REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES June 14, 2001

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, Suite B.

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

ROLL CALL - Present: Mayor Scott Thomasson, Councilmembers Terry Brazil, Dave Kaplan, Dan Sherman, Gary Towe and Don Wasson. Absent: Mayor Pro Tem Bob Sheckler (ill). Also present were City Manager Bob Olander, Assistant City Manager Tony Piasecki, City Attorney Gary McLean, Community Development Director Judith Kilgore, Parks and Recreation Director Patrice Thorell, Public Works Director Tim Heydon and City Clerk Denis Staab.

> **MOTION** was made by Councilmember Sherman, seconded by Councilmember Kaplan and passed unanimously, to excuse Mayor Pro Tem Sheckler.

COMMENTS FROM THE PUBLIC

Gary Hisel, P. O. Box 98195, Des Moines, Marina Live-a-board, M Dock

> Mr. Hisel informed Council that a load limit restriction sign of 10,000 pounds has been posted on the driveway between N and M docks at the Marina. He expressed concern as this would prohibit Fire Emergency vehicle access. He requested this be placed as a number one item of priority for repair.

BOARD & COMMITTEE REPORTS

South County Journal Article, 1996 Mt. Rainier High School Graduate, Rebecca Hendrickson

> In regards to Council's recent discussion of concerns over education in Des Moines, Councilmember Sherman referenced an article in last Sunday's edition of the South County Journal. The article noted that former Mount Rainier High School Graduate, Rebecca C. Hendrickson graduated from the University of Washington as the top scholar and was named the President's medallist. He cited her numerous accomplishments including a 3.9 grade average every quarter, receiving degrees in bio-chemistry and neurobiology, named to the Dean's list every quarter, named a Goldwater Scholar in 1999. He concluded by noting that she will attend Washington University in St. Louis for Ph.D. study in neurobiology, and plans to obtain her medical degree to practice in the Seattle area. He offered his congratulations for honoring herself, her family and the City of Des Moines.

METRO King County Council - Transit Route

> Councilmember Sherman announced that the County Council has determined not to reinstitute Des Moines Bus Route 189. However, he advised that they are rerouting Route #166 to include South 216th beginning September 2001 and there will be a more frequent schedule.

ADMINISTRATION REPORTS

Airport Communities Coalition

City Manager Olander informed Council that Mayor Pro Tem Sheckler, ACC staff members and he met with the Army Corps of Engineers regarding the FAA Bench Mark Study. He noted that the F.A.A. data has concluded that flight delays actually only occur about 1% of the time. Which means that the delay issue as stated by the Port is very exaggerated. He concluded by noting that this means that the benefits of a 3rd runway are very low. The Corps of Engineers will be closely studying this issue.

City Manager Olander read a letter from Captain Sven Holm, Chief Pilot, Northwest Airlines, Retired May 2001. Captain Holm's letter outlined his concerns and disapproval of the proposed 3rd runaway at SeaTac Airport. Main concerns included the following issues:

- Less than 100' from the western edge of the runway's safety area would be a vertical drop of 170'. There is an additional 75' vertical wall that would be constructed to the immediate north of the runway's north threshold. Both vertical drops create safety concerns.
- The high walls and embankments surrounding the runway introduce wind-related safety issues.
- Increased threat of runway incursion. Aircraft landing on the 3rd runway would have to cross 2 active runways to reach the terminal.
- Primary use would occur during busy periods, would add to flight delays.
- Fire and rescue equipment currently located at the north east side of airport, would have to cross two runways for any emergency on the new runway, closing the airport until all equipment had returned to their station.
- 3rd runway very expensive and will not dramatically address the so-called capacity issues.

Because of issues noted above, Captain Holm noted that the 3rd runway will not materially reduce delays and will not be used by many pilots because of the many safety issues it presents. Therefore, he felt that the proposed 3rd runway, if constructed, would be converted to an expensive taxiway and felt it would then stand as a monument to poor planning.

City Manager Olander also stated that C.A.S.E. and R.C.A.A. are considering appealing the permit issued by the State Department of Ecology to allow for construction of the temporary interchange on SR 509 for dirt hauling in conjunction with the proposed construction of the 3rd runway. Their appeal would be based on the fact that the 3rd Runway has yet to gain approval.

CONSENT CALENDAR was read by City Clerk Staab.

1. Motion is to approve the minutes of May 24, 2001.
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 # 76283 through #76537 in the total amount of $560,865.32
   Payroll fund transfers in the total amount of $272,017.59
3. Motion is to award the contract for Street, Bike Route and Pedestrian Walkway Cleaning to Action Services Corporation and authorize the City Manager to sign said contract substantially in the form as submitted.
4. ~~Motion is to approve the Consultant Contract for Des Moines Field House ADA design, engineering and construction management services with Grulich Architecture and Planning~~

~~Services in the amount of $24,000.00, plus a 10% contingency and to authorize the City Manager to sign said contract substantially in the form as submitted.~~ [ED NOTE: This item was removed at the request of Councilmember Wasson.]
5. Motion is to approve conversion of Des Moines Sports Park property, tax parcel number 092204-9123-04 acquired with Interagency Committee for Outdoor Recreation - Washington Wildlife and Recreation Program Local Parks funds with Community Center property, tax parcel numbers 092204-9349-02 and 092204-9405-03 acquired with Community Development Block Grant Funds.
~~6.A Motion is to award the contract for construction of the 16th Avenue Slide Repair and Culvert Replacement Project to Northwest Cascade, Inc., in the amount of $599,683.95, plus a 10% contingency and to authorize the City Manager to sign said contract substantially in the form as submitted.~~
~~B. Motion is to supplement the existing consultant contract with Reid Middleton, Inc. to include construction management services, in the amount of $80,244.35, plus a 10% contingency and to authorize the City Manager to sign said supplement substantially in the form as submitted.~~
[ED NOTE: This item was removed at the request of Councilmember Kaplan.]

MOTION was made by Councilmember Brazil, seconded by Councilmember Kaplan, to approve the Consent Calendar as read.

Consent Item #5: Upon questioning by Council, Parks and Recreation Director Thorell noted that the properties are contiguous, but separate funding packages were involved. This request would legally exchange the property for use as an indoor recreation facility with property acquired for use an active outdoor recreation facility. She advised that the property conversion would help solve major engineering challenges identified during the Sports Park design work, which could result in costs being prohibitive to the success of the project. She further noted this site exchange would provide opportunities that benefit the proposed Community Center project such as territorial views, fewer noise impacts from airplanes and good multidirectional transportation access.

Consent Item #6: Councilmember Kaplan requested this item be removed.

Consent Item #4: Councilmember Wasson requested this item be removed.

VOTE ON MOTION: Motion passed unanimously to approve the Consent Calendar as amended.

Consent Calendar Item #4

MOTION was made by Councilmember Kaplan, seconded by Councilmember Towe to approve Consent Item #4.

Councilmember Wasson stated he cannot support this item as the 10% contingency encourages contractors to add costs into the project. He felt that costs over-runs are not known until the end of the project.

Public Works Director Heydon stated that project costs are carefully monitored on a daily, or weekly basis as appropriate. As most contractors expect payment as they go, rarely would costs not be known prior to the end of the project.

VOTE ON MOTION: Motion passed 5 to 1 with Councilmember Wasson voting NO.

Consent Calendar Item #6

Upon questioning as to higher costs of this project, Public Works Director Heydon called Council's attention to page 3 of the agenda item, noting that the revenues will come from outside sources such as WSDOT ER funds and the utility districts.

Councilmember Wasson stated he cannot support this item as he feels the 10% contingency only invites the contractor to seek ways to add costs into the work.

Public Works Director advised Council that all changes orders are carefully reviewed and additional requests for funds are not automatically approved.

Councilmember Kaplan stated that this project has been waiting two and half years and although he normally opposes the 10% contingency, in this case, he feels it makes sense. The pipe work and excavation required creates an unknown as to soil contamination or stability concerns and therefore he will support a motion to approve.

City Manager Olander noted that without the 10% contingency, it would become necessary to halt work to get Council authorization, which could be a couple of weeks. With the contingency in place, it saves time and money. He assured Council that all change orders are carefully reviewed to be sure they are well justified.

Public Works Director Heydon stated that he is proud of the record his department has attained in not going over budget more than once in the last five years.

MOTION was made by Mayor Thomasson, seconded by Councilmember Kaplan, to approve consent item number 6.A and 6.B. Motion passed 5 to 1 with Councilmember Wasson voting NO.

PUBLIC HEARING

Draft Solid Waste Franchise Agreement With Sea Tac Disposal

Community Development Director Kilgore noted that at the May 3rd Council meeting, Administration briefed Council on the draft document. Changes requested by Council have been included in the final draft as noted in Council's packet. She distributed a printed list of miscellaneous fees that had been previously requested by Council.

Upon questioning by Councilmember Sherman, it was confirmed that recycling as well as garbage could be picked, for a small charge, if not placed directly at the curbside.

Mayor Thomasson opened the Public Hearing. City Attorney McLean inquired as to whether anyone in the audience wished to address Council on this matter. There was no response.

Mayor Thomasson inquired three times as to whether there were any public comments. As there was no response, Mayor Thomasson declared the Public Hearing CLOSED.

Councilmember Kaplan felt that most concerns have been adequately addressed and he is generally pleased with the final agreement.

MOTION was made by Councilmember Kaplan, seconded by Councilmember Sherman and passed unanimously, to approve the exclusive license agreement between the City of Des Moines and Sea-Tac Disposal and direct the City Manager to sign the franchise agreement substantially in the form included in Attachment 1 effective July 1, 2001.

OLD BUSINESS

Draft Ordinance No. 01-082 ***[ASSIGNED ORDINANCE NO. 1283]*** - Junk Vehicles - 2nd Reading

Community Development Director noted that on May 24, 2001, Council passed this ordinance to a second reading and directed Administration to expand the definition of junk vehicles and to allow some flexibility in the length of time a damaged vehicle can remain on the premises. She stated that these changes have been incorporated. She concluded by noting staff is recommending adoption as this ordinance is important to ensure public safety and health issues, as well as the communities image.

City Attorney McLean noted a couple of clerical changes and offered some suggested language changes as follows:

- Sec. 3 to read: "All junk vehicles certified as such by a law enforcement officer or the Director and found on public or private property . . ."
- Sec. 5(3) to read: "For violations of this chapter, the notice of civil violation to the fullest extent reasonably possible contain the following information:"
- Sec. 5(3) (b) to read: " . . . identification numbers are available and or readily capable of obtaining."
- Sec. 5(6): restructure sentences.

Upon questioning by Council, City Attorney McLean noted Section 2(4) had been written to conform with State Statute. He further advised that any appeal would be to the King County Superior Court.

Mayor Thomasson read the draft ordinance by title into the record.

MOTION was made by Councilmember Kaplan, seconded by Councilmember Towe, to approve Draft Ordinance No. 01-082, with changes as suggested by the City Attorney. Motion passed unanimously.

NEW BUSINESS

Budget Amendment: Pacific Ridge

Community Development Director Kilgore advised that the capital budgets for two Pacific Ridge studies to be completed in 2001 are $14,500 higher than anticipated. The first project is the mapping of street frontage improvements throughout Pacific Ridge. The second project is preparing analysis and legislation needed to enact SEPA Planning Action provisions for Pacific Ridge. Staff is requesting that the Capital Improvement Plan fund for the Pacific Ridge studies be increased from $50,000 to $64,500.

Upon questioning by Council, Community Development Director Kilgore advised that the consultant being used is Transpo Inc. She further advised that the earlier studies have come in under budget.

MOTION was made by Councilmember Sherman, seconded by Councilmember Towe, to increase the CIP fund for the Pacific Ridge studies from $50,000 to $64,500. Motion passed unanimously.

NEXT MEETING DATE

Mayor Thomasson announced the next regular meeting will be June 28, 2001.

ADJOURNMENT

Meeting was adjourned at 8:58 p.m.

Respectfully submitted,

Denis Staab
City Clerk