REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES February 23, 2006

The regular meeting of the Des Moines City Council was called to order at 7:31 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 Mayor Pro Tem Thomasson.

ROLL CALL - Present: Mayor Bob Sheckler, Mayor Pro Tem Scott Thomasson, Councilmembers Dave Kaplan, Ed Pina, Carmen Scott, and Susan White. Absent: Councilmember Dan Sherman. Also present were City Manager Tony Piasecki, City Attorney Linda Marousek, Planning, Building, and Public Works Director Grant Fredricks, Park and Recreation Director Patrice Thorell, Development Services Manager Robert Ruth, Chief of Police Roger Baker, and Deputy City Clerk Angela Chaufty.

MOTION was made by Councilmember Kaplan, seconded by Mayor Pro Tem Thomasson, and passed unanimously to excuse Councilmember Sherman from attendance.

CORRESPONDENCE

Correspondence from Allied Waste

City Manager Piasecki informed Council that Allied Waste had submitted a request for the City to exercise the five year option to renew their lease. They have proposed that the terms of the lease remain the same with the exception of the addition of a fall clean-up event and of allowing a co-mingling process for recyclables. City Manager Piasecki asked Council to provide input regarding the terms of the agreement.

Due to winter storms, Mayor Pro Tem Thomasson recommended that yard waste collection during the winter months occur more than once a month.

Councilmember Kaplan noted that condominiums were treated as commercial businesses under the agreement. He proposed that the collection containers be scheduled for periodic replacement.

Correspondence from Mike Adams

City Manager Piasecki clarified that Mr. Adams was asking the City to change the 100% signature requirement in the ordinance regulating gates across private streets.

COMMENTS FROM THE PUBLIC

Jane Chastain, 32849 38th Avenue South, Federal Way

As an owner of apartment buildings in a high crime area in Des Moines, Ms. Chastain stated that the economic impact of crime on her and her husband has been a net loss of $22,000. She stated that the City is collecting the crime-free housing program money but instead of dealing with the crime, it is only being monitored. Ms. Chastain asked Council to address the crime problem in the area.

James Chastain, 32849 38th Avenue South, Federal Way

Mr. Chastain stated that once an area had a reputation, it takes a long time to turn it around, even once it has changed. He informed Council that fencing now lines both sides of the street near his property. Mr. Chastain said that people should not have to fence off their property in order to keep people out of areas they should not be on in the first place. He had planned to provide pictures of the area to Council but had not been able to do so. Mr. Chastain said that the money collected from the crime-free housing program was to be reviewed annually and the rate adjusted if needed. He said that the same rate as last year was being charged even though all the money from the previous year had not yet been spent.

Mayor Sheckler said that if Mr. Chastain wished to give him pictures of the fencing, he would distribute them to Council.

Wayne Corey, 22218 5th Avenue South

Mr. Corey asked Council to take action on the levy lid lift ballot measure and approve it for placement on the May 16, 2006 ballot.

Mike Adams 24712 12th Avenue South

Mr. Adams spoke in support of a levy lid lift and asked Council to place the measure on the ballot. He said that the overtime worked by the police officers was wearing employees out, causing them to be less effective, and negatively impacting their morale.

Tara Jo Heineke

Ms. Heineke voiced support for the levy lid lift and asked Council to address the issue. She recounted her various interactions with the police department since living in the City. Ms. Heineke stated that it was important to have a stable workforce and avoid employee burn-out. She said that the measure affected the community's quality of life and value.

Florence McMullin, 1018 South 246th Place

As chair of the Enhanced Public Safety Committee and co-chair of the Levy Lid Lift Committee, Ms. McMullin said that volunteers were ready, signs were ready, and money had been collected to campaign for the passage of the levy lid lift ballot measure. She asked Council to move swiftly to prepare an ordinance for a multiple year levy lid lift in order to restore police staffing to its 1999 level. She asked Council to give the committee and volunteers the opportunity to educate and campaign for the issue.

Dan Lind, 22810 Thunderbird Drive

Mr. Lind asked Council to support the Highline School District's bond measure.

Julie Conklin, 24052 13th Place South

As a member of the steering committee, Ms. Conklin voiced support for the proposed Farmer's Market.

Kristin McGraw, 1842 South 242nd

Ms. McGraw asked Council to support the Highline School District's bond measure as money was needed to build the schools.

BOARD AND COMMITTEE REPORTS & COUNCILMEMBER COMMENTS

Lobbying Trip to Washington, DC

Councilmember Scott reported that she, Mayor Sheckler, and City Manager Piasecki had gone to Washington, DC with lobbyist Dale Learn. Meetings with Representatives Adam Smith and Norm Dicks, Congresswomen Patty Murray and Maria Cantwell and their legislative assistants had been conducted. Lobbying efforts focused on securing funding for the Des Moines Beach Park Dining Hall Rehabilitation Project, for the Beach Park Trail Completion Project, and for transportation needs in the business park area.

South County Area Transportation Board

Councilmember Kaplan reported that he had attended a meeting and met King County Councilmember Dow Constantine, chair of the County's transportation committee. Planning, Building, and Public Works Director Fredricks had attended a South County Area Transportation Board meeting in which the regional transportation funding plan was discussed.

Public Safety and Transportation Committee

Councilmember Kaplan reported that the Committee would meet March 2, 2006 at 6:30 p.m.

Response to Mike Adams Correspondence Regarding the Private Street Ordinance

In response to the correspondence from Mike Adams, Councilmember Pina encouraged staff to prepare a draft ordinance reducing the private street gate signature requirement from 100% to 60%.

Proposed Levy Lid Lift

Councilmember Pina voiced support for a levy lid lift ballot measure.

Councilmember White voiced appreciation for the citizens' efforts and willingness to support the levy lid lift measure.

Feasibility Study for Ferry Pilot Program

Councilmember White said that the City might obtain funding from the State to conduct a feasibility study for the ferry pilot program. She asked if Council had any concerns.

Council concurred that it was okay to study the program if the State would fund the study.

Des Moines Beach Park National Historic Register Presentation

Councilmember White announced that Governor Gregoire would be at the Des Moines Beach Park on April 14, 2006 at 10:30 a.m. to present a certificate commemorating the Beach Park's listing on the National Historic Register.

City Manager Evaluation

Mayor Pro Tem Thomasson asked Council to return their City Manager evaluation forms. He asked the City Manager to redistribute the forms to Council.

Councilmembers Kaplan and Pina noted that they had already turned in the forms.

Municipal Facilities Committee

Mayor Pro Tem Thomasson reported that the Committee had met with a real estate group to discuss potential leases and with architects to discuss Marina Master Plan site issues.

City Manager Piasecki announced that the Committee would meet next week to discuss expanded guest moorage, the boat launch, and potential uses of the area north of the Harbormaster Office.

PRESIDING OFFICER'S REPORT

Lobbying Trip to Washington, DC

Mayor Sheckler reiterated Councilmember's Scott's comments regarding the lobbying trip to Washington, DC. He thanked Councilmember White for recommending lobbyist Dale Learn, Councilmember Scott for providing a historical perspective, and the City Manager and staff for their preparation work.

CONSENT CALENDAR was read by Deputy City Clerk Chaufty.

~~1. Motion is to approve the special and regular minutes of January 26 and the special minutes of January 28, 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 #102907 through #103125 & electronic fund transfers in the total amount of $653,273.99

Payroll fund transfers in the total amount of $339,832.69

~~3. Motion is to award the contract for professional engineering design services for the 2006 Arterial Maintenance Program to KPG in the amount of $58,146.84 and authorize the City Manager or his designee to approve changes orders up to an amount of 10%, and to authorize the City Manager to sign the contract substantially in the form as submitted.~~

4. Motion is to confirm Mayor Sheckler's reappointment of Nadine Byers to new 3 year term on the Library Board to be effective January 1, 2006.

5. Motion is to approve the agreement with Wood/Harbinger, Inc. for providing design and engineering services for the Upgrades to the Electric Power Distribution Project, Phase 1 - M Dock Electrical and K and L Docks Fire Stand Pipe Systems Project in the amount of $33,522, plus a 5% contingency and authorize the City Manager to sign the agreement substantially in the form as submitted.

~~6. Motion is to remand to City Council Committees, the following items:~~

~~To the Public Safety and Transportation Committee: Review of proposed changes to the Alarm Ordinance, review of proposed changes to the Hotel/Motel Ordinance, review of the Transportation Improvement Plan, and review of the 2007-2012 Arterial Streets Capital Improvement Program.~~

~~To the Municipal Facilities Committee: Review of the Beach Park Auditorium Project, review of the 2007-2012 Municipal Capital Improvement Program, and review of the 2007-2012 Marina Capital Improvement Program.~~

~~To the Environment Committee: Review of a proposed Memorandum of Understanding regarding funding of the regional detention facility, Marine View Drive Bridge, and high flow by-pass projects of the Des Moines Creek Basin Plan, review of a proposed amendment to the Interlocal Agreement on the Des Moines Creek Basin Plan regarding funding for other projects, and review of the 2007-2012 Surface Water Management Capital Improvement Program.~~

~~To the Finance and Economic Development Committee: Review of the 2007 Budget and the process through which it will be developed.~~

Councilmember White removed Item No. 6.

Councilmember Kaplan removed Item No. 1.

Mayor Pro Tem Thomasson removed Item No. 3.

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

REMOVED CONSENT CALENDAR ITEMS

Items and Issues to be Remanded to City Council Committees

In order to save time, Councilmember White suggested that the Des Moines Beach Park Auditorium project be presented to Council as a whole. The project was ready for presentation. Councilmember White said that the Municipal Facilities Committee and the Finance and Economic Development Committee might help each other with the review of the Marina Capital Improvement Program. She asked that Consultant Beckwith's project be remanded to the Finance and Economic Development Committee.

Councilmember Scott noted that the King County Landmark Committee had approved the Des Moines Beach Park Auditorium Project. She voiced concern with the conceptual use of the space on either side of the stage as she felt that the rooms should be designed for the broadest use. Councilmember Scott said that she was not opposed to the item being presented to Council as a whole rather than sending it to committee as long as there would be an opportunity to review the design.

Councilmember Kaplan voiced concern that Council had not reviewed the project yet.

Mayor Sheckler recommended that the project be expedited through Committee and then presented to Council.

Councilmember Kaplan questioned whether Council had already determined the use of the Marina property. If the policy decisions had not yet been made, it was too early to discuss facilities.

As Council had not discussed the potential uses of the Marina, Councilmember Scott said that the City should not yet commit to promotion by realtors. She agreed that the subject was also related to economic development.

Mayor Sheckler suggested that the committees communicate through committee meeting minutes which are distributed to Council as a whole.

City Manager Piasecki said that the minutes from Council's mini-retreat concerning the Marina Master Plan would be distributed to the full Council. In regard to the work of Mr. Beckworth, City Manager Piasecki explained that staff had not had time to work on the plan. The staff position has now been filled and the project will be addressed.

Councilmember Kaplan clarified that the remanding of the review of the 2007 budget to the Finance and Economic Development Committee referred to the development of a budget process to be used in adopting the budget.

MOTION was made by Mayor Pro Tem Thomasson, seconded by Councilmember White and passed unanimously to adopt Consent Calendar Item No. 6 as previously read.

2006 Arterial Maintenance

Planning, Building, and Public Works Director Fredricks clarified the scope of work of the proposed contract.

MOTION was made by Mayor Pro Tem Thomasson, seconded by Councilmember Kaplan, and passed unanimously to award the contract for professional engineering design services for the 2006 Arterial Maintenance Program to KPG in the amount of $58,146.84 plus authorize the City Manager or his designee to approve change orders up to an amount of 10%, and further to authorize the City Manager to sign said contract, substantially in the form as submitted.

Special Minutes of January 28, 2006

Upon questioning, Deputy City Clerk Chaufty stated her recollection of Councilmember Kaplan stating the possibility of adopting a moratorium until zoning issues were addressed.

Councilmember Kaplan made no correction to the minutes.

MOTION was made by Councilmember Kaplan, seconded by Mayor Pro Tem Thomasson, and passed unanimously to approve Consent Calendar Item No. 1 as previously read.

At 8:40 p.m., Mayor Sheckler declared a ten-minute break.

OLD BUSINESS

Draft Resolution No. 05-231 Highline Community College Shoreline Conditional Substantial Development Permit

City Manager Piasecki informed Council that Dr. Bell from Highline Community College had asked that the issue be pulled from the agenda as she wished to study the proposed resolution further.

MOTION was made by Councilmember White and seconded by Councilmember Pina to move Draft Resolution No. 05-231 to a meeting to be set by the Mayor.

Mayor Pro Tem Thomasson noted that the issue was a quasi-judicial matter. He asked that this be considered when the issue was returned to Council.

VOTE ON MOTION: Motion passed unanimously.

NEW BUSINESS

Draft Resolution No. 06-054 ***[Assigned Res. No. 1006]*** Supporting the Highline School District Bond Proposal

City Manager Piasecki introduced the subject.

Councilmember Pina recounted the purpose of the bond measure.

MOTION was made by Councilmember Pina and seconded by Councilmember White to adopt Draft Resolution No. 06-054, supporting the Highline School District's Capital Facilities Bond, Proposition No. 1, entitled 'Highline School District No. 401, Bonds for Construction and Modernization of School Facilities,' in the amount of $148,000,000.

Councilmember Scott said that she would support the motion but voiced concern that the School District had not identified their stance regarding Des Moines Elementary School. She felt that the bond measure would make it more difficult for the levy lid lift measure to pass. Councilmember Scott said that she hoped the School District was as gracious to the City as they were asking Council to be to them.

Councilmember Kaplan said that he was not pleased with the timing of the bond issue but that he would support the motion as schools were an investment in the City.

Mayor Pro Tem Thomasson said that if Council was saying that the improvements were good for Des Moines, then it should be stated in the "Whereas" statements.

City Manager Piasecki suggested that the fifth "Whereas" statement be amended to read "passing this bond will enable the replacement of five elementary schools, in particular Parkside Elementary and Midway Elementary Schools in Des Moines, . . . "

The maker and seconder of the motion concurred that the language should be added.

VOTE ON MOTION: Motion passed unanimously.

PUBLIC HEARING

Shoreline Master Program Update

Mayor Sheckler called for speakers three times.

None responded.

Development Services Manager Ruth noted that the hearing remained open. He distributed and reviewed a recap of the last meeting and the proposed amendments (Exhibit J).

Mayor Pro Tem Thomasson noted that Chapter 7 would become part of the DMMC. He said that the public hearing process did not appear to comply with State law regarding regulatory reform. He recommended delegating the hearing authority to the Hearing Examiner.

Councilmember Pina said that he was comfortable with the process staying with the Planning Agency or with the Planning Agency conducting a public meeting. He suggested that Council make only minor changes to comply with State law.

City Attorney Marousek noted that Council could change the Planning Agency meeting to a public meeting rather than a public hearing. The process would then be consistent with State law.

Mayor Pro Tem Thomasson said that the notice section was inconsistent with the City's other notice procedures.

Development Services Manager Ruth urged Council to give due consideration to the matter now. He explained that the Department of Ecology would review the document for compliance with State law and substantial changes should not be made later.

Councilmember Kaplan asked if the chapter was required to be in the Plan. He suggested that the Chapter refer to the appropriate DMMC section and the Plan be forwarded to DOE. Council could then continue to work on the Administration section through the DMMC.

Development Services Manager Ruth explained that the administrative section was a required component of the Plan. He said that the administrative procedures could be refined during review of the critical areas ordinance revisions.

Councilmember Kaplan recommended that Council send the document to DOE and staff concurrently work on the administrative procedures.

Mayor Sheckler closed the hearing.

MOTION was made by Councilmember Kaplan and seconded by Councilmember Pina to direct city administration to forward the December 5, 2005 draft of the Des Moines Shoreline Management Program Update to the Washington State Department of Ecology for its technical review with the changes as outlined under the recommended amendments and as previously discussed by Council in prior meetings and with the notation to the Department of Ecology that Chapter 7 would be changed to make the section compliant with state law and local land use codes. **VOTE ON MOTION**: Motion passed, 5 – 1, with Mayor Pro Tem Thomasson opposed.

Potential Levy Lid Lift

Chief of Police Baker reported that the City's Part 1 crime rate had risen since 1999 and calls for service had increased. Staff has been reprioritizing calls for service and identifying new ways to report crime. The levy lid lift would offer the opportunity to partially restore staffing levels.

City Manager Piasecki reviewed a table illustrating the anticipated revenue streams resulting from a six-year levy lid lift with 4% and 3% annual percentage increases and from a permanent levy lid lift subject to a 1% limit.

Chief of Police Baker reviewed the recommended implementation schedule for restoring staff should the measure pass.

City Manager Piasecki displayed a table illustrating the overall financial impact of a permanent lid lift, multiyear lid lift with a 4% increase and a multiyear lid lift with a 3% increase.

Councilmember White recommended that the issue be placed before the voters.

Mayor Pro Tem Thomasson said that there had been no discussion regarding the selection of an election date. He felt it could be helpful to survey voters to determine why the previous proposals failed and to develop a passing package. Mayor Pro Tem Thomasson noted that he had not previously favored a six-year package as it would restrict funding for other programs for six years. He was still concerned with a six-year proposal.

Councilmember Pina said that security was the prime function of government. In regarding to the timing of an election, Councilmember Pina said that services to be cut if the measure failed could not be identified by May 16, 2006 but the early election would allow for another vote later in the year if necessary. He said that he would move to make cuts to other departments if the measure failed.

Councilmember Kaplan agreed that Council must provide security for its residents. He said the levy lid lift would provide an intermediate measure to give the economy an opportunity to grow to meet the needs of the City. Councilmember Kaplan said that a May election would give Council time, if the measure fails, to prioritize services and make cuts.

<u>**MOTION**</u> was made by Councilmember Kaplan and seconded by Councilmember Pina to direct staff to prepare a draft ordinance for a multi-year 4% levy lid lift for the May 16, 2006 ballot.

City Manager Piasecki confirmed that the intent of the motion was to propose a six year levy lid lift measure.

As a realtor, Councilmember Scott commented that if the measure did not pass and the crime rate continued to increase, residents' ability to sell their houses would decrease more than the monthly amount the residents would be trying to save on taxes by opposing the measure.

<u>**VOTE ON MOTION**</u>: Motion passed unanimously.

<u>Draft Resolution No. 06-047 ***[Assigned Res. No. 1007]*** Farmer's Market in Des Moines</u>

Park and Recreation Director Thorell introduced the subject. She stated staff's proposal to collaborate with Farming and the Environment by supporting the start up of a Farmers Market at the South Marina Park by providing infrastructure improvements to the site, in-kind rent and utilities, storage and city marketing opportunities. Park and Recreation Director Thorell introduced Farming and the Environment Executive Director Jeff Voltz.

Mr. Voltz reviewed the organizational structure of the Farmer's Market proposal and reviewed the requirements of the participants.

Upon questioning from Mayor Pro Tem Thomasson regarding Item 6 on page 2 of the proposed resolution, Park and Recreation Director Thorell confirmed that the words "related events" should be deleted. She explained that one business license would cover all participating vendors. A sign plan would be developed prior to the event's start. The intent was to allow temporary signs during the duration of the event.

As the Farmer's Market would be a city-sponsored event, City Manager Piasecki said that it would be appropriate to advertise it on Channel 21 and the City's website.

Councilmember Pina recommended that a covered area be provided for participating artisans. He voiced concern with the fee amount.

At 10:25 p.m., **motion** was made by Mayor Sheckler, seconded by Councilmember Scott, and passed unanimously to extend the meeting five minutes.

Mr. Voltz informed Council that the proposal was modeled after 95% of the existing Farmer's Markets. He explained the fee program.

City Manager Piasecki confirmed that Section 2(E) of the agreement addressed competing uses for the area.

MOTION was made by Councilmember White and seconded by Councilmember Scott to adopt Draft Resolution No. 06-047, authorizing the Farmers Market between June 17, 2006 and October 28, 2006 at the Des Moines Marina and to direct the City Manager to provide support services and amenities for the event as proposed in Draft Resolution No. 06-047.

Councilmember White said that the event would be ideal for the Beach Park once the rehabilitation was complete.

Mayor Pro Tem Thomasson voiced support for the motion. He questioned how success or failure of the project would be defined.

MOTION was made by Councilmember Pina, seconded by Councilmember White, and passed unanimously to add "as amended" to the motion on the floor.

VOTE ON AMENDED MOTION: Motion passed unanimously.

MOTION was made by Councilmember Kaplan, seconded by Councilmember Pina, and passed unanimously to enter into an agreement between the City of Des Moines and Farming and the Environment for the 2006 Farmers Market as proposed in Draft Resolution No. 06-047 and to authorize the City Manager to sign the agreement substantially in the form as submitted.

PRESIDING OFFICER'S COMMENTS

Minutes from Council Committee Meetings

Mayor Sheckler directed that the minutes from each Council Committee meeting be distributed to the full Council within days of the meeting.

Levy Lid Lift

Mayor Sheckler said that he would contact the Highline School District Board to encourage them to support the City of Des Moines' levy lid lift measure.

NEXT MEETING DATE – Study Session, March 2, 2006

ADJOURNMENT

At 10:35 p.m., the meeting expired.

Respectfully submitted,

Angela M. Chaufty
Deputy City Clerk

ACTION ITEM FROM 2/23/06 MEETING

- Distribute minutes from the Council retreat and committee meetings regarding the Marina Master Plan.
- Distribute committee meeting minutes to the full Council in a timely manner.