

## REGULAR MEETING DES MOINES CITY COUNCIL

### MINUTES

January 10, 2002

The regular meeting of the Des Moines City Council was called to order by Mayor Thomasson at 7:33 p.m. in the Council Chambers, 21630 11<sup>th</sup> Avenue South.

PLEDGE OF ALLEGIANCE to the Flag was led by Mayor Thomasson.

### OATH OF OFFICE

City Attorney McLean administered the Oath of Office to the newly elected Councilmembers Richard Benjamin, Gary Peterson, Maggie Steenrod and Susan White.

ROLL CALL - Present: Councilmembers Richard Benjamin, Gary Petersen, Bob Sheckler, Maggie Steenrod, Scott Thomasson, Don Wasson and Susan White. Also present were City Manager Bob Olander, Assistant City Manager Tony Piasecki, City Attorney Gary McLean, Police Commander Kevin Tucker, Deputy City Clerk Angela Chaufy and City Clerk Denis Staab.

### ELECTION OF MAYOR

City Attorney McLean explained the process for voting, noting that write in ballots have been placed in front of each Councilmember.

City Clerk Staab called for nominations for the office of Mayor. Nominations were as follows:

Councilmember White nominated Councilmember Sheckler

Councilmember Benjamin nominated Councilmember Wasson

City Attorney McLean read the following votes into the record:

- Councilmembers Benjamin, Petersen, Steenrod and Wasson voted for WASSON.
- Councilmembers Thomasson, Sheckler and White voted for SHECKLER.

Councilmember Don Wasson was announced as the new Mayor by a vote of 4 to 3.

### ELECTION OF MAYOR PRO TEM

City Attorney McLean noted the same written ballot process will be used. He called for nominations which were as follows:

Councilmember White nominated Councilmember Sheckler

Councilmember Steenrod nominated Councilmember Benjamin

City Attorney McLean read the following votes into the record:

- Councilmembers Benjamin, Petersen, Steenrod, and Thomasson and Mayor Wasson voted for BENJAMIN
- Councilmembers Sheckler and White voted for SHECKLER

Councilmember Richard Benjamin was announced as the new Mayor Pro Tem by a vote of 5 to 2.

[ED NOTE: The Mayor and Mayor Pro Tem shall serve for the term of January 10, 2002 to the first City Council meeting of 2004.]

### BOARD & COMMITTEE REPORTS

#### Potential Conflict

Councilmember Petersen announced that he may have a potential conflict of interest that could force him to step down from his elected office of City Councilmember. He advised that his towing business supplies towing services for the City's Police Department. He noted that the State Attorney General's Office is reviewing the matter and will issue a ruling. He stated that if it is ruled a conflict, due to the financial hardship of discontinuing those towing operations, he may resign his office as Councilmember.

#### Withdrawal of Law Suit

Councilmember Steenrod read a letter she has written to the law firm of Short, Cressman & Burgess. The letter requested that the law suit she filed against the City be withdrawn. She noted that since her status has changed from a private citizen to a public servant, she feels the

issues could best be handled through collaborative means with the City Council and that the public interest would be best served not to pursue the matter through the courts.

#### Public Forum

Mayor Pro Tem Benjamin announced he is personally holding an informal open public forum on Wednesday, January 23, 2002 at the North Hill Community Club at 7:30 p.m. He encouraged anyone with questions, concerns or comments to attend.

#### COMMENTS FROM THE PUBLIC

##### Dave Upthegrove, State Representative, 33<sup>rd</sup> District

Representative Upthegrove noted that he is the new Representative to the State Legislature and is a Des Moines resident. He encouraged Council to remain a full dues paying member of the Airport Communities Coalition. He cited various concerns over the proposed 3<sup>rd</sup> runway such as destruction of wetlands, security concerns and quality of life. He noted there are state wide budget concerns ahead and he plans to work hard to meet the challenges and work for everyone's benefit.

##### Julia Patterson, Metropolitan King County Councilmember, representing Des Moines area

Councilmember Patterson thanked Councilmember Steenrod for withdrawing her law suit against the City regarding ACC. She noted that the Port of Seattle has yet to engage in serious dialogue regarding the negative impacts of the proposed 3<sup>rd</sup> runway. She encouraged Council to stay with ACC. She announced a Regional Policy Committee that is meant to improve relationships between the cities of King County to become equal partners in facing the upcoming challenges.

##### Rose Clark, Burien City Councilmember

Councilmember Clark welcomed the newly elected Councilmembers and stated that public service is very rewarding. She cited issues of joint concern between Burien and Des Moines including SR 509, school districts, aquifer and noted the most important issue is the proposed airport expansion. She encouraged Councilmembers to work together in cooperation and compromise and offered to lend her help to any Councilmembers who may have questions.

##### Jim Haggerton, Tukwila City Councilmember

Councilmember Haggerton, Treasurer of the Airport Communities Coalition, announced that he shares Councilmember Steenrod's concerns about accountability to the citizens in how funds are used in the fight against the 3<sup>rd</sup> runway. He personally thanked Des Moines City Manager and past and present Councilmembers for their involvement in regional, state and national groups. He cautioned new Councilmembers to not get hung-up on one agenda item or issue, but to stay involved and work together.

##### Pam Carter, Tukwila City Councilmember

Councilmember Carter welcomed the new Councilmembers and encouraged them to look beyond Des Moines' borders and become involved in Association of Washington Cities and other organizations to encourage economic development efforts for the region. She noted there are a lot of common issues and problems, but all should work together for a common vision.

##### Linda Kochmar, Federal Way City Councilmember

Councilmember Kochmar urged Council to remain a strong member of ACC. She advised that the State Auditor has reported a "clean bill of health" for ACC finances. She felt the efforts of ACC will be coming to fruition this year. She concluded by suggesting that rather than a 3<sup>rd</sup> runway, there should be a new regional airport.

##### Tom Slatterly, Highline School District Board Member

Mr. Slatterly advised that there are difficult decisions ahead, but ACC has gained clout by the entities coming together to work hard for a common goal against the Port. He encouraged the new Councilmembers to resist becoming isolated and to continue to improve communications between Des Moines and its neighbors.

##### Jim Bartlemay, 23510 10<sup>th</sup> Avenue South

Mr. Bartlemay advised Council that he has lived in Des Moines for 37 years. Speaking to the newly elected Councilmembers, he noted that they have taken on a very large responsibility with little pay. He encouraged them to work hard to understand issues in depth and to make their own decisions. He felt the biggest issue for Des Moines is the potential 3<sup>rd</sup> runway. He encouraged Council to support ACC to help stop the Port's attack on the environment and quality of life. He

concluded by thanking Councilmember Sheckler for his strong leadership as ACC Chairman and City Manager Olander for his valuable contributions.

Jordan Cranwill, 25822 15<sup>th</sup> Place South

Mr. Cranwill spoke in support of the efforts of ACC and felt the fight is near the end and should not stop now. Mr. Cranwill also spoke in support of the City's sign ordinance feeling it helps control litter on the City's streets and sidewalks.

Mark Schneider, 1853 South 264<sup>th</sup> Place

Mr. Schneider expressed dismay over some of the smear, smut campaign literature that was distributed during the campaign season. He also spoke in support of the City's sign ordinance and stated he has personally helped to clean up graffiti. He concluded by requesting that the sound quality of video taped Council meetings be improved.

Jeanne Moeller, 22211 Cliff Avenue S. #104

Ms. Moeller thanked Councilmember Steenrod for her courage in dismissing her law suit regarding the City's funding of ACC. She noted that Des Moines has been a great leader of the ACC organization and she thanked Councilmember Sheckler for his leadership. She encouraged Council to not give up the fight against the Port.

Dan Caldwell, 19547 2<sup>nd</sup> Avenue South

Mr. Caldwell noted there are large issues facing the City Council including the Marina, utility taxes and the fight against the 3<sup>rd</sup> runway. He encouraged Councilmembers to attend outside regional organizations and meetings to stay involved.

Stu Creighton, Normandy Park Councilmember, Vice Chairman of Airport Communities Coalition

Councilmember Creighton thanked Councilmember Sheckler for his personal commitment and leadership of ACC. He reminded everyone that every year ACC has a financial accounting and audit by the State Auditor's office with excellent reports. He noted that ACC finances are open records. He stated that our district schools are substandard due to the noise impacts of the airport. He reminded Council that the goal is to protect the community and that is what leaders are elected to do.

Ed Coumou, Chamber of Commerce President, 26107 11<sup>th</sup> Place South

As incoming President of the Des Moines Chamber of Commerce, he congratulated the new Councilmembers. He noted there are upcoming opportunities and challenges to create a healthy business community and he offered the Chamber as a resource to work with Council.

Len Oebser, 20724 8<sup>th</sup> Avenue South

Mr. Oebser informed Council that he has lived in the North Hill area for 46 years. He noted one of his main concerns is quality of life and it is his opinion that ACC is doing a good job in the fight against airport expansion. He encouraged Councilmembers to work together and thanked Councilmember Sheckler for his hard work and acknowledged his respect for City Manager Olander in their efforts with the ACC.

Pat Pampeo, 434 SW 186<sup>th</sup> Street

Mr. Pampeo encouraged Council to stay with the Airport Communities Coalition and expressed concerns for the major aquifer which would be under the 3<sup>rd</sup> runway.

Alan Bornstein, 417 South 208<sup>th</sup> Street

Mr. Bornstein spoke in support of the newly installed traffic calming devices in his neighborhood and how they have dramatically improved safety for pedestrians, reduced speeds and decreased noise. He thanked the City for the improvements.

Lala Klenman, 24804 9<sup>th</sup> Place South

Ms. Klenman noted she is the past President of the Huntington Park residential community. She advised that the more than 500 residents of the community are strongly opposed to the 3<sup>rd</sup> runway and the direct quality of life impacts that would occur. She felt it is very important that Des Moines pay its share to help prevent construction of the 3<sup>rd</sup> runway. She concluded by noting that in union is strength and a winning road.

At 9:00 p.m. Mayor Wasson declared a ten-minute recess.

City Clerk Staab left the meeting and Deputy City Clerk Chaufy assumed clerk duties.

COMMENTS FROM THE PUBLIC, CONTINUED

Robert Oestreich, 923 South 245<sup>th</sup> Place

Mr. Oestreich informed Council that a study had been authorized by the Legislature to measure the Port of Seattle's potential mitigation costs. The study indicated that 53% of the expansion impact would be borne by the residents of Des Moines. He felt that the Port of Seattle would be unable to pay the mitigation costs without raising taxes. Mr. Oestreich encouraged Council to continue opposing construction of the third runway.

Alli Larkin, 21937 7<sup>th</sup> Avenue South

Ms. Larkin told Council that on the evening of December 30, 2001, she had found hundreds of empty yet intact gooey duck shells on the beach where Des Moines Creek joins the waters of Puget Sound. Ms. Larkin said that a sulfur smell also permeated the immediate area. She distributed photos of her findings. Ms. Larkin considered the scene to be a result of the Port of Seattle's blatant disregard for the environment, nature, and community. Ms. Larkin said that she had informed CASE and several lawmakers of the situation. She asked Council to continue funding the ACC's fight against the third runway and to keep the streams and beaches safe for wildlife and future generations.

Glenn Tolkenaar, 446 South 208<sup>th</sup> Street

Mr. Tolkenaar spoke in response to recent comments before the Council regarding the traffic circles on South 208<sup>th</sup> Street. Mr. Tolkenaar stated that the process to install the circles had begun in 1997. He said that a traffic study performed two years ago indicated that of the 1,200 vehicles that traveled the road per day, 85% of them were travelling 25 to 35 miles per hour while the remaining 15% were travelling at a higher rate of speed. In regard to the petition for the traffic circles, Mr. Tolkenaar said that the project had obtained 70% of the surrounding residents' signatures. Mr. Tolkenaar felt that the traffic circles had increased the area's safety and improved the neighborhood.

Stan Scarvie, 204 South 206<sup>th</sup> Street

Mr. Scarvie congratulated Council and the ACC for their victory regarding the pollution stay. He encouraged Council to continue the effort. He expressed thanks to Councilmember Sheckler for his leadership of the ACC and to City Manager Olander for his management of the City.

Joe Coomer, 16857 Des Moines Drive, Burien

Mr. Coomer stated his belief that Councilmember Peterson did not have a conflict of interest due to his business relationship with the City. Mr. Coomer felt that Councilmember Sheckler had a conflict of interest however, as Councilmember Sheckler's spouse was employed by the City. Mr. Coomer recommended that the Council perform an audit of the ACC. He felt that some of the expenditures should not have been approved. Mr. Coomer said that the RCAA had used taxpayers' money for political purposes. He felt that ACC funding hindered capital improvements. He predicted that the ACC would lose and the City would wind up with nothing.

Barbara McMichael, 22810 Thunderbird Drive

Ms. McMichael asked Council to continue their opposition of the third runway and to continue funding the opposition. She said that her parents, who had been actively involved in the annexation of the city of SeaTac, were now disappointed that SeaTac had failed to stand up to the Port on behalf of its residents.

Garry Wamsley, 22529 6<sup>th</sup> Avenue South

Mr. Wamsley said that he did not support construction of the third runway but he felt it would still happen. He felt that ACC funding was depriving other City programs from proper funding.

Bill Wallace, 207 South 212<sup>th</sup> Street

Mr. Wallace informed Council of his opinion that Alaska Airlines controlled the Port of Seattle. He felt that Alaska Airlines wanted the third runway to be constructed. He said that the Port of Seattle was spending money without proper legislative approval. He said the City must fight this or it would be hurt. Mr. Wallace also asked Council to study the four sheds that were supposed to be returned to the City.

Earline Byers, 22315 6<sup>th</sup> Avenue South, #A308

Ms. Byers thanked Council for their willingness to serve the residents of Des Moines. She encouraged them to work together to represent the best interests of the citizens. Ms. Byers pledged her support to the Council.

## ADMINISTRATION REPORT

### Council Committees

City Manager Olander announced that the Mayor was scheduled to make Committee assignments during the January 24, 2002 meeting. He briefly listed the various committees. He asked Council to contact the Mayor with their first and second choices.

CONSENT CALENDAR was read by Deputy City Clerk Chaufty.

1. Motion is to approve the minutes of December 13, 2001.
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 42.24.080, 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 #79162 through #79509 & electronic fund transfers in the total amount of \$977,517.05

Payroll fund transfers in the total amount of \$556,384.44

**MOTION** was made by Councilmember Sheckler, seconded by Councilmember Thomasson and passed unanimously to approve the consent calendar as read.

### NEW BUSINESS

Draft Ordinance No. 02-001 [Assigned Ord. No. 1299] - Regarding Drug Paraphernalia - 1<sup>st</sup> Reading

Commander Tucker informed Council that, if approved, Draft Ordinance No. 02-001 would make possession of drug paraphernalia a misdemeanor offense in the City of Des Moines. He noted that Kent and Federal Way have adopted similar ordinance language. He explained that the City's code currently relies on the state law addressing possession of drug paraphernalia, which was difficult to enforce. Commander Tucker displayed some confiscated drug paraphernalia. He said that the proposed ordinance would also provide an investigative tool for the Police.

City Attorney McLean explained that prescription instruments were excluded from the proposed ordinance.

**MOTION** was made by Councilmember Sheckler and seconded by Councilmember White to suspend Council Rule 26(b) to consider Draft Ordinance No. 02-001 on the first reading.

**VOTE ON MOTION**: Motion passed, 5 – 2, with Mayor Wasson and Councilmember Peterson opposed.

**MOTION** was made by Councilmember Sheckler and seconded by Councilmember Thomasson to adopt Draft Ordinance No. 02-001, making possession of drug paraphernalia a misdemeanor offense in the City of Des Moines.

Upon questioning, City Attorney McLean clarified that the proposed ordinance set the minimum penalty only as state law set the maximum penalty. He noted that Shoreline and Kirkland had adopted similar ordinances. He said that he could check whether Tukwila had also adopted such language.

**VOTE ON MOTION**: Motion passed unanimously.

### EXECUTIVE SESSION

At 10:05 p.m., Council recessed into Executive Session for approximately thirty minutes to discuss personnel matters. No formal action was anticipated.

At 10:35 p.m., City Attorney McLean announced that Council would remain in executive session for approximately another fifteen minutes.

At 10:50 p.m., City Attorney McLean announced that Council would remain in executive session for approximately another ten minutes.

At 10:50 p.m., Councilmember Sheckler left the meeting.

No formal action was taken.

NEXT MEETING DATE - Study Session January 17, 2002

ADJOURNMENT

The meeting adjourned at 11:00 p.m.

Respectfully submitted,

Denis Staab, City Clerk

Angela M. Chaufy, Deputy City Clerk