REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES February 11, 1999

At 7:30 p.m. City Clerk Staab announced that the City Council will continue in Executive Session for approximately 5 more minutes.

The regular meeting of the Des Moines City Council was called to order by Mayor Pro Tem Brazil at 7:45 p.m. in the Council Chambers, 21630 11th Avenue South.

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

ROLL CALL - Present: Mayor Pro Tem Terry Brazil, Councilmembers Dave Kaplan, Bob Sheckler, Dan Sherman, Gary Towe (arrived at 8:11 p.m.) and Don Wasson. Absent: Mayor Scott Thomasson (out of town). Also present were City Manager Bob Olander, Assistant City Manager Tony Piasecki, City Attorney Gary McLean, Community Development Director Judith Kilgore, Public Works Director Tim Heydon, Finance Director Scott McCarty, Assistant Planner Gloria Gould-Wessen and City Clerk Denis Staab.

MOTION was made by Councilmember Kaplan, seconded by Councilmember Sheckler and passed unanimously, to excuse Mayor Thomasson.

COMMENTS FROM THE PUBLIC

Norris Fiske, 816 South 216th

Mr. Fiske informed Council that he has been a resident of Des Moines since 1954. He complimented the City for its progressive improvements over the years including the Marina, Des Moines Beach Park, the Skate Board Park and the Des Moines Creek Trail. However, he commented that somewhere along the line the need for a Senior/Community Center had lost its priority. He stated that he served on the original ad-hoc committee that presented a detailed report on a proposal for a new center in the early 90's. He advised that a new incoming Council vetoed the plans. He stressed the need for a new senior/community center and encouraged everyone to vote yes for the proposal on the upcoming ballot.

Ms. Bergin, 21628 28th Avenue South

Ms. Bergin stated she is against a new senior/community center and suggested Council should concentrate on cleaning up gang activity in the area.

Hong Louie, 22508 6th Avenue South

Mr. Louie reminded Council that Marine View Drive has a 60' right-of-way that is traveled by 3,000 cars a day. He noted that 6th Avenue South has an 80' right-of-way and only has around 100 cars a day. He requested Council consider reducing the right-of-way on 6th Avenue South to 60' and either give or sell the 20' that would be vacated to abutting property owners.

ADMINISTRATION REPORTS

Regional Commission on Airport Affairs Update

Al Furney, President of Regional Commission on Airport Affairs proceeded in detail to review the on-going activities of RCAA, highlighting the following:

- Runway expansion plans at Sea-Tac face mounting costs: 1992 = $217 Million, 1999 = $785 Million.
- Sea-Tac airlines are not buying the Port's need for 3rd runway.
- Airlines are asking for alternatives to 3rd runway proposal.
- The Port's existing lease agreements with tenant airlines soon will expire.
- Port does not want airlines control of Sea-Tac Capital Program.
- Economic alternatives to the 3rd runway project are feasible.
- Delays in Port Master Plan Program equal cost increases.

In conclusion, Mr. Furney noted that some of the reasons not to build a 3rd runway at Sea-Tac include that it costs too much, adverse environmental impacts, lack of planning, and, there are other alternatives available.

CONSENT CALENDAR was read by City Clerk Staab.

1. Motion is to approve the minutes of January 28, 1999.
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 #65381 through #65621 in the total amount of $674,795.73
   Payroll fund transfers in the total amount of $222,994.43
3. Motion is to recognize the week of February 15-21, 1999, as Chamber of Commerce Week in Des Moines.
4. Motion is to approve Mayor Thomasson's appointment of Mark Proulx to a vacant position on the Des Moines Planning Agency expiring December 31, 2000.
5. Motion is to award the contract for professional engineering design services for the 1999 Arterial Maintenance Project to Harding Lawson Associates Infrastructure, Inc. in the amount of $35,539.17, plus a 10% contingency, and further to authorize the City Manager to sign said contract substantially in the form as attached.

MOTION was made by Councilmember Sherman, seconded by Councilmember Kaplan, to approve the Consent Calendar as read. Motion passed unanimously.

PUBLIC HEARING

1998 Zoning Map Changes - Single Family - File #RZ98-016

Mayor Pro Tem Brazil introduced the subject.

Community Development Director Kilgore reminded Council that the City's zoning map has not be formally updated since 1964. She noted that this is the first of two public hearings regarding the draft 1998 Zoning Map. For this hearing, proposed changes to single-family residential zones will be discussed. This public hearing will provide the affected property owners, and interested citizens, with an opportunity to express their views to City Council on the proposed changes. The second public hearing is scheduled before Council on February 25, 1999, to take public testimony on proposed changes to multifamily and commercial zones.

City Attorney McLean explained the rules for conducting tonight's public hearing. He advised that Council will take all public testimony this evening and then continue the hearing to February 25, 1999. He requested that each speaker identify the specific site they are referring to.

8:11 p.m. Councilmember Towe arrived.

PUBLIC COMMENTS

Dave Claggett, 744 South 222nd Street
Site #16 - Mr. Claggett informed Council that he has spend a lot of money to build these multi-family units. He is against down zoning the site as he noted it will become a non-conforming use, almost impossible to sell. He further noted that he needs to be able to rebuild to the current conditions and that option would be lost with the rezone.

Bruce Weise, 736 South 216th
Site #8 - Mr. Weise spoke in opposition to changing the zoning of this site. He informed Council that his family purchased the property in 1955 with the hopes of building townhouses for their retirement. He requested this remain RS 7200.

Lee Stenson, 24007 16th Avenue South
Site 18 - Mr. Stenson stated that these sites have always been RM 2400 and serve as a great buffer area with triplex and duplex development. He noted that the City originally agreed to this zoning and the current zone should remain. He felt that this current zone protects existing residential against adverse impacts and his property is well maintained. He concluded by noting that the City committed this zone to him and it may be illegal to take it away.

Brian Knopp, 1620 South 240th
Site 19, ID #51 - Mr. Knopp spoke against any change in the existing property use.

Robert Witter, 24036 26th Avenue South
Site 18, ID #17, 18, 19 & 20 - Mr. Witter spoke against any change in zone for this property. He encouraged Councilmembers to tour the property in person.

As there were no further speakers, Mayor Pro Tem Brazil thanked the speakers and announced that the hearing will continue on February 25, 1999.

OLD BUSINESS

Pacific Highway South Urban Design Element - Final Review

Public Works Director Heydon stated that at the August 6, 1998 Council meeting, various comments, questions and concerns were voiced by Council after review of the proposed design element of the Pacific Highway South Project. As a result, staff and the consultant have refined and adjusted the report in response to Council's comments for review at this meeting.

Public Works Director Heydon introduced Dave Boyd from Makers and Roger Mason from CH2M Hill.

With the use of slides, Mr. Boyd proceeded to review the revised Streetscape Design highlighting the following items:

- *Wind-vane Sails* - Can be fabricated and the size and porous nature of the design will result in very slow movement with changes in wind direction. Suggested cots $8,500 to $10,000 each, which is within the budget. If estimated costs do increase, the number of sails can be scaled back without seriously compromising the design.
- *Welcome Sign* -Sign has been raised from a low wall to an undulating overhead sign band.
- *Decorative Accent Paving* - Has been deleted in front of the bus shelters to reduce cost and focus resources on move visible elements, like gateways and lighting.
- *Accent Color* - Color chosen is a standard Metro bus shelter color that they will install and maintain. Using the Metro color as a unifying accent color along Pacific Highway South is a logical choice.
- *Street Furniture* - Benches are designed with steel frames and recycled solid color plastic slats.
- *Lighting* - Lighting is placed in the center median where possible, pedestrian lighting is placed in the planting strip, in line with the street trees. Where median is too narrow, lighting will also be placed in the planting strip.

After some discussion, Council's consensus was approval of the pre-design elements and directed staff to proceed into the actual design. It was noted that final design elements will come back to Council for review and approval.

NEW BUSINESS

Sea Tac Disposal's Proposed Rate Increase

Assistant Planner Gould-Wessen informed Council that the King County Council approved an increase in the tipping fee which took effect January 1, 1999, increasing the costs to Sea Tac Disposal. Additionally, the commodities value of the recyclables collected in the curbside programs has dramatically decreased. She noted this proposed rate increase is identical to Sea Tac Disposal's request recently approved by the WUTC for regulated areas they serve. Under the City's Exclusive License Agreement Section 14.2, Sea Tac Disposal meets the requirements for requesting and receiving this rate adjustment. In conclusion Ms. Gould-Wessen reviewed the increases for popular services provided to Des Moines customers. She reminded Council that the Disposal company has not asked for a rate increase for seven years.

City Manager Olander informed Council that staff has received a minimal number of customer complaints regarding the service of Sea Tac Disposal. He advised that the Company has been responsive to the community and has helped coordinate community recycling and spring clean events.

Upon questioning by Council, Ms. Gould-Wessen noted the franchise will expire in the year 2000.

MOTION was made by Mayor Pro Tem Brazil, seconded by Councilmember Sheckler, to approve Sea Tac Disposal's requested rate increase as reflected in Attachment 1, retroactive to January 1, 1999.

Councilmember Towe stated that he will vote no. He stated that Sea Tac Disposal is simply passing through the costs. He noted the Company has shown no emphasis in controlling costs . He felt that pressure needs to brought on King County to pursue private contracting by an open bid process. He further noted he cannot rubber stamp this increase and feels that Sea Tac Disposal should absorb some of these increased costs.

Councilmember Sherman stated that while he agrees with Councilmember Towe, he feels these concerns would be better addressed in Franchise negotiations since our current agreement allows for this type of request for increase.

Councilmember Kaplan stated that by rejecting this increase, it would only be hurting the provider of the service.

Councilmember Towe noted that he does not feel an obligation to Sea Tac Disposal, but does to the rate payers of Des Moines. Feels a clear message should be sent to the Disposal company to get creative and do not just pass on increases to customers.

Mayor Pro Tem Brazil expressed agreement with Councilmember Towe.

Upon questioning from Council, City Attorney McLean stated that if Council turns the requested increase down then Section 14.5 of our current Franchise Agreement provides that an audit will be done on Sea Tac Disposal to determine whether the rate increase is a reasonable request. He reminded Council that they cannot unreasonably deny an increase.

VOTE ON MOTION: After further discussion, the motion FAILED 4 to 2 with Councilmembers Sherman and Sheckler voting YES.

Draft Ordinance No. 99-025 ***[ASSIGNED ORDINANCE NO. 1228]*** Interfund Loans - 1st Reading

Finance Director McCarty advised Council that the proposed ordinance implements a recommendation from the State Auditors' Office made in conjunction with the 1997 audit. An interfund loan is required in those situations where, due to timing fluctuations, expenditures exceed revenues within a fund at a given point in time. These loans are generally for short periods of time to accommodate cash flow requirements. The intent of the draft ordinance is to allow staff the opportunity to analyze the circumstances of an interfund loan and detail the BARS requirements such as the lending fund, interest rate, and length of repayment.

Upon questioning by Council, Finance Director McCarty stated that a short term loan is one that is one year or less.

MOTION was made by Councilmember Sheckler, seconded by Councilmember Kaplan, to suspend Council Rule 26(b). Motion passed unanimously.

MOTION was made by Councilmember Sheckler, seconded by Councilmember Kaplan, to approve Draft Ordinance No. 99-025.

Finance Director McCarty read the draft ordinance by title into the record.

VOTE ON MOTION: Motion passed unanimously.

<u>SR 509 Partnership Funding Plan - Authorization to Sign</u>

Councilmember Sherman reminded Council that he requested Council's consensus on whether or not to sign the proposed Partnership Funding Plan Agreement at the February 4th meeting. He noted that the Final EIS is not complete.

City Manager Olander informed Council that Mayor Thomasson expressed his desire to see the agreement signed. Mr. Olander noted that Council's concerns with item II.(4) has been corrected and agreed to by the other parties.

Council's <u>CONSENSUS</u> was to direct Councilmember Sherman to sign the Agreement. Councilmember Sherman noted that although he is opposed to the agreement he will sign as his signature is reflective of the majority of the Council.

<u>NEXT MEETING DATE</u>

The next meeting of the Council will be February 25, 1999.

<u>ADJOURNMENT</u>

The meeting was adjourned at 9:28 p.m.

Respectfully submitted,

Denis Staab
City Clerk