



# City of SeaTac

## Council Workshop Agenda

---

September 27, 2011  
5:00 PM

City Hall  
Council Chambers

**CALL TO ORDER:**

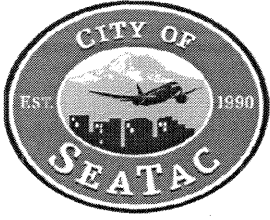
**DISCUSSION ITEM:**

- **South Link Extension Project Update (60 minutes)**

By: Program Manager Soraya Lowry / Interim Project Director Ron Lewis

**PUBLIC COMMENTS:**

**ADJOURN:**



# City of SeaTac

## Regular Council Meeting Agenda

September 27, 2011  
6:00 PM

City Hall  
Council Chambers

**CALL TO ORDER:**  
**ROLL CALL:**  
**FLAG SALUTE:**

**PUBLIC COMMENTS (at the beginning of the meeting):** (Speakers must sign up prior to the meeting. Individual comments shall be limited to three minutes. A representative speaking for a group of four or more persons in attendance shall be limited to ten minutes. When recognized by the Mayor or his designee, walk to the podium, state and spell your name, and give your address [optional] for the record.)

**1. PRESENTATIONS:**

- **Council confirmation of Mayoral re-appointments of Harlan Feinstein and Cheryl Forbes to the Library Advisory Committee (5 minutes)**  
By: Mayor Terry Anderson
- **Refugee Women's Alliance (5 minutes)**  
By: Program Director Amina Ahmed

**2. PUBLIC HEARING:**

- **Adopting findings of fact in support of Interim Ordinance #11-1015 relating to the Medical Cannabis Dispensaries and Collective Gardens**

**NEW BUSINESS:**

**Agenda Bill #3362 – A Resolution adopting findings of fact in support of Interim Ordinance #11-1015 relating to the Medical Cannabis Dispensaries and Collective Gardens (15 minutes)**

By: City Attorney Mary Mirante Bartolo / Community and Economic Development Director Cindy Baker

**3. DISCUSSION ITEMS:**

- **Summary of \$5,000 - \$35,000 Purchase Requests for the period ended September 21, 2011 (5 minutes)**  
By: City Manager Todd Cutts
- **Summary of \$5,000 - \$35,000 Grant Acceptance Requests for the period ended September 21, 2011 (5 minutes)**  
By: City Manager Todd Cutts

**AGENDA BILL PRESENTATIONS:**

- 4. **Agenda Bill #3363 – A Motion authorizing the City Manager to execute a fourteen-month extension with the Andover Company to provide property leasing and representation at the SeaTac Center (5 minutes)**  
By: Economic Development Manager Jeff Robinson
- 5. **Agenda Bill #3364 – A Motion authorizing the City Manager to enter into a lease extension with Islamuddin and Rabia Wardack, doing business as Pacific Highway Chiropractor, in the SeaTac Center (5 minutes)**  
By: Economic Development Manager Jeff Robinson

**6. CONSENT AGENDA:**

- **Approval of claims vouchers** (check nos. 95425 – 95601) in the amount of \$1,689,484.50 for the period ended September 20, 2011.
- **Approval of payroll vouchers** (check nos. 50080 – 50115) in the amount of \$181,719.17 for the period ended September 15, 2011.
- **Approval of payroll electronic fund transfers** (check nos. 69745 - 69924) in the amount of \$350,918.18 for the period ended September 15, 2011.

**6. CONSENT AGENDA (Continued):**

- **Approval of payroll wire transfer** (Medicare and Federal Withholding Tax) in the amount of \$70,276.98 for the period ended September 15, 2011.
- **Summary of \$5,000 - \$35,000 Purchase Requests** for the period ended September 23, 2011.
- **Summary of \$5,000 - \$35,000 Grant Acceptance Requests** for the period ended September 21, 2011.

**Approval of Council Meeting Minutes:**

- **Administration and Finance Committee Meeting** held September 13, 2011.
- **Public Safety and Justice Committee Meeting** held September 13, 2011.
- **Regular Council Meeting** held September 13, 2011.

**Agenda Items reviewed under Agenda Bill Presentations will be considered for placement on this Consent Agenda. Please refer to the items in the Council packet, if necessary.**

**PUBLIC COMMENTS (related to the Consent Agenda):** (Individual comments shall be limited to one minute and group comments shall be limited to three minutes.)

**PUBLIC COMMENTS (related to the following Unfinished Business):** (Individual comments shall be limited to two minutes. Group comments shall be limited to five minutes.)

**UNFINISHED BUSINESS:**

**NEW BUSINESS:**

**CITY MANAGER'S COMMENTS:**

**COUNCIL COMMENTS:**

**EXECUTIVE SESSION:**

**ADJOURN:**

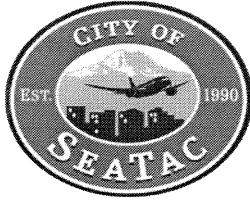
**1. PRESENTATIONS:**

● **Council confirmation of Mayoral re-appointments of Harlan Feinstein and Cheryl Forbes to the Library Advisory Committee (5 minutes)**

By: Mayor Terry Anderson

● **Refugee Women's Alliance (5 minutes)**

By: Program Director Amina Ahmed



# MEMORANDUM

Date: September 23, 2011  
To: City of SeaTac Mayor and Council  
From: Kristina Gregg, City Clerk *KJG*  
Subject: Library Advisory Committee

---

Please be advised that the following individual applications went before the Mayor and Council at the August 9, 2011 Regular Council Meeting for consideration of re-appointments and will go before the Council at the September 27, 2011 Regular Council Meeting for confirmation.

## **Confirmation of Re-Appointment:**

### ***Library Advisory Committee:***

- Harlan Feinstein to fill a term to end August 24, 2014
- Cheryl Forbes to fill a term to end August 24, 2014



# CITY OF SEATAC PUBLIC HEARING NOTICE



NOTICE IS HEREBY GIVEN THAT THE SEATAC CITY COUNCIL WILL HOLD A PUBLIC HEARING ON **SEPTEMBER 27, 2011 AT 6:00 PM**, OR AS SOON AS THEREAFTER, AT THE SEATAC CITY HALL COUNCIL CHAMBERS, 4800 SOUTH 188<sup>TH</sup> STREET. THIS HEARING WILL BE TO CONSIDER THE PUBLIC INTEREST TO BE SERVED OR ADVANTAGED BY THE FOLLOWING ACTIONS:

**APPLICANT/AGENT:** City of SeaTac  
Department of Community and Economic Development  
4800 S. 188<sup>th</sup> Street  
SeaTac, WA 98188.

**DESCRIPTION OF PROPOSED ACTION:** A public hearing adopting findings of fact in support of Interim Ordinance 11-1015 relating to Medical Cannabis Dispensaries and Collective Gardens. Interim Ordinance 11-1015 was adopted by the City Council on August 9, 2011. Since this was an Interim Ordinance that established a moratorium, State law requires that a public hearing be held within sixty (60) days and findings of fact must be adopted justifying the Interim Ordinance and moratorium. The public hearing will take public testimony prior to the City Council adopting the findings of fact.

**LOCATION:** City of SeaTac

**STAFF CONTACT:** Cindy Baker, Community & Economic Development Director, 206-973-4830  
[E-Mail: [cbaker@ci.seatac.wa.us](mailto:cbaker@ci.seatac.wa.us)]

ANY PERSONS WHO MAY BE AFFECTED BY THIS PROPOSAL MAY APPEAR AT THE HEARING AND BE HEARD IN SUPPORT OF OR IN OPPOSITION TO THIS PROPOSAL. ADDITIONAL INFORMATION MAY BE OBTAINED FROM THE PLANNING DIVISION, SEATAC CITY HALL.

**ADDRESS:** Department of Community and Economic Development  
4800 South 188<sup>th</sup> Street  
SeaTac, Washington 98188  
(206) 973-4830/TDD (206) 973-4808

**DATE OF POSTING/PUBLISHED IN THE SEATTLE TIMES:** **SEPTEMBER 13, 2011**

**SeaTac City Council**  
**REQUEST FOR COUNCIL ACTION**

Department Prepared by: Legal

Agenda Bill #: 3362

**TITLE:** A Resolution adopting findings of fact in support of Interim Ordinance 11-1015 relating to Medical Cannabis Dispensaries and Collective Gardens.

September 20, 2011	
___ Ordinance <input checked="" type="checkbox"/> Resolution ___ Motion ___ Info. Only ___ Other	
<b>Date Council Action Requested:</b>	<u>RCM 09/27/2011</u>
<b>Ord/Res Exhibits:</b>	
<b>Review Dates:</b>	<u>RCM 08/09/2011</u>
<b>Prepared By:</b>	<u>Mary Mirante Bartolo, City Attorney</u>
<b>Director:</b>	<u>Mary Mirante Bartolo</u> City Attorney: <u>Mary Mirante Bartolo</u>
<b>Finance:</b>	<u>Doree Pope</u> BARS #: <u>N/A</u>
<b>City Manager:</b>	<u>Mary Mirante Bartolo</u> Applicable Fund Name: <u>N/A</u> <u>Dr. Jada Curtis</u>

*MR*  
*AB*

**SUMMARY:** Interim Ordinance 11-1015 related to Medical Cannabis Dispensaries and Collective Gardens was adopted by the City Council on August 9, 2011. Since this was an Interim Ordinance that established a moratorium, State law requires that a public hearing be held within sixty (60) days and findings of fact must be adopted justifying the Interim Ordinance and moratorium. The proposed Resolution adopts these findings of fact.

**DISCUSSION / ANALYSIS / ISSUES:** RCW 35A.63.220 and RCW 36.70A.390 allow the City Council to adopt a moratorium relating to planning, zoning, and development regulations, subject to a public hearing within sixty (60) days of the date of the adoption. Furthermore, the City Council must adopt findings of fact justifying the moratorium.

Due to the current state of medical marijuana laws in Washington State, the Council determined that a moratorium on the establishment of Medical Cannabis Dispensaries and Collective Gardens was appropriate, and therefore adopted Interim Ordinance 11-1015 on August 9, 2011. This Ordinance also created definitions of Medical Cannabis Dispensaries and Collective Gardens as those terms were not defined in State Law. Ordinance 11-1015 is currently valid through February 1, 2012 and can be extended for an additional six months after another public hearing and adoption of findings of fact supporting the extension.

A public hearing is scheduled for the September 27, 2011 Regular Council Meeting. After the required public hearing has been concluded, the Council may consider the proposed Resolution. If passed by the Council, the Resolution adopts the necessary findings of fact required to support the Council's adoption of Ordinance 11-1015. These proposed findings of fact were drafted based upon the "whereas" clauses of Ordinance 11-1015 and may be amended by the Council prior to passage.

**RECOMMENDATION(S):** It is recommended that Findings of Fact be adopted.

**FISCAL IMPACT:** None.

**ALTERNATIVE(S):** Amend the Resolution prior to passage.

**ATTACHMENTS:** None.

**RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION of the City Council of the City of SeaTac, Washington, adopting findings of fact in support of Interim Ordinance 11-1015 relating to Medical Cannabis Dispensaries and Collective Gardens.

**WHEREAS**, the City Council adopted Ordinance 11-1015 pertaining to Medical Cannabis Dispensaries and Collective Gardens; and

**WHEREAS**, RCW 35A.63.220 and RCW 36.70A.390 require that a public hearing be held, and findings of fact justifying the Interim Ordinance be adopted, within 60 days of the adoption of such Ordinance; and

**WHEREAS**, pursuant to the aforementioned state laws, a public hearing was held on September 27, 2011 which provided the opportunity for public participation;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON HEREBY RESOLVES as follows:**

**Findings of fact.** The City Council hereby finds and adopts the following findings of fact in support of Interim Ordinance 11-1015:

- a) Initiative Measure No. 692, approved November 3, 1998, created an affirmative defense for “qualifying patients” to the charge of possession of cannabis.
- b) The Initiative and current Chapter 69.51A RCW are clear that nothing in its provisions are to be “construed to supersede Washington state law prohibiting the acquisition, possession, manufacture, sale or use of marijuana for non-medical purposes.”
- c) The Washington State Department of Health opines that it is “not legal to buy or sell” medical cannabis and further opines that “the law [Chapter 69.51A RCW]

does not allow dispensaries,” leaving enforcement to local officials.

- d) The City acknowledges the right of qualified health care professionals to recommend the medical use of cannabis, acknowledges the affirmative defense available to qualifying patients from the possession of cannabis as well as the right of patients to designate a “designated provider” who can “provide” rather than sell cannabis to “only one patient at any one time.”
- e) The 2011 State Legislature passed E2SSB 5073 (“the Act”) and the Governor has signed the bill but has vetoed several sections of the bill.
- f) E2SSB 5073 was effective on July 22, 2011.
- g) The Act authorizes “collective gardens” which would authorize certain qualifying patients the ability to produce, grow and deliver cannabis for medical use.
- h) The acceptance of development applications proposing medical cannabis dispensaries and collective gardens development may allow development that is incompatible with nearby existing land uses.
- i) Despite the Governor’s veto of certain Sections of E2SSB 5073, it is appropriate to impose a moratorium on medical cannabis dispensaries, so the City Council can determine whether further regulation is necessary.
- j) The City Council finds that there is an apparent conflict between State and Federal law regarding regulation of Medical Cannabis Dispensaries and Collective Gardens, and that it is in the public interest that any zoning and development regulations are consistent with both federal and state law.
- k) The City Council deems it to be in the public interest to establish a zoning moratorium pending local review of the anticipated changes in the law.

**PASSED** this \_\_\_\_\_ day of \_\_\_\_\_, 2011, and signed in authentication thereof  
on this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

**CITY OF SEATAC**

\_\_\_\_\_  
Terry Anderson, Mayor

ATTEST:

\_\_\_\_\_  
Kristina Gregg, City Clerk

Approved as to Form:

*Mary E. Mirante Bartolo*  
\_\_\_\_\_  
Mary E. Mirante Bartolo, City Attorney

[Collective Garden Moratorium Finding of Fact]

**SUMMARY OF PURCHASE REQUESTS \$5,000-\$35,000**  
**For September 27, 2011 - Regular Council Meeting**  
**Period ended September 21, 2011**

<u>Item Description</u>	<u>Department</u>	<u>BARS Number</u>	<u>Original Budget</u>	<u>Amended Budget</u>	<u>Estimate</u>	<u>Additional Information</u>
Highline Historical Program Support	Non-Departmental	001.000.99.519.90.41.101		\$5,000	\$5,000	Annual program support
Consulting Assistance for Market & Feasibility Study: Multi-Sports Facility (L.E.C.)	CED	107.000.03.557.30.41.135		\$30,000	\$30,000	
Annual Traffic Count Services	Public Works	102.000.11.544.40.10.000		\$50,000	\$24,635	Requested authorization includes a 10% contingency

*Note: Expenditures over budget amount will be absorbed by reductions in other line items.*

**SUMMARY OF GRANT ACCEPTANCE APPROVAL \$5,000-\$35,000**  
**For September 27, 2011 - Regular Council Meeting**  
**Period ended September 21, 2011**

<u>Item Description</u>	<u>Department</u>	<u>BARS Number</u>	<u>Original Budget</u>	<u>Amended Budget</u>	<u>Estimate</u>	<u>Additional Information</u>
Justice Assistance Grant (JAG)	Police	001.331.16.57.004		\$18,988	\$18,988	Law Enforcement Training (no local match required)

# SeaTac City Council REQUEST FOR COUNCIL ACTION

Department Prepared by: Community & Economic Development

Agenda Bill #: 3363

**TITLE:** A Motion authorizing the City Manager to execute a fourteen-month extension with the Andover Company to provide property leasing and representation at the SeaTac Center.

September 19, 2011	
__ Ordinance __ Resolution <u> X </u> Motion __ Info. Only __ Other	
Date Council Action Requested:	<u>RCM 9-27-11</u>
Ord/Res Exhibits:	
Review Dates:	<u>A&amp;F 9-13-11</u>
Prepared By:	<u>Jeff Robinson, Economic Development Manager</u>
Director:	<u>Geedy Kalle</u> City Attorney: <u>Mary Mirante Bartolo</u>
Finance:	<u>Joey Pope</u> BARS #: <u>108.000.12.518.21.41.136</u>
City Manager:	<u>Mary Mirante Bartolo</u> Applicable Fund Name: <u>Building Management Fund</u>

*for Social Cutts*

*MR*  
*SA*

**SUMMARY:** This Motion authorizes the City Manager to execute a fourteen-month extension through December 31, 2012 with The Andover Company to provide property leasing and representation services at the SeaTac Center.

**DISCUSSION / ANALYSIS / ISSUES:** This Motion would allow for the continuance of full-service commercial brokerage and leasing services at the SeaTac Center by the Andover Company. The Andover Company is compensated through a percentage of the value of the lease for their services. Services include, but are not limited to:

- Property Tours
- Transaction Facilitation
- Marketing Coordination and Development of Marketing Materials
- Market Analysis
- Project Coordination
- Administrative Support

Andover was initially selected after an analysis of costs, services, and the hands-on experience of the leasing agents with the SeaTac Center property and current tenants. The offices of the company are also in the closest proximity to the SeaTac Center and the lead brokers have a list of prospective interested tenants retained from their prior work with Collier's International which previously represented the prior owners of the property.

**RECOMMENDATION(S):** It is recommended that the Motion be carried.

**FISCAL IMPACT:** The projected and estimated operating budget for the property can accommodate this necessary expense, without any impact to the City's General Fund. The actual cost of the service is dependent upon the lease rate and terms and is based on a percentage thereof.

**ALTERNATIVE(S):** Do not carry this Motion. Without professional brokerage services, the workload for the marketing and leasing of the property would have to be absorbed by existing City staff. The brokerage and leasing of retail properties is a specialized field and not one that the City currently has the staff or time to accommodate.

**ATTACHMENTS:** 1. Commercial Brokers Association Exclusive Lease Listing Agreement



The Andover Company, Inc.  
415 Baker Boulevard, Suite 200  
Tukwila, WA 98188  
Phone: (206) 244-0770  
Fax: (206) 246-9229

© Copyright 1999 - 2005  
Commercial Brokers Association  
All Rights Reserved



CBA Form XL  
Exclusive Lease  
Rev. 12/99  
Page 1 of 4

COMMERCIAL BROKERS ASSOCIATION  
EXCLUSIVE LEASE LISTING AGREEMENT

CBA Text Disclaimer: Text deleted by licensee indicated by strike. New text inserted by licensee indicated by small capital letters.

In consideration of the services to be performed by the undersigned Broker, the undersigned Owner/~~Manager REPRESENTATIVE~~, THE CITY OF SEATAC hereby grants to Broker commencing with date of this Agreement and expiring at midnight on December 31, 2012 the exclusive and irrevocable right to lease for a minimum term of \_\_\_\_\_ (see definitions below) and to receipt for deposit in connection therewith, the following described commercial real estate ("the property") situate in the City of SeaTac, King County, Washington; commonly known as SeaTac Center, 15221 - 15245 International Blvd and legally described  as follows  as attached hereto: (~~Owner/Manager REPRESENTATIVE~~ authorizes Agent to insert or correct legal description over Owner's signature.)

Listing Price \$ 10.00 - \$24.00 plus NNN

Per Square foot

Possession: Negotiable

Terms: Negotiable, \$15 TI Allowance, 3 year minimum lease

**1. DEFINITIONS.** The term "lease" and similar phrases as used in this Agreement, shall mean and include "sub-lease." The term "lessee" includes "sub-lessee," if applicable. The phrases "this Agreement" and "during the term hereof" include written extensions of this Agreement.

**2. AGENCY / DUAL AGENCY.** Owner authorizes Broker to appoint Mike Ewing and Connie Boyle, CCIM to act as Owner's Listing Agent(s). It is understood and agreed that this Agreement creates an agency relationship with Listing Agent(s) and Broker only, **not** with any other salesperson of Broker; provided, Owner authorizes Broker to appoint other salespersons affiliated with Broker as subagents to act on Owner's behalf as and when needed, at Broker's discretion. Any other broker or salesperson, other than Broker or Listing Agent(s), will not be representing Owner and may represent the lessee. Accordingly, for purposes of this Agreement, "Broker" means Listing Agent(s), including any subagents, and Listing Agent's Broker, Designated Broker or Branch Manager, unless expressly stated otherwise. Owner further authorizes Broker to enter into co-operative brokerage agreements.

Owner agrees that if the property is leased to a lessee represented by one of Broker's salespersons other than Listing Agent(s), then Owner consents to Broker acting as a dual agent. Owner further agrees that if the property is leased to a lessee who Listing Agent also represents, then Owner consents to Listing Agent(s) and Broker acting as dual agents. Owner agrees that different salespersons affiliated with Broker may represent different lessors in competing transactions involving the same lessee and that this shall not be considered action by Broker that is adverse or detrimental to the interests of either lessor, nor shall it be considered a conflict of interest on the part of Broker. Owner acknowledges receipt of the pamphlet entitled "The Law of Real Estate Agency."

If Broker acts as a dual agent, then Broker shall be entitled to the entire commission payable under this Agreement plus any additional compensation Broker may have negotiated with the lessee.

**3. TITLES / PROPERTY INFORMATION.** Owner warrants that Owner has the right to lease the property on the terms herein, and that the property is free and clear of any encumbrances which would interfere therewith. Owner confirms that following the lease of the property, the amount of rent and any other terms of the lease of the property shall not be deemed confidential information and Owner authorizes disclosure of the same.

**4. COMMISSION.** Broker shall be entitled to a commission if: (a) a Broker procures a lessee on the terms of this Agreement, or on other terms acceptable to Owner; (b) Owner sells or leases the property directly or indirectly or through any person or entity other than Broker during the term of this Agreement; (c) Owner sells or leases the property within six months after the expiration or sooner termination of this Agreement to a person or entity that submitted an offer to purchase or lease the property during the term of this Agreement or that appears on any



**THE ANDOVER COMPANY, INC.**  
 415 BAKER BOULEVARD,  
 SUITE 200  
 TUKWILA, WA 98188  
 PHONE: (206) 244-0770  
 FAX: (206) 246-9229

© Copyright 1999 - 2005  
 Commercial Brokers Association  
 All Rights Reserved



CBA Form XL  
 Exclusive Lease  
 Rev. 12/99  
 Page 2 of 4

**COMMERCIAL BROKERS ASSOCIATION  
 EXCLUSIVE LEASE LISTING AGREEMENT  
 (CONTINUED)**

registration list provided by Broker pursuant to this Agreement, or an "Affiliate" of such a person or entity that submitted an offer or that appears on the registration list; (d) the property is made unleaseable by Owner's voluntary act; or (e) Owner cancels this Agreement, or otherwise prevents Broker from leasing the property. The commission shall be calculated as follows: See attached Lease Commission Schedule. Broker shall submit any registration list to Owner within 15 days after the expiration or sooner termination of this Agreement and shall only include on the registration list persons or entities to whose attention the property was brought through the signs, advertising or other action of Broker, or who received information secured directly or indirectly from or through Broker during the term of this Agreement. The Owner shall provide the registration list to any other brokers that assist the Owner with this property. "Affiliate" means, with respect to any person or entity that submitted an offer during the term of this Agreement or that appears on the registration list, a person or entity which has more than a 10% ownership or voting interest in such an entity or any entity in which more than 10% of the ownership or voting interests are owned or controlled by such a person or entity.

**5. BROKER/MULTIPLE LISTING.** Broker shall cause this listing to be published by Commercial Brokers Association ("CBA") for distribution to all CBA members through CBA's listing systems. Broker shall cooperate with all other members of CBA in working toward the lease of the property. Owner understands and agrees that all property information contained in this Agreement or otherwise given to CBA becomes the property of CBA, is not confidential, and will be given to third parties, including prospective lessees, other cooperating members of CBA who do not represent the Owner and, in some instances, may represent the lessee and other parties granted access to CBA's listing systems. Owner agrees that Broker may record this Agreement. Regardless of whether a cooperating member is the Broker of the lessee, the Owner, neither or both, the member shall be entitled to receive the selling office's share of the commission as designated by the listing office. **IT IS UNDERSTOOD THAT COMMERCIAL BROKERS ASSOCIATION IS NOT A PARTY TO THIS AGREEMENT, AND ITS SOLE FUNCTION IS TO FURNISH THE DESCRIPTIVE INFORMATION SET FORTH IN THIS LISTING TO ITS MEMBERS, WITHOUT VERIFICATION AND WITHOUT ASSUMING ANY RESPONSIBILITY FOR SUCH INFORMATION OR IN RESPECT TO THIS AGREEMENT.**

**6. ATTORNEY'S FEES.** In the event either party employs an attorney to enforce any terms of this Agreement and is successful, the other party agrees to pay a reasonable attorney's fee. In the event of trial, the amount of the attorney's fee shall be as fixed by the court.

**7. ADDITIONAL TERMS.** The following attached hereto are part of this Agreement: Lease Commission Schedule.

.....  
 Dated this 28th day of September, 2011.

4800 South 188<sup>th</sup> St., SeaTac, WA 98188-8605  
 Owner's Address

\_\_\_\_\_  
 Owner/Manager TODD CUTTS

Business \_\_\_\_\_ Home \_\_\_\_\_  
 Owner's Phone

\_\_\_\_\_  
 Owner/Manager CITY MANAGER

.....  
 In consideration of Owner's execution of this Agreement, the undersigned hereby agrees to act as Owner's agent to lease the property.

The Andover Company, Broker (Company)  
 (Office)

By \_\_\_\_\_  
 (Authorized Representative)  
MIKE EWING  
SENIOR VICE PRESIDENT



**THE ANDOVER COMPANY, INC.**  
415 BAKER BOULEVARD,  
SUITE 200  
TUKWILA, WA 98188  
PHONE: (206) 244-0770  
FAX: (206) 246-9229

© Copyright 1999 - 2005  
Commercial Brokers Association  
All Rights Reserved



CBA Form XL  
Exclusive Lease  
Rev. 12/99  
Page 3 of 4

**COMMERCIAL BROKERS ASSOCIATION  
EXCLUSIVE LEASE LISTING AGREEMENT  
(CONTINUED)**

By \_\_\_\_\_  
*CONNIE BOYLE, CCIM,  
VICE PRESIDENT*

By \_\_\_\_\_

.....  
Owner hereby extends the above Agreement to midnight of \_\_\_\_\_

\_\_\_\_\_  
Owner/Manager

\_\_\_\_\_  
Owner/Manager



THE ANDOVER COMPANY, INC.  
415 BAKER BOULEVARD,  
SUITE 200  
TUKWILA, WA 98188  
PHONE: (206) 244-0770  
FAX: (206) 246-9229

© Copyright 1999 - 2005  
Commercial Brokers Association  
All Rights Reserved



CBA Form XL  
Exclusive Lease  
Rev. 12/99  
Page 4 of 4

COMMERCIAL BROKERS ASSOCIATION  
EXCLUSIVE LEASE LISTING AGREEMENT  
(CONTINUED)

EXHIBIT "A"  
Legal Description

PARCEL A

Lots 6, 7 and 8, Block 1, Third Addition to the Adams Homes Tracts, according to the plat thereof recorded in Volume 15 of Plats, page 17, in King County, Washington,  
EXCEPT the north 2 feet of the east 175 8 feet of said Lot 6,  
AND EXCEPT those portions of Lots 6, 7 and 8 lying easterly of the west margin of Primary State Highway Number 1;  
AND EXCEPT that portion of Lot 8 conveyed to the state of Washington for highway purposes by deed recorded under Recording Number 5133875.

PARCEL B

Lots 4, 9 and 10, and the east 66 feet of the south 104 9 feet of Lot 3, Block 1, Third Addition to Adams Homes Tracts, according to the plat thereof recorded in Volume 15 of Plats, page 17, in King County, Washington;  
EXCEPT the north 200 feet of that portion of said Lot 4, lying west of the west line of the east 60 feet thereof;  
AND EXCEPT the west 56 feet of said Lot 10,  
AND EXCEPT that portion of said Lots 9 and 10 conveyed to the state of Washington for highway purposes by deed recorded under Recording Number 5133875

**SCHEDULE OF LEASE COMMISSIONS  
COMMERCIAL PROPERTIES**

**1. Rates:** Commissions shall be calculated at the following rates:

Year 1 – 5	6% - For spaces under 5,000 rentable SF
	5% - For spaces over 5,000 rentable SF
Year 6 – 10	4% - For spaces under 5,000 rentable SF
	3% - For spaces over 5,000 rentable SF
Year 11 – 20	2%

**2. Payment of Lease Commissions:**

Commission shall be due and payable as follows: one-half (1/2) upon Lease execution and one-half (1/2) upon tenant business opening to the public.

**3. Term of More Than Twenty Years:**

If a Lease Term is in excess of twenty (20) years then the commission shall be calculated only upon the rental to be paid for the first twenty (20) years of the Term of the Lease or for only the primary Term of the Lease, whichever is shorter.

**4. Cooperating Broker:**

Should there be a Cooperating Broker involved in the transaction, The Andover Company, Inc. ("Broker") agrees to pay Cooperating Broker a portion of the fee earned and paid to Broker by Owner. Such portion shall be commensurate with the level of work performed by the Cooperating Broker, but not more than fifty percent (50%) of the fee earned and paid.

**5. City of SeaTac:**

Should the City of SeaTac procure a Tenant and refer to The Andover Company for lease negotiations, then the fee paid to The Andover Company shall be:

Year 1 – 5	4%
Year 6 – 10	2.5%
Year 11 – 20	1.5%

**6. Renewals and expansions:** Commissions on renewals of existing leases with existing Tenants and expansion of square footage for existing Tenants shall be calculated at 4% of the gross lease amount for the term of the renewal or expansion.

This undersigned Owner hereby acknowledges receipt of a copy of this Schedule and further agrees that it shall be binding upon the heirs, successors and assigns of the undersigned. The term Owner when used herein shall be deemed to mean the owner of the property, a Tenant under a ground lease, and any Tenant desiring to affect subleases.

THE RATE OF COMMISSION SET FORTH IN THIS SCHEDULE IS NOT SET BY ANY LAW OR GOVERNMENT ENTITY OR BOARD OF REAL ESTATE BROKERS. IN CONTRACTING TO EMPLOY THE ANDOVER COMPANY, INC., THE OWNER IS FREE TO NEGOTIATE THE RATE OF COMMISSION.

ACCEPTED THIS \_\_\_\_\_ OF \_\_\_\_\_, 201\_

**The Andover Company**

By: \_\_\_\_\_  
Owner

By: \_\_\_\_\_  
Connie Boyle, CCIM  
Vice President

By: \_\_\_\_\_  
Owner

By: \_\_\_\_\_  
Mike Ewing  
Sr. Vice President

By: \_\_\_\_\_

**SeaTac City Council**  
**REQUEST FOR COUNCIL ACTION**

Department Prepared by: Community & Economic Development

Agenda Bill #: **3364**

**TITLE:** A Motion authorizing the City Manager to enter into a lease extension with Islamuddin and Rabia Wardack, doing business as Pacific Highway Chiropractor, in the SeaTac Center.

<i>September 20, 2011</i>	
__ Ordinance __ Resolution <u>X</u> Motion __ Info. Only __ Other	
<b>Date Council Action Requested:</b>	<u>RCM 9-27-2011</u>
<b>Ord/Res Exhibits:</b>	
<b>Review Dates:</b>	<u>A&amp;F Committee 9-13-2011</u>
<b>Prepared By:</b>	<u>Jeff Robinson, Economic Development Manager</u>
<b>Director:</b>	<u>Cathy Baker</u> City Attorney: <u>Mary Mirante Barolo</u>
<b>Finance:</b>	<u>Joey Papp</u> BARS #: <u>108.362.50.00.002</u>
<b>City Manager:</b>	<u>Mary Mirante Barolo</u> Applicable Fund Name: <u>Building Management Fund</u>

*for Fiscal Cmts*

*MP*  
*SEA*

**SUMMARY:** This Motion authorizes the City Manager to execute a five-year lease with Pacific Highway Chiropractor in the SeaTac Center.

**DISCUSSION / ANALYSIS / ISSUES:** Pacific Highway Chiropractor has been a tenant in the SeaTac Center since October, 2006 with an initial five-year term. The new lease will begin at the current monthly rate of \$3,387.25 plus triple net charges and will increase by 3% annually over the five year term. The total rent revenue generated by the initial five-year term is approximately \$215,800.00 exclusive of triple net charges. The Andover Company will receive compensation in the amount of \$8,632.00, or 4% of the gross lease revenues for their services. The tenant is not requesting any improvements to the space.

**RECOMMENDATION(S):** It is recommended that the Motion be carried.

**FISCAL IMPACT:** The total rent revenue generated by the five-year lease is \$215,800.00 excluding projected triple net charges. The total projected revenue for the five-year lease is estimated at \$292,880.00 including triple net charges.

**ALTERNATIVE(S):** Do not pass the Motion.

**ATTACHMENTS:** 1) Addendum/Amendment to CBA Lease with Rent Schedule



The Andover Company, Inc.
415 Baker Boulevard, Suite 200
Tukwila, WA 98188
Phone: (206) 244-0770
Fax: (206) 246-9229

© Copyright 1999-2005
Commercial Brokers Association
All Rights Reserved



CBA Form LA
Lease Addendum
Rev. 5/07
Page 1 of 2

ADDENDUM/AMENDMENT TO
CBA LEASES

CBA Text Disclaimer: Text deleted by licensee indicated by strike.

The following is part of the Commercial Lease Agreement dated October 30, 2006,

Between K & S Development, LLC ("Landlord")

And Islamuddin Wardack and Rabia Wardack, husband and wife. ("Tenant")

regarding the lease of the Property known as: 15245 International Blvd., Suite 210, SeaTac, WA.

IT IS AGREED BETWEEN THE LANDLORD AND TENANT AS FOLLOWS:

- 1. The Landlord at the time of this Addendum is the City of SeaTac.
2. The term of the lease shall be extended. The termination date shall be December 31, 2016, subject to the redevelopment clause for the 2016 year. In the event that Landlord will be pursuing redevelopment of the property, Landlord shall give notice to Tenant no later than July 31, 2015 of their intent to redevelop and relocate Tenant or terminate the lease on December 31, 2015.

3. The Lease payments shall be as follows:

Table with 3 columns: Period (e.g., JANUARY 2012 - DECEMBER 2012), Monthly Payment (e.g., \$3,387.25 PLUS NNN MONTHLY), and Annual Payment (e.g., \$40,647.00 PLUS NNN ANNUALLY).

Handwritten note: 19167

4. Landlord and Tenant acknowledge the fact that the building was measured in 2011. The actual rentable square footage of Suite 210 is 2,876.

AGENT (COMPANY): The Andover Company By: Connie Boyle

ALL OTHER TERMS AND CONDITIONS of said Agreement remain unchanged.

INITIALS:
Tenant/Lessee: [Signature] Date 8/11/11 Landlord/Lessor: \_\_\_\_\_ Date \_\_\_\_\_
Tenant/Lessee: RW Date 8/11/11 Landlord/Lessor: \_\_\_\_\_ Date \_\_\_\_\_

**PAYROLL/CLAIMS VOUCHERS WERE SENT  
ELECTRONICALLY TO THE CITY COUNCIL  
A HARD COPY OF THE VOUCHERS  
CAN BE VIEWED IN THE CITY CLERK'S OFFICE**

**SUMMARY OF PURCHASE REQUESTS \$5,000-\$35,000**  
**For September 27, 2011 - Regular Council Meeting**  
**Period ended September 21, 2011**

<u>Item Description</u>	<u>Department</u>	<u>BARS Number</u>	<u>Original Budget</u>	<u>Amended Budget</u>	<u>Estimate</u>	<u>Additional Information</u>
Highline Historical Program Support	Non-Departmental	001.000.99.519.90.41.101		\$5,000	\$5,000	Annual program support
Consulting Assistance for Market & Feasibility Study: Multi-Sports Facility (L.E.C.)	CED	107.000.03.557.30.41.135		\$30,000	\$30,000	
Annual Traffic Count Services	Public Works	102.000.11.544.40.10.000		\$50,000	\$24,635	Requested authorization includes a 10% contingency

*Note: Expenditures over budget amount will be absorbed by reductions in other line items.*

**SUMMARY OF GRANT ACCEPTANCE APPROVAL \$5,000-\$35,000**

**For September 27, 2011 - Regular Council Meeting**

**Period ended September 21, 2011**

<u>Item Description</u>	<u>Department</u>	<u>BARS Number</u>	<u>Original Budget</u>	<u>Amended Budget</u>	<u>Estimate</u>	<u>Additional Information</u>
Justice Assistance Grant (JAG)	Police	001.331.16.57.004		\$18,988	\$18,988	Law Enforcement Training (no local match required)



# Administration and Finance Committee Minutes

Tuesday, September 13, 2011  
3:00 PM  
Council Chambers

Members:	Present:	Absent:	Commence:	3:15 P.M.
			Adjourn	4:21 P.M.
Gene Fisher, Chair	X			
Tony Anderson	X			
Rick Forschler	X			

Note: Items 9 & 10 reviewed jointly with the Public Safety & Justice Committee

Other Councilmembers Present: Ralph Shape, Pam Fernald

Staff Coordinator: Joyce Papke, Interim Finance Director

<p>1. Introduction of Interim Finance Director – Todd Cutts</p>	<p><input checked="" type="checkbox"/> Informational Update  <input type="checkbox"/> Recommended for:  <input type="checkbox"/> Approval  <input type="checkbox"/> Approval with modifications  <input type="checkbox"/> Denial  <input type="checkbox"/> Referred to _____</p> <p>City Manager Todd Cutts introduced the Interim Finance Director, Joyce Papke, to the Councilmembers who were present. He reviewed her previous experiences as City Manager and Finance Director at a number of cities including Medina, Normandy Park, Stanwood, and Bellevue.</p>
<p>2. Technical Review of Sound Transit Noise &amp; Vibration Study – Soraya Lowry</p>	<p><input type="checkbox"/> Informational Update  <input checked="" type="checkbox"/> Recommended for:  <input type="checkbox"/> Approval  <input type="checkbox"/> Approval with modifications  <input type="checkbox"/> Denial  <input checked="" type="checkbox"/> Referred to <u>RCM 09-13-11</u></p> <p>Program Manager Soraya Lowry explained to the Councilmembers present that Sound Transit has made changes to its original design, realigning a segment of the light rail which will move it closer to a</p>

	<p>number of residences, hotels, and businesses along 28<sup>th</sup>. Since Sound Transit's noise and vibration study was concluded in July of 2011, Program Manager Lowry is proposing that the City hires Greenbusch Group to verify noise measurements that were taken at key noise-sensitive locations, take independent measurements, review the calculations done in the Sound Transit study, and confirm the validity of impacts and mitigations identified in the Sound Transit study.</p> <p>The question was asked why the City should have to pay for this service. Program Manager Lowry explained that this would be beneficial to the citizens and businesses citing this information will be helpful in the future if the noise and vibrations exceed the expectations Sound Transit had anticipated. Also, the City will be seeking reimbursement through a Development Agreement with Sound Transit for these costs.</p>
<p>3. Letter of Intent from the Pabla Punjabi Palace to lease an additional 2,590 sq. ft. in the SeaTac Center – Jeff Robinson/Connie Boyle, The Andover Company</p>	<p><input type="checkbox"/> Informational Update  <input checked="" type="checkbox"/> Recommended for:  <input checked="" type="checkbox"/> Approval  <input type="checkbox"/> Approval with modifications  <input type="checkbox"/> Denial  <input checked="" type="checkbox"/> Referred to <u>RCM 09-27-11</u></p> <p>Economic Development Manager Jeff Robinson, along with Connie Boyle of The Andover Company (listing agent with the SeaTac Center), requested that the Pabla Punjabi Palace be allowed to lease an additional 2,590 square feet in the SeaTac Center for expansion of their restaurant. They currently lease 6,000 square feet in the SeaTac Center.</p> <p>The City would be required to provide a new entrance door for fire and safety purposes, along with additional restrooms.</p>
<p>4. Lease Extension for Pacific Highway Chiropractic at the SeaTac Center – Jeff Robinson</p>	<p><input type="checkbox"/> Informational Update  <input checked="" type="checkbox"/> Recommended for:  <input checked="" type="checkbox"/> Approval  <input type="checkbox"/> Approval with modifications  <input type="checkbox"/> Denial  <input checked="" type="checkbox"/> Referred to <u>RCM 09-27-11</u></p> <p>Jeff Robinson, Economic Development Manager, requested a lease extension for an established tenant, Pacific Highway Chiropractic, at the SeaTac Center.</p>

<p>5. Extension of Exclusive Leasing Agreement with The Andover Company for SeaTac Center – Jeff Robinson</p>	<p><input type="checkbox"/> Informational Update  <input checked="" type="checkbox"/> Recommended for:  <input checked="" type="checkbox"/> Approval  <input type="checkbox"/> Approval with modifications  <input type="checkbox"/> Denial  <input checked="" type="checkbox"/> Referred to <u>RCM 09-27-11</u></p> <p>Economic Development Manager Jeff Robinson requested approval for an extension of an exclusive leasing agreement with The Andover Company for SeaTac Center. A six (6) month extension was approved in April and Mr. Robinson is requesting an addition extension of fourteen (14) months which would terminate the agreement December 31, 2012.</p>
<p>6. Discussion of Council Reimbursement Policies – Mary Mirante Bartolo</p>	<p><input type="checkbox"/> Informational Update  <input checked="" type="checkbox"/> Recommended for:  <input checked="" type="checkbox"/> Approval  <input type="checkbox"/> Approval with modifications  <input type="checkbox"/> Denial  <input checked="" type="checkbox"/> Referred to <u>RCM 09/13/11</u></p> <p>City Attorney Mary Mirante Bartolo reviewed the proposed Council Reimbursement policy which was set over from the August 9, 2011, Regular Council Meeting. The policy is being brought back to Committee for approval and recommendation for full Council action in order to facilitate the State Auditor’s request for the City to adopt policies and procedures regarding City Council expenditures related to cell phone use, local meal reimbursement, and home Internet Service. This proposed policy provides for either a City provided cell phone or an allowance equal to the amount paid for a city provided cell phone. In addition, the policy provides for an allowance to cover Councilmember expenses including internet access.</p> <p>The discussion that followed included having a policy or doing away with reimbursements for these items all together. It was generally agreed that a policy should be put in place for the State Auditor’s.</p>

<p>7. City Councilmembers and City Manager        Future Travel Authorizations and Completed Travel Approval of City Credit Card Payments and Personal Reimbursements – Joyce Papke</p>	<p><input type="checkbox"/> Informational Update  <input checked="" type="checkbox"/> Recommended for:  <input checked="" type="checkbox"/> Approval  <input type="checkbox"/> Approval with modifications  <input type="checkbox"/> Denial  <input type="checkbox"/> Referred to _____.</p> <p>Copies of travel authorizations for the following NLC conferences were submitted for consideration:</p> <p>Mayor Anderson was seeking approval to attend the NLC Conference in Phoenix November 8<sup>th</sup> – 12<sup>th</sup>.</p> <p>Councilmember Tony Anderson seeks reimbursement for airfare to NLC Transportation and Infrastructure Committee Meeting in New Orleans September 8<sup>th</sup> - 10<sup>th</sup>.</p>
<p>8. Next Meeting</p>	<p>October 11, 2011</p>
<p>9. 2011 Justice Assistance Grant (JAG) Acceptance – Annette Louie</p>	<p><input type="checkbox"/> Informational Update  <input checked="" type="checkbox"/> Recommended for:  <input checked="" type="checkbox"/> Approval  <input type="checkbox"/> Approval with modifications  <input type="checkbox"/> Denial  <input checked="" type="checkbox"/> Referred to <u>RCM 09/27/11</u></p> <p>Captain Annette Louie requested approval to accept a Justice Assistance Grant in the amount of \$18,988.00 which she had applied for in June of this year and was awarded.</p>

<p>10. Consideration of Formation of Diversity Committee – Councilmember Gregerson</p>	<p><input type="checkbox"/> Informational Update <input type="checkbox"/> Recommended for: <input type="checkbox"/> Approval <input type="checkbox"/> Approval with modifications <input type="checkbox"/> Denial <input checked="" type="checkbox"/> Referred to <u>Councilmember Gregerson for additional information.</u></p> <p>Councilmember Gregerson requested that the Council take into consideration the possibility of forming a Diversity Committee. Councilmember Gregerson was requested to provide further information such as “purpose” and “need”. The possibility of an ordinance for the creation of a Diversity Committee will be discussed again at the next Council meeting.</p>
--	--



# Public Safety and Justice Committee Minutes

Tuesday, September 13, 2011  
4:00 PM  
Airport Conference Room 345

Members:	Present:	Absent:	Commence: 4:05pm
			Adjourn: 4:42pm
Tony Anderson, Chair	X		
Pam Fernald	X		
Gene Fisher	X		

Note: Item 1 & 2 reviewed jointly with Administration & Finance Committee

Other Councilmembers Present: Terry Anderson, Rick Forschler, Mia Gregerson, Ralph Shape

Staff Coordinator: Fire Chief Jim Schneider and Police Chief Jim Graddon

<p>1. 2011 Justice Assistance Grant (JAG) Acceptance - Annette Louie</p>	<p><input type="checkbox"/> Informational Update  <input checked="" type="checkbox"/> Recommended for:  <input checked="" type="checkbox"/> Approval  <input type="checkbox"/> Approval with modifications  <input type="checkbox"/> Denial  <input checked="" type="checkbox"/> Referred to <u>RCM 09/27/11.</u></p> <p><i>Captain Annette Louie requested approval to accept a Justice Assistance Grant in the amount of \$18,988.00 which she had applied for in June of this year and was awarded.</i></p>
<p>2. Consideration of Formation of Diversity Committee - Councilmember Gregerson</p>	<p><input type="checkbox"/> Informational Update  <input type="checkbox"/> Recommended for:  <input type="checkbox"/> Approval  <input type="checkbox"/> Approval with modifications  <input type="checkbox"/> Denial  <input checked="" type="checkbox"/> Referred to <u>Councilmember Gregerson for additional information.</u></p> <p><i>Councilmember Gregerson requested that the Council take into consideration the possibility of forming a Diversity Committee. Councilmember Gregerson was requested to provide further information such as "purpose" and "need".</i></p>

	<p><i>The possibility of an ordinance for the creation of a Diversity Committee will be discussed again at the next Council meeting.</i></p>
<p>3. Highline School District        Tyee Educational        Complex School        Resource Officer        Contract - Jim Graddon</p>	<p><input checked="" type="checkbox"/> Informational Update  <input checked="" type="checkbox"/> Recommended for:            <input checked="" type="checkbox"/> Approval            ___ Approval with modifications            ___ Denial  <input checked="" type="checkbox"/> Referred to <u>9/27/11 RCM.</u></p> <p><i>Police Chief Jim Graddon reported that SeaTac Police is seeking permission to enter into the annual contract for the School Resource Officer (SRO) at the Tyee Educational Complex and Chinook Middle School for the 2011-2012 school year. This contract is much the same as the contracts that have been in effect over the past few years. The Highline School District will provide \$50,000 in funding for the services of the SRO. The SRO will serve as a full time resource at the school by providing uniformed presence on the property. In addition, the SRO will be actively involved in student programs such as the PAL (Police Activity League) Program, the Laws &amp; Paws Program and the G.R.E.A.T. Program during the school year.</i></p>
<p>4. Police Crime Statistics -        Jim Graddon</p>	<p><input checked="" type="checkbox"/> Informational Update            ___ Recommended for:                ___ Approval                ___ Approval with modifications                ___ Denial            ___ Referred to _____.</p> <p><i>Police Chief Jim Graddon reported that the police crime statistics reflected a decrease in Part 1 Crimes for the month of August and an increase in gang-related crimes. Chief Graddon explained that 'gang-related activity' is a broad category and the crime count captures anything that an officer associates with some kind of gang nexus in a written report. Most of the gang-related calls for August were related to graffiti and the increase is not a reflection of serious gang-related crimes occurring.</i></p>
<p>5. Introduction of New        AmeriCorp VISTA        Employee Michael        Huynh - Jim Schneider</p>	<p><input checked="" type="checkbox"/> Informational Update            ___ Recommended for:                ___ Approval                ___ Approval with modifications                ___ Denial            ___ Referred to _____.</p> <p><i>Fire Chief Jim Schneider introduced the new AmeriCorp VISTA employee Michael Huynh to the committee. Mr. Huynh will be working for the SeaTac</i></p>

	<p><i>Fire Department in Emergency Management for the next twelve months. Mr. Huynh holds Masters Degrees in public administration and sociology and completed internships at the Federal Emergency Management Agency(FEMA) and the King County Prosecuting Attorneys (KCPA) office. Mr. Huynh worked in flood mitigations at FEMA. Chief Schneider reported that Mr. Huynh will be an observer at a flood recovery exercise that will involve the Cities of Kent, Auburn, Tukwila and Renton at the Emergency Command Center in Kent.</i></p>
<p>6. King County Public Health-Identifying CPR Defibrillation Statistics for SeaTac Fire Department - Jim Schneider</p>	<p><input checked="" type="checkbox"/> Informational Update  <input type="checkbox"/> Recommended for:  <input type="checkbox"/> Approval  <input type="checkbox"/> Approval with modifications  <input type="checkbox"/> Denial  <input type="checkbox"/> Referred to _____.</p> <p><i>Fire Chief Jim Schneider reported on a quality assurance letter that staff received from Medic 1. The letter references resuscitation rates and compares SeaTac Fire to other South King County Departments on how CPR is performed during the first five minutes of a CPR emergency incident. SeaTac Fire personnel performed CPR in 73% of cardiac arrest calls as compared to the overall county figure of 74%. Chief Schneider also reported on the Automatic External Defibrillator (AED) downloads. The AED download records information such as when CPR is started, when each compression is given, and when CPR is stopped. The information is submitted to King County Medic 1 personnel and reviewed by them to insure that proper protocols are followed. Chief Schneider stated that SeaTac Fire had submitted about 60% of the possible downloads for review by King County Medic 1. They are working to improve upon that number to bring it up to 80-90% and since the first of the year, they have been able to get the downloads returned to the county on the same date that the incident occurs in most cases.</i></p>
<p>7. Fire Monthly Statistics - Jim Schneider</p>	<p><input checked="" type="checkbox"/> Informational Update  <input type="checkbox"/> Recommended for:  <input type="checkbox"/> Approval  <input type="checkbox"/> Approval with modifications  <input type="checkbox"/> Denial  <input type="checkbox"/> Referred to _____.</p> <p><i>Fire Chief Jim Schneider reported that August EMS calls represented approximately 63% of the calls for service. There is no public education scheduled for September but Fire Prevention Week will be held in October.</i></p>
<p>8. Next Meeting</p>	<p>October 11, 2011</p>

# City of SeaTac

## Regular Council Meeting Minutes

September 13, 2011  
6:00 PM

City Hall  
Council Chambers

**CALL TO ORDER:** The SeaTac City Council Regular Meeting was called to order by Mayor Terry Anderson at 6:05 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.

**STAFF PRESENT:** City Manager Todd Cutts, City Attorney Mary Mirante Bartolo, City Clerk Kristina Gregg, Court Administrator Paulette Revoir, Judge Elizabeth Cordi-Bejarano, Economic Development (ED) Manager Jeff Robinson, Planning Manager Barbara Nelson, Facilities Manager Pat Patterson, Human Services (HS) Manager Colleen Brandt-Schluter, Police Chief Jim Graddon, and Fire Chief Jim Schneider.

**FLAG SALUTE:** City Manager Cutts led the Council, audience and staff in the Pledge of Allegiance.

**PUBLIC COMMENTS:** Othman Heibe commented on an email recently sent to two CMs that he perceived to be an ethics violation by DM Fisher. DM Fisher denied writing the email.

**PRESENTATIONS:**

● **Introduction of new City Employees: Court Administrator Paulette Revoir / Planning Manager Barbara Nelson**

City Manager Cutts introduced Ms. Revoir and Ms. Nelson.

● **Mayors' Day of Concern for the Hungry Proclamation**

DM Fisher read the proclamation which will be mailed to the Emergency Feeding Program.

● **Multi-Service Center**

Housing Program Director Manuela Ginnett reviewed the programs provided by Multi-Service Center. Financial support received by the City helps to fund sheltering, the emergency assistance program, and rent assistance. Their mission is helping people achieve greater independence and realize the power of their choice. She thanked the City for its support of the Multi-Service Center.

**DISCUSSION ITEMS:**

● **Summary of \$5,000 - \$35,000 Purchase Requests for the period ended September 9, 2011**

City Manager Cutts reviewed the requests:

<u>Item Description</u>	<u>Department</u>	<u>Original Budget</u>	<u>Amended Budget</u>	<u>Estimate</u>
Puget Sound Regional Council (PSRC) Membership Dues	Non-Departmental	\$10,300	\$10,300	\$10,407
Fire Apparatus 121 Parts including Rear Springs and Complete Front Brake Replacement	Fire		\$30,000	\$8,788
Remove / Replace Carpet in SeaTac Community Center (STCC) Common Areas	Community & Economic Development (CED)		\$17,250	\$18,000
Technical Review of Sound Transit Noise & Vibration Study	City Manager		\$0	\$14,470

**Council consensus:** Referred to the 09/13/11 RCM Consent Agenda

● **Summary of \$5,000 - \$35,000 Grant Acceptance Requests for the period ended September 9, 2011**

City Manager Cutts reviewed the requests:

<u>Item Description</u>	<u>Department</u>	<u>Amended Budget</u>	<u>Estimate</u>
Emergency Management Performance Grant (EMPG)	Fire	\$5,890	\$5,890

**Council consensus:** Referred to the 09/13/11 RCM Consent Agenda

**DISCUSSION ITEMS (Continued):**

**• Summary of Donations \$500 or Greater for the period ended September 9, 2011**

City Manager Cutts reviewed the donations:

<u>Donor Name</u>	<u>Description</u>	<u>Amount</u>
24-Hour Fitness	1 - Flex Performance 4 stage gym	\$21,500
	1 - Hammer Strength seated shrug	(Estimated)
	1 - Hammer Strength ISO pull down machine	
	1 - Hammer Strength ISO shoulder press	
	1 - Hammer Strength ISO lateral High row	
	1 - Hammer Strength ISO incline press	
	4 - Life fitness 95-- HR treadmills	
	1 - Flex Fitness leg press	
	2 - Body master incline sit-up bench	
	1 - Life fitness 9500 HR stationary bike	
	2 - Weight stands	

**Council consensus:** Referred to the 09/13/11 RCM Consent Agenda

**AGENDA BILL PRESENTATIONS:**

**Agenda Bill #3361 – A Motion authorizing the City Manager to execute a six-month contract with The Andover Company for the purpose of providing property leasing and representation for the tenant space on the second floor of City Hall**

**Summary:** There is currently about 5700 square feet (sq. ft.) of vacant space to rent on the second floor of City Hall. The City currently employs The Andover Company in the same capacity for the SeaTac Center property. They would advertise the space and actively solicit tenants to lease that space. In return, The Andover Company would receive a 5% commission on the entire value of any lease agreement, the minimum term being three years. The listing agent would not be entitled to any further commission should there be an option to renew in that lease agreement. If The Andover Company actively solicits the existing tenant to renew, they are entitled to 4% of the total value of the lease renewal up to 10 years and then another 2.5% on any lease renewal they successfully negotiate for years 11-20. Previous listing agents have charged as much as 10% for the same services.

At current market rates, the second floor space should rent for \$17 per sq. ft. or more. If the Andover Company is successful in renting the entire space and, depending upon the terms of the lease, they would collect a commission not to exceed 5% of the value of the lease if there is a renewal clause. So for example, on a three year lease at \$17 per sq. ft. per year, they would receive \$14,535 of the total \$290,700 value of the lease.

Facilities Manager Patterson reviewed the agenda bill summary.

**Council consensus:** Referred to the 09/13/11 RCM Consent Agenda

**Agenda Bill #3353 – An Ordinance adopting a City Council Reimbursement Policy**

**Summary:** This Ordinance was originally presented to the Council for consideration on August 9, 2011. However, consideration was postponed to the September 13, 2011 Council Meeting.

The State Auditor provided the City with a Management Letter as part of the 2009 audit. This Management Letter stated that the City did not have adequate policies and procedures for certain expenditures to ensure that they are for valid public purposes. The State Auditor specifically addressed three separate areas pertaining to City Council expenses: cellular phones, internet service charges, and meals expenses when a CM is not in travel status.

At the June 14, 2011 Administration & Finance (A&F) Committee Meeting, staff was requested to provide a draft reimbursement policy in the June 24 Council mail. The Committee requested a proposed policy that minimized the need for CMs to submit reimbursement requests by providing for an allowance in lieu of reimbursement. Additionally, the Committee requested that staff propose a suggested amount for an allowance that could be justified if questioned. Staff provided this information as directed. Staff was also directed to bring the draft policy to the July 12, 2011 A&F Committee Meeting for final review prior to placing the item on the Council agenda.

The proposed policy provides for either a City provided cellular phone or an allowance equal to the amount paid for a City provided cell phone. Staff is aware that some CMs do not want a City-issued phone as this would require them to carry multiple phones. Thus, the proposed policy provides the most flexibility while ensuring that

**AGENDA BILL PRESENTATIONS:**

**Agenda Bill #3361 (Continued):** the City does not overpay for cellular service by capping the allowance to the cost of a City-provided phone, which is currently \$55.53 per month.

Second, the policy provides for an allowance of up to \$75 to cover CM expenses including internet access. Currently, the City pays for five CMs' internet access. The cost for these five CMs averages approximately \$54 per month. Some CMs also expressed interest in receiving reimbursement for miscellaneous expenses incurred while serving as a CM. Taking into account the cost of high speed internet, it appears that a total allowance of up to \$75 is reasonable.

When this Ordinance was originally presented in August, the proposed effective date was September 1, 2011. Since that date has already passed, the Ordinance's effective date has been revised to October 1, 2011.

If all seven CMs receive the maximum reimbursement amount, the fiscal impact will be \$913.71 per month based upon the City's current cost for a City-provided cellular phone. This amount can be absorbed in existing budget through the remainder of 2011. Reimbursements in future years would require the Council to appropriate funds for these expenditures.

City Attorney Mirante Bartolo began reviewing the agenda bill summary.

CM Shape requested this item be discussed under Unfinished Business.

**Council consensus:** Referred to the 09/13/11 RCM Unfinished Business

**CONSENT AGENDA:**

- **Approval of claims vouchers** (check nos. 95095 – 95263) in the amount of \$1,426,235.86 for the period ended August 19, 2011.
- **Approval of claims vouchers** (check nos. 95264 – 95424) in the amount of \$1,048,779.32 for the period ended September 8, 2011.
- **Approval of payroll vouchers** (check nos. 49992 – 50033) in the amount of \$183,730.98 for the period ended August 15, 2011.
- **Approval of payroll electronic fund transfers** (check nos. 69381 - 69559) in the amount of \$349,330.41 for the period ended August 15, 2011.
- **Approval of payroll wire transfer** (Medicare and Federal Withholding Tax) in the amount of \$69,697.10 for the period ended August 15, 2011.
- **Approval of payroll vouchers** (check nos. 50034 – 50079) in the amount of \$410,962.05 for the period ended August 31, 2011.
- **Approval of payroll electronic fund transfers** (check nos. 69560 - 69744) in the amount of \$348,259.64 for the period ended August 31, 2011.
- **Approval of payroll wire transfer** (Medicare and Federal Withholding Tax) in the amount of \$70,844.68 for the period ended August 31, 2011.
- **Summary of \$5,000 - \$35,000 Purchase Requests** for the period ended September 9, 2011.
- **Summary of \$5,000 - \$35,000 Grant Acceptance Requests** for the period ended September 9, 2011.
- **Summary of Donation \$500 or Greater** for the period ended September 9, 2011.

**Approval of Council Meeting Minutes:**

- **Transportation and Public Works Committee Meeting** held April 26, 2011.
- **Joint Council / Planning Commission Workshop** held July 26, 2011.
- **Transportation and Public Works Committee Meeting** held July 26, 2011.
- **Administration and Finance Committee Meeting** held August 9, 2011.
- **Public Safety and Justice Committee Meeting** held August 9, 2011.
- **Council Workshop** held August 9, 2011.
- **Regular Council Meeting** held August 9, 2011.

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

**Agenda Bill #3361; Motion authorizing the City Manager to execute a six-month contract with The Andover Company for the purpose of providing property leasing and representation for the tenant space on the second floor of City Hall**

**CONSENT AGENDA (Continued):**

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.

**UNFINISHED BUSINESS:**

**Agenda Bill #3353; Ordinance #11-1016 adopting a City Council Reimbursement Policy**

City Attorney Mirante Bartolo continued reviewing the agenda bill summary.

CM Shape presented an amendment to the policy that provides the option for a \$100 per month allowance with a requirement of submitting a monthly categorization of how the money was spent.

MOVED BY GREGERSON, SECONDED BY SHAPE TO PASS ORDINANCE #11-1016.\*

MOVED BY GREGERSON, SECONDED BY A. ANDERSON TO AMEND THE POLICY TO ADD "COUNCILMEMBERS MAY RECEIVE AN ALLOWANCE UP TO \$100 PER MONTH TO COVER THE COST OF HOME HIGH-SPEED INTERNET AND MISCELLANEOUS EXPENSES. THE ALLOWANCE IS INTENDED TO COVER ALL COSTS ASSOCIATED WITH HOME INTERNET USE, ANY MEAL EXPENSES THAT ARE NOT SUBJECT TO THE CITY TRAVEL POLICIES (TRAVEL MORE THAN 50 MILES FROM CITY HALL), AND ANY OTHER MISCELLANEOUS EXPENSES NECESSARY TO FULFILL COUNCILMEMBER DUTIES. RECEIPTS ARE NOT REQUIRED. HOWEVER, IN ORDER TO PROVIDE FOR GREATER TRANSPARENCY, ANY COUNCILMEMBER RECEIVING AN ALLOWANCE MUST SUBMIT A MONTHLY CATEGORIZATION OF HOW THE ALLOWANCE WAS SPENT USING THE FOLLOWING THREE CATEGORIES: INTERNET, MEALS, AND MISCELLANEOUS EXPENSES. THE CATEGORIZATION MUST BE TURNED IN BY THE 15<sup>TH</sup> OF THE MONTH COVERING EXPENSES FOR THE PREVIOUS MONTH. APPROPRIATE PAYROLL TAXES ON THE ALLOWANCE AMOUNT WILL BE WITHHELD, AND THE AMOUNT OF THE ALLOWANCE WILL BE INCLUDED ON THE YEAR-END W-2."\*\*

Council discussion ensued regarding the policy and the amendment with most CMs stating their support, even if they won't request to receive any allowance. This will fulfill the requirement of the State Auditor.

**PUBLIC COMMENTS (related to the Unfinished Business):** Earl Gipson stated the policy should be as lax as possible as internet and cell phones are no longer considered luxury items. He applauded the Council for the time they put into the City.

\*\*AMENDMENT CARRIED UNANIMOUSLY.

\*ORIGINAL MOTION CARRIED UNANIMOUSLY, AS AMENDED.

**NEW BUSINESS:** There was no New Business.

**CITY MANAGER'S COMMENTS:** City Manager Cutts commented on the following: (1) September 28 – South 138<sup>th</sup> Street Sidewalk Ribbon Cutting Ceremony; and (2) he will be out of the office mid-day September 16 through September 20. City Attorney Mirante Bartolo will be Acting City Manager during that time.

**COUNCIL COMMENTS:** CM A. Anderson stated he attended the Transportation Infrastructure & Services Steering Committee Meeting. He reviewed the items discussed at the meeting.

CM Shape stated he, along with Mayor T. Anderson, CM Fernald, Police Chief Graddon, and City Manager Cutts, attended the grand opening of the new SCORE (South Correctional Entity) Jail. He also attended the South County Area Transportation Board (SCATBd) Meeting. He reviewed the discussion regarding METRO Transit and the \$20 Congestion Fee passed by the King County Council.

CM Gregerson stated that the 5<sup>th</sup> Annual Back to School Fair was held on August 18 with a great turnout.

CM Fernald commented on the SCORE dedication and tour.

**COUNCIL COMMENTS (Continued):** DM Fisher commented on a Public Safety & Crime Prevention Steering Committee Meeting he attended. He reviewed the topics of discussion at the meeting.

**ADJOURNED:**

MOVED BY SHAPE, SECONDED BY A. ANDERSON TO ADJOURN THE REGULAR MEETING OF THE SEATAC CITY COUNCIL AT 7:10 P.M.

MOTION CARRIED UNANIMOUSLY.

---

Terry Anderson, Mayor

---

Kristina Gregg, City Clerk