

Des Moines City Council PS&T Committee Minutes – 11/03/11

Meeting called to order: 6:30P on November 3, 2011, in North Conference Room @ 21630 11th Avenue So., Des Moines WA 98198.

Council Members

Dave Kaplan – Chairman & Mayor Pro Tem
Scott Thomasson - Councilmember
Matt Pina - Councilmember

Other City Staff

John O’Leary - Police Chief
Pat Bosmans – City Attorney
Tim George – Asst. City Attorney

City Staff

Tony Piasecki – City Manager
Lorri Ericson – Asst. City Manager
Grant Fredricks - Director PB&PW
Dan Brewer - Asst. Dir. Transp. & Engineering
Brandon Carver – Associate Engineer
Linda Wright
Denise Lathrop

AGENDA:

1. Approve 09/22/11 and 10/6/11 Minutes
2. Medical Marijuana Issue
3. SeaTac Freight Mobility Grant Application 24/28th Connection - Support
3. Transportation Project Updates

MEETING:

1. Minutes from 9/22/11 and 10/06/11 were unanimously approved as submitted.
2. Medical Marijuana Discussion – Tim George led discussion. Information had been provided earlier by email re WCIA Risk Management Bulletin Nos. 46 and 47.

No. 46 covers medical marijuana dispensaries after the 2011 Legislature and the Governor made changes including partial veto of certain areas. They are basically illegal under Federal Law and the DMMC states that the City will be compliant with local, State and Federal Laws; therefore the City cannot legally consider dispensaries.

No. 47 covers local regulation of Collective Marijuana Gardens. Due to Governor’s veto of portions of the bill passed by the Legislature, cities do not have the option of refusing gardens with marijuana but they can be regulated by a temporary moratorium (6-12 mos.), by zoning, licensing/permitting, and regulatory ordinances.

Chairman Kaplan expressed concern that in order to protect the City, we should initiate a moratorium about April (to cover the next growing season) and begin to designate areas that the City might allow gardens to be planted. He feels it better to regulate where they can be as was done with adult entertainment so they are not popping up everywhere. City Attorney Bosmans indicated that with the moratorium while we investigate and make decisions we are “acting in good faith” in determining where they can be, should we be challenged by an application to plant a garden. It’s better to be prepared than caught by surprise. There are also restrictions as to how many plants for how many people can be grown in one garden. Councilmember Pina also prefers to have them permitted/licensed so the City would be aware of exactly how many and specifically where they are located.

Denise Lathrop indicated that MRSC has information on what some other cities in the State have done regarding this subject which could be used for a model for Des Moines.

Staff was directed to come up with some proposed ideas and ramifications if imposed or not. The City Attorney will be drafting the moratorium to be effective April 1, 2012. The suggestions and draft should be brought back to the Committee, vetted and then presented to full Council.

3. Support City of SeaTac's Freight Mobility Strategic Investment Board (FMSIB) grant application for 24th/28th Avenue S. connection.

SeaTac has applied for a grant and requested a letter of support from Des Moines as the 24th/28th corridor is of interest to both cities. Chairman Kaplan has been requesting a joint PS&T Committee meeting with them to discuss issues concerning both cities to no avail. We had requested a support letter from them for the TIB grants and other Federal funding grant applications for our two Gateway projects: 24th Ave S. to S216th and S. 216th Segment 2 between 24th and 16th; however they did not give their formal support at that time. Discussion ensued about areas that both cities have interest in i.e. Light Rail Station and alignment, SR 509, 24th and 28th, south access to 509 as well as 200th and economic development on Des Moines Creek Business Park and Port-owned property to the north. The basic issue is (1) the Light Rail alignment – SeaTac seems to prefer it to go down 24th or on the west side of SR99 while Des Moines prefers other alignments; and (2) 509 “south” access to the Airport. **Staff was directed to draft a letter to SeaTac requesting that the meeting be held, candidly discuss the issues in order for Des Moines to give full support to their grant which technically is due November 9, 2011, and possibly again in 2013 and for them to support our requests. Perhaps there are reasons Des Moines doesn't understand about SeaTac's vision as well as things that they don't comprehend about Des Moines' transportation comp plan. Once these issues are settled the two cities could possibly jointly submit a project that would fulfill some of both of their transportation and development issues.**

4. Transportation Project Updates:
 - North Twin Bridge – Project complete in 2011; coordinating with contractor on project close-out issues. Also working with WSDOT on Local Agency funding adjustments.
 - Gateway – 24th Ave. S. (208th to 216th Streets) and S.216th (Segment 2 – 24th to 18th Avenues S.) acquisition of easements and property purchases is going very well. TIB grant applications for construction money were sent in – results should be known mid-November.
 - Beach Park Mud Slide –Construction has been substantially completed..
 - Kent-Des Moines Road Undergrounding (UG) by PSE – To eliminate their power lines being knocked out by trees – cable and phone have been trenched with PSE. Savings to the City in future for KDM Road UG estimated at about \$400,000.
 - Marine View Drive WD#54 Waterline Project – Going very well. Very few complaints – contractor doing a good job.

Adjourned 7:01 PM

Minutes submitted by:

Linda Wright
Administrative Asst.