REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES February 9, 2006

The regular meeting of the Des Moines City Council was called to order at 7:33 p.m. by Mayor Sheckler in the City Council Chambers, 21630 11th Avenue South, Suite B.

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

ROLL CALL - Present: Mayor Bob Sheckler, Mayor Pro Tem Scott Thomasson, Councilmembers Dave Kaplan, Ed Pina, Carmen Scott, and Dan Sherman. Absent: Councilmember Susan White. Also present were City Manager Tony Piasecki, City Attorney Linda Marousek, Harbormaster Joe Dusenbury, Park and Recreation Director Patrice Thorell, Development Services Manager Robert Ruth, and Deputy City Clerk Angela Chaufty.

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

COMMENTS FROM THE PUBLIC

Cliff McNeal, 28120 Beach Drive South
Mr. McNeal spoke in favor of establishing a police substation in the Redondo area for the following reasons:

1. Deter crime through increased police presence.
2. Increase labor efficiency as time is not lost travelling during rush hour from the police station to the Redondo area.
3. Connect with the neighborhood.
4. Increase involvement in police-related community meetings.

Jim Heath, 28120 Redondo Beach Drive South
Mr. Heath told Council that a police sub-station would increase the police presence in Redondo, an area that needs more police presence. He voiced concern that an officer would be significantly delayed if a call for service coincided with a traffic accident on surrounding roadways. Mr. Heath asked Council to approve the police sub-station at Redondo Square.

Gayle McNeal, 28120 Redondo Beach Drive South
Ms. McNeal voiced agreement with the prior speakers' comments regarding a police substation. She noted that the current police station was planned prior to the annexation of the Redondo area and a Police facility was need in the south end of the City. Ms. McNeal said that she had homeland security concerns for the area. She also was concerned that the police could not provide a timely response during rush hours.

Wayne Corey, 22218 5th Avenue South
As a member of the Public Safety Committee for the Enhancement of Des Moines, Mr. Corey voiced support for a police sub-station. He related the history of the Tukwila substation and said that crime decreased in the area within one year of the substation's locating in the area. The station now also serves as a resource center for the community.

Florence McMullen, Huntington Park
As chair of the Enhanced Public Safety Committee, Ms. McMullen voiced support for the comments of the other speakers. She encouraged Council to listen to the Chief of Police and Commanders when they said that four additional officers were needed to cover the streets. Ms. McMullen said that police officers were currently working mandatory overtime. She asked Council to approve the Redondo sub-station and a levy lid lift to restore staffing levels and advance technology.

Jim Chastain, 32849 38th Avenue South
As an owner of rental property in Des Moines, Mr. Chastain stated that he had been assured that 100% of the money collected from the Crime Free Housing Program would be spent on crime prevention. Last week, he had been told that the collected money was going to the general fund. Mr. Chastain said that the money should be used to fight crime.

BOARD AND COMMITTEE REPORTS AND COUNCILMEMBER COMMENTS

Municipal Facilities Committee

Councilmember Scott informed Council that the Municipal Facilities Committee would conduct a meeting on February 10, 2006.

Des Moines Senior Center Dance

Councilmember Scott reported that the Des Moines Senior Center Dessert First Dinner Dance had been a wonderful event.

Suburban Cities Association Public Issues Committee

Councilmember Pina reported that the Puget Sound Regional Council (PSRC) managed the distribution of certain federal funds. Last month, the PSRC advocated a more competitive process which would result in a reduction in funding to small cities. The Public Issues Committee has urged that a vote not be taken on the item until each City has an opportunity to hear the PSRC's presentation concerning the issue.

Police Staffing Levels

Councilmember Pina said that Council had a responsibility to increase police staffing levels with or without a levy lid lift. In addition, he said that citizens had the right to have potential cuts identified.

PRESIDING OFFICER'S REPORT

Lobbying Trip to Washington, DC

Mayor Sheckler announced that he, Councilmember Scott, and City Manager Piasecki would be going to Washington, DC next week to lobby for Des Moines' interests.

Award of Certificates of Appreciation

Mayor Sheckler presented certificates of appreciation to Joby Crawford and Rob Caudillo for their service on the Human Services Advisory Committee.

Mr. Caudillo thanked Council and the previous councilmembers for their commitment to meet human service needs and for allowing him to serve on the committee. He praised Senior Services Manager Sue Padden for her professionalism, expertise, encouragement, and wisdom.

ADMINISTRATION REPORTS

24th Avenue South/South 216th Street Signal Project

City Manager Piasecki announced that the street area north of the signal project would be closed February 15 – March 6, 2006 for construction purposes.

Zenith Park Site

City Manager Piasecki informed Council that the Highline School District Superintendent had said that Zenith School was not on the School District's surplus list. An interlocal agreement for future City use of the site was discussed.

16th Avenue South Improvement Project Public Meeting

City Manager Piasecki noted that an informational agenda item regarding the status of the 16th Avenue South Improvement Project and a briefing of the public meeting regarding the project had been distributed to Council.

Department of Corrections Labor Contract

City Manager Piasecki told Council that Department of Corrections had submitted a letter canceling their contract with the City. They had agreed to renegotiate the contract. City Manager Piasecki said that there was currently legislation in the House that would restrict cities' ability to use Department of Corrections' labor when it would result in the displacement of staff. City Manager Piasecki said that staff was developing a plan to deal with the loss of the contract to ensure that the critical areas were maintained.

Councilmember Kaplan said that the City should not be blackmailed to hire employees. He encouraged staff to look at contracting options. Councilmember Kaplan said that, until budget problems were solved, the City could not hire additional employees.

Mayor Sheckler and Councilmember Pina agreed with Councilmember Kaplan's comments.

Councilmember Sherman said that the contract provided meaningful work for the criminals, provided them an opportunity to give back to the community, and assisted in their rehabilitation.

Comments from the Public – Jim Chastain

In response to Mr. Chastain's comments, City Manager Piasecki explained that the crime free housing money was being deposited into the general fund but was being applied to fighting crime. The money and time associated with the program is tracked separately.

Highline School District Bonds

On behalf of the Highline School Board, Matt Pina asked for support for the School District's Capital Facilities Improvement Bond on March 14, 2006. The bond would replace aging schools, upgrade technology, address security and safety concerns, rehabilitate Camp Waskowitz, and provide for a capital improvement emergency fund. If passed, the estimated tax rate would increase ten cents per $1,000 in assessed valuation for four years to pay off the short-term technology investment. If property values increased, the tax rate would decrease so that the dollar amount each homeowner paid stayed constant.

MOTION was made by Councilmember Pina and seconded by Mayor Sheckler to endorse the Highline School District School Bond.

Councilmember Sherman noted that notice was required prior to Council voting to support such an issue.

Councilmember Pina and Mayor Sheckler **withdrew their motion**.

While he personally would vote in favor of the school bond, Councilmember Sherman said that he would not vote for Council to endorse the issue as a matter of principle. He stated that Council had not become involved in other taxing districts' issues.

MOTION was made by Councilmember Pina and seconded by Councilmember Kaplan to direct administration to prepare a resolution regarding the School Bond to be presented to Council in two weeks.

Mayor Pro Tem Thomasson agreed with Councilmember Sherman's comments. He felt it was not Council's role to take a position on such matters.

Councilmember Pina stated that two schools in Des Moines would be impacted by the Bond.

Councilmember Sherman noted that Council had not taken a position on the recent fire district merger.

VOTE ON MOTION: Motion failed, 3 – 3, with Mayor Pro Tem Thomasson and Councilmembers Scott and Sherman opposed.

CONSENT CALENDAR was read by Deputy City Clerk Chaufty.

1. Motion is to approve the regular minutes of December 8, 22 and 29, 2005, and January 12, 2006.
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 #102698 through #102906 & electronic fund transfers in the total amount of $687,481.63

   Payroll fund transfers in the total amount of $355,684.99

~~3. Motion is to approve an agreement to provide commercial real estate brokerage services in the Marina with JHS Properties, Inc. with commissions paid to JHS Properties not to exceed $30,000 without further Council action and authorize the City Manager to sign the agreement substantially in the form as submitted.~~

~~4. Motion is to approve an additional expenditure of $600 for the payment of registration and travel expenses for Councilmember White's attendance at the National League of Cities Conference in Washington, DC, March 11-15, 2006.~~

5. Motion is to confirm Mayor Sheckler's appointments of Nadine Byers, Michael Adams and Ann Berney and re-appointments of Debbie Hickman and Florence McMullin to 2 year terms on the Human Services Advisory Board; appointment of Simon Yang to a 3 year term on the Library Board; second term re-appointments of Natalie Wilcox McCann, Rena Humburger and Kaylene Moon to the

Sr. Services Advisory Committee, and appointment of Robert Polwarth to an unexpired 4 year term on the Planning Agency. All terms to be effective January 1, 2006.
~~6. Motion is to adopt the extension to the Classic Yacht's Lease to extend the lease for another five years, commencing January 1, 2006, under the same terms, with the exception of the minor modification involving the slip exchange and authorize the City Manager to sign the Lease substantially in the form as submitted.~~
7. Motion is to approve the Standard Consultant Agreement with Universal Field Services, Inc., for right-of-way acquisition for Phase I of the 16th Avenue South Improvement Project between S 260th & S 272nd Streets, in the amount of $71,391, plus a 10% contingency and to authorize the City Manager to sign the agreement substantially in the form as submitted.
~~8. Motion is to approve the contract to allocate 2006 Community Development Block Grant funds in the amount of $28,573 to Des Moines Senior Services Support and authorize the City Manager to sign the contract substantially in the form as submitted.~~
9. Motion is to authorize advancing the City Manager's salary to Step D of range M39 of the City of Moines Pay Plan, effective January 1, 2006.

Mayor Sheckler removed Item No. 3.

Mayor Pro Tem Thomasson removed Item Nos. 4 and 6.

Councilmember Sherman removed Item No. 8.

MOTION was made by Councilmember Sherman, seconded by Mayor Pro Tem Thomasson, and passed unanimously to approve the consent calendar as amended.

REMOVED CONSENT CALENDAR ITEMS

Agreement with JSH Properties, Inc. for Services in Finding and Developing Commercial Leases in the Marina

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

Registration and Travel Expenses for Councilmember White's Attendance at the NLC Conference in Washington, DC, March 11-15, 2006

Mayor Pro Tem Thomasson stated that the City had hired a lobbyist and was sending three others to Washington, DC. He felt that the travel was not well coordinated. Mayor Pro Tem Thomasson stated that the travel expenses, especially the food budget, were high.

Councilmember Kaplan said that the NLC Conference provided valuable networking opportunities.

Councilmember Sherman agreed with Councilmember Kaplan's comments. He hoped that the full food budget would not be spent.

MOTION was made by Councilmember Sherman, seconded by Councilmember Scott, and passed unanimously to approve an additional expenditure of $600 for the payment of registration and travel expenses for Councilmember White's attendance at the National League of Cities Conference in Washington, DC, March 11-15, 2006.

Approval of an Extension to the Lease Agreement with Classic Yachts

Mayor Pro Tem Thomasson stated that he was not opposed to the lease but questioned whether a provision giving the City more rights to move the business to other docks should be included as the Marina would be redeveloped.

Councilmember Pina questioned whether a three-year contract would be better.

City Manager Piasecki noted that the lease provided both parties with the right to negotiate in good faith if a move was needed. If the issue could not be solved through negotiation, an arbitrator would decide the issue.

Harbormaster Dusenbury displayed a layout map of the docks and the Classic Yacht area. He said that the parties had discussed plans for relocating the business during launch repairs.

Upon questioning from Councilmember Kaplan, City Attorney Marousek confirmed that the lease agreement had not been reviewed relative to liabilities and shoreline issues.

MOTION was made by Mayor Pro Tem Thomasson and seconded by Councilmember Pina to adopt the extension of the Classic Yacht's lease to extend the lease for another five years, under the same terms, with the exception of a minor modification involving the slip exchange and the deletion of the mediation/arbitration clause from Paragraph 4 and allowing the City to move them to comparable spaces.

Councilmember Scott recommended that Council adopt the lease agreement as proposed as the Harbormaster had anticipated and addressed the concerns.

VOTE ON MOTION: Motion failed, 3 – 3, with Mayor Sheckler and Councilmembers Kaplan and Scott opposed.

MOTION was made by Councilmember Scott and seconded by Councilmember Kaplan to adopt the extension to the Classic Yacht lease to extend the lease for another five years, commencing January 1, 2006, under the same terms, with the exception of the minor modification involving the slip exchange and authorize the City Manager to sign the lease substantially in the form as submitted.

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

Allocation of 2006 CDBG Funds

Upon questioning from Councilmember Sherman, City Manager Piasecki confirmed that the 2006 budget anticipated a $8,000 shortfall in CDBG funding.

MOTION was made by Councilmember Sherman and seconded by Councilmember Pina to approve the contract to allocate 2006 Community Development Block Grant funds in the amount of $28,573 to Des Moines Senior Services support and authorize the City Manager to sign the contract substantially in the form as submitted.

Park and Recreation Director Thorell confirmed that the City would lobby for human services money.

Councilmember Sherman recommended that legislators be asked to support the continuation of CDBG funding and their filtering down to the local communities.

At 9:16 p.m., Mayor Sheckler declared a ten-minute break.

PUBLIC HEARING

Shoreline Master Program Update

Development Services Manager Ruth introduced the continuation of the public hearing. He briefly reviewed the following hearing exhibits previously entered into the record:

A – December 8, 2005 Staff Report
B – January 26, 2006 Staff Report
C – Powerpoint Presentation of Chapters 1, 2, and 5
D – February 2, 2006 Staff Recap Report
E – February 2, 2006 Powerpoint Presentation of Chapters 5, 3, and 4

Development Services Manager Ruth distributed a December 7, 2005 correspondence from Sven Kalve to Council (**Exhibit F**) and a recap summary in response to Council's comments (**Exhibit G)**. He noted that Exhibit F was a minority report letter. Development Services Manager Ruth said that the purpose of the hearing was not to seek final action from Council but for them to forward the document to the Department of Ecology for review.

Councilmember Pina reiterated that Exhibit F did not reflect the Planning Agency's recommendation.

Development Services Manager Ruth reviewed Exhibit G. He recommended that the proposed language of Article 5.4.2 be changed to allow new or expansion of existing over-water structures for water dependent uses, public access, or ecological restoration, only when in association with upland areas designated high intensity.

Councilmember Scott questioned whether the plan should include regulated activities such as sailboat races that occurred beyond the breakwater.

Development Services Manager Ruth stated his belief that the recommended plan provided flexibility for these activities. In response to Councilmember Pina's questioning, Development Services Manager Ruth explained that, in general, over-water construction activities were regulated by outside agencies. He then introduced Consultant Kent Hale.

Mr. Hale highlighted the following features of Chapter 6, Development Standards and Use Regulations:

- Provides a link to environment designations (Chapter 5).
- Provides a link to permit procedures (Chapter 7).
- Provides a Permitted Use table (Table 6-1).
- Distinguishes modifications versus uses.
- Adds a new section for critical areas (DMMC 18.86).
- Clarifies prohibited uses.
- Addresses non-conforming uses and developments.

Mr. Hale briefly reviewed the administrative procedures outlined in Chapter 7 and the definitions provided in Chapter 8. He identified **Exhibit H** as the Powerpoint Presentation presented at the meeting. Mr. Hale then distributed selected pages from Chapter 3 with potential redundancies highlighted (**Exhibit I**) and asked for Council's direction regarding the potential deletion of the redundant language.

Mayor Sheckler called for speakers.

None responded.

Councilmember Kaplan recommended that staff explore the definition of "harbor" in order to provide the greatest flexibility.

In response to Mayor Pro Tem Thomasson's questioning regarding bulkheads being in aquatic zones, Mr. Hale explained that bulkheads were on the line of aquatic zones but were primarily associated with upland uses.

Mayor Pro Tem Thomasson noted that some work on a bulkhead would occur in aquatic zones. The proposed table would preclude work on existing bulkheads.

Upon questioning from Mayor Pro Tem Thomasson, Mr. Hale confirmed that floating breakwaters were in aquatic zones. As such, the table could be revised to reflect them as a permitted or conditional use. Mr. Hale explained that the table sought to preserve the option of dredging a stream.

Councilmember Kaplan asked that existing facilities be clarified.

At 10:24 p.m., **motion** was made by Councilmember Kaplan, seconded by Councilmember Pina, and passed unanimously to extend the meeting to 10:45 p.m.

Councilmember Sherman suggested that the table accommodate potential uses, specifically transportation facilities at the pier. He recommended that Council submit their specific concerns regarding the table to staff. He clarified that the table was for illustrative purposes and the language in the Chapter would be controlling.

Councilmember Pina noted that the current table disallowed ferries in the aquatic area.

Development Services Manager noted that the designation had been done at the direction of the Planning Agency and the table would affect new development only. It would not apply to the remodel or physical improvement of existing facilities. He noted that the Shoreline Master Program would take precedent over the Zoning Code.

Mayor Pro Tem Thomasson suggested that the table apply to existing facilities, even if they were listed as non-conforming. He voiced concern that the document was perpetuating hard to use elements that Council was now trying to address in the Zoning Code.

Development Services Manager Ruth informed Council that the Army Corp of Engineers had jurisdiction of navigable waters. He noted that staff would defer to the Shoreline Master Plan for shoreline development. The Zoning Code would designate the use of the property if it was not already regulated by the Shoreline Master Plan.

Councilmembers Pina and Sherman requested that a revised Table 6-1 be brought back for Council's review.

Development Services Manager Ruth asked for Council's comments regarding the highlighted sections of Exhibit I.

MOTION was made by Mayor Pro Tem Thomasson and seconded by Councilmember Kaplan to continue the Shoreline Master Program public hearing to February 23, 2006.

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

REMAINING AGENDA ITEMS

MOTION was made by Mayor Pro Tem Thomasson and seconded by Councilmember Kaplan to move the remaining agenda items to a date to be set by the Mayor.

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

NEXT MEETING DATE – Regular Meeting, February 23, 2006

ADJOURNMENT

At 10:45 p.m., the meeting expired.

Respectfully submitted,

Angela M. Chaufty
Deputy City Clerk

ACTION ITEM FROM 2/9/06 MEETING

- Revise Table 6-1 of the Draft Shoreline Master Program.