

PRELIMINARY
REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES

March 4, 2004

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

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

ROLL CALL - Present: Mayor Bob Sheckler, Mayor Pro Tem Scott Thomasson, Councilmembers Richard Benjamin, Gary Petersen, Dan Sherman, Maggie Steenrod and Susan White. Also present were Assistant City Manager Corbitt Loch, City Attorney Linda Marousek, Parks and Recreation Director Patrice Thorell and City Clerk Denis Staab.

AGENDA REVISION

Mayor Sheckler announced that he would move Discussion Item #1 to the end of the Agenda due to the fact that individuals are present tonight regarding discussion items 2 and 3.

Draft Resolution No. 04-030 Des Moines Rotary Wine & Seafood Festival

Clark Snure, Rotary Club Representative, informed Council that the event is to be held in the north end of the Marina parking lot in March 2005. He noted that the proposed festival will feature selected Washington State wineries, musical entertainment and local seafood restaurants. Its intent is to promote the Des Moines community and businesses, and to raise funds for charitable community and educational projects supported by the Des Moines Rotary Club. The plan is for a three day event, Friday to Sunday, with hours of 10 a.m. to 5 or 6 p.m. He noted that the event will be held inside a large tent with a roof with no outside activities planned. He further noted that no one under the age of 21 will be admitted. Plans call for Rotary to provide the following:

- Toilet Facilities
- Off duty Police and Rotary staff & volunteers to monitor activities and check ID
- Garbage receptacles and clean-up
- Sales of bottles of wine for off premises consumption available

He further advised that Rotary will be soliciting sponsorships from local restaurants and hotels/motels.

Mr. Snure informed Council that he has attended similar events in the area, and worked as a volunteer, and learned things to include in the event as well as what to avoid. He advised that the event is planned in the middle of March so as to not interfere with normal boating activities. He concluded by requesting Council's approval of the event so that Rotary may move forward to solicit sponsors.

Upon questioning by Council, Mr. Snure stated that he has not formally contacted the residents near the Marina nor the Chamber of Commerce, as he is waiting for Council's approval before moving forward. He also stated he has not contacted local wineries for the same reason.

City Attorney Marousek advised Council that the draft resolution and proposed contract is almost identical as to what is required for Waterland. She noted this was an effort to treat organizations in the same manner.

Councilmember White commented that she felt this would be a positive event for the City and thanked Mr. Clark for the advance request.

Mayor Pro Tem Thomasson expressed the following concerns over copying the format of the resolution and agreement terms that are used for Waterland:

- This event is strictly a fund-raiser for Rotary, therefore using the City Currents to advertise is going too far [ED NOTE: Later agreed it is a community event.]
- Permission to use City parks and right-of-way is not appropriate
- Draft Resolution:
 - Section 1(5), fees should not be waived
 - Section 1(6)(a), no need to close the boat launch
 - Section 1(6)(e), not required as community festival
 - Section 1(6)(h), sees no need to fence other than safety of people, but does not feel this is clear
 - Section 2, too broad. Sees no reason to use City parks or right-of-way
 - Section 3, questioned what is the City's policy regarding using the City Currents for advertising purposes of a non-City sponsored event

Councilmember White expressed the opinion that the City should enhance the use of the City Currents for community events. Citizens want to know what is going on and this is the only item that actually gets mailed to every resident in the community.

Upon questioning by Council regarding service organizations advertising in the City Currents, City Attorney Marousek stated that there is no written policy. She noted that once you create what is called a "traditional public forum" in a City newsletter or TV channel then you have to let everybody use it on equal terms. She advised that the Council, as a legislative act, can authorize this type advertising on a case by case basis, or not.

Assistant City Manager Loch informed Council that the same issue has come up in regards to using the City's web site. He noted that the best thing that the City has to fall back on are the policies for the character generator which were adopted by the City Council by ordinance. He suggested that staff should prepare a draft ordinance to cover advertising using the various City mediums for Council to consider.

Mayor Pro Tem Thomasson commented that any other newsletters, such as from the Senior Center or the Marina, should be included.

City Attorney Marousek advised that it is within the Council's authority, if it finds that it is in the public's interest, to authorize advertising in the City Currents on a case by case basis.

Councilmember Benjamin questioned what type of security arrangements have been made. Mr. Snure noted that at the present time Rotary plans to hire off-duty Des Moines police personnel, along with their own security personnel that have been educated in checking ID. Security would also patrol the area with two-way radios to be able to contact Police officers if any event should warrant it. He further noted that Rotary will work closely with the Fire District in order to not violate any Code regulations.

Councilmember Benjamin commented that he wants to be sure all community type festivals are treated equally and perhaps this would be a good time to review the City's security policy for festivals to ensure we get the best security and the best quality for the money.

Mr. Snure stressed that while the event is sponsored by Rotary, they want this to be a community event involving the Chamber of Commerce and other service organizations, to benefit the entire City, and would appreciate being able to advertise in the City Currents.

Councilmember Sherman stated that he is not prepared to take final action on the draft resolution and agreement tonight. He noted that he agrees with Mayor Pro Tem Thomasson's comments, but really likes the idea of an annual community event and expressed appreciation for the lead time from Rotary. He further advised that he would like to see the condo owners more involved as required for Waterland.

Councilmember Steenrod noted that the first time an event is held you can not be sure of what to expect. She felt what is before Council tonight should be considered a preliminary request and have Rotary come back later after talking with condo owners and others. She would prefer the approval be given for one year and that would allow an opportunity to see what worked and what didn't for the next event. In regards to advertising in the City Currents, City's web site and Channel 21, she noted this could be considered a potential revenue source and is a separate issue, and she feels that the City needs to establish a policy regarding this. She noted that overall this seems like a great idea, but not sure that modeling language after Waterland is such a good idea. She also suggested Rotary consider doing something that would draw people who do not drink. She requested that Rotary work carefully with the Police Department regarding people drinking and then getting in their cars and driving. She expressed concern over the City endorsing sponsorship of this event because of the drinking and potentially sending a mixed message.

Mr. Snure pointed out that Rotary is not requesting that the City be a sponsor of the event. But, would appreciate having it advertised in City newsletters as it is an event that is occurring within the City limits.

Councilmember Petersen advised that he can support the resolution with a few items "cleaned up".

Mayor Sheckler noted that he senses overall approval of holding this event with some modifications to the proposed draft resolution. He summarized comments and changes as follows:

- Notification to condo owners
- Paragraph 5, section 1: Fees (need to know what fees)
- Closing boat launch, potentially delete
- Reasonable efforts to advertise as community event (okay to stay)
- Fencing as required by Liquor Board
- Section 2 - more specific as to what is proposed (eliminate references to Field House, right-of-way) ((needed for Waterland Parade))
- Need itemized cost estimate for City overall (police, maintenance, garbage pick-up)

Mayor Sheckler requested that Administration work with Mr. Snure to bring back a document for Council's consideration at a later date.

MOTION was made by Mayor Pro Tem Thomasson, seconded by Councilmember Steenrod, to continue this item to a date to be coordinated by the Mayor and Administration. Motion passed unanimously.

4th of July Fireworks Over Des Moines

Parks and Recreation Director Thorell noted that the 4th of July fireworks event has been held for the past three years. She introduced Brook Powell of Powell Homes, who is partnering with Cliff Hanna who originated the event. She advised that the event has proved to be very successful and staff feels that it is a good time for the City to become a partner of the event. She advised that improved site management measures should be put into place to ensure emergency vehicle access to the Marina and for area-wide pedestrian safety. She noted that the Fire Department will continue to patrol the water area as they have done in the past.

Mr. Hanna informed Council that the event has become so popular it is now at the point that it needs the community's help and support to continue the event to celebrate the County's freedom. He advised that the number of citizens attending the event has grown considerably. He noted Powell Homes is financially very supportive.

Mr. Powell advised that this year they have doubled the fireworks budget and need help from the City Police Department and other staff to ensure a safe and successful event for this year.

Councilmember Thomasson thanked Mr. Hanna and Mr. Brook for the fireworks show. He questioned Des Moines Police Chief on whether the police could cover this event and deal with other problem areas in the City.

Police Chief Baker informed Council that he feels the department is capable of handling this event and still respond to normal emergencies, especially if combined with other Police agencies.

Councilmember Benjamin thanked the sponsors of the event and felt that the City should contribute to the event in some form.

Councilmember Steenrod commented that if this public display continues citizens would be less likely to use fireworks at home. She encouraged local businesses and citizens to financially support the event. She also felt this could be another item that would come under the City's advertising policy. She questioned the insurance liability the City may encounter, in particular volunteers. She noted that she would be uncomfortable in committing the City to anything for more than one year at a time.

Mayor Pro Tem Thomasson voiced support for handling this event on an annual basis only, as it could have an impact on the City's budget. He questioned costs for the Police Department.

Parks and Recreation Director Thorell noted that specific impacts would need to be looked at and how they should be managed. She noted that staff is in the process of putting together a new special events permit that will address a lot of issues. She advised that in the past, Mr. Hanna has worked directly with the Police Department and personally paid for those services on his own. She stated this amounted to between \$1,200 and \$1,600 for police services.

City Attorney Marousek advised that in the past these issues have been silent and that is why staff is asking for direction from Council to set the level of City involvement.

Mayor Pro Tem Thomasson noted that it is not clear whether this request is for a resolution for one year, or three years with full funding. Parks and Recreation Director Thorell noted the intent was for a three year commitment from the City as that is the commitment Mr. Hanna and Mr. Powell have agreed to for providing the fireworks.

MOTION was made by Councilmember White, seconded by Councilmember Petersen, to direct staff to prepare a draft resolution subject to renewal or sunset after three years, to support Fireworks Over Des Moines by establishing a working partnership between the City and Fireworks Over Des Moines and setting the level of City involvement.

Councilmember Benjamin questioned how does the City contribute more, such as to the fireworks display itself.

Mayor Pro Tem Thomasson felt that when the draft resolution comes to Council that is when the parameters should be established. He stated that the request is for the City to provide traffic control and other functions, but not to put money into the fireworks display. He suggested that the Fire District have a booth to talk about personal fireworks safety.

Upon questioning by Councilmember Steenrod, Parks and Recreation Director Thorell noted that the Fire Chief has been involved in meetings and is very supportive of the event as they have been in the last three years.

Councilmember Sherman thanked the private individuals who have contributed financially to the event. He expressed concern about spending more money on an annual basis when the City is on such a tight budget. He stated that he would never support the City spending money on a fireworks display until private fireworks are banned.

Upon questioning by Councilmember Petersen, Mr. Hanna noted that the fireworks display will not be longer with additional funding, but the quality will improve.

Mayor Pro Tem Thomasson commented that the 4th of July Fireworks show is somewhat competitive with the Waterland Fireworks show and suggested that perhaps the fireworks at Waterland be discontinued and use the 4th of July as sort of a start to all summer events in Des Moines.

Councilmember Benjamin stated it is his opinion that two fireworks displays are better than one.

VOTE ON MOTION: Motion passed 6 to 1 with Councilmember Sherman opposed.

8:54 p.m. Mayor Sheckler called for a 10 minute break. Councilmember White left the Council meeting.

Redondo Boat Launch Improvements - Change Order and Budget Adjustment

Assistant City Manager Loch informed Council that with the IAC grant in the amount of \$16,325, if accepted by Council, the landscape arbors would be completely funded.

Assistant City Manager Loch advised Council that the soils at the parking lot area are saturated from winter rains, and are unsuitable for paving. He stated that we could wait for summer for the

soil to dry out. However, he requested that the Council authorize funds be appropriated to correct the situation and allow for the project to be completed. He requested approval as follows:

- \$11,690 from Comcast Tidelands Lease
- \$15,820 from Marina bond revenue

Upon questioning by Mayor Pro Tem Thomasson, Assistant City Manager Loch stated that the soils problem was not caused by the Contractor, but rather from doing the work during the winter months.

MOTION was made by Councilmember Sherman, seconded by Councilmember Steenrod, to appropriate the following funds to the Redondo Boat Launch Improvement Project: 1) an increase in the IAC grant in the amount of \$16,325; 2) \$11,690 of the Comcast tideland lease revenue; and \$15,820 of Marina bond revenue. Also, authorize the City Manager to enter into the necessary agreements to accept the grant funds and complete the construction project as outlined in Council packets. Motion passed unanimously 6 to 0.

Intergovernmental Policies and Positions

Mayor Sheckler noted that two Councilmembers are leaving for Washington D.C. early tomorrow morning and that Councilmember White has already left the meeting. He suggested that either just certain items be addressed, or move this item to another meeting.

Councilmember Benjamin stated that he has a list of items he wishes to discuss so he would prefer this subject be moved to another meeting date.

MOTION was made by Councilmember Benjamin, seconded by Councilmember Steenrod, that the subject be moved to another meeting date. Motion passed unanimously 6 to 0.

NEXT MEETING DATE

Mayor Sheckler announced that the next regular meeting will be March 11, 2004.

ADJOURNMENT

At 9:12 p.m., **MOTION** was made by Councilmember Sherman, seconded by Councilmember Petersen and passed unanimously, to adjourn.

Respectfully submitted,

Denis Staab
City Clerk

ACTION ITEMS FROM MARCH 4, 2004 MEETING

- Prepare policy guidelines regarding use of City newsletters for advertising purposes.