REGULAR MEETING OF THE DES MOINES CITY COUNCIL

MINUTES June 13, 2002

The regular meeting of the Des Moines City Council was called to order at 7:33 p.m. by Mayor Don Wasson in the City Council Chambers, 21630 11th Avenue South, Suite B.

PLEDGE OF ALLEGIANCE to the Flag was led by Councilmember Petersen.

ROLL CALL - Present: Mayor Don Wasson, Mayor Pro Tem Richard Benjamin, Councilmembers Gary Petersen, Maggie Steenrod, Scott Thomasson and Susan White. Absent: Councilmember Bob Sheckler (Editor's Note: Councilmember Sheckler participated during review of Old Business, Item No. 1 via telephone.) Also present were City Manager Tony Piasecki, Acting City Attorney Linda Marousek, Community Development Director Judith Kilgore, Public Works Director Tim Heydon, Assistant City Engineer Maiya Andrews, and Deputy City Clerk Angela Chaufty.

MOTION was made by Councilmember Thomasson, seconded by Councilmember White, and passed unanimously to excuse Councilmember Sheckler from attendance.

COMMENTS FROM THE PUBLIC

Barbara Shimizu, Des Moines Food Bank

As Co-Director of the Des Moines Food Bank, Ms. Shimizu introduced Food Bank Board of Directors' president Clarence Bradley. Ms. Shimizu thanked the City for its support of the Food Bank. She noted that over 34,000 individuals had been served in 2001. Of those individuals, over 53% lived in Des Moines. Ms. Shimizu reported that since February 2002 the Food Bank has experienced a 28% increase in the number of families served each month while the number of families requesting emergency assistance has doubled. In closing, Ms. Shimizu requested continued support from the City.

Clarice James, 23459 27th Avenue South

As Executive Director of the Chamber of Commerce, Ms. James invited Council and City staff to volunteer during the Waterland Festival in order to become better educated about the event. She announced that a Kids Fishing Derby would be held. The event had been featured in a Federal Way Mirror article. Ms. James said that the Kiwanis Club would be selling ride-wristbands prior to the Festival. She said that she had publicized the Waterland Festival ticket gates in several places. In closing, Ms. James applauded the Mayor's article published in the Des Moines News and said that it was time for the newspapers to provide equal time to issues.

Del Rivero, 1228 South 230th Street

Mr. Rivera listed several sponsors of the Kids Fishing Derby. He said that more volunteers, boats, and participants were needed. Mr. Rivera thanked the City for their support.

William Glover, 19322 10th Court

Mr. Glover said that he had experienced racial profiling by the Des Moines Police Department on March 25, 2002. He said that he had sent a statement concerning the event to the Mayor and Police Department command staff. Mr. Glover questioned when the issue would be addressed by the City.

Mayor Wasson said that he had asked staff to follow up on Mr. Glover's statement.

Acting City Attorney Marousek said that an investigation had occurred.

Mr. Glover acknowledged that he had received a response from the Police Department but nothing had been done.

Marie Rosenberg, 22222 Dock Avenue South, #1-C

Ms. Rosenberg expressed concern regarding the city's plan to construct dry stack storage in an area surrounded on three sides by residences. In light of the recent fire at Seattle Marina and the potential for the storage of hazardous materials amongst residences, Ms. Rosenberg asked Council to revisit the issue. She said the dry storage was an incompatible use. She read various quotes from the newspaper regarding fire-fighting issues. Ms. Rosenberg said that the Des Moines Fire Department had a pumper unit and their trucks carried foam. Ms. Rosenberg gave copies of the newspaper articles to the Deputy City Clerk.

Scott McFarlane, 26906 10th Avenue South

Mr. McFarlane said that he had presented his airport expansion survey results to Council a few months ago. He distributed the results of the survey to council and said that it had indicated that two out of three people thought the third runway would be built and they no longer wished to have their money support the fight against the third runway. He said that private residents had conducted the survey in order to help Council do their job. He urged Council to move forward with the issue. He also asked that he be informed of any actions taken by Council in this area.

BOARD & COMMITTEE REPORTS

Municipal Facilities Committee

Councilmember Steenrod reported that the committee was studying the Senior Center facility issue. Presently, they were leaning toward recommending the use of the Annex as a temporary Senior Center site. The committee was currently reviewing the costs associated with utilizing the annex facility in this capacity. In regard to the Marina Master Plan, Councilmember Steenrod said that the committee had met to address potential fire issues.

Disaster Planning

Councilmember Steenrod said that she would like Council to review the Prepared Response Program at a future study session and then possibly remand the issue to the Public Safety and Transportation Committee. She felt that it was important for the city to invest in safety and emergency preparedness.

Gates Foundation

Councilmember Steenrod informed Council that the Gates Foundation had pledged $40,000,000 toward a program to alleviate homelessness. Non-profits and government organizations were encouraged to work together to eradicate homelessness.

SR-509

Councilmember Petersen announced that a SR-509 meeting had been scheduled for July 2002.

Human Services

Councilmember White reported that the Human Services Committee had met. They would soon begin review of the grant applications.

Suburban Cities Association

Councilmember White announced that she had attended the Suburban Cities Association meeting. Transportation issues and the transportation package that would be presented to the voters in November were discussed.

ADMINISTRATION REPORTS

Response to Comments from the Public – McFarlane

City Manager Piasecki encouraged Mr. McFarlane to check the City's website or call City Hall to obtain information about future Council discussion dates.

CONSENT CALENDAR was read by Deputy City Clerk Chaufty.

1. Motion is to approve the minutes of May 2, 9 and 16, 2002.

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 checks # 80951 through #81340 & electronic fund transfers in the total amount of $979,200.57
Payroll fund transfers in the total amount of $601,431.56

3. Two Motions:

A. To enter into a Long Term Interlocal Agreement between the City of Des Moines and Yakima County for the housing of inmates in the Yakima County Jail and to authorize the City Manager to sign said Agreement substantially in the form as submitted.
B. To enter into an agreement with various Washington cities to establish the terms that will govern the rights, duties, and responsibilities of the cities in their dealings with each other relating to the Interlocal Agreement between Yakima County and the cities for the housing of inmates by Yakima County Dept. of Corrections and to authorize the City Manager to sign said agreement substantially in the form as submitted.

4. Motion is to award the contract for the repairs to the Public Fishing Pier to Global Diving and Salvage, Inc. and authorize the City Manager to sign the contract for a total amount of $20,120, substantially in the form as submitted. And to authorize the City Manager to approve change orders in amounts not to exceed $5,000 in total.

5. Motion is to approve the contract for Steven J. Underwood Memorial Park Phase One-Part B construction services with Specialized Landscaping Inc., in the amount of $254,115 plus tax, and authorize the City Manager to sign the contract, substantially in the form as submitted. And, to authorize the City Manager to approve change orders in amounts not to exceed 10% in total.

6. Motion is to approve the contract for Steven J. Underwood Memorial Park Phase One-Part A construction services with Specialized Landscaping, Inc., in the amount of $675,000 plus tax, and to authorize the City Manager to sign the contract, substantially in the form as submitted. And, to authorize the City Manager to approve change orders in amounts not to exceed 10% in total.

7. Two Motions:

A. To purchase 7,426 square feet of land with improvements from Robert C. Lee and Patricia A. Lee under the Lee Loving Trust, dated January 30, 1990; Robert H. Rodolf and Carol J. Rodolf, Trustees under the Robert H. and Carol J. Rodolf Declaration of Trust dated December 7, 2001; and Elmer A. Berg, as His Separate Estate, in the amount of $155,429 plus closing costs, and further to authorize the City Manager to sign the Purchase and Sale Agreement substantially in the form as approved by the City Attorney.
B. To purchase one lot from the owner, Janice Ursino, in the amount of $270,000 plus closing costs, and further to authorize the City Manager to sign the purchase and sale agreement substantially in the form as submitted.

8. <u>Two Motions</u>:
A. To purchase a Mayflower vacant mobile home from Pine Terrace Trailer Village located at Space 45 in Pine Terrace Mobile Park on Pacific Highway South in the amount of $27.12, plus closing costs, and further to authorize the City Manager to sign the Purchase and Sale Agreement substantially in the form as submitted.
B. To purchase a Universal vacant mobile home from Pine Terrace Trailer Village located at Space 48 in Pine Terrace Mobile Home Park on Pacific Highway South in the amount of $1,084.45, plus closing costs, and further to authorize the City Manager to sign the Purchase and Sale Agreement substantially in the form as submitted.

9. <u>Motion</u> is to reject all bids for construction of the 10th Avenue Culvert Replacement and Intersection Improvement Project.

<u>MOTION</u> was made by Councilmember Thomasson and seconded by Councilmember Petersen to approve the consent calendar as read.

City Manager Piasecki announced that Councilmembers Petersen and Steenrod had recused themselves from Item Nos. 7 and 8 while Mayor Wasson had recused himself from Item No. 7B.

Mayor Wasson noted a correction in the roll call section of the May 16, 2002 minutes.

<u>VOTE ON MOTION</u>: Motion passed unanimously.

<u>NEW BUSINESS</u>

<u>Regional Disaster Plan</u>

City Manager Piasecki introduced Laurel Nelson and Eric Holdman of the King County Office of Emergency Management.

Through a power point presentation, Ms. Nelson presented the Regional Disaster Plan to Council. She explained that Chapter 38.52 RCW directed every political subdivision to establish or be a member of a joint local organization for emergency management. Ms. Nelson said that the purpose of the Regional Disaster Plan for Public and Private Organizations in King County was to provide a voluntary plan, with legal and financial agreement, that provided the framework needed to inter-link response plans of a wide range of public, private and non-profit organizations within King County. She said that the regional disaster plan would coordinate communication, debris clearance, lifeline restoration, shelter operation, management of donated goods, and use of regional services for greater efficiencies. Ms. Nelson stated that the plan would augment rather than replace mutual aid agreements. The Plan was designed to use existing resources. She felt that the Regional Disaster Plan allowed communities to access additional cross-disciplinary resources to better respond to the life safety needs of their citizens.

Ms. Nelson provided Council with a list of signatories to the Regional Disaster Plan. She invited the City of Des Moines to participate also. Ms. Nelson described how incident command worked. She said that the goal of the Plan was to facilitate resources at the local level and then to provide a mechanism to tap into additional resources if local resources were exhausted. She explained the financial side of the program.

City Manager Piasecki said that he would contact Fire District No. 26 regarding the Regional Disaster Plan.

Ms. Nelson announced that a signing celebration to foster partnerships was scheduled for June 18, 2002. In response to Councilmember Steenrod's questioning, Ms. Nelson confirmed that the Office of Emergency Management had considered the Prepared Response Program but had decided to pursue a different emergency response program.

MOTION was made by Councilmember White, seconded by Mayor Pro Tem Benjamin and passed unanimously to authorize the City Manager to sign the Omnibus Legal and Financial Agreement, substantially in the form as submitted, for the City of Des Moines to participate in the King County Regional Disaster Plan.

PUBLIC HEARING

Draft Resolution No. 02-091 ***[Assigned Res. No. 930]*** - 6 Year Transportation Improvement Plan 2003-2008

Assistant City Engineer Andrews informed Council that all cities and counties in Washington were required to submit a Six-Year Transportation Improvement Plan (TIP) to the State each year. The purpose of the Plan was to provide a planning tool for the individual agencies and to provide a consistent method of coordinating inter-agency needs and funding requirements. She reviewed the following projects identified in the proposed Plan.

1. Arterial Maintenance Program;
2. Marine View Drive Bridge Project;
3. Pacific Highway South Redevelopment Project;
4. 16th Avenue South Improvement (Phase I);
5. South 216th Street Sidewalk Project;
6. Neighborhood Traffic Control Program;
7. South 216th Street & 24th Avenue South Intersection Improvements;
8. 10th Avenue South Culvert Replacement & Intersection;
9. Kent-Des Moines Road Improvement (Phase I);
10. North Twin Bridge Project – Seismic Retrofit;
11. South 216th Street Pedestrian Signal at Wesley Gardens; and
12. Des Moines Memorial Drive Improvements.

Public Works Director Heydon informed Council that the subsequent projects identified in the Plan were wish list projects.

In response to Councilmember White's questioning, Public Works Director Heydon explained the traffic calming program. He noted that approximately twenty citizen requests for traffic calming projects had been submitted to the City. He confirmed that a request for South 272nd Street and Beach Drive had been received.

Acting City Attorney Marousek called for speakers three times. As no one responded, she closed the public hearing.

MOTION was made by Councilmember Thomasson and seconded by Councilmember White to adopt Draft Resolution No. 02-091 which covers the Six-Year Transportation Improvement Program for the City of Des Moines for the years 2003 through 2008.

Councilmember Steenrod felt that the Kent-Des Moines Road Project should be given higher priority due to the potential liability created by the number of children using the roadway and its curved layout.

Assistant City Engineer Andrews explained that staff actively looked for any grants available for the first twelve projects.

Councilmember Benjamin requested that Council delay taking action as he felt he did not have enough information regarding the individual projects at this time.

Assistant City Engineer Andrews explained that the State required the Plan to be adopted by June 30, 2002.

Councilmember Thomasson stressed that the Plan did not spend any money but allowed the City to apply for grants for the identified projects.

Public Works Director Heydon explained that Council would review the projects in detail through the Transportation Comprehensive Plan and Capital Improvement Plan processes.

Councilmember Benjamin invited the other councilmembers to join him and the Public Works Director in their drive-along tour of the various projects.

MOTION was made by Councilmember Steenrod, seconded by Mayor Wasson and passed unanimously to move Project No. 3 (Pacific Highway South Redevelopment Project) to No. 2 and Project No. 9 (Kent-Des Moines Road Improvement Phase 1) to No. 3.

MOTION was made by Councilmember White to add a traffic-calming project on Beach Drive as No. 5.

Councilmember Thomasson suggested that the Beach Drive Project be listed as a sub-item under the Neighborhood Traffic Control Program.

Councilmember Steenrod agreed.

Assistant City Engineer Andrews said that she would list the project under the Neighborhood Traffic Control Program.

Councilmember White withdrew her motion.

MOTION was made by Mayor Wasson to remove the Marine View Drive Bridge Project.

He said that the community was currently experiencing a recession and he felt that the traffic congestion caused by construction would hurt downtown businesses. He stated his belief that the project could be done cheaper by installing a tunnel instead of a bridge.

Public Works Director Heydon explained that an evaluation of the tunnel option had been performed. The study determined that the tunnel method was expensive and would not provide the same level of benefit as the adopted design. He said that the construction plan of the project required that two lanes of traffic be open at all times during construction. He explained the funding sources for the project. Mr. Heydon explained that the project was part of the Des Moines Basin Plan. He said that three jurisdictions had signed interlocals for the design and SEPA phases of the project. He expected the construction interlocals to be signed within the next year as the Basin Plan proceeded. He said that the tunnel design evaluation results compiled by Shannon and Wilson were available for review.

Motion died for lack of a second.

VOTE ON AMENDED MAIN MOTION: Motion passed unanimously.

At 9:10 p.m., Mayor Wasson declared a five minute break.

At 9:15 p.m., Councilmember Sheckler joined the Council meeting via telephone.

OLD BUSINESS

Possible Separation Agreement of City Attorney

MOTION was made by Councilmember White and seconded by Councilmember Thomasson to approve the Separation Agreement and Full Release of Claims between the City of Des Moines and City Attorney Gary N. McLean, and to authorize the City Manager to sign such agreement substantially in the form as attached.

Councilmember Steenrod recused herself from the vote.

VOTE ON MOTION: Motion passed, 5 – 1, with Mayor Pro Tem Benjamin opposed.

At 9:20 p.m., the telephone connection with Councilmember Sheckler was terminated.

NEW BUSINESS

2003 Community Development Block Grant Program Allocations

Community Development Director Kilgore reviewed the background of the Community Development Block Grant (CDBG) Program. She explained that the purpose of the program was to provide benefit to low or moderate income people, eliminate slums and blight, and respond to urgent need. She noted that in order for the City to be eligible to receive CDBG funds for 2003, Council must take the following actions: 1) Accept Des Moines's 2003 CDBG allocation estimated to be $222,097, 2) decide whether to reserve a portion of the funds for public services, 3) decide whether to reserve adoption of the funds for planning and administration, 4) decide how much, if any, to allocate to the housing repair program, and 5) decide whether to allocate a portion to support the consortium-wide emergency shelter programs. In August, Council would be asked to make decisions on specific projects. Those decisions must be consistent with any actions made at this meeting. Community Development Director Kilgore distributed the 2003 Housing and Community Development Plan Four Year Strategies to Council. In response to Councilmember Steenrod's questioning, Ms. Kilgore stated that the strategy encouraged home ownership for low and moderate income people in the area. She said that the Housing Repair Program was heavily used in the Pacific Ridge area.

Councilmember Thomasson noted that the strategies would be used to prioritize funding requests. A public hearing would be conducted to establish which specific programs would received CDBG funding.

MOTION was made by Councilmember Thomasson and seconded by Councilmember White to

1. Accept Des Moines' 2003 CDBG entitlement funds;
2. The maximum allowable portion of Des Moines' 2003 entitlement funds be reserved for public services, planning and administration;
3. Des Moines' program income (if any) be allocated to support the consortium wide emergency shelter program; and
4. $15,000 be allocated for the Housing Repair program.

Councilmember Steenrod said she would like Council to review the priorities of the program.

Community Development Director Kilgore explained that CDBG funds could pay for the facility of a non-profit business but not for their staff or administration costs. She confirmed that funds could be given toward the purchase or construction of transitional housing on Pacific Highway South.

Councilmember Thomasson noted that the administration portion of the funds have historically been allocated to the Senior Center.

Councilmember Steenrod said she would like more time next year to review and prioritize the strategies. She noted that people and programs in other cities can also impact Des Moines.

Community Development Director Kilgore suggested that review of the strategies begin in January.

Councilmember Petersen questioned whether the City's three vacant houses west of Pacific Highway South could be fixed up to help the homeless.

Acting City Attorney Marousek explained that the houses needed to be moved as they were located in the detention pond area for the Pacific Highway South Project.

City Manager Piasecki said that houses contained asbestos and the City had contracted with Fire District No. 26 to burn them in a training exercise.

VOTE ON MOTION: Motion passed unanimously.

Draft Resolution No. 02-110 Creating a Standing City Council Committee on Budget/Finance - 1st Review

MOTION was made by Councilmember Steenrod and seconded by Mayor Wasson to place Draft Resolution No. 02-110, which creates a new Finance and Economic Development Council Committee, on the June 27, 2002 agenda for adoption.

VOTE ON MOTION: Motion passed, 4 – 2, with Councilmembers Thomasson and White opposed.

Draft Resolution No. 02-111 Amendment to *Council Rules of Procedure*, Changing the Rules and Order of Business for Comments From the Public

Mayor Wasson explained that Draft Resolution No. 02-111 would amend rule 20 of the City Council's *Rules of Procedure* to change the rules regarding signing in, behavior, and order of business for the Comments from the Public period. The time allotted for comments from the public concerning items not on the current agenda would be moved to the end of the meeting. If it was the will of Council to further consider the draft resolution, it would be placed on a future agenda for final adoption.

MOTION was made by Mayor Wasson and seconded by Mayor Pro Tem Benjamin to place Draft Resolution No. 02-111, which amends Council Rule 20 regarding comments from the public, on the June 27, 2002 agenda for adoption.

Councilmember Thomasson recognized the tension between allowing citizens the opportunity to communicate with Council and the delay it could create for Council to conduct business. He said that he understood the issue but was not convinced that the proposed resolution was the best solution. He felt Council should further discuss the issue.

Councilmember White noted that the public's comments had been limited to three minutes per speaker. She felt it was important to allow citizens the opportunity to address Council. She did not support moving Comments from the Public to the end of the meeting.

Mayor Pro Tem Benjamin stated the purpose of the meeting was to conduct business. He said that people had expressed frustration over citizens with side agendas taking up time at Council meetings. He felt that people wanted input provided on specific agenda subjects. He voiced support for the motion.

Mayor Wasson referred to Section 1. Rule 20(f) of the proposed resolution. He said that Council held meetings to address specific agenda items. If citizens had concerns regarding those issues then he wished to hear their comments. Mayor Wasson noted that the rules allow the presiding officer to rearrange the agenda.

Councilmember Steenrod suggested that titles in the *Council Rules of Procedures* be formatted in bold and revision dates be placed on each page.

VOTE ON MOTION: Motion passed, 5 – 1, with Councilmember White opposed.

NEXT MEETING DATE - Regular Meeting June 27, 2002

ADJOURNMENT

At 10:15 p.m. **MOTION** was made by Councilmember Thomasson, seconded by Councilmember Steenrod and passed unanimously to adjourn the meeting..

Respectfully submitted,

Angela M. Chaufty
Deputy City Clerk