REGULAR MEETING DES MOINES

MINUTES April 10, 1997

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

PLEDGE OF ALLEGIANCE to the flag was led by Councilmember Sheckler.

ROLL CALL - Present: Mayor Scott Thomasson, Mayor Pro Tem Terry Brazil, Councilmembers Bruce Roberts, Bob Sheckler, Dan Sherman, Gary Towe, and Don Wasson. Also present were Assistant City Manager Tony Piasecki, City Attorney Gary McLean, Community Development Director Judith Kilgore, Public Works Director Tim Heydon, Park and Recreation Director Patrice Thorell, Finance Director Jim Hathaway, Harbormaster Joe Dusenbury, Senior Planner Robert Ruth and Deputy City Clerk Angela Chaufty.

CORRESPONDENCE

Postal Facilities in Downtown Des Moines

Assistant City Manager Piasecki read Council a letter received from Postmaster Lee Salazar regarding the intent to continue postal facilities in downtown Des Moines. After construction of the new Post Office, the postmaster will seek a business in the downtown area that is interested in establishing a Contract Postal Unit at their location.

King County Elections Placement of Bond Issue on Ballot

Assistant City Manager Piasecki informed Council that Records and Elections Division of King County had confirmed placement of the Sports Park and Community/Senior Center Bond Issue on the May 20, 1997 ballot. The election would be conducted by mail-in ballot.

COMMENTS FROM THE PUBLIC

Chuck Tuman, 313 South 210th

Mr. Tuman thanked Council for placing the Sports Park and Community/Senior Center Bond Issue on the ballot. After serving on the park needs assessment committee, Mr. Tuman felt the City had a definite need for more park facilities. As principal of Parkside Elementary, Mr. Tuman also noted that several children look forward to participating in activities provided by the development of a Sports Park and Community/Senior Center.

Georgie Nupen, 24816 12th Avenue South

Ms. Nupen stated that she was happy to support the passage of the Sports Park and Community/Senior Center land purchase bond. She felt that it was time for the voters to step forward and support the development. In closing, she thanked Council for their commitment to city facilities.

Elbert Hill, 21815 24th Avenue South

Mr. Hill questioned why Council would choose to oppose the development of the third runway due to airport generated noise, pollution, and resident relocation and yet support the placement of a sports park under the flight path. Rather, he supported the construction of an office park in the proposed Sports Park area. He felt that the noise and pollution impacts would be less in an office park environment as opposed to an outdoor park facility. Mr. Hill was also concerned that the City would need to adopt an additional bond to finance construction of the Community/Senior Center. He referenced the RCAA newsletter and Des Moines News articles regarding pollution and noise caused by air traffic. In closing, he distributed his statements to Council in written form.

Jeanne Moeller, 22211 Cliff Avenue South, #104

Ms. Moeller spoke in rebuttal to Mr. Hill's comments. She provided a brief background of the Community/Senior Center site search and stated that all properties in Des Moines were impacted by airplane noise and pollution. She felt that the airport impacts for the proposed site would be equal to the current impacts experienced at the Field House. Ms. Moeller felt that the Bond issue asked residents to determine whether Des Moines should be a progressive city and improve the quality of life. In closing, she thanked Council for their support of the bond issue.

Maire Dhu Lemley, 24126 22nd Place South

As a volunteer for Teen Night, Ms. Lemley encouraged other adults to become involved in the program. She felt that Teen Night provided a valuable service to the community and hoped it would occur more often. Ms. Lemley stated that participating adults, serving as role models and mentors, would lead to a safer and healthier community. She thanked Council for their vision for Des Moines and for their support of the Teen Night Program.

BOARD & COMMITTEE REPORTS

Suburban Cities Association

Mayor Pro Tem Brazil informed Council that he had briefed the members of Suburban Cities Association on several issues involved in the City's legal battle with the Port of Seattle. He noted that much interest was generated.

PRESIDING OFFICER'S REPORT

Proclamation: - *Volunteer Week* - April 14-18, 1997

Mayor Thomasson read a proclamation proclaiming April 14 - 18, 1997 as Volunteer Week.

Park and Recreation Director Thorell noted that the City relies heavily on volunteers to assist with their programs. She recognized Vince Coaster, Maire Dhu Lemley, Georgie Nupen, Chuck Tuman, and Jeanne Moeller for their volunteer efforts. She also noted that one hundred Senior Center volunteers had contributed 5, 377 hours of service during 1996. Ms. Thorell felt that volunteers make Des Moines a special place and thanked all volunteers for their efforts.

Proclamation: *Highline Community College Men's Basketball Championship Recognition Day - 4/14/97*

Mayor Thomasson read a proclamation proclaiming April 14, 1997 as Highline Community College Men's Basketball Championship Recognition Day. He present Highline Community College Men's Basketball Coach Joe Callero with a copy of the proclamation.

Mr. Callero presented Council with Highline Community College T-shirts and a video tape of the Championship Game.

CONSENT CALENDAR was read by Deputy City Clerk Chaufty.

1. Motion is to approve the minutes of March 27, 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 #55582 through #55765 in the total amount of $674,759.26
    Payroll fund transfers in the total amount of $204,455.47
3. Motion is to declare the old Marina electric meters surplus and authorize administration to dispose of them in the most cost effective manner.

4. Draft Resolution No. 97-036 ***[Assigned Res. No. 825]*** - Title: A Resolution of the City Council of the City of Des Moines, Washington, authorizing application for funding assistance for a Washington Wildlife & Recreation Program project to the Interagency Committee for Outdoor Recreation as provided in Chapter 43.98A RCW.

MOTION is to approve Draft Resolution No. 97-036.

~~5. Motion is to accept TCI's proposal for providing cable service at the Marina, and approve the broadband easement, and to authorize the City Manager to sign the easement, substantially in the form as attached.~~

6. Motion is to approve the Interlocal Agreement with the Washington State Department of Transportation for design services for the Marine View Drive Bridge Project and to authorize the City Manager to sign such agreement substantially in the form as attached.

7. Motion is to set a public hearing for May 8, 1997 to consider single family residential building height. (Editor's Note: Public hearing date changed to May 22, 1997 later in the meeting.)

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

Councilmember Sherman removed Item #5.

VOTE ON AMENDED MOTION: Motion passed unanimously.

NEW BUSINESS

Proposal to Provide Cable TV Service at the Marina

Councilmember Sherman suggested that the word "irrevocable" be struck from Section 2 of the agreement. He also questioned whether Section 7 of the agreement might qualify as a restraint of trade.

Harbormaster Dusenbury provided a brief history of the issue. He noted that the project was supported by the Marina Association and spearheaded by the marina liveaboards. He felt that the project was financially feasible and would attract larger boats to the Des Moines Marina. Charges would be assessed on a nightly or monthly basis. Existing antennas would be grandfathered under the agreement.

In regard to Section 7, City Attorney McLean informed Council that the proposed agreement provided a saving clause. He noted that a competitor could attempt to have the language stricken in court.

MOTION was made by Councilmember Sherman, seconded by Councilmember Roberts, and passed unanimously to accept TCI's proposal for providing cable service at the Marina, and approve the broadband easement, striking the work "irrevocable" on Page 2, Number 2 and to authorize the City Manager to sign the easement, substantially in the form as attached.

PUBLIC HEARING

1998 Community Development Block Grant Allocations

Community Development Director Kilgore introduced the subject. She noted that this was the first step in a two step decision making process. At a later meeting, Council would be asked to make decisions on specific projects that were consistent with the choices made during this hearing.

SPEAKERS - None.

Upon questioning, Ms. Kilgore explained that consortium wide emergency housing facilities have been well used by Des Moines' residents.

MOTION was made by Councilmember Sheckler and seconded by Mayor Pro Tem Brazil to accept Des Moines' 1998 CDBG entitlement funds; the policies included as Attachment 1 to the agenda item summary be used to guide Des Moines 1998 CDBG allocations; the maximum allowable portion of Des Moines' 1998 entitlement funds be reserved for public service, planning and administration; and Des Moines' program income be allocated to support the consortium wide emergency shelter program.

MOTION was made by Mayor Thomasson and seconded by Councilmember Sherman to delete Strategy #2, Action 3.

Community Development Director Kilgore explained the background of the facade project. She noted that construction would begin soon. The business owner must match the grant dollars and create two new positions within their business for at least two years.

Councilmember Wasson noted that the Chamber of Commerce members were excited about the facade program and hoped it would lead to more beautification of the City.

Councilmembers Roberts and Towe preferred to see how the program proceeded before making any changes.

VOTE ON MOTION: Motion failed, 2 - 5, with Mayor Pro Tem Brazil, Councilmembers Sheckler, Wasson, Towe, and Roberts opposed.

VOTE ON MAIN MOTION: Motion passed unanimously.

PUBLIC HEARING CONTINUED

Draft Resolution No. 97-008 "Westwood" Preliminary Plat, Centex Homes, Inc. #PP96-002

City Attorney McLean clarified that no further public testimony would be taken and Council would proceed with their questions. Mr. McLean confirmed that all speakers were still under oath.

When questioned about possible types of non-porous material available for the infiltration pond, Ted Schepper, Geo-Technician for the project, explained the permeability of soil and recommended the use of a flexible membrane line in the pond.

In response to Mayor Thomasson's questions, Tom Uren, Senior Project Engineer for the project, noted that the infiltration pond size was based upon a seven day, 100 year storm plus a safety factor of 30%. He stated that the preliminary design would raise the water level above existing ground surface during extended heavy rainfall. Mr. Uren explained the difference between a seven day, 100 year storm standard and a 24 hour, 100 year storm standard. He stated that the final plan required compliance with both storm standards.

Mayor Thomasson suggested reserving an area in the plat in case the drainage system adversely affected the neighbor's sewer system. He asked Public Works Director Heydon if Council could set any conditions of approval that would provide staff with latitude to avoid future flooding problems in the area.

Public Works Director Heydon responded that staff would like to obtain an interlocal agreement with King County and the future City annexing the property north of South 192nd Street for liability and drainage review as well as holding a maintenance and defect bond of $80,000 to $90,000 instead of the $30,000 currently listed in the draft resolution.

Rather than reserving lot areas, Mr. Schepper asked Council to consider deepening the pond and strengthening the retaining wall.

Senior Planner Ruth noted that the grade of land must be determined prior to determining true water runoff implications.

Upon questioning, City Attorney McLean confirmed that Section 2, Part A of the draft resolution gave authority to the Park and Recreation Director to approve the park development design, equipment, and installation specifications.

Mayor Thomasson closed the public hearing.

At 9:10 p.m., Mayor Thomasson declared a ten minute break.

Mayor Thomasson read the title of Draft Resolution No. 97-008 into the record.

On behalf of staff, Assistant City Manager Piasecki recommended that the following provisions be incorporated into the proposed project and then brought back for Council's review:

- Require curb, gutter and drainage development on the north side of South 192nd Street;
- Maintain a maintenance and defect bond of $90,000;
- Obtain an interlocal agreement regarding liability and drainage review;
- Require impervious lining on the sides of the infiltration pond; and
- Provide for the City Council to review the park design.

Mayor Thomasson continued the subject to Old Business at the April 24, 1997 Council meeting.

City Attorney McLean asked Council and interested parties to contact him prior to the meeting with any concerns.

NEW BUSINESS

Policy Regarding General Fund Transfer to Municipal Capital Improvement Fund

Finance Director Hathaway introduced the topic. He described the drawbacks and benefits associated with the following General Fund transfer escalator alternatives:

1. Consumer Price Index;
2. Construction Cost Index;
3. Average Increase of General Fund Revenues; and
4. Fixed Amount.

Finance Director Hathaway asked for Council's guidance. He recommended that the baseline also be adjusted to at least $250,000 to account for the Woodmont-Redondo annexation.

Council voiced support for Alternative number 3 and concurred to adjust the baseline to $300,000.

Mr. Hathaway stated that he would bring back a draft ordinance per Council's direction for approval.

AGENDA REVISION

Building Height Public Hearing

Assistant City Manager Piasecki suggested that Council move the public hearing regarding building heights from May 8, 1997 to May 22, 1997 as Mayor Thomasson will be absent from the May 8, 1997 meeting.

MOTION was made by Mayor Thomasson, seconded by Councilmember Roberts, and passed unanimously to change the public hearing to consider single family residential building heights from May 8, 1997 to May 22, 1997. (See Consent Calendar, Item #7).

NEXT MEETING DATE - Regular Meeting April 24, 1997

ADJOURNMENT - The meeting adjourned at 9:42 p.m.

Respectfully submitted,

Angela M. Chaufty
Deputy City Clerk