

PRELIMINARY
REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES

November 13, 2003

The regular meeting of the Des Moines City Council was called to order at 7:37 p.m. by Mayor Steenrod in the Council Chambers, 21630 11th Avenue South, Suite B.

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

ROLL CALL - Present: Mayor Maggie Steenrod, Mayor Pro Tem Richard Benjamin, Councilmembers Gary Petersen, Dan Sherman, Scott Thomasson and Susan White. Absent: Councilmember Bob Sheckler. Also present were City Manager Tony Piasecki, Assistant City Manager Corbitt Loch, Public Works Director Tim Heydon, Park and Recreation Director Patrice Thorell, Finance Director Paula Henderson, Finance Manager Peggy Watson, Assistant City Engineers Maiya Andrews and Loren Reinhold, and Deputy City Clerk Angela Chaufy.

MOTION was made by Mayor Pro Tem Benjamin, seconded by Councilmember Sherman, and passed unanimously to excuse Councilmember Sheckler from the meeting.

COMMENTS FROM THE PUBLIC

Bob Pond, 23116 30th Avenue South

Mr. Pond informed Council that the sign prohibiting truck parking on his street had not been replaced. He asked the City to maintain the fencing surrounding the wooded property near his home. Mr. Pond encouraged the police to continue conducting sweeps of the area, as he believed the program was successful. In closing, Mr. Pond said that the Kings Arm Motel had victimized the neighborhood for fourteen years.

Jack Kniskern, 22602 13th Avenue South

As the Des Moines Rotary Club representative to the Des Moines Food Bank, Mr. Kniskern spoke on behalf of the Food Bank. He said that the Mayor's Day food collection event netted over 3,000 pounds of food and \$641 in donations. He identified the following needs of the Food Bank:

- Food Donations
- Volunteer Assistance
 - Holiday gift-wrapping at SeaTac Mall
 - Food Bank workers
- Financial Donations

Mr. Kniskern encouraged interested individuals to contact the Food Bank at (206) 878-2660 or at P.O. Box 98788, Des Moines, WA 98198.

Keith Noess, 21210 4th Place South

Mr. Noess requested that a left turn lane be constructed on South 216th Street in front of the Activity Center. He also suggested that lighting be placed on the facility's sign. When the facility's sign is replaced, Mr. Noess recommended the use of larger letters.

In response to Mr. Noess' request for a left turn lane, Public Works Director Heydon informed Council that bids for the project were currently being accepted. He noted that the project's funding was in place.

City Manager Piasecki said that the street would need to be widened on either side in order to install the turn lane.

Assistant City Engineer Andrews mentioned that the timing for the paint and asphalt work on the project would be dependent upon weather conditions.

Councilmember Thomasson questioned whether the proper review process, including curb, gutter, and sidewalk requirements, had been followed during the construction of the Activity Center. He asked staff to respond in writing.

Mayor Steenrod said the process was properly followed.

BOARD AND COMMITTEE REPORTS

SR-509 Committee

Councilmember Petersen informed Council that the Washington State Department of Transportation would conduct a design and limited access hearing regarding the SR-509 project at Tyee High School on November 19, 2003.

Des Moines Legacy Foundation's Bayside Brunch

Councilmember White complimented the Des Moines Legacy Foundation for their Bayside Brunch event.

Redondo Boat Launch Improvements

Councilmember White thanked the volunteer groups who have worked to improve the Redondo Boat Launch.

Municipal Facilities Committee

Mayor Steenrod announced that the committee had been studying the dry stack storage plan and the Marina Master Plan. She said that the Harbormaster would provide current project information and illustrations to Council within a week. The subject would be presented to the full Council in a few weeks.

ADMINISTRATION REPORT

SR-509 Letter to King County Councilmember Julia Patterson

City Manager Piasecki noted that Council's revisions had been incorporated into the letter.

Council concurred that the Mayor should sign the letter.

Mount Rainier Pool Proposed Agreements

City Manager Piasecki informed Council that King County had agreed to remove the six-month "moth-balling period" provision from the Draft Pool Transfer Agreement. The proposed pool agreements would be presented to Council at the November 20, 2003 meeting.

Irregular Lane Striping on the 10th Avenue Culvert Project

City Manager Piasecki informed Council that staff was working with the contractor of the 10th Avenue Culvert Project to correct the irregular lane striping. The road would be re-striped within the next few weeks, weather permitting.

Council Retreat

City Manager Piasecki informed Council that the Executive Secretary was researching locations for a Council retreat to be held early next year.

Comments From the Public – Bob Pond

City Manager Piasecki stated that the sign prohibiting truck parking on 30th Avenue South would be re-installed. He also said that staff's report concerning the Kings Arm Motel would soon be ready.

Airport Communities Coalition (ACC) Funding

City Manager Piasecki informed Council that Councilmember Sheckler had asked that the topic of funding for the ACC be placed on the next meeting's agenda.

Councilmembers Sherman and White agreed.

Councilmember Thomasson asked that staff schedule an executive session with the ACC attorneys prior to Council discussing any additional funding.

CONSENT CALENDAR was read by Deputy City Clerk Chaufy.

1. Motion is to approve the minutes of October 23, 2003 and October 30, 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 # 91532 through #91767 & electronic fund transfers in the total amount of \$2,140,403.76

Payroll fund transfers in the total amount of \$358,774.57

3. Motion is to approve the Settlement Agreement and Release prepared in Edwards v. City of Des Moines, and to authorize the City Manager to execute said Settlement Agreement substantially in the form as attached.
4. Motion is to appropriate \$108,310 of the \$120,000 Fiber Optic Cable Easement revenue to the Redondo Boat Launch Improvement Project Fund and to authorize the City Manager to enter into the necessary agreements to expend the transferred funds consistent with the Council packet materials.

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

PUBLIC HEARING

Draft Ordinance No. 03-308 [Assigned Ord. No. 1329] – Adopting the 2004 Property Tax Levy
Mayor Steenrod asked if there were any speakers.

None responded.

Mayor Steenrod opened the public hearing.

Finance Director Henderson informed Council that RCW 84.52.020 required cities to certify their property tax revenue estimates with the County by November 15th. The City's allowable levy was limited to the lesser of 1% or the implicit price deflator, currently at 1.0184. As the City's levy base was \$2,600,763, the levy could be increased by \$26,008. Finance Director Henderson noted that the City was also allowed to assess property taxes on new construction and utility values. As King County had not yet provided those valuations to the City, the proposed ordinance was written without specific amounts. Finance Director Henderson explained that the property tax increase would vary per homeowner as it is based upon the property's assessed valuation.

MOTION was made by Councilmember White and seconded by Councilmember Sherman to suspend Rule 26(b) in order to enact Draft Ordinance No. 03-308 on the first reading.

Mayor Steenrod called for speakers three times.

None responded.

Councilmember Thomasson said that he was uncomfortable with the last "Whereas" of the proposed ordinance as no dollar amounts were provided.

Finance Director Henderson explained that the figures could not be included in the proposed ordinance at this time as King County had not yet provided the new construction and utility values to the City.

City Manager Piasecki noted that the previous year's ordinance also did not have the amounts listed.

Councilmember Thomasson suggested that the 2003 base amount be stated in the ordinance.

Finance Manager Watson explained that King County was still adjusting the figure for prior year refunds.

Councilmember Thomasson suggested that the issue be raised with the State Auditors Office. He recommended that an additional "Whereas" stating that King County had not yet provided the figures be added to the proposed ordinance.

City Manager Piasecki stated that he would discuss the issue with the State Auditors Office.

Councilmember Thomasson said that if staff would pursue the issue with the State Auditors Office, he would withdraw his suggestion to add the additional "Whereas" statement.

Mayor Steenrod closed the public hearing.

VOTE ON MOTION: Motion passed, 4 – 2, with Mayor Pro Tem Benjamin and Councilmember Petersen opposed.

MOTION was made by Councilmember Thomasson and seconded by Councilmember White to enact Draft Ordinance No. 03-308, determining the amount of funds to be raised by ad valorem taxes for the year 2004 for general City expenditures and the 1995 general obligation bonds for police facility construction.

Mayor Pro Tem Benjamin spoke against the motion as he felt that people's needs were greater than ever. He felt that it was important for the City to live within its means and not increase taxes.

Councilmember Sherman said that individuals below a certain income level were eligible for forgiveness of property tax. He encouraged interested individuals to contact the King County Tax Assessor's Office for information.

ROLL CALL VOTE ON MOTION: Motion passed, 4 – 2, with Mayor Pro Tem Benjamin and Councilmember Petersen opposed.

Councilmember Thomasson asked the City Attorney to confirm that the motion did not require a super majority.

At 8:30 p.m., Mayor Steenrod declared a ten-minute break.

City Attorney Marousek stated that she had researched the questioned and had determined that that the motion only required a simple majority. She said that the wording "at least five" would be deleted from the ordinance's last paragraph.

File SV 2001-002 – Street Vacation: Portion of 19th Avenue South (previously identified as 20th Street as per the plat of Bay View Addition, Between South 222nd Street and South 223rd Street

Mayor Steenrod opened the public hearing.

Public Works Director Heydon displayed a map of the area and described the location of the requested street vacation. He noted that no utilities were contained with the area. He said that staff had worked with the property owner to identify a twenty-foot location for a storm water easement. As the requested vacation was a Type C right-of-way, no compensation to the City was required. Public Works Director Heydon outlined the following conditions proposed by staff:

1. Retain a 20 foot wide utility easement for surface water management,
2. Eliminate lot lines through lot consolidations, and
3. Retain a native growth protection easement in order to protect Barnes Creek.

Mayor Steenrod called for speakers. She administered an oath to testify to the truth to the speaker.

SPEAKER

Robert Bonds, 22011 16th Avenue South

Mr. Bonds identified himself as the owner of the property and stated his belief that granting the street vacation would be good for the City as it enhanced storm water management.

Mayor Steenrod called for additional speakers three times.

None responded.

In response to Councilmember Thomasson's questioning, Public Works Director Heydon said that the twenty-foot easement would address the surface water management needs of the property.

City Attorney Marousek explained that the third finding of fact listed in the proposed ordinance would retain the city's ability to obtain a new easement in the unlikely event that hazardous soil was found in the easement. The proposed language was taken from state law.

Councilmember Thomasson said that he did not believe it was acceptable to leave properties with clouded titles. If the City intended to retain the easement, the ordinance should be specific. He questioned whether staff knew if the language was necessary. Councilmember Thomasson urged staff to determine whether the soil was hazardous now. He said that if only twenty feet was needed, the ordinance should not refer to sixty feet. He suggested that the third finding of fact state that the subject easement was not necessary for present and future use by public utilities as an easement for storm drainage was being proposed for an alternative location.

Public Works Director Heydon said that he was comfortable with the deletion of Section 3(2) of the proposed ordinance.

As a alternative, City Attorney Marousek recommended that "and the right to exercise and grant easements" be deleted from Section 3(2) as the City was requiring a native growth protection easement and a lot consolidation in the vacated space.

Mr. Bonds informed Council of the history of the street vacation request and the ownership of the surrounding properties.

Mayor Steenrod closed the public hearing.

MOTION was made by Mayor Pro Tem Benjamin to enact Draft Ordinance No. 03-001, vacating that portion of unopened 19th Avenue South (previously identified as 20th Street) consisting of the area between Blocks 10 and 11 from Lots 9 through 16, inclusive, between South 222nd Street and South 223rd Street, situated in the City of Des Moines, as per the plat of Bay View Addition recorded in Volume 4 of Plats, Page 97, records of King County, Washington; while retaining the necessary utility easement, and conditioning the street vacation with the necessary lot consolidations and native growth protection easements, with the incorporation of the changes discussed.

City Manager Piasecki noted that Council needed to suspend Rule 26(b) in order to take action on the first reading of the proposed ordinance.

Councilmember Thomasson suggested that the discussed revisions be made to the proposed ordinance and the revised Draft Ordinance be presented to Council for passage on the second reading on the next consent calendar.

Mayor Pro Tem Benjamin **amended his motion** to pass Draft Ordinance No. 03-001 on to a second reading on the next consent calendar.

Councilmember Sherman **seconded the motion.**

VOTE ON MOTION: Motion passed unanimously.

Mayor Steenrod closed the public hearing.

Draft Ordinance No. 03-307 – Adoption of Year 2004 Budget

Mayor Steenrod opened the public hearing.

Finance Director Henderson noted that Council had not yet finalized the budget numbers and policy issues. She recommended that Council move the proposed ordinance on to a second reading on November 20, 2003.

Mayor Steenrod called for speakers three times.

None responded.

City Manager Piasecki confirmed that the hearing could be closed and the public could provide comments to Council regarding the proposed budget during “Comments from the Public”.

Mayor Steenrod closed the hearing.

MOTION was made by Councilmember White, seconded by Councilmember Thomasson, and passed unanimously by roll call vote to move Draft Ordinance No. 03-307 to a second reading on November 20, 2003.

At 9:20 p.m., Mayor Steenrod declared a ten-minute break.

OLD BUSINESS

Years 2004 – 2009 Capital Improvement Plan

Mayor Steenrod introduced the subject.

Finance Director Henderson informed Council that the following two Municipal Capital Improvements Fund options would be presented to Council:

Option 1: Use of existing funding sources

Option 2: Use of existing funding sources plus additional funding from proposed levy lid lift and reprogrammed revenues previously transferred to the Arterial Street Fund.

Park and Recreation Director Thorell briefly described the following Parks and Recreation Projects:

- Des Moines Activity Center Upgrades
 - Construct patio and walkway.
 - Improve interior acoustics.
- Steve J. Underwood Park Phase 1B Improvements
 - Construct restroom.
 - Install field lighting.
- Midway Park Improvements
 - Improve lighting and pathway.
 - Relocate and renovate play equipment.
 - Install drinking fountain.
- Des Moines Beach Park Master Plan Update
- Des Moines Field House
 - Restore and chink logs.
- Steven J. Underwood Park Phase II Improvements
 - Complete soccer field.
 - Install field lighting
 - Improve parking area.

Councilmember Thomasson said he could not support spending \$75,000 to study the Des Moines Beach Park Master Plan.

City Manager Piasecki informed Council that he had received a correspondence from Gary Towe on behalf of his company offering to update the Des Moines Beach Park Master Plan for no labor charge in exchange for adding the project to his company's resume. If the offer was accepted, the cost of the Des Moines Beach Park Master Plan Update would be greatly reduced as the City would only be charged for schematics, architectural drawings, etc.

Councilmember Thomasson recommended that the full Council study the Master Plan as each decision would affect the next stage.

Park and Recreation Director Thorell explained that the listed project estimate was based upon engineering costs.

City Manager Piasecki suggested that Council keep the Des Moines Beach Park Master Plan Update in the CIP. If an agreement should be worked out with Mr. Towe's company, the project could be removed at that time.

Park and Recreation Director Thorell said that in order to comply with grant requirements, she needed to inform the Interagency Committee for Outdoor Recreation whether the Activity Center would be the city's Community Center or if a new Community Center would be built.

MOTION was made by Councilmember Thomasson and seconded by Councilmember Sherman to eliminate the \$75,000 project to update the Des Moines Beach Park Master Plan from the CIP.

City Manager Piasecki estimated the cost of the project to be \$5-10,000 if Mr. Towe's company was used. He said that the money could be added to the Park and Recreation Professional Services line item.

In response to Mayor Pro Tem Benjamin's questioning, Park and Recreation Director Thorell explained that Zenith Park was currently used for soccer. The field had also been offered to the Junior Football League.

VOTE ON MOTION: Motion passed, 5 – 1, with Mayor Steenrod opposed.

In regard to the general governmental projects, Finance Director Henderson informed Council of the Accounting Software Upgrade project. The project would include software upgrades for the Quadrant Cashiering system, an Eden Business License Module, and additional Eden user licenses.

If the business license revenue would not cover the cost of the software, Councilmember Thomasson asked staff to research other available options.

Assistant City Manager Loch reviewed the following proposed general government projects:

- Council Chambers and City Hall North Wing Remodel
Replace HVAC system.
Renovate interior.
- City Hall Parking Lot
Patch, overlay and stripe parking lots.
Repair retaining wall.
- Shoreline Master Plan Rewrite
- Onsite Records Storage
Improve interior building to create a records/archive storage facility.

Councilmember Thomasson said that the Shoreline Master Plan Rewrite did not involve anything to be capitalized.

MOTION was made by Councilmember Thomasson to move the Rewrite of the Shoreline Master Plan to the operating budget. **Motion died** for lack of a second.

Park and Recreation Director Thorell informed Council that Option 2 of the Municipal Capital Improvement Fund would include

- Park and playground repair and replacement at the Field House Park, Cecil Powell Park, Parkside Park, Wooton Park, Kiddie Park, Westwood Park, Water Tower Park, and Zenith Park.
- Building lifecycle and maintenance assessment.

City Manager Piasecki informed Council that Mr. Towe's company had also offered to conduct the building lifecycle and maintenance assessment study for five cents per square foot.

Finance Director Henderson said that Phase 2 of the City Hall Remodel was included in Option 2 of the Municipal Capital Improvement Fund. Phase 2 included replacement of interior lighting,

reconfiguration of some office spaces, replacement of carpeting and built-in cabinetry, and replacement of most office furnishings.

Assistant City Engineer Andrews reviewed the following Arterial Street Fund CIP projects:

- Neighborhood Traffic Control Program
- Pacific Highway South Project
- 16th Avenue South Improvements, South 260th Street to South 272nd Street (Phase 1)
 - Install curbs, gutter, sidewalks, enclosed drainage system, and bike lanes along both sides of the street.
 - Improve the existing crosswalk and lighting,
 - Install left turn lanes.
- Kent-Des Moines Road, 16th Avenue South to 24th Avenue South
 - Install curbs, gutter, sidewalks, bike lanes, and planters.
 - Provide additional left turn lanes if appropriate.
- Pacific Ridge Improvements, South 220th Street and South 224th Street between Pacific Highway South and I-5
 - Construct new curbs, gutters, and sidewalks.
- Wesley Homes Pedestrian Signal, South 216th Street west of 11th Avenue South
 - Replace obsolete signal.
- Traffic Signal, South 216th Street/24th Avenue South
 - Includes construction of curbs, gutters, and sidewalks on the intersection corners.
- North Twin Bridge Project
 - Seismic retrofitting and painting of bridge.
 - Installation of sidewalks on the west side of the bridge.

In response to Councilmember Thomasson's questioning, Finance Director Henderson explained that the prior year's project expense information was provided on the last page of the packet material.

Councilmember Thomasson asked staff to confirm that the principal was included in the debt service amounts.

In regard to arterial streets, Assistant City Attorney Andrews informed Council that the City's average pavement condition index was projected to fall to 71 at the end of six years if only overlays were performed.

City Manager Piasecki noted that the application of a slurry finish over a chip sealed street required a minimum temperature. He suggested that Council view a slurry sealed street in University Place before the end of the first quarter and then make any necessary revisions to the arterial street CIP budget.

Assistant City Engineer Reinhold briefed Council on the proposed Surface Water Management CIP budget. He said that proposed construction and maintenance interlocal agreements for the Marine View Drive Bridge and Des Moines Creek Basin projects would be presented to Council next month. He briefly highlighted the following Surface Water CIP projects:

- Marine View Drive Bridge
- Des Moines Creek Basin

- Marine View Drive – Woodmont Drive Culvert
- Barnes Creek Detention Facility and South 223rd Street Culvert Replacement
- Barnes Creek/Kent-Des Moines Road Culvert Replacement
- McSorley Creek Basin Plan

In response to Councilmember Petersen's questioning, Assistant City Engineer Reinhold explained that Washington State Department of Transportation had become a partner in the Marine View Drive Bridge Project. Their involvement in the project had reduced the City's share of the project's costs.

Mayor Steenrod announced that the Marina CIP projects and the budget policy issues would be discussed at the next Council meeting.

NEXT MEETING DATE – Regular Meeting, November 20, 2003

ADJOURNMENT

The meeting expired at 10:30 p.m.

Respectfully submitted,

Angela M. Chaufty
Deputy City Clerk

ACTION ITEMS FROM NOVEMBER 13, 2003 MEETING

- Submit, in writing, to Council the details of the permitting and review process utilized during the construction of the Activity Center.
- Mail the SR-509 letter to King County Councilmember Julia Patterson.
- Install sign prohibiting truck parking on 30th Avenue South.
- Schedule a discussion regarding ACC funding on the November 20, 2003 agenda.
- Inform the State Auditors Office of King County's failure to provide firm figures for the property tax levy ordinance to the City in a timely manner.
- If the business license revenue would not cover the cost of the business license software, research other available options for a licensing program.

