

REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES

March 24, 2005

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

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

ROLL CALL - Present: Mayor Bob Sheckler, Mayor Pro Tem Scott Thomasson, Councilmembers Gary Petersen, Dan Sherman, Maggie Steenrod and Susan White. Absent: Councilmember Richard Benjamin. Also in attendance were City Manager Tony Piasecki, City Attorney Linda Marousek, Development Services Manager Robert Ruth, Police Chief Roger Baker and City Clerk Denis Staab.

MOTION was made by Councilmember Petersen, seconded by Mayor Pro Tem Thomasson and passed unanimously, to excuse Councilmember Benjamin.

COMMENTS FROM THE PUBLIC

Clark Snure, 612 S. 227th Street, Rotary Club

Mr. Snure informed Council that the 1st annual Wine and Music Festival sponsored by Des Moines Rotary March 12th and 13th was well attended with approximately 1,400 to 1,500 in attendance. He noted that Rotary expects to net around \$20,000 to fund community service activities. He thanked Council for the use of the auditorium at the Beach Park and City staff for the assistance and support. He informed Council that Rotary would like to use the facility again next year and perhaps expand the Festival to add Friday, making it a three day event, with possibly slightly longer hours. In conclusion, he advised Council that the historic auditorium is a tremendous facility, an asset to the community, and a lot of individuals expressed interest in having other events there in the future..

BOARD & COMMITTEE REPORTS

Economic Development Committee

Councilmember Steenrod noted that there will be a committee meeting tomorrow.

She informed Council that she has been working with several local schools and METRO to create art work for the new bus shelters on Pacific Highway South. She noted the schools will be finished with their art work by the end of the month, and present their work to METRO in April. It is anticipated an installation celebration will occur sometime in May.

South King County Area Transportation Board

Councilmember Sherman reported attending the Board meeting this week. He noted currently planning is occurring for Phase II of Sound Transit. He stated that he was a little disconcerted that there are so many projects, that the original idea of a link between Seattle to Tacoma is getting lost. He advised he has asked Des Moines' Public Works Director to put together some comments from Des Moines on the City's interest in seeing that link completed. He noted that there will be an opportunity for public comment at a forum to be held sometime during May or June, once the final EIS is ready. He further noted that a public vote on the Phase II project is expected in 2006.

Passenger Ferry Service

Councilmember White referenced the Sound Transit Study and the possible future of Des Moines in having passenger ferry transportation. She advised that she and Parks and Recreation Director Thorell attended a North County Ferry group meeting. She advised that individuals from Watcom County expressed great interest in Des Moines having passenger ferry service due to our close proximity to SeaTac Airport.

She also reported attending the King County Metro Study meeting which is also looking at water transportation.

She advised that she will be attending a Legislative session next week to discuss the potential for water transportation in Des Moines.

Rotary Wine Festival

Councilmember White congratulated Rotary on the successful event and noted that this displays what the Beach Park can be. She felt that having the Beach Park on the National Registry of Historic Places is an honor and will be beneficial to the City down the road.

Public Safety & Transportation Committee

Mayor Pro Tem Thomasson reported that the Committee has reviewed the draft ordinance regarding false alarms that is on the agenda this evening, and supports it.

Economic Development Committee

Mayor Pro Tem Thomasson advised that the Committee will be meeting tomorrow and will have a report to give the full Council at the April 7th Study Session.

PRESIDING OFFICER'S REPORT

King County Council Meeting

Mayor Sheckler thanked the King County Council for holding a recent meeting in Des Moines. He advised that this gives citizens an opportunity to see the County Council in action rather than having to commute to Seattle. He thanked Councilmembers Patterson and von Reichbauer for their kind remarks about Des Moines. He reported the Agenda centered on Criminal Justice Innovations. He advised that the next community held County Council meeting will be in the City of Kent and they will discuss new election issues.

City Council Meeting Issues

Mayor Sheckler requested Council consider the following ideas for consideration to make the Council meetings more 'user' friendly, and to forward any suggestions or comments to him:

1. Add "Comments from the Public" to study session. This would require an amendment to Council Rules of Procedure.
2. Discontinue use of acronyms. This can be very confusing and some individuals have no idea what is being talked about.

He requested comments be forwarded to him before the next Council meeting.

COUNCILMEMBER COMMENTS

Highline School District's Proposed Boundary Change

Councilmember Steenrod reminded everyone that there will be another public meeting at Olympic School on April 6th.

Airport Construction

Councilmember Steenrod announced that there are construction issues at Seatac Airport and this will involve closing the hourly parking area and may involve detours through June.

Correspondence - Councilmember Benjamin

At the request of Councilmember Benjamin, City Clerk Staab read the following correspondence into the record:

“Over the last three years members of the City Council have requested that deference be given to the observance of religious holidays. It is understood that City Council meetings are scheduled by the Mayor. In the past both Mayor Wasson and Mayor Steenrod have so graciously honored those requests. As we all know this week is of importance to both Jews and Christians. This country was founded on Judeo-Christian customs and beliefs. Some Councilmembers believe that observing religious holidays is optional. Others see no choice but to follow their convictions. I want to thank past Mayor Wasson and Mayor Steenrod for having this respect and would encourage Mayor Sheckler to do the same. Sincerely, Richard Benjamin, Des Moines City Councilmember”

Mayor Sheckler noted that he felt that this is always a fair thing to do, however, the request has to be made before he can act on it.

Wine Festival

Councilmember Sherman voice support to expand next year's Festival to Friday.

Directives and Living Wills

Councilmember Sherman noted that national attention has been drawn to the events in Florida. He felt that everyone should use this opportunity to review our own advance directives and living wills, so people do not have to guess what your desires are toward the end of life.

Welcome

Councilmember White welcomed Karen Goroski, Executive Director of the Suburban Cities Association, who will be briefing Council this evening on the Association. She encouraged all Councilmembers to attend the Suburban Cities' dinners as a great way to network with other cities.

King County Council Meeting

Councilmember Petersen reported that he also attended the recent County Council meeting that was held at Wesley Gardens. He noted that it was reported that even with the short fall of monies, good things came about within the Jail System. He stated that the County found ways to process and release some jail inmates and reduced the jail population from 3,000 to around 2,200. It was noted that the short fall of funds did bring out some good ideas.

City Park Closures

Mayor Pro Tem Thomasson noted that through the 2005 budget process, Council determined that Zenith Park would need to be closed and that a letter was sent to the School District to terminate the contract. He reported that he still sees a lot of people using the Park and he questioned whether the City has posted the Park closure and removed City signs and emblems. He expressed concern about potential liability issues.

He also reported that the School District has indicated that they are about ready to surplus that site and offer it for sale. He expressed hope that Des Moines can find the funds to purchase the land, and at least "land bank it" until more operating funds become available.

Parks and Recreation Director Thorell noted that the City did send a letter to the School District with the intent to send the property back to the District. She noted that the District is actually maintaining the property by mowing, but the City's agreement runs through June.

In regards to the sale of the Park, City Manager Piasecki informed Council that he has asked the Parks and Recreation Director to look into other potential funding sources such as grants. He advised that he is also in conversation with the School District regarding possible arrangements to purchase the property over time. He advised that administration is in agreement with Mayor Pro Tem Thomasson over keeping the property and actively pursuing options.

ADMINISTRATION REPORTS

Marine View Drive Bridge Project - Bids

City Manager Piasecki informed Council that the 2nd round of bids were opened last week, and unfortunately, came in just as high as the 1st time. He stated that staff is working with the Des Moines Creek Basin Committee to figure out where we will go from here. He advised that a proposal may be ready for Council at the April 14th meeting.

Water Tower Park

City Manager Piasecki advised that, hopefully, in the next few weeks staff will be bringing a new agreement with Highline Water District regarding maintenance and operations of Water Tower Park. He stated that he has been advised that quite a few folks from that neighborhood have volunteered to help maintain the Park. He expressed hope that the City may be able to keep the Park open.

Council Retreat - March 26, 2005

City Manager Piasecki reported placing material in Council's box for the retreat on this Saturday.

Planning, Building and Public Works Director Position

City Manager Piasecki noted that the recruitment process is moving along. 33 applications have been received and have been narrowed down to 19 by the City's consultant. After further questioning of those applicants it is expected the field will be narrowed to 4 or 6 for interviews. He felt the process is going well.

Suburban Cities Association, Executive Director Karen Goroski

Ms. Goroski advised that she accepted appointment as the Executive Director of the Suburban Cities Association as of August 2, 2004. She noted that she was hired to carry out recommendations to redesign the organization, create a new board of directors and rewrite the by-laws. She stated new by-laws were adopted in November of 2004. New Board members were seated in January and Councilmember Susan White is a Board member. She further noted that a new Public Issues Committee has 37 cities as members, with each having a seat and a vote, and was convened in January. They are charged with working on public policy positions to make recommendations to the Board of Directors. She advised Council that member cities have requested SCA be less reactive and more pro-active in public policy positions, therefore she has challenged the Public Issues Committee to pick the issues that SCA will want to help guide.

Ms. Goroski distributed the 2005 Suburban Cities Association meeting schedule, which included the Networking dinners.

CONSENT CALENDAR was read by City Clerk Staab.

1. Motion is to approve the special and regular minutes of March 3, special minutes of March 8, and the regular minutes of March 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 #98373 through #98560 & electronic fund transfers in the total amount of \$481,297.60

Payroll fund transfers in the total amount of \$357,997.58

~~3. Motion is to approve the agreement for the replacement of the HVAC systems with Design Air, Ltd., in the amount of \$131,593 plus tax, and authorize the City Manager to sign the contract substantially in the form as submitted. And, to authorize the City Manager to approve change orders in amounts not to exceed 10% in total.~~ [NOTE: Item removed at the request of Councilmember Petersen.]

Councilmember Petersen requested that Item #3 be removed from the Consent Calendar.

MOTION was made by Mayor Pro Tem Thomasson, seconded by Councilmember and passed unanimously, to approve the Consent Calendar as read.

Mayor Sheckler requested a redundancy in the special minutes of March 3, 2005, be corrected, and in the regular minutes of March 3, 2005, page one, titles be inserted for Mr. Slatterley and Dr. McGeehan from Highline School District.

REMOVED CONSENT ITEM

Consent Item #3 - Agreement for Replacement of HVAC Systems

Councilmember Petersen questioned how old the HVAC System is, and felt the Chamber system seems to be working really well. He asked if the system could be worked on to make it last without spending \$131,000.00.

Parks and Facility Manager Miller advised Council that the majority of the system in the North wing of City Hall is not working at all, and the majority of the system is from when the facility was built in 1974. The building has been added on to, subtracted from, including additional roofing, and with all these modifications, he noted that the system does not efficiently heat or cool the building.

MOTION was made by Councilmember Petersen, seconded by Mayor Pro Tem Thomasson and passed unanimously, to approve the agreement for the replacement of the HVAC systems with Design Air, Ltd., in the amount of \$131,593 plus tax, and authorize the City Manager to sign the contract substantially in the form as submitted. And, to authorize the City Manager to approve change orders in amounts not to exceed 10% in total.

NEW BUSINESS

Draft Ordinance No. 04-194 [ASSIGNED ORD. NO. 1360] False Alarms - 1st Reading

Police Chief Baker informed Council that the Police Department currently does not have any regulations regarding intrusion or robbery alarms. He noted that in 2003 the Department responded to 1,213 alarm calls, and only 14 of those calls were valid alarm activations. He advised that these false calls needlessly divert vital police resources and create a substantial expense to the community. In 2003, the department estimates approximately \$49,500 was spent responding to false alarms. He stated that the draft ordinance will require the registration of burglary and robbery alarms in the City of Des Moines. In addition this new ordinance calls for a program to reduce the number of false alarms and establish a mechanism to recover the costs of the police department to respond to false alarms. The draft ordinance will require persons with alarms on their premises to insure that they systems are properly installed, maintained and operated. He noted that the alarm owners will be only allowed two false alarms in a 12 month period before they are subject to a fine of \$100.00 for the third false alarm, and \$200 for each subsequent false alarm, and a non registered alarm is subject to a \$200.00 fine for any false alarm in addition to a registration and late fee.

Chief Baker advised that an annual registration program based on 1,200 alarms at a fee of \$25.000 should generate about \$30,000, an additional \$15,000 to \$18,000 could be recovered in false alarm fees. This amount will be used to offset an estimated expense of \$49,500. He informed Council that an alarm administrator will be established within the Police Department to administer a program to include such activities as overseeing registration, tracking alarms, providing alarm notifications, conferencing with the alarm owner and alarm companies to ensure proper operation and to facilitate an alarm user awareness class.

Upon questioning, Chief Baker stated that notices will be sent to all known alarm users and alarm companies. He stated, especially with the Spillman System upgrade, that he is comfortable that the department can implement the program within 30 to 60 days.

It was pointed out that Section 17 Effective Date, needs to be changed to 30 days.

MOTION was made by Mayor Pro Tem Thomasson, seconded by Councilmember Sherman, to suspend Council 26(b) in order to enact the draft ordinance on first reading. Motion passed 5 to 1 with Councilmember Steenrod opposed.

MOTION was made by Mayor Pro Tem Thomasson, seconded by Councilmember White, to enact Draft Ordinance No. 04-194, relating to the registration of burglary and robbery alarms in

the City of Des Moines that also calls for a cost recovery and penalty for repeat false alarms, with a correction to Section 17 of 30 days. Motion passed unanimously.

Draft Ordinance No. 04-142 [ASSIGNED ORD. NO. 1361] Revising Flood Hazard Areas Code - 1st Reading

Development Services Manager Ruth informed Council that the purpose of the draft ordinance is to amend Chapter 14.44 of the Des Moines Municipal Code to be consistent with the Federal Emergency Management Agency's (FEMA) Washington Model Flood Damage Prevention Ordinance and is basically housekeeping in nature. He noted that this will ensure that City residents may purchase flood insurance through FEMA. He stated that in May 2004, City staff and King County Fire District #26 met with the Department of Ecology as part of its Community Assistance Visit, and while the results of the review were generally favorable, one area of concern is that the City's Flood Hazard Areas Code has not been updated to comply with FEMA's revised Model Ordinance. He advised that the draft ordinance contains all the changes required by the Department of Ecology. In conclusion, he informed Council that without flood insurance the risk of development in the flood plain could be cost prohibitive, and properties may be neglected or never developed.

Upon questioning, Development Services Manager Ruth advised that there is a series of 16 maps that detail the flood plains.

Mayor Pro Tem Thomasson pointed out that on page 2, first two Whereas, contain language indicating the draft ordinance requires a public hearing.

City Attorney Marousek stated she can check whether a public hearing is required when Council takes a break.

8:39 p.m. Mayor Sheckler called for a 10 minute break.

City Attorney Marousek informed Council that the language regarding holding a public hearing should be stricken. She referenced DMMC 18.56.190 pointing out that the Council may approve, approve with conditions or deny this type of land use action without public notice other than the notice requirements for public meetings. She further advised that the original ordinance adopted in 1992, did not have a public hearing.

Upon questioning, Development Services Manager Ruth stated that in January a Declaration of Non-Significance was issued.

MOTION was made by Mayor Pro Tem Thomasson, seconded by Councilmember White, to suspend Council Rule 26(b) in order to enact the draft ordinance on first reading. Motion passed 5 to 1 with Councilmember Steenrod opposed.

MOTION was made by Mayor Pro Tem Thomasson, seconded by Councilmember White, to adopt Draft Ordinance No. 04-142, with the Public Hearing requirement language stricken.

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

Councilmember Sherman noted that a letter from the Department of Ecology contained in Council's packet, pointed out City's staffs expertise and knowledge of floodplains, and stated that City staff is topnotch and that the city is well served by these people.

VOTE ON MOTION: Motion passed unanimously.

Draft Resolution No. 05-022 Fireworks Over Des Moines 2005

Mayor Sheckler announced that during the break is has been advised that the applicant has requested more time to review the draft resolution.

MOTION was made by Mayor Sheckler, seconded by Councilmember Steenrod, to table the item to a date to be determined by the City Manager and Mayor. Motion passed unanimously.

Correspondence from Councilmember Benjamin

In reference to the letter read into the record under Councilmember Comments, Mayor Sheckler noted that Councilmember Benjamin wrote that Council's in the past have given difference to observance of religious holidays and that past Mayor's have been gracious in honoring such requests. Mayor Sheckler requested to be on record that Councilmember Benjamin has never requested him to change a date for observance of a religious holiday, otherwise he would have taken it very seriously. He further stated that Councilmember Benjamin has never informed him when he will not be present for a Council meeting.

NEXT MEETING DATE

Mayor Sheckler announced the following meetings:

Council Retreat March 26, 2005 at Des Moines Activity Center 9 a.m. to 4 p.m.

Study Session April 7, 2005

ADJOURNMENT

At 9:12 p.m. **MOTION** was made by Mayor Pro Tem Thomasson, seconded by Councilmember Steenrod and passed unanimously, to adjourn.

Respectfully submitted,

Denis Staab
City Clerk