

REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES

July 9, 2009

The regular meeting of the Des Moines City Council was called to order by Mayor Sheckler at 7:32 p.m. in the Council Chambers, 21630 11th Avenue South, #B.

PLEDGE OF ALLEGIANCE to the Flag was led by Mayor Pro Tem Sherman.

ROLL CALL - Present: Mayor Bob Sheckler, Mayor Pro Tem Dan Sherman, Councilmembers Ed Pina, Carmen Scott, and Susan White. Absent: Councilmembers Dave Kaplan and Scott Thomasson. Also in attendance were City Manager Tony Piasecki, City Attorney Pat Bosmans, Development Services Manager Robert Ruth, Land Use Planner II Jason Sullivan, Police Chief Roger Baker and Interim City Clerk Autumn Lingle.

MOTION was made by Mayor Pro Tem Sherman, seconded by Councilmember Pina, and passed unanimously, to excuse Councilmembers Kaplan and Thomasson.

BOARD & COMMITTEE REPORTS & COUNCILMEMBER COMMENTS

- Jazz and Blues Musical Festival at Beach Park on Wednesday nights beginning July 22, 2009, for five weeks.
- Farmers Market will be open on Wednesday nights and will provide preordered boxed meals (ordered the previous Saturday at the Farmers Market) for the Jazz and Blues Musical Festivals.
- July 18, 2009 50th Birthday events include:
 - Tall Ships Tours
 - Possible cigarette boat races at 2:00 p.m.
 - Sailboat races at 2:00 p.m.
 - Vintage hydroplanes on display
 - Car and boat show
 - Strongman competition 10:00 a.m. to 3:00 p.m.
 - Safety on the Sound exhibit with Coast Guard port security boat display
 - Elvis impersonator Danny Vernon
 - Mt. Rainier High School Football team will be painting a car to be raffled off
 - Parade: children's parade at 5:30 p.m., main parade at 6:00 p.m.
 - Federal Way Symphony Garden Tour with Master Gardener appearances at 11 a.m. and 2 p.m.
- 2010 Transit Program Financial Policy for the Public Issue Committee of Suburban Cities Association
- Southwest King County Economic Development Initiative (SKEDI) discussed a potential legislative agenda coordinated with the Highline Forum. Four essential items were:
 - 1) Request legislature reauthorize funding for a variety of programs used for infrastructure improvements (TIB, CURB, Public Works trust fund loan)
 - 2) Continued support for Highway 509 extension
 - 3) Continued support for educational funding K-12 and community college system
 - 4) Continued funding for Small Business Development Centers

ADMINISTRATION REPORTS

City Manager Piasecki discussed a grant received from the DOE for the Shoreline Master Plan.

CONSENT CALENDAR was read by Clerk Lingle.

1. Motion is to approve the special and regular minutes of June 25, 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 # 119943 through #120134 & electronic fund transfers in the total amount of \$796,058.68

Payroll fund transfers in the total amount of \$434,348.33

3. Motion No. 3A: I move to authorize the City Manager to approve Task Order Supplement 3 with Fehr & Peers Mirai for work on the Comprehensive Transportation Plan in the amount of \$49,641.00, bringing the total amount for this Task Order Assignment to \$419,488.00; authorize the City Manager or his designee to sign said Task Order Supplement substantially in the form as submitted.
Motion No. 3B: I move to direct Administration to bring forward the necessary adjustment to the Arterial Street CIP Budget for the additional work associated with the Update of the Comprehensive Transportation Plan Project with the overall 2009 CIP Budget Amendment.
4. Motion is to authorize a \$9367.00 increase in the North Marina Combined Projects – Final Design Project contingency fund.

ACTION/DIRECTION

MOTION was made by Councilmember Scott, seconded by Mayor Pro Tem Sherman, to approve the Consent Calendar.

COMBINED PUBLIC HEARING:

SCORE (South Correctional Entity Multijurisdictional Misdemeanant Jail) Unclassified Use Permit, Right-of-way Vacation and Surplus of Deeded Streets.

City Attorney Bosmans explained the specifics of a Quasi-judicial Public Hearing. Mayor Sheckler introduced the item to the audience and opened the Public Hearing. In addition, he explained the rules for speaking at a Public Hearing. The Appearance of Fairness Doctrine was discussed and Council was questioned if they needed to excuse themselves from this hearing. None did. Council disclosed all emails, phone calls and meetings pertaining to this agenda item. A legal memorandum was received by all of Council and was acknowledged concerning this hearing and will be entered into the public record as Exhibit B1.

Mayor Sheckler requested that anyone who wished to speak at the Public Hearing rise and raise their right hand and be sworn in.

Development Services Manager Ruth explained the meaning of a Combined Public Hearing and entered the Agenda Item packet into the public record as Exhibit A1. He discussed the rules for public comment on this topic. In addition, he and Land Use Planner II Sullivan gave a PowerPoint presentation and answered questions from Council and the public on this topic.

At 8:44 p.m., Mayor Sheckler announced a 10-minute break.

COMMENTS FROM THE PUBLIC

Jack Dovey, Federal Way Mayor and President of SCORE, 28904 8th Ave S, Federal Way

Mr. Dovey provided more information on SCORE for Council and the public.

Penny Bartley, SCORE Interim Director, 1055 S. Grady Way, Renton

Ms. Bartley explained jail costs, the need for more jail space, current limited options and time wasted transporting suspects.

Jaelyn Sperlich, 20103 15th Ave. S., SeaTac

Ms. Sperlich does not favor having the SCORE facility at the chosen site. She is concerned about toxic soil being released during construction, economic issues related to having a jail in her neighborhood and safety while utilizing Des Moines Creek Trail.

Traci Buxton, 20930 12th Ave. S., Des Moines

Ms. Buxton does not support having the SCORE facility. She is concerned about the release of inmates and the effect this structure will have on real estate values.

Debbie Beal, 20127 15th Ave. S., SeaTac

Ms. Beal opposes having SCORE because there is currently a jail facility in close proximity and she is concerned about safety and property values.

Jim Buxton, 20930 12th Ave. S., Des Moines

Mr. Buxton stated that the UUP should be denied to SCORE due to assembled information. He reminded the Council they represent the citizens and the citizens are against SCORE

Gloria Miller, 20102 14th Ave. S., SeaTac

Ms. Miller is against the SCORE facility site. She stated it is a waste of money and should be placed in Kent where less impact will be experienced.

Matthew Bishop, 20234 15th Ave. S., SeaTac

Mr. Bishop voiced displeasure about the extreme emergency route for SCORE. He wanted assurance that the released individuals would be transported back to the correct site. He questioned whether time saved by police transport would be utilized patrolling the neighborhood. He was concerned about property value decline due to the facility.

William Young, Jr., 21015 12th Ave. S., Des Moines

Mr. Young questioned guidelines and statistics for a neighborhood that had two jail facilities.

Jonathon Gleason, 21249 15th Ave. S., Des Moines

Mr. Gleason voiced concern about the safety of having a facility so close to a popular trail used by bikers and walkers. He proposed an alternate site for the facility.

Mayor Sheckler ensured that all members of the public who wished to had an opportunity to speak.

SCORE Interim Director Bartley, Land Use Planner II Sullivan, City Manager Piasecki and Police Chief Baker addressed questions, clarified procedures and provided information to the Council and public

concerning release protocol, visitation, soil toxicity, fence height and other topics in relation to the facility.

ACTION/DIRECTION

MOTION was made by Mayor Sheckler, seconded by Councilmember Pina, to extend the meeting to 11:00 p.m. Passed 4 to 1. Mayor Pro Tem Sherman opposed.

At 10:25 p.m., a break was taken. Meeting reconvened at 10:34 p.m.

More SCORE discussion, questions and answers followed. Topics included but were not limited to the transportation shuttle, average length of stay, misdemeanor crimes resulting in incarceration, extreme emergency access route use and community risk from visitors.

At 10:44 p.m., Mayor Sheckler closed the Public Hearing.

ACTION/DIRECTION

MOTION 1A was made by Councilmember White, seconded by Councilmember Pina, to suspend City Council Rule 26b in order to adopt Draft Ordinance No. 09-103 on first reading. Passed 3 to 2. Mayor Sheckler and Mayor Pro Tem opposed. They were not in favor of adopting this with two Councilmembers are absent. They proposed moving it to a second reading.

MOTION 1B was made by Councilmember White, seconded by Councilmember Pina, to adopt Draft Ordinance No. 09-103 [**Assigned No. 1460**] approving the vacation of certain portions of public right-of-way/street specifically identified and legally described in Draft Ordinance No. 09-103 and require SCORE to compensate the City for vacation of these Class A rights-of-way based on a value of \$6.36 per square foot. Passed 4 to 1. Mayor Pro Tem opposed. He would like this to go to a second reading.

MOTION 1C was made by Councilmember White, seconded by Councilmember Pina, to suspend City Council Rule 26b in order to adopt Draft Ordinance No. 09-104 on first reading. Passed 4 to 1. Mayor Pro Tem opposed.

MOTION 2C was made by Mayor Pro Tem Sherman, to move to continue the Public Hearing for the Unclassified Use Permit for the proposed SCORE facility filed with the Des Moines Planning, Building and Public Works Department under File number LUA09-015 to July 16, 2009. Failed as Motion 1A passed previously suspending City Council Rule 26b and the Mayor had already closed the Public Hearing.

MOTION 2B was made by Mayor Pro Tem Sherman, to move to pass Draft Ordinance 09-104 approving a request to surplus those strips of public property specifically identified and legally described in Draft Ordinance No. 09-104 and to sell said strips of property to the South County Correctional Entity to a second reading on July 16, 2009. Failed for lack of a second.

MOTION 1D was made by Councilmember White, seconded by Councilmember Pina, adopt Draft Ordinance No. 09-104 [**Assigned No. 1461**] approving a request to surplus those strips of public property specifically identified and legally described in Draft Ordinance No. 09-104 selling said strips of property to the South County Correctional Entity (SCORE) and require

SCORE to compensate the City for purchase of the surplus property based on a value of \$6.36 per square foot. Passed 4 to 1. Mayor Pro Tem opposed.

MOTION 1E was made by Councilmember Pina, seconded by Councilmember Scott, to approve Draft Resolution 09-101 [*Assigned No. 1108*] approving the Unclassified Use Permit for the proposed SCORE Facility filed with the Des Moines Planning, Building, and Public Works Department under file number LUA09-015 subject to the conditions of approval in Section 2 of Draft Resolution 09-101. Passed 4 to 1. Mayor Pro Tem Sherman opposed.

MOTION 1F was made by Councilmember Pina, seconded by Councilmember White, direct the City Manager to sign the Easement for Surface Water and Sewer Utilities between the City of Des Moines and SCORE included as Attachment 18 substantially in the form as submitted provided that SCORE compensates the City for the easements based on a value of \$1.00 per square foot. Passed 4 to 1. Mayor Pro Tem Sherman opposed.

Mayor Sheckler read the Ordinance into Public Record.

PUBLIC HEARING:

National Pollution Discharge Elimination System Ordinance No. 09-086 – 1st Reading.

ACTION/DIRECTION

Mayor Sheckler opened the Public Hearing and made a **MOTION**, seconded by Councilmember White, and passed unanimously, to continue the Public Hearing to the July 23, 2009 Agenda.

NEXT MEETING DATE – Regular meeting July 23, 2009.

ADJOURNMENT

At 10:58 p.m., **MOTION** was made by Mayor Pro Tem Sherman, seconded by Councilmember Pina, and passed unanimously to adjourn.

Respectfully submitted,

Autumn Lingle
Interim City Clerk