

REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES

July 27, 2006

The regular meeting of the Des Moines City Council was called to order at 7:47 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 Dave Kaplan, Ed Pina, Carmen Scott, Dan Sherman and Susan White. Also in attendance were City Manager Tony Piasecki, City Attorney Linda Marousek, Chief of Police Roger Baker, Land Use Planner II Denise Lathrop, Capital Improvement Program Project Manager Scott Romano, and Deputy City Clerk Angela Chaufy.

COMMENTS FROM THE PUBLIC

Gary Peterson, 509 South 222nd

City Manager Piasecki read a letter from Gary Petersen into the record. Mr. Petersen's letter said that the Washington State Supreme Court had ruled that his ownership of Pete's Towing while serving as a Councilmember did not create a conflict of interest. All lawsuits against him have been removed by the Courts.

Upon questioning from Councilmember White, Mayor Sheckler confirmed that the letter could be read despite Mr. Petersen not being present at the meeting.

BOARD & COMMITTEE REPORTS

Suburban Cities Association

Councilmember White reported that she had attended the Suburban Cities Association Board meeting.

Emergency Command Workshop

Councilmember Sherman announced that he would be attending an Emergency Command Workshop in August.

Municipal Facilities Committee

Councilmember Sherman informed Council that the Municipal Facilities Committee would meet tomorrow to review the Marina Master Plan. The Plan would be presented to the full Council after the results of the Marina rate study became available.

Public Health Board

Councilmember Sherman announced that he had been appointed as an alternate to the Public Health Board.

Environment Committee

Mayor Pro Tem Thomasson announced that the committee had provided direction to staff regarding the Des Moines Creek Basin Committee and sewer district's negotiations concerning the transfer of a pipeline. The committee was in general agreement with the wetland and stream

definitions recommended in the Critical Area Wetland and Stream Categorization Regulations agenda packet.

PRESIDING OFFICER'S REPORT

Leadership Summit

Mayor Sheckler reported that the Leadership Summit group has been incorporated under the name "Destination Des Moines".

COUNCILMEMBER COMMENTS

Direction of City

Councilmember Scott said that she was excited about the positive direction of the City.

Comments from the Public – Petersen

Councilmember Pina said that the Supreme Court had refused to hear Mr. Petersen's case rather than removed the charges.

Award of Grants

Councilmember White said that the City had been awarded a \$500,000 Heritage Grant for the rehabilitation of the Des Moines Beach Park Dining Hall. She was confident that the City would also receive a \$500,000 grant for the Des Moines Creek Trail Project.

National Night Out Against Crime

Councilmember White announced that the National Night Out Against Crime event would be conducted August 1, 2006 at the Field House.

Chief of Police Baker encouraged the public to attend the event.

Comments from the Public – Petersen

Councilmember Sherman agreed with Councilmember Pina's comments.

Emergency Preparedness

Councilmember Sherman reported that he had attended a meeting regarding emergency preparedness. He gave the City Manager copies of the meeting materials for the public.

RCAA Workshop

Councilmember Sherman announced that he had attended the RCAA Workshop regarding air cargo at SeaTac Airport. Puget Sound Regional Council representatives were also in attendance. The workshop video was available to the public through RCAA.

Courage Classic Bicycle Event

Councilmember Sherman announced that he would be riding in the Courage Classic Bicycle event. The event was a fundraiser for an endowment for the intervention and prevention of child abuse and neglect. He thanked his supporters for their support.

ADMINISTRATION REPORTS

State of the Des Moines' Libraries

Librarian Carol Van Baalen distributed packets describing the various programs sponsored by the library system. She highlighted the following programs:

- Pieces of the Past – Historical website completed.
- Des Moines Library Sculpture Project – In progress.
- Woodmont Library Expansion – Public meeting to be conducted August 10, 2006 at 7:00 p.m.
- Staffing Reorganization

Ms. Van Ballen introduced the members of the Library Advisory Board.

Library Advisory Boardmember Barbara McMichael detailed the Des Moines Library Sculpture Project. Meetings for the project are held the first Wednesday of the month at 7:00 p.m. in the Des Moines Library. She invited Council to provide supporting comments regarding the project for the program brochure.

Councilmember Sherman noted that the King County Library System provided wireless access, e-books, and storytime in Spanish.

CONSENT CALENDAR was read by Deputy City Clerk Chaufy.

1. Motion is to approve the regular minutes of July 6, 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 #104985 through #105188 & electronic fund transfers in the total amount of \$533,389.88

Payroll fund transfers in the total amount of \$298,019.87

3. Motion is to approve the agreement with Fire Systems West, Inc. for the installation of fire standpipes on K and L Docks at the Marina and authorize payment in the amount of \$51,200, plus a 10% contingency of \$5,120, for a total of \$56,320 and authorize the City Manager to sign the agreement substantially in the form as submitted.

4. Draft Ordinance No. 06-160 [Assigned Ord. No. 1384] - Title: An Ordinance of the City of Des Moines, Washington, relating to the acquisition by eminent domain of certain properties in the City of Des Moines; describing the public convenience, use and necessity of such properties; providing for the condemnation, appropriation and taking of such land, including the mode of payment of cost of acquisition; and directing the City Attorney to prosecute such action in King County Superior Court.

TWO MOTIONS: First motion is to suspend Council Rule 26(b). Second motion is to approve Draft Ordinance No. 06-160.

- 5.A Motion is to award the construction contract for the 2006 Arterial Maintenance Program to Western Asphalt, Inc. in the amount of \$525,846.70 and further to authorize the City Manager to sign said contract, plus authorize the City Manager or his designee to approve change orders up to an amount of 15% of the contract amount.

B. Motion is to supplement the current contract for professional engineering services for the 2006 Arterial Maintenance Program with KPG to include construction management services in

the amount of \$56,314.99 bringing the total to \$114,461.83, plus authorize the City Manager or his designee to approve change orders up to an amount of 10% of the supplemented amount.

C. Motion is to add an additional street section via change order to the 2006 Arterial Maintenance Program, as allowable by budget, should the design, construction management and construction contracts not utilize their approved contingency amounts.

6. Draft Ordinance No. 06-176 [Assigned Ord. No. 1385] - Title: An Ordinance of the City of Des Moines, Washington relating to municipal finance, amending the 2006 budget adopted in Ordinance No. 1373, by authorizing certain expenditures in the amounts specified in this ordinance.

TWO MOTIONS: First motion is to suspend Council Rule 26(b). Second motion is to approve Draft Ordinance No. 06-176.

Regarding Item No. 4, Mayor Pro Tem Thomasson questioned whether the City should purchase the full parcel located on the northwest corner South 272nd Street and 16th Avenue South rather than just a corner of the lot since the lot was so small.

City Attorney Marousek explained that, as the lot is pre-existing, it was buildable and would remain buildable. The issue should be further discussed in Executive Session due to the negotiation process.

MOTION was made by Councilmember Sherman, seconded by Councilmember White, and passed unanimously to approve the consent calendar.

OLD BUSINESS

Correspondence to Puget Sound Regional Council (PSRC) - Response to 2020 Update Draft Environmental Impact Statement (EIS)

Land Use Planner II Lathrop asked for Council's direction regarding the proposed formal comment letter regarding the Puget Sound Regional Council's Vision 2020 Update Environmental Impact Statement. She also questioned whether Council wished a copy of the final letter to be sent to King County Councilmember Julie Patterson and Suburban Cities Association.

Councilmember Sherman expressed concern with the statement "Three of the four growth alternatives if extended to Des Moines would have just this negative effect." Rather than mention what the City does not want, he suggested that the letter clearly state the City's recommendation.

Mayor Pro Tem Thomasson recommended that the letter specifically state the desired population capacity. In regard to the last paragraph under the Local Policy Framework and Context to Des Moines section, he felt that the topic of minimum densities should be a separate paragraph with more supporting information provided.

Upon questioning, City Manager Piasecki said that he thought the State's SR509 property was not included in the calculations.

Councilmember Pina said that individual City Councils should be able to decide how to meet their city's population targets. He voiced support for the letter as written.

Councilmember White agreed with Councilmember Pina's comments.

Councilmember Kaplan questioned whether language regarding the consideration of moving the urban growth boundary should also be included.

Councilmember Sherman said that he did not support including a statement concerning moving the growth boundaries.

Councilmember Pina recommended that the issue not be raised until Council was ready to address the matter.

Councilmember Scott noted that Council would conduct a special meeting regarding Pacific Ridge on July 31, 2006. She said that she had discussed the area with a commercial realtor and the realtor had stressed the importance of coordinating efforts with the cities of Kent and Federal Way.

MOTION was made by Councilmember Pina and seconded by Councilmember White to authorize the Mayor to sign and transmit to the Puget Sound Regional Council, the City of Des Moines' formal comment letter on the Vision 2020 update EIS as is.

Mayor Pro Tem Thomasson recommended that the letter clearly state that none of the alternatives were preferred and that the PSRC should develop a hybrid that looks more at the individual cities. In addition, the letter should clearly identify the population range Des Moines was willing and able to accept. Mayor Pro Tem Thomasson suggested that the motion be changed to authorize the Mayor to sign and transmit the letter in a form substantially as attached.

City Manager Piasecki noted that one purpose of the letter was to state that a more dynamic review of the carrying capacity of each city, the willingness of various cities to go beyond certain thresholds, and the identification of what makes sense for specific areas should be conducted.

Councilmember Sherman asked that the revised letter be sent to Council via e-mail prior to signing.

City Attorney Marousek reminded Council to send their comments regarding the letter to staff only so as to not engage in cross-communication.

The maker and seconder of the motion **accepted Mayor Pro Tem Thomasson's recommendation as part of the motion.**

Councilmember Kaplan said that if the City had to identify a preferred alternate from the alternatives presented, he would prefer for the Growth Target alternative to be extended due to the capacity issue.

Councilmember Scott voiced support for Mayor Pro Tem Thomasson and Councilmember Sherman's comments.

Mayor Pro Tem Thomasson stated that a replacement alternative should be developed that included specific factors.

City Manager Piasecki suggested that “within the Larger Suburban Cities sector that acknowledges the carrying capacity of the city and honors the discretion that local elected officials must have to accommodate modest additional growth in a way that best meets the needs of their communities” be deleted from Paragraph 2.

Councilmember Kaplan agreed.

Mayor Sheckler clarified that, if the motion passed, the City Manager would revise the letter and forward it to Council. Council should then submit any comments to the City Manager.

VOTE ON MOTION: Motion passed, 6 – 1, with Councilmember Sherman opposed.

MOTION was made by Mayor Pro Tem Thomasson and seconded by Councilmember Kaplan to authorize staff to prepare a similar letter to the elected members on the PSRC Board that expresses the City of Des Moines’ position regarding the Puget Sound Regional Council’s growth alternatives.

Councilmember Sherman asked that Council be given sufficient time to review the letter.

Mayor Pro Tem Thomasson clarified that his motion assumes that the content of the letter has already been established.

VOTE ON MOTION: Motion passed, 6 – 1, with Councilmember Sherman opposed.

MOTION was made by Mayor Pro Tem Thomasson, seconded by Councilmember Kaplan, and passed unanimously to authorize staff to develop a strategy that represents City Council’s direction for coordinating with Des Moines’ neighboring cities to determine the percentage of growth that they have the capacity or desire to accommodate.

At 9:14 p.m., Mayor Sheckler declared a ten-minute break.

NEW BUSINESS

Interlocal Agreement with South King Fire and Rescue

MOTION was made by Councilmember White and seconded by Councilmember Pina to authorize the City Manager to sign the Fire and Emergency Medical Protection Agreement between South King Fire and Rescue and the City of Des Moines substantially in the form as submitted.

In response to Councilmember Kaplan’s questioning, City Manager Piasecki provided examples of fees that are currently being collected. He noted that the new Part 105 fees would cover fire inspections for various occupancies in the City. The Fire Department would collect the fee and keep 100% of the fee.

Mayor Pro Tem Thomasson suggested that the valid sections of the fuel sales agreement be incorporated into the proposed agreement.

Fire Chief Church and Council concurred with Mayor Pro Tem Thomasson’s suggestion.

VOTE ON MOTION: Motion passed unanimously.

Critical Area Wetland & Stream Categorization Regulations

Land Use Planner II Lathrop provided Council with a brief overview of the consultant's critical area inventory findings. So far, one Category 1 wetland, six Category 2 wetlands, and 1 Category 3 wetlands had been identified. The identification of additional Category 3 and 4 wetlands was anticipated. Land Use Planner II Lathrop asked for Council's direction regarding the adoption of the Department of Ecology's Wetland Rating System.

Mayor Pro Tem Thomasson noted that the Environmental Committee was in general agreement with the recommendations identified in Council's agenda packet.

MOTION was made by Councilmember Kaplan and seconded by Councilmember White to direct staff to include the Washington Department of Ecology Wetland Rating System for Western Washington (August 2004) in the drafting of the Critical Areas Ordinance.

Councilmember Sherman suggested that the local schools conduct a contest to name the four creeks that were currently unnamed.

Councilmember Pina suggested that the streams' names be based upon a location or function as naming things after people could open Pandora's box.

VOTE ON MOTION: Motion passed unanimously.

MOTION was made by Councilmember Kaplan and seconded by Councilmember Pina to direct staff to include the Washington State Forest Practice Board permanent stream typing system as currently outlined in WAC 222.16.030 in the drafting of the Critical Areas Ordinance.

Land Use Planner II Lathrop noted that the consultant was attempting to distinguish between fish bearing and non-fishing bearing portions of the creeks.

Mayor Pro Tem Thomasson suggested that a map rather than a table be adopted to identify fish bearing and non-fish bearing portions of streams.

NEXT MEETING DATES – Special Meeting July 31, 2006
Regular Meeting August 10, 2006

ADJOURNMENT

At 9:55 p.m. **MOTION** was made by Councilmember Kaplan, seconded by Councilmember Pina and passed unanimously to adjourn.

Respectfully submitted,

Angela M. Chaufty
Deputy City Clerk

ACTION ITEM FROM 7/27/06 MEETING

- Revise and distribute via e-mail the response to PSRC regarding the Vision 2020 Update Draft EIS.