REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES April 12, 2001

The regular meeting of the Des Moines City Council was called to order at 7:30 p.m. by Mayor Thomasson in the Council Chambers, 21630 11th Avenue South, Suite B.

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

ROLL CALL – Present: Mayor Scott Thomasson, Mayor Pro Tem Bob Sheckler, Councilmembers Terry Brazil, Dave Kaplan, Dan Sherman, Gary Towe, and Don Wasson. Also present were City Manager Bob Olander, Assistant City Manager Tony Piasecki, City Attorney Gary McLean, Harbormaster Joe Dusenbury, Commander Kevin Tucker and Deputy City Clerk Angela Chaufty.

COMMENTS FROM THE PUBLIC

Earline Byers, 22315 6th Avenue South

On behalf of South Shores Condominiums, Ms. Byers reported that the residents' concern with the proposed layout for the Waterland Festival had been resolved and that the condominium residents strongly supported the community event. Ms. Byers restated the condo owners request that a Chamber of Commerce and citizen committee, paneled by a Councilmember, be formed in order to avoid similar situations in the future. Noting that she had submitted a petition to Council during the last Council meeting, Ms. Byers presented Council with additional signatures requesting that the Waterland Festival maintain the same configuration as was used in Year 2000 and establish the proposed committee.

Jeanne Moeller, 22211 Cliff Avenue South, #104

Representing the Cliff House Condominiums, Ms. Moeller thanked the Council for listening to their concerns regarding the potential Waterland Festival layout. She noted that they had met with the Chamber of Commerce to discuss and negotiate a solution to the concerns. Ms. Moeller clarified that the issue for the Cliff House Condominium residents concerned the layout rather than the Festival itself. She recommended that the community participate in the planning of the community event.

Arlene Knight, 22222 Dock Avenue South

As a resident of Mariner Manor, Ms. Knight stated that she enjoyed the Waterland Festival but wished that the residents in the area had more voice in its planning.

Maggie Steenrod, 23003 Pacific Hwy South (Business)

Ms. Steenrod addressed Council regarding an article in the Des Moines News entitled "ACC Responds to Port Partnership Initiatives". She felt that the article was presented as a public relations piece for the ACC. She clarified that the Chamber of Commerce rather than the Port of Seattle had initiated the dialog. She noted that the Chamber of Commerce represents several business people who deserve to be informed of the plans and issues of the Port of Seattle.

Lew Anderson, 1650 South 244th Place

On behalf of several Pacific Highway South businesses, Mr. Anderson presented the City with approximately $400 for the Underwood Family. Mr. Anderson spoke of the need for photo cameras to be mounted in each of the City's police vehicles. He presented the City with a personal check for $5,000 toward this endeavor and challenged others to match his donation. He asked the community to support the police department.

Clarice James, Chamber of Commerce

Ms. James invited the community to attend the Spring Fling Carnival on April 12-15, 2001. Proceeds from the Carnival will be used by the Greater Des Moines Chamber of Commerce to set up a scholarship fund in the name of Des Moines' fallen police officer Steven J. Underwood.

BOARD & COMMITTEE REPORTS

Suburban Cities Association

Councilmember Sherman reported that the topic at the Suburban Cities Association meeting was regarding transportation issues and with the disposal of hazardous chemicals.

SR 509 Executive Committee Meeting

Councilmember Sherman informed Council that the recommended alignment changes for SR 509 had increased the cost of the project by 50%. He noted that the new design called for a lane running parallel to I-5 to Federal Way. He said that Council would be briefed on the recommended revisions during the May 10, 2001 Council meeting. Councilmember Sherman said that the SR 509 will likely be presented to the voters by the State Legislature with the list of projects in need of funding.

ADMINISTRATION REPORTS

New King County Councilmember Les Thomas

King County Councilmember Les Thomas introduced himself to Council. He noted that he is serving as the chair of the Regional Transportation Committee. In conjunction with the SR 509 project, Councilmember Thomas noted that the city of Kent had a project to alleviate truck traffic. When questioned about his position regarding the third runway, County Councilmember Thomas said that he had opposed the project while serving in the legislature but felt that there was little he could do now as a King County Councilmember. County Councilmember Thomas suggested that the cities neighboring the airport try to determine how they can best mitigate the development.

Councilmember Sherman noted that the stockpile of dirt on the Port of Seattle property has been collected without the approval of the Corp of Engineers. He then said that Des Moines would like to have METRO Route 189, lost due to I-695 cuts, reinstated.

King County Councilmember Thomas said that he would study the issue. He noted that King County Councilmember Louise Miller had recently developed a compromise which provided a METRO fare discount for disabled individuals, seniors, and youth. He said that the King County Executive and Council disagreed over the use of the excess funds available from the voter approved 0.2% sales tax increase. He noted that Councilmember Miller's proposal would be voted upon on April 23, 2001.

Councilmember Sherman noted that Council had previously recommended a route for Route 189 that had not been accepted by METRO. If the route were to be reinstated, Councilmember Sherman asked that METRO reconsider Council's route recommendation.

City Manager Olander said that he would send King County Councilmember Thomas the information about Route 189.

CONSENT CALENDAR was read by Deputy City Clerk Chaufty.

1. Motion is to approve the minutes of March 22, 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 check # 75500 through #75743 in the total amount of $482,942.89
      Payroll fund transfers in the total amount of $327,053.08
3. Motion is to approve Mayor Thomasson's appointment of Ellen Martin to a vacant position on the Des Moines Senior Services Advisory Committee expiring December 31, 2003.
4. Motion is to purchase the De Neui Property located at 2458 South 222nd Street for $125,000.00 and further to authorize the City Manager to sign said agreement substantially in the form as attached.
5. ~~Draft Resolution No. 01-047 - Title: A Resolution of the City Council of the City of Des Moines, Washington, authorizing the Greater Des Moines Chamber of Commerce to conduct its 2001 Waterland Festival and listing conditions under which such permission is granted.~~

   ~~MOTION is to approve Draft Resolution No. 01-047.~~
6. Draft Resolution No. 01-066 ***[Assigned Res. No. 903]*** - Title: A Resolution of the City Council of the City of Des Moines, Washington, approving the Collective Bargaining Agreement between the City of Des Moines and the Des Moines Police Guild regarding wages, hours and working conditions for the period January 1, 2001 to December 31, 2002.

   MOTION is to approve Draft Resolution No. 01-066.
7. Draft Ordinance No. 01-067 ***[Assigned Ord. No. 1281]*** - Title: An Ordinance of the City of Des Moines, Washington amending Ordinance No. 844 to extend through June 30, 2001 the non-exclusive franchise currently held by AT & T through Ordinance No. 844, adopted on April 12, 1990, 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.

   TWO MOTIONS: First motion is to suspend Council Rule 26(b). Second motion is to approve Draft Ordinance No. 01-067.

MOTION was made by Councilmember Brazil, seconded by Councilmember Kaplan, and passed unanimously to approve the consent calendar as read.

Consent Item #5 was removed by Councilmember Sheckler.

In response to Mayor Thomasson's question regarding Item No.4, City Manager Olander explained that the purchase of the property would be reimbursed to the City through state and federal funds.

In regard to Item No. 3, Councilmember Sherman stated that he was very impressed by the qualifications of the proposed Des Moines Senior Services Advisory Committee member.

VOTE ON MOTION: Motion passed unanimously.

NEW BUSINESS

Draft Resolution No. 01-047 ***[Assigned Res. No. 904]*** – Authorizing 2001 Waterland Festival

In regard to the comments of Speaker Maggie Steenrod, Councilmember Sheckler applauded the efforts of the Chamber of Commerce to inquire about the Port of Seattle. He felt that the economic development of the city would be greatly impacted negatively if the third runway were built. He explained that the purpose of the third runway was not to address regional capacity needs but only to land a second airplane during inclement weather. He said that the Des Moines New's article sought not to criticize the Chamber of Commerce but to present the other side of the issue.

In regard to Draft Resolution No. 01-047, Councilmember Sheckler expressed displeasure that the Chamber of Commerce did not involve the Council or staff of the development of their proposed changes to the festival layout. He felt that the condominium owners had stated their desire to be involved in the planning process. He referenced the letter from City Manager Olander to the Chamber of Commerce that suggested that they meet with any and all interested neighbors to solicit input regarding the Waterland Festival. Councilmember Sheckler stated his belief that the situation could have been avoided with proper communication. He questioned staff regarding their view of the paid parking program.

Harbormaster Dusenbury stated that the paid parking program saved the City approximately 100 hours worth of staff overtime, reduced parking conflicts, increased pedestrian safety, and created less impact for the Marina tenants.

Commander Tucker believed that the paid parking program helped the police immensely. He noted that program allowed the police to randomly patrol the area by bicycle rather than requiring full-time police staffing for the area.

Councilmember Sheckler felt that the residents of the City should not have to pay for parking. He suggested that the City take over the task of parking and then any proceeds gained could be allocated back to the Marina.

City Manager Olander stated staff's preference for the parking situation was for it to be continued to be handled by the Chamber of Commerce. He noted that an element of risk is involved in running the program and reiterated the increased pedestrian safety and reduction in staff overtime due to the paid parking program. City Manager Olander mentioned that the Chamber of Commerce also would continue to provide a shuttle service from Highline Community College to the Festival.

Councilmember Sherman noted that he had opposed the parking charge last year. Due to the increased safety and realized cost savings, he said that would support the parking fee this year. Councilmember Sherman stated his belief that the Chamber of Commerce had made an honest attempt to change the layout of the festival in response to proposed Draft Marina Master Plan.

In response to Councilmember Towe's questioning, Chamber Executive Director Clarice James noted that the paid parking program had grossed approximately $7,500 and netted approximately $1,500. Ms. James explained to Council that interested individuals were welcome to attend the planning meetings for the Waterland Festival. She noted that the proposed layout change had only been discussed, not decided upon, at a Chamber meeting. She noted that the Chamber has also received complaints regarding the noise from the stage and the location of the beer gardens.

MOTION was made by Councilmember Kaplan and seconded by Councilmember Brazil to approve Draft Resolution No. 01-047.

In response to Councilmember Kaplan's questioning, Ms. James explained that a $5 parking fee had been charged last year.

MOTION was made by Councilmember Kaplan and seconded by Councilmember Sherman to amend Section 1(h) by adding "which charge shall not exceed $5 per vehicle per visit" to the end of the sentence.

VOTE ON MOTION: Motion passed, 6 – 1, with Councilmember Sheckler opposed.

Councilmember Towe said he was uncomfortable with charging a parking fee but said he would support the proposed resolution due to the safety-related benefits resulting from the program.

Councilmember Sherman asked staff to insure that other neighborhoods were not be impacted more than in previous years due to the parking fee.

Councilmember Kaplan encouraged the Chamber of Commerce to include community residents early in the planning process.

Councilmember Wasson said that he would support the proposed resolution and noted that a fee was charged for parking at Redondo.

VOTE ON AMENDED MAIN MOTION: Motion passed unanimously.

Commercial Business Lease - Classic Yachts

Harbormaster Dusenbury introduced Jerry Reece, owner of Classic Yachts. Due to the recent revision of the Marina Rules, he explained that staff recommended that the commercial use rules be deleted from the rules and that any legitimate commercial use of the Marina's slips be regulated by lease agreements between the individual business and the City. He noted that Classic Yachts had operated continuously in the Marina for over twenty years. During that time, he felt that Classic Yachts had provided a valuable service to the Marina tenant's by helping them buy and sell their boats. Harbormaster Dusenbury stated staff's recommendation is for the

City to enter into a lease agreement with the Owner's of Classic Yachts. He noted that the lease clearly specified permitted uses and expected performance.

MOTION was made by Councilmember Brazil and seconded by Councilmember Sheckler to approve the commercial lease with Classic Yachts and authorize the City Manager to sign the lease substantially in the form as submitted.

Upon questioning from Councilmember Sherman, Harbormaster Dusenbury explained that the monthly residential rate for the five slips would be $1,007, plus the leasehold tax, while the non-residential rate would be $1,087, plus the leasehold tax. He noted that the agreement proposed a monthly rate of $1,175, plus the leasehold tax and includes an automatic escalator clause.

Upon questioning from Mayor Thomasson, City Attorney McLean explained that a change in slip assignments of the same length would not be considered a substantial change to the agreement and would not require approval of Council. If, however, the number of requested spaces changed, the request would be brought to Council.

In response to Councilmember Wasson's questioning, Mr. Reece confirmed that the proposed agreement was acceptable to him. He mentioned that he would have preferred a longer agreement term but that he was satisfied with the negotiated length.

VOTE ON MOTION: Motion passed unanimously.

NEXT MEETING DATE

Regular Meeting April 26, 2001

ADJOURNMENT

Meeting was adjourned at 9:08 p.m.

Respectfully submitted,

Angela M. Chaufty
Deputy City Clerk