REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES May 11, 2006

The regular meeting of the Des Moines City Council was called to order at 7:31 p.m. by Mayor Sheckler in the Council Chambers, 21630 11th Avenue South, #B.

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

ROLL CALL - Present: Mayor Bob Sheckler, Mayor Pro Tem Scott Thomasson, Councilmembers Ed Pina, Carmen Scott, Dan Sherman and Susan White. Absent: Councilmember Dave Kaplan. Also in attendance were City Manager Tony Piasecki, City Attorney Linda Marousek, Finance Director Paula Henderson, Planning, Building Public Works Director Grant Fredericks, Assistant City Engineer Loren Reinhold, Development Services Manager Robert Ruth, City Transportation Engineer Dan Brewer, Code Enforcement Officer Nancy Uhrich and City Clerk Denis Staab.

MOTION was made by Councilmember Scott, seconded by Councilmember Sherman and passed unanimously, to excuse Councilmember Kaplan.

COMMENTS FROM THE PUBLIC

Bob Pond, 23116 30th Avenue South

In opposition to the upcoming vote for a Levy Lid Lift on the May 16th ballot, Mr. Pond noted that the City should not have spent money in the lost fight with the Port over the 3rd runway, as those funds could have been used to retain Police department personnel. He further commented that budgetary problems resulted from Council actions that happened as a result of a large settlement for the former City Manager, costs associated over a settlement with former Councilmembers, costs associated with Councilmembers attendance at meeting in Washington D.C. and expenses associated with opening a Police Substation in Redondo, all of which funds could have been used to keep law enforcement personnel. He concluded by noting taxes are already too high and Council is trying to buy a way out of problems they caused. He felt Council needs to spend funds on law enforcement and roads first, and then worry about expending funds on economic development.

BOARD & COMMITTEE REPORTS & COUNCILMEMBER COMMENTS

Suburban Cities Association Meeting

Councilmember Pina reported attending a meeting last night and reported on the following items:
- Susan Cooke, Mayor of Kent, was appointed to the Policy Committee
- Agreed to recommend that the region continue Park N' Ride at no additional costs
- Vision 20/20 Update - PSRC staff is making recommendations to Councils, including Des Moines
- Cedar Hills Land Fill scheduled for capacity around 2008/2015, there is a need to find another place. Proposal is to expand out of state, but the cost is very high so alternatives are being studied
- Waterborne Transit - Had hoped for a study to determine ideal locations, project died
- Emergency Management - Talk of Councilmembers needing to be NIMS certified. Claim is if not certified, and a national emergency occurs, we will not be eligible for funding.

Regarding Emergency Management Certification City Manager Piasecki stated the City is aware that we are not certified yet, but that is part of the City's Emergency Management Plan Update that is in progress. He noted that training that is required of Council and City staff is planned as part of the update. He stated this will be accomplished by the end of this year, if not sooner.

Cost Over-runs (See Mr. Pond's comments from the public)

Councilmember Pina noted that earlier comments by Mr. Pond regarding budget cost over-runs were caused by the previous Council. He advised that this Council is working hard to try to rectify the situation.

Economic Development Committee

Councilmember White advised that the Committee met recently and they are moving along with preliminary budget items. She stated that at the Council retreat this week-end, this and some of the Marina economic development ideas, will be discussed.

Levy Lid Lift Ballot Issue - May 16th

Councilmember White encouraged everyone to vote next week.

Welcome

Councilmember White acknowledged and welcomed Senator Karen Kieser, seated in the audience.

Discovery Institute

Councilmember White advised that a delegation of elected officials is being formed to meet with the Water Transportation Authority in San Francisco on October 6th and to experience their passenger ferry service.

Public Safety and Transportation Committee

Councilmember Sherman reported the committee met this evening and discussed the 6 Year Transportation Improvement Program which contains the City's wish list of major transportation programs. He reported this years list amounts to about $100,000,000.00. He advised the Hearing for the Program should be to Council in the next month or less.

Environmental Committee

Mayor Pro Tem Thomasson reported the Committee will be meeting next Monday evening.

PRESIDING OFFICER'S REPORT

Leadership Summit

Mayor Sheckler reported that the 3rd meeting of the Summit was held last Saturday. Time was spent reviewing past accomplishments and what they hope to accomplish in the future. Several items did occur, such as:

- Decided to restructure and establish something similar to a board of directors comprised of Chairs of the established committees
- Requested the City hold quarterly town hall meetings
- Requested City annually present a "state of the City address"

He advised that the list of items they hope to accomplish over the next year is incredible.

ADMINISTRATION REPORTS

Applications for Grants

City Manager Piasecki informed Council staff has submitted a Public Works Trust Fund Loan for the 16th Avenue and the Barnes Creek Projects for a total of about $2.5 million, and a Heritage Grant for Des Moines Beach Park for approximately $1 million.

Marine View Drive Bridge Project

City Manager Piasecki reported that the Bridge was closed last night for some work and everything got done that was needed. It appears at this time that no more closures will be needed to complete the project.

Police Patrols

City Manager Piasecki noted that the Chief of Police informed him today, that until further notice, he has brought the traffic unit off of normal schedules and he is putting them into regular patrol slots. This is due to the loss of a few officers and we are in the process of filling those positions, so this will ensure that patrol teams are staffed appropriately.

State Senator Karen Kieser

Senator Kieser briefed Council on actions that occurred in Olympia during this past session, noting some of the following issues that were resolved:

- Columbia River Water - Resolved with a fair balance between the fish and conservation needs, and the farmers and their agricultural needs.
- Equal Rights Legislation - No longer legal to discriminate against people in housing, financial affairs, or employment on the basis of their sexual orientation.
- Medical Malpractice - Legal reforms of civil justice system, patient safety and insurance reforms.
- Passed Bill preparing for pandemic flu.
- Small Business Health Insurance - Creating partnership with State.
- Improved funding to Nursing Homes.
- Mental Health Services - Increased funding using new formula.
- Providing more funding for basic health care and children's health care.
- Hospital Billing - When patients discharged they must be provided with a detailed list of costs incurred.
- Financial literacy programming to be taught in public schools.
- Parking fees removed from State parks.
- $150,000 provided to King County Sexual Assault Services.
- $250,000 to complete the Des Moines Creek Trail

In conclusion, upon questioning, Senator Kieser noted that it is hard to predict the major issues for 2007, but felt energy issues, health care and education will most likely be important topics.

Mike Heinisch, Board Chair Elect of South King Council of Human Services

Mr. Heinisch introduced Dianne Boyd, Vice President of Youth and Family Services at Ruth Dykeman Children's Center in Burien. Mr. Heinisch and Ms. Boyd distributed a brochure entitled "A Matter of Need" and pointed out the following issues facing South King County:

- Has a disproportionate large share of young, poor and immigrant families where the need outpaces the funding for services to help.

- Has highest level of poverty, highest level of residents on food stamps, and twice the rate of students eligible for school lunch aid

In conclusion, Mr. Heinisch noted that funding from county and state government tends to favor other parts of the County, with a disproportionately smaller share of funds targeted to South King County programs. He called on local government agencies, foundations, corporations and others to increase financial support and develop policies to address the human service needs in this region.

CONSENT CALENDAR was read by City Clerk Staab.

1. Motion is to approve the regular minutes of April 27, 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 #103926 through #104124 & electronic fund transfers in the total amount of $1,000,427.63

Payroll fund transfers in the total amount of $352,682.69

3. Motion is to approve the agreement with Elcon Associates, Inc. for providing design and construction management services to the Marina for the CCTV Security Camera System project and authorize payment in the amount of $19,100 plus a contingency of $1,900, for a total authorization of $21,000, and authorize the City Manager to sign the agreement substantially in the form as submitted.

~~**4. Motion is to approve the professional services contract supplements No. 12, 13 and 14 with INCA Engineers, Inc. in the amounts of $23,538.00, $39,495.35 and $5,774.72 respectively, and to authorize the City Manager to approve supplements substantially in the form as submitted and to authorize the City Manager or his designee to approve contract changes up to 10% or an amount that has been approved by the Des Moines Creek Committee. Also, to amend the SWM CIP as shown in Attachment 3 and include such amendments in the next available budget amendment ordinance.**~~ [ED NOTE: Item removed at the request of Councilmember Sherman.]

Councilmember Sherman requested Consent Item #4 be removed.

MOTION was made by Councilmember White, seconded by Councilmember Pina and passed unanimously, to approve the Consent Calendar as amended.

REMOVED CONSENT ITEM

Professional Services Contract Supplements with INCA Engineers

Councilmember Sherman requested more information.

Assistant City Engineer Reinhold noted that supplement No. 12 in the amount of $23,538, will be reimbursed by Water District #54, which is construction administration costs for their water line replacement.

City Manager Piasecki pointed out that this is work that the Water District had authorized. He advised Council that Des Moines' is paying the bills, but staff is requesting Council put the proper authorization in so we can pay the bill and then be reimbursed by Water District #54.

Assistant City Engineer Reinhold advised that supplement No. 13 in the amount of $39,495.35 involves inspection costs for the shotcrete work, plus expenses for designing a temporary structural strut system that will enable the contractor to excavate the fill material prior to installing the full bridge deck.. These costs were included in the Washington State Department of Transportation Agreement.

City Manager Piasecki noted that part of this request is to have Council direct staff to change the CIP so the dollars in the first part of the motion are placed into the CIP items, and that the CIP expenditure authorities are increased proportionately. He advised that the additional $700,000 for the Des Moines Creek Basin Projects is coming out of the fund balance of the Surface Water Management CIP. That fund balance has already been appropriated by Council and there does not have to be a budget amendment to place this money in the CIP, but the Finance Director feels this a cleaner way to do it.

MOTION was made by Councilmember Sherman, seconded by Councilmember Pina, to approve the professional services contract supplements No. 12, 13 **~~and 14~~** with INCA Engineers, inc. in the amounts of $23,538.00, $39,495.35 **~~and $5,774.72~~** respectively, and to authorize the City Manager to approve supplements substantially in the form as submitted and to authorize the City Manager or his designee to approve contract changes up to 10% or an amount that has been approved by the Des Moines Creek Committee. [ED NOTE: Strikethroughs removed by Friendly Amendment.]

Mayor Pro Tem Thomasson remarked that supplement No. 14 is proposing design services for things that he does not think the Council has ever discussed, including improvements to the Flag plaza as part of the Bridge project. He questioned whether the Des Moines Creek Basin participants may tell us this not an eligible cost and therefore refuse payment. He stated he is not sure if Council should authorize this cost at this time.

City Manager Piasecki advised Council did discuss this item during the Capital Improvement Plan discussion for this year. The additional amount was to enhance the Flag Triangle, the funds from this project are simply to restore the area to the way it was.

Mayor Pro Tem Thomasson commented that someone other than the Council has decided what the enhancements should be. He felt there are some policy questions that the Council may have wanted to be involved in about what the improvements were.

City Manager Piasecki pointed out that discussion was held in general terms about what the plans were, and it did include putting in some of the design elements from the Des Moines Memorial Drive design criteria. He noted that ultimately a draft design will be brought to the Council to determine if that particular project should proceed.

In regards to supplement No. 12, Mayor Pro Tem Thomasson questioned whether staff is certain that the Water District will pay back the funds. Assistant City Engineer Reinhold advised that it is explained in the Interlocal Agreement that they are to pay for these exact costs. He pointed out that the District has a loan for the amount they need to pay.

Councilmember Scott pointed out that South 227th Street at the south Marina entrance is the true beginning of the brick road which really deserves a tribute, not the Flag triangle, as part of the Memorial Drive improvements.

Mayor Pro Tem Thomasson pointed out that the Flag triangle is not a gathering place as it is in the middle of a busy intersection, therefore he is not in favor of supplement No. 14. He felt this item should be remanded to a Council committee.

City Manager Piasecki commented that before we move forward with any design on the Flag triangle, this item should go to the Council's Municipal Facility Committee to hash out. He suggested that supplement No. 14 in the amount of $5,774.72 be removed from the motion. This was accepted by the maker and seconder of the motion as a FRIENDLY AMENDMENT.

VOTE ON MOTION: Motion passed unanimously.

MOTION was made by Councilmember Sherman, and seconded, to amend the SWM CIP to account for the supplement amounts of Nos. 12 and 13, as approved in the previous motion. Motion passed unanimously.

8:45 p.m. Mayor Sheckler suggested Council take a 10 minute and then go into an Executive Session.

City Attorney Marousek announced that from 8:55 p.m. to approximately 9:15 p.m. Council will be in an Executive Session pursuant to the provisions of RCW 42.30.110, subsection 1 to discuss with legal counsel representing the City litigation to which the City is a party, with the City Attorney, who is representing the City in that litigation.

EXECUTIVE SESSION

Mayor Sheckler convened the Executive Session at 8:55 p.m.

ROLL CALL - Present: Mayor Bob Sheckler, Mayor Pro Tem Scott Thomasson, Councilmembers Dave Kaplan, Ed Pina, Carmen Scott, Dan Sherman and Susan White. Also in attendance were City Manager Tony Piasecki and City Attorney Linda Marousek.

Mayor Sheckler noted that purpose of the special meeting will be to hold an Executive Session for approximately 15 minutes to discuss with legal counsel representing the City litigation or potential litigation to which the City is, or is likely, to become a party and about which public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the City.

No formal action was taken.

ADJOURNMENT

The Executive Session adjourned into open meeting at 9:15 p.m..

Respectfully submitted,

Linda Marousek
City Attorney

NEW BUSINESS

Community Development Block Grant Home Repair Project & Sidewalk Project, Authorization to Submit Applications

Planning, Building, Public Works Director Fredericks noted that Des Moines will be joining with the City of SeaTac and Tukwila for the Home Repair Grant Program and the Sidewalk Project is for design work on a section of South 216th to add sidewalks. He introduced Code Enforcement Officer Nancy Uhrich who will talk about the Home Repair Project and City Transportation Engineer Dan Brewer will explain the Sidewalk Project.

Code Enforcement Officer Uhrich requested Council approve application for a $15,000 grant. She informed Council she runs into cases all the time where people would love to bring their property into Code compliance but do not have the funds to do so. She advised that the funds would help Code Enforcement to provide help to the general public. She introduced Stacy Hanson, from the City of Tukwila Human Services Department.

Ms. Hanson informed Council that the funds are distributed based on HUD guidelines for moderate and low income families, including home ownership and verification of income for minor home repairs. She noted most projects will be under $2,000 and this will be funding for the year 2007.

MOTION was made by Councilmember White, seconded by Councilmember Scott, to authorize the City Manager to submit an application for a Community Development Block Grant for the preparation of engineering design documents for the South 216th Street Sidewalk Project identified in the CIP, and also to participate in a joint application for Minor Home Repair Projects with the Cities of Tukwila and SeaTac, and authorize the City Manager to sign said applications.

Ms Hanson noted that with recent changes to Community Development Block Grant Funding smaller cities are being handled by King County. She advised that Tukwila applies with other cities such as Des Moines and SeaTac as partners because proposals must be a minimum of $50,000. She noted Tukwila would received $18,000, Des Moines $15,000 with the balance going to SeaTac. She noted the minor home repairs would include light fixtures, small plumbing jobs, repairs to porch steps, hand railings and handicapped accessibility. She advised participants are chosen based on health and safety issues. It was noted that the funds are collected on a federal level from all citizens and distributed back to King County to administer the funds. If Des Moines does not apply for the funds they will be distributed elsewhere.

Councilmember Sherman stated this is a great program to help those in need.

Mayor Pro Tem Thomasson questioned whether applying for two projects may put one of the projects in jeopardy.

City Transportation Engineer Brewer advised that one of the requirements is that if you are submitting two projects, Council must pick which one is to top priority. However, he advised that the City of Tukwila will be the one to submit the Home Repair project, and Council is only authorizing participation in that program, so it will not count against Des Moines.

City Transportation Engineer Brewer noted Des Moines submitted a pre-application (which is required) in order to submit the full application for improvements on the north side of South 216th. However upon research it was determined that Wesley Homes $40,000 in-lieu fees were specifically targeted for a sidewalk on the south side. Therefore he called King County about applying for design money for the project in the CIP which includes curb, gutter and sidewalk on both sides of the road from 11th Avenue South to Marine View Drive. This would also include provisions for bike lanes, planter strips, and a left turn lane where it is viable. He advised that is why this application has been changed to go for design money only for the whole project. He noted one of the criteria is that the CDBG funds must go to a specific target of low to moderate income clientele. He noted that with the sidewalk on the north side there is a definite benefit for the Wesley Home residents (senior citizens) and further to the east on the south side there is some identified low income residents. The proposal is now to move forward with a grant for design documentation of the construction of the overall improvements of this project in the CIP. The grant is for $50,000, in the CIP the design engineering costs identified are for $62,500, plus $22,203 for administration by City staff, for a total of about $85,000. The remainder of the design costs after the grant of $50,000 would have to be covered by Traffic Impact Fee money. He pointed out that if we are successful in obtaining the Grant money, the requirement would be that by May 2008 we will have 100% design documents, plan specifications and estimates for the whole project. He advised that if the City has a project that is substantially designed it would be a bonus in any future grant applications and it would make the City more competitive.

Mayor Pro Tem Thomasson stated he is not opposed to asking for the design money, but wondered whether Council will have to re-prioritize the CIP to make this project funded at the expense of other projects that had a higher priority. He questioned whether this project had the highest need of another project that would have qualified.

City Transportation Engineer Brewer noted that this project is part of the overall corridor improvements that are identified in the Transportation Improvement Plan for the 216th Street corridor. Given some of the development that is occurring further north on the east side, he sees the general priority for this corridor to be elevated. Upon questioning, he advised this proposal for a grant would be presented in September.

City Manager Piasecki noted that if we know in early Fall that we are successful in getting the Grant, it will allow time to review the CIP and then present the option to Council to accept the Grant and juggle the CIP around.

Councilmember Sherman noted this project is part of the City's Transportation Plan that connects low income and seniors to the public Library, City Hall, Police Station, buses on Marine View Drive and to shopping, all within walking distance. He felt this is an extremely worthy project.

VOTE ON MOTION: Motion passed unanimously.

Draft Resolution No. 06-099 ***[ASSIGNED RESOLUTION NO. 1010]*** Final Plat Approval - Cameron's Crossing

Development Services Manager Ruth remarked that Cameron's Crossing is a small single family residential subdivision that Council approved in November 2001, in its preliminary form. The request tonight is to approve the final plat. He pointed out that the subdivision portion of the property is only 1.5 of the 9 acres involved, due to McSorely Creek running through the property which creates steep slopes and areas that need to be protected under the Critical Areas

Ordinance. He noted that because such a large portion of the property is protected as sensitive areas, it was necessary at the preliminary stage, to have PUD overlay. Therefore some of the lot sizes are slightly smaller that the 7,200 square feet, and slightly narrower. He advised that all of the infrastructure has been built-out and staff feels the plat is ready for approval. He pointed out the following:

- Tract A will be owned outright by the City, for drainage purposes.
- Note 4 on Plat Map will be expanded and purpose will contain more detail
- Tract X will be deeded to City for open space and passive recreation (Park In-lieu fees were waived due to large amount of land)

MOTION was made by Mayor Pro Tem Thomasson, seconded by Councilmember Scott, to adopt Draft Resolution No. 06-099 approving the final plat and planned unit development of Cameron's Crossing, City File No. LUA 2001-010; Applicant: Kroupa and Son Construction, Inc., with the provision that Note 1 be revised to provide for the ownership of that Tract as was done for Tract A in Note 2, and that the substitute language for Note 4 be incorporated. Motion passed unanimously.

2006 1st Quarter Financial Report

Finance Director Henderson proceeded to provide Council with a financial update of the City's operating funds for the first quarter of 2006, noting some of the following:

General Governmental Funds - Expenditures (All departments except Marina & SWM)

Total 2006 Budget Amount:	$15,160,796
Expended through March 2006:	$ 3,795,269
Percentage of Budget:	25.0%

General Government Funds - Revenues (All departments except Marina & SWM)

Total 2006 Taxes:	$9,435,970
YTD March 2006:	$1,832,553
Percentage of Budget:	19.4%
Total Other Revenues:	$15,439,667
YTD March 2006:	$ 3,374,286
Percentage of Budget:	21.9%
Sales/Use Taxes YTD March:	$416,782
Utility Taxes 2006 Budget:	$2,541,000
YTD March 2006:	$ 757,070
Percentage Change from 2005:	6.7%

Business Taxes, License & Fees

2006 Budget:	$917,000
YTD March 2006:	$476,789

Building Permits/Plan Review Fees

2006 Budget:	$1,632,000
YTD March 2006:	$ 247,217
Percentage Change from 2005:	- 11.4%

Parks & Recreation Fees/Program Costs

2006 Budget Revenue:	$574,000
YTD March 2006:	$118,314
2006 Budget Program Costs:	$685,037
YTD March 2006 Costs:	$199,552

Marina

Total Revenues 2006 Budget:	$3,997,346
YTD March 2006:	$ 717,571
Total Expenses 2006 Budget:	$3,368,501
YTD March 2006:	$ 554,563

Surface Water Management

Total Revenues 2006 Budget:	$2,060,418
YTD March 2006:	$ 184,264
Total Expenses 2006 Budget:	$1,686,525
YTD March 2006:	$ 234,593

Finance Director Henderson concluded her presentation with charts showing REET Collections for 2006 compared with 2005, Internal Service Funds showing revenues versus expenditures and City wide interest income, cash and investments.

Car and Boat Show

Councilmember Pina noted that at the April 27th meeting his friendly amendment was accepted to add a $4 admission charge to the motion authorizing a Car and Boat Show at the Marina. He advised since that time he has researched the admission fee charge and he would like to have this idea reconsidered.

MOTION was made by Councilmember Pina, seconded by Mayor Sheckler, that the admission charge for the Car and Boat Show be reconsidered at the June 1st Council meeting. Motion passed unanimously.

NEXT MEETING DATE

Mayor Sheckler noted the next meeting will be a mini-retreat at the Founders Lodge on May 13th, and the next regular meeting will be May 25, 2006.

ADJOURNMENT

At 10:27 p.m. **MOTION** was made by Councilmember Pina, seconded by Councilmember Sherman and passed unanimously, to adjourn.

Respectfully submitted,

Denis Staab
City Clerk