REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES April 22, 1999

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.

PLEDGE OF ALLEGIANCE to the Flag was led by Mayor Pro Tem Brazil.

ROLL CALL - Present: Mayor Scott Thomasson, Mayor Pro Tem Terry Brazil, Councilmembers Dave Kaplan, Bob Sheckler, Dan Sherman, Gary Towe and Don Wasson. Also present were City Manager Bob Olander, Assistant City Manager Tony Piasecki, City Attorney Gary McLean, Community Development Director Judith Kilgore, Planning Manager Corbitt Loch, Court Services Manager Jennefer Henson, Assistant Planner Gloria Gould-Wessen, and Deputy City Clerk Angela Chaufty.

BOARD AND COMMITTEE REPORTS

Seattle King County Board of Health

Councilmember Sherman reported that the Board had passed a resolution requesting that the county and city include in their negotiations with their employee unions within the next three years mental health benefits on parity with other health benefits.

South County Area Transportation Board

Councilmember Sherman reported that the Board had voted to retain its current voting structure. Councilmember Sherman also noted that a route had been proposed for the light rail system. Sound Transit Link has claimed that the proposal includes a fair share for each area. Councilmember Sherman noted however that King Station in Seattle was included in the south county budget as well as the stop at SeaTac Airport, formerly designated as a regional stop. Councilmember Sherman stated that the Board would formally oppose these inclusions.

State Legislature Budget Proceedings

Councilmember Sherman reported that the House and Senate had proposed their budgets and were working to resolve the differences. He noted that SR509 funding had been included in both the House and Senate packages. In closing, he noted that the Senate has proposed that more money be available for small city transportation funding.

Des Moines Garden Club

Councilmember Sherman noted that the Des Moines Garden Club would host their Flower Show on May 12 –13, 1999 at the Des Moines Library.

PRESIDING OFFICER'S REPORT

Resolution No. 99-104 ***[Assigned Res. No.862]*** – Condolences to the Students, Faculty, Parents, and Residents of Littleton, CO

Mayor Thomasson introduced a proposed resolution expressing the condolences of the City of Des Moines to the students, faculty, parents, and residents of Littleton, CO.

MOTION was made by Councilmember Sherman, seconded by Councilmember Sheckler, and passed unanimously to approve Draft Resolution No. 99-104.

Councilmember Sherman requested that the City Attorney investigate whether the City could impose civil fines on the parents of minors found using firearms illegally.

ADMINISTRATION REPORTS

Spring Clean Event

Planning Manager Loch noted that the Sixth Annual Spring Clean curbside collection event would be conducted the week of April 26, 1999.

Assistant Planner Gould-Wessen noted that all single family residents, duplex, triplex, and 4-Plex residents were encouraged to participate in the yard waste, recyclables, and garbage collection event. She stated that 709 tons of materials and 488 appliances or furniture had been collected through this event. Ms. Gould-Wessen explained the procedures for participating in the Spring Clean.

CONSENT CALENDAR was read by Deputy City Clerk Chaufty.

1. Motion is to approve the minutes of April 1 and 8, 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 #66308 through #66475 in the total amount of $623,002.35
Payroll fund transfers in the total amount of $218,453.04

~~3. Motion is to award the contract for construction of the 31st Avenue South and South 219th Street Sidewalks Project to TYDICO Inc. in the amount of $42,618.00, plus a 10% contingency and to authorize the City Manager to sign said contract substantially in the form as submitted.~~

4. Motion is to purchase the privately owned 12th Avenue South right-of-way just south of S. 228th Street from Bert Miller in the amount of $12,000, plus closing costs, and to authorize the City Manager to sign the purchase and sale agreement substantially in the form as submitted.

~~5. Motion is to award the contract for professional engineering design and right-of-way services for the Pacific Highway South project to CH2M Hill in the amount of $1,299,500, plus a 10% contingency, and to authorize the City Manager to sign said contract substantially in the form as attached.~~

~~6. Draft Resolution No. 99-099 – Title: a Resolution of the City Council of the City of Des Moines, Washington, authorizing the Greater Des Moines Chamber of Commerce to conduct its 1999 Waterland Festival and listing conditions under which such permission is granted.~~

~~MOTION is to approve Draft Resolution No. 99-099.~~

7. Draft Ordinance No. 99-100 *[Assigned Ord. No.1234]* - Title: An Ordinance of the City of Des Moines, Washington, relating to the Municipal court petty cash fund, and amending section 53 of Ordinance No. 1144.

TWO MOTIONS: First motion is to suspend Council Rule 26(b). Second motion is to approve Draft Ordinance No. 99-100.

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

Consent item No. 6 was removed by Mayor Pro Tem Brazil.

Consent item Nos. 3 and 5 were removed by Councilmember Wasson.

VOTE ON MOTION: Motion passed unanimously.

REMOVED CONSENT ITEMS

Consent Item Nos. 3 and 5

Councilmember Wasson noted that the combined 10% contingency of the two items totaled approximately $130,000. He stated that he was not prepared to commit city funds of that large amount to an unknown. If circumstances should prove that the contingency funds were needed, he preferred to take action at that time.

Public Works Director Heydon noted that a 10% contingency was customary. He stated that the contingency funds were used to allow adjustments to unknowns once the project was in progress and that they were utilized only when necessary. He noted that Item No. 3 was funded by Block Grant funds.

City Manager Olander noted that the contingency money allowed flexibility to staff to negotiate change orders for unforeseen conditions without undue delay to projects.

Councilmember Wasson stated that he could not support the items due to the requested contingency funds.

Mayor Thomasson read the title of consent item No. 3.

MOTION was made by Councilmember Sherman, seconded by Mayor Pro Tem Brazil to approve consent item No. 3.

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

Mayor Thomasson read the title of consent item No. 5.

MOTION was made by Councilmember Sherman, seconded by Councilmember Towe to approve consent item No. 5.

VOTE ON MOTION: Motion passed, 5 - 2, with Councilmembers Kaplan and Wasson opposed.

Consent Item No. 6: Draft Resolution No. 99-099 ***[Assigned Res. No. 863]***

Mayor Pro Tem Brazil questioned whether parking issues or revenue generation had motivated the proposed $5 parking fee. If parking issues were the cause, he suggested that the barricade be moved to 6th Avenue South to inform people of the unavailability of spaces or that the vendors or participants be shuttled from other sites. He also questioned who would receive the profits from the parking charge.

Councilmember Sherman stated that he was opposed to the proposed parking fee. He felt that if a fee were charged, it should be returned to the Marina fund as the Marina patrons were the people inconvenienced by the Festival.

Councilmember Sheckler stated his agreement with Mayor Pro Tem Brazil and Councilmember Sherman's comments. He felt that the parking fee would not aid traffic control.

Harbormaster Dusenbury noted that moving the barricade up the road would require additional staff.

City Manager Olander stated that the parking fee would allow a service group to provide the additional staff required to coordinate the parking issues.

Mayor Thomasson confirmed that the Chamber of Commerce would be responsible for the associated liability of the project.

Councilmember Wasson asked that language be added to Section 5 of the proposed resolution requiring the City Manager to provide an accounting of the city's expenses for the Waterland Festival.

MOTION was made by Councilmember Wasson and seconded by Councilmember Towe to approve draft Resolution No. 99-099.

MOTION was made by Councilmember Sherman and seconded by Mayor Pro Tem Brazil to delete Section 4 from the proposed resolution.

VOTE ON AMENDMENT: Motion passed, 5 – 2, with Councilmembers Wasson and Towe opposed.

MOTION was made by Councilmember Wasson and seconded by Councilmember Sherman to add language to Section 5 that requires the City Manager to provide a report to the City Council on services provided and costs thereof.

The maker and seconder of the motion confirmed that the motion included the insertion of the word "police" into Section 5.

VOTE ON AMENDMENT: Motion passed, 6 – 1, with Councilmember Towe opposed.

VOTE ON AMENDED MAIN MOTION: Motion passed unanimously.

OLD BUSINESS

Draft Resolution No. 99-101 ***[Assigned Res. No.864]*** - Rejecting Lakehaven Comprehensive Water System Plan Update

Public Works Director Heydon informed Council that the City had received Lakehaven's Draft Comprehensive Water System Plan Update on November 30, 1998. On January 14, 1999, Council had asked Lakehaven to respond to a series of questions relating to their Plan. He noted that Lakehaven had approved the Comprehensive Water System Plan Update on February 11, 1999 without addressing the concerns and questions of Council and staff. He stated that a letter from the Water District had been received yesterday. He recommended that Council approve the proposed draft resolution so as to insure that the 90-day time limit set by RCW 57.16.010(6) does not expire prior to the City's concerns being properly addressed.

MOTION was made by Mayor Pro Tem Brazil, seconded by Councilmember Sheckler, and passed unanimously to adopt Draft Resolution No. 99-101 rejecting the Lakehaven Comprehensive Water System Plan Update due to lack of district response to the City of Des Moines' concerns.

Mayor Thomasson requested that copies of the letter and resolution be forwarded to the Department of Health and all cities that are served by Lakehaven.

NEW BUSINESS

Draft Ordinance No. 99-059 Civil Violation Process - 1st Reading

City Attorney McLean introduced the proposed ordinance. He noted that it would amend the DMMC's civil regulations section, strengthen the enforcement sections, streamline the enforcement process, and set penalties for violations.

Court Services Manager Henson explained the process the court would use to handle the civil violations.

City Attorney McLean noted that the process would allow for the tracking of repeat offenders and offenses.

MOTION was made by Councilmember Sheckler and seconded by Councilmember Towe to pass Draft Ordinance No. 99-059 to a second reading.

Councilmember Sherman requested that the word "demand" in Section 8 be changed to "request".

City Attorney McLean stated that he would do so. Upon questioning, Mr. McLean noted that civil infractions were different from civil violations. He urged Council to allow staff the ability to use either method. In response to Councilmember Wasson's question regarding Section 6, City Attorney McLean stated that it is common practice to give substantial weight to the body that is responsible for enforcement.

Councilmember Wasson stated that he preferred the section be struck as he did not feel preference should be given to staff.

City Attorney McLean noted that the judge's decision could be appealed to Superior Court.

Mayor Thomasson suggested other sections, such as the subdivision code, also be considered for inclusion in the draft ordinance.

VOTE ON MOTION: Motion passed unanimously.

OLD BUSINESS

Draft Ordinance No. 99-079 ***[Assigned Ord. No. 1235]*** - Zoning Map Amendments - 1st Reading

Mayor Thomasson read the title of Draft Ordinance No. 99-079 into the record.

MOTION was made by Councilmember Kaplan and seconded by Councilmember Sheckler to approve Draft Ordinance No. 99-079. Motion passed, 6 – 1, with Councilmember Wasson opposed.

Council confirmed that the ordinance for the textual code changes should not include the RM-900 to RM-900A to RM-1200 issue.

NEXT MEETING DATE - Study Session May 6, 1999

ADJOURNMENT

The meeting adjourned at 9:15 p.m.

Respectfully submitted,

Angela M. Chaufty
Deputy City Clerk