

## REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES

August 2, 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 11<sup>th</sup> Avenue South, #B.

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

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, City Attorney Pat Bosmans, Finance Director Paula Henderson, Planning, Building & Public Works Director Grant Fredricks, Building Official Larry Pickard and City Clerk Denis Staab.

MOTION was made by Councilmember Scott, seconded by Councilmember Sherman and passed unanimously, to excuse Mayor Pro Tem Thomasson.

### CORRESPONDENCE

#### E-Mail - Medic One

City Manager Piasecki noted that he has distributed an e-mail from Al Church, Chief of South King Fire and Rescue, related to the Medic One Levy and providing further information.

### BOARD & COMMITTEE REPORTS & COUNCILMEMBER COMMENTS

#### Holiday Event

Councilmember Scott advised that the I.O.O. F. Lodge and Des Moines Historic Society will be jointly sponsoring, along with another unnamed partner, an event at the Des Moines Theatre in the afternoon of December 1<sup>st</sup>, which is the "Old Fashioned Victorian Christmas", with a University Music Professor on stage. The program will focus on what families did before we were besieged with technology. She feels this will be a warm great event and noted advertisements about the event and availability of tickets will be coming out soon.

#### Public Safety and Transportation Committee

Councilmember Kaplan advised that the Committee met earlier this evening. Discussion included: Street Standards Update, Arterial Streets CIP for 2008, and the Des Moines Creek Trail Design Update.

#### I-5 Closure

Councilmember Kaplan announced that due to a paving project on I-5 from the exit on Spokane Street to I-90, most of the lanes northbound will be closed for 19 days. Some suggestions for alternative ways to commute include: Find alternative routes, Sounder Train, Metro Buses, West Seattle Water Taxi or telecommute.

#### Passenger Ferry Service Study

Councilmember White reported that on July 24<sup>th</sup> she attended the 2<sup>nd</sup> Advisory Committee Meeting, with Puget Sound Regional Council regarding the Passenger Ferry Study. She announced she has given City Manager Piasecki a copy of the working draft and if any one is

interested they may contact him to obtain a copy. She stated there is a lot of enthusiasm and the idea is picking up momentum. She concluded that the Study is scheduled to be complete by the first part of next year.

#### South King County Business Initiative

Councilmember White noted that the Seattle Times has met with the group and last week-end they put out an issue regarding the South County living section. She advised that Planning, Building and Public Works Director Fredricks attended a Business Attraction Plan meeting. She informed Council that the small investment Council made is paying the City good dividends in regards to the Small Business Development Center and the Business Attraction Plan. She requested Mr. Fredricks give a brief report on the Business Attraction Plan.

Planning, Building and Public Works Director Fredricks advised that he is working, on a staff level, with other cities, including the Port of Seattle and other groups on an initiative called "The Seattle South Side Business Attraction Program". He noted the group has concluded that they have a lot more to offer than individual communities can offer in terms of variety of housing, education, amenities, tourist attractions and other items. He stated they are building on the established plan by Seattle South Side, which the City supports through our Hotel and Motel Tax contributions. He noted they are working on a program to produce a colored brochure that contains a lot of facts and figures, as a good marketing tool, which shows how attractive we are as a 'community of communities' for business. An event in October is planned oriented to the real estate and economic development sectors to bring them in and showcase our communities as a place to come and locate a business or grow a business. He reminded Council all of this is being leveraged with a \$7,500 appropriation from the City of Des Moines, matched with similar amounts from the other cities.

#### Washington Trust for Historic Preservation

Councilmember White reported attending the meeting last Thursday. She noted that the Historic Preservation Trust and the Washington State Historic Society has reproduced an old guide that was printed in 1941 called "Revisiting Washington, a Guide to the Evergreen State". She stated it is available for free at various museums and historical societies or it can be down loaded from [www.revisitingwa.org](http://www.revisitingwa.org). She feels this is a great way to plan short trips.

She also noted there is a great article on the Odd Fellows building in Des Moines. She reminded Council the City has an Interlocal agreement with King County for tax incentives for historic buildings. She would like to see if there is interest from the Council on expanding that agreement to include the Odd Fellows site to keep it historic.

#### Municipal Facilities Committee

Councilmember Sherman reported at the last meeting there was a presentation about project management for the Marina Master Plan, discussion included:

- The bulkhead should be complete by 2008
- New restaurant and where it might be located

#### ADMINISTRATION REPORTS

City Manager Piasecki reported the following:

- 16<sup>th</sup> Avenue South Project - Woodmont Drive will be closed starting August 4<sup>th</sup> until Noon August 7<sup>th</sup>. Access for Emergency vehicles will be provided and traffic control will be available if needed.

- Salt Water Bridge - First phase is complete. 2<sup>nd</sup> Phase bids will be opened on Tuesday and if a responsible contractor is found, once the contract is awarded work should be begin within 10 days, and they will have 95 days to complete the project

CONSENT CALENDAR was read by City Clerk Staab. (It was noted that item #1 has been removed.)

~~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 # — through # — & electronic fund transfers in the total amount of \$~~

~~Payroll fund transfers in the total amount of \$~~

~~2. Motion is to remand to the Municipal Facilities Committee the development of a proposal for City Council consideration of a City-wide Municipal Facilities program similar to the computer equipment program.~~ [ED NOTE: Removed by Councilmember Sherman]

~~3. Draft Resolution No. 07-145 – Title: A Resolution of the City Council of the City of Des Moines, Washington, granting authority to the City Manager to proceed with the Phase 2 contract bidding process during the August City Council recess, and directing that this matter be placed on the Council agenda for review immediately after the Council recess.~~

~~MOTION is to approve Draft Resolution No. 07-145.~~ [ED NOTE: Removed by Councilmember Pina]

Councilmember Pina requested Item 3 be removed to create a new motion.

Councilmember Sherman requested Item 2 be removed.

#### REMOVED CONSENT CALENDAR ITEMS

Item 3. Draft Resolution No. 07-145 [ASSIGED RESOLUTION NO. 1050] Phase 2 Saltwater Park Bridge Construction Contract

**MOTION** was made by Councilmember Pina, seconded by Councilmember Scott, to adopt Draft Resolution No. 07-145 authorizing the City Manager to award the construction contract for the Saltwater Park Bridge Emergency Slide Repair - Phase 2 to the lowest qualified responsive bidder. Motion passed unanimously.

Item 2. Remand Consideration of City-wide Municipal Facilities Program to the Municipal Facilities Committee

Councilmember Sherman questioned whether this is something that the Council is interested in pursuing.

Planning, Building and Public Works Director Fredricks noted over the last several months the City has been dealing with a number of facility related problems, most recently was the grandstands at the Field House Park. He has noted that we do not seem to have a coordinated City-wide way of dealing with many of the facility maintenance issues. He advised this method was used when he worked for the State, to group all facility related issues together in one

program area, in contrast to what Des Moines has where each department has its own little facility department. He felt it would be best to create a program to obtain a better visibility of all of Des Moines' facility related issues. He has put together a proposal to be perfected with the help of the Municipal Facility Committee to present to the full Council a program much like we have for our vehicle fleet or the computer technology. He felt this would bring all our facilities under a more centralized approach with a centralized management accountability.

Councilmember Scott questioned whether one person, instead of individual departments, could be competent enough to know all of the City facilities as this would appear to be a major change about who makes decisions about the facilities.

Planning, Building and Public Works Director Fredricks advised the department directors would still be in charge of making sure their facilities provided the support that their particular programs need for them to be successful in delivering services, that would not change. But what we would have is a staff element put together much like we do with equipment services. Right now we have one person, Dick Stites, who basically keeps our facilities put together. This would give us a focal point to collect the costs, look at a preventative maintenance program, look at process of scheduling reinvestments in our existing facilities to make sure they are not wearing out prematurely or falling into disrepair. He advised that staff is prepared to layout for the Committee and with their help, develop a proposal which then will come forward as part of the 2008 budget request.

Councilmember Pina stated that one of the advantages of this would be that all of the facility needs would be coordinated in a similar time schedule so that the Council could see them all at once, rather than seeing one department versus another department. It may be easier to understand what the total needs are.

Councilmember White stated she feels this is a good idea and would like the Municipal Facilities Committee to look at the proposal.

**MOTION** was made by Councilmember Kaplan, seconded by Councilmember Pina, to remand to the Municipal Facilities Committee the development of a proposal for City Council consideration of a City-wide Municipal Facilities program similar to the computer and equipment programs.

Councilmember Kaplan felt the Committee should come back with a recommendation as to whether or not this is an approach Council wants to take.

Councilmember Sherman, as Chairman of the Municipal Facilities Committee, advised that the Committee already has a pretty full agenda, however they will do what they can to make a recommendation.

Upon questioning, Planning, Building and Public Works Director Fredricks stated this proposal is about buildings and grounds associated with those buildings. We are not talking about the Des Moines Creek Trail, parks or play equipment, but we are talking about the City Hall and the parking lot, engineering building, field house building, etc.

Councilmember Scott stated as a Committee member, she would like to review this item.

Councilmember Sherman advised he prefers that Council as a whole review items, versus at the Committee level. However, he is willing to take a look at it, but with such a full agenda, they will not be able to devote a huge amount of time to this item.

VOTE ON MAIN MOTION: Motion passed 5 to 1 with Councilmember Sherman opposed.

## PUBLIC HEARING

### Justice Assistance Grant for The Domestic Violence Program

Mayor Sheckler introduced the item.

City Attorney Bosmans informed Council that the legal department has applied for a Justice Assistance Grant to aid in the City's domestic violence efforts. She advised that the Grant requires a public hearing and staff is asking Council to approve a motion to accept the monies available in the Grant.

Mayor Sheckler called for anyone wishing to speak three times. As there was no response, he declared the Hearing closed. He inquired whether Councilmembers had any questions of administration. There were none.

**MOTION** was made by Councilmember Kaplan, seconded by Councilmember Sherman and approved unanimously, to accept the Justice Assistance Grant in the amount of \$17,507, funding the City's Domestic Violence Advocate Program.

## OLD BUSINESS

### Suburban Cities Association Position on King County Emergency Medical Services Levy

City Manager Piasecki referenced his earlier comment that he had forwarded an e-mail from Fire Chief Church that gave a little more detail how the levy is going to work, why it is as it is and what the planning is for the process to get this to the ballot in front of the King County voters in November. He pointed out that the King County Council still needs to adopt an ordinance that will put the issue on the ballot and they are schedule to do that the 2<sup>nd</sup> week in August. He advised that Suburban Cities Association wants to go on record as to what their position is and what they would like the King County Council to do. He noted that the Public Issues Committee, of which Councilmember Pina is a voting member, will be developing a recommendation to give the Association. Councilmember Pina has requested Council's direction.

Councilmember Sherman reported that he found a report entitled "The 2008-2013 Strategic Plan", put out in January 2007. He pointed out that at last weeks meeting his concern was that these services should be permanently funded, and that the County had promised to do so. He stated that in 1998 the County formed a finance committee to look at options for permanent funding, which they did, but then promptly ignored the results. He feels this emergency service is too important to handle with six year levies as is something we will always want. He stated that the way this levy is structured the County will receive almost twice as much money in 2008 as they got in 2002. He felt it matters what the voters want and if we keep doing the same thing, we will never get change. He felt the positive message we should give Suburban Cities is that the City of Des Moines supports a permanent levy.

Councilmember White expressed agreement with Councilmember Sherman from a common sense point of view. She suggested Council point out steps citizens can take to make this happen.

Councilmember Pina noted how short the time is to vote on continuing this important levy, even though it is not permanent, it is clear the County does not have the funds in their budget to fund this. No one wants the service to go away, the question is how to fund it. He felt we should support this as submitted, but advise them that the City supports a permanent levy and encourage the County to work toward generating one when this one ends.

Mayor Sheckler felt Councilmember Sherman makes a good point and historically that point (a permanent levy) has been made and it seems to be ignored. He noted he fears that if someone does not make a stand the same thing will happen again, and continue to happen over and over. He advised he will support the levy, but wants to give a strong message that Des Moines wants to protest the fact that it is not permanent. He stated we should never have to worry about whether we will have emergency services, and if enough people sit up and take notice, maybe they will join us.

Councilmember Sherman advised that he is not saying the County should come up with funds from their existing budget, but they have the ability to establish a permanent levy, or some other permanent method, for funding. He felt if we say yes to this now, then they have no reason to do anything different and they are not going to. He noted it is only the County and the biggest cities that make this decision.

Councilmember Kaplan remarked it is easy to put out special levies when you are talking about life saving services. He expressed anger that nine years have passed and the County has not found a permanent solution. He stated one thing he has learned about government is, unless you send them a message, they are never going to change the way they do business. He felt that if we do not tell the County, Seattle and Bellevue to come up with a permanent solution, then they will do nothing and never change. He recommended that Council not support the current proposal.

Councilmember Pina felt the message he is getting is that the Des Moines City Council is disappointed that the County has chosen to not go with a permanent levy for such a critical service. Thus, the Des Moines City Council is against approving the six year levy funding mechanism.

Mayor Sheckler remarked that the Council is 100% in support of the services, so much so, that we want it permanently funded. He noted this is what he feels is Council's consensus.

City Manager Piasecki corrected an earlier remark, and noted the County voted in early July to place this on the ballot. What he felt Council has decided is that Des Moines does not support having Suburban Cities go on record supporting the six year levy, or anything less than a permanent funding solution.

Draft Ordinance No. 04-197 [ASSIGNED ORDINANCE NO. 1407] Adoption of Building Codes

Planning, Building and Public Works Director Fredricks reminded Council this has been before the Council three different times to update the Des Moines Municipal Code to reflect the adoption of the 2006 editions of the International Building Code, International Residential Code, International Mechanical code, International Fire Code, Uniform Plumbing code, Washington

State Energy Code, Washington State Ventilation and Indoor Air Quality Code, Washington State Historic Building Code, National Electrical Code, International Property Maintenance Code and updating the City's Grading Code. For the record he recognized the many staff and their hard work and time involved in the update to Title 14.

**MOTION** was made by Councilmember Kaplan, seconded by Councilmember White to suspend Council Rule 26(b) in order to enact the draft ordinance on a first reading. Motion passed 5 to 1 with Councilmember Sherman opposed.

**MOTION** was made by Councilmember Kaplan, seconded by Councilmember White, to adopt Draft Ordinance No. 04-197 as Title 14, Des Moines Municipal Code.

Councilmember Sherman noted Council as a whole has not reviewed the International Property Maintenance Code and Councilmembers have not been furnished with minutes of the Committee that reviewed this section. He noted he cannot support approval without at least seeing the minutes and determine how the Council Committee arrived at its conclusion.

Planning, Building and Public Works Director Fredricks apologized for not including those minutes, however the direction for the approval are clearly laid out in Section 40, beginning on page 20 of the draft ordinance.

Councilmember White thanked staff for all the hard work that went into development of the ordinance.

Councilmember Scott pointed out that the City's Code Enforcement Officer, Nancy Uhrich, was quite involved in the Committee's development of this section. She took Committee members on a tour of the City showing each member which kinds of problems were really bad that the City lacked the ability to do anything about.

Upon questioning by Councilmember Sherman as to why all items in Section 42 were removed, City Manager Piasecki commented that these items were removed because it was felt that other parts of the Code covered them better than the International Property Maintenance Code, or they were covered in other jurisdictional ordinances.

Planning, Building and Public Works Director Fredricks advised that the Committee gave very clear direction on three priority areas that they wanted more fully developed. They dealt with vehicles, abatement of nuisance and dangerous property.

Councilmember Kaplan thanked everyone that worked on this item, including Council's input on the policy direction.

**VOTE ON MAIN MOTION:** Motion passed 5 to 1 with Councilmember Sherman opposed.

Mayor Sheckler read the ordinance by title into the record.

**Draft Ordinance No. 07-096 Council Compensation - 1<sup>st</sup> Reading**

Mayor Sheckler introduced the subject and announced that he will abstain from participating in discussion and voting as he feels it is unfair to have 3 Councilmembers get a raise in January 2008, and the other 4 not until 2010.

City Attorney Bosmans noted that on June 28<sup>th</sup> Council considered a salary commission draft ordinance and determined that was unnecessary. Council then directed staff to draft an ordinance for Council's consideration amending chapter 4.08 DMMC by increasing the amount of compensated Council meetings from 36 to 40 per year which is before Council tonight.

**MOTION** was made by Councilmember White, seconded to Councilmember Scott, to suspend Council Rule 26(b) in order to act on the draft ordinance on first reading.

**MOTION** was made by Councilmember Sherman, seconded by Councilmember Kaplan, to amend Section 2 by striking subsection (4) and in subsection (5) to include positions No. 2, 4 and 6, so all members would received the new compensation in 2010. Motion passed unanimously.

**MOTION** was made by Councilmember Sherman, seconded by Councilmember Kaplan, to amend the new subsection 4, at the ending sentence, to state ", or the City's General Fund is no longer balanced with one time monies, or whichever is later."

Councilmember Sherman stated that right now our general fund is not covered with general revenues, it is being subsidized with one time monies. He does not feel as a Councilmember he should receive more money if the Fund is not self-sustaining. He felt Council needs to take action to no longer use one-time monies to balance the General Fund.

Councilmember White felt she cannot support this amendment as she feels this is important to attracting future Council candidates.

Councilmember Scott questioned the number of employees and whether their salary goes up a certain rate per year, and City Manager Piasecki responded approximately 135 and yes, salary is adjusted yearly. She felt the Council is such a tiny part of that number she does not see this making a significant difference in regards to the amendment.

Councilmember Kaplan felt what Councilmember Sherman is addressing, is Council will get a pay raise when the City has been lurching year to year, trying to balance how we operate on one-time monies. If those one-time monies do not come in, there are going to be some tough decisions Council has to make. He feels it makes sense to hold the Councilmembers accountable to getting us to where the budget is predicated on ongoing revenues and not on large one-time monies. He advised he will support the amendment.

Councilmember Pina noted this draft ordinance was brought about because the Mayor did not want to call more than 36 meetings in a year, because he knew Council could not get paid. He stated when he ran for office he did not know about meeting limits. He stated he feels this whole thing is much to do about nothing. Council needs to hold as many meetings as necessary to get their business done.

Mayor Sheckler stated he will vote against the amendment as he does not need this kind of motivation, nor does Council as whole, to work toward the goal of eliminating the use of one time monies to balance the budget. However, he noted he does support going for 2010 and making the raise in pay fair across the board.

Councilmember Scott stated that she felt 36 meetings was an arbitrary number that is smaller by far than what really happens, and that we were trying to get a more realistic number. She felt Council works hard on economic development and different kinds of things to improve the financial, as well as the emotional, health of this City. She noted she is not in favor of this amendment.

VOTE ON AMENDMENT: Motion failed 4 to 2 with Councilmembers Kaplan and Sherman voting yes.

MOTION was made by Councilmember Kaplan, seconded by Councilmember Scott, to amend Section 3 to change the year from 2007 to 2009. Motion passed unanimously.

Councilmember Kaplan noted he cannot support the draft ordinance because the reason we have additional meetings is to cover important topics and we are trying hard to get things done. He felt we are not here because of the amount of pay, but the job that needs to be done.

VOTE ON MAIN MOTION: Motion passed 4 to 2 with Councilmembers Kaplan and Sherman opposed. [ED NOTE: This motion was to suspend Council Rule 26(b). No motion was made to approve the draft ordinance as amended. The final action was taken at the August 16<sup>th</sup> meeting.]

9:04 p.m. Mayor Sheckler declared a 10 minute break.

#### Budgeting for Outcomes - Session #2

Planning, Building and Public Works Director Fredricks noted that attachment one in Council's packet outlines the six key results, the next three enhance the key result areas and the last item deals with the Marina. He stated the Finance Director has distributed a handout that is a description of how much money, and what level of staff, is associated with each of the key results areas. This is laid out by department and program area showing the FTEs, general fund dollars, the dedicated revenues and allow us to get to a net general fund dollar spending level, and then capital dollars and other dedicated funds, all based on the 2007 budget. He noted Council's response will help to define the 2008 budget proposal staff will bring to Council in September.

Councilmember White felt the spread sheet provided by the Finance Director is in an excellent format that helps her understanding of the financial portion.

Upon questioning by Councilmember White, Finance Director Henderson noted if it is Council's policy to increase the level of service, then staff could determine how much more staff is needed and how many dollars are needed, to get to that level of service. She advised that dedicated base revenues means revenues that the State Legislature has stated are to be used only for public safety, for a specific purpose. She also noted that general purpose revenues are items such as property taxes, sales taxes, and utility taxes and are used to fund the balance of the police department along with other departments. She pointed out that the adopted budget document, which all Councilmembers have, identifies all funds and revenues.

City Manager Piasecki stated that for the General and Street Funds alone, there are probably at least 30 different sources of revenue, money that can be used for any governmental purpose. He noted there are some revenues that are restricted and can only be used for certain types of activities and those are noted as 'dedicated' revenues.

Planning, Building and Public Works Director Fredricks stated he feels he has received general direction from Council as to the way they would like staff to bring back what will be Work Session #3 in September when the 2008 preliminary budget is presented and how Council wants to see the information summarized or grouped.

Councilmember Kaplan stated what staff has presented gives a good picture and gives a good understanding, in terms of flexibility, of any decision making Council entertains.

Councilmember Pina requested Council be furnished with a separate page detailing descriptions regarding some of the abbreviations, terms and sources staff has used, including what "other" actually is composed of.

Mayor Sheckler requested Councilmembers contact staff with any concerns before this comes back again.

NEXT MEETING DATE

Mayor Sheckler advised that the next regular meeting will be August 16, 2007.

ADJOURNMENT

At 9:41 p.m. **MOTION** was made by Councilmember Kaplan, seconded by Councilmember Pina, to adjourn. Motion passed 5 to 1 with Councilmember Sherman opposed.

Respectfully submitted,

Denis Staab  
City Clerk