REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES February 28, 2002

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

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

ROLL CALL - Present: Mayor Don Wasson, Mayor Pro Tem Richard Benjamin, Councilmembers Gary Petersen, Maggie Steenrod, Scott Thomasson and Susan White. Absent: Councilmember Bob Sheckler (illness). Also present were Assistant City Manager Tony Piasecki, City Attorney Gary McLean, Park and Recreation Director Patrice Thorell and Deputy City Clerk Angela Chaufty.

> **MOTION** was made by Councilmember White, seconded by Councilmember Thomasson and passed unanimously to excuse Councilmember Sheckler from attendance, approve the agenda as submitted and, if any new items for the meeting's agenda are submitted, to contact Councilmember Sheckler by telephone so as to allow him to participate in the meeting.

COMMENTS FROM THE PUBLIC

Robert Bonds, 22011 16th Avenue South

> On behalf of D & R Construction, Mr. Bonds informed Council that he had requested a street vacation from the City on August 14, 2000. In March, 2001, he had refiled the request since the incorrect form had been provided to him. As no action had yet been taken on the application, Mr. Bonds asked Council to give street vacations a higher priority. He felt the street vacation would result in a good project for the City.

Robert McCauley, 553 John Street, Seattle

> Mr. McCauley identified himself as the representative of City of Des Moines' Teamsters Local Union No. 763 employees.
>
> Mayor Wasson stated that any comments regarding the current negotiation process would be out of order as the city and Union had designated negotiation teams.
>
> Mr. McCauley said that he did not wish to address Council regarding the negotiations. Upon approval from Mayor Wasson, Mr. McCauley then read a statement voicing support for the direction Council was taking and the changes they had made.

Tom Sitterley, 601 South 227th Street

> Mr. Sitterley said that he was appalled by recent editorials from a Des Moines News reporter. He felt the stories were inaccurate and biased. Regarding the City's finances, Mr. Sitterley stated that the City had experienced continuing revenue shortfalls since 1999. He said that he had requested a copy of the 2002 budget three weeks ago but had not received it yet. Mr. Sitterley told Council that nine of the budget's line item totals had increased over the CPI percentage. He encouraged Council to revisit the 2002 budget and make changes now while money was still available. He said that if Council returned 14 of the line items to their 1999 budgeted amount, the City would save $2,000,000.

Stan Scarvie, 204 South 206th Street

Mr. Scarvie said he disagreed with Council's decision to remove Bob Olander from his position as City Manager. Mr. Scarvie felt that this move would result in a loss to all in the City. He also said that, in his opinion, Wescot's indication that they could avoid the Comprehensive Plan process by calling their conveyor system a transportation system was incorrect. As an underwriter, Mr. Scarvie felt that the City had a significant liability exposure due to the lack of a written contract for towing services between the City and Petersen Northwest Corporation. He asked Council to direct staff to develop a contract with Petersen Northwest Corporation that clearly detailed the terms, conditions, expectations, and responsibilities of the entities and included a hold harmless clause. Mr. Scarvie said that it was the responsibility of Council to protect the exposure of the City and its residents.

Craig Spurlock, 20406 4th Avenue South

Mr. Spurlock said that he agreed with most of Council. He said that no one in the community wanted the third runway to be built but that it would still be forced upon the area. He voiced concern that the City would not be able to obtain any benefit from it if they continued to fight its construction. Mr. Spurlock stated his desire to hear both sides of the issues. He felt that the newspaper was providing a one-sided report.

Mayor Wasson asked City Attorney McLean to read the public hearing rules of conduct.

City Attorney McLean did so.

Mayor Wasson announced that the public hearing rules of conduct would be applied during the Comments from the Public portion of the meeting.

Mr. Spurlock asked Council not to remove the boat launch from the Des Moines Marina.

George Minnich, 22701 19th Avenue South

Mr. Minnich informed council that major events at the Mount Rainier Swimming Pool created parking problems in the surrounding neighborhood. He said that the pool's Environmental Impact Statement had indicated that there would be no impact to the surrounding neighborhood but residents had repeatedly encountered blocked driveways, experienced vandalism, and received threats from pool users. He recounted a situation occurring in January in which he called the police three times regarding illegally parked vehicles. Mr. Minnich asked Council to tell ValleyCom that parking calls were to be considered as in-progress calls. He also asked that the City require the pool to inform them of major events and to work out the parking situation with the School District.

Joseph Coomer, 16857 Des Moines Memorial Drive, Burien

Mr. Coomer said that he had attended a City of SeaTac Council meeting at which they were discussing revisions to their sign code. He suggested that the cities of Des Moines and SeaTac adopt a common sign ordinance that permitted A-frame signs and allowed for a window for political signs. He asked that a penalty be established for the destruction of political signs. Mr. Coomer also encouraged Council to purchase a "timer sign" for their meetings.

Jordan Cranwill, 25822 15th Place South

Mr. Cranwill informed Council that he had spent considerable time trying to keep Des Moines clean. He said that he resented a non-resident telling the City what to do. Mr. Cranwill stated that since taking office Council had replaced a hardworking and knowledgable ACC representative, started the process to expedite the construction and implementation of a conveyor belt, and asked the City Manager to resign. Mr. Cranwill asked Council to consider the cost of replacing a quality City Manager and to fly in and house appropriate applicants. He asked City residents to get involved, to come to City Council meetings, and to be informed.

David Kaplan, 2614 South 226th Street.

In his opinion, Mr. Kaplan said that a City Manager should only be replaced due to incompetence, illegal activity, or a refusal to follow the will of Council. As City Manager Olander was not guilty of any of those things, Mr. Kaplan asked Council to explain their justification for asking for his resignation or firing him. In regard to fiscal responsibility, Mr. Kaplan said that City Manager Olander was responsible for the establishment of the City's reserve accounts. In regard to Mr. Sitterley's previous comments, Mr. Kaplan stated that $8,000,000 of the City's $13,000,000 budget was dedicated to police, jail, and dispatch services, services which the City had little control over. Mr. Kaplan said that the City's financial needs were a long-term issue that would not be solved by the conveyor belt.

Kathy Gehring, SeaTac

City of SeaTac Mayor Kathy Gehring informed Council that she was attending the meeting in order to familiarize herself with other councils. She said that she looked forward to working with Des Moines. Mayor Gehring told Council that the City of SeaTac had a sign code and was working to clean up their signs.

Jeanne Moeller, 22201 Cliff Avenue South

Ms. Moeller asked Council to review the rules governing study sessions. She asked them to either conduct true study sessions or to make all of their meetings regular meetings. Ms. Moeller requested that Council reconsider their action against City Manager Olander. In her opinion, Mr. Olander had demonstrated high ethics and morality and presented a marvelous role model. In regard to the conveyor belt, Ms. Moeller said that Mayor Wasson had stated that the City could receive $5,000,000 in mitigation fees. She advised that the money received would be used to mitigate the damage caused by the conveyor belt rather than to aid the City's budget. Ms. Moeller stated her belief that the City residents' quality of life was worth much more than $5,000,000. She said that the City would never know whether they could defeat the Port if they were not even willing to fight.

John Pekunski, 22334 10th Avenue South

Mr. Pekunski encouraged Council to maintain the current Marina Master Plan and to continue the Marina's launch facilities.

Mark Schnieder, 1853 South 264th Place

Mr. Schnieder said that he had reviewed the individual Councilmembers' statements recorded in the voters' pamphlet. He encouraged Council to remember their statements. Mr. Schnieder said that he would like to hear both sides of the story but Council was not presenting any additional information. Mr. Schnieder said that he did not understand the actions taken against the City Manager.

BOARD & COMMITTEE REPORTS

Request for Agenda Items

Councilmember Steenrod requested that Council discuss the budget at the next meeting. As potential options for reducing the budget, she suggested that Council possibly reduce City travel, freeze hiring, or minimize overtime. Ms. Steenrod also suggested that a council committee be formed to review budget related items in-depth. She asked that this topic also be discussed at the next meeting.

Budget & Executive Sessions

Mayor Pro Tem Benjamin read a statement asking the citizens to consider the services provided to them by the City and to identify which services were essential. He said that he would then like the information to be reviewed by a committee, have staff prepare a summary of how the money was currently being spent, and allow the public to identify the priorities for the community. In his statement, Mayor Pro Tem Benjamin said that either in ignorance or with purpose one of the Councilmembers had made a public disclosure that should have been protected by executive session. He said that he had received a phone call from a reporter stating that he had overheard matters that had been discussed in executive session. Mayor Pro Tem Benjamin requested that the provisions of the statute on public meetings, especially concerning executive sessions, be read publicly to insure that its regulations are followed. [Editor's Note: City Attorney McLean responded to Mayor Pro Tem Benjamin's request after the consent calendar.]

PRESIDING OFFICER'S REPORT

Draft Resolution No. 02-031 - Verizon Wireless - Conditional Use Permit Application

Mayor Wasson announced that the public hearing regarding Verizon Wireless would be postponed to a later meeting.

Assistant City Manager Piasecki explained that staff had determined that some people had not received their notification of the public hearing.

CONSENT CALENDAR was read by Deputy City Clerk Chaufty.

1. Motion is to approve the minutes of January 17, 24 and February 7, 2002.

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 #79714 through #80116 & electronic fund transfers in the total amount of $927,556.57
Payroll fund transfers in the total amount of $580,152.93

3. Motion is to authorize the City Manager to sign an intergovernmental agreement with the Washington State Department of Community, Trade and Economic Development for grant funds in the amount of $26,250. The agreement shall provide funds for the review and update of the Greater Des Moines Comprehensive Plan, and shall be in a form approved by the City Attorney.

4. Draft Ordinance No. 02-009 ***[Assigned Ord. No. 1300]*** - Title: An Ordinance of the City of Des Moines, Washington amending Ordinance No. 844 by extending through December 31, 2002 the non-exclusive franchise transferred to AT&T pursuant to Resolution No. 859, to construct, install and operate, repair, replace and maintain lines, wires, coaxial cable and

appurtenances for originating, receiving, distributing and supplying radio, television and other cable communications services along, across and upon public streets, ways, alleys, and places within the City of Des Moines.
MOTION is to approve Draft Ordinance No. 02-009 on second reading.
5. Draft Ordinance No. 02-005 ***[Assigned Ord. No. 1301]*** - Title: An Ordinance of the City of Des Moines, Washington, relating to solid waste management, amending DMMC 7.10.010 to adopt by reference the Final 2001 Comprehensive Solid Waste Management Plan.

TWO MOTIONS: First motion is to suspend Council Rule 26(b). Second motion is to approve Draft Ordinance No. 02-005.

6. Motion is to purchase 2,278 square feet of land with improvements from Roy B. and Eleanor D. Schaefer, in the amount of $58,746 plus closing costs, and to purchase 1,655 square feet of land with improvements from Kevin T. and Sharon K. Morris, in the amount of $29,179 plus closing costs, and further to authorize the City Manager to sign the Purchase and Sale Agreements substantially in the form as submitted.
7. Motion is to approve the Interlocal Agreement with the Cities of Renton and Tukwila to temporarily house offenders who are awaiting transport to Yakima County and authorize the City Manager to sign the agreement substantially in the form as submitted.

MOTION was made by Councilmember Thomasson and seconded by Councilmember Petersen to approve the consent calendar as read.

Assistant City Manager Piasecki announced that Councilmembers Petersen and Steenrod had recused themselves from voting on Item No. 6 as it involved the purchase of Pacific Highway South property.

VOTE ON MOTION: Motion passed unanimously.

NEW BUSINESS

Mayor Pro Tem Benjamin's Board and Committee Report – City Attorney's Response

City Attorney McLean said that he would like to speak with Mayor Pro Tem Benjamin to determine the specific executive session provision he was referring to and then prepare a legal opinion regarding the issue.

Mayor Wasson agreed.

Draft Resolution No. 02-034 ***[Assigned Res. No. 923]*** Haunted House Authorization

Park and Recreation Director Thorell informed Council that the City of Des Moines, Des Moines Rotary Club, and SCARE Productions had worked together for several years to provide the community Haunted House event at Des Moines Beach Park. As a Haunted House event partner, the City received 33.3% of annual event proceeds. Park and Recreation Director Thorell introduced Rotary President Joe Dusenbury.

On behalf of the Des Moines Rotary Club, Mr. Dusenbury introduced in-coming president Susan Goegebuer. He listed the various local, regional, and international programs that had received funding support from Rotary through the Haunted House. Mr. Dusenbury then introduced Terrea Simmons and Curt Madden from SCARE Productions.

Ms. Goegebuer presented Council with a check for $15,850 for the city's share of last year's Haunted House proceeds.

Ms. Simmons informed Council that SCARE Productions logged over 7,500 volunteer hours, not including security or construction time, to produce the Haunted House.

Mr. Madden said that approximately 3,500 volunteer hours were spent constructing the Haunted House. SCARE Productions worked with Police, Fire, and Veterans of Foreign War personnel to insure the security of the production and its patrons. Security measures include radio communication, park sweeps, security systems, and response teams.

Ms. Simmons informed Council that over 250,000 people had gone through the Haunted House since its beginning. She identified increasing local merchant involvement as an on-going goal of SCARE Productions. SCARE Productions' proceeds from the Haunted House were used to finance volunteer communications, to purchase and develop show improvements, and to fund contributions to various charities. She said that SCARE Productions had donated to the Bicycle Helmet Fund, Angel Tree Program, Toys for Tots, Mary Bridge Hospital and Children's Hospital. A bench and swing set had also been donated by SCARE Productions to the Des Moines Beach Park. Ms. Simmons thanked the City of Des Moines for their assistance in making the Haunted House project work.

In response to Councilmember Thomasson's question, Park and Recreation Director Thorell confirmed that except for the listed dates the proposed resolution was identical to the previously adopted Haunted House resolution.

MOTION was made by Councilmember Thomasson, seconded by Councilmember White, and passed unanimously to adopt Draft Resolution No. 02-034.

Request for Information

Councilmember Steenrod said that two different people had told her that the Assistant City Attorney had given a package of material regarding City Manager Olander to The Seattle Post-Intelligencer. She asked for the following information regarding the package:

Who requested the information?
Why was the material ready?
Was the material confidential?
Did proper channels clear the information?

City Attorney McLean said that Councilmember Steenrod's information was incorrect. The reporter had requested public information related to the Attorney General's letters regarding the towing issue. That was the information the reporter received. It had nothing to do with City Manager Olander.

NEXT MEETING DATE - March 7, 2002 Study Session

ADJOURNMENT

MOTION was made by Councilmember Thomasson, seconded by Councilmember Steenrod, and passed unanimously to adjourn the meeting.

The meeting adjourned at 8:57 p.m.

Respectfully submitted,

Angela M. Chaufty
Deputy City Clerk