PRELIMINARY
REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES February 5, 2004

The regular study session of the Des Moines City Council was called to order by Mayor Sheckler at 7:34 p.m. in the City Council Chambers, 21630 11th Avenue South, Suite B.

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

ROLL CALL - Present: Mayor Bob Sheckler, Mayor Pro Tem Scott Thomasson, Councilmembers Richard Benjamin, Gary Petersen, Dan Sherman, Maggie Steenrod and Susan White. Also present were City Manager Tony Piasecki, Assistant City Manager Corbitt Loch, City Attorney Linda Marousek, Assistant City Engineer Maiya Andrews, Finance Director Paula Henderson, Harbormaster Joe Dusenbury and City Clerk Denis Staab.

DISCUSSION ITEMS

Draft Ordinance No. 03-199 Gates on Private Streets - 1st Reading

Assistant City Engineer Andrews reviewed the following changes to Attachment A of the draft ordinance:

1. The turnaround requirements in #5 were changed so that it includes the ability to back-up as long as it is not onto public right-of-way.
2. Item #9 was rewritten to include a broad range of options for a power outage default mode in addition to an auxiliary power supply.
3. Item #11 includes both the old item #11 and #12. The Community Development Director recommended that the height be up to 10 feet, but that even higher gates would be considered.
4. Item #12 (old Item #13) now says "sufficient" activation devices for public utilities.
5. The permits are now called "gate permits" and the fees are to be set by the City Manager (Item #16). The estimated fee is expected to be in the $750 to $1000 range.
6. The gate removal clause in Item #17 now refers to in cases of "public safety". It also includes an appeal process to the Hearing Examiner.

City Attorney Marousek informed Council that she has provided a 2nd draft of the ordinance which provides for the recitals to be adopted as findings of Council. She advised that this will provide a legislative history.

MOTION was made by Mayor Pro Tem Thomasson, seconded by Councilmember Sherman, that Council Rule 26(b) be suspended in order to enact Draft Ordinance No. 03-199 on first reading. Motion passed unanimously.

MOTION was made by Mayor Pro Tem Thomasson, seconded by Councilmember Sherman, to adopt Draft Ordinance No. 03-199.

Mayor Pro Tem Thomasson read the draft ordinance by title into the record.

MOTION was made by Mayor Pro Tem Thomasson, seconded by Mayor Sheckler, to amend Exhibit A, Item #11, last sentence to read: "In no event shall the moving portion of the gate exceed 10 feet in height."

Upon questioning by Councilmember Steenrod, City Attorney Marousek advised that the draft ordinance, as proposed, will satisfy the needs of the private property owner wishing to place a gate on his private street.

Discussion ensued regarding archways over the gate and whether code language may need to be developed to cover this issue. City Manager Piasecki pointed out that allowing archways over gates may be something that should not be allowed due to potential problems for access by large trucks.

VOTE ON AMENDMENT: Motion passed unanimously.

VOTE ON MAIN MOTION: Motion passed unanimously.

Indemnification & Legal Representation for City Officials & Employees

MOTION was made by Councilmember Steenrod, seconded by Councilmember White to remove this discussion item from the agenda.

Mayor Pro Tem Thomasson noted that he would like to discuss certain sections of the proposal. He advised that there is a potential need to extend greater protection to employees.

City Manager Piasecki noted that he would prefer to see a mechanism that does not put the City Attorney in the position of making the determination of whether defense will be provided.

Councilmember Sherman suggested that Mayor Pro Tem Thomasson present his ideas to staff to draft a proposed change to the current code requirements.

Councilmember Steenrod expressed agreement that there is a need to review the City's current code requirements and would like to discuss ideas with Mayor Pro Tem Thomasson and present these suggestions to staff.

City Attorney Marousek advised that she would prefer direction after full Council discussion on any proposals to change the existing code.

VOTE ON MOTION: Motion passed unanimously.

Video Taping of Council Meetings

City Manager Piasecki announced that Dick Thomas of Thomas Video Productions has accepted an employment opportunity elsewhere and will no longer be video taping Council meetings. He advised that a new contractor has been engaged called Puget Sound Access and they will be video recording Council meetings beginning this evening.

He further advised that R.F.Q's have been issued for upgrades to the Council Chambers and that responses are due tomorrow. He noted that the upgrades should be completed within four to six months.

Draft Resolution No. 03-309 6 Year CIP

Finance Director Henderson continued review of the 6 Year CIP, requesting Council input.

ARTERIAL STREET FUND

Mayor Pro Tem Thomasson commented that he would like to see the missing 2 blocks of sidewalks, curbs and gutters included for Kent-Des Moines Road from 24th Avenue South to Highway 99. This project is scheduled for the north side of Kent-Des Moines Road, and with the Pacific Highway Project, it would make sense to complete the link.

Councilmember Benjamin noted he would like to see sidewalks on the south side of Kent-Des Moines Road as that is where most of the apartments are located, and that is where he sees most of the pedestrian traffic.

Councilmember Sherman expressed agreement with Councilmember Benjamin especially the area from 24th Avenue South going east to Highway 99.

Assistant City Engineer Andrews advised that the south side of Kent-Des Moines Road has extremely steep slopes making sidewalks on that side extremely expensive and very unlikely. She also reminded Council that on the south side past 24th Avenue South is actually in the City of Kent, so coordination would have to be made between the cities.

Mayor Pro Tem Thomasson stated that Council has only been provided with the expense side of the CIP and he would like both expenditures and revenues.

In regards to obtaining any grant for bridge repairs for the North Twin Bridge, Assistant City Engineer Andrews stated that this was very unlikely. She advised Council that within this year work will have be done on one of the expansion joints, however at this time costs are not known.

In regards to the Traffic Impact Fee fund balance, Mayor Pro Tem Thomasson felt that some of the debt from the Pacific Highway South Project should be refunded out of those Traffic Impact Fees. He suggested that traffic impact fee money be dedicated first to repay the debt for the Public Works Trust Fund loan for the Highway Project and the 16th Avenue South Project.

Councilmember Steenrod questioned what if there is no development to generate Traffic Impact fees.

Mayor Pro Tem Thomasson responded that a policy statement regarding impact fees might be "the first place they go is to pay debt on projects that were built and the second place they would go would be to leverage grants that the City is trying to get". He questioned staff's basis for the revenue estimates.

City Manager Piasecki commented that a policy statement regarding the impact fees could be included in the resolution that adopts the CIP and he noted that he sees a concurrence with this idea.

Councilmember Sherman requested that there be a mechanism to have impact fees pay the City back for when the City had to use unrestricted funds to make payments on project loans.

Mayor Pro Tem Thomasson stated that he did not feel $25,000 was enough for Traffic Control.

City Manager Piasecki noted that if the $25,000 is not enough for a high priority project, then the money is held for a year and carried forward to add to the next budget year's appropriation. Mayor Pro Tem Thomasson noted that he would like to see this spelled out as a policy.

SURFACE WATER CAPITAL FUND
Mayor Pro Tem Thomasson noted in regards to transfer from SWM operations is that it has continued to decline over time as the SWM rate has not kept up with the need for capital projects. He stated that an efficiency study is being done and he is hoping that one of the answers that will come out of that study is, what should the capital stream be. He felt that on the revenue side it should be acknowledged that the study should make a recommendation on just what should be plugged into that account. He noted that on the other side is, what are the needs in the storm water fund. He commented that there is a large unmet needs list that is not included. He stated that he hopes some of these issues will be addressed in the study. He felt that next year the results of any business plan should be included.

In regards to the McSorley Creek Basin project, Mayor Pro Tem Thomasson commented that this project overlaps with several jurisdictions. He questioned why it was thought that Des Moines would get the whole $50,000 from WRIA 9 against our share of the study. He also questioned who would administer the study.

City Manager Piasecki noted that the WRIA 9 funding source line includes "others" to make the $50,000, and that the City is adding another $50,000. He further advised that we will most likely administer the study as we are the largest jurisdiction involved. However, this will be determined once an interlocal agreement is established.

MARINA CAPITAL FUND
In regards to the Dry Stack Boat Storage, City Manager Piasecki noted this item will be removed and the dollar amount will remain within the Fund, with an annotation of "to be determined".

In response to questioning by Councilmember Steenrod, Harbormaster Dusenbury stated that N dock will be rewired and the fire suppression system will be installed as part of the first phase of the power project. The entire fire suppression system should be completed by the end of 2006 or possibly sooner.

Upon questioning by Councilmember White, Harbormaster Dusenbury noted that there currently are no funds for Boardwalk improvements at Redondo. However, he noted that sometime within the next year there will need to be some maintenance. These needs can be addressed through the Marina's operational budget, rather than the Capital Improvement Plan.

Councilmember Steenrod questioning whether parking needs will be addressed in the Redondo boat launch area.

Harbormaster Dusenbury advised that several ideas are in the working stage.

City Manager Piasecki noted that the City does have some right-of-way on the east side of Wooten Park and staff is looking at ways to possibly create more parking. He advised that this concern for parking will be addressed in the near future after the Redondo launch area is complete.

Mayor Sheckler noted that staff has advised that the final resolution adopting the CIP should be back to Council for final adoption sometime in the next three to four weeks.

NEXT MEETING DATE

Mayor Sheckler announced that the next regular meeting will be February 12, 2004.

ADJOURNMENT

At 8:45 p.m., **MOTION** was made by Councilmember White, seconded by Councilmember Steenrod and passed unanimously, to adjourn.

Respectfully submitted,

Denis Staab
City Clerk