

## REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES

June 28, 2007

At 7:27 p.m. City Manager Piasecki announced that Council will continue in Executive Session for approximately 10 more minutes.

The regular meeting of the Des Moines City Council was called to order at 7:45 p.m. by Mayor Sheckler in the Council Chambers, 21630 11<sup>th</sup> Avenue South.

PLEDGE TO ALLEGIANCE to the Flag was led by Councilmember Pina.

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, Police Chief Roger Banker, Land Use Planner II Jason Sullivan, Parks and Recreation Director Patrice Thorell and City Clerk Denis Staab.

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

### BOARD & COMMITTEE REPORTS and COUNCILMEMBER COMMENTS

#### Public Issues Committee of Suburban Cities Association

Councilmember Pina reported the Committee met June 20<sup>th</sup>. He advised that the Committee is supporting non-partisan elections for all King County offices. He noted they also voted to move the King County Charter review recommendations to their meeting in July, however it was noted they liked the position of water 'treatment' instead of water 'quality'. There was a tendency favoring requiring a supermajority for passage of the citizen's Charter amendments. He reported that on July 11<sup>th</sup> at 6 p.m. at the Renton City Hall, the Committee will hold a one hour study session on affordable housing and housing availability. He encouraged City Manager Piasecki and Mayor Sheckler to attend as he feels this will be a very informative meeting.

In regards to King County offices becoming non-partisan, he noted the Committee will make this recommendation to the Suburban Cities Association (SCA), and then SCA will forward this recommendation to King County. City Manager Piasecki further noted that the Committee will make recommendations regarding all Charter Amendments to the King County Council who will then place something on this Falls Ballot for the voters to approve.

#### Senior Services Advisory Committee

Councilmember White reported attending a meeting this afternoon of the Committee. She advised that they held a very good Emergency Preparedness Fair, which was held last Saturday. She further noted they will hold their 4<sup>th</sup> of July picnic on Tuesday, July 3<sup>rd</sup> and Congressman Adam Smith will be in attendance from 11:30 to 12:30.

#### Suburban Cities Association Dinner Meeting

Councilmember White advised that she and Councilmember Sherman attended the dinner meeting last night. She noted the meeting concerned the transportation RTID vote that will happen in November.

#### Association of Washington Cities Conference

Councilmember White stated she attended the Conference two weeks ago that was held in Tacoma. She reported it was one of the best conferences she has attended and will prepare a informational briefing paper that she will place in Council's boxes later. She noted Governor Gregoire presented the "State of Washington". She announced the next conference will be held in Yakima and encouraged other Councilmembers to attend.

#### Economic Development & Finance Committee

Councilmember White announced a Committee meeting will be held tomorrow.

#### Human Services Advisory Committee

Councilmember Sherman reported attending a Committee meeting today. They are continuing to review requests for funding. They are hoping to budget \$75,000 for next years funding. He reported that there are approximately 30,000 citizens living in Des Moines, and that approximately 5,000 non-duplicated customers from Des Moines are using the Des Moines Food Bank. He informed Council that the skill of citizens serving on the Committee is very high and they actually help and assist small agencies in writing grants.

#### Public Health Board

Councilmember Sherman announced that the Board will be considering a ban on the use of Trans Fats from all restaurants and to require restaurants that have at least 10 restaurants in a chain nationally, to reveal on their menus certain nutritional information regarding calories, fats, sodium, etc., and for those that do not have menus but rely on reader boards, that they must in the same size print as the costs, have to at least list the calories and have available all the other nutritional information. He advised that this is suppose to happen in New York this summer and the restaurants apparently are not fighting the Trans Fat issue, but are fighting the menu issue. He stated this issue will be coming before the Public Issues Committee of Suburban Cities Association and encourage Councilmembers to make their thoughts known to Councilmember Pina who serves on that Committee.

#### PRESIDING OFFICER'S REPORT

##### Pacific Ridge - Crime Issues and Task Force Operation

Mayor Sheckler noted that a number of citizens have come before Council complaining about the crime rate up on South 216<sup>th</sup>, east of Highway 99. He advised that a couple of days ago an event had a great impact on the crime and future crime in that area. He noted this was broadcast on TV Channels 4, 5 and 13. He requested Des Moines Police Chief Roger Baker brief Council on the event.

Chief Baker distributed a memo and addressed Council on the efforts, and continuing efforts, by Des Moines' Police Department and neighboring agencies, to help curb drug trafficking and other criminal activities in the Pacific Ridge Area. He proceeded to brief Council on a long term investigation that netted great results in the Pacific Ridge Area as follows:

- December 2006, contacted and requested assistance from the Alcohol, Tobacco and Fire (ATF) Arms Violent Crime Task Force in dealing with gang violence and related criminal activity.
- February 2007 investigation began in a coordinated effort with ATF, the FBI, and the Des Moines-SeaTac "Street Crimes Unit", resulting in issuance of numerous Federal and State Warrants.
- June 26, 2007, a major operation commenced using approximately 71 Officers from King County, SeaTac, Department of Corrections, ATF Agents and Des Moines, plus 4 police dogs, resulting in:
  - 36 individuals being arrested
  - 11 individuals still being sought
  - reasons for arrests included misdemeanor warrants, one felony warrant, drug loitering, drug possession and drug possession with intent to sell or deliver, and obstructing
- June 27<sup>th</sup> Des Moines: Officers made two more felony warrant arrests, 1 robbery and 1 theft

Chief Baker reported that the Federal Task Force is very busy, but they find time to participate heavily in helping cities. He noted they are very well equipped and trained, and willing to help in long term investigations. He felt the public needs to be aware that when we ask, we do get help from the Federal, State, County and adjoining agencies in our enforcement efforts.

Mayor Sheckler reported attending a press conference where he had an opportunity to review the Complaint regarding this operation and reported he was surprised to learn that within the last year that there has been eight shootings in this area. He complimented Chief Baker in requesting outside assistance in this matter.

Councilmember Sherman stated that this event makes it very clear about the benefits of sharing law enforcement personnel between entities. He hopes this points out to citizens in that area who have complained about crime, that their requests did not go unnoticed.

In conclusion, Chief Baker thanked Council for their support of the law enforcement department and they will continue their investigation in the Pacific Ridge Area. He assured Council that his department will continue to assist other agencies and looks forward to the opportunity to use the new sub-station in Redondo in that effort.

## ADMINISTRATION REPORTS

### Salt Water State Park Bridge Repairs

City Manager Piasecki reported that Phase I of the repairs began on June 25<sup>th</sup> and it is anticipated to be complete on July 25<sup>th</sup>. Phase II design is almost complete and will be out to bid shortly, with a contract before Council for approval before the end of July.

### Cable TV Show - "Big World, Little People"

City Manager Piasecki announced that the Cable TV show will be filming on July 4<sup>th</sup> at a Soccer Tournament that will be held at Steven J. Underwood Memorial Park. This filming will appear on a future show.

Zenith View Pointe Development

City Manager Piasecki stated that as a result of concerns expressed by neighbors of the Development regarding street and sidewalk development, he reported that staff, the developer and the neighbors will be putting together a potential vacation of that particular piece of right-of-way with an easement for the City's storm water facilities, that should take care of the concerns.

July 4<sup>th</sup> Holiday

City Manager Piasecki advised the Fireworks display will be held at the Marina, sponsored by the Des Moines Rotary Club. He reminded everyone that fireworks of all kinds are now prohibited within Des Moines city limits.

CONSENT CALENDAR was read by City Clerk Staab.

1. 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 #109567 through #109738 & electronic fund transfers in the total amount of \$836,525.48

Payroll fund transfers in the total amount of \$322,794.10

2. Motion is to approve the addendum to the agreement for Security Services at the Des Moines Marina for an additional two years with Puget Sound Security, and authorize the City Manager to sign the agreement substantially in the form as submitted.

3. Motion is to remand to the Public Safety and Transportation Committee the following item: Draft development of a city ordinance relating to anti-drug activity, authorizing the designation of anti drug emphasis areas based upon repeated incidents of narcotics-related activities occurring therein, authorizing the issuance of "Stay Out of Drug Areas" (SODA) orders by the Des Moines Municipal Court, providing a penalty for the violation of a SODA order, adding a new section to Chapter 9.28 of the Des Moines Municipal Code, codifying a new section to Chapter 9.22, and establishing an effective date.

Regarding Consent Item 2, Mayor Pro Tem Thomasson noted since the first agreement we have added video surveillance and questioned whether in the near, or long term, the security services agreement should be changed. Harbormaster Dusenbury responded there is a need for someone to actually open and close the gates at the Marina and Redondo. He felt as we add more cameras, then we will have a better idea of their deterrent capabilities.

Referencing Consent Item 3, Mayor Pro Tem Thomasson commented that the language of the motion makes it sound like the ordinance has already been written. City Manager Piasecki noted that the background information of the packet item makes it clear that this is a tool the Police department would like our Court to have to be able to get certain individuals out of our City.

Mayor Pro Tem Thomasson expressed the opinion that he hopes the Committee will closely address the constitutional issues this type of regulation may impact.

City Manager Piasecki assured Council that case law will be reviewed that might impact the ordinance.

**MOTION** was made by Mayor Pro Tem Thomasson, seconded by Councilmember Pina and passed unanimously, to approve the Consent Calendar as read.

## NEW BUSINESS

### Draft Ordinance No. 07-096 Councilmember Compensation - 1<sup>st</sup> Reading

Mayor Sheckler introduced the topic.

City Attorney Bosmans noted that at the May 3, 2007 Council Meeting, the Council directed staff to prepare a draft ordinance amending Chapter 4.08 DMMC to take a look at compensation and benefit issues. She advised that a Salary Commission would establish future compensation, and the draft ordinance also contains a section establishing medical benefits. This benefit would not be established by the Salary Commission, however, because the State recently enacted legislation that allows for medical benefits for elected officials and it is not deemed to be additional compensation.

Councilmember Scott stated that she has felt some components of Council compensation need to be looked at, but she is not in favor of dramatic changes.

Mayor Pro Tem Thomasson questioned whether this type of ordinance should fall under the "referendum" procedure which would delay the effective date by 30 days. He also felt that perhaps this ordinance should be broken into two ordinances, one dealing with the Salary Commission and the second one deal with medical benefits. He stated that it is not clear to him what we are trying to fix. He advised that now Council's pay is a combination of a dollar amount per meeting, with a fixed annual number of meetings per year. He noted this is not a monthly salary, which a company such as Boeing, would require their employee to give back. When meetings are held that are not part of their normal work day, then the employee is not required to give the meeting pay back to the company. He advised this was an important structural aspect due to the number of Boeing employees who at one time sat on the Council. He questioned whether a Salary Commission could be told to only establish salary on a per meeting basis.

Mayor Sheckler pointed out that if Council's pay became a "salary", then you would be required to pay a filing fee if you run for office. When Councilmembers are paid on a per meeting basis, as we are now, then there is no filing fee involved.

City Attorney Bosmans advised that the point of establishing a Salary Commission, is to establish an independent oversight over Council salaries. While the Commission could question Councilmembers, ultimately it is an independent determination by the Commission. In other words, Council cannot put a legal "box" around that body.

Mayor Pro Tem Thomasson felt if the ultimate goal is to raise the per meeting pay, or raise the limit on the number of meetings, Council should just handle it and not create a Salary Commission. He stated he is not in favor of the draft ordinance as he believes the decision belongs with the Council and not an ad-hoc body. He felt Council is elected to make the hard

decisions and that includes determining what is fair compensation for the efforts of the individuals of this governing body.

Councilmember White felt it has been a long time since Council's pay has been addressed and adding medical benefits should be looked at. She noted that Councilmembers are not doing this to make money, but additional benefits may encourage other citizens to consider running for elected office. She also stated most Councilmembers attend other meetings outside of regular meetings. She felt after looking back at the increased number of meetings in the last few years, it may be time to look at increasing the number of meetings Council gets paid for from 36 to around 40.

Councilmember Pina stated that there was a time when a Councilmember got full pay for only attending 10 or 15 minutes of a meeting. He felt we should define meeting attendance, such as being in attendance for 80 to 85 percent of the actual meeting time. He also noted several Councilmembers attend outside meetings as Councilmembers such as Suburban Cities Association, and that should also be looked at as to whether it should be defined as meeting attendance. He would prefer Council consider compensation and not give that authority away.

Councilmember Scott agreed that the definition of attendance needs to be reviewed such as "present at any time between roll call and adjournment", as being too loose. She also felt it is best to stay with per meeting pay versus salary. She also felt that 36 meetings should not be an arbitrary limit, as a great deal of work is done outside of regular Council meetings. She stated that if we want qualified people to run for office, they should be paid for any official or special Council meeting that is called. She is not in favor of increasing the per meeting pay, but feels Councilmembers should be paid for every meeting they attend. She would prefer to not have a commission decide these issues.

Councilmember Sherman expressed agreement with Mayor Pro Tem Thomasson. He noted that in most smaller cities, citizens see these elected positions as service versus a job. He stated he likes the current way Councilmembers are paid, however he is willing to discuss issues further.

Mayor Sheckler felt a consensus seems to be that there is no support for creating a Salary Commission, but there is some support for increasing the number of meetings Council gets paid. He reminded Councilmembers that if we increase the number of paid meetings it would only impact the three positions that are up for election this year, and it would be two years before it applied to the other four positions.

8:54 p.m. Mayor Sheckler called for a 10 minute break.

Mayor Sheckler summarized by noting there is no interest in establishing a Salary Commission, nor in raising the per meeting pay amount. However, there is interest in increasing the number of paid meetings. He requested a motion to that effect. He reminded Council again that this would only impact the three positions taking office in January 2008 and it would be two years before the other four positions received any new compensation.

**MOTION** was made by Councilmember Scott, seconded by Councilmember White, to request administration to draft an ordinance for Council's consideration that Councilmember pay remain as is, but that the maximum number of meetings per year be raised to 40. Motion passed 5 to 2 with Councilmember Sherman and Mayor Pro Tem Thomasson opposed.

In regards to medical benefits for Councilmembers, Mayor Pro Tem Thomasson advised he would not be opposed to allowing Councilmembers access to the City's group plan. However, having the City paying for it raises concerns. First of all the cost of medical insurance is probably higher than the increase in adding four more meetings Council gets paid for. He also noted if it is allowed for a Councilmember and their dependents to be completely covered, since we do not allow that for City staff, that would not be favorable when it comes time for employee negotiations. He advised he is not in favor of adding paid medical benefits for Council, but he would have no problem allowing Councilmembers to be eligible to be part of the group if they pay for it.

City Manager Piasecki informed Council that he will check into this. However, he informed when it comes to vision and dental benefits, the City must pay, not the employee. Upon questioning, he noted an employee must work at least 32 hours a week in order to qualify for benefits.

Mayor Sheckler expressed agreement with Mayor Pro Tem Thomasson, that if a Councilmember wishes to participate in the medical plan, and the City is not paying for it, he would be in favor.

Draft Resolution No. 07-132 [ASSIGNED RESOLUTION NO. 1047] Sunset Gardens Final Plat  
Mayor Sheckler introduced the subject.

Land Use Planner Sullivan informed Council that the Preliminary Plat was approved in 2003 by the Planning Agency. He noted the minutes from that meeting, along with the Agency's resolution are attached in Council's packet. He advised that at this time the applicant has complied with all the conditions of approval as established by the resolution, and all required infrastructure improvements have been installed. He noted the applicant will be required to maintain a maintenance bond in the amount of 10% of the original bond of \$221,250.00, and a bond in the amount of \$80,000.00 for the maintenance of the wetland tract for five years. Also a park in lieu fee of \$47,447 as established by the Planning Agency. In response to Councilmember questions staff is recommending the following changes to the document of the Final Plat as follows:

- Notes, Conditions and Restrictions sub point 1: Change conveyed to "deeded". Under sub point 2, tract B: Change dedicated to "deeded".
- Dedication Statement: Change to reflect language as distributed in memo dated June 28, 2007.
- Additional Easement Provision, page 1: change to reflect all utilities, not just Puget Sound Energy.

**MOTION** was made by Mayor Pro Tem Thomasson, seconded by Councilmember Sherman, to adopt Draft Resolution No. 07-132 approving the final plat of Sunset Gardens, City File No. LUA 2002-014, subject to the Plat Map being amended with the dedication provision, easement provision and deeded language as described by staff.

Upon questioning, Land Use Planner Sullivan confirmed that the detention facilities are adequate and there is a maintenance contract with the City's Surface Water Maintenance division.

Land Use Planner Sullivan requested that a seventh note under Notes, Conditions and Restrictions be added that on Lot 1, the 10 foot building set-back for the side yard has to be between Lots 1 and Tract B. This was accepted as a FRIENDLY AMENDMENT by the maker and seconder of the motion.

VOTE ON MOTION: Motion passed unanimously.

Mayor Sheckler read the resolution by title into the record.

Draft Resolution No. 07-128 [ASSIGNED RESOLUTION NO. 1048] Sole Source for Field House Exterior Restoration

Parks and Recreation Director Thorell advised that the draft resolution is related to the waiving of State competitive bidding requirements for the purchase of single source services for preservation maintenance of the Field House and Picnic Shelter and to request Council authorization to enter into an agreement with Pilgrim's Progress Restoration Services to provide expertise in the restoration process, planning and project work completion. She informed Council that the consultant is a noted log structure expert and has extensive experience with the National Park Service, National Forest Service and Washington State Parks and Recreation. She noted the 2<sup>nd</sup> part is a request to approve the agreement with Pilgrim's Progress Preservation Services, which project is listed in the 2007 CIP.

MOTION was made by Councilmember Sherman, seconded by Councilmember Scott to adopt Draft Resolution No. 07-128 waiving the State competitive bidding requirements, pursuant to RCW 39.04.280, for Pilgrim's Progress Restoration Services to provide expertise in the exterior restoration of the Des Moines Field House and Picnic Shelter. [ED Note: Motion withdrawn later.]

Mayor Pro Tem Thomasson noted that in reading the resolution, Section 2 authorizes the City Manager to sign the contract, therefore he does not feel the recommended second motion is needed, if we just add the correct dollar amount.

9:30 p.m. Mayor Sheckler called for a brief break to allow staff to prepare the appropriate language.

Councilmember Sherman WITHDREW his original Motion, the seconder agreed.

MOTION was made by Councilmember Sherman, seconded by Councilmember Scott, to adopt Draft Resolution No. 07-128 waiving the State competitive bidding requirements, pursuant to RCW 39.04.280, for the exterior restoration of the Des Moines Field House and Picnic Shelter. This includes a change to Section 2 of the draft resolution to strike the last words "on attached Exhibit A, for the Field House Exterior Renovation Project" and insert the words "in the attached contract".

City Manager Piasecki pointed out that the attached contract contains the dollar amounts and contingency.

VOTE ON MOTION: Motion passed unanimously.

Mayor Sheckler read the draft resolution by title into the record.

NEXT MEETING DATE

Mayor Sheckler noted the next meeting will be a study session on July 5, 2007.

ADJOURNMENT

9:39 p.m. **MOTION** was made by Councilmember White, seconded by Councilmember Sherman and passed unanimously, to adjourn.

Respectfully submitted,

Denis Staab  
City Clerk

**ACTION ITEMS FROM 6/28/07 COUNCIL MEETING**

- Prepare draft ordinance increasing number of meetings Councilmembers receive pay.