

REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES

January 10, 2008

The regular meeting of the Des Moines City Council was called to order by Mayor Sheckler at 7:30 p.m. in the Council Chambers, 21630 11th Avenue South, #B.

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

OATH OF OFFICE was administered by City Attorney Bosmans to Councilmembers Elect Bob Sheckler, Scott Thomasson and Dan Sherman.

ROLL CALL - Present: Mayor Bob Sheckler, Mayor Pro Tem Dan Sherman, Councilmembers Dave Kaplan, Ed Pina, Carmen Scott, Scott Thomasson and Susan White. Also in attendance were City Manager Tony Piasecki, City Attorney Pat Bosmans, Planning Manager Denise Lathrop, Parks and Recreation Director Patrice Thorell and City Clerk Denis Staab.

ELECTION OF MAYOR

City Clerk Staab opened nominations for Mayor.

Councilmember Scott nominated Bob Sheckler.

As there were no further nominations, City Clerk Staab announced that Bob Sheckler, by unanimous consensus, will serve as Mayor until the first regular meeting on January 2010.

ELECTION OF MAYOR PRO TEM

City Clerk Staab opened nominations for Mayor Pro Tem. The following nominations were made:

Councilmember Scott nominated Dave Kaplan.
Councilmember White nominated Dan Sherman.
Councilmember Pina nominated Scott Thomasson.

The following written ballots were read into the record by City Clerk Staab:

- Councilmember Kaplan voted for Dave Kaplan
- Councilmember Pina voted for Scott Thomasson
- Councilmember Scott voted for Dave Kaplan
- Mayor Sheckler voted for Dan Sherman
- Councilmember Sherman voted for Dan Sherman
- Councilmember Thomasson voted for Scott Thomasson
- Councilmember White voted for Dan Sherman

As there was no majority (requires 4 votes) City Clerk Staab requested another written ballot and read the following ballots into the record:

- Councilmember Kaplan voted for Dave Kaplan
- Councilmember Pina voted for Scott Thomasson
- Councilmember Scott voted for Dave Kaplan
- Mayor Sheckler voted for Dan Sherman

- Councilmember Sherman voted for Dan Sherman
- Councilmember Thomasson voted for Scott Thomasson
- Councilmember White voted for Dan Sherman

As there was still no majority (requires 4 votes) City Clerk Staab requested another written ballot and read the following ballots into the record:

- Councilmember Kaplan voted for Dan Sherman
- Councilmember Pina voted for Scott Thomasson
- Councilmember Scott voted for Dan Sherman
- Mayor Sheckler voted for Dan Sherman
- Councilmember Sherman voted for Dan Sherman
- Councilmember Thomasson voted for Scott Thomasson
- Councilmember White voted for Dan Sherman

City Clerk Staab announced that Dan Sherman (5 votes) was elected to serve as Mayor Pro Tem until the first regular meeting in 2010.

COMMENTS FROM THE PUBLIC

Barb Shimizu, 20830 8th Avenue South, Associate Director for Des Moines Food Bank

Ms. Shimizu thanked Council for continued support for the Food Bank through Human Services funding. She pointed out that there is a surprising amount of need in the community and noted that 55% of the children in Des Moines' primary schools are growing up in poverty. She also stated that the number of Des Moines clients at the Food Bank has grown 37% in the last six to seven years. She assured Council that the Food Bank has clients provide identification to show where they live, noting that out of 8,500 different individuals visiting the Food Bank last year 54% were residents of the City of Des Moines. She advised that they also receive funding from the City of SeaTac, King County, United Way along with Federal and State funds and Federal commodities, and another 40% comes from businesses, local churches and individuals. She concluded by again thanking Council for support to help make an impact on local families.

Dave Colby, 21646 3rd Avenue South, Normandy Park, President of Des Moines Food Bank Board of Directors

Mr. Colby informed Council there is still a lot of need in the community and that the Food Bank expressed gratitude for Council's and City employees support.

Steve Rodrigues, Owner of Kalakala, Member of the Kalakala Foundation

Mr. Rodrigues expressed interest in Des Moines' waterfront and the history of the Puget Sound Region. He spoke of the "Black Ball Line System" beginning in 1935 through 1951 when the State took over the Ferry System. He stated that Puget Sound, including Des Moines, needs a ferry. He advised that there are 4 steel electric ferries, not including the Kalakala. He felt it is possible to bring the Kalakala back to life and presented drawings. He informed Council that the ferry is now listed on the National Register as the first welded steel electric super structure on any ship in the Nation and led the construction procedures and practices for welding the "Liberty Fleet" that saved the Pacific Fleet, which created thousands of jobs.

Mayor Sheckler suggested Mr. Rodrigues contact the City Manager to possibly arrange time on a future agenda.

Mr. Rodrigues stated he would like to form an agreement with the City in the near future as a waterfront development that would include the Kalakala.

BOARD & COMMITTEE REPORTS and COUNCILMEMBER COMMENTS

Suburban Cities Association

Mayor Pro Tem Sherman reported attending a meeting yesterday regarding Board and Committee Appointments. He stressed the importance of serving as an appointee and encouraged any Councilmember interested in these regional positions to apply.

Mayor Pro Tem Position

Mayor Pro Tem Sherman thanked Council for having confidence in him as Mayor Pro Tem.

Future Elections of Mayor and Mayor Pro Tem

Councilmember White stated she would like Council to discuss in the future the possibility of having Councilmembers rotate in serving as Mayor and Mayor Pro Tem.

South County Section in Seattle Times

Councilmember White announced that there will be an insert in the Seattle Times featuring individual South County cities including Des Moines, Burien, SeaTac, and Tukwila. She advised that local businesses have the opportunity to advertise their businesses and help support this supplement which should be in the Seattle Times on March 10th.

Emergency Planning Seminar

Councilmember White reported attending a two day seminar on emergency planning and response and she will distribute written material to Councilmembers at a later date.

Saltwater Park Bridge

Councilmember Kaplan announced that the Saltwater State Park bridge is now open. He thanked staff for their diligence in securing federal funding and Senator Keiser and Representative Upthegrove for securing State funding.

State Legislature

Councilmember Kaplan reported there may be upcoming legislation concerning the mandating of jurisdictions over 30,000 in population to essentially monitor and enforce, on behalf of the State, the reduction of carbon footprint. He felt this is of significant importance to Des Moines because while the larger cities would be directly responsible, there is a backdoor mandate that is being contemplated by having the Counties require it of smaller jurisdiction as part of the Growth Management Planning Process. He expressed hope that Council will take a strong stance in opposition. So far only the cities of Seattle and Tacoma seem in support.

City Manager Piasecki stated he has contacted AWC to get copies of the bills and to find out what their position will be in support of their members to not have to shoulder an unfunded mandate. He will distribute the information as soon as he receives it.

PRESIDING OFFICER'S REPORT

Thank You

Mayor Sheckler thanked Councilmembers for their vote of confidence in unanimous consensus in electing him Mayor.

ADMINISTRATION REPORTS

High Flow By-pass

City Manager Piasecki advised that the high flow by-pass as part of the Des Moines Creek Basin Committee's projects is currently being cleaned and that should be done by Monday.

SSI Pacific Place Project Agreement

City Manager Piasecki announced that the first element of the project, the senior housing, has been scheduled for a pre-application meeting with staff on January 16th.

Des Moines Creek Business Park

City Manager Piasecki reported that the Port received 10 response submittals to their request for qualifications. He noted City and Port staff evaluated the responses and agreed on 3 out of 4 top submittals. He advised that two are multi-national/international companies with experience and one regional firm with a lot of experience. He noted that each firm has a unique set of skills, financial abilities and the top three really understand that this is a partnership between themselves, the City of Des Moines and the Port of Seattle. He noted the next phase will be to ask each company to submit a very detailed proposal, answering a variety of questions, make a presentation and then it will be pared down to one recommendation for the Port to decide upon by the end of March. At that point, the Port will enter into exclusive negotiations with the selected developer for a contract.

CONSENT CALENDAR was read by City Clerk Staab.

1. Motion is to approve the special minutes of November 10, the special and regular minutes of December 6, and the regular minutes of December 13, 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 #112198 through #112574 & electronic fund transfers in the total amount of \$1,350,197.35

Payroll fund transfers in the total amount of \$322,243.01

~~3. **Draft Resolution No. 07-223 – Title: A Resolution of the City Council of the City of Des Moines, Washington, fixing a time for a public hearing to consider vacation of several segments of public rights-of-way in the City of Des Moines.**~~

~~**MOTION is to approve Draft Resolution No. 07-223.**~~ [Removed by Councilmember Thomasson]

~~4. **Motion is to approve the Agreement between the City of Des Moines and Argosy Cruises for Tacoma Tall Ships Festival Water Taxi service and cruises, in the amount of \$22,500, and a contingency of up to \$4,000 for additional cruising hours if needed, and authorize the City Manager to sign the agreement substantially in the form as submitted.**~~ [Removed by Councilmember Thomasson.]

~~**5. Motion is to authorize the City Manager to sign the contract with Waldron and Company to conduct the recruitment for the position of Assistant City Manager in an amount not to exceed \$40,000, substantially in the form as submitted.**~~ [Removed by Councilmember Thomasson.]

Councilmember Thomasson requested Consent Items 3 through 5 be removed.

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

Removed Consent Calendar Items

#3 - Draft Resolution No. 07-223 [ASSIGNED RESOLUTION NO. 1062] - Set Public Hearing for Street Vacation

Councilmember Thomasson stated it is not clear to him why this hearing would not be for all the streets within the Port buy-out area, as the map only shows some streets, but not others. He felt if it is because some of the streets were deeded to us and we can just sell them, he would prefer they be included in the public process. He advised he will not support the resolution as it only has portions of some of the streets involved.

City Attorney Bosmans advised that some of the rights-of-way were dedicated which is one process, and other streets are owned out right and that requires a governmental transfer under a separate statute which will come before the Council at the same time.

City Manager Piasecki advised that staff will prepare an ordinance and an agreement with the Port of Seattle that will set the terms of the eventual transfer of all of the property.

MOTION was made by Councilmember Pina, seconded by Councilmember Kaplan, to adopt Draft Resolution No. 07-223 setting a public hearing on February 14, 2008, for a street vacation request relating to streets within the Des Moines Creek Business Park area. Motion passed 6 to 1 with Councilmember Thomasson opposed.

#4 - Agreement with Argosy Cruises for Water Taxi Services & Cruises

Councilmember Thomasson stated that he removed this item as he is opposed. He noted he voted against this during the budget process and he feels the City should not get involved in the cruise ship business. He felt this might be more appropriate for an outside organization to sponsor such as the Southwest King Chamber of Commerce.

MOTION was made by Councilmember White, seconded by Councilmember Pina, to approve the Agreement between the City of Des Moines and Argosy Cruises for Tacoma Tall Ships Festival Water Taxi service and cruises, in the amount of \$22,500, and a contingency of up to \$4,000 for additional cruising hours if needed, and authorize the City Manager to sign the agreement substantially in the form as submitted.

Mayor Pro Tem Sherman commented that he recalls during budget discussions that there will be anticipated revenue that will potentially cover the full amount.

Councilmember Scott felt this event will help people become more aware of events happening in Des Moines and get more people involved in coming to our City for recreation. She felt the economic value is more than just a one time event as it will assist in future promotions.

Mayor Sheckler noted that the Council's Economic Development Committee unanimously recommended support of this agreement.

Councilmember Kaplan noted there are a number of events happening in this time frame including Fire Works, Car Show, Criterion Bike Race, etc. and if this helps kick start our summer events it can be a big boon to the City.

Councilmember White felt this could be another way to show people a water taxi as an alternative transportation method.

VOTE ON MOTION: Motion passed 6 to 1 with Councilmember Thomasson opposed.

Item #5 - Contract with Waldron & Company Recruitment of Assistant City Manager

Councilmember Thomasson noted he did not support this position during the budget process, partly because some of the revenues it is based on are still subject to be verified. The Legislature may be looking at another method of dispersing the streamlined sales tax. While he recognizes the City Manager could use the help, he feels it would be better to wait to make sure the Legislature does not impact our expected revenue source.

Upon questioning, City Manager Piasecki advised that a search could take 3 months just to get to the point of making an offer to somebody, and it could be 4 to 6 weeks after that before someone would actually start, probably late May or early June.

Councilmember Pina remarked that Council as a whole approved this position during the Budget process.

MOTION was made by Councilmember Pina, seconded by Councilmember Kaplan, to authorize the City Manager to sign the contract with Waldron and Company to conduct the recruitment for the position of Assistant City Manager in an amount not to exceed \$40,000, substantially in the form as submitted.

Mayor Pro Tem Sherman noted that he has no objection to Waldron and Company, but agrees with Councilmember Thomasson and would prefer delaying this action until the end of the Legislative Session in case they change their mind on how they distribute sales tax.

Councilmember Scott spoke in support of the need for the City Manager to have help as a high priority and if needed, Council can find another way to trim money.

VOTE ON MOTION: Motion passed 5 to 2 with Councilmember Thomasson and Mayor Pro Tem Sherman opposed.

Agenda Revision

Mayor Sheckler announced that he will take New Business Item #1 first, then New Business #2 and then the Public Hearing.

NEW BUSINESS

Recommendations for 2008 Human Services Funding Reallocations

Parks and Recreation Director Thorell noted during the budget process Council reviewed the Human Services allocations and requested the Human Services Advisory Committee to reallocate those funds. She advised the Committee has reviewed and has recommendations for the Council's approval. In addition she advised a Joint Human Services Memorandum of Understanding is ready for Council's approval. This will allow human services organization to only apply once to qualify for funding in the participating cities, saving them both time and funds.

MOTION was made by Councilmember Thomasson, seconded by Councilmember Kaplan, to approve the 2008 Human Services allocations shown as Attachment A as recommended by the City of Des Moines Human Services Advisory Committee. Motion passed unanimously.

MOTION was made by Councilmember Thomasson, seconded by Councilmember Kaplan and passed unanimously, to approve the 2008 Memorandum of Understanding for the Joint Human Services Funding Program between the Cities of Auburn, Burien, Covington, Des Moines, Federal Way, Kent, Renton, SeaTac and Tukwila.

8:45 p.m. Mayor Sheckler called for a 10 minute break.

Passenger-only Ferries - Briefing

City Manager Piasecki announced that Stephen Keihl from Puget Sound Regional Council, John Schuls of King County Councilmember Patterson's Office and Bruce Agnew from the Discovery Institute will be making presentations this evening regarding passenger-only ferries.

Mr. Schuls briefed Council on the King County Ferry District take over of passenger ferry services from the State of Washington. He advised this would create a separate government, Ferry District, overseen by the King County Council as Board of Supervisors. He noted the following:

- Identified 5 potential demonstration routes: Renton to Seattle on Lake Washington, Kirkland to University of Washington, a route originating in Des Moines, Shilshole to downtown Seattle, North end of Lake Washington into Lake Union. These will be evaluated on the number of users, ability to pay own expenses and attract public as a reliable form of transit.
- Will need a seamless system for transportation availability once vessel has docked.
- Will contract out for services operations.

Mr. Keihl from the Puget Sound Regional Council, Manager of the Passenger Only Ferry Study, proceeded with the use of a power point presentation to review the preliminary findings thus far. He noted currently it is hoped the Study will be completed by June of this year. He highlighted some of the following issues:

- Passenger Ferries are defined as regionally significant and defined as high capacity transit
- "Destination 2030" does not adequately address passenger only ferries
- There is a need for a regional approach, providing a great opportunity to coordinate efforts
- Studying routes, boat size, service levels and costs
- Should there be a regional funding source
- How can we integrate passenger only ferries with the Washington State Ferry System

- Integrate with other modes of transportation
- Address impacts in ferry terminal communities

Mr. Keihl continued by reviewing the proposed schedule, work tasks, daily ridership forecasts and a map of the passenger only ferry market area.

Mayor Pro Tem Sherman questioned whether ferry terminals would be defined as 'essential public facilities'. Mr. Keihl responded that he was unsure, but would get an answer.

Mayor Pro Tem Sherman asked if cost sharing was expected from the various communities for items such as docking and terminal facilities. Mr. Keihl stated at this time they are not proposing cost sharing by local communities.

Mayor Pro Tem Sherman expressed concern over lack of parking at Des Moines Marina and providing public transportation routes out of the Marina area.

Councilmember Thomasson expressed concern over parking and impacts to the community. He pointed out that the Marina parking lot is committed to boat owners, tenants, fishing pier and Beach Park needs.

Councilmember Scott expressed some concern that the Marina area, especially at low tide, could not handle the depth needed for a ferry. Also with the completion of the facilities at the Beach Park most of the current parking in the Marina would be used up for any large events.

Mr. Keihl concluded his presentation by noting more detailed information can be obtained on line at www.psrc.org.

Bruce Agnew, Director of Cascadia Center, advised that Cascadia is a private non-profit group that promotes passenger ferries because they believe they are good for the environment and economy. He stated there are some great opportunities to connect many communities and relieve some of the congestion on the highways. He reminded Council that when the California Bay Area had a large earthquake back in 1989 that destroyed many bridges and highways, the area united and pressed into service a variety of vessels that provided service for emergency personnel and recognized the need for a intergraded passenger ferry system. He further noted parking impacts were negated by bus service, both public and private, to create a seamless connection. He also noted that the service became so popular that by a vote of the people, bridge tolls were raised to pay for the ferry service. He encouraged the Council to continue to be engaged and participate in the study of a passenger ferry service.

PUBLIC HEARING

Draft Ordinance No. 08-005 [ASSIGNED ORD. NO. 1425] Comprehensive Plan Updates - 1st Reading
Mayor Sheckler introduced the subject and declared the hearing open.

Planning Manager Lathrop informed Council that the purpose of this hearing is to review the proposed 2007 amendments to the Comprehensive Plan. She noted there are three staff proposed amendments:

- *2007-1*: Comprehensive Plan designation needs to be changed from T-Townhome to SF-Single Family consistent with the Redondo Rezone.

- 2007-2: Comprehensive Plan designation needs to be changed from PF-Public Facility to SF-Single Family at 16th Avenue S between S 276th Street & S 272nd Street.
- 2007-3: Amend Comprehensive Plan to reflect updates to the Environmentally Critical Areas regulations that were adopted through Ord. No. 1400.

She noted a public hearing was held before the Planning Agency in November who unanimously recommended Council approval of the three amendments.

Mayor Sheckler called for speakers three times and there was no response. He asked Council if they have any questions for staff.

Councilmember Thomasson questioned whether the draft ordinance contains the correct format to document the changes to the Comprehensive Plan, in particular the policy changes.

City Attorney Bosmans responded that the legislative action can be summarized and staff will make that change.

City Manager Piasecki advised that a new graphic will be added for 2007-2 showing exactly where the zoning change stops.

As there were no further questions from Council, Mayor Sheckler CLOSED the Public Hearing.

MOTION was made by Councilmember Pina, seconded by Councilmember Kaplan and passed unanimously, to suspend Council Rule 26(b) in order to enact the draft ordinance on first reading.

MOTION was made by Councilmember Pina, seconded by Mayor Pro Tem Sherman and passed unanimously, to adopt Draft Ordinance No. 08-005 amending the Des Moines Comprehensive Plan with the modifications of adding the legislative history in the title of the ordinance and to add a larger area map for change #2007-2.

Mayor Sheckler read the ordinance by title into the record.

NEXT MEETING DATE

Mayor Sheckler noted the next regular meeting will be January 24, 2008.

ADJOURNMENT

At 10:15 p.m. **MOTION** was made by Councilmember Scott, Seconded by Mayor Pro Tem Sherman and passed unanimously, to adjourn.

Respectfully submitted,

Denis Staab
City Clerk