

REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES

March 9, 2006

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

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

ROLL CALL - Present: Mayor Bob Sheckler, Mayor Pro Tem Scott Thomasson, Councilmembers Dave Kaplan, Ed Pina, Carmen Scott, Dan Sherman and Susan White. Also in attendance were City Manager Tony Piasecki, City Attorney Linda Marousek, Finance Director Paula Henderson, Police Chief Roger Baker, Planning, Building and Public Works Director Grant Fredricks, Senior Services Manager Sue Padden and City Clerk Denis Staab.

COMMENTS FROM THE PUBLICKaylene Moon, 24032 9th Place South (Member Sr. Services Advisory Committee)

Ms. Moon invited Councilmembers to a luncheon at the Senior Center on April 12, 2006. She advised the lunch is in appreciation to Council for their financial and emotional support to the Senior Center.

Florence McMullen, 1018 South 24th Place

Ms. McMullen addressed Council voicing support for the draft ordinance on the agenda tonight for a Levy Lid Lift to address law enforcement needs. She thanked Council for moving forward in approving a Police sub-station at Redondo at its last meeting.

BOARD & COMMITTEE REPORTSPublic Safety & Transportation Committee

Councilmember Kaplan advised that the Committee has met twice recently to review short term repairs, due to recent heavy rains, to the north end of the Marine View Drive Bridge and Des Moines Memorial Drive. He advised that hopefully we will be reimbursed for the Bridge repairs which should be complete by the end of the summer. He noted that the permanent Des Moines Memorial Drive repairs are more of a challenge due to the Des Moines Memorial Drive Corridor Management Plan that is proposed for a complete make-over.

Suburban Cities Association

Councilmember Pina reported that at a recent meeting three items of concern were addressed:

1. Landfills are running out of capacity, which puts more pressure on recycling. If Cedar Hills gets full, moving material out of State is expensive.
2. Emergency Management Funding rules are not clear. Staff must be trained or you can't receive funding.
3. Jails - Yakima will no longer take mentally ill and King County will stop in the year 2012.

Economic Development

Councilmember White requested that the newly elected Councilmembers receive a copy of the study that was completed last year. She stressed the need to keep moving forward with economic development to improve the City's revenue picture.

Municipal Facilities Committee

Councilmember Sherman reported that the Committee will be meeting twice a month, with the major goal of recommendations regarding the Marina Master Plan. The Committee will be addressing the rehabilitation of the Auditorium at the Des Moines Beach Park.

Economic Development Committee

Mayor Sheckler advised that the Committee is currently reviewing a long list of items to discuss and how to prioritize those issues.

COUNCILMEMBER COMMENTSCelebration - Des Moines Beach Park, National Register of Historic Places

Councilmember Scott displayed a large post-card to invite individuals to the Washington State Governor's presentation of the National Register of Historic Places for Des Moines Beach Park. She advised that the celebration will be held on April 14th.

Police Officer Memorial

Councilmember Kaplan noted it was five years ago a few days ago, the City lost a Police Officer. He stressed it is important to remember our Police Officers are serving on our behalf and the risks they take to keep us safe.

National League of Cities Conference

Councilmember White reported she will be attending the Conference this week-end in Washington, DC. She advised that she will be meeting with our Legislatures for lobbying for historic preservation and will take them invitations to the celebration at the Beach Park. She noted that this is the first time the State's governor has presented a historic plaque to our City.

Des Moines Historic Society

Councilmember Sherman reported that the Society, with the help of Highline Community College, has put together a map of historical sites in Des Moines. He noted some of the properties are private, so you can't walk on them, but they are very interesting to know about. He further noted the Society has a book on the history of Des Moines, stationary and a slide show available for sale.

PRESIDING OFFICER'S REPORT

Wine Festival

Mayor Sheckler reminded everyone that the Poverty Bay Wine Festival is this week-end and tickets are available at the door at the Beach Park Auditorium.

ADMINISTRATION REPORTS

Washington State Department of Corrections

City Manager Piasecki informed Council that the Dept. of Corrections has sent a letter advising they are terminating their contract within 30 days of the date of their letter. However, they have given us a few extra weeks, and will be prospectively offering us a new contract, that will be almost the same as we currently have.

Introduction - New Transportation Engineer

Planning, Building and Public Works Director Fredricks introduced and welcomed new Transportation Engineer Dan Brewer.

CONSENT CALENDAR was read by City Clerk Staab and City Attorney Marousek.

1. 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 Des Moines City 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 #102907 through #103306 & electronic fund transfers in the total amount of \$315,171.76

Payroll fund transfers in the total amount of \$344,417.24

2. Motion is to authorize King County to perform emergency roadway/bridge repairs to Saltwater State Park Bridge under the existing signed Interlocal Agreement for road and bridge maintenance services at an estimated amount of \$40,000, including contingency to address any unforeseen repairs that might be required, and to direct the City Manager to include a transfer of \$40,000 from the ending fund balance of the Arterial Street Fund to the appropriate expenditure line item in the next budget amendment ordinance presented to the City Council for approval.

3. Motion is to adopt the 2006 Exhibit A for the memorandum of Understanding between the Cities of Auburn, Buriem, Covington, Des Moines, Federal Way, Kent Renton, SeaTac and Tukwila for the joint Human Services Funding Program.

4. ~~Motion is to extend through May 31, 2006, the contract for Professional Services with Judith Kilgore and authorize the City Manager to sign the agreement substantially in the form as submitted.~~ [ED Note: Item removed by Mayor Pro Tem Thomasson.]

Mayor Pro Tem Thomasson requested that Consent Item #4 be removed.

MOTION was made by Councilmember White, seconded by Councilmember Kaplan and passed unanimously, to approve the revised Consent Calendar as read.

REMOVED CONSENT ITEMConsent Item 4 - Contract for Professional Services Extension

Mayor Pro Tem Thomasson questioned whether some of the work was not complete because of lack of an employee. City Manager Piasecki noted that a new employee is now on board full time and is getting up to speed quickly as possible.

City Manager Piasecki advised that the 'bones' of the next development agreement with the Port of Seattle should be ready by the end of May. Regular staff can then start being the City's contact point with the Port.

MOTION was made by Mayor Pro Tem Thomasson, seconded by Councilmember Kaplan, to extend through May 31, 2006, the contract for Professional Services with Judith Kilgore and authorize the City Manager to sign the agreement substantially in the form as submitted.

Upon questioning, City Manager Piasecki noted we have spent approximately \$6,000 of the \$22,000 to date.

Councilmember Sherman requested confirmation that this will allow the City to stay on top of the economic development plans with the Port and the buy-out area. City Manager Piasecki confirmed.

City Manager Piasecki stated regardless of whether the monetary amount is all spent, the contract terminates on May 31st or sooner, if the funds are all spent before that time.

VOTE ON MOTION: Motion passed 6 to 0, with Mayor Sheckler abstaining.

AGENDA REVISION

Mayor Sheckler advised he will take the Leadership Summit agenda item first.

NEW BUSINESSDes Moines Leadership Summit - Report to the Community

A written report was distributed in Council packets.

Leesa Kofmehl, President of Des Moines Rotary and Chairperson of the Report Writing Committee for the Leadership Summit, introduced herself.

Earline Byers explained the idea of the summit began in April of 2005, through the efforts of two business organizations who met with Des Moines' Mayor Sheckler and City Manager Piasecki to discuss how to coordinate efforts to improve the business climate in the City. Mayor Sheckler suggested that leaders of organizations, groups and individuals should be brought together in a "summit" to coordinate their efforts, which happened in August 2005 as the Leadership Summit. She noted at this meeting five hours were spent answering and then discussing two main questions:

1. What is my organization doing now that makes Des Moines a better place to live, and
2. What would I like to see happen in the future to make Des Moines a better place to live?

As a result of this first meeting, Ms. Byers advised the Summit participants created committees to meet over the next three months to develop recommendations.

Ms. Kofmehl reviewed the committees and their goals as follows:

Permitting - Reduce time for permits & improve service accountability.

Public Safety - Cornerstone of attracting new business, residents & tourists, restoring police staff levels

Destination Des Moines - Improve physical connection between 8-5, Highway 99, Kent Des Moines Road, downtown Des Moines and the Marina. Marina Master Plan developed and implemented.

Citywide Communications - Process and vehicles by which residents get news & information regarding government and community organizations.

Aesthetics and Beautification - Plan, develop and implement a community-wide effort of increasing the aesthetic appeal of the City.

Community Events - Establish a more streamlined process of advertising, approving & communicating events going on, as well to provide solutions that will encourage more events.

Programs for Youth & Seniors - Options & services for youth, including at risk youth. Attract the community, especially seniors, & involve them in positive ways with use.

Ms. Kofmehl, concluded by requesting members of the community consider recommendations as outlined in the report and suggested the following to various groups:

City of Des Moines - Asks Council to adopt the Report to the Community as a starting place for creation of a community-wide vision, and keep report in mind in annual update of vision & mission statements. Asked Council to include recommendations as priorities for the City as follows:

- Make streamlining & improving the permitting process and enhancement of public safety the City's top priorities.
- Work to make Des Moines a destination by improving physical connections between the Marina/waterfront, downtown and major transportation corridors
- Provide support in establishment of a citywide webpage
- Support establishment of an Aesthetics and Beautification Committee, Arts Commission, Events Commission and a non-profit organization that encourages & promotes all of the citizen's goals in the way of events, arts beautification, building and destination status
- Continue creating & supporting programs for at-risk youth and seniors, encourage cross-generational interactions
- Implement a new Property Maintenance Code.

Business Community - Play a leading role in the implementation of recommendations through its representation of businesses in the City and efforts to improve business climate.

Service Clubs, Community Groups, Churches & Homeowners Associations - Review & consider recommendations and take part in those that fit with your mission or provide an opportunity to be a greater participant in the community.

Des Moines Leadership Summit - Continue the process of making Des Moines a truly great place and must agree to take part in the implementation process when it is within their or their organization's ability to do so.

Councilmembers commended the efforts of the participants and thanked one and all for their efforts and time. Mayor Sheckler thanked City staff for their involvement.

City Manager Piasecki informed Council that the City permitting process is currently being worked on.

MOTION was made by Mayor Sheckler to ~~adopt~~ accept the recommendations. Motion was seconded by Councilmember Pina.

Mayor Pro Tem Thomasson felt that adopting the recommendations is too strong he would rather the motion use the word 'accept'.

FRIENDLY AMENDMENT was agreed to by the maker and seconder of the motion to use the word ACCEPT.

VOTE ON MOTION: Motion passed unanimously.

8:50 p.m. Mayor Sheckler declared a 10 minute break.

Draft Ordinance No. 06-058 [ASSIGNED ORD. NO. 1375] Levy Lid Lift – 1st Reading

Finance Director Henderson advised Council that the draft ordinance is very similar to the one prepared last year with the exception that there is no references to a police sub-station.

Police Chief Baker stated that the purpose of this agenda item is to present, for Council consideration and approval, Draft Ordinance 06-058 providing for the submission to the qualified voters of the City at the May 16, 2006 election, a ballot measure that will increase the City's property tax levy rate to provide funds to restore Police Department staffing to previous years' levels. He also noted that the amount of time has been compressed to get staff on board and back into operation. He advised that since 1999 the Police department has cut 7 patrol officer positions, 4 community service officers, one record specialist and a half time Animal Control Officer due to budget short falls. He noted that these cumulative staff cuts have reduced the department personnel by 20% and have severely impacted the department's ability to provide basic and proactive police services to our community. Therefore, the department no longer has adequate staffing to provide proactive or directed policing activity to the increasing crime problems in the community. He reminded Council that from the year 2000 to 2005 Part One crimes have been increasing, meaning more members of the community are victims of violent crimes and that in 2000 there were a little more than 19,000 calls for 911 service, in 2004 over 23,000 annually, and there was a 1% increase in 2005.

MOTION was made by Councilmember Kaplan, seconded by Councilmember Pina, and passed unanimously, to suspend Council Rule 26(b) to enact the draft ordinance on first reading.

MOTION was made by Councilmember Kaplan, seconded by Councilmember Scott, to enact Draft Ordinance No. 06-058, providing for the submission to the qualified voters of the City of Des Moines at an election to be held on May 16, 2006, a ballot proposition authorizing the City to increase its regular property tax levy to provide funds to restore police department staffing to previous years' levels, authorizing a maximum regular property tax levy rate for 2007 of \$1.60 per \$1,000 assessed value, authorizing annual increases in the levy amount by 4% for each of the five succeeding years, and increasing the levy each year thereafter as allowed by Chapter 84.55 RCW, directing the City Clerk to certify a copy of this ordinance to the King County Records & Elections Division, and setting forth the ballot proposition.

Mayor Pro Tem Thomasson questioned that if taxes do not go up by 5% and we bump into the limit, is there a catch up provision for the following year, or are we limited to the 4%. Finance Director Henderson noted she will have to research the question.

Mayor Pro Tem Thomasson stated that he will support the motion however, he advised that he is worried that the proposal will not pass. He also feared that the six year term will cause people to vote no. He noted that the increase will go a long ways to increase police services, but those costs for law enforcement keep escalating, so when the increase in tax stops, the City will begin losing ground again. He advised his preference would be for a three year limit on the tax increase, which would give the City time to address other revenue streams.

Upon questioning, Finance Director Henderson advised the increase to property owners would be 48 cents per thousand of assessed valuation on a \$200,000 home per year. She noted the first year will have the biggest increase and after that it starts to go down again.

Councilmember Sherman felt Mayor Pro Tem Thomasson's point was well taken. He noted Council is always challenged to ask the public for what the City really needs, or something less. He expressed belief that this amount is what the Police Department really needs and that is what we need to ask for. He hoped citizens will realize that the City portion of the King County property tax is only a small portion, approximately 13% of their total taxes. He pointed out that if citizens total property taxes went to law enforcement it would only cover half of the departments existing budget. He stated that if this levy fails, Council will have to look at some serious cuts, such as the entire Parks and Recreation Department. He felt it is up to the public to decide if they want the increase services for safety and police and if not, Council will have to take something away.

Councilmember Pina reminded everyone of the earlier report regarding the Leadership Summit, and that the cornerstone of making wonderful things happen in the City is having a safe community. He noted that Police reports have indicated that the crime rate in Des Moines is going up at a much faster rate than in surrounding communities. He felt it is time the citizens of the community step up and give the funds to restore our Police Department.

Councilmember Pina CALLED FOR THE QUESTION. Second was by Councilmember Kaplan and motion passed unanimously.

VOTE ON MAIN MOTION: Motion passed unanimously.

Mayor Sheckler read the ordinance by title into the record.

Interlocal Agreement between the City of Normandy Park for Senior Services for 2006

Mayor Sheckler advised normally this would have been a consent item, however he was disturbed by item 8. *Effective Date/Early Termination* by the term 'provided however that either party may terminate this agreement at any time by written notice to the other party of such intent 90 days in advance of the intended termination date'. He noted this is much different language than what Council has approved in the past. He felt that should Normandy Park opt out of the agreement, Des Moines would be put in the position of telling Normandy Park residents to go home.

City Manager Piasecki stated that he has spoken with the City Manager of Normandy Park and that for budgetary reasons they needed to have a cancellation clause in the agreement. He further noted that Normandy Park's City Council would like to have a three year agreement.

Mayor Pro Tem Thomasson stated that he would not be opposed to a three year agreement, however if we are truly charging for the cost of service, we should have an escalation clause to the \$10,000 as opposed to a fixed fee. If there is a termination clause, he did not feel the mechanics have been worked out. He felt we need to make it clear when quarterly payments are due, and that needs to be tied to the termination clause.

City Attorney Marousek advised language could be added regarding payments that they be "prorated through the effective date of termination".

Councilmember Pina reported that the way the contract is written causes Des Moines to fund about three-fourths of the costs for serving Normandy Park residents. He advised that Senior Services Manager Padden provided data that what Normandy Park is proposing to fund 2 ½ % of the costs to run the Senior Center, yet 10% of the attendance at the Center is from Normandy Park. Further 19% of the Access riders come from Normandy Park, along with Meals on Wheels. He felt the City of Normandy Park should be paying their fair share and if they do not want to, we should be charging an appropriate fee for service to their residents.

City Manager Piasecki reminded Council that if you take the entire budget for Senior Services, along with all the programs that even Des Moines residents pay a fee for, the budget is just shy of \$400,000. Using Councilmember Pina's equation then yes, Normandy Park's payment would represent just about 2%. However if you take out the fee for service events, it would be closer to 5%.

Councilmember Sherman expressed agreement with Councilmember Pina and noted that even at 5% Normandy Park is not paying their fair share. He advised because they are a small City it would cost them a tremendous amount of money to have their own program, so it certainly is a savings for them to utilize our services even if they were paying their share. He would prefer to see a higher dollar amount, and if Normandy Park declines, we could make arrangements to charge their residents a fair amount for participating in our programs.

Senior Services Manager Padden informed Council that using a resident/non-resident fee would greatly add to administrative time to the programs. She felt that if Des Moines institutes a payment for use to Normandy Park residents then they would just go to Burien. While she acknowledges the \$10,000 does not adequately support the Center based on the services supplied, it is still a lot of money. She informed Council that there are some services that we would not be allowed to charge an additional fee such as the nutrition program, as it is not a City program.

City Manager Piasecki suggested language be added to the agreement that payment would be increased from year one, to two, to three, so by year three they are paying a pro-rata share of the amount of services that are being provided to their citizens

City Attorney Marousek advised Council that they are not obligated to accept changes to a contract that they do not agree to.

Mayor Pro Tem Thomasson stated that he cannot imagine 'throwing out' Normandy Park residents. He strongly urged to keep this issue amiable with Normandy Park as we have enjoyed good relationships, but does want us to work towards increasing their financial participation.

After further discussion, Council consensus was that Mayor Sheckler and City Manager Piasecki will meet with Normandy Park's Mayor and City Manager to reach an agreement to modifying the termination clause while increasing Normandy Parks financial participation.

NEXT MEETING DATE

Mayor Sheckler noted the next regular meeting will be March 23, 2006.

ADJOURNMENT

At 9:59 p.m. **MOTION** was made by Councilmember Sherman, seconded by Councilmember Pina and passed unanimously, to adjourn.

Respectfully submitted,

Denis Staab, City Clerk