

REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES

January 25, 2007

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 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 Acting City Manager Grant Fredricks, Acting City Attorney Richard Brown, Harbormaster Joe Dusenbury, Commander John O'Leary, and Deputy City Clerk Angela Chaufy.

COMMENTS FROM THE PUBLIC

Clark Snure, 27423 8th Avenue South

Mr. Snure asked Council for their continued support of the Rotary Wine Festival.

Alison Pedersen, 27415 8th Avenue South

Ms. Pederson asked that the marina rate increase be applied fairly. She stated that the revenue should go to the Marina rather than to the General Fund. As the Marina is a park, Ms. Pedersen felt that a portion of the parks budget should go toward the maintenance of the Marina.

Dennis Daus, 22226 Cliff Avenue South, #202

On behalf of the Des Moines Marina Association, Mr. Daus said that other marinas offer significantly better security, amenities, and facilities than the Des Moines Marina. Therefore, he supported a 60 percentile placement for rates rather than the recommended 75 percentile placement. Mr. Daus said that the recommendations of the 1996 and 2001 Master Plans had been essentially ignored. He asked that the Marina's transfer to the General Fund be eliminated until the Marina is in good repair. Mr. Daus said that the seawall and pilings needed replaced, the restroom needed upgraded, and other amenities needed to be provided in order for the objectives of the Master Plan to be achieved and Des Moines to become a destination city.

Glen Gaz, 19008 103rd Place SE, Renton

Mr. Gas recognized that capital was needed to make improvements at the Marina but said that the rate increase should not be used to support the General Fund. He voiced concern with moorage revenues funding Redondo facilities. Mr. Gas said that the users should pay for the amenities.

Mark Rider, 924 South 226th Place

Mr. Ryder told Council that low cost marinas in Puget Sound had not been included in the rate study. Electing to charge marina tenants the maximum the market will bear was unfair, neglected the civic responsibility to residents and compromised the integrity to provide fair access to the city's amenities. Mr. Ryder said that the City should defend the slogan "Sails with Pride" and the revenue will follow.

Jim Irish, 24229 11th Avenue South

Mr. Irish stated that the flag at the intersection should either be lit at night or taken down. He suggested that the City invest in a street sweeper so that the storm drains do not clog. Mr. Irish noted that the proposed marina rate increase exceeded the consumer price index.

Ben Stark, 1310 South 230th

A tenant of the Marina since 1979 or 1980, Mr. Stark provided Council a history of his monthly moorage rates for Des Moines Marina. He noted that the rate increase notifications used to begin with "Dear Customer". As the price of real estate is lower in Des Moines, he felt that the Des Moines Marina should not compare with marinas located at Shilshole and Magnolia. He suggested that the roof on one of the docks be removed rather than replaced. Mr. Stark said that the Des Moines Marina was competing with itself with the Redondo facilities.

Neena Stoner, 30440 9th Avenue South, Federal Way

Ms. Stoner commented that, if the moorage rates were increased, the revenue should go toward marina improvements rather than to the General Fund.

Helen Clayton, 21212 30th Avenue South, SeaTac

Ms. Clayton suggested that Des Moines contact the State to obtain help in handling the drug trafficking on 30th Avenue South and South 216th Street. She expressed concern for the neighborhood if the activity was allowed to continue.

Upon the request of Mayor Sheckler, Commander O'Leary explained that the Des Moines Police Department was working with SeaTac's police to address the situation. An investigation was on-going.

BOARD & COMMITTEE REPORTS AND COUNCILMEMBER COMMENTS

Tall Ship Festival

Councilmember White noted that she had attended the 2008 Tall Ship Festival Kick-off event. She hoped that Des Moines could participate in the festival in some manner.

Main Street Conference

Councilmember White informed Council that the National Main Street Conference would be hosted by Seattle this year. She encouraged Councilmembers and citizens to attend the event. Councilmember White asked that Council schedule a future discussion regarding Des Moines becoming a part of the Main Street Program.

Comments from the Public – Clayton

Councilmember Sherman agreed that the area identified by Ms. Clayton was a problem area. Council would discuss a proposed hotel/motel ordinance later in the meeting that was aimed at improving the situation. A levy lid lift allowing the hiring of more police officers has also been approved by the voters.

Environment Committee

Mayor Pro Tem Thomasson informed Council that the committee had discussed the Critical Areas Ordinance, the Shoreland Master Plan Program, the Lakehaven Sewer and Water District Water System Plan, and the city's possible participation in the NPDES appeal.

PRESIDING OFFICER'S REPORT

Tall Ship Festival

Mayor Sheckler suggested that Des Moines partner with Tacoma to host the 2008 Tall Ship Festival. He distributed posters advertising the event to Council.

ADMINISTRATION REPORTS

NPDES Appeal

Acting City Manager Fredricks said that Council would be briefed on the status of the NPDES Appeal at the February 17, 2007 Council meeting.

Pacific Ridge Neighborhood Meeting

Acting City Manager Fredricks reported that he had met with 17 owners and residents in the Pacific Ridge neighborhood who were very concerned about their area. They asked the City to adopt loitering and shopping cart ordinances. They also voiced support for the proposed hotel/motel ordinance.

Wind Storm De-briefing

Acting City Manager Fredricks said that staff had met with representatives of the Fire Department to debrief on the recent wind storm. Findings and recommendations from the meeting would be shared with Council at a later meeting.

Saltwater Bridge Repair Funding

Acting City Manager Fredricks informed Council that representatives from federal and state agencies would be examining the bridge's condition next Tuesday. He thanked Councilmember Kaplan for his efforts to obtain State funding for the needed repairs.

Arts Commission Applications

Acting City Manager Fredricks announced that the deadline for filing an Arts Commission application was January 30, 2007.

CONSENT CALENDAR*

Mayor Sheckler removed Item No. 3 from the Consent Calendar as it was no longer relevant.

Deputy City Clerk Chaufy read the consent calendar as follows:

1. Motion is to approve the special minutes of November 16, and the regular minutes of December 14, 2006.
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 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 #107460 through #107620 & electronic fund transfers in the total amount of \$863,697.84

Payroll fund transfers in the total amount of \$290,147.61

~~3. Motion is to authorize payment of registration and travel expenses for Mayor Sheckler to attend the Association of Washington Cities Legislative Action Conference in Olympia February 14-15, 2007.~~

~~4. Motion is to authorize payment of registration and travel expenses for Mayor Sheckler and Councilmembers Pina, Scott and White to attend the National League of Cities Congressional City Conference in Washington, DC, March 11-14, 2007.~~

~~5. A Motion is to authorize the City Manager to sign the \$35,000 contract amendment with ClearPath, LLC for real estate and economic development consultant services, substantially in the form as submitted, and~~

~~–B. Motion is to authorize the City Manager to sign an Interlocal agreement with the Port of Seattle accepting funds to help defray ClearPath, LLC contract expenses, and~~

~~–C. Motion is to authorize the City Manager to negotiate a contract with ClearPath, LLC for real estate and economic development services to the City in support of proposed developments in the Pacific Ridge Neighborhood, subject to final Council approval.~~

6. Draft Resolution No. 07-005 [Assigned Res. No.1027] - Title: A Resolution of the City Council of the City of Des Moines, Washington, authorizing the Rotary Club of Des Moines to conduct its 2007 Poverty Bay Wine Festival at the Des Moines Beach Park and Marina, and listing conditions under which such permission is granted.

MOTION is to approve Draft Resolution No. 07-005.

Councilmember Sherman removed Item Nos. 4 and 5.

MOTION was made by Councilmember White, seconded by Mayor Pro Tem Thomasson, and passed unanimously to approve the consent calendar as amended.

REMOVED CONSENT CALENDER ITEMS

Registration and Travel Expenses for Mayor Sheckler and Councilmembers Pina, Scott and White to Attend the NLC Congressional City Conference in Washington DC March 11-14, 2007.

Councilmember Sherman said that it was not prudent to send a majority of Council to Washington, DC when the City was experiencing financial difficulties. He suggested that three, rather than four, Councilmembers attend the conference.

MOTION was made by Councilmember Sherman and seconded by Councilmember Kaplan to authorize payment of registration and travel expenses for three Councilmembers to attend the National League of Cities Congressional City Conference in Washington, DC, March 11-14, 2007.

Councilmember Scott offered to share a room with Councilmember White in order to reduce costs.

Councilmember White stated that the Conference was an investment as Councilmembers were provided the opportunity to meet with representatives and lobby for their cities. If the motion passed, she volunteered to not attend the event as she has gone to the conference the previous five years.

Councilmember Sherman clarified that his concern was regarding the travel expenses rather than the event itself.

Councilmember Pina said that his purpose in going was to meet with State representatives. As it was unknown when the meetings would be scheduled, he felt it was productive to attend the Conference at the same time.

Councilmember Scott questioned whether costs could be reduced if Council did not stay for the full length of the Conference.

Mayor Sheckler offered to remove his name from the list if the other three Councilmembers agreed to attend the lobbying activities.

Councilmember Scott felt it was very important to have the Mayor in attendance at the lobbying sessions.

VOTE ON MOTION: Motion failed, 3 – 4, with Mayor Pro Tem Thomasson and Councilmembers Kaplan and Sherman voting in favor of the motion.

Councilmember Pina suggested that Council revisit the subject once times and dates for the lobbying sessions were determined.

Mayor Pro Tem Thomasson agreed with Councilmember Sherman's comments. He said that each Councilmember needed to judge whether the training justified the expense to the City.

MOTION was made by Councilmember Scott and seconded by Mayor Pro Tem Thomasson, to authorize payment of registration and travel expenses for Mayor Sheckler and Councilmembers Pina, Scott, and White to attend the National League of Cities Congressional City Conference in Washington, DC, March 11 – 14, 2007 with the understanding that all Councilmembers will work to reduce costs.

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

Real Estate and Economic Development Consultant Contract – Des Moines Creek Business Park and Pacific Highway South

Councilmember Sherman voiced support for the items. He provided background information for the sake of the public.

MOTION was made by Councilmember Sherman and seconded by Councilmember Kaplan to approve Consent Calendar Item Nos. 5A, 5B, and 5C as previously read.

Mayor Pro Tem Thomasson voiced concern that the scope of work for the Pacific Highway Street project was exactly the same as for the Business Park property. He felt that the consultant should receive direction from Council prior to developing an understanding of the City's issues, opportunities, initial alternatives and desires.

Councilmember Scott stated that the City Manager had been asked to gather input from several developers. This had not yet been done. Councilmember Scott said that Council needed to provide input on the subject and that more communication was necessary.

Acting City Manager Fredricks stated that the intention of the contracts were to provide expertise, facilitate a proposal, and improve communication with Council. The scope of works for the two projects would be clearly differentiated. He suggested that the Finance and Economic Development Committee work on the projects.

Councilmember Kaplan said that staff needs to do a better job explaining that there are opportunities that require additional services that staff does not have the ability to accommodate. He supported hiring experts to answer questions and identify changes to the current structure that might be necessary.

Councilmember White voiced support for the motion and for the consultants working with the Finance and Economic Development Committee.

As the subject included creating a vision for the areas and some potential textual code changes, Mayor Pro Tem Thomasson said that the subject should not be remanded to committee but handled by the full Council. He asked that Item No. 5.C's contract clearly state whether the development services will be for the entire Pacific Ridge area or for a specific proposal.

Mayor Sheckler agreed that the item should be handled by Council as a whole. He said that it would be scheduled for a mini-retreat session.

VOTE ON MOTION: Motion passed unanimously.

AGENDA REVISION

Mayor Sheckler said that New Business Item No. 2 would be addressed next.

At 8:47 p.m., Mayor Sheckler declared a fifteen-minute break.

NEW BUSINESS

Draft Resolution No. 07-002 [Assigned Res. No. 1027] - Setting Marina Rates

Harbormaster Dusenbury introduced Paul Sorenson from BST Associates. He thanked the Municipal Facilities Committee, the Ad Hoc Committee, and the tenants and public who participated in the marina rate setting process. Harbormaster Dusenbury identified the following completed Marina projects:

- Rebuild of the Redondo launch facility,
- Completion of the preliminary design for the potential expansion of the guest moorage area,
- Installation of fire standpipes on K, L, M. and N docks, and
- Rebuild of A, B, and C docks, including utilities.

Harbormaster Dusenbury noted that the CCTV security camera system project was almost complete. The goals of the rate study project were to:

- Complete an extensive labor survey,
- Analyze the cost structure of the Marina in order to determine the correct allocation of costs to permanent moorage,

- Analyze the current rates and any proposed rate plan on a square foot basis, and
- Determine where the marina's rates should be in comparison to other marinas in the market.

Using a PowerPoint presentation, Mr. Sorenson reviewed the alternate rate methodologies, the recommended rate structure, and the market area for existing tenants.

MOTION was made by Councilmember Sherman and seconded by Councilmember Pina to adopt Draft Resolution No. 07-002 which sets the baseline rates for the Marina's permanent moorage and dry shed storage for 2007 through 2009.

Councilmember Sherman expressed the following points:

- The proposal does not include a non-resident differential.
- The City cannot charge enough in rates to cover the replacement of the Marina.
- The proposed rates are based on market realities.
- The Marina is not a moneymaker for the City.
- The General Fund transfer has decreased as more money is required to run the Marina.
- The City provides services to the Marina, including the purchase of General Obligation bonds to purchase the Marina.
- The City took on risk to purchase the Marina.

Councilmember Sherman said that Council needed to increase Marina revenues through the development of moneymaking programs through the Master Plan process. He cited enlarging the boat yard, locating a marine hardware store and a new restaurant in the area, and charging parking fees as examples. Councilmember Sherman stated his desire for quality improvements for the Marina, including wireless internet services.

Harbormaster Dusenbury explained that the projections were based upon a 4% vacancy rate. Projections would need to be monitored and adjusted if necessary.

Mayor Pro Tem Thomasson recommended that Section 3 of the proposed ordinance clearly state that the 2007 rate increase would begin with the March moorage bill and specifically state when the 2008 and 2009 rate increases would go into effect. In addition, Mayor Pro Tem Thomasson said that Section 2 should clearly state that the CPI calculations are a multiplication that should occur in both years and that the rates should be compounded. The formula identified in the Code would be superseded.

Councilmember Sherman recommended that the language be revised and the proposed resolution be brought back to Council at a later meeting.

Councilmember Pina spoke in favor of maintaining the March start date and authorizing staff to notify the rate-payers now.

MOTION was made by Mayor Pro Tem Thomasson, seconded by Councilmember Pina, and passed unanimously to amend Section 3 to clarified that 2008 & 2009 rates shall take effect in February and to modify Section 2 to make clear that the CPI calculations are a multiplication that should occur in both years and that the rates should be compounded.

Councilmember Kaplan stressed the importance of addressing the short-term maintenance needs within the context of the Master Plan.

VOTE ON MOTION: Motion passed unanimously.

Mayor Sheckler read the title of the resolution into the record.

Draft Ordinance No. 06-279 New Employee Moving Expense Reimbursement - 1st Reading
Acting City Manager Fredricks introduced the subject.

Councilmember Sherman voiced opposition to the proposal. He recommended the following reimbursement schedule:

- 100% of expenses if relocating within Des Moines.
- 75% of expenses if relocating within 15 miles of City Hall.
- 50% of expenses if relocating within 25 miles of City Hall.

Councilmember Scott felt that a 20 mile radius from City Hall was ample, excluding Vashon Island.

Mayor Pro Tem Thomasson noted that moving expenses were subject to Council's, rather than the City Manager's, approval. He recommended that Council provide general guidelines rather than adopt rules. Mayor Pro Tem Thomasson recommended that Council clarify the types of positions that would qualify for this benefit.

Councilmember Sherman voiced support for only providing a relocation reimbursement to the City Manager.

Mayor Pro Tem Thomasson said that the Code was written to address department heads. If other employees wished to come here, there was no need to entice them with a relocation reimbursement. Mayor Pro Tem Thomasson suggested that Council address the immediate situation for the new police officer but not change the Code.

Councilmember Pina recommended that the City Manager define a critical skill requirement for a finite period of time that would be eligible for the relocation reimbursement if the individual moved within twenty miles of City Hall. He said that Department Directors should always be eligible for the relocation reimbursement if they moved within the identified radius.

Councilmember Scott spoke against the one hour travel time condition as travel time was affected by current conditions and the time of the commute. If adopted, Councilmember Scott agreed that the policy should clearly define which levels of staff were eligible for the relocation reimbursement program.

Councilmember Sherman recommended that the relocation reimbursement program should, at a minimum, follow the IRS guidelines for deduction.

Councilmember Kaplan agreed that the scope must be identified.

MOTION was made by Mayor Pro Tem Thomasson, seconded by Councilmember Kaplan, and passed unanimously to authorize the City Manager to pay Officer Richards' moving expense in accordance with DMMC 2.16.070 and acknowledging that the location of purchase was in Tacoma rather than King County.

Councilmember Pina recommended that the proposed ordinance be revised to establish relocation reimbursement for relocations within a twenty mile radius of City Hall for positions meeting a pre-approved critical skills requirement for a finite period of time.

Councilmember Scott recommended that Kitsap County be deleted from the allowed area as it is not within a one-hour drive.

Council concurred that Vashon Island should also be deleted from the allowed area.

Draft Ordinance No. 06-073 [Assigned Ord. No. 1395] - Amending Hotel/Motel Ordinance

MOTION was made by Mayor Pro Tem Thomasson and seconded by Councilmember Sherman to enact Draft Ordinance No. 06-073 on the second reading.

Councilmember Kaplan noted that the Public Safety and Transportation Committee supported approval of the proposed ordinance.

VOTE ON MOTION: Motion passed unanimously.

NEXT MEETING DATES

Study Session - February 1, 2007

Regular Meeting February 1, 2007 - Postponed to February 15, 2007.

ADJOURNMENT

At 10:29 p.m., **motion** was made by Councilmember White, seconded by Councilmember Scott and passed unanimously to adjourn the meeting.

Respectfully submitted,

Angela M. Chafty
Deputy City Clerk

ACTION ITEMS FROM 1/25/07 COUNCIL MEETING

- Incorporate Council's direction into Draft Ordinance No. 06-279.