REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES February 8, 2001

The regular meeting of the Des Moines City Council was called to order at 7:34 p.m. by Mayor Thomasson in the Council Chambers, 21630 11th Avenue South, Suite B.

PLEDGE OF ALLEGIANCE to the Flag was led by Councilmember Sherman.

ROLL CALL – Present: Mayor Scott Thomasson, Mayor Pro Tem Bob Sheckler, Councilmembers Terry Brazil, Dave Kaplan, Dan Sherman, and Gary Towe (arrived at 8:15 p.m.). Absent: Don Wasson (vacation). Also present were City Manager Bob Olander, Assistant City Manager Tony Piasecki, City Attorney Gary McLean, Park and Recreation Director Patrice Thorell, Senior Planner Robert Ruth, Land Use Planner Celeste Carlson, and Deputy City Clerk Angela Chaufty.

MOTION was made by Councilmember Sherman, seconded by Councilmember Brazil, and passed unanimously to excuse Councilmember Wasson from attendance.

COMMENTS FROM THE PUBLIC

Wayne Bader, 21938 Marine View Drive South

Mr. Bader informed Council that he had just received the Marina Rules and Regulations in the mail. Due to the extent of the changes in the rules, he felt that all Marina tenants should receive a copy. Mr. Bader said that the rules made Marina use more complicated and inflated the cost of its services. He voiced displeasure that the Block and Tackle lease had not been extended. He felt that the Block and Tackle responded to environmental concerns.

Upon questioning from Councilmember Kaplan, City Manager Olander explained that Vern Day, owner of the Block and Tackle, had just renewed his remaining option and that six years now remained on the lease.

BOARD & COMMITTEE REPORTS

Suburban Cities Association

Councilmember Brazil reported that consultant Dave McDonald had addressed the Suburban Cities Association regarding the requirement to include provisions of the Shoreline Management Act in the Growth Management Act. He asked the City Manager to provide a briefing to Council regarding the process at a later meeting.

City Manager Olander explained that the Department of Ecology required the updating of the Growth Management Act Comprehensive Plan, the Shoreline Master Plan, and the Environmental Sensitive Area Plan within two years. He said that the issue would be discussed during the Council Retreat.

Public Safety and Transportation

Councilmember Sherman reported that the committee had reviewed the Functional Classification map, the Bicycle map and the Pedestrian Facilities map as part of their study of the City's Transportation Comprehensive Plan.

ADMINISTRATION REPORTS

Executive Session

City Manager Olander requested that the Council conduct an executive session at the end of the meeting to discuss labor relations.

CONSENT CALENDAR was read by Deputy City Clerk Chaufty.

~~1. Motion is to approve the minutes of January 25, 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 # 74830 through #74979 in the total amount of $394,843.34
Payroll fund transfers in the total amount of $302,120.98

~~3. Motion is to approve the contact for Des Moines Sports Park clearing services with The Clearing Company, Inc. in the amount of $52,000.00, plus tax and a 10% contingency, and further to authorize the City Manager to sign said contract substantially in the form as attached.~~

4. Motion is to purchase the Schramm Property located at 1st Avenue South between South 202nd and South 204th Streets for $37,500, and further to authorize the City Manager to sign said agreement substantially in the form as attached.

5. General Employee Compensation Agreement and Pay Plan

A. Draft Resolution No. 01-030 ***[Assigned Res. No. 900]*** - Title: A Resolution of the City Council of the City of Des Moines, Washington, adopting the 2001 Employee Pay Plan and setting the formula for the 2002 and 2003 Pay Plans.

MOTION is to approve Draft Resolution No. 01-030.

B. Motion to authorize the City Manager to sign the 2001-2003 City of Des Moines and General Employee Compensation Agreement substantially in the form as attached to Draft Resolution No. 01-030.

Mayor Pro Tem Sheckler recused himself from Item No. 5.

MOTION was made by Councilmember Brazil and seconded by Councilmember Kaplan to approve the consent calendar.

Councilmember Kaplan removed Item Nos. 1 and 3. He noted that the vote of a particular motion needed to be clarified in Item No. 1.

Mayor Thomasson determined that Item No. 1 would be carried to the next meeting.

VOTE ON MOTION: Motion passed unanimously.

Des Moines Sports Park Phase I Development Clearing Contract

Councilmember Kaplan questioned why a 10% contingency had been proposed for the contract.

In response, Park and Recreation Manager Thorell explained that a contingency had been proposed in case any debris left on the property needed to be disposed of in an environmentally sensitive manner.

City Attorney McLean noted that a considerable amount of car parts and tires had been removed from two adjacent lots. The contingency would be available in case this type of debris was also found on the Sports Park property.

MOTION was made by Mayor Thomasson and seconded by Councilmember Brazil to approve the contract for Des Moines Sports Park clearing services with The Clearing Company, Inc. in the amount of $52,000 plus tax and a 10% contingency, and further to authorize the City Manager to sign said contract substantially in the form as attached.

VOTE ON MOTION: Motion passed, 4 – 1, with Councilmember Kaplan opposed.

NEW BUSINESS

2001 Arterial Maintenance Program - Approval of Engineering Design Consultant Contract for 2001 Overlays

City Manager Olander introduced the subject.

MOTION was made by Mayor Pro Tem Sheckler, seconded by Councilmember Sherman, and passed unanimously to award the contract for professional engineering design services for the 2001 Arterial Maintenance Program to KPG in the amount of $39,012.73, plus a 10% contingency, and further to authorize the City Manager to sign said contract, substantially in the form as attached.

Resolution No. 01-005 ***[Assigned Resolution No. 901]*** Approval Final Plat for Highland Crest Division #1, Landmark Homes

Mayor Thomasson introduced the subject and read the title of the proposed resolution into the record.

Land Use Planner Carlson noted that Council had approved the preliminary plat for the project on May 14, 1998. She explained that the application was consistent with local, county and state statutes and that it was substantially consistent with the approved preliminary plat design. Land Use Planner Carlson informed Council that all required improvements had either been installed or adequately bonded. She noted that the applicant had paid the park in–lieu fees to the City and the school impact fees to the Federal Way School District as required by King County. In closing, Land Use Planner Carlson recommended approval of the final plat.

Upon questioning, Senior Planner Ruth confirmed that the two retention ponds had been combined into one pond during Council's preliminary plat review.

MOTION was made by Mayor Pro Tem Sheckler and seconded by Councilmember Brazil to adopt Draft Resolution 01-005 approving the final plat for Highland Crest Division 1, File No. PP 97-077, Applicant: Landmark Homes, Inc.

Councilmember Sherman voiced his support for the project. He read DMMC 17.16.230 which set Council's review parameters for a final plat and then he reviewed the code's definition of a "minor deviation". In light of the previous meeting's discussion regarding the role of the Planning Agency, Councilmember Sherman asked that he be allowed to hypothetically review this project according to the proposed revisions to the Planning Agency's authority. He noted that the proposed project had been presented to the Planning Agency on March 2, 1998. He informed Council that the Planning Agency had approved staff's recommendations for the plat with the exception of removing the school impact fee requirement set by King County. Councilmember Sherman then reviewed the following changes made by Council during their review of the preliminary plat:

- Reinstated the school impact fees as required by King County.
- Increased the separation between the sewer and water lines.
- Widened the street right-of-way.
- Consolidated the stormwater ponds.
- Added a fence and some vegetation buffering.
- Extended the sidewalk to South 252nd Street.

He asked the City Attorney to hypothetically state whether the Code would have allowed Council to make the above listed changes during the plat's final review.

City Attorney McLean explained that Council would need to establish findings in order to justify a change to the preliminary plat unless the change could be considered a minor deviation. He also noted that a change in circumstances could justify a modification to the plat.

Councilmember Sherman said that the changes Council had made to this preliminary plat affected the safety, health, and maintenance costs of the city. He felt that it would have been significantly more difficult for Council to impose these changes during the final plat process. He expressed concern that Council was considering giving the Planning Agency authority over preliminary plat designs. He noted that the same speakers had participated in the public hearings conducted by the Planning Agency and the City Council. In closing, Councilmember Sherman said that Council's ability to require changes to designs would be significantly restricted if the preliminary plat process was given to the Planning Agency.

At 8:15 p.m., Councilmember Towe arrived.

In response to Councilmember Sherman's comments, Councilmember Kaplan said that this plat should not be used to hypothetically evaluate the proposed revisions to the Planning Agency's responsibilities. He noted that the plat had been filed with King County prior to the area being annexed to Des Moines. Therefore, King County regulations had applied to the development. Councilmember Kaplan felt that the City's standards would have addressed the right-of-way, sewer and water lines, and buffering issues. He also noted that the proposal for the Planning Agency included the appointment of two Councilmembers to the Board. He felt that the Planning Agency, applying the City's standards, could develop a good preliminary plat design. He said that he trusted the Planning Agency.

Upon questioning, City Attorney McLean confirmed that Councilmember Towe could participate in the vote on the motion.

VOTE ON MOTION: Motion passed unanimously.

NEXT MEETING DATE - Regular meeting of February 22, 2001

EXECUTIVE SESSION

At 8:20 p.m., Mayor Thomasson announced that Council would recess into executive session for approximately twenty minutes to discuss labor relations.

No formal action was taken.

ADJOURNMENT

The meeting adjourned at 8:50 p.m.

Respectfully submitted,

Angela M. Chaufty
Deputy City Clerk