

REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES

November 20, 2008

The regular meeting of the Des Moines City Council was called to order at 7:34 p.m. by Mayor Sheckler in the Council Chambers, 21630 11th Avenue South, #B.

PLEDGE OF ALLEGIANCE to the flag was led by Mayor Pro Tem 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, Assistant City Manager Lorri Ericson, City Attorney Pat Bosmans, Planning Building Public Works Director (PBPW) Grant Fredricks, Planning Manager Denise Lathrop, Land Use Planner II Jason Sullivan and Clerk Autumn Lingle.

COMMENTS FROM THE PUBLIC

Micah Egger, 21225 3d Ave S

Mr. Egger purchased a property with a non-permitted structure. He stated he wanted the street vacated to allow the structure to remain standing. Mayor Sheckler instructed Mr. Egger in Council procedures and to check with Staff regarding criteria for street vacation. PBPW Director Fredricks met informally with Mr. Egger in the Council lobby for discussion.

BOARD & COMMITTEE REPORTS & COUNCILMEMBER COMMENTS

Environment Committee

Councilmember Thomasson stated the committee discussed the report on the City of Des Moines downtown water system evaluation. This will be coming back to the Council.

Senior Services Advisory Committee

Councilmember White noted the drug disposal program has drug disposal sites at Group Health Cooperative and Bartell Drugs. The Elderwatch project began this month. Promotional material was paid for by Des Moines Legacy Foundation and South King Fire & Rescue. Spaghetti Night raised \$1,285.00. The Bayside Brunch raised approximately \$20,000 for senior programs. Councilmember White thanked the community for their support.

Suburban Cities Association (SCA)

Councilmember White, Mayor Pro Tem Sherman, City Manager Piasecki and Assistant City Manager Ericson attended the annual meeting. The membership dues will be increasing but Councilmember White favors continuing membership since this is an excellent organization. Mayor Pro Tem Sherman noted Suburban Cities South and South Valley Caucus Meeting would be Wednesday December 3, 2008 at 7:00 p.m. at the Kent Senior Center. The purpose of the meeting would be to elect a board member and discuss agenda items.

Arts Commission

Councilmember White stated Saturday November 22, is “The day with the Artist into the Evening” at the Des Moines Activity Center. In addition, The Waterland Music Series tickets are available at Corky Cellars, Des Moines Park & Rec., and Des Moines Florist.

PRESIDING OFFICER'S REPORT

Mayor Sheckler announced he attended a meeting of the National League of Cities (NLC). He gathered information to share with the Council about conducting meetings in a more efficient manner.

ADMINISTRATION REPORTS

City Manager Piasecki noted that local citizen Dave Markwell was unable to attend the Council meeting but he wanted City Manager Piasecki to notify Council that his viewpoint remains unchanged regarding the building at the Marina (that Council intends to surplus).

CONSENT CALENDAR was read by Clerk Lingle.

1. Motion is to approve the special minutes of October 28, 2008.
2. Motion is to confirm the following Mayoral appointments to the Arts Commission: the appointment of Liz Woltz effective immediately, to fill an unexpired vacant position which expires on December 31, 2010; and the re-appointments of Dennis Steussy and Jeanne Serrill effective January 1, 2009, which expire on December 31, 2011.
3. ~~Motion is to declare the vacant former restaurant building located in the City of Des Moines Marina at 22503 Dock Avenue South, as surplus to the needs of the City of Des Moines and the Marina Fund and authorize the building to be demolished~~

Councilmember Scott requested Consent Item #3 be removed from the Consent Calendar.

Mayor Sheckler called for all who support the approval of the Consent Calendar as amended to raise their hands and say aye. Vote was unanimous.

Councilmember Scott asked for an analysis of why the City is moving in the direction it is concerning the Marina building.

Harbormaster Joe Dusenbury explained:

1. Building condition has deteriorated significantly to the point it is extremely costly to repair.
2. Floor plan is oddly laid out and inefficient.
3. Utilities, specifically the electrical wiring, are substandard.
4. The area now occupied by the building is needed for the Marina master plan.
5. It is built over the critical vault junction box for the Marina's medium voltage distribution center (12,500 volts).

City Manager Piasecki stated a consultant has been retained for help in planning the Marina and will meet with the Harbormaster after the holidays.

PBPW Director Fredricks advised this facility would require about \$250,000 to \$300,000 to address the condition of this building.

MOTION was made by Councilmember White, seconded by Councilmember Thomasson, to declare the vacant building located in the City of Des Moines Marina at 22503 Dock Avenue South, as surplus to the needs of the City of Des Moines and the Marina Fund and direct the building to be demolished.

Councilmember Thomasson stated demolishing the building is necessary for the Council's long-range vision for the Marina. He asked for an estimate of the demolition cost. Harbormaster Dusenbury estimated \$10,000-\$12,000.

VOTE ON MOTION: Motion passed unanimously.

Agenda Revision

Mayor Sheckler stated he would move to Old Business #1.

OLD BUSINESS

Draft Ordinance No. 08-243 [ASSIGNED #1444] Transportation Improvements & Draft Ordinance No. 08-244 [ASSIGNED #1445] Marina Improvements – Bond Sales

Finance Director Paula Henderson introduced Final Draft Ordinances brought by Bond Council. Presales had occurred with an interest rate of 4.47%.

MOTION was made by Councilmember Kaplan, seconded by Mayor Pro Tem Sherman, to adopt Draft Ordinance No. 08-244 providing for the sale and issuance of \$6,080,000 Limited Tax General Obligation Bond 2008A, to provide funds for Marina capital improvements.

VOTE ON MOTION: Motion passed unanimously.

Mayor Sheckler read the ordinance by title into the record.

MOTION was made by Councilmember Kaplan, seconded by Councilmember Pina, to adopt Draft Ordinance No. 08-243 providing for the sale and issuance of \$3,450,000. Limited Tax General Obligation Refunding Bonds 2008B to advance refund the City's Limited Tax General Obligation Bond from 1997 and fund transportation capital improvements.

Councilmember Thomasson does not favor this bond because the City has not finished with the CIP and the budget. He will vote for this because it would be unwise not to approve this ordinance after the bonds have been priced.

VOTE ON MOTION: Motion passed with a vote of 6 to 1 with Mayor Pro Tem Sherman opposed.

Mayor Sheckler read the ordinance by title into the record.

PUBLIC HEARING

Draft Ordinance No. 08-242 [ASSIGNED #1446] Commute Trip Reduction (CTR) - 1st Reading

Planning Manager Denise Lathrop presented an overview of the CTR Plan as required by RCW 70.94.521. It was adopted as part of the Washington Clean Air Act. It provides employers with plans and policies to encourage employees to commute to work without using a drive-alone vehicle. Highline Community College is the initial CTR site in Des Moines. The City of Des Moines participates in this program with the help of King County. Planning Manager Lathrop introduced Debbie Jaksich. Ms Jaksich helps administer and monitor the current program. State CTR funds estimated at \$16,129 have been allocated for King County METRO to administer

Des Moines CTR Plan for fiscal years 2008-2011. These funds are intended to enhance Des Moines CTR program and provide program assistance to CTR work sites.

Mayor Sheckler asked three times if anyone else wanted to speak. No one came forward.

Mayor Pro Tem Sherman asked how many City employees commute to work by bus, carpool or riding a bike. Planning Manager Lathrop responded she did not have statistics on that but believed very few used any of those methods.

Councilmember Thomasson asked what basis was used to determine the goals. Planning Manager Lathrop replied the State law was the basis for the goals. Debbie Jaksich from King County elaborated further stating that they came from the original CTR law. The goal is to get as many people involved in the program as possible.

City Manager Piasecki asked what the ramifications would be if the City did not adopt this ordinance. Planning Manager Lathrop answered if the City is not in compliance it may not be eligible for different avenues of funding.

Councilmember Kaplan queried if this is an opportunity for funding for bike trails, metro service or other methods of commuting. Planning Manager Lathrop did not comment on bike trails or other methods of commuting but noted that bus service is improving in King County.

Councilmember Thomasson stated this ordinance should have been routed through the Council Committee.

Mayor Sheckler closed the Public Hearing.

MOTION was made by Mayor Pro Tem Sherman, seconded by Councilmember White, to suspend City Council Rule 26B to consider Draft Ordinance No. 08-242 on 1st reading.

VOTE ON MOTION: Motion passed with a vote of 5 to 2 with Councilmembers Scott and Thomasson opposed.

MOTION was made by Mayor Pro Tem Sherman, seconded by Councilmember White, to adopt Draft Ordinance No. 08-242 to update the Des Moines Trip Reduction Plan and repealing Ordinances 1006 and 1264, and finding that the Des Moines Commute Trip Reduction Plan meets the requirements of RCW 70.94.521.

Councilmember Thomasson is in favor of reducing drive-alone vehicles and supports commuter traffic reduction; however, he stated this ordinance is written for the City of Seattle and not the City of Des Moines. He commented it is not a well-written ordinance and it is too much government for the City of Des Moines.

Councilmember Scott stated she did not feel this ordinance is for the betterment of society. She would support other ways of reducing congestion.

Councilmember Kaplan noted the City does not have the resources to implement this plan. Councilmember Pina asked if the City is required to adopt a CTR. City Manager Piasecki answered yes.

Councilmember Scott stated ordinance is too broad.

VOTE ON MOTION: Motion passes with a vote of 6 to 1 with Councilmember Thomasson opposed.

Mayor Sheckler read the ordinance by title into the record.

At 9:03 p.m., Mayor Sheckler announced that Council would take a 10-minute break.

At 9:14 p.m., the meeting resumed.

PUBLIC HEARING

Draft Ordinance No. 08-228 [ASSIGNED #1447] Establishing a Transportation Benefit District (TBD) – 1st Reading

In 1987, the Legislature created Transportation Benefit Districts as an option for local governments to fund transportation improvements. A TBD is a quasi-municipal corporation and independent taxing district created for the sole purpose of acquitting, constructing, improving, providing, and funding transportation improvements within the district boundaries. The members of the Council act as the governing body of the TBD if the TBD boundaries are established as the City's limits. Since 2005, the Legislature has expanded the TBD authority to allow additional uses and revenue authority, including allowing cities to collect a \$20.00 vehicle license fee per vehicle if allowed by the Council. PBPW Director Fredricks gave a Power Point presentation demonstrating how funds generated by the TBD could be allocated to support general preservation and maintenance of the transportation system infrastructure such as:

- Dealing with congestion and capacity issues.
- Filling potholes.
- Bridge repairs.
- Upkeep of traffic control devices (signs, traffic signals and street markings).

Mayor Sheckler called 3 times for anyone else wishing to speak. No one came forward.

Mayor Sheckler closed the Public Hearing.

MOTION was made by Councilmember Pina, seconded by Councilmember White, to suspend City Council Rule 26B to consider Draft Ordinance No. 08-228 on First Reading.

VOTE ON MOTION: Motion passed with a vote of 4 to 3 with Councilmembers Kaplan, Thomasson and Mayor Pro Tem Sherman opposed.

MOTION was made by Councilmember Pina, seconded by Councilmember White, to pass Draft Ordinance No.8-228 forming a Transportation Benefit District.

Councilmember Thomasson does not favor the ordinance at this time because the Council has not pursued other means of funding. He stated the Public has made known they do not want any more fees or taxes on their vehicle registrations. He noted the Council should be considering additional cuts before implementing more fees.

Mayor Pro Tem Sherman stated he concurred with Councilmember Thomassons' comments. He noted that the City can't continue to solve budget problems by increasing taxes.

Councilmember Pina noted the Council has already made extensive budget cuts with more cuts coming. Even with the approval of this ordinance, there remains a significant budget deficit.

Councilmember White asked if the City does not adopt this ordinance, could King County adopt it.

City Manager Piasecki responded that King County has the ability to adopt this ordinance.

Councilmember Kaplan would prefer the funds go into the Pavement Management Program. He shares the same concerns as Councilmember Thomasson and Mayor Pro Tem Sherman.

Councilmember Scott commented this is one of the few options available to help resolve the budget deficit. This fee is on vehicles and funds roads, which these same vehicles utilize. She noted it is a logical method of funding.

VOTE ON MOTION: Motion passed with a vote of 4 to 3. Councilmembers Kaplan, Thomasson and Mayor Pro Tem Sherman opposed.

Mayor Sheckler read the ordinance by title into the record.

OLD BUSINESS

Draft Ordinance No. 08-223 [ASSIGNED #1448] Downtown Parking Requirements - 2nd Reading

Land Use Planner II Jason Sullivan stated this ordinance was originally presented to Council on October 16, 2008. At that time Council directed Staff to create 2 amendments to the ordinance.

1. Extend the current waiver to 2010.
2. Drop the third "where as" on page 2 of 4.

In addition, there were questions about how other cities handle parking. Staff contacted 3 of the local jurisdictions that neighbor Des Moines.

- SeaTac is considering on-street parking counting toward minimum parking requirements but only within townhouse developments and on private streets. Most of their roads have no on-street parking due to airport impact.
- Federal Way doesn't have any marked on-street parking in their commercial district.
- Burien is currently developing waivers for parking requirements. Waivers would only be allowed for the downtown area. Once the surplus is exhausted, there will be no new waivers. The waivers ignore all parking requirements for the commercial businesses. The Burien Municipal District Court does allow for a payment-in-lieu option in addition to waivers.

He referred to the parking analysis completed by Staff. That analysis determined there is a surplus of on-street parking in downtown Des Moines. The proposed waiver would not require Downtown business to provide onsite customer parking, provided parking for employees was provided outside of the right-of-way.

City Manager Piasecki stated the parking ordinance allows a developer to present a parking study done by a registered engineer that would establish the amount of parking spaces needed per amended code.

MOTION was made by Councilmember Pina, seconded by Councilmember White, to adopt Draft Ordinance 08-223 amending DMMC 18.44.040 establishing a parking exemption through December 31, 2010 for commercial uses in the Downtown Commercial Zone.

Mayor Pro Tem Sherman stated that he does not favor this since there has been no policy discussion about whether there is going to be a parking structure downtown.

MOTION AMENDMENT was made by Mayor Pro Tem Sherman, seconded Mayor Sheckler, that on page 4 of 4 change d to e and make a new d for a no protest agreement for a downtown parking and business improvement area filed with the City (no protesting LID).

This was accepted as a friendly amendment and became part of the original motion.

Councilmember Kaplan noted there is a typo on page 3 of 4, that 3a should read “according *to* the official zoning map.”

MOTION was made by Councilmember Kaplan, seconded by Mayor Sheckler, to change page 4 of 4, letter e from 2010 to 2009.

Councilmember Scott stated one year is not enough time to determine if this ordinance is a practical solution to Downtown parking.

Councilmember Kaplan commented that this is an incentive to encourage businesses to improve existing downtown structures. He cited having a 2-year window opens the City to possible problems. The 1-year window allows time for the Council to determine what the Downtown plan will be for the future.

Councilmember White noted she concurs with Councilmember Scott that 1 year is not enough time.

Councilmember Pina voiced that he would like to see the Downtown business district develop and flourish. He states he does not think 1 year is enough time for investors to develop their projects in Downtown.

VOTE ON AMENDMENT: Vote passed with 4 to 3 becoming part of the original motion. Councilmembers Pina, Scott and White opposed.

Mayor Pro Tem Sherman stated some Councilmembers were overestimating what they think Downtown can become. There has been no policy discussion about how much tax revenue is generated by Downtown businesses. He expressed Council was pressured to approve this to please a specific developer.

Councilmember Scott asserted that Mayor Pro Tem Sherman was misrepresenting her. She has met publicly with other Councilmembers and business owners to determine how to make a better climate for business in Downtown Des Moines.

Councilmember Kaplan thanked Councilmember Scott for stating part of what he wished to say. In addition, he voiced his opinion that the current code is too restrictive, making it quite difficult for individuals who want to develop Downtown to do so. He noted it is ridiculous to repeat behavior and expect a different result. One area that hurts the City the most is not having a retail tax base. The services that the City would like to have in Downtown have not happened. The City needs to reevaluate the parking requirements to help spur development.

Mayor Sheckler called for the question.

VOTE FOR CALLING THE QUESTION: Vote passed 5 to 2 with Councilmember Thomasson and Mayor Pro Tem Sherman opposed.

VOTE FOR MOTION: Vote passed 5 to 2 vote. Councilmember Thomasson and Mayor Pro Tem Sherman opposed.

NEXT MEETING DATE - Study Session December 4, 2008

ADJOURNMENT

At 10:06 p.m., MOTION was made by Councilmember Dave Kaplan, seconded by Councilmember White and passed unanimously, to adjourn.

Respectfully submitted,

Autumn Lingle
Clerk