REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES August 5, 1999

The regular meeting of the Des Moines City Council was called to order by Mayor Pro Tem Brazil at 7:40 p.m. in the City Council Chambers, 21630 11th Avenue South.

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

MOTION was made by Councilmember Kaplan, seconded by Councilmember Sheckler and passed unanimously to excuse Mayor Thomasson and Councilmember Towe.

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

BOARD & COMMITTEE REPORTS

Senior Services Advisory Committee

Senior Services Coordinator Kristy Dunn, introduced Keith Noess, Co-Chairman of the Senior Services Advisory Committee:

Mr. Noess reported to Council on the following 1999 projects of the Committee:

- Homesharing Program with United Way, King County and Senior Services. He noted that a contract will be negotiated if funding becomes available.
- A second van has been obtained for Des Moines/Normandy Park Senior shuttle transportation. He noted this program has been very successful, however volunteer drivers are still needed.
- Committee is researching funding for outside grants. He advised that fund raising has been successful with Senior chowder night, sponsoring the arts and crafts fair at Waterland, and selling of t-shirts and sweatshirts. He invited Council to a formal evening at Anthony's. He noted the Senior Center hopes to sponsor a holiday tree sale this year.
- A delegation went to Senior Lobby Day in Olympia.
- They now have the Senior Center monthly newsletter on the City's web site.

Councilmember Sheckler complimented the Advisory Committee for the wonderful job they are doing in representing the Seniors of the community.

PRESIDING OFFICER'S REPORT

Neighborhood Meeting

Mayor Pro Tem Brazil reminded citizens of the neighborhood meetings which offer citizens an opportunity to meet and talk to city officials about any topic they choose, such as traffic signs, potholes, storm drainage, animal control, etc. He noted the next neighborhood meeting is scheduled for August 17th from 6 p.m. to 7:30 p.m. at Highline Community College, at the west end of the south parking lot.

ADMINISTRATION REPORTS

Consent Calendar - Revised Consent Item #6A and #6B

City Manager Olander noted he is removing Consent Item #6A and #6B in order to explain the revisions that have been distributed to Council this evening.

CONSENT CALENDAR was read by City Clerk Staab.

1. Motion is to approve the minutes of July 1 and 15, 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 #67402 through #67730 in the total amount of $652,579.36
Payroll fund transfers in the total amount of $291,933.54

3. Motion is to authorize the City Manager to approve all vouchers for payment of the following claims during the period of August 5, through September 1, 1999:

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 at the September 9, 1999 meeting.

4. Motion is to approve the purchase of the King County "Tax Title" Property Tax Account No. 278240-0260 for $408.00 cash and further to authorize the City Manager to execute the documents necessary to complete the purchase.

~~5. Motion is to approve the purchase of the Beighle, Strauss and O'Brien property for $500,000.00 cash purchase price and further to authorize the City Manager to sign the Purchase and Sale Agreement substantially in the form as attached.~~ [ED NOTE: Item removed at the request of Councilmember Kaplan.]

~~6. A. Motion is to award the construction contract for the 1999 Arterial Maintenance Project to Tucci and Sons Inc., in the amount of $305,299.70, plus 10% contingency and to authorize the City Manager to sign said contract.~~

~~B. Motion is to ward the contract for professional engineering construction management services for the 1999 Arterial Maintenance Program to Handing Lawson Associates Infrastructure, Inc. in the amount of $38,828.00, plus a 10% contingency, and to further authorize the City Manager to sign said agreement substantially in the form as attached.~~ [ED NOTE: Item removed at request of City Manager Olander.]

7 -A. Motion is to approve the Interlocal Agreement between the City of Des Moines and the Lakehaven Utility District to equally share costs for repairing Sound View Drive including conceptual design work, design, improvements, and construction management services. The total cost share for Des Moines, as outline in the agreement, shall not exceed $71,100, and further to authorize the City Manager to sign such agreement substantially in the form as attached.

-B. Motion is to amend the existing contract with INCA Engineering, Inc. to provide design services, in the amount of $25,481.71, plus a 10% contingency and further to authorize the City Manager to sign said amendment substantially in the form as attached.

8. Motion is to approve the Consultant Services Agreement with 3 H Cable Communications Consultants and to authorize the City Manager to sign the agreement substantially in the form as submitted.

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

Councilmember Kaplan requested that Item #5 be removed from the Consent Calendar.

VOTE ON MOTION: Motion passed unanimously.

Consent Calendar Item #5 - Sports Park - Purchase of Real Property

Councilmember Kaplan reiterated his previous concerns regarding purchasing property for a sports park when there is no real plan in place. He further stated that in light of the potential for Initiative 695 impacts on funds and the City's current budget restraints, that he can not support this item.

Upon concerns expressed by Councilmember Sherman, City Manager Olander assured Council that the purchase of the property would not be completed until the contract is finalized with the Interagency Committee for Outdoor Recreation for the funding allocation that was previously authorized by the City Council in the amount of $500,000.

MOTION was made by Councilmember Sherman, seconded by Councilmember Sheckler, to approve the purchase of the Beighle, Strauss and O'Brien property for $500,000 cash purchase price and further to authorize the City Manager to sign the Purchase and Sale Agreement substantially in the form as attached. Motion passed 3 to 2 with Councilmembers Kaplan and Wasson voting NO.

Consent Calendar Items 6A and 6B - 1999 Arterial Maintenance Project

City Manager Olander noted that Consent Item #6 had originally been to reject all bids. He called upon the Public Works Director to explain why staff is now recommending that the bid be awarded.

Public Works Director Heydon advised Council that the City has contracted with the company, Tucci and Sons Inc. before and had a few problems. He informed Council that after thoroughly checking with references, and a conference with the owner of the Company, he is now comfortable in recommending awarding them the bid. He further noted that in regards to Item 6B, the City has worked with Harding Lawson Associates in the past and have found them to be very reliable.

MOTION was made by Mayor Pro Tem Brazil, seconded by Councilmember Sherman and passed unanimously, to award the construction contract for the 1999 Arterial Maintenance project to Tucci and Sons Inc., in the amount of $305,299.70 plus a 10% contingency and to authorize the City Manager to sign said contract.

MOTION was made by Mayor Pro Tem Brazil, seconded by Councilmember Kaplan and passed unanimously, to award the contract for professional engineering construction management services for the 1999 Arterial Maintenance Program to Harding Lawson Associates Infrastructure, Inc. in the amount of $38,828.00, plus a 10% contingency, and to further authorize the City Manager to sign said contract substantially in the form as attached.

PUBLIC HEARING

Allocation of 2000 Community Development Block Grant Funds

Mayor Pro Tem Brazil introduced the topic.

Community Development Director Kilgore noted that in April 1999, Council decided to reserve $39,226 to support public service, reserve $36,115 for planning and administration, and allocated $15,000 for housing repair of low-moderate income citizens in Des Moines, leaving $135,151 to be allocated. She proceeded to review the previous decisions and staff recommendations for funding for Council's consideration as follows:

• Senior Center Operations	$ 39,226
• Planning & Administration	$ 36,115
• Housing Repair	$ 15,000
• Habitat for Humanity	$ 30,000
• City of Des Moines - Field House	$ 30,000
• City of Des Moines - Senior Center Property Acquisition	$ 75,151
TOTAL	$225,492

Mayor Pro Tem Brazil opened the public hearing.

City Attorney McLean questioned if there was anyone in attendance who wished to speak. As there was no one in attendance who wished to speak, Mayor Pro Tem Brazil declared the Public Hearing was CLOSED.

Upon questioning by Council regarding debate regarding the continued funding on the National level and the potential for reduced funding, Community Development Director Kilgore noted that staff can always come back for reallocation of the funds. She assured Council that this sort of debate always occurs, however, the program is extremely popular, effective and efficient nationwide.

MOTION was made by Councilmember Sherman, seconded by Mayor Pro Tem Brazil, to allocate the 2000 CDBG funds as recommended and listed by Administration in the city council agenda item summary prepared for the August 5, 1999 City council meeting, and that any reprogrammed funds or additional 2000 allocations be directed to the acquisition of the Senior Center land acquisition.

Councilmember Sherman expressed pride in the City's action in allocating funds to preserve the historic log house recreation facility. He felt this has been a good investment.

City Manager Olander stated that unfortunately since the log structure had been neglected for so many years by King County, there will most likely be requests for more funding next year.

VOTE ON MOTION: Motion passed unanimously.

PUBLIC HEARING

Draft Ordinance No. 99-129 ***[ASSIGNED ORDINANCE NO. 1241]*** Notice Requirements – Zoning Code Amendments re: Lot Area Per Dwelling Unit – 2nd Reading

Mayor Pro Tem Brazil introduced the subject.

City Attorney McLean advised that this agenda item provides a public hearing for a textual code amendment requested by the City Council. He noted a revised draft has been distributed with minor word smithing. He noted that the draft ordinance expands public notice requirements for amendments that change maximum residential density provisions. If enacted the draft ordinance will require that public notice be provided to affected property owners when proposed Zoning Code or Comprehensive Plan amendments would change the minimum lot area required for each dwelling and will be codified in DMMC 18.60.

City Attorney McLean explained the rules and procedures for conducting the Public Hearing.

PUBLIC COMMENTS

Earline Byers, 22315 6th Avenue South

Ms. Byers commented that she felt this item is a wonderful step forward as it is very important to notify citizens on such important issues that effect their property values. She concluded by thanking Council for passage of recent legislation that granted grandfather rights to condominiums.

As there were no further comments from the public, Mayor Pro Tem Brazil CLOSED the public hearing.

MOTION was made by Councilmember Sherman, seconded by Councilmember Sheckler, to approve Draft Ordinance No. 99-129.

Mayor Pro Tem Brazil read the draft ordinance by title into the record.

MOTION was made by Councilmember Wasson to amend the draft ordinance by specifying that a list be supplied to Council with the name, address, date and how the public notice was distributed, in order for council to verify proper notification was made. Motion DIED for lack of a second.

MOTION was made by Councilmember Wasson, seconded by Councilmember Kaplan, to add language that would require that the outside of the envelope used for notification have large bold letters on the outside stating “IMPORTANT THIS NOTICE MAY EFFECT LOT AREA OF YOUR PROPERTY”.

Councilmember Sheckler spoke in opposition stating that to him that type of notice is alarming and generally tells him someone is trying to sell him something, or just plain junk mail.

Mayor Pro Tem Brazil agreed with Councilmember Sheckler. He further noted that a City envelope with the City logo would be sufficient

VOTE ON MOTION : Motion failed 3 to 2 with Councilmembers Wasson and Kaplan voting YES.

MOTION was made by Councilmember Wasson, seconded by Mayor Pro Tem Brazil, to add language that any time an announcement is made of a future meeting to continue a public hearing, then that public hearing cannot be cancelled, postponed or expedited without proper notification to all concerned in accordance with DMMC 16.04.160.

Upon questioning by Council, Community Development Kilgore noted that any change in a public hearing date is advertised in the Des Moines News, and posted at City Hall, Marina, Des Moines Library and the Redondo Store/Post Office.

Councilmember Sherman stated that the only type of public hearing meeting change he is most concerned with is if the schedule is accelerated from what is advertised.

City Attorney McLean advised that this issue would be best addressed in the City Council's Rules of Procedure. He noted that he can research and bring some suggested language back to Council for consideration if Council desires.

Councilmember Kaplan stated that he agrees with the motion in general regarding the notification issues, but feels the City Attorney is correct and he would rather address this concern in Council's Rules.

VOTE ON MOTION: Motion failed 4 to 1 with Councilmember Wasson voting YES.

MOTION was made by Councilmember Wasson that when it can be shown, within 30 days of a public hearing, that a person was not properly notified, that any resulting action from the public hearing will be declared null and void, and the Council will reschedule the Public Hearing. Motion DIED for lack of a second.

Upon questioning by Council, Community Development Director Kilgore noted the following

- A certificate of mailing is prepared for all public hearings noting the date of notice, staff person completing task, method of distribution, name and address of who notice was mailed to, along with a copy of the notice being used. She advised that this certificate is part of the public hearing file and as a public record may be reviewed by anyone so requesting.
- All lists are obtained from the King County Assessor's records and the City's addressing files, which is updated yearly.

City Attorney McLean noted that he has worked hard with all City departments to develop a uniform certificate of mailing to be used anytime a legal record of notification must be maintained. He noted that he did not feel it would be a good practice to distribute citizens names and addresses in City Council packets for anyone to use as they wished.

VOTE ON MAIN MOTION: Motion passed unanimously.

OLD BUSINESS

Briefing: Pacific Ridge

Community Development Director Kilgore informed Council that Pacific Ridge work program is on schedule. She advised that the R.F.Q. has been issued and requested by 50 consultants. The R.F.Q. is due back by August 12th with interviews being scheduled for August 23rd. She advised that staff is investigating the potential for a joint market feasibility study with other local jurisdictions. She noted that working with the King County Economic Development Council, that a developers workshop is scheduled for September 16th at Highline Community College. She advised Council that two projects are currently being reviewed with the property owners and developers which include the Ramada Inn and Safeway expansion. She further noted that she has applied for a grant to help with the E.I.S. which is usually a very expensive item.

City Manager Olander reminded Council that this is a very complex project and is taking a lot of the Community Development Director's and staff time.

Upon questioning by Councilmember Kaplan, Community Development Director Kilgore advised that the subject is scheduled to go to the Planning Agency in October.

NEW BUSINESS

Lakehaven Comprehensive Waste Water System Plan Briefing

Public Works Director Heydon informed Council that the City of Des Moines has a 90-day review period in which to accept or reject the District's plan which was adopted by the District's Commissioners July 12th. He introduced Don Perry General Manager of Lakehaven Utility District.

Mr. Perry introduced Susan Boyd of Penhallegon Associates consulting Engineers, Inc. who prepared the Districts Comprehensive Wastewater System Plan. With the use of a overhead visual display, Ms. Boyd proceeded to review the Plan in detail. Some of the following items were covered:

- Goals and Objectives
- System Overview
- Collection System
  - Capacity Analysis and Improvements
  - Infiltration and Inflow
  - Unsewered Areas
- Treatment Plan Analysis
  - Overview of Facilities
  - Redondo Treatment Plant Flows
  - Redondo Plant Improvements
- Capital Facilities Plan
  - Six Year CFP $3-5 million/year
- Financing
  - Financing Alternatives

Mr. Perry addressed some items of concern expressed by Public Works Director Heydon as follows:

- What steps are being take to minimize high infiltration and inflow in the Redondo area?
  - Program to seal, repair or replace as need is determined by crews in the field.
- What is the general condition of the Redondo Sewage Treatment Plant?
  - Mr. Perry noted the district is very proud of the plant and he invited Council to take a tour.
- Are there emergency operations concerns?
  - District is well prepared with hydraulic pumps and generators for any unforeseen event and has list of contractors that can be utilized in case of an emergency situation.
- Are there Y2K concerns regarding the operation of the wastewater system?
  - Expressed confidence that the system is Y2K compliant.
- How is the District planning on financing needed maintenance and system expansion items?
  - 80% will be C.P.I. driven by existing rates, U.L.I.D. methods and higher hook up fees for new developments.

Councilmember Brazil expressed some concern with high fees associated with new development as it effects affordable housing, since the developer will pass the cost on to the purchaser.

Upon questioning by Council, Mr. Perry stated there are approximately 2,000 to 2,500 customers located within Des Moines City limits.

Council requested a projected population growth within the area located in Des Moines. Mr. Perry stated he will provide that information as he does not have it with him.

Upon questioning from Council regarding any anticipated U.L.I.D. within Des Moines, Mr. Perry noted that the district is considering conducting a post card survey to those residents that are still on septic systems to determine if there is any interest in forming one.

Public Works Director Heydon informed Council that after further detailed review and analysis he will have a resolution prepared for Council's consideration to either approve or reject the plan. This will be on an agenda in early September.

BOARD & COMMITTEE REPORTS

Suburban Cities Association Meeting

Councilmember Sherman stated that the Association is Planning to hold their next meeting at a Port of Seattle facility at the Port's invitation. He noted that this is highly out of order not to hold a meeting at one of the member cities. He requested concurrence from the Council that a letter of protest be sent to the Executive Committee for allowing a meeting at a Port Facility in light of several of the cities being actively involved in the fight against the 3rd runway.

Mayor Pro Tem Brazil, noted that as an Executive Committee member of the Suburban cities Association, he does not feel this is a problem. He noted that the Port offered their facility after the normal meeting place was not available. He noted that he has been assured there will be no mention or discussion regarding the airport expansion issues. The topic will be Marine Cargo Economic Expansion. He feels Des Moines cannot afford to isolate itself from important economic issues.

Councilmember Sheckler noted that he would not want to see Mayor Pro Tem Brazil embarrassed by action of the Council. However, as the ACC Chairman he will bring it up at the next meeting and request that ACC send a letter of objection on behalf of its member cities.

MOTION was made by Councilmember Sherman, seconded by Councilmember Wasson, that a formal letter of protest be sent to the Suburban Cities Association regarding holding a meeting at a Port of Seattle facility. Motion failed 3 to 2 with Councilmembers Sherman and Wasson voting YES.

NEXT MEETING DATE – Study Session September 2, 1999

It was announced that the next meeting is a study session to be held on September 2, 1999. City Manager Olander noted a special meeting time of 6:15 p.m. and advised that Congressman Adam Smith will be present to brief Council on issues of importance to the City.

ADJOURNMENT

The meeting was adjourned at 9:52 p.m.

Respectfully submitted,

Denis Staab
City Clerk