REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES August 10, 2000

The regular meeting of the Des Moines City Council was called to order at 7:34 p.m. by Acting Mayor Brazil in the Council Chambers, 21630 11th Avenue South, Suite B. [Editor's Note: Due to the absence of the Mayor and Mayor Pro Tem, Councilmember Brazil became Acting Mayor by unanimous consent of the Councilmembers.]

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

ROLL CALL – Present: Acting Mayor Terry Brazil, Councilmembers Dave Kaplan, Dan Sherman, Gary Towe, and Don Wasson. Absent: Mayor Scott Thomasson (vacation) and Mayor Pro Tem Sheckler (ill). Also present were City Manager Bob Olander, Assistant City Manager Tony Piasecki, City Attorney Gary McLean, Planning Manager Corbitt Loch, Park and Recreation Director Patrice Thorell, Recreation Manager Tracy Thomas, Public Works Director Tim Heydon, Finance Director Scott McCarty and City Clerk Denis Staab.

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

COMMENTS FROM THE PUBLIC

Helen Boody and Tracey Pennington

Ms. Pennington, representing Washington Women's Employment Education (WWEE), thanked Council for the past support through Human Services funding to help individuals to get off , and stay off of welfare. Ms. Pennington informed Council that as a graduate of WWEE, she learned valuable computer and personal skills that has helped her become self sufficient with a good job.

Patricia Daniel, 1313 South 279th Street, Kent

Ms. Daniel expressed appreciation for the City's efforts for the long difficult process to bring about the Redondo/Riviera annexation vote on tonight's agenda. She noted she is in strong support.

Tom Sitterley, 601 South 227th, Des Moines - Marina Tenant's Association

Mr. Sitterley mentioned a couple of recent articles in the Des Moines New concerning the Marina. He stated that one article mentioned that the Marina belongs to the City and not the tenants. While he agreed this is true, he felt this should not prevent tenants, over 210 slips rented by City residents, from the right to point out serious disrepair issues. He reminded Council that the Marina Master Plan approved in November of 1996 listed a significant number of issues and outlined costs and a funding plan. He requested Council get moving on these items.

Burt Martin, 289222 15th Avenue South - Applewood Home owners Association

Mr. Martin stated that he approves of the Redondo/Riviera Annexation, but expressed grave concerns over the settlement agreement that would allow construction of a through street of 15th Avenue South. He felt that the homeowners association was left out of the negotiations and that a more thorough traffic study on impacts needs to conducted.

Earline Byers, 22315 6th Avenue South

Ms. Byers informed Council that the Redondo/Riviera development was undertaken by her former neighbor years ago. She welcomed the new area into the City of Des Moines.

BOARD & COMMITTEE REPORTS

Cable Franchise Ad Hoc Committee

Councilmember Kaplan informed Council that the Committee is still studying current services and the results of a citizens survey regarding the Cable services He noted they are planning their strategy for the upcoming negotiations. He recommended that Council approve the consent item on tonight's agenda to extend the current franchise though the end of the year.

Fall County Wide Ballot Measure

Councilmember Sherman advised Council that the King County Executive is recommending a ballot measure of a .3% increase in the sales tax, 2/3 would be used to fund Metro Transportation and 1/3 to other projects such as Sound Transit. He noted there is some discussion on how this should actually be presented to voters.

Water District #54

Councilmember Wasson made a **MOTION** to abandon all efforts to take over Water District #54 and not waste any more City funds in pursuing that issue. Motion was seconded by Councilmember Kaplan.

Acting Mayor Brazil advised that this will be placed as Item Number one under New Business.

ADMINISTRATION REPORTS

Briefing - Park and Recreation Department

Park and Recreation Director Thorell proceeded to detail for Council the volunteer efforts for the continued success of the Department and its programs and projects. She listed the numerous projects at various schools and park facilities, noting City costs, grants and volunteer contributions.

Recreation Manager Thomas noted successful programs during the last year such as Streetball Tournament, Camp Khaos, K-sports program, Before and After School Program, Youth Council and Youth and Teen Basketball League. She noted that attendance at all these different programs and activities continues to grow.

Acting Mayor Brazil thanked the Park and Recreation Department for their hard work in partnering with volunteers and other agencies and in efforts to obtain outside grants to continue with an outstanding contribution to the community.

CONSENT CALENDAR was read by City Clerk Staab and City Attorney McLean.

1. Motion is to approve the minutes of July 6 and 13, 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.

<u>Motion</u>: 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 #72403 through #72802 in the total amount of $551,845.76
Payroll fund transfers in the total amount of $631.733.78

3. <u>Motion</u> is to authorize the City Manager to approve all vouchers for payment of the following claims during the period of August 11, 2000 through August 24, 2000:

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 14, 2000 meeting.

4. <u>Motion</u> is to approve surplusing of one 1996 Ford Crown Victoria VIN# 2FALP71WOTX146592 and authorize disposing of by auction, sale or transfer to other department or agencies.

5. <u>Motion</u> is to approve the Interlocal Agreement between the City of Des Moines and King County for the King County Waste Reduction and Recycling Grant and authorize the City Manager to sign the agreement substantially in the form as submitted.

6.A <u>Motion</u> is to increase the 2000 Arterial Maintenance Program budget by $40,000 using the unencumbered King County Vehicle Registration Fees.

6.B <u>Motion</u> is to award the construction contract for the 2000 Arterial Maintenance Project to Lakeside Industries, in the amount of $207,818.50 plus 10% contingency and to authorize the City Manager to sign said contract.

7. <u>Motion</u> is to award the contract for professional engineering construction management services for the 2000 Arterial Maintenance Program to Harding Lawson Associates, Inc., in the amount of $32,153.00, plus 10% contingency, and to authorize the City Manager to sign said contract substantially in the form as submitted.

8. <u>Draft Ordinance No. 00-169 ***[ASSIGNED ORDINANCE NO. 1269]***</u> - Title: An Ordinance of the City of Des Moines, Washington amending Ordinance No. 844 to extend through December 31, 2000, the non-exclusive franchise currently held by AT&T through Ordinance No. 844, adopted on April 12, 1990, to construct, install and operate, repair, replace and maintain lines, wires, coaxial cable and appurtenances for originating, receiving, distributing and supplying radio, television and other cable communications services along, across and upon public streets, ways, alleys, and place within the City of Des Moines, and declaring an emergency allowing this ordinance to take immediate effect.

TWO MOTIONS: First motion is to suspend Council Rule 26(b). Second motion is to approve Draft Ordinance No. 00-169.

9. <u>Draft Resolution No. 00-171 ***[ASSIGNED RESOLUTION NO. 891]***</u> - Title: A Resolution of the City Council of the City of Des Moines, Washington, authorizing, ratifying and confirming an interfund loan from the Revenue Stabilization Fund to the Miscellaneous Grants Fund for Fiscal Year 1999.

Motion is to approve Draft Resolution No. 00-171.

10. <u>Motion</u> is to approve the agreement with Olympic Environmental Resources for services for a collection event for hard-to-recycle household items, and further to authorize the City Manager to sign such documents substantially in the form as submitted.

11. <u>Motion</u> is to accept the JAIBG Grant in the amount of $39,871.00, funding the City's Teen Dating Violence Project, and to authorize the City Attorney to execute the necessary papers to implement such program.

In response to questioning regarding Item #9, Finance Director McCarty noted this interfund loan is necessary to balance the 1999 Financial Statement, and that all grant funds had been received in year 2000.

In response to a question on Item #11, City Attorney McLean explained that this type of Federal Grant is available to cities and counties, however it will be necessary for the Highline School District to continue the future of the program.

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

OLD BUSINESS

Draft Ordinance No. 00-149 ***[ASSIGNED ORDINANCE NO. 1270]*** Redondo/Riviera Annexation

City Attorney McLean noted that the Boundary Review Board approved the initial annexation proposal with slight modifications in August 1998. Another appeal was filed in the fall of 1998. Since that time staff has worked with the property owner who filed the appeal and the City of Federal Way. On May 11, 2000, the Des Moines City Council approved a Settlement Agreement between the annexation-appellant and the Cities of Des Moines and Federal Way that resolves and eliminates all pending legal issues that have delayed the annexation. He advised that the Council may now consider completing the annexation by adoption of the draft ordinance which sets the effective date of such annexation as September 1, 2000.

MOTION was made by Councilmember Kaplan, seconded by Acting Mayor Brazil, to suspend Council Rule 26(b) to enact the draft ordinance on first reading. Motion passed unanimously.

MOTION was made by Councilmember Kaplan, seconded by Councilmember Towe, to approve Draft Ordinance No. 00-149.

Acting Mayor Brazil read the ordinance by title into the record.

Discussion ensued regarding Mr. Martin's early comments concerning 15th Avenue South. Public Works Director Heydon advised Council that King County Transportation Engineers have reviewed and addressed potential impacts and also requested traffic calming with at least three speed bumps being required where they determine they will be needed the most.

City Attorney McLean reminded Council that a proposed future development and the outside areas within King County are not germane to the annexation question before Council this evening.

At the request of Council, Mr. Martin reiterated his concerns regarding allowing 15th Avenue South to be a through street and would propose that a security gate be installed that would prohibit through traffic while still allowing emergency vehicle access.

VOTE ON MOTION: Motion passed unanimously.

NEW BUSINESS

Motion Regarding Water District #54 Assumption

Acting Mayor Brazil noted this item is on the Agenda after the earlier motion made by Councilmember Wasson under Board and Committee Reports, to stop assumption activity of Water District #54.

Councilmember Sherman noted that when the appropriate time arrives he does not feel that he would vote for assumption of Water District #54. However, he noted that since two members are missing he would prefer not to take a vote on this important issue this evening. He also felt that there is a larger context to get back to dealing with assuming Highline Water District facilities within the City of Des Moines.

Acting Mayor Brazil agreed with Councilmember Sherman, noting he would rather wait until this item is on a formal agenda with full Council attendance.

Councilmember Towe noted he can support the motion because there is a larger issue. He stated the original issue was whether it was in the City's best interest, the citizens of Des Moines, for the City to assume the water utility for those portions within the City limits. He does not feel there is much sense in pursuing just Water District #54. He felt this took away from the public policy issue and put it into the hostile take-over mode. He felt Council needs to step back and look at the big picture of the policy issue of all the water utilities, not just Water District #54.

Councilmember Wasson noted that Council has the authority to bring the issue back at a future meeting for another vote if the members so desire.

Councilmember Kaplan expressed agreement with Councilmember Towe's comments.

Councilmember Sherman reiterated his earlier statement and made a MOTION to table the original motion. Motion died for lack of a second.

Councilmember Wasson informed Council that Water District #54 is in the middle of an improvement program. He noted they have dug a new well to provide more water supply for fire protection, they have a loan from the state to build a reservoir to satisfy fire flow requirements and they cannot proceed with that because no contractor wants to bid when there is a possibility that the City may suddenly take over the District. He further commented that one of the main reasons the Council choose to take over the District was they couldn't make the fire flow and now the City is hampering their efforts to correct that situation.

VOTE ON MOTION: Motion passed 3 to 2 with Councilmembers Sherman and Brazil voting No.

Draft Resolution No. 00-158 ***[ASSIGNED RESOLUTION NO. 892]*** Amendments to King County Planning Policies

Planning Manager Loch informed Council that this agenda item provides for consideration of the draft amendments to the Countywide Planning Policies. The Washington State Growth Management Act (GMA) requires that King County adopt countywide planning policies that are consistent with and implement GMA. The proposed amendments would 1) Adjust housing targets to reflect the annexations and incorporations that occurred between April 1994 and January 1998, 2) Assign housing targets to Potential Annexation Areas (PAAs) to advise jurisdictions the extent to which their respective housing targets would increase if certain PAAs are annexed, and 3) Remove the 6 year development capacity work team and replace it with the review and evaluation ("Buildable Lands") program required by the GMA. Staff considers these amendment to be "housekeeping" and non-substantive in nature and recommends that the City Council ratify the draft amendments.

Upon questioning by Council, Planning Manager Loch advised that the adjusted housing targets are considered minor and certainly can be reflected with the new Pacific Ridge zoning.

MOTION was made by Councilmember Kaplan, seconded by Acting Mayor Brazil, to adopt Draft Resolution No. 00-158 ratifying amendments to the King County Countywide Planning Policies. Motion passed unanimously.

NEXT MEETING DATE - Study Session September 7, 2000

ADJOURNMENT

The meeting was adjourned at 9:21 p.m.

Respectfully submitted,

Denis Staab
City Clerk