

## REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES

July 10, 2008

The regular meeting to the Des Moines City Council was called to order at 7:30 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 White.

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, Assistant City Attorney Susan Mahoney, and Land Use Planner Jason Sullivan.

### COMMENTS FROM THE PUBLIC:

#### James Chastain, Federal Way

Mr. Chastain is a rental property owner and feels he is not getting proper police protection or service. The gang and drug activity in the area of his building has been escalating over two years. Mr. Chastain had brought this matter before the City two years ago and nothing was changed. He was told to hire private security to deal with the problem, but feels it is solely a police matter and they are failing to do the job they were hired for by the City.

#### Deborah Hickman, Des Moines

Ms. Hickman is representing the Human Services Board for Des Moines and distributed to the Council a report of 2007 general dollars as compared to 11 other cities to show how Des Moines ranks with other cities in distribution of funds. Additionally, she introduced Susan Garmel, a Crisis Clinic representative.

#### Susan Gamel, Seattle

Ms. Gamel represents the Crisis Clinic in Seattle and spoke of three of the programs the clinic provides. One is the 24 Hour Telephone Crisis Line which provides support to people in emotional distress. The 211 line source is a free and low cost legal service and is involved with the King Count United Way for tax preparation assistance. The final program discussed was the housing stability program which is now county wide.

#### Barbara McMichael, Des Moines

Ms. McMichael is representing the South King County Cultural Coalition of which the City of Des Moines is a member. She is before the Council tonight to make sure the word gets out that there is funding available for culture and that there are workshops throughout South King County to make it easier to find grants.

### BOARD & COMMITTEE REPORTS

#### Public Safety Committee

Councilmember Kaplan reported that the Committee discussed a project that would build fiber optic lines from Pacific Highway down to 216<sup>th</sup> Street to servers at the Police station. Some of the wiring on 216<sup>th</sup> Street would need to be above ground temporarily and then, when all roadway improvement projects are finished, move it all underground at one time. Staff is looking for a consensus from the Council for this stretch.

Councilmember Thomasson is not in favor of more overhead wires because several of the projects on this road are not funded, so there is no guarantee that the wires would be placed underground within a reasonable amount of time.

Councilmember Kaplan is in favor of the above ground lines as this only a temporary measure and then moving the lines underground can be included as part of the business park project. This can come back as a resolution for Council to authorize.

Upon further discussion between the Councilmembers the consensus is for Staff to draft a resolution for Council consideration.

Washington Cities Insurance Authority conducted a Public Works audit on safety complaints concerning sidewalks and the City fared well.

Street standards were also discussed at the meeting and Councilmember Kaplan believes the Council will receive a briefing to see the changes and where the committee concurred with the City.

Councilmember Kaplan would like feedback from the Police Chief on what is happening in Mr. Chastain's area. The issue of gang activity in that neighborhood and how the police department is dealing with it is a public safety concern.

#### Suburban Cities

Councilmember Pina attended the Public Issues Committee meeting and one issue discussed was in regards to the explicit policy language denying non-urban centers connections in the PSRC Federal Funds Regional Competition. Consensus from the meeting was to bring the issue of having no priorities and giving even weight to all centers back to Councils for discussion.

Councilmember Thomasson stated that Des Moines is not an urban center so having a policy stating funds only go to urban center roads would leave Des Moines unable to receive any of those PSRC funds.

Councilmember Thomasson was contacted by a property owner, concerning a "party house". This information was turned over to City Manager, Tony Piasecki and he will give a report in the Administrative portion of the meeting.

#### Southwest King County Economic Development Initiative Meeting

Councilmember White reported on the partnership for business attraction and small business development center between Tukwila, King County, Port of Seattle, City of Des Moines, South King County Highline Community College and City of SeaTac. The King County Director in charge of this program is retiring. Budgeting continues to be a problem, but the college has agreed to help by funding one position to keep this program going.

Water taxi on the 4<sup>th</sup> of July was successful, it was 80% full.

#### Human Services Advisory Meeting

Mayor Pro Tem Sherman thanked the Council for increasing the contribution for funding services such as the Crisis Clinic. He also attended "Envision Midway" meeting and they are

planning a presentation for the Council soon. The City participates in a program to reduce labor and industry costs and the City is getting money back from this participation.

### ADMINISTRATION REPORTS

#### Update on "Party House"

City Manager Tony Piasecki gave an update on this issue. It has been on their radar for some time and police are looking for possible criminal violations, possibly zoning violations. The City Attorney is following up and taking the next step. The 4th of July wrap up will be forthcoming.

#### Des Moines Library Board

Carol Vanballen, Managing Director for the Woodmont Library distributed copies of the King County Library System Annual Report to the Council. Ms. Vanballen gave an update on the building projects that have dominated the library system of Des Moines this year from new exteriors to new roofs and canopies.

The public is invited to the grand opening of the Woodmont Library along with the Mayor, who will be giving a speech on July 26, 2008.

The last page of the report contains statistics on the collection of materials in the library; Woodmont is doubling its collection.

Nadine Beyers, a Board member, was on the committee to select the artists for the library and two pieces of art have been chosen and should be installed before the grand opening. Councilmembers are invited to the private preview on July 17<sup>th</sup> at 5:00 p.m.

Barbara McMichael, another Board member, spoke about the fund raising efforts for the library over the past two years. Proposals for the purchase of art for the library have gone out and the deadline for submission is August 1, 2008. A decision will be made by the end of September.

CONSENT CALENDAR was read by Assistant City Attorney Mahoney.

1. Motion is to approve the regular minutes of June 12, 2008.
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 #114961 through #115179 & electronic fund transfers in the total amount of \$797,976.07

Payroll fund transfers in the total amount of \$666,589.14

3. Motion is to accept an additional \$17,798 from the 2007-2009 Washington State Archives Local Records Grant Program and to authorize the City Manager to sign the proposed amendment to Grant Agreement G-3701 between the City and the Office of the Secretary of State for Document Preparation and Imaging Services.
4. Motion that the City of Des Moines contribute up to \$30,000 utilizing Surface Water Management Funds to the NPDES Coalition Fund for the City's share of litigation fees and costs with \$10,000 to be paid immediately and the remaining \$20,000 in authorized funds to be paid, if necessary, at the discretion of the City Manager and to authorize the City Manager to sign an

amended ILA reflecting the additional contributions of all the Coalition members and increased litigation expenditures.

5. Motion is to approve the 'Stipulation & Order Quietening Title' in King County Superior Court Cause No. 07-2-08310-3 KNT and to authorize the Assistant City Attorney to approve it for entry substantially in the form as submitted.

~~6. Motion is to authorize payment of registration and travel expenses of approximately \$792 for Councilmember White to attend the Urban Waterfront Revitalization Conference in Bremerton, September 10-12, 2008.~~ [ED NOTE: Item pulled by Councilmember Kaplan]

The following Consent Items were pulled from the Calendar:

- #6 – Removed by Councilmember Kaplan.

Councilmember Kaplan voiced concern over the amount of money spend on NPD(E)S Coalition Fund. In his opinion, this is the last money that should be approved for this issue.

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

#### REMOVED CONSENT ITEM

##### Consent Item #6

MOTION was made by Councilmember Kaplan, seconded by Councilmember Pina to authorize payment of registration and travel expenses of approximately \$792 for Mayor Sheckler to attend the Urban Waterfront Revitalization Conference in Bremerton, September 10-12 2008.

Councilmember White appreciates that the Mayor has agreed to represent Des Moines at this conference.

VOTE ON THE MOTION passed unanimously.

#### PUBLIC HEARING

##### Cloutier Right-of-way Vacation-Draft Ordinance No. 03-107 - 1<sup>st</sup> Reading

Mayor Sheckler introduced the subject and declared the hearing open. The Mayor administered the "Oath" to the one person who indicated he would testify and since there was only one person, waived the reading of the Rules of Procedure.

Staff presentation noted that:

- The application was filed in August 2005.
- First and second notices were sent out to utilities. There are no existing utilities in the area, there is no need to retain easements as it is surplus to the city and will not impede circulation or access.
- The area in question is abutting the former Olympic Elementary School site which is 200<sup>th</sup> and 6<sup>th</sup> Avenue.

##### PROPONENTS:

Mr. Jim Cloutier, 252 South 173<sup>rd</sup> Place, Burien

Stated that he had wanted to build a garage on 30 foot roadway, but when the property was surveyed it was discovered the first 30 feet to school property was not included with his parcel

but that half of 200<sup>th</sup> Street was part of his parcel. Mr. Cloutier appealed to the City of Des Moines to trade the 30 feet of alley for the portion of the road that is currently part of his parcel, in other words, swap out sites. The City Attorney at that time stated this could not be done.

Mayor Sheckler called for additional speakers three times. There was no response and he inquired of staff as to any additional recommendations.

Staff responded that the recommendations in the Council packet were all staff had on the project and had no further comment.

Mayor Sheckler inquired as to whether Councilmembers had questions for staff.

Mayor Pro Tem Sherman asked about ownership of 200<sup>th</sup> Street and Staff responded that the recorded survey has a note that shows that part of 200<sup>th</sup> Street is within Lot 1 of the property. City Manager Tony Piasecki noted that there is nothing stopping Mr. Cloutier from deeding back to the City that portion of the street.

Mayor Pro Tem Sherman noted that if approved, the vacated half of the 30 foot alley would go to Mr. Cloutier and the other half to the School District. He felt the City overstated its point when it concluded that this vacation would increase revenue. The school district does not pay taxes and this parcel would still be a single parcel and as such would not increase revenue.

Councilmember Thomasson feels that the northern 15 feet of the alleyway should not be vacated as it is needed for right-of-way access. He suggests that the legal description be changed to say from the eastern right-of-way of 6<sup>th</sup> Avenue South, to avoid confusion. The northern 30 feet should not be vacated at all, just the southern portion.

Mayor Pro Tem Sherman inquired that if the property owner deeded back to the City his portion of his property that is in the right-of-way and the City gave him the vacation as proposed, does that change the size of the property? Staff responded that the change would be very minimal.

Mayor Pro Tem Sherman asked about the proper way to resolve the issue of changing the lot description.

City Manager Tony Piasecki stated the Council would pull out of the vacation the first 30 feet of Lot 1 and vacate the southern 30 feet to Mr. Cloutier and, in turn, he would deed back the first 30 feet to the City, which is, in essence, what Mr. Cloutier wanted to do in the first place. The proper way to do that is through a street vacation process. A condition could be added into Section 3 which now says that no payment is required for what is being vacated; the second condition could be that it gives the City the 30 feet on the north end to complete the City's right-of-way.

Councilmember Thomasson would like to apply that same condition to the school district. The vacations of the two halves are independent of each other. Two vacations could be drawn up to make that happen.

Councilmember Pina stated that it would be easier just to divide ordinances into two different agreements.

City Manager Tony Piasecki stated the City Attorney is concerned that the two agreements should not be wrapped up in the same vacation in case the school district does not want to give the City their portion of the right-of-way. The better way to do this is to change the ordinance so it only vacates the part that the applicant has requested.

Councilmember Thomasson agreed with what the City Manager stated so that the vacation for Mr. Cloutier's piece would not be tied with the school district and negotiations with the school district could be done at a later time.

City Manager Tony Piasecki stated that the other way to handle this is to move it to a second reading on July 24, 2008, and modify the ordinance so it accomplished what is needed. In the meantime, contact the school district and see if this matter could be done at the same time. If that can not be accomplished, then the ordinance that would come back before the Council would be vacating only the portion that the applicant has requested.

Mayor Pro Tem Sherman does not see where it says in the rules of 26B that a second reading is required in the motion.

Mayor Sheckler closed the Public Hearing.

**MOTION** was made by Mayor Pro Tem Sherman to move draft 03-107 to second reading on July 24, 2008, and, by friendly amendment by Councilmember Thomasson, that the ordinance be amended to contain a condition of approval which would be the dedication of 200<sup>th</sup> Street, seconded by Councilmember Kaplan.

**VOTE ON THE MOTION** passed unanimously.

Mayor Sheckler called a recess for 10 minutes at 9:04 p.m. and reconvened the meeting at 9:14 p.m.

## **NEW BUSINESS**

### **Increase Computer Equipment Operations Staffing**

Staff is requesting an increase from a .25 to a 1.0 full-time position that would supply a full-time Desktop Support Technician. The current staff is not adequate to handle all the changes in technology and still provide needed support to all staff. An overview of what a technician is required to handle was read.

Mayor Pro Tem Sherman inquired about sources of funding for this position in the 2009 budget.

Staff responded by that most of the funds are supplied by the operating budget with reimbursements from the capital funds for work attributed to capital projects.

**MOTION** was made by Councilmember White to increase the .25 Desktop Support Technician position to full-time equivalent in the computer operations funds effective August 1, 2008. Sources of funding would come from the Police Services Restoration Fund and Computer Equipment Operations Fund and included in the next available budget amendment ordinance. Seconded by Councilmember Scott.

Councilmember Thomasson was curious why this was not an issue in the budget last year and expressed dislike for dealing with mid-year budget adjustments.

Staff did look at adding this position during the budget process; however, there was a question concerning funding resources.

Councilmember Thomasson stated that the levy lid lift had nothing to do with the police task force instead its purpose was to increase the number of police officers to the standard level the City requires. The Police Chief can allocate his forces where he deems appropriate, but the City is not purchasing computers for the task force, they are for the five new officers. If the computer tech support position is added, it should be funded through direct assessments, where all departments pay for their share. It should not be funded through the Police Restoration Fund. The way the motion was presented, Councilmember Thomasson could not support it because of the funding piece, but does support the additional staffing.

City Manager Tony Piasecki stated that in regards to the levy, the positions have been brought back with the inclusion of more technology so they will be using the support services more than other departments. The normal procedure is each machine gets charged a certain amount, but there are exceptions to that rule.

Staff stated that the Spillman maintenance agreement is a significant dollar amount and that it is pulled out and charged to the police department directly. No other department benefits from those funds. Then the Eden Financial Reserves are assessed and spread among the benefiting departments and that is added to the normal assessment. The computer tech support position will be supporting the task force. Expenses are recognized by the Computer Equipment Operations Fund and will be reimbursed by other benefiting funds.

Councilmember Thomasson has no problem with the position being added just objects to the way it is being funded. He would favor authorizing the position be expensed through the Computer Equipment Operations Fund and that adjustments to funds transfers be enacted to fund the position.

City Manager Tony Piasecki commented that that is what the motion states. The funds will come out of the Computer Equipment Operating Funds. The same thing happens with the Capital Budget; no salaries are paid directly out of the that budget, it just reimburses the General Fund for the dollars that are spent to benefit the Capital Projects and the same would happen in this case.

Mayor Pro Tem Sherman has reservations about changing the budget mid-year, but will support the motion and look at the 2009 budget to see if the computer tech support position helped change things in a positive way.

**FRIENDLY AMENDMENT TO THE MOTION** was made by Councilmember Thomasson to amend the last sentence in the motion to read; sources of funding will be from the Computer Equipment Operations Fund with the appropriate increases in computer assessments to fund the position with revenues and expenses to be shown in the next available budget ordinance. Seconded by Councilmember White.

**VOTE ON THE MOTION** as amended, passed unanimously

Draft Resolution No. 08-165 [ASSIGNED NO. 1083] Implement Light Rail Towards Tacoma

Transportation Staff presented the Resolution based upon direction from the Council at the last meeting. At the latest Sound Transit Board meeting a regional plan was discussed that would provide more buses and commuter rail service, improve access to transit facilities, and expand the regional light rail system south of the airport to 272<sup>nd</sup> Street and to Federal Way and Overlake in Redmond. This was in response to input from a number of communities. This would be a 15 year plan funded by the ½ of 1% sales tax increase.

Mayor Pro Tem Sherman noted that this was not the resolution that was expected as it endorses terminus at South 272<sup>nd</sup> Street.

**MOTION** made by Councilmember White to approve the resolution 08-165 Endorsing a Plan to Implement Light Rail towards Tacoma. Seconded by Councilmember Scott.

Mayor Pro Tem Sherman reiterated his position on having the light rail go towards Tacoma and not end at 272<sup>nd</sup> Street.

Councilmember Pina would feel more comfortable if the rail did not go to Overlake.

Councilmember Scott stated that Federal Way passed a resolution that would take the light rail to Tacoma once it was as far as 272<sup>nd</sup> Street.

City Manager Tony Piasecki suggested a way to correct the *terminus* wording would be in Section 2, to read “the City Council appreciates Sound Transit for examining 272<sup>nd</sup> Street as a potential terminus point for the next phase of Sound Transit” and then incorporate into section 3 that it would indicate that this is not the end of the light rail, it’s just where the next phase will begin.

Mayor Sheckler expressed concern over the first paragraph of the resolution and it was suggested to take out the words *Des Moines*, instead it would read, “terminus at South 272<sup>nd</sup> Street for the next phase of Sound Transit and superseding resolution 1074.”

Councilmember Thomasson asked to make it clear that this resolution only supports the plan and not the ballot proposition.

The resolution needs to convey that the Council is supportive of the plan, of the concept that is being forwarded here, but reserves the right to take a different position once the ballot proposition has been presented.

Mayor Pro Tem Sherman urges the Council to consider carefully how the campaign will be waged and the way this resolution is worded, people may say Des Moines supports the proposition.

Councilmember Thomasson feels there should be a section that explicitly states that this is not an endorsement of the ballot proposition.

**AMENDMENT TO THE MOTION** was made by Councilmember Thomasson to amend the resolution by adding a section that explicitly provides that this is not an endorsement of the ballot proposition. Seconded by Councilmember Kaplan.

Section 3 is urging Sound Transit to work these concepts into the ballot proposition and that Section 3 should also say that this resolution is not to be construed as expressing support for the ballot proposition or for any specific ballot proposition. This would ensure that the Council is not supporting a ballot proposition because when this was adopted, there was no ballot proposition before the Council.

**AMENDMENT TO THE MOTION** was made by Mayor Pro Tem Sherman to remove everything in Section 3 after “all the way to Tacoma”. Seconded by Councilmember Kaplan

The mid-point check in with the voters is part of the proposition that has been proposed, so perhaps a better way to say it could be “all the way to Tacoma and a potential mid-point check in with voters to make certain the package is what the voters want.

Mayor Pro Tem Sherman feels the mid-point check in would either be nothing or it would be Sound Transit 3.

City Manager Tony Piasecki feels that structurally, this resolution is not a problem. The real key ingredients in this resolution are that it brings the light rail to 272<sup>nd</sup> Street and it provides funding to allow more engineering, identification of the right-of-way, and even some right-of-way acquisition in the future that takes it to Tacoma. Those key items created the commitment that Federal Way was looking for and allowed their resolution to pass.

**VOTE ON THE AMENDMENTS** passed unanimously.

Councilmember Kaplan would like the wording changed in Section 3 from terminus to station.

**VOTE ON THE MAIN MOTION** passed unanimously.

Mayor Sheckler read the resolution by title into the record.

#### **COUNCIL MEETING EFFICIENCY**

Mayor Sheckler would like to see if the Council meetings can be made more efficient. Some suggestions would be to limit the amount of time Councilmembers are allotted to speak on issues. The consensus of the Council is the meetings are very efficient. Perhaps more meetings are needed if there is not enough time to address all issues.

**NEXT MEETING DATE** - Regular Meeting July 17, 2008

#### **ADJOURNMENT**

At 10:07 p.m. **MOTION** was made by Councilmember Kaplan to adjourn the meeting, seconded by Councilmember Thomasson, and passed.

Respectfully submitted by Lady of Letters, Inc.