

REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES

July 10, 1997

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 11th Avenue South.

PLEDGE OF ALLEGIANCE was led by Councilmember Roberts.

ROLL CALL - Present: Mayor Scott Thomasson, Mayor Pro Tem Terry Brazil, Councilmembers Bruce Roberts, 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, Public Works Director Tim Heydon, Transportation Engineer Jim Seitz, Community Development Director Judith Kilgore, Finance Director Jim Hathaway, Assistant Finance Director Mike Bailey and City Clerk Denis Staab.

COMMENTS FROM THE PUBLIC

Mike Waters, Representing Des Moines Chamber of Commerce, 22236 Dock Avenue South

Mr. Waters expressed appreciation that the Council, at their recent retreat, gave the Highway 99 improvements top priority. He advised Council that the Chamber stands ready to assist in the project anyway they can. Mr. Waters briefed Council on the following activities:

- Facade Project - Project is underway.
- Community Summit - Currently planned to be held in November with the accent on "volunteerism".
- Waterland Parade - All Councilmembers have been extended an invitation to participate.

BOARD & COMMITTEE REPORTS

Airport Communities Coalition

Mayor Pro Tem Brazil reported attending the ACC meeting recently held in Federal Way. He advised that Attorney Peter Krisch presented a re-cap of current events regarding the airport issues to the approximately 25 elected officials in attendance.

SR 509 South Access Committee

Councilmember Sherman informed Council that the Committee is still in the process of fine tuning the two favored options to avoid problems with environmental sensitive areas and the object free areas around the airport runways. He noted that he will keep Council advised on the progress.

PRESIDING OFFICER'S REPORT

Proclamation

Mayor Thomasson read a Proclamation proclaiming the week of July 13 through 19, 1997 as "*Law Enforcement Fund Raising Week for Special Olympics*"

ADMINISTRATION REPORTS

Growth Management Hearing Board

City Attorney McLean briefed Council on the recent hearing before the Board. He reminded Council that the hearing concerned the claim filed by the Port of Seattle that Des Moines' amendments to its Comprehensive Plan are in violation of GMA as they do not facilitate the Port's plans for a third runway. He advised Council that a decision is expected by or before, August 13th.

City Manager Olander and City Attorney McLean expressed complete satisfaction with the City's outside legal consultants.

Mayor Pro Tem Brazil commented that this is a very important decision as it boils down to local government authority over regional authority.

City Attorney McLean noted that no matter what the outcome he expects this decision will be appealed to King County Superior Court.

New Police Facility - Open House

City Manager Olander reminded everyone that the new Police Facility open house is planned for tomorrow from 3 p.m. to 7 p.m.

CONSENT CALENDAR was read by City Clerk Staab.

1. Motion is to approve the minutes of June 26, 1997.

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 #56744 through #56912 in the total amount of \$598,311.94

Payroll fund transfers in the total amount of \$220,147.06

3. Motion is to authorize the City Manager to approve all vouchers for payment of the following claims during the period of July 11, 1997 through July 24, 1997:

- a. All vouchers for payment of payroll checks, including Marina payroll, and
- b. All vouchers for payment of claims and Marina checks, provided that all vouchers and checks approved by the City Manager in accordance with this motion shall be presented to the Council for ratification at the City Council meeting of August 7, 1997.

4. Draft Ordinance No. 97-100 [ASSIGNED ORDINANCE NO. 1193] - Title: An Ordinance of the City of Des Moines, Washington relating to procedures for public hearings and for amending the Comprehensive Plan; adding new sections to chapter 18.84 DMMC and amending DMMC 18.56.200, and 18.56.220.

MOTION is to approve Draft Ordinance No. 97-100 on second reading.

5. Motion is to surplus one Public Works Chevrolet 1 Ton Truck and five Chevrolet Caprice Police vehicles and authorize disposing of by auction, sale or transfer to other departments or agencies.

6. Motion is to award the construction contract for the 1997 Arterial Maintenance Project to M.A. Segale Inc., in the amount of \$579,551.25 and further authorize the City Manager to sign said contract.

7. Motion is to set a public hearing for August 7, 1997 for 1998 Community Development Block Grant Allocations.

8. Draft Resolution No. 97-166 [ASSIGNED RESOLUTION NO. 833] - Title: A Resolution of the City Council of the city of Des Moines, Washington, granting permission to the Greater Des Moines Chamber of Commerce to use Marina property for an on-water boat show and sale of prepared food and non-alcoholic beverages.

MOTION is to approve Draft Resolution No. 97-166.

9. Motion is to award the contract for professional engineering construction management services for the 1997 Arterial Maintenance Project to Harding Lawson Associates Infrastructure, Inc. in the amount of \$41,348, and further to authorize the City Manager to sign said contract substantially in the form as attached.

MOTION was made by Councilmember Roberts, seconded by Sheckler, and passed unanimously, to approve the Consent Calendar as read.

PUBLIC HEARING

Draft Ordinance No. 97-126 [ASSIGNED ORDINANCE NO. 1194] LID #1-97-9 4th Place South, south of South 202nd Street to Approximately South 204th Street

Transportation Engineer Seitz informed Council that Public Works has received a petition from property owners on 4th Place South requesting that their gravel street be paved. Nine of the twelve property owners have signed the LID petition. Street improvements are to consist of a 28 foot wide paved street with five foot gravel shoulders. The total cost of the improvements is estimated to be \$22,538 and this will be borne by and assessed against the property on the district to be established embracing, as near as may be, all property specially benefited by such improvement. The purpose of the public hearing is to allow any property owners objecting to the improvements and formation of the proposed LID an opportunity to express their views. He informed Council that a King County Block Grant has been secured in the amount of \$73,000 which will be used for drainage work. He concluded by noting that design work will be scheduled for this fall and winter, with construction to take place early in 1998.

Mayor Thomasson declared the public hearing open. There were no comments from the public, therefore reading of public hearing rules was dispensed with and Mayor Thomasson declared the hearing closed.

Upon questioning from Council, it was explained that another public hearing will be held for the final assessment roll.

Public Works Director Heydon noted that when the project bids come in he will know if costs are going to be much higher and the project can still be reviewed at that time before proceeding.

Upon questioning by Council as to why there are not sidewalks, curbs and gutters included in the LID, Public Works Director Heydon advised that this area is very boggy, with unknown soil. The street area has already been built-up and all of that would have to be removed, increasing expenses drastically. He also noted that there is a severe ravine at the south end of this street making it highly unlikely the street would ever go through.

Mayor Pro Tem Brazil remarked that he is very familiar with this neighborhood and informed Council that sidewalks, curbs and gutters are non-existent in this area. He felt requiring those improvements would be an unfair burden to these property owners.

Public Works Director Heydon explained that expenses were charged by parcel rather than front footage because it was felt that there is equal benefit to all property owners with a paved street, therefore, this is the fairest, most equitable method of assessment.

MOTION was made by Mayor Pro Tem Brazil, seconded by Councilmember Sheckler, to waive full street development requirements for curbs, gutters and sidewalks within the proposed 4th Place South local improvement district boundary. Motion passed unanimously.

MOTION was made by Councilmember Roberts, seconded by Mayor Pro Tem Brazil, to suspend Council Rule 26(b), to enact draft Ordinance No. 97-126 on first reading. Motion passed unanimously.

MOTION was made by Councilmember Sheckler, seconded by Mayor Pro Tem Brazil, to approve Draft Ordinance No. 97-126.

Mayor Thomasson read the draft ordinance by title, in to the record.

VOTE ON MOTION: Motion passed unanimously.

PUBLIC HEARING

Draft Ordinance No. 97-169 [ASSIGNED ORDINANCE NO. 1195] Affirmation of the City's Moratorium on Telecommunications

City Attorney McLean advised Council that the draft ordinance has been prepared to maintain the City's telecommunications moratorium through the effective date of a comprehensive telecommunications ordinance or November 7, 1997, which would be one year from the date the City Council originally enacted the moratorium, whichever should occur first. He informed Council that the Planning Agency has two more meetings scheduled on the topic and expects to have recommendations to Council by the end of the month.

Mayor Thomasson opened the public hearing and called for speakers. Since there were no comments he closed the public hearing.

Mayor Thomasson read the title of the draft ordinance in to the record.

MOTION was made by Councilmember Towe, seconded by Councilmember Sherman and passed unanimously, to suspend Council Rule 26(b).

MOTION was made by Councilmember Towe, seconded by Councilmember Sherman and passed unanimously, to approve Draft Ordinance No. 97-169.

NEW BUSINESS

28th/24th Avenue South Arterial Project

Public Works Director Heydon advised Council that the 28th/24th Avenue South Arterial Project has been in the planning stage for a number of years. He noted that a Final Environmental Impact Statement was published on May 12, 1993, as a joint City of SeaTac and Des Moines document. The project goal as stated in the EIS was to serve future local access traffic demands, particularly in the north-south direction, with an aesthetically pleasing boulevard compatible with existing and future land use, potential mass transit opportunities, and possible regional roadway projects. The area to be served was within the bounds of SR 99 to the east, South 216th Street to the south, Des Moines Memorial Drive to the west, and South 188th Street to the north. He informed Council this part of the project is entirely within the City limits of SeaTac. He noted that he is part of the Steering Committee with meets with the selected consultant of Kato and Warren. He advised that Phase I will only include 28th/24th Street between South 204th and South 188th Street and that an analysis is presently being reviewed with the hope that it will be approved by the SeaTac City Council in the near future.

After some discussion by Council, concern was expressed that the route will be used and further developed as a south access to the airport.

Councilmember Sherman noted that as long as the street development is not completed between South 204th and South 208th there will be no direct traffic impact to Des Moines.

Council's consensus was to have the City Manager write the City of SeaTac expressing Des Moines's concerns with utilizing this corridor as interim or permanent south access route to SeaTac Airport.

Public Works Director Heydon assured Council that he will be closely monitoring this project to make sure there are no expansions of the original scope of the project that would conflict with the final EIS.

Surface Water Management Billing Options

Assistant Finance Director Mike Bailey informed Council that on January 1, 1991 the City staff undertook the billing function for Surface Water Management fees for each household in the City. Since the SWM billing went into effect there have been five City annexations. For the SWM utility this growth has not been without its problems. In most cases, data received from King County is outdated. He advised Council that each account that is undeliverable must be researched individually with the King County Assessor's Office to determine the correct property owner. This is a very labor intensive process. He also noted that the City has trouble collecting debts whereas, King County has a very good record. This would be an additional savings to the City. The Finance Department has looked into the feasibility of collecting the City's SWM fee as part of the King County property tax collection process. If the Council chooses this option for billing Surface Water Management Utility accounts it would eliminate one full time City position, with an annual savings of approximately \$22,446. He concluded by noting that staff recommends entering into an agreement with King County to bill SWM accounts.

MOTION was made by Mayor Pro Tem Brazil, seconded by Councilmember Towe, to direct the City Manager to enter into negotiations with King County to provide a Surface Water Management billing service for the City, and bring said contract back to Council for approval.

Councilmember Sherman stated that if the City will actually show a savings by utilizing King County for billing purposes, he wants that savings to go back to the Des Moines property owners.

Mayor Thomasson advised that the time to address any reduction in SWM billing fees would be during the budget process this Fall.

Councilmember Wasson spoke in opposition of having the SWM billing fee "hidden" on property tax statements. He noted he is in favor of saving citizens money, but feels they should receive a direct billing to be kept better informed.

VOTE ON MOTION: Motion passed 6 to 1 with Councilmember Wasson voting NO.

NEXT MEETING DATE

Executive Session - July 17, 1997

Since Councilmember Towe will not be able to attend the special Executive Session on July 17th this meeting will be rescheduled.

Next Regular Meeting

The next regular meeting will be August 7, 1997.

ADJOURNMENT

Meeting was adjourned at 9:16 p.m.

Respectfully submitted,

Denis Staab
City Clerk