

## REGULAR MEETING DES MOINES CITY COUNCIL

### MINUTES

June 29, 2000

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

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

ROLL CALL – Present: Mayor Scott Thomasson, Mayor Pro Tem Bob Sheckler, Councilmembers Terry Brazil, Dave Kaplan, Dan Sherman, Gary Towe, and Don Wasson. Also present were City Manager Bob Olander, Assistant City Manager Tony Piasecki, City Attorney Gary McLean, Planning Manager Corbitt Loch, Commander John O’Leary, and Deputy City Clerk Angela Chaufy.

### COMMENTS FROM THE PUBLIC

Tom Sitterley, 601 South 227<sup>th</sup> Street

On behalf of the Des Moines Marina Association, Mr. Sitterley spoke to Council about the physical condition of the Marina. He voiced concern with the condition of the seawall, pilings, bulkhead, and electrical system. He provided Council with two pictures of a piling illustrating his concern. He asked Council to maintain the maintenance budget of the Marina in order its condition. He displayed a chart of the Marina revenue transfers from 1987 to 2000.

Jerry Guite, 21317 Marine View Drive, Normandy Park

Mr. Guite voiced agreement with Mr. Sitterley’s comments. He said that he had been in communication with the Auditor’s office regarding the ACC interlocal agreement. He felt that the ACC organization lacked accountability. Mr. Guite said that Council had failed to oversee the coalition.

Sally McQueen, 1221 South 248<sup>th</sup>

Representing Huntington Park residents, Ms. McQueen asked for clarification of the street light utility fee, the basis for the fee amount, and the eligible uses of the gained revenue.

City Manager Olander said that staff would provide Ms. McQueen with the requested utility figures.

Michael Tozier, 820 South 219<sup>th</sup> Street, #5

Mr. Tozier urged Council to approve the School Resource Officer grant. He voiced concern over the area’s youth’s abuse of drugs and alcohol. He noted that Federal Way and Seattle have full-time police officers on their school campuses. He said that the Highline School District provided one drug counselor for five schools in the district.

Carl Moberley, 1217 South 211<sup>th</sup> Place

Mr. Moberley spoke in support of the School Resource Officer grant. He said that drugs, alcohol, and parties created several problems in the local high school that affected the education of all the students. He said that he was willing to work with the School Resource Officer to address the problems.

Candy Corvari, 19458 1<sup>st</sup> Place SW, Normandy Park

As a rate payer, Ms. Corvari urged Council to assume the Highline Water District. She listed the following concerns with Highline Water District:

- Commissioners arrived late to business meetings.
- Funds had been mismanaged.
- Well rights had been given to the Port of Seattle.
- Water District No. 49 was not held accountable for past debts.
- Number of wells had been reduced from 17 to 2.
- Cedar River water rights had been given up.

Ms. Corvari felt that it would be more efficient for the citizens to attend one council meeting rather than several special district meetings.

Phil Emerson, 18403 2<sup>nd</sup> Avenue South

Mr. Emerson voiced his agreement with Ms. Corvari's comments. He felt that the usefulness of regional water districts had come to an end and that the City needed to control them.

Becky Huntley, 2670 Belvidere SW, Seattle

On behalf of the APPLE Parenting Program, Ms. Huntley thanked Council for their support of the program. She noted that a parent/infant and parent/child class were conducted in Des Moines. She said that the goal of the program was to intervene early in violent or neglectful situations.

Clarice James, 23459 27<sup>th</sup> Avenue South

Ms. James spoke in support of the School Resource Officer grant and the formation of a traffic safety unit. She said that she had been appalled at the things she saw occurring at Mount Rainier High School. In regard to traffic safety, Ms. James felt that there was less pedestrian traffic on Marine View Drive due to the traffic problems.

Jim Bartlemay, 23510 10<sup>th</sup> Avenue South

Mr. Bartlemay encouraged Council to assume Highline Water District. He felt that protection of critical water resources and potential destruction of the environment due to airport expansion were future problems affecting the area's water supply. He said that Highline Water District, without the knowledge of the citizens, had given the Port of Seattle water rights that would result in harm to the environment. Mr. Bartlemay believed that the Council would provide better protection for the resource and the environment than the water district commissioners would. In closing, Mr. Bartlemay voiced his support for the actions of the ACC and Council.

Brenda Siegrist, 20726 1<sup>st</sup> Place South

Ms. Siegrist said that there was a lack of police presence in the North Hill area. She estimated their average response time to one half-hour. Ms. Siegrist expressed concern with the speed of vehicles on South 208<sup>th</sup> Street and said that she had never seen an officer perform traffic emphasis in the area. Ms. Siegrist felt that a traffic unit was needed in the community. She then distributed a copy of her comments to Council.

Jeanne Moeller, 22211 Cliff Avenue South

Ms. Moeller addressed Council regarding the proposed assumption of the water districts. Ms. Moeller felt that special districts had served their purpose for rural areas but that it was now time to change. She felt water was one of the community's most valuable resources. She urged Council to study the issue carefully. Ms. Moeller also felt that it was important to maintain civility and courtesy in all political situations despite disagreements on particular issues. Ms. Moeller thanked Council for their public service.

Michael Tozier, 820 South 219<sup>th</sup> Street, #5

Mr. Tozier announced that he would be submitting letters in support of the School Resource Officer position from the Police Guild, concerned citizens and Pacific Middle School and Mount Rainier High School teachers.

Dean Parkins, 2638 SW 152<sup>nd</sup>, Burien

Mr. Parkins addressed Council regarding the differential moorage fee for residents and non-residents. He said that he had been a marina tenant since the early 1970's. Mr. Parkins suggested that Council raise the residential fee to the non-residential fee level to solve the financial concerns of the marina. He spoke in opposition to the Council spending any money for speculative real estate.

BOARD & COMMITTEE REPORTS

Association of Washington Cities Convention

Mayor Pro Tem Sheckler announced that Councilmember Brazil had been elected to fill the Board of Directors At-Large District #1 position.

Suburban Cities Association

Councilmember Brazil reported that the King County Council had passed an ordinance removing King County Public Health Committee appointment authority from Suburban Cities Association and granting it to the King County Executive. He noted that Suburban Cities Association was opposing the ordinance.

Growth Management Planning Council

Councilmember Brazil said that a study regarding growth and housing development had been released to the Growth Management Planning Council. He noted that a focus group from Des Moines had been used in the study. Copies of the study would be distributed to Council.

King County Public Health Committee

Councilmember Sherman reported that the King County Executive would be proposing a special levy for the purpose of earthquake-proofing Harborview Hospital, the primary trauma center for four states. Councilmember Sherman also noted that a campaign aimed at reducing teen alcoholism would be pursued.

South County Area Transportation Board

Councilmember Sherman reported that the City's Public Works Director had attended the South County Area Transportation Board meeting. He said that the county had proposed a 0.3% sales tax increase to fund METRO and transportation.

### Transportation Summit

Councilmember Brazil noted that the Transportation Summit meeting had presented options for the 0.3% sales tax increase which included a proposal to return some of the funds to the local communities.

## ADMINISTRATION REPORTS

### State Department of Ecology's Hydrology Study

City Manager Olander announced that the State Department of Ecology's Hydrology Study regarding impacts of the third runway had been released and had indicated that the Port of Seattle's models were seriously deficient. The study determined that major impacts would occur to ground and surface water.

### Street Light Utility

City Attorney McLean explained that the street light utility was a utility rather than a tax. He noted that revenues received through the street light utility were solely dedicated to maintaining street lights, regulating traffic flows and increasing safety through street lighting systems.

CONSENT CALENDAR was read by Deputy City Clerk Chauffy.

1. Motion is to approve the minutes of June 1 and 8, 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 #71970 through #72169 in the total amount of \$311,156.74

Payroll fund transfers in the total amount of \$284,513.55

3. Motion is to confirm Mayor Thomasson's appointments of Mary McGoran to an unexpired position on the Senior Services Advisory Committee and Brenda Anders-Larson to a vacant position on the Human Services Advisory Board.

**MOTION** was made by Councilmember Sherman, seconded by Councilmember Brazil, and passed unanimously to approve the consent calendar as read.

## PUBLIC HEARING

### Pacific Ridge Comprehensive Plan Element

Planning Manager Loch displayed a map of the Pacific Ridge area. He noted that the draft environmental impact statement's comment period for the draft Pacific Ridge Neighborhood Improvement Plan (NIP) had expired June 22, 2000. Copies of all comments received had been distributed to Council. Planning Manager Loch described the public notice process for the hearing. In order to maintain consistency within the city, Mr. Loch explained that Midway Park and the Puget Sound Energy substation had been zoned R-SE. He also noted that Transpo Group's traffic study analyzing future transportation conditions without extending 30<sup>th</sup> Avenue South had been distributed to Council. In regard to the Washington State Department of Transportation (WSDOT) letter stating that 14 acres of private land would be needed for the extension of SR 509, Mr. Loch said that staff would be meeting with WSDOT to discuss the

project's specific needs. In regard to the mobile home parks, Planning Manager Loch explained that the draft NIP did not change the City's mobile home rules that were established in 1992.

City Attorney McLean read the rules for conducting a hearing.

Mayor Thomasson announced that there would be a five-minute time limit for each speaker. He then opened the public hearing.

#### SPEAKERS

LaDonna Robertson, 22810 30<sup>th</sup> Avenue South, #C-201

Ms. Robertson said that residents of the Heritage Court Condominiums had been notified that the expansion of Interstate 5 by one lane would destroy their existing cabana area. She asked whether any further information regarding this issue was available.

Gordon Gray, 21814 Pacific Highway South

As representative for Pine Terrace Mobile Home Park, Mr. Gray voiced his strong support for the plan yet said that he was concerned with its transitional phasing. He felt that the NIP should offer additional incentives to developers to encourage development. He asked Council to allow mobile home parks within the Pacific Ridge area to be allowed to operate at normal capacities. He distributed a copy of his comments to Council (Exhibit 1).

Gary Peterson, 1117 South 222<sup>nd</sup>

Mr. Peterson, owner of Pete's Towing Service, noted that his business had been in operation since 1946. He said that his company had purchased 2.5 acres north of the existing property for business expansion. He asked Council to include towing services within the NIP and to approve the expansion of his business.

LaDonna Robertson, 22810 30<sup>th</sup> Avenue South, #C-201

Ms. Robertson asked if a representative from WSDOT could address the homeowner's association regarding the expansion of Interstate 5.

Mayor Thomasson said that staff would provide a WSDOT contact number for Ms. Robertson to schedule a meeting.

Howard Clark, 24437 11<sup>th</sup> Avenue South

Given the existing number of vacant properties in the area, Mr. Clark questioned how development could be expected to occur in the area.

After calling for additional speakers, Mayor Thomasson closed the public hearing.

Planning Manager Loch stated that rights-of-way needs and property impacts of SR 509 expansion had not been discussed at the staff level yet. He said that he would help Ms. Robertson coordinate a discussion with WSDOT. In regard to development in the area, Mr. Loch stressed that the Pacific Ridge Plan was a long-range, twenty-year plan. He noted that market analysis supported the Plan.

Upon request from Councilmember Kaplan, City Attorney McLean explained the 1992 mobile home park regulations. He said that site-plan filing requirements had been established at that time to allow pre-existing mobile home parks to receive grandfather status. He noted that none of the mobile home parks had responded. City Attorney McLean further explained that the code only allowed the placement of mobile homes in the parks.

Upon questioning from Councilmember Kaplan, Mr. Gray defined the interim period as the period until a developer with a project that was acceptable to the Planning Agency and Council was found. He said that he would like to fill the existing vacant spaces in his park.

Upon questioning from Mayor Thomasson, Mr. Peterson explained that a towing business included a dispatch service, vehicle delivery, and impounds. He said that Pete's Towing Service was not a wrecking yard as it did not part the vehicles out. He felt that dispatch and the impound yard should be located next to each other for security purposes and ease of business.

Planning Manager Loch explained that the City code allowed towing services in the H-C zones, south of Kent-Des Moines Road and north of South 257<sup>th</sup> Street. According to Transpo Group's study, Planning Manager Loch noted that South 216<sup>th</sup> Street and South 220<sup>th</sup> Street would provide access to 28<sup>th</sup> Avenue South.

Councilmember Kaplan questioned why the study said that a traffic light would be required at the intersection of South 216<sup>th</sup> Street and 30<sup>th</sup> Avenue South regardless of the extension of 30<sup>th</sup> Avenue South.

In response to Councilmember Wasson's question, City Manager Olander explained that the city was legally required to allow adult entertainment establishments somewhere in the City.

Planning Manager Loch confirmed that adult entertainment was listed as a permitted use in the Pacific Ridge area.

**MOTION** was made by Mayor Pro Tem Sheckler and seconded by Councilmember Kaplan to pass the four draft Pacific Ridge Ordinance Nos. 00-099, 00-101, 99-015, and 00-098 onto a second reading on the July 6, 2000 meeting.

Referencing a recent Seattle Times article, Councilmember Sherman spoke against allowing five story buildings to be constructed next to multi-family or single-family dwellings in the southwest corner of the Pacific Ridge area, west of Pacific Highway South.

Councilmember Brazil noted that the Growth Management Planning Council had commended the City on their foresight and efforts to control development and densities.

At 9:27 p.m., Mayor Thomasson declared a five-minute break.

In regard to Pete's Towing Service, Councilmember Brazil said that he would like to continue discussion of the issue.

Mayor Pro Tem Sheckler agreed with Councilmember Brazil's comment and confirmed that development plans for the vacant property would soon be submitted to the Community Development Department.

Councilmember Wasson said that he could not support impacting Pete's Towing Service. He felt that Council should accommodate the mobile home park owner's request also as vacant property within the park would decrease the property values of surrounding properties.

Mayor Thomason felt that both the towing and mobile home issues were transition issues and that a transitional plan was needed. He voiced agreement with Councilmember Sherman's comments regarding the proposed zoning changes to the multi-family parcels.

City Manager Olander asked Council to contact the Planning Manager with any concerns so that staff could present appropriate language for Council's consideration.

**VOTE ON MOTION:** Motion passed, 5 – 2, with Councilmembers Sherman and Wasson opposed.

## NEW BUSINESS

### COPS Corps Presentation – Grant

Commander O'Leary explained that the Police Department was proposing that Council create a School Resource Officer position through the use of a COPS in Schools grant, authorize two new police officer positions, approve draft Ordinance No. 00-136 to allow participation in the Police Corps program, and authorize the formation of a traffic safety unit. Commander O'Leary described the grant programs. He noted that the proposed ordinance provided for necessary revisions to the Civil Service regulations should the ordinance be adopted. In regard to the traffic safety unit, Mr. O'Leary reviewed the projected revenue figures.

Councilmember Sherman confirmed that the city had maintained the target officer per capita ratio.

In response to Councilmember Sherman's questioning, Assistant City Manager Piasecki noted that the department was currently short three positions due to an injury, an extended leave, and an assignment to the Washington State Police Academy.

Councilmember Sherman questioned whether the DARE program was meeting its goals.

Commander O'Leary informed Council that Seattle, Federal Way and Kent had police officers assigned to their schools.

Assistant City Manager Piasecki said that the additional police officer positions would also place an additional burden on the court system. To meet the demand, he projected that three additional court clerks and a 0.8 FTE prosecutor would be required. He estimated that the court's financial impact would be \$237,000. He suggested that one court clerk be hired and one officer be assigned to traffic duty in November to transition the program and staffing levels.

**MOTION** was made by Mayor Pro Tem Sheckler, seconded by Councilmember Wasson, and passed unanimously to suspend Rule 26(b) in order to enact Draft Ordinance No. 00-136 on the first reading.

**MOTION** was made by Mayor Pro Tem Sheckler and seconded by Councilmember Wasson to approve draft Ordinance No. 00-136 to authorize the City of Des Moines to participate in the Police Corps Program.

Mayor Thomasson read the title of the proposed ordinance into the record.

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

City Manager Olander explained that the deadline of the School Resource Officer grant was June 16, 2000 so the department had already applied for the grant.

**MOTION** was made by Councilmember Wasson and seconded by Mayor Pro Tem Sheckler to approve the grant application for the School Resource Officer.

Mayor Thomasson said he would support the issue due to the present need but felt that the school district was responsible for providing security in the schools.

Councilmember Sherman asked that the DARE program be evaluated for effectiveness. He felt that placing an officer in the schools would not solve the school's problems. He voiced concern with several of the educational issues in the schools as well. He said that he wanted to hear from the School District regarding the issue.

Mayor Pro Tem Sheckler suggested that Highline School Board Superintendent Joe McGeehan or his staff be invited to address Council regarding these issues.

Upon questioning, Commander O'Leary noted that the policy for backpack searches would be set by the school district. He said that the police staff would be governed by the Rules of Search and Seizure.

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

**MOTION** was made by Mayor Pro Tem Sheckler and seconded by Councilmember Wasson to authorize the creation of a traffic safety unit in the police department with the addition of two FTE's.

Councilmember Kaplan felt that it was important to consider this issue during the regular budget cycle so as to allow Council to view the question in light of the total budget.

At 10:29 p.m., **motion** was made by Councilmember Wasson, seconded by Councilmember Kaplan, and passed unanimously to extend the meeting ten minutes.

City Manager Olander explained that the deadline for the grant was a few weeks away.

Upon questioning from Councilmember Towe, Commander O'Leary explained that the two new positions would be used to provide relief to existing patrol units that were short-staffed due to vacations, leaves, or trainings.

Councilmember Towe and Mayor Pro Tem Sheckler felt that regular performance reports of the traffic safety unit should be provided to Council.

Mayor Thomasson voiced agreement with Councilmember Kaplan's comments. He agreed that traffic safety was important but felt that there were still many unknowns in the budget. He expressed concern that the City had one of the highest officer per capita ratios yet the police still felt that they were unable to get the job done.

At 10:39 p.m., **motion** was made by Councilmember Kaplan and seconded by Mayor Thomasson to extend the meeting to 10:50 p.m. **VOTE ON MOTION:** Motion passed, 6 – 1, with Councilmember Brazil opposed.

Mayor Pro Tem Sheckler and Councilmember Wasson voiced support for the motion.

Councilmember Kaplan stated that it was important for Council and the police department to set priorities. He felt that this was best accomplished by looking at the budget as a whole rather than incrementally.

**VOTE ON MOTION:** Motion passed, 4 – 3, with Mayor Thomasson and Councilmembers Kaplan and Sherman opposed.

#### City Council Rules of Procedure

Mayor Thomasson introduced the subject. He read the title of the proposed ordinance into the record. Mayor Thomasson asked Council to submit their comments regarding the proposed ordinance to him for the July 13, 2000 meeting.

Upon questioning from Councilmember Towe, City Attorney McLean explained that several Councilmembers had requested review of the procedures.

#### Draft Ordinance No. 00-045 [Assigned Ord. No. 1263] - Telecommunications Franchise – Metromedia Fiber Network Services Inc.

City Attorney McLean introduced Jeff Bertram from Metromedia Fiber and John Hendrikson, Metromedia Counsel. City Attorney McLean noted that Metromedia had requested that the term of the franchise be extended to ten years and that the minimum insurance coverage limits and requirements be reduced to \$1,000,000.

Mr. Bertram explained that Metromedia was a fiberoptic telecommunication company that was building a network from Tacoma to Everett. He noted that their total network was underground so far and that they desired to remain underground. He explained that the company was leasing existing cable from US West and GTE to pull their cable and that they hoped to continue using existing conduit.

Mayor Thomasson read the title of the proposed ordinance into the record.

**MOTION** was made by Councilmember Kaplan, seconded by Councilmember Sherman, and passed unanimously to suspend Rule 26(b) in order to enact Draft Ordinance No. 00-045 on the first reading.

**MOTION** was made by Councilmember Sherman and seconded by Councilmember Kaplan to enact Draft Ordinance No. 00-045, granting a telecommunications franchise to Metromedia Fiber Network Services, Inc.

Mayor Thomasson questioned whether Council desired to change the term of the franchise agreement to ten years.

Council concurred to keep the term of the agreement at five years.

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

**NEXT MEETING DATE**

July 6, 2000 Regular Meeting

**ADJOURNMENT**

Meeting was adjourned at 10:50 p.m.

Respectfully submitted,

Angela M. Chaufty  
Deputy City Clerk