

REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES

September 22, 2005

The regular meeting of the Des Moines City Council was called to order at 7:33 p.m. by Mayor Sheckler in the City Council Chambers, 21630 11th Avenue South, #B.

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

ROLL CALL - Present: Mayor Bob Sheckler, Mayor Pro Tem Scott Thomasson, Councilmembers Gary Petersen, Dan Sherman, Maggie Steenrod and Susan White. Absent: Councilmember Richard Benjamin. Also in attendance were City Manager Tony Piasecki, City Attorney Linda Marousek, Harbormaster Joe Dusenbury, Chief of Police Roger Baker, Assistant City Attorney Richard Brown and Deputy City Clerk Angela Chaufy.

MOTION was made by Councilmember Petersen, seconded by Councilmember Steenrod and passed unanimously to excuse Councilmember Benjamin from attendance.

COMMENTS FROM THE PUBLIC

Ed Pina, 24219 7th Avenue South

Regarding Consent Calendar Item No. 4, Mr. Pina stated that the Planning Agency was unable to conduct their public hearing for the subject as a quorum was not available at their last meeting. He questioned whether the City Council and the Planning Agency could conduct a joint public hearing.

Consultant Judith Kilgore informed Council that the Planning Agency's public hearing for the Comprehensive Plan amendments had been rescheduled for October 4, 2005.

City Manager Piasecki said that, if the Planning Agency was unable to conduct the hearing at that time, Council would need to reschedule their hearing.

Tina Teel, 28436 Redondo Beach Drive South

Ms. Teel told Council that her neighbors had not yet complied with the two notices regarding their garbage sent by Code Enforcement Officer Nancy Uhrich. She proposed that delinquent offenders be assessed a fine. Ms. Teel also asked that speed bumps be installed on Redondo Beach Drive South to deter racing.

Mayor Sheckler asked staff to research the code compliance issue.

Bob Pond, 23116 30th Avenue South

Mr. Pond stated that his comments regarding the levy lid lift measure had been cut off from the video presentation of the previous Council meeting so he would repeat some of his comments. Mr. Pond spoke against the levy lid lift. If passed, he said that 60% of the City's budget would be locked. He did not believe this was the time to increase taxes. Mr. Pond stated that the Crime Free Housing program was unfair and stifled growth. He felt that the development of a Redondo sub-station would be a waste of money. Mr. Pond acknowledged the increase in crime in City and said that Kings Arms and Three Bears motels should be abated. He also asked that signs be installed at the Midas and Midway Donut shops.

BOARD & COMMITTEE REPORTS

Highline Community College Community and Employment Services Program

Councilmember Steenrod announced that Highline Community College has a Community and Employment Services program. Information regarding the program is available by calling (206)878-3710.

South County Area Transportation Board

Councilmember Sherman reported that the Committee had discussed Sound Transit and other transportation issues. He distributed pamphlets regarding bus movement in Seattle during the bus tunnel work.

Sound Transit

Councilmember Sherman reported that he, Planning, Building, and Public Works Director Fredricks, and King County Councilmember Julia Patterson had met with representatives from Federal Way and Sound Transit to discuss potential connection points.

Senior Services Advisory Committee

Councilmember White distributed the Senior Services Advisory Committee's Community Service Guide to Council. She thanked the committee members for their efforts.

Councilmember White announced that the Sixth Annual Spaghetti Feed would be conducted October 14, 2005 and flu shots would be administered October 18, 2005 at the Activity Center.

PRESIDING OFFICER'S REPORT

Leadership Summit Meeting

Mayor Sheckler announced that eight committees had been formed from the Leadership Summit meeting. The committees have been meeting and forming ideas. He stated his intent to conduct a second Leadership Summit meeting in November.

COUNCILMEMBER COMMENTS

Marina Master Plan

Councilmember Steenrod asked that the Marina Master Plan be remanded to the Municipal Facilities Committee to study whether sea life could be improved through the plan.

King County Bar Associations Survey of Judges

Councilmember Sherman announced that the King County Bar Association's Survey of Judges had rated Des Moines Municipal Court Judge Colleen Hartl's performance as "overall satisfaction and excellence". He thanked Judge Hartl for her service.

Council Retreat

Councilmember White said that the September 17, 2005 Council retreat was productive.

Leadership Summit Meeting

Councilmember White said that it was good to see people engaged in moving the community forward.

Puget Sound Regional Council

Councilmember Petersen informed Council that he had previously voted against joining the Puget Sound Regional Council as he felt that it was unfair to join during the one year free dues offering and then withdraw from the Council. He has since been reassured that the City can withdraw from the Council at the end of the year if no benefit was seen. **MOTION** was made by Councilmember Petersen and seconded by Mayor Sheckler to reconsider joining the Puget Sound Regional Council at the October 27, 2005 Council meeting.

City Attorney Marousek noted that Council Rules require a reconsideration of an issue to occur at the next regular meeting. She noted that the item could be placed on the next regular meeting's agenda and Council could choose to move it to October 27, 2005.

Councilmember Petersen and Mayor Sheckler acknowledged that the **motion** should be to reconsider the subject at the next regular meeting.

VOTE ON MOTION: Motion passed, 4 – 2, with Mayor Pro Tem Thomasson and Councilmember Sherman opposed.

ADMINISTRATION REPORTS

South 200th Street and Des Moines Memorial Drive Intersection

City Manager Piasecki reported that he had met with representatives from the City of SeaTac to discuss traffic flow at the intersection of South 200th Street and Des Moines Memorial Drive. SeaTac agreed to study whether any reasonable interim changes could be made to improve north/south flow through the intersection.

Response to Ms. Teel's Comments from the Public

City Manager Piasecki said that he would confirm Redondo Beach Drive South was included on the list of areas to be considered for traffic calming devices.

Sonju Property

City Manager Piasecki said that the house located on the Sonju property was now rentable. He questioned whether Council wished him to proceed with renting the property. Rental of the property would provide security for the property and revenue for the City.

Mayor Pro Tem Thomasson said that he was comfortable with an interim plan to rent the house as long as the agreement was clear that it was not a long-term lease. He said that Council still needed to discuss the long-term use for the property.

RCAA Presentation

RCAA President Larry Corvari introduced the subject. He noted that the RCAA had reached a settlement with the Port of Seattle regarding their National Pollution Discharge Elimination System permit.

RCAA Consultant Greg Wingard briefed Council on the negotiation process and identified the amount of biological oxygen demand (BOD) released into Puget Sound and the method to measure turbidity as the primary issues. The RCAA wanted a BOD limitation of 30 mg/liter while the Port of Seattle asked for a BOD limitation of 45 mg/liter. A settlement limiting the BOD level to 30 mg/liter during the summer months and 45 mg/liter during the winter months

was finally negotiated. The resulting annual cap of 1,300 pounds per year is lower than what would have occurred through a year-round 30 mg/liter limit. The groups continue to negotiate the method to measure dirt in order to meet the standard for turbidity. Mr. Wingard said that the RCAA was seeking to insure that Des Moines' interest to protect their creeks was met.

Mr. Corvari noted that the lawsuit was funded by private donations.

Councilmember Sherman asked that Council consider an agreement with RCAA for services at a future meeting.

Mayor Sheckler said the agreement would be discussed during the budget process.

Mr. Wingard said that a memorandum regarding airport issues would be circulated to Council.

CONSENT CALENDAR was read by Deputy City Clerk Chaufty.

1. Motion is to approve the special and regular minutes of August 18, 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 #100908 through #101067 & electronic fund transfers in the total amount of \$472,317.71

Payroll fund transfers in the total amount of \$350,530.08

3. Draft Resolution No.05-159 [Assigned Res. No.997] - Title: A Resolution of the City Council of the City of Des Moines, Washington, approving the Agreement between the City of Des Moines and Teamsters Local 763 regarding wages, hours and working conditions for the period of January 1, 2005 to December 31, 2007.

MOTION is to approve Draft Resolution No. 05-159.

4. ~~Motion is to set the public hearing on Comprehensive Plan amendments both public and private to October 13, 2005, as required by DMMC 18.60.120. Also to set a public hearing for review of the Mitchell rezone request for October 13, 2005.~~

5. Motion is to recognize September 18-24, 2005, as *National Adult Day Services Week*, and to encourage all citizens to recognize Elder and Adult Day Services for providing professional and compassionate services for functionally and cognitively impaired adults in our community.

6. Motion is to grant an electrical easement to Puget Sound Energy for the construction, operation and maintenance of electrical service to the Marina and to authorize the City Manager to sign the easement substantially in the form as submitted.

7. Motion is to approve the Interlocal Agreement between the City of Des Moines, the City of SeaTac and King County for cooperative efforts to address regional crime and to authorize the City Manager and the Chief of Police to sign the Agreement substantially in the form as submitted.

8. Motion is to approve the Interlocal Agreement with King County for provision of fire investigation services and to authorize the City Manager to sign the agreement substantially in the form as submitted.

Mayor Pro Tem Thomasson removed Item No. 4. He noted that the exhibits for Item No. 6 were in the incorrect order.

In response to Mayor Pro Tem Thomasson's questioning regarding Item No. 7, Chief of Police Baker confirmed that he would continue monitoring the performance of the employee assigned to the regional crime team.

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

REMOVED CONSENT CALENDAR ITEM

Mayor Pro Tem Thomasson recommended that the full Council review the Comprehensive Plan's proposed amendments prior to conducting the public hearing. He questioned whether the private hearing should be conducted separately.

Councilmember Sherman proposed scheduling a mini-retreat prior to October 13, 2005 to review the item.

Council concurred.

Councilmembers Steenrod and White said that they were not available for a meeting on October 1, 2005.

Mayor Sheckler said that if Council was unable to meet October 8, 2005 to review the item, the public hearing could be rescheduled.

MOTION was made by Mayor Pro Tem Thomasson, seconded by Councilmember Steenrod, and passed unanimously to set the public hearings on Comprehensive Plan amendments both public and private for October 13, 2005, as required by DMMC 18.60.120 and to set a public hearing for review of the Mitchell rezone request for October 13, 2005.

At 8:41 p.m., Mayor Sheckler declared a ten-minute break.

NEW BUSINESS

Paid Parking Plan in the City of Des Moines

Harbormaster Dusenbury introduced the subject. He displayed photos of the proposed paid parking areas and described the associated revenue estimates, start-up costs and management issues. He presented parking plans for the North Marina lot, Beach Park, and Redondo area.

Mayor Sheckler identified the policy issues before Council as:

- Should the City charge for parking in Redondo?
- If parking meters are installed, during what hours should the rates apply?
- What hourly rate would the Council want to charge for parking?
- What type of collection method (meter, pay station, or drop box) should be used?

Council discussed the history of the subject and whether the Redondo area was included in the policy direction provided by Council during last year's budget process.

Councilmember Sherman voiced a preference for pay stations rather than meters. He suggested that Council also discuss establishing a policy for people with disabled permits.

Mayor Pro Tem Thomasson said that Council had previously decided that pay stations should be installed at the Marina and Beach Park. He did not support a reconfiguration of the Marina lot due to pending Marina Master Plan improvements.

Councilmember Sherman agreed and urged staff to install pay stations at the Marina.

Harbormaster Dusenbury informed Council of the history and provisions of the agreement with Anthonys.

Mayor Pro Tem Thomasson and Councilmember Petersen voiced support for having paid parking in both the north and south marina lots.

Mayor Sheckler recommended that the Municipal Facilities Committee study paid parking at the Marina, Des Moines Beach Park, and Redondo area.

Councilmember Steenrod asked that Council review the minutes regarding the issue to determine which policy decisions have already been made. She questioned whether the City should install the surplus parking meters as their technology was obsolete. Councilmember Steenrod said that Anthonys was a destination in Des Moines and she urged Council to not adversely affect places that attract people to Des Moines.

Mayor Pro Tem Thomasson said that he could support installing a sufficient number of pay stations in the Marina lots and a drop box at the Beach Park but he did not favor creating positions to monitor and maintain the facilities. He could also support remanding the subject to the Municipal Facilities Committee.

MOTION was made by Mayor Sheckler and seconded by Councilmember Steenrod to remand the subject to the Municipal Facilities Committee for further review in light of the discussion.

Councilmember Sherman encouraged Council to consider the long-range implications of reducing the required number of parking spaces for commercial businesses when this subject is presented to Council for discussion.

VOTE ON MOTION: Motion passed unanimously.

Draft Resolution No. 05-143 [Assigned Res. No. 998] Water District No. 54 Small Water System Management Plan

Consultant Tim Heydon recommended approval of the proposed plan. The plan includes a list of future projects including the rehabilitation of the elevated tank, pressure improvements for North Hill, and upgrades to the water mains.

MOTION was made by Mayor Sheckler and seconded by Councilmember Steenrod to approve Draft Resolution No. 05-143 approving the King County Water District No. 54 2004 Small Water System Management Program.

In response to Councilmember Sherman's request, Water District No. 54 Commission Carl Mealy said that the chloroform problem had been addressed and chlorine was no longer being added to the water. He informed Council that Ally Larkin was the new president of the Board.

VOTE ON MOTION: Motion passed 5 – 0. Mayor Sheckler briefly left the meeting and was not present to vote.

Economic Development Matrix

Consultant Judith Kilgore introduced the subject. The proposed matrix was in keeping with the direction provided by Council at their July 9, 2005 retreat. She noted that some of the due dates and responsible parties needed to be revised.

MOTION was made by Councilmember Steenrod and seconded by Councilmember White to adopt the Economic Development Matrix included in Attachment 1.

Councilmember Sherman said that, while he did not agree with every project listed in the matrix, he would support the motion as the document reflected Council's direction.

Mayor Pro Tem Thomasson voiced concern with the term "Responsible Party" as Council was ultimately the responsible party. He suggested renaming the column or listing the Planning, Building, and Public Works Director rather than a consultant in the column.

MOTION was made by Mayor Pro Tem Thomasson and seconded by Councilmember Sherman to change the word "Consultant" to "Planning, Building, and Public Works Director".

City Manager Piasecki recommended that the title of the column be changed from "Responsible Party" to "Assigned To". He noted that the Planning, Building, and Public Works Director was not always the appropriate director to oversee a task.

Mayor Pro Tem Thomasson voiced a preference for renaming the column "Assigned To".

Council concurred that, in instances where only a consultant was listed, the City Manager should insert the appropriate staff member's name.

Based upon that understanding, Mayor Pro Tem Thomasson **withdrew his motion.**

Councilmember Steenrod clarified that the column was now labeled "Assigned To".

VOTE ON MOTION: Motion passed unanimously.

Draft Resolution No. 05-073 [Assigned Res. No. 999] Sanborn Boundary Relocation Agreement

Councilmember Sherman recused himself from the discussion.

Assistant City Attorney Brown introduced the subject. In order to insure the recognition of the stream located on the property and the conditions under which the vacation was given, he proposed that the following language be added to the agreement and to the end of Section 2 of the proposed resolution:

. . . and so long as the agreement contains an acknowledgment by the City of SeaTac that:

1. The City of Des Moines' sensitive area map indicates the presence of an important stream on the subject property; and
2. The subject property remains subject to all easements, reservations and restrictions of record, including but not limited to:
 - (a) The easement granted to Qwest Corporation, recorded under King County No. 20041013001791, to protect existing telecommunications facilities on the subject property; and
 - (b) The easement granted to Highline Water District, recorded under King County No. 20041013001792, to protect existing water district facilities on the subject property.

Council concurred.

MOTION was made by Councilmember Steenrod and seconded by Councilmember Petersen to adopt Draft Resolution No. 05-073, agreeing to the relocation of the common boundary with the City of SeaTac along a portion of vacated South 208th Street between the west margin of 12th Avenue South and the centerline of vacated 11th Place South, and authorizing the City Manager to enter into an agreement with the City of SeaTac as amended by the discussion to relocate the common boundary lines along said right-of-way, pursuant to RCW 35.13.340.

Councilmember Steenrod confirmed that the motion, if approved, would amend both the resolution and the agreement.

Assistant City Attorney Brown clarified that the action was subject to all easements, reservations, and restrictions of record including but not limited to those specified by the resolution.

VOTE ON MOTION: Motion passed unanimously.

At 10:20 p.m., Councilmember Sherman returned to the meeting.

NEXT MEETING DATE – Regular Meeting, September 29, 2005

ADJOURNMENT

At 10:22 p.m. **MOTION** was made by Councilmember Steenrod, seconded by Councilmember Petersen and passed unanimously to adjourn.

Respectfully submitted,

Angela M. Chaufy
Deputy City Clerk

ACTION ITEMS FROM MEETING OF SEPTEMBER 22, 2005

- Follow-up on code compliance issue.
- Confirm Redondo Beach South is on traffic calming project list.