REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES April 24, 2003

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

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

INVOCATION was led by Chaplain Lew Cox of the Des Moines Police Department.

ROLL CALL - Present: Mayor Maggie Steenrod, Mayor Pro Tem Richard Benjamin, Councilmembers Gary Petersen, Bob Sheckler, Scott Thomasson, and Susan White. Also present were City Manager Tony Piasecki, Assistant City Manager Corbitt Loch, City Attorney Linda Marousek, Assistant City Attorney Richard Brown, Park and Recreation Director Patrice Thorell, Commander John O'Leary, and Deputy City Clerk Angela Chaufty.

CORRESPONDENCE

Corky Cellars' Correspondence

City Manager Piasecki announced that the April 24, 2003 letter submitted by Ric and Dianne Jacobson of Corky Cellars had been distributed to Council.

COMMENTS FROM THE PUBLIC

David Kaplan, 2614 South 226th, #B303

Mr. Kaplan addressed Council regarding the proposed traffic impact fees. He said that during the development of the City's Transportation Plan, three levels of service to provide for the City's long-term traffic impacts had been identified and studied. The adopted transportation plan was based upon the minimum service level and was predicated upon the completion of SR509. If the proposed traffic impact fees were not adopted, Mr. Kaplan felt that the necessary transportation improvements and maintenance would not be developed quickly enough to support the eventual buildup identified by the Transportation Plan. Mr. Kaplan urged Council to adopt traffic impact fees.

Alli Larkin, 21937 7th Avenue South, #210

Ms. Larkin distributed pictures to Council. She asked them to amend the Municipal Code to better protect and preserve the public beach and the fish-spawning creek that runs through it. She recommended the following four actions:

1. Amend the Municipal Code regarding the beach in a modified form of the amendment previously submitted to Council.
2. Create and post signs regarding digging, shell removal, and no dogs on the beach, etc.
3. Station City employees who can enforce the proposed regulations on the beach during low tides.
4. Post beach and park regulations on the City's website.

Sven Kalve, 27024 8th Avenue South

As a six year member of the Planning Agency, Mr.Kalve asked Council to maintain the current Planning Agency process. He stated that the Planning Agency was an important part of a process that provided accessible and convenient service to developers. The current process allowed Council to determine policy, expand discussion, and govern by consensus. In closing, Mr. Kalve asked Council's Planning Agency liaison to attend the agency's meetings.

Earline Byers, 22315 6th Avenue South

Speaking on behalf of condominium association residents of South Shores Condominium, Cliffhouse Condominium, and Mariner Condominium, Ms. Byers informed Council that condo representatives had met with the Chamber of Commerce to reach consensus regarding Waterland Festival issues. She thanked Councilmember Sheckler and former City Manager Bob Olander for their encouragement to pursue communications between the parties. Speaking for herself, Ms. Byers said that she did not support charging an admission fee for the Festival as she felt it was double-taxing the residents.

Stan Scarvie, 204 South 206th Street

Mr. Scarvie asked the City Attorney to clarify recusal rules. He said that Mayor Steenrod and Councilmember Petersen had participated in the April 3, 2003 discussion regarding the Pacific Ridge area. Mr. Scarvie said that he thought that if Councilmembers had to recuse themselves from voting on an issue, they also had to recuse themselves from the discussion less they influence Council's decision.

Steve Zielinski, 22022 28th Place South

Mr. Zielinski informed Council that he was profoundly disappointed that Draft Ordinance 02-177 regarding mobile home park regulations had failed. He said that the Pacific Ridge area was not yet ready for development. As a business owner, Mr. Zielinski asked Council to reconsider the draft ordinance on a future agenda.

Del Rivero, 1228 South 230th Street

Mr. Rivero announced that the Second Annual Fishing Derby would be conducted August 2, 2003. Sponsors of the event included Ruth Dykman Center, Ronald McDonald House, Fred Hutchison, and Children's Hospital. Mr. Rivero encourage anyone who wished to help with the event or who knew a child who would benefit from the experience to contact the Chamber of Commerce at (206) 878-7000.

BOARD & COMMITTEE REPORTS

Meeting with Congressman Adam Smith Regarding Prescription Drug Prices

Councilmember White announced that she had attended a meeting at the Senior Activity Center in which Congressman Adam Smith met with constituents to discuss prescription drug prices and pending federal legislation. She encouraged citizens to contact Congressman Smith's office or the City to obtain additional information.

PRESIDING OFFICER'S REPORT

Dedication of Senior Activity Center

Mayor Steenrod reported that the Senior Activity Center had been dedicated and the facility was working out well.

ADMINISTRATION REPORTS

Presentation - Harborview Medical Center Community Update on Bond Program

City Manager Piasecki introduced Tina Mankowski, Harborview Medical Center's Director of Community Relations.

Ms. Mankowski introduced Harborview Board of Trustee Member Lou Joslin. Ms. Joslin serves as trustee representative for Des Moines' residents. Ms. Mankowski informed Council that Harborview Medical Center is owned by King County and managed by the University of Washington. It provides care to residents throughout Washington, Alaska, Montana, and Idaho. Medical services include trauma care, burn center, HIV/STD, neuroscience, orthopaedic services, international medicine, sexual assault, traumatic stress, injury prevention, research, and training. The $193,000,000 bond issue approved by the voters in September 2000 provided a seismic upgrade for the facility, added fifty beds, and financed the demolition and replacement of unstable buildings. Ms. Mankowski said that she would like to provide Council with an update concerning the Medical Center in one and one half years.

Ms. Joslin informed Council that Harborview Medical Center takes a lead role in the coordination of major, new issues concerning healthcare providers. The center's website is www.harborview.org.

Citizen Action Request Form

City Manager Piasecki announced that citizen action request forms were currently available at City Hall and on the City's website beginning May 1, 2003.

Applications for Council Vacancy

City Manager Piasecki reported that eleven applications for the vacant Council seat had been submitted so far. Applications would be received until 2:00 p.m., April 25, 2003.

CONSENT CALENDAR

Deputy City Clerk Chaufty announced that consent Calendar Item No. 6 had been removed by Administration. She then read the consent calendar as follows:

1. Motion is to approve the regular minutes of April 3, and the special and regular minutes of April 10, 2003.
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 #84859 through #85081 & electronic fund transfers in the total amount of $553,850.79
Payroll fund transfers in the total amount of $342,026.09

3. Motion is to approve the increase in the authorized contract amount with Global Diving and Salvage, Inc. by $450, plus sales tax, and authorize the City Manager to sign said change order in a form as approved by the City Attorney.
4. Motion is to approve the fee increase requested by Reid Middleton Engineers for consulting and construction management services on the repairs to the Public Fishing Pier Project and to authorize the City Manager to sign an addendum to the agreement that would increase the contract amount by $5,500. The addendum shall be in a form approved by the City Attorney.
5. Motion is to approve the Consent Judgment & Decree of Appropriation in King County Superior Court Cause No. 02-2-19401-0 KNT and to authorize the City Attorney to approve said Judgment and Decree and present it to the court, for approval and entry, substantially in the form as submitted.
~~6. Motion is to approve the expenditure of $3,750 to be used as the City of Des Moines' match to the Economic Development Administration's Trade promotion grant and authorize the City Manager to transfer these funds to King County based on the approved scope of work from EDA.~~
~~7. Motion is to approve the Interlocal Agreement between the City of Des Moines and Federal Way Public Schools regarding joint development and use of Woodmont Elementary School Soccer Field and authorize the City Manager to sign the agreement substantially in the form as submitted.~~

City Manager Piasecki noted that a revised draft interlocal agreement regarding Item No. 7 had been distributed to Council.

Deputy City Clerk Chaufty continued reading the consent calendar as follows:

~~8. Motion is to approve the lease of a location near a Des Moines Field House Park ballfield light standard for installation of a replacement ballfield light standard and equipment storage area to Cingular Wireless LLC for use as a wireless antenna location and to authorize the City Manager to sign the lease substantially in the form as submitted.~~
9. Motion is to approve the Consent & Decree of Appropriation in King County Superior Court Cause No. 02-2-33610-8 KNT, and to authorize the City Attorney to approve said Judgment and Decree and present it to the court, for approval and entry, substantially in the form as submitted.
10. Motion is to approve the Contract for Des Moines Field House Facility Improvements Project construction services with Mayer Construction Co., Inc. in the amount of $38,450.00 plus tax, and authorize the City Manager to sign the contract substantially in the form as submitted. And, to authorize the City Manager to approve change orders in amounts not to exceed 10% in total.
11. Motion is to approve the Rental Agreement between City of Des Moines Parks, Recreation and Senior Services Department and Joseph and Peggy Dusenbury and to have the Rental Agreement signed by the Parks, Recreation & Senior Services Director substantially in the form as submitted.
12. Motion is to approve the lease agreement with Classic Yachts, Inc., with the modifications as shown, and authorize the City Manager to sign the lease substantially in the form as submitted.
13. Motion is to enter into the agreements with Troy & Banks and Help-U-Save and to authorize the City Manager, or his designee, to sign said agreements substantially in the form as submitted.
14. Motion is to approve the purchase of a John Deere 2653A 84 Professional Recycling Utility Mulching Mower for the amount of $22,702.21 of which the King County Waste Reduction and

Recycling Grant Program will reimburse the City $18,874.20 and with matching funds of $3,828.01 contributed by General Fund Park Operations fund balance.
15. Motion is to set the final assessment roll Public Hearing date for LID 1-97-9 on June 26, 2003.

Councilmember Thomasson removed Item Nos. 7 and 8.

Mayor Steenrod recused herself from Item Nos. 5 and 9. She asked City Manager Piasecki to explain Item Nos. 11 and 13.

In regard to Item No. 11, City Attorney Marousek explained that the rental rate had been determined by reviewing the rates charged for similar rental properties advertised by property management companies. The rental would be made on the same basis that it would be made to any member of the public.

In regard to Item No. 13, City Manager Piasecki explained that Troy and Banks would audit the city's utility expenditures while Help-U-Save would audit the city's fuel bills.

Councilmember Petersen recused himself from Item Nos. 5 and 9.

MOTION was made by Councilmember White, seconded by Mayor Pro Tem Benjamin, and passed unanimously to approve the consent calendar as amended.

REMOVED CONSENT CALENDAR ITEMS

Woodmont Elementary School Soccer Field Renovation – Draft Interlocal Agreement Between City of Des Moines and Federal Way Schools

In response to Councilmember Thomasson's questioning, Park and Recreation Director Thorell informed Council that the new field would not be included on the school district's roster of fields. When the field was not scheduled for school use, it would be reserved for City use. She explained that Attachment A was the site map and legal description, Attachment B was a copy of King County Contract No. D29843, and Attachment C was the use and maintenance agreement between Federal Way Public Schools and Des Moines Midway Soccer Club. The field work had been completed and the dedication would be scheduled for late summer or early fall.

MOTION was made by Councilmember Thomasson, seconded by Mayor Pro Tem Benjamin and passed unanimously to approve the interlocal agreement between the City of Des Moines and Federal Way Public Schools regarding joint development and use of Woodmont Elementary School Soccer Field and authorize the City Manager to sign the agreement substantially in the form as delivered to Council this evening.

Cingular Wireless Lease Agreement – Des Moines Field House Park

Councilmember Thomasson said that the longest agreement term he would consider was five years. He questioned whether the relocation of the light standard would negatively impact the field lighting.

Mayor Steenrod said that she also was uncomfortable with a thirty year term length. She questioned whether the lease agreement would set a precedent for future park use.

City Attorney Marousek explained that the City's Telecommunication Code established the priority for locating wireless communication facilities. The first priority was identified as siting them on city owned property. DMMC 20.07.070(4b) addressed their placement in parks and established six criteria for such placement. City Attorney Marousek noted that the unconditional use permit for the project would require a review by Council and a hearing before the Hearing Examiner. She said that Cingular Wireless had agreed to provide a performance bond for the removal of property.

Assistant City Attorney Brown explained that the starting point for the negotiation process was the AT&T lease previously negotiated. He noted that Cingular Wireless had agreed to pay for the removal of the equipment if needed due to a public emergency.

Councilmember Thomasson said that the lease should also cover staff's time spent negotiating the lease. Pending the outcome of the permit, he said that he did not want the lease to pre-determine the location of the facilities. Councilmember Thomasson felt it was important for Council to be able to amend the lease.

Assistant City Attorney Brown explained that the lease amount was tied to the Seattle CPI and at each five-year renewal period, the City could take the issue to arbitration if they did not feel the rate was sufficient.

Councilmember Thomasson stated his preference for setting the term of the lease to only five years.

Park and Recreation Director Thorell said that the shortest term length discussed with Cingular Wireless has been twenty years or fifteen years with an eighteen month window for cancellation with an additional fifteen years.

Councilmember Thomasson noted that the Park and Recreation Master Plan did not include any communication equipment. He voiced concern with potential height and sight issues also.

Park and Recreation Director Thorell explained that staff had requested the move of the light standard so that field No. 1's outfield could be extended. She said that the field lighting consultant had reviewed the proposed layout.

Mayor Steenrod said that she could agree to a five or ten year lease but felt that a thirty year lease provided no flexibility for the City. To maintain flexibility, she suggested that the language "Each Renewal Term shall be on the same terms and conditions as set forth herein" be deleted from Paragraph 4.

Councilmember Thomasson said that setbacks and landscaping requirements should be included in the plan. He wanted to insure that Cingular Wireless would lease enough ground space to buffer their needs.

MOTION was made by Councilmember Thomasson, seconded by Councilmember Sheckler and passed unanimously to continue the subject to a future meeting date determined by the Mayor and City Manager.

At 9:02 p.m., Mayor Steenrod declared a ten minute break.

AGENDA REVISION

Mayor Steenrod announced that discussion regarding Old Business, Item No. 1 would be postponed until later in the meeting.

NEW BUSINESS

Consideration to Move to Future Agenda: Draft Ordinance No. 02-264 Traffic Impact Fees - 2nd Reading

MOTION was made by Councilmember White, seconded by Councilmember Sheckler and passed unanimously to place Draft Ordinance No. 02-264 on the agenda of the May 22, 2003 meeting.

ACC Funding and Amended Interlocal Agreement

Councilmember Sheckler noted that Council had previously discussed the issue in Executive Session. He asked that Council resume the funding of the Airport Communities Coalition (ACC).

Councilmember White urged Council to restore ACC funding. She said that construction of a third runway was a community issue that was worth fighting.

Councilmember Thomasson voiced support for the issue as he felt it would be important for the City to participate in upcoming discussions.

MOTION was made by Councilmember Thomasson and seconded by Councilmember Sheckler to approve City of Des Moines funding of the ACC for Year 2003 for $150,000 and to approve Attachment A of the interlocal agreement.

Councilmember Petersen said that he would not support funding the ACC until the issue had been presented to the voters.

Mayor Steenrod said that she did not believe construction of a third runway was a good idea but questioned when the City should cut its losses.

Councilmember White noted that other communities were still willing to fight the runway and discuss the issues. She said that several airlines were going out of business. Councilmember White urged Council to fund the ACC for Year 2003. She said that the fight was not over.

Councilmember Sheckler stated that several key issues still needed to be resolved before construction of the third runway could begin. He said that if the City did not participate in the ACC, it could not participate in any mitigation discussions. He stated his belief that the City would eventually be back in the ACC.

VOTE ON MOTION: Motion failed, 3 – 3, with Mayor Steenrod, Mayor Pro Tem Benjamin, and Councilmember Petersen opposed.

Draft Resolution No. 03-098 Requiring All Eligible Incumbent Councilmembers Participate in Final Appointment to Vacant Council Position

MOTION was made by Councilmember Sheckler and seconded by Councilmember Thomasson to approve Draft Resolution No. 03-098 requiring full Council participation in the final appointment for the vacant Council position.

Councilmember Petersen said that he did not expect city business to stop just because a councilmember was not present.

Mayor Steenrod stated her belief that the decision should not be held up if a councilmember was not present. Therefore, she would not support the motion.

VOTE ON MOTION: Motion failed, 3 – 3, with Mayor Steenrod, Mayor Pro Tem Benjamin, and Councilmember Petersen opposed.

Draft Resolution No. 03-088 2003 Waterland Festival

Chamber of Commerce President Mike Foote thanked Council and staff for their support of the Waterland Festival. He introduced Chamber Boardmembers Ed Coumou and Pat Murray, Second Vice-President Del Rivero, Treasurer Colleen Heston and Executive Director Carole Elrod.

Mr. Coumou asked Council to grant permission for the Chamber of Commerce to conduct the 44th Waterland Festival. He said that the Chamber spends money earned from the festival on the following programs:

- Assisting local businesses succeed.
- Improving economic development
- Providing a Visitor Center
- Organizing and sponsoring several community events such as Waterland, holiday events, Community Open House, Community Forums, and the fishing derby.
- Conducting an anti-graffiti program
- Giving to charities
- Producing local maps and guides
- Serving local businesses.

Mr. Coumou noted that the Chamber was served by a volunteer board and had one paid employee. Their membership was currently at its highest level.

Ms. Heston informed Council that the Waterland Festival benefits organizations such as Kiwanis, Lions Club, Rotary, local businesses, Chamber of Commerce, senior and youth groups, families, and citizens. She noted the following improvements proposed for the 2003 festival:

- Improved layout.
- Increased number of ticket booths to relieve congestion.
- Free admission with the donation of a used toner cartridge for recycling.
- Availability of five day passes for $3.
- Fishing derby on August 2, 2003.

Ms. Elrod said that the Chamber of Commerce was hoping to increase the number of volunteers participating in the festival. The volunteers would assist with sanitation control, parking, and maintenance issues. The Chamber was working with the City to develop a security plan. She displayed and described the organizational chart for the Waterland Festival Committee. Ms. Elrod invited everyone to attend the Waterland Festival Volunteer Drive at the Ramada Inn on April 30, 2003.

Councilmember Sheckler questioned whether the Chamber of Commerce was prepared to reduce the direct and indirect costs to the City for their participate in the festival.

Ms. Elrod said that additional discussion was needed to develop a plan to reduce costs.

Councilmember Sheckler noted that last year the city had provided $35,500 for security and $14,000 for indirect maintenance costs.

Upon questioning from Councilmember Sheckler, Ms. Elrod confirmed that the Federal Way Mirror, rather than the Des Moines News, had been contracted to make the Waterland Guide.

Ms. Heston estimated that 50,000 people had attended the Festival last year. The Chamber planned to issue admission tickets this year in order to obtain a more accurate attendance count.

Councilmember Sheckler recommended that Council postpone taking action on the proposed resolution until the Chamber of Commerce had addressed the costs of the festival to the City.

Upon questioning, Commander O'Leary stressed the importance of maintaining sufficient police levels at the festival.

In response to Councilmember Thomasson's questioning, Commander O'Leary confirmed that the closure of the festival at 9:00 p.m. or the elimination of the Beer Garden would reduce security staffing levels.

Councilmember Thomasson voiced support for Waterland and its events but noted that the shape of the festival affected its costs. He stated his belief that the beer garden increased the cost of the festival. Councilmember Thomasson said that if the event was designed to be family-oriented in nature, the hours of operation could be shortened. He noted that the event has evolved over the last forty years. Councilmember Thomasson asked the Chamber of Commerce to answer the following questions:

- How much money does the Chamber of Commerce net annually from the Waterland Festival?
- What share of the proceeds were returned to the City to cover its costs as a partner in the event?

Councilmember White questioned whether the Waterland Festival supported local businesses. She said that the City was not in a position to cover expenses at the same level as last year and the Chamber of Commerce needed to meet the City halfway on this issue.

In response to Mayor Pro Tem Benjamin's questioning, Commander O'Leary said that nuisances caused by the Beer Garden in the last few years had been relatively minor. He stated his belief that the high volume of police presence served as a deterrent. Commander O'Leary verified that alcohol tends to escalate problem situations.

Mayor Pro Tem Benjamin said that the citizens pay for police services. If the City had a festival, then the city had an obligation to protect its citizens. He said that he thought the police enjoyed and looked forward to the overtime created by the Waterland Festival. He thought that the Waterland Festival strengthened police department morale.

Councilmember Thomasson noted that there was a time when the Waterland Festival had safety problems so the level of security was increased. As a result, the costs to the City also increased. The festival has been adjusted throughout its history.

In response to Councilmember Sheckler's questioning, Ms. Heston said that the Chamber of Commerce budgeted $10,000 per year for security. The money first compensated the Reserve Officers for their service and, then, any left over money was given to the City.

Due to the City's financial condition, Councilmember Sheckler asked whether the Chamber was willing to split the cost of security with the City in order to maintain the current security level.

Ms. Heston said that the Chamber of Commerce Board would need to discuss the issue. In response to Mayor Steenrod's questioning, Ms. Heston said that the Chamber had never quantified the benefit to the community generated by the Waterland Festival.

Ms. Elrod said that Bellingham's Ski and Sea event claimed a $5,000,000 economic benefit for its city. She stated her belief that the Waterland Festival made Des Moines a destination location. Ms. Elrod said she would obtain Bellingham's formula for calculating the economic benefit and apply it to the Waterland Festival.

Councilmember Thomasson questioned whether a corridor for pedestrians to bypass the festival could be created.

Mayor Pro Tem Benjamin urged Council to take immediate action on the proposed resolution. He said that a precedent had been set.

Councilmember Sheckler said that the benefits of the Waterland Festival were a matter of perspective. He stated that the festival's costs to the City must be addressed before he was willing to support the proposed resolution. He requested copies of the Chamber of Commerce's Waterland Festival profit, loss and income statements for the previous three years.

At 10:25 p.m., **MOTION** was made by Councilmember Thomasson, seconded by Councilmember Sheckler, and passed unanimously to extend the meeting by five minutes.

Councilmember Thomasson asked that the proposed resolution be amended to include the amount of money the City will be reimbursed by the Chamber of Commerce for security.

Councilmember White agreed.

Mayor Pro Tem Benjamin said that it was a shame to punish citizens and volunteers for political reasons.

At 10:34 p.m., **MOTION** was made by Councilmember Sheckler, seconded by Councilmember Petersen and passed unanimously to extend the meeting by four minutes.

City Manager Piasecki said that he would schedule a meeting between staff and Chamber of Commerce representatives to discuss the financial concerns.

MOTION was made by Councilmember Sheckler, seconded by Councilmember Thomasson, and passed unanimously to continue the discussion to the May 1, 2003 meeting.

OLD BUSINESS

Draft Ordinance No. 03-065 Planning Agency Duties - 2^{nd} Reading

Draft Ordinance No. 03-165 died for lack of a motion.

NEXT MEETING DATE - Study Session May 1, 2003

ADJOURNMENT

At 10:39 p.m., the meeting expired.

Respectfully submitted,

Angela M. Chaufty
Deputy City Clerk

ACTION ITEMS FROM 4/24/03 COUNCIL MEETING

Cingular Wireless Lease Agreement – Des Moines Field House Park

- Continue negotiation of Cingular Wireless lease agreement.

Draft Resolution No. 03-088 2003 Waterland Festival

- Meet with Chamber of Commerce representatives to address the City’s financial concerns associated with the Waterland Festival.