REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES July 28, 2005

The regular meeting of the Des Moines City Council was called to order by Mayor Sheckler at 7:33 p.m. 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, Mayor Pro Tem Scott Thomasson, Councilmembers Richard Benjamin (left at 8:45 p.m.), Gary Petersen, Dan Sherman, Maggie Steenrod and Susan White. Also in attendance were City Manager Tony Piasecki, City Attorney Linda Marousek, Assistant City Engineer Maiya Andrews, Chief of Police Roger Baker, Commander Kevin Tucker, Finance Director Paula Henderson, Park and Recreation Director Patrice Thorell, and Deputy City Clerk Angela Chaufty.

COMMENTS FROM THE PUBLIC

Debbie Hickman, 22700 28th Avenue South

On behalf of the Human Services Advisory Committee, Ms. Hickman spoke in support of the proposed interlocal agreement with King County for Community Development Block Grant (CDBG) services.

Ray Johnson, 1651 South 308th

Mr. Johnson from the Redondo Bar and Grill voiced support for locating a police substation in Redondo Square. He said that he was concerned with the proposed hours of operation for the facility but that he wanted to work with the Police to resolve problems in the area.

Kaylene Moon, 24032 9th Place South

As chairperson of the Senior Services Advisory Committee, Ms. Moon spoke in support of the proposed agreement with King County for future CDBG funds. She asked Council to sign the agreement and ensure that the City had the opportunity to apply for financial support of senior activities.

BOARD AND COMMITTEE REPORTS

South County Area Transportation Board

Councilmember Sherman announced that the Board had discussed Sound Transit issues and the initiative to repeal the gas tax at their July meeting. He encouraged the public to study the gas tax issue.

Suburban Cities Association Board Meeting

Councilmember White reported that the Board had agreed to discuss criminal justice and annexation legislation issues. Information regarding these issues would be distributed to Council. Councilmember White said that the issue regarding funding to assist cities with financial difficulties, as brought forth by Normandy Park, was not discussed. She encouraged all Councilmembers to attend the Suburban Cities Association meetings.

Public Safety and Transportation Committee

Mayor Pro Tem Thomasson informed Council that the Committee had met to discuss the Police sub-station and levy lid lift proposals. The Committee had not reached consensus nor formed a recommendation regarding either proposal.

PRESIDING OFFICER'S REPORT

Pacific Highway South Improvement Project

Mayor Sheckler announced that Association of Washington Cities had awarded Des Moines the Municipal Achievement Award in recognition of the Pacific Highway South Project. He presented Assistant City Engineer Andrews with a plaque commemorating the award. Mayor Sheckler announced that National League of Cities had also honored Des Moines with their 2005 Municipal Achievement Award for the project.

Tall Ship from Russia

Mayor Sheckler reported that he had presented the captain of the Tall Ship from Russia with a plaque and key to the City of Des Moines. He distributed pictures of the event to Council.

South King County Mayors Drag Race

Mayor Sheckler noted that he had accepted Kent's Mayor's invitation to participate in the South King County Mayors Drag Race. He had been awarded second place behind Auburn's Mayor.

COUNCILMEMBER COMMENTS

Business and Occupation Tax

Councilmember Steenrod asked Council to revisit the Business and Occupation tax issue. She felt that the tax was pushing businesses out of the City. Even if the tax remained, Councilmember Steenrod said that Council should address specific language concerns. She requested that staff provide statistics regarding the program, including the number of businesses that have responded.

South County Area Transportation Board

Upon questioning from Councilmember Sherman, Council concurred that they were willing to pay $100 dues for membership in the Board.

Midway Park Re-Opening

Councilmember Sherman noted that Midway Park would re-open on August 27, 2005. A ceremony was scheduled for 11:00 a.m.

Hazardous Wastemobile Program

Councilmember Sherman reported that King County Solid Waste had recognized the City of Des Moines for its Household Hazardous Wastemobile Program.

Pacific Highway South Project

Councilmember Sherman announced that the City of Des Moines' Pacific Highway South Project had been awarded the 2005 Award of Excellence in the Best City Project category by the Washington State Department of Transportation. The award would be given at the American Public Works Conference.

<u>SR 509 Open House</u>

Councilmember Sherman reported that a SR 509 Open House would be conducted at Tyee High School on August 2, 2005, 5:00 – 7:30 p.m.

<u>Seattle Times Article</u>

Councilmember Sherman announced that the Seattle Times had reported that the Mayor of the City of Redmond wished to increase property tax by 75% and double its employee head tax rate.

<u>Washington Historic Trust Article</u>

Councilmember Sherman noted that an article written by Councilmember White regarding the Des Moines Beach Park had been included in the Washington Historic Trust publication.

<u>Crime Free Housing Program</u>

Councilmember Sherman said that the Crime Free Housing Program landlord training continued to receive positive comments from the participants.

<u>National Board for Historic Preservation</u>

Councilmember White reported that she had attended a meeting of the National Board for Historic Preservation. She thanked staff for their grant efforts. Councilmember White said that the Des Moines Historical Society needed to be showcased.

<u>Airport Issues</u>

Mayor Pro Tem Thomasson said that he has found the responses to Southwest Airlines proposal to move their operations to Boeing Field interesting. He reported that Snohomish County had decided to study whether a public airport should be located in their area. Mayor Pro Tem Thomasson said that the Puget Sound Regional Council has gone on the record stating that a second regional airport was needed.

<u>Condemnation of Office Area</u>

Mayor Pro Tem Thomasson said that he had received a call from a citizen regarding the condemnation of an office space in the Butler garage area. He asked staff to provide him with additional information regarding the issue.

<u>ADMINISTRATION REPORT</u>

<u>Pacific Highway South Project</u>

City Manager Piasecki reiterated that Washington State Department of Transportation had awarded Des Moines the "Best City Project Award" for the Pacific Highway South Project.

<u>Resignation of Assistant City Engineer Andrews</u>

City Manager Piasecki announced that Assistant City Engineer Andrews had accepted a position as Public Works Director for the City of Newcastle. Her last day at Des Moines would be August 12, 2005.

<u>Permitting Process</u>

Planning, Building, and Public Works Director Fredricks informed Council of the current planning and permitting workload, the goals of the division, and the methods to obtain the goals. He identified the following goals:

To make Des Moines a great place to:

- Live, raise a family, and retire,
- Own or start a business, build, and work,
- Shop or do business, get an education, and have fun.

Planning, Building, and Public Works Director Fredricks noted that the overall revenues for the first six months of 2005 were far short of the estimates. He presented a strategic framework illustrating how the permitting process will be aligned with the City's strategic goals and objectives. He identified the following re-engineering principles:

1. Re-engineer with the ultimate outcomes in mind.
2. Balance fairness to individuals and the community.
3. Engage the community and service recipients in the work.
4. Build in-service and financial accountability.
5. Ensure predictability and consistency.
6. Report on performance in clear, measurable terms so that the effectiveness of the planning and permitting activities may be clearly judged.

Councilmember Steenrod voiced appreciation for the briefing. She said that the report provided Council with notification of potential expenses.

CONSENT CALENDAR was read by Deputy City Clerk Chaufty.

1. Motion is to approve the special minutes of June 11, the regular minutes of June 16th and the special and regular minutes of July 7, 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 #100069 through #100275 & electronic fund transfers in the total amount of $918,969.63

Payroll fund transfers in the total amount of $348,618.71

~~3. 2005 Arterial Maintenance Program:~~

~~A. Motion is to award the construction contract for the 2005 Arterial Maintenance Program to Tucci & Sons, Inc. in the amount of $601,584.90 and to authorize the City Manager to sign said contract substantially in the form as submitted, 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 2005 Arterial Maintenance Program with KPG to include construction management services in the amount of $49,108.69, bringing the total to $138,995.29, plus authorize the City Manager or his designee to approve change orders up to an amount of 15% of the supplemented amount.~~

4. Motion is to award construction management services for the 24th Avenue South/South 216th Street Signalization Project to DKS Associates in the amount of $46,498, plus a 10% contingency and the authorize the City Manager to sign the contract substantially in the form as submitted.

5. Motion is to approve the agreement between the City of Des Moines and BOLA Corporation for Architectural and Engineering Services for the phased design of the Des Moines Beach Park Auditorium Project in an amount not to exceed $65,122, and for construction services in an amount not to exceed $25,000, and authorize the City Manager to sign the contract substantially in the form as submitted. And to authorize the City Manager to approve contract amendments in an amount not to exceed 10% in total.
6. Motion is to award the Contract for 2005-2008 Street Sweeping contract to McDonough and Sons in the amount of $97,830.48 and to authorize the City Manager to sign said contract substantially in the form as submitted.

Item No. 3 was removed by Councilmember Steenrod.

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

REMOVED CONSENT CALENDAR ITEM

2005 Arterial Maintenance Program

In response to Councilmember Steenrod's questioning, Assistant City Engineer Andrews explained that the budgeted amount for the Arterial Maintenance Program was $800,000. A 15% contingency would provide the opportunity for the full amount of the budgeted money to be spent on the program. Assistant City Engineer Andrews confirmed that a 10% contingency would be sufficient for both contracts.

MOTION was made by Councilmember Steenrod, seconded by Councilmember White, and passed unanimously to award the construction contract for the 2005 Arterial Maintenance Program to Tucci & Sons, Inc. in the amount of $601,584.90 and to authorize the City Manager to sign said contract substantially in the form as submitted, plus authorize the City Manager or his designee to approve change orders up to an amount of 10% of the contract amount and to supplement the current contract for professional engineering services for the 2005 Arterial Maintenance Program with KPG to include construction management services in the amount of $49,108.69, bringing the total to $138,995.29, plus authorize the City Manager or his designee to approve change orders up to an amount of 10% of the supplemented amount.

NEW BUSINESS

Paid Parking Plan in the City of Des Moines

MOTION was made by Councilmember White and seconded by Councilmember Petersen to move New Business Item No. 2 to a meeting next year to be determined by the Mayor.

Mayor Pro Tem Thomasson said that he was okay with no paid parking in Redondo but noted that the City has a budget which includes parking fees for Des Moines Beach Park and the Marina. He said that he could not support the motion as made.

VOTE ON MOTION: Motion failed, 1 – 6, with Councilmember White voting "YES".

AGENDA REVISION

Mayor Sheckler announced that New Business Item No. 1 would be discussed as the first item of business.

City Attorney Marousek confirmed that Council Rule 21.Q allowed Council to discuss a new topic despite having a motion regarding Old Business Item No. 1 on the floor.

Councilmember Benjamin announced that he needed to leave the meeting soon but that he had left comments regarding Old Business Item Nos. 2 and 3 with Councilmember Steenrod to share.

NEW BUSINESS

Community Development Block Grant Interlocal Agreement

Park and Recreation Director Thorell asked Council to consider the proposed Interlocal Cooperation Agreement between the City and King County regarding the Community Development Block Grant (CDBG) Program. In response to declining CDBG funding and the need to streamline and simplify the Consortium's program, the Joint Recommendations Committee has recommended a new agreement for the next three years. The goals of the agreement were to reduce duplication, save on administrative costs, and ensure that as many of the dollars as possible go into projects serving communities. King County staff estimated a savings in administrative costs of approximately $320,000 per year consortium-wide.

MOTION was made by Councilmember Benjamin and seconded by Councilmember White to approve the Interlocal Cooperation Agreement between the City and King County regarding the Community Development Block Grant funding program, and to authorize the City Manager to sign the agreement, substantially in the form as submitted.

Mayor Pro Tem Thomasson said that he would support the motion but that he preferred for Des Moines to prioritize its own projects. He asked staff to try to ensure that the Housing Repair Program funds were administered equitably.

VOTE ON MOTION: Motion passed unanimously.

At 8:45 p.m., Mayor Sheckler declared a ten-minute break.

At 8:45 p.m., Councilmember Benjamin left the meeting.

OLD BUSINESS

Continued Discussion - Re-Subdivision of Pre 1937 and Pre 1969 Plats

City Attorney Marousek displayed examples of the properties affected by the current regulations for lots platted under the pre-1937 and pre-1969 statute. The City currently could not require street improvements for subdivisions developed on these plats. City Attorney Marousek noted that the property owners could have successive lot line adjustments. She asked Council to consider who should be responsible for cost of street improvements for the subdivision developments and whether the City should control the development of pre-1937 and pre-1969 plats.

Councilmember Steenrod said that she had not heard any complaints from residents regarding private roads. She questioned whether the City had the right to interfere in this issue.

Assistant City Engineer Andrews informed Council that the City is often asked to repair and assume ownership of private streets.

Mayor Pro Tem Thomasson noted that a motion was on the floor. He clarified that question before Council was “When the affected lots are developed, should there be development standards?”. Mayor Pro Tem Thomasson voiced support for the motion. He said it was important to balance the given rights of the property owners and land use planning issues. Mayor Pro Tem Thomasson noted that the lots contribute to drainage problems. He felt there was an equity issue between subdivision developers and pre-1937/1969 plat developers. As the issue would involve a textual code change, the process would require a public hearing.

City Attorney Marousek proposed that administration also propose a process to move projects forward.

Councilmember Steenrod said that she did not like Clark County’s public interest exemption clause.

VOTE ON MOTION (Motion made at 7/14/05 meeting): Motion passed, 5 – 1, with Councilmember Steenrod opposed.

Police Department Sub-station at Redondo Square

Commander Tucker introduced the subject. He said that the Public Safety and Transportation Committee had met to review and discuss the issue on July 14 and 28, 2005. He reviewed the proposed staffing levels, financing, and performance measures for the facility.

Chief of Police Baker said that sub-stations help resolve problems and create an opportunity to work closely with the community. He noted that other agencies would also work out of the facility.

As chair of the Public Safety and Transportation Committee, Mayor Pro Tem Thomasson said that the committee did not question the merit of the program but that there were budget concerns. Two of the committee members felt that the City could not afford the project at this time and the third member did not say.

Mayor Pro Tem Thomasson said that the City currently did not have a sufficient number of officers to support special task forces. If the levy lid lift measure passed and more officers were hired, the proposal might be more feasible. Mayor Pro Tem Thomasson stated that approval for such projects was usually obtained through the budget and CIP process so that Council was able to prioritize the needs of the City. Council had not had the opportunity to compare this project to the other needs of the City.

Councilmember Sherman voiced concern with the current budget situation. He questioned whether the additional facility would spread staff even thinner. He suggested that the City include the sub-station project in the levy lid lift. This would allow the public to decide the issue. Councilmember Sherman said that Council had a responsibility to manage the entire City, not just police services.

Councilmember Steenrod voiced agreement with Mayor Pro Tem Thomasson’s comments. She said that technology was available that would allow the officer to remain in the area. She suggested that the police use the mobile unit in the Redondo Square area. Councilmember Steenrod felt that the proposed hours for the sub-station were inadequate. She said that the Kent sub-station by Fred Meyer had not deterred crime. Due to the budget situation, Councilmember Steenrod said that she could not support the addition of a sub-station.

Councilmember Petersen voiced concern with the proposed hours of operation. He questioned whether other jurisdictions' facilities could be used to meet the need. Councilmember Petersen said that the City could not spend the money on the project now.

At 10:04 p.m., Mayor Sheckler declared a five-minute break.

Councilmember White said that, if Council was not in support of the sub-station project and Joshua Green Corporation was willing to wait, she could support Councilmember Sherman's suggestion to include the project in the levy lid lift proposal.

Chief Baker noted that funding from a passed levy lid lift would not be available until April 2006.

Mayor Sheckler confirmed that no Councilmember wished to make a motion.

<u>2006 Budget - Potential Levy Lid Lift</u>
City Manager Piasecki introduced the subject.

At 10:24 p.m., **<u>motion</u>** was made by Councilmember Sherman, seconded by Mayor Sheckler, and passed unanimously to extend the meeting to 10:45 p.m.

Commander Tucker informed Council that the police department had eliminated seven Police Officers, four Community Service Officers, one Record Specialist and one part-time Animal Control Officer since 1999. He reviewed the Part 1 Crime statistics and noted that Des Moines was ranked sixth out of 39 King County cities in violent crimes per 1,000 people.

Chief Baker said that trends indicate that the crime rate will increase if there is no staff available to perform special task force duties to target specific problems. He proposed the restoration of one Record Specialist, six Police Officer, and two Community Service Officer positions through a levy lid lift.

Finance Director Henderson described the permanent lid lift and multiple year lid lift options, their projected tax revenues, and their financial impact.

At 10:44 p.m., **<u>motion</u>** was made by Councilmember Sherman and seconded by Mayor Pro Tem Thomasson to extend the meeting to 11:00 p.m. **<u>VOTE ON MOTION</u>**: Motion passed, 4 – 2, with Mayor Sheckler and Councilmember Steenrod opposed.

Councilmember Sherman spoke in support of a six year multiple year levy lid lift as the public would know exactly what they would receive for their money. He also suggested that administration bring back the item with the inclusion of a police sub-station. He noted that the language regarding the sub-station needed to be flexible in case the space for the facility was no longer available.

Mayor Pro Tem Thomasson said that he wanted to hear if the public and community groups desired more police services.

Leadership Summit

Mayor Sheckler asked which Councilmembers would not be in attendance at the Leadership Summit on August 13, 2005.

Councilmember White indicated that she would not be present.

Paid Parking Plan in the City of Des Moines

MOTION was made by Mayor Pro Tem Thomasson, seconded by Councilmember Sherman, and passed unanimously to move the Paid Parking Plan and to continue the levy lid lift discussion to the next Council meeting.

NEXT MEETING DATE - Regular Meeting August 18, 2005

ADJOURNMENT

At 10:59 p.m. **MOTION** was made by Councilmember Petersen, seconded by Mayor Sheckler, and passed unanimously to adjourn the meeting.

Respectfully submitted,

Angela M. Chaufty
Deputy City Clerk

ACTION ITEMS FROM MEETING OF JULY 28, 2005

- Provide Council with B&O tax statistics.