PRELIMINARY
REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES September 25, 2003

The regular meeting of the Des Moines City Council was called to order at 7:38 p.m. by Mayor Steenrod in the City Council Chambers, 21630 11th Avenue South, Suite B.

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

ROLL CALL - Present: Mayor Maggie Steenrod, Councilmembers Gary Petersen, Bob Sheckler, Scott Thomasson and Susan White. Absent: Mayor Pro Tem Richard Benjamin and Councilmember Dan Sherman. Also present were Assistant City Manager Corbitt Loch, City Attorney Linda Marousek, Public Works Director Tim Heydon, Assistant City Engineer Loren Reinhold, Community Development Director Judith Kilgore, Park and Recreation Director Patrice Thorell, Recreation Manager Robert Houston, Assistant City Attorney Richard Brown, Development Services Manager Robert Ruth, Land Use Planner Celeste Carlson and Deputy City Clerk Angela Chaufty.

Mayor Steenrod announced that Councilmember Sherman was on vacation and Mayor Pro Tem Benjamin planned to arrive later in the meeting.

MOTION was made by Councilmember Thomasson, seconded by Councilmember White, and passed unanimously to excuse Councilmember Sherman.

*[**Editor's Note:** Mayor Pro Tem Benjamin never arrived at the meeting. He was excused from attendance later in the meeting.]*

BOARD & COMMITTEE REPORTS

Cingular Lease

Councilmember Thomasson requested that the Cingular Lease be placed on the October 9, 2003 agenda.

Mayor Steenrod and Councilmember White agreed.

Association of Washington Cities Regional Meeting

Councilmember White announced that she had attended the AWC Regional Meeting. Information regarding annexation reform, municipal courts, land use growth management issues, torte reform, and city transportation systems had been presented.

PRESIDING OFFICER'S REPORT

Municipal Facilities Committee

Mayor Steenrod reported that the Committee was expecting the results of the feasibility study for the dry stack storage project to be presented by staff at the end of October. The expanded guest moorage and bulkhead replacement project was on hold until additional information was available.

Economic Development

Mayor Steenrod announced that a small business conference would be conducted on October 3, 2003 at the SeaTac Hilton Hotel. Interested individuals should contact the Chamber of Commerce or the Hilton Hotel. Mayor Steenrod reported that the Economic Development Council would provide a briefing regarding the economic condition of the state at the October 2, 2003 Council meeting.

Pacific Ridge Redevelopment

Mayor Steenrod announced that citizens could call the Pacific Ridge Redevelopment Hotline at 206-870-1176 to receive current construction information or to leave messages regarding the project.

City Website

Mayor Steenrod announced that citizen action request forms and the City Manager's monthly report were available on the City's website.

Off-Leash Dog Park

Mayor Steenrod reported that the off-leash dog park would open October 4, 2003.

Volunteer Efforts

Mayor Steenrod thanked the volunteers who recently worked at Wooton Park.

Councilmember White acknowledged Starbucks' participation in several volunteer efforts around the City.

September 27, 2003 - Mayors Day of Concern for the Hungry in Des Moines

Mayor Steenrod encouraged citizens to contribute to the food bank on September 27, 2003, the Mayors Day of Concern for the Hungry in Des Moines.

CONSENT CALENDAR was read by Deputy City Clerk Chaufty.

1. Motion is to approve the minutes of September 4 and 11, 2003.

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 42.24.090, 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 checks #91031 through #91218 & electronic fund transfers in the total amount of $970,273.31

Payroll fund transfers in the total amount of $356,364.37

3. Motion is to recognize Saturday, September 27, 2003, as "Mayors' Day of Concern for the Hungry in Des Moines".

4.A Motion is to award the professional services contract for the Surface Water Management Utility Rate and Efficiency Study to Financial Consulting Solutions Group, Inc. in the amount of $44,693.00 and further to authorize the City Manager to sign said contract substantially in the form as submitted, plus authorize the City Manager or his designee to approve change orders up to an amount of 10% of the contract amount.

4.B Motion is to remand the ~~efficiency study and~~ rate study to the Environmental Committee for review and recommendations to the full Council.

In regard to Item No. 4A, Councilmember White questioned whether it would be better to wait until the Department of Ecology (DOE) had completed the permit phase before conducting the utility rate and efficiency study.

Public Works Director Heydon said that although it was unclear when DOE would complete the permit process, staff had a relatively good idea of what the requirements would be. He noted that Council had requested the study as part of the budget process and the proposed contract amount was within the budget parameters established by Council. The rate study would be for 2005.

Mayor Steenrod suggested that Council delay taking action in order to give DOE time to complete their work. She stated her preference for the consultants to perform the efficiency study without any involvement from staff and Council so as to obtain unbiased information.

Councilmember Thomasson recommended that Council authorize the study now so that the information would be ready for next year's budget process.

Public Works Director Heydon said that the consultant would need some input from Council as there were many different methods and standards that could apply to the utility. He cited various levels of service as an example.

Mayor Steenrod suggested that the efficiency study be deleted from Item No. 4B.

MOTION was made by Councilmember Thomasson, seconded by Councilmember Petersen and passed unanimously to approve the consent calendar with a change to Item No. 4B remanding only the rate study to the Environment Committee.

PUBLIC HEARING

2004 Block Grant Allocations

Mayor Steenrod read the rules for conducting a public hearing.

Community Development Director Kilgore informed Council that the city had received an allocation of approximately $252,533 of Community Development Block Grant funds. The actual amount would be identified in December or January. Ms. Kilgore briefly described the various applicants' projects. As Intercommunity Mercy Housing would provide a limited direct benefit to Des Moines' residents and no funds had yet been secured by the applicant, she recommended that Council not allocate any 2004 CDBG funds to the program but to invite them to apply for funds next year. This would provide the agency with a year to obtain additional funding. She suggested that any remaining CDBG funds be allocated to Housing Repair. Community Development Director Kilgore displayed a chart of the 2004 Estimate of CDBG Fund Distributions. Although King County automatically sets aside 15% of Housing Repair allocations for administration costs, she stated her belief that the benefits of the program outweighed the extra dip taken by King County. The Housing Repair program was advertised through the City Currents, the Activity Center, and various social service agencies. Recommended motions were distributed to Council. Community Development Director Kilgore voiced her recommendation for the passage of Motion No. 2.

Mayor Steenrod called for proponents three times.

None responded.

Mayor Steenrod called for opponents three times.

None responded.

Upon questioning, Community Development Director Kilgore verified that only Des Moines' residents were eligible to use the money allocated by Des Moines to Housing Repair. She noted that after two quarters, only $5,000 remained of the city's 2003 Housing Repair allocation. Once the money was gone, residents would be turned away. Community Development Director Kilgore explained that the distribution of CDBG funds to the various cities was determined by a formula based upon capita, income, and other factors.

Mayor Steenrod reviewed the allowed uses for CDBG funds. She said that she did not like using the money to fund staff's salaries. Mayor Steenrod questioned where homeless people in the community went for social services.

Community Development Director Kilgore explained that set portions of the CDBG funds were specifically allocated to public service, administration, and capital projects. The allocation amounts were as follows:

$40,000 – Public Service
$31,000 – Planning and Administration
$171,000 – Capital Projects

In order to be eligible to receive CDBG funds, an agency must file an application. If a city did not allocate the money specifically set aside for planning and administration, that portion of the total CDBG allocation would need to be returned to King County. The money could not be allocated to a public service or capital project. Community Development Director Kilgore said that, in the past, the City had funded programs located in other cities when they have shown that a significant number of Des Moines' residents would benefit.

Mayor Steenrod stated that homelessness was a huge problem in Des Moines. She said that Des Moines' CDBG allocation to Intercommunity Mercy Housing might help them obtain other funding. Mayor Steenrod also voiced support for increasing the CDBG allocation to Housing Repair.

Assistant City Manager Loch reminded Council that the Human Services Advisory Committee would also forward human services funding recommendations to Council during the budget process.

Councilmember White noted that Intercommunity Mercy Housing's request was for funding to design and construct a new community center rather than to provide housing for the homeless. She said that the Intercommunity Mercy Housing project needed time to develop.

Upon request from Councilmember Sheckler, Community Development Director Kilgore explained that Intercommunity Mercy Housing had requested $50,000 from Des Moines,

$100,000 from Kent, and $75,000 from Federal Way. She noted that agencies often serve clients from a large demographic area due to the need in the region.

Councilmember Sheckler stated that he preferred to support a program that was guaranteed rather than speculative. He said that he did not want to have Des Moines' residents turned away from the Housing Repair program due to a shortage of funds.

Mayor Steenrod said that a program addressing the needs of the homeless should be located in Des Moines. She asked Council to not lose sight of this need.

MOTION was made by Councilmember White and seconded by Councilmember Sheckler to approve the 2004 CDBG allocations as recommended by Administration except to increase the allocation for the Housing Repair program to $43,548 and reduce the amount to Intercommunity Mercy Housing to $0. Motion passed, 4 – 1, by roll call vote with Mayor Steenrod opposed.

At 8:47 p.m., Mayor Steenrod declared a ten-minute break.

NEW BUSINESS

Recreation Specialist Position

Park and Recreation Director Thorell asked Council to approve the creation of a new Recreation Specialist position within the Recreation Programs division of the Parks, Recreation, and Senior Services Department. Program revenues and the elimination of two temporary, part time positions were anticipated to fully cover the cost of the new position.

Using a Power Point presentation, Recreation Manager Houston described the current staffing level of the Recreation division. He projected the 2003 program revenues to be $474,100. Recreation Manager Houston detailed the proposed funding for the Recreation Specialist position.

Councilmember White voiced support for the request as it would address the needs of the community.

Councilmember Sheckler said that he would support the proposal as the generated programs would finance the position.

MOTION was made by Councilmember White, seconded by Councilmember Sheckler, and passed unanimously to approve the creation of a new Recreation Specialist position within the Recreation Programs division of the Parks, Recreation and Senior Services Department.

Draft Ordinance No. 03-075 Right-of-way & Use Permits - 1st Reading

Assistant City Attorney Brown informed Council that Draft Ordinance No. 03-075 would establish policy, guidelines and approval procedures for City right-of-way and City park special use permits. He recommended that the matter be referred to a Council committee for further direction. Assistant City Attorney Brown noted that DMMC 12.04.060 currently gave the Public Works Director authority, under the supervision of the City Manager, to prepare and adopt procedures as needed to issue all right-of-way permits. Likewise, DMMC 19.08.020 gave the City Manager authority to set the conditions by which city parks and park facilities would be opened, closed, or used by the public. Assistant City Attorney Brown identified the following questions before Council:

- How involved should the Council be in the policy making, management and permit approval process of city right-of-way, park and recreation area property?
- What is the most efficient legislative and/or policymaking process for the Council to establish policy and direct or supervise the rights-of-way, park and recreation area permit process?
- What specific events and/or uses of city rights-of-way, park and recreation area property should require involvement and/or approval of Council?

Assistant City Attorney Brown identified the following action alternatives before Council:

- Take no action.
- Establish a policy by resolution requiring certain events to receive Council approval.
- Amend DMMC 12.04 and 19.08 to establish those specific events and/or uses that would require Council approval and require a resolution establishing the terms and conditions of each permit approval.

Assistant City Attorney Brown briefly described various types of events that Council might want to approve. He recommended that the subject be referred to a Council committee for further study. Assistant City Attorney Brown explained that the term "recreation area" had been used in the proposed ordinance in order to include the Marina area.

Councilmember Thomasson suggested that the ordinance explicitly identify the Marina. He said that most of the events Council has struggled with have been at the Marina. He said that if Council did not retain the approval authority then they should at least provide policy direction to staff. Councilmember Thomasson questioned whether an ad hoc committee should be established to review the subject.

Mayor Steenrod suggested that the issue be remanded to the Municipal Facilities Committee as several events were held at the Marina. The committee could propose language for the ordinance to the full Council.

Councilmember Thomasson reminded Council that the issue had been brought up during the Waterland Festival process. He said that the City Manager was looking to Council to provide policy direction.

MOTION was made by Councilmember Sheckler, seconded by Councilmember White and passed unanimously to remand the issue to the Municipal Facilities Committee.

Review of Water District #54 Draft Comprehensive Plan

Public Works Director Heydon informed Council that the purpose of this agenda item was to provide information regarding Water District 54's Draft Small Water System Management Program, answer any Council questions related to the Plan, and provide input to the District for inclusion in the final plan. No specific action was required of Council at this time. Public Works Director Heydon explained that after the District Commissioners have officially accepted the plan, an ordinance would be brought before Council for approval of the document. He introduced Carl Mealy, President of Water District 54's Board of Commissioners.

At 9:25 p.m., Mayor Steenrod declared a three-minute break.

Mr. Mealy informed Council that the district hoped to have their final document ready in the fall. He introduced Water District 54 Commissioner John Redeck, District Engineer Dave Hedges, and District Manager Eric Clark. Mr. Mealy displayed a map of the water district's service area. He noted that 140 million gallons of water were used annually. In regard to quality, Mr. Mealy reported that the water had passed all tests. Citizen polls had revealed that the residents wished to keep their water unchlorinated. Mr. Mealy described the district's wellhead protection area and identified its infrastructure. In regard to maintenance, he said that main flushing had been increased to twice a year and a valve exercise program had been instituted. Cross-connection prevention and leak detection programs were ongoing. Mr. Mealy briefly described the district's financing policies and noted that their reserves exceeded minimum standards. He said that specialists, as needed, augmented their small staff. In regard to preparedness, Mr. Mealy said that the district was performing a vulnerability assessment, testing fire flow, identifying system redundancies, maintaining an emergency intertie, and entering interlocal agreements with other districts. An emergency plan and procedures had been developed. Mr. Mealy informed Council that the district was preparing a "Small Water System Plan". The system plan would identify trends, project system needs, update the Facility Plan, review financing capabilities, and aid coordination with other municipalities and agencies.

In response to Councilmember Sheckler's question regarding poor water pressure for the district's North Hill residents, Mr. Hedges said that a separate pressure zone could be created or individual pressure tanks could be installed in each home. Both options would involve costs to the ratepayer.

In response to Councilmember Petersen's questioning, Mr. Hedges confirmed that a pump system could be installed at South 222nd Street/11th Avenue South to increase water pressure.

Mr. Mealy informed Council that the district had installed an emergency chlorination system even though they were not required to do so.

Upon questioning from Councilmember Thomasson, Mr. Hedges stated that the district was not required to treat the water for manganese but the Department of Health had requested that they poll its citizens concerning the issue. A poll conducted several years ago had indicated that the citizens did not wish any change in their water.

Councilmember Thomasson said that the district might need to flush their system more than twice a year as businesses were previously forced to close due to the water quality resulting from the flushing.

Mr. Mealy said that the water quality problem was due to the District not flushing as often as they had been directed to conserve water. Also, an unauthorized person had flushed the system.

Councilmember Thomasson questioned whether the Department of Health had mentioned the issue of mixing Highline Water District's chlorinated water with Water District 54's unchlorinated water.

Mr. Hedges said that Highline Water District had mentioned the issue.

In addition to the issues identified by the Public Works Director in the agenda packet, Councilmember Thomasson asked the District to address the following questions:

- What were the Fire Marshall's expectations for the performance of the system?
- Has the system been measured against those expectations?
- How much of the program is managed by the building department versus the water district?
- How much of the water rights are certificated?
- How much growth can be accommodated?

Councilmember Thomasson agreed to work with the Public Works Director to insure these issues were addressed.

Mayor Steenrod noted that the subject would return to Council at a later meeting.

Draft Resolution No. 03-236 ***[Assigned Res No. 962]*** Final Plat, Pacific Place – 34 lot Townhomes at 268th and Pacific Highway South

Land Use Planner Carlson informed Council that the applicant was requesting final plat approval of a 34 Lot subdivision. She explained that the Planning Agency had approved the preliminary plat. Final plat approval would allow the applicant to build on and/or sell the individual lots. She said that Council must make the following findings in its review of the proposed final plat:

- The plat was consistent with the approved preliminary subdivision, except for minor deviations specified in DMMC 17.16.230.
- The plat was consistent with RCW 58.17.
- All required improvements were installed or securities to cover the cost of installation were submitted in accordance with DMMC 17.40.090.

Land Use Planner Carlson confirmed that the findings had been met. She voiced staff's recommendation to approve the plat.

Councilmember Thomasson said that he had met with staff prior to the meeting to discuss various technical concerns. He recommended that the subject be tabled to allow staff an opportunity to address the concerns.

MOTION was made by Councilmember White and seconded by Councilmember Petersen to adopt Draft Resolution No. 03-236 approving the final plat for Pacific Place, applicant Lancaster Associates, LLC.

Community Development Director Kilgore and Development Services Manager Ruth stated their belief that Councilmember Thomasson's concerns could successfully be addressed without requiring the subject to be moved to a separate meeting.

At 10:28 p.m., **MOTION** as made by Councilmember Sheckler, seconded by Councilmember White and passed unanimously to extend the meeting by ten-minutes.

Councilmember Thomasson identified the following concerns:

1. The drainage easement for Lots 8 and 9 incorporated on the face of the plat should identify the things one would do with a drainage easement, i.e. construct, maintain, operate, repair, and access.
2. Building setback lines should be identified for Lots 8 and 9.
3. Utility easement fronting 19th Avenue South should also be shown fronting South 268th Street on the back lots and side lots.
4. Sidewalk and utility easement from South 268th Street to 19th Avenue South – The purposes of Tract A should be broaden to include storm drainage, sidewalks, and utilities. Such an action would eliminate the need for a utility easement.
5. Easement provisions for Lot 21 should be obtained from Highline Water District and Midway Sewer District to incorporate on the face of the plat to insure that their issues are addressed. Insure the utility providers have been given an opportunity to review the document and have their provisions included.
6. Dedication to Kent should be acknowledged. Verify plat boundaries are correct and reflect the proper dedication if it has already occurred. The dedication should not be given to Kent since the dedication paragraph grants rights-of-way to the public rather than to a particular city.
7. Easement language should be changed from "dedicated and conveyed" to "granted and conveyed".
8. Regarding Item Nos. 8 and 9 of the "Notes" on the face of the plat, the covenants and restrictions need to be disclosed to insure the lots meet the conditions.
9. The condition regarding the maintenance of joint driveways being the responsibility of the homeowners association should clarify that, if the homeowner association is disbanded, the responsibilities of the association revert back to the individual property owners rather than to the City.

Development Services Manager Ruth confirmed that the identified issues could be addressed by staff.

Land Use Planner Carlson confirmed that no separate park area would be developed in the plat but park in lieu fees would be collected. She noted that the Community Development Director and Public Works Director would sign the approved plat on behalf of the City.

City Attorney Marousek suggested that a **friendly amendment** be made to the original motion adopting the draft resolution substantially in the form as presented to Council subject to the changes identified on the record.

Councilmember White and Councilmember Petersen accepted the language as a **friendly amendment.**

VOTE ON MOTION: Motion passed, 4 – 1, with Councilmember Thomasson opposed.

Councilmember Thomasson said that he had voted against the motion as he believed it was better process to have the project right before taking action but he was glad the matter had been addressed.

Mayor Pro Tem Benjamin's Attendance

MOTION was made by Councilmember Petersen, seconded by Councilmember Thomasson, and passed unanimously to excuse Mayor Pro Tem Benjamin from attendance.

NEXT MEETING DATE - Study Session October 2, 2003

ADJOURNMENT

At 10:35 p.m. **MOTION** was made by Councilmember White, seconded by Councilmember Petersen and passed unanimously, to adjourn.

Respectfully submitted,

Angela M. Chaufty
Deputy City Clerk

ACTION ITEM FROM 9/25/03 MEETING

- Place the Cingular Lease on the October 9, 2003 meeting agenda.