

REGULAR MEETING OF THE DES MOINES CITY COUNCIL

MINUTES

March 26, 1998

The regular meeting of the Des Moines City Council was called to order by Mayor Thomasson at 7:32 p.m. in the Council Chambers, 21630 11th Avenue South.

Pledge of Allegiance to the Flag was led by Councilmember Kaplan.

ROLL CALL - Present: Mayor Scott Thomasson, Mayor Pro Tem Terry Brazil, Councilmembers Dave Kaplan, Dan Sherman, Bob Sheckler, 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, Civil Engineer Jim Seitz and Deputy City Clerk Angela Chaufy.

ADMINISTRATION REPORTS

Briefing: Metropolitan King County Councilmember Chris Vance

King County Councilmember Vance addressed Council regarding the following issues:

- Third Runway – Councilmember Vance informed Council that King County had budgeted two County planners to work on enhancing Burien's *Seattle Tacoma International Airport Impact Mitigation Study*.
- METRO – Councilmember Vance noted that METRO was in the process of updating their Six Year Plan. Their goal was to improve service by utilizing transportation hubs. He asked Council to inform him of their wishes regarding bus service throughout Des Moines. He had scheduled a meeting with METRO representatives for March 30, 1998 to discuss concerns.
- Regional Finance and Governance – Councilmember Vance noted that the Oversight Committee had adopted a Regional Finance and Governance Plan. The Plan was currently being reviewed by the Growth Management Planning Council and would be presented to the cities in June. He expressed concern that the Suburban Cities process had not yet developed a collective voice regarding the plan. Mr. Vance stated that the plan would eliminate urban subsidies by the County.
- Ecological Issues – Councilmember Vance noted that the County is seeking to save the salmon at the local level rather than at the federal level. He also noted that his office is sending a letter to the Department of Ecology regarding the Port of Seattle's de-icing fluid which flows into Miller and Des Moines Creeks.

In regard to the Regional Finance and Governance issue, Mayor Pro Tem Brazil noted that various opinions regarding the plan exist within Suburban Cities as the affect of the Plan varies with each city. He estimated that the Plan would cost Des Moines an additional \$200,000 per year. Mayor Pro Tem Brazil noted that Linda Ring from Suburban Cities was scheduled to address Council on the issue at the April 9, 1998 Council meeting.

King County Councilmember Vance asked to participate in the meeting.

Councilmember Towe felt that local concerns should not only be addressed through the Suburban Cities process but also separately.

In regard to the proposed METRO transit plan, Councilmember Sherman voiced the following concerns:

- Lack of east/west service;
- Route 166 (Kent to Highline Community College) does not provide any downtown service;
- No service proposed for Woodmont/Redondo area; and
- Route 189 (local service) does not adequately meet the needs of the community.

King County Councilmember Vance asked Council to send him a letter detailing their concerns and requests. He stated that he would contact King County Councilmember Pete von Reichbauer regarding the lack of Woodmont/Redondo bus service.

COMMENTS FROM THE PUBLIC

Naomi Johnson

On behalf of the Lions Club, Ms. Johnson invited Council to attend the Lions Club 35th Anniversary Celebration.

Jordan Perrine

Mr. Perrine spoke in opposition to Item No. 6 on the Consent Calendar. He stated that 2.3% of the population was affected by allergies and presented specific information pertaining to cat allergies. Mr. Perrine stated that the issue was a human problem rather than a cat problem. He felt that his attempts to address the situation with Park and Recreation staff had failed. In closing, he asked Council to oppose Draft Ordinance 98-091. He gave some medical information to the clerk for distribution.

Walter West, 19715 10th Avenue South

Mr. West spoke in favor of Draft Ordinance 98-091. He felt that the cat provided therapy for the seniors. He stated that he would like to see the cat remain at the Senior Center.

BOARD & COMMITTEE REPORTS

Municipal Facilities Committee

Councilmember Towe noted that the Committee had been reviewing the remodel of the old police station. He noted that the bid had been adjusted to fall within the project budget. The bid period would soon begin.

Human Services Committee

Councilmember Towe reported that the committee had conducted an orientation for new committee members.

Suburban Cities Association

Mayor Pro Tem Brazil announced that the Regional Finance and Governance issue would be discussed at the April 9, 1998 Council meeting.

Public Safety and Transportation Committee

Councilmember Sherman announced that the proposed METRO routes would be discussed under the Administration Report.

Ad Hoc Zoning Map Committee

Councilmember Wasson reported that the committee had reviewed zoning issues.

ADMINISTRATION REPORT

METRO Update Regarding Bus Routes

Public Works Director Heydon distributed the minutes of the March 5, 1998 Public Safety and Transportation Committee meeting.

Civil Engineer Seitz displayed the schedule for implementing the new METRO service. He then displayed maps of the proposed routes. Mr. Seitz confirmed that no bus service was currently proposed for the Des Moines area south of South 151st Street.

Councilmember Sherman voiced support for three bus route loops (North Hill area, Central area, and Woodmont/Redondo area). He also supported a complete loop with a stop at the Kent-Des Moines Park and Ride.

After discussion, Council concurred to send the issue back to committee and to direct administration to send a general letter to King County Councilmember Chris Vance requesting improved east/west bus service and improved and expanded shuttle service.

PRESIDING OFFICER'S REPORT

Boundary Discussion with City of Kent

Mayor Thomasson announced that he and City Manager Olander had met with Kent's Operations Manager and Mayor to discuss potential common boundaries and adjustments that would meet the needs of both governments.

CONSENT CALENDAR was read by Deputy City Clerk Chaufy.

1. Motion is to approve the minutes of March 12, 1998.
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 #60425 through #60751 in the total amount of \$403,531.13

Payroll fund transfers in the total amount of \$203,898.59

3. Draft Resolution No. 98-087 [Assigned Res. No.842] - 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 with 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, 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, in the City of Des Moines and scheduling a public hearing for April 23, 1998 to permit persons who may object thereto to appear and present their objections.

MOTION is to approve Draft Resolution No. 98-087 and to rescind Resolution No. 838.

4. Motion is to ratify and confirm Federal Way and Tukwila's membership in the Airport Communities Coalition for 1998, retroactive to January 1, 1998, consistent with the terms and conditions set forth in the existing Interlocal Agreement and adopted amendments between the Cities, and to authorize the City Manager to execute documents to effectuate such action.

5. Motion is to approve the State of Washington Interagency Agreement ICA-98078 between the Office of the Administrator for the Courts and City of Des Moines, Washington, and authorize the City Manager to sign such Agreement substantially in the form as attached.

6. ~~Draft Ordinance No. 98-091 Title: An Ordinance of the City of Des Moines, Washington relating to animal regulations and amending DMMC 8.04.210.~~

~~TWO MOTIONS: First motion is to suspend Council Rule 26(b). Second motion is to approve Draft Ordinance No. 98-091.~~

MOTION was made by Councilmember Sheckler and seconded by Councilmember Wasson to approve the consent calendar as read.

Councilmember Sherman removed Item No. 6.

VOTE ON AMENDED MAIN MOTION: Motion passed unanimously.

At 9:00 p.m., Mayor Thomasson declared a ten minute recess.

NEW BUSINESS

Draft Ordinance No. 98-091 [Assigned Ord. No. 1210] – Amendments to Animal Control Regulations

MOTION was made by Councilmember Sheckler and seconded by Councilmember Wasson to suspend Council Rule 26(b).

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

MOTION was made by Councilmember Sheckler and seconded by Councilmember Wasson to approve Draft Ordinance 98-091.

Mayor Thomasson read the title of the proposed ordinance.

Councilmember Sherman felt that the proposed ordinance restricted people with allergies' ability to use the Senior Center facility. As public funds are used to support the Center, he felt that it should be available to all individuals. In recognition of the benefits of pet therapy, Councilmember Sherman noted that most participants at the Senior Center could have pets at home or had opportunity to visit other's pets.

Councilmember Wasson noted that he had received over fifty-five communications from individuals requesting that Council vote in favor of Draft Ordinance No. 98-091. He distributed the correspondence to Council.

Councilmember Sheckler stated that he was overwhelmed by the response to this issue.

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

PUBLIC HEARING CONTINUED

Street Vacation, 10' of 11th Avenue South, Between South 251st Street to the North and Approximately South 252nd Street to the South, and the South Five Feet of South 251st Street Right-of-way Adjacent to 1017 South 251st

Councilmember Sherman recused himself from the hearing.

Public Works Director Heydon displayed a map of the proposed street vacations. In response to the applicant's comments, he provided the following information:

11th Avenue South Portion

- Utilities – Easements were necessary to maintain utilities.
- Radius Intersection – Radiuses were necessary to provide sufficient room for turning movements.
- Use of City Funds – City funds had been spent on a mailbox installation, asphalt patches, road shoulders' gravel and grading, and the storm water pipe program. Therefore, Mr. Heydon felt that the vacation should be considered a Type A.

South 251 Street Portion

- Importance of Street Portion – Public Works Director Heydon highlighted the 1993 City Comprehensive Plan which identified the street as a neighborhood collector and a major pedestrian and bicycle facility.
- Need for Sixty Foot Rights-of-Way – The City Street Standards called for a sixty foot rights-of-way for neighborhood collectors. He displayed a cross section of the street. As the street bordered the McSorley Creek Tributary, he felt that the width was especially important.
- Use of City Funds – City funds had been spent on an asphalt overlay, road shoulder maintenance, and the storm water pipe program.
- Utilities – Easements were necessary to maintain utilities.

Public Works Director Heydon stated that the issue before Council was not a legal question but one of best public interest. He distributed copies of past minutes dealing with the Laws of 1889 – 1890.

City Attorney McLean explained the options before Council.

Upon questioning, Richard Kennedy displayed a picture of the South 251st Street vacation request area. He stated that he was not asking that the area containing the drain be vacated. He showed a cross section of the street. The cross section contained two five foot sidewalks, two six foot bike lanes, and two eleven foot lanes.

Mayor Thomasson declared the hearing closed.

Based upon the information provided, Mayor Thomasson felt that the vacations fell into the Class "A" category which would require compensation at the full-appraised value. He questioned whether the homeowner's would want to vacate the land if compensation was required. Mayor Thomasson also confirmed that a survey for utilities had not been performed.

Public Works Director stated that the area was known to contain water service lines, a phone service pedestal, and storm water facilities.

MOTION was made by Councilmember Kaplan and seconded by Councilmember Wasson to direct staff to draft an ordinance vacating two five foot portions of 11th Avenue South as depicted on Attachment 1, while retaining intersection radiuses, turn around space, and utility easements with appropriate compensation.

MOTION was made by Councilmember Towe and seconded by Mayor Pro Tem Brazil to amend the main motion by deleting the clause for appropriate compensation.

Councilmember Towe felt that no formal documentation had been presented showing that public money had been spent to improve the proposed vacation area.

Mayor Thomasson reiterated that he felt that DMMC clearly labeled the vacation as a Class A. Therefore, he could not support the motion.

VOTE ON MOTION: Motion passed, 5 – 1, with Mayor Thomasson opposed.

MOTION was made by Councilmember Towe and seconded by Councilmember Sheckler to amend the main motion to address the utility easement clause and make it contingent upon documented need for utility installation or access for the portion of right-of-way that is being vacated.

City Attorney McLean clarified that the intent of the motion was to base the need upon existing utilities.

Councilmember Towe stated that he did not want to encumber the property needlessly.

VOTE ON MOTION: Motion failed, 2 – 4, with Mayor Thomasson, Councilmembers Kaplan, Sheckler, and Wasson opposed.

At 10:30 p.m., **motion** was made by Councilmember Wasson and seconded to extend the meeting by ten minutes.

MOTION passed, 4 – 2, with Mayor Pro Tem Brazil and Councilmember Sheckler opposed.

VOTE ON AMENDED MAIN MOTION: Motion passed, 5 – 1, with Mayor Thomasson opposed.

Mayor Thomasson stated that he did not consider the vacation of South 251st Street in the best interest of the public.

MOTION was made by Councilmember Towe and seconded by Councilmember Sheckler to direct staff to draft an ordinance vacating five feet of South 251st Street as depicted on Attachment 1 retaining the intersection radius at the north end of 11th Avenue South.

MOTION was made by Mayor Thomasson, seconded by Councilmember Kaplan to amend the motion to include utility easements.

VOTE ON MOTION: Motion passed, 4 – 2, with Mayor Pro Tem Brazil and Councilmember Towe opposed.

Councilmember Towe felt that the proposed vacation would not impede the City's plans for the street.

City Manager Olander noted that the vacating of five feet on South 251st Street would bring the street below the adopted street standards.

VOTE ON AMENDED MOTION: Motion passed, 5 – 1, with Mayor Thomasson opposed.

NEXT MEETING DATE – Study Session April 2, 1998

ADJOURNMENT

The meeting adjourned at 10:40 p.m.

Respectfully submitted,

Angela M. Chaufy
Deputy City Clerk