

## REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES

May 14, 2009

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 11<sup>th</sup> 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, Scott Thomasson and Susan White. Also in attendance were City Manager Tony Piasecki, City Attorney Pat Bosmans, Assistant City Manager Lorri Ericson, Finance Director Paula Henderson, Harbormaster Joe Dusenbury, Transportation Engineer Dan Brewer and Clerk Autumn Lingle

### CORRESPONDENCE

City Manager Piasecki referred Council to letters from Gray & Osborne for a review of bids for the Waterline Replacement Project and Lakehaven Utility District regarding the Public Hearing on the Pavement Mitigation fee.

### BOARD & COMMITTEE REPORTS & COUNCILMEMBER COMMENTS

#### Municipal Facilities Committee

Councilmember Scott stated the committee met on May 1<sup>st</sup> and Mayor Pro Tem Sherman will update the Council.

#### Farmers Market

Councilmember Scott noted that on May 11, the Des Moines Farmers Market Steering Committee had a meeting and elected officers to their board, making it an official Farmers Market Board. The results of the election are as follows:

- Wayne Cory - President
- Dr. Jeannie Markwell -Vice President
- Kim Trapp - Secretary
- Cathy Russell - Treasurer

Decals are offered for donations of \$25.00 and above to help support the Market. They are available through Charlene Schulz at State Farm, 22206 7th Ave. S. Councilmember Scott added that a new shed is in the process of being built to replace the old leaking and deteriorating shed.

#### Historical Society

The Historical Society is collaborating with the Woodmont Library to display an historical collage for the month of June. It will be on display at the Des Moines Library for the month of July.

#### Candidacy Announcement

Councilmember Scott stated she would be running for Council in the fall election.

#### Des Moines Gateway Project

Councilmember Kaplan attended a meeting with the City of SeaTac about the Des Moines Gateway Project (specifically 24<sup>th</sup> and 216<sup>th</sup> streets). Topics included light rail positioning and

concerns SeaTac has about the impact this project will have on their City. Councilmember Kaplan noted conversations also included impacts SeaTac projects will have on Des Moines. SeaTac's Land Use and Parks Committee will review the City of Des Moines Proposal regarding 216<sup>th</sup> and 24<sup>th</sup>. They will provide some feedback at the June 11<sup>th</sup> meeting.

**MOTION** was made by Councilmember Kaplan, seconded by Councilmember Thomasson, to direct staff to draft an ordinance amending DMMC 18.31.040 sub 16 to address the concerns dealing with single development multi-tenant exceptions for both general automotive repair uses as well as auto body shops. Passed unanimously.

#### Mount Rainier Pool

Councilmember Pina stated he met with Normandy Park Council about the pool. No decision was reached on funding.

#### AD HOC Council Committee - Puget Sound Energy Franchise Agreement

Councilmember Thomasson stated discussion centered on a draft franchise that would apply to Puget Sound Energy (PSE). Direction was given to staff regarding concepts to discuss with PSE.

#### Arts Commission

Councilmember White attended the Arts Commission meeting on the April 13. The commission secured a small grant of \$2000. She thanked the City's representatives for their support. She will have more information on the Summer Music Series in the future. She added the Activity Center is sponsoring a 1950's style Homecoming Picnic on Tuesday May 26, 5 p.m. – 7 p.m. at the Des Moines Activity Center. The price is \$5.00 in advance, \$6.00 at the door. The menu includes chicken, potato salad, baked beans, dessert and beverages. Also available are Apple Pie of My Eye, pies for sale. Four-inch pies for \$4.00. Order by phone 206-878-1642 or purchase at Activity Center.

#### Municipal Facilities Committee

Mayor Pro Tem Sherman noted the committee met on May 1. Des Moines Creek dredging and north Marina projects were discussed along with area lighting.

#### Highline School District

Mayor Pro Tem Sherman stated that Highline School District has been encouraging the community to join in a discussion regarding the future of Des Moines Elementary. They would like representatives from each city to participate in a forum to discuss how the community can support the schools.

#### Human Services Committee

Mayor Pro Tem Sherman noted he had an update from Chairperson Nadine Byers on the Salvation Army's 1<sup>st</sup> quarter. The report stated the residents of Des Moines are suffering due to the current state of the economy. Food, shelter and clothing are needed to aid these families.

#### PRESIDING OFFICER'S REPORT

Mayor Sheckler referred to Consent Calendar Item #5. He advised that he had reviewed the documents as requested and found nothing that could not be released.

#### ADMINISTRATION REPORTS

50<sup>th</sup> Birthday Celebration

City Manager Piasecki noted the Bjernebys are coordinating the parade. They are getting a very good response from a number of organizations. A large float from the Masons has committed to being in the parade and they are sponsoring a pre-parade reception at Landmark on the Sound. The City has been moving forward on arranging a beer garden on July 18. The concept is to hire a turnkey operation organization that would include all the beverages plus experienced servers.

CONSENT CALENDAR was read by Clerk Lingle

1. Motion is to approve the special and regular minutes of April 23, 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 #119148 through #119432 & electronic fund transfers in the total amount of \$ 1,343,996.26  
Payroll fund transfers in the total amount of \$476,945.18
3. Draft Resolution No. 09-071 [ASSIGNED #1100] – Title: A Resolution of the City Council of the City of Des Moines, Washington, fixing a time for a public hearing to consider vacation of several segments of public rights-of-way in the City of Des Moines.  
MOTION is to approve Draft Resolution No. 09-071 setting a public hearing for June 11, 2009.
4. Draft Resolution No. 09-072 [ASSIGNED #1101] – Title: A Resolution of the City Council of the City of Des Moines, Washington, fixing a time for a public hearing to consider vacation of a public rights-of-way in the City of Des Moines.  
MOTION is to approve Draft Resolution No. 09-072 setting a public hearing for June 11, 2009.
5. Motion is to waive the attorney-client privilege for all remaining documents that are the subject of the April 6, 2009 Public Records Request by the firm of Pfau Cochran Vertetis Kosnoff to allow for review and copying of attorney-client privileged documents and emails as determined by key words searches.
6. Motion is to award the contract for replacing the water main in the Marina to Henderson Partners and authorize payment in the amount of \$652,671.28 for the successful completion of the scope of work contained in the contract documents, and in addition, create a contingency fund for the project in the amount of \$98,000.00, and further, to authorize the City Manager to sign the agreement substantially in the form as submitted.
7. Motion is to acknowledge and support the Day of Concern for the Hungry on Saturday, September 26, 2009, and strongly urge all citizens to join the Emergency Feeding Program of Seattle & King County and our local food banks to nourish those who are hungry by taking a few minutes on September 26<sup>th</sup> to shop for their neighbors and donate food at volunteer staffed stores throughout King County.

Councilmember Thomasson commented on Consent Calendar Item #3. He expressed concern over the boundaries on the 227<sup>th</sup> vacation in the Marina. He asked staff to explore unintended consequences of this particular vacation and to have detailed legal descriptions included in the presentation.

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

CONTINUED PUBLIC HEARING

Draft Ordinance No. 09-022B Establishing a Pavement Mitigation Fee – 1<sup>st</sup> Reading

Transportation Engineer Brewer gave a PowerPoint presentation.

The following individuals were sworn in by Mayor Sheckler and addressed Council, voicing opposition to the proposed legislation:

Dan Johnson, President Highline Water District, 131 S.W. 194<sup>th</sup> St., Normandy Park

Mr. Johnson introduced Commissioners George Landon, Jerry Getty, Operations Manager Jeremy Delmar and Legal counsel Don Finley Rattan. The District believes the proposed ordinance is not necessary because when they restore the pavement they already adhere to existing City requirements, which include a warrantee for 10 years. They would like to work with the City for alternatives to this ordinance.

Matt Everett, General Manager Highline Water District, 23828 30<sup>th</sup> Ave S, Kent

Mr. Everett stated Highline Water District considers this fee unnecessary and it will put a significant hardship on their ratepayers. He noted that within the entire Highline Water District the shutoffs for nonpayment are up 150%. In Des Moines specifically, the nonpayment for shutoffs is a little more than double for the first four months of 2009 as compared to the first four months of 2008. The fee will limit the amount of money that can be spent to improve the infrastructure and may halt the replacement of some water mains. It will add to developers cost which could hamper future development. He stated the Highline Water District is requesting that City Council not adopt this ordinance.

Ken Kase, Midway Sewer District Manager, 7002 141<sup>st</sup> St. Ct. E, Puyallup

He concurred with the previous comments voicing concern that this will have some unintended consequences. He would like a waiver written into the ordinance regarding half and full street overlays. In addition, Midway has an excellent reputation concerning pavement cuts plus a road cut permit fee is already being collected.

John Bowman, Engineering & Water Operations Manager Lakehaven Utility District, 31623 1<sup>st</sup> Ave. S., Federal Way

He stated Lakehaven Utility District is opposed to passing this ordinance because there are additional details that need to be worked out. He agreed with the previous speakers on the points they stated opposing this ordinance.

At 8:58 p.m., Mayor Sheckler closed the Public Hearing.

DIRECTION/ACTION

**MOTION** was made by Councilmember Pina, seconded by Mayor Pro Tem Sherman, to send Draft Ordinance No. 09-022B Establishing a Pavement Mitigation Fee to a second reading directing staff to incorporate comments and issues from the council and to have the Mayor schedule the second reading at his discretion.

Councilmember White was not in favor of this Draft Ordinance because of the current state of the economy.

VOTE: 6 to 1. Councilmember White opposed.

At 9:11 p.m., Mayor Sheckler announced a 10-minute break followed by a 15-minute Executive Session to discuss labor negotiations. Meeting reconvened at 9:41 p.m.

### PUBLIC HEARING

#### Draft Ordinance No. 09-075 Adopting the Comprehensive Transportation Plan – 1<sup>st</sup> Reading

Transportation Engineer Brewer and Katherine Casseday, an outside consultant with Fehr & Peers Transportation Consultants, gave a PowerPoint presentation.

At 9:59 p.m., Mayor Sheckler asked three times for any public comment. There was no response.

**MOTION** was made by Councilmember Kaplan, seconded by Mayor Pro Tem Sherman to extend the meeting to 10:45 p.m. Passed unanimously.

Mayor Sheckler closed the Public Hearing at 10:31 p.m.

### DIRECTION/ACTION

**MOTION** was made by Councilmember Kaplan, seconded by Councilmember White, to advance Draft Ordinance No. 09-075 adopting the Comprehensive Transportation Plan for the City of Des Moines for the years 2009 through 2030 and creating a new chapter in Title 12 of DMMC, to a second reading on June 11, 2009.

Councilmember Pina opposed this ordinance because he felt it needed to be addressed more thoroughly before adopting.

VOTE: 6 to 1. Councilmember Pina opposed.

### OLD BUSINESS

#### 2009 City Budget Short Fall & Balancing Strategies and Agreement with Employees Regarding Cost Reduction Actions

### DIRECTION/ACTION

**MOTION** was made by Councilmember Kaplan, seconded by Councilmember Pina, to adopt Draft Resolution No. 09-077[**ASSIGNED #1102**]a adopting a Memorandum of Understanding between the City of Des Moines and Teamsters Local 763 for the period January 1, 2009 through December 31, 2011 and authorizing the City Manager to sign the MOU substantially in the form as attached.

Mayor Pro Tem Sherman did not favor these resolutions because they are a short-term solution to a long-term problem.

VOTE: Passed 6 to 1. Mayor Pro Tem Sherman opposed.

**MOTION** was made by Councilmember Kaplan, seconded by Councilmember Pina, to adopt Resolution no. 09-078 adopting a MOU between the City of Des Moines and the City of Des Moines General Employees for the period January 1, 2009 through December 31, 2011 and authorizing the City Manager to sign the MOU substantially in the form as attached.

VOTE: Passed 6 to 1. Mayor Pro Tem Sherman opposed.

City Manager Piasecki noted that the City's middle managers had agreed to change their health plan to a less expensive plan and to take two furlough days. Because a resolution to approve this agreement was not prepared yet, Council could not take action on it tonight. He also noted that he was working on similar agreements with department directors.

**NEW BUSINESS**

**City Clerk Interim Organization (non-action item)**

City Manager Piasecki stated plans using his authority regarding temporary reorganization and operation changes in the City Clerks office due to budget cuts and retirement.

**NEXT MEETING DATE** - Regular meeting May 28, 2009

**ADJOURNMENT**

At 10:44 p.m., **MOTION** was made by Mayor Sheckler, to adjourn the meeting.

Respectfully submitted,

Autumn Lingle  
Clerk