

PRELIMINARY
REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES

March 11, 2004

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

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

ROLL CALL - Present: Mayor Bob Sheckler, Mayor Pro Tem Scott Thomasson, Councilmembers Richard Benjamin, Gary Petersen, Dan Sherman, Maggie Steenrod and Susan White. Also in attendance were City Manager Tony Piasecki, Assistant City Manager Corbitt Loch, City Attorney Linda Marousek, Assistant City Attorney Richard Brown, Public Works Director Tim Heydon, Assistant City Engineer Loren Reinhold, Police Chief Roger Baker, Police Commander John O'Leary and City Clerk Denis Staab.

COMMENTS FROM THE PUBLIC

George Petoff, 21035 7th Place South

Mr. Petoff addressed Council in regards to the closure of South 212th Street. He stated that two vehicles had been recently vandalized and he reported that the Police stated that the street should have never been closed. He noted that the increase of 2 and half minutes for emergency response to the neighborhood could mean the difference between life and death. He appealed to Council, for humanitarian reasons, to re-open South 212th Street.

Pam Loneli, 21024 7th Place South

Ms. Loneli informed Council that Mr. Petoff was released from the hospital today. She requested Council re-open South 212th Street for emergency vehicle access. She stated that one third of the neighborhood is senior citizens and they need the additional response time.

Lynn Voss, 20810 7th Place South

Ms. Voss requested that Council reconsider the closure of South 212th Street. She felt that staff had presented Council with incorrect statements and that the closure of the street was due to the negligence of the City and Highline Water District for allowing water to run down the street for over six months. She stated that having to back-up the street in the case of two vehicles trying to use the street at the same time, is no more dangerous than someone backing out of a driveway. She noted that only a few accidents have occurred on South 212th in the past three years, whereas there have been 16 accidents at intersections that residents will be forced to use with the street closure. She further noted the following as reasons to keep South 212th open:

- Other streets in the area are steeper than South 212th, and they have not been closed.
- Cost to re-open and bring up to Code would be minimal to the City as Highline Water District is mostly financially responsible for repairs.
- Reduction in emergency vehicle response time.
- Dead-ending the neighborhood will invite more crime.

In conclusion, Ms. Voss presented a letter from her attorney, that summarized the reasons she believes, Council acted improperly in voting to close South 212th Street.

Bob Pond, 23116 30th Avenue South

Mr. Pond noted that Council will receive a six months evaluation of the hotel/motel ordinance that was enacted a year ago as an item on tonight's agenda. He stated that he feels the outcome has been successful with positive results in regards to cleaning up most of the criminal activity. He noted however, that there are some continuing crime problems that need to be addressed.

Mr. Pond requested Council take a leadership role and consider a ban on private use of fireworks. He noted that both the Police and Fire Departments are supportive of a ban.

BOARD & COMMITTEE REPORTS

Public Safety & Transportation Committee

Mayor Pro Tem Thomasson reported that the Committee met earlier this evening. The two main topic of discussion were:

- Speed Limits, especially in schools zones. Need more research before item comes before Council.
- Police coverage at intersections when power goes out. State law states that intersections automatically become 4-way stops. Insurance carrier requests policy statement by City. Committee will recommend a draft resolution for Council's consideration.

National League of Cities Conference

Councilmember White reported attending the Conference held in Washington, D.C. this week along with Councilmember Steenrod. She expressed enthusiasm in regards to expecting Federal funding for economic development and transportation issues. Also, she stated that she met with Washington State Preservation officers and feels there is funding to help with historic preservation at Des Moines Beach Park. Some of the main topics at the conference were homeland security, transportation issues, unemployment, education and affordable housing. She advised that she will compile her notes and distribute them to Councilmembers.

Steven J. Underwood Memorial Service

Councilmember Sherman advised that he attended a candle light memorial service marking the three year anniversary of the death of Des Moines Police Officer Steven J. Underwood. He noted, sadly, there has still been no trial.

National League of Cities Conference

Councilmember Steenrod informed Council that while in Washington, D.C. she paid the City's respects to the National Law Enforcement Memorial for fallen police officers. She advised that she attended many good seminars. She noted the importance of local homeland security as the first line of defense, as it will take as long as 48 hours before Federal help is available. She felt that transportation was one of the biggest issues along with affordable housing. She also noted that there was much discussion regarding telecommunications regarding the use of the internet and lost revenue from lack of taxing. She advised that she will assemble her notes from the Conference and distribute them to Councilmembers.

PRESIDING OFFICER'S REPORT

Graffiti

Mayor Sheckler informed Council that he recently spent time with Des Moines Police Sergeant Patti Harris to become educated on graffiti issues in the City. He advised that a draft ordinance regarding graffiti should be ready for Council consideration in May. He urged Councilmembers to meet with Sgt. Harris to educate themselves on graffiti issues.

ADMINISTRATION REPORTS

King County Councilmember Pete von Reichbauer

City Manager Piasecki noted that on March 16th Councilmember von Reichbauer will be at the Des Moines Activity Center. He advised that he has given a substantial financial contribution to the Center to fund some of the projects listed in the CIP, including Mary's Garden. He encouraged City Councilmembers to attend to express thanks for his generous contribution.

Des Moines Chamber of Commerce

City Manager Piasecki announced that on March 27th, the Chamber will sponsor a business bazaar at Pacific Middle School Gym, from mid-morning until late afternoon. This will be an opportunity for citizens to get to know more about Des Moines' businesses.

Steven J. Underwood Memorial Park - Ballfield Lights

City Manager Piasecki reported that a grant has been received from IAC in the amount of \$75,000 for the ballfield lights at the Park. Installation is expected this summer.

Des Moines Business Boosters

City Manager Piasecki advised that on May 2nd the Des Moines Business Boosters will be conducting a downtown clean-up activity.

CONSENT CALENDAR was read by City Clerk Staab.

1. Motion is to approve the minutes of February 26, 2004.
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 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 # 93254 through # 93470 & electronic fund transfers in the total amount of \$935,541.96

Payroll fund transfers in the total amount of \$345,709.52

3. Motion is to authorize the City Manager to sign the contract with Cascade Design Collaborative for preparation of multifamily and commercial design guidelines. The contract shall be in the amount of \$30,000 and shall be substantially in the form as submitted.

MOTION was made by Councilmember White, seconded by Councilmember Petersen and passed unanimously, to approve the Consent Calendar as read.

OLD BUSINESS

Draft Resolution No. 03-280 [ASSIGNED RESOLUTION NO. 966] Des Moines Creek Basin
Interlocal Agreement #4

City Manager Piasecki noted that per Council's direction at the February 12th meeting, the interlocal agreement has been reviewed by the Environment Committee and as a result, the agreement has been modified per direction of the Committee.

Public Works Director Heydon informed Council that this is the fourth interlocal agreement between the parties of the Basin Committee. He noted there is an exciting number of improvements that will bring the stream flow back to what it was 60 years ago. He advised that the benefits will reduce flooding that occurs at the Des Moines Beach Park, reduce sediment and protect the Marine View Drive Bridge fill, connect a regional trail system and improve fish habitat. The interlocal agreement is between the cities of Des Moines and SeaTac, King County the Port of Seattle and Washington State Department of Transportation. He informed Council that the SeaTac City Council has already approved the interlocal. He reviewed the issues of primary concern raised by the members of the Environment Committee at the recent meeting as follows:

- 1) Making sure that the document clearly stated that the level of delegation of the appointed City Representative was at the direction of the City Council;
- 2) That there was a lack of specificity as to how each party authorizes the construction and other contracts for which they are responsible;
- 3) If the Basin Committee came to an impasse, that an option for Mediation would be available before Binding Arbitration; and
- 4) The easement language needed to be clarified such that if a party chose to discontinue their Basin Committee membership, their easements would stay in affect for the remaining members.

David Masters, Des Moines Creek Coordinator, reviewed the changes to the Interlocal in response to the issues raised by the Committee as follows:

Page 6 - additional language has been added to empower each Party's representative as the jurisdiction directs.

Page 7 - additional language has been added to allow professional mediation services at the request of two or more of the Parties in order to settle a dispute before an issue is submitted to binding arbitration.

Pages 21-23 - additional language is added to clarify that a withdrawing Party may not terminate easements granted to the other Parties. This is added in sections pertaining to SeaTac, Des Moines, Port of Seattle and the State.

Pages 25-26 - additional language was added to acknowledge that the Operations and Maintenance Fund and the Replacement and Improvement Fund are subject to authorization of each Party's legislative authority.

Page 27 - language was added to clarify billing responsibility of the State.

Page 28 - language was added to start the Operation and Maintenance Fund and Replacement and Improvement Fund in calendar year 2005.

Page 29 - funding responsibility when withdrawing is clarified.

Upon questioning, Mayor Pro Tem Thomasson, Chair of the Environment Committee, advised that the Committee did not take any official position on recommendation of the Interlocal. He noted that there are some timing issues regarding the States funding and some of the permitting

requirements in respect as to when different areas of work may be done by the Department of Fisheries.

Public Works Director Heydon stated, upon questioning, that the State's appropriation of funds needs to be spent by the end of June 2005. He noted that they are one of the major financial contributors.

Mayor Pro Tem Thomasson advised that there are still a number of issues that he is not satisfied with. There are areas where the five parties have agreed to do to get things constructed and then the agreement lives on for 20 years to deal with operation and maintenance of what was built. He felt that there are some "poison pills" for Des Moines and other partners. He noted that consensus is 100% agreement amongst the members, but then it says if we don't agree there will be arbitration, which he felt goes against the idea of agreement. In particular, he felt it is unclear as to who owns what, once the project is completed. He noted that the Interlocal will accomplish the goals, but there are still some risks. While he noted concerns, overall, he voiced support to get this important project done.

MOTION was made by Mayor Sheckler, seconded by Councilmember Benjamin, to adopt Draft Resolution No. 03-280 regarding the Interlocal Agreement between the City of Des Moines, King County, the City of SeaTac, the Port of Seattle and the Washington State Department of Transportation, and authorize the City Manager to sign such Agreement substantially in the form as submitted.

A **MOTION** was offered by Mayor Pro Tem Thomasson to amend page 7, first paragraph to remove the last sentence "In the event that these officials do not reach agreement within 30 days, the issue shall be submitted to binding arbitration." The motion died for lack of a second.

Upon questioning by Council, Assistant City Attorney Brown advised that the amendment as proposed to the Interlocal would allow the Parties Manager's to ask for mediation before any binding arbitration.

City Manager Piasecki advised that should Council amend the interlocal tonight, it would be up to SeaTac's City Manager to determine whether the agreement has substantially changed or not and would need to go back to his legislative body.

Councilmember Steenrod questioned why there are not two separate agreements. One would be for construction and then a separate agreement for continued operations.

Assistant City Attorney Brown stated that the agreement could have been drafted in several different ways, but his recommendation is that it be adopted as is. He noted the reasons for approval are 1) the consensus process has worked over the last few years and 2) time limits. He stated that there is nothing in the agreement that is so bad that it cannot be passed now in light of how crucial it is time wise to get it done.

Councilmember Steenrod expressed concern about the bridge project messing up traffic while the Pacific Highway South project is still underway.

Public Works Director Heydon informed Council that during the bridge construction, two lanes of traffic will be available at all times. He further noted that the State will be monitoring traffic signals to ensure minimum impact on businesses during the construction.

VOTE ON MOTION: Motion passed four to three, with Councilmembers Benjamin and Steenrod, and Mayor Pro Tem Thomasson opposed.

MOTION was made by Mayor Pro Tem Thomasson, seconded by Councilmember White, to direct that the City of Des Moines' representative to the Des Moines Basin Committee shall be required to follow the City's policies and guidelines regarding the City's participation in public contracts for all contracts for which they are acting as project managers for the Committee. Motion passed unanimously.

8:35 p.m. Mayor Sheckler called for a five minute break.

NEW BUSINESS

Hotel/Motel Ordinance Update

Police Commander O'Leary noted that it was almost a year ago today that Council approved Ordinance No. 130 which established a hotel/motel licensing endorsement requirement that implemented procedures for revocation or denial of renewal of a business license for hotel/motel operators who are in violation. He advised that the ordinance included a number of provisions requiring these business operations to take responsibility for activities occurring on their premises that required stronger business management practices. He noted one of the key elements is that those businesses are now required to obtain approved identification from guests, with the intent being to provide a deterrent to fugitives and persons engaged in criminal activity. He reviewed the calls for service pre-ordinance for six months, and calls for service post-ordinance for six months, noting calls had decreased from 303 to 139. In conclusion, he thanked Council for this tool to reduce crime and improve the quality of life in the community.

Councilmember Benjamin thanked the Police department for their efforts to reduce crime. He noted however, that there is still more that can be done. He felt that a good environment plays a big role in reducing and discouraging criminal activity and suggested that Des Moines should look at Tukwila's redevelopment efforts.

Councilmember Steenrod commented that the reduced number of calls equates to a reduction in expenses to the City.

Upon questioning by Council, Commander O'Leary noted that the reduced crime statistics have not been shared with the hotel/motel owners as of yet. He noted that there was some resistance at first, but all are now in compliance with the ordinance.

Councilmember Thomasson requested that Councilmembers receive a confidential break down of each hotel/motel by name, and the room-to-call ratio. He felt it would be beneficial to see who is in what category in regards to types of calls received, and how successful the ordinance has been and where we may need to make improvements.

Commander O'Leary advised that the first full reporting cycle for a 12 month period, where they will do a room-to-call ratio, will come in June 2004. He stated that he is reasonably confident

that there will be no need to impose all of the crime prevention measures that can be required under the ordinance.

Reminder - King County Councilmember Pete von Reichbauer

City Manager Piasecki reminded Councilmembers that King County Councilmember Pete von Reichbauer will be at Mary's Garden at the Activity Center, Tuesday, March 16th from 11 a.m. to 11:30 a.m. and then he will be at Redondo for a review of the parking lot and boat launch project. He noted that he has donated funds to both projects.

Councilmember White commented that the community has put a lot of time and effort into both of these projects as well.

NEXT MEETING DATE

Mayor Sheckler announced that the next regular meeting will be March 25, 2004.

ADJOURNMENT

At 9:03 p.m. **MOTION** was made by Councilmember Steenrod, seconded by Mayor Pro Tem Thomasson and passed unanimously, to adjourn.

Respectfully submitted,

Denis Staab
City Clerk

