

## REGULAR MEETING DES MOINES CITY COUNCIL

### MINUTES

April 13, 2000

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

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

ROLL CALL - Present: Mayor Scott Thomasson, Mayor Pro Tem Bob Sheckler, Councilmembers Terry Brazil, Dave Kaplan, Dan Sherman, and Don Wasson. Absent: Councilmember Gary Towe. 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, and Deputy City Clerk Angela Chaufy.

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

### COMMENTS FROM THE PUBLIC

Mary Ellen Stone, PO Box 300, Renton, WA 98057

On behalf of King County Sexual Assault Resource Center, Ms. Stone thanked Council for their support of the center, particularly in light of the loss of revenue the city has experienced. She distributed a graph detailing the number of Des Moines' residents served. She informed Council of the center's plans to expand children services. As this was Sexual Assault Awareness Week, Ms. Stone gave the clerk posters detailing steps to reduce sexual assault.

### BOARD & COMMITTEE REPORTS

#### Suburban Cities Association

Councilmember Brazil reported that Suburban Cities Association had unanimously adopted an administrative change to their bylaws which would increase their Board membership by two members. This action was taken as the distribution of the medium-sized cities had become very wide.

Councilmember Sherman informed Council that Steve Thompson, Interim Director of King County's Division of Adult Detention had discussed the increasing population of the jails and their rising costs. He said that bookings had increased from 382 bookings in 1995 to 782 bookings in 1999. Councilmember Sherman also noted that the average length of detention per misdemeanor had increased from 3.77 days in 1995 to 8.55 days in 1999. This increase was largely due to state mandates.

Councilmember Brazil noted that cities were encouraged to explore options to minimize costs associated with detention.

In regard to the state budget process, Councilmember Sherman informed Council that Stan Finkelstein of Association of Washington Cities had reported that the state legislators were still discussing the budget. He said that the latest proposal offered approximately \$2,100,000 to Des

Moines for distribution over the next fifteen months. He noted that the legislators had not reached agreement regarding an on-going source for sales tax equalization replacement funding.

#### Transportation Issues

Councilmember Sherman informed Council that King County Executive Ron Sims would meet tomorrow with the sub-area transportation groups to discuss transportation issues.

CONSENT CALENDAR was read by City Attorney McLean.

1. Motion is to approve the minutes of March 16, 21, 23, and 30, 2000.

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 # 71006 through #71289 in the total amount of \$476,607.32

Payroll fund transfers in the total amount of \$286,599.56

3. Draft Ordinance No. 00-080 [Assigned Ord. No. 1259] - Title: An Ordinance of the City of Des Moines, Washington amending Ordinance No. 844 to extend for up to one-hundred and twenty (120) days the non-exclusive franchise currently held by AT&T through Ordinance No. 844, adopted on April 12, 1990, to construct, install and operate, repair, replace and maintain lines, wires, coaxial cable and appurtenances for originating, receiving, distributing and supplying radio, television and other cable communications services along, across and upon public streets, ways, alleys, and places within the City of Des Moines, and declaring an emergency allowing this ordinance to take immediate effect.

TWO MOTIONS: First motion is to suspend Council Rule 26(b). Second motion is to approve Draft Ordinance No. 00-080.

4. Draft Resolution No. 00-078 [Assigned Res. No. 882] - Title: A Resolution of the City Council of the City of Des Moines, Washington, expressing the Council's preference for the South Flow Flight Track Alternative identified as "South Flow Two Tracks" in the Summary of Flight Track Alternatives contained in the Part 150 Study recently issued by the Port of Seattle.

MOTION is to approve Draft Resolution No. 00-078.

MOTION was made by Mayor Pro Tem Sheckler and seconded by Councilmember Kaplan to approve the consent calendar as read.

Councilmember Kaplan urged Council to take the time to scrutinize the franchise agreement with AT&T and consider alternatives. He felt that AT&T had implemented numerous rate increase for upgrades that had never occurred.

Councilmember Brazil said that he had noticed that customer service, response time and number of outages had improved since AT&T had taken over the cable service.

VOTE ON MOTION: Motion passed unanimously.

#### PUBLIC HEARING

Draft Resolution No. 00-057 [Assigned Res. No. 883] Unclassified Use Permit - China Sea - Cabaret

Community Development Director Kilgore noted that Council had approved Resolution No. 790 and issued an Unclassified Use Permit for the operation of a cabaret at China Sea Restaurant in 1995. As the restaurant was sold in 1999, Ms. Kilgore said that the new owner was requesting that Council grant another Unclassified Use Permit subject to the same conditions of Resolution No. 790. Ms. Kilgore noted that the Fire Marshall and Building Official had inspected the building and found no significant issues. The Police Department had also not expressed any concerns with the issuance of the permit. Community Development Director Kilgore said that the neighboring businesses voiced support for the cabaret. Based upon administration's investigations and inspections, Ms. Kilgore said that staff believed that granting of the permit to operate a cabaret would not adversely impact the area.

City Attorney McLean read the rules for conducting a public hearing.

Speakers

Suki Trout, 1801 South 245<sup>th</sup> Place

As manager for China Sea Restaurant, Ms. Trout asked Council to approve the Unclassified Use Permit for the cabaret. She said that the restaurant had a good record and sought to run a safe, responsible establishment. She presented the clerk with a petition listing support for the approval of the Unclassified Use Permit (Exhibit 1).

Denise Allreal, 2434 South 224<sup>th</sup> Street, #103

Ms. Allreal voiced support for the issuance of the Unclassified Use Permit. She said that the restaurant had not had any problems.

Patricio Mendoza, 22507 Marine View Drive South

As a business owner, Mr. Mendoza expressed concern that the restaurant's customers might cause damage to neighboring stores. He said that his store had been damaged during the Waterland Parade. Mr Mendoza asked that if the permit were approved, the restaurant would also provide adequate protection.

Karina Allreal, 19533 Lake Francis Road, Maple Valley

Ms. Allreal informed Council that other area establishments also served alcohol. As a long-time patron of China Sea Restaurant, she asked Council to approve the request for the Unclassified Use Permit. She said that she was not aware of the police ever being called to the restaurant.

Beverly Stockman-Mulanax, 1405 South 268<sup>th</sup>

Ms. Stockman-Mulanax said that China Sea Restaurant was a comfortable, good place to visit. She noted that she had seen no problems there in ten years.

Mayor Thomasson called for additional speakers.

None responded.

Mayor Thomasson closed the public testimony portion of the hearing.

Mayor Pro Tem Sheckler voiced support for the permit and complimented Ms. Trout on her management of the restaurant. He said that he had heard of no police reports for the restaurant.

Mayor Thomasson confirmed that the first sentence of Draft Resolution No. 00-057, Section 2, Subsection 3e should read "The business owner must obtain a building permit for any improvements, if necessary."

**MOTION** was made by Mayor Pro Tem Sheckler and seconded by Councilmember Brazil to adopt Draft Resolution No. 00-057 granting an Unclassified Use Permit for the new owners of China Sea Restaurant subject to the terms in the draft resolution.

Mayor Thomasson read the title of the draft resolution.

Councilmember Sherman asked that administration document any police activity for the restaurant in the business's license file.

**VOTE ON MOTION**: Motion passed unanimously.

In response to Mr. Mendoza's comments, Councilmember Brazil said that Council monitors the occurrence of crime during Waterland.

#### **OLD BUSINESS**

##### **Draft Resolution No. 00-016 [Assigned Res. No. 884] Approval of Lakehaven's Comprehensive Wastewater Plan**

Public Works Director Heydon reviewed the background of the subject. He noted that Council had approved Resolution No. 874 rejecting the Wastewater Plan to ensure that the City's concerns were properly addressed. In response to the concerns, Lakehaven had provided additional maps that clearly indicate their Wastewater System boundary, the areas of Des Moines that are on septic systems that lie within the boundary, and an outline of the Lakehaven sewage facilities. Mr. Heydon introduced Lakehaven's General Manager Don Perry, Commissioner Bev Tweedle, and Water Operations and Engineering Manager Bert Ross. Public Works Director Heydon informed Council that staff recommended approval of the Plan.

Mr. Ross said that sewer extensions were available for new developments in the vicinity of 16<sup>th</sup> Avenue South west of the triangle. He said he would inform staff as to whether the Powell development would have septic or sewer systems.

Noting that the area west of Woodmont Elementary was on septic systems, Councilmember Brazil asked staff to monitor development in that area for connections to sewer services.

Mayor Thomasson asked staff to review Council's previous motion regarding the study of the assumption of the water districts to confirm which districts were to be studied.

**MOTION** was made by Councilmember Kaplan, seconded by Councilmember Sherman and passed unanimously to approve Draft Resolution No. 00-016, adopting the Lakehaven Utility District 1999 Comprehensive Wastewater System Plan.

#### **NEXT MEETING DATE**

Mayor Thomasson noted the next meeting would be a study session on April 20, 2000, at 7:30 p.m.

ADJOURNMENT

The meeting was adjourned at 8:27 p.m.

Respectfully submitted,

Angela M. Chaufty  
Deputy City Clerk