

City of SeaTac

Regular Council Meeting Minutes

April 13, 2010
6:00 PM

City Hall
Council Chambers

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

COUNCIL PRESENT: Mayor Terry Anderson, Deputy Mayor (DM) Gene Fisher, Councilmembers (CMs) Rick Forschler, Anthony (Tony) Anderson, Ralph Shape, Pam Fernald, and Mia Gregerson.

ADMINISTRATIVE STAFF PRESENT: Interim City Manager (ICM) Todd Cutts, Senior Assistant City Attorney Mark Johnsen, City Clerk Kristina Gregg, Interim Assistant City Manager (IACM) Jeff Robinson, Planning Director Steve Butler, Senior Planner Mike Scarey, Human Services (HS) Coordinator Colleen Brandt-Schluter, Finance Director Mike McCarty, Acting Fire Chief Brian Wiwel, Police Administrative Captain Annette Louie and Program Manager Soraya Lowry.

FLAG SALUTE: HS Coordinator Brandt-Schluter led the Council, audience and staff in the Pledge of Allegiance.

COUNCIL COMMENTS: CM Gregerson offered her apology for an email incident.

PUBLIC COMMENTS: Earl Gipson reiterated his objection to the City's legislative agenda, specifically related to lobbying for eminent domain or against taping of Executive Sessions.

Wendy Morgan thanked Council and staff for supporting the Highline Botanical Garden Foundation and invited everyone to attend the May 1 May Day Plant Sale from 10 a.m. – 3 p.m. She stated that she was also in attendance at the request of an organization called South King County Cultural Coalition (SOCO Culture). She explained the purpose of this group. She invited the City Council to attend the September 15 meeting at the Highline Botanical Garden and the SeaTac Community Center (STCC).

Leonard Luna commented on the following: (1) thanked Council for continuing the Coffee Chats, for reconsidering the City's vision, and for rescinding the eminent domain of the Cassan's property; and (2) email incident – requested public reprimand of CM Gregerson and a public apology from the Mayor and City Council.

Mike Siefkes commented on the email incident stating his support for Mr. Luna. Mr. Siefkes filed a public records request for other emails. The request is pending.

Manjeet Singh, representing the SeaTac Indian community, requested the City convert one existing tennis court at McMicken Park into three pickle ball courts. The cost is approximately \$9,000.

Vicki Lockwood expressed her support for Mr. Luna.

Michael Kovacs commented that the committees/commissions appointment process is inconsistent.

PRESENTATIONS:

•YMCA Healthy Kids Day Proclamation

Mayor T. Anderson presented a proclamation to YMCA Membership and Community Relations Director Liz Satwicz for YMCA Healthy Kids Day.

Ms. Satwicz stated that the Healthy Kids Day is April 17 from 10 a.m. – 1 p.m. and everyone is invited.

•Federal Legislative Overview and SeaTac Appropriation Requests

IACM Robinson introduced Strategies 360 Senior Federal Relations Associate Melanie Mihara.

Ms. Mihara briefed the Council on opportunities that President Obama has requested in his budget to members of Congress that might be opportunities for SeaTac to apply for funding: (1) creation of a national infrastructure bank for large scale capital projects; (2) \$150 million in competitive grants for school districts and non-profits to test strategies that would improve science, technology, engineering, and math education; and (3) \$1 billion through the Federal Aviation Administration (FAA) to modernize the nation's air traffic system. All of these funds will be available for fiscal year 2011.

She mentioned some more immediate funding opportunities: (1) sustainable communities grant, (2) healthy communities grant, and (3) Federal Emergency Management Agency (FEMA) fire grants. She stated that she will continue to monitor and assist with these funding sources.

PRESENTATIONS (Continued):

Federal Legislative Overview and SeaTac Appropriation Requests (Continued): Congress will be considering the following legislation in 2010: further jobs creation legislation, banking reform, climate change and/or energy legislation, immigration reform, and 12-annual appropriations bills, including the bill that will include the South 154th Street project.

In early 2011, it is expected that Congress will take up the next surface transportation reauthorization bill which would be a funding mechanism for large transportation projects that could include SR 509.

SeaTac requested \$1 million for improvements to South 154th Street. The request was made to Senators Patty Murray and Maria Cantwell, and Representatives Adam Smith and Jim McDermott. Both representatives requested \$1 million for this project. The City is still waiting for a decision from both senators.

Upon a question posed by CM A. Anderson, Ms. Mihara stated that 10 letters of support from the community for the South 154th Street project have been sent to Senator Murray's office.

Upon a question posed by CM Shape, Ms. Mihara stated that the letters of support for SR 509 from the Port of Seattle (POS) was an important step. The next step is to apply again for inclusion in the transportation reauthorization, which will most likely come up at the beginning of 2011.

CM Gregerson requested that Strategies 360 also monitor the emergency management performance grant, and the urban areas initiative grant.

● **2010 Comprehensive Plan (CP) Amendment Process**

Planning Director Butler briefed on the background of the CP amendment process. The process began at the beginning of the year and is a two step process: preliminary and final dockets.

He reviewed the proposed schedule: April 30 - application submittal deadline, May-June – Planning Commission (PC) / Land Use & Parks (LUP) Committee review, July 13 - Council establish Final Docket, October 5 - Public Hearing (PH) with Open House, October-November - Council review, and November 23 - proposed Council action November 23.

Senior Planner Scarey reviewed the newly added proposed amendments: amendments related to the Major Zoning Code Update, and Subarea Plan Amendment – City Center Plan (amendment received from the public).

A couple of properties owners have also stated their intention to submit applications.

CM Forschler stated there is a text section in the CP related to Personal Rapid Transit (PRT). Some people have approached SeaTac businessman Tom Dantzer with an interest in a lightly different technology, so it may be beneficial to consider a CP amendment that addresses this issue.

SUSPENSION OF THE RULES:

MOVED BY A. ANDERSON, SECONDED BY SHAPE TO SUSPEND THE RULES TO BRING FORWARD PUBLIC COMMENT AND COUNCIL ACTION RELATED TO AGENDA BILL #3135.

MOTION CARRIED UNANIMOUSLY.

UNFINISHED BUSINESS:

Agenda Bill #3135; Ordinance #10-1013 adopting the 2009 Final Docket of Comprehensive Plan (CP) Amendments

Summary: The 2009 amendments are proposals, from staff and the public, related to the text of the CP document, to the CP Land Use Map, and to informational maps.

State law allows cities to amend local CPs one time annually. By Resolution #97-001, Council authorized the Planning Department to implement procedures for amending the CP, which provide for consideration of proposed amendments for the 2009 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 CP include completion of environmental review (State Environmental Policy Act [SEPA]), review by the City Attorney, and consideration of public testimony from a PH held by the PC.

Under SEPA review (SEP09-00009), a Determination of Nonsignificance (DNS) was issued October 26, 2009. Two appeals of this determination were filed on November 19, 2009, one of which was subsequently withdrawn.

UNFINISHED BUSINESS (Continued):

Agenda Bill #3135; Ordinance #10-1013 (Continued): The remaining appeal was heard by the City's Hearing Examiner (HE) on February 4, 2010, with the HE finding in the City's favor. With the appeal now resolved, the City Council may take action on the proposed CP amendments. The proposed amendments reflect consideration of public comments received at PH sessions held before the PC.

MOVED BY A. ANDERSON, SECONDED BY SHAPE TO ADOPT ORDINANCE #10-1013.*

John Houlihan, representing Cassan Enterprises, 176th SeaTac LLC, and James and Dorris Cassan, stated that text amendments 5 and 6 should be amended to delete references to any money. He requested Council not pass map amendment A-3. He also stated his opinion that if the 2009 amendments are passed tonight, the City won't be able to adopt 2010 amendments this year. The timing of an appeal does not constitute an exemption.

Earl Gipson spoke against text amendments 5 and 6 which are incorrect. He also spoke about the CP amendment process stating that the application asks for interpretation from the applicant, which should be the job of staff.

Roger McCracken stated that his project has been approved by the PC with a recommendation for approval. All appeals have been reviewed by the HE and denied. He reviewed the current revised plan.

Cameron Smock, representing Washington Memorial Park, stated their support of map amendment A-3.

Upon a question posed by CM Forschler, Mr. Butler stated that routinely approving CP amendment at the beginning of the year for the prior year is one option.

Senior Assistant City Attorney Johnsen stated that he respectfully disagrees with Mr. Houlihan's interpretation about an appeal not constituting an exemption.

Council discussion ensued regarding text amendments 5 and 6. Mr. Johnsen stated that the LUP committee recommended leaving the amendments in the CP knowing that in the 2010 process they will be amended.

*MOTION CARRIED UNANIMOUSLY.

DISCUSSION ITEM:

•Summary of \$5,000 - \$35,000 Purchase Requests for the period ended April 9, 2010

ICM Cutts reviewed the requests:

<u>Item Description</u>	<u>Department</u>	<u>Original Budget</u>	<u>Amended Budget</u>	<u>Estimate</u>
Angle Lake July 4 th Fireworks Show	Parks & Recreation (P&R)	\$10,000	\$10,000	\$10,000
Fence Replacement at Angle Lake Park	P&R	\$7,500	\$7,500	\$7,468
Storm Water Outreach Consultant	Public Works (PW)	\$7,500	\$7,500	\$7,500
Yard Debris Collection Event	PW	\$25,000	\$25,000	\$25,000

CM Forschler requested the Angle Lake Fireworks item be removed to be discussed under Unfinished Business.

Council consensus: Referred to the 04/13/10 RCM Consent Agenda, with removal of the Fireworks Show

AGENDA BILL PRESENTATIONS:

Agenda Bill #3217 – An Ordinance redeeming both the 1999 Local Option Tax Revenue Refunding Bonds and the 1999 Storm Water Revenue Refunding Bonds and amending the 2010 Annual City Budget for the related expenditures

Summary: Two items are included in this Ordinance as follows:

1. Redeem the outstanding 1999 Local Option Transportation Tax Revenue Refunding Bonds.

Effective December 1, 2009, at the option of the City, the 1999 Local Option Transportation Tax Revenue Bonds maturing on and after December 1, 2010 may be redeemed. The City currently has \$3,080,000 in outstanding bonds. Redeeming the bonds before their maturity date would save the City approximately \$292,714 in interest over a period of four years (2010 – 2013). The debt service (principal, interest and other related debt service costs) on these bonds is currently being funded with parking taxes in the *Transportation Bond Fund #202*. The interest rates on the outstanding bonds range from 4.45% in 2010 to 4.7% in 2013. The gross interest rate being paid on money invested with the State Local Government Investment Pool (LGIP) at this time is .21%.

AGENDA BILL PRESENTATIONS (Continued):

Agenda Bill #3217 (Continued): In order to redeem the 1999 Local Option Transportation Tax Revenue Refunding Bonds, a budget amendment will be required. The following details the required budget amendment including the funding sources that will be utilized to pay for the redemption:

1999 Local Option Transportation Tax Bonds Outstanding	\$3,080,000
2010 Debt Service Budget – Principal (<i>Fund #202</i>)	(720,000)
2010 Debt Service Budget – Interest (1/2) (<i>Fund #202</i>)*	<u>(70,521)</u>
Subtotal - Remaining Amount to be Funded with a Budget Amendment	\$2,289,479
Amount Available in the <i>Transportation Bond Reserve Fund #210</i>	<u>(894,063)</u>
Additional amount necessary from <i>Street Fund #102</i> Fund Balance (Estimated 2010 Ending Street Fund Balance is \$5.2M)	\$1,395,416

*Approximately 6 months of accrued interest will have to be paid on the bonds when they are redeemed.

2. Redeem the outstanding 1999 Storm Water Revenue Refunding Bonds.

Effective December 1, 2009, at the option of the City, the 1999 Storm Water Revenue Refunding Bonds maturing on and after December 1, 2010 may be redeemed. The City currently has \$1,380,000 in outstanding bonds. Redeeming the bonds before their maturity date would save the City approximately \$131,674 in interest over a period of four years (2010 – 2013). The debt service (principal, interest and other related debt service costs) on these bonds is currently being funded with storm drainage fees in the *Surface Water Management (SWM) Utility Fund #403*. The interest rates on the outstanding bonds range from 4.45% in 2010 to 4.7% in 2013. The gross interest rate being paid on money invested with the State LGIP at this time is .21%.

In order to redeem the 1999 Storm Water Revenue Refunding Bonds, a budget amendment will be required. The following details the required amendment including the sources that will be utilized to pay for the redemption:

1999 Storm Water Revenue Refunding Bonds Outstanding	\$1,380,000
2010 Debt Service Budget – Principal (<i>Fund #403</i>)	(320,000)
2010 Debt Service Budget – Interest (1/2) (<i>Fund #403</i>)*	<u>(31,602)</u>
Subtotal - Remaining Amount to be Funded with a Budget Amendment	\$1,028,398
Amount Available in the <i>SWM Bonds Reserve Fund #410</i>	<u>(403,925)</u>
Additional amount necessary from <i>SWM Utility Fund #403</i> Net Assets (Estimated 2010 SWM Utility Fund Ending Net Assets is \$2.0M)	\$624,473

*Approximately 6 months of accrued interest will have to be paid on the bonds when they are redeemed.

Redeeming both types of bonds will save the City approximately \$424,388 in debt service interest costs in the years 2010 – 2013. This will free up \$292,714 in parking taxes and \$131,674 in storm drainage fees that can be used for transportation and SWM projects in the Capital Improvement Program (CIP) or other purposes related to transportation and SWM. Although early redemption of these bonds in 2010 requires use of Street Fund #102 fund balance in the amount of \$1,395,416 and use of SWM Utility Fund #403 net assets in the amount of \$624,473, the funds will be replenished in 2011 – 2013 because no future budgets will be required to service the bond debt.

Finance Director McCarty reviewed the agenda bill summary.

DM Fisher stated that the Administration & Finance (A&F) Committee recommended this item for approval.

Council consensus: Referred to the 04/13/10 RCM Consent Agenda

Agenda Bill #3226 – A Motion authorizing the City Manager to execute a contract with GreenRubino to implement the Economic Development (ED) Marketing Action and Public Relations Plan for 2010

Summary: This Motion facilitates the execution of the marketing action plan that was jointly created by the City’s ED staff and GreenRubino to further the City’s economic development branding strategy – “everywhere’s possible”. This comprehensive marketing plan will primarily target the recruitment of new business and industry, development and new private sector investment in the community. The plan has been endorsed by the Hotel/Motel (H/M) Tax Advisory Committee as part of the 2010 budget process. The following components are included in the 2010 scope of services:

- Public Relations
- Management of annual advertising calendar
- Media Placement / Vendor costs

AGENDA BILL PRESENTATIONS:

Agenda Bill #3226 (Continued):

- Creative Services / Refreshment of Advertising Messages and Images
- Photographic Services
- Media Relations as Needed
- Web site Video Functionality
- Development and Dissemination of Media Releases and Photo Opportunities as warranted

It is anticipated the majority of the funding will come from the H/M Tax Fund (Fund 107). However, Green Rubino may also provide minimal public relations services that are not related to tourism promotion, which is a requirement for the use of H/M funds. Therefore, any expenses in which H/M funds cannot be used will come from the General Fund.

- Total Contract: \$121,500
- \$115,500 from H/M Tax Fund
- \$6,000 from General Fund Non-Departmental Professional Services

IACM Robinson reviewed the agenda bill summary.

DM Fisher stated that the A&F Committee recommended this item for approval.

Council consensus: Referred to the 04/13/10 RCM Consent Agenda

SUSPENSION OF THE RULES:

MOVED BY SHAPE, SECONDED BY FISHER TO SUSPEND THE RULES TO BRING FORWARD A PRESENTATION ON ANIMAL SERVICES AT THIS TIME.

MOTION CARRIED UNANIMOUSLY.

PRESENTATION:

•Animal Services

Program Manager Lowry briefed Council on the current situation, objectives, and background. To preserve the regional system, King County (KC) agreed to extend services through June 30, costing KC \$1 million.

The question that now needs to be answered is whether an affordable and effective option for the county to continue to provide regional animal services can be developed, which the cities and county are currently analyzing.

The four options are: regional, sub-regional (Burien, Kent, SeaTac, Tukwila), SeaTac-Tukwila, or SeaTac only.

The challenges are that animal services are complex and expensive and the timeline is tight. Also shelter options are limited in South KC (SKC). Ms. Lowry reviewed the regional option challenges: control services, control service levels, shelter services, cost allocation, revenue allocation, payment method / timing, and cost inflator cap.

In order to receive the transition funding, the City would need to enter into a 2.5 year contract. The cost to the City for the contract is \$256,473, plus the 2-year extension for \$382,314. The 2.5-year contract would terminate on December 31, 2012, with an option to extend until 2014. If the City only enters into a 6-month agreement, it would terminate on December 31, 2010. KC reserves the right to terminate services if too many cities withdraw.

KC is committed to on-going improvements: exploring private licensing vendor, enhancing non-profit/volunteer resources, promote licensing through marketing, exploring service delivery efficiencies throughout the system, studying options for the Kent shelter repair / replacement, and conducting shelter staff compensation study.

KC is proposing a Joint City-County Committee that would be advisory and comprised of three county and six city representatives. The committee would meet no less than twice annually to review service issues and make recommendations on improving services and efficiencies.

The benefits of a regional system include public health and safety, animal welfare, customer service, and an effective and efficient service provision.

The next steps are to provide sub-regional and local option summaries in the Council's April 23 Council packet, brief Council on sub-regional and local options at the April 27 Council Workshop, and request Council direction on the regional option at the April 27 Regular Council Meeting (RCM).

PRESENTATION (Continued):

Animal Services (Continued): DM Fisher stated that he is not convinced that the City should join KC for animal control, comparing it to the jail situation where the cities opted to go into business together to have more control.

ICM Cutts clarified that staff is not advocating the County option.

Upon a question posed by CM A. Anderson, Ms. Lowry stated that a consultant is reviewing options to determine what it would take for the City to develop a regional approach and how soon it could be done.

Council discussion ensued regarding euthanasia and whether the numbers would increase or decrease with the various options. Ms. Lowry stated that information will be included in the final review of the options.

Upon a question posed by Mayor T. Anderson, Police Administrative Captain Louie stated that the cities will be able to determine the days that the Animal Control Officers will work.

CM Fernald stated that she works with a dog rescue group. She stated that the rescue groups aren't able to take all animals. She stated that she hopes the options aren't relying too heavily on rescue groups.

Ms. Lowry stated that the .5 expanded service would add approximately \$60,000 to SeaTac's yearly total.

CONSENT AGENDA:

- **Approval of claims vouchers** (check nos. 88913 – 89117) in the amount of \$330,329.92 for the period ended April 5, 2010.
- **Approval of payroll vouchers** (check nos. 48598 – 48641) in the amount of \$453,988.78 for the period ended March 31, 2010.
- **Approval of payroll electronic fund transfers** (check nos. 63532 - 63713) in the amount of \$343,641.29 for the period ended March 31, 2010.
- **Approval of payroll wire transfer** (Medicare and Federal Withholding Tax) in the amount of \$64,440.64 for the period ended March 31, 2010.
- **Summary of \$5,000 - \$35,000 Purchase Requests** for the period ended April 9, 2010.

Approval of Council Meeting Minutes:

- **Joint City Council/Planning Commission Workshop** held July 14, 2009.
- **Budget Workshop 1** held September 19, 2009.
- **Council Retreat** held March 6-7, 2010.
- **Regular Council Meeting** held March 9, 2010.
- **Transportation and Public Works Committee Meeting** held March 23, 2010.
- **Regular Council Meeting** held March 23, 2010.

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

Agenda Bill #3217; Ordinance #10-1014 redeeming both the 1999 Local Option Tax Revenue Refunding Bonds and the 1999 Storm Water Revenue Refunding Bonds and amending the 2010 Annual City Budget for the related expenditures

Agenda Bill #3226; Motion authorizing the City Manager to execute a contract with GreenRubino to implement the Economic Development Marketing Action and Public Relations Plan for 2010

MOVED BY SHAPE, SECONDED BY GREGERSON TO ACCEPT THE CONSENT AGENDA AS PRESENTED.*

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

*MOTION CARRIED UNANIMOUSLY.

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

UNFINISHED BUSINESS:

- **Summary of \$5,000 - \$35,000 Purchase Requests for the period ended April 9, 2010**

<u>Item Description</u>	<u>Department</u>	<u>Original Budget</u>	<u>Amended Budget</u>	<u>Estimate</u>
Angle Lake July 4 th Fireworks Show	P&R	\$10,000	\$10,000	\$10,000

ICM Cutts stated that the last contract was for one year. Tonight's item is to approve funds budgeted for 2010.

UNFINISHED BUSINESS (Continued):

Summary of \$5,000 - \$35,000 Purchase Requests (Continued): CM Forschler stated that funding a fireworks show is not an appropriate use of public funds. He stated he would be willing to pay 1/7 of the cost personally if the other CMs would pay the rest.

CM Shape clarified that when the City originally banned fireworks, the Council felt it was appropriate to provide a fireworks display. The Angle Lake residents pay a good portion of this show in addition to City funds.

Mayor T. Anderson stated that the number of fireworks throughout the City has decreased by providing this show.

CM A. Anderson stated that this is a great example of a private/public partnership.

MOVED BY SHAPE, SECONDED BY A. ANDERSON TO APPROVE \$10,000 FOR THE ANGLE LAKE JULY 4TH FIREWORKS SHOW.

MOTION CARRIED WITH FORSCHLER AND GREGERSON VOTING NO.

NEW BUSINESS: There was no New Business.

CITY MANAGER'S COMMENTS: ICM Cutts commented on the following: (1) April 22 – 5:30 p.m., SeaTac Health Provider Fair; (2) April 24 – 9 a.m., yard debris collection event; (3) reminded Council to respond to Executive Assistant Lesa Ellis' email regarding potential retreat dates; and (4) staff is also trying to confirm a date for outlook training for CMs.

COUNCIL COMMENTS: CM Forschler commented on the following: (1) April 13 - Council Coffee Chat, stated he would like to volunteer to coordinate and attend all future Council Coffee Chats; (2) agreed with Mr. Gipson's comments about using City funds to pay for lobbying for eminent domain or against open government; (3) email incident – he has requested information from the Legal Department as to what constitutes an offense worthy of a reprimand; he won't receive a response until April 30; (4) appointments to advisory committees – stated he would like to look into concerns he has heard about the process not being fair.

CM A. Anderson spoke regarding the email incident, stating that it has been made a bigger issue than it should be. On behalf of the Council, he apologized to Mr. Luna.

CM Shape commented on the following: (1) email incident – need to learn from the mistake and move on; (2) Council Coffee Chat - should continue the effort and make a greater effort to get responses; and (4) April 12 - Zoning Code Update Ad Hoc Committee meeting made progress, but it will take time.

DM Fisher stated that the Zoning Code Update Ad Hoc Committee meeting was very productive.

CM Fernald stated that she attended the 2010 Public Safety Communication Summit at the Hilton Hotel. She has a video from the summit that she would like to make available either on the website or at a future Council meeting.

CM Gregerson commented on the following: (1) pickle ball – Tennis Outreach Programs (TOPs) will also have three pickle ball courts; (2) Wednesday night soccer league – thanked the P&R Department for moving forward. The league needs two more women; (3) recycling – soon the City will be able to recycle Styrofoam at future events; (4) Suburban Cities Association (SCA) Education Committee – May 19 dinner with Seattle Mayor McGinn; and (5) received a thank you letter for the P&R Department for parents night out.


CM Fernald stated that the Neighbors Without Borders group will be doing a clean up at the south end of North SeaTac Park on Saturday, April 17. She invited everyone to help.


Mayor T. Anderson spoke about the email incident, agreeing that it was wrong, but everyone has done something they didn't mean.

EXECUTIVE SESSION: There was no Executive Session

ADJOURNMENT:

MAYOR T. ANDERSON ADJOURNED THE REGULAR MEETING AT 9:01 P.M.


Terry Anderson, Mayor


Kristina Gregg, City Clerk