

REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES

January 8, 2009

The regular study session of the Des Moines City Council was called to order at 7:31p.m. by Mayor Sheckler in the Council Chambers, 21630 11th Avenue South #B.

PLEDGE OF ALLEGIANCE to the flag was led by Councilmember Thomasson.

ROLL CALL – Present: Mayor Bob Sheckler, Mayor Pro Tem Dan Sherman, Councilmembers Dave Kaplan, Ed Pina, Carmen Scott, Susan White and Scott Thomasson. Also in attendance were City Manager Tony Piasecki, City Attorney Pat Bosmans, Assistant City Attorney Susan Mahoney, Planning and Public Works Director Grant Fredricks, Land Use Planner II Jason Sullivan, Parks and Recreation Director Patrice Thorell, Assistant Director of Transportation & Engineering Dan Brewer and Clerk Autumn Lingle.

COMMENTS FROM THE PUBLIC

Faith Callahan, 816 S. 216th St. #T511, Des Moines

Ms. Callahan thanked the Council for maintaining the Mt. Rainier Pool. She is committing to request an annual contribution to the pool from the Wesley Resident Councils.

Connie Midgett, 816 S. 216th St. #T411, Des Moines

Ms. Midgett noted that Wesley Residents support the City of Des Moines by their patronage of local businesses. She favors keeping the Mt. Rainier pool open.

Hans Rasmussen, 22700 28th Ave. S., Des Moines

Mr. Rasmussen stated Allied Waste fees have become too expensive, particularly the rollout fee. (A fee charged to the consumer for Allied rolling out the container) He would appreciate Council acting as an advocate in controlling these fees.

Bill Whisler, 418 SW 185th Pl, Normandy Park

Mr. Whisler thanked the Council for funding the Mt. Rainier pool. He urged them to continue further funding.

Florence McMullin, 1018 S. 246th Pl., Des Moines

Ms. McMullin thanked Mayor Sheckler for after- hours garbage pickup from Huntington Park and his efforts at the Highline Forum. She favors development of the Pacific Highway area but urged Council to obtain an independent financial analysis before moving forward.

BOARD & COMMITTEE REPORTS & COUNCILMEMBER COMMENTS

Councilmember Scott reported that due to the weather, the committee meetings she participates in were not held. She addressed the Multi-Family Tax Exemption issue and stated Council will be well informed before making any decisions.

PUBLIC SAFETY & TRANSPORTATION

Councilmember Kaplan noted the response to the snow, flooding issues and the work plan for transportation in the coming year were discussed. The next TBD (Transportation Benefit

District) meeting is Thursday, January 15, 2009 at 6:30 p.m. topics will include minutes from the first meeting, draft procedures, potential expenses and interaction with the Department of Licensing.

Councilmember Pina commented that Council would consider short-term effects versus long-term effects when making a decision about development on Pacific Ridge.

MIDWAY PLANNING

Councilmember Thomasson mentioned that next Monday is the meeting with the City of Kent and the Economic Committee regarding Midway Planning.

KING COUNTY FERRY ADVISORY

Councilmember White will be attending the meeting and will promote passenger ferry service for the City. She apologized to the Senior Advisory Committee for missing the meeting due to traffic congestion and complimented the City maintenance employees on their hard work during the snowstorm. She asked the City Manager for a review and update on Allied Waste service.

SUBURBAN CITIES

Mayor Pro Tem Sherman stated he attended the Caucus Orientation for Suburban City members who represent Suburban Cities on regional groups. He is the alternate for the Public Health Board. He obtained a copy of the Suburban Cities 2008 Public Policy Positions, which is the current statement of policy positions. He has asked the City Manager to ensure all Councilmembers have a copy for review.

PRESIDING OFFICER'S REPORT

Mayor Sheckler noted he attended the Highline Forum Special Meeting at SeaTac Airport. The third runway was discussed with Port of Seattle officials. After questioning by the Mayor Port officials confirmed the third runway will be used as a primary runway. A Part 150 study (an FAA study of noise) will begin in October or November 2009, when that study is completed it will be 3-5 years before any mitigation would be recognized as a result of the third runway usage. The Highline Forum Cities in partnership with RCAA, CASE and others will probably take an active position in response to the third runway use.

ADMINISTRATION REPORTS

City Manager Piasecki addressed Mr. Rasmussen about Allied Waste fees. He noted the fees are allowed by their contract. When the contract was renewed, the justification for a large increase in the first year was due to fuel costs, labor costs, and tipping fees along with other expenses. After that first year, rate increases go up according to an inflationary formula. The rollout fee is in the contract but hasn't been instigated until recently as a means to enhance their revenue. This has caused many consumers to leave their containers out which is not compliant with City code. The City Code Enforcement Officer has noted a spike in garbage container complaints at apartment complexes. He confirmed a staff meeting regarding Allied Waste is scheduled for next week. The City is aware of complaints from citizens along with City staff and is putting together a plan to address those complaints.

In addition, City Manager Piasecki alerted Council that next weeks agenda included a contract with Gordon Thomas Honeywell, Dale Learns firm, for lobbying representation in Washington, D.C. The contract is above the \$50,000 authorization threshold for the City Manager and must be approved by Council. The State lobbyist contract is \$30,000. The City Manager has authorization

to approve this position but has asked Council for comments on his choice of Phil Watkins. He has represented ACC in the past and was a former Councilmember for Federal Way.

City Manager Piasecki introduced Assistant Director of Transportation & Engineering Dan Brewer to discuss the City's response to current rain and snow conditions. Mr. Brewer acknowledged the snowfall was not typical and hampered maintenance crews' ability to reach side streets and difficult areas. The City crews worked overtime and on holidays to try to keep up with the snow accumulation. All of the City's resources were utilized. The City spent approximately \$30,000 in response to the weather conditions. When reviewing procedures with employees the following improvements were suggested:

- Informing public through City's website.
- Activate a mini Emergency Operations Center (EOC) at the service center.
- Canceling leaves of response personnel.
- Additional training of personnel.
- Anti-icing salt brines.
- Plow attachments to the front of 4-wheel drive vehicles.

Funding from FEMA could help supplement the startup costs incurred.

MOTION was made by Councilmember Scott, seconded by Councilmember White, authorizing staff to move forward with obtaining \$12,000 to fund maintenance equipment for inclement weather operations.

Discussion followed.

VOTE ON MOTION: Passed unanimously.

CONSENT CALENDAR was read by Clerk Lingle.

1. **Motion** is to approve the regular minutes of December 11 and 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 #117342 through #117608 & electronic fund transfers in the total amount of \$1,063,340.03

Payroll fund transfers in the total amount of \$1,514,151.20

3. **Motion** is to authorize the City Manager to sign the contract with Leonard D. Madsen for professional services through 2009, estimated to average 26 hours per week, to manage the Transportation Gateway Project with a not-to-exceed cost of \$90,000.
4. **Motion** is to approve entering into an agreement with South County Area Transportation Board for a period of three years, ending December 31, 2012 authorize the City to make an annual contribution of \$100, and for the City Manager to sign the agreement substantially in the form as submitted.
- 5.A **Motion** is to accept the deed of land dedication from Prologis which is adjacent to the public right-of-way along 24th Avenue South at no cost to the City, and 5.B **Motion** is to direct staff to prepare an agreement to modify the corporate boundaries between SeaTac and Des Moines to the new edge of the right-of-way.

Councilmember Kaplan requested December 22, 2008 minutes be removed.

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

Councilmember Kaplan referring to Item #1, December 22, 2008 minutes, corrected page 3 under Draft Ordinance No. 08-275 Amending the 2008 Budget, first motion should read Council Rule 26b and vote was incorrect. Councilmember Thomasson voted in opposition. Minutes will be corrected.

MOTION was made by Councilmember Kaplan, seconded by Councilmember Pina and passed unanimously, to approve the amended December 22, 2008 minutes.

PUBLIC HEARING

Draft Ordinance No. 08-284 Amending Downtown Commercial Parking Codes, and Ordinance No. 08-285 Allowing Ground Leases for Shared Parking - 1st Readings

Land Use Planner II Sullivan stated there are two ordinances:

- 1) Draft Ord. 08-284 amends the recent exemption established for Downtown Parking to further exempt employee parking. He stated this exemption does have possible ramifications but it is only for one year.
- 2) Draft Ord. 08-285 staff was directed to amend this and present it to Council for a second round of consideration. It has been amended to include removing one of the “whereas” statements and clarify language on how the ground lease operates.

After asking three times for public comment, Mayor Sheckler closed the Public Hearing.

Discussion followed.

MOTION was made by Councilmember White, seconded by Councilmember Kaplan, to suspend City Council Rule 26b in order to consider Draft Ordinance 08-284 on First Reading.

VOTE ON MOTION: Passed with a vote of 5 to 2. Councilmember Thomasson and Mayor Pro Tem Sherman opposed.

MOTION was made by Councilmember White, seconded by Councilmember Pina, to adopt Draft Ordinance 08-284 removing the employee parking requirement from the 2009 parking exemption established for commercial uses in the Downtown Commercial Zone by Ordinance 1448.

VOTE ON MOTION: Passed with a vote of 5 to 2. Councilmember Thomasson and Mayor Pro Tem Sherman opposed.

MOTION was made by Councilmember White, seconded by Mayor Pro Tem Sherman, to suspend City Council Rule 26b in order to consider Draft Ordinance 08-285 on First Reading.

VOTE ON MOTION: Passed with a vote of 5 to 2. Councilmembers Kaplan and Thomasson opposed.

MOTION was made by Councilmember White, seconded by Mayor Pro Tem Sherman, to adopt Draft Ordinance 08-285 to allow ground leases in addition to covenants or easements as options to secure off-site parking.

VOTE ON MOTION: Passed with a vote of 5 to 2. Councilmembers Kaplan and Thomasson opposed.

Mayor Sheckler read the Ordinances by title for the record.

At 9:00 p.m., Mayor Sheckler called for a 10-minute break.

OLD BUSINESS

Mt. Rainier Pool Facility Building Condition Evaluation Survey & Policy Discussion

Director of Parks & Recreation Patrice Thorell discussed the future of Mt. Rainier Pool concerning the City of Des Moines participation. She stated the Highline School District hired a consultant to do an in-depth evaluation of the pools condition. She introduced Highline School Districts Capital Improvement Project Manager Robert Hoyman to provide an overview of the pool condition, expenses and funding. Project Manager Hoyman discussed the findings of that report. Discussion followed regarding funding options. Information and further dialogue will be pursued later.

NEW BUSINESS

Agenda Revision

Mayor Sheckler announced that he is going to take New Business Item #2 before Item #1.

Legislative Positions and Priorities

City Manager Piasecki lead the discussion with the Council on the list of Intergovernmental Polices and Positions. They reviewed the City's current Intergovernmental Policies and Positions and made modifications, additions or deletions that were deemed necessary.

Downtown Planning [Moved to January 15, 2009 agenda]

At 10:26 p.m., **MOTION** was made by Councilmember Kaplan, seconded by Councilmember Pina and passed unanimously to extend the meeting to 10:40 p.m.

NEXT MEETING DATE - January 15, 2009.

ADJOURNMENT

At 10:40 p.m., Mayor Sheckler declared the meeting adjourned due to time expiring.

Respectfully submitted,

Autumn Lingle
Clerk