REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES January 25, 2001

The regular meeting of the Des Moines City Council was called to order at 7:35 p.m. by Mayor Thomasson in the Council Chambers, 21630 11th Avenue South, Suite B.

PLEDGE OF ALLEGIANCE to the Flag was led by Scout Troop 955.

Councilmember Sherman asked whether homosexual youth were allowed to participate in the Boy Scouts of America program. He also questioned whether a Scouting For All program existed in the area.

Noting that he was not an official spokesperson for the Boy Scouts of America but would speak on his own behalf, Scoutmaster Carl Mealy said that he would respond to Councilmember Sherman's questions. Mr. Mealy explained that the Boy Scouts of America is a private organization that seeks to instill a certain set of values in their participants. He noted that the homosexual lifestyle was not a part of those identified values. Mr. Mealy said that he was not aware of any Scouting For All chapters in the area.

ROLL CALL – Present: Mayor Scott Thomasson, Mayor Pro Tem Bob Sheckler, Councilmembers Terry Brazil, Dave Kaplan, 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, Assistant City Engineer Loren Reinhold, and Deputy City Clerk Angela Chaufty.

COMMENTS FROM THE PUBLIC

Bob Pond, 23116 30th Avenue South

Mr. Pond distributed pictures of the parking situation in his neighborhood to the City Council. He reported that one family in his neighborhood had 13 cars parked within a one block radius of his house. He asked that the police give a higher priority to parking problems. He felt that once the smaller quality of life issues were dealt with, the bigger ones would not occur.

Upon questioning from Councilmember Sherman, City Attorney McLean explained that state law made declaring a car a junk vehicle difficult as tow yard and notification issues were involved. He said that he would like to talk to Mr. Pond regarding his situation as it might help change current legislation.

City Manager Olander said that staff would pursue any zoning issues involved and confirm that the Police Department was pursuing the situation to the full extent of the law.

John Pacunski, 22334 10th Avenue South

Mr. Pacunski urged Council to delay taking action on the Marina Master Plan. He asked that a boat ramp design be included in the Plan. Mr. Pacunski also noted that a vehicle currently must cross the street three times in order to launch a boat and park at the Redondo boat ramp.

Councilmember Towe reported that the Municipal Facilities Committee would meet next week to discuss public launch facility alternatives that would not compromise the other design issues of the Plan. He asked Council to inform him of any other design concerns so that the committee could look at the plan as a whole.

Councilmember Sheckler asked that the committee study the potential impacts of the plan to the Redondo area.

Councilmember Brazil asked the committee to study the potential fire issues surrounding the dry storage area.

Carl Mealy, 21634 3rd Avenue South, Normandy Park

Mr. Mealy explained that Scout Troop 955 was observing the council meeting in order to achieve their Citizens in Community badge. In regard to Water District No. 54's proposed resolution, Mr. Mealy asked Council to consider its passage. He said that the reservoir facilities were needed to meet the growth needs of the district for the next twenty years. He noted that the design details were submitted in October, 2000. Mr. Mealy felt that approval of the resolution was in the best interest of the public's health and safety. As a Commissioner for Water District No. 54, Mr. Mealy felt that the proposed "Whereas" clauses provided the wrong foundation for the changes that needed to be made. Therefore, he gave the clerk a revised Draft Resolution 01-023 for distribution to the Council. In closing, Mr. Mealy said that he would be providing comments at the airport expansion public hearing regarding the need to insure the preservation of the area's watershed and aquifers.

If the troop members needed to speak with an elected official in order to achieve their badges, Mayor Thomasson volunteered to meet with them.

BOARD & COMMITTEE REPORTS

Municipal Facilities Committee

Councilmember Towe informed Council that the committee would study the existing safety issues of the Redondo boat ramp regardless of any action taken with the Marina Master Plan.

Suburban Cities Association

Councilmember Brazil encouraged Council to attend the Suburban Cities Association meeting on February 7, 2001 in Tukwila. He also recommended that Council attend the AWC Legislative Conference scheduled for the following week.

Councilmember Towe confirmed that the AWC Legislative Conference would provide an opportunity for Council to propose a strengthening of junk vehicle legislation.

Public Safety and Transportation

Councilmember Sherman reported that the committee had met to study the Six Year Transportation Comp Plan. He noted that surrounding cities' Comp Plans would also be reviewed during the process.

South County Area Transportation Board

Councilmember Sherman informed Council that a METRO representative had met with the Board to discuss bus service. Councilmember Sherman said that no literature had indicated that service on Route 189, loss due to Initiative 695, would be restored. The South County Area Transportation Board also received a briefing on the 405 project. He noted that the 405 project would compete with the 509 project for legislative dollars. Councilmember Sherman also informed Council that the King County Transportation Coalition had released their list of projects. He said that he had questioned the Coalition regarding the inclusion of a South 176th Street project in their list. The King County Transportation Coalition said that the South 176th Street project had been put on the list in error. Councilmember Sherman said that he had alerted 33rd District Legislators of the King County Transportation Coalition.

Annual City Council Retreat

Councilmember Wasson noted that he had been informed that the City Council retreat would be held June 1 – 3, 2001 at Port Ludlow. As the city was trying to reduce the budget, Councilmember Wasson announced that Wesley Homes had volunteered to provided meeting facilities to the city for their annual retreat.

MOTION was made by Councilmember Wasson and seconded by Councilmember Kaplan to conduct the City Council annual retreat at Wesley Homes.

Mayor Thomasson said that he had attended both local and out-of-town retreats with the City Council. He felt that more value was gained from the out-of-town retreats as local retreats brought other distractions. He felt that the discussions that occurred outside of the meeting rooms also proved valuable.

Councilmember Brazil voiced agreement with Mayor Thomasson's statements. He felt it was important for Council and staff to spend time together and discuss the vision and long-range plans for the City. He listed Pacific Ridge as an example of a project resulting from a retreat. He said that he saw a value to conducting the meetings off-site.

City Manager Olander said that it was important for Council to identify focussed strategic direction for staff. He felt that an off-site location provided time and interaction opportunities for Council and staff.

Councilmember Towe agreed with City Manager Olander's comments. He said that strategic planning required an environment without distractions. He felt that Council had often done its best and hardest work at retreats. He felt that the most value was gained by off-site sessions.

Councilmember Sheckler voiced agreement with the previous speakers' comments.

Councilmember Kaplan agreed that the retreats had value but felt that any venue could be used as long as the participants were focused. He said that he would like to have a retreat conducted locally.

Councilmember Wasson said that spending money to leave town to get work done was a waste of the taxpayers' money.

VOTE ON MOTION: Motion failed, 3- 4, with Mayor Thomasson, Mayor Pro Tem Sheckler, and Councilmembers Brazil and Towe opposed.

PRESIDING OFFICER'S REPORT

Appointment to South County Area Transportation Board

Mayor Thomasson recommended that Councilmember Sherman be reappointed as representative and Tim Heydon as alternate to the South County Area Transportation Board.

MOTION was made by Councilmember Brazil, seconded by Mayor Pro Tem Sheckler and passed unanimously to appoint Councilmember Sherman as representative to the South County Area Transportation Board and Tim Heydon as alternate.

Council's Hearts and Flowers Fund

Mayor Thomasson questioned whether Council wished to reduce their contribution from $5 to $3 to the Hearts and Flowers Fund.

Councilmember Kaplan suggested that Council maintain their current funding level as circumstances could change.

Councilmember Sherman suggested that Council stop the contributions until the balance was reduced.

After brief discussion, general consensus was reached to not change the current funding level for the Hearts and Flowers fund.

CONSENT CALENDAR was read by Deputy City Clerk Chaufty.

1. Motion is to approve the minutes of January 4 and 11, 2001.
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 # 74652 through #74829 in the total amount of $279,390.94
Payroll fund transfers in the total amount of $297,389.58

MOTION was made by Councilmember Kaplan, seconded by Councilmember Sherman, and passed unanimously to approve the consent calendar as read.

OLD BUSINESS

Surface Water Management Water Quality Monitoring Program - Final Briefing

Assistant City Engineer Reinhold noted that the city had completed its five-year monitoring of the quality of the city's surface waters. He introduced Rob Zisette of Herrera Environmental Consultants.

Mr. Zisette explained that the objective of the monitoring program was to evaluate spatial and temporal trends in stream water quality over a five-year period and to assess the effects of stormwater management and nonpoint source pollution control. The study included water quality monitoring, pollutant source tracking, benthic invertebrate monitoring, habitat surveys, and public involvement program. Mr. Zisette said that a total of eight monitoring stations had been established on Massey Creek, McSorley Creek, Des Moines Creek and Barnes Creek. He noted that following water quality concerns:

- High temperature and low dissolved oxygen during summer low flow.
- High turbidity and suspended sediment during storm events.
- High total metals during storm events, but low dissolved metals.
- High fecal bacteria during storm and base flow.
- Similar concerns among all streams and all years.

Mr. Zisette said that the study indicated that benthic invertebrates were severely stressed at all stations due to flooding or toxic spills. He identified fish migration barriers, the lack of deeply cut stream channels, eroded stream banks, excessive fine sediment, and abundant blackberry brambles as fish habitat concerns. Mr. Zisette said that the study provided valuable baseline information of stream conditions and stormwater impacts. He explained that the study indicated that additional stormwater management facilities were needed to reduce peak flows and retain sediments and supplemental best management practices were needed to reduce sediment and bacteria sources.

In conclusion, Mr. Zisette offered the following recommendations:

- Monitor water quality for another five years following the construction of stormwater facilities.
- Monitor five stations at the stream mouths only, including the south fork of McSorley Creek.
- Modify parameters based on the baseline study and changes in water quality standards.
- Identify fecal sources using genetic fingerprinting.
- Assess existing fish populations.
- Organize “stream teams” to improve habitat.

Assistant City Engineer Reinhold explained that addressing a stream’s quantity concerns would positively affect its quality. Mr. Reinhold noted that staff hoped to continue its public education program and that a tree planting event for the Beach Park had been scheduled to occur within the next few months. Mr. Reinhold said that staff was working with the Sewer District to address specific concerns.

Public Works Director Heydon informed Council that human fecal had been identified in Des Moines Creek. He said that staff was looking for additional language in the Sewer District’s Comprehensive Plan to address this concern.

In response to Councilmember Towe's question, Assistant City Engineer Reinhold explained that the five-year baseline study would allow staff to monitor the before and after effects of specific projects.

Public Works Director Heydon noted that several storm water facilities were scheduled to be built within the next five years. He felt that a study performed after that time would show major improvements.

Upon questioning from Mayor Pro Tem Sheckler, Mr. Zisette explained that the study indicated that the pollutants were caused by urbanization. For example, he noted that the heavy metals were from vehicles. In response to Councilmember Kaplan's question, Mr. Zisette said that Des Moines Creek did not show any further degradation due to aviation spills.

City Manager Olander said that staff wanted the sewer districts to take a more active role in identifying failed septic systems.

Public Works Director Heydon explained that the Department of Health was responsible for failed septic services.

Councilmember Sherman questioned whether the streams containing E-coli should be marked.

Mr. Zisette responded that usually only swimming beaches were marked.

At 9:25 p.m., Mayor Thomasson declared a ten-minute break.

<u>Water District #54 Comprehensive Plan Amendment - Draft Resolution No. 01-023 ***[Assigned Res. No. 899]***</u>

Public Works Director Heydon introduced the subject. He noted that Mayor Thomasson, city staff, and the Water District engineer had met to clarify the proposed amendment. He also said that Water District #54 had provided a document summarizing their proposal. In regard to Draft Resolution No. 01-023, Public Works Director Heydon said that the emergency intertie condition was important due to the types of buildings located in the downtown area and their associated fire concern. He noted that condition No. 2 clarified that the district must comply with applicable state and federal laws.

<u>MOTION</u> was made by Councilmember Brazil and seconded by Councilmember Towe to approve Draft Resolution No. 01-023 approving the King County Water District #54 Water System Comprehensive Plan Amendment received January 18, 2001.

Mayor Thomasson read the title of the proposed resolution into the record.

Upon questioning from Councilmember Towe, City Attorney McLean explained that the purpose of the "whereas's" were to articulate the process of Council, to serve as a preamble, and to document findings of fact.

Councilmember Towe voiced support for the conditions of the proposed resolution but felt that the "whereas's" were too strong.

Upon Councilmember Towe's request, Water District #54 Commissioner Carl Mealy informed Council that the Water District wished to address the issues and identify how they were to be solved. He felt that the proposed "whereas's" were excessive. Commissioner Mealy confirmed that it was the District's intention to comply with all applicable state and federal laws. He noted that the intertie agreement had been signed.

Councilmember Sherman announced that the Department of Health had not yet approved the final design of the project nor had they received any communication regarding water rights for Well Nos. 6 and 7.

MOTION was made by Councilmember Sherman and seconded by Councilmember Kaplan to insert the following "Whereas's" in the preamble portion:

> "Whereas the district is yet to receive a current approval from the Department of Health for its planned improvements described in the amendment addressed in this resolution"
>
> and
>
> "Whereas under RCW 57.16.010, before becoming effective the District's comprehensive Plan and any amendments or alterations thereto must be approved by any and all state agencies whose approval may be required by applicable law which list includes the Department of Health"

And to insert in the actual body of the resolution, changing current #2 to #3 and adding a new #2, the following language:

> "The District's Plan amendment must be approved by the Department of Health and any other State agency whose approval is required by applicable law. To demonstrate compliance with this condition, the District shall submit written certification of such approval or approvals to the City Manager. Failure to satisfy this condition within sixty days of the passage of this resolution shall void this resolution and the City Council's approval of District #54's Comprehensive Plan as amended herein shall be revoked and of no legal affect.

Councilmember Wasson felt it was inappropriate to approve this version of the proposed resolution as it was not the one submitted by the Water District.

Councilmember Towe voiced support for the proposed amendment. He noted that it added no additional burden to the process.

VOTE ON MOTION: Motion passed, 6 – 1, with Councilmember Wasson opposed.

Upon questioning from Councilmember Sheckler, Water District Commissioner Foote said that Commissioner Mealy had been designated by the Commission as their spokesperson.

MOTION was made by Councilmember Kaplan and seconded by Councilmember Wasson to delete "posing an unacceptable risk of service interruptions and fire safety concerns to residents and businesses served by the District" from the second "whereas" listed on Page 1 of the draft resolution.

Councilmember Kaplan stated his opinion that the clause was excessive.

VOTE ON MOTION: Motion failed, 2 –5, with Mayor Thomasson, Mayor Pro Tem Sheckler, and Councilmembers Brazil, Sherman, and Towe opposed.

Upon questioning from Councilmember Kaplan, Commissioner Mealy clarified that Water District #54 had not been notified by Highline Water District that their automatic intertie had been turned off. The District had received notification by the City of Des Moines.

MOTION was made by Councilmember Kaplan and seconded by Councilmember Towe to strike the fifth "whereas".

Councilmember Towe felt that the fourth "whereas" and the stated fire concerns sufficiently stated the importance of the intertie.

VOTE ON MOTION: Motion passed, 5 – 2, with Mayor Thomasson and Councilmember Brazil opposed.

MOTION was made by Councilmember Kaplan and seconded by Councilmember Towe to delete "which might not afford District 54 sufficient time to make other arrangements for water supply and emergency fire response" from the eighth "whereas".

VOTE ON MOTION: Motion failed, 2 – 5, with Mayor Thomasson, Mayor Pro Tem Sheckler, and Councilmembers Brazil, Sherman, and Towe opposed.

Upon questioning from Councilmember Kaplan, Public Works Director Heydon stated that the 17th "whereas" referred to concerns discussed over a period of discussions with the District's engineer. He said that the concerns were primarily prior to the January 4, 2001 meeting.

MOTION was made by Councilmember Kaplan and Councilmember Sherman to move the 17th "whereas" up one position.

Councilmember Towe stated his preference to strike the entire 17th "whereas" as the information was already identified in other documents.

Councilmembers Kaplan and Sherman **withdrew their motion**.

MOTION was made by Councilmember Kaplan and seconded by Councilmember Towe to strike the 17th "whereas".

Councilmember Wasson stated his opinion that the proposed resolution was an attempt to criticize Water District #54.

VOTE ON MOTION: Motion failed, 3 – 4, with Mayor Thomasson, Mayor Pro Tem Sheckler, and Councilmembers Brazil and Sherman opposed.

MOTION was made by Mayor Pro Tem Sheckler and seconded by Councilmember Kaplan to move the 17th "whereas' up one position.

VOTE ON MOTION: Motion passed, 5 – 2, with Councilmembers Towe and Wasson opposed.

Councilmember Towe said that he supported the resolution but did not agree with all of the "whereas's". He said that he believed that the conditions were reasonable but was frustrated with the process and the amount of time taken.

Councilmember Brazil voiced agreement with Councilmember Towe's comments.

Councilmember Wasson said he would not support the proposed resolution as it was not the document presented by the Water District and they had not indicated that they would accept it.

Councilmember Kaplan strongly voiced his displeasure with the Water District and the City during the process. He said that he would support the proposed resolution as the conditions were fair and protected the residents.

VOTE ON AMENDED MAIN MOTION: Motion passed, 6 – 1, with Councilmember Wasson opposed.

NEXT MEETING DATE - Study Session February 1, 2001

ADJOURNMENT

The meeting adjourned at 10:24 p.m.

Respectfully submitted,

Angela M. Chaufty
Deputy City Clerk