted amount was \$4,500. It now appears the 2000 actual expenditure will be similar to 1997 - 1998 actual expenditure levels.

The SMC is updated on a quarterly basis. Thus far this year, there have been two updates, which included Volume I and II for a total of \$4,930. The City Clerk's budget for Special Legal Services incurred \$4,500 of this amount, while the Planning Department's budget for printing incurred the remaining \$431.57. At this point, the City Clerk's Special Legal Services funds have been depleted, with two updates remaining.

The City Clerk's Computer Supplies budget also expended \$81.45 for the cost of a Folio Views Update (Code Book on Computer). This cost is usually taken from Special Legal Services.

It is estimated that for the remainder of 2000, \$5,610 will be needed to supplement the cost of publishing updates to Volumes I - \$1,500: \$1,000 for Updates, \$500 for Folio Views Updates and Volume II - \$4,110 for Updates which include Comprehensive Multi-family Design Standards, Revised Subdivision Code, Surface and Structured Parking Design Standards, and Miscellaneous Revisions.

The City Clerk's Office has now assumed responsibility for all costs related to publishing the SMC Volumes I and II to avoid any confusion in budgeting. Beginning with the 2001 Budget, the Planning Department and Code Publishing will advise the City Clerk's Office as to estimates for each upcoming budget year.

MOVED BY BRENNAN, SECONDED BY GEHRING TO ADOPT ORDINANCE NO. 00-1029

MOTION CARRIED UNANIMOUSLY.

PUBLIC COMMENTS: There were no public comments.

CITY MANAGER'S COMMENTS: City Manager Hoggard had the following items: 1) the City received a notice from the Utilities & Transportation Commission (UTC) that states Governor Gary Locke will be appointing members (to include local government elected officials) to a citizens' committee responsible for oversight of pipeline activities in the State. If any of the Council is interested in being a part of this committee, please contact the Governor's Office for his consideration; 2) Tuesday, August 1 is National Night Out (NNO) against Crime, and therefore, Council has postponed the Study Session to Wednesday, August 2 so that they might attend the event; 3) the decision regarding the Francis Reed special home occupancy permit and conditions was approved by the Hearing Examiner. If there is a dispute as to the conditions, it will go before the Superior Court; 4) the City will soon be issuing a hauling permit to CTI relating to the third runway construction. This issue was discussed in the June 27 T&PW meeting. The committee decided to authorize the permit to be issued on a 30-day trial period starting July 17 through August 17 to determine how extending the hauling evening hours would work out. The haul currently enters the west side of the airport from both north and south during day hours. This permit will modify the hours to extend the hours from 7:00 p.m. to 6:00 a.m. but will curtail the access from the south so South 188th Street will not be used during these hours. No backing up for dumping will be done during those hours to eliminate some of the noise. The increased activity will shorten the hauling period; and 5) the Public Safety & Justice (PS&J) meeting is scheduled for July 16.

COUNCIL COMMENTS: Councilmember Fisher stated that public meeting participation is off 60 percent and he feels the reason is basically lack of public input. He commended the audience who continue to attend these meetings. He feels televised meetings would be a help in getting the public involved and up-to-date on City affairs. He attend the Government Finance Officers Association (GFOA) Conference and a key note speaker informed the group that in a few years it will become mandatory not to stand in line for permits, licenses, applications, etc. and all public information will be on the internet. Therefore, the government as it is today will undergo the biggest change in history. He feels the City should look ahead to the changes and act proactively.

Councilmember Anderson thanked Pat Carter and her daughter, Carolyn Clourtier, for their remarkable work co-chairing the International Festival Parade. It was an outstanding event. Secondly, she thanked City Manager Hoggard for being the event's photographer. Thirdly, she stated that Irene Jones, a long time resident of SeaTac passed away. Her memorial services will be held on Friday, July 14 at Bonney-Watson Memorial Cemetery. Mrs. Jones gave so much of her time to the community.

Councilmember Gehring stated that she, being a homeowner bought out by the POS, has moved after 35 years in her home. She asked the Council to formally excuse her from Council Meetings from July 18 through August 18 due to family commitments out of the country. Council agreed to this request.

Councilmember Brennan stated that Councilmembers received a letter from Chuck Vail, 20440 International Boulevard, Space No. 42, regarding the following issues: 1) City's ban of fireworks; 2) debris after fireworks not picked up; 3) abandoned cars on 30th Avenue South between South 200th and 204th Streets; and 4) no stop sign at 30th Avenue South and South 204th Street.

Fire Chief Downs briefed the Council on the July 4 fireworks activities. The Fire Department exerted great effort to secure the City of any problems relating to fireworks. There was only one fireworks stand, which they visited on three occasions. The Fire Department toured the McMicken Heights a number of times and no major problems occurred. A full report will be placed in the Council packet.

Councilmember Brennan added that the fire truck was in his neighborhood a few times. There were no incidents except a small tree fire. However, his dog ran away on July 2 because of the noise and returned on July 4.

Mayor Thompson added, regarding Mr. Vail's letter, fireworks are not allowed in the City except on July 4 and for limited hours. As to the animals, there is a leash law in the City and although she kept her dog in the house, he was also frightened by the noise. She requested staff respond to Mr. Vail's concerns.

RECESSED: Mayor Thompson recessed the Regular Council Meeting to an Executive Session on Potential Litigation at 7:00 p.m.

EXECUTIVE SESSION: Potential Litigation

RECONVENED: Mayor Thompson reconvened the Regular Council Meeting at 7:17 p.m.

ADJOURNMENT:

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

MOTION CARRIED UNANIMOUSLY.

Shirley Thompson, Mayor
Judith L. Cary, City Clerk

SEATAC CITY COUNCIL SPECIAL MEETING MINUTES

July 18, 2000 - 4:00 PM
City Hall Council Chambers

CALL TO ORDER: The SeaTac City Council Special Meeting was called to order by Mayor Shirley Thompson at 4:06 p.m.

ROLL CALL: Present: Mayor Shirley Thompson, Councilmembers Gene Fisher, Frank Hansen, Don DeHan, and Joe Brennan. Excused Absent: Councilmember Terry Anderson and Kathy Gehring.

ADMINISTRATIVE STAFF: Calvin Hoggard, City Manager; Jay Holman, Assistant City Manager; Judith L. Cary, City Clerk; Robert McAdams, City Attorney; Mary Mirante, Assistant City Attorney; and Don Monaghan, Assistant Public Works Director.

FLAG SALUTE: SeaTac resident Linda Snider led the Council, staff and audience in the Pledge of Allegiance.

QUASI-JUDICIAL HEARING (Continued from the June 20, 2000 Special Council Meeting):

Final Assessment Roll for Local Improvement District (LID) No. 1 for 28th/24th Avenue South Arterial Improvement Project as to Alaska Airlines, Inc., Budget Rent-A-Car Systems, Inc., and Highline School District No. 401 - Legal / Public Works

Mayor Thompson opened the Quasi-Judicial Hearing at 4:09 p.m.

City Attorney McAdams began the proceeding explaining the need for the continuance of this hearing from June 20. He then turned the proceeding over to Assistant City Attorney Mirante.

Ms. Mirante summarized the City's responses to objections by Alaska Airlines on the procedural challenges. Specifically, Mr. Mirante addressed authority of Council, judicial review, Superior Court Judge Cody's decision, confirmation of the assessment roll prior to completion of construction and the Doctrine of Equitable Estoppel.

Deborah Foreman, certified appraiser, addressed the City's responses to Alaska Airlines' substantive challenges raised in Scott Biethan's (appraiser with Cushman and Wakefield) letter dated June 20, 2000. Specifically, Ms. Foreman responded to: 1) "as is" condition of the subject on November 1, 1999; 2) excess land area calculation; 3) impact of deed restrictions; and 4) value in the "after" condition.

Eric Lansverk, attorney for Alaska Airlines, discussed the square footage analysis, and excess land in the "before" and "after" conditions.

Ms. Mirante objected to Exhibit 41 based upon timing and that the document was not prepared by an expert.

Mr. Lansverk reiterated issues that he previously agreed upon on June 20, 2000. He asked Council to assess all evidence in the proceedings.

City Council discussion ensued with specific questions for Counsel, relating to procedural and substantive issues relating to the LID. Council also questioned Counsel as to the attempts at settlement. Counsel for the City indicated that settlement discussions were difficult in this situation because Alaska never provided any formal appraisal information that would have assisted in the parties ability to negotiate a settlement.

In answer to further Council questions, Nancy Neraas, City's Bond Counsel, defined "arbitrary and capricious".

Mayor Thompson questioned whether it would be appropriate to allow Alaska Airlines additional time to submit a formal appraisal. Mr. McAdams responded by saying that additional time would not be appropriate.

Council will deliberate on this issue of whether the Alaska Airlines assessment in the amount of \$523,889.22 should be upheld, lowered, raised, modified or revised.

Mayor Thompson closed the Quasi-Judicial Hearing at 6:15 p.m.

ADJOURNMENT:

MOVED BY HANSEN, SECONDED BY DEHAN TO ADJOURN THE SPECIAL MEETING OF THE SEATAC CITY COUNCIL AT 6:16 P.M.

MOTION CARRIED UNANIMOUSLY.

Shirley Thompson, Mayor
Judith L. Cary, City Clerk

SEATAC CITY COUNCIL REGULAR MEETING MINUTES

July 25, 2000 - 6:00 PM
City Hall Council Chambers

CALL TO ORDER: The SeaTac City Council Regular Meeting was called to order by Mayor Shirley Thompson at 6:06 p.m.

ROLL CALL: Present: Mayor Shirley Thompson, Councilmembers Gene Fisher, Frank Hansen, Terry Anderson, Joe Brennan, and Don DeHan. Excused absence: Councilmember Kathy Gehring.

ADMINISTRATIVE STAFF: Calvin Hoggard, City Manager; Kristina Lowrey, Deputy City Clerk; Robert McAdams, City Attorney; Tom Betenson, Acting Fire Marshall; Bruce Rayburn, Public Works Director; Don Monaghan, Assistant Public Works Director; Tom Flannigan, Police Sergeant; Steve Butler, Planning Director; Jack Dodge, Principal Planner; Glynnis Casey, Associate Planner; Craig Ward, Programs Manager; and Kit Ledbetter, Parks & Recreation Director.

FLAG SALUTE: SeaTac resident Pat Carter led the Council, staff and audience in the Pledge of Allegiance.

INTRODUCTIONS:

New City Employees: Robert Forame - Plans Examiner / Inspector II; and Jennifer Patrick - Community Advocate

City Manager Hoggard introduced the following new employees: Robert Forame is a 30-year veteran of the electrical industry. He is filling a vacant position in the Building Department. Mr. Forame is a native of New York and has been a journeyman, a contractor, and an administrator in the electrical industry. His focus will be on quality and safety. He is married and has an eight-year-old daughter.

Second, Mr. Hoggard introduced Jennifer Patrick, who started her advocate career with the Domestic Violence Against Women (DAWN) organization. The City of SeaTac opted to hire its own Community Advocate rather than continue to contract this service through DAWN with Ms. Patrick joining SeaTac staff in May of this year.

PUBLIC COMMENTS:

Monica Saalfeld, 13506 Southeast 256th Street, Kent; Blair Geddis, 3313 South 194th Street; Donna McNeely, 3511 South 194th Street; Carol Putnam, 304 South Sunset Drive, Camano Island; and Lauri Lackey, 106 Southwest 194th Street, Normandy Park, spoke to the traffic / parking issue in regards to Frances Reid Music stating that Ms. Reid has helped many students, not only with the music, but personally. Ms. Reid is not only in this business for the money, but for the people. She should be allowed to conduct her business out of her home.

Councilmember Hansen thanked Ms. Reid for providing the band for the Fourth of July Parade.

Frances Reid, 3527 South 194th Street, stated that she moved to SeaTac in 1988 after living in Normandy Park where she practiced her business for 27 years. Before moving to SeaTac, she researched getting a City business license. She was issued an incorrect license. After a hearing before the Hearing Examiner Irv Berteig, she was issued a Special Home Occupations Permit (SHOP) with conditions, to which she complies. She requested Council action on the following issues: 1) one condition was that business be conducted from 6:30 a.m. to 6:30 p.m. She would like the ability to work from 6:00 a.m. to 6:00 p.m.; and 2) another condition was that she only have 10 cars per day parked near her home for her business, she requested 16 cars. She stated that her plan is to have families travel together and have appointments consecutively so that fewer cars are traveling to her home.

Stanley Watanabe, 16637 40th Avenue South, stated that he was following up on a letter he wrote to Council about the transportation issues in the City. He stated that a rail system needs to be put in the Puget Sound Area that will benefit SeaTac.

PRESENTATION:**Bow Lake Study**

Planning Director Steve Butler introduced Joseph Cloud, Project Manager, EDAW, Inc., and Richard Schaefer, Principal, Earth Tech, Inc. Mr. Cloud and Mr. Schaefer along with SeaTac staff, Programs Manager Craig Ward, Assistant Public Works Director Don Monaghan, and Associate Planner Glynnis Casey, provided a lot of time and effort on this study. The Bow Lake Study was funded by the City and a Growth Management Act (GMA) Grant from the Washington State Department of Community, Trade and Economic Development. The purpose of the study was to implement adopted plans and policies, assess relative costs, assess recreational benefit, provide environmental protection, promote environmental education, and achieve regional stormwater and water quality management objectives. The study resulted in three design scenarios without identifying a preferred course of action. It indicates a need for increased open space and recreation facilities in the City Center, and indicates potential financial benefits of a regional stormwater facility, and presents verifiable cost estimates for alternatives evaluation.

Mr. Cloud explained that Bow Lake is an area of over 400 acres and is one of 10 sub-basins in the Des Moines Creek Area Watershed. The lake is almost entirely owned in private property ownership. It is a Class One wetland requiring stringent setbacks for developments.

Mr. Cloud reviewed current site conditions, possible design elements, and three neighborhood access scenarios: 1) neighborhood access; 2) natural open space; and 3) urban focus. He briefed on an evaluation matrix showing the benefits of the scenarios.

Mr. Schaefer spoke regarding stormwater issues for the three scenarios. Scenario one has the lowest impact with scenario three having the highest investment.

Mr. Butler then reviewed the next steps of the study: comprehensive public outreach, agency outreach, identify a preferred alternative, develop a funding strategy, review revenue potential, begin programming specific elements, identify land costs, and begin subsurface wetlands investigations.

Council discussion ensued as to the use of the study. Council concurred that the Federal Government will soon instruct Cities as to what they can do in regards to stormwater issues instead of Cities being able to decide. The Cities only defense is to have a practical plan.

City Manager Hoggard emphasized that this study has a win / win aspect. The no action alternative, in essence, is individual property owners in this basin, which includes areas with some fairly intensive future development for the City. All of these properties, as they are developed in the future, will be faced with a sizeable price tag associated with handling stormwater. The options are to see this happen in hundreds of places around the basin at considerable expense, or to more efficiently, both in the use of land and the use of facilities, locate it in a more regional way. By doing that, the City can show some benefit for the surface water fees that the City charges to these property owners. The other side of it will be the benefits that come from increasing the recreational use and amenities to the community which will be a selling point for the hotel/motel industry which is largely located around the lake. This study should be looked at for what it accomplishes in benefits and a more efficient way than with the alternative. The price tag is manageable because it can be completed in phases. It can be done as a long range project, and assemble the pieces as the opportunities present themselves.

Council discussion ensued as to vying for Federal mandates. The public should be involved in all aspects of this project, including the lobbying for mandates.

CONSENT AGENDA:

Approval of claims vouchers in the amount of \$446,607.30 for the period ending July 20, 2000.

Approval of employee vouchers in the amount of \$365,475.86 for the period ending July 15, 2000.

Approval of summary of \$5,000 - \$25,000 purchase requests for the period ending July 21, 2000.

Approval of Council Minutes:

2001 Budget Workshop I held July 10, 2000.

Regular Council Meeting held July 11, 2000.

Special Council Meeting held July 18, 2000.

Acceptance of Advisory Committee Minutes:

Civil Service Commission Meeting held June 12, 2000 (commission approved July 10, 2000).

Planning Advisory Committee Meeting held June 19, 2000 (committee approved July 10, 2000).

Approval of the following Ordinances and Motions recommended at the July 18, 2000 Study Session for placement on this Consent Agenda:

Agenda Bill #1886

A Motion authorizing the City Manager to execute a Contract for a Golf Course Study - Parks & Recreation

Summary: The City formed a Golf Course Committee consisting of Councilmember Don DeHan, Assistant City Manager Jay Holman, Parks & Recreation Director Kit Ledbetter, and Port of Seattle (POS) staff. The committee recommended completing an economic study to determine if a golf course would be a good financial investment.

Mr. Ledbetter contacted two companies that specialize in market and financial analysis for golf course studies. The Golf Course Committee reviewed the two proposals and recommended hiring Economic Research Associates (ERA) to complete the golf course market and financial analysis study.

The POS and the City Hotel/Motel tax will equally fund the study. The possible golf course site consists of land in Des Moines Creek Park and the Tye Golf Course, approximately one half Port and one half City property. The total cost of the study is not to exceed \$18,000 and should be completed by September 2000.

Agenda Bill #1890; Ordinance #00-1030

An Ordinance amending the 2000 Annual City Budget for a Golf Course Study - Finance

Summary: This Agenda Bill refers to Agenda Bill No. 1886. The Ordinance provides additional appropriation authority in the amount of \$9,000 to contract with Economic Research Associates to complete a golf course market and financial analysis study. The cost of the study, not to exceed \$18,000, would be funded equally by the City and the POS.

Agenda Bill #1893

A Motion approving a Consultant Contract to study and make recommendations regarding the Image and Marketing of the City - City Manager

Summary: The Hotel/Motel Tax Advisory Committee is recommending to the City Council that Joann Hamick, doing business as the IndexGroup, provide assistance to the City of SeaTac regarding image creation, economic development and marketing of the City.

The committee would like to have the City's image studied to determine whether it can be improved and how. By repositioning the City and developing an integrated marketing and economic development plan, the City can promote itself as a great place to visit, do business and live. As a result of these efforts, the committee hopes there will be an increase in overnight visitors, and that visitors will choose to stay longer and spend more dollars while in town. The Committee also wants to increase the number of businesses that choose to locate in SeaTac. The hope is that these businesses will not only provide employment opportunities for local residents, but also serve as an important factor in enticing visitors to lengthen their stays in the City. Three phases are proposed: 1) research; 2) image enhancement; and 3) marketing plan.

Agenda Bill #1894; Ordinance #00-1031

An Ordinance amending the 2000 Annual City Budget for a Consultant Contract to study and make recommendations regarding the Image and Marketing of the City - Finance

Summary: This Agenda Bill refers to Agenda Bill No. 1893. The Ordinance amends the 2000 City Budget to provide

appropriation authority in the amount of \$65,000 for a consultant contract with IndexGroup to provide assistance to the City of SeaTac regarding image creation, economic development, and marketing of the City.

Agenda Bill #1891; Ordinance #00-1032

An Ordinance fixing Compensation for City Councilmembers and repealing Automatic Cost of Living Increases – Legal

Summary: Pursuant to request of the City Council, this Ordinance repeals the automatic cost of living increase in Council compensation, due to the State Auditor's objection, and effects a long-overdue increase in compensation to Councilmembers and the Councilmember selected to serve as Mayor. Despite contrary advice of the City Attorney and others familiar with the time requirements of service as a City Councilmember, the Council declined, as of the official date of incorporation, to increase Council compensation from the statutory minimum of \$400 per month and, as to the Councilmember chosen by the Council to act as Mayor, the sum of \$500 per month.

In 1993, the Council, upon advice of its then-current City Attorney, enacted Ordinance No. 93-1040, which provided for an automatic increase in Councilmembers' compensation equal to the increase in the local consumer price index (CPI) on an annual basis. Based upon a salary of \$400 per month, the CPI escalator amounted to less than a \$12 per month increase.

The Office of the State Auditor issued an opinion, in 1999, that automatic increases in the compensation of elected officials, based upon the CPI, violate the prohibition of Article XI, Section 8 of the Washington Constitution which prohibits increases (or decreases) in the salary of elected officials during their term of office. While the City Legal Department believes the position of the State Auditor to be based solely upon an unpublished Superior Court decision and an informal Attorney General Opinion, and to be contrary to court decisions in other jurisdictions, the prosecution of a declaratory judgment lawsuit against the Auditor to resolve this issue would cost far more than the benefits to be obtained from a successful adjudication.

The Councilmembers have been, and are, increasing their personal investment in time and energy on behalf of the City to study agenda bills, Ordinances, Resolutions, studies, reports, and other literature, to attend Council meetings and committee meetings, and to attend and participate in numerous local, regional, state-wide, and national task forces and organizations. It is essential that compensation be adjusted to reflect, at least in part, the actual expenditures of time and effort in order to provide reasonable and fair compensation and to promote continued participation in local government.

Due to Article XI, Section 8 of the Washington State Constitution, an appropriate increase in base salary cannot take effect as to any specific Council position until the next election.

The proposed Ordinance will eliminate the CPI automatic increases of Ordinance No. 93-1040 and will increase the base compensation of Councilmembers to the sum of \$800 per month and will increase the base compensation of the Councilmember chosen as Mayor to the sum of \$1,000 per month.

Commencing with the general election of November, 2001, and continuing to the general election of November, 2003, Council Salaries and Wages and Personnel Benefits will be increased in accordance with the proposed base salary increase.

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

MOTION CARRIED UNANIMOUSLY.

NEW BUSINESS:

Agenda Bill #1884

A Motion authorizing the City Manager to execute a Contract with the Low Bidder for Construction of Bow Lake Elementary School Play Yard Improvements - Parks & Recreation

Summary: This Motion approves acceptance of the low bid for construction of play yard improvements at Bow Lake

Elementary School and authorizes a contract with C. D. Construction & Management, Inc. of Tukwila.

The Parks and Recreation Capital Improvement Plan (CIP) includes making improvements to most of the elementary school play yards in SeaTac over the next ten years. It is less expensive to use the school property and make improvements than to purchase additional property and make improvements. The project bid opening was July 24, 2000. Although only one bid was received, it was within anticipated budget and had good references. Despite staff's efforts to encourage other companies to bid, many contractors said they were too busy to bid a small project.

It is important that this project be completed during the school's summer vacation to minimize impact on classes. This project includes new playground equipment, curbing, a new ballfield backstop installation, new basketball court paving, and a walking path around the school.

The budgeted cost is \$101,893.00 from the 2000 Parks Capital Fund, of which \$91,893 is from Community Development Block Grant (CDBG) funds. The low bid is \$48,735.34.

MOVED BY BRENNAN, SECONDED BY DEHAN TO ACCEPT AGENDA BILL NO. 1884.*

Upon a question posed by Councilmember Hansen regarding the maintenance of the schoolyard, Mr. Ledbetter stated he reached a tentative agreement with the Highline School District Maintenance Manager that the district would pay for wear and tear repairs. If there is vandalism, the district and the City would divide those costs. A draft letter of understanding (LOU) is being prepared by the district.

*MOTION CARRIED UNANIMOUSLY.

Agenda Bill #1868

A Motion accepting, for further consideration, the 2000 Final Docket of Proposed Comprehensive Plan Amendments - Planning

Summary: The City of SeaTac procedures for amending the Comprehensive Plan provide for consideration of proposed amendments for the 2000 calendar year in two stages. The first stage, the Preliminary Docket, requires that all proposed amendments be evaluated according to the following criteria: 1) proposal is consistent with requirements of the GMA and Countywide Planning Policies; and 2) proposal was not made in either of the previous two calendar years unless: a) conditions have changed substantially in the immediate areas, or b) proposal was eliminated in the previous year due to incomplete information.

In addition to the above criteria, proposed map changes are evaluated against some additional criteria: 1) proposal is or can be adequately served by sewer, water and roads; 2) site affected is physically suited for anticipated development; and 3) proposal will not create pressure to change other designations unless in the interest of the neighborhood, City and region.

Proposals that do not satisfy these criteria are not recommended to be included in the Final Docket as potential 2000 amendments. Conversely, all proposed amendments that satisfy these criteria, along with recommendations from the Station Area Planning process and the 2000 draft Capital Facilities Plan (to be submitted later in the calendar year), are recommended to be included in the Final Docket. The latter amendments will be subjected to environmental review and public notice requirements, and considered in a public hearing to be held by the Planning Advisory Committee (PAC). The City Council is scheduled to act upon the Final Docket in December 2000. Council may elect at that time to not adopt proposals that are included in the Final Docket at this stage of the process.

MOVED BY DEHAN, SECONDED BY ANDERSON TO ACCEPT AGENDA BILL NO. 1868.*

Councilmember DeHan clarified that adoption of this Motion by Council does not mean that it is adopted for any other purpose than to continue discussion for changes to the Comprehensive Plan and that any requested change can be revised by Council to a temporary designation.

City Manager Hoggard stated the Land Use and Parks (LUP) Committee did not make a recommendation on this issue

because the LUP meeting was cancelled due to a lack of members.

*MOTION CARRIED UNANIMOUSLY.

Agenda Bill #1843; Ordinance #00-1033

An Ordinance making technical and minor amendments to the Zoning Code to delete the Airport Use (AU) Zone, to provide for Butterfly/Moth Breeding and Landscaping Businesses, to re-define "Hotel/Motel and associated uses," allow specialized instruction schools with more than three students subject to a Conditional Use Permit (CUP), and to modify the footnotes for Wireless Telecommunication Facilities (WTF) for consistency with other sections of the Zoning Code

Summary: Periodically, minor Zoning Code amendments are necessary based upon Council, citizen and staff input. This Ordinance makes such amendments due to the elimination of the former AU zone classification, issues of landscaping and butterfly/moth breeding businesses, and redefinition of hotel/motel uses. The amendments also provide consistency in the Code regarding WTF's and property specific rezone procedures.

1. AU Zone: The AU Zone has been stricken from the official Zoning Map. Revisions to the land use charts under Chapter 15.12 of the SeaTac Municipal Code (SMC) will delete the "AU" zone from the charts.
2. New Definitions for Butterfly/Moth Breeding Businesses and Landscape Business: Butterfly/Moth Breeding and Landscape businesses uses have been added to the land use charts, based upon citizen requests. This requires changes to the charts in Chapters 15.14 – Landscaping, and 15.15 – Parking and Circulation of the Zoning Code. These charts have been amended to add off-street parking and landscaping requirements for the two businesses.
3. Revisions to the Footnotes Regarding WTF in the Use Charts: At the July 11, 2000 Council Meeting, Council amended Chapter 15.31 of the Zoning Code, requiring a minor Conditional Use Permit (CUP) for a WTF in high intensity zones. These changes require amendments to the footnotes regarding WTF's in the use charts in Section 15.12.040 of the Code.
4. Hotel/Motel and Associated Uses: This definition has been modified to clarify that such uses are a commercial use, and not a multi-family use. The land use charts have been amended to renumber and move this definition from the residential category to the retail/commercial use category. The landscaping and parking space requirement charts under Sections 15.14. and 15.15. of the code have also been amended to move this definition to the commercial category.
5. "Specialized Instruction Schools": The land use chart has been amended to allow this definition in the single-family zones with more than three students, provided it is: a) in a former school facility and b) subject to a CUP. The City has received a number of requests to use the former Glacier High School and Riverton Heights Elementary School for after-school programs and specialized softball instruction. These have been denied, however, due to current code provisions.
6. Zone Reclassifications: Under Ordinance No. 99-1030, the Council adopted provisions to allow property specific development standards as part of individual- or City-initiated rezones. Section 15.22.050 of the Zoning Code contains the specific criteria the Hearing Examiner must consider regarding individual rezone requests. It has been amended to reference Sections 15.05.055 and 15.05.080 to increase the public and staff awareness of the property specific rezone criteria.

MOVED BY ANDERSON, SECONDED BY FISHER TO ADOPT ORDINANCE NO. 00-1033.

MOTION CARRIED UNANIMOUSLY.

PUBLIC COMMENTS: There were no public comments.

CITY MANAGER'S COMMENTS: City Manager Hoggard stated that the King County Sheriff's Department, City of SeaTac, King County Housing Authority, and Windsor Heights Apartments are sponsoring an Open House for the new "Store Front" in SeaTac. The event will be held Wednesday, July 26, 2000 from 12:00 noon to 4:00 p.m. at 17223 32nd Avenue South, in SeaTac.

COUNCIL COMMENTS:

Councilmember Hansen questioned City Attorney McAdams as to the appropriate course of action for the Council to

take on the Frances Reid issue. Mr. McAdams stated that Ms. Reid has already been before the Hearing Examiner and was given a SHOP, with conditions. She then filed a motion for reconsideration. Today, a new order came out allowing her at least part of what she was requesting. As far as the Council is concerned, Council is not involved in that type of Quasi-Judicial Hearing. The Council could reconsider the criteria as to Home Occupations and SHOPS, but they would apply across the board, not just for this one instance.

Council discussion ensued as to reviewing the criteria. It was decided to leave it as it is.

RECESSED: Mayor Thompson recessed the Regular Council Meeting to an Executive Session on Quasi-Judicial Hearing Deliberation at 7:34 p.m.

EXECUTIVE SESSION: Quasi-Judicial Hearing Deliberation

RECONVENED: Mayor Thompson reconvened the Regular Council Meeting at 8:45 p.m.

ADJOURNMENT:

MOVED BY BRENNAN, SECONDED BY FISHER TO ADJOURN THE REGULAR MEETING OF THE SEATAC CITY COUNCIL AT 8:47 P.M.

MOTION CARRIED UNANIMOUSLY.

Shirley Thompson, Mayor
Kristina Lowrey, Deputy City Clerk

SEATAC CITY COUNCIL REGULAR MEETING MINUTES

August 8, 2000 - 6:00 PM
City Hall Council Chambers

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

ROLL CALL: Present: Mayor Shirley Thompson, Councilmembers Gene Fisher, Frank Hansen, Terry Anderson, Joe Brennan, and Don DeHan. Excused absence: Councilmember Kathy Gehring.

ADMINISTRATIVE STAFF: Calvin Hoggard, City Manager; Judith L. Cary, City Clerk; Robert McAdams, City Attorney; Jim Downs, Fire Chief; Bruce Rayburn, Public Works Director; Don Monaghan, Assistant Public Works Director; Scott Somers, Chief of Police Services; Steve Butler, Planning Director; Holly Anderson, Associate Planner; Craig Ward, Programs Manager; Lydia Assefa-Dawson, Programs Coordinator; and Kit Ledbetter, Parks & Recreation Director.

FLAG SALUTE: SeaTac resident Carolyn Cloutier led the Council, staff and audience in the Pledge of Allegiance.

INTRODUCTION:

Fire Inspector Scott Webster

City Manager Hoggard welcomed one of the newest City employees, Scott Webster. Scott was hired on July 16 as a Fire Prevention Inspector to replace George Goodall. He was born in Cedar City, Utah, raised in Oregon and Montana, and went to college at Montana State University. He earned his Bachelor of Science degree with a major in mathematics. Immediately upon graduation, Scott relocated to Washington and accepted employment with the ISO (Insurance Services Office) better known as the Washington State Surveying and Rating Bureau. This is the same organization that surveyed the City's fire defenses in 1998. Scott progressed through the ranks and was a supervisor, lead field representative and plan reviewer. His education, experience and knowledge in the science of fire and designed fire protection systems fit well into addressing the Fire Department's needs. The Mayor and Council welcomed Fire Inspector Scott Webster.

CERTIFICATES OF APPRECIATION:

Outgoing Members of the City's Citizens' Advisory Committees

The City Council recognized the efforts of the following outgoing members of the City's Citizens' Advisory Committees: Diane Gaffney of the ADA Citizens' Access Advisory Committee; Devon McQuillen of the Human Services Advisory Committee; Lisa Allen, John Gonzalez, Sheryl Knowles, Chris Kelly, and Frank Josie of the sunsetted Parks, Arts & Recreation Advisory Committee; and Terry Broyles, Bob Brooks, Tim Ryan, Cheryn Castro, and Mel McDonald of the sunsetted Solid Waste Advisory Committee.

Mayor Thompson presented the outgoing committee members with their Certificates of Appreciation and thanked them for their willingness to have served the City on these committees. Lisa Allen and Mel McDonald were present to receive their certificates. The other members will be sent their certificates.

CONFIRMATION OF APPOINTMENTS:

Mayoral Appointments and Re-appointments to the Member to the Citizens' Advisory Committees.

MOVED BY ANDERSON, SECONDED BY HANSEN TO CONFIRM THE MAYORAL APPOINTMENTS OF PATRICIA CROCKER TO THE HUMAN SERVICES ADVISORY COMMITTEE, MEL MCDONALD TO THE LIBRARY ADVISORY COMMITTEE, AND DEAN BRINTON TO THE PLANNING ADVISORY COMMITTEE; RE-APPOINTMENTS OF MARGO MINEARD AND GEORGE ISHII TO THE HUMAN RELATIONS ADVISORY COMMITTEE, STACY HANSEN TO THE HUMAN SERVICES ADVISORY COMMITTEE, MARILYN CAMPBELL AND RALPH JONES TO THE LIBRARY ADVISORY COMMITTEE, AND NINA NELSON AND DELLA SCHMITZ TO THE SENIOR CITIZEN ADVISORY COMMITTEE.

MOTION CARRIED UNANIMOUSLY.

Mayor Thompson presented the newly appointed and re-appointed committee members with their Certificates of Appointment and thanked them for their willingness to serve the City on these committees. Patricia Crocker, Mel McDonald, Dean Brinton, and Marilyn Campbell were present to receive their certificates. The other members will be sent their certificates.

PUBLIC COMMENTS: Marion Henry, 3208 South 198th Street, stated her and other residents' recommend the City establish building color codes for new establishments, i.e. hotels, office building and other commercial structures.

PRESENTATIONS:**Proposed Highline Botanical Garden Improvements and Entry Planting and Signage**

Park & Recreation Director Ledbetter introduced University of Washington (UW) landscape architect student Greg Butler, who has been working with the department in conjunction with a UW student internship program. Mr. Butler gave a slide presentation on the results of his work on the Elda Behm Entry Garden at North SeaTac Park (NSTP) with Parks staff. He also outlined his recommendations for future landscaping at the NSTP Community Center: archway, sculpture art garden, and patio adjacent to the indoor banquet hall for such uses as Saturday markets or garden plant sales. The second part of his internship was dedicated to future plans for the entry points to the City: 1) additional landscape at entry of Angle Lake Park, 2) entry off I-5 to South 188th Street / Military Road, 3) off SR 518 and International Boulevard (IB), 4) Military Road and South 176th Street, 5) Des Moines Road and South 188th Street, and 6) IB and South 211th Street. Mr. Butler ended the presentation by thanking Mr. Ledbetter for giving him the opportunity to intern with the City and for the special assistance from Parks Maintenance Supervisor Michael Edgar. The Council appreciated his excellent and inspiring presentation.

Fire Department Annual Report

Fire Chief Downs, assisted by Public Information Officer (PIO) Nikki Smith gave a formal presentation of Fire's 1999 Annual Report which highlighted the year's accomplishments.

Fire's statistical report summarized the 1999 operations, activities and accomplishments. The presentation specified that the most recent statistical experiences are used for comparative purposes to look for areas of concern or possible trends. When using a normal 10-year comparative base, it provides a community with a means to assess or evaluate the effectiveness of its Fire Department and also to measure Fire's productivity. Emphasis was placed on the ability to use such information based on this statistical data to identify probabilities. The presentation was an overview of fire prevention activities, special projects, fire calls, emergency medical service (EMS) calls, budgets, accomplishments, fire apparatus, and records.

In conclusion, Chief Downs thanked the City Council, staff and citizens for their assistance and support in making the Fire Department as effective as it is as well as the Fire Department personnel for their personal and professional contributions. Council thanked the Fire Chief and staff for the excellent annual reporting.

Human Services Needs Assessment

Programs Coordinator Lydia Assefa-Dawson introduced Sylvia McGee, Consultant, "All For A Good Cause" Agency. Ms. Assefa-Dawson stated that the last needs assessment was completed in 1991. Ms. McGee was hired by the City to do the update analysis on key findings for the year 2000. Ms. McGee worked with City Council, staff and community to prepare the assessment. She drew on the background of the City and what was taken into account for making policy recommendations with statistical comparisons with other King County communities:

1) Population: the current population has been relatively stable for the last 10 years ending in 1998, with one exception, the growth rate was about two percent over the ten years. However, there has been a rapid growth in the elderly residents where the growth rate was 54 percent and declined in other segments. Youth are on par with other areas of the County. SeaTac has a great deal of ethnic, cultural and language diversity.

2) Housing: another factor that affects the City's population is there is higher rate of poverty among youth and young

families. Regarding housing, SeaTac has had a 38 percent increase in multi-family and 14 percent in single-family housing. Part of the loss in single-family is related to the acquisition of property for the airport's third runway project and part for change of land use from single-family to multi-family units and loss of mobile home parks, reducing affordable home-ownership options;

3) Projected Population: projection of population through 2020 is considerable. The City is expected to increase 50 percent, partially due to Growth Management Act (GMA) targets.

4) Projected Housing: projected housing for this same period is estimated at 60 percent multi-family and 40 percent single-family development, driven by zoning and market values. About 95 percent of multi-family housing are rentals verses condominiums. The City has traditionally had affordable housing for both rental and home ownership. But starting in 1998-2000, home sale prices have increased greatly compared to the surrounding County of 11.6 percent compared to 7.8 percent for the balance of South King County. The increase compared to the average worker's income in SeaTac does not balance out. The affordable housing would be \$54,800 and rental (with utilities) would be \$478. However, the medium home price is over \$135,000 and the average rental in the City is \$587 (without utilities) a month. Therefore, affordability is a relative issue for the City;

5) Education: SeaTac residents have a slightly lower education attainment than their peers. In high school education, about 82 percent of the residents in the last census had a lower education attainment compared with 88 percent Countywide. In college education, SeaTac residents are at 13 percent compared to 30 percent Countywide. There is a high turnover rate in the City's schools, a difficult situation in regards to maintaining a healthy learning environment for all the students. Poverty and language differences are contributing elements.

6) Crime: statistics have been stable over the last several years in SeaTac and only slightly higher for overall County and Statewide. The higher element is due in part to the airport, hotel and restaurant trade that brings in a transit population. About 12 percent of the City's arrests have been juvenile and with the strong policing effort, gang activity is dropping consistently. About 11 percent of the crime is domestic violence related, consistent with other communities.

7) Health Concerns: birth rates are higher in the Highline/Burien area. It is not possible to isolate SeaTac for these rates. Adolescent pregnancy rates are also higher which relates to the higher infant mortality rate. Linked to these problems, a higher portion of the population lacks health insurance than in other portions of the County.

8) Other Needs: limited availability of childcare, particularly evening and weekend care.

9) Human Services Delivery: lack of delivery sites within the City is due to a low-income population that lacks transportation and bus service is inadequate across the County. There are also language and cultural barriers that cause a lack of information of available services.

10) Factors affecting Human Service Need: Welfare reform where people are getting off welfare and working. Many times they are moving into low-income jobs and that necessitates Human Services needs. There is an increase in frail and vulnerable elders, a high concentration of immigrants and refugees and unsupervised youth.

11) Policies and Funding Priorities focus on Three Areas: A) crisis and survival services, B) services that improve access and link people to services; and C) prevention and support services. The bulk of City funding was concentrated in "A". These services are the most noticeable. It is recommended that a balance between crisis and stability be made.

12) Current Funding Issues: funding does not cover the cost of providing services, which is the norm for every City where an assessment has been done. Funding has not kept pace with needs from 1994 to 1999. City Manager Hoggard commented that the City sets aside one percent of its annual budget for Human Services. This analysis would assume that the budget is not keeping pace with inflation.

13) Policy Recommendations: A) focus on preventing hunger and homelessness by balancing the issue of emergency shelter verses prevention and transitional housing and linking emergency services to case management and problem-solving; B) prevent crisis and provide stabilization services and mobility; and C) develop community connection and

identity by resolving the initial crisis and encouraging a return to maximum normalcy, draw on individual and family strengths, and identify when ongoing support systems are needed and link to these; D) provide a platform for success by increasing access to quality, affordable child care, continue with vocational and education opportunities and increase support for youth mentoring, role modeling and introduce higher education and career, develop community connection and identity by increasing support for recreational opportunities for youth, develop a localized referral and resource listing, develop a localized volunteer coordination system, and address transportation barriers.

Councilmember Anderson stated that the South County Forum's major issue is food banks and next, transportation. Councilmember Brennan thanked Ms. McGee for the comprehensive reporting on the Human Service needs in SeaTac. He added that there are a lot of areas of work to be done. Since incorporation, the City has achieved a great deal of their goals in human service needs in the community. Mayor Thompson agreed and added that she would also like the focus to be on human services accomplishments in the City as well as address the issues that still need resolving. A meeting with Ms. McGee will be arranged, if desired by the Council, to set goals for the future.

CONSENT AGENDA:

- Approval of claims vouchers** in the amount of \$1,133,667.19 for the period ending July 31, 2000.
- Approval of claims vouchers** in the amount of \$1,253,922.26 for the period ending August 3, 2000.
- Approval of employee vouchers** in the amount of \$514,323.98 for the period ending July 31, 2000.
- Approval of firefighter vouchers** in the amount of \$365.00 for the period ending July 31, 2000.
- Approval of summary of \$5,000 - \$25,000 purchase requests** for the period ending August 4, 2000.

Approval of Council Minutes:

- Study Session** held February 1, 2000.
- Study Session** held July 18, 2000.
- Regular Council Meeting** held July 25, 2000.

Acceptance of Advisory Committee Minutes:

- Planning Advisory Committee Meeting** held July 10, 2000 (committee approved July 24, 2000).

Approval of the following Ordinances and Motions recommended at the August 2, 2000 Study Session for placement on this Consent Agenda:

Agenda Bill #1898

A Motion approving Boeing Company's Rental Use of North SeaTac Park (NSTP) Softball Fields - Parks & Recreation

Summary: The Parks and Recreation Department was directed to find ways to cut the annual subsidy for the operation of NSTP. The Parks Director negotiated with the Boeing Company to establish a rental fee for the proposed use of park's softball fields for the Boeing's recreation softball leagues. The proposed fee is \$10,000 per year, with consumer price index (CPI) increase after the first year for a five-year period. The use would be from April through August from 3 p.m. to dusk. Boeing would also drag and line their fields.

This proposal is expected to cut the park operation subsidy by approximately \$10,000 annually. This rental will still make the weekends available for softball tournaments that generate approximately \$9,000 annually for the City. The Boeing proposal would take up all of the prime time summer use of the park's softball fields but it will also generate the most amount of revenue possible for the City.

Agenda Bill #1892

A Motion authorizing the City Manager to enter into a Contract with the Puget Sound Water Quality Action Team (PSWQAT) for continued funding for the City's Water Quality Outreach Program - Public Works

Summary: In August 1999, the City was awarded a \$50,000 King County grant to conduct water quality outreach and education activities through July 31, 2000. During the first year of the SeaTac Stream Stewards Program, 24 SeaTac businesses participated, exceeding the City's goal of recruiting 20 businesses. In addition, students from three local high schools were involved in volunteer/education activities. Through the combined efforts of City staff and students,

most of the businesses along the east side of IB, between South 170th Street to South 188th Street, have received water quality technical assistance.

The City applied for, and has been offered, \$45,000 through the PSWQAT to provide continued support for the program from August 1, 2000 - May 15, 2001. The PSWQAT, a sub-agency of the Governor's Office, operates a Public Involvement in Education (PIE) fund to help local government and non-profits fund local environmental education projects. This funding would also provide continued support for the City's Resource/Habitat Conservation Specialist, established in September 1999, under Agenda Bill No. 1750.

Continuing the City's water quality program would include three cost areas: water quality services to businesses, City staff time and consultant time. The total cost to continue the program is \$49,875. PIE funding would cover \$45,000. The net cost to the City would be \$4,875.

Specifically, providing water quality services to SeaTac businesses between August 1, 2000 and May 15, 2001 would cost \$21,000. PIE would cover \$20,000 of this cost. The City would provide the remaining \$1,000. Services would include educational materials, employee training, water quality equipment and water quality monitoring.

Providing City staffing for the water quality program between August 1, 2000 and May 15, 2001 would cost approximately \$23,900. PIE would cover \$20,000 of this cost. The City would cover the remaining \$3,900. City staff time would be spent assisting and training businesses, as well as coordinating volunteer opportunities with local schools and residents.

As in Phase 1 of the program, an outside consultant would help City staff recruit businesses for the program and design water quality workshops. Outside consultant services would cost \$5,000. PIE would fully cover this cost. If the water quality program demonstrates continued success, additional grants will be pursued to maintain the water quality program and an associated staff position.

Agenda Bill #1895; Ordinance #00-1034

An Ordinance amending the 2000 Annual City Budget for the Water Quality Outreach Program - Finance

Summary: This Ordinance refers to above Agenda Bill No.1892. It amends the budget of the SWM Utility Fund to increase both revenues and expenditures, allowing the continuation of the City's Water Quality Outreach Program and Resource/Habitat Conservation Specialist position.

Agenda Bill #1897; Ordinance #00-1035

An Ordinance granting Metromedia Fiber Network Services, Inc. a Non-exclusive Franchise to install, operate and maintain Telecommunications Systems in the City of SeaTac - Public Works

Summary: City staff recommends that Metromedia Fiber Network Services, Inc. be granted a franchise to install, operate and maintain telecommunications systems in the City's rights-of-way (ROWs). The franchise outlines the rights and responsibilities of both the City and Metromedia Fiber Network Services, Inc. for the installation of facilities and the ongoing operation and maintenance of these facilities.

Metromedia Fiber Network Services, Inc. is installing a telecommunications network in the Puget Sound area. The system is intended to serve local customers, as well as provide transmission services. The installation is planned for later this year and the facilities will be located throughout the City.

Agenda Bill #1900; Ordinance #00-1036

An Ordinance making amendments to the State Environmental Protection Agency (SEPA) Appeal Procedures including the SEPA Appeal Fee, the timing of Decision on a Nonexempt Action, limitations on providing Written Documentation, and the timing of Public Hearing Notices - Planning

Summary: Sections 1.20.220, 13.30, and 15.22.065 of the SeaTac Municipal Code (SMC) contain the "Environmental Rules/Procedures" for the City. The SEPA fee and appeal requirements currently cited under these sections are not consistent with State law or other City Ordinances or Resolutions. The proposed amendments would rectify the

inconsistencies:

1. SEPA Appeal Fee: The SMC SEPA appeal fee of \$50.00 would be deleted and the City Fee schedule amount, currently \$100.00, would be referenced.
2. SEPA Appeal Procedures – Action on Items Under Appeal: It is not entirely clear in the SEPA regulations how to process project or non-project action under appeal. Currently the SMC states that project and non-project actions cannot proceed until all appeal procedures have expired, including appeals to the Hearing Examiner and to the courts. The Planning Advisory Committee (PAC) reviewed two options amending the procedures:

Option 1 – B: a final decision on a nonexempt action for which a Determination of Non-significance (DNS) has been issued or an Environmental Impact Statement (EIS) has been required shall not be made until after expiration of the environmental appeal period; ~~or if appealed, shall not be made until the decision on the appeal becomes final.~~ Notwithstanding the foregoing, a final decision need not be made during pendency of any appeal if deemed appropriate by the City or if an injunction be issued by a court of competent jurisdiction.

Option 2 – B: a final decision on a nonexempt action for which a DNS has been issued or an EIS has been required shall not be made until after expiration of the environmental appeal period; ~~or if appealed, shall not be made until the decision on the appeal becomes final.~~ If appealed, the following shall govern when a final decision may be made: a) for project actions, a final decision shall not be made until the decision on the appeal becomes final and b) for non-project actions, a final decision may be made if the hearing examiner upholds the issuance of the DNS.

Option 1 would allow all project or non-project actions to proceed once the SEPA appeal period expired, irrespective of any appeals to the Hearing Examiner or Court.

Option 2 would allow non-project actions to proceed if the Hearing Examiner upholds the City's threshold SEPA determination. For project actions, all appeals, including those to Superior Court, must be completed before a project may proceed.

The PAC and staff recommend Option 1 to the Council, which would provide flexibility in providing a final decision on any nonexempt action.

3. SEPA Appeal Procedures – Submittal of Materials: The SMC is amended to clarify the timing in which appeal materials must be submitted to the City Clerk's Office.
4. SEPA Appeal – Notice of Public Hearing: The SMC is amended to clarify the appeal noticing requirements.

Agenda Bill #1882; Ordinance #00-1037

An Ordinance making Technical and Minor Amendments to the Zoning Code regarding Landscaping adjacent to Freeway Rights-of-way (ROW), Landscape Buffers adjacent to Residential Zones, Fence Standards, and Porches and Decks Side Yards - Planning

Summary: From time to time, minor Zoning Code amendments are necessary based upon Council, staff and citizen input. The proposed amendments are intended to provide clarification of Code provisions and to provide greater consistency in the Code:

1. Landscaping Adjacent to Freeway ROWs: the current requirement for landscaping of all uses adjacent to a freeway ROW is 25 feet in width of Type 1 landscaping, a solid landscape screen. In many cases, this amount of landscaping is not necessary. The proposed amendment reduces the landscaping in the commercial zone to 10 feet and allows a reduction of the landscaping to 10 feet in residential zones if a sound wall is provided.
2. Landscaping Buffer Adjacent to Residential Zones: in many cases under the current Zoning Code provisions, 20-foot Type I landscaping is required between a commercial use and a single-family or other residential zone. This is true even if the Comprehensive Plan designation for the residential zoned property is for commercial uses. The proposed amendment would allow a 10-foot Type I buffer adjacent to a single-family or residential zone provided that the

Comprehensive Plan designation is for more intensive uses, such as commercial or industrial, and that the area is not within a phasing area as identified in the Comprehensive Plan.

3. Fence Standards: the proposed fence standards would provide greater flexibility regarding fences within front yards and would clarify where the front yard is located related to fence height requirements. Currently, the fence height in the front yard is limited to four feet. The proposed standards would allow a fence up to six feet, if it includes trellis or latticework or if the fence is a wrought iron fence. Further, it would be clarified that the front yard would include the side property line to the front yard setback of 20 feet. In this area, the fence may be only four feet or 6 feet with a trellis or latticework. The PAC has recommended against fences up to six feet in the front yard with trellis or latticework. In the PAC's opinion, the trellis or latticework would not allow enough visibility into the lot. The PAC does support six-foot high wrought iron fences in the front yard. The proposed Code amendments would also allow a gateway entrance up to eight feet in height.

4. Porches and Decks in Side and Rear Yard Setbacks: the Zoning Code is silent on how far a porch or deck of under 18 inches in height may project into the side or rear yard setback. The proposed amendment would allow a projection of 18 inches into the side yard setback and 10 feet in the rear yard setback. The amendment would make the projection consistent with the setback projections for decks and uncovered porches greater than 18 inches in height.

Agenda Bill #1865; Ordinance #00-1038

An Ordinance approving and confirming the Final Assessment Roll for Local Improvement District (LID) No. 1 and levying and assessing the amount thereof against the lots, tracts, parcels of land and the property shown on the roll as to Budget Rent-A-Car Systems, Inc. and Highline School District No. 401 - Legal

Summary: The City Council passed Resolution No. 97-025 on September 23, 1997, declaring its intent to order certain local improvements within the City and to create a LID. The Council held a hearing on October 14, 1997 to consider this matter. After due consideration, the Council adopted Ordinance No. 97-1017 ordering the improvements and creating LID No. 1. The City advertised for and interviewed consulting firms interested in assisting the City on this project. The consulting firm of Parsons, Brinckerhoff, Quade and Douglas, Inc. was selected to prepare the plans, specifications and cost estimates for the proposed improvements. The design was completed and a call for bids was published on September 28, 1999. Eight bids were received and opened on October 28, 1999. The low bid submitted by Gary Merlino Construction Co. was within budget. A hearing before the City Hearing Examiner was held at 4:00 p.m. on December 6, 1999 at the Valley Ridge Community Center. At the hearing, the Hearing Examiner accepted written and oral testimony from staff and LID participants, who were protesting the assessment against their property. The Hearing Examiner, having considered the staff report and protests, reported his finding and recommendations to the Council on December 14, 1999 at the regularly scheduled Council Meeting. Sitting as the board of equalization, the City Council held a public hearing on the final assessment roll. The Council determined that the final assessment roll for LID No. 1 was just and equitable and no assessment against property within the LID No.1 is greater than the special benefit derived from the improvements. Having made these determinations, the Council approved and confirmed the final assessment roll for LID No. 1 and levied and assessed the amount thereof against the lots, tracts, parcels of land and other property shown on the roll.

Three properties, Alaska Airlines, Inc., Budget Rent-A-Car Systems, Inc. and Highline School District No. 401 appealed the Council's action to Superior Court. On April 19, 2000, a hearing was held in Superior Court before the Honorable Harriett M. Cody. On April 26, 2000, Judge Cody ordered that pursuant to Revised Code of Washington ([RCW 35.44.250](#) and [Chapter 7.24 RCW](#)) the LID assessments levied by the City against Alaska Airlines, Inc., Budget Rent-A-Car Systems, Inc. and Highline School District No. 401 are nullified and that SeaTac Ordinance No. 99-1048 is null and void as to these properties. Instead of appealing Judge Cody's decision, the City opted to reset the LID hearing before the City Council in the interest of time. The hearing was scheduled for June 20, 2000. Prior to this hearing, the City was able to settle with Highline School District No. 401 for an assessment amount of \$657,118.66 and Budget Rent-A-Car Systems, Inc. for an assessment amount of \$66,200.00. Alaska Airlines appeared at the June 20, 2000 hearing and the continued hearing of July 18, 2000. Council is currently deliberating with respect to Alaska Airlines assessment.

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

Regarding Agenda Bill No. 1898, Councilmember Brennan stated that he and Councilmember DeHan spoke with the Parks Director regarding the softball fields and the contract with Boeing. It is a good source of revenue and financing the park is expensive. However, there are ways to improve the park at a low cost. Working with the Port is another way in easing the upkeep costs. Otherwise, the option of the County taking it back would have to be considered.

*MOTION CARRIED UNANIMOUSLY.

PUBLIC HEARINGS:

Vacating certain Street Rights-of-way (ROW) within the City of SeaTac abutted on both sides by Port of Seattle (POS) Property

Mayor Thompson opened the Public Hearing at 7:20 p.m.

With no comments made, Mayor Thompson closed the Public Hearing at 7:21 p.m.

NEW BUSINESS:

Agenda Bill #1879; Ordinance #00-1039

An Ordinance vacating certain Street rights-of-way (ROW) within the City of SeaTac abutted on both sides by Port of Seattle (POS) Property - Public Works

Summary: The City has agreed with the POS, as documented in the Interlocal Agreement (ILA) dated September 4, 1997, as amended, to vacate certain ROWs. In exchange, the POS would reimburse the City based on 50 percent of the fair market value of the ROWs being vacated up to a maximum of \$6,500,000. The City Council held a public hearing on August 8, 2000 to consider the merits of vacating the ROWs identified in this Ordinance. The passage of this Ordinance will document the City Council's concurrence in vacating these ROWs.

All the utilities serving the City were given notice of the Port's request to vacate these ROWs. Southwest Suburban Sewer District has requested that the City reserve easements for their facilities in the streets being vacated. The POS has agreed to these easements.

The POS had the firm of Lamb Hanson Lamb Appraisal Associates, Inc. appraise the ROWs to be vacated to establish the fair market value. This appraisal has determined that the fair market value of these ROWs is \$1,735,737. Staff reviewed the appraisal and concurs with the findings of the POS's in depth appraisal.

MOVED BY HANSEN, SECONDED BY DEHAN TO ADOPT ORDINANCE NO. 00-1039.

MOTION CARRIED UNANIMOUSLY.

PUBLIC HEARINGS (Continued):

Extending the Interim Design Standards for Multi-family Housing

Mayor Thompson opened the Public Hearing at 7:22 p.m.

Ben Stark, 1310 South 230th Street, Des Moines, commented on the multi-family housing issue: 1) regarding the deduction in the density calculations for the wetland and steep slope areas, due to Federal regulations, there is no construction allowed in the wetlands. However, if the wetlands and steep slopes were removed from the density calculations, it would be a taking of private property rights with no compensation. In the westside, there is a proposed development that will not be allowed due to being in the density calculations. This will be loss of approximately 96 units due to the Port's wetlands calculations. The density is limited by the parking regulations. Mr. Stark recommends the density to be limited by the old Code and not by deducting wetlands and steep slopes; 2) regarding the 35-foot height limit within 60 feet of a single-family zone, Mr. Stark recommends leaving it within 55 feet. The single-family limit is 30 feet; and 3) the requirement for pointed roofs with a six-foot 12-inch roof slope if facing single-family housing takes one-half story to make the pointed roof therefore, losing one story of housing. If the City desires better apartments, the density has to be increased in order for it to be cost permissible to build. The Port acquired 388 houses and twenty apartments on the westside and most of the residents moved out of SeaTac due to lack of good housing. There needs to be more input from the industry to improve on these issues.

With no further comments made, Mayor Thompson closed the Public Hearing at 7:30 p.m.

NEW BUSINESS (Continued):

Agenda Bill #1881; Resolution #00-017

A Resolution extending the Interim Design Standards for Multi-family Housing

Summary: On January 11, 2000, the City Council adopted Interim Design Standards for Multi-family Housing under Ordinance No. 00-1002. The standards became effective February 10 and will remain in effect for a period of six months, providing that, pursuant to [RCW 36.70A.390](#), a public hearing is held within 60 days and findings of fact made in support of the interim standards. The moratorium on Multi-family Development ended on February 10, 2000, the same time the Interim Standards took effect.

[The RCW](#) adoption of an Interim Zoning Ordinance subject to a public hearing and findings of facts justifying the adoption of the Interim Ordinance. The standards were adopted on an interim basis due to the outstanding appeal of the SEPA environmental review on the proposed Multi-family Standards. While the City's Hearing Examiner ruled that the appeal was without merit, the SEPA was further appealed to Superior Court. Adoption of interim standards is an alternative to extending the moratorium on Multi-family Development and allows development applications to be submitted under interim zoning controls while permanent zoning regulations are being finalized.

The Interim Standards are intended to ensure that multi-family housing projects will be consistent with the City's Comprehensive Plan and compatible with surrounding neighborhoods.

The proposed standards include Site Design and Building Orientation, Building Design, Vehicular Access and Circulation, Design of Surface and Structured Parking, Recreation and Open Space, Incentives, Townhouses, Small Lot Single-family Development, Multi-family Properties in the City Center, and Concept Illustrations.

The proposed standards implement aspects of the Comprehensive Plan, such as features of the Land Use and Community Image Elements on design and transition between zones of differing density. The standards also address concerns regarding safety in the design of multi-family, and amend recreation and open space standards to ensure that these opportunities are provided in all new developments.

The Findings of Fact in the Resolution detail Comprehensive Plan policies that support the Interim Standards. The Findings of Fact also note a Resolution passed by the Council in 1999 regarding Crime Prevention Through Environmental Design (CPTED) that supports the adoption of the Interim Standards for Multi-family Housing.

MOVED BY HANSEN, SECONDED BY BRENNAN TO PASS RESOLUTION NO. 00-017.*

Councilmember DeHan clarified that this Ordinance is an extension of the Interim Standards and not a passing of the Final Design Standards.

Planning Director Butler concurred and added that the comments from the Council and public will be taken under consideration for the final standards. The density issue is planned for discussion this fall, the height issue will be a separate action and is due to be discussed at the Land Use and Parks (LUP) Committee and sent back to Council in late September or early October. The pointed roof standard issue will be addressed in the final standards discussions. The base elevations will be discussed during the multi-family review before finalization. The proposed extension is in force up to six months or sooner with an earlier adoption of the final standards.

*MOTION CARRIED UNANIMOUSLY.

PUBLIC COMMENTS: Due to the length of the meeting and Executive Session, Mayor Thompson declared there would be no public comments.

CITY MANAGER'S COMMENTS: City Manager Hoggard had the following items: 1) staff has drafted a letter requested by the Council in response to the 25.7 percent increase rate for Puget Sound Energy. Also, given to Council was a letter from the City of Seattle outlining similar concerns with Seattle Electric Utility; 2) e received a letter from

the King County Department of Licensing informing the City that the County is reviewing their Taxi Ordinances, due in part to numerous complaints as to the quality of service.

COUNCIL COMMENTS: Due to the length of this meeting and Executive Session, Mayor Thompson declared there would be no Council comments.

RECESSED: Mayor Thompson recessed the Regular Council Meeting to an Executive Session on Potential Litigation at 7:32 p.m.

EXECUTIVE SESSION: Potential Litigation

RECONVENED: Mayor Thompson reconvened the Regular Council Meeting at 8:30 p.m.

ADJOURNMENT:

MOVED BY DEHAN, SECONDED BY FISHER TO ADJOURN THE REGULAR MEETING OF THE SEATAC CITY COUNCIL AT 8:32 PM.

MOTION CARRIED UNANIMOUSLY.

Shirley Thompson, Mayor
Judith L. Cary, City Clerk

SEATAC CITY COUNCIL SPECIAL MEETING MINUTES

August 15, 2000 - 6:00 PM
City Hall Council Chambers

CALL TO ORDER: The SeaTac City Council Regular Meeting was called to order by Mayor Shirley Thompson at 6:06 p.m.

ROLL CALL: Present: Mayor Shirley Thompson, Councilmembers Frank Hansen, Terry Anderson, and Joe Brennan. Excused absences: Councilmembers Gene Fisher, Kathy Gehring, and Don DeHan.

ADMINISTRATIVE STAFF: Calvin Hoggard, City Manager; Judith L. Cary, City Clerk; Jay Holman, Assistant City Manager; Robert McAdams, City Attorney; Jim Downs, Fire Chief; Bruce Rayburn, Public Works Director; Don Monaghan, Assistant Public Works Director; Soraya Chang, Public Works Programs Coordinator; Mary Pederson, Municipal Court Administrator; and Scott Somers, Chief of Police Services.

FLAG SALUTE: City Manager Hoggard led the Council, staff and audience in the Pledge of Allegiance.

PRESENTATIONS:

Library Update

Valley View Managing Librarian Karen Hardiman introduced Claudia McKane, King County Library Systems (KCLS) Associate Director of Public Services, who is responsible for South County Libraries. Ms. Hardiman has been with Valley View for over a year and previously was with the County's Traveling Library with stops in SeaTac at Bow Lake Mobile Home Park and North SeaTac Community Center. She expounded on Valley View Library's services. This library has access to over 3 million informational items and a branch of the third largest circulating library in the nation. With the introduction of the Internet, the library is even more accessible to resource and reference data as well as many other services, such as the resource desk for various needs and programs with classes in the use of computers, language, and reading.

The KCLS is launching a major library card campaign with a goal to put a library card in every hand of the 340,000 children in the service area. Adults are also encouraged to obtain a card. The library has a home page on the Internet (www.kcls.org) and can be accessed from the City's home page (www.seatac.wa.gov) under Other Government Agencies. Library services can be obtained on the Internet.

Ms. Hardiman stated that the library takes in a moderate number of donated books and they are either cataloged in the library system or sent to the KCLS Book Sale with monies given to the Friends of the Library Fund.

Council thanked Ms. Hardiman for the excellent and educational presentation.

Comprehensive Solid Waste Management Plan

Public Works Programs Coordinator Chang introduced Mark Buscher, Senior Planner, King County Solid Waste Management Division, Department of Natural Resources. Mr. Buscher gave an update on the Region's draft 2000 Comprehensive Solid Waste Management Plan Revision Process. The City is party to the existing plan and the facility and service policy in the document that will impact the residents of the City. Mr. Buscher stated that the document was mailed to all the regional Cities involved in May 2000. The draft is now in the comment and review phase, which will end on September 29. The purpose of this presentation was to give a brief overview of the content of the plan and the issues facing the region-related solid waste management, with input from the Cities. This 20-year (2000-2020) plan encompasses all aspects of solid waste management from collection, waste recycling, transfer and disposal, rates, and financing for the system. In this region, solid waste management is a significant task. Collectively, the Cities, County and the private sector hauling companies are working together to manage, in the current year, approximately 1 million tons of waste to be disposed at the region's land fill (Cedar Hills site) in Maple Valley. The County began in summer of 1999 to work directly with the Cities and public to identify issues. Based upon the input received, a draft plan has been developed. With the draft to be completed by September 29, County staff will create the final draft for adoption

by the end of 2000. The adoption process will begin in January 2001 for approximately 120 days. The Cities will have a direct role in developing and revising the content of the draft plan to the adoption of the final plan. The Cities will have the opportunity to adopt a plan of their own before the County Council takes any action.

One of the major issues in the region currently is the disposing of 1 million tons of waste a year with the landfill reaching its capacity in the year 2012. There are various options for a new site: a) siting and constructing a regional landfill in another County; b) revisit the regional incineration project; and c) contract for an existing landfill space in-State or another western State.

After a review of cost to ratepayers, impact to the waste reduction recycling programs and environment impacts, the plan recommends that Option C (contracting) would be best after the existing landfill reaches its capacity. This will be a more expensive program. Therefore, the plan recommends that the current recycling efforts be doubled both residential and businesses and the types of recyclable material be expanded to organic waste such as food waste recycling and plastics that are not currently being recycled. A market demand for these materials will have to be developed. Next, a collection program will need to be created. The plan also outlines alternatives to a regional transfer system for the 20-year period modernizing the facilities to provide convenient service to all customers. This plan allows the use of existing transfer stations (by upgrading the sites and integrating recycling into the transfer system) without building new facilities.

With this plan, the disposal rates (County rates) will be kept flat without a change until at least 2005 and when there is need for a rate increase, it will be kept below the rate of inflation for at least the 20-year period. In the past, the County set rates through the County Council. This plan recommends that the County join with the Cities to establish an active group of City representatives to work directly with the KCSWM Division on rate policies and rate structure issues so that the Cities will have an up front and direct input on the next rate proposal.

Mr. Buscher answered City Manager Hoggard inquiries. In the plan, the Bow Lake Station would be referred to as an anchor station, one of four major stations in the region. The site would be expanded to handle additional waste over the 20-year period. There will be access for self-haul as an anchor facility. There are enough private landfill competitors in the region to insure this plan will succeed. Within the eight western States, there are 25 potential landfills to come on line before 2012. From a cost standpoint, to haul waste out of the region, using rail as the transport, the cost will be \$15-17 a ton no matter where it is sent. Regarding the heavy truck transporting on Orillia Road, (within SeaTac proposed annexation area) there is a recommendation to provide reimbursement funds to host communities for this usage.

Councilmember Hansen stated that the private homeowner (self-haulers) pays a flat \$15 per load. Mr. Buscher stated that this is an expensive service to provide at the transfer station due to the time involved and the staffing of the stations. This basic rate is for 240 pounds of waste or less is reflective of the cost of this service. It is still cheaper than curbside service. The draft plan defines working with the waste collectors to bring their cost in line with self-hauling. This will give the customers a more uniform choice of services.

Mayor Thompson thanked Mr. Buscher for the excellent and informative presentation. The summary of the draft is also available on the Internet. Councilmember Brennan stated that the rate issue, as well as other recycling issues, was briefly presented at the Transportation and Public Works (T&PW) Committee Meeting today. It will be presented to the Council of the Whole at the September 19 Study Session.

Local Law Enforcement Block Grant (LLEBG)

Police Chief Somers stated that this presentation would highlight the purpose and goals of the LLEBG Program, which started in 1996. The Federal Government has set up programs to assist Counties and Cities, which are most impacted by crime and disorder, with the ability to develop programs and procure staff to help address the challenges of the community. The goals of the programs are to reduce crime and improve the public safety of the community. The funding averages \$4-5 million annually for the entire nation. The 1999 grant for SeaTac is estimated at \$50,807.

There are two categories: direct and indirect. Direct funding is sent directly from the Federal Government to the communities most in need, those with Part I Crimes (most serious crimes) over a three-year period. Indirect is for communities that do not suffer such high crimes. SeaTac qualifies for direct funding. Some past uses of the grant funds

were the laptop computers for the police cars and the video arraignment equipment for the Municipal Court. The goals for the 1999 funds are to: 1) better prepare the City for critical incidents; 2) better communicate with the community; 3) focus on career criminals; and 4) provide a venue for volunteers to assist the police department in the community. The programs that have been determined through needs are: 1) Active Shooter and Patrol (ASAP) Response Plan. This program is designed to enhance first responders' capacity to engage and resolve in-progress shootings; 2) purchase and operation of cellular telephones for officers and detectives. This program is designed to improve communication with citizens, especially those who have phoned in complaints; 3) surveillance equipment for the Street Crimes Unit detectives to better focus on repeat/career criminals; and 4) clothing and equipment for our new Volunteer In Police Service (VIPS) program. This would include clothing that identifies the VIPS volunteers and their affiliation to the City, and training to develop needed skills.

Lastly, Chief Somers outlined the challenges of the future such as management of costs through remote bookings, and video cameras in police cars. The 2000 grant for SeaTac is \$45,510.

Councilmember Brennan stated that the Public Safety and Justice (PS&J) Committee has had meeting conflicts of its members as of late, therefore, it was presented to the Council as a Whole at this time in order to proceed with the application for the grant.

Next step is to take it to a community advisory group and a public hearing before bringing it back to Council within the next month or two. He recommends Chief Somers proposals for the 1999 funding. Council concurred with the proposed usage of the 1999 grant funding.

Councilmember Anderson inquired into the situation with interference of police vehicle radio wave caused by the Nextel 900 Megahertz waves. The County Sheriff is diligently working on this problem with Nextel. The Fire operations are also affected.

NEW BUSINESS:

Agenda Bill #1896

A Motion accepting the Bid of Dennis R. Craig Construction, Inc. for construction of the South 182nd Street Walking Path and 2000 Overlay Project, ST-860, Alternate 2, with Additive/Alternate Schedule F and a 10 percent Contingency, and authorizing the City Manager to enter into a Contract – Public Works

Summary: This project was advertised for bids with a bid opening held on August 7, 2000 with three bids received. Dennis R. Craig Construction, Inc. submitted the low bid at \$502,555.15.

This contract will provide work on the following projects: 1) widen the shoulder and install an asphalt walkway on the south side of South 182nd Street from 42nd Avenue South to 46th Place South, abutting improvements constructed by the Seattle Christian School; 2) repair and overlay the road, widen the shoulder and install an asphalt walkway on the south side of South 192nd Street from 8th Avenue South to the east 1,170 feet; 3) repair and overlay the road, complete curb and gutter and a concrete sidewalk on the west side of 8th Avenue South from South 186th to 192nd Streets, abutting improvements constructed by the north International Airport Center (IAC) development; and 4) repair and overlay 8th Avenue South from South 192nd to 194th Streets, adjacent to the south IAC development (additive/alternate Schedule F).

The project was bid with two alternates and an additive schedule. The difference between the alternate bids is the type of construction to repair and rebuild 8th Avenue South from South 186th Street to South 188th Street. Alternate 1 would require pulverizing the existing asphalt roadway before rebuilding this section. Alternate 2 would rebuild the west half of this section of the road. Staff is recommending Alternate 2 since this work would require a shorter construction time, is less disruptive to the public, would result in a satisfactory road and is approximately \$2,000 less than Alternate 1. Since funding is available, staff is also recommending award of additive/alternate Schedule F. Completing items 2, 3 and 4 above will repair the deteriorating condition of these roads due to the increased truck traffic from both of the recently constructed IAC warehouse facilities.

Item 1 will provide a safer walkway for pedestrians on South 182nd Street. This walkway will extend from Bow Lake Elementary School at the southwest corner with 42nd Avenue South to the sidewalk installed by the Seattle Christian School, which starts at 46th Place South and continues east to Military Road South.

This project will be funded through three accounts: Street Overlays, Pedestrian Improvements, and Spot Drainage Improvements. The current total balance of these funds is \$661,961.66. Alternate 2, including the additive Schedule F, is in the amount of \$502,555 with a 10 percent contingency, for a total contract budget of \$552,811.

MOVED BY BRENNAN, SECONDED BY HANSEN TO ACCEPT AGENDA BILL NO. 1896.*

Public Works Director Rayburn stated that this item was discussed at today's T&PW Committee meeting. The primary discussion was on the installation of asphalt walkway on South 182nd Street. The committee discussed whether the City should proceed with asphalt paving of the walkway or put in a more substantial concrete sidewalk and gutter at a cost estimated of approximately \$270,000. The asphalt paving would cost \$130,000. He stated the following alternatives: 1) proceed with asphalt paving, 2) delete the work entirely on South 1802nd Street; or 3) amend the plan to install a concrete sidewalk and wait until spring 2001 to proceed with Item 1 and proceed with Items 2, 3, and 4 in 2000.

Councilmember Brennan stated that he brought this item up for discussion at the T&PW meeting as he feels the asphalt walkway is misused by vehicular traffic with parking on this walkway making it unsafe to pedestrians, especially school children). He recommends alternative 3 to Item 1.

Council discussion ensued as to support for Alternative 3 to Item 1.

*MOTION CARRIED UNANIMOUSLY WITH THE APPROVAL OF ITEM 1, ALTERNATIVE 3 ADDED TO THE CONTRACT WITH THE INSTALLATION IN SPRING 2001 OF A CONCRETE SIDEWALK ON SOUTH 182ND STREET AND TO PROCEED WITH ITEMS 2, 3, AND 4 IN 2000.

Agenda Bill #1901; Ordinance #00-1040

An Ordinance amending Section 2.10.130 of the SeaTac Municipal Code (SMC) relating to appointment of Judges Pro Tem – Municipal Court

Summary: In accordance with pre-existing State law, Judges Pro Tem have been appointed by the City Manager (with input from the Municipal Judge). However, during the 2000 Legislative Session, the State Legislature amended [RCW 3.50.090](#) to provide for appointment of Judges Pro Tem by the presiding Municipal Court Judge.

In addition, the new law requires that Judges Pro Tem subscribe and file an oath in the same form as that of the appointed Municipal Court Judge. The new law also makes clear that Judges Pro Tem have all of the powers of the appointed Municipal Judge.

The new law became effective on June 8, 2000. The Municipal Court Judge has been advised to appoint, in writing, Judges Pro Tem and the proposed Ordinance includes a finding that such action by the presiding Judge (prior to the effective date of this Ordinance), being in accordance with the new law, is confirmed and ratified.

MOVED BY HANSEN, SECONDED BY ANDERSON TO ADOPT ORDINANCE NO. 00-1040.

MOTION CARRIED UNANIMOUSLY.

CITY MANAGER'S COMMENTS: City Manager Hoggard mentioned that Val Vue Sewer District representatives made a presentation at the T&PW meeting. The district requested that the City send a letter of support for a sewer annexation at the north end of SeaTac. The process would allow the area to be formally annex within the district and provide the opportunity to sewer the area if it is acceptable to the affected property owners. This would mean Local Improvement District (LID) process action. There is no fiscal impact to the City. Councilmember Brennan added that the City would need to do more surface water management (SWM) in that area of which Phase I and II have been

completed with Phase III currently being studied to create a detention basin and increase the size of the pipe. The Council concurred with a letter a support for the district's request.

PUBLIC COMMENTS: Genita Moore, 13842 29th Avenue South, expressed her regret to Mayor Thompson for the recent loss of her husband, Bob. Secondly, she reiterated her concern as to the neighbor's truck impairing her vision upon exiting her driveway. She appealed to the Council to reconsider posting a "No Parking" sign in the area immediately north of her driveway. Mayor Thompson request Councilmember Brennan place this issue on the next T&PW Meeting agenda, as well as discuss this issue with the Chief of Police Somers.

Prior to recessing the meeting, Mayor Thompson reminded the Council, staff and audience that this is the last meeting of the City Council until the September 12 Regular Council Meeting. The Council will be on summer recess until such date.

RECESSED: Mayor Thompson recessed the Special Council Meeting to an Executive Session on Potential Litigation at 7:20 p.m.

EXECUTIVE SESSION: Potential Litigation

RECONVENED: Mayor Thompson reconvened the Special Council Meeting at 8:10 p.m.

ADJOURNMENT:

MOVED BY HANSEN, SECONDED BY BRENNAN TO ADJOURN THE SPECIAL MEETING OF THE SEATAC CITY COUNCIL AT 8:15 P.M.

MOTION CARRIED UNANIMOUSLY.

Shirley Thompson, Mayor
Judith L. Cary, City Clerk

SEATAC CITY COUNCIL REGULAR MEETING MINUTES

September 12, 2000 - 6:00 PM
City Hall Council Chambers

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

ROLL CALL: Present: Mayor Shirley Thompson, Councilmembers Gene Fisher, Frank Hansen, Terry Anderson, Kathy Gehring, Joe Brennan, and Don DeHan.

ADMINISTRATIVE STAFF: Calvin Hoggard, City Manager; Judith L. Cary, City Clerk; Jay Holman, Assistant City Manager; Robert McAdams, City Attorney; Elizabeth Spencer, Finance & Systems Director; Jim Downs, Fire Chief; Bruce Rayburn, Public Works Director; Don Monaghan, Assistant Public Works Director; Soraya Lowry, Senior Projects Coordinator; Lydia Assefa-Dawson, Programs Coordinator; and Scott Somers, Chief of Police Services.

FLAG SALUTE: The Boy Scouts of America SeaTac Fire Explorers Post No. 24 performed the flag ceremony and led the Council, staff and audience in the Pledge of Allegiance.

PRESENTATION: The SeaTac Fire Explorers presented Mayor Thompson and the City Council with the 2000 Explorer Charter membership in the Boy Scouts of America and thanked them for the City's support of Post No. 24 over the years.

PUBLIC COMMENTS: Jon Ancell, Chair of the Senior Citizens' Advisory Committee, 14629 29th Avenue South, had the following concerns: 1) seniors want their own Senior Center; 2) senior lunches are unsatisfactory with child's portions being served. Also, they prefer wheat bread to white; 3) would like to request bus accommodations for seniors living outside of City who are active in SeaTac's Senior programs; and 4) concerned about the safety of children on the BMX track and ballfields at North SeaTac Park (NSTP).

Frank Hughes, 3217 South 182nd Place, representing a group of seniors in the audience, had the following concerns. The Senior Newsletter carried a letter of July 19 that conveyed the message that the seniors are satisfied with the current Senior Program. However, a petition was previously submitted to the Council with 300 signatures requesting a Senior Center. This has been an issue since 1994. He added the Council did not seek the input of the Senior Citizens' Advisory Committee on this issue. He read a list of senior activities, which he feels could be expanded on the \$100,000 annual budget for this program. The letter stated that the Council has determined that the senior center will be re-examine after the completion of the new City Hall project. He stated that some City employee wages are too high for a "blue collar" City like SeaTac and suggested putting that money toward building a Senior Center. Lastly, he stated since most NSTP users are non-residents, he suggested the City research obtaining financial support from King County.

Dorene Galliher, 18309 36th Place South, stated her concern as to cars parking at least two feet onto the asphalt on South 32nd Street by the Marriott Hotel as being a danger to pedestrians and vehicle traffic.

PRESENTATION:

Recycling System Options

Public Works Assistant Director Monaghan stated that staff is briefing Council this evening on the recycling issues relating to residential garbage collection prior to going before the September 19 Transportation and Public Works (T&PW) Committee and the October 3 Study Session due to budget deliberations occurring prior to these meetings.

Senior Projects Coordinator Lowry proceeded with a summary of the recycling service and options. She stated the purpose of this discussion is two-fold: 1) to brief Council on several trends that are increasing the cost and decreasing the convenience of the City's residential recycling program and 2) to present options for addressing these issues.

In the past two years, a majority of the City's free recycling centers have been shut down due to illegal dumping and land sales. At its peak in 1996, the recycling center program provided four full-scale sites. That is now down to one comprehensive site at South 188th Street at the Lutheran Social Services, and may very well go away when the site is redeveloped in the future. Extensive efforts to site new recycling centers have yielded minimal results. The sites are being shut down faster than the City can replace them and there are few, if any, remaining options for additional sites. Auburn, the model City for our drop site program, is also having problems with their recycling centers and is exploring other options.

Since the recycling program's peak in 1998, recycling diversion has decreased by 15 percent and participation has decreased by 25 percent. This is in part due to recycling center closures. Given the existing recycling program, SeaTac residents are diverting half as much of their waste stream as other suburban cities in King County, 16 percent versus 30 percent. Less recycling means the average SeaTac household disposes of more garbage than the average the County household; approximately 30 percent. This has cost implications since garbage is more expensive than recycling on a unit by unit basis, and suggests that additional recycling is possible for the average SeaTac household.

The City's primary hauler plans to significantly increase curbside recycling rates, which have not been adjusted since 1991. The rate increase would affect approximately 13 percent or 700 single family households, which is the number currently subscribing to curbside recycling. One reason the haulers need to charge more for service is that the original rate assumed that approximately half of our residents would participate. Since only 13 percent participate, the fixed costs of service are spread over fewer customers, pushing the per-household cost up.

As the cost of garbage increases, the value of a reliable and widely accessible recycling program will increase. Garbage rates have gone up an average of nine percent per year for the past 20 years. If this trend continues, garbage costs will double in approximately eight years. This means that whereas SeaTac residents currently spend more than \$500,000 on garbage service each year, within the next decade they will spend over \$1 million annually for the same service. If these trends continue, residents won't have an alternative to paying high garbage rates since the recycling centers are tapering off and curbside recycling costs are on the increase.

There are three recycling system options the City can consider to address these issues:

Option 1) Status Quo: Negotiate a new recycling contract with the two haulers. The City is currently operating under an expired contract. It was established in 1991 and expired in 1996. In 1996, the City initiated a re-negotiation process, which was not complete since the haulers guaranteed a significant rate increase with a new contract. In the meantime, they have continued to offer recycling at the old price. As for cost, if the City re-negotiates, there will be higher prices to reflect the true cost of service. Recycling service currently costs \$4.10 per month and would likely exceed \$6 per month under a new contract.

Option 2) Request haulers to apply for rates under the Washington Utilities and Transportation Commission (WUTC) for subscription recycling. If the City does not wish to renegotiate the recycling contract, it could defer to the WUTC to regulate recycling, as is done with garbage. The WUTC would work with the haulers to develop a curbside recycling rate on a user pay basis. As for cost, the rate would be based on the cost of service, plus an allowable profit margin, and would result in an increase similar to what we'd get under a contract, Option 1. Therefore the City would be looking at a minimum recycling charge of \$6 per month.

Option 3) Request haulers to apply for WUTC rates that build the cost of recycling into garbage. This is commonly referred to as the County program because it was developed by King County for unincorporated areas, and has since been adopted by a majority of suburban Cities (exceptions: Carnation, Auburn, Duvall and Pacific). Under this program, all curbside garbage subscribers automatically receive curbside recycling service. As for cost, it is included in the cost of garbage service, and would be less than in Option 1 or 2 because the cost of service would be spread over approximately 20,000 households that have the County program, and are served by the same haulers under WUTC regulation. Additionally, most households would be able to break even or reduce their solid waste bill by pulling recyclables out of their garbage cans and reducing their service level to a smaller and cheaper can size.

Based on a consideration of the cost, administrative impact, feasibility, stakeholder impact and diversion impact of

each option, staff recommends Option 3.

Council discussion ensued as to sliding scale rates for low-income households. Ms. Lowry stated that situation might fit under the Outreach and Technical Assistance program where people are encouraged to look at the size of their garbage service and make sure it is appropriate to their needs. Mr. Monaghan added that the various residents' services versus their income could be reviewed in the next T&PW Committee meeting. Ms. Lowry added there are options for buy-downing the costs, such as grant funds to subsidize the purchase of recycle bins.

Upon questions posed by Councilmember DeHan, Ms. Lowry stated that 65 percent of SeaTac households subscribe to garbage pickup. There are approximately six to eight Cities in the County, which have mandatory pickup. The biggest cost savings for City residents would be to join the 20,000 households that are under the WUTC using their haulers who are in the general vicinity rather than using a local hauler who has higher rates due to the service expenses paid by fewer customers.

Mayor Thompson stated that this presentation gave an excellent update on current recycling options. She had some concern as to the size of the recycling bins for glass and whether some people would be able to lift it. She suggested that tonight's information be sent to all City households prior to a decision being made by Council.

CONSENT AGENDA:

Approval of claims vouchers in the amount of \$1,182,697.22 for the period ending August 17, 2000.

Approval of claims vouchers in the amount of \$190,006.74 for the period ending August 31, 2000.

Approval of claims vouchers in the amount of \$1,266,693.97 for the period ending September 8, 2000.

Approval of employee vouchers in the amount of \$370,503.82 for the period ending August 15, 2000.

Approval of employee vouchers in the amount of \$516,489.92 for the period ending August 31, 2000.

Approval of firefighter vouchers in the amount of \$465.00 for the period ending August 31, 2000.

Approval of summary of \$5,000 - \$25,000 purchase requests for the period ending September 8, 2000.

Approval of Council Minutes:

Study Session held August 2, 2000.

Regular Council Meeting held August 8, 2000.

Special Council Meeting held August 15, 2000.

Acceptance of Advisory Committee Minutes:

Library Advisory Committee Meeting held June 8, 2000 (committee approved August 10, 2000).

Senior Citizen Advisory Committee Meeting held June 15, 2000 (committee approved August 17, 2000).

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

MOTION CARRIED UNANIMOUSLY.

PUBLIC HEARINGS:

2001 Community Development Block Grant (CDBG) Fund Allocation

Mayor Thompson opened the Public Hearing at 6:58 p.m.

Programs Coordinator Assefa-Dawson outlined the following Agenda Bill No. 1902 requesting this fund allocation for 2001 as recommended by the Human Services Committee and presented to Council for their approval to be forwarded to the King County CDBG Housing and Community Development Program. Ms. Assefa-Dawson detailed the three categories of allocation: Planning and Administration, Public Services and Capital Funds.

There were no public comments.

Mayor Thompson closed the Public Hearing at 7:05 p.m.

NEW BUSINESS:

Agenda Bill #1902**A Motion recommending the allocation of City of SeaTac 2001 Community Development Block Grant (CDBG) Funds**

Summary: For 2001, the City will be awarded \$330,013 (with a possibility of up to a 10 percent reduction); a share of King County's \$7 Million entitlement fund from Department of Housing and Urban Development (HUD). This Motion makes the City's recommendation to the CDBG Consortium for allocating the funds. The recommended allocation was reviewed and forwarded by the Human Services Advisory Committee, which was then reviewed by the Finance Committee. A total of \$330,528 was requested from non-profit agencies, King County, and SeaTac Parks and Recreation Department to provide services to SeaTac residents.

This Agenda Bill wasn't presented at a Study Session due to the cancellation of the September 5th meeting and there is a deadline to consider. The Federal CDBG Program was created under Title 1 of the Housing and Community Development Act. The primary objective of the CDBG is the development of viable urban communities by providing adequate housing and living environments, and expanding economic opportunities especially for persons of low- and moderate-income. As a participating jurisdiction, the King County Consortium will receive approximately \$7 million in 2001, which is a \$100,000 reduction from 2000. CDBG funds are distributed to the Cities based on a formula of their share of the consortium's low- and moderate-income population.

The pass-through Cities such as SeaTac, and the County have adopted local strategies based on housing and community development needs in their jurisdictions. In the past, the City of SeaTac has allocated CDBG funds to projects administered by non-profit and other public agencies, which meet Federal regulations and further the City's adopted strategies.

Program regulations allocate all available funds into three categories. The City's share is Planning and Administration (\$29,198), Public Services (\$31,330) and Capital Funds (\$269,485). These allocations cannot be transferred from one category to another. King County is preparing for a 10 percent decrease in allocation, so the City is asked to have a contingency plan, should there be a decrease.

After reviewing all applications, the Human Services Advisory Committee proposed its funding recommendations, as presented to Council, which outlines the Committee's recommendation for Council adoption approving the distribution of these CDBG funds.

Last May the City Manager was authorized to enter into an agreement with King County accepting Pass-through Funds which the City is entitled to. However, the Council may amend or adjust the proposed 2001 distribution of CDBG funds.

MOVED BY DEHAN, SECONDED BY BRENNAN TO ACCEPT AGENDA BILL NO. 1902.

MOTION CARRIED UNANIMOUSLY.

PUBLIC HEARINGS (Continued):**Local Law Enforcement Block Grant (LLEBG) Funds**

Mayor Thompson opened the Public Hearing at 7:06 p.m.

Chief of Police Services Somers outlined the following Agenda Bill No. 1903 requesting Council's approval of this fund allocation as recommended by the Advisory Board and by the public hearing results as to the use of the grant funds. Chief Somers detailed the four categories of allocation stating that this funding issue was previously discussed with Council at the September 12, 2000 Public Hearing.

Staff answered Councilmember Fisher's concern as to the City is expending funds to train officers for the Active Shooting and Patrol Response (ASAP) program. The County does not provide this level of service. Chief Somers stated that he feels it is his primary responsibility to assess potential threats and their probability in the community using policing strategies for the 2000's. The criminal dynamics today are different from the 1990's. City Manager Hoggard added that the City is going beyond the level of service generally offered by the King County Sheriff's

Office. The City is tailor-making this program for SeaTac. The Sheriff wants SeaTac to pilot this program, the first in the State.

The funding to continuing this program will come from the LLEBG Funds for 2002. Quarterly training will be administrated on duty with minimum overtime. The City, if requested to train other Cities, will seek funding from the County.

There were no public comments.

Mayor Thompson closed the Public Hearing at 7:21 p.m.

NEW BUSINESS (Continued):

Agenda Bill #1903

A Motion approving the expenditure of the 1999 Local Law Enforcement Block Grant (LLEBG) Funds

Summary: This Motion requests approval to authorize the purchase of equipment and training needed to support the following programs: 1) purchase of equipment and associated training to support the ASAP program to better manage active shooting situations. 2) purchase and operation of cellular telephones for officers and detectives to improve communication with citizens, especially those who have phoned in complaints; 3) purchase of surveillance equipment for the Street Crimes Unit detectives to better focus on repeat/career criminals; and 4) purchase of clothing and equipment for our new Volunteer in Police Service (VIPS) program that will help identify VIPS volunteers and their affiliation to the City, and training to develop needed skills.

The 1999 budget includes a \$50,807 Police Department appropriation for equipment and training that improves the delivery of police services. The purchase of equipment and training is funded with \$45,726 in 1999 Bureau of Justice Administration (BJA) grant monies and \$5,081 in General Fund revenues. The equipment and training is in direct support of the Police Department's 2000 Goals, outlined in the 2000 budget.

The BJA requires that an Advisory Board Meeting and a Public Hearing be held to help determine how grant funds should be used. The board meeting was conducted on August 28, 2000. The board was unanimous in their support of grant fund use. The Public Hearing was held at the September 12, 2000 Regular Council Meeting. A Motion authorizing the use of the grant monies for these purposes was approved by the Council at the same meeting.

MOVED BY GEHRING, SECONDED BY BRENNAN TO ACCEPT AGENDA BILL NO. 1903.

MOTION CARRIED UNANIMOUSLY.

Agenda Bill #1899

A Motion rejecting all bids for Construction of Valley Ridge Park Frontage Improvements

Summary: The City Council approved the completion of Valley Ridge Park Frontage Improvements in the 2000 Budget. This Motion was originally to award a construction contract for the Valley Ridge Park Frontage Improvements that includes a new park sign, new fence, irrigation and landscaping. The bids were opened on September 5, 2000, with two general contractors submitting bids. Both bids were significantly higher than the Engineer's Estimate of \$176,263.

The bids include landscaping the frontage of Valley Ridge Park as well as East of the Park boundaries along the South exit of the freeway. The Hotel/Motel Committee recommended funding \$63,650 of the project for beautifying the entry into the City. The Parks and Recreation Director would like to re-bid this project in late December 2000, when contractors have given more competitive bids. The City may receive more bidders and better bid prices if this project is combined with another larger project such as Angle Lake Park Phase II. Therefore, it is recommended that the Mayor and City Council reject all bids for construction of the Valley Ridge Park Frontage Improvements. The 2000 Budget includes \$176,263 for Valley Ridge Park Frontage Improvements.

Council requested the Valley Ridge Park frontage be leveled and seeded in the interim prior to final improvements.

Parks staff will request the Highline Water District level the area and the City will hydro-seed it in October.

MOVED BY HANSEN, SECONDED BY DEHAN TO ACCEPT AGENDA BILL NO. 1899.

MOTION CARRIED UNANIMOUSLY.

Agenda Bill #1905

A Motion authorizing the City Manager to execute a Contract with the Low Bidder for demolition of the Caretaker's House at Angle Lake Park

Summary: Phase II of the Angle Lake Park Master Plan includes removing the caretaker's house. Late last spring staff discovered transients had been occupying the house. Due to the unsanitary conditions, the house was boarded up and is useless in its current condition. Materials containing asbestos have been removed.

Bid results include sales tax and are as follows: J. Harper Contractor, Inc. at \$12,983.13, Mayer Construction Co., Inc. at \$4,050.67, Sandland Construction, Inc. at \$14,480.00, and Valhalla Construction LLC at \$16,400.00. Acceptance of the low bid and entry into a contract with J. Harper Contractor, Inc is appropriate to facilitate Phase II construction. The 2000 Budget includes \$44,500 for the Angle Lake Park Phase II project. The fiscal impact of this portion of the project would be \$12,983.13.

Mr. Ledbetter spoke with the past caretaker as to security issues and was informed that in all the years the caretaker was in the house, he only made five or six calls to the police and none at night. Mr. Ledbetter stated that he encourages residents on the lake area to contact the Police when they spot activity in the park after hours. He added that bringing the building up to code would be very expensive and the Park Master Plan does not call for a caretaker's house but rather a much needed picnic shelter in that area.

MOVED BY DEHAN, SECONDED BY GEHRING TO ACCEPT AGENDA BILL NO. 1905.

MOTION CARRIED UNANIMOUSLY.

Agenda Bill #1832

A Motion authorizing the City Manager to execute a Contract for preparation of Construction Drawings for Angle Lake Park, Phase II

Summary: The subject drawings are necessary to enable construction of the Master Plan Phase II improvements to Angle Lake Park. Staff is recommending to again retain the firm of MacLeod Reckord, Landscape Architects in the amount of \$73,396. This firm is easy to work with and completed an outstanding design for Angle Lake Park Phase I. The plan is to complete the design and bid the project in late December 2000 or early January 2001 when contractors generally give more competitive bids. Construction should commence in February 2001, and be completed in June 2001.

The cost estimate for Phase II construction in 1996 was \$738,717. The current construction estimate based on 2001 dollars is \$789,203 or \$50,500 higher. Staff has gone through the estimated budget several times and cut all the nonessential items. Staff is recommending proceeding with completion of the Master Plan.

The Parks and Recreation Director has negotiated a fee of 9.3 percent or \$73,396 for the consultant fees to design Phase II. The fee is based on the State fees for landscape architectural work.

Parks & Recreation has a total of \$44,500 included in the 2000 Annual Budget for the Angle Lake Park project. The total expenditure for the budget year 2000 is \$26,000. The total expenditure for this Agenda Bill and Agenda Bill No. 1904 for budget year 2000 is \$39,000. Because the contract amount exceeds the 2000 budget, a companion Budget Amendment Ordinance is being submitted.

Mr. MacLeod gave a presentation with visual aids detailing all the project improvements. He stated that the most important achievement of the Master Plan is to provide the level of development in the park that accommodates the

current usage. Some of the elements of Phase II are: 1) finish developing the parking lot and extend the roadway down to the boat launch area, 2) add handicap parking by the beach allowing access down a ramp to the dock structure; 3) bring the rest of the park up to the quality of the Phase I; 4) improve recreational opportunities by establishing two more picnic shelters and 12 additional picnic pads, volleyball courts, and improve fishing piers; 5) enhance the aesthetic appearance to the park by improving the irrigation system; improve screening to neighboring parking lots and buildings with plant beds of shrubs and annual plantings; 6) functionally improve the accessibility throughout the park with a loop trail system and extend ADA accessibility down to the waterfront activity and connecting the pathway back to the restroom and picnic facilities; and 7) resolve drainage and erosion issues mostly with the deeply sloping lawn to the beach area.

Council discussion ensued on a number of issues, such as the cost increase. Mr. MacLeod briefed on a cost estimate from the 1998 Master Plan for Phase II and the current cost increases due largely to the span of time between estimates over the three-year period as stated in the above summary.

Upon a query posed by Councilmember DeHan, Mr. Ledbetter stated that Phase II was delayed in order to do Valley Ridge modifications and enhancements last year. He added that the improvements would also accommodate for International Festival activities, such as access-ways and electrical outlets.

Councilmember Hansen stated that funding requests will be scrutinized during this 2001 budget season and this project is a major expenditure of \$800,000. Mr. Ledbetter stated that the construction drawings would need to be completed whether the project proceeds as planned or is delayed. He listed the areas of the park that currently need improvement, such as the irrigation and picnic shelters, walkways, and ADA accessibility. The plan is committed to proceed with construction drawings and, if money is available in the budget, proceed with 2001 plans and meet the Master Plan timing. Councilmember DeHan inquired as to whether Phase II could be divided into more phases to which Mr. Ledbetter stated it could be done but is not recommended due to cost increases. The park will have to basically be closed for five months during the construction period.

Mayor Thompson brought up the issue of charging a park fee for entry to all parks since most users for non-City residents. She also was concerned as to safety issues in NSTP. Mr. Ledbetter stated that he has had previous experience with charging a park fee. On busy days, reasonable revenue was taken in but on other days, the revenue would be down, therefore, breaking even on revenue and expenditures with the one advantage of being able to monitor customer usage. Since our weather is unpredictable, the revenue would also be unpredictable.

MOVED BY HANSEN, SECONDED BY BRENNAN TO ACCEPT AGENDA BILL NO. 1832.

MOTION CARRIED UNANIMOUSLY.

Agenda Bill #1906; Ordinance #00-1041

An Ordinance amending the 2000 Annual City Budget for a Consultant Contract for Angle Lake Park, Phase II

Summary: This Ordinance amends the 2000 Annual City Budget to provide appropriation authority for a consultant contract to prepare construction drawings for Angle Lake Park Phase II (above Companion Agenda Bill No. 1832). It will amend the budget of the General Fund to increase expenditures, allowing full appropriation authority for the consultant contract as recommended for Council approval. This budget amendment increases 2000 Expenditures of the General Fund by \$41,900, resulting in a decrease to the projected ending fund balance for the year.

Finance Director Spencer explained that the \$41,900 is for the demolition of the caretaker's house and the construction drawings. Already in the 2000 Budget was an appropriation for \$44,500 so the budget amendment is the increase to cover both expenditures.

MOVED BY HANSEN, SECONDED BY BRENNAN TO ADOPT ORDINANCE NO. 00-1041.

MOTION CARRIED UNANIMOUSLY.

PUBLIC COMMENTS: There were no public comments.

CITY MANAGER'S COMMENTS: City Manager Hoggard had the following items of business: 1) On September 14, from 7:00 to 9:00 p.m., the Department of Ecology is again presenting its hydraulics study at the Performing Arts Center in Seattle; and 2) the Suburban Cities Workshop on the Endangered Species Act scheduled for October 5 has been changed to September 28 at 7:30 to 10:30 a.m. at Mercer Island City Hall.

COUNCIL COMMENTS: Councilmember Fisher stated he feels the Executive Session issue on Litigation Surface Water Management (SWM) fee issue with the POS can be voted on this evening with no further discussion. He read a draft Resolution stating that the City Council and the Port of Seattle Commissioners have reached an agreement on certain changes to the SWM and permitting procedures. Council discussion ensued and a roll call vote was taken with Councilmembers Fisher and Hansen electing to vote on the issue as it was presented and Anderson, Thompson, Gehring, Brennan and DeHan electing to take it to the Executive Session for further discussion feeling that there were too many details that need to be clarified in the agreement to bring it to vote at this time.

Councilmember Anderson stated the City needs to be proactive with code enforcement in City's neighborhoods regarding trash and excess cars, and other debris. Council agreed. Staff will address this issue.

Councilmember DeHan stated he attended a joint meeting of the Subarea Transportation Board with the North County Eastside Transportation Planning Committee (Bellevue and surrounding area) and the South County Transportation Board. King County Executive Ron Sims called the meeting to put forward the transportation projects priorities from each area to present a unified front to the State Legislature. Secondly, the joint boards authorized the expenditures for the golf course study as a good community assess and economically feasible.

Councilmember Brennan had the following items of business: 1) requested that a letter from the Council be sent to Governor Gary Locke, with copies to appropriate government representatives, opposing the destruction of the wetlands on the NCH property and replace with a manmade one. Council concurred with the stated response; 2) regarding the National League of Cities (NLC) Resolution on racism, he suggested a response be sent to the NLC stating Council's opposition to such an offensive document; and 3) recommends that the City not encourage its employees to support the United Way Drive due to its Resolution to discrimination against certain individuals in the Boy Scouts organization unless the agency retracts their Resolution on this issue.

Councilmember Gehring stated that the Finance Committee met earlier this evening with several issues that will be brought to the 2001 Budget Workshops such as the Business License proposal.

RECESS: Mayor Thompson recessed the Regular Council Meeting to an Executive Session on Personnel Issues and Litigation at 8:30 p.m.

EXECUTIVE SESSION: Personnel Issues / Litigation

RECONVENED: Mayor Thompson reconvened the Regular Council Meeting at 9:47 p.m.

ADJOURNMENT:

MOVED BY ANDERSON, SECONDED BY DEHAN TO ADJOURN THE REGULAR MEETING OF THE SEATAC CITY COUNCIL AT 9:48 P.M.

MOTION CARRIED UNANIMOUSLY.

Shirley Thompson, Mayor
Judith L. Cary, City Clerk

SEATAC CITY COUNCIL REGULAR MEETING MINUTES

September 26, 2000 - 6:00 PM
City Hall Council Chambers

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

ROLL CALL: Present: Mayor Shirley Thompson, Councilmembers Gene Fisher, Frank Hansen, Terry Anderson, Kathy Gehring, Joe Brennan, and Don DeHan.

ADMINISTRATIVE STAFF: Calvin Hoggard, City Manager; Judith L. Cary, City Clerk; Jay Holman, Assistant City Manager; Robert McAdams, City Attorney; Jim Downs, Fire Chief; Bruce Rayburn, Public Works Director; and Scott Somers, Chief of Police Services.

FLAG SALUTE: City Attorney Robert McAdams led the Council, staff and audience in the Pledge of Allegiance.

INTRODUCTION:

New City Employee Gary Wilkerson, Plans Examiner/Inspector II

City Manager Hoggard introduced new Plans Examiner/Inspector Gary Wilkerson (filling a vacated position) to the Council and audience. Mr. Wilkerson spent many years as a carpenter in the South Seattle area. He earned his Building, Plumbing, Mechanical Inspector and Plans Examiner Certifications while working for the City of Mount Vernon. From there, he became the Building Official of the City of Omak. He is happy to be back on this side of the mountains and working for the City of SeaTac. Council welcomed Mr. Wilkerson as a member of the City Hall staff.

PUBLIC COMMENTS: There were no public comments.

CONSENT AGENDA:

Approval of claims vouchers in the amount of \$316,380.15 for the period ending September 21, 2000.

Approval of employee vouchers in the amount of \$353,568.97 for the period ending September 15, 2000.

Approval of summary of \$5,000 - \$25,000 purchase requests for the period ending September 22, 2000.

Approval of Council Minutes:

Regular Council Meeting held September 12, 2000.

Budget Workshop II held September 13, 2000.

Acceptance of Advisory Committee Minutes:

Civil Service Commission Meetings held July 10 and July 24, 2000 (commission approved September 11, 2000).

Human Relations Advisory Committee Meeting held April 13, 2000 (committee approved September 14, 2000).

Planning Advisory Committee Meeting held July 24, 2000 (committee approved September 11, 2000).

Planning Advisory Committee Meeting held September 11, 2000 (committee approved September 18, 2000).

Approval of the following Ordinances and Motion recommended at the September 19, 2000 Study Session for placement on this Consent Agenda:

Agenda Bill #1910, Ordinance #00-1042

An Ordinance amending the SeaTac Municipal Code (SMC) regarding Business Licensing – Finance

Summary: This Ordinance amends the SMC changing the tax year for business licensing from January 1 through December 31 to April 1 through March 31, and repeal Section 5.05.380 consistent with King County's repeal of the corresponding section of its Code.

Currently, the City's business licensing calendar runs from January 1 through December 31, consistent with the fiscal and calendar year. A City business license is valid until January 31 of the following year, allowing a 31-day window

for renewals. Due to the fact that revenues associated with license renewals must be reported for the fiscal year the license is valid, the City has historically waited to the end of December to mail out renewal notices. Therefore, Finance staff must process more than 1,500 business license renewals for the year within a one-month window.

To complicate matters, January is by far the busiest month for the department, with the following activities occurring: 1) finalizing newly adopted annual budget for the coming year; 2) closing the month of December financials and performing fiscal year-end activities; 3) processing accounts payable differently to ensure that each invoice is processed in the proper fiscal year; 4) completing year-end payroll activities, preparing W-2 forms, and establishing all new withholding rates and deductions for federal taxes, insurance premiums, Section 125 withholdings and new deduction amounts; 5) closing all prior year purchase orders and entering new annual purchase orders; and 6) business licensing annual renewals.

The only activity listed above which can be performed at another time of year is business license renewals. In an effort to better utilize staff resources and reduce the need for additional staff for year-end activities, the Finance Director is recommending a change in the City's business licensing year from a calendar year cycle to April 1 through March 31. Annual business license renewals would occur in April instead of January, allowing the availability of two department staff to assist others with special year-end processes. This change would also eliminate the need to wait on renewals until the end of the fiscal year for revenue reporting purposes. Staff could begin renewals early in March and allow nearly two months for the renewals to be completed instead of a 31-day window.

The change would be revenue-neutral. The proposal would allow for the January 2001 business license renewals to be valid for a period of fifteen months – January 1, 2001 through March 31, 2002 – with no change in business license fees. In 2002, the process would move to a March/April renewal for licenses valid April 1, 2002 through March 31, 2003, effectively shifting the business license year. The City will experience no change in annual business licensing revenue due to this change.

The Finance Committee considered this proposal at its September 12 meeting and recommends Council approval.

In reviewing the SMC changes necessary to effect the change in the tax year, staff noted that SMC 5.05.380 references King County Code Chapter 6.48, which was repealed in 1996. Therefore, this Ordinance also amends the SMC to repeal Section 5.05.380.

Agenda Bill #1907

A Motion authorizing the City Manager to enter into an Amendment of the North SeaTac Park (NSTP) Lease - Parks & Recreation / Legal

Summary: This Motion of the City Council authorizes an amendment of the lease for NSTP providing for removal of the Sunset Activity Center Parcel.

The Port of Seattle (POS) is committing to demolish the center's buildings as soon as the 10.64-acre parcel surrounding it is deleted from the NSTP lease. The POS has presented the City with a draft lease amendment to this effect.

The buildings are in poor condition and the POS and City continue to board up the windows, but they continue to be broken. The Phase I Agreement relating to development of the park between the City, POS and King County required the County to demolish the buildings. Due to the diversion of funds issue, the POS was unable to meet their financial commitment and the County has not accomplished the demolition. The POS and City staffs have put this agreement together in an attempt to find a solution to the building removal problem.

Staff did not want to delay the demolition of the buildings while negotiating with the POS over the location of the 50-acre land trade. The POS and City staffs currently disagree on the location of the land trade and are continuing to meet to resolve their recommendation to the City Council.

Agenda Bill #1911, Ordinance #00-1043

An Ordinance approving and confirming the Final Assessment Roll for Local Improvement District (LID) No. 1

as to Alaska Airlines, Inc., and levying and assessing the amount thereof against the Lots, Tracts, Parcels of Land, and Other Property shown on the said Roll - Legal / Public Works

Summary: The City Council passed Resolution No. 97-025 on September 23, 1997, declaring its intent to order certain local improvements within the City and to create an LID. The Council held a public hearing on October 14, 1997 to consider this matter. After due consideration, the Council adopted Ordinance No. 97-1017 ordering the improvements and creating LID No. 1. The Council approved and confirmed the final assessment roll for LID No. 1 and levied and assessed the amount thereof against the lots, tracts, parcels of land and other property shown on the roll.

Three property owners, Alaska Airlines, Inc., Budget Rent-A-Car Systems, Inc. and Highline School District No. 401 filed separate lawsuits with the King County Superior Court appealing the roll and challenging the validity of their LID assessments. The Court ordered "that pursuant to [RCW 35.44.250](#) and [RCW 7.24](#), the LID assessments levied by the City against Alaska, Budget and Highline are nullified and that SeaTac Ordinance No. 99-1048 is null and void as to these properties." Instead of appealing the Court's decision, the City opted to reset the LID hearing before the Council in the interest of time. A hearing was scheduled before the Council. However, prior to the hearing, the City was able to reach an agreement with Highline and Budget and adopted Ordinance No. 00-1038, confirming the final assessment roll for LID No. 1. After the hearings were held before the Council on June 20, and July 18, 2000, the City was also able to reach an agreement with Alaska for an assessment of \$265,000.

Finalizing the assessment roll prior to constructing the improvements may cause some risk for the City. The City may be responsible for any cost overruns on the project. The project budget contains a 10 percent construction contingency. Also, there are other contingencies built into the current project budget. The amount of the proposed assessment against Alaska Airlines, Inc. is \$265,000.

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

MOTION CARRIED UNANIMOUSLY.

PUBLIC HEARING: AT&T/TCI Cable Service

Mayor Thompson opened the Public Hearing at 6:06 p.m.

City Manager Hoggard stated that this public hearing is being held in accordance to the City's contract with AT&T Cable. The contract allows the cable company to use the City's rights-of-way (ROWs) to run their cable. For this allowance, AT&T agrees to provide effective service to the public. Both the City and AT&T are committed to make a full and good faith effort to participate in the review, and make appropriate changes to meet community needs and interests.

Representing AT&T at the public hearing were Janis McTimmonds, Acting Director of the South County, and Jeffrey Votaw, Director of Network Rebuild for the State of Washington.

Ethel Benham, 3740 South 162nd Street, outlined the numerous problems she has had with the cable system under TCI since December 1998 and now with AT&T. She submitted a listing which she referenced in her comments as to interruptions with service, call-ins not addressed, billings for services not rendered, continuous increases in rates, crediting issued only upon going directly to an AT&T office, and various problems with the new Digital Cable system.

Charles St. George, 3602 South 180th Street, had some of the same problems as the previous speaker. His main objective was on the constant rate increases. He suggested that the cost of converters be standardized. He added that AT&T is doing a better phone "listening" service than TCI but not with callbacks. He considered Fiber Optic as a minus and channels as a plus. He mentioned that he did not receive the Customer Channel Vote Campaign Survey regarding the services.

Shelley Stark, 4604 South 182nd Street, stated she signed up for full Digital Cable service and still does not have Fiber Optics as promised over a year ago. Also, the 60-day time period for installation completion is unclear.

Linda Wheeler, 19045 47th Avenue South, listed several complaints. Her service is frequently interrupted with no response to her calls for service. She agreed AT&T representatives are more customer-friendly than TCI. She has been transferred on the phone many times to an Auburn office and the first question the representative asks is whether she was in the 98188 service area, apparently known as a problem area. Technicians have been to her home for the numerous malfunctions of individual channels. Problem solving by the technicians has not answered the problems. She finds Channel 29 offensive in some of its programming. Adult programs are sometimes on during early viewing hours. When she questioned this practice, she was transfer to an office in Colorado and told that the northwest is the only area that has this problem. She suggested that homes with cable-ready televisions could delete any unwanted channels on the channel selector. Her latest bill had another rate increase for basic cable. She was informed that the new Fiber Optics system would resolve some of her problems. She stated that she pays the same fee as others who are getting more channels. Customers should be reimbursed for services not rendered.

Gera Thorton, 2453½ South 135th Street, started with basic service but in order to get the channels she desired, advanced to extended basic service. She did receive the survey with 10 choice, requested the weather channel as a priority and was told it would be effective in January 2000, and is still not available to her. Other areas have been receiving refunds for non-service and she has not. The TCI office informed her that City Hall would be the place to call.

Joel Ivy, 20018 35th Avenue South, stated that many more residents would be at this public hearing if AT&T had not sent out flyers stating the new service would be completed in 60 days. He agreed with the previous speakers' comments.

Vincent Williams, 700 30th Avenue South, Des Moines, stated that his service is excellent, his complaint was concerning constant rate increase. He pays \$80 per month and has 30 fewer channels than his brother in Renton whose fee is \$69. He questioned why the residents in the SeaTac/Des Moines area are paying more for less service.

Mike Murphy, 3920 South 59th Place, stated that when the cable company finally installed the system two years after they said they would, South 160th Street was torn up and has not been properly re-paved. Since the new system has been in place, he has been having problems with eight previously viewable channels. Upon contacting the cable company, he has been passed from one representative to another and nothing has been done. Credits are not shown on the billing statements, but rates were increased 10 percent. He added that AT&T is better than TCI in listening, but they still are not responding to the problems.

Connie Cook, 1864 148th Place South, stated that she feels credits should be given to those who receive fewer channels than other homes in the Puget Sound area. She feels the contract with the City should be evaluated for compliance.

Councilmember Fisher stated that he sympathized with the residents wanting to get a credit for the lack of service. He stated he has gone so far as contacting the Attorney General as to this same problem for over a year. AT&T owes him \$66 and he has wasted more time and still has received no refund or answer to the problem.

Councilmember Anderson stated she also has been having numerous problems with the cable company. The system has been torn up with no Fiber Optics to-date. She feels AT&T is very good with its customer-friendly relations but needs to improve on problem solving. Outage is common with fewer channels. Many residents in the City rely on television for their main source of entertainment and information.

Councilmember Brennan agreed that AT&T is more customer friendly than TCI. His main reason for additional service was to receive the History Channel. He was told he would have to subscribe to Digital service and pay more. He pointed out, as other speakers have, that surrounding Cities have better and more channels without paying for the extra features such as digital service. Equity is what the SeaTac residents desire. He added that the billings are confusing. He wondered if homes are being billed for old converters that are no longer needed.

Councilmember Gehring stated she appreciates what the speakers voiced this evening, adding that in changing

addresses recently to the 98188 area, she has definitely noticed a negative difference in channel selection.

Mayor Thompson stated that she had full cable service for her invalid husband as he used it daily for entertainment and news. Since his recent death, she has tried to get the extra channels she is paying extra for, to no avail. The cable service is not good in many areas of the City. Many of SeaTac citizens are seniors and television is their "window to the world " and is a comfort zone to many. She requested that AT&T give the City a status report with answers to all the questions posed during this public hearing within 15 days. She added that the City Attorney reviews all documents such as this contract. The contract may need to be re-negotiated.

Mr. Votaw, AT&T representative, stated that in listening to the comments made this evening, it appears that the company has to review the servicing of its customers in this area. The company is working towards this end. In order to upgrade the services, the current equipment needs to be replaced within the various neighborhoods. The current cable is being reused with an overlay of fiber optics, which has been installed. The system is nearing completion in SeaTac. He explained the dividing of the City into areas of installation with more reliable equipment and exclusion of unneeded devices that supported the previous services. Through that destruction process, it is necessary to replace the devices and this causes temporary interruptions in service. He will discuss this further with the company's communication center to make sure the service interruption is, in fact, due to the replacement process. Information as to interruptions will be available to the public. Mr. Votaw further explained the new system and its advantages such as its reliability in the event of power outages with backup capabilities. The new channel launch is scheduled for installation in late evening for less impact to the customer. The new system will be activated in the early hours of October 17. Individual homes may need additional service due to the aging network within the home. He distributed the new channel guides to the Council. The video service that is being launched is basic and expanded basic. The network will support high-speed data in homes available soon after the channel launch. In early 2001, voice service will be available.

Mayor Thompson was concerned that when requesting a listing of services from AT&T, she received, six weeks later, a very bad photocopy of unreadable information. She added that none of the Councilmembers have received the mentioned surveys.

Ms. McTimmonds will investigate this issue as well as the many other concerns stated during this public hearing process. She stated that also in attendance to answer residents' concerns were two additional AT&T representatives. She will investigate the other areas of concern and report back to Council.

Councilmember Anderson requested that the guides be published in a larger print for the sight impaired and that an emergency number be added.

Mr. Hoggard had two concerns that were not answered: 1) service credit for lower number of channels. He stated that billing credits have been given in other areas of the County where the Digital Cable has been paid for but not installed. The City expects equity on this issue; and 2) he stated that as complaints come in to the City, staff has had trouble with referrals to AT&T and response to the complaints. The City would expect improvement in this area. Ms. McTimmonds stated that these issues would be investigated.

Mayor Thompson closed the Public Hearing at 6:58 p.m.

RECESSED: Mayor Thompson recessed the Study Session at 6:58 p.m. so that those in the audience who were here for the public hearing could speak to the AT&T representatives.

RECONVENED: Mayor Thompson reconvened the Study Session at 7:14 p.m.

NEW BUSINESS:

Agenda Bill #1904, Ordinance #00-1044

An Ordinance relating to Unlawful Sexual Contact and Loitering and making it a Crime to be within a City Park or Recreational Facility Area in violation of Court Order – Legal

Summary: The Ordinance, as proposed at the September 19, 2000 Study Session, would make it a gross misdemeanor

for a person to be present in a City park or recreation facility area in violation of a court order issued as a condition of release or sentencing.

The Ordinance has since been amended to add a new section to the Criminal Code making sexual contact, without involvement of money, (i.e. not prostitution) illegal in specified public places. The park regulations then make reference to this illegal "public sexual contact" and prohibit such activity that has been occurring in City parks. In addition, the Court is specifically authorized to impose a "Stay Out of Parks Order" (SOOP) to avoid repeat offenses. Violation of such an order remains a separate crime pursuant to the draft Ordinance reviewed at the Study Session.

Within the past few months, City Police have been working to enforce the Public Park Restroom Loitering Ordinance, SMC 2.45.575, and the Indecent Exposure Ordinance, SMC 8.05.300, in response to ongoing problems involving lewd behavior, exhibitionism, and the solicitation of/engagement in sexual conduct in City parks. A number of individuals have been arrested at North SeaTac and Grandview Parks for park restroom loitering and indecent exposure; three individuals have also been charged with assaults on officers which were committed in the course of soliciting sexual conduct. These crimes have been consistently committed in and around park restrooms and park facilities, including recreational trails, when families with young children have been present.

The purpose of the proposed Ordinance is to specifically identify the areas where such behavior is concentrated and to prohibit persons who have been arrested for or convicted of these crimes, via court order, from again entering those areas. Violation of such court order would be a gross misdemeanor, punishable by up to a year in jail and up to a \$5,000.00 fine.

The SOOP order would identify all City parks and recreation facilities, including Earthworks Park (jurisdiction over which we share with King County Parks and the King County Arts Program). This order would function just like existing "Stay Out of Drug Areas" ("SODA") and "Stay Out of Areas of Prostitution" ("SOAP") orders, but is tailored to deter more specific undesirable behavior in the parks and recreation facilities in the City.

Pursuant to court order, a SOOP order would be issued as a condition of release or sentence on any Municipal Court case involving criminal conduct of a sexual nature or motivation in park restrooms or other recreation facilities; thereafter, if a law enforcement officer encountered a person in a City park who was under SOOP order, that person would be subject to arrest for a separate crime.

In addition, a new section 8.05.305 is added to the Criminal Code to prohibit actual sexual contact or solicitation for sexual contact in public restrooms and public places open to plain view. This prohibition will apply to parks and other public places, but avoids lawful activity that could have sexual connotations, such as asking for a "date" or kissing at the "kiss and ride" lot.

MOVED BY BRENNAN, SECONDED BY ANDERSON TO ADOPT ORDINANCE NO. 00-1044.*

MOTION CARRIED UNANIMOUSLY.

City Attorney McAdams reviewed with Council the above summary as to the provisions in the Ordinance and the amendments made by staff since the September 19 Study Session.

Agenda Bill #1916, Resolution #00-018

A Resolution confirming the Appointment by the City Manager of the City Hearing Examiner for an Additional Term - City Manager

Summary: Ordinance No. 90-1045 established the Hearing Examiner system, which is now codified at Chapter 1.20 of the SMC. Section 1.20.030 provides for appointment by the City Manager, subject to confirmation by the Council, of the Hearing Examiner, to serve for a term of two years.

Irv Berteig was appointed and confirmed as Hearing Examiner on June 5, 1990, pursuant to Resolution No. 90-98. Mr. Berteig's appointment was most recently extended for an additional two-year period by Resolution No. 98-022, which expired August 13, 2000. The City Manager recommends confirmation of appointment of Irv Berteig as City Hearing

Examiner for an additional term of two-years, until August 13, 2002.

Because the issue of reappointment was inadvertently overlooked, it was not brought before a Council Committee or Study Session but, inasmuch as the Hearing Examiner's term of office has expired, appointment should not be delayed and quasi-judicial actions after August 13, 2000 should be ratified.

Adoption of the proposed Resolution will have no fiscal impact on the City. Compensation and expenses of the Hearing Examiner are budgeted irrespective of who holds the position.

MOVED BY ANDERSON, SECONDED BY BRENNAN TO PASS RESOLUTION NO. 00-018.*

Councilmember Brennan added that Mr. Berteig has been the City's Hearing Examiner since its incorporation and has done excellent work and is respected by all. Council concurred.

*MOTION CARRIED UNANIMOUSLY.

PUBLIC COMMENTS: Linda Snider, 28700 36th Avenue South, stated her appreciation of the courtesy ride in the City's Fire Truck that she was given during a recess in the September 19, 2000 Study Session. She stated that the vehicle was extremely interesting and the ride was a delightful experience.

CITY MANAGER'S COMMENTS: City Manager Hoggard distributed a draft letter regarding discussion at the last King County Transportation Coalition Meeting as to Governor Locke's Blue Ribbon Commission on Transportation. Feedback from the Council is requested as to whether the City of SeaTac would support and sign on to the letter. A response is requested by the Governor's Office by September 29. Mayor Thompson requested Council respond to the City Manager by noon on September 27.

COUNCIL COMMENTS: Councilmember DeHan attended a seminar in Bellevue on September 25 given by the University of Vermont on "Performance-Based Budgeting." This program is directly related to activity levels and will soon become a norm for all government agencies in the future. The program is intense and is too much to adopt all at once. With Council permission, he will discuss the program with the City Finance Director and City Manager to see if there is a group who could review the program and work on it in stages.

Councilmember Brennan stated that he just returned from California where he visited his latest grandson.

Councilmember Gehring stated that her youngest granddaughter had ear surgery and now has hearing in one ear.

Councilmember Fisher stated that a few months ago, he made the statement that the City has almost twice as many employees per citizen as Federal Way. He requested a listing of the employees hired in the last year, which was distributed to Council at this meeting. He suggested that a hiring freeze might be in order and the City focus on training the current employees and paying them well.

RECESS: Mayor Thompson recessed the Regular Council Meeting to an Executive Session on Potential Litigation at 7:26 p.m.

EXECUTIVE SESSION: Potential Litigation

RECONVENED: Mayor Thompson reconvened the Regular Council Meeting at 8:31 p.m.

ADJOURNMENT:

MOVED BY DEHAN, SECONDED BY ANDERSON TO ADJOURN THE REGULAR MEETING OF THE SEATAC CITY COUNCIL AT 8:33 PM.

MOTION CARRIED UNANIMOUSLY.

Shirley Thompson, Mayor

Judith L. Cary, City Clerk

SEATAC CITY COUNCIL SPECIAL MEETING MINUTES

October 3, 2000 - Immediately following the Study Session
City Hall Council Chambers

CALL TO ORDER: The SeaTac City Council Special Meeting was called to order by Mayor Shirley Thompson at 6:33 p.m.

ROLL CALL: Present: Mayor Shirley Thompson, Councilmembers Gene Fisher, Frank Hansen, Terry Anderson, Kathy Gehring, Joe Brennan, and Don DeHan.

ADMINISTRATIVE STAFF: Calvin Hoggard, City Manager; Judith L. Cary, City Clerk; Jay Holman, Assistant City Manager; Robert McAdams, City Attorney; Brian Wiwel, Fire Battalion Chief; Bruce Rayburn, Public Works Director; and Scott Somers, Chief of Police Services.

FLAG SALUTE: Eric Mathison, Highline Times Reporter, led the Council, staff and audience in the Pledge of Allegiance.

NEW BUSINESS:

Agenda Bill #1918, Resolution #00-019

A Resolution fixing Surface Water Management (SWM) Fees to be assessed against Port of Seattle (POS) Property, relinquishing, as to Port projects, the City's Jurisdiction to administer and implement the State Building Code and Electrical Installations and Construction Statutes, and City Codes adopting the same, and to issue Permits, and perform Inspections thereunder and approving the Interlocal Agreement (ILA) incorporated herein by reference

Summary: This Resolution, as directed by City Councilmembers for presentation to full Council, approves an ILA with the POS on terms specified therein.

The ILA entered into by and between the City and the POS on September 4, 1997 made provision for SWM and for a rate study. The City caused a rate study to be completed and, as advised therein, the City Council adopted Ordinance No. 99-1042 establishing a new rate structure to replace that of Ordinance No. 93-1045. Pursuant to a reservation set forth in the aforesaid ILA, the POS appealed to the City Hearing Examiner from the amount of SWM fees assessed in the years 1995, 1996, and 1997 and then filed a petition for review of the Hearing Examiner's Decision in favor of the City to the King County Superior Court. The POS filed a separate lawsuit with the Superior Court challenging the validity of SWM fees imposed by the City. The City Council desires to settle the said litigation.

The POS has offered an ILA pursuant to which they will dismiss its lawsuits. The Council deems it advantageous to the City to eliminate administration of, and permitting and inspections under, the Uniform Construction Codes and the statutes governing electrical installations and construction, in regard to POS projects as specified in the ILA. The City Council accepts and incorporates herein the recitals of the said proposed ILA and requires that the same be executed so that the litigation may be terminated.

Approximate ongoing loss to the City General Fund will be \$300,000 annually plus substantial intermittent fee revenue losses linked to the expansive airport capital program. SWM fee revenue of approximately \$200,000 annually will be lost. Cost of litigation is not determinable on those issues at present.

MOVED BY ANDERSON, SECONDED BY HANSEN TO PASS AGENDA BILL NO. 1918.*

Council and staff discussion ensued with POS representatives, Michael Feldman, Director of Aviation Facilities and Kottayam "Nata" Natarajan, Airport Development Manager, as to the language in various paragraphs in the proposed ILA. Council voiced their concern, having had thoughtful discussion on the employment of the City employees being picked up by the POS to facilitate their "to be created" Building Department. Mr. Feldman assured Council that this

was the intention of POS Aviation Director Gina Marie Lindsey as stated in her letter to the City on this ILA issue. The City's Building Permit personnel will be a valuable asset to the POS with their expertise in permit processing.

Due to the number of requested changes by Council, the following amendments were made.

MOVED BY BRENNAN, SECONDED BY GEHRING TO ADD TO PARAGRAPH 1, GOOD FAITH, TWO EXCLAMATION MARKS AT THE END OF THIS SENTENCE.

AMENDMENT CARRIED UNANIMOUSLY.

MOVED BY DEHAN, SECONDED BY FISHER THAT THE WORD, "WITHOUT" IN THE SECOND LINE OF PARAGRAPH 7, DISMISSAL OF SWM FEE LITIGATION, WOULD BE CHANGED TO "WITH" AND THE WORD "WITHOUT" WOULD BE ADDED IMMEDIATELY PRIOR TO THE CITATION TO THE SECOND LAWSUIT AND THE FINAL SENTENCE IS TO REMAIN UNCHANGED.

AMENDMENT CARRIED UNANIMOUSLY.

MOVED BY DEHAN, SECONDED BY BRENNAN TO ADD THE WORD "ANNUALLY" AS THE FINAL WORD OF PARAGRAPH 9, POTENTIAL SWM FEE INCREASES FOR ALL PROPERTY OWNERS.

AMENDMENT CARRIED UNANIMOUSLY.

MOVED BY GEHRING, SECONDED BY BRENNAN TO INSERT WITHIN THE SECOND LINE, PARAGRAPH 12, PORT ADMINISTRATION OF UNIFORM CODES, THE PHRASE "UNDER STATE LAW" SHOULD BE CHANGED TO READ "AS DEFINED BY THE 1997 ILA".

AMENDMENT CARRIED UNANIMOUSLY.

MOVED BY DEHAN, SECONDED BY FISHER TO CHANGE THE FINAL SENTENCE OF PARAGRAPH 13, AMENDMENTS AND UPDATES OF UNIFORM CODES TO "PRIOR TO THE CITY AMENDING ITS CODES, THE PARTIES SHALL MUTUALLY CONSULT AS TO APPLICATION OF THE AMENDMENT TO PORT PROJECTS PURSUANT TO THIS INTERLOCAL AGREEMENT.

AMENDMENT CARRIED UNANIMOUSLY.

MOVED BY DEHAN, SECONDED BY BRENNAN TO CHANGE THE THIRD WORD "WILL" TO "MAY" IN PARAGRAPH 14, CITY OVERSIGHT OF UNIFORM CODES IMPLEMENTATION.

AMENDMENT CARRIED UNANIMOUSLY.

MOVED BY DEHAN, SECONDED BY GEHRING TO CHANGE WITHIN THE THIRD LINE OF PARAGRAPH 15, CITY ADMINISTERS AND ENFORCES UNIFORM CODES AND THE ELECTRICAL CODE IN [CHAPTER 19.28 RCW](#) NON-AIRPORT USES, (INCLUDING THE TITLE) THE PHRASE "AS DEFINED BY STATE LAW" TO READ "AS DEFINED BY THE 1997 ILA", AND WITHIN THE FOURTH LINE, FOLLOWING THE PHRASE "UNDER STATE LAW," A PHRASE IS ADDED TO READ "INCLUDING STAND-ALONE PROJECTS," WHICH IS THEN FOLLOWED BY THE PHRASE "SUCH AS THE SEAFIRST BANK."

AMENDMENT CARRIED UNANIMOUSLY.

MOVED BY BRENNAN, SECONDED BY HANSEN TO ADD A NEW SENTENCE WITHIN PARAGRAPH 16 TO READ "ANY STAFF THE CITY HAS HIRED TO REVIEW THE PORT'S BUILDING PROGRAM SHALL BE TRANSFERRED TO EMPLOYMENT BY THE PORT IF FOUND TO POSSESS BASIC QUALIFICATIONS."

AMENDMENT CARRIED UNANIMOUSLY.

In regard to the amendment to Paragraph 16, Mr. McAdams pointed out the that the Public Employment Relations

Commission (PERC) Decision 5634 of 1996 indicates that PERC has ruled that sending bargaining union work out to another organization, is both a subject of mandatory bargaining and the implementation and effects are also mandatory items for consideration. The City could face fair labor practice by making a decision before negotiating with the local union.

Secondly, Mr. McAdams suggested that the words on page 2 of the Resolution, Section 3, lines 7-8, "and shall repeal Chapter 13.07, Airport Life Safety Code, of the SMC" be omitted and instead the Chapter be left within the SMC and would be moved into chronological order in the second line of this section. The Port would also adopt this action.

MOVED BY ANDERSON, SECONDED BY HANSEN TO LEAVE CHAPTER 13.07, AIRPORT LIFE SAFETY CODE IN THE SEATAC MUNICIPAL CODE

MOTION CARRIED UNANIMOUSLY.

In conclusion, Mayor Thompson read Paragraph 17, Hold Harmless and Indemnification, which states "the POS will defend, indemnify and hold harmless the City from all liability, claims, damages, losses, and expenses, whether direct or indirect or arising out of the performance of this Agreement which are caused, in whole or in part, by an act or omission of the Port in the administration and implementation of the Uniform Codes under [Chapter 19.27 RCW](#) In addition, the Port will indemnify and hold harmless the City from all liability, claims damages, losses, and expenses, including costs and attorney fees, that may arise out of any challenges to the legality of this agreement. The obligations of this paragraph shall not be construed to negate, abridge, or otherwise reduce any other right or obligation which would otherwise exist as to any person or entity described in this paragraph."

Mr. Feldman stated that the POS Commission has scheduled this item for their meeting agenda on October 10.

***ORIGINAL MOTION CARRIED AS AMENDED.**

RECESSED: Mayor Thompson recessed the Special Council Meeting at 7:35 p.m. to an Executive Session on Personnel Issues, which was continued from the Study Session.

EXECUTIVE SESSION (Continued): Personnel Issues

RECONVENED: Mayor Thompson reconvened the Special Council Meeting at 8:49 p.m.

ADJOURNMENT:

MOVED BY GEHRING, SECONDED BY DEHAN TO ADJOURN THE SPECIAL MEETING OF THE SEATAC CITY COUNCIL AT 8:50 PM.

MOTION CARRIED UNANIMOUSLY.

Shirley Thompson, Mayor
Judith L. Cary, City Clerk

SEATAC CITY COUNCIL REGULAR MEETING MINUTES

October 10, 2000 - 6:00 PM
City Hall Council Chambers

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

ROLL CALL: Present: Mayor Shirley Thompson, Councilmembers Gene Fisher, Frank Hansen, Terry Anderson, Kathy Gehring, and Joe Brennan. Excused absence: Councilmember Don DeHan.

ADMINISTRATIVE STAFF: Calvin Hoggard, City Manager; Kristina Lowrey, Deputy City Clerk; Jay Holman, Assistant City Manager; Robert McAdams, City Attorney; Elizabeth Spencer, Finance & Systems Director; Brian Wiwel, Fire Battalion Chief; and Scott Somers, Chief of Police Services.

FLAG SALUTE: City Employee Jim Johnson led the Council, staff and audience in the Pledge of Allegiance.

INTRODUCTION:

New City Employee Tim Smith, Engineering Technician II

City Manager Hoggard introduced Tim Smith, Engineering Technician II, who is filling a position that has been vacant since the end of July. Mr. Smith has recently relocated to this area from Coos Bay on the Oregon coast. He has been employed in the private sector in the combined fields of Civil Engineering and Land Surveying for the past nine years. Mr. Smith is happy to be part of the SeaTac Public Works Department and looks forward to working for the City.

PUBLIC COMMENTS: Frank Hughes, 3217 South 182nd Place, stated that Council was empowered by the citizens of SeaTac to speak for them, and entrusted to put citizens' financial welfare at the top of the decision making process. On other occasions, Council has done what was best for the City. As he sees it, the non-elected bureaucracy is in favor of hiring temporary employees for permitting Port of Seattle (POS) projects. It is known that "temps" become permanents, with citizens picking up the tab. As a retired boilermaker, union member, as well as a retired citizen of SeaTac, his personal loyalty is to the citizens of SeaTac, particularly the elderly. He requested Council make the citizens of SeaTac proud by standing up and being accountable.

CONSENT AGENDA:

Approval of claims vouchers in the amount of \$584,757.76 for the period ending September 29, 2000.

Approval of claims vouchers in the amount of \$136,660.44 for the period ending October 5, 2000.

Approval of employee vouchers in the amount of \$539,949.75 for the period ending September 30, 2000.

Approval of firefighter vouchers in the amount of \$295.00 for the period ending September 30, 2000.

Approval of summary of \$5,000 - \$25,000 purchase requests for the period ending October 6, 2000.

Approval of Council Minutes:

Study Session held September 19, 2000.

Budget Workshop III held September 26, 2000.

Regular Council Meeting held September 26, 2000.

Budget Workshop IV held October 3, 2000.

Study Session held October 3, 2000.

Special Council Meeting held October 3, 2000.

Acceptance of Advisory Committee Minutes:

Senior Citizen Advisory Committee Meeting held August 17, 2000 (committee approved September 21, 2000).

Approval of the following Motion recommended at the October 3, 2000 Study Session for placement on this Consent Agenda:

Agenda Bill #1908**A Motion accepting a Supplemental Agreement with CH2M Hill for Continued Preparation of Plans and Right-of-Way (ROW) Acquisition for the International Boulevard Phase III Improvement Project and authorizing the City Manager to execute the Supplemental Agreement - Public Works**

Summary: The CH2M Hill design team began work in July 1998 on developing plans for the International Boulevard Phase III Improvement Project. Since that time, the project was on hold for eight months as the Link Light Rail Project and route were better defined. Also in that time frame, the scope of the project has changed to warrant a Supplemental Agreement with CH2M Hill.

Notice to proceed for phase III was issued on July 27, 1998. The original scope includes surveying, public involvement, ROW acquisition, design and preparation of bid documents. Since the notice to proceed, a number of issues have affected the scope of the consultant's work:

1. Sound Transit identified various alternative light rail routes, which includes the boulevard. Such an alignment would have disrupted the planned boulevard improvements. The Sound Transit board adopted the locally preferred alternative (LPA) to the west of the cemetery and off the Boulevard in November 1999. During the consideration and evaluation period of the light rail alternatives, work on the boulevard project could not proceed in earnest.
2. Federal resource agencies listed as threatened the Puget Sound Chinook Salmon in March 1999 and the Puget Sound Bull Trout in November 1999 under the Endangered Species Act (ESA) which required species and habitat protection. Additional and unanticipated effort was spent in planning to manage stormwater in a manner that would be in compliance with ESA.
3. In January 1999, the latest revision to the King County Stormwater Management Design Manual was adopted by the City. The updated manual requires more stringent water quality and runoff controls. Additional effort was expended assessing the new regulations and designing a compliant stormwater system.
4. The design team has consulted with the POS regarding a proposed rental car facility at the northwest corner of the South 160th Street intersection. A flexible design has been developed to add an additional northbound left turn lane if needed in the future. Consultation with the Port continues as both the rental car facility and phase III projects develop.
5. The Washington State Department of Transportation (WSDOT) is leading a corridor study of SR518, including the potential re-development of the SR518 International Boulevard interchange. Detailed improvement plans are unknown at this time. Another unknown in this area is the LINK Light Rail line and South 154th Street station location. Sound Transit is still considering a possible SR518 route versus a Tukwila International Boulevard route. Due to the uncertainty of future work north of the SR518 bridge, the design team has scaled back the improvements to include only asphalt overlay and pedestrian improvements, thus reducing risk of the City's investment in this portion of the project.
6. The City Center Plan was adopted in December 1999. During plan development, increased travel demand was identified on International Boulevard between South 166th Street and SR518. Therefore, the boulevard project includes an additional northbound lane from South 166th Street to the SR518 interchange. Adding the lane to the project resulted in nine additional parcels of ROW acquisition in addition to the increased design effort.

The original contract amount is not to exceed \$881,693 without authorization. The City had secured State and Federal grant funds sufficient to cover the original contract amount. Staff and the consultant have negotiated the revised scope and fee, including credits for the reduced improvements north of the SR518 bridge. The amount of the Supplemental Agreement is \$192,312. The total contract amount is not to exceed \$1,074,005.

MOVED BY ANDERSON, SECONDED BY HANSEN TO ACCEPT THE CONSENT AGENDA AS PRESENTED.
MOTION CARRIED UNANIMOUSLY.

NEW BUSINESS:**Agenda Bill #1909; Ordinance #00-1045****An Ordinance authorizing issuance of Local Improvement District (LID) No. 1 Bonds – Finance**

Summary: Council passed Resolution No. 97-025 on September 23, 1997, declaring its intent to order certain local improvements within the City and to create an LID. Following a hearing on October 14, 1997, Council adopted Ordinance No. 97-1017 ordering the improvements and creating LID No. 1. The assessment roll related to LID No. 1 has been confirmed in the manner required by law by Ordinance No. 99-1048, as amended by Ordinances No. 00-1038 and 00-1043, in the total amount of \$6,882,591.70.

Owners of properties assessed a portion of the cost of these improvements have the option of prepaying their assessments without penalty or interest, or paying the assessment in annual installments over a 15-year period. The interest rate on unpaid assessments is one-half percent greater than the interest rate to be paid on bonds issued by the City. With the inclusion of assessments levied as to Alaska Airlines, as they have informed the City of the intention to prepay their assessments prior to their November 3 prepayment deadline, the City will receive \$4,010,772.22 in allowable prepayments of assessments. It is now necessary that the City issue LID No. 1 Bonds in the amount of \$2,871,819, which is equal to the unpaid balance of the assessment roll.

Pursuant to Chapter 35.54 of the Revised Code of [Washington \(RCW\)](#), the City is required to establish a Guaranty Fund for the purpose of guaranteeing the payment of principal and interest on the LID bonds. The funds are set aside from the Transportation Capital Improvement Plan (CIP) Fund and have been appropriated as part of the total project cost.

Debt service on the LID No. 1 bonds are paid from annual assessments billed by the City to those property owners opting to pay their assessments in installments. The bonds are not general obligations of the City. Neither the full faith and credit nor the taxing power of the City is pledged to the payment of the bonds.

Finance Director Spencer distributed copies of an agreement from Bank of America offering to purchase the LID No. 1 Bonds at interest rates as scheduled in Appendix A of the agreement. The bonds would mature in years 2001 through 2015 based on an estimated maturity schedule, but the bonds would actually be retired based on the timing of collections on LID assessments. Interest rates on the bonds would range from 5.00 percent in 2001 through 6.20 percent in 2015 for a net interest cost of 5.93 percent. The interest rate on LID assessments is set at .50 percent higher than the net interest cost on the bonds and would therefore have an interest rate of 6.43 percent. Richard Ehlers, representing the City's financial advisory firm of Seattle-Northwest Securities Corporation, presented a letter stating that the interest rates offered represent market rates for this type of debt in today's market and recommending that the City accept the purchase offer.

Ms. Spencer noted that Nancy Neraas represented the City's bond counsel of Preston, Gates and Ellis for this issue, and a final draft of the bond Ordinance was distributed with the interest rates included. Ms. Spencer recommended that the City Council adopt this Ordinance.

MOVED BY HANSEN, SECONDED BY ANDERSON TO ADOPT ORDINANCE NO. 00-1045.

MOTION CARRIED UNANIMOUSLY.

Agenda Bill #1920**A Motion authorizing the City Manager to terminate the Agreement with USWest and execute an Agreement with SBC Telecom, Inc. for Voice and Data Communications - Finance**

Summary: Finance and Systems Department staff have for some time been researching alternatives for the City's current provision of voice and data communications by US West. The City entered into contracts with US West for voice and data communications in November of 1996 and May of 1997. The City contracted with US West to install a frame relay network to support data connectivity between City Hall, Community Center, Fire Station No. 2, Fire Station No. 3 and Internet access. A dedicated T-1 line was installed to support voice and high-speed data connectivity between City Hall and Fire Station No. 1. The City also upgraded the existing Norstar phone system at City Hall,

installed a new Norstar phone system at Fire Station No. 1, and added Octel voice processing and digital trunking with DID service (allows for direct access by callers, even after hours).

Service from US West has been abysmal. The voicemail system sold to the City was not Y2K compliant and necessitated the City's expenditure of \$1,926 in 1999 to upgrade to a compliant system. Billing disputes have occurred on several occasions, with the necessary adjustments taking months for US West to process. One specific and significant billing dispute occurred in July of 1998, but was not rectified by US West until November of 1999. In September of 1999, US West requested changes in the City's service agreements, but those requests were denied because they started a new 60-month term. Until now, staff have been unable to propose changes in these agreements that provide the City the same or better communication services we currently have without considerable increases in cost.

SBC Communications is a national telecommunications company that includes Southwestern Bell, Ameritech, Pacific Bell, Nevada Bell, Cellular One and SBC Telecom. SBC's recent merger with Ameritech was approved by the Federal Communications Commission (FCC) contingent upon their expanding operations to 30 new markets. The company has begun meeting this requirement by starting operations in Seattle, Miami and Boston. For the fourth time in five years, SBC Communications has been named America's most admired telecommunications company in FORTUNE magazine's annual survey of corporate reputations.

Ms. Spencer stated that staff are requesting waiver of competitive bid procedures as allowed by SeaTac Municipal Code (SMC) Section 3.30.050(C) due to the fact that the promotion by SBC expires on Friday, October 13. Ms. Spencer noted that staff have considered proposals by other providers but have been unable to identify a provider that could provide the same level of service at the same or less cost to the City until SBC's proposal was received.

SBC is offering special financial incentives for commercial clients to switch providers, but these incentives expire on October 13. A switch to SBC by the City will result in faster data communications for Fire Stations 2 and 3, as well as North SeaTac Park Community Center, and will save the City \$16,647 per year for the three-year agreement period. Termination of the City's agreements with US West will require a one-time termination fee of approximately \$4,500. Under the promotion, the City is provided a risk-free trial period of 90 days, within which the City could return to US West and SBC would pay all costs associated with reestablishing our current service.

MOVED BY ANDERSON, SECONDED BY FISHER TO ADOPT AGENDA BILL NO. 1920.

MOTION CARRIED UNANIMOUSLY.

PUBLIC COMMENTS: There were no public comments.

CITY MANAGER'S COMMENTS: City Manager Hoggard had the following items: 1) correction to the Land Use & Parks (LUP) Committee meeting date; the meeting is Thursday, October 12 at 3 p.m.; 2) the City is hosting the neighborhood meeting on Bow Vista Comprehensive Plan Amendments, Wednesday, October 11, 2000, from 6:30 to 8:00 p.m. at the Valley Ridge Community Center; 3) demolition of the caretaker's house at Angle Lake to be completed this week; and 4) complimented staff for their work on Children's Day held Saturday, October 7, 2000.

City Attorney McAdams stated that an appeal has been received by the proponent and adjacent landowner as to a subdivision on Angle Lake. After looking at the issues, it appears that the Council may well desire and should have independent Counsel. The City Attorney's Office will represent the City in this matter and will not be in a position to give independent representation. This will be a Quasi-judicial hearing with the Council acting as judge in the matter. It was agreed that Mr. McAdams would recommend several attorneys from which to choose. The hearing will probably be held during the first part of December.

Chief of Police Services Somers gave a brief report on issues discussed at the recent Regional Justice Center (RJC) Meeting: 1) handling of mental offenders; 2) stream lining in Domestic Violence Court; and 3) Covington City Mayor thanked the eastside Councilmembers for getting the RJC opened at night.

COUNCIL COMMENTS: Councilmember Gehring stated that the Finance Committee met today and discussed the

financial items that were on tonight's agenda. Also discussed were the Local Law Enforcement Block Grant (LLEBG) and audit recommendations. The next Finance Committee meeting is scheduled for November 7.

Mayor Thompson stated that she attended the Children's Day Celebration held Saturday, October 7. Lydia Assefa-Dawson, City of SeaTac Programs Coordinator and Project LOOK did a great job putting it together.

ADJOURNMENT:

MOVED BY ANDERSON, SECONDED BY HANSEN TO ADJOURN THE REGULAR MEETING OF THE SEATAC CITY COUNCIL AT 6:40 P.M.

MOTION CARRIED UNANIMOUSLY.

Shirley Thompson, Mayor
Kristina Lowrey, Deputy City Clerk

SEATAC CITY COUNCIL REGULAR MEETING MINUTES

October 24, 2000 - 6:00 PM
City Hall Council Chambers

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

ROLL CALL: Present: Mayor Shirley Thompson, Councilmembers Gene Fisher, Frank Hansen (left the meeting after the completion of New Business), Terry Anderson, Kathy Gehring, Joe Brennan, and Don DeHan.

ADMINISTRATIVE STAFF: Calvin Hoggard, City Manager; Judith L. Cary, City Clerk; Jay Holman, Assistant City Manager; Robert McAdams, City Attorney; Jim Downs, Fire Chief; Craig Ward, Programs Manager; Don Monaghan, Assistant Public Works Director; and Scott Somers, Chief of Police Services.

FLAG SALUTE: Rachel Garson, Port of Seattle (POS) Assistant Executive, Aviation Division, led the Council, staff and audience in the Pledge of Allegiance.

PUBLIC COMMENTS: Jim Johnson, AFSCME Local 3830, SeaTac Employees Union President, spoke on behalf of the City employees who have been and will be affected by Agenda Bill No. 1918, the Interlocal Agreement (ILA) with the Port of Seattle (POS). It was his understanding that the POS has countered the original amended proposal. He urged Council to be firm in their resolve that no employee lose employment as a result of this agreement, and to not negotiate to weaken the terms of the original agreement as amended. Regarding the City employees who are potentially to be affected by the 2001 budget process, he urged Council to cut the budget as needed, but not more. He asked Council to attempt to cut where positions are already vacant or at least where a displaced worker has the opportunity to fill a vacant position, which has not been cut. He added that he feels the employees are hard working and dedicated to the City in order to provide the citizens with a high level of service.

Julie Rodwell, former City Programs Manager, expressed her appreciation for having been given the opportunity to work for the City for approximately four years and become a SeaTac resident during the last year. Ms. Rodwell has recently relocated to Bellevue for an easier work commute due to a career change.

PRESENTATIONS:

Endangered Species Act (ESA) 4(d) Rule Options

City Manager Hoggard opened the presentation by stating that Programs Manager Craig Ward and Assistant Public Works Director Don Monaghan have been given direction to seek from Council a basic path of response to this issue.

Mr. Ward stated that the ESA 4(d) Rule is again being presented to Council in order to give an update on its current issues. He stated that the National Marine and Fisheries Service (NMFS) issued a 4(d) Rule for listed salmon species on July 10, 2000, including the Puget Sound Chinook and Bull Trout. The final 4(d) Rule will go into effect January 8, 2001. This ruling was established to protect the Salmon and Bull Trout habitats in the Puget Sound Basin. The 4(d) Rule allows local governments to draft rules for submission to NMFS for approval that would exempt Cities from a "take" prohibition. NMFS can sign agreements (Limit Submittals) that limit liability for a "take" suit. The Tri-County Agreement was proposed in order to serve this purpose, but other options also exist.

Compliance with existing State and local laws and regulations is not considered adequate by NMFS to satisfy 4(d) Rule objectives. The status is as follows: 1) lawsuits can be filed for a possible "take" in January 2001; 2) NMFS has not defined inventory or protection standards adequate to determine whether a "take" is likely or how one can be avoided; 3) the City has notified NMFS that staff would like to meet in order to discuss a Limit Submittal; 4) current data suggests the City's 4(d) Rule exposure is very small, but its inventory needs to be improved in its streams that drain to the Puget Sound Basin; 5) current stormwater and stream protection standards and plans are strong, but might need to be further strengthened. A gap analysis is being completed; and 6) the City must notify the NMFS 30 days before taking actions (circa December 8), such as amending codes. He added that the NMFS has not returned staff's

calls on questions as to SeaTac's minor impact on this issue.

Mayor Thompson mentioned that a City in the Suburban Cities Association (SCA) has filed a lawsuit with the Federal Government and several other Cities are considering joining the suit. Most Cities will not be able to afford what the Federal Government is asking of the local communities. She recommended that joining the suit be one of SeaTac's options.

Mr. Ward stated that the City claims to having no direct impact on a Chinook Salmon habitat and currently has standards that affect and protect wetlands, and streams. He reviewed the options the City could take: 1) continue with current City policies and standards; 2) Tri-County Proposal (which is not completed and there is currently internal dissension with the involved parties); 3) City-only Proposal to NMFS; and 4) join a group proposal to NMFS, such as with the SCA or South County.

City Manager Hoggard stated there is the risk with the NMFS not returning City staff's calls, that the agency could sanction SeaTac without the City's concerns being addressed.

Upon a question posed by Councilmember Anderson, Mr. Ward stated that the City would need to perform the study at its own expense. Mr. Monaghan explained the term "take" as defined by the NMFS as any harm or disturbance to a listed species such as disturbing fish or habitat, catching the fish, or any action that reduces its proliferation. "Take" also refers to construction projects that impact the fish and its habitat.

Councilmember Brennan, Chair of the Puget Sound Watershed Committee, stated that the agency was understaffed even before this issue surfaced. He added that the Army Corp of Engineers is in the same dilemma. He feels SeaTac is being forced into this study which obligates the City to spend excessive money on a program which is basically meaningless for the City's minor involvement.

Mr. Ward stated the proposed staff recommendations: 1) prepare an Assessment Checklist and draft a Limit Submittal to NMFS by the end of November with the approach of: a) maintenance actions (existing Surface Water Management (SWM) standards and capital commitments); b) Land Use Actions (existing and proposed Zoning, State Environmental Protection Agency (SEPA) and Sensitive Area Codes with proposals to upgrade considering levels the Tri-County Agreement has proposed); 2) join the Water Resources Inventory Area 9 (WRIA 9) if membership can be limited to the inventory. Then, if the WRIA 9 priorities, capital programs, and other implementation plans do not serve the City's needs, staff will create an independent Habitat Management Plan; or 3) continue to track the Tri-County Agreement to determine aspects that might serve the City. This agreement seems agreeable with NMFS.

Councilmember Fisher stated that he has a conflict of interest in this issue. He feels, due to his experience with the MNFS and having seasonally fished off the Oregon Coast, the salmon has never been more plentiful as this past season. He feels the ocean conditions are a major part of endangering the salmon supply. He expounded on the reasons he disagrees with the NMFS's reasoning on this issue.

Councilmember Brennan agreed with Councilmember Fisher as to the ocean conditions and added that for the last 25 years, many measures have been implemented to clean up the water systems. The \$20,000 assessment is by landmass, population, and assessed valuation of SeaTac and not by measure of streams, rivers and salmon habitats. Without guidance from the NMFS, SeaTac's efforts could be useless. He recommended the City proceed with the assessment and then confront any further actions by the NMFS.

Mayor Thompson requested Council direction for staff action. With the exception of Councilmember Fisher, Council agreed with Councilmember Brennan's proposal for this year.

Council thanked Mr. Ward for the clarity and directness of his reporting on this complicated subject.

(Due to Councilmember Hansen's need to leave the meeting early, the presentation on Part 150 Update Options was moved to after the New Business portion of the meeting.)

CONSENT AGENDA:

Approval of claims vouchers in the amount of \$1,613,948.19 for the period ending October 19, 2000.
Approval of employee vouchers in the amount of \$360,430.09 for the period ending October 15, 2000.
Approval of summary of \$5,000 - \$25,000 purchase requests for the period ending October 20, 2000.

Approval of Council Minutes:

Regular Council Meeting held October 10, 2000.

Study Session held October 17, 2000.

Acceptance of Advisory Committee Minutes:

Civil Service Commission Meeting held September 11, 2000 (commission approved October 9, 2000).

Human Relations Advisory Committee Meeting held September 14, 2000 (committee approved October 12, 2000).

Planning Advisory Committee Meeting held September 18, 2000 (committee approved October 9, 2000).

Planning Advisory Committee Meeting held October 9, 2000 (committee approved October 16, 2000).

Approval of the following Ordinance, Resolution, and Motions recommended at the October 17, 2000 Study Session for placement on this Consent Agenda:

Agenda Bill #1912

A Motion authorizing the Director of Public Works to approve Change Order No. 1 for the South 182nd Street Walking Path and 2000 Overlay Project, ST-860, and to increase the Contract Budget by the amount of the Change Order plus a 10 percent Contingency - Public Works

Summary: This project was authorized for award during the August 15, 2000 Special Council Meeting with the condition that staff negotiate with the contractor to change the proposed asphalt walkway on South 182nd Street to a concrete sidewalk. The cost for this change is projected to be \$38,268.

The City has a contractor currently working on the overlay portion of this project in the vicinity of 8th Avenue South and South 192nd Street. The walking path, on the south side of South 182nd Street between 42nd Avenue South and 46th Place South, was originally bid as an asphalt walk. Staff has revised this design and changed the asphalt walk to a concrete curb and sidewalk.

The project award amount was \$502,555, plus a 10 percent contingency of \$50,256, for a total contract budget of \$552,811. The addition of Change Order No. 1 increases the contract amount to \$540,823. The total contract budget, including a 10 percent contingency of \$54,082, is \$594,905.

Agenda Bill #1917; Resolution #00-020

A Resolution establishing a Small Works Roster process for award of Public Works Contracts - Public Works

Summary: Revised Code of [Washington \(RCW 39.04.155](#) authorizes Cities to award certain Public Works contracts through a Small Works Roster process so as to avoid unnecessary costs and time delays incident to competitive bidding. The Optional Municipal Code, at 35A.40.200, specifically authorizes this City to employ the said process. The Council previously adopted Resolution No. 93-019 approving use of a Small Works Roster for Public Works projects of value up to \$100,000. The 2000 State Legislature amended [RCW 39.04.155](#) to raise the maximum value of contracts awarded through the Small Works Roster process to \$200,000 and made further amendments to the statutory process. It is appropriate to adopt a Small Works Roster process for Public Works projects, which takes advantage of the amended statute.

All quotations with recommendation for award of the contract to the lowest responsible bidder, shall be presented to the City Council. However, where project funds are fully appropriated by the City Budget, the City Manager shall have the authority to award Public Works contracts of value \$100,000 or less, providing that the Council shall ratify such approval at the next Regular Council Meeting within the Consent Agenda.

Agenda Bill #1915; Ordinance #00-1046

An Ordinance declaring Public Use and Necessity for Property to be condemned as required as a part of the

International Boulevard (IB) Improvement Project Phase III and authorizing the payment of funds from the City's 307 Transportation Capital Improvement (CIP) Fund - Public Works

Summary: The IB Improvement Project, Phase III (South 152nd to 170th Streets) will undergo construction beginning in 2001. This will include widening of the boulevard to six lanes with curbs, gutters, sidewalks, bicycle lanes, medians, street lighting, storm drainage, channelization, signalization, paving, landscaping, consolidating driveways and undergrounding utility lines. An additional third northbound general-purpose lane is also proposed from the 16600 block to SR518. The project will be advertised for construction bids in spring 2001. It will be necessary to acquire right-of-way (ROW) in order to construct these improvements.

Before construction can begin, ROW or right-of-entry agreements must be acquired. It is anticipated that several parcels may be acquired through the condemnation process. To begin the condemnation process, an Ordinance must be passed declaring public use and necessity of the property to be condemned as part of the project and authorizing payment of funds from the City's 307 Transportation Capital Improvement Plan (CIP) Fund.

As part of the IB Improvement Project Phase III design, additional properties have been identified to accommodate the necessary improvements. The properties to be acquired are currently being appraised and a fair market value is being established. Currently, the City is working with its consultants to negotiate the acquisition of these properties. Although the City is in the early stages of the ROW acquisition process, it is anticipated that not all of the properties will be acquired through negotiation. It appears that several properties may be acquired through the condemnation process. It is too early in the acquisition process to identify which properties will be acquired by condemnation.

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

If the condemnation Ordinance is adopted, excise taxes are waived for acquisitions accomplished by either negotiation or condemnation pursuant to Washington Administrative Code ([RCW](#) 458-61-420(1)(c)). This Ordinance must also designate the source of funds to be used to compensate the property owners whose property is being acquired. The funding source for the ROW acquisitions will be the IB Improvement Project Phase III funds which are budgeted in the City's 307 Transportation CIP Fund.

Agenda Bill #1919

A Motion authorizing acceptance of a Fiscal Year 2000 Local Law Enforcement Block Grant (LLEBG) - Finance

Summary: The City has received notice from the Bureau of Justice Assistance (BJA) that it has once again been awarded a LLEBG for the Fiscal Year 2000. Notification of the grant award was received on September 22, and the City has until November 6, 2000, to formally accept the award, or the funds will be de-obligated and redistributed to other eligible applicants. The purpose of the LLEBG program is to reduce crime and improve public safety. The grant award will reimburse the City 90 percent of its qualifying expenditures to a maximum of \$40,959.

Following acceptance of the grant, the City must take the following steps: 1) establish an advisory committee that will review the Police Department's recommended expenditures under the grant; 2) hold a public hearing at which the proposed expenditures and committee's recommendation shall be considered, along with any public testimony; 3) approval of expenditures by the City Council; and 4) qualifying expenditures must be made within 24 months of the date the City receives grant funds.

The Police Department has submitted a decision card for appropriation of the qualifying expenditures in the 2001 Annual Budget.

Agenda Bill #1922

A Motion authorizing the City Manager to request the Garbage Haulers serving the City to apply to and secure Washington State Utilities and Transportation Commission (WUTC) approval for Residential Garbage Rates that include the Cost of Recycling commonly referred to as the King County Rate - Public Works

Summary: Rather than negotiate residential garbage rates for the City, Waste Management and Allied Waste can be requested to apply to and secure WUTC approval for residential garbage rates that include the cost of recycling commonly referred to as the King County rate.

Several factors are increasing the cost and decreasing the convenience of the City's residential recycling program. These factors include: 1) continued decline in the number of recycling centers, 2) increasing costs for curbside recycling, 3) low residential recycling diversion rates compared to other suburban Cities, and 4) increasing costs of garbage disposal. The combination of these factors suggests that SeaTac residents will face increasing recycling and garbage costs with fewer options for waste disposal/recycling.

Three options are available to the City: 1) negotiate a new recycling contract with our two garbage haulers, 2) request haulers to apply to the WUTC to set rates for subscription recycling, or 3) request haulers to apply to the WUTC for rates that build the cost of recycling into residential garbage rates. Option 3 provides the opportunity for residents to minimize their cost for residential garbage. This option should result in the highest diversion of recyclable materials and allow the resident to chose a smaller container size for garbage. This option will also result in lower City administrative cost.

It is proposed that, in connection with the proposed change, the City implement an education program based on the new rate structure to advise residents about the benefits and advantages of the recycling services and how to minimize or lower their garbage rate. Grant funds are available through County and State sources to develop an outreach program.

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

MOTION CARRIED UNANIMOUSLY.

NEW BUSINESS:

Agenda Bill #1927; Resolution #00-021

A Resolution repealing Resolution No. 00-019 – City Manager

Summary: This Resolution, as directed by City Councilmembers for presentation to the full Council, repeals Resolution No. 00-019, which affected Surface Water Management (SWM) fees assessed against the Port of Seattle (POS) and relinquished administration of Uniform Codes and permitting to the POS.

The POS previously offered an Interlocal Agreement (ILA), which would fix the amount of SWM fees to be assessed against POS property and would relinquish, as to POS projects, the City's jurisdiction to administer and implement the State Building Code and electrical installations and construction statutes, and City Codes adopting the same, and to issue permits, and perform inspections thereunder. The quid pro quo for these concessions was dismissal by the POS of its two pending lawsuits against the City involving SWM fees assessed against the POS.

The initial offer was made by the POS's airport staff which included agreement to extend the opportunity for employment by the POS's Building Department (to be formed) of existing City employees hired for the purpose of administering, processing, and inspecting POS projects. In addition, verbal assurances of complete indemnification were made to Councilmembers participating in the discussions, which resulted in the ILA offered by the POS.

Based upon the foregoing, the Council adopted Resolution No. 00-019 authorizing the proposed ILA as amended by the Council to provide the opportunity for reemployment, together with rather minimal other changes.

On October 20, 2000, it was made known that the POS objects to the employment of City employees laid off by reason of relinquishment of the administration, plan review, and inspection of POS projects. The POS further objects to

indemnification, which would extend to claims related to such layoffs.

Due to the apparent intent of the POS's Board of Commissioners not to authorize the ILA in the form approved by the City Council, the Council is repealing Resolution No. 00-019. If concerns are mutually resolved, a new ILA can be considered for approval.

Mr. Ward outlined the changes to the ILA desired by the POS, as presented on October 20, 2000, are as follows:

16. Transition of Uniform Codes administration from the City to the POS; 17. Mitigation of staff reductions; ~~17~~ 18. Hold harmless and indemnification; and 25. Jurisdiction.

MOVED BY DEHAN, SECONDED BY BRENNAN TO PASS RESOLUTION NO. 00-021.*

Mayor Thompson read the entire Resolution prior to action on this agenda item. Councilmember DeHan requested that under the second Whereas, and after "is not satisfactory," the words "to the Port" be removed from the Resolution. Council concurred with this change. Councilmember Brennan added that the Council desires that the situation with the City employees involved with the Port permits be satisfactorily resolved.

*MOTION CARRIED UNANIMOUSLY.

(Councilmember Hansen departed the meeting at the conclusion of New Business.)

PRESENTATIONS (Continued):

Part 150 Update Options

Programs Manager Ward stated that Council has previously been briefed on most of this information. Council had requested staff review the changes made to the Part 150 Program.

Mr. Ward summarized the primary issues significant to the City in the Part Noise Remedy Program: 1) maintenance/ground runups and noise walls; 2) preferential runway use, flight tracks and Fly Quiet Program; 3) sound improvement of ground equipment; 4) noise insulation agreement for Highline District Schools; 5) provisions for mobile homes; 6) improvement of the Sound Insulation Program; 7) proposing a voluntary acquisition be offered to various properties in the Approach Transition Zone (ATZ) for the third runway area; 8) Land Use/Zoning and Building Codes would need to be amended; and 9) follow-up committees are recommended to address ongoing monitoring efforts, coordination with the Noise Remedy Program of King County Municipal Airport and Boeing Field, and updates to the Fly Quiet Program.

Mr. Ward illustrate to Council on a Noise Remedy Program map, the 65 and 70 noise contours in the City, explaining the process the Port conducted to achieve the decimal noise levels (DNL). The map was created as a five-year update since it is assumed the third runway completion is scheduled for five years in the future. Council discussion ensued as to the noise contour areas and protection of the areas near and around the contours.

Next, Mr. Ward briefed Council on the following:

1) Port's Recommended Program; 2) Maintenance/Ground Runups and Noise Walls; 3) Preferential Runway Use, Flight Tracks and Fly Quiet Program; 4) Ground Equipment; 5) Schools; 6) Mobile Home Parks (MHP); 7) Sound Insulation; 8) Proposed Voluntary Acquisitions of Properties in the Third Runway ATZ; 9) Land Use/Zoning & Building Codes; 10) Next Steps: a) update the Noise Remedy Program Boundaries; and b) committees are recommended for: ongoing monitoring, to coordinate with the noise remedy program of Boeing Field, and to update the Fly Quiet Program; and 11) Policy Options.

Council discussion ensued as to the many elements presented with specific concern as to the DNL zones and the MHP. Mr. Ward stated the parks are also impacted by the SR509 alignment. WSDOT and the POS have a mutual obligation in financing of the park closures, which would possibly enhance the residents' relocation benefits package. City Manager Hoggard stated that the City had requested that the alignment take into consideration the MHP regarding the relocation of the residents. Mayor Thompson urged that the homes between the 65 and 70 contours be considered in

with the 70 DNL Zone and/or in the buyout area. Councilmember Anderson added that the number of residents affected by this action would also change the City's tax base.

Councilmember DeHan questioned that since the noise contour does not include the third runway, will the DNL contours be moved further west and closer in to the east. Mr. Ward stated that this is a possibility. New generation engines have caused less noise impact. However, homes already eligible for noise insulation will continue to be with the new contours. Mayor Thompson suggested the City lobby the State elected officials in Washington D.C. to adjust the contours and DNLs to current demands.

Mr. Ward stated that if the POS acquires properties through the noise program, that they should resell the properties to commercial use. Council agreed. This recommendation was adopted by the City/Port Joint Advisory Committee (JAC) Committee but is not part of the proposal to the Port Commission.

Councilmember DeHan suggested that the Council's options be submitted in writing to the Port Commissioners stating its desires. Mayor Thompson added that a major part of the airport's funding comes from the Federal Government and the City needs to assist in the POS's efforts to urge that restrictions be lifted by the Federal Government so local decisions can be made.

The Part 150 recommendations will be submitted to the POS in late November or early December. Therefore, there is time for comments to be submitted to the JAC on behalf of the City. City Manager Hoggard suggested a Resolution be drafted as to Council recommendations and support of Federal funding to assist in this program. Mayor Thompson agreed with this action.

PUBLIC COMMENTS: Vince Coluccio, Jr., 2025 Fairview Avenue East, Seattle, submitted a map depicting the proposed Coluccio Annexation into the City of SeaTac that will be come before Council within the next few months. This annexation was previously brought to Council in 1992 and was denied. It is near completion for re-consideration of this action.

CITY MANAGER'S COMMENTS: City Manager Hoggard had no comments.

COUNCIL COMMENTS: Councilmember DeHan stated that a Resolution was proposed two weeks ago to the South County Area Transportation Board (SCATBd) and passed with a revision. The Resolution requests the Puget Sound Regional Council (PSRC) examine air and surface transportation planning. This was amended from "regional air transportation" to "commercial" air transportation in the period beyond 2020 to at least 2030. The 10-Year Transportation Plan does not address this period of time. The following sentence in the Resolution has been changed: "should it be determined from the update that additional expansion of the SeaTac International Airport or King County International Airport is necessary, the community surrounding those facilities should be made aware of those needs so they and their citizens can plan accordingly. The inclusion of the two airports precludes any other airport and therefore it now reads, "any existing airport." Council concurred with the wordage change.

ADJOURNMENT:

MOVED BY DEHAN, SECONDED BY ANDERSON TO ADJOURN THE REGULAR MEETING OF THE SEATAC CITY COUNCIL AT 7:29 P.M.

MOTION CARRIED UNANIMOUSLY.

Shirley Thompson, Mayor
Judith L. Cary, City Clerk

SEATAC CITY COUNCIL REGULAR MEETING MINUTES

November 14, 2000 - 5:00 PM
City Hall Council Chambers

CALL TO ORDER: The SeaTac City Council Regular Meeting was called to order by Mayor Shirley Thompson at 5:00 p.m.

ROLL CALL: Present: Mayor Shirley Thompson, Councilmembers Gene Fisher, Frank Hansen, Terry Anderson, Kathy Gehring, Joe Brennan, and Don DeHan.

ADMINISTRATIVE STAFF: Calvin Hoggard, City Manager; Judith L. Cary, City Clerk; Jay Holman, Assistant City Manager; Robert McAdams, City Attorney; Elizabeth Spencer, Finance Director; Bruce Rayburn, Public Works Director; Don Monaghan; Assistant Public Works Director; Kit Ledbetter, Parks Director; Jim Downs, Fire Chief; Craig Ward, Programs Manager; and Scott Somers, Chief of Police Services.

FLAG SALUTE: SeaTac Citizen Joe Dixon led the Council, staff and audience in the Pledge of Allegiance.

RECESS: Mayor Thompson recessed the Regular Meeting at 5:01 p.m. to an Executive Session on Litigation and Personnel Issues.

EXECUTIVE SESSION: Litigation / Personnel Issues

RECONVENE: Mayor Thompson reconvened the Regular Meeting at 6:04 p.m.

PUBLIC COMMENTS: David Schroedl, SunReal, Inc. President, 8273 Caminito Lacayo, La Jolla, California, described the parking garage project he is proposing to be located on International Boulevard. He detailed the relocation plans for the site further north on the Scarselia property if the original plan on the Pong property adjacent to the Washington Memorial Cemetery does not transpire. City Manager Hoggard stated that a letter of response to this proposal would be sent to SunReal.

CONFIRMATION OF MAYORAL APPOINTMENT:

Council Confirmation of Mayoral Appointment of Joseph Smith to the Senior Citizens' Advisory Committee

MOVED BY ANDERSON, SECONDED BY GEHRING TO CONFIRM THE MAYORAL APPOINTMENT OF JOSEPH SMITH TO THE SENIOR CITIZENS' ADVISORY COMMITTEE.

Mayor Thompson presented Mr. Smith with a Certificate of Appointment and thanked him on behalf of the Council for volunteering to serve the City on this committee.

PRESENTATIONS:

Light Rail Ad Hoc Committee Update

Programs Manager Ward opened the presentation by stating that the Conditional Use Permit-Essential Public Facility (CUP-EPF) process, which is being applied to the Light Rail System in SeaTac, requires an Ad Hoc Advisory Committee to review the proposed project and to make recommendations. Following their recommendations, a staff report was prepared and a public hearing was held prior to issuing the final CUP. Under the Growth Management Act (GMA), an EPF is described as a facility that is hard to site. The City's Comprehensive Plan designates the following as EPFs: airports, landfills, halfway houses, and light rail. The GMA specifies that a local jurisdiction cannot prevent or preclude such a facility being sited within its boundaries, but can condition the siting of an EPF.

Joe Dixon, Committee Chair, stated this report is prepared consistent with the requirements of the SeaTac Municipal Code (SMC) that authorizes an appointed Ad Hoc Advisory Committee to make recommendations on the CUP-EPF. This report fulfills those requirements, acknowledges that full completion of the required process must occur

subsequent to review of a completed application for a CUP-EPF, and recommends that City staff amend this report as needed in order to address issues not known at the time this report was prepared.

The committee finds that the project, is consistent with the Review Criteria of Section 15.22.035.E, provided that when the proposed light rail project is submitted, it is consistent with the City's Preferred Light Rail alignment described in Policy 1.7A and Map 3.5 of the City's Comprehensive Plan.

The committee recommends that a Special District Overlay not be further considered as a means to implement the CUP-EPF. However, the committee acknowledges that a Special District Overlay may be beneficial as a method to assist in the implementation of adopted station area plans and recommends consideration of this approach in that context.

The SMC charges the committee with making recommendations as to conditions or restrictions for siting and mitigating the impacts of the proposed EPF. Sections 7 and 8 of the report address that responsibility.

The committee began its work in the fall of 1998. This early start was to provide this committee the opportunity to participate effectively in decisions being made by Sound Transit during environmental review of light rail siting alternatives. In late 1999, Sound Transit published its Final Environmental Impact Statement (FEIS) for light rail, including proposed mitigations. In November 1999, the Sound Transit Board voted to adopt a Locally Preferred Alternative for the SeaTac segment that met with City and Port of Seattle (POS) approval. In September and October 2000, the Draft Report of the Committee was presented to the Planning Advisory Committee (PAC). The recommendations of that committee have been incorporated into the report under Section 8.

SeaTac is undergoing considerable growth, primarily because of airport growth that is projected to result in a doubling of passengers in the next 15 years or less. The airport is striving to make accommodations for this growth, while hotels, airport support businesses, employment and traffic are also growing accordingly.

To address the City's growth, a number of transportation and other projects are being planned. The passage of Initiative 695 in the fall of 1999 made the funding and timing of these projects less predictable. When the light rail opens in 2006, it is uncertain what other new facilities will already be in place.

In order to ensure that any final light rail design is consistent with City plans and policies, this report assumes the following: 1) the light rail is constructed to South 200th Street by 2006, as planned; 2) the airport facilities necessary to support the light rail system, i. e. Automated People Mover (APM), the InterModal Center (IMC), and north access roadways are opened by 2006; 3) the footings or other essential underpinnings for a future South 184th Street / City Center Station are built in Phase I of the light rail project; 4) the SR 509 extension is not built and opened before 2006, and its ramp to 26th Avenue South, that will ultimately serve the South 200th Street Station, is not in place; 5) there is pedestrian access and a Kiss 'n Ride facility for City residents at all SeaTac light rail stations, including the North End Aviation Terminal (NEAT) Station via the IMC at South 170th Street; 6) no interchange improvements at the SR 518 / International Boulevard junction have yet taken place; 7) the South 154th Street Station is sited in SeaTac and must meet SeaTac High Capacity Transit (HCT) Design Standards, Section 15.36 of the SMC, or is sited in Tukwila but must provide safe pedestrian access for SeaTac residents, Personal Rapid Transit (PRT) is not available as a feeder service to light rail by 2006; 8) all adopted HCT design standards are fully complied with; 9) station designs and light rail alignments shall be consistent with adopted station area plans being prepared by the City; and 10) additional CUP conditions may be imposed by the City without subsequent review or approval of the Ad Hoc Advisory Committee, based on the outcome of CPTED review, permit-specific environmental review, responses to design modifications, or as the products of subsequent studies or operating agreements.

All of the concerns and recommended mitigations were outlined in the City's comments on the Draft Environmental Impact Statement (DEIS); however, Sound Transit's response to these concerns was minimal. In the staff report to be completed pursuant to the SMC, City staff will also address, design items that are part of City Code and which may add, delete or revise the conditions that this committee recommends.

Committee recommendations are as follows: 1) the Permit Conditions are the committee's recommended CUP-EPF

conditions for the proposed light rail system within the City, based upon the project design as known at the time this report was prepared; 2) PAC Recommendations: On October 16, 2000, the PAC unanimously recommend approval of the Ad Hoc Advisory Committee Draft Report with language added stating; 3) the recommendations of this report may be added to, amended or deleted pursuant to subsequent discussions and design by Sound Transit that would alter the need for the proposed conditions; 4) any additions, amendments, or deletions along with supporting agreements should be brought before the PAC for their review and input; 5) the project application and staff report for the CUP will be presented to the PAC upon completion for their review; 6) these recommendations have been incorporated into this report; 7) areas requiring further examination by City staff include, but are not limited to: station and guideway consistency with adopted HCT design standards other relevant City Codes; b) Fire Life Safety negotiations to arrive at satisfactory and cost-effective rescue for incident scenarios; c) Crime Prevention Through Environmental Design (CPTED) review; d) operational agreements; e) performance monitoring and related mitigations; f) CUP-specific environmental assessment and mitigation; and g) mitigation negotiations on other conditions.

In order to address issues not defined or adequately understood at the time this report was prepared, these recommendations are based on the following assumptions: 1) the Ad Hoc Advisory Committee dissolves with the presentation of this report to the PAC and City Council in the fall of 2000; 2) a City Transit Design Committee has been created to address design, compliance with City design codes, aesthetics, and mitigations that must be implemented through design and construction; 3) additional CUP conditions may be added, amended or deleted imposed by the City without subsequent review or approval of the Ad Hoc Advisory Committee pursuant to subsequent discussions and design by Sound Transit that would add to, amend or remove the need for the recommended conditions, and/or based on the outcome of CPTED review, permit-specific environmental review, responses to design modifications, the products of subsequent studies, results of operating agreements, or the need to address issues not known at the time this report was prepared. Any additions, amendments or deletions, along with any supporting agreements, should be brought before the PAC for their review and input; 4) the project application and staff report for the CUP should be presented to the PAC upon completion for their review; 5) a City Construction Period Committee should be created for the period 2003 and on, to work with Sound Transit on permits, construction mitigation, traffic re-routing, public information, inspections and the like; and 6) Fire Life Safety issues will be subject to review from City and Sound Transit ADA Committees before final acceptance.

Council comments ensued on several issues on the project. Mr. Dixon stated that the restrooms are a priority issue. The theme must be approved by Council. The theme in the South 200th Street Station has been determined as previously presented to Council. Mr. Ward stated that staff and Sound Transit staff meet regularly to discuss the various issues. Sound Transit wants the City's input as to the artwork in the stations. It was the Council conclusion that the artwork be incorporated in the facilities' architectural design rather than specific art pieces. Mr. Ward stated that this is Sound Transit's desire as well.

Councilmember DeHan commended Mr. Dixon, his committee and staff for the excellent report they have compiled on this project. He stated that the Policy Committee has met, laying the first steps upon review of the report. There is more negotiating to be done in the future.

Council concurred with Councilmember DeHan on the committee's outstanding work with their recommendation process and final report.

Mayor Thompson added that the King Street Train Station in Seattle and Union Train Station in Tacoma have been renovated with artwork incorporated into the reconstruction, making these historic buildings aesthetic interesting sites for the locals and visitors. Hopefully, this project would provide the same positive results.

Proposed Comprehensive Plan and Zoning Map Amendments

Planning Director Butler updated the Council on the schedule for the Comprehensive Plan and Zoning Map Amendments. November 28 is scheduled for a staff briefing to Council and for any Council additions or changes. Council action is scheduled for December 12. The PAC held a public hearing on November 13, which was well attended and positive in nature. The comments focused primarily on the proposed map changes.

Regarding the Text Amendments, Mr. Butler stated there are: 1) a few minor changes on the list of maps; 2) in the

Introduction, the deletion of the out-of-date statement; and 3) Land Use Element & Background Report: a) add policies and strategies to allow for the 110 foot height limit, and b) add change provision for use of ad hoc committees and add major communications to EPFs; 3) Transportation Element & Background Report: a) replace all references to "Regional Transit Authority" with "Sound Transit," b) shorten headings to be consistent with other strategy headings; and c) add information to comply with State requirements to address local impacts to State-owned transportation facilities on the four roadways in the City (SR 509, SR 518, SR 99 and I-5); 4) Utilities Element & Background Report: a) add policies and strategies to increase safety of new and existing pipelines;. and b) replace all references to "Puget Power" with "Puget Sound Energy"; 5) Community Image Element: a) add new policies and strategies encouraging use of CPTED; and b) remove Accessory Dwelling Units (ADU) size and height limits; and 6) Capital Facilities Element & Background Report: a) delete concurrency references for all facilities but transportation; and b) for 2000, revise and update the Community Parks and Transportation elements as required annually by State law.

Mr. Butler reviewed the Map Amendments issues discussed at the November 13 PAC Public Hearing. Final PAC recommendations will be decided at their November 20 meeting. The issues are as follows: 1) the phasing approach for South 170th Street and 32nd Avenue South Neighborhood, which Mr. Butler detailed for Council. Phasing area is divided into two areas: north and south of South 170th Street for both existing and new phasing areas. The area is currently zoned for single-family but has the potential to be rezoned for commercial use. No rezones can be considered until the year 2005. The neighborhood residents opposed that restriction. Previously, in the City Center planning, it was felt this could be changed. Eighty percent of property owners in any specific phasing sub-area must concur with a rezone proposal, and then all properties in that sub-area would be eligible for rezoning, and on approval, all would be rezoned. Either sub-area may apply for rezone separately, subject to the following conditions: a) Development Agreement required; b) Master Redevelopment Plan required for each sub-area; c) additional landscape buffer: 20 foot of Type I (full screen) landscaping adjacent to single family uses; d) access/transportation system-related conditions; e) access to the site must be via an arterial street; f) only one curb cut per 500 foot off South 170th Street or per 250 foot from another street; g) other conditions such as lighting must be screened or hooded so as not to shine on adjacent single family residences and deliveries prohibited between the hours of 9:00 p.m. and 8:00 a.m. (this condition could be removed if all adjacent properties are in commercial or multi-family use). Councilmember DeHan explained the need for 32nd Avenue South to be extended to the northerly cul de sac. Council agreed with his recommendation.

Next, Mr. Butler discussed the proposed approach to the Phasing Map Amendment, a change to the Comprehensive Plan designation, and a possible change to the zoning for the Bow Vista Neighborhood. PAC has not formed a decision as to the options for this property. The phasing area is divided into three areas: east and west of approximate center of the neighborhood, and the eight parcels west of 36th Avenue South that are currently designated Office/Commercial/Mixed Use (O/C/MU) on the Land Use Plan Map. A neighborhood meeting was held and at the public hearing, some of the property owners testified that they changed their minds regarding the request for a rezone. It currently functions as a single-family neighborhood but if development occurs in the future, they would like to be able to sell and receive fair value for their property. If the Comprehensive Plan were changed, it would give them the opportunity and still leave the rezoning to future possible changes. The Phasing Conditions are: 1) eighty percent of property owners in any specific phasing sub-area must concur with a rezone proposal, and then all properties in that sub-area would be eligible for rezoning, and on approval, all would be rezoned. Either sub-area may apply for rezone separately, subject to the following conditions; 2) Development Agreement required; 3) Master Redevelopment Plan required for each sub-area; 6) additional landscape buffer: 20 foot. of Type I (full screen) landscaping adjacent to single family uses; and 7) access/transportation system-related conditions; 8) access to the site must be via an arterial street; 9) only one curb cut per 250 foot, with no access allowed from South 188th Street. between 32nd Avenue South and 36th Avenue South; 10) other conditions: a) lighting must be screened or hooded so as not to shine on adjacent single family residences, and b) deliveries prohibited between the hours of 9:00 p.m. and 8:00 a.m. (this condition could be removed if all adjacent properties are in commercial or multi-family use).

Mr. Butler concluded by stating that the issues are: 1) should the Comprehensive Plan should be changed, 2) should the zoning map be changed now or in the future and 3) decide on the phasing process according to decisions on issues 1 and 2.

3rd Quarter 2000 Financial Report

Finance Director Spencer noted that the 3rd Quarter Financial Report provides information regarding actual revenues and expenditures as of September 30, compared to budget. The report does not include all of the City's funds, but instead focuses on seven major funds of the City.

Summarizing General Fund revenues, Ms. Spencer noted that property tax collections have only reached 59 percent of the budget as of September 30 due to the 2nd installment of October 31. Sales tax revenue is 71 percent of budget, but actual collections as of September 30 reflect only eight months, rather than nine, due to the lag in receiving collections from the Department of Revenue. Sales tax revenue is projected to exceed budget for the year by \$350,000. Other revenue sources combined amount to 84 percent of the budget at September 30 due to permit revenue exceeding expectations and street vacation revenue that was not anticipated in the budget. General Fund revenue totals \$15.7 million at the close of the 3rd quarter and is expected to total just over \$23 million for the year, approximately \$1 million over budget.

Summarizing General Fund expenditures, salary and benefit expenditures of \$6.9 million as of September 30 amount to 72 percent of budget reflecting a small savings due to employee turnover during the year. Other services and charges are only 62 percent of budget due to the fact that the City has been billed for eight months of police services by King County to date. Transfers to reserves are 58 percent of budget but are projected to reach 100 percent by year-end. Capital expenditures total 36 percent of budget and are expected to reach only 53 percent by the end of the year. Total General Fund expenditures of \$14.7 million as of September 30 represent 64 percent of the budget and are projected to total \$21.5 million at December 31, with a projected savings of \$1.3 million when compared to the annual budget.

A summary of six additional City funds was provided. The City Street Fund revenues and expenditures are on schedule with the year-end fund balance expected to exceed budget by \$23,000. Arterial Street Fund revenues appear to be behind budget at 71 percent, but the total reflects only eight months of parking tax collections, rather than nine months, and year-end totals should exceed budget by approximately \$200,000, while expenditures are expected to reach budget levels by December 31. The Municipal Facilities Capital Improvement Program (CIP) Fund accounts for the new City Hall project. Revenues are on target and will exceed budget for the year due to an additional transfer from the General Fund of \$560,000. Expenditures will be well below budget now that construction is not expected to begin in 2000, resulting in fund balance exceeding the budget by \$4 million, to be re-appropriated in 2001. Transportation CIP Fund revenue totals only 30 percent of the budget as of September 30, but Ms. Spencer reported that a \$2 million grant billing related to the 28th/24th Avenue South project has been billed. Revenues should exceed budget in the Transportation CIP Fund for the year, while expenditures are projected to be \$4.5 million under budget due only to timing of capital improvement projects. The Surface Water Management (SWM) Fund revenues will exceed budget for the year due to the rate increase approved by Council but not anticipated in the 2000 budget. SWM CIP Fund revenues slightly exceed budget for the year-to-date and should exceed budget for the year, while expenditures are well below budget and should only reach approximately 50 percent of the budget by year-end.

The Council expressed their appreciation of Ms. Spencer's reporting of the quarterly and annual budgets. The information is always presented in a professional, concise, and descriptive manner.

CONSENT AGENDA:

Approval of claims vouchers in the amount of \$194,761.92 for the period ending October 31, 2000.

Approval of claims vouchers in the amount of \$294,455.02 for the period ending November 9, 2000.

Approval of employee vouchers in the amount of \$494,804.00 for the period ending October 31, 2000.

Approval of firefighter vouchers in the amount of \$295.00 for the period ending October 31, 2000.

Approval of summary of \$5,000 - \$25,000 purchase requests for the period ending November 10, 2000.

Approval of Council Minutes:

Budget Workshop V held October 18, 2000.

Budget Workshop VI held October 23, 2000.

Budget Workshop VII held October 24, 2000.

Regular Council Meeting held October 24, 2000.

Acceptance of Advisory Committee Minutes:

Library Advisory Committee Meeting held August 10, 2000 (committee approved November 2, 2000).

Senior Citizens Advisory Committee Meeting held September 21, 2000 (committee approved October 19, 2000).

Approval of the following Ordinances and Motions recommended at the November 7, 2000 Study Session for placement on this Consent Agenda:**Agenda Bill #1926, Ordinance #00-1047****An Ordinance amending the 2000 Annual City Budget for Miscellaneous Items – Finance**

Summary: As part of the 2001 budget preparation process, departments were required to submit estimates for year-end actual expenditures for the current year. These year-end projections are used to estimate fund balances at December 31, 2000, from which proposed expenditures for 2001 may be funded. In preparing these estimates, variances from the budget amount are easily identified. While line-item account adjustments are not required, significant variances that impact the total budget at the department or fund level require budget amendment. A discussion of each individual amendment is provided below:

Jail Costs - Actual expenditures for jail services have run ahead of budget throughout the year. The annual budget amount for 2000 is \$255,000, and it is estimated that the year-end actual will total \$265,000. The budget adjustment of \$10,000 can be offset by a reduction in police services costs, due to the 1999 overtime credit adjustment made against the 2000 contract amount.

Community Advocate Program - Earlier this year, Council approved a staff recommendation to terminate the annual contract with Domestic Abuse Women's Network (DAWN) and to create a Community Advocate position to provide these services internally. The program costs are still paid from the one-percent Human Services allocation in the General Fund budget, but the Community Advocate is supervised by the Police Chief. Therefore, it is recommended that the appropriation be moved from the Human Services section of the City Manager's budget to the Police budget.

Council Budget - Several unanticipated expenditures have arisen during the course of the year. A budget transfer is recommended from the Non-departmental portion of the General Fund budget.

Equipment Rental Fund - Vehicle operating and maintenance costs are estimated to exceed the budget. A budget increase for this fund of \$7,500 is recommended to offset these expenditures and to provide a small contingency for unanticipated repair and maintenance costs in the final two months of the fiscal year.

City Hall Bonds Debt Service - The 2000 budget of the General Fund includes a \$560,000 transfer to the long-term General Obligation Bond Fund for debt service on bonds to be issued to construct a new City Hall. It has been determined that bonds will not be issued until 2001, therefore it is recommended that the transfer be made to the Municipal Facilities CIP Fund to reduce the amount of bond funding required next year.

All amendments in the General Fund are offset by savings elsewhere, resulting in no impact on the fund balance of the General Fund. The amendment to the Equipment Rental Fund increases the annual budget for that fund by \$7,500.

Agenda Bill #1921**A Motion authorizing Final Acceptance of Bow Lake Elementary School Improvements - Parks & Recreation**

Summary: This project includes new curbing for play equipment area, installation of a new ballfield backstop, new basketball court paving, installation of basketball backboards and a walking path around the school. C. D. Construction & Management, Inc has completed construction.

The construction contract awarded by the City Council on July 25, 2000 was for \$48,735.34. Park staff completed the plans for this project and unfortunately needed the below listed change orders to complete the project. Following is a breakdown of Change Order costs (including sales tax):

Change Order #1: \$5,959.81 - Install landscape timbers around playground equipment area. Excavate 16 inches of soil

in playground equipment area. Excavate soil needed to pave basketball court, haul to site provided by City of SeaTac. Cut off two old basketball poles and patch with asphalt.

Change Order #2: \$1,885.84 - Trench across play equipment area in order to have electricians repair and bury conduit below the 16" of grade. Backfill and compact after electrical work.

Change Order #3: \$937.23 - Install Silt Fence at designated site. Substitute provided aluminum end caps for galvanized steel at baseball backstop.

Change Order #4: \$581.01 - Saw cut broken edge (south side) of existing asphalt at basketball court area in order to have a uniform joint between existing and new asphalt.

Change Order No.5: \$4,872.88 - Saw cut east side of existing basketball court. Rework play equipment area per revised drawing.

The construction project was substantially complete on September 28, 2000. The total project included purchase of playground equipment, baseball backstop and four basketball backboards. The total project budget is \$101,893.00 from the 2000 Parks Capital Fund, of which \$91,893 is from Community Development Block Grant (CDBG) funds. The total cost of construction by C. D. Construction and Management was \$62,971.67.

Agenda Bill #1923

A Motion approving the Washington State Department of Transportation (WSDOT) Proposal regarding 4(f) Mitigation for Impacts to Des Moines Creek Park due to construction of the SR 509 Extension - Parks & Recreation

Summary: The WSDOT is seeking written concurrence from the City regarding its 4(f) mitigation proposal for impacts to Des Moines Creek Park due to construction of the SR 509 extension.

WSDOT has proposed to replace the lost acreage (approximately 7.5 acres) with equal acreage adjacent to the existing park and west of the Des Moines Creek. The exact location of the additional acreage will be determined through a coordinated land swap between the City and WSDOT. In addition, WSDOT will relocate the trailhead parking lot westward, then extend the existing trail parallel to the new freeway northward from South 200th Street to the existing interchange at 12th Place South (South 188th Street). The value of this mitigation is likely to exceed \$2 million.

Staff has been working with the WSDOT staff for the last year and feels the mitigation proposal is very fair for the City of SeaTac. WSDOT is asking for a written letter stating the City agrees with the mitigation they have proposed for the possible taking of land in Des Moines Creek Park.

King County did not transfer Des Moines Creek Park to the City when all of the other parks were transferred. King County has stated that they intend to transfer the park and are currently working on the details. Although the City does not have the final approval until the transfer is completed, King County intends to approve the mitigation the City of SeaTac approves.

There is no fiscal impact to the City. However, the City could benefit from the trail extension and land trade.

Agenda Bill #1913, Ordinance #00-1048

An Ordinance granting AT&T Corp., a Non-exclusive Franchise to install, operate and maintain Communications Systems in the City of SeaTac - Public Works

Summary: City staff recommends that AT&T Corp. be granted a franchise to allow it to install, operate and maintain communications systems in the City's rights-of-way. The franchise outlines the rights and responsibilities of both the City and AT&T Corp. for the installation of facilities and the ongoing operation and maintenance of these facilities.

AT&T Corp. currently proposes to install a communications network between a switching station in Tukwila and one in Burien. The system is not intended to serve local customers. The applicant is preparing engineering plans in

preparation for submitting for a permit to construct the facilities. AT&T, Corp. is in partnership with Touch America, Incorporated on this installation.

AT&T Corp. will pay \$500 to cover the City's preparation and processing costs.

Agenda Bill #1925, Ordinance #00-1049

An Ordinance granting Touch America, Incorporated, a Non-exclusive Franchise to install, operate and maintain Communications Systems in the City of SeaTac - Public Works

Summary: City staff recommends that Touch America, Incorporated be granted a franchise to allow it to install, operate and maintain communications systems in the City's rights-of-way. The franchise outlines the rights and responsibilities of both the City and Touch America, Incorporated for the installation of facilities and the ongoing operation and maintenance of these facilities.

Touch America, Incorporated currently proposes to install a communications network between a switching station in Tukwila and one in Burien. The system is not intended to serve local customers. The applicant is preparing engineering plans in preparation for submitting for a permit to construct the facilities. Touch America, Incorporated is in partnership with AT&T, Corp. on this installation.

Touch America, Incorporated will pay \$500 to cover the City's preparation and processing costs.

Agenda Bill #1924

A Motion authorizing an Agreement with the Washington State Department of Transportation (WSDOT) to accept Grant Funding to support the City's Commute Trip Reduction (CTR) Program - Public Works

Summary: The City of SeaTac is eligible to receive Congestion Mitigation and Air Quality (CMAQ) funds through WSDOT to administer the City's CTR program for a two-year period, from the date of contract execution through September 30, 2002.

In 1991, the State of Washington passed the Commute Trip Reduction (CTR) Act. If more than 100 employees commute to their work site between 6 .and 9 a.m., employers need to comply with this law. Affected employers are required to develop and implement an annual plan to reduce the number of single occupancy vehicles (SOV) arriving at their worksites.

In 1999, the Washington State legislature provided funding for local-level CTR programs. The program funding is to be administered by the WSDOT. The purpose of these funds is to: 1) replace State funds previously eliminated by the legislature, and 2) enhance jurisdiction support for employers implementing worksite CTR programs. Under the proposed agreement, the City would receive \$18,128.40 to provide technical assistance to its 18 affected sites beginning on the date of execution of the contract, through September 30, 2002. The City will need to provide a local match of \$2,829.22 in order to receive these funds. These funds would cover the cost of administering Citywide CTR activities for CTR-affected employers.

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

MOTION CARRIED UNANIMOUSLY.

PUBLIC HEARING:

First Public Hearing on the 2001 Annual City Budget - Finance

Mayor Thompson opened the Public Hearing at 7:24 p.m.

With no public input given, Mayor Thompson closed the Public Hearing at 7:25 p.m.

NEW BUSINESS:

Agenda Bill #1928 (*was removed from the agenda due to a withdrawal of the annexation petition by the property owners.*)

A Resolution accepting the Petition for Annexation and expressing an Intent to Annex Certain property to the City; and to require the simultaneous adoption of Zoning Regulations pertaining to the Coluccio Annexation Request

Agenda Bill #1935, Resolution #00-022

A Resolution fixing the Surface Water Management (SWM) Fees to be assessed against Port of Seattle (POS) Property, relinquishing, as to Port projects, the City's Jurisdiction to administer and implement the State Building Code and Electrical Installations and Construction Statutes, and City Codes adopting the same, and to issue Permits and perform inspections thereunder and approving the Interlocal Agreement (ILA) incorporated herein by reference

Summary: The ILA entered into by and between the City and the POS on September 4, 1997, made provision for SWM and for a rate study. The City caused a rate study to be completed and, as advised therein, the City Council adopted Ordinance No. 99-1042 establishing a new rate structure to replace that of Ordinance No. 93-1045, so as to fund necessary and desirable capital improvements and regular maintenance.

Pursuant to a reservation set forth in the aforesaid ILA, the POS appealed to the City Hearing Examiner from the amount of SWM fees assessed in the years 1995, 1996, and 1997 and then filed a petition for review of the Hearing Examiner's Decision in favor of the City to the King County Superior Court. The POS also filed a separate lawsuit (despite the prohibition with the ILA) with the Superior Court challenging the authority of the City to impose SWM fees against the POS. The City Council has expressed its desire to settle the said litigation matters.

The POS offered an ILA pursuant to which they would dismiss its lawsuits and the Council deemed it advantageous to eliminate administration of, and permitting and inspections under, the uniform safety and construction codes and the statutes governing electrical installations and construction, in regard to POS projects as specified in the ILA. Resolution No. 00-019 was enacted by the Council on October 3, 2000, to make certain changes, particularly in regard to reemployment of City employees, and to authorize entry into the proposed ILA, as changed.

The POS Commission did not authorize entry into the said ILA and the POS proposed a number of additional changes, which resulted in the Council enacting Resolution No. 00-021 which rescinded the previous Resolution and rescinded authorization to enter into the ILA.

The changes to the ILA, which resulted in the Council repeal of its approval, were initially presented by the POS on October 20, 2000, and remain unchanged to this date. The changes are as follows:

16. Transition of Uniform Codes administration from the City to the Port – The City and the Port will identify the projects currently being reviewed by the City for compliance with the Uniform Codes and will determine which of those projects will continue to be reviewed by the City and which of those projects will be reviewed by the Port. The parties will make good faith efforts to complete the transition of the Uniform Codes administration from the City to the Port by January 1, 2001.

17. Mitigation of staff reductions – As a result of this Agreement, the City anticipates the need to layoff an undetermined number of current City employees engaged in the review of the Port's building program. The Port has not yet determined how and to what level it will staff its oversight and administration of uniform building codes on Port projects as called for in the Agreement. The work may be performed by Port employees, by consultants, or a combination of both. The Port will make a good faith effort to employ directly or by contract the City employees affected by this Agreement.

18. Hold harmless and indemnification – The Port will defend, indemnify and hold harmless the City from all liability, claims, damages, losses, and expenses, whether direct or indirect arising out of the performance of this Agreement which are caused, in whole or in part, by any act or omission of the Port in the administration and implementation of the Uniform Codes under [Chapter 19.27 RCW](#). In addition, the Port will indemnify and hold harmless the City from all liability, claims, damages, losses, and expenses, including costs and attorneys fees, that may arise out of any challenges to the legality of this agreement. Provided, that this hold harmless and indemnity provision does not apply to any claim, grievance, or cause of action that relates to or arises from the employment relations of the

City. This proviso includes but is not limited to any claim, grievance, or cause of action brought by or on behalf of, or relating to those employees subject to layoff as a result of the transfer to the Port of the authority to administer uniform building codes on Port projects. This proviso applies even if such claim, grievance, or cause of action includes or is based on a challenge to the validity of this Agreement. The obligations of this paragraph shall not be construed to negate, abridge, or otherwise reduce any other right or obligation which would otherwise exist as to any person or entity described in this paragraph.

25. Jurisdiction – By entering into this Agreement, the City recognizes the Port has concurrent authority to administer the Uniform Codes under [Chap. 19.27 RCW](#) to the Revised Airports Act [Chap. 14.08 RCW](#) the Airport Zoning Act [Chap. 14.12 RCW](#) certain Port District enabling statutes in Chap. 53 and [.08 RCW](#) other applicable provisions of state law to administer and enforce the Uniform Codes on Port property used for airport purposes. The parties agree that the Port will exercise its jurisdiction over airport work and the City will defer to the Port's exercise of its jurisdiction for the term of this Agreement.

The proposed Resolution approves the ILA as amended by the POS which, in terms of reemployment of laid-off City employees, requires only that the POS "make a good faith effort to employ directly or by contract the City employees affected by this Agreement," and withholds indemnification by the POS against claims or causes of action arising from employment relations of the City affected by the ILA.

MOVED BY HANSEN, SECONDED BY BRENNAN TO PASS RESOLUTION NO. 00-022.*

City Attorney McAdams explained the revised ILA on November 14, 2000. No changes were made to the Resolution. However, in merging the various versions of the ILA, a few minor items were changed for clarity. Council will consider, at a forthcoming Council Meeting, the actual amendments to the City's existing Building and Electrical Code Ordinance that will go into effect pursuant to the ILA.

*MOTION CARRIED UNANIMOUSLY.

Agenda Bill #1936

A Resolution designating an Alternate Official Newspaper of the City –Legal/City Clerk

Summary: This Resolution designates the Highline Times as an alternate official newspaper in event of strike or other impediment to publication by the Seattle Times.

[RCW 35A.21.230](#) requires the City to designate an official newspaper, in the following language: Each Code City shall designate an official newspaper by Resolution. The newspaper shall be of general circulation in the City and have the qualifications prescribed by [Chapter 65.16 RCW](#)

The necessary qualifications are set forth at [RCW 65.16.020](#). The qualifications of a legal newspaper are that such newspaper shall have been published regularly, at least once a week, in the English language, as a newspaper of general circulation in the City. The newspaper must contain news of general interest as contrasted with news of interest primarily to an organization, group, or class. By Resolution No. 98-002, the City Council has designated the Seattle Times as the official newspaper for the City.

It is important that the official newspaper be generally available to the residents and businesses of the City. In event of labor difficulties, strike, cessation of business, or other impediment to publication and notice to City residents, an alternate official newspaper should be designated and be available for necessary publications.

The Highline Times meets the requirement for designation as an official newspaper, although its deadlines for submission of notices and its rates are not as favorable as those of the Seattle Times. Nonetheless, in event of impossibility or difficulty in publication by the Seattle Times, designation of the Highline Times as the alternate official newspaper of the City is appropriate.

There may be an increase in publication costs, but the amount of that increase cannot be determined until such time as publication by the alternate official newspaper may be required.

MOVED BY ANDERSON, SECONDED BY BRENNAN TO PASS RESOLUTION NO. 00-023.

MOTION CARRIED UNANIMOUSLY.

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

CITY MANAGER'S COMMENTS: City Manager Hoggard had the following items of business: 1) Sound Transit will be holding a public hearing on November 15 at Tukwila Community Center, 6:00 to 9:00 p.m., for consideration of their environmental work on the alternative freeway route through Tukwila; 2) King County Councilmember Dwight Petz has contacted the City stating that he will be submitting for their budget process, a provision that effects the North SeaTac Park (NSTP) as follows: the County Parks Department shall develop a proposal, cost estimate and timeline as to how the County would work with the City of SeaTac to create a Regional Sports Facility at NSTP whereby the County would develop, operate, and maintain the existing ballfields and all or part of the remaining 80 acres of ballfields over the next five years. The finding would be reported no later than September 1, 2001; and 3) the King County Transportation Coalition is planning a workshop in December concerning the Governor's Blue Ribbon Task Force on Transportation. It appears that the City would want to be in attendance having lost substantial funding from vehicle licensing fees (Referendum 49 monies). The exact date will be forthcoming.

COUNCIL COMMENTS: Councilmember Brennan relayed his comments of a letter from the City of Des Moines Mayor Scott Thomasson requesting the two Cities work together regarding the intersection of Des Moines Memorial Drive and South 200th Street and its traffic congestion.

Councilmember Gehring stated that on behalf of the Mayor, she attended the Highline Community College's Circle of Honor ceremony. It is local businesses and community groups, which provide financial assistance to individuals who otherwise, would not be able to attend college. The program and luncheon (supplied by local restaurants) was outstanding. Four of the students relayed their appreciation for the assistance they received.

Councilmember Fisher stated that in objecting to government expenditures, one must remember that the staff are also taxpayers and victims of the system. He referred to the CTR program enforced by the State that loses grant funding slowly each year and possibly resulting in a layoff of Community CTR Coordinators.

ADJOURNMENT:

MOVED BY DEHAN, SECONDED BY ANDERSON TO ADJOURN THE REGULAR MEETING OF THE SEATAC CITY COUNCIL AT 7:37 P.M.

MOTION CARRIED UNANIMOUSLY.

Shirley Thompson, Mayor
Judith L. Cary, City Clerk

SEATAC CITY COUNCIL SPECIAL MEETING MINUTES

November 21, 2000 - 6:00 PM
City Hall Council Chambers

CALL TO ORDER: The SeaTac City Council Regular Meeting was called to order by Mayor Shirley Thompson at 6:07 p.m.

ROLL CALL: Present: Mayor Shirley Thompson, Councilmembers Gene Fisher, Frank Hansen, Terry Anderson, Kathy Gehring, Joe Brennan, and Don DeHan.

ADMINISTRATIVE STAFF: Calvin Hoggard, City Manager; Judith L. Cary, City Clerk; Jay Holman, Assistant City Manager; Mary Mirante, Assistant City Attorney; Elizabeth Spencer, Finance Director; Jim Downs, Fire Chief; Craig Ward, Programs Manager; Don Monaghan, Assistant Public Works Director; and Police Officer Scott Travis.

FLAG SALUTE: SeaTac Resident Frank Hughes led the Council, staff and audience in the Pledge of Allegiance.

NEW BUSINESS:

Agenda Bill #1940, Ordinance #00-1050

An Ordinance deferring to the Port of Seattle's (POS) Jurisdiction to administer, implement, and enforce Building and Electrical Codes as to Development Projects on Port-owned Property which are for Airport Uses - Legal

Summary: This Ordinance amends portions of Title 13 "Buildings and Construction" of the SeaTac Municipal Code (SMC) in accordance with the City/Port Interlocal Agreement (ILA).

The City Council has previously approved and directed entry into an IIA with the POS, pursuant to Resolution No. 00-022 on November 14, 2000. The said ILA requires relinquishment to the POS of administration, implementation, and enforcement of the State Building Codes of [Chapter 19.27 RCW](#) (including building, mechanical, and plumbing permits) and the National Electrical Code of [Chapter 19.28 RCW](#). The Council finds this Ordinance to be needful and proper in order to effectuate transfer to the POS of the said administration, implementation, and enforcement of building and construction and electrical codes pursuant to the aforesaid Interlocal Agreement.

City Manager Hoggard briefed Council on the above summary. Upon a comment made by Councilmember DeHan, Assistant City Attorney Mirante stated that the word, "delegate" might be the more appropriate word to use in this content in place of "relinquishment."

MOVED BY HANSEN, SECONDED BY BRENNAN TO ADOPT AGENDA BILL NO. 1940.

MOTION CARRIED UNANIMOUSLY.

ADJOURNMENT:

MAYOR THOMPSON ADJOURNED THE SPECIAL MEETING OF THE SEATAC CITY COUNCIL AT 6:10 P.M.

Shirley Thompson, Mayor
Judith L. Cary, City Clerk

SEATAC CITY COUNCIL REGULAR MEETING MINUTES

November 28, 2000 - 6:00 PM
City Hall Council Chambers

CALL TO ORDER: The SeaTac City Council Regular Meeting was called to order by Mayor Shirley Thompson at 6:05 p.m.

ROLL CALL: Present: Mayor Shirley Thompson, Councilmembers Gene Fisher, Frank Hansen, Terry Anderson, Kathy Gehring, Joe Brennan, and Don DeHan.

ADMINISTRATIVE STAFF: Calvin Hoggard, City Manager; Judith L. Cary, City Clerk; Jay Holman, Assistant City Manager; Robert McAdams, City Attorney; Elizabeth Spencer, Finance Director; Bruce Rayburn, Public Works Director; Don Monaghan, Assistant Public Works Director; Kit Ledbetter, Parks & Recreation Director; Jim Downs, Fire Chief; Craig Ward, Programs Manager; and Scott Somers, Chief of Police Services.

FLAG SALUTE: Assistant Public Works Director Don Monaghan led the Council, staff and audience in the Pledge of Allegiance.

CERTIFICATES OF APPRECIATION:

Certificates of Appreciation to members of the sunsetted Light Rail / Essential Public Facilities (EPF) Sound Transit Ad Hoc Committee

Mayor Thompson recognized the efforts of Joe Dixon, Chair, and Ray Overholt and Russ Austin, members of the Light Rail/EPF Sound Transit Ad Hoc Committee, from September 1998 through November 2000. The committee sunsetted upon submittal of its findings in a report to the City Council. Their hard work is greatly appreciated and their recommendations will be heeded.

Deputy Mayor Gehring presented Mr. Dixon and Mr. Austin with their certificates. Mr. Overholt's certificate will be sent to him.

PUBLIC COMMENTS: There were no public comments.

PRESENTATION:

Proposed Comprehensive Plan and Zoning Map Amendments (Agenda Bills #1929 and #1930)

Planning Director Butler stated that various elements of this subject were presented at previous Council Meetings. This presentation was a final briefing to Council as to changes to the proposed amendments prior to consideration for adoption at the December 12 Council Meeting. The Planning Advisory Committee (PAC) has now made their recommendations for the year 2000. Staff and the PAC have agreed upon all the recommendations with two exceptions: 1) South 170th Street/32nd Avenue South neighborhood phasing areas; and 2) Bow Vista Neighborhood rezoning/phasing. Mr. Butler explained the original situations and then described the difference between staff's recommendations and that of the PAC. Linda Snider, PAC member, explained the reasoning to the PAC's recommendations based on Council and public hearing comments as was the staff's recommendations. As to the South 170th Street/32nd Avenue South neighborhood, 80 percent approval of the property owners was recommended for any rezoning consideration. Council discussion ensued as to the particulars of the recommendations and the desires of the residents. The property owners requested that if the 80 percent factor was met that the City initiate the rezoning, to which the Council agreed.

Chris Caviness, 18603 32nd Avenue South, stated that at the PAC public hearing, Artie Kelly had stated that since Bank of America has been relocated on International Boulevard (IB), the traffic has increased in the residential area. Councilmember DeHan added that Mr. Kelly does not live in the subject area. He added the traffic has always been

heavy on South 166 Street. The increase has been at the intersection of South 167 Street and IB. Mayor Thompson stated that staff could research the traffic impact.

Regarding the Bow Vista neighborhood, there are two major issues: 1) whether to change the Comprehensive Plan (CP) Map; and 2) whether to change the zoning map from Urban Low (UL-7200) to Commercial Medium (O/CM). Staff and the PAC were in agreement with the change.

Regarding the rezoning /phasing issue. The PAC would like a conditional rezone now. Staff does not recommend rezoning now but would suggest applying conditions on the Phasing Map for future rezones. Also, the PAC would rather have a 65 percent than an 80 percent approval of the property owners. Mr. Butler reviewed with Council the PAC's rezone conditions. The issue of a development agreement was discussed as a mechanism for processing rezones. Mr. Butler stated that there are two exceptions to PAC and staff recommendations: 1) PAC – 65 percent approval versus staff desiring 80 percent or if 36th Avenue South between South 188th Street and Colacurcio property is constructed and to divide the area into two sections (A and C); and 2) staff would like to divide the area into sections (A, B and C) for redevelopment rather than having the whole area rezoned in its entirety. Ms. Snider explained the rationale for the PAC's 65 percent decision as a more reasonable figure to guarantee that the property owners living there would have a strong voice. The committee felt the size of the entire area would make it impossible for any section to be developed at a commercial level without greatly impacting the remaining segments. The property owners know development will eventually come to this area. The only reason for Section C not being included is that it is already in the CP with the Main Street concept.

Council discussion ensued and it was agreed that PAC's Segments A and C concept was the best course of action along with an 80 percent factor.

Mary Hoyt, 18609 36th Avenue South, opposes the Area A, B and C concept. She felt a great deal depends on what becomes of the Colacurcio property and 36th Avenue South. She feels there may not be a neighborhood if this property and street are commercially developed.

Chris Caviness added that with development of the new City Hall (NCH) and the properties of Patterson, Colacurcio, and DoubleTree, there will be extensive traffic and construction activity. She favors the 80 percent factor. There is enough traffic already and with these potential developments, there will be so much more.

Mayor Thompson stated that a traffic study would have to be conducted before any large development can be considered. Upon a question posed by Mayor Thompson, Ms. Snider stated that of the 56 homes in Segment A, 11 are rentals and the 65 percent factor equates to 37 homes.

CONSENT AGENDA:

Approval of claims vouchers in the amount of \$646,226.94 for the period ending November 22, 2000.

Approval of employee vouchers in the amount of \$349,977.88 for the period ending November 15, 2000.

Approval of summary of \$5,000 - \$25,000 purchase requests for the period ending November 24, 2000.

Approval of Council Minutes:

Regular Council Meeting held November 14, 2000.

Special Council Meeting held November 21, 2000.

Acceptance of Advisory Committee Minutes:

Civil Service Commission Meeting held October 9, 2000 (commission approved November 13, 2000).

Human Service Advisory Committee Meeting held September 11, 2000 (committee approved November 13, 2000).

Planning Advisory Committee Meeting held October 16, 2000 (committee approved November 13, 2000).

Planning Advisory Committee Meeting held November 13, 2000 (committee approved November 20, 2000).

Approval of the following Resolution and Motion recommended at the November 21, 2000 Study Session for placement on this Consent Agenda:

Agenda Bill #1937; Resolution #00-024**A Resolution authorizing amendment of the "Zoning Map" included in the Interlocal Agreement (ILA) with the Port of Seattle (POS) - Planning**

Summary: In 1999, a small number of properties on the Westside that were no longer needed by the Port in relation to the third runway improvements were excluded from the ILA Zoning Map. One of these properties was the Chevron gas station property at the corner of South 157th Place and Des Moines Memorial Drive. The gas station actually occupies two separate parcels that function as one, but only the northernmost of these two properties was the subject of the 1999 ILA Zoning Map amendment. This amendment would exclude from the ILA Zoning Map the other parcel in use as the Chevron gas station property.

As part of the ILA agreement, existing POS properties and properties identified to be acquired by the Port received potential zoning designations of either Aviation Operation (AVO) or Aviation Commercial (AVC). These properties are identified in the Zoning Map contained in the ILA. Since the signing of the ILA, the POS has determined that a number of properties on the Westside are no longer needed by the POS as part of the third runway improvements, and in 1999, amended the ILA Zoning Map to exclude these properties. Since that time, one additional parcel was identified that should have been included in the 1999 ILA Zoning Map amendment. Therefore, the POS and City staff are requesting an amendment to the Zoning Map in the ILA to exclude the property.

Agenda Bill #1933**A Motion authorizing an Interlocal Agreement (ILA) with the other Cities in the Watershed Resource Inventory Area 9 (WRIA 9) to perform Watershed Planning - Public Works**

Summary: This Motion approves entry into an ILA between the City of SeaTac and the other jurisdictions within the WRIA 9 consisting of King County, and the Cities of Algona, Auburn, Black Diamond, Burien, Covington, Des Moines, Enumclaw, Federal Way, Kent, Maple Valley, Normandy Park, Renton, Seattle and Tukwila to address long-term watershed planning and conservation for the watershed basins.

On January 8, 2001 the National Marine Fish Services' (NMFS) 4(d) rule, responding to the listing of Chinook Salmon and Bull Head Trout, in accordance to the Endangered Species Act (ESA), goes into affect. The governments of and the jurisdictions within King, Pierce and Snohomish Counties have been negotiating with NMFS to develop programs and regulations that would not preclude an incidental take of the species.

Two of these programs deal with an inventory of factors that would limit the recovery of the species and a regional effort to address the limiting factors identified in the inventory. Based upon the best available information, participation in WRIA 9 would comply with the requirements of these two programs.

The ILA is a five-year agreement, which has a 60-days exit clause. A jurisdiction that no longer wishes to participate in the agreement can withdraw after 60 days written notice to all parties to the agreement. However, the jurisdiction would be responsible for its full financial participation for the year in which it withdrew. The agreement also specifies that the budget is to be set for the following year by September 1. This gives a jurisdiction ample time to decide if it wishes to continue to participate in the WRIA or give notice to the other jurisdictions that it will not participate beyond the end of the year.

The City of SeaTac assessment for the year 2001 would be \$20,306, which is based upon the average of area, population and assessed value of the City within the area of the WRIA.

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

MOTION CARRIED UNANIMOUSLY.

PUBLIC HEARING:**Second Public Hearing on the 2001 Annual City Budget – Finance**

Mayor Thompson opened the Public Hearing at 7:04 p.m.

With no comments made, Mayor Thompson closed the Public Hearing at 7:05 p.m.

NEW BUSINESS:

Agenda Bill #1887; Ordinance #00-1051

An Ordinance establishing the 2001 Annual City Budget - Finance

Summary: This Ordinance adopts the 2001 Annual City Budget for all City funds. The total recommended budget, including all operating expenditures, capital outlay and transfers to reserves is \$71,224,794.

The 2001 Annual Budget preparation process began in July, 2000. After 2001 revenue projections were prepared and all departmental expenditure requests were tabulated, a General Fund operating budget deficit was projected for 2001. This budget deficit, before reductions, occurred due to various events that have occurred since 1997: 1) the POS buyout of westside properties for the third runway resulted in a reduction of property tax revenue generated for the City (annual impact of \$180,000 based on 1997 assessed valuations); 2) Referendum 47 was approved in 1997 and further restricted the City's ability to increase property tax revenue; 3) the State Legislature's repeal of Motor Vehicle Excise Tax (MVET) revenue eliminated a General Fund revenue source that totaled \$471,000 in 1999; and 4) Cost of Living Adjustments (COLA) to City employee salaries for 2001 increased over 2000 due to a higher Consumer Price Index (CPI).

To balance the General Fund budget, a list of budget reductions was prepared that identified several positions to be eliminated as of January 1, 2001. The 2001 Preliminary Budget, which represents the City Manager's 2001 funding recommendations for Council consideration, was presented to the Council at its November 7 meeting. A Public Hearing on the 2001 Preliminary Budget proposal was held at the November 14 Regular Council Meeting and second one is scheduled for November 28 prior to the Council's anticipated adoption of the 2001 Annual City Budget.

Several amendments to the 2001 Preliminary Budget have been required. To date, the following revisions have been made: 1) COLA increases for AFSCME-represented and non-represented employees increased from 3.42 percent to 3.51 percent due to revised Consumer Price Index (CPI) figures released by the Bureau of Labor Statistics; 2) adjustments to salaries and benefits have been made to reflect changes since September 30, including finalized rates for Workers' Compensation and Medical Insurance; 3) revised Criminal Justice funding estimates received from Department of Community, Trade and Economic Development; 4) the October issuance of Local Improvement District (LID) No. 1 Bonds requires the City to establish two new funds to account for the collection of assessments from property owners and payment of debt service. Therefore, Funds 204 and 205 have been added to the 2001 Preliminary Budget.

Initiative 722, if implemented, will result in a reduction in Property Tax and Surface Water Management (SWM) fee revenue. Given the uncertainties regarding the tax-limit measure, no adjustments have been made in the 2001 Preliminary Budget. The amount of the Property Tax revenue reduction cannot be determined until assessed valuation figures are received from the King County Assessor's Office.

The 2001 Budget consists of operating expenditures, capital outlay and transfers to reserves totaling \$71,224,794. These expenditures will be funded through various revenue sources and available fund balances. Citywide fund balances are anticipated to total \$43,068,718 at December 31, 2001.

[RCW 35A.33.075](#) requires that a final budget be adopted by the legislative body of municipalities prior to the beginning of the fiscal year.

MOVED BY ANDERSON, SECONDED BY DEHAN TO ADOPT ORDINANCE NO. 00-1051.*

Finance Director Spencer distributed a revised Agenda Bill and Ordinance, as well as a packet of summary information with revised figures from those presented at the November 7 Study Session.

Councilmember Fisher noted that he would not be supporting the budget as proposed due to the fact that expenditures

totaling \$71,224,794 significantly exceed the revenue projections of \$57,891,149. Mayor Thompson asked Ms. Spencer to respond to these comments because she believes the City is required by law to approve a balanced budget. She also noted that the Council had been very conservative in the budget projections and began the budget process earlier this year to commit more time to the budget preparation process. Councilmember DeHan noted that expenditures exceed revenues due to the fact that the City has accumulated resources in prior years to fund capital projects slated for 2001 that are reported in the beginning fund balance of \$56.4 million. He further noted that the City is projected to have a \$43 million fund balance at the end of 2001. Ms. Spencer reported that capital outlay expenditures total nearly \$38 million in 2001, which represent one-time expenditures due to the construction of the NCH and significant transportation improvements. As was noted, revenues received in prior years through General Fund transfers for a NCH, LID assessments collected in 2000, and LID bonds issued in 2000 result in funds available in beginning fund balances to support expenditures slated for 2001. This is simply a timing issue, not a budgetary problem.

Mayor Thompson noted that she believes residents of this City are pleased with the way the Council has spent their tax dollars. The City has made some significant and difficult cuts in the budget this year, and Ms. Thompson noted that the City Council has done a very responsible job of financial planning. Councilmember Brennan noted that he is very proud of this year's budget, as well as the fact that the City's property tax rate is lower than the statutory maximum and no utility tax has ever been imposed in the City. In response to an inquiry by Councilmember Hansen, Ms. Spencer noted that Phase II of Angle Lake Park Improvements would be funded by Port ILA Fund interest revenue and sales tax on POS capital projects. Although funds are allocated in the budget, Council approval would be necessary before entering into a construction contract.

*UPON A ROLL CALL VOTE, THE MOTION CARRIED WITH HANSEN, ANDERSON, THOMPSON, GEHRING, BRENNAN AND DEHAN VOTING YES AND FISHER VOTING NO.

Agenda Bill #1888; Ordinance #00-1052

An Ordinance establishing the 2001 Ad Valorem Property Tax Levy - Finance

Summary: This Ordinance establishes the 2001 Ad Valorem Property Tax Levy, subject to adjustment for Initiative 722 provisions, if applicable.

The 2001 Preliminary Budget projects a 2001 Property Tax Levy that continues the 2000 Tax Levy Rate of \$2.90 per \$1,000 assessed valuation and estimates a growth in assessed valuation of approximately 3.5 percent. The assumption is that the property tax levy would increase at a rate consistent with employee salary increases, now projected at 3.51 percent for 2001.

The passage of I-722 on November 7 has created a significant level of uncertainty for local governments regarding property tax levies for 2001. The initiative affects property tax revenue in two ways: 1) all tax and fee increases approved by governments between July 2 and December 31 of 1999 are rendered null and void, effectively eliminating any increase in property taxes approved by the City Council in November 1999 for the 2000 tax levy. This provision also requires that any such increases be rebated to those who paid the increased tax/fee; and 2) annual increases in property tax levies are limited to the lesser of the implicit price deflator or two percent. This increase is capped by placing a ceiling on the assessed valuations of properties increasing in market value at a rate greater than two percent per year.

A great deal of uncertainty exists as to how the initiative provisions will be interpreted by the Department of Revenue and County Assessors. An injunction is being sought by a group of Washington Cities to prevent the implementation of the Initiative until legal challenges can be heard in court. Many believe that the Initiative could be found to be unconstitutional in the same manner as Initiative 695.

Amidst the uncertainty, Cities are now required to submit property tax levies for 2001. Referendum 47, approved by voters in 1997, requires the Property Tax Levy Ordinance to state clearly the tax levy amount and tax rate, in dollars and as a percent of increase over the previous year. However, the King County Assessor's Office has not yet certified the assessed valuation for the City.

Given these factors, it is recommended that the tax levy be set by Ordinance at a tax rate of \$2.90 with an approximate

tax levy amount of \$8,025,458, consistent with the 2001 Preliminary Budget estimates. This action will allow the City to meet its obligation of submitting a tax levy to the King County Council by their December 7 deadline. If necessary, the King County Assessor will lower the levy amount according to new limitations in I-722, assuming there is no court injunction. When the assessed valuation of the City is certified and limitations in accordance with I-722 are clarified, the City Council can pass a second Ordinance rescinding this Ordinance and establishing the 2001 levy in compliance with Referendum 47 requirements.

MOVED BY DEHAN, SECONDED BY GEHRING TO ADOPT ORDINANCE NO. 00-1052.*

Finance Director Spencer noted that lengthy discussion of this topic occurred at the November 21 Study Session. As a follow-up to an inquiry by Mayor Thompson, Ms. Spencer contacted both the King County Council Office and the King County Assessor's Office to determine the ramifications of the City not meeting the County's deadline of December 7 for 2001 Property Tax Levies. The King County Assessor still does not expect to certify assessed valuations prior to December 7, but the King County Council still plans to adopt the Countywide Tax Levy Ordinance on December 11. Therefore, the County is holding firm to their December 7 deadline for tax levies. The County advises that Levy Ordinances can be amended in January for reductions, but not increases.

In regards to I-722, there still has been no decision regarding a possible injunction to prevent the initiative from being implemented until legal challenges have been considered by the courts.

Given these factors, staff recommends approval of this Tax Levy Ordinance consistent with the 2001 Budget projections, with the intention of acting later on a new Tax Levy Ordinance that complies with Referendum 47 and I-722, if necessary. This cannot occur until assessed valuations are certified by the King County Assessor.

*MOTION CARRIED UNANIMOUSLY.

PUBLIC COMMENTS: Frank Hughes, 3217 South 182nd Place, questioned why the City cannot find the funds to construct a Senior Center if there are monies in reserve. Mayor Thompson stated that reserve funds are necessary for City emergencies. A Senior Center is slated for the 2002 budget. City Manager Hoggard added that \$15,000 is already being set aside in the 2001 budget to assist in this effort. He added that of the fund balances in the \$43 million, some are restricted to roads by State law.

CITY MANAGER'S COMMENTS: City Manager Hoggard had no comments.

COUNCIL COMMENTS: Councilmember Anderson mentioned that there will be no Council Meeting on December 5 since members of the Council will be attending the National League of Cities (NLC) Conference out of town next week.

ADJOURNMENT:

MOVED BY DEHAN, SECONDED BY GEHRING TO ADJOURN THE REGULAR MEETING OF THE SEATAC CITY COUNCIL AT 7:42 P.M.

MOTION CARRIED UNANIMOUSLY.

Shirley Thompson, Mayor
Judith L. Cary, City Clerk

SEATAC CITY COUNCIL REGULAR MEETING MINUTES

December 12, 2000 - 6:00 PM
City Hall Council Chambers

CALL TO ORDER: The SeaTac City Council Regular Meeting was called to order by Deputy Mayor Kathy Gehring at 6:05 p.m.

ROLL CALL: Present: Deputy Mayor Kathy Gehring, Councilmembers Gene Fisher, Frank Hansen, Terry Anderson, Joe Brennan, and Don DeHan. Excused absence: Mayor Shirley Thompson.

ADMINISTRATIVE STAFF: Calvin Hoggard, City Manager; Judith L. Cary, City Clerk; Jay Holman, Assistant City Manager; Robert McAdams, City Attorney; Elizabeth Spencer, Finance Director; Bruce Rayburn, Public Works Director; Don Monaghan, Assistant Public Works Director; Kit Ledbetter, Parks & Recreation Director; Jim Downs, Fire Chief; Craig Ward, Programs Manager; Soraya Lowry, Senior Project Coordinator; and Scott Somers, Chief of Police Services.

FLAG SALUTE: Councilmember DeHan led the Council, staff and audience in the Pledge of Allegiance.

INTRODUCTIONS:

New City Employees: Roger Chouinard, Park Operations Lead; Rob Wash, Parks Operations Lead; and Rima Akroush, Finance Administrative Assistant II

City Manager Hoggard introduced the following new City Employees who are all filling vacated positions:

Roger Chouinard, Parks Operation Lead. Mr. Chouinard worked at the Sandpoint Country Club in Seattle for 11 years and then with the City of Seattle Golf Course at Jefferson Park before joining the City of SeaTac staff. He has been working in the Parks Department since November 1.

Rob Wash, Parks Operation Lead. At 15-years old, Mr. Wash started working for the City of Des Moines Parks Department during the summer and for Emerald City Landscape Maintenance for the rest of the year. He stayed at the City of Des Moines for eight years before starting work with the City of SeaTac on October 31.

Rima Akroush, Finance Administrative Assistant II. Ms. Akroush worked at San Diego State University for 14 years where she was employed in a variety of positions in the Finance Department. For the past two years, she was an Administrative Secretary in the Department of Biology at the University of Michigan. She has been with the City since November 13 and has made a smooth transition into the Finance Department.

Council, staff and audience welcomed the three new employees.

PUBLIC COMMENTS: Joe Dixon, 19211 35th Avenue South, thanked the Council and staff for their hard work and outstanding service to the City during this past year. He wished a Happy Holidays to all.

PRESENTATION:

Sound Transit Light Rail Elevated Guideway Design

Senior Project Coordinator Lowry stated that this presentation provides an update on the design of the Light Rail Guideway to which Council comments were requested.

Ms. Lowry highlighted the SeaTac Municipal Code (SMC) requirements for guideway design. The design must conform to the City's adopted High Capacity Transit (HCT) standards in order to qualify for an essential public facilities (EPF) conditional use permit (CUP). The main issue is the visual impact of the support columns. According to the HCT standards, columns on elevated sections must have some architectural interest, meaning they must have a

decorative shape or pattern, or use a variety of different materials to break up the surface.

City and Sound Transit staff are discussing opportunities to further enhance the guideway's appearance at highly visible crossings, such as South 154th and 188th Streets, through the use of additional lighting and/or decorative elements. Staff will work with a citizen's art committee to identify options, and will bring these options to Council in mid 2001, in time to be included in final guideway design.

Debora Ashland, Architecture Manager for Sound Transit's Light Rail Project, provided an overview of the design process to-date and a concept of the structure.

Council discussion ensued as to light rail options. Ms. Ashland stated that she would see that the Council receives information on this issue. She stated that the aesthetic elements are the next step in the design phase. Council agreed to a distinct design for the elevated rail in SeaTac.

Councilmember DeHan inquired as to sound walls to which Ms. Ashland stated that this use is based on noise analysis and dependent on other noise factors in the area. She added that much of SeaTac's guideway would not require sound walls due to the current noise levels from the airport. Typically, they are used in residential in place of railings. Deputy Mayor Gehring stated that sound walls should be further examined for SeaTac due to north/south traffic noise on International Boulevard, as well as from the existing airport.

CONSENT AGENDA:

Approval of claims vouchers in the amount of \$56,901.91 for the period ending November 30, 2000.

Approval of claims vouchers in the amount of \$176,046.25 for the period ending December 7, 2000.

Approval of employee vouchers in the amount of \$509,086.32 for the period ending November 30, 2000.

Approval of firefighter vouchers in the amount of \$210.00 for the period ending November 30, 2000.

Approval of summary of \$5,000 - \$25,000 purchase requests for the period ending December 8, 2000.

Approval of Council Minutes:

Study Session held November 7, 2000.

Study Session held November 21, 2000.

Regular Council Meeting held November 28, 2000.

Acceptance of Advisory Committee Minutes:

LEOFF I Disability Board Meeting held May 25, 1999 (board approved November 28, 2000).

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

MOTION CARRIED UNANIMOUSLY.

QUASI-JUDICIAL HEARING:

Cottages at Angle Lake Park - Legal / Planning

During the Quasi-Judicial Hearing, Merry L. Westwood, Court Reporter, was present and prepared a verbatim transcript of the proceedings. The full transcript is available in the City Clerk's Office.

Deputy Mayor Gehring opened the public hearing at 6:36 p.m. at which the City Council considered the appeal brought by Allan R. Paulson of the application of Rick Williams for a preliminary plat to sub-divide one lot into ten lots, known as the Cottages at Angle Lake.

Assistant City Attorney Julie Elsensohn introduced Zanetta Fontes, Special Counsel for the City Council, who instructed the Council on the proceedings.

Principal Planner Jack Dodge presented background on the project.

Hearing Examiner Irv Berteig presented his Findings-of-Fact, Conclusions-of-Law and Recommendations regarding this case.

Mr. Paulson, the appellant, gave his argument and provided documentation supporting his defense.

Ms. Fontes gave argument on behalf of the Council based on the foregoing Hearing Examiner's Findings-of-Fact and Conclusions-of-Law.

Ms. Elsensohn gave argument on behalf of the City staff.

Harold Duncanson, project contractor, testified on behalf of the applicant and the City.

Eric Stahfeld, attorney for Rick Williams, presented legal argument in favor of the project.

When all testimony was given, the SeaTac City Council deliberated in Closed Session and then discussed the case in Open Session with Counsel, appellant and staff.

From the record and the arguments of the parties, the City Council affirmed the decision of the Hearing Examiner, stating that this decision would be the best use of the property.

After all comments were made, Deputy Mayor Gehring closed the public hearing at 7:55 p.m.

PUBLIC HEARINGS:

Development Agreement between the City and Equitable Capital Group, to waive Interior Parking Lot Landscaping Requirements for an Interim Surface Parking Lot to be located at 20055 28th Avenue South - Planning

Deputy Mayor Gehring opened the public hearing at 8:21 p.m.

Principal Planner Dodge reviewed with Council the background and specifics as to this issue concerning an 18-acre parcel located at 20055 28th Avenue South. The property is proposed for 1400 valet-parking spaces as an interim use with a more permanent use planned in the future that would fit in with the City's Comprehensive Plan.

Principal Planner Dodge stated that under the SMC, the City may enter into a development agreement with a developer. The Code also allows departures to the Zoning Code regulations, as in this case with the Equitable Capital Group (ECG), represented by Tom Dantzer, President. Staff is recommending the interim use proposal with conditions as follows: 1) Interior Parking Lot Landscaping Standards to the extent that interior parking lot landscaping shall not be required within the interim surface parking lot. All perimeter and other parking lot landscaping is still required; 2) Interior Parking Landscaping, when required. If ECG does not submit a complete application for a building permit for any of the permanent uses proposed for the property within five years from the recording of the development agreement, ECG shall retrofit the surface parking lot with interior parking lot landscaping in full compliance with the landscaping regulations in effect at that time; and 3) as to future use of the property, nothing herein shall be deemed to permit any departures from the City's landscaping regulations for the proposed permanent use of the property, or any use other than the interim, surface parking lot.

Councilmember Anderson stated that this proposal was discussed in the Land Use and Parks (LUP) Committee and recommended for Council approval. Councilmember DeHan added that it was his understanding that this property will be used in conjunction with the Light Rail Station at South 200th Street, where there would ultimately be a parking garage. Council agreed with the proposal.

City Manager Hoggard stated that Council action on this issue is scheduled for the January 9, 2001 Regular Council Meeting.

Mr. Dantzer stated his appreciation of Council's consensus to approve this proposal. He gave a brief background on this and other projects in the City on International Boulevard involving ECG.

At 8:29 p.m., Deputy Mayor Gehring continued the public hearing to the January 9, 2001 Regular Council Meeting.

Local Law Enforcement Bureau of Justice (LLEBJ) Block Grant – Police

Deputy Mayor Gehring opened the public hearing at 8:30 p.m.

Chief of Police Services Somers briefed on the background of this issue since its onset in 1999. The LLEBJ Block Grant monies are being requested for the purchase of equipment, training and required support for an ImageWare Crime Capture System in the new City Hall (NCH) (detailed under New Business Agenda Bill No. 1941).

Councilmember Fisher questioned whether Internet on-line reporting of misdemeanors is possible. Chief Somers stated that issue is being investigated. Mr. Hoggard added that under the E-Government project for 2001, SeaTac, along with a number of other Cities, have joined together to work on this project, in which online service will be considered.

With no further comments, Deputy Mayor Gehring closed the public hearing at 8:35 p.m.

NEW BUSINESS:

Agenda Bill #1941

A Motion approving the Expenditure of the 2000 Local Law Enforcement Block Grant (LLEBG) Funds - City Manager / Police

Summary: This Motion authorizes the purchase of equipment, training and required support for an ImageWare Crime Capture System in the new NCH. The system will allow police to identify, book and release low-threat offenders after checking them through a Countywide system, and enhance criminal investigations/suspect identification. The result is better management of bookings, decreased jail costs, and officers not having to leave the City to book prisoners who are quickly released.

The 2001 budget includes a \$45,510 Police Department appropriation for equipment and training that will improve the delivery of police services and help decrease incarceration costs. The purchase of equipment and training is funded with \$40,959 in 2000 Bureau of Justice Administration (BJA) grant monies and \$4,551 in General Fund revenues. This proposal is in direct support of the Police Department's 2001 priorities.

The BJA requires that an advisory board meeting and a public hearing be held to help determine the use of the grant funds. A meeting was conducted on December 7, 2000 and the board unanimously supported the grant funds use. The public hearing was held prior to this agenda bill item. Approval of this Motion is required to meet the December 28 deadline for draw down of grant funds. Any remaining funds would be used to continue support of 1999 LLEBG-initiated programs.

MOVED BY BRENNAN, SECONDED BY ANDERSON TO ACCEPT AGENDA BILL NO. 1941.

MOTION CARRIED UNANIMOUSLY.

Agenda Bill #1945; Ordinance #00-1053

An Ordinance re-enacting certain Taxes and Fees - City Manager / Finance

Summary: This Ordinance re-enacts certain taxes and fees approved by the City Council between July 2, 1999, and December 31, 1999, in the event Initiative-722 withstands pending legal challenges and renders these taxes and fee increases null and void.

In November 1999, Washington voters approved Initiative 695, which repealed the Motor Vehicle Excise Tax (MVET) and required voter approval of all tax and fee increases by governments. The implementation date of January 1, 2000 was uncertain due to legal challenges filed. In the months of November and December of 1999, the City Council took various actions regarding certain taxes and fees for various reasons: 1) 2000 Property Tax Levy; 2) Surface Water Management (SWM) Charges; 3) Schedule of Fees; and 4) Local Improvement District (LID) No. 1 Assessments – On

December 14, 1999, the City Council adopted Ordinance No. 99-1048 approving and confirming the Final Assessment Roll for LID No. 1, created for the 28th/24th Avenue South Arterial improvements. LID assessments totaling nearly \$7 million fund approximately one third of the total project cost. As a result of the passage of I- 695, the City's bond counsel advised that it would be in the best interests of the City and property owners to finalize the roll prior to December 31, 1999. Otherwise, the City might be unable to issue LID bonds or would have to issue bonds at a very high interest rate given the uncertainty of LID assessments to repay the bonds.

In October of 2000, the Washington State Supreme Court ruled that I-695 was unconstitutional, eliminating the voter approval requirement for tax and fee increases. However, I-722 was on the November 2000 ballot and was approved by State voters. This initiative, in part, states that all tax and fee increases approved by governments between July 2 and December 31, 1999 are rendered null and void. Several lawsuits have been filed questioning the constitutionality of the initiative with several of the same bases on which I-695 was ruled unconstitutional. In the event I-722 withstands legal challenges, it is advisable that the City re-enact those tax and fee increases detailed above. In a December 5 memorandum, Stan Finkelstein, Executive Director of the Association of Washington Cities (AWC), strongly urges governments to reenact any tax and fee increases that are potentially subject to the repeal and refund provisions of I-722.

City Manager Hoggard briefed on the above summary adding that this does not raise fees but rather re-establishes these fees under the current time frame.

MOVED BY ANDERSON, SECONDED BY BRENNAN TO ADOPT ORDINANCE NO. 00-1053.*

Upon a question posed by Councilmember Fisher, City Attorney McAdams explained the above summary in more detail as to the need for this action. Mr. Hoggard added that measures such as the City's SWM fees and LID 1 project were all actions being carried forward planned prior to the initiative formulation and not defenses against I-722.

Councilmember DeHan stated that this issue was discussed at the Finance Committee and recommended for Council approval.

*MOTION CARRIED UNANIMOUSLY.

Agenda Bill #1942; Ordinance #00-1054

An Ordinance amending the Pay and Compensation Plan for Non-Represented Employees of the City of SeaTac - City Manager / Human Resources

Summary: A Cost of Living Adjustment (COLA) of 90 percent of the Consumer Price Index (CPI)-W for the Seattle region (3.51 percent) effective January 1, 2001 was proposed. Ninety percent of the CPI-W for the Seattle region has been the COLA increase provided to both represented and non-represented employees since 1993.

This increase in COLA ensures that the salary ranges for the City's non-represented classifications remain at a competitive level in the local labor market. In addition, it ensures that the current salary differentials between the non-represented and represented classifications remain intact.

The budget impact for the proposed cost of living adjustment would be \$80,823 for 2001, of which \$71,396 would be from the general fund. The 2001 budget, as adopted, includes sufficient funds for this purpose.

City Manager Hoggard briefed on the above summary adding that this action would involve a 3.51 COLA increase to 37 non-represented employees. Councilmember DeHan stated that this item was discussed at the Finance Committee meeting on December 11. He added that a salary study was conducted in the past and calculation of current staff positions and pay reveals that there has been no appreciable increase or decrease in pay level. In an effort to maintain the purchasing power for the non-represented employees and to ensure their salaries are at a competitive level with other Cities, the committee recommends passage of this Ordinance.

Council discussion ensued as to the amount of the increase. Upon a question posed by Councilmember Fisher, Human Resources Director Sievers stated that the non-represented employees do not receive overtime pay. The City gives a

two-percent deferred compensation to these employees and they also receive up to five management days off a year.

Mr. Hoggard added that this action was adopted in the City Code in years past.

MOVED BY DEHAN, SECONDED BY BRENNAN TO ADOPT ORDINANCE NO. 00-1054.

MOTION CARRIED UNANIMOUSLY.

Agenda Bill #1929; Ordinance #00-1055

An Ordinance adopting the Year 2000 amendments to the Comprehensive Plan - City Manager / Planning

Summary: State law allows Cities to amend local comprehensive plans one time annually. The 2000 amendments are a combination of staff and citizen proposals to the Comprehensive Plan Land Use Plan Map, to other maps contained within the Comprehensive Plan and to the text of the Comprehensive Plan document.

By Resolution No. 97-001, the City Council authorized the Planning and Community Development Department to implement procedures for amending the Comprehensive Plan, which provide for consideration of proposed amendments for the 2000 calendar year in two stages. The recommended amendments were evaluated according to the preliminary and final docket criteria.

The City's procedures for amending the Comprehensive Plan include completion of a State Environmental Protection Agency (SEPA) review, review by the City Attorney, and consideration of public testimony by the Planning Advisory Committee (PAC) at a public hearing.

SEPA review was completed October 30, 2000. The proposed amendments were subject to review by the City Attorney and reflect consideration of public comments received at the PAC Public Hearing held on November 13, 2000. The committee made its recommendation on November 20, 2000.

Adoption of the proposed Ordinance has no fiscal impact to the City beyond those identified in the Capital Facilities Element.

MOVED BY ANDERSON, SECONDED BY BRENNAN TO ADOPT ORDINANCE NO. 00-1055.*

City Manager Hoggard stated that Council has heard many staff briefings on this agenda item and there are still a few minor differences between the PAC and staff recommendations.

Mr. Butler stated there are two issues that need resolving. He reviewed the Council actions needed before the end of 2000. Action is scheduled for the December 12 Regular Council Meeting on 1) Comprehensive Plan Amendments: A) Map Amendments, B) Text Amendments, C) Capital Facilities Background Report, and d) Phasing Map Amendments; and 2) Zoning Amendments: A) Zoning Map Amendments and B) Rezone Conditions.

Mr. Butler reviewed the revisions made since the November 28 presentation:

1) Text Amendment Revisions: A) Utilities Policy relating to hazardous materials, pipelines and rights-of-way (ROW) and clarification of new structure locations; and B) Capital Facilities Background Report: Description of project changed from "Des Moines Creek Basin Capital Improvement Plan" to "Des Moines Creek Basin Plan";

2) Map Amendment Revisions: A) Phasing Map Amendment No. 5 on South 170th Street and 32nd Avenue South area per Council input, alternative maps for PAC and staff recommended areas; B) Map Amendment No. 6 – BowVista Neighborhood Addition to Phasing Map has been removed by recommendations of both the PAC and staff; and C) Map Amendment No. 10 – Predicted Noise Contours - text deleted as shown on map; and

3) Revisions to Phasing Conditions: A) South 170th Street Area Phasing Conditions: A1) language and outline revised to Ordinance form and A2) staff recommendation to include provision for City-initiated rezone process; and B) Bow Vista Neighborhood Phasing Map: B1) Proposal to include on phasing map deleted, since not recommended by PAC or

staff (Conditional Rezone recommended, instead).

The PAC and staff recommendations are as follows:

1) PAC and staff concur on the following: 1a) Adopt all text amendments, 1b) Adopt Capital Facilities Element amendments; 1c) Adopt Land Use Plan Map amendments (including any applicable conditions); and 1d) Adopt Comprehensive Plan Illustrative Map amendments; and

2) PAC and staff differ on the following: 2a) South 170th Street/32nd Avenue South Neighborhood Phasing Map Areas; and 2b) South 170th Street/32nd Avenue South Neighborhood Phasing Conditions (minor difference) to which Mr. Butler reviewed as follows: Areas eligible for rezone separately with 80 percent property owner approval; Development Agreement(s) (including master development plan) required; Additional landscape buffer (20 foot Type I) required adjacent to single family use; Access must be via South 170th Street or 32nd Avenue South; Only 1 curb cut per 500 foot off South 170th Street; Only 1 curb cut per 250 foot off any other street, unless no other alternative; Lighting to be screened to minimize impacts to adjacent single-family uses; Deliveries prohibited between 9:00 p.m. and 8:00 a.m.; and Staff recommendation also provides for City-initiated rezone.

Mr. Butler further outlined the division on land and percentage of property owners' approval for any zoning changes. Council discussion ensued with staff for clarification and decision on the issues considering the PAC and staff recommendations.

Linda Snider, PAC member, stated that the committee agreed with staff, and the McMicken Heights area residents as to the 80 percent. However, for the Bow Vista neighborhood, the PAC felt that 65 percent majority was in the best interest of the City and the property owners.

MOVED BY DEHAN, SECONDED BY HANSEN TO ADOPT THE 66 PERCENT APPROVAL FOR SOUTH 170TH STREET/32ND AVENUE SOUTH AREA'S PHASING CONDITIONS (EXHIBIT D-2).

MOTION CARRIED UNANIMOUSLY.

MOVED BY DEHAN, SECONDED BY ANDERSON TO ADOPT "THE SOUTH 170TH STREET/32ND AVENUE SOUTH AREA PHASING CONDITIONS – STAFF RECOMMENDATION" – (EXHIBIT D-2) (WHICH INCLUDES PARAGRAPH E FOR MORE LATITUDE IN FUTURE DEVELOPMENT IN THIS AREA).

MOTION CARRIED UNANIMOUSLY.

MOVED BY DEHAN, SECONDED BY ANDERSON TO ADOPT MAP AMENDMENT NO. 5 - STAFF RECOMMENDATION, (EXHIBIT A-5).

MOTION CARRIED UNANIMOUSLY.

*ORIGINAL MOTION CARRIED UNANIMOUSLY AS AMENDED.

Councilmember Anderson stated that the LUP Committee meeting reviewed this item and agreed that that the current map for the Bow Vista neighborhood is recommended.

Mr. Butler stated that no proposed change is being recommended. The change is in the Comprehensive Plan to Office/Commercial Use in the City Center Plan. This item relates to the remaining section with a Single-Family Use designation.

Agenda Bill #1930; Ordinance #00-1056

An Ordinance adopting the Year 2000 amendments to the Official Zoning Map - City Manager / Planning

Summary: This Ordinance amends the City's Official Zoning Map for several areas of the City, as described in the

Ordinance.

In response to various anticipated amendments to the Comprehensive Plan's Land Use Plan Map, the Planning staff has prepared related amendments to the official Zoning Map (rezones) that would enhance consistency between the Zoning Map and the Comprehensive Plan.

The recommended amendments were evaluated according to the Zone Reclassification (Rezone) criteria of the SMC as shown in the Proposed 2000 City of SeaTac Zoning Map Amendments under staff recommendations. The City's procedures for enacting or amending development regulations include completion of SEPA review, City Attorney's review, and consideration of public testimony at the PAC Public Hearing.

SEPA review was completed October 30, 2000. The proposed amendments were subject to review by the City Attorney and reflect consideration of public comments received at the PAC Public Hearing held on November 13, 2000. The PAC recommended adoption of the proposed amendments on November 20, 2000. All amendments would be consistent with the Comprehensive Plan, as amended on December 12, 2000.

Adoption of the proposed Ordinance would have no fiscal impact to the City beyond those identified in the Capital Facilities Element.

MOVED BY HANSEN, SECONDED BY FISHER TO ADOPT ORDINANCE NO. 00-1056.*

Mr. Butler reviewed the revisions made since the November 28 presentation to Council: street vacations and PAC language regarding street vacations included in Bow Vista Neighborhood rezone conditions. The PAC and staff concur with all Zoning Map amendments and most rezone conditions but differ on one issue: Property owner approval requirement for Bow Vista Neighborhood conditional rezone. The staff recommends 80 percent and the PAC recommends 65 percent.

Following are the Bow Vista Neighborhood Rezone Conditions: 1) Area(s) eligible for rezone activation when either: A) (65 percent / 80 percent) property owner approval occurs, or B) for 8-parcel O/C/MU area, when 36th Avenue South between South 188th Street and Colacurcio property is constructed; 2) Development Agreement(s) (including master redevelopment plan) required; 3) Additional landscape buffer (20 foot Type I) required adjacent to single-family uses; 4) Access only via 36th Avenue South or 32nd Avenue South, unless no alternative; 5) No street vacations unless all properties on that street have been purchased by developer; 6) Lighting to be screened to minimize impacts to adjacent single family uses; and 7) Deliveries prohibited between 9:00 p.m. and 8:00 a.m.

Councilmember Brennan stated his support of the above conditions in the best interest of the property owners and the City in general. However, he prefers the 80 percent approval.

*MOTION CARRIED WITH STAFF RECOMMENDATION, AND 66 PERCENT PROPERTY OWNERS APPROVAL WITH FISHER, HANSEN, ANDERSON, GEHRING, AND DEHAN VOTING YES AND BRENNAN VOTING NO.

Agenda Bill #1946; Ordinance #00-1057

An Ordinance relating to Zoning of Property located at 21212 International Boulevard, within the City, and repealing Ordinances No. 99-1028 and No. 99-1029 - City Manager / Legal

Summary: This Ordinance is required by the Superior Court Judgment in Shih vs. City, to establish UH-900 Zoning of the real property located at 21212 International Boulevard within the City.

Concurrently with the City's official date of incorporation, the City Council enacted Ordinance No. 90-1019, which adopted by reference Title 21 of the King County Code as the City's Interim Zoning Code. The County Zoning Code provided that the Suffix "P" appended to a zoning classification symbol on the County's official Zoning Map would give notice that "property-specific development standards" had been imposed as to development of a particular parcel or parcels. The Council subsequently adopted a City Zoning Code by Ordinance No. 92-1041, an official Zoning Map,

by Ordinance No. 94-1014, and a Growth Management Act (GMA) Comprehensive Plan by Ordinance No. 94-1051, none of which made reference to property-specific development standards or to "P" Suffixes. The issues were diligently researched, extensive documentation was retrieved from the County, a process was adopted by Ordinance No. 99-1030 whereby property-specific conditions may be imposed, and interim design standards for multi-family housing were implemented by Ordinance No. 00-1002. Based upon the City's research and consideration of the "P" Suffix issue, the Council determined that pursuant to County Ordinance No. 2637 and the conditions which were to be satisfied within one year of the adoption of County Ordinance No. 6550, conditionally granting a zone classification form RS-7200 to RM-900 for the property located at 21212 International Boulevard, now in the City of SeaTac, were not satisfied and the zone classification should never have been effective. Ordinance Nos. 99-1028 and 99-1029 were then adopted to return the Comprehensive Plan designation and the zoning of the said property to the Single-family Residence Zoning, UL-7200.

David Shih, owner of the subject property, commenced litigation pursuant to the Land Use Petition Act (together with claims based upon the Public Records Disclosure Act) which resulted in hearings between December 23, 1999 and November 3, 2000 and entry of a final judgment thereafter. The judgment returned zoning of the subject property to the Multi-family Urban High Density Zone, UH-900.

To effect the judgment of the King County Superior Court, it is necessary to repeal Ordinances No. 99-1028 and No. 99-1029 which zoned the Shih property as UL-7200 and to return the zoning to UH-900. The City Council did everything in its power to assist the owners and residents of the subject neighborhood, and to hold Mr. Shih to the property specific conditions imposed on development of the property by the County, and staff did everything in its power to defend the Council's action before the Superior Court. Unfortunately, the Court ruled against the City and the Court's judgment must be followed as a matter of law.

MOVED BY HANSEN, SECONDED BY DEHAN TO ADOPT ORDINANCE NO. 00-1057.*

Upon a question posed by Councilmember Anderson, City Attorney McAdams stated that the owner of the property submitted a formal Statutory Notice of Claim in the amount of \$450,000 claiming that the moratorium against accepting applications for Multi-family projects cost him the sale of land to the prior developer. He received word from the owner's attorney that the claim would probably be dropped. Land values since the original sale price (\$450,000) would be this amount or more due to new hotel and bank construction in this area and no loss will be incurred.

*MOTION CARRIED UNANIMOUSLY.

Agenda Bill #1948

A Motion authorizing payment for Special Services of Arai/Jackson and Subconsultants in the amount of \$242,386.54 pursuant to the October 1, 1999 Arai/Jackson Contract for Design of the New City Hall (NCH); and authorizing payment of Optional Special Services pursuant to the prior February 1, 1999 Contract in the maximum sum of \$5,000 - City Manager / Legal

Summary: The October 1, 1999 contract for design of the NCH provides for special services of subcontractors to be compensated over and above the lump sum amount of \$691,396 payable to Arai/Jackson for base services. The prior contract of February 1, 1999 also provided for optional special services of Arai/Jackson, if authorized by the City.

The scope of services of the existing Arai/Jackson contract for the design of the NCH includes those basic services of Arai/Jackson and its consultant firms as set forth in the contract. The scope of work of the consultant firms is referred to as special services and, pursuant to Section 5.3 of the contract, are to be compensated upon approval of the City in addition to the compensation of Arai/Jackson for base services in the maximum amount of \$691,396. The City's NCH budget, by which the contract was authorized on October 12, 1999, provides for compensation of special services of other consultants in the anticipated total sum of \$300,000. This Motion approves the following special services of Arai/Jackson and the below-listed consultant firms:

FIRM

SPECIAL SERVICES

AMOUNT

Arai/Jackson	Interior and furniture design, space planning	\$ 31,328
Sparling	Technological Consulting	\$ 21,672.40
MacLeod/Reckord	Landscape Architecture	\$ 51,675
Jones & Stokes	Wetlands Consultant	\$ 28,900
Gordon Ernst	Elevator Consultant	\$ 3,021
Roen	Conceptual-level Cost Estimating	\$ 2,703
Bouillon Engineering	Technological Consultant	<u>\$ 66,100</u>
SUBTOTAL		\$223,199.40
	Arai/Jackson Consultant mark-up (excluding the above listed Arai/Jackson special services fee of \$31,328)	<u>\$ 19,187.14</u>
TOTAL		\$242,386.54

The above-listed special services were necessary to complete the overall design of the NCH and are typically excluded from an architect's basic services contract, because these services involve specialized services not included in an architect's design of all buildings. The current contract identifies the special services as consisting of civil engineering, landscape architecture, acoustical engineering, interior design/space planning, communications design, electronic/audio visual design, geo-technical investigation, wetlands consultant, elevator consultant, signage consultant, security consultant, and other services related to the project which may be delineated at a future date. The scope of work of each of these specialized sub-consultants is set forth in the contract, and the sub-consultants were identified, as of October 1, 1999, in the contract. These special services were negotiated subsequent to Arai/Jackson commencing its overall NCH design services, in the interest of not delaying the architect's work. Heery International, Inc. and Ricky Langford, the City's Project Manager, recommend approval of these special services and compensation.

A prior contract was entered into between the City and Arai/Jackson on February 1, 1999 for specified pre-design services anticipated to be completed by May 15, 1999 with compensation not to exceed \$60,000. This contract was, in fact, a continuation and change of the original August 28, 1995 contract for design of a NCH complex at Valley Ridge Park. The February 1, 1999 contract provided for optional special services consisting of architectural renderings and an itemized inventory of existing furnishings, with compensation to be in addition to compensation for pre-design services. Arai/Jackson provided such additional services with a reasonable value of \$5,000, and the City's project manager recommends approval.

Increased compensation authorized by this Motion will not result in exceeding the total \$16,667,096 NCH budget. Compensation for these special services is within the specific special services budget of \$300,000.

MOVED BY DEHAN, SECONDED BY ANDERSON TO ACCEPT AGENDA BILL NO. 1948.*

City Manager Hoggard reviewed with Council the above summary, highlighting the main contract together with the special architectural services itemized above.

Councilmember DeHan stated that this item has been before the Finance Committee and recommended for Council approval.

Upon a question posed by Deputy Mayor Gehring, Timothy "Mac" McCullen, Heery, Inc, stated that to expect more services to come before Council during the construction phase. Mr. Hoggard added that the architectural firm is due additional fee consideration relating to work in progress. The special services are within the project budget. In order to conduct stringent accountable project management, the original contract's scope of work was trimmed to basic services

and specialty services were expected so \$300,000 was set aside for this purpose and draws could be made as necessary and approved by the City.

*MOTION CARRIED UNANIMOUSLY.

PUBLIC COMMENTS: There were no public comments.

CITY MANAGER'S COMMENTS: City Manager Hoggard stated that due to the need for Council action on various items prior to the end of the year, a Special Council Meeting is being requested to be scheduled for December 19 at 5:00 p.m. Council concurred.

COUNCIL COMMENTS: Councilmember Hansen inquired as to the City's permitting transition to the Port of Seattle (POS). Mr. Hoggard stated that the changeover has been going smoothly. The POS has been working very cooperatively with Public Works as to the hiring of the City's permitting personnel.

Councilmember Anderson has the following items of business: 1) the December 14 LUP meeting has been cancelled; 2) A friend of hers needed the services of the Police department and their speed in arriving on the scene and advice were excellent; and 3) Frank Hughes and wife are sponsoring a Holiday Dinner at Bow Lake Mobile Home Park for folks who would like to attend.

Councilmember Brennan stated that he, along with Mayor Thompson, Councilmembers Fisher and Gehring, attended the National League of Cities (NLC) Conference in Boston last week. One of the interesting sessions was on domestic violence and the discussion on the proactive action that can be enacted to protect victims such as distribution of cell phones or monitors to potential victims for direct contact through AT&T to an alarm company for quick response to victims' distress. He suggested that the City work on enacting similar systems for the City.

Fire Chief Downs stated that he would like his department to be in on the discussions and possible committee as to child abuse.

Councilmember DeHan had the following items of business: 1) he, along with Councilmember Hansen, attended a Transportation Commission Meeting in Renton last week, to discuss local transportation issues. Mr. Hansen presented the City's issues regarding SR 509 and it was well received by the commission as to being a leading contender for funding in with the other the capital improvement projects; 2) he also attended a South County Transportation Board meeting today at which a Resolution was passed which concurs with the Governor's Blue Ribbon Commission on Transportation and sends a Resolution to the State Legislature to review the projects the Commission has advocated such as SR 509 and some of the regional corridors in the South County area. In the near future, he would liketo review with Council, the commission's listing of current activities in this regional area.

Deputy Mayor Gehring stated she also highly rated this session of the NLC. Secondly, she stated that she would like to discuss with staff the U-turn on South 200th Street. So many accidents are occurring at this point on International Boulevard. Chief Somers added that his department is studying accidents along the boulevard and the "hot spots" such as South 195th and 200th Streets.

Deputy Mayor Gehring, on behalf of the Council, wished everyone a Happy Holiday Season.

ADJOURNMENT:

MOVED BY DEHAN, SECONDED BY BRENNAN TO ADJOURN THE REGULAR MEETING OF THE SEATAC CITY COUNCIL AT 9:46 P.M.

MOTION CARRIED UNANIMOUSLY.

Kathy Gehring, Deputy Mayor
Judith L. Cary, City Clerk

SEATAC CITY COUNCIL SPECIAL MEETING MINUTES

December 19, 2000 - 5:00 PM
City Hall Council Chambers

CALL TO ORDER: The Regular Meeting of the SeaTac City Council was called to order by Mayor Shirley Thompson at 5:05 p.m.

ROLL CALL: Present: Mayor Shirley Thompson, Councilmembers Gene Fisher, Frank Hansen, Terry Anderson, Kathy Gehring, Joe Brennan, and Don DeHan.

ADMINISTRATIVE STAFF: Calvin Hoggard, City Manager; Kristina Lowrey, Deputy City Clerk; Jay Holman, Assistant City Manager; Robert McAdams, City Attorney; Julie Elsensohn, Assistant City Attorney; Michael McCarty, Assistant Finance Director; Bruce Rayburn, Public Works Director; Don Monaghan, Assistant Public Works Director; Jim Downs, Fire Chief; Craig Ward, Programs Manager; and Scott Somers, Chief of Police Services.

FLAG SALUTE: Mayor Thompson requested the Council, staff and audience recite the Pledge of Allegiance.

NEW BUSINESS:

Agenda Bill #1952

A Motion authorizing a Temporary Interfund Loan from the General Fund to the Transit Planning Fund - City Manager

Summary: This Motion authorizes the Finance Department to make a temporary, short-term loan from the General Fund to the Transit Planning Fund to cover out-of-pocket expenses made in anticipation of payment by Sound Transit in 2001.

In 1998, the City entered into a Memorandum of Understanding (MOU) with Sound Transit to assist with Light Rail Transit Development. Sound Transit agreed to reimburse the City \$500,000, to be paid upon certain deliverables. To date, the City has received \$350,000 related to the MOU. The next deliverable to be provided by the City is completion of station-area planning, at which point an additional \$100,000 is due. The City contracted with Callison Architecture as consultant on this project. Although significant work has been completed in 2000 requiring the City to make payments to Callison, the City Manager's Office has advised the Finance Department that completion, and subsequent payment by Sound Transit, may not occur until 2001.

All MOU-related monies are accounted for separately in the City's Transit Planning Fund. Payment of consultant expenditures in 2000, without receipt of payment from Sound Transit, will result in a negative cash balance at December 31, 2000, in this fund. In order to avoid an audit exception at year-end, the Finance Department recommends that an interfund loan be made by the General Fund to the Transit Planning Fund. When payment is received from Sound Transit in 2001, the interfund loan would be repaid to the General Fund with interest in the amount the funds would have earned for the term of the loan.

It should be noted, however, that the City would be unable to avoid a negative fund balance in the Transit Planning Fund as of December 31, 2000. This occurrence may result in an audit exception by the State Auditor's Office when they conduct their 2000 financial audit of the City.

City Manager Hoggard stated that this item is a housekeeping matter concerning the timing of reimbursement for work the City is committed to do under the MOU with Sound Transit. The City will not receive payment in until after the end of the year. This Motion allows the money to be borrowed internally until the money is received from Sound Transit.

Programs Manager Ward reviewed the above summary.

Councilmember Fisher questioned the necessity of a consultant for this project and the reason this money is needed. Mr. Ward stated that the City has a contract with Callison Architects as the lead consultants to assist the City on Station Area Plans. That contract has been in place for 2000 in the amount of \$100,000, which Sound Transit will be paying to the City. A great deal more of staff time would have been invested without the assistance of the consultants.

MOVED BY BRENNAN, SECONDED BY DEHAN TO ACCEPT AGENDA BILL NO. 1952.

MOTION CARRIED UNANIMOUSLY.

Agenda Bill #1953; Resolution #00-025

A Resolution rendering the Council's Decision affirming the Hearing Examiner's Decision on Case No. SUB 00-00003 - City Manager / Legal

Summary: This Resolution sets forth the City Council's decision on the appeal of Case No. SUB 00-00003 as heard by the Council on December 12, 2000.

Pursuant to SeaTac Municipal Code (SMC) 1.20.260, the Council shall take final action on appeals by Ordinance or Resolution and when doing so shall make and enter Findings-of-Fact and Conclusion-of-Law. The Resolution carries out this responsibility.

City Manager Hoggard stated that this item simply follows up on the direction given by Council after the Quasi-Judicial Hearing at the December 12 Regular Council Meeting.

MOVED BY DEHAN, SECONDED BY FISHER TO PASS RESOLUTION NO. 00-025.

UPON A ROLL CALL VOTE THE MOTION CARRIED WITH FISHER, HANSEN, THOMPSON, AND DEHAN VOTING YES AND ANDERSON AND BRENNAN VOTING NO.

(Councilmember Gehring was absent from the room during this vote.)

Agenda Bill #1954; Ordinance #00-1058

An Ordinance repealing Ordinance No. 00-1052 and establishing the 2001 Ad Valorem Property Tax Levy - City Manager / Finance

Summary: This Ordinance repeals previously adopted Ordinance No. 00-1052, which established an estimated Property Tax Levy for 2001, and establishes the 2001 Ad Valorem Property Tax Levy.

In order to meet the December 7, 2000, deadline set by the King County Council for setting property tax levies, the City Council adopted Ordinance No. 00-1052 on November 28. This Ordinance established an estimated Property Tax Levy for 2001 assuming a \$2.90 levy rate, consistent with the 2000 levy rate. The amount of the tax levy was estimated at \$8,025,458 due to the fact that assessed valuation figures had not been certified by the King County Assessor.

The City has now received the certified assessed valuation of \$2,899,746,676, which represents an increase over the 2000 assessed valuation of 7.57 percent. Although details of the components of the assessed valuation are not yet available, most of this increase appears to be due to increases in valuations of State-assessed property (primarily airline companies in SeaTac).

Without additional action by Council, the King County Assessor will apply the levy rate of \$2.90 to the certified assessed valuation resulting in an amended tax levy amount of \$8,409,265 which would increase 2001 property tax levy revenue by nearly \$384,000. However, this significant and unanticipated increase in assessed valuation also presents an opportunity for the City Council to lower the tax levy rate. This action must be taken by Council prior to January 1, 2001.

There are three options for the 2001 property tax levy: 1) levy rate to remain at \$2.90 for 2001 and amend the certified assessed valuations based on Ordinance No. 00-1052. This levy would comply with Referendum 47 requirements, but

would not comply with Initiative 722 if the two percent cap on levy increases is upheld by the Courts. The General Fund property tax revenue would exceed budget estimated by approximately \$384,000. This option requires no action by Council; 2) the total levy amount remains \$8,025,458. Due to the significant increase in assessed valuation, the base 2001 levy would actually be less than the total 2000 levy, and the 2001 levy rate would drop to \$2.77. This option would result in the City forgoing property tax revenue on increases in utility values, which can fluctuate significantly from year to year. Two years ago, a similar decrease in values resulted in a significant reduction in property tax revenue; and 3) the option recommended by staff, provides for a two percent increase in the base property tax levy over the prior year plus new construction. The levy amount would total \$8,257,456 and the levy rate would fall from \$2.90 to \$2.85. This option complies with Referendum 45 and I-722.

City Manager Hoggard stated that the City now has the actual certified assessment for the City. It is just under \$2.9 billion. This is substantially higher than expected.

Assistant Finance Director McCarty reviewed the above summary.

MOVED BY ANDERSON, SECONDED BY DEHAN TO ADOPT ORDINANCE NO. 00-1058.*

Council discussion ensued regarding the possibility of the assessment amount fluctuating next year and the effects of I-722. Mr. McCarty stated that the amount can fluctuate each year but has been in an upward trend for the last few years. Mr. Hoggard stated that if I-722 were upheld, it would limit the property tax increase to two percent in the future. The proposed \$2.85 property tax is consistent with I-722. The difference between \$2.90 and \$2.85 is approximately \$150,000 to the City.

Councilmember Hansen stated that \$2.90 has been acceptable to the citizens. There are many uses for \$150,000 in the budget. Mr. Hoggard stated that staff is recommending the \$2.85 for the following reasons: 1) to come back to a level that is consistent with I-722. It is still an increase in the property tax of two percent; 2) it allows the City to have a bit of a margin in the budget; and 3) it stands with the 2001 adopted budget.

Councilmember Brennan requested that this issue be placed in the next SeaTac Report.

*MOTION CARRIED UNANIMOUSLY.

Mayor Thompson complimented the Finance Department and City Manager's review of this issue and finding an excellent recommendation.

Agenda Bill #1934; Resolution #00-026

A Resolution fixing the Date and Time for a Public Hearing to consider the merits of vacating certain Street Rights-of-Way (ROW) in the City of SeaTac abutted on both sides by Port of Seattle (POS) Property - City Manager / Public Works

Summary: This Resolution sets January 23, 2001 at 6:00 p.m. as the date to conduct a public hearing to consider the merits of vacating street ROWs abutted by POS property.

The City has agreed with the POS, as documented in the Interlocal Agreement (ILA) dated September 4, 1997, to vacate certain ROWs and to receive direct and community relief payments as compensation for the ROWs and partial mitigation for the impacts from the third runway and its construction. The POS owns all of the property abutting these ROWs which are listed in the ILA.

The procedures for the vacation of a public ROW are defined in the Revised Code of [Washington \(RCW\)](#) A public hearing is to be held to consider the merits of the requested street vacation. The date of the public hearing is set by a Resolution. The date will not be more than 60 days nor less than 20 days after the date of the passage of the Resolution. The date of January 23, 2001, has been selected as the regularly scheduled City Council Meeting that meets this criteria.

Mr. Hoggard stated that this item was reviewed by the Transportation and Public Works (T&PW) Committee today as

to the specific streets.

Public Works Director Rayburn described the streets to be vacated with the largest segment being 12th Avenue South. The overall value is \$2.6 million. SeaTac will receive 50 percent of that amount from the POS.

MOVED BY ANDERSON, SECONDED BY GEHRING TO PASS RESOLUTION NO. 00-026.

MOTION CARRIED UNANIMOUSLY.

Agenda Bill #1949; Ordinance #00-1059

An Ordinance granting the City of Seattle, a Non-exclusive Franchise to install, operate and maintain a Water Transmission System in the City of SeaTac - City Manager / Public Works

Summary: City staff recommends that the City of Seattle be granted a franchise to allow it to install, operate and maintain a water transmission system in the City's ROW. The franchise outlines the rights and responsibilities of both the Cities of SeaTac and Seattle for the installation of facilities and the ongoing operation and maintenance of these facilities.

The City of Seattle currently operates a number of water transmission lines within SeaTac. These transmission lines provide water to various water districts and Cities in the immediate area. The City of Seattle provides most of the water used within SeaTac through the four water districts that provide service to the residences and businesses within SeaTac.

Mr. Hoggard stated that the T&PW Committee discussed this issue today. The City has been operating without a water franchise since its incorporation. This franchise is consistent with other utility franchises.

Councilmember DeHan stated that this issue also includes resolution of the sidewalk issue at South 148th Street and 44th Avenue South. The T&PW Committee recommends approval of this item.

MOVED BY ANDERSON, SECONDED BY DEHAN TO ADOPT ORDINANCE NO. 00-1059.

MOTION CARRIED UNANIMOUSLY.

Agenda Bill #1950; Ordinance #00-1060

An Ordinance granting TyCom Networks (US) Incorporated, a Non-exclusive Franchise to install, operate and maintain Communications Systems in the City of SeaTac - City Manager / Public Works

Summary: City staff recommends that TyCom Networks (US) Incorporated be granted a franchise to install, operate and maintain communications systems in the City's ROW. The franchise outlines the rights and responsibilities of both the City and TyCom Networks (US) Incorporated for the installation of facilities and the ongoing operation and maintenance of these facilities.

TyCom Networks (US) Incorporated currently proposes to purchase some of the conduit being installed by Williams Communications Inc. Williams Communications Inc. was granted a franchise earlier this year and is in the process of installing conduit in Military Road South from the south City limit at South 230th Street to the north City limit at South 152nd Street and International Boulevard. The system is not intended to serve local customers.

Mr. Hoggard reviewed the above summary.

MOVED BY DEHAN, SECONDED BY ANDERSON TO ADOPT ORDINANCE NO. 00-1060.

MOTION CARRIED UNANIMOUSLY.

CITY MANAGER'S COMMENTS: City Manager Hoggard had the following item of business: Labor and

Industries (L&I) has grant funds potentially available for thermal-imaging cameras for the Fire Department. Mr. Hoggard intends to sign an application to apply for those funds. The Council will need to accept the funds if granted.

COUNCIL COMMENTS: Mayor Thompson stated that the next Council Meeting will be Tuesday, January 9, 2001, at 6 p.m. She wished everyone a Happy Holiday.

Councilmember Brennan also wished everyone a Happy Holiday.

Councilmember DeHan stated that the Transportation Improvement Board (TIB) is willing to match funds for International Boulevard Phase IV. He requested Council consensus in requesting staff to apply for these funds. Council concurred.

Councilmember Anderson requested that staff follow the rising utility costs to see if those less fortunate need help in paying bills. Mr. Hoggard stated that the City is also taking a close look at how staff is using utilities.

ADJOURNMENT:

MOVED BY DEHAN, SECONDED BY BRENNAN TO ADJOURN THE SPECIAL MEETING OF THE SEATAC CITY COUNCIL AT 5:35 P.M.

MOTION CARRIED UNANIMOUSLY.

Shirley Thompson, Mayor
Kristina Lowrey, Deputy City Clerk