



Tukwila City Council

City Hall Council Chambers

Regular Meeting

August 19, 2013– 7:00 P.M.

MINUTES

REGULAR MEETING

CALL TO ORDER/PLEDGE OF ALLEGIANCE/ROLL CALL

Mayor Haggerton called the Regular Meeting of the Tukwila City Council to order at 7:04 p.m. The Pledge of Allegiance was led by **Riess Magee, a member of Boy Scout Troop #392**, who is working to attain a badge in citizenship.

Mayor Haggerton introduced Scout Magee to the City Council. Scout Magee said he interviewed Council President Hougardy as part of the process to get his citizenship badge. He introduced the members of his family in attendance.

The Councilmembers thanked Scout Magee for attending the City Council meeting and leading the Pledge of Allegiance.

ROLL CALL

Christy O'Flaherty, City Clerk, called the roll of the Council. Present were Councilmembers Joe Duffie, Dennis Robertson, Allan Ekberg, Kathy Hougardy, Verna Seal, De'Sean Quinn and Kate Kruller.

CITY OFFICIALS

Jim Haggerton, Mayor; Shelley Kerlake, City Attorney; Peggy McCarthy, Finance Director; Nora Gierloff, Deputy Community Development Director; Kathy Stetson, Code Enforcement Officer; Chris Flores, Acting Fire Chief; Mary Miotke, IT Director; Laurel Humphrey, Council Analyst; Christy O'Flaherty, City Clerk.

AMEND AGENDA

MOVED BY HOUGARDY, SECONDED BY KRULLER TO AMEND THIS EVENING'S PROPOSED AGENDA TO ADD A SETTLEMENT AGREEMENT WITH FIRE CHIEF NICK OLIVAS IN THE AMOUNT OF \$90,000 TO NEW BUSINESS. MOTION CARRIED 7-0.

SPECIAL PRESENTATIONS

Mid-year update from Council President Hougardy.

Council President Hougardy utilized a Powerpoint presentation to provide the Council Mid-Year Update. Highlights of the presentation included:

MAJOR ITEMS	
Council Technology	Choice of iPad, Tablet or Laptop; Development of Electronic Device Policy
Council Analyst Hiring	Formation of Hiring Subcommittee; Full Council approval of Laurel Humphrey
Council Procedures and Guidelines	Revise and update Council operating procedures; Updating of Council Handbook
Council and Committee Work Plans	Identification of Council and Committee goals and work plans for integration into the City's 2013 priorities
Burlington Northern Railroad (BNSF) and Allentown Community	Identification of BNSF impacts on the neighborhood. Council direction is forthcoming regarding a neighborhood livability study and a 30% design report for a southern route ingress/egress into the intermodal facility.

OTHER ITEMS	
Ethics Policy	Revisions to the Ethics Policy to be reviewed by the City Attorney and forthcoming to a Finance and Safety Committee agenda.
Budget Tools	Attachment A format is forthcoming to a Finance and Safety Committee.
Council Chat Locations	Additional locations to be considered for greater community outreach to different parts of the community.
School Board Joint Meetings	A joint meeting was held on June 20, with an additional meeting planned in the fall.
Group Photo	A group photo is planned for the fall in the Council Chambers.

The Councilmembers and Mayor commended and thanked Council President Hougardy for the presentation and for making positive changes toward enhanced effectiveness in 2013.

CITIZEN COMMENTS

Regis Costello, 14462 58th Avenue South, referenced a recent incident in his neighborhood regarding the growing of marijuana. While the laws are changing regarding marijuana, he said he collected 18 signatures of people not in favor of marijuana being grown in residential neighborhoods. (A 3-page document was distributed to the Council by the Council Analyst.) On August 14 a resident in his neighborhood overloaded the power and bypassed the meter due to the operation of grow houses. He has informed the ATF, the FBI and the DEA and encouraged the Council to work with them to avoid a repeat of this type of situation.

The Councilmembers asked clarifying questions of Mr. Costello and thanked him for bringing the issue to the attention of the City. At the next Committee of the Whole meeting, there will be a public hearing regarding state-licensed marijuana retailers, processors and producers.

CONSENT AGENDA

- a. Approval of Minutes: 8/5/13 (*Regular Mtg.*)
- b. Approval of Vouchers: #364097-364187; #130801-130802 in the amount of \$2,847,852.99

MOVED BY DUFFIE, SECONDED BY ROBERTSON THAT THE CONSENT AGENDA BE APPROVED AS SUBMITTED. MOTION CARRIED 7-0.

UNFINISHED BUSINESS

- a. **An ordinance adopting the 2012 edition of the International Property Maintenance Code; repealing Ordinance No. 2057; repealing Ordinance No. 2402 §2 (part), as codified at Tukwila Municipal Code Section 16.04.020, subparagraph 7.**

MOVED BY EKBERG, SECONDED BY DUFFIE THAT THE PROPOSED ORDINANCE BE READ BY TITLE ONLY. MOTION CARRIED 7-0.

Christy O'Flaherty, City Clerk, read the proposed ordinance by title only.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, ADOPTING THE 2012 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE; REPEALING ORDINANCE NO. 2057; REPEALING ORDINANCE NO. 2402 §2 (PART), AS CODIFIED AT TUKWILA MUNICIPAL CODE SECTION 16.04.020, SUBPARAGRAPH 7; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

MOVED BY DUFFIE, SECONDED BY QUINN THAT THE PROPOSED ORDINANCE BE ADOPTED AS READ.*

Councilmember Ekberg, Chair of the Community Affairs and Parks Committee, said this item was discussed and approved by the Committee. The informational memorandum in the packet explains that a

version error occurred in prior agenda materials. The differences were not substantive, and he approved this item to move forward this evening.

***MOTION CARRIED 7-0, TO ADOPT ORDINANCE NUMBER 2406.**

b. Authorize the Mayor to sign an agreement with the Washington State Department of Transportation for funding coming to the City in the amount of \$74,206 for the Commute Trip Reduction Program.

MOVED BY KRULLER, SECONDED BY HOUARDY TO AUTHORIZE THE MAYOR TO SIGN AN AGREEMENT WITH THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION FOR FUNDING COMING TO THE CITY IN THE AMOUNT OF \$74,206 FOR THE COMMUTE TRIP REDUCTION PROGRAM. MOTION CARRIED 7-0.

NEW BUSINESS – *Per Agenda Amendment on Page 1*

MOVED BY HOUARDY, SECONDED BY ROBERTSON TO AUTHORIZE THE MAYOR TO EXECUTE A SETTLEMENT AGREEMENT WITH FIRE CHIEF NICK OLIVAS IN THE AMOUNT OF \$90,000. MOTION CARRIED 7-0.

REPORTS

a. Mayor

Mayor Haggerton reported that on August 14, 2013, he participated in a get-acquainted meeting with Colonel Estok from the Seattle District of the U.S. Army Corp of Engineers. Discussion occurred regarding levees and river vegetation, and those who had previously been in opposition on this subject from the federal government and King County are coming together on the issues. This will be beneficial to local governments. Additionally, on August 14, the Mayor attended the Sound Cities Association Public Issues Committee (PIC) meeting where Councilmember Quinn did a presentation on agriculture and food access.

On August 15, the Mayor attended a meeting with Sally Clark, the City of Seattle Council President. Ms. Clark was accompanied by her intern who worked for her over 2 summers. The Mayor expressed that the use of interns is advantageous to both the person working in the intern position and the organization. Additionally, Ms. Clark and the Mayor discussed the Potential Annexation Area (PAA) <Delta Marine>. While the City is not appealing the decision of the Boundary Review Board if nothing occurs in a year, Tukwila can revisit the issue.

Also on August 15, the Mayor attended the newcomer graduation event at Thorndyke Elementary School. This program is significant in that students from other cultures are given an opportunity to learn the fundamentals about attending school prior to the beginning of the school year.

b. City Council

Councilmember Robertson referenced a new program designed to encourage federal agencies to work together to improve industrial waterways for environmental, recreational and commercial benefits. One of the pilot areas is the Green River, and the team asked to use the Tukwila Community Center to kick off the event. Unfortunately, it was the week our Community Center was scheduled to be closed for annual maintenance. However, City administration found a way to make this work by having maintenance work occur at one end of the facility while the kick-off event occurred in another. He thanked City administration for their efforts toward making this a success.

Councilmember Quinn reported that on August 14, he and Councilmember Richard Conlin from the City of Seattle made a presentation regarding their work on the Puget Sound Regional Council Food Policy to the Sound Cities Association Public Issues Committee. He appreciated the robust discussion that occurred among the regional agencies regarding food access and agriculture. Additionally, he attended the Tukwila Rotary Club meeting on August 15, where there was a presentation on the Imagine Scholar

Program involving moving stories of youth in South Africa. He will be in contact with staff from the Community Center regarding possible involvement by the Teens for Tukwila.

Mayor Haggerton said Councilmember Quinn's presentation invoked conversation regarding food options in schools and how those choices affect the health of our children. Councilmember Quinn said so many of Tukwila's school children qualify for free and reduced lunch, and during the summer, they do not get those lunches. Councilmember Duffie said free lunches are available each day at noon at Joseph Foster Park,.

Mayor Haggerton reiterated that much of the discussion at the PIC meeting centered around Farmers Markets. He would like to see the City re-visit having a Farmers Market for Tukwila.

Councilmember Kruller said there are multiple locations in Tukwila where children can get free breakfasts and lunches: the Tukwila Community Center, Cascade View Park, and Foster Park. She relayed that in Federal Way, through the Food Bank, there are 28 sites where free meals are available. She is pleased that there is a possibility of the Farmers Market coming back. She commended Councilmember Quinn for introducing her to the concept of "food deserts." (*A food desert is a district with little or no access to foods needed to maintain a healthy diet but often served by plenty of fast food.*) She would like to see the City follow the model of other cities finding success at mitigating this issue.

She also attended the newcomer graduation event at Thorndyke Elementary School on August 15, where approximately 17 students graduated. The graduates will also have mentors helping them once school begins. Ms. Kruller referenced the garage sale that occurred in Tukwila this past weekend saying she supports this event as it presents a good way to recycle. She also spent some time with the Sustain Tukwila Pool (STP) group, who continue to inspire her due to their commitment to the City's aquatics programs and interests.

c. Staff

Mayor Haggerton stated that the City Administrator Report is available in the Council packet.

d. City Attorney

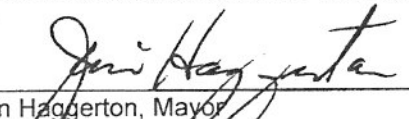
There was no report.

e. Intergovernmental


Laurel Humphrey, Council Analyst, offered the reminder that Councilmembers should let her know what dates they can attend the Rotary Club meetings. Council President Hougardy reiterated that multiple Councilmembers can attend the meeting, and it is preferable to have at least one person attend each Thursday.

ADJOURNMENT

7:51 p.m. MOVED BY QUINN, SECONDED BY DUFFIE THAT THE TUKWILA CITY COUNCIL MEETING BE ADJOURNED. MOTION CARRIED 7-0.



Jim Haggerton, Mayor



Christy O'Flaherty, City Clerk

APPROVED BY THE CITY COUNCIL: 9/3/13
AVAILABLE ON CITY WEBSITE: 9/4/13



**Tukwila Police Department
INCIDENT REPORT FORM**

Reported Date 02/17/15	Reported Time 1554	Offense Code 1 (Offense/Incident Literal) 092 VUCSA Manufacturing	1 <input type="checkbox"/> Attempt <input checked="" type="checkbox"/> Complete
Location 14470 58th Ave S		Offense Code 2	2 <input type="checkbox"/> Attempt <input type="checkbox"/> Complete
RD 40	Occurred Date 02/17/15	Occurred Time 1554	Dispo. G
Offense Code 3		3 <input type="checkbox"/> Attempt <input type="checkbox"/> Complete	
Offense Code 4		4 <input type="checkbox"/> Attempt <input type="checkbox"/> Complete	

GENERAL IBR INFORMATION (required on all criminal incidents)

Location Type 01	Offense Related to: <input type="checkbox"/> Alcohol <input type="checkbox"/> Computer <input checked="" type="checkbox"/> Drugs <input type="checkbox"/> Not Applicable	Clearance Type: <input checked="" type="checkbox"/> N-Not applicable <input type="checkbox"/> Exceptional (specify code):	<input type="checkbox"/> AA-Arrest Adult <input type="checkbox"/> AJ-Arrest Juvenile	Bias Motivation? <input type="checkbox"/> Yes (specify code) <input checked="" type="checkbox"/> No (88)	Domestic Violence? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Child Abuse? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Criminal Activity 02	Weapons Used? <input type="checkbox"/> Yes (specify code)? <input checked="" type="checkbox"/> No (90)	Caliber: Gauge:	Length: Grips/finish:	THESE ITEMS → FOR BURGLARY REPORTS ONLY	# Units Entered	Entry Method	Tools Used	Prem. Security

SUMMARY
Received call from PSE regards to a overload of power on listed residence upon arrival discovered a marijuana grow, however homeowner had medical marijuana license. Excess plants and finish product was removed for destruction.

<input checked="" type="checkbox"/> Offender <input type="checkbox"/> Suspect <input type="checkbox"/> Other	<input type="checkbox"/> Registered Owner <input type="checkbox"/> OwNer <input type="checkbox"/> Missing Person	<input type="checkbox"/> Complainant <input type="checkbox"/> Victim <input type="checkbox"/> Witness	Disclosure <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Injury Code Offender No. _____ Relationship _____	VICTIM TYPE CODES <input type="checkbox"/> Individual <input type="checkbox"/> Business <input type="checkbox"/> Financial Institution	<input type="checkbox"/> Government <input type="checkbox"/> Religious <input type="checkbox"/> Soc/Public	<input type="checkbox"/> Police Ofcr <input type="checkbox"/> Other <input type="checkbox"/> Unknown				
No. 1	Stmnt Taken? <input checked="" type="checkbox"/> No	Offense No. _____	Name (last, first middle) Hazrat, Zakaria G		Race W	Sex M	DOB/Age Range 09/12/76				
Street Address 14470 58th Ave S		City Tukwila	State WA	Zip 98188	Home Phone	Cell Phone					
Place of Employment	Work Phone	OLN	State	Soc	TID	Ethnicity	Residency				
Charge(s) 1.	Citation/Wrnt No.	TMC/RCW	Hgt 5.9	Wgt 185	Eyes Bro	Hair Blk	Armed? <input type="checkbox"/>	Flag	Custody Status	Arrest Dep.	Jail
2.	Alias Name/DOB										
3.	Identifiers/Clothing										
4.	Scars/Marks/Tattoos										

<input type="checkbox"/> Offender <input type="checkbox"/> Suspect <input type="checkbox"/> Other	<input type="checkbox"/> Registered Owner <input type="checkbox"/> OwNer <input type="checkbox"/> Missing Person	<input type="checkbox"/> Complainant <input type="checkbox"/> Victim <input type="checkbox"/> Witness	Disclosure <input type="checkbox"/> Yes <input type="checkbox"/> No	Injury Code Offender No. _____ Relationship _____	VICTIM TYPE CODES <input type="checkbox"/> Individual <input type="checkbox"/> Business <input type="checkbox"/> Financial Institution	<input type="checkbox"/> Government <input type="checkbox"/> Religious <input type="checkbox"/> Soc/Public	<input type="checkbox"/> Police Ofcr <input type="checkbox"/> Other <input type="checkbox"/> Unknown				
No. _____	Stmnt Taken? <input type="checkbox"/> No	Offense No. _____	Name (last, first middle)		Race	Sex	DOB/Age Range				
Street Address		City	State	Zip	Home Phone	Cell Phone					
Place of Employment	Work Phone	OLN	State	Soc	TID	Ethnicity	Residency				
Charge(s) 1.	Citation/Wrnt No.	TMC/RCW	Hgt	Wgt	Eyes	Hair	Armed? <input type="checkbox"/>	Flag	Custody Status	Arrest Dep.	Jail
2.	Alias Name/DOB										
3.	Identifiers/Clothing										
4.	Scars/Marks/Tattoos										

VEHICLE INFORMATION

<input type="checkbox"/> Suspect Vehicle	Lic. No.	Lic. State	Veh. Yr.	Veh. Make	Veh. Model	Veh. Style	Color	VIN
<input type="checkbox"/> Victim Vehicle	Description (DX, XL, Pwr windows/locks, A/C, Mileage, Etc)							

Officer K.King	Badge No. 124	Supervisor Johnson	Date
Signature		Date	

I declare this is a true and correct report. I understand that I may be charged with violation of TMC 8.60.010 (Obstructing Police Officer) by filing a false report. The information I have provided is true and correct.



**Tukwila Police Department
INCIDENT REPORT FORM**

Reported Date 08/14/2013	Reported Time 1657	Offense Code 1 061-89	(Offense/Incident Literal) Theft 1st (of Power)	1 <input type="checkbox"/> Attempt <input checked="" type="checkbox"/> Complete
Location 14460 58 th Ave S		Offense Code 2 094	VUCSA (Manufacturing Marijuana)	2 <input type="checkbox"/> Attempt <input checked="" type="checkbox"/> Complete
RD 40		Offense Code 3 092	VUCSA (Possession with Intent)	3 <input type="checkbox"/> Attempt <input checked="" type="checkbox"/> Complete
Occurred Date 08/14/2013	Occurred Time 1657	Dispo. G	Offense Code 4	4 <input type="checkbox"/> Attempt <input type="checkbox"/> Complete

GENERAL IBR INFORMATION (required on all criminal incidents)

Location Type 02	Offense Related to: <input type="checkbox"/> Alcohol <input type="checkbox"/> Computer <input checked="" type="checkbox"/> Drugs <input type="checkbox"/> Not Applicable	Clearance Type: <input checked="" type="checkbox"/> N-Not applicable <input type="checkbox"/> AA-Arrest Adult <input type="checkbox"/> Exceptional (specify code):	Bias Motivation? <input type="checkbox"/> Yes (specify code) <input checked="" type="checkbox"/> No (88)	Domestic Violence? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Child Abuse? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
Criminal Activity	Weapons Used? <input type="checkbox"/> Yes (specify code)? <input checked="" type="checkbox"/> No (90)	Caliber: Gauge:	Length: Grips/finish:	THESE ITEMS → FOR BURGLARY REPORTS ONLY	# Units Entered	Entry Method	Tools Used	Prem. Security

SUMMARY

Power being ran into residence without going through meter. Marijuana grows inside location.

<input type="checkbox"/> Offender <input checked="" type="checkbox"/> Suspect <input type="checkbox"/> Other	<input type="checkbox"/> Registered Owner <input type="checkbox"/> OwnNer <input type="checkbox"/> Missing Person	<input type="checkbox"/> Complainant <input type="checkbox"/> Victim <input type="checkbox"/> Witness	Injury Code _____ Offender No. _____ Relationship _____	VICTIM TYPE CODES <input type="checkbox"/> Individual <input type="checkbox"/> Business <input type="checkbox"/> Financial Institution	<input type="checkbox"/> Government <input type="checkbox"/> Religious <input type="checkbox"/> Soc/Public	<input type="checkbox"/> Police Ofcr <input type="checkbox"/> Other <input type="checkbox"/> Unknown		
No. 1	Stmnt Taken? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Offense No. 1,2,3	Name (last, first, middle) Hazrat, Yamah Mohammed	Race U	Sex M	DOB/Age Range 12/12/1975		
Street Address 14460 58 th Ave S		City Tukwila	State WA	Zip 98168	Home Phone -	Cell Phone 425-603-9065		
Place of Employment		Work Phone	OLN HAZRAYM250RK	State WA	Soc	TID -	Ethnicity N	Residency F

Charge(s) 1.	Citation/Wrnt No.	TMC/RCW	Hgt 510	Wgt 200	Eyes U	Hair U	Armed? -	Flag -	Custody Status -	Arrest Dep. -	Jail -
2.		Alias Name/DOB Redactions made pursuant to: RCW 42.56.230									
3.		Identifiers/Clothing 42 USC § 405(c)(2)(C)(viii)(I)									
4.		Scars/Marks/Tattoos									

<input type="checkbox"/> Offender <input checked="" type="checkbox"/> Suspect <input type="checkbox"/> Other	<input type="checkbox"/> Registered Owner <input type="checkbox"/> OwnNer <input type="checkbox"/> Missing Person	<input type="checkbox"/> Complainant <input type="checkbox"/> Victim <input type="checkbox"/> Witness	Injury Code _____ Offender No. _____ Relationship _____	VICTIM TYPE CODES <input type="checkbox"/> Individual <input type="checkbox"/> Business <input type="checkbox"/> Financial Institution	<input type="checkbox"/> Government <input type="checkbox"/> Religious <input type="checkbox"/> Soc/Public	<input type="checkbox"/> Police Ofcr <input type="checkbox"/> Other <input type="checkbox"/> Unknown		
No. 2	Stmnt Taken? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Offense No. 1,2,3	Name (last, first, middle) Hartsell, Jeremy Lee	Race W	Sex M	DOB/Age Range 12/22/1973		
Street Address 4273 244 th PI SE		City Issaquah	State WA	Zip 98029	Home Phone -	Cell Phone -		
Place of Employment		Work Phone	OLN HARTSJL275R2	State WA	Soc	TID -	Ethnicity N	Residency N

Charge(s) 1.	Citation/Wrnt No.	TMC/RCW	Hgt 510	Wgt 228	Eyes Blu	Hair Brn	Armed? -	Flag -	Custody Status -	Arrest Dep. -	Jail -
2.		Alias Name/DOB Redactions made pursuant to: RCW 42.56.230									
3.		Identifiers/Clothing 42 USC § 405(c)(2)(C)(viii)(I)									
4.		Scars/Marks/Tattoos									

VEHICLE INFORMATION

<input checked="" type="checkbox"/> Suspect Vehicle	Lic. No. B56048T	Lic. State WA	Veh. Yr. 2004	Veh. Make Chevy	Veh. Model Express	Veh. Style VAN	Color WHT	VIN
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Description (DX, XL, Pwr windows/locks, A/C, Mileage, Etc)

Officer KOLSTAD	Badge No. 207	Supervisor SGT ROSSI	Date 8/17/13
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I declare this is a true and correct report. I understand that I may be charged with violation of TMC 8.60.010 (Obstructing Police Officer) by filing a false report. The information I have provided is true and correct.

Signature



Tukwila City Council

City Hall Council Chambers

Regular Meeting

September 3, 2013– 7:00 P.M.

MINUTES

REGULAR MEETING

CALL TO ORDER/PLEDGE OF ALLEGIANCE/ROLL CALL

Mayor Haggerton called the Regular Meeting of the Tukwila City Council to order at 7:03 p.m. and led the audience in the Pledge of Allegiance.

ROLL CALL

Melissa Hart, Deputy City Clerk, called the roll of the Council. Present were Councilmembers Joe Duffie, Dennis Robertson, Kathy Hougardy, Allan Ekberg, De'Sean Quinn, and Kate Kruller.

MOVED BY QUINN, SECONDED BY DUFFIE TO EXCUSE COUNCILMEMBER SEAL FROM THE COUNCIL MEETING. MOTION CARRIED 6-0.

CITY OFFICIALS

Jim Haggerton, Mayor; David Cline, City Administrator; Shelley Kerslake, City Attorney; Rachel Turpin, Assistant City Attorney; Bob Giberson, Public Works Director; Gail Labanara, Public Works Analyst; Mike Villa, Police Chief; Mike Murphy, Police Accreditation Officer; Chris Flores, Acting Fire Chief; Marty Grisham, Emergency Manager; Jack Pace, Community Development Director; Peggy McCarthy, Finance Director; Vicky Carlsen, Deputy Finance Director; Kimberly Matej, Government Relations Manager; Joyce Trantina, Project Analyst; Mary Miotke, Information Technology Director; Laurel Humphrey, Council Analyst; Melissa Hart, Deputy City Clerk.

AMEND AGENDA

MOVED BY HOUGARDY, SECONDED BY DUFFIE TO AMEND THIS EVENING'S AGENDA TO ADD A PRESENTATION AS AGENDA ITEM 2A REGARDING A BRIEFING ON THE POLICE ACTIVITY ALONG TUKWILA INTERNATIONAL BOULEVARD (TIB) ON AUGUST 27, 2013. MOTION CARRIED 6-0.

PROCLAMATIONS/APPOINTMENTS

a. Briefing on the Police activity along TIB on August 27, 2013 – *Per agenda amendment above.*

Kimberly Matej, Government Relations Manager, stated the Council was briefed on August 28, 2013 regarding the recent police activity along Tukwila International Boulevard, involving the seizure and boarding up of 3 motels by federal agents after a year-long investigation of criminal activity. At that briefing, the Council requested City Administration update the Tukwila community regarding the early morning events of August 27, 2013. She thanked Mary Miotke, Information Technology Director, and Mike Murphy, Police Accreditation Officer, for their quick work on creating a media presentation.

A video was shown to the City Council and audience that provided a briefing relating to the Police activity along Tukwila International Boulevard on August 27, 2013. The briefing video will be available on Tukwila Cable Channel 21.

b. Confirm the appointment of Christopher Lowrance to Position #4 on the Human Services Advisory Board, with a term expiring 4/30/2016.

MOVED BY QUINN, SECONDED BY HOUGARDY TO CONFIRM THE APPOINTMENT OF CHRISTOPHER LOWRANCE TO POSITION #4 ON THE HUMAN SERVICES ADVISORY BOARD, WITH A TERM EXPIRING 4/30/2016.*

Mayor Haggerton and City Councilmembers thanked Mr. Lowrance for his service.

***MOTION CARRIED 6-0.**

c. A proclamation for National Recovery Month. *The proclamation will be presented to Barb Vannatter, Clinical Specialist and Co-Chair of Recovery Month for King County.*

Mayor Haggerton read a proclamation recognizing September as "National Recovery Month" in the City of Tukwila.

Ms. Vannatter thanked the Mayor and City Council for acknowledging National Recovery Month and for their support of the many programs and service providers.

CITIZEN COMMENTS

There were no citizen comments.

CONSENT AGENDA

- a. Approval of Minutes: 8/19/13 (Regular Mtg.)
- b. Approval of Vouchers: #130700, 130803-130806, #364192-364194, #364195-364281 in the amount of \$879,499.35
- c. Authorize the acceptance of two National Pollutant Discharge Elimination System (NPDES) grants. *(No City matching funds required.)* The 2013 State Legislature has provided funding through two separate appropriations as follows:
 - (1) \$50,000: \$5.85 million for the 2013-2015 Biennial Municipal Stormwater Capacity Grant Program of which NPDES Phase I and II communities will be awarded \$50,000 for NPDES permit compliance activities.
 - (2) \$120,000: \$15 million for project specific planning and design for retrofit/LID projects of which up to \$120,000 is available for each of the NPDES Phase I and II communities.*[Reviewed and forwarded to Consent by Utilities Committee on 8/19/13.]*
- d. Award a bid to Henderson Partners, LLC for the 2013 Small Drainage Program in the amount of \$339,049 and authorize the Mayor to sign the contract. *[Reviewed and forwarded to Consent by Utilities Committee on 8/19/13.]*
- e. Authorize the Mayor to sign the King County Master Interlocal Agreement with the Zone 3 partners for cooperative fire-related services. *[Reviewed and forwarded to Consent by the Committee of the Whole on 8/26/13.]*

MOVED BY DUFFIE, SECONDED BY ROBERTSON THAT THE CONSENT AGENDA BE APPROVED AS SUBMITTED. MOTION CARRIED 6-0.

UNFINISHED BUSINESS

a. An ordinance amending various ordinances related to land use and zoning as codified at Tukwila Municipal Code Section 18.40.020 and establishing a new Section 18.50.210; adopting zoning restrictions on the production, processing, and retailing of recreational marijuana uses; describing the land use impacts triggering such restrictions; identifying the permitted zone for recreational marijuana uses as the Tukwila Valley South and Heavy Industrial Zones; establishing separation and distance requirements within the permitted zones; establishing procedures for enforcement of violations including abatement of marijuana nuisances; repealing Ordinance No. 2405, which established the moratorium on recreational marijuana uses.

MOVED BY HOUGARDY, SECONDED BY DUFFIE THAT THE PROPOSED ORDINANCE BE READ BY TITLE ONLY. MOTION CARRIED 6-0.

Melissa Hart, Deputy City Clerk, read the proposed ordinance by title only.

AN ORDINANCE AMENDING VARIOUS ORDINANCES RELATED TO LAND USE AND ZONING AS CODIFIED AT TUKWILA MUNICIPAL CODE SECTION 18.40.020 AND ESTABLISHING A NEW SECTION 18.50.210; ADOPTING ZONING RESTRICTIONS ON THE PRODUCTION, PROCESSING, AND RETAILING OF RECREATIONAL MARIJUANA USES; DESCRIBING THE LAND USE IMPACTS TRIGGERING SUCH RESTRICTIONS; IDENTIFYING THE PERMITTED ZONE FOR RECREATIONAL MARIJUANA USES AS THE TUKWILA VALLEY SOUTH AND HEAVY INDUSTRIAL ZONES; ESTABLISHING SEPARATION AND DISTANCE REQUIREMENTS WITHIN THE PERMITTED ZONES; ESTABLISHING PROCEDURES FOR ENFORCEMENT OF VIOLATIONS INCLUDING ABATEMENT OF MARIJUANA NUISANCES; REPEALING ORDINANCE NO. 2405, WHICH ESTABLISHED THE MORATORIUM ON RECREATIONAL MARIJUANA USES

MOVED BY HOUARDY, SECONDED BY ROBERTSON THAT THE PROPOSED ORDINANCE BE ADOPTED AS READ. *

Regis Costello, 14462 58th Avenue South, explained that he is following up on his testimony from the August 19th meeting. He said there are a number of residents on 58th Avenue concerned about activity where people are using residential zoned property for marijuana grow operations. He feels the City should create a policy on how to monitor and enforce issues associated with marijuana growing and processing within the residential community.

Roger Goodman stated he is a Washington State Representative, and Chair of the Washington Public Safety Committee. For years as an attorney and legislator, he has worked to undercut the illicit marijuana trade by a strictly regulated model that the voters have approved. Over the past several months, he has worked closely with the Governor and Attorney General to bring a strictly regulated system that benefits the health and safety of all communities by keeping the substance away from children, reducing public disorder and providing safety for citizens. He explained he is speaking this evening not as a State Representative, but rather as an attorney. He has started representing the responsible and reputable entrepreneurs who are interested in opening marijuana retail stores. More information on this will be public tomorrow (September 4, 2013). This includes the number of retail outlets the Washington State Liquor Control Board has allocated state-wide, which is based on county population and estimation of demand. He said the State Liquor Control Board has allocated one marijuana retail outlet for Tukwila. In addition, the medical marijuana dispensaries are going to be closed, and they are not adequately regulated. Recently, the federal government has stated as long as the cannabis market is strictly regulated to reduce access by young people and reduce the leakage of the product across state lines, they will not intervene. Mr. Goodman stated a client of his, who is a reputable entrepreneur, is interested in a location within the City; however, the location is not within the proposed zones. One property owner controls 95% of the Tukwila Valley South zone, and it is unlikely they will allow this type of use. He asked the Council to delay consideration of the ordinance, due to the new information.

Councilmember Robertson commented that while the State Liquor Control Board will allow one retail outlet in Tukwila, there are three activities associated with the issue: growing, processing and retail. He asked how growing and processing will be regulated.

Mr. Goodman explained that economical growing of marijuana is not capable of being done indoors. Sun grown marijuana will likely take place in Eastern Washington. By licensing the reputable entrepreneurs under the new system, he feels indoor growing operations will not be competitive. Growing and processing would be appropriate for an industrial zone; consumers would not visit those types of establishments. Through his contacts, he understands there are two potential license applicants interested in growing operations within Tukwila. The State Liquor Control Board will need to consider the 1,000 foot buffer from parks and schools as it relates to those potential applications.

Councilmember Robertson asked if the State Liquor Control Board will limit the number of growing and processing operations within the cities.

Mr. Goodman stated the draft regulations relating to marijuana growing, processing and retailing will be issued on September 4, 2013, and there will be a 30-day comment period on the proposed regulations. He explained information he has received indicates the State Liquor Control Board has established limits on the amount of marijuana each grower or processor is allowed, and he feels individuals interested in

those activities will not be happy with the proposed product limits. The principal reason the State Liquor Control Board delayed the issuance of the proposed regulations was to estimate the size of the market and the size of the crop needed to satisfy the demand. Cities are not allowed to prohibit these activities; rather the City can establish specific zoning for the activities. From his standpoint, the regulations being proposed in Washington are very burdensome for entrepreneurs compared to the regulations being imposed in Colorado.

Council President Hougardy asked if marijuana growing and processing activities will be allowed in all areas without zoning restrictions.

Mr. Goodman said growing and processing would not be allowed in residential areas. The State Liquor Control Board will not issue a license for an establishment within a residential area. Growing, processing and retail of marijuana will be strictly regulated, and none of the activities will be allowed within residential zones.

Councilmember Duffie asked if smoking of marijuana would be allowed in public places.

Mr. Goodman stated public use of marijuana is still prohibited, and law enforcement agencies are authorized to issue citations to individuals using or displaying it in public.

Councilmember Ekberg stated the City does not advocate for any marijuana growing, processing or retail operation within a residential area of the City. He inquired about the location of the proposed retail site.

Mr. Goodman stated his client has looked at property located along Andover Park East, and they feel the site complies with the required 1,000 foot buffer from sensitive zones.

Councilmember Kruller asked who Mr. Goodman is representing with his comments.

Mr. Goodman stated that he is in attendance to represent his client's interest in a retail site within Tukwila. The State Liquor Control Board has determined that due to Tukwila's location and population one retail site will be located within the City. Since the site proposed by his client is not within the approved zone, they may apply for a variance in keeping with the proposed site.

Councilmember Kruller asked if each city will be assigned one retail outlet.

Mr. Goodman explained the State Liquor Control Board contracted with a consultant to conduct a county by county study to determine the demand for this product. The information received showed that the citizens of Washington consume 163 metric tons of marijuana each year, and the number of outlets for a City will be based on population and other factors. He stated information from Colorado shows with marijuana regulation there have been fewer DUIs and reduced beer consumption.

Councilmember Robertson asked how difficult it would be to amend the zoning restrictions related to retail activities in the future if the Council adopts the proposed legislation.

Jack Pace, Community Development Director, explained this issue was first discussed in the Community Affairs and Parks Committee. Discussion involved the need to revisit zoning code changes when the legislature meets in March 2014, due to the changing rules and regulations surrounding this issue. The degree of legislative change will determine the amount of staff time necessary to make the changes.

Additionally, in the August 26, 2013 agenda packet there was a map depicting the areas within the City that were not within the 1,000 foot sensitive area buffer. Currently the State Liquor Control Board considers trails as part of the sensitive area provision. However, there has been discussion on removing trails from the sensitive areas. Mr. Pace clarified that the area proposed by Mr. Goodman for the retail location is near a park and falls within the 1,000 foot buffer. At this time that proposed retail location would not be permitted in that area.

Councilmember Robertson spoke in favor of the motion with the caveat that there could be changes to the zoning code in the future. He stated he is concerned with amending the City's zoning laws to suit one particular business. He believes the rules and regulations surrounding this topic will continue to evolve, and the Council will most likely make several changes to the zoning code for this issue in the future.

Councilmember Duffie asked whether the Council can make additional changes to the code at any time if the Council adopts the ordinance as presented.

Shelley Kerslake, City Attorney, explained that if the legislature and Washington State Liquor Control Board make changes to the rules and regulations that render the City's zoning incompatible for certain uses or undesirable to the Council, the action taken by the Council this evening does not preclude the Council from making future changes.

Councilmember Ekberg suggested staff review the rules and regulations that will be published September 4, 2013 by the State Liquor Control Board, update the ordinance and return to a future Community Affairs and Parks Committee for discussion.

Councilmember Kruller spoke in favor of the motion, explaining that staff has provided the information requested by the Council and the City is trying to meet basic deadlines. The Council is able to make additional changes to the zoning code in the future should the need arise.

Councilmember Quinn expressed appreciation for the robust discussion. He explained this is not a new issue. The City has a moratorium in place relating to marijuana and he supports the motion. The proposed zoning allows the City to start small, while allowing for changes in the future.

Council President Hougardy commented that the issues surrounding the regulations to be published by the State Liquor Control Board make this issue a moving target. She feels the draft ordinance is a good beginning and she voiced her support of the motion.

Councilmember Robertson asked for clarification on the timeline and if the City were short on time to take the most conservative approach. There had been previous discussions on the Council taking no action and the possibility of a business being established that would be grandfathered in.

Mr. Pace stated the Council adopted a six-month moratorium, and this is the second month of the moratorium. The proposed rules and regulations from the State Liquor Control Board are going to continually evolve and change. No matter when the Council chooses to adopt zoning code regulations relating to marijuana, it will continue to be an evolving process for some time.

Councilmember Ekberg explained the comments he has made on this item may appear liberal; however, for the Council to be ultra-conservative, he feels the Council should postpone the decision, and retain the moratorium.

Councilmember Quinn said the discussion on this issue began at the Committee of the Whole Meeting, and staff provided the Council with the rationale and justification for the recommended adoption of the proposed zoning code changes. The City is not able to outlaw these types of establishments, and he voiced his support with moving forward with the zoning code changes in the draft ordinance. He feels the proposed changes are a good, small first step for the issue.

Councilmember Robertson stated Council discussion on this item reflects support for the draft ordinance with the expectation of future changes.

***MOTION CARRIED 5-1, TO ADOPT ORDINANCE 2407, WITH EKBERG VOTING NO.**

Councilmember Ekberg commented that he voted "no" to retain the formal moratorium to allow staff additional time to review the proposed laws that will be published on September 4, 2013.

excluded 9-10

Council President Hougardy participated in the Tukwila International Boulevard tour on August 30, 2013.

Councilmember Kruller attended the Tukwila International Boulevard tour on August 30, 2013.

c. Staff

David Cline referenced the City Administrator report in the packet and offered to answer any questions.

d. City Attorney

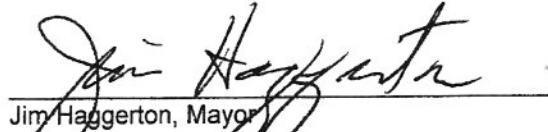
There was no report.

e. Intergovernmental

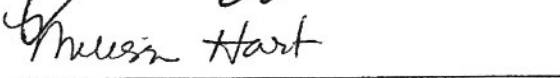
Laurel Humphrey, Council Analyst, stated the materials for the September 9, 2013 Comprehensive Plan work session were distributed to the Council earlier this evening.

ADJOURNMENT

9:16 p.m. MOVED BY DUFFIE, SECONDED BY KRULLER THAT THE TUKWILA CITY COUNCIL MEETING BE ADJOURNED. MOTION CARRIED 6-0.



Jim Haggerton, Mayor



Melissa Hart, Deputy City Clerk

APPROVED BY THE CITY COUNCIL AND SIGNED BY THE MAYOR ON 09/23/2013

AVAILABLE ON THE CITY'S WEBSITE 09/24/2013