

**PRELIMINARY
REGULAR MEETING DES MOINES CITY COUNCIL
September 24, 2009 - 7:30 p.m.**

The regular meeting of the Des Moines City Council was called to order by Mayor Sheckler at 7:38 p.m. in the Council Chambers, 21630 11th Avenue South, #B.

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

ROLL CALL - Present: Mayor Bob Sheckler, Mayor Pro Tem Dan Sherman, Councilmembers Ed Pina, Carmen Scott, Scott Thomasson and Susan White. Also in attendance were City Manager Tony Piasecki, Assistant City Attorney Susan Mahoney, Police Chief Roger Baker, Planning Manager Denise Lathrop, Assistant Director of Transportation & Engineering Dan Brewer and Interim City Clerk Autumn Lingle. Councilmember Dave Kaplan was absent.

MOTION was made by Councilmember Pina, seconded by Councilmember Scott, to excuse Councilmember Kaplan's absence.

CORRESPONDENCE

Councilmember Emails

City Manager Piasecki referred to an email from a citizen that addressed previous emails between Councilmembers, questioning whether it was a violation of the Open Public Meetings Act. City Attorney Bosmans reviewed the circumstances and she prepared a memorandum in response to the inquiry that was distributed by City Manager Piasecki to Council.

SCORE

In addition, he discussed a letter regarding SCORE and its impact on properties to the immediate west of the facility. SCORE Administrative Board has directed Penny Bartley, Interim Director of SCORE, to begin a dialog with those property owners to address their interests and concerns.

Allied Waste

A letter from Woodmont Beach citizens discussed displeasure with Allied Waste services in their neighborhood. City Manager Piasecki responded the City Staff is working with Allied Waste toward a solution.

Mail Collection by City

A citizen requested the possibility of City collection boxes for private citizens' mail. City Manager Piasecki expressed concerns about loss and liability for the City if this service was implemented. He suggested that the citizen request the Post Office install collection boxes outside of the City's facilities.

COMMENTS FROM THE PUBLIC:

David Litowitz, 602 S. 242nd

Mr. Litowitz is not in favor of raising the Transportation Impact Fees (TIF) during this economic downturn. He requested Council direct Staff to find other means to cut costs. He stated other Cities have no TIF's at this time. He was concerned that passing the TIF would result in a loss of affordable housing.

Mark Jacobs, 2614 39th Ave S.W.

Mr. Jacobs is not in support of TIF. He questioned some of the information presented by the engineering firms study and noted the impact fee are too expensive.

City Manager Piasecki responded that this issue would be coming back to Council on October 8, 2009 for a Public Hearing. Mayor Sheckler directed Mr. Litowitz and Mr. Jacobs to discuss with Assistant Director of Transportation and Engineering Brewer the information that they desire staff review.

BOARD & COMMITTEE REPORTS & COUNCILMEMBER COMMENTS

Farmers Market Chili Cook-off October 31, 2009

2010 Calendars available within the week

Allied Waste change of equipment and service in Woodmont

Limit vehicles parked in yard

Building Codes over enforced

Temporary use of land for construction yard at 24th and Kent-Des Moines Road

Auto Repair Shop on 216th now selling automobiles

VOTE ON MOTION: (to excuse Councilmember Kaplan's absence) Passed unanimously.

Arts Commission received \$7,000 Grant

Spaghetti Night October 9, 2009 Friday night at the Senior Center \$5.00

Quilt Raffle at Senior Center \$1.00 per ticket

Councilmember White asked to serve on the King County Task Force for Historic Preservation

ADMINISTRATION REPORTS

Economic Incentives

City Manager Piasecki discussed Mayor Pro Tem Sherman's ideas to create economic development incentives that could be applied to the Port buyout property in Des Moines. He met with Representative Dave Upthegrove regarding those incentives. City Manager Piasecki received an email from Representative Upthegrove that shows the initial efforts that he is composing on behalf of the City at the State level. Representative Upthegrove is suggesting that some of the staff from the legislature, Port of Seattle, Cities of Des Moines, SeaTac and Burien meet to compose a Bill that could be introduced in January's legislative session.

SCORE Board

At Wednesday's meeting the Board passed a Resolution that authorized the Interim Director to sign the Host City Agreement. The resolution was approved. City Manager Piasecki noted that the intent of all parties is that once the debt is paid off; the distinction of Host versus Owner city dissolves. All Cities are still member Cities and maintain the same rights and privileges that are outlined in the SCORE Agreement.

Police Department Strategic Plan

Police Chief Roger Baker introduced Sergeant Bob Bole as the principal facilitator and architect of the Strategic Plan and Supervisor of the Crime Task Force. The Crime Task Force is funded by the Levy Lid Lift. Sergeant Bole presented to Council the Strategic Plan Update.

CONSENT CALENDAR was read by Interim City Clerk Lingle.

1. Motion is to approve the regular and special minutes of September 3, 2009.
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 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 # 120912 through #121028 & electronic fund transfers in the total amount of \$736,829.87

Payroll fund transfers in the total amount of \$434,921.18

MOTION was made by Councilmember Thomasson, seconded by Mayor Sheckler, and passed unanimously to approve the Consent Calendar.

COMBINED PUBLIC HEARING

City of SeaTac appeal of 2009 Comprehensive Plan Amendments

Mayor Sheckler opened the Combined Public Hearing which is a public hearing on the City of SeaTac's Appeal of the City of Des Moines Determination of Nonsignificance SEPA File No. LUA 09-026: Proposed 2009 Comprehensive Plan Update. Mayor Sheckler swore in those persons wishing to comment on the Combined Public Hearing.

Assistant City Attorney Mahoney stated the City's legal staff prepared a memo and distributed it to Council. She stated the City has stipulated to the following exhibits be admitted for the purposes of this hearing

1. Cover sheet of the agenda item without attachments(received this evening).
2. The September 11, 2009 City of SeaTac's appeal letter (included in packet).
 - 2a. Copy of the Comprehensive Transportation plan map figure 3.5 exhibit A1 (received this evening)

At 8:14 p.m., a break was taken due to inoperative recording equipment. Meeting reconvened at 8:22 p.m.

Assistant City Attorney Mahoney continued with the stipulated exhibits allowed reviewing exhibits 1,2, & 2A..

- 2b. August 28th comment letter from the City of SeaTac (included in packet).
3. Notice of Determination of Nonsignificance and Public Hearing (included in packet).
4. The adoption of existing environmental document (included in packet).
5. SEPA checklist
6. Exhibit A Staff report of the Des Moines 2009 Comprehensive Plan Amendments and attachments (received previously). Sent to City of SeaTac originally for comment.

She reconfirmed with Assistant City of SeaTac Attorney Mark Johnsen that she represented the exhibits accurately. He concurred that she had. In addition, the City has stipulated that the Mayor take judicial notice of the existing City of Des Moines Comprehensive Plan. He agreed. She stated the witness for the City of Des Moines is Mr. Grant Fredricks and Assistant City of SeaTac Attorney Mark Johnsen will be presenting the case on behalf of the City of SeaTac.

COMMENTS FROM THE PUBLIC:

Mr. Mark Johnsen, Assistant City Attorney, City of SeaTac, 4800 S. 188th St., SeaTac, WA 98188

Mr. Johnsen stated the City of SeaTac is in support of the Council packet. They have an issue with the Determination of Nonsignificance. The documents have since been changed but stated SeaTac still needed to follow through with their appeal. He stated SeaTac's position is that it is not appropriate for the Des Moines City Council to take action on the appeal this evening because they are not taking action on the Comprehensive Plan Amendments. He introduced City of SeaTac Planner Michael Scarey.

Mr. Michael Scarey, Senior Planner, City of SeaTac, 4800 S. 188th St., SeaTac, WA 98188

Mr. Scarey stated the appeal from SeaTac was prompted by review of the proposed Comprehensive Plan Amendments. Specifically the future transit network map, which is figure 3.5 exhibit A1 and the language in policies 11.03.10 and 11.04.07. The map displayed the light rail transit alignment running through a portion of the City of SeaTac. The policy language regarding the City of Des Moines preferred light rail transit (LRT) alignment didn't specify that it was applicable inside the City of Des Moines. The SEPA check list failed to acknowledge impact on the City of SeaTac, despite the map showing LRT on the SeaTac side of the two cities boundary, therefore deeming the SEPA determination inadequate. They are asking that the map and policy language be revised. After working with City of Des Moines staff, a revision of the map and a revised policy language was achieved.

At 8:41 p.m., Mayor Sheckler asked three times for any more public comment. There was no response.

Planning, Building and Public Works Director Fredricks stated some basic points including the Determination of Nonsignificance was appropriate and not erroneous (SEPA checklist was correctly followed) and the City of Des Moines coordinated its Comprehensive Plan with the City of SeaTac's adopted Comprehensive Plan. In addition, this nonproject is not likely to have a probable, significant adverse environmental impact.

He requested that Council deny the City of SeaTac's appeal.

A discussion with questions and answers followed.

At 9:05 p.m., Mayor Sheckler announced a 10-minute break. Meeting reconvened at 9:15 p.m.

More discussion ensued.

At 9:23 p.m., Mayor Sheckler closed the Public Hearing regarding City of SeaTac appeal of 2009 Comprehensive Plan Amendments.

ACTION/DIRECTION

MOTION was made by Councilmember White, seconded by Councilmember Pina, to deny the City of SeaTac's SEPA Appeal dated September 11, 2009.

VOTE: Passed unanimously.

Mayor Sheckler opened the second portion of the Public Hearing at 9:35 p.m. He then swore in those individuals desiring to comment on the Public Hearing.

Planning Manager Lathrop stated her position and address then gave a PowerPoint presentation for Council and meeting attendees.

ACTION/DIRECTION

No action taken. There will be a Continued Public Hearing for the 2009 Comprehensive Plan on November 12, 2009.

COMMENTS FROM THE PUBLIC:

M.A. Steenrod, Professional Mortgage, 22659 Pacific Highway South, Des Moines

Ms. Steenrod noted the map shows LRT on a different road than the language stated in City of SeaTac's appeal. She was concerned that LRT running on Pacific Highway South would ruin the expensive revamping recently finished on the roadway and have an adverse impact on businesses that are on that street. In addition, she asked Council to direct Staff to send notices to those businesses on Pacific Highway South so they may have an opportunity to comment. She cautioned Council that the LRT route will have a big impact on Des Moines. Also, the potential redaction of the language of 11.04.03 should not happen and should stay the way it is.

Gary Peterson, 21841 Pacific Highway South, Des Moines

Mr. Peterson does not want any changes that would affect his towing business in an adverse manner.

Mr. Michael Scarey, Senior Planner, City of SeaTac, 4800 S. 188th St., SeaTac, WA 98188

Mr. Scarey commented on Policy 11.03.10 and Strategy 11.04.07 stating the City of SeaTac is supportive with the language as proposed this evening. The map, figure 3.5 that was discussed in the first portion of the hearing. As these are now being proposed satisfies the City of SeaTac. He urged the Council to adopt the revised map.

Mayor Sheckler recommended that to

ACTION/DIRECTION

MOTION was made by Mayor Pro Tem Sherman, seconded by Councilmember Pina, to continue the Public Hearing to November 12, 2009. VOTE: Passed unanimously.

MOTION was made by Councilmember Thomasson, seconded by Mayor Pro Tem Sherman, to ? inaudible

OLD BUSINESS-

1. Briefing on Traffic Impact Fees - *Moved to October 1, 2009 meeting.*

SUMMARY: The purpose of this agenda item is to brief the City Council and the public on the update process to the City's Transportation Impact Fee Program. No suggested motion is provided, as the purpose of this agenda item is to provide an opportunity for discussion and for the Council to provide final direction to staff before the Public Hearing, which is currently scheduled for October 8, 2009.

Staff Presentation: Assistant Director of Transportation and Engineering

NEW BUSINESS

1. Draft Ethics Ordinance - *Moved to later meeting. Date to be determined.*

SUMMARY: At the City Council's request, this packet has been prepared for Council review and discussion. It is recommended that the Council discuss Draft Ordinance No. 09-137 at the September 24, 2009 Council meeting and pass Draft Ordinance No. 09-137 in its current or amended form to a second reading for enactment on a future consent calendar.

Staff Presentation: Council Discussion

NEXT MEETING DATE – Study Session October 1, 2009.

ADJOURNMENT

At 10:28 p.m., **MOTION** was made by Mayor Pro Tem Sherman, seconded by Councilmember Kaplan and passed unanimously, to adjourn.

Respectfully submitted,

Autumn Lingle
Interim City Clerk