

REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES

April 12, 2007

The regular meeting of the Des Moines City Council was called to order at 7:31 p.m. by Mayor Sheckler in the Council Chambers, 21630 11th Avenue South, #B.

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

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, Acting City Attorney Richard Brown, Public Works Director Grant Fredricks, City SWM Engineer Loren Reinhold, Building Official Larry Pickard, Assistant Building Official Rex Christensen and Deputy City Clerk Angela Chaufy.

[Editor's Note: Mayor Pro Tem Thomasson was excused from attendance later in the meeting.]

EXECUTIVE SESSION

At 7:32 p.m., Mayor Sheckler announced that Council would convene in Executive Session for approximately fifteen minutes.

Acting City Attorney Brown noted the purpose of the Executive Session would be to discuss with legal counsel representing the City litigation or potential litigation to which the City is, or is likely, to become a party and about which public knowledge regarding the discussion was likely to result in an adverse legal or financial consequence to the City.

Present: Mayor Bob Sheckler, Councilmembers Dave Kaplan, Ed Pina, Carmen Scott, Dan Sherman and Susan White. Also present were City Manager Tony Piasecki, Acting City Attorney Richard Brown, Court Administrator Jennefer Henson and outside Legal Counsel Pat Anderson.

Adjournment

At 7:52 p.m., the Executive Session adjourned with NO FORMAL ACTION taken.

ROLL CALL, CONTINUED

MOTION was made by Councilmember White, seconded by Councilmember Kaplan and passed unanimously to excuse Mayor Pro Tem Thomasson from attendance.

CORRESPONDENCE

King County Charter Review Committee

City Manager Piasecki informed Council that the King County Charter Review Committee had asked the City to officially state its intent to provide input regarding the charter review.

Council concurred that the City Manager should submit a letter confirming the city's intent to provide input.

BOARD & COMMITTEE REPORT AND COUNCILMEMBER COMMENTS

Public Safety and Transportation Committee

Councilmember Kaplan reported that the Committee had met to discuss the Saltwater Bridge project, roadway cross sections, and parking issues.

Visit to Yakima Jail

Councilmember Pina announced that he, Mayor Sheckler, Councilmember White, and City Manager Piasecki had toured the Yakima jail facility. He said that the jail situation was improving.

Suburban Cities Association

Councilmember Pina informed Council that the Public Issues Committee had discussed the proposed solid waste cost increase to fund transfer station improvements. The County was considering placing two County and Park levies on the August ballot. The Committee voiced support for the levy to renew County parks with the provision that the Executive Committee develop an operating budget so that the need for another levy would be eliminated. The Public Issues Committee did not support the levy measure to fund additional land acquisitions for parks. Councilmember Pina said that the Committee supported the EMS levy.

Upon request, Fire Marshall Ron Biesold clarified that the proposed EMS levy would expand services and address the increase in call volumes.

Mainstreet Conference

Councilmember White said that the Conference had provided good information regarding economic development.

Puget Sound Regional Council General Meeting

Councilmember White announced that the Council had received information concerning the regional transportation district initiative. She would serve as a member of the Regional Passenger Ferry Service Advisory Committee.

South Small Business Development Center

Councilmember White noted that she and Planning, Building, and Public Works Director Fredricks had attended a meeting of the Development Center.

Planning, Building, and Public Works Director Fredricks informed Council that WSU had submitted a request for more than \$700,000 in the Senate budget to fund small business development. Legislation which would allow cities to support small business development was currently pending. Mr. Fredricks noted that Highline Community College had been designated a center of excellence for its international trade program by the State Board of Community and Technical Colleges. The committee also discussed bringing Normandy Park back to the organization.

Des Moines Beach Park Trail

Councilmember White encouraged citizens to visit the Des Moines Beach Park trail.

Municipal Facilities Committee

Councilmember Sherman reported that the Marina rate increase was not sufficient to fund the completion of the Marina Master Plan Projects. After reviewing three options, the committee recommended that City funds be used to install certain amenities that benefit the City as a whole.

In addition, the committee recommended that the marine hardware store be a land lease situation which would require the operator to construct his own building. These recommendations would be formally presented to Council at the May 10, 2007 meeting for approval.

ADMINISTRATION REPORTS

Consent Calendar Item No. 9

City Manager Piasecki introduced proposed Interim Judge Donna Tucker.

Ms. Tucker said that she looked forward to serving the citizens of Des Moines as their judge.

CONSENT CALENDAR was read by Deputy City Clerk Chaufy.

1. Motion is to approve the regular minutes of March 8th and the special and regular minutes of March 22, 2007.

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 #108434 through #108613 & electronic fund transfers in the total amount of \$392,131.45

Payroll fund transfers in the total amount of \$307,566.56

3. Motion is to approve the surplus and disposal of 20 computers, 55 monitors, 7 printers, and 1 scanner and authorize disposing of by donation or recycling.

4. Motion is to approve the agreement with Anchor Environmental, LLC for engineering design and permitting services for the Marina Maintenance Dredging Project, which authorizes payment to Anchor Environmental LLC of \$177,967 and a contingency fund of \$17,800 for this project, and to authorize the City Manager to sign the agreement substantially in the form as submitted.

5. Motion is to approve the "Stipulation & Order Quieting Title" in King County Superior Court Cause No. 07-2-03247-9 MNT and authorize the City Attorney to approve it for entry substantially in the form as submitted.

6. Motion is to authorize the City Manager to sign the equipment installation proposals with B+C Telephone, Inc. for the Police sub-station phone system installation and City telephone system associated upgrade in an amount not to exceed \$26,672.87 and to authorize staff to include the \$16,367.34 needed for the City telephone system upgrade to carry forward from 2006 the \$15,775 for the Police Redondo sub-station equipment needs in the next available budget amendment ordinance.

7. Motion is to approve the Regional Automated Information Network (RAIN) Interlocal Agreement and authorize the Des Moines Police Department to join RAIN as a participating local agency and authorize the City Manager to sign the agreement substantially in the form as submitted.

8. Motion is to authorize payment of registration and travel expenses of approximately \$2,120 for Councilmember White's attendance at the National League of Cities Congress of Cities Conference in New Orleans, November 13-17, 2007.

9. Motion is to confirm the City Manager's appointment of Donna Tucker as the interim Municipal Court Judge, through July 31, 2007.

Councilmember Kaplan noted that he had not yet received a response to his questions regarding the vouchers.

City Manager Piasecki explained that the Finance Director has been on vacation. He asked that Councilmember Kaplan send him a copy of his questions so that he might respond to them.

MOTION was made by Councilmember Sherman, seconded by Councilmember Scott, and passed unanimously to approve the Consent Calendar as read.

Separation from Service

Mayor Sheckler announced that this would be Deputy City Clerk Chaufy's last Council meeting as she has accepted a position with the City of Burien. On behalf of Council, he thanked her for her service.

AGENDA REVISION

Mayor Sheckler announced that New Business Item No. 1 would be discussed first.

NEW BUSINESS

Des Moines Creek Basin Interlocal Agreement Amendment

City SWM Engineer Reinhold introduced the subject. He explained that the draft Interlocal Agreement Amendment would provide additional funds to complete the Marine View Drive Bridge, the Regional Detention Facility, the Des Moines Creek Bypass Pipeline, and the Habitat Restoration Project.

MOTION was made by Councilmember White and seconded by Councilmember Kaplan to approve the draft amendment to the Des Moines Creek Basin Restoration Projects Interlocal Agreement, thereby committing \$313,302 of Surface Water Management Utility funds, and further to authorize the City Manager to sign said amendment substantially in the form as attached.

Councilmember Sherman explained the history of the project and spoke of its benefits.

Councilmember Scott felt that dredging would do more to control flooding than the outflow pipes. She said that a proper study in the beginning should have revealed the arsenic materials on the Port's property and the Port should have paid for its removal.

Councilmember Kaplan confirmed that the Environmental Committee had reviewed the cost overruns. Personally, Councilmember Kaplan said that this would be the last money he would approve to pay for over-runs of the project.

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

At 8:40 p.m., Mayor Sheckler declared a ten-minute break.

OLD BUSINESS

Building Codes Update - Continued Discussion & Direction

Planning, Building, and Public Works Director Fredricks introduced the subject, reviewed the proposed review schedule, and highlighted the re-drafting work currently underway.

Building Official Pickard introduced Fire Marshall Ron Biesold and Assistant Building Official Rex Christensen.

Fire Marshall Biesold highlighted staff's recommended changes to the Fire Code as detailed in the agenda materials. Upon questioning regarding Section 14.16.030, Fire Marshall Biesold explained that the Building Codes identifies the Building Official as the "Authority Having Jurisdiction" for new installations while the Fire Marshall performs inspection and maintenance duties.

City Manager Piasecki explained that the Building Official has enforcement authority and the appeal process would be through the City of Des Moines rather than through the Fire Department.

Councilmember Kaplan asked that the language of Section 14.16.030 clarify the authority granted to all parties involved. In regard to formatting, he recommended that the titles of Sections 14.16.040, 14.16.050, and 14.16.060 begin with the words "Sprinkler System".

Fire Marshall Biesold described anti-freeze system and heat tape system requirements. He explained that the proposed water level float switch requirement for valve pits was not required by NFPA or the current fire code but the requirement would insure the reliability of the pit.

Building Official Pickard said that the Building Code identifies when a sprinkler system is required and the Fire Code identifies the standard. He described the circumstances that might require a single-family home to have a sprinkler system.

Mayor Sheckler and Councilmembers Kaplan and Sherman agreed that the words "when required by the Building Code" should be added to the end of the title of Section 14.16.090.

Councilmember Pina recommended that Section 14.16.100 (3) provide a sprinkler system exemption for a space under a deck that was landscaped only.

Assistant Building Official Christensen highlighted staff's recommended revisions to the following Electrical Code sections as described in the agenda materials:

- Purpose
- License Requirements
- Permit Requirements
- Inspections
- Unsafe Conditions
- Stop Work Orders
- Plan Review for Educational, Institutional or Health Care Facilities and Other Buildings (Commercial and multi-family facilities added over current State requirements.)
- Permitting, Penalty and Investigation Fees
- WAC 296-46B-010 Amended – General
- WAC 296-46B-100 (21) Amended – General Definitions

- WAC 296-46B-550 (001) (1) – Special Occupancies – Mobile Homes, Manufactured Homes and Mobile Home Parks
- WAC 296-46B-900 (7) – Electrical Work Permit and Fees

Assistant Building Official Christensen noted that the proposed section included adoption of a fifteen-day requirement for all electrical written corrections to be corrected. This proposal is consistent with the State's requirement.

Councilmember Kaplan stressed the importance of Council understanding the rationale behind various codes so that they can explain it to their constituents.

Council voiced appreciation for staff's work on the project.

NEXT MEETING DATE - Regular meeting April 26, 2007

ADJOURNMENT

At 10:18 p.m., **motion** was made by Councilmember Kaplan, seconded by Councilmember Pina, and passed unanimously to adjourn the meeting.

Respectfully submitted,

Angela M. Chaufy
Deputy City Clerk

ACTION ITEMS FROM 4/12/07 COUNCIL MEETING

- Respond to Councilmember Kaplan's voucher questions.