

REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES

September 11, 2008

The regular meeting of the Des Moines City Council was called to order at 7:34 p.m. by Mayor Pro Tem Sherman in the Council Chambers, 21630 11th Avenue South, #B. He noted it was the 7th anniversary of the terrorists attack on the United States and the flag in front of City Hall was flying at half mast. He then requested a moment of silence in tribute to the victims of that horrible event.

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

ROLL CALL – Present: Mayor Pro Tem Dan Sherman, Councilmembers Dave Kaplan, Ed Pina, Carmen Scott and Susan White. Absent: Mayor Bob Sheckler. Also in attendance was Assistant City Manager Lorri Ericson, City Attorney Pat Bosmans, Planning and Public Works Director Grant Fredricks, Planning Manager Denise Lathrop, and Clerk Autumn Lingle.

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

BOARD & COMMITTEE REPORTS & COUNCILMEMBER COMMENTS

MUNICIPAL FACILITIES COMMITTEE

Councilmember Scott stated that there have been two meetings since last report. The most recent one discussed field house and ball field. The committee agreed unanimously that rebuilding the grandstand is a high priority. The field itself is proposed to be a hardball field, which would require moving the level playfield about approximately 20 feet to the hillside. One concern is keeping a slope on the hillside for spectators. Funding for both projects was discussed. The play structure resembling a ship has been declared unsafe and beyond repair. There have been inquiries as to new play equipment. This may be temporarily resolved by using the play equipment that was removed at the beach park due to flooding, and installing it at the Field House. When the beach park is repaired, staff will look for play equipment more suitable for the waterfront playground and historic area. There are time constraints and funding issues in resolving these projects.

PUBLIC SAFETY & TRANSPORTATION COMMITTEE

Councilmember Kaplan stated the Committee met last week. They discussed transportation funding issues relating to this year and next year.

Councilmember Pina commented that the City and the City Council are facing a budget shortfall of \$4,000,000. Council is struggling to balance the budget. Layoffs have been mentioned as a solution to the shortfall. The lack of funding is the reason many road improvements have not been addressed. The City Council is doing the best it can with the available funds.

ENVIRONMENT COMMITTEE

Councilmember Thomasson spoke on the Public Works Yard Remediation that was before the Committee. Two alternatives had been presented

- A small package that would do some remediation but would not complete the cleanup.

- The other package would clean it up completely and be finished. (The committee recommended this package).

SOUTH KING COUNTY SMALL BUSINESS DEVELOPMENT INITIATIVE

Councilmember White commented that the City of Normandy Park would like to rejoin the group. Des Moines maintains a partnership with Burien, SeaTac, and Port of Seattle. It is productive in bringing small businesses into our cities.

PUBLIC ISSUES COMMITTEE (P.I.C.)

The largest concern is that Tim Eyman has a new initiative I-985. It relates to relieving traffic congestion. Suburban Cities and the Association of Washington Cities are going to make public opposition on this initiative. Councilmember White would like to put on the agenda a brief presentation for the public to understand the ramifications of the I-985 initiative. The State general fund would be reduced by \$5,073,000 over 5 years if this initiative passed. I-985 would negatively affect education, public safety, social services and general government. In addition, Councilmember White noted a program is being introduced to keep prescription drugs out of the water. Bartell Drugs is instrumental in this program.

King County is \$90,000,000 in debt. The city of Kirkland is \$12,000,000 in debt. Lake Forest Park had to layoff seven employees. These are examples of the state of the economy and we all will feel its impact. Councilmember White shared copies of a letter Suburban Cities sent to King County Executive Ron Sims. Karen Goroski, the CEO of Suburban Cities, is requesting that each city submit a current update of year-end financial status to Suburban Cities.

ARTS COMMISSION

Councilmember White added that she attended the meeting. She expressed gratitude towards all the volunteers for their hard work. Nic Lind was the initiator in the grant process with the Mariners for the park department. She complimented and acknowledged him for his effort. An "Evening with the Artists" will be on November 22, 2008, Saturday, at the Des Moines Senior Center. A Waterland Music Series is also being presented for a series of three concerts at Highline Community College starting on November 18, 2008, February 3, 2009 and April 21, 2009. The cost is \$10.00. The City of Des Moines website will have more information. Concerning notification about events in and about the City of Des Moines, Councilmember White strongly urges finding a new site for flyers and informational postings for citizens. She urges Council to obtain funding for Arts Commission and Human Services given that these are important to the City of Des Moines.

MIDWAY ELEMENTARY SCHOOL OPEN HOUSE

Councilmember Kaplan commented that he attended the open house and observed that the Des Moines community is becoming more diverse.

He received an email from Planning Manager Denise Lathrop about The Planning Commission's function in downtown planning. Councilmember Kaplan urged Council to guide The Planning Commission as to the role that they will perform.

SUBURBAN CITIES ON PUBLIC HEALTH

Mayor Pro Tem Sherman wished to add to Councilmember White's report on the budget deficit stating that he is representing the Suburban Cities on Public Health. A significant amount of the

Public Health budget has come from King County. King County Executive Ron Sims has stated he is cutting 1/3 of the amount out of the Public Health budget for the years 2009, 2010 and 2011. This would leave no funds for the following years.

Councilmember Kaplan queried whether the Public Health funding may be coming from the City of Seattle, and if the State law requires that counties are the health agency, is funding for Public Health the county's obligation?

Mayor Pro Tem Sherman answered that the Public Health Board envisions a greater role for the State because the State establishes the Public Health Boards. A State Board of Public Health is above all the others. There will be more discussion in regards to this lack of funding.

MUNICIPAL FACILITIES MEETING

Mayor Pro Tem Sherman said the Des Moines Dredging Project was discussed. Also talked about were the berms that needed to be built and the materials that should be used at the Field House. The field will be constructed to accommodate hardball, the grandstands require repairing and play equipment is needed. One source of funding is the Mariners grant for \$100,000 for play field improvements. The grant will be presented to the City of Des Moines at Mariners Fan Day. He added that the City of Des Moines is appreciative of the Mariner Grant.

ADMINISTRATION REPORTS

CONGRATULATIONS

Assistant City Manager Lorri Ericson congratulated Paula Henderson, City of Des Moines Director of Finance, on receiving The Professional Finance Officer Award from the Washington Finance Officers Association.

HUMAN SERVICES ADVISORY COMMITTEE

Sue Padden, Senior Services Manager introduced human Services Advisory Committee Chairperson Nadine Byers. Chairperson Byers introduced two other committee members in attendance, Jean Monroe and Debra Hickman. In addition, she complimented Sue Padden and Mayor Pro Tem Sherman for their ongoing assistance and appreciates that the Council preset an amount for their budget. She explained that the committee reviews and recommends grant funding. The committee also monitors the agencies that are funded, making sure that performance goals are achieved. The agencies make presentations to the committee and to the Council as needed. It provides insight to the agencies and helps aid the committee with future decisions. The committee also updates the community resource list biannually. The 2009 funding recommends 20 agency grant applications. The committee determines which agencies it will fund based on the committee priorities, which are food, shelter, safety and healthcare. The committee provided a pamphlet which explained funding, agencies, what those agencies requested and what is recommended by the committee for funding. Chairperson Byers explained the benefits of using a biannual budget. Agencies applying for funding would need to develop just one budget. It would save agencies time and paper. It would help the committee review goals and spend more time doing onsite visits. The City would get the most help for their funds. The committee will not ask for grants this spring, 2009, if the biannual human services budget is instigated. They advised giving agencies a 2-year budget to work with. All agencies will be notified if there is a change in procedure.

Councilmember White asked how much time is spent on grant applications.

Chairperson Byers replied the committee spent most of the summer months.

Mayor Pro Tem Sherman clarified that the Committee was asking Council to make a commitment to fund these same agencies in equal amounts for 2009.

CONSENT CALENDAR was read by Clerk Lingle

1. Motion is to approve the special and regular minutes of August 7, and the special minutes of August 22, 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 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 #115892 through #116048 & electronic fund transfers in the total amount of \$711,945.66

Payroll fund transfers in the total amount of \$466,871.27

~~3. Draft Ordinance No. 08-186 Title: An Ordinance of the City of Des Moines, Washington relating to the official posting locations for the City of Des Moines and amending DMMC 18.08.010 to replace the Redondo Store and Post Office location with the Redondo Boat Launch location as an official posting location to serve our southerly Des Moines residents.~~

~~TWO MOTIONS: First motion is to suspend Council Rule 26(b). Second motion is to approve Draft Ordinance No. 08-186. [ED NOTE: [ED NOTE: Item pulled by Councilmember Thomasson]~~

~~4. Motion is to award the contract for the 2008 Facility Roof Repairs to Stanley Roofing Company in the amount of \$192,943.08 plus a 20% contingency to cover unforeseen change order conditions, and further to authorize the City Manager to sign said contract substantially in the form as submitted. [ED NOTE: Item pulled by Mayor Pro Tem Sherman]~~

The following Consent Items were pulled from the Calendar:

- #3 – Removed by Councilmember Thomasson
- #4 – Removed by Mayor Pro Tem Sherman

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

REMOVED CONSENT CALENDAR ITEMS

Item #3 Draft Ordinance No. 08-186 [ASSIGNED NO. 1436]

Councilmember Thomasson stated his understanding was that these are extra and additional notices that are not required by law to be posted in these areas. He suggested publish the postings on Channel 21 and on the City website. He felt more people would have access to the notices and that City employees would not have to use time driving around posting the notices. He noted communication has changed dramatically in the last few years and perhaps the City needs to update its process for the posting of notices.

City Attorney Pat Bosmans read RCW 35-8.12.160 for clarification on legal posting.

Councilmember White commented that the Redondo Post Office was a community-meeting place. She suggested a kiosk or a substation for posting.

Councilmember Pina feels the ordinance needs addressing at a separate meeting.

MOTION was made by Councilmember Pina, seconded by Councilmember White, to suspend Rule 26B in order to enact Draft Ordinance No.08 - 186 on first reading.

VOTE ON MOTION: Motion passed unanimously.

MOTION was made by Councilmember Pina, seconded by Councilmember White, to enact Draft Ordinance No. 08-186_Amending DMMC 18.08.010 to replace the Redondo Store and Post Office location with the Redondo Boat Launch location as an official posting location to serve our southerly Des Moines residents.

Councilmember Thomasson commented that some of the items Councilmember White mentioned are not legal postings.

Councilmember Scott noted that the Redondo restrooms with no parking were not a logical choice for postings for local residents.

Councilmember Pina stated this is just a short-term solution for postings.

VOTE ON MOTION: Motion passed unanimously.

Item #4

Award the contract for the 2008 Facility Roof Repairs to Stanley Roofing Company in the amount of \$192,943.08 plus a 20% contingency to cover unforeseen change order conditions.

Mayor Pro Tem Sherman removed this item at the request of staff because additional work is needed at the Public Works Service Center.

Grant Fredricks, Planning Building & Public Works Director, stated that when doing the pre-bid walk through on the roof repair contract, the roofing contractor identified a problem that was not previously noted. The HVAC system and ductwork on the roof need to be repaired and some parts replaced. It's logical to have these system repairs take place in conjunction with the roof repair project. In doing so, we will save money in permitting, crane fees, mobilization and labor costs as well as benefiting from lower energy bills. He is asking the Council to consider a Motion to authorize the City Manager to enter into a contract to accept the MacDonald Miller proposal for \$36,629.45 plus a 10% contingency to complete HVAC work incidental to the 2008 Facility Roof Repairs contract.

Councilmember Pina clarified that this is an additional motion.

Councilmember Thomasson queried City Attorney Pat Bosmans concerning State bid statutes and whether this is an item that requires a bid.

City Attorney Bosmans referred to the resolution 753. She questioned Planning, Building & Public Works Director Fredricks as to what type of bid this would be.

Planning, Building & Public Works Director Fredricks stated it would not be a small works roster bid. It would be a maintenance services contract item.

City Attorney Bosmans will check on definition of Public Works. That information will clarify whether or not a bid is needed by law.

Mayor Pro Tem wanted to know what projects would be delayed if City proceeded with HVAC repair and replacement.

The following two projects may be delayed:

- 2008 Public Works Service Center Exterior Painting Project (\$27,000 estimate)
- 2008 Public Works Service Center Carpet Replacement Project (\$14,100 estimate)

MOTION was made by Councilmember Kaplan, seconded by Councilmember Pina, to award the contract for the 2008 Facility Roof Repairs to Stanley Roofing Company in the amount of \$192,943.08 plus a 20% contingency to cover unforeseen change order conditions, and further to authorize the City Manager to sign said contract substantially in the form as submitted.

VOTE ON MOTION: Motion passed unanimously

MOTION was made by Councilmember Pina, seconded by Councilmember White, to authorize the City Manager to accept the MacDonald Miller proposal in the amount of \$36,629.45 plus a 10% contingency to complete HVAC work incidental to the 2008 Facility Roof Repairs contract.

VOTE ON MOTION: Motion passed unanimously

NEW BUSINESS

Public Works Yard Remediation

Councilmember Scott requested clarification of remediation.

Loren Reinhold, Assistant Director of Utilities & Environmental Engineer for the City of Des Moines, explained remediation means cleaning up contamination of the fuel tank leakage in the Public Works yard. The tanks have been removed and some of the soil was treated and remediated. Over the last 14 years the City has been primarily dealing with the existing contaminated ground water.

Councilmember Kaplan stated the discussion at the Environment Committee was that the City remediate and continue to remove water that has been impacted. The City had two choices on remediation. One was a short-term solution and the other was a long-term solution. He stated a long-term solution is desired to remediate the Public Works yard.

Mr. Reinhold noted that the City has been cleaning up this contamination for 14 years. The City has been pumping and treating the ground water. The progress has been very slow and it may

take another 5 years to get the ground water clean. In order to speed up the process we need to do some sort of enhanced process such as the one proposed in this contract. This process includes injecting air into the ground water, saturating the area with air, enhancing the natural processes or microbial activity in the ground water. This would reduce the remediation to about a year and a half.

Councilmember Pina queried what the continuing cause of the pollution is.

Even though the cause of the contamination has been eliminated, the ground water fluctuates with the seasons and ferrets out leftover traces of fuel that remain.

Paul Stull, Senior Engineer with AMEC, explained in detail what the contamination was and how to remove it. The City has a Pump and Treat system, which is considered archaic, and the equipment is failing. The proposed solution will bring the City into compliance with the Department of Ecology regulations. They are the governing regulatory body in this area. Some of the budget is fixed costs, not consulting fees.

MOTION was made by Councilmember White, seconded by Councilmember Thomasson, to award the contract for environmental services for the Public Works Yard ground water remediation action plan to AMEC Earth & Environmental, Inc. in the amount of \$151,559 plus 10% contingency and further to authorize the City Manager to sign said contract substantially in the form as submitted.

VOTE ON MOTION: Motion passed unanimously

MOTION was made by Councilmember Kaplan, seconded by Councilmember Thomasson, to amend the 2008 budget for the self insurance fund by adding \$35,000 to the Public Works Yard Remediation line item and to include such an amendment in the next available budget ordinance and to budget the remaining portion of the contract in 2009.

VOTE ON MOTION: Motion passed unanimously

8:52 p.m. Pro Tem Mayor Sherman called for a 10-minute break.

Storefront Studio Policy

Grant Fredricks, Planning Building & Public Works Director, and Denise Lathrop, Planning Manager, advised that the purpose of this Agenda Item is to discuss Council's policy direction regarding the recommendations and ideas from the Storefront Studio Report "Des Moines Marina District Enhancement". Policy direction on these questions will allow staff to (1) develop a Phase 2 Storefront Studio work plan, (2) proceed with Downtown planning, and (3) develop work programs and budget requests for 2009.

Planning, Building & Public Works Director Fredricks stated staff drafted 3 motions that would give direction to planning the downtown area of Des Moines.

Mayor Pro Tem Sherman clarified a policy outlining elements Council would like to see implemented in the downtown planning.

Councilmember Scott stated she is uncomfortable with the way the process is going. She complimented University of Washington students on their ideas on design proposal. She wants more discussion on the downtown development with all Councilmembers before proceeding on the Storefront Studio Policy. Only 4 items out of the 44 were given a high priority by a majority of the Council. She says the Council is not ready to proceed on the project. Unless the City develops a surplus, necessities are the primary responsibility of the Council. Councilmember Scott considers the project more of a wish list not an action list until there is a focus on what's vital and important.

Planning, Building & Public Works Director Fredricks would like some leadership from Council on how to continue with downtown planning.

Councilmember Scott reminded all that a Saturday, September 27th, meeting is scheduled to take care of some questions regarding downtown. She would like to have some property owners input regarding downtown development.

Councilmember Pina noted that Des Moines does not have adequate parking. This needs to be taken care of before any other planning is implemented. He would like to see the staff address locations for parking in downtown.

Councilmember Thomasson expressed agreement with Councilmember Scott on requesting more discussion on downtown planning and the Storefront Studio Policy. He is concerned about significant budget issues regarding funding for downtown planning. He concurs that bus shelters are beneficial and needed but believes Metro should fund them. One item he would consider is downtown design guidelines.

Councilmember Scott stated it would be helpful to have a specialist explain in detail at the Saturday meeting, what is required to start and succeed with a small business in downtown Des Moines.

Planning, Building & Public Works Director Fredricks, asked Council to be clear about their ideas for downtown Des Moines. These guidelines will assist staff and contractors alike to form downtown to the Council's vision. He introduced Denise Lathrop, Planning Manager, to present the images from the Store Front Studio Report illustration.

Planning Manager Lathrop displayed various Storefront images for the Council to view. The images incorporated examples of art placed on blank walls of buildings to create a more appealing experience for people visiting and living in Des Moines. The report had design guidelines based on those of Pacific Ridge, which are examples of what good development, should represent. The images incorporated bus shelters, sidewalks, lighting, benches and vegetation. Marina Beach Park improvements included beach furniture, some extension of the boardwalk, shelters and a sculpture (perhaps a sea serpent). The Public Arts plan had an assortment of ideas for downtown Des Moines. The staff would like to work with The Public Arts Commission, The Historical Society and Highline School District in downtown planning.

Planning, Building & Public Works Director Fredricks stated the staff has attempted to provide structure for the direction the Council wants in the planning of downtown Des Moines. There will be staff at the September 27th meeting.

Mayor Pro Tem Sherman asked whether the Council agrees with the process of using motions to guide them for giving direction to downtown planning.

Councilmember White expressed her appreciation to the staff and noted that there has been enthusiasm in the community for downtown planning. She feels parking is pivotal in the planning and must be dealt with as a priority. She would like to have the arched sign designating the entrance to the Marina. She agrees Council needs to give staff direction in their planning. She supports coordinating with the Public Arts Commission and the Historical Society to develop a Public Arts plan.

Councilmember Kaplan stated he is hesitant about adopting the Storefront Studio Policy before budgeting for the Capital Improvement Plan and other projects that are more urgent. Other matters need to be addressed before implementing this particular downtown planning. Parking is fundamental to accommodate the success of businesses downtown. Referring to a previous retreat, he commented that 223rd and 227th streets need to be a focus for planning. He stated that if those streets are included as gateways to the Marina, perhaps they should be part of the C.I.P. A plan is required to fund all these projects. He supports looking at 223rd for improvement. He states that some of the projects need to be in conjunction with other projects to be cohesive. Right now, he desires the bulkhead be replaced. He agrees the City needs to have a discussion with the Highline School District about Des Moines Elementary School.

Councilmember Pina commented that the Marina is an attraction on its own. He does not feel it pulls individual to downtown Des Moines. The City needs to create a downtown people want to visit. He feels the City needs to meet with local businesses to work in partnership with them to develop downtown.

Councilmember Scott noted while compiling the calendar she has been working with B.J.Bjorneby. He is part of a committee out of the chamber of commerce that is based in Tukwila. She suggested that perhaps one of the members would like to attend and contribute at one of the Councils Saturday meetings. She reported that within the next 2 years the dining hall at the beach park should be functional, possibly the auditorium, and the grounds. The City needs to have a plan for use of those facilities in regard to parking, entering and exiting. Playground equipment needs to be installed. Cliff Avenue and 223rd St will have an impact on the beach park access. She feels a discussion with the Highline School District about Des Moines Elementary is important because of the possible impact it will have on downtown.

Councilmember Pina advised that he has been told that the Highline School District has not made a decision regarding the Des Moines Elementary School building.

Councilmember Scott would like a position for an informational kiosk in the Redondo neighborhood. She supported the idea of murals for downtown Des Moines but was concerned about securing funding.

Councilmember White stated Council must first have a vision before it can create a more appealing downtown. Creating a downtown to support sustainable commerce is one of the tasks of the City Council.

Councilmember Thomasson commented that the Des Moines Elementary School might be needed in the future as the city grows.

Planning Manager Lathrop noted that the City of Bremerton has changed dramatically and it started with a vision about what the City could become. Bremerton had engaged in joint projects with different agencies deferring costs for the downtown transformation. Grant opportunities are available for cities that demonstrate through vision and planning that they have a program set up that will result in economic development in their community.

Councilmember Thomasson was concerned that an arched sign designating the Marina entrance would block someone's view.

Mayor Pro Tem Sherman observed that the Council has not reached a unified vision for downtown Des Moines. He stated that staff introduced the ideas of murals, signs, benches and processes that engage other agencies in downtown planning. He complimented The Storefront Studio on providing some structure for Council discussion.

Councilmember Pina would like to see staff return with a proposal to recommend how the Council would instigate and engage a downtown transformation. He feels the current plan is too vague to proceed. He would like more feedback from staff regarding planning.

Councilmember Thomasson stated the 223rd street project should be recognized as a C.I.P. project to get the missing sidewalks constructed. The parking could be determined as the project takes shape. Marine View Drive project needs bus shelters and benches and the City should ask King County to fund some bus shelters.

Councilmember White stated that the Marina Beach Park improvements should be included in the downtown planning.

Councilmember Scott noted that Cliff Avenue should be improved in conjunction with 223rd street as Cliff Avenue has insufficient street and pedestrian width.

Mayor Pro Tem Sherman articulated that the stairwell to the Marina is poorly marked and needs a sign.

Councilmember Scott believes that an infrastructure needs to be in place before facilities are in use.

Mayor Pro Tem Sherman asked staff if they understood what Council requires from them concerning downtown planning.

Planning, Building & Public Works Director Fredricks affirmed that staff understood that the design guidelines, parking, using Pacific Ridge principles and the importance of working with Metro on bus shelters, focusing on public works street improvements, including Cliff Avenues connection to the Marina floor should be included. In addition, the Council has expectations that the Marina and Beach Park items that have been discussed will be appropriately built into those capital planning projects in those particular parts of the C.I.P. Staff heard the Council say that

their expectation is that the Public Arts elements that have been discussed will be appropriately addressed by the Art Commission.

Mayor Pro Tem Sherman inquired what will the staff need when they return to this discussion.

Director Fredricks asked permission to organize Council's input and construct a working draft vision statement for downtown planning.

Mayor Pro Tem Sherman commented many downtown elements were not discussed and that staff understands where the Council stands on many planning issues.

Council Travel Policy

MOTION was made by Councilmember Thomasson, seconded by Councilmember Pina and passed, to move this item meeting to the September 25, 2008 meeting.

NEXT MEETING DATE

Mayor Pro Tem Sherman announced the next meeting September 25, 2008.

ADJOURNMENT

Mayor Pro Tem Sherman adjourned the meeting at 10:33 p.m.

Respectfully submitted,

Autumn Lingle
Clerk