REGULAR MEETING OF THE DES MOINES CITY COUNCIL

MINUTES January 8, 1998

The regular meeting of the Des Moines City Council was called to order by Mayor Thomasson at 7:30 p.m. in the Council Chambers, 21630 11th Avenue South.

Pledge of Allegiance to the Flag was led by Mayor Thomasson.

OATH OF OFFICE

City Attorney McLean administered the Oath of Office to newly elected Councilmembers Terry Brazil, Dave Kaplan, Dan Sherman and Gary Towe.

ROLL CALL - Present: Mayor Scott Thomasson, Mayor Pro Tem Terry Brazil, Councilmembers Dave Kaplan, Bob Sheckler, Dan Sherman, Gary Towe and Don Wasson. Also present were City Manager Bob Olander, Assistant City Manager Tony Piasecki, City Attorney Gary McLean, Public Works Director Tim Heydon, Harbormaster Joe Dusenbury and City Clerk Denis Staab.

ELECTION OF MAYOR

City Attorney McLean explained the procedure for the nominations and election of Mayor and Mayor Pro Tem for the term of January 8, 1998 to the first City Council meeting of the year 2000. He called for nominations for the office of Mayor.

Councilmember Dan Sherman nominated Councilmember Scott Thomasson.

Councilmember Bob Sheckler nominated Councilmember Terry Brazil.

There were no further nominations and a written ballot was called for.

The ballots were read in to the record by City Clerk Staab as follows:

Councilmembers Kaplan, Sherman, Thomasson, Towe and Wasson voted for Councilmember Scott Thomasson.

Councilmembers Brazil and Sheckler voted for Councilmember Terry Brazil.

Councilmember Scott Thomasson was elected as Mayor by a 5 to 2 vote.

ELECTION OF MAYOR PRO TEM

City Attorney McLean called for nominations for the office of Mayor Pro Tem.

Councilmember Sheckler nominated Councilmember Terry Brazil.

As there were no further nominations, City Attorney McLean declared Councilmember Terry Brazil Mayor Pro Tem by acclamation.

COMMENTS FROM THE PUBLIC

Lew Anderson, 1650 South 244th Place

Mr. Anderson congratulated the newly elected Councilmembers.

Mr. Anderson expressed concerns with the proposed redevelopment of Pacific Highway South. He cautioned Council that the project should not be one of just beautification, but one to efficiently move traffic. He felt that if moving traffic on the highway is not the priority, impacts will be felt in other areas such as Marine View Drive. He encouraged Councilmembers to drive the finished area in the City of SeaTac to determine for themselves how much the finished project is actually impeding traffic. He requested that there be a center turn lane, along with two lanes of traffic in each direction.

George Minnich, 22701 19th Avenue South

Mr. Minnich expressed concurrence with Mr. Anderson's comments and reminded Council of the Seahawk football player that was injured in an auto accident because of center landscape islands.

BOARD & COMMITTEE REPORTS

Suburban Cities Association

Mayor Pro Tem Brazil announced that at the Suburban Cities Meeting December 17th, Councilmember Gary Towe was appointed as an alternate to the Regional Policy Committee.

Acknowledgment

Councilmember Sheckler took the opportunity to express his appreciation of the out pouring of support from colleagues and citizens over his recent by-pass surgery.

Acknowledgment

Councilmember Kaplan thanked everyone for their expressions of sympathy over his recent loss of family members.

ADMINISTRATION REPORTS

AWC - Legislative Conference

City Manager Olander reminded Council that the AWC Legislative Conference in Olympia is scheduled for February 4th and 5th and asked them to be sure to let his secretary know if they wished to register or reserve rooms. He noted that arrangements will be made to meet with the City's local representatives in Olympia.

Airport Communities Coalition

City Manager Olander noted that Council will need to appoint a representative and an alternate to the ACC in the near future.

Executive Session

City Manager Olander informed Council it will be necessary to hold an Executive Session at the conclusion of tonight's regular agenda items to discuss property and litigation issues.

CONSENT CALENDAR

City Clerk Staab informed Council that Item #1 has been removed by Administration for further revisions. The Consent Calendar was read by City Clerk Staab.

~~1. Motion is to approve the minutes of December 11, 1997.~~

2. Findings: Vouchers audited and certified by the auditing officer as required by RCW 42.24.080, and those expense reimbursement claims certified as required by RCW 42.24.080, have been recorded on a listing which has been made available to the City Council.

Motion: As of this date the Des Moines City Council, by unanimous vote, does approve for payment those vouchers and payroll transfers included in the above list and further described as follows:

Claim check #59133 through #59449 in the total amount of $683,078.97
Payroll fund transfers in the total amount of $378,832.01

~~3. Draft Resolution No. 97-293 - Title: A Resolution of the City Council of the City of Des Moines, Washington declaring its intention to order an improvement by formation of a local improvement district for the purpose of undergrounding overhead utility lines within the 7th Avenue South right-of-way, from South 236th Street to South 240th Street, 6th Avenue South right-of-way, from South 239th Street to the south dead end, South 236th Street right-of-way, from Marine View Drive to 7th Avenue South, including the one west terminus pole located on a portion of vacated South 236th Street, South 239th Street right-of-way, from Marine View Drive to 6th Avenue South, and South 240th Street right-of-way, from Marine View Drive to the west dead end, including the two terminus poles located on private property north of South 240th Street right-of-way, in the City of Des Moines and scheduling a public hearing for February 12, 1998 to permit persons who may object thereto to appear and present their objections.~~

~~MOTION is to approve Draft Resolution No. 97-293.~~ (ED NOTE: This item was removed at the request of Mayor Thomasson.)

4. Motion is to award the contract for professional engineering design services for the 1998 Arterial Maintenance Project to Harding Lawson Associates Infrastructure, Inc. in the amount of $25,987.24 plus a 10% contingency, and further to authorize the City Manager to sign said contract substantially in the form as submitted.

5. Motion is to approve the Interlocal Agreement for Surface Transportation Program (STP) Fund Exchange with King County and to authorize the City Manager to sign such agreement substantially in the form as attached.

6. Motion is to accept the proposal from Makers Architecture and Urban Design for providing consulting services for the development of the Marina Master Plan in the amount of $42,167, and authorize the City Manager to sign the agreement substantially in the form as presented.

7. Motion is that Councilmember Dan Sherman be appointed as the City's Representative to the South County Area Transportation Board.

MOTION was made by Mayor Pro Tem Brazil, and seconded by Councilmember Sheckler, to approve the Consent Calendar as read.

Item #7: Councilmember Towe commented that Councilmember Sherman has done an outstanding job in the past representing the City's best interests while serving on the South County Area Transportation Board and whole heartily supports this appointment.

Item # 3: Mayor Thomasson requested this item be removed from the Consent Calendar and discussed separately.

VOTE ON MOTION: Motion passed unanimously.

NEW BUSINESS

Draft Resolution No. 97-293 ***[ASSIGNED RESOLUTION NO. 838]*** - Setting Public Hearing for Consideration of an LID for February 12, 1998

Mayor Thomasson questioned the notation at the bottom of the attached LID petitions that state "Signing this petition does not commit you to an LID and LID assessments . . ."

City Attorney McLean advised Council that the law states that signing this kind of a petition does not automatically determine that the LID will be formed and is not binding on those who sign. He reminded Council that a public hearing will be held and preliminary costs will be announced at that hearing. The hearing will allow the citizens to announce support or opposition to forming an LID and ultimately Council will make a final determination after hearing all the public testimony and appropriate staff reports.

MOTION was made by Councilmember Towe, seconded by Councilmember Sherman, to adopt Draft Resolution No. 97-293. Mayor Thomasson noted the title was read into the record on the consent calendar. Motion passed 5 to 2 with Councilmember Kaplan and Mayor Thomasson voting NO.

Briefing: Regional Water Quality - Central Puget Sound Basin Forum

City Manager Olander briefed Council on the Central Puget Sound Basin Forum and its history. He noted that five water shed forums were established to prioritize projects and funding alternatives. He informed Council that studies have been moving forward without including the cities bordering Puget Sound, including Des Moines. He noted that the funding proposals will affect these cities. He reported that the next meeting is scheduled for January 14th where modifications to the policy proposals will be presented. He informed Council that there several issues yet to be decided and Council will need to decide whether to participate or not with a formal corporate decision sometime in the next month or two. He advised Council that at this time it is important to stay involved and he will keep Council appraised of the issues. He distributed written background material for Council to review.

Proposed Amendment to Council Rule 23(a) Committees

MOTION was made by Councilmember Kaplan, seconded by Councilmember Towe, that Administration be directed to prepare a draft resolution amending Council Rule 23(a) to create a Budget and Finance Committee. Motion passed 6 to 1 with Councilmember Sheckler voting NO.

Future Council Committee Appointments

Mayor Thomasson reminded Council that he will be making Council Committee appointments for the upcoming year at the January 22nd Council meeting. He requested Councilmembers let him know of any special interests they may have in a particular Council Committee.

NEXT MEETING DATE - Regular Meeting January 22, 1998

EXECUTIVE SESSION

At 8:14 p.m. Mayor Thomasson announced that the Council will go in to an Executive Session for approximately an hour and a half to discuss with legal counsel representing the City litigation or potential litigation to which the City is, or is likely to become, a party and about which public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the City and to consider the acquisition and sale of real estate and about which public knowledge would cause a likelihood of increased price.

At 9:45 p.m. Council reconvened in open session.

NEW BUSINESS CONTINUED

Property Purchase

MOTION was made and seconded, to approve the purchase of the Alexander Myers Investors property for eight hundred twenty-seven thousand six hundred forty and no/100 dollars (827,640.00) and further to authorize the City Manager to sign a Purchase and Sale Agreement substantially in the form as attached. Motion passed 4 to 3 with Councilmembers Kaplan, Sherman and Wasson voting NO.

Sale of City Property

MOTION was made, seconded and passed, to approve the sale of City property located south of 220th Street at 13th Avenue South in the City of Des Moines to Kirk Shoopman and assigns for $140,000.00 and further to authorize the City Manager to execute any and all legal documents to effectuate such sale.

Airport Communities Coalition Representative

MOTION was made, seconded and passed unanimously, to appoint Councilmember Sheckler as the City's official representative to the Airport Communities Coalition.

ADJOURNMENT

The meeting was adjourned at 10:10 p.m.

Respectfully submitted,

Denis Staab
City Clerk