REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES February 24, 2005

The regular meeting of the Des Moines City Council was called to order at 7:32 p.m. by Mayor Sheckler in the City Council Chambers, 21630 11th Avenue South, #B.

PLEDGE OF ALLEGIANCE to the Flag was led by Mayor Sheckler.

ROLL CALL - Present: Mayor Bob Sheckler, Councilmembers Gary Petersen, Dan Sherman, Maggie Steenrod (left the meeting at 9:01 p.m.) and Susan White. Absent: Mayor Pro Tem Scott Thomasson and Councilmember Richard Benjamin (excused later in meeting). Also in attendance were City Manager Tony Piasecki, City Attorney Linda Marousek, Chief of Police Roger Baker, Public Works Director Tim Heydon, Assistant City Engineer Maiya Andrews, Assistant City Engineer Loren Reinhold, Parks and Recreation Director Patrice Thorell, Senior Services Supervisor Sue Padden, Harbormaster Joe Dusenbury and City Clerk Denis Staab.

> **MOTION** was made by Councilmember Sherman, seconded by Councilmember White and passed unanimously, to excuse Mayor Pro Tem Thomasson.

COMMENTS FROM THE PUBLIC

Melissa Musser, 20432 5th Avenue South, President of North Hill PSTA

> Ms. Musser addressed Council voicing objections to the boundary changes being proposed by Highline School District Supt. Dr. McGeehan. She noted that the parents of the North Hill area feel the changes are unfair, not clearly formulated and unsafe to the children. She advised while children of the area have a school in their neighborhood they will be forced to board a bus and travel to a school out of their neighborhood. She advised Council that Tyee High School is already over capacity, while Mt. Rainier High School is nearly 300 students under capacity now, and 400 under after new construction. In conclusion, she felt that the District's proposal will fracture the Des Moines community and asked that the City Council make a motion to support the boundary action committee of the North Hill PTSA to keep Des Moines' students in Des Moines' schools.

Rhonda Meyers, 20614 10th Avenue South, Vice Present of North Hill PSTA

> Ms. Meyers noted that Supt. Dr. McGeehan listed 3 reasons for the School District's boundary changes as:
>
> 1. As residential demographics change, boundaries need to be changed.
> 2. As elementary schools, boundaries need to be changed to accommodate students from the schools recommended for closure.
> 3. As we move toward our goal of returning students to their neighborhood schools, boundary adjustments are necessary.
>
> Ms. Meyers pointed out that while she agrees with points one and two, number three seems completely contradictory to what the District has done as they are actually taking students away from their North Hill community. She noted that she has a special needs child that she would have to drive out of the area, across airport traffic and Highway 99. She felt that Des Moines students should be attending Des Moines schools, Burien students to Highline, Sea Tac students to Tyee and then take the additional students to other areas. She noted that some students will be

brought in to Des Moines to attend schools that Des Moines students will not be allowed to attend. She asked the Council to help keep the community together.

Octavie Matson, 316 South 206th Street

Ms. Matson noted that she and her husband researched where to live and decided to live south of South 200th to allow their children to attend Pacific Middle School and Mt. Rainier High School. She stated that her son will not be allowed to continue to play with his soccer team at Mt. Rainier High School as he would be bussed to another school. She also advised that she voted for the Mt. Rainier High School bonds and would not have if she had known that her children would not be allowed to attend that school. She concluded by noting the children of Des Moines should be allowed to attend schools in Des Moines that their parents are paying for.

Armond Swanson, 317 S 202nd

Mr. Swanson also spoke in opposition to the proposed boundary changes of Highline School District. He noted that his child will have to travel 604 unnecessary miles to go to school for a total of 15 minutes each way, when they only live 5 minutes from Mt. Rainier High School. He requested Council support the Des Moines residents.

Kevin Smith, 21310 3rd Avenue South

Mr. Smith informed Council he bought his home in North Hill so his son could attend Mt. Rainier High School. He advised that he voted for the levy for Mt. Rainier, and does not feel it would be fair that he would still have to pay this tax and his child will not be allowed to attend. He encouraged Council to support the Des Moines residents.

John Ayar, 28754 5th Place South

Mr. Ayar advised Council that he is a local developer. He noted that he is sad that some Des Moines' Parks will be closed and some City services will be cut. However, he felt some tax dollars are actually being wasted and cited a 36 page report that the City requested for a retaining wall on his property. He noted that the report cost $180 an hour to prepare that will be thrown out and now a second report has been requested.

Blaze Smith, 21310 3rd Avenue South

Mr. Smith spoke in opposition to the Highline School District's proposed boundary changes. As a student in the 10 grade, he wishes to finish his schooling at Mt. Rainier High School. He felt that Tyee would not allow him to fulfill his knowledge for learning. He informed Council that he has obtained 40 signatures in 2 hours on a petition to stop the boundary change.

PRESIDING OFFICER'S REPORT

Highline School District Proposed Boundary Changes

Mayor Sheckler advised that he strongly agrees with the speakers this evening concerning objections to the Highline School Districts proposed boundary changes. He noted that he will be having a meeting with Highline Superintendent Dr. McGeehan next week. He further advised that he has asked staff to prepare a resolution for Council's consideration, which states that the City is not in support in the boundary changes, and residents that live south of 200th Street should be allowed to attend Pacific Middle School and Mt. Rainier High School.

He noted there are several upcoming meetings regarding the boundary changes and he encouraged all to attend to continue to voice their objections. He further noted comments can be mailed or e-mailed to the School District.

Councilmember Sherman expressed displeasure with the proposed boundary changes and noted that the School Board will have to make the decision, but would strongly encourage the Board not to impact the students that would normally attend Mt. Rainier High School with the proposed change. He felt Council should remind the Board that the Councilmembers actually took a position in support of the capital improvement bond, at the request of the School District, and the Council supports the North Hill residents in their efforts to have their children attend local community schools.

Councilmember White felt that the North Hill citizens concerns are well taken.

Councilmember Steenrod voiced support for the North Hill community in that Des Moines' students should attend Des Moines' schools and requested that the proposed resolution note that the Council supports the Boundary Action Committee of the PTSA in that effort.

BOARD & COMMITTEE REPORTS

Suburban Cities Association

Councilmember Sherman reported attending a meeting yesterday, along with Councilmember Steenrod. A presentation was made by the owner and president of John L. Scott Real Estate, concerning real estate and housing, and discussion centered around need for housing, sprawl, the Growth Management Act and the need for development of infrastructure for development.

South County Area Transportation Board

Councilmember Sherman noted that at a recent meeting discussion concerned two main issues:
1. Current Legislative Session and what is going on, and requests from King County cities for some more options for local funding.
2. Sound Transit and Sound Transit II. Des Moines will be directly impacted by Phase II, should it occur.

Councilmember Sherman informed Council that cities impacted by Sound Transit II, will be meeting with Julia Patterson, who is our representative to King County, to talk about where the Light Rail will go and where are good areas for stations. He advised Council that he will provide updates as things move along.

Association of Washington Legislative Conference

Councilmember White reported she attended the recent Conference with City Manager Piasecki. She noted that the main focus was on the "State of the Cities" report prepared by AWC which is on the City's web site.

Economic Development

Councilmember White advised that a Community Summit was held a week ago and was well attended. Community members shared their concerns, frustrations, visions and ideas.

Councilmember White stated she will be going to Washington, D.C. this Saturday as an advocate for preservation and seeking funding for the City for the Beach Park Project.

COUNCILMEMBER COMMENTS

Port of Seattle Commissioners Meeting

Councilmember Steenrod reported attending the Port meeting the other day concerning an item about SR 518. She noted that the Port will be providing up to $4 million in funding for design improvements between SeaTac and the I-5/I-405 interchange.

She also noted that their 2004 annual performance report was revealed and that in almost every category the Port managed to reduce almost all of their expenses and met most of their performance goals.

Suburban Cities - John L. Scott Meeting

Councilmember Steenrod felt that the presentation made by Mr. Scott and the Suburban Cities recent meeting was to bring to the cities attention that there is going to be a crisis in affordable housing in the next several years. She noted that condominiums are usually the most affordable, but due to a moratorium on their construction there are no new ones being built. She noted there is a Bill before the House to put limits on liabilities for condominium insurance.

Economic Development

Councilmember Steenrod voiced the opinion that one of the key issues is the Zoning Code and in having homes people who work here can afford to buy. She felt it is important that the Zoning Code is clear and is protecting the City for things that need to be done and not be unduly burdensome.

Conflict of Interest

Councilmember Steenrod announced that a recent article in the Highline Times, reported that Councilmember Petersen won his Court of Appeals case on a Conflict of Interest. She complimented Mr. Petersen for sticking with this case and paying out of pocket for legal fees to prove that he had no conflict of interest as a Councilmember.

SR 518 Project

Councilmember Sherman noted he has some material related to the SR 518 project and he will have it distributed to Councilmembers.

Metro

Councilmember Sherman informed everyone that the downtown Seattle bus tunnel is going to be closing this Fall for a period of two years. He noted that beginning in June, on Saturdays, they will close the tunnel to begin preliminary work before the full closure. He advised that 3rd Avenue will essentially be mainly buses and may be closed to general traffic.

Appreciation

Councilmember White thanked City staff for all their hard work.

ADMINISTRATION REPORTS

Project Updates

City Manager Piasecki updated Council on the following items

- Saltwater State Park Bridge repair project is complete
- Surface Water Outfall replacement project at the end of S. 240th is complete

- City Hall HVAC System is out to bid and due back on March 8th
- Steven J. Underwood Memorial Park: Ballfield Light Project - the light portion has been designed and getting ready to go out to bid; Restrooms are in the process of being designed and hope to have construction underway late this summer; Ball Field Number One electrical work is complete and 1st tournament is March 5th and 6th
- Midway Park construction is continuing
- Beach Park joint meetings are underway to discuss ways to mitigate Des Moines Creek

CONSENT CALENDAR was read by City Clerk Staab.

1. Motion is to approve the regular minutes of January 27, the special minutes of January 29, and the special and regular minutes of February 10, 2005.
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 #98005 through # 98206 & electronic fund transfers in the total amount of $322,261.68

   Payroll fund transfers in the total amount of $335,336.44
3. Motion is to recognize February 23, 2005, as *Rotary International Day in Des Moines*, and to encourage all citizens to recognize Rotary International for 100 years of service to improving the human condition in local communities around the world." [Note: Mayor Sheckler read the entire certificate into the record after the Consent Calendar was approved.]
4. ~~**Motion is to adopt the 2005 Exhibit A for the Memorandum of Understanding between the Cities of Auburn, Burien, Covington, Des Moines, Federal Way, Kent, Renton, SeaTac and Tukwila for the joint Human Services Funding Program.**~~ [Note: Item pulled by Councilmember Steenrod.]
5. Motion is to approve the Customer Agreement with PSE/Potelco, PSE Order No. 10101843, for relocating the Marina's primary metering equipment in the amount of $36,709 plus WSST of $3,230 and a 10% contingency of $3,670, for a total of $43,609, and authorize the City Manager to sign the agreement substantially in the form as submitted.
6. Motion is to authorize the City Manager to sign the contract with Waldron and Company to conduct the recruitment for the position of Planning, Building and Public Works Director in an amount not to exceed $45,000, substantially in the form as submitted.
7. Motion is to name Tim Heydon, Public Works Director, as the City of Des Moines' representative for the South King County Ground Water Management Committee.
8. ~~**Motion is to award the contract for professional engineering design services for the 2005 Arterial Maintenance Program to KPG in the amount of $89,886.60 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.**~~ [Note: Item pulled by Councilmember Petersen.]

Councilmember Petersen requested Item #8 be removed from the Consent Calendar.

Councilmember Steenrod requested Item #4 be removed from the Consent Calendar.

MOTION was made by Councilmember Sherman, seconded by Councilmember Petersen and passed, to approve the remaining consent calendar items.

PULLED CONSENT ITEMS

Item #8 - Contract for Professional Engineering Design Services for 2005 Arterial Maintenance Program

Councilmember Petersen questioned administration as to whether this item was actually put out for bids.

Assistant City Engineer Andrews advised that this is a design contract for Professional Engineering Services, and those are done purely by qualifications, not by bids. She noted when it is time for the actual construction it will go out for bids.

City Attorney Marousek informed Council that the State Statue does not allow the City to consider price until you have determined if the firm is qualified.

Upon questioning, Assistant City Engineer Andrews informed Council that this firm has done quality plans for the City in the past, communicate well with the utility companies, and have required few change orders during previous City work.

Councilmember Steenrod cautioned against using the same firms over and over, and encouraged staff to look at other firms in the future.

Public Works Director Heydon expressed agreement with Councilmember Steenrod advising that that at least 6 different consulting firms are working on public works projects at this time. He noted that he does spread the work around and encourages new firms to submit proposals.

MOTION was made by Councilmember Petersen, seconded by Councilmember Sherman and passed unanimously, to award the contract for professional engineering design services for the 2005 Arterial Maintenance Program to KPG in the amount of $89,886.60 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.

Item #4 - Memorandum of Understanding - Joint Human Services Funding Program

Councilmember Steenrod questioned how the decisions are made as to who gets funding.

Senior Services Supervisor Padden informed Council that each of the cities have Human Services Committees that make the recommendations on the funding to their individual Councils. However, the nine cities all fund the agencies that are listed in the Memorandum of Understanding so that one invoice and one reporting system can be used, instead of nine cities doing nine reports.

City Manager Piasecki noted that there are other agencies that Des Moines has chosen to fund and that was done during the City's budget process.

Upon questioning, Senior Services Supervisor Padden advised that Des Moines is not one of the lead cities because the lead cities have full time human services staff that can handle the work load.

MOTION was made by Councilmember Steenrod, seconded by Councilmember Sherman and passed unanimously, is to adopt the 2005 Exhibit A for the Memorandum of Understanding between the Cities of Auburn, Burien, Covington, Des Moines, Federal Way, Kent, Renton, SeaTac and Tukwila for the joint Human Services Funding Program.

NEW BUSINESS

Agreement for Permit Assistance for Upgrades to Electrical System Project, Expanded Guest Moorage Area Project, and Future Maintenance Projects in the Marina

Harbormaster Dusenbury provided Council with some basic information on the permits required for aquatic projects and the process that permitees are required to go through to get federal and state permits. He stated the most expensive permit is called a Biological Evaluation. He further noted that there are three basic types of permits that are required for aquatic projects at the Marina. They are: “Nationwide Permit” (Corps of Engineers Permits), “Letter of Permission” (LOP) and “Section10/Section 404” permit. He informed Council that the Corps has determined that several of the Marina projects that had been thought small enough to qualify for individual LOP’s or standing permits need to be permitted under a single Section 10 and/or Section 404 permit and that a Biological Evaluation will be required. The projects expected to take place over the next 5 to 10 years, are:

- Addition of standpipe fire suppression systems to the covered docks
- Addition of additional foam floatation to the docks associated with the electrical upgrades project.
- The annual replacement of foam floatation under the covered moorages.
- Addition of piling to the ends of the covered docks.

Harbormaster Dusenbury informed Council that since the decision regarding the expanded guest moorage has been delayed pending the results of the Marina Master Plan Update and the Rate Study, staff is recommending that the City proceed with the BE that is needed to get the permits for the other projects. He advised that the Marina’s consultants estimate that the total cost for the BE work needed for all the projects will be $90,000 to $100,000, which means the value of the “overlap” or cost savings in the Guest Moorage BE is about $20,000. The cost of the BE and permit assistance is estimated to be $49,300 and the cost will be prorated between the Expanded Guest Moorage Project, the current phase of the Electrical Upgrades Project and the long-term maintenance activities. The prorated share for the maintenance activities will be paid with funds from the operating account and the share for the other projects will be paid out of the Marina’s capital fund. He concluded by noting staff recommends approval of the agreement with Moffatt & Nichol for professional services for obtaining the necessary state and federal permits.

MOTION was made by Councilmember Steenrod, seconded by Councilmember White and passed unanimously, to approve the agreement with Moffatt & Nichol for providing professional services for obtaining state and federal permits for the upgrades to the Marina Electrical System Project, future capital projects and long term Marina Maintenance activities in the amount of $49,300 plus a 10% contingency, and authorize the City Manager to sign the agreement substantially in the form as submitted.

Marine View Drive Bridge - Rejection of Bids

Assistant City Engineer Reinhold informed Council that three bids were received for the Bridge Project and even the low bid was $1 million over the engineer’s estimate and above the project’s budget. He noted that after review of the bids, staff has identified 12 items than can be modified and anticipate a reduction of $750,000 to $1,000,000 if changed. In conclusion, he informed Council that the Des Moines Creek Basin Committee met and agreed with staff that it is in the best interest to reject the bids and re-advertise with some changes to the plans and specifications.

MOTION was made by Councilmember White, seconded by Councilmember Petersen to reject all bids for construction of the Marine View Drive Bridge Project.

Councilmember Steenrod commented that the cost for steel and concrete has more than doubled and certainly contributes to the high bids.

Upon questioning, Assistant City Engineer Reinhold stated he would expect construction to be finished in the summer of 2006.

VOTE ON MOTION: Motion was approved unanimously.

8:49 p.m. Mayor Sheckler called for a 10 minute break.

Excused Absence

MOTION was made by Councilmember Petersen, seconded by Councilmember Sherman and passed unanimously, to excuse Councilmember Benjamin.

MOTION was made by Councilmember Petersen, seconded by Councilmember Sherman and passed unanimously, to excuse Councilmember Steenrod from the remainder of the meeting.

9:01 p.m. Councilmember Steenrod left the meeting.

Priorities for Federal Funding

Parks and Recreation Director Thorell advised that staff has prepared requests based on programs identified in previous Council meetings and retreat deliberations and as approved through the 2005 budget and 2005-2010 Capital Improvement Plan processes. She advised that these requests will be submitted to the United States Congress through Congressman Adam Smith's office, and similar requests will be made to United States Senators Murray and Cantwell. She identified the following three projects:

1. Des Moines Beach Park Historic District Rehabilitation
2. Des Moines Creek Trail - Waterfront to Downtown access Transportation Projects
3. Water Front and Airport Security

Chief Baker informed Council that the third project is a direct appeal for homeland security funding for the coastal area within the City, and the Des Moines Creek trail which is a direct back door to SeaTac International Airport.

Councilmember White expressed cautious optimism that these projects have a good chance of succeeding. She felt staff has done an excellent job in preparing these project priorities.

MOTION was made by Councilmember Sherman, seconded by Councilmember White, to adopt staff's recommendation and prioritization of the projects presented in the packet to apply for Federal funding.

Upon questioning by Councilmember Sherman, Parks and Recreation Director Thorell noted the City is asking for $1 million for the Historic Preservation of the Beach Park, $560 thousand for the Trail and Transportation Connection and $1.5 million for the Water Front and Airport Security.

City Manager Piasecki noted the City is also asking for State funding for Beach Park preservation.

Councilmember White noted that there is a line item going through the State Legislature for the Beach Park.

VOTE ON MOTION: Motion passed unanimously 4 to 0.

Police Department Strategic Plan

Police Chief Baker informed Council that the Police Department recognizes a significant amount of our community resources are invested in the Police department and that the community looks toward the Police Department to effectively address their public safety needs and utilize available resources in the most efficient and effective means possible. In order to accomplish this, Chief Baker advised that a Strategic Plan has been developed with input from staff, Council, citizens and community organizations. He proceeded to summarize the five year Plan . In conclusion he noted that it is possible some objectives in the Plan may not be accomplished due to conflicting priorities or because of limited resources. He advised that the Police Department is enthusiastic and fully committed to a successful implementation of the strategies as outlined, and requested Council's endorsement.

MOTION was made by Mayor Sheckler, seconded by Councilmember Petersen, to endorse and support the Des Moines Police Department Strategic Plan.

Upon questioning Chief Baker noted that about seven years ago the Department was Accredited with the State of Washington, but has not yet achieved National Accreditation. He also reported that the anti-graffiti program has been met with great community support, and the Crime Free Rental Housing Program has overall been received with good results and understanding for the need for the program.

Chief Baker advised that some low level nuisance calls may not get a direct Police response, if information needed can be obtained over the telephone. He stated that 10% reduction in staffing requires that the Department consolidate and concentrate efforts in dealing with major crime issues.

Chief Baker informed Council that the Department's concept is to be "lighter, faster and smarter". Lighter means cutting hours, which is already being done. Faster means better more efficient delivery systems for Police Services. Smarter means work much harder with the information that the Department has, especially with the Spellman system.

VOTE ON MOTION: Motion passed unanimously, 4-0.

NEXT MEETING DATE

Study Session March 3, 2005

ADJOURNMENT

At 9:28 p.m. MOTION was made by Councilmember White, seconded by Councilmember Petersen and passed unanimously, to adjourn.

Respectfully submitted,

Denis Staab
City Clerk