

SEATTLE CITY COUNCIL

600 Fourth Ave. 2nd Floor
Seattle, WA 98104



Journal of the Proceedings of the Seattle City Council

Monday, July 20, 2020

2:00 PM

Remote Meeting. Call 253-215-8782; Meeting ID: 586 416 9164; or
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 Washington State Governor's Proclamation No. 20-28.7 through August 1, 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 Inslee's Proclamation 20-28.7 and guidance provided by the Attorney General's Office, on July 20, 2020, pursuant to the provisions of the City Charter. The meeting was called to order at 2:00 p.m., with Council President González presiding.

B. ROLL CALL

The following Councilmembers were present and participating electronically:

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

C. PRESENTATIONS

There were none.

D. APPROVAL OF THE JOURNAL

[Min 290](#)

July 13, 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)

[IRC 264](#)

July 20, 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 ON INTRODUCTION AND REFERRAL CALENDAR (IRC) & 2020 CITY COUNCIL WORK PROGRAM

The following individuals addressed the Council on matters on the Introduction and Referral Calendar (IRC) and the 2020 City Council Work Program:

S. Charusheela
Peter Shellito
Cody Scott
Ambra Tieszen
Elizabeth Harris
Micah Flack
Joan Ballesteros
Tom Fiala
Alice Lockhart

H. PUBLIC COMMENT ON ITEMS FOR FINAL ACTION TODAY

The following individuals addressed the Council on matters on the Agenda for final action listed under Committee Reports and Adoption of Other Resolutions:

Meagan Murphy
Hattie Rhodes
Lisa Sanders
Rebecca Finkes
Josh Castle
Giulia Pasciuto
Jessica Scalzo
Charles Paul
Khan Hasan
Sujatha Ramni
Lacey Scott
Jeanette Causey
Theresa Hohman
Tyler Merrill
Eric Davis
David Krum

By unanimous consent, the Council Rules were suspended to extend the Public Comment period for an additional 10 minutes.

Kathleen Myers
Maureen Brinck-Lund
Aleesa Tana
Jacqueline Helfgott
Joseph Gellings

I. PAYMENT OF BILLS

[CB 119834](#) **AN ORDINANCE appropriating money to pay certain audited claims for the week of July 6, 2020 through July 10, 2020 and ordering the payment thereof.**

Motion was made and duly seconded to pass Council Bill 119834.

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. COMMITTEE REPORTS**SELECT BUDGET COMMITTEE:**

1. [CB 119812](#) **AN ORDINANCE amending Ordinance 126000, which adopted the 2020 Budget; making appropriations from the Emergency Fund for public assistance during the COVID-19 civil emergency; making an appropriation from the General Fund for public assistance during the civil emergency; and making appropriations from the Revenue Stabilization Fund for public assistance during the civil emergency; all by a 3/4 vote of the City Council.**

The Committee recommends that City Council pass as amended the Council Bill (CB).

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

Opposed: None

ACTION 1:

Motion was made by Councilmember Strauss and duly seconded, to amend Council Bill 119812, as shown in Attachment 1 to the Minutes.

The Motion carried by the following vote:

In favor: 5 - Juarez, Lewis, Mosqueda, Pedersen, Strauss

Opposed: 4 - González, Herbold, Morales, Sawant

ACTION 2:

Motion was made by Councilmember Strauss and duly seconded, to amend Council Bill 119812, as shown in Attachment 2 to the Minutes.

The Motion failed by the following vote:

In favor: 3 - Juarez, Morales, Strauss

Opposed: 6 - González, Herbold, Lewis, Mosqueda, Pedersen, Sawant

ACTION 3:

Motion was made and duly seconded to pass Council Bill 119812 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

2. [Res 31957](#) **A RESOLUTION establishing spending details by year and program area for the spending plan adopted by the ordinance introduced as Council Bill 119811 that established the authorized uses of the proceeds generated from the payroll expense tax authorized by the ordinance introduced as Council Bill 119810.**

The Committee recommends that City Council adopt as amended the Resolution (Res).

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

Opposed: None

Abstain: 1 - Pedersen

The Resolution (Res) was adopted by the following vote, and the President signed the Resolution:

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

Opposed: None

CITY COUNCIL:

3. [CB 119828](#) **AN ORDINANCE relating to Seattle Public Utilities; authorizing the General Manager/CEO of Seattle Public Utilities or designee to acquire by negotiation or eminent domain (condemnation) four separate parcels of land and all other necessary property rights owned by JSO Legacy Properties, LLC; John S. Roach as his separate property, and BNSF Railway Company, all located within Blocks 25 and 26 and vacated Court Street of the recorded plat of South Seattle, for water operations general purposes, and to execute, accept, and record deeds and conveyance documents and agreements deemed by the General Manager/CEO to be necessary to this transaction on behalf of the City; placing the conveyed real properties under the jurisdiction of Seattle Public Utilities; authorizing payment of all other costs associated with the acquisition; and ratifying and confirming certain prior acts.**

Motion was made and duly seconded to pass Council Bill 119828.

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

4. [CB 119829](#) **AN ORDINANCE relating to commercial tenancies; temporarily prohibiting the enforcement of personal liability provisions in commercial leases or other rental agreements; 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 119829.

ACTION 2:

Motion was made by Councilmember Lewis, duly seconded and carried, to amend Council Bill 119829, as shown in Attachment 3 to the Minutes.

ACTION 3:

Motion was made by Councilmember Herbold and duly seconded, to amend Council bill 119829, as shown in Attachment 4 to the Minutes.

ACTION 4:

Motion was made and duly seconded to pass Council Bill 119829 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

5. [CB 119832](#) **AN ORDINANCE relating to floodplains; adopting interim regulations consistent with the Federal Emergency Management Agency (FEMA) regulations; adopting updated National Flood Insurance Rate Maps to allow individuals to continue to obtain flood insurance through FEMA's Flood Insurance Program; and amending Chapter 25.06 and Section 25.09.030 of the Seattle Municipal Code.**

Motion was made and duly seconded to pass Council Bill 119832.

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

K. ADOPTION OF OTHER RESOLUTIONS

There were none.

L. OTHER BUSINESS

There was none.

M. ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 4:25 p.m.

Jodee Schwinn, Deputy City Clerk

Signed by me in Open Session, upon approval of the Council, on July 27, 2020.

M. Lorena González, Council President of the City Council

Monica Martinez Simmons, City Clerk

Att 1 - Action 1 of CB 119812

Att 2 - Action 2 of CB 119812

Att 3 - Action 1 of CB 119829

Att 4 - Action 2 of CB 119829

Att 1 – Action 1 of CB 119812

Amendment 1 to Council Bill (CB) 119812

Full Council – July 20, 2020

Sponsor: Councilmember Strauss

Amendatory language shown in track changes ~~track changes~~

Amend Section 4, page 10, lines 18-27, as follows:

Section 4. The appropriations in Section 2 of this ordinance, amending the 2020

Adopted Budget, shall be subject to the following provisos:

- A. Of the funding appropriated to the Office of Economic Development’s Business Services (BO-ED-X1D00) Budget Summary Level in the 2020 Adopted Budget, \$14.45 million of the funds shall be used to address the economic hardship small business owners and their employees, and nonprofit organizations and their employees, experience due to loss of business income, grant funding reductions, layoffs and reduced work hours for a significant percentage of this workforce as a result of the COVID-19 crisis and may be used for no other purpose. Up to five percent of these funds may be used for expenditures incurred by the department to administer the investments. The Council intends that this funding will be allocated as follows:
1. \$14.1 million to provide financial assistance to small business owners or operators and nonprofit organizations, with preference to brick and mortar small businesses, that would be used to reduce the economic hardship caused by COVID-19 crisis and assist small businesses and nonprofit organizations to comply with public health guidelines, thereby protecting the local economy by reducing the number of businesses or nonprofits that are permanently closed and jobs permanently lost due to the short- and long-term economic impacts caused by COVID-19.
 2. \$315,000 to provide training, referral services, and technical assistance to support businesses, including assistance in preparing applications for federal or state loans or grants that provide direct financial assistance to small businesses to prepare such businesses for the road to recovery.
 3. The Council further intends that:
 - a. Up to \$10,000 in financial assistance may be provided to any single eligible small business owner or nonprofit organization under this proviso.
 - b. Assistance should be prioritized for businesses and nonprofit organizations who commit to not reducing wages and benefits provided prior to the COVID-19 emergency, and for business and nonprofit organizations who have historically, or recently, been unable to access other forms of

assistance through state or federal programs available to support businesses, including businesses owned by Black, Indigenous, and people of color and those with limited English proficiency, and businesses in the creative industry. Any awards to those in the creative industry should be made in partnership with advocates in the creative industry sphere.

- c. For purposes of this proviso, an eligible “small business” is defined as a business with ~~ten-25~~ or fewer full time equivalent employees (FTEs) and an eligible “nonprofit organization” is a nonprofit with ~~ten-25~~ or fewer FTEs that provides community services that protect or enhance the health, safety, environment, or general welfare of people who live or work in Seattle.
- d. The Executive should develop eligibility criteria for small businesses who have been economically impacted by the COVID-19 crisis and for whom such assistance will provide economic benefits to the public by saving or creating jobs, moderating impacts to local tax revenue by supporting continue operations of small businesses and ensuring that businesses can modify operations as necessary to comply with public health guidance. Criteria should include consideration of equitably distributing financial assistance to small businesses and nonprofit organizations located in neighborhoods across Seattle. Further, businesses that have previously received financial assistance from the City’s Small Business Stabilization Fund are not eligible for additional assistance.

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Amendment 2 to Council Bill (CB) 119812

Full Council – July 20, 2020

Sponsor: Councilmember Strauss

Amendatory language shown in track changes ~~track changes~~

Amend Section 2 page 8, as follows:

Section 2. In order to pay for expenses and obligations to address the economic impacts caused by the COVID-19 epidemic that could not have been anticipated at the time of making the 2020 Budget, appropriations for the following items in the 2020 Budget are increased from the funds shown, as follows:

Item	Department	Fund	Budget Summary Level/BCL Code	Amount
2.1	Executive (Office of Economic Development)	Emergency Fund (10102)	Business Services (BO-ED-X1D00)	\$14,448,000
<u>2.2</u>	<u>Executive (Office of Economic Development)</u>	<u>Revenue Stabilization Fund (00166)</u>	<u>Business Services (BO-ED-X1D00)</u>	<u>\$4,700,000</u>
<u>2.23</u>	Department of Education and Early Learning	Revenue Stabilization Fund (00166)	Early Learning (BO-EE-IL100)	\$3,612,000
<u>2.34</u>	Human Services Department	Emergency Fund (10102)	Addressing Homelessness (BO-HS-H3000)	\$32,643,800
<u>2.45</u>	Executive (Office of Housing)	Emergency Fund (10102)	Homeownership & Sustainability (BO-HU-2000)	\$1,708,200
<u>2.56</u>	Executive (Office of Housing)	Revenue Stabilization Fund (00166)	Multifamily Housing (BO-HU-3000)	\$1,721,600
<u>2.67</u>	Executive (Office of Immigrant and Refugee Affairs)	Emergency Fund (10102)	Office of Immigrant and Refugee Affairs (BO-IA-X1N00)	\$18,100,000

2.78	Executive (Office of Sustainability & Environment)	Revenue Stabilization Fund (00166)	Office of Sustainability and Environment (BO-SE-X1000)	\$13,545,000
Grand Total				\$85,778,600 \$90,478,600

Section 3. The City Council (“Council”) intends to replenish the Emergency Fund and Revenue Stabilization Fund as described in the ordinance introduced as Council Bill 119811 in 2021 using proceeds received from the tax authorized in Council Bill 119810.

Amend Section 4, page 10, line 5, as follows:

Section 4. The appropriations in Section 2 of this ordinance, amending the 2020 Adopted Budget, shall be subject to the following provisos:

A. Of the funding appropriated to the Office of Economic Development’s Business Services (BO-ED-X1D00) Budget Summary Level in the 2020 Adopted Budget, ~~\$14.45~~19.1 million of the funds shall be used to address the economic hardship small business owners and their employees, and nonprofit organizations and their employees, experience due to loss of business income, grant funding reductions, layoffs and reduced work hours for a significant percentage of this workforce as a result of the COVID-19 crisis and may be used for no other purpose. Up to five percent of these funds may be used for expenditures incurred by the department to administer the investments. The Council intends that this funding will be allocated as follows:

1. ~~\$14.4~~18.8 million to provide financial assistance to small business owners or operators and nonprofit organizations, with preference to brick and mortar small businesses, that would be used to reduce the economic hardship caused by COVID-19 crisis and assist small businesses and nonprofit organizations to comply with public health guidelines, thereby protecting the local economy by reducing the number of businesses or nonprofits that are permanently closed and jobs permanently lost due to the short- and long-term economic impacts caused by COVID-19.
2. \$315,000 to provide training, referral services, and technical assistance to support businesses, including assistance in preparing applications for federal or state loans or grants that provide direct financial assistance to small businesses to prepare such businesses for the road to recovery.
3. The Council further intends that:

- a. Up to \$10,000 in financial assistance may be provided to any single eligible small business owner or nonprofit organization under this proviso.
- b. Assistance should be prioritized for businesses and nonprofit organizations who commit to not reducing wages and benefits provided prior to the COVID-19 emergency, and for business and nonprofit organizations who have historically, or recently, been unable to access other forms of assistance through state or federal programs available to support businesses, including businesses owned by Black, Indigenous, and people of color and those with limited English proficiency, and businesses in the creative industry. Any awards to those in the creative industry should be made in partnership with advocates in the creative industry sphere.
- c. For purposes of this proviso, an eligible “small business” is defined as a business with ten or fewer full time equivalent employees (FTEs) and an eligible “nonprofit organization” is a nonprofit with ten or fewer FTEs that provides community services that protect or enhance the health, safety, environment, or general welfare of people who live or work in Seattle.
- d. The Executive should develop eligibility criteria for small businesses who have been economically impacted by the COVID-19 crisis and for whom such assistance will provide economic benefits to the public by saving or creating jobs, moderating impacts to local tax revenue by supporting continue operations of small businesses and ensuring that businesses can modify operations as necessary to comply with public health guidance.

* * *

Effect: This amendment adds \$4.7 million spending from the reserve funds to provide additional support for small businesses and nonprofit organization, increasing. This would increase the total amount of spending authorized by CB 119812 for small business relief from \$14.1 million to \$18.8 million, increasing total spending in 2020 to \$90.5 million. If this amendment is adopted, an amendment to Resolution 31957 will be necessary to reflect the increased spending.

If this amendment is adopted, and CB , the reserve funds would have revised balances as follows:

2020 Amounts	EMF	RSF	Total
Beginning Balance (2020 Adopted Budget)	\$66,900,000	\$60,800,000	\$127,700,000
CB 119812	(\$66,900,000)	(\$18,878,600)	(\$85,778,600)
CB 119825 - Rebalancing Package	\$0	(\$29,030,000)	(\$29,030,000)
CM Strauss AM 1 to CB 119812	\$0	(\$4,700,000)	(\$4,700,000)
Revised Balances after Am 2	\$0	\$8,191,400	\$8,191,400

Att 3 – Action 1 of CB 119829

Amend the following as shown:

Section 2. A provision in a commercial lease or other commercial rental agreement that makes the tenant or one or more persons who are not the tenant wholly or partially personally liable for payment of rent, utility expenses, taxes, fees, or charges relating to routine building maintenance for the leased premises is not enforceable if the tenant is a small business or non-profit and:

A. The civil emergency proclaimed by the Mayor on March 3, 2020 has not been terminated and the tenant's business or non-profit was subject to in-person limitations pursuant to Gubernatorial Proclamations 20-07, 20-13, 20-14, 20-24, 20-25, 20-25.1, 20-25.2, 20-25.3, 20-25.4, 20-25.5, 20-25.6 or any subsequent extensions; or

B. ~~The tenant is a small business or non-profit; and~~

C. The tenant's business or non-profit ~~was required to close~~ or ceased operations ~~or was subject to in-person limitations under~~ pursuant to Gubernatorial Proclamations 20-07, ~~20-11,~~ 20-13, 20-14, 20-24, 20-25, 20-25.1, ~~20-25.2, 20-25.3, 20-25.4,~~ 20-25.5, 20-25.6 or any subsequent extensions.

Att 4 – Action 2 of CB 119829

Amend the following as shown:

Section 2. A provision in a commercial lease or other commercial rental agreement that makes the tenant or one or more persons who are not the tenant wholly or partially personally liable for payment of rent, utility expenses, taxes, fees, or charges relating to routine building maintenance for the leased premises is not enforceable if:

A. Enforcement of the provision would occur during t~~he~~ civil emergency proclaimed by the Mayor on March 3, 2020 or within six months after the expiration of the Mayoral proclamation ~~has not been terminated;~~

* * *