

REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES

November 29, 2001

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, Suite B.

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

ROLL CALL – Present: Mayor Scott Thomasson, Mayor Pro Tem Bob Sheckler, Councilmembers Terry Brazil, Dave Kaplan, Dan Sherman, Gary Towe, and Don Wasson. 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 Deputy City Clerk Angela Chaufy.

COMMENTS FROM THE PUBLIC

Gary Hisel, P.O. Box 98195, Des Moines, WA

Mr. Hisel voiced opposition to the proposed Marina rate increase. He informed Council that he has lived at the Marina for eleven years. Mr. Hisel felt that the provisions of the prior Marina Master Plan had not yet been completed despite the continuing increase in marina rates. Mr. Hisel felt that the maintenance at the Marina was poor.

Jerry Guite, P.O. Box 98010 (21317 1st Avenue South, Normandy Park Resident)

Mr. Guite presented Council with a bucket of paint for the crosswalk located at South 227th Street and Dock Street. He felt that the new traffic circles on South 208th Street would create problems during snow and ice conditions. Mr. Guite invited the public to attend the ACC meetings that are conducted the first Wednesday of every month at 6:00 p.m. at Des Moines City Hall. He asked Council to review the RCAA and CASE budgets.

Tom Sitterley, 601 South 227th

Mr. Sitterley thanked the Councilmembers with expiring terms for their time and efforts on behalf of the community. He said that he had previously asked Council to reconsider the marina rates and the Marina transfer to the General Fund, and to implement capital repairs detailed in the 1966 Marina Master Plan. He felt that government had operated with a “business as usual”

attitude and had implemented standard increases that did not exist in the non-government world. Mr. Sitterley said that the Des Moines Marina's rates were only comparable in cost to other marinas that provided considerably better facilities and services. He felt that the residential rate differential was driving outside business away. Mr. Sitterley stated that Council had not followed the ordinance passed two years ago, which said that they would review the need for the increase of the Marina transfer funds. He commended Councilmembers Kaplan and Wasson for opposing the 2002 budget. He urged the new Council to put the City on a better financial course. In closing, Mr. Sitterley asked that the current Council not spend any money to attend the National League of Cities Conference. He felt that it would be especially inappropriate for any Councilmember leaving the Council to attend.

Everett Woods, 22715 6th Avenue South, #A102

Mr. Woods informed Council that he was against the addition of the dry stack boat storage which would accommodate fifty additional boats in the north parking lot. He felt that the storage would reduce the number of parking spaces available and decrease the value of surrounding properties. Mr. Woods said that the Marina belonged to the residents and should be treated as such.

Betty Haines, 601 South 240th Street

Regarding the Bergman Modified Short Subdivision, Ms. Haines said that she was opposed to the addition of sidewalks and curbs in the area. She felt that the utilities in the neighborhood did not line up with each other. Ms. Haines objected to any change in the character of the neighborhood.

Earline Byers, 22315 6th Avenue South

Ms. Byers thanked Council for serving the citizens of Des Moines. She recognized the paperwork and hours involved in such service. Ms. Byers said that a remnant of their efforts would remain in the City even after their terms had expired.

Kathy Sims, 20616 7th Place South

Ms. Sims addressed Council regarding the traffic circles on South 208th Street. She felt that the traffic circles reduced the safety of the children in the area as they required so much of the available road area. In addition, Ms. Sims said that the corner of 7th Place South and South 208th Street was a blind corner.

Jerry Bergman, 23659 7th Avenue South

Mr. Bergman voiced his agreement with the Community Development Director's direction regarding his modified subdivision but said that he disagreed with the provision that required 7th Avenue South to be widened to 22 feet. He felt the wider street would encourage traffic and on-street parking. He asked that Council allow the street to remain as is. Mr. Bergman felt that the letter opposing the project submitted to Council should not be considered as it was not signed. He then distributed to Council a copy of a Seattle Times article regarding eleven foot traffic lanes.

Bob Ross, 20901 2nd Place Southwest, Normandy Park

Mr. Ross questioned the safety of the South 208th Street traffic circles during an emergency situation. He asked for information regarding the background of the project.

City Manager Olander explained that the South 208th Street traffic circle project was part of the City's Traffic Calming Program. He noted that traffic calming projects were identified and prioritized through a process that includes the recording of citizen complaints and concerns and a neighborhood initiated petition. He said that the process for this particular project took approximately one year.

Public Works Director Heydon distributed his business cards to citizens requesting additional information regarding the traffic circles.

Warren Elfstrom, 20801 7th Place South

Mr. Elfstrom said that he was not totally opposed to the South 208th Street traffic circles but felt that they were a disservice to the residents of the surrounding side streets. He felt that it was nearly impossible for a full size vehicle to make a reasonable left turn in the area. He said that most residents were cutting the corner which he believed to be an illegal turn.

Dave Thomas, 20903 4th Avenue South

Mr. Thomas informed Council that the South 208th Street traffic circles had diverted traffic on to 4th Avenue South. He voiced concern with the high rate of speed of the vehicles travelling that street. He recommended that the City install a traffic circle or speed bumps in the area to control speeding and asked that a police officer monitor the area.

Brenda Ogden, 21003 7th Place South

Ms. Ogden said that sidewalks in the South 208th Street area would increase the safety of the neighborhood.

Dick Thomas, 20904 3rd Avenue South

Mr. Thomas noted that two children had been killed previously by vehicles at 4th Avenue South and South 208th Street. Mr. Thomas informed Council that the traffic circles had diverted traffic to 4th Avenue South.

BOARD & COMMITTEE REPORTS

Association of Washington Cities Board of Directors

Councilmember Brazil informed Council that he would attend the Association of Washington Cities Board of Directors meeting November 30, 2001. He noted that his seat on the Board would be open next year. He encouraged Council to continue participation in the Board.

South County Area Transportation Board

Councilmember Sherman reported that the Marine View Drive Bridge Project was listed high on the list for federal funding.

Election Results

Councilmember Sherman announced that the recount of Council Position No. 1's ballots had indicated that he would most likely not serve as a Councilmember next year. The vote would be finalized on December 3, 2001. Councilmember Sherman stated that it had been a privilege to serve the City and an honor to participate in democracy. He thanked the community for allowing him to serve in his various capacities. Councilmember Sherman said that he appreciated Council's ability to focus on issues as well as their ability to put disagreements behind them and move on. Councilmember Sherman said that he has enjoyed working with staff and commended City Manager Olander for his ability to present information rather than drive the agenda. He expressed regret that the following items were still unfinished:

- Fight against the Third Runway,
- Construction of the Marine View Drive Bridge Project , and
- Construction of a Community Center.

He encouraged Council to continue pursuing these projects. In regard to the recent election, Councilmember Sherman said that more money had been spent during the campaign process than ever before. He said that the Nevada survey conducted during the election process had been funded by an undisclosed source. He expressed his belief that the voters have a right to know who the supporters of various candidates were. In closing, Councilmember Sherman encouraged the public to keep the Council accountable. He said that the price of good government was constant vigilance.

CONSENT CALENDAR was read by Deputy City Clerk Chauffy.

1. Motion is to approve the minutes of November 8 and 15, 2001.
2. ~~Motion is to confirm Mayor Thomasson's appointments to the Planning Agency of John Savage to a vacant four year term to expire on December 31, 2004, and John Colvard, Jr. to an unexpired term to expire on December 31, 2002.~~
3. Motion is to approve scope of work changes to the Des Moines Field House Renovation project amending the 2000 Community Services Division Housing and Community Development Program Contract No. D28035D, D28035E, D28035F, Project No. C00246 in the amount of \$115,585.00.
4. ~~Motion is to approve the supplemental agreement for professional engineering design services for the 16th Avenue South Sidewalk Project with KPG, increasing the maximum amount payable to \$356,488.68, plus a 10% contingency, and further to authorize the City Manager to sign said contract, substantially in the form as submitted.~~
5. ~~Draft Ordinance No. 01-224 Title: An Ordinance of the City of Des Moines, Washington, amending DMMC 15.04.480, establishing Marina charges and fees for 2002 and a formula to~~

~~determine future rates in order to successfully maintain and operate the Des Moines Marina and implement the Marina Master Plan, unanimously adopted by the City Council on June 8, 2001~~

~~TWO MOTIONS: First motion is to suspend Council Rule 26(b). Second motion is to approve Draft Ordinance No. 01-224.~~

~~6. Motion is to adopt the amended Attachment A of the 2001 ACC Interlocal Agreement and authorize the City Manager to sign the agreement substantially in the form as submitted.~~

~~7. Motion is to adopt the 2002 ACC Interlocal Agreement and authorize the City Manager to sign the agreement substantially in the form as submitted.~~

MOTION was made by Councilmember Kaplan and seconded by Councilmember Brazil to approve the consent calendar.

Item No. 2 was removed by Councilmember Sherman.

Councilmember Wasson removed Items Nos. 4,5, and 6.

VOTE ON MOTION: Motion passed unanimously.

NEW BUSINESS

Mayor's Appointments to Vacancies on Des Moines Planning Agency

Due to the increase in Planning Agency responsibilities, Councilmember Sherman recommended that the Council interview the Planning Agency candidates prior to their appointments.

Councilmember Kaplan felt that the two proposed individuals would be good additions to the Planning Agency. He suggested that the next Council consider changing the appointment procedures.

MOTION was made by Councilmember Kaplan and seconded by Councilmember Towe to approve Mayor Thomasson's appointments to the Planning Agency of John Savage to a vacant four year term to expire on December 31, 2004, and John Colvard, Jr. to an unexpired term to expire on December 31, 2002.

Councilmember Wasson voiced agreement with Councilmember Sherman's comments. He felt that, as elected officials, the Council should be involved in the appointment process.

VOTE ON MOTION: Motion passed, 5 – 2, with Councilmembers Sherman and Wasson opposed.

16th Avenue South Sidewalk Project

Councilmember Wasson voiced his opposition to the motion due to its 10% contingency.

MOTION was made by Councilmember Towe and seconded by Mayor Pro Tem Sheckler to approve the supplemental agreement for professional engineering design services for the 16th Avenue South Sidewalk Project with KPG, increasing the maximum amount payable to \$356,488.68, plus a 10% contingency, and further to authorize the City Manager to sign said contract, substantially in the form as submitted.

Councilmember Towe felt that the 16th Avenue South Sidewalk Project was a perfect example of why a contingency was needed. He said that the contingency would protect the city's ability to fund the project and insure that work on the project continued.

Councilmember Brazil noted that contingencies were common in other jurisdictions as well.

As it was a contract for professional services, Councilmember Wasson felt that the job would only slow down, not stop, if there were no contingency.

VOTE ON MOTION: Motion passed, 6 – 1, with Councilmember Wasson opposed.

OLD BUSINESS

Draft Ordinance No. 01-224 [Assigned Ord. No. 1294] Marina Rates and A Formula for Determining Future Rates

MOTION was made by Councilmember Sherman and seconded by Councilmember Brazil to suspend rule 26(b) to consider Draft Ordinance No. 01-224 on the first reading.

VOTE ON MOTION: Motion passed, 6 – 1, with Councilmember Wasson opposed.

MOTION was made by Councilmember Sherman and seconded by Councilmember Brazil to adopt Draft Ordinance No. 01-224, establishing Marina charges and fees for 2002 and a formula to determine future rates in order to successfully maintain and operate the Des Moines Marina and implement the Marina Master Plan, unanimously adopted by the City Council on June 8, 2001.

VOTE ON MOTION: Motion passed, 6 – 1, with Councilmember Wasson opposed.

NEW BUSINESS, CONTINUED

Amendment to 2001 ACC Interlocal Agreement

MOTION was made by Councilmember Sherman and seconded by Mayor Pro Tem Sheckler to adopt the amended Attachment A of the 2001 ACC Interlocal Agreement and authorize the City Manager to sign the agreement substantially in the form as submitted.

Councilmember Wasson read the following statement into the record:

I'm opposed to an amendment to the 2001 ACC Interlocal Agreement, which adds \$450,000 to 2001 contributions to the ACC. We've recently learned that the County will be decreasing funding to cities. We've also been made aware that fewer dollars will be forthcoming from the State in the next couple of years. Just this week we've been officially informed that we are in a recession. Just this week we've become aware of thousands of layoffs at Boeing. Some of those people live in Des Moines. There is no doubt that our city's finances and our citizens' finances will be adversely impacted. Accelerating the expenditure of these funds that were purposely held in reserve for just such a condition as a severe downturn in the economy will only create more financial hardship for all involved. This action is a blatant attempt by a lame duck council to give away city funds. I have not seen any requests from the ACC asking for this increased funding. Are Federal Way, Tukwila, Normandy Park, and Burien amending their 2001 budgets to contribute to almost twice their original amount this year instead of 2002? Our own City Manager has told you that this action is not good public process. Increasing the expenditure in October, 2001 by \$250,000 to a total half a million dollars was bad enough. Now you want to increase it another \$450,000. That totals almost a million dollars for the year. In view of the recent allegations of numerous financial abuses, it is clear that expenditures of our taxpayers' money by the ACC need to be supervised by this City Council to insure that our taxpayer funds are wisely spent. What may be a wise expenditure this year may not be wise next year. Things change. Once the money has been transferred to the ACC, there is no mechanism to recover it. Therefore, I strongly recommend that you vote against this motion.

Councilmember Sherman stated that funding for the ACC has come from a 1% utility tax and has not been taken from other areas of the City budget. The ACC has its own funding mechanism.

Councilmember Kaplan said that Council had adopted a balanced 2002 budget that maintained money in reserves for tough economic times. He noted that funding for the ACC had been included in that budget and there were no objections voiced or efforts made on anyone's part to remove the ACC funding from the budget during the its approval process. He explained that most of the expenses of the ACC would incur during the first part of 2002. He agreed that the Council had serious funding decisions to face in the future but said that the City currently had the revenue to fund the fight against the third runway through to the end. He voiced strong support for the motion.

Councilmember Towe said that he also strongly supported the motion. In his opinion, the third runway was the single biggest issue that could adversely affect the community for years to come.

He felt that the Council was elected to protect the community for the future and that they needed to make difficult decisions now to insure that protection. Councilmember Towe said that Council often received public comments about how various projects would affect residents' property values. He felt that the third runway would affect the community so adversely forever that all other issues were minimal by comparison. He said that the construction of a third runway would affect the community's quality of life, people's decisions to reside in Des Moines, their decisions to invest in our schools, businesses, Senior Center, and parks programs. He felt it was good public policy to fully fund the fight against the third runway to the end. He reiterated his belief that it was a winnable fight.

VOTE ON MOTION: Motion passed, 6 – 1, with Councilmember Wasson opposed.

OLD BUSINESS CONTINUED

Draft Ordinance No. 01-176 [Assigned Ord. No. 1295] Updating City Business License Code - 2nd Reading

City Attorney McLean introduced the subject. He noted that Council had previously considered the Draft Ordinance at the October 18, 2001 meeting. The changes requested by Council at that time had been incorporated into the proposed ordinance, in particular that the City Manager rather than the City Clerk has the authority to approve, deny, revoke or suspend licenses related to cabarets and adult entertainment. He noted that the proposed ordinance would bring the City code into compliance with applicable case law.

MOTION was made by Mayor Pro Tem Sheckler and seconded by Councilmember Towe.

Mayor Thomasson read the title of Draft Ordinance No. 01-176.

VOTE ON MOTION: Motion passed unanimously.

NEW BUSINESS CONTINUED

Bergman - Modified Short Subdivision

Community Development Director Kilgore introduced the subject. She noted that the applicant had requested a deferral of sidewalks on 7th Avenue South and the Public Works Director had requested that street standards not be implemented on South 239th Street. She noted that currently the property was nonconforming as there were two houses on one lot. The subdivision provided for one house to be placed on each lot which would bring the property into conformity. Community Development Director Kilgore explained that the project had been filed in May, 2001, prior to the change in the Planning Agency's duties. She noted that four letters in support of the project and one unsigned letter in opposition to the project had been received. Community Development Director Kilgore described the posting procedures for the project. In response to Council Sherman's question, Community Development Director Kilgore explained that beach access parking was not available in the neighborhood.

Upon questioning from Councilmember Towe, Public Works Director Heydon explained that widening 7th Avenue South to 22 feet would be consistent with the rest of the neighborhood and provide for two way traffic. He said that the curb would help prevent stormwater from running into the property and would discourage parking in the area.

MOTION was made by Councilmember Towe and seconded by Mayor Pro Tem Sheckler to concur with the Community Development Director's decision approving the proposed Bergman modified short subdivision, deferring the street improvements on South 239th Street and sidewalk improvements on 7th Avenue South.

Councilmember Brazil voiced support for the motion as he felt that an agreeable solution had been found.

Mayor Pro Tem Sheckler said that he would support the motion due to the number of residents who had indicated their desire to maintain the rural atmosphere of their neighborhood.

City Attorney McLean noted that this was a quasi-judicial matter and the Appearance of Fairness Rules applied. He questioned whether any Councilmember felt this applied.

Councilmember Sherman stated that he had received a phone call from a resident who did not want to have sidewalks in the area. Upon questioning from City Attorney McLean, Councilmember Sherman confirmed that he believed that he could be fair and objective in this matter.

Councilmember Wasson said that he had talked with Mr. Bergman and several neighbors regarding the issue approximately six times. They had asked him to support the application. Upon questioning from City Attorney McLean, Councilmember Wasson confirmed that he believed that he could be fair and objective in this matter.

City Attorney asked if anyone opposed to the application believed that Councilmembers Sherman or Wasson could not be fair in the proceedings.

No one responded.

VOTE ON MOTION: Motion passed, 6 – 1, with Mayor Thomasson opposed.

Draft Resolution No. 01-222 [Assigned Res. No. 920] Home Occupation Business Licenses & License Fees

Mayor Pro Tem Sheckler and Councilmember Kaplan recused themselves from the discussion as they have home occupation licenses with the City.

Assistant City Manager Piasecki introduced the subject. He noted that Draft Resolution No. 01-222 was before Council in response to their request to staff to research the possibility of reducing the fee for home occupation business licenses from \$60.00 to \$30.00 and providing for a 50% discount on business licenses applied for in the last quarter of the calendar year. The discount would apply to any business license that was issued on an annual basis. Assistant City Manager Piasecki noted that a comparison chart of business license fees for surrounding communities was also included in the packet material. He explained that Renton's fees were charged on a per quarter basis.

Councilmember Brazil noted that the City of Normandy Park charged \$75 for their home occupation licenses.

MOTION was made by Councilmember Towe and seconded by Councilmember Sherman to adopt Draft Resolution No. 01-222.

Mayor Thomasson read the title of the proposed resolution into the record.

VOTE ON MOTION: Motion passed unanimously.

Councilmember Kaplan thanked Council for responding to a major concern of home occupation owners.

At 9:00 p.m., Mayor Thomasson declared a ten minute break.

SR 509 Preliminary E.I.S.

Public Works Director Heydon introduced the subject. He introduced Susan Everett and Craig Stone from the Department of Transportation.

City Manager Olander explained that Council was not being asked to approve the document in total at this time, but only to agree that it was sufficiently complete so that it could be released for public comment.

Mr. Stone noted that a public hearing for the Revised Draft Environmental Impact Statement and Draft Section 4(f) Evaluation was scheduled for February 2, 2002. He said that the SR 509 Project would reduce traffic congestion, provide a direct route to Seattle-Tacoma International Airport, establish a direct freight connection between Seattle and South King County and Pierce County, and connect major Pacific Northwest manufacturing centers. He displayed an overview of the project.

In response to Councilmember Brazil's questioning, Public Works Director Heydon informed Council that staff was investigating possible methods and signal channelization to divert traffic from 24th Avenue South between South 216th Street and Kent Des Moines Road.

Mr. Stone noted that the Department of Transportation continued to work toward securing a \$1,800,000 contribution for the City of Des Moines Marine View Drive Project in order to receive credit for the betterment of the Des Moines Creek Basin. He noted that the wetland impacts of the SR 509 project had been reduced to approximately 0.25 acres. Mr. Stone estimated the project to cost \$680-700,000,000. He said that the benefit cost ratio of the project would be between 6:1 and 8:1. Mr. Stone identified the next projects for the SR 509 committee as identifying stormwater treatment and detention locations, planning construction staging so as to preserve Interstate 5 capacity during construction, coordinating property purchases and relocations, and securing funds for the project. Mr. Stone then reviewed the schedule for the project. In response to Councilmember Brazil's questioning, Mr. Stone confirmed that a full interchange was designed for the exit on South 188th Street.

MOTION was made by Mayor Pro Tem Sheckler and seconded by Councilmember Towe to approve the release of the "Revised Draft Environmental Impact Statement and Draft Section 4(f) Evaluation" for SR 509: Corridor Completion/I-5/South Access Road substantially in the form as submitted.

Councilmember Wasson recused himself from the discussion as his business was listed as a property to be relocated.

In response to Councilmember Sherman's questioning, Ms. Everett explained that the SR 509 committee was investigating the need to include the Des Moines Creek tributaries in the Project as most of them were in culverts.

VOTE ON MOTION: Motion passed 5 – 1 with Councilmember Sherman opposed.

On behalf of the Department of Transportation, Mr. Stone presented Councilmember Sherman with a certificate of appreciation for his professionalism and efforts regarding transportation issues. He stated that Councilmember Sherman had worked hard and well to represent Des Moines and to improve the transportation projects.

NEXT MEETING DATE

Regular meeting December 13, 2001

ADJOURNMENT

The meeting adjourned 9:40 p.m.

Respectfully submitted,

Angela M. Chaufty
Deputy City Clerk