

REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES

December 13, 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 Kaplan.

ROLL CALL – Present: Mayor Scott Thomasson, Mayor Pro Tem Bob Sheckler, Councilmembers Terry Brazil, Dave Kaplan, Gary Towe (arrived at 7:41 p.m.), and Don Wasson. Absent: Councilmember Dan Sherman. Also present were Assistant City Manager Tony Piasecki, City Attorney Gary McLean, Public Works Director Tim Heydon, Planning Manager Corbitt Loch, and Deputy City Clerk Angela Chaufy.

MOTION was made by Councilmember Kaplan, seconded by Councilmember Brazil, and passed unanimously to excuse Councilmember Sherman from attendance.

COMMENTS FROM THE PUBLIC

Robert McCauley, 553 John Street, #16, Seattle

As the Union Representative for Teamster Local No. 763, Mr. McCauley informed Council that the City's Teamster members had not had a cost of living raise since January, 2000. He asked the Teamster employees to stand. He said that the Union had filed an unfair labor practice against the City and that the negotiator was trying to find a date to continue negotiations. He asked the City to bargain in good faith.

Brett Fish, 801 SW 168th, Normandy Park

As president of CASE, Mr. Fish thanked Council for their support of the ACC. He said that his community of Normandy Park, the local legislators and most area residents were also in support of the ACC.

Stan Scarvie, 204 South 206th

Mr. Scarvie thanked Council for the manner in which they had governed the City. He said that they had set a standard for future councils and had made the City a better place to live.

At 7:41 p.m., Councilmember Towe arrived.

Marie Rosenberg, 22222 Dock Avenue South, #1-C

Ms. Rosenberg said that she was a member of CASE and a strong supporter of the City's efforts to stop the third runway. She thanked Councilmember Sherman for researching the Covenant Beach documents in order to prevent the installation of a conveyor belt through the Beach Park. In regard to the marina, Ms. Rosenberg said that adequate money had not been set aside for maintenance projects but had been transferred to the General Fund. She believed that sufficient money to handle needed repairs had already been collected. Ms. Rosenberg said that she had heard that the Marina Master Plan had been altered to include the construction of a three or four story, open stack facility. She felt this type of structure was not acceptable in a residential area.

Alan Russell, 801 South 219th Street

Mr. Russell asked City negotiators to have compassion on the Teamster employees and standardize their contract language. He also requested that the employees receive a wage increase.

Jim Bartlemay, 23510 10th Avenue South

Mr. Bartlemay thanked Council, City Manager Olander and staff for their support of ACC and RCAA. He felt that they had effectively delayed the construction of the third runway. Mr. Bartlemay stated his belief that SeaTac Airport expansion was the most important issue facing the City. In regard to the recent election process, Mr. Bartlemay said that the new Councilmembers have indicated that they are against the third runway but do not support continued funding of its opposition. He said that either they did not understand the issue or they did not realize the political power of the Port of Seattle. He asked Council to work with legislators to remove power from the Port of Seattle.

Tom Sitterley, 601 South 227th Street

Mr. Sitterley informed Council that his property tax had increased 12% from 2000 to 2001. He reviewed Council's 2001 financial allocations to ACC. He said that Council had disregarded their responsibility to be good stewards of the City's tax dollars. He voiced displeasure that an out-going Councilmember had attended the National League of Cities (NLC) Conference.

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

Mr. Guite said he would like to present the "Golden Fleece Award" to Mayor Pro Tem Sheckler and Councilmember Brazil. He encouraged a review of the ACC's attorney billing records.

Mayor Pro Tem Sheckler noted that the State Auditor's office had not identified any findings during the ACC audit.

Mr. Guite also asked that Council review the CASE and RCAA contracts and billing records. He said that public funds were used to support various political campaigns. He said that he was verbally requesting information regarding all lawsuits filed against the City.

City Attorney McLean instructed Mr. Guite to submit the request in writing.

Dave Petrie, 811 South 273rd Court

Mr. Petrie informed Council that he was a transportation engineer and consultant. He said that the current stop sign located by Salty's Restaurant and the Redondo Boat Launch was not sufficiently handling traffic flow. He felt that a stoplight was needed by the launch. He also said that the area needed sidewalks and resurfacing.

Jeanne Moeller, 22211 Cliff Avenue South, #104

Ms. Moeller thanked Council for their service. She felt they had been a model council as they disagreed in a civilized manner and moved on. She expressed hope that the new Council would continue this practice. Ms. Moeller said that CASE did not receive any money from ACC. As a member of the RCAA Board, Ms. Moeller invited the public to review the RCAA's mission.

Len Oebser, 20724 8th Avenue South

Mr. Oebser thanked Council for addressing the City's quality of life issues. He expressed hope that the new Council would be true to their words regarding opposition to a third runway. Mr. Oebser stated his belief that it was necessary to have an organization, such as the ACC, to address the issue.

Jeanette Burrage, 905 South 209th Street

Ms. Burrage noted that her son was at the meeting as he was working toward his Scout's merit badge. She said that she would have preferred the installation of sidewalks on South 208th Street rather than the construction of traffic circles. Ms. Burrage felt that the residents had not had an opportunity to express their opinions regarding the traffic circles.

Ralph Nichols

Mr. Nichols questioned whether Mr. Guite was a resident of the City of Des Moines.

Mayor Pro Tem Sheckler said that Mr. Guite was not a resident of the City.

BOARD & COMMITTEE REPORTS

Water District No. 54

Councilmember Kaplan asked Council to address the following Water District No. 54 issues:

- Water tank construction not yet complete.
- Comprehensive Plan not yet presented to the City.
- Street damage caused by the water main break at South 216th Street and 11th Avenue South not yet repaired to standard.
- Intertie operation intermittent resulting in the recent drainage of the water tank.
- Report of an employee stealing money and wrongfully using the district's credit card.
- Adoption of Resolution 2001-5 which gives the residents the responsibility of maintaining the pipes from the main to the meter.

Closing Comments – Councilmember Kaplan

Councilmember Kaplan thanked City Manager Olander and his staff for their assistance in helping Council to make informed decisions. He thanked the residents for giving him the opportunity to serve the community. He said that Council had taken measures to place the City on a strong economic course. Councilmember Kaplan said that he was proud of the manner in which he responded to the residents' concerns.

Marina Master Plan

In response to Ms. Rosenberg's previous comments regarding the dry stack storage, Mayor Pro Tem Sheckler clarified that the Marina Master Plan contained plans for a two-story, fully enclosed stack storage. He noted that the Marina Master Plan was available at the Harbormaster's office.

Comments from the Public - Guite

Mayor Pro Tem Sheckler questioned why Mr. Guite was so interested in Des Moines as he was a Normandy Park resident. He said that during the November 29, 2001 council meeting, Mr. Guite had taken credit for all that occurred during the election process. He questioned whether this included the campaign's malicious attacks. Mayor Pro Tem Sheckler said Mr. Guite

communicated half-truths and had attacked CASE, RCAA and ACC. He questioned whether Mr. Guite's past should be shared with the ratepayers of the Highline Water District.

Closing Comments – Councilmember Towe

Councilmember Towe thanked the citizens, staff and Council for the opportunity to serve the City and the education gained through the process. He stated his belief that the airport was the single most important issue facing Council. He said that Council had an obligation to continue to fight its expansion. He encouraged the new Councilmembers to listen to alternative points of view and then do what they believed was best for Des Moines.

Closing Comments – Councilmember Brazil

Councilmember Brazil thanked the citizens for the opportunity to serve the community. He challenged the new Council to learn, listen, and be involved in regional issues. He said that he had enjoyed serving the residents through the Municipal Facilities Committee, Senior Advisory Committee, and Suburban Cities Association.

Suburban Cities Association

Councilmember Brazil reported that the Suburban Cities Association Executive Committee and caucuses had reorganized. He said that the membership assessment had been approved. He encouraged Council to be actively involved in the organization.

National League of Cities

Councilmember Brazil explained that his Association of Washington Cities' Board of Director's position required his attendance at the National League of Cities (NLC) Conference. He noted that he also served on the Information, Technology and Communication Steering Committee for NLC and was a voting delegate at the Conference. Councilmember Brazil said he would distribute conference materials concerning telecommunications, sign codes, on-line training, COBRA, and animal control information to the appropriate staff members.

Teamster Negotiations

Councilmember Brazil said that he sympathized with the Teamster members and expressed hope for a good and fair contract.

PRESIDING OFFICER'S REPORT

Appreciation for Service Plaques

Mayor Thomasson presented the outgoing Councilmembers with appreciation plaques for their time and service to the City. He thanked Council for their ability to listen and to disagree with respect.

ADMINISTRATION REPORTS

Teamster Negotiations

Assistant City Manager Piasecki informed Council that the city's negotiator had been contacted by the mediator and they were working to schedule a negotiation session for the last week in December or the first week in January.

CONSENT CALENDAR was read by Deputy City Clerk Chaufy.

1. Motion is to approve the minutes of November 29, 2001.
2. Findings: Vouchers audited and certified by the auditing officer as required by RCW 42.24.080, and those expense reimbursement claims certified as required by RCW 42.24.080, have been recorded on a listing which has been made available to the City Council.

Motion: As of this date the Des Moines City Council, by unanimous vote, does approve for payment those vouchers and payroll transfers included in the above list and further described as follows:

Claim checks #78777 through #79161 & electronic funds transfer in the total amount of \$1,490,091.97

Payroll fund transfers in the total amount of \$581,040.97

3. Motion is to authorize the City Manager to approve all vouchers for payment of the following claims during the period of December 13, 2001 through December 27, 2001:
 - 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 January 10, 2002 meeting.
4. Motion is to approve the following Pacific Highway South Project Property Purchases:
 - A. 1,467 square feet of land with improvements from Lightfoot's Inc. in the amount of \$42,798 plus closing costs, and
 - B. 4,896 square feet of land and improvements from Goodhill Enterprises in the amount of \$170,000 plus closing costs,

and to further authorize the City Manager to sign the Purchase and Sale Agreements substantially in the form as submitted.

5. Motion is to enter into an agreement with the Washington State Department of Transportation for use of Federal Funds on the Pacific Highway South Project and to authorize the City Manager to sign said agreement supplement substantially in the form as submitted.
6. Motion is to accept the Eden System Incorporated software license and use agreement in the amount of \$67,688 and authorize the City Manager to sign the agreement substantially in a form as hereafter modified and approved by the City Attorney.
7. Motion is to confirm the City Manager's reappointment of Colleen Hartl to continue service as the City's Municipal Court Judge for the full four-year term beginning on January 1, 2002 and expiring on December 31, 2005.
8. Motion is to confirm the City Manager's appointment of Shelley Hickey to serve as the City's Hearing Examiner for the unexpired term, effective upon appointment and ending July 31, 2002.
9. Draft Ordinance No. 01-246 [Assigned Ord. 1296] - Title: An Ordinance of the City of Des Moines, Washington relating to municipal finance, amending the 2001 budget adopted in Ordinance No. 1276 by amending Fund Nos. 001 (General Fund), 104 (Revenue Stabilization Fund), 106 (Facility Repair and Replacement Fund), 150 (Grant Control Fund), 220 (Debt Service Fund), 310 (Municipal Capital Improvement Fund), 317 (City Hall Remodel Construction Fund), 401 (Marina Revenue Fund), 403 (Marina Repair and Replacement Fund), 404 (Marina Depreciation and Improvement Fund), 450 (Surface Water Management Fund), 501 (Equipment Replacement Fund), 511 (Computer Equipment Capital Fund), 520 (Self Insurance Fund), 703 (LID 1-85-4 Fund), and 705 *CLID 1-91-6/2-91-7/1-92-8 Fund), to authorize certain expenditures in the amounts specified in this ordinance.

TWO MOTIONS: First motion is to suspend Council Rule 26(b). Second motion is to approve Draft Ordinance No. 01-246.

10. Draft Ordinance No. 01-245 [Assigned Ord. 1297] - Title: An Ordinance of the City of Des Moines, Washington amending Title 3 DMMC, regarding revenue and finance policies to

conform with terms of controlling bond ordinance provisions; adding a new Chapter 3.54 DMMC to codify relevant sections of such bond ordinance that have and continue to guide City budget and finance policies, and repealing code provisions that might be read in a manner inconsistent with the terms of the controlling bond ordinance.

TWO MOTIONS: First motion is to suspend Council Rule 26(b). Second motion is to approve Draft Ordinance No. 01-245.

11. Motion is to approve the 2002 Agreement for services with the RCAA, and to authorize the City Manager to sign such Agreement substantially in the form as submitted.

MOTION was made by Mayor Pro Tem Sheckler, seconded by Councilmember Kaplan and passed unanimously to approve the consent calendar as read.

At 8:50 p.m., Mayor Thomasson declared a ten-minute break.

PUBLIC HEARING

Draft Ordinance No. 01-059 [Assigned Ord. No. 1298] Pacific Ridge - SEPA Planned Action - 1st Reading

Planning Manager Loch introduced the topic. He explained that the current code required developers in the Pacific Ridge area to go through the SEPA process. This process increased the permit approval process time and caused the mitigation requirements to not be identified until the process was complete. Planning Manager Loch said that Draft Ordinance No. 01-059 would streamline the permitting process for new construction in the Pacific Ridge area by moving environmental review from the permitting process to the planning process through a SEPA planned action. Environmental analysis would be required however for proposed developments that would generate environmental impacts not already anticipated and studied. He said that one letter had been received during the comment period and it had been distributed to Council. In response to Councilmember Kaplan's questioning, Planning Manager Loch said that the planning staff had not discussed sharing the cost of the South 216th Street/30th Avenue South traffic signal with the City of SeaTac.

Mayor Thomasson read the title of the proposed ordinance.

City Attorney McLean asked if anyone wished to address Council regarding the issue.

None responded.

Mayor Thomasson opened the hearing. He called for speakers three times.

None responded.

Mayor Thomasson closed the public hearing.

In response to Councilmember Kaplan's question, Public Works Director Heydon explained that the document would adopt the County's surface water design manual. He confirmed that the rules were consistent with the types of streams located in the Pacific Ridge area.

City Attorney McLean confirmed that future adopted documents would be incorporated into the SEPA Planned Action as appropriate.

MOTION was made by Mayor Pro Tem Sheckler, seconded by Councilmember Towe and passed unanimously to suspend Council Rule 26(b) to allow consideration of Draft Ordinance No. 01-059 on the first reading.

MOTION was made by Mayor Pro Tem Sheckler, seconded by Councilmember Towe and passed unanimously to enact Draft Ordinance No. 01-059 designating certain land development proposals as SEPA planned actions.

NEW BUSINESS

Buley v. City of Des Moines Settlement

MOTION was made by Councilmember Kaplan and seconded by Mayor Pro Tem Sheckler to approve the proposed settlement by and between the City of Des Moines and George L. Buley and Inge M. Buley, husband and wife; George W. Buley and Sherry L. Buley, husband and wife; and Charlene A. Scammon, a single person, settling the pending lawsuit in Buley v. City of Des Moines, King County Superior Court Case No. 00-2-08825-6 KNT, by compromising the claim, in part, by agreeing to entry of an order quieting title to a portion of the public right of way generally located at 11th Avenue South at the intersection of South 200th Street, and authorizing the City Attorney to sign said Settlement Agreement substantially in the form as attached.

City Attorney McLean confirmed that Councilmember Towe could participate in the vote on the motion as he had previously reviewed the information concerning the issue.

VOTE ON MOTION: Motion passed unanimously.

Draft Resolution No. 01-247 2001 [Assigned Res. No. 921] Comprehensive Transportation Plan

Public Works Director Heydon introduced the subject. He explained that Council was being asked to determine if the updated document was complete enough to be released for public comment. Public Works Director Heydon introduced Larry Toedtli from Transpo Group.

Mr. Toedtli noted that the City had adopted an Interim Transportation Plan in 1992 and updated the plan as part of the City's adopted Comprehensive Plan in 1995. The Public Safety and Transportation Committee had been working on the Draft 2001 City of Des Moines Comprehensive Transportation Plan since 1999. The draft document had a 2020 horizon. He identified the following scope of work for the project:

- Update existing conditions,
- Perform travel forecast and alternatives,
- Revise the transportation improvement project and system plan,
- Address program financing, and
- Adopt the plan.

Councilmember Brazil said there was a significant traffic flow problem between 4:00 p.m. and 5:30 p.m. on 8th Avenue South and South 200th Street.

Mr. Toedtli displayed maps illustrating transportation volumes and key intersections. He noted that the committee had rated the level of effectiveness for intersections, identified traffic safety issues, evaluated the existing bike lane inventory, and reviewed the existing transit system operating in the City. Mr. Toedtli explained that the study indicated that the plan's capital and non-capital projects would cost \$112,763,500. He displayed a chart summarizing the funds available from general revenue sources, existing and proposed grants, and other project revenue sources. Mr. Toedtli said that existing general and project specific transportation revenue sources would cover \$39.3 million of the \$112.8 million cost of the 20-year transportation plan.

MOTION was made by Mayor Pro Tem Sheckler and seconded by Councilmember Brazil to approve Draft Resolution No. 01-247 approving for release the Draft 2001 City of Des Moines Comprehensive Transportation Plan with the Basic Roadway Capacity – Added Projects being used for the calculation of the proposed Transportation Impact Fee.

Councilmember Kaplan confirmed that the motion referred to the City Attorney's second draft of the proposed resolution.

Mayor Thomasson read the title of the proposed resolution.

Councilmember Towe commented that Mr. Toedtli's presentation provided a good foundation for the Plan. When Council was actually ready to deliberate the proposed draft, he felt a detailed presentation would be necessary.

Mayor Thomasson noted that the draft made a primary recommendation to fund projects through transportation impact fees.

VOTE ON MOTION: Motion passed unanimously.

Closing Comments - Kaplan

Councilmember Kaplan thanked Mayor Thomasson for giving citizens and Council the opportunity to debate topics.

Steven J. Underwood Death Investigation

City Attorney McLean announced that two of the four individuals involved in the shooting of Master Police Officer Steven Underwood had been convicted of unrelated felony charges. He noted that one of the other individuals was now cooperating with police investigating Officer Underwood's death.

NEXT MEETING DATE

Regular Meeting January 10, 2002

ADJOURNMENT

The meeting adjourned at 10:04 p.m.

Respectfully submitted,

Angela M. Chaufy, Deputy City Clerk