REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES August 10, 2006

The regular meeting of the Des Moines City Council was called to order by Mayor Sheckler at 7:32 p.m. in the Council Chambers, 21630 11th Avenue South, Suite B.

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

ROLL CALL - Present: Mayor Bob Sheckler, Councilmembers Dave Kaplan, Ed Pina, Carmen Scott, Dan Sherman and Susan White. Absent: Mayor Pro Tem Scott Thomasson. Also present were City Manager Tony Piasecki, Parks and Recreation Director Patrice Thorell, Assistant City Engineer Loren Reinhold and City Clerk Denis Staab.

**MOTION** was made by Councilmember Kaplan, seconded by Councilmember Pina and passed unanimously, to excuse Mayor Pro Tem Thomasson.

CORRESPONDENCE

Midway Sewer District - Agreement for Staging Area

City Manager Piasecki advised he has distributed correspondence from the Sewer District pertaining to New Business, Item #2, to be discussed later in the meeting.

BOARD & COMMITTEE REPORTS & COUNCILMEMBER COMMENTS

Code Enforcement Officer Ride-along

Councilmember Scott reported that she and Mayor Sheckler rode with Code Enforcement Officer Uhrich who pointed out various problems in the City over which she has no enforcement powers. Councilmember Scott advised it is clear to her some new code rules will need to be adopted. In particular she citied numerous vehicles parked on private property, and some yards so overgrown with blackberry bushes and other weeds, you could hardly see the homes.

Public Safety & Transportation Committee

Councilmember Kaplan advised the Committee met earlier this evening. Items of discussion included inability to obtain some State grants and a Public Trust Fund Loan, which is due to the lack of funds set aside by the State Legislature. They also had an initial look at Arterial Streets CIP. He advised that there is a need to be creative and aggressive in looking for future funding.

Suburban Cities Association - Public Issues Committee

Councilmember Pina reported attending a Committee meeting last night. He noted the SCA President reported the following assurances from Ron Sims: 1) There will be no 4 units requirements in the County, and 2) if seats are added to the Puget Sound Regional Council, then SCA will not suffer. He advised that SCA will support the board membership policy of: Cities with populations more than 55,059 will be entitled to a seat on the Executive Board, and any cities currently on the Board will retain their seats.

Regarding the Transit Now and the 1/10 of a % sales tax, discussion had mixed views both pros and cons. Further discussion has been tabled to the next meeting to allow King County to prepare an updated version and each City is encouraged to get a copy and to vote on whether to support this or not. He noted that there will be a public comment period will be held prior to the County's final vote on the measure.

In regards PSRC's Vision 2020 concern was expressed by Committee members that this is being driven more by staff rather than elected officials. It was felt that more elected officials need to attend PSRC meetings and make direct comments.

Initiative 933 - Recommended that each City take the time to estimate the impact of this measure should it pass, at an open Council meeting so that voters understand the direct impacts.

September 20th Networking Dinner - All cities were encouraged to attend the dinner meeting.

Des Moines Beach Park Dining Hall Grant

Councilmember White announced that the Heritage Grant for the dining hall has been increased to $650,000 from $500,000.

Wooton Park - Vandalism

Councilmember White reported that vandals have chopped down all the decorative light poles in the Park. She advised that there has been an increase in the use of drugs and drinking along with garbage and broken glass. She requested funding be found to replace the lighting fixtures with something more vandal proof, citing inadequate lighting increases safety concerns.

Councilmember Scott suggested looking at the light poles that have been installed at the new patio at the Activity Center.

Councilmember Sherman commented that hopefully with the passage of the Levy Lid Lift more police staffing may help stop the problems being experienced in the Redondo area, including the Park.

PRESIDING OFFICER’S REPORT

Code Enforcement Officer Ride-along

Mayor Sheckler expressed agreement with Councilmember Scott's comments and felt the ride-along was a real "eye opener" to the surprising disrepair in parts of Des Moines. He felt the City does not have the proper code enforcement ability for limiting the number of vehicles or where they are stored on private property. He also felt some enforcement should be required as to property maintenance, especially for control of noxious weeds and blackberry vines.

ADMINISTRATION REPORTS

Pacific Ridge - Potential Developers

City Manager Piasecki reminded Councilmembers to get suggestions on developers to contact to help with Pacific Ridge Development to Planning, Building and Public Works Director Fredericks.

Governor Gregoire's Office

City Manager Piasecki informed Council that he met with Chuck Hunter of the Governor's Office who has offered to be a contact for any of the City's concerns. Mr. Hunter was advised that a high priority of the City is transportation issues, including 509, and that we would like to see the public works trust fund loans and TIB programs fully funded.

CONSENT CALENDAR was read by City Clerk Staab.

1. Motion is to approve the regular minutes of July 13, 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 #105189 through #105388 & electronic fund transfers in the total amount of $1,426,413.47

Payroll fund transfers in the total amount of $301,777.38

3. Motion is to approve the change order to the agreement with Moffatt & Nichol Engineers for providing professional services for the Marina Master Plan Update Project in the amount of $18,927.00, plus a 10% contingency for a total of $20,817.00 and authorize the City Manager to sign the change order substantially in the form as submitted.

~~**4. Motion is to authorize payment of registration and travel expenses for Councilmember White to attend the National League of Cities Conference in Reno, December 5-9, 2006**~~.

[ED Note: Item removed by Councilmember Sherman.]

5. Motion is to purchase 44 square feet of land from Gerry and Kathy Kingen in the amount of $800 as well as an administrative settlement for trees in the amount of $1,800 making a total of $2,600 plus closing costs and to authorize the City Manager to sign the Statutory Warranty Deed substantially in the form as submitted and accept the firth-of-way on behalf of the City of Des Moines.

6. Motion is to purchase 306 square feet of land from Thiyung Mai Nguyen in the amount of $5,014, including $173 in settlement fees for property acquisition, as well as approve payment of $187 for fencing replacement, including a $90 settlement fee, for a total of $7,464, plus closing costs, and to authorize the City Manager to sign the warranty deed substantially in the form as submitted and accept the right-of-way on behalf of the City of Des Moines.

7. Motion is to approve the purchase of a slope easement from Patrick Hanley, Jr. which together with related administrative settlement and property value adjustment expenses total $11,152.00 as detailed on the "Offer Acceptance and Payment Request" dated August 2, 2006, and authorize the City Manager to sign the Slope Easement substantially in the form as submitted and accept the easement on behalf of the City of Des Moines.

Councilmember White stated in regards to Item #4, she would like to change the request to attend Puget Sound Passenger Ferry Coalition meeting being held in San Francisco, and sponsored by the San Francisco Water Transit Authority, on October 5th and 6th. She felt the cost would probably be less than attending the NLC conference.

Councilmember Sherman requested Consent Item #4 be removed.

**MOTION** was made by Councilmember Pina, seconded by Councilmember Sherman and passed unanimously, to approve the remaining Consent Items.

Removed Consent Item - Councilmember White Travel Request

**MOTION** was made by Councilmember Sherman, seconded by Councilmember Pina, to authorize payment of registration and travel expenses for Councilmember White to attend San Francisco Water Transit Trip on October 5th and 6th, in an amount no greater than the amount requested to attend the NLC Conference in Reno on December 5-9, 2006, which was $882.

Councilmember Kaplan questioned whether a passenger ferry possibility has been included, or even considered, in the Marina Master Plan.

Councilmember Sherman noted that this item has been included for consultants to be looking at in the Marina Master Plan update. He advised that should a passenger ferry become a reality, he is comfortable in expanding Councilmember White's knowledge on the issue for any future decisions that may need to be made in this regard.

VOTE ON MOTION: Motion passed unanimously.

NEW BUSINESS

Steven J. Underwood Memorial Park Restroom Building Project

Parks and Recreation Director Thorell informed Council that the purpose of this agenda item is to request Council authorization to enter into an agreement for the construction of a restroom/maintenance storage facility at Steven J. Underwood Memorial Park and to request additional Municipal Capital Improvement funds from excess 2006 Real Estate Excise Tax in the amount of up to $145,199 to fund construction and project management costs exceeding the funds available.

Parks and Recreation Director Thorell informed Council that in 2005 Council approved $450,240 Municipal Improvement Funds to add field lighting for the softball filed and to build a restroom facility. She noted funds have been assembled from two Interagency Committee for Outdoor Recreation grants and a King County Youth Sports Facility Grant. She noted the field lighting project was completed in 2005 and the construction of the restroom facility was delayed due to cuts in City staffing. She noted we have received approval to extend the grants to 2006. However, during the extended timeframe, construction costs have escalated. She felt time is of the essence to complete the project to avoid additional escalating building costs and the loss of grant funds. She noted we will be using plans from the City of Kent which saves the City money. She proceeded to review a financial overview as follows:

| Project Budget | Base Bid |
|---|---|
| Construction | $258,000 |
| Tax | 22,704 |
| TOTAL | $280, 704 |
| 10% Contingency | 28,070 |
| Construction Observation | 18,000 |
| Project Management | 10,000 |
| TOTAL | $336,774 |
| 2006 Carry Forward Balance | 213,118 |
| Transfer Amount | $123,656 |

In conclusion, Parks and Recreation Director Thorell requested Council review the proposed options, adopt the plan and approve the agreement. She noted Council could also opt to reject the bids and direct staff to redesign the project to reduce costs. However, she cautioned that construction costs keep going up and the City would most likely have to give back most grant funds and would still have no restroom facilities.

Councilmember Scott questioned how much Real Estate Excise Tax (REET) that City has used and how much is left. She noted that the Activity Center Patio needs grass, Wooton Park needs new lighting fixtures and she is uncomfortable making 'piece meal' financial decisions.

City Manager Piasecki noted REET funds are expected to be close to a million dollars by the end of July, and since this is the only project at this time requesting to use these funds, he is comfortable there will be funds still available.

Councilmember Kaplan felt that "Construction observation" by the architect in the amount of $18,000 is an unnecessary expense and that a 10% contingency is too high since we are using plans from a structure that already has been built.

Councilmember Sherman expressed concerns that the City is looking at higher street maintenance costs, upcoming road projects, slide repairs and he has just heard the Redondo Boardwalk may need repairs that could cost up to $1 million, therefore he questioned spending money on this type of facility versus necessary and emergency, public safety issues.

Councilmember White stated that Wooton Park is used a lot and needs lighting. She expressed concerns that financially the City is stretching too far.

City Manager Piasecki noted that he does not want to have to give grant monies back. He also noted this is the 'crown jewel' of the City's play ground facilities. This project will finish this part of the facility and can stand on its own for many years, even without the parking area expansion. Council could choose to delay the parking. He acknowledged that there are other needs, as there always will be, but he is comfortable with the amount of money coming in from REET and that this is a high priority facility that needs to be upgraded with the restroom facility.

Councilmember Scott noted that Beach Park and the Field House are high priority facilities that need funds in order to take care of deterioration. She noted the ball fields are only used 8 months out of the year so she would rather see the portable toilets stay. She is not convinced it is appropriate to spend money on 'grand restrooms' when things are deteriorating in other facilities that are equally important.

Councilmember Kaplan advised in order to avoid having to return grant funds, plus the fact costs will only escalate, he is willing to go forward with this project. However, he is not willing to accept the contingency amount and would be in favor of reducing the amount by $25,000, leaving a amount of $3,070. This would reduce the transfer to $98,656, and this would exclude the access road which could be included later with the north parking lot expansion.

Councilmember Scott objected to the amount for Construction Observation as she felt this unnecessary as we are using plans for something that already was built once, and that the City has enough in-house staff to handle the project.

City Manager Piasecki noted that in general he agrees with Councilmember Scott, he questioned whether if the contractor has any changes to make whether they must result in a cost savings. He also questioned whether we could have the Architect, paid on an hourly basis, review any changes rather than having them on a straight $18,000 retainer. Parks and Recreation Director Thorell advised that this can be negotiated with the Architect.

Parks and Recreation Director Thorell informed Council that the Planning, Building and Public Works Director has suggested that between the Construction Observation and Project Management, reduce the transfer to $90,000.

**MOTION** was made by Councilmember Kaplan, seconded by Councilmember White, to direct staff to transfer $90,000 from excess 2006 real Estate Excise Tax to provide for the following expenditure: construction of a restroom maintenance storage facility at Steven J. Underwood Memorial Park.

8:55 p.m. Mayor Sheckler called for a 10 minute break.

VOTE ON MOTION: Motion passed 4 to 2 with Councilmembers Scott and Sherman opposed.

**MOTION** was made by Councilmember Kaplan, seconded by Councilmember White, to approve the Agreement for construction of a restroom/maintenance storage facility at Underwood Memorial Park with T. Miller Construction, in the amount of $258,000 plus tax and authorize the City Manager to sign the contract substantially in the form as submitted with the amendment relative to the conflict resolution process, and to authorize the City Manager to approve change orders in amounts not to exceed $3,070. Motion passed unanimously.

Activity Center Patio Sod Project

Councilmember Scott commented that she understood that hydro-seeding will occur sometime next year. However, since the Patio has been completely landscaped and would be rentable if there was grass installed, she would like to see the smaller area to the south and east have sod installed as soon as reasonable.

Mayor Sheckler requested staff get a cost estimate for such a project and report back to Council.

Interlocal Agreement - Staging Area in Beach Park for Midway Sewer District's Outfall Project

City Manager Piasecki informed Council that the Agreement in front of Council provide a staging area and some use of the Marina for the Midway Sewer District to complete their outfall project. He noted he has distributed two letters: 1) from the District Commissioners and 2) from the District Manager; and also a copy of the proposed agreement signed by the District's Manager.

Assistant City Engineer Reinhold advised that the purpose of this agenda item is to approve an agreement between Des Moines and the Midway Sewer District for the use of designated areas within the Des Moines Beach Park for staging for the construction of Midway Sewer District's Submarine Outfall project, scheduled for construction in late August through November. He noted this will bring us one step closer for the Des Moines Creek Basin Restoration Project to be completed. He advised the staging area will be in the north parking lot of the Beach Park. He advised that the Marine View Drive Bridge Contractor will still have access. He also noted the agreement will give the District an area along the Marina guest moorage dock and 10 Marina parking stalls for the construction employees use. He concluded by noting that staff recommends approving the agreement, thereby allowing the use of these staging areas under the terms of the agreement.

**MOTION** was made by Councilmember Kaplan, seconded by Councilmember Sherman, to approve the agreement with the Midway Sewer District allowing use of designated areas within the Des Moines Beach Park for construction staging for the District's Submarine Outfall Project and to authorize the City manager to sign the agreement substantially in the form as submitted.

Councilmember Kaplan, as a member of the Environment Committee, informed Council that since some changes have been made in the agreement at the Committee's request, the Committee can recommend approval.

City Manager Piasecki requested one change in the Agreement to allow an additional 15 feet on each side out in the inter-tidal zone, for a total temporary construction easement of 80 feet, instead of the current 50 feet. He advised this is a requirement from the Corps of Engineers. Assistant Engineer Reinhold advised that he would actually recommend the easement be increased to 100 feet. He stated this could be Item 7 to read as follows: "As required by Midway's permits and plans for the Outfall segment within the inter-tidal zone, a temporary construction easement granted by the City is increased from 50' to 100'. This was accepted as a *FRIENDLY AMENDMENT*.

Upon questioning, it was noted that the Corps of Engineer Permits will deal with any restoration efforts that may be required.

VOTE ON MOTION: Motion passed unanimously.

Redondo Square Police Substation - Potential Lease Amendments for Tenant Improvements

City Manager Piasecki informed Council that when the City has a public works contract it falls under the State laws. Once a project reaches a certain size it cannot be done by City staff and we cannot split a project up into small pieces and act as our own general contractor. The problem occurs because the owner, Joshua Green, has two parts of their building that they really want specific contractors to work on. This involves the fire and burglar alarms since the building is already wired by one contractor, that is who the owner wants to use. He noted that originally staff had split the project into three different projects, but the City Attorney and Finance Director pointed out just today, that we cannot do this under the public bidding process. He advised that he will be getting with appropriate staff to prepare a proposal to put out to bid. He feels since the building is already wired for fire and burglar alarm with one company, he can justify a sole source for that and tell any bidding contractors what specific sub must be used for that portion. He expressed hope an agreement will be ready for the September 14$^{th}$ Consent Calendar.

Historical Circus Sign

Councilmember Scott announced that she was called to take pictures of a tin circus sign discovered during remodeling at the old "Butler's Garage" last week-end. Through research she found the sign was from May 29, 1948.

NEXT MEETING DATE

Mayor Sheckler noted the next meeting will be a Study Session on September 7, 2006. (ED NOTE: Regular meeting of August 24, 2006, is Canceled for Summer break.)

ADJOURNMENT

At 9:35 p.m. **MOTION** was made by Councilmember Kaplan, seconded by Councilmember Sherman and passed unanimously, to adjourn.

Respectfully submitted,

Denis Staab
City Clerk

**ACTION ITEM FROM 8/10/06 MEETING**

- Prepare cost estimate to have sod installed to the south and east of the Patio at the Activity Center for Council's review.