

## REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES

April 9, 2009

The regular meeting of the Des Moines City Council was called to order at 7:31 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 Pina.

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 was City Manager Tony Piasecki, City Attorney Pat Bosmans, Utilities and Environmental Engineer Loren Reinhold and City Clerk Denis Staab.

### COMMENTS FROM THE PUBLIC

Rose Clark, 16856 Des Moines Memorial Drive, Burien (Representing the DM Memorial Drive Steering Committee and Burien City Councilmember)

Ms. Clark addressed the Council voicing support for Consent Calendar Item #8 on tonight's Agenda

Roy Dunn, 22616 Pacific Hwy. So. - Owner of Dunn Auto Graphics

Mr. Dunn reiterated his remarks from the March 12<sup>th</sup> Council meeting, requesting whether any progress has been made on Grandfathering his rights to operate auto repair in Pacific Ridge.

City Manager Piasecki responded that staff is still researching the issue and will contact Mr. Dunn with the results when they are available.

### BOARD & COMMITTEE REPORTS & COUNCILMEMBER COMMENTS

#### Volunteer Community Support

Councilmember Scott acknowledged the tremendous community involvement in helping to support City activities.

#### Farmer's Market

Councilmember Scott advised that the Market may be expanding this year and is still requesting vendors, sponsors or help from volunteers.

#### June 17<sup>th</sup> - City's 50<sup>th</sup> Birthday

Councilmember Scott announced that Costco has agreed to donate a birthday cake with our Logo on it, and noted other numerous events are being coordinated, including a parade.

#### Waterland Blog.com

Councilmember Scott stated the Blog is up and running on the internet.

#### Suburban Cities Association - Public Issues Committee

As the City's representative to the Committee, Councilmember Pina noted that several cities are represented by their Mayor and he felt perhaps Mayor Sheckler would be more forceful to represent Des Moines and requested the Mayor take over.

It was noted that those Mayors are from cities with a strong Mayor Council form of government, wherein Des Moines and others are a Council Manager form of government, therefore it should make no difference as a voice on the Committee. It was felt it is more important who has the time and ability to serve as the City's elective representative.

Mayor Sheckler advised he will investigate the issue and let Council know his decision.

#### Sandwich Board Signs

Councilmember Thomasson noted recently there was a very large sandwich board sign on Pacific Highway South partially blocking the sidewalk. He stressed the need for strong enforcement of the Code regarding these types of signs.

#### South King County Economic Development Initiative Meeting

Councilmember White reported attending the meeting yesterday where a report was given by the Small Business Development Center stating they are busier than they have ever been, with 19 people looking to open a business in the City of Des Moines in just the first quarter of 2009. She advised the Small Business Development Center is now located at Highline College, Bldg. 99 and noted they are doing a great job serving the south end communities.

#### Water Taxi

Councilmember White advised she attended an event re-opening the Water Taxi service from West Seattle to Downtown. It was announced that the King County Ferry District is looking forward to a demonstration route in Des Moines for a passenger only ferry service.

### ADMINISTRATION REPORTS

#### City's 50<sup>th</sup> Birthday Celebration

City Manager Piasecki announced that there are four more events who wished to be sanctioned as official Birthday events for the City, three by the Woodmont and Des Moines Libraries and one by Wesley Homes. As there were no objections by Council, it was noted these events will be included in the official celebration.

#### Elder Watch Program

Wayne Cory, Co-Director of Des Moines/Normandy Park Elder Watch Program, noted the program has been underway for the past year and a half and is a joint effort sponsored by South King Fire and Rescue, Des Moines Sr. Services Advisory Committee, Des Moines and Normandy Park Police, the Enhanced Public Safety Committee and other safety response personnel. He proceeded with the use of a power point presentation detail the program to Council, highlighting the following:

- *Vision/Mission:* To increase public awareness of elder abuse. To reduce elder abuse and neglect in the community through co-ordination of resources, support and response
- *Main Purpose:* Helping elderly victims of crime that fall outside the normal cases reported to adult protective Services that typically follow paths through the justice system.

Mr. Cory noted the website for more information is [www.publicsafe.org](http://www.publicsafe.org) and the programs offices are located in the old Fire District #26 station on the corner of 24<sup>th</sup> Avenue South and South 223<sup>rd</sup> Street in Des Moines. He concluded by noting a future phase will include a phone or in-home visit every week and they are always looking for volunteers to assist with the program.

CONSENT CALENDAR was read by City Clerk Staab.

1. Motion is to approve the regular minutes of March 12 and 26, and the special minutes of March 28, 2009.

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 #118632 through #118924 & electronic fund transfers in the total amount of \$450,744.41

Payroll fund transfers in the total amount of \$485,352.75

3. Motion is to approve the agreement with Fire Systems West, Inc. for the installation of fire standpipes on I and J Docks and authorize payment in the amount of \$55,100 plus Washington State sales tax and a 10% contingency of \$5,510.00, for a total authorization of \$65,569 and authorize the City Manager to sign the agreement substantially in the form as submitted.

4. Motion is to authorize the City to apply for the Justice Assistance Grant for the purchase of a transport vehicle to transport prisoners to and from the Court house and to authorize the City Manager to sign the grant application.

5. Motion is to approve the Contract for Architectural and Structural Services between the City of Des Moines and David A. Clark Architects, PLLC for restoration of Des Moines Field House Grandstand in the amount of \$69,524.80 plus a 10% contingency and authorize the City Manager to sign the Agreement substantially in the form as submitted.

6. Motion is to continue the Public Hearing on Draft Ordinance No. 09-022B modifying DMMC 12.04.050, DMMC 12.04.100, and adding a new section to chapter 12.04 establishing a pavement mitigation fee to May 14, 2009.

~~7. Motion is to appoint Councilmember Carmen Scott as City Council liaison to the Farmer's Market Steering Committee.~~ [Item removed by Councilmember Thomasson.]

8. Motion is to provide a letter of support regarding the City of SeaTac's efforts to design for future development of the Des Moines Memorial Drive Memorial Plaza to be located at the NE corner of South 136<sup>th</sup> Street and Des Moines Memorial Drive, in North SeaTac Park and for historical improvements to the Sunnydale School site, as proposed by the Des Moines memorial Drive Steering Committee.

Councilmember Thomasson requested Consent Item #7 be removed.

Mayor Pro Tem Sherman requested, without removing the item, a correction to the Minutes of March 12, 2005, page 5, 3<sup>rd</sup> paragraph from the bottom, first line to read: "Mayor Pro Tem Sherman noted that he *supported* this concept *in the past*." CONSENSUS was to accept this correction.

In regards to Consent Item #5, Councilmember Scott noted the proposed improvement drawing on attachment C was not current. It was acknowledged that this drawing is not correct.

In regards to Consent Item #8, Councilmember Scott requested the last sentence in the 1<sup>st</sup> paragraph under Background be corrected to read: "The road was originally laid in red brick, but was paved over in asphalt *in the 1950s*." CONSENSUS was to accept this correction.

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

**REMOVED CONSENT ITEM**

**Item #7 - Appoint Councilmember Scott as Council Liaison to Farmer's Market Steering Committee**

Councilmember Thomasson questioned what is the Farmer's Market Steering Committee and organizationally, what things should the Council have liaisons to and not have liaisons to? He noted in the past it was a liaison to an outside agency, but it is his understanding through the budget process the City is now contracting for the market.

City Manager Piasecki stated the City was contacted by Farming and the Environment to allow a Farmer's Market at the Marina. A group of citizens got together to work with Farming and the Environment to create the market and that is what the Steering Committee is. After that another group took over and this year they are no longer handling the Market so the City has agreed to take the Market on for this year, with the understanding we are working to find another alternative, and a meeting is scheduled for next week. In the meantime, the Steering Committee has continued to meet and work to develop the Farmer's Market.

Councilmember Scott noted the Steering Committee is scheduled to meet April 27<sup>th</sup> and they are planning to elect officers to be a "Board". She was actually asked to be a liaison to that Board. It was noted that the Steering Committee is forming itself into a 501C3 non-profit.

Parks and Recreation Director Thorell added that the intent of the Steering Committee is become a Board of Directors to a new 501C3 for the Des Moines Farmer's Market to take over the Market next year. She further noted the City is running the Market, the Market manager and the Assistant Marketing manager are both contracted by the City and part of that job is to raise funds. She reported a meeting is scheduled for April 17<sup>th</sup> at 10:00 a.m. at the City Hall conference room with interested Councilmembers and the Steering Committee.

**MOTION** was made by Councilmember Kaplan, seconded by Councilmember Pina, to appoint Councilmember Scott as Council liaison to the Farmer's Market Steering Committee. Motion passed 5 to 2 with Councilmembers Thomasson and White opposed.

At 8:39 p.m. Mayor Sheckler announced that Council will hold an Executive Session regarding labor negotiations for approximately 20 minutes.

**Executive Session**

Mayor Sheckler called the Executive Session to order at 8:40 p.m. in the City Hall Conference Room, 21630 11<sup>th</sup> Avenue South, #A.

**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 was City Manager Tony Piasecki and Assistant City Manager Lorri Ericson.

At 9:06 p.m. Mayor Sheckler announced the Executive Session will continue another 20 minutes.

No formal action was taken.

ADJOURNMENT - The meeting adjourned at 9:31 p.m.

After a brief break Council resumed the regular meeting.

OLD BUSINESS

2009 City Budget Short Fall and Balancing Strategies

City Manager Piasecki informed Council he has been in continuous discussion with all the employee groups and felt they are closing in on a plan to balance the last quarter of a million dollars worth of deficit.

Mayor Sheckler felt it is important for Council to make a symbolic gesture and therefore announced he is willing to give up one meeting of Council pay for 2009.

Mayor Pro Tem Sherman offered a written statement to forego one meetings pay for the year. (ED NOTE: A total of five Councilmembers signed Mayor Pro Tem Sherman's written statement, including Pina, Scott, White and Mayor Sheckler EXCEPT Councilmember Kaplan who has already given up all Council pay for the year beginning March 12, 2009.)

MOTION was made by Mayor Pro Tem Sherman, seconded by Councilmember Kaplan, to ~~eliminate the position of Public Information Officer for the remainder of the year.~~ [ED NOTE: Replaced by a substitute motion.]

Councilmember Scott noted that the Public Information Officer is in the process of writing several articles to help publicize and promote Des Moines. She is not in favor of eliminating this position at this time, but would prefer to perhaps cut in half and see what kind of results we get.

Councilmember White expressed agreement with Councilmember Scott.

A SUBSTITUTE MOTION was offered and ACCEPTED by Councilmember Scott, seconded by Councilmember Kaplan, to reduce the Public Information Officer budget to a total of \$12,000 for the year 2009.

Mayor Pro Tem Sherman argued that we cannot have everything we want and feels this is one area where a cut would be appropriate.

VOTE ON SUBSTITUTE MOTION: Motion passed 4 to 3 with Councilmembers Pina and Thomasson, and Mayor Pro Tem Sherman opposed.

MOTION was made by Mayor Pro Tem Sherman, seconded by Councilmember White, to eliminate all Council Committee meetings for the rest of the year.

Mayor Pro Tem Sherman advised there are costs involved in Committee meetings such as paying consultants to attend (up to \$200 an hour), hourly staff payments, other staff taking time away from other work and in the end the whole matter will come before the Council as a whole to make a decision.

Councilmember White expressed agreement with Mayor Pro Tem Sherman.

Councilmember Kaplan expressed disagreement as he feels it is important for the Committee to vet issues and weed out bad ideas or issues, saving regular Council meeting time.

Councilmember Pina felt the Council has better well thought out proposals brought to them using Committees and it saves regular Council meeting time for other issues.

Councilmember Scott suggested that staff e-mail Committee members information prior to the Committee meetings for review to cut the length of time needed for the meetings.

VOTE ON MOTION: Motion FAILED 2 to 5 with Councilmember White and Mayor Pro Tem Sherman voting yes.

MOTION was made by Mayor Pro Tem Sherman, seconded by Councilmember Thomasson, to ~~eliminate the City's State and Federal Lobbyists~~ direct staff to bring back information on terminating the lobbyists contracts and how much money the City would save if terminated. [Amended language accepted later.]

City Manager Piasecki noted the way the contracts are written the payments are made on an equal monthly basis, therefore cancelling them at this point could open the City up to some liability for payment for work already done, but not necessarily paid for.

Councilmember White felt the lobbyists have more than paid for themselves.

Councilmember Thomasson felt he cannot vote on this issue without reviewing the contract provisions for termination.

Mayor Pro Tem Sherman remarked the City went years without employing lobbyists and got several grants, both federal and state, on our own. He would be willing to hold this motion in abeyance to have staff furnish Council with copies of the contracts for review. [ED NOTE: Accepted as AMENDED motion.]

VOTE ON MOTION: Motion FAILED 3 to 4 with Councilmembers Kaplan, Scott and White and Mayor Sheckler opposed.

Several Councilmembers expressed gratitude for the efforts and awareness, especially from our State lobbyist, in saving the City money and bringing issues to Administration and Council's attention in a timely manner.

## NEW BUSINESS

### Surface Water Management CIP Des Moines Memorial Drive Pipe Project

MOTION was made by Mayor Pro Tem Sherman, seconded by Councilmember Kaplan to amend the 2009 SWM CIP by moving the North Hill Elementary - 4<sup>th</sup> Avenue Pipeline Replacement Project and the Des Moines Memorial Drive Pipeline S 212<sup>th</sup> to S 213<sup>th</sup> Project from 2010 to 2009 and to add a new pipeline replacement project along S 250<sup>th</sup>, where a failing storm system is causing major damage to the road, and to include such amendments in the next available budget amendment ordinance.

Upon questioning, Utilities and Environmental Engineer Reinhold noted the funds are available, the engineering work has been done in-house and that it is included in the CIP and will not be coming out of the operating budget. Staff is looking to either bid out the actual work for the pipeline along S 250<sup>th</sup> or perhaps using a change order with Midway Sewer District's project in the same area.

City Manager Piasecki pointed out that there is adequate fund balance to do all the projects through 2012.

VOTE: Motion passed unanimously.

NEXT MEETING DATE

Mayor Sheckler announced the next regular meeting will be April 23, 2009.

ADJOURNMENT

At 10:21 p.m. **MOTION** was made by Councilmember Kaplan, seconded by Mayor Pro Tem Sherman and passed unanimously, to adjourn.

Respectfully submitted,

Denis Staab  
City Clerk