

REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES

March 6, 2003

At 7:30 p.m. Mayor Steenrod announced that the meeting start will delayed for approximately 10 minutes to allow the Public Safety and Transportation Committee to conclude their meeting.

The regular study session of the Des Moines City Council was called to order by Mayor Steenrod at 7:40 p.m. in the Council Chambers, 21630 11th Avenue South, Suite B.

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

ROLL CALL - Present: Mayor Maggie Steenrod, Mayor Pro Tem Richard Benjamin, Councilmembers Gary Petersen, Bob Sheckler, Scott Thomasson, Don Wasson and Susan White (left the meeting at 8:54 p.m.). Also present were Acting City Manager Corbitt Loch, City Attorney Linda Marousek, Assistant City Attorney Richard Brown, Public Works Director Tim Heydon, Assistant City Engineer Maiya Andrews, Police Commander John O'Leary and City Clerk Denis Staab.

DISCUSSION ITEMS

RCAA Final Billing

Councilmember Wasson stated that after reviewing the invoices submitted by the RCAA, he felt that benefits to the City were non-existent and therefore Council should not spend taxpayer dollars for no benefit. He further felt that during the time period covered, activity was mainly confined to legal actions by lawyers of ACC and that citizen involvement played no part in any of the legal arguments. Since there was strictly legal procedures during this time frame this would be his rational for denying payment of the billing.

Councilmember Thomasson advised that this is a contract issue. He noted that for a number of years RCCA has provided various services and the 2002 services were more or less the same as previous years and the City has not requested any change. He voiced the opinion that the idea of not paying RCAA is being led by personality issues. He feels the City should honor the contract in accordance with the termination clause and pay the invoice.

MOTION was made by Councilmember Thomasson, seconded by Councilmember Sheckler, to authorize payment of \$22,065.22 to the Regional Commission on Airport Affairs as full and final payment for services provided in 2002.

Councilmember Petersen expressed concern that both the 1st and 2nd quarter billings from RCAA were sent on the same date.

Councilmember Sheckler remarked that having observed RCAA activities for several years, he feels they have done a commendable job of keeping citizens informed, which is their purpose. He further advised that RCAA has taken on some of the side issues that ACC did not have the time to take on. He felt RCAA has performed their tasks and should be paid for their past service.

In response to Councilmember Petersen's concern, City Attorney Marousek noted that the contract calls for quarterly payments to be made and therefore it is the City's responsibility to pay.

Larry Corvari, President of RCAA, remarked that cities are typically slow in paying, however when there was an apparent change in City policy direction with the City Manager being fired, RCAA decided the first and second quarter bills should be sent to the City. That is the reason they have the same date. He noted that normally billings are not sent as the cities know their responsibility to pay.

Councilmember Wasson remarked that RCAA members are actively pursuing litigation against Des Moines Councilmembers during the billing time in question. He further noted that RCAA provided written material to citizens during the Council election, publishing information to try to influence the outcome of the Council election, with false statements. He felt the City should not be paying for this type of activity. He advised that he will vote against any payment and encouraged other Councilmembers to vote likewise.

Councilmember White questioned whether Councilmembers involved in the PDC investigation should even be voting on this issue.

City Attorney Marousek responded that this is not a quasi-judicial matter, and generally there is no financial interest involved, therefore no disqualifying factor exists.

Mayor Steenrod remarked that it appears that RCAA is duplicating efforts of other organizations that are doing the same job.

Councilmember Thomasson advised that this was a negotiated contract and that RCAA kept their end of the agreement. Des Moines needs to maintain its reputation and pay the amount due per the contract.

VOTE: Motion failed 4 to 3 with Councilmembers Sheckler, Thomasson and White voting YES.

Draft Ordinance No. 02-264 Traffic Impact Fees

Public Works Director Heydon advised that at Council direction at the February 6th Study Session, Council sent the draft ordinance to the Public Safety & Transportation Committee to review the level of fees.

City Attorney Marousek called Council's attention to the new codification language in the draft ordinance.

Mayor Pro Tem Benjamin, Chairman of the PS&T Committee, informed Council that the Committee recognized the impacts of new construction and the need to fund transportation improvements, however had some concern that the fees would be a deterrent to attracting new businesses. He informed Council that the Committee determined that businesses are committed to proper roads and their maintenance, and wants assurance of proper traffic flow. Therefore, the transportation impact fee is good for business. The Committee is recommending an incentive for new businesses by using a graduated rate schedule as follows: 70% base rate for 2003, 80% base rate for 2004, 90% base rate for 2005, with the full 100% base rate to be instituted in the year 2006.

Upon questioning by Mayor Steenrod regarding the City of Kent using an LID process, Public Works Director Heydon explained that the City of Kent has a large staff to handle only commercial development. He noted a Local Improvement District, requires a large amount of engineering, technical and legal staff. He felt this would not work for Des Moines.

In response to Council questioning, Acting City Manager Loch advised that the traffic impact fees for the Pacific Ridge area were developed to encourage development by allowing developers to know up front what fees will be expected. He felt that early notification to developers is important and will work City-wide.

Assistant City Engineer Andrews noted that the residential zone of the Pacific Ridge area is exempt and the commercial area east of the Highway is split, with a credit for impacts fees in place.

Mayor Steenrod commented that Section 4(a) needs to be clarified by adding the language "as identified in the Comprehensive Transportation Plan, or as may be amended."

Councilmember Thomasson felt it important to add a new section to the draft ordinance showing the City wide-fee and include the Pacific Ridge area language too.

Councilmember Wasson suggested that the portion of the Comprehensive Transportation Plan pertaining to improvements, should be included to help make it easier for developers. He further noted that he would like to see an installment payment plan so that huge costs up front for developers could be avoided.

Councilmember Thomasson stated that most developers will get a construction loan and a lender would not look favorably on an installment fee schedule. He felt the City should get the transportation impact fee up front with the building permit.

Public Works Director Heydon remarked upon questioning by Council, that there is a 6 year limit on how long the City can hold the fees. If they are not spent on a project in that time, the fee must be given back to the developer.

After further discussion regarding the fees, it was determined that the phase in fee plan as recommended by the PS&T was the best compromise.

MOTION was made by Councilmember Thomasson, seconded by Councilmember Sheckler and passed unanimously, to place the draft ordinance on a future agenda and incorporate the following changes:

- add language to Section 4(a) to reference the Comprehensive Transportation Plan
- include the Pacific Ridge area fees
- make the refund section clearer, including development which does not occur
- what happens with an expired building permit or no certificate of occupancy issued

8:54 p.m. Mayor Steenrod called for a 6 minute break. Councilmember White left the meeting.

Draft Ordinance No. 03-070 Hotel/Motel Tax - 1st Reading

City Attorney Marousek reminded Council that this subject was first brought up during budget discussions. She advised that the draft ordinance would establish a "lodging tax advisory committee". She informed Council that this is a required first step if Council wants to consider the imposition of a hotel/motel tax for the purpose of tourist promotion, acquisition or operation of tourism-related facilities or any other uses authorized by RCW 67.28.

Acting City Manager Loch noted that the draft ordinance only establishes legislation to create the positions of a committee, whose members would have to be appointed by Council.

Assistant City Attorney Brown explained that the 1% tax, if instituted, could only be used to promote tourism in the community.

Acting City Manager Loch felt that economic development could be regarded as having a tourism link.

Councilmember Thomasson noted that he is reluctant to go through this process without knowing for sure how much money would be raised. He further felt that should this draft ordinance pass, that there should be a "sunset clause" in the event that Council chooses not to proceed.

City Attorney Marousek noted that Council need not appoint a committee until it has been decided that a hotel/motel tax should be implemented.

Mayor Steenrod commented that new hotel construction in the Pacific Ridge area could contribute significantly to this type of fund.

Mayor Pro Tem Benjamin felt this is definitely something Council should explore and use in the future.

MOTION was made by Councilmember Wasson, seconded by Mayor Pro Tem Benjamin, to pass Draft Ordinance No. 03-070 to a second reading, to amend the draft ordinance by deleting Section 2(5) and adding a sunset provision of 3 years. Motion passed 5 to 1 with Councilmember Sheckler voting NO.

Draft Ordinance No. 01-192 Hotel/Motel - Check-In Identification Requirements - 1st Reading

Police Commander O'Leary advised that the Police Department has long advocated this type of legislation in order to effectively deter crime within the hotel/motel industry. He noted that the annual number of police calls from an individual hotel/motel establishment will determine which requirements will be placed on each establishment. He cited that there has been numerous complaints from the community and it is time for operators of these establishments to take responsibility. He stated that the draft ordinance has been patterned after the cities of Tukwila and Fife, who have reduced calls for service and made their communities safer by employing similar measures. He cited various crime statistics noting the negative impact of poor management and business practices by some motels in the city. In conclusion, he stated that he strongly believes this legislation would go a long way in addressing the high crime statistics and that the police department's attention and resources could then be utilized elsewhere in the community.

MOTION was made by Councilmember Sheckler, seconded by Councilmember Thomasson, to move Draft Ordinance No. 01-192 to a second reading with the following amendments:

- Move the last sentence of Section 4(2) to Section 4(3) in front of the current last sentence.
- Section 5 delete the word “semi” prior to the word “annual”.
- Section 2(4)(a) at the end of the sentence change the word “and” to “or”.

Councilmember Thomasson also noted that the ordinance needs to be consistent and therefore “rooms” should all be noted as units.

VOTE ON MOTION: Motion passed unanimously.

Draft Resolution No. 03-013 Amend Council Rule 36 Video Taping of Council Meetings

Councilmember Wasson noted that the purpose of this legislation is to regulate the location of video taping or other electronic recording equipment in the Council Chambers, other than the City’s official video recorder. He feels the draft resolution designates a suitable location for such activities, such as video tape recordings.

Mayor Steenrod noted that the amount of furniture, chairs, etc. stacked in the back of the room make it difficult to use that area. She requested that when the Council Chambers is upgraded it should be made more camera friendly by finding somewhere else to store the tables and chairs that are not used for Council meetings. She felt strongly that the room needs to be redesigned.

Councilmember Thomasson felt that this legislation addresses a non-existent problem. He noted that this could become a problem in the future, however, the Presiding Officer has the power to stop any activity that interferes with Council conducting business.

Councilmember Sheckler referenced the 1998 Attorney General Opinion contained within Council’s packet. He felt that the use of video or audio recording devices has not been a problem. He noted that the Mayor has the right to stop any disorderly conduct. He cautioned against taking unnecessary legislative action.

Councilmember Wasson felt that Council is not bound by the Attorney General’s opinion, and that Council should be able to legislate itself. He noted the City pays to have the meetings televised and that Council does not need to provide an area up front for private recording when we are already paying someone to do that.

At 10:02 p.m. **MOTION** was made by Councilmember Wasson to adjourn. Motion DIED for lack of a second.

Mayor Steenrod questioned whether any Councilmember wished to introduce a motion on the agenda item. As there was no response, Mayor Steenrod declared that the item has DIED for lack of any action.

NEXT MEETING DATE

Mayor Steenrod announced that the next regular meeting will be March 13, 2003.

ADJOURNMENT - 10:03 p.m.

MOTION was made at 10:03 p.m. by Councilmember Thomasson, seconded by Mayor Pro Tem Benjamin to adjourn. Motion passed 5 to 1 with Councilmember Wasson voting NO.

Respectfully submitted,

Denis Staab, City Clerk