REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES September 28, 2006

The regular study session of the Des Moines City Council was called to order at 7:37 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, Councilmembers Dave Kaplan, Ed Pina, Carmen Scott, Dan Sherman and Susan White. Absent: Mayor Pro Tem Scott Thomasson. Also in attendance were City Manager Tony Piasecki, City Attorney Linda Marousek, Park and Recreation Director Patrice Thorell, Finance Director Paula Henderson, Harbormaster Joe Dusenbury, Planning, Building, and Public Works Director Grant Fredricks and Deputy City Clerk Angela Chaufty.

> **MOTION** was made by Councilmember Sherman, seconded by Councilmember Pina and passed unanimously to excuse Mayor Pro Tem Thomasson from attendance.

COMMENTS FROM THE PUBLIC

George Minnich, 22701 19th Avenue South

> Mr. Minnich gave the clerk copies of his statement to be distributed to Council. He said that the elimination of the shoulder on the east side of 19th Avenue South across from Mt. Rainier High School will cause people to park on the west side of the street. Mr. Minnich said that enforcement of the parking restriction has historically been a problem. Mr. Minnich asked Council to refer to his written statement for his second concern.

BOARD AND COMMITTEE REPORTS & COUNCILMEMBER COMMENTS

Comments from the Public – Minnich

> In regard to Mr. Minnich's statement, Councilmember Kaplan asked staff to research the number of vehicles associated with the adult family home in the area. Once the school opened, Councilmember Kaplan hoped that parking would be less of an issue. In the meantime, he recommended that parking in the area be patrolled.

Environment Committee

> Councilmember Kaplan reported that the committee had discussed the wetland maps and their proposed setbacks and buffer areas and the SWM utility CIP.

Sound Transit Open House

> Councilmember Kaplan announced that he had attended the Regional Transportation Improvement District Sound Transit II Open House regarding regional transportation improvements. Staff members from the SR-509 and Sound Transit projects were working together to meet City's Comprehensive Plan goal of a route that followed I-5/SR-509 right-of-way rather than Pacific Highway. If the voters should approve the project, Councilmember Kaplan encouraged project staff to design a map that reflected the recommendations of the City's Comprehensive Plan. He thanked Sound Transit for signing a letter of support of a grant for an economic development study south of Kent-Des Moines Road on Pacific Highway South.

Senior Services Advisory Committee

Councilmember White invited the public to attend the 7th Annual Spaghetti Night on October 6, 2006.

Suburban Cities Association

Councilmember White said that the minutes from the Public Issues Committee and Board of Directors' meetings would be distributed to Council. She encouraged Council and the business community to attend the Sustainability Conference sponsored by Suburban Cities Association. Conference details were available by calling (206) 236-3545. Councilmember White informed Council that Association dues would increase next year.

Council Meeting of October 5, 2006

Councilmember White announced that she would miss next week's Council meeting due to a field trip to San Francisco to study passenger ferry systems. She asked to be included in any important discussions regarding revisions to the International Building Code and related codes.

Municipal Facilities Committee

Councilmember Sherman announced that the committee had reviewed the Marina Master Plan. Details of their conversation and recommendations would be disclosed later in the meeting.

Comments from the Public – Minnich

Councilmember Sherman agreed with Councilmember Kaplan's comments regarding Mr. Minnich's parking concerns. He asked that the Police spot check the area for violators now and once school starts.

International Building Code

Councilmember Sherman noted that the building code update had been moved to next week's meeting and public comment regarding the subject would be accepted at that time.

PRESIDING OFFICER'S REPORT

Maritime Fest Mayor's Cup Dragon Boat Race

Mayor Sheckler introduced Janise Disbrow.

Ms. Disbrow announced that the Des Moines' dragon boat team had placed second in the Maritime Fest's Mayor's Cup competition. She presented a medal to Mayor Sheckler and to Team Manager Patrice Thorell.

Mayor Sheckler presented Ms. Disbrow with a medal.

Park and Recreation Director Thorell thanked Ms. Disbrow and the following race participants for their efforts:

Denise Lathrop	Kim Trapp	Mike Kallen	Don Trapp
Dezarae Sweat	Dan Rice	Bonnie Rice	Ilona McBroom
Kristen Disbrow	Missy O'Neill	Angie Schultz	Cheryl Southwick
Dale Southwick	Chic Vaninni	Curt Ness	Mike Gerkhe
Clem Corbiell	Bill Disbrow	Robin Seru	Manny Almeda

ADMINISTRATION REPORT

City Hall Suite A Improvement Project

City Manager Piasecki announced that, pending approval of Consent Calendar Item #3, Phase 1 of the project would occur this weekend and Phase 2 would take place next weekend.

Community Development Block Grant Appropriations

City Manager Piasecki announced that the Home Repair Project had been allocated $65,000 and the South 216th Sidewalk Repair Project had been allocated $50,000.

Highline Forum

City Manager Piasecki said that Port of Seattle Commissioner Edwards stated that rumors of a fourth runway were false. After being asked to put his comment in writing, Commissioner Edwards said that he would discuss the matter with the other Port Commissioners and report back at the next Highline Forum meeting.

DMBP Auditorium Project

City Manager Piasecki informed Council that decommissioned natural gas lines and catch basin design problems may delay the project.

Councilmember White asked that the project be kept at the top of the City’s priority list.

CONSENT CALENDAR

Mayor Sheckler removed Item No. 6 as additional information regarding the subject had been recently provided and Mayor Pro Tem Thomasson had some questions regarding the topic.

Deputy City Clerk Chaufty read the revised consent calendar.

1. Motion is to approve the regular minutes of September 7 and 14, 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 #105865 through #106057 & electronic fund transfers in the total amount of $662,553.32
    Payroll fund transfers in the total amount of $298,239.23

3. Motion is to award the agreement for the 2006 City Hall Suite "A" Improvement Project to Legacy Group in the amount of $20,770 plus tax, and to authorize the City Manager to sign the agreement substantially in the form as submitted.
4. Motion is to purchase 127 square feet of land from Juan Ceron in the amount of $2,160, plus a $750 professional review fee for a total of $2,910, and to authorize the City Manager to sign the Statutory Warrant Deed substantially in the form as submitted, accepting the right-of-way on behalf of the City of Des Moines.
5. Motion is to approve an Interlocal Agreement between the City of Des Moines and the Midway Sewer District regarding improvements on 16th Avenue South, to authorize the City

Manager to sign the agreement substantially in the form as submitted, and advance the combined sewer and roadway project to the bid phase.

~~6. Draft Ordinance No. 04-197 - Title: An Ordinance of the City of Des Moines, Washington relating to the City's Buildings and Construction Code; reenacting Title 14 of the Des Moines Municipal Code (DMMC) related to the City of Des Moines Buildings and Construction Code; re-establishing provisions for a Building Construction Administration Code, referenced Codes and standards, Building Code Amendments, Sound Control Requirements, Fire Code, Electrical Code, Land Clearing, Filling, and Grading Code, Sign Code, Flood Hazard Areas Code, Mobile Home Park Regulation Code, Building Transportation Code, Sewage Disposal Systems Code, Protective Parking Devices Code, and regulations for street names and building addresses; and adopting the latest editions of the International Building Code, International Residential Code, International Property Maintenance Code, International Mechanical Code, the International Fuel Gas Code and Uniform Plumbing Code, the 2005 National Electrical Code, and the current versions of the Washington State Energy Code and the Washington State Ventilation and Indoor Air Quality Code, as amended herein; repealing the previously codified provisions of Title 14 and underlying ordinances; and providing for severability and establishing an effective date.~~

> ~~TWO MOTIONS: First Motion is to suspend Council Rule 26(b). Second motion is to approve Draft Ordinance No. 04-197.~~

~~7. Motion is to approve the Management Agreement for operation of Mount Rainier Pool for years 2007 through 2009 between Mount Rainier Pool Owners and Aquatic Management Group and authorize the city Manager to sign the agreement, substantially in the form as submitted.~~

8. Motion is to recognize September 17-23, 2006, as "National Adult Day Services Week" in Des Moines.

9. Motion is to approve the Interlocal Agreement with the City of Wapato for Jail services and to authorize the City Manager to sign the agreement substantially in the form as submitted.

Upon questioning from Councilmember Sherman regarding Item No.7, Finance Director Henderson said that the monthly financial reports had not been audited as they were sent to the Park and Recreation Director rather than to the Finance Department.

Park and Recreation Director Thorell confirmed that future financial reports would be sent to the Finance Director. She said that the YMCA pool was anticipated to open in June 2009.

Councilmember Sherman asked that staff review Wapato’s jail policies, as Consent Calendar Item No. 9 would place the City under their rules and policies.

Councilmember Kaplan removed Item No. 7.

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

REMOVED CONSENT CALENDAR ITEM

2007-2009 Agreement for Management of Mt. Rainier Pool

Councilmember Kaplan recognized the assets of the pool but, due to budget priorities, said that he would vote against the agreement.

MOTION was made by Councilmember Sherman and seconded by Councilmember Pina to approve the management agreement for operation of Mount Rainier Pool for years 2007 through

2009 between Mount Rainier Pool Owners and Aquatic Management Group, and authorize the City Manager to sign the agreement substantially in the form as submitted.

Councilmember White agreed with Councilmember Kaplan's statement and noted Mr. Minnich's comments regarding the impact of the pool. She said that she would support the motion however, as the City had committed to the pool through 2009.

Councilmember Scott felt that the pool should be funded until another alternative was identified. She said that the parking issue might be solved if the school kept their parking lots open longer. If the right-of-way was 60 feet, Councilmember Scott questioned why only 35 feet was paved.

Park and Recreation Director Thorell confirmed that a bond for the construction of an aquatic center would be put to Kent voters.

VOTE ON MOTION: Motion passed, 5 – 1, with Councilmember Kaplan opposed.

EXECUTIVE SESSION

At 8:27 p.m., Mayor Sheckler announced a ten-minute executive session to be followed by a ten-minute break.

City Attorney Marousek announced that the purpose of the executive session was to discuss real estate matters about which public knowledge might have an adverse impact on price to the detriment of the City.

Present: Mayor Sheckler and Councilmembers Kaplan, Pina, Scott, Sherman, and White. Also present were City Manager Piasecki and City Attorney Marousek.

No formal action was taken.

At 8:37 p.m., the executive session concluded.

At 8:53 p.m., Council reconvene in open session.

OLD BUSINESS

Marina Master Plan Update

Harbormaster Dusenbury displayed a drawing of the current Marina Master Plan layout.

On behalf of the Municipal Facilities Committee, Councilmember Sherman introduced the subject. He highlighted the plans' proposed layouts and potential developments. Councilmember Sherman asked for Council direction specifically regarding the status of the launch, the configuration of the sea wall, and the 32 foot moorage conversion plan. The committee had not proposed development of the former Quartermaster Store and Chamber of Commerce area as they wished to see what type of use was needed after the other changes were made.

Councilmember Scott noted that some members of the committee were hesitant to remove land now to create more guest moorage. Council could choose to delay the decision once the improvements at the Des Moines Beach Park were complete.

Harbormaster Dusenbury asked for Council's input regarding the proposed Plan. The proposed changes would be incorporated into a draft document which would be presented to Council for approval in two to three weeks. The SEPA process would run concurrently. Harbormaster Dusenbury highlighted the following details of the proposed plans:

- Adopt an interim (3-7 years) 32' conversion moorage plan.
- Reconfiguration of the boat yard.
- Move the travel lift north.
- Over time, replace the dry sheds with an open storage area.
- Construct laundry facilities in the marina office building and move the customer service area to the ground floor.
- Move the maintenance facility to the bluff area.

Harbormaster Dusenbury said that the committee had much discussion regarding the alignment of the bulkhead. He asked for Council's direction regarding the issue.

Councilmember Kaplan recommended that the bulkhead be replaced on the north angle to straighten the line even with the southern line of the existing north parking lot. This would provide some expanded guest moorage yet still preserve other options for guest moorage and parking.

Harbormaster Dusenbury said that development would depend upon which commercial site was needed first. He noted that some existing Marina bonds would be paid off in 2008.

City Manager Piasecki informed Council that the Marina rates were currently being studied.

Councilmember Kaplan recommended the following:

- Implement the 32-foot conversion plan.
- Replace the bulkhead on the north angle to straighten the line even with the southern boundary of the north parking lot.
- Develop a new commercial building north of the existing office.
- Remove the sling launch.
- Move the travel lift to the proposed location.
- Eliminate dry storage.
- Expand and move the repair yard.
- Develop a marine hardware store.
- Gravel the Quartermaster Store lot and preserve options for the area.
- Tie the hardware store to the 6^{th} Avenue hill climb.
- Preserve the south park area as is.

Councilmember Kaplan said that development of a view platform would be nice. As the plan did not include a second access route to the downtown area, barring transportation services, he said that the Plan should facilitate people to downtown. Councilmember Kaplan voiced support for the proposed plan as it preserves options to expand guest moorage, accommodates ferry service, and meets the goals of the Marina Master Plan.

Councilmember Sherman questioned whether an elevator could be placed in a parking structure.

Councilmember Scott said that the committee had discussed a viewing structure.

Councilmember White voiced agreement with Councilmember Kaplan's comments. She recommended that the financing piece be looked at as part of economic development.

Councilmember Pina voiced support for the concepts discussed. He asked that Council consider project funding prior to taking action. He noted that an expansion of guest moorage would cause a reduction in parking spaces. Councilmember Pina suggested that Council consider a parking garage or other options to increase parking.

Council concurred with the plan as described by Councilmember Kaplan.

In regard to the marina rate study, Harbormaster Dusenbury said that the committee was currently discussing different rate calculation models. He briefly reviewed the progress of the recent electricity related infrastructure projects at the Marina.

NEW BUSINESS

Draft Resolution No. 06-208 ***[Assigned Resolution No. 1016]*** – Opposing Initiative 933 on the November 7, 2006 General Election Ballot

Councilmember White confirmed Council had received the article from Joseph W. Tovar and the Executive Summary conducted by the University of Washington regarding the potential impacts of Initiative 933.

City Manager Piasecki stated that the letter regarding the issue from Steve Butler of the Washington Chapter of the American Planning Association had been distributed to Council.

Planning, Building, and Public Works Director Fredricks briefed Council on the initiative.

Mayor Sheckler questioned whether anyone from the public wished to address Council regarding the issue.

None responded.

MOTION was made by Councilmember Pina and seconded by Councilmember White to approve Draft Resolution No. 06-208 opposing adoption of Initiative 933 and urging its rejection by the voters.

Councilmember Sherman voiced support for the motion as it had strong local impact, was one-sided, and would undermine the legal basis of land use.

Councilmember Kaplan voiced his support for property rights. As the zoning and land use codes ensure the property rights of all are protected, he would support the motion.

VOTE ON MOTION: Motion passed unanimously.

NEXT MEETING DATES

Budget Retreat – September 30, 2006
Study Session – October 5, 2006

ADJOURNMENT

The meeting adjourned at 10:30 p.m.

Respectfully submitted,

Angela M. Chaufty
Deputy City Clerk