

REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES

May 12, 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, 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 Richard Benjamin (arrived at 7:40 p.m.), Gary Petersen, and Dan Sherman. Absent: Councilmembers Maggie Steenrod and Susan White. Also present were City Manager Tony Piasecki, City Attorney Linda Marousek, Assistant City Attorney Richard Brown, Commander Kevin Tucker, Public Works Director Tim Heydon, Park and Recreation Director Patrice Thorell, and Deputy City Clerk Angela Chaufy.

MOTION was made by Councilmember Sherman, seconded by Councilmember Petersen, and passed, 4 – 0, to excuse Councilmembers Steenrod and White. Councilmember Benjamin was not present to vote.

COMMENTS FROM THE PUBLIC

Lala Klemmon, 24804 9th Place South

Ms. Klemmon informed Council that she had watched the previous Council meeting on Channel 21. She was distressed that the public was allowed to yell at Council and felt that the audience had demonstrated improper behavior. Ms. Klemmon said that the Council Rules prohibited the audience from making public displays and noisy outbursts. Regarding the litigation fees, Ms. Klemmon stated that certain members of the Council had chosen to consult a private attorney rather than utilize the services of the City Attorney. Therefore, she felt that those individual Councilmembers should be responsible for paying for the fees of the private attorney.

[ED NOTE: At the May 26, 2005, Councilmember Steenrod requested the following clarification language be added: “That legal services were not available, that the City Attorney declined to represent those Councilmembers.”]

Florence McMullin, Huntington Park, P.O. Box 98567

Ms. McMullin stated that she had attended the last Council meeting and found the audiences behavior intimidating. She said that she refrains from responding emotionally as directed by the Mayor and wished that others would also.

BOARD & COMMITTEE REPORTS

Planning, Building, and Public Works Director Interviews

Councilmember Sherman reported that he had participated in a panel interview for the new Planning, Building, and Public Works Director today.

At 7:40 p.m., Councilmember Benjamin arrived.

Ad Hoc Comprehensive Plan Update Committee

Mayor Pro Tem Thomasson announced that the next meeting of the committee would be May 13, 2005.

COUNCILMEMBER COMMENTS

Response to Comments from the Public

In response to the speakers' comments, Councilmember Sherman asked the Mayor to enforce Council's rules regarding audience behavior.

ADMINISTRATION REPORTS

Legislative Update - Representative Dave Upthegrove

As Representative Upthegrove had not yet arrived, City Manager Piasecki asked that the representative's briefing be postponed until later in the meeting.

HVAC System

City Manager Piasecki announced that the building's HVAC system was in the process of being replaced.

Planning, Building, and Public Works Director Interviews

City Manager Piasecki announced that interviews for the Planning, Building, and Public Works Director position would continue through tomorrow.

CONSENT CALENDAR

City Manager Piasecki removed Item No. 6 as a bid protest had been received.

Deputy City Clerk read the consent calendar as follows:

1. Motion is to approve the regular minutes of April 28, 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 #99097 through #99255 & electronic fund transfers in the total amount of \$426,090.91
 Payroll fund transfers in the total amount of \$341,224.79
3. Motion is to recognize May 21-27, 2005, as National Safe Boating Week in Des Moines.
4. Motion is to recognize the Week of May 9 to May 15, 2005, as Police Week, and May 15th to be Police Memorial Day in Des Moines.
5. Motion is to approve the Agreement for electrical installation of lighting equipment at Underwood Memorial Park with Rakoz Electric Inc., in the amount of \$68,558.82 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.
6. ~~Motion is to award the Contract for Street, Bike Route and Pedestrian Walkway Cleaning to McDonough and Sons and to authorize the City Manager to sign said contract substantially in the form as submitted.~~

Mayor Sheckler introduced Bob Miller and Don Parker who were in attendance due to Item No. 3.

Mr. Miller voiced support for Item No. 3. He felt the measure would promote safe boating.

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

ADMINISTRATION REPORT, CONTINUED

Legislative Update - Representative Dave Upthegrove

Representative Upthegrove highlighted the following actions of the previous legislative session:

- \$300,000 allocated for the renovation of Des Moines Beach Park buildings.
- \$177,000 allocated for the ballfield lighting project at Steven J. Underwood Park.
- Local gas tax passed to fund local transportation projects.
 - Des Moines will receive approximately \$62,000 in 2005.
 - Des Moines will receive approximately \$123,000 in 2006.
- Funding increased for the Transportation Improvement Board and Safe Routes to School programs.
- Funds allocated to the SR 509 extension project.
- Funds allocated to Highline Community College's Marine Science and Technology Program.
- Matching fund ratio increased for the Highline School District's Mount Rainier High School construction project.
- \$400,000 allocated for the renovation of Camp Waskowitz.

Representative Upthegrove said that he was willing to meet with Council to discuss city or state issues.

NEW BUSINESS

Draft Ordinance No. 05-060 [Assigned Ord. No. 1363] Authorizing Traffic School

Commander Tucker informed Council that the City had conducted a successful traffic school program since 2001.

Assistant City Attorney Brown noted that RCW 46.83.010 allows cities to establish traffic schools. Draft Ordinance No. 05-060 would formally establish the traffic school, authorize the Des Moines Municipal Court Judge to order attendance at the traffic school, establish a fee to recover costs of administration and create a new chapter under Title 10 of Des Moines Municipal Code.

MOTION was made by Councilmember Benjamin, seconded by Mayor Pro Tem Thomasson and passed unanimously to suspend Rule 26(b) in order to enact Draft Ordinance No. 05-060 on the first reading.

MOTION was made by Councilmember Benjamin and seconded by Mayor Pro Tem Thomasson to enact Draft Ordinance No. 05-060, an ordinance relating to the Traffic Code, authorizing a

traffic school to be administered by the City of Des Moines Police Department, ratifying prior Police Department traffic school activities, authorizing the Des Moines Municipal Court Judge to order attendance at the traffic school, establishing a fee to recover costs of administration, and creating a new chapter under Title 10 DMMC.

In response to Mayor Pro Tem Thomasson's questioning, City Manager Piasecki said that staff would verify whether a special fund for the program was needed for budget purposes.

VOTE ON MOTION: Motion passed unanimously.

Draft Ordinance No. 04-228 [Assigned Ord. No. 1364] Criminal Code Update

Assistant City Attorney Brown introduced the subject. The adoption of the proposed ordinance was recommended for the sake of conformity, brevity, and equal protection. In order to retain the ability to prosecute the code provisions in the Municipal Court, it was desirable that certain state statutes be adopted by reference and that City of Des Moines counterpart ordinances be clarified to coordinate with the state statutes.

MOTION was made by Councilmember Sherman, seconded by Councilmember Petersen, and passed unanimously to suspend Rule 26(b) in order to enact Draft Ordinance No. 04-228 on the first reading.

MOTION was made by Councilmember Sherman, seconded by Councilmember Petersen, and passed unanimously to enact Draft Ordinance No. 04-228 relating to gambling activities and public safety; amending the Des Moines Criminal Code relative to gambling, obstructing justice, controlled substances, legend drugs, drug paraphernalia, precursor drugs, and drug-related loitering; adding new sections to chapter 9.28 DMMC; repealing DMMC 9.28.050, 9.28.060, and 9.28.070; codifying new sections in chapter 9.28; and assessing penalties.

Des Moines Memorial Drive Corridor Management Plan

Parks and Recreation Director Thorell provided a briefing and Power Point presentation regarding the Corridor Management Plan for the Des Moines Memorial Drive World War I Living Road of Remembrance. The plan was developed by a multi-jurisdictional committee consisting of representatives from King County, Burien, Normandy Park, SeaTac, Des Moines, Veteran Groups, historical societies, citizen activists, utilities, and Port of Seattle. The purpose of the committee was to rehabilitate and enhance the Des Moines Memorial Drive World War I Living Road of Remembrance. Park and Recreation Director Thorell reviewed the history of the living remembrance and identified the following goals of the program:

- To comprehensively document all significant natural, historical, and recreational resources.
- To establish guidelines for comprehensive rehabilitation, enhancement and promotion of the original Living Road of Remembrance.
- To establish an implementation and long-term management plan.

Park and Recreation Director Thorell identified the following future steps of the process:

- Identify and adopt a governance structure.
- Develop an implementation plan.
- Pursue historic designation.

- Develop a capital funding strategy and apply for grants.
- Incorporate plan recommendations into Public Works projects.

Des Moines Memorial Drive improvements were identified as a project in the City's Transportation Improvement Plan adopted June 24, 2004 and in the Transportation Comprehensive Plan adopted December 5, 2002. In closing, Park and Recreation Director Thorell noted that the Des Moines Memorial Drive Corridor Management Plan was available for public review on the City's website.

In response to Councilmember Benjamin's questioning, Public Works Director Heydon said that signage would be used at South 188th Street to direct pedestrians and cyclist back on to Des Moines Memorial Drive.

City Manager Piasecki said that staff would remind Puget Power to only trim the trees as needed to maintain the integrity of their equipment.

In response to Mayor Pro Tem Thomasson's questioning, Park and Recreation Director Thorell confirmed that staff was working with the City of SeaTac to impose the correct design standards for the PUD project abutting Des Moines Memorial Drive.

COMMENTS FROM THE PUBLIC, CONTINUED

Mayor Sheckler announced that, in light of the early hour and since additional speakers had missed the Comments from the Public portion of the meeting as they thought the meeting started at 8:00 p.m., he would allow additional comments for the public.

Robert Ashcroft, 28116 9th Avenue South

Mr. Ashcroft said that he, along with other residents of 9th Avenue Place, had written a letter to Council regarding a neighboring property owner's plans to build a fence around his property in order to store construction debris. Mr. Ashcroft said that he did not have an issue with the property owner nor did he mind a house being constructed on the property, but he did not want his property devalued due to a construction debris site. Mr. Ashcroft noted that the alley area had often been used as an emergency vehicle turnaround.

Richard Mattler, 28112 9th Avenue South

Mr. Mattler also addressed Council regarding the property on 9th Avenue Place. He said that neither King County nor the City had maintained the alley. Instead, residents had leveled and graveled the area. Mr. Mattler said that Puget Power used the alley during power outage situations. As the street would become a deadend, he voiced concern that the residents' fifteen foot driveways would be used as turnarounds.

City Manager Piasecki stated that staff was drafting a response to the concerns expresses in the residents' letter.

REMOVED CONSENT ITEM

Street, Bike Route and Pedestrian Walkway Cleaning Contract

MOTION was made by Mayor Pro Tem Thomasson, seconded by Councilmember Petersen, and passed unanimously to continue Consent Item No. 6 to a future meeting to be determined by the Mayor and City Manager.

EXECUTIVE SESSION

At 8:43 p.m., City Attorney Marousek announced that the City Council would hold an executive session for the purpose of planning or adopting strategies or positions as part of an ongoing collective bargaining process as provided in RCW 42.30.140(4)(b). The Executive Session was expected to last approximately fifteen minutes.

All Councilmembers, City Manager Piasecki, and Human Resource Coordinator Angela Chaufy were present for the Executive Session in the City Hall Conference Room.

At 9:04 p.m., Mayor Sheckler recused himself from the meeting.

No formal action was taken.

At 9:08 p.m., the meeting adjourned.

NEXT MEETING DATE - Regular meeting May 26, 2005

Respectfully submitted,

Angela M. Chaufy
Deputy City Clerk

ACTION ITEM FROM 5/12/05 MEETING

- Verify whether a separate fund needs to be established for the Traffic School Program.
- Remind Puget Power to only trim the trees on Des Moines Memorial Drive as needed to maintain the integrity of their equipment.