

SEATTLE CITY COUNCIL

600 Fourth Ave. 2nd Floor
Seattle, WA 98104



Journal of the Proceedings of the Seattle City Council

Monday, May 4, 2020

2:00 PM

Public Hearing

Remote Meeting. Call listen line at 206-684-8566 or access Seattle Channel online.

City Council

M. Lorena González, President

Lisa Herbold, Member

Debora Juarez, Member

Andrew J. Lewis, Member

Tammy J. Morales, Member

Teresa Mosqueda, Member

Alex Pedersen, Member

Kshama Sawant, Member

Dan Strauss, Member

Chair Info: 206-684-8809; Lorena.González@seattle.gov

In-person attendance is currently prohibited per the Washington Governor's Proclamation No. 20-28.1 until May 4, 2020. Meeting participation is limited to access by telephone conference line and Seattle Channel online.

A. CALL TO ORDER

The City Council of The City of Seattle met remotely pursuant to Washington State Governor's Proclamation 20-28.1 and guidance provided by the Attorney General's Office, on May 4, 2020, pursuant to the provisions of the City Charter. The meeting was called to order at 2:05 p.m., with Council President González presiding.

B. ROLL CALL

The following Councilmembers were present and participating electronically:

Present: 8 - González , Juarez, Lewis, Morales, Mosqueda, Pedersen, Sawant, Strauss

Late Arrival: 1 - Herbold

By unanimous consent, the Council Rules were suspended to allow Councilmembers to participate and vote at City Council and Committee meetings by electronic means through May 31, 2020.

C. PRESENTATIONS

Council President González recognized the Office of the City Clerk and a Proclamation declaring May 3 through May 9, 2020 as Municipal Clerks Week.

Councilmember Herbold joined the meeting at 2:11 p.m.

D. APPROVAL OF THE JOURNAL

[Min 278](#) **April 20, 2020**

Motion was made, duly seconded and carried, to adopt the proposed Minutes by the following vote, and the President signed the Minutes:

In Favor: 9 - González , Herbold, Juarez, Lewis, Morales, Mosqueda, Pedersen, Sawant, Strauss

Opposed: None

[Min 279](#) **April 27, 2020**

Motion was made, duly seconded and carried, to adopt the proposed Minutes by the following vote, and the President signed the Minutes:

In Favor: 9 - González , Herbold, Juarez, Lewis, Morales, Mosqueda, Pedersen, Sawant, Strauss

Opposed: None

E. ADOPTION OF INTRODUCTION AND REFERRAL CALENDAR

[IRC 253](#) **May 4, 2020**

Motion was made, duly seconded and carried, to adopt the proposed Introduction and Referral Calendar (IRC) by the following vote:

In Favor: 9 - González , Herbold, Juarez, Lewis, Morales, Mosqueda, Pedersen, Sawant, Strauss

Opposed: None

F. APPROVAL OF THE AGENDA

Motion was made, duly seconded and carried, to adopt the proposed Agenda.

G. PUBLIC COMMENT

Angie Gerrald addressed the Council regarding Agenda item 3, Council Bill 119784.

Roger Valdez addressed the Council regarding Agenda item 3, Council Bill 119784.

Dave Carlstrom addressed the Council regarding Agenda item 3, Council Bill 119784.

Dana Frank addressed the Council regarding Agenda item 3, Council Bill 119784.

Charlotte Thistle addressed the Council regarding Agenda item 3, Council Bill 119784.

MariLyn Yim addressed the Council regarding Agenda item 3, Council Bill 119784.

Neil Wilson addressed the Council regarding Agenda item 3, Council Bill 119784.

Leslie Hoge addressed the Council regarding Agenda item 3, Council Bill 119784.

John Wisdom addressed the Council regarding Agenda item 3, Council Bill 119784.

By unanimous consent, the Council Rules were suspended to extend the Public Comment period to allow the remaining speakers to address the Council.

Jennifer Lekisch addressed the Council regarding Agenda item 3, Council Bill 119784.

Alexander Heijer addressed the Council regarding Agenda item 3, Council Bill 119784.

Edmund Witter addressed the Council regarding Agenda item 3, Council Bill 119784.

Rob Wright addressed the Council regarding Agenda item 3, Council Bill 119784.

Jessica Westgren addressed the Council regarding Agenda item 3, Council Bill 119784.

Candice Chevallier addressed the Council regarding Agenda item 3, Council Bill 119784.

William Shadbolt addressed the Council regarding Agenda item 3, Council Bill 119784.

Brett Frank-Looney addressed the Council regarding Agenda item 3, Council Bill 119784.

Elizabeth Lacer addressed the Council regarding Agenda item 3, Council Bill 119784.

Jeffrey Cook addressed the Council regarding Agenda item 3, Council Bill 119784.

Andrew Grant Houston addressed the Council regarding Agenda item 3, Council Bill 119784.

Mark Brunson addressed the Council regarding Agenda item 3, Council Bill 119784.

Kyle Woodring addressed the Council regarding Agenda item 3, Council Bill 119784.

Malik Elbaz addressed the Council regarding Agenda item 3, Council Bill 119784.

H. PAYMENT OF BILLS

[CB 119786](#) **AN ORDINANCE appropriating money to pay certain audited claims for the week of April 20, 2020 through April 24, 2020 and ordering the payment thereof.**

Motion was made and duly seconded to pass Council Bill 119786.

The Motion carried, the Council Bill (CB) was passed by the following vote, and the President signed the Bill:

In Favor: 9 - González , Herbold, Juarez, Lewis, Morales, Mosqueda, Pedersen, Sawant, Strauss

Opposed: None

I. COMMITTEE REPORTS**CITY COUNCIL:**

1. [CB 119785](#) **AN ORDINANCE relating to funding for housing and community development programs; adopting The City of Seattle 2020 Annual Action Plan to the 2018-2022 Consolidated Plan for Housing and Community Development and authorizing its submission to the United States Department of Housing and Urban Development; authorizing acceptance of grant funds from that department for programs and activities included in the Annual Action Plan; amending Ordinance 126000 which adopted the 2020 Budget, by modifying appropriations to various departments and budget control levels in the 2020 Adopted Budget; and ratifying and confirming certain prior acts; all by a 3/4 vote of the City Council.**

PUBLIC HEARING ON COUNCIL BILL 119785

At 3:05 p.m., Council President Gonzalez opened the Public Hearing.

There was not a member of the public remotely present to provide comment on Council Bill 119785.

At 3:08 p.m., the Public Hearing was closed.

2. [CB 119783](#) **AN ORDINANCE related to the City's response to the 2020 COVID-19 crisis; amending Ordinance 126000, which adopted the 2020 Budget; accepting funding from non-City sources; changing appropriations to various departments and budget control levels, and from various funds in the Budget; declaring an emergency; and establishing an immediate effective date, all by a 3/4 vote of the City Council.**

ACTION 1:

Motion was made and duly seconded to pass Council Bill 119783.

ACTION 2:

Motion was made by Councilmember Mosqueda, duly seconded and carried, to amend Council Bill 119783, by substituting version 7 for version 2.

ACTION 3:

Motion was made and duly seconded to pass Council Bill 119783 as amended.

The Motion carried, the Council Bill (CB) was passed as amended by the following vote, and the President signed the Bill:

In Favor: 9 - González , Herbold, Juarez, Lewis, Morales, Mosqueda, Pedersen, Sawant, Strauss

Opposed: None

3. [CB 119784](#) **AN ORDINANCE relating to termination of residential rental tenancies; providing a defense to evictions occurring within six months after the termination of the Mayor’s residential eviction moratorium as amended by Resolution 31938; amending Section 22.206.160 of the Seattle Municipal Code; declaring an emergency; and establishing an immediate effective date; all by a 3/4 vote of the City Council.**

ACTION 1:

Motion was made and duly seconded to pass Council Bill 119784.

ACTION 2:

Motion was made by Councilmember González, duly seconded and carried, to amend Council Bill 119784, as shown on Attachment 1 to the Minutes.

ACTION 3:

Motion was made by Councilmember Pedersen and duly seconded, to amend Council Bill 119784, as shown on Attachment 2 to the Minutes.

The Motion failed by the following vote:

In Favor: 1 - Pedersen

Opposed: 8 - González, Herbold, Juarez, Lewis, Morales, Mosqueda,
Sawant, Strauss

ACTION 4:

Motion was made by Councilmember Pedersen and duly seconded, to amend Council Bill 119784, as shown on Attachment 3 to the Minutes.

ACTION 5:

By unanimous consent, Council Rule III.A.7, relating to amendments presented to the City Council at least two hours before the meeting, was suspended to allow consideration of an amendment to Council Bill 119784.

ACTION 6:

Motion was made by Councilmember Herbold, duly seconded and carried, to further amend the proposed amendment in Action 4, as shown on Attachment 4 to the Minutes.

ACTION 7:

The Motion in Action in 4 was restated as amended.

The Motion carried by the following vote:

In Favor: 7 - González, Herbold, Juarez, Lewis, Mosqueda, Pedersen,
Strauss

Opposed: 2 - Morales, Sawant

ACTION 8:

Motion was made by Councilmember González, duly seconded and carried, to amend Council Bill 119784, as shown on Attachment 5 to the Minutes.

ACTION 9:

Motion was made by Councilmember Pedersen and duly seconded, to amend Council Bill 119784, as shown on Attachment 6 to the Minutes.

ACTION 10:

By unanimous consent, the proposed amendment in Action 9 was withdrawn.

ACTION 11:

By unanimous consent, Council Rule III.A.7, relating to amendments presented to the City Council at least two hours before the meeting, was suspended to allow consideration of an amendment to Council Bill 119784.

ACTION 12:

Motion was made by Councilmember Pedersen and duly seconded, to amend Council Bill 119784, as shown on Attachment 7 to the Minutes.

The Motion failed by the following vote:

In Favor: 1 - Pedersen

Opposed: 8 - González, Herbold, Juarez, Lewis, Morales, Mosqueda,
Sawant, Strauss

ACTION 13:

Motion was made and duly seconded to pass Council Bill 119784 as amended.

The Motion carried, the Council Bill (CB) was passed as amended by the following vote, and the President signed the Bill:

In Favor: 9 - González , Herbold, Juarez, Lewis, Morales, Mosqueda,
Pedersen, Sawant, Strauss

Opposed: None

4. [CB 119780](#) **AN ORDINANCE relating to the Department of Finance and Administrative Services; authorizing the Director of Finance and Administrative Services to negotiate and execute a real property lease with Epic Life Church, for a site located at 10503 Interlake Avenue N; and ratifying and confirming certain prior acts.**

Motion was made and duly seconded to pass Council Bill 119780.

The Motion carried, the Council Bill (CB) was passed by the following vote, and the President signed the Bill:

In Favor: 9 - González , Herbold, Juarez, Lewis, Morales, Mosqueda,
Pedersen, Sawant, Strauss

Opposed: None

5. [CB 119782](#) **AN ORDINANCE relating to the financing of fire facilities; creating a fund for depositing proceeds of Limited Tax General Obligation Bonds in 2021; authorizing the loan of funds in the amount of \$8,200,000 from the Construction and Inspections Fund to the 2021 Multipurpose LTGO Bond Fund for bridge financing of the Fire Station 31 Replacement Project; amending Ordinance 126000, which adopted the 2020 Budget, including the 2020-2025 Capital Improvement Program, changing appropriations to various departments and budget control levels, and from various funds in the Budget; and ratifying and confirming certain prior acts; all by a 3/4 vote of the City Council.**

Motion was made and duly seconded to pass Council Bill 119782.

The Motion carried, the Council Bill (CB) was passed by the following vote, and the President signed the Bill:

In Favor: 9 - González , Herbold, Juarez, Lewis, Morales, Mosqueda, Pedersen, Sawant, Strauss

Opposed: None

6. [CB 119781](#) **AN ORDINANCE relating to the Seattle Department of Finance and Administrative Services; authorizing the acquisition of real property being identified in King County Records as Parcels AA, BB, CC, and DD of City of Seattle Short Subdivision No. 3025019, and Parcel Y of Seattle Lot Boundary Adjustment No. 3026183; authorizing acceptance and recording of deeds for general municipal purposes including, but not limited to, the construction of Fire Station 31; and ratifying and confirming certain prior acts.**

Motion was made and duly seconded to pass Council Bill 119781.

The Motion carried, the Council Bill (CB) was passed by the following vote, and the President signed the Bill:

In Favor: 9 - González , Herbold, Juarez, Lewis, Morales, Mosqueda, Pedersen, Sawant, Strauss

Opposed: None

J. ADOPTION OF OTHER RESOLUTIONS

There were none.

K. OTHER BUSINESS

There was none.

L. ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 5:13 p.m.

Jodee Schwinn, Deputy City Clerk

Signed by me in Open Session, upon approval of the Council, on May 11, 2020.

M. Lorena González, Council President of the City Council

Monica Martinez Simmons, City Clerk

Att 1 - Action 2 of CB 119784

Att 2 - Action 3 of CB 119784

Att 3 - Action 4 of CB 119784

Att 4 - Action 6 of CB 119784

Att 5 - Action 8 of CB 119784

Att 6 - Action 9 of CB 119784

Att 7 - Action 12 of CB 119784

Att 1 – Action 2 of CB 119784

Legislative Finding I: Amend the following as shown:

I. ~~On March 14, 2020,~~ Mayor Durkan signed an emergency order, amended by the Council in Resolution 31938 on March 16, 2020, creating a moratorium on residential evictions for non-payment of rent through the earlier of the end of the civil emergency or 60 days after the effective date of the emergency order, prohibiting a landlord from issuing a notice of termination or initiating an eviction action for non-payment of rent or otherwise acting on a termination notice, and creating a defense to a pending eviction action for non-payment of rent that the eviction would occur during the moratorium.

Legislative Findings: Amend the following as shown:

Y. Providing a defense to eviction for certain causes is necessary as an additional step to protect public health to support stable housing, decrease the likelihood that individuals and families will fall into homelessness, and decrease exposure while the COVID-19 emergency exists.

Z. Governor’s Proclamation 20-28 allows certain actions under the Open Public Meetings Act for actions that are 1) necessary and routine; or 2) necessary in response to the COVID-19 public health emergency.

AA. By reason of the findings set out above, this legislation is necessary in response to the COVID-19 public health emergency.

Att 1 – Action 2 of CB 119784

Section 22.206.160.C.9.a.1: Amend the following as shown:

1) The tenant fails to comply with a 14-day notice to pay rent or vacate pursuant to RCW 59.12.030(3) for rent due during ~~the pendency~~, or within six months after, the termination of, the Mayor’s residential eviction moratorium; or

Section 22.206.160.C.9: Amend the following as shown:

For purposes of this subsection 22.206.160.C.9, “termination of the Mayor’s residential eviction moratorium” means termination of subsection 1.C (creating a defense to a pending eviction action) of the moratorium on residential evictions ordered by the Mayor’s ~~March 14, 2020~~ civil emergency order, as amended by the Council in Resolution 31938 on March 16, 2020.

Section 22.206.160.C.9. Amend the following as shown:

9.

a. Subject to the requirements of subsection 22.206.160.C.9.b, it is a defense to eviction if the eviction would result in the tenant having to vacate the housing unit within six months after the termination of the Mayor’s eviction moratorium, and if the reason for terminating the tenancy is:

1) The tenant fails to comply with a 14-day notice to pay rent or vacate pursuant to RCW 59.12.030(3) for rent due during the pendency, or within six months after, the termination of the Mayor’s residential eviction moratorium; or

2) The tenant habitually fails to pay rent resulting in four or more pay-or-vacate notices in a 12-month period.

For purposes of this subsection 22.206.160.C.9, “termination of the Mayor’s residential eviction moratorium” means termination of subsection 1.C (creating a defense to a pending eviction action) of the moratorium on residential evictions ordered by the Mayor’s March 14, 2020 civil emergency order, as amended by the Council in Resolution 31938.

b. The tenant may invoke the defense provided in subsection 22.206.160.C.9.a only if the housing unit that the tenant would have to vacate is owned by a person who owns more than four rental housing units in The City of Seattle. For purposes of this subsection 22.206.160.C.9.b, “owns” includes having any ownership interest in the housing units.

Att 3 – Action 4 of CB 119784

9.

a. Subject to the requirements of subsection 22.206.160.C.9.b, it is a defense to eviction if the eviction would result in the tenant having to vacate the housing unit within six months after the termination of the Mayor’s eviction moratorium, and if the reason for terminating the tenancy is:

1) The tenant fails to comply with a 14-day notice to pay rent or vacate pursuant to RCW 59.12.030(3) for rent due during the pendency, or within six months after, the termination of the Mayor’s residential eviction moratorium; or

2) The tenant habitually fails to pay rent resulting in four or more pay-or-vacate notices in a 12-month period.

For purposes of this subsection 22.206.160.C.9, “termination of the Mayor’s residential eviction moratorium” means termination of subsection 1.C (creating a defense to a pending eviction action) of the moratorium on residential evictions ordered by the Mayor’s March 14, 2020 civil emergency order, as amended by the Council in Resolution 31938.

b. The tenant may invoke the defense provided in subsection 22.206.160.C.9.a only if the tenant has applied for or made a good faith effort to obtain rental assistance from a public, private, or non-profit rental assistance program or the tenant has submitted a declaration or self-certification asserting the tenant has suffered a financial hardship and is therefore unable to pay rent.

Section 22.206.160.C.9. Amend the following as shown:

9.

a. Subject to the requirements of subsection 22.206.160.C.9.b, it is a defense to eviction if the eviction would result in the tenant having to vacate the housing unit within six months after the termination of the Mayor’s eviction moratorium, and if the reason for terminating the tenancy is:

1) The tenant fails to comply with a 14-day notice to pay rent or vacate pursuant to RCW 59.12.030(3) for rent due during the pendency, or within six months after, the termination of the Mayor’s residential eviction moratorium; or

2) The tenant habitually fails to pay rent resulting in four or more pay-or-vacate notices in a 12-month period.

For purposes of this subsection 22.206.160.C.9, “termination of the Mayor’s residential eviction moratorium” means termination of subsection 1.C (creating a defense to a pending eviction action) of the moratorium on residential evictions ordered by the Mayor’s March 14, 2020 civil emergency order, as amended by the Council in Resolution 31938.

b. The tenant may invoke the defense provided in subsection 22.206.160.C.9.a only if ~~the tenant has applied for or made a good faith effort to obtain rental assistance from a public, private, or non-profit rental assistance program or~~ the tenant has submitted a declaration or self-certification asserting the tenant has suffered a financial hardship and is therefore unable to pay rent.

Section 22.206.160.C.9. Amend the following as shown:

* * *

~~c. A court may require a tenant who successfully asserts a defense provided in subsection 22.206.160.C.9.a to pay any rent in arrears in installments.~~

dc. An award of attorneys' fees and statutory court costs to a landlord arising from an eviction proceeding arising from a notice to terminate a tenancy due to a reason listed in subsections 22.206.160.C.9.a.1-2 is prohibited unless otherwise allowed by law.

Section 4: Amend the following as shown:

Section 3. Based on the findings of fact set forth in Section 1 of this ordinance, the Council finds and declares that this ordinance is a public emergency ordinance, which shall take effect immediately and is necessary for the protection of the public health, safety, and welfare.

Section 4. Within two months of the effective date of this ordinance and for every subsequent two-month period while this ordinance is in effect, the Seattle Department of Construction and Inspections (SDCI) and the Office of Housing (OH) shall provide to the City Council a written report assessing the effectiveness and impacts of this ordinance. The report may include:

A. The number of residential evictions initiated during the effective period of this ordinance compared to the same time period in 2019;

B. The number of households that successfully use this ordinance as a defense against eviction; and

C. Any other available information SDCI and OH deem relevant to assess the effectiveness and impact of this legislation.

Section ~~4~~5. The provisions of this ordinance are declared to be separate and severable. If any clause, sentence, paragraph, subdivision, section, subsection, or portion of this ordinance, or the application thereof to any landlord, prospective occupant, tenant, person, or circumstance, is held to be invalid, it shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Att 6 – Action 9 of CB 119784

Section ~~5~~6. By reason of the findings set out in Section 1, and the emergency that is hereby declared to exist, this ordinance shall become effective immediately upon its passage by a 3/4 vote of the Council and its approval by the Mayor, as provided by Article 4, subsection 1.I of the Charter of the City.

Section 4: Amend the following as shown:

Section 3. Based on the findings of fact set forth in Section 1 of this ordinance, the Council finds and declares that this ordinance is a public emergency ordinance, which shall take effect immediately and is necessary for the protection of the public health, safety, and welfare.

Section 4. Within two months of the effective date of this ordinance and for every subsequent two-month period while this ordinance is in effect, the Seattle Department of Construction and Inspections (SDCI) and the Office of Housing (OH) shall provide to the City Council a written report assessing the effectiveness and impacts of this ordinance. The report may include:

A. The number of residential evictions initiated during the effective period of this ordinance compared to the same time period in 2019;

B. The number of households that successfully use this ordinance as a defense against eviction, which should include the number of households that ~~made a good faith effort to seek financial assistance or~~ self-certified or made a declaration as to their financial need; and

C. Any other available information SDCI and OH deem relevant to assess the effectiveness and impact of this legislation.

Section ~~4~~5. The provisions of this ordinance are declared to be separate and severable. If any clause, sentence, paragraph, subdivision, section, subsection, or portion of this ordinance, or the application thereof to any landlord, prospective occupant, tenant, person, or

circumstance, is held to be invalid, it shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section ~~56~~. By reason of the findings set out in Section 1, and the emergency that is hereby declared to exist, this ordinance shall become effective immediately upon its passage by a 3/4 vote of the Council and its approval by the Mayor, as provided by Article 4, subsection 1.I of the Charter of the City.