

REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES

May 24, 2007

The regular meeting of the Des Moines City Council was called to order at 7:30 p.m. by Mayor Sheckler in the 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 Ed Pina, Carmen Scott, Dan Sherman and Susan White. Absent: Councilmember Dave Kaplan. Also in attendance were City Manager Tony Piasecki, City Attorney Pat Bosmans, Planning, Building & Public Works Director Fredericks, Parks and Recreation Director Patrice Thorell, Human Resources Specialist Kendra Allen, Court Administrator Jennefer Henson and City Clerk Denis Staab.

MOTION was made by Councilmember Scott, seconded by Councilmember Sherman and passed unanimously, to excuse Councilmember Kaplan.

COMMENTS FROM THE PUBLIC

Katie Dolan, 32138 37th Place South, Auburn

Ms. Dolan informed Council that she wishes to speak about the track at Mt. Rainier High School. She noted she is a senior at Mt. Rainier High School that has been involved in track and field for 4 years, with 3 years in cross country, and uses the track a lot. She advised that on any given day or evening the track is also used by members of the community. She stated that the track is shared by three schools and is 58 years old, not well maintained, and needs to be upgraded from a cinder track to a rubberized track. She stated both the school and the community would benefit by an upgrade. She advised once the track is upgraded there are plans to name the track after Jim Kennett who was a track and field and cross country coach at Mt. Rainier High School who led both those teams to league championships. She distributed pictures showing the poor condition of the track. She stated the poor conditions result in injuries to athletes. She concluded by requesting Council's help in construction of a new track.

Ray Prentice, 18974 Marine View Drive SW, Normandy Park

Mr. Prentice informed Council that the effort to rebuild the track began 2 years ago. He advised the scope of the project has been reduced in an effort to keep costs down. Efforts have been made to get support from Legislative leaders in the local community. He advised his group has raised \$4,500 and has a letter of financial commitment from the Highline School District for \$61,000, contingent upon getting a King County Youth Sports Grant. He also noted he has letters of support from Dave Upthegrove and Julia Patterson. He informed Council they are looking for \$30,000 and requested a letter of financial support from the City of Des Moines. He noted the Youth Sports Grant is due to be submitted June 20, 2007, but the funds would not be expended until 2008 during construction season.

Hal Duncanson, 19625 Marine View Drive SW, Normandy Park

Mr. Duncanson requested a show of hands of audience members who are here to support the Mt. Rainier High School Track Renovation Project. Most members of the audience raised their hands. He informed Council he is an alumni of Mt. Rainier school and has kids who use the

facility. He advised that many citizens use the track, indicating it is truly a community facility and encouraged Council to consider lending financial support to this project.

Rikki Marohl, 22807 17th Avenue South

Ms. Marohl invited everyone to the opening on June 2nd, of the Farmer's Market at the Marina from 10 a.m. to 2 p.m. She noted this year will be the first Children's Waterland Art Festival. Also on the 2nd Saturday of each month there will be live music.

Mt. Rainier High School Track Renovation Project - Councilmembers Comments

Upon questioning by Councilmember White, Mr. Duncanson stated he would like a response from Council regarding financial assistance for the grant application by June 10th.

Mr. Duncanson also reported that the Parks and Recreation Department has expressed interest in partnering with the Normandy Park Running Club as there are no track programs for youth in the Des Moines area.

Upon questioning by Mayor Pro Tem Thomasson, Mr. Duncanson noted the non-profit group from Highline School District would be the Mt. Rainier PTA who is co-writing the grant. The School District will handle the construction and oversight of the entire project.

Upon questioning, Parks and Recreation Director Thorell advised that yes, this grant could compete with a City grant, however the City has applied for multiple grants in the past and received funding for more than one in a year. She noted each grant request is scored on an individual case by case basis.

Upon questioning by Councilmember Sherman, Parks and Recreation Director Thorell confirmed that the City has several agreements with the School District, and have co-constructed a number of school facilities in the past, such as the Olympic Soccer Field and Track, the Midway Elementary Ball Field Project, and the Woodmont Soccer Field Project. Therefore, she felt this request to help with the Mt. Rainier Track would be similar and the City would sign an interlocal agreement with the School District for joint use of the facility so the public would have priority for use after school hours along with the community user groups.

Mr. Duncanson informed Council that the grant is contingent upon the track being accessible to the community. Upon questioning, he advised that he will be asking the City of Normandy Park to also help with funding for the grant application.

Councilmember Scott stated she was aware that the School District had some bonds fail and that the track was cut out of their budget due to lack of funding. However, she advised that she feels protective of the City's responsibilities to City owned recreational facilities. She commented that City funding is tight and we are going to need to replace play equipment at the Beach Park and today we learned that the bleachers at the Field House are in very bad shape and will need extensive repair or replacement. She questioned what would be the minimal amount of money being requested from the City to support the grant.

Mr. Duncanson suggested the amount of \$15,000 from the City, stating he could raise further funds from other sources. However if the City choose not to support the grant request, he doubts that he could successfully find other funds. He advised that the School District's contribution is contingent upon the grant being successful.

Councilmember Pina stated this would be a School District facility, but available to citizens of the community and provide a safe environment. He felt the City should contribute.

Mayor Sheckler suggested he schedule this item for Council's consideration within the next two Council meetings. This would allow Councilmembers time to ask questions, if needed, and give staff time to prepare a properly worded motion. Council concurred.

Mayor Sheckler thanked citizens who attended the meeting this evening to show support for this project.

BOARD & COMMITTEE REPORTS & COUNCILMEMBER COMMENTS

Police Department Redondo Sub-station

Councilmember Scott advised that the Police sub-station should be opening their doors within the next couple of weeks.

Pacific Ridge Area Concern

Councilmember Scott reported receiving a phone call from a resident of the Pacific Ridge Area concerned about someone who seems to be living in their motor home parked along City streets, driveways or parking lots.

Field House Bleachers

Councilmember Scott informed Council that the bleachers at the Field House are historic as they were a part of the original construction. She stressed the need for a Policy of having our buildings and structures inspected once a year, with appropriate work done so that they don't get to a point where they need to be torn down. She felt the City needs to take care of what it is responsible for.

Tall Ships Committee

Councilmember White reported attending a meeting in Tacoma with the Harbormaster and the Parks and Recreation Director with the Tall Ships Committee. She noted they are investigating coordinating having the Tall Ships Festival involved in some events in Des Moines next year.

Regional Passenger Ferry Meeting

Councilmember White advised that today she attended the first regional Passenger Only Ferry Committee meeting at the Puget Sound Regional Council. She stated she will provide more details as the idea moves along.

Economic Development Committee

Councilmember White noted the Committee met last Friday. She advised that items that will be brought forward soon will be Code Enforcement and updates on the Zoning Code rewrite.

Small Business Development Center at Highline Community College

Councilmember White commented that in the Seattle Times there was an insert on Welcome to Southeast King County. She reported that a letter has been sent to the Seattle Times regarding adding all of South King County and they have responded with interest, and a meeting will be held next week to discuss the idea.

Municipal Facilities Committee

Councilmember Sherman reported the Committee met on May 18th which was mainly an informational update on the Phase I bulkhead replacement. He also noted they met with the restaurant company that is interested in putting in a new restaurant to the north of the Harbormaster's office and began discussion on the size of the building and what they can offer the City. The Committee also talked a little bit about the City Hall Space Study and there was some discussion about relocation and consensus was against any relocation, especially to the Pacific Ridge Area.

In regards to a new restaurant at the Marina, Councilmember Scott noted other questions raised concerned whether there would be an outdoor dining area and how many people will be served. Therefore it is difficult to plan for a potential building footprint and parking, which compounds planning for the bulkhead improvements, which need to be done first.

Regarding the space study, it was noted that there is a need for more space especially for the Planning, Building and Public Works division.

Field House Bleachers

Mayor Pro Tem Thomasson questioned whether the bleachers were red-tagged because of the way it was built 60 years ago, or has it failed. City Manager Piasecki advised they are failing.

Mayor Pro Tem Thomasson noted it is unacceptable to him to have to close down City facilities because of lack of proper routine maintenance. He questioned what, from a maintenance and facility management perspective, is going to change to ensure this does not happen in the future. For this facility, closing the bleachers essentially shuts down the field.

Parks and Recreation Director Thorell informed Council that staff had been conducting an evaluation assessment of the grandstand along with other historic resources at the Field House. She advised that Pilgrim's Progress, a preservation service company, had been retained to provide an estimate of the costs in order to go out to bid for restoration. She advised that Pilgrim's Progress, along with an architect were asked to look at the grandstand. It was noted that there are some large beams being held up by small supports, that are not in alignment with the pier blocks that are the foundation of the structure. It was discovered that some of the toe nailing is coming apart and the structure appears to be leaning in two different directions and there is some dry rot. A lot of this is not from lack of maintenance, but in the way it was constructed. She advised staff is gathering an analysis of the structure including costs estimates, and options will be brought back to Council for discussions and a decision on how to proceed. In the meantime she reported that staff does not intend to close the ball field and will provide "snow fencing" with temporary seating along the base lines.

Councilmember Sherman felt this is a major safety issue and noted he would consider replacing the bleachers with a more modern structure.

Councilmember Scott noted the bleachers are an integral part of what was originally part of the Field House and she would not want to replace it with something completely different if it is not necessary.

ADMINISTRATION REPORTS

Pacific Ridge Area Concern

City Manager Piasecki advised, in regards to someone living in a motor home in Pacific Ridge, that he reported this to our Code Enforcement Officer who sent it to the Police Department to follow up on.

New Employees

City Manager Piasecki introduced Kendra Allen, seated in the audience, as the City's new Human Resource Specialist. He invited everyone to stop by City Hall and welcome Autumn Lingle the new Business License Clerk and Receptionist, who will work from 9 a.m. to 1 p.m.

Wooten Park Lighting

City Manager Piasecki reported that the new lights have been installed and are now working.

Street Sweeper

City Manager Piasecki informed Council that he authorized expenditure of \$2,500 from the Marina and Street Funds to purchase a surplus street sweeper from Alaska Airlines. He noted this sweeper will be used to clean up parking lots, and right-of-way in cases where we cannot get our Sweeping Contractor in a timely manner. He considers this a one to two year experiment to determine how much it is used and what it costs to maintain in order to determine if this is something Council may wish to provide on a permanent basis and fund for future replacement.

SeaTac Airport Batch Cement Plant

City Manager Piasecki noted he sent Councilmembers an e-mail last week from Mark Reese, the Director of SeaTac Airport, regarding the batch cement plant that has been proposed for permitting on the airport site to create concrete for the paving of the 3rd runway. He advised that a public meeting was held on Tuesday, organized by CASE, and he has been informed that this meeting "resolved all concerns and everyone is happy". He stated that he called the Normandy Park City Manager who did not confirm this outcome, but stated all issues were discussed and they appear to be resolved if a few things happen in the permit, and if they do occur, then he believed Normandy Park Council will withdraw their request for a Public Hearing. He informed Council that he will continue to monitor the situation and keep them informed.

CONSENT CALENDAR was read by City Clerk Staab.

1. Motion is to approve the regular minutes of April 26 and May 3, 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 #109112 through #109338 & electronic fund transfers in the total amount of \$916,499.05

Payroll fund transfers in the total amount of \$312,877.39

~~3. Motion is to authorize the City Manager to sign the contract extension with Keybank for banking service for two years, and provide for a renewable option thereafter upon the written agreement of both the City and Keybank. [ED NOTE: Removed by Councilmember Sherman.]~~

4. Motion is to authorize the City Manager to sign the contract amendment with Leonard D. Madsen for professional transportation management services until a new City Transportation

Engineer can be hired and then continuing those services through 2007 on a not-to-exceed 24 hours per week basis to manage the 16th Avenue South project with a not-to-exceed costs of \$85,000.

~~5. Draft Ordinance No. 07-102 -- Title: An Ordinance of the City of Des Moines, Washington related to monetary penalties for civil infractions, and amending DMMC 1.24.190.~~

~~TWO MOTIONS: First motion is to suspend Council Rule 26(b). Second motion is to approve Draft Ordinance No. 07-102.~~ [ED NOTE: Removed by Mayor Pro Tem Thomasson.]

Councilmember Sherman requested Item #3 be removed.

Mayor Pro Tem Thomasson requested Item #5 be removed.

MOTION was made by Councilmember Sherman, seconded by Councilmember Scott, to approve the remainder of the Consent Calendar. Motion passed unanimously.

Removed Consent Items

Item #3 - Contract Extension With Keybank

Councilmember Sherman questioned how much does the City spend in this contract in each year.

Finance Director Henderson replied that it is difficult to compile because we take the banking fees and offset them with an earnings credit.

In response to Councilmember Sherman regarding putting out an RFP, City Manager Piasecki noted staff will try to find some time to do an analysis to see if it may be worth doing an RFP for this service. He pointed out that this is just a two year extension to the existing contract .

Councilmember Sherman voiced the opinion that he would prefer a one year extension to allow time to study the fees involved. Mayor Sheckler expressed agreement and felt this may be a good issue to be studied by a Council Committee, such as Finance & Economic Development.

MOTION was made by Councilmember Sherman, seconded by Mayor Sheckler, to authorize the City Manager to sign the contract extension with Keybank for banking services for one year, and provide for a renewable option thereafter upon the written agreement of both the City and Keybank.

In response to Mayor Pro Tem Thomasson's comments, City Manager Piasecki advised he will provide Council with a status report within the next six months. He noted if staff does not have the time to study the issue, we can always extend the contract for another year.

Councilmember White expressed concern that a one year extension puts more pressure on staff that they do not need.

Councilmember Pina felt some of Council's questions could be answered by the next meeting, therefore he would prefer to delay voting until then.

VOTE ON MOTION - Motion passed 5 to 1 with Councilmember Pina opposed.

Consent Item #5 - Draft Ordinance No. 07-102 [ASSIGNED ORDINANCE NO. 1402] Monetary Penalties for Civil Infractions - 1st Reading

Upon questioning, City Manager Piasecki advised that the Supreme Court has mandated the penalty fees and the Administrator of the Court has told us we must increase the base penalty for civil infractions that are non-traffic. If we do not, we still have to send to the State the amount of money as if we had increased our fees.

Mayor Pro Tem Thomasson questioned if there is a State law we can reference so in the future we do not have to do a new ordinance every time they raise the penalty fees.

City Manager Piasecki requested Council adopt this draft ordinance tonight and staff can investigate whether we can do a reference type ordinance rather than having the actual numbers in our Code.

Upon questioning, Court Administrator Henson stated the City cannot raise the penalties for any offenses higher than what the State mandates.

MOTION was made by Councilmember Sherman, seconded by Mayor Pro Tem Thomasson and passed unanimously, to waive Council Rule 26(b) to allow the Draft Ordinance to be adopted on first reading.

MOTION was made by Councilmember Sherman, seconded by Councilmember White, to adopt Draft Ordinance No. 07-102 amending monetary penalties for civil infractions. Motion passed unanimously.

8:50 p.m. Mayor Sheckler called for a 10 minute break.

PUBLIC HEARING - CANCELED

Draft Resolution No. 07-106 - Landmarque Modified Sub-division

Mayor Sheckler announced that the scheduled public hearing has been pulled.

City Manager Piasecki explained that the Hearing must be advertised at least 14 to 15 days in advance in the City's official newspaper, the Seattle Times. However, the Seattle Times actually published another City's legal notice not ours. Therefore the legal notice has been rescheduled for this Sunday.

Mayor Sheckler announced that this item has now been placed on the June 14th Council agenda.

MOTION was made by Mayor Pro Tem Thomasson, seconded by Councilmember Pina, to place the Public Hearing on the June 14, 2007, agenda. Motion passed unanimously.

OLD BUSINESS

Lower Des Moines Creek Evaluation - Hydraulic Study

Planning, Building & Public Works Director Fredericks advised that staff has provided an explanation of the alternatives to financing. He advised that staff's recommendation is still that we share in the cost of the study, 50-50 between Surface Water Management Utility and the

Municipal Facility Budget for the Dinning Hall Project. Staff's reasoning is that the SWM Utility will benefit by better understanding on how the stream works along with fish habitat implications and the Dinning Hall Project will benefit by virtue of it telling us exactly what to do in terms of raising the building. He advised that staff approached other members on the Des Moines Creek Basin Committee, at Council's request, to see if they would help fund the project. However, they were very clear that they would not lend financial support to any more projects. He noted they did agree however, once all the agreed to projects are complete that they will reassess the availability of funds and may choose to reimburse the City an appropriate amount for this project at that time. This would result in a two to three month delay in this project with no guarantee that they would share in this project. In the interest of time needed to move this project forward, staff is recommending the project proceed as proposed.

MOTION was made by Councilmember Sherman, seconded by Councilmember Scott, to award the contract for professional engineering services for the Lower Des Moines Creek Hydraulic Evaluation to Tetra Tech/KCM, Inc. in the amount of \$58,011 plus a 10% contingency and to authorize the City Manager to sign said contract.

Mayor Pro Tem Thomasson stated he will support the motion, provided if the Basin Committee comes back and asks the City for more money, it is clear that this is our part we funded, as he feels this should have been shared by the Basin Committee.

Upon questioning regarding the part of the Des Moines Creek trail through the Treatment Plant, City Manager Piasecki informed Council he has requested staff to put together a proposal to get the fencing in place to create a corridor. It appears the cost will be \$7 to \$8 thousand, and to complete a walking trail up to South 200th a contract is being prepared to get that done. He noted this will not be in the way of the final paving of the trail.

In response to Mayor Pro Tem Thomasson's comments that material seems to be continuing to slough, Planning, Building & Public Works Director Fredericks noted that this study will help us decide where and what size the silt traps should be designed and built. This will allow the City to regularly maintain without having to deal with the structures and other problems associated with the sloughing. It is a critical part to help minimize impacts on the habitat and to minimize the City's ongoing maintenance costs. He advised work is scheduled this summer to secure the old box culvert so it is not assessable just as soon as the "fish window" opens. Once construction is complete for the bridge, slide areas, and the path is paved, additional plantings will be installed to help stop erosion and improve habitat.

VOTE ON MOTION: Motion passed unanimously.

NEW BUSINESS

Draft Ordinance No. 07-105 [ASSIGNED ORDINANCE NO. 1403] Law Enforcement Officers & Fire Fighters (LEOFF) Disability Board - 1st Reading

City Manager Piasecki noted Police Officers hired before 1977 belong to LEOFF I or LEOFF II. He advised that LEOFF I officers are entitled to, as part of their retirement plan, that the cities will take care of them for life when it comes to their necessary medical needs. He noted Des Moines' has five officers all now retired that are part of the LEOFF I system and we are responsible for their necessary medical needs. He advised the City has purchased health insurance and long term care insurance for them, and if there are any necessary medical expenses

they incur that are not covered the City must pay for that. In order to make a decision as what "any expense" is, State law requires cities with a population over 20,000 to have a LEOFF Disability Board. He stated the ordinance will create the Disability Board for the City. He noted State law is very specific about who serves on the Board, which consists of two Councilmembers simply appointed by the Mayor, one Police officer who can be LEOFF I or II who is selected by the officers who are subject to the Board. In other words, the five retirees will select that officer. The final position is a citizen at large who is selected by the other members of the Board once they are seated. Once the Board is formed they must adopt a Disability Manual and they will make decisions when retired officers make requests for items that are not currently covered.

Mayor Sheckler advised that Councilmember Kaplan has already indicated his desire to serve on the Board.

Councilmember Pina indicated his willingness to serve on the Board.

MOTION was made by Councilmember White, seconded by Councilmember Pina, to suspend Council Rule 26(b) in order to take final action on the Draft Ordinance on first reading.

Mayor Pro Tem Thomasson stated Sections 1 (5) and (6) concern him, as he would prefer Council adopts the actual Manual. He understands the Board makes judgment decisions, but feels the City should have some role in giving guidance in when they meet, how often the meet, etc. He questioned what other cities do.

City Attorney Bosmans explained this is governed by the State Retirement System and it is the exclusive jurisdiction of the Board to develop its own rules and procedures. She advised that they are governed by State Statutes and the Washington Administrative Code and that there are a lot of Boards that have sample policies and examples of what are considered reasonable and necessary.

Councilmember Sherman felt some sort of staggering of terms would make more sense so there is "institutional memory".

City Manager Piasecki pointed out that this again, is under State law and if there is no provision for staggered terms it cannot be changed. (City Attorney Bosmans noted she will check on this.)

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

MOTION was made by Councilmember White, seconded by Councilmember Pina, to enact Draft Ordinance No. 07-105.

Councilmember Sherman stated he felt Council should wait for an answer to his question regarding staggered terms before approving the draft ordinance.

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

NEXT MEETING DATE

Mayor Sheckler announced that the next regular meeting will be May 31, 2007 at 7:30 p.m. He further announced that an Executive Session will be held on May 31, 2007, at 6:30 p.m.

ADJOURNMENT

At 9:30 p.m. Mayor Sheckler declared the meeting adjourned.

Respectfully submitted,

Denis Staab
City Clerk