REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES April 25, 2002

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

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

ROLL CALL - Present: Mayor Don Wasson, Mayor Pro Tem Richard Benjamin, Councilmembers Gary Petersen, Bob Sheckler, Maggie Steenrod, Scott Thomasson and Susan White. Also present were Acting City Manager Tony Piasecki, Assistant City Attorney Linda Marousek, Public Works Director Tim Heydon, Assistant City Engineer Maiya Andrews, Senior Planner Robert Ruth, Harbormaster Joe Dusenbury and City Clerk Denis Staab.

COMMENTS FROM THE PUBLIC

Nettie Weaver, 22211 Cliff Ave. S. #102

Ms. Weaver addressed Council noting her concerns regarding the configuration that the Chamber of Commerce proposes for this years Waterland Festival. She felt there is not enough provisions for emergency vehicle access which creates a liability issue. She also stated objections to having food vendors near the condominiums citing food odors as offending residents.

Alli Larkin, 21937 7th Avenue South, #210

Ms. Larkin issued invitations to everyone to attend the following events:

- April 29th, 12:30 to 2 p.m. Des Moines Beach Park. Walk the beach and following the path that the proposed conveyor belt will take to look at the various marine animals and other wildlife that could potentially be impacted. Department of Natural Resources staff and Legislative Representative Dave Upthegrove will be in attendance.
- Beach Naturalists Summer Program. Throughout the summer tours of the Puget Sound beaches, including Des Moines Beach Park, during low tide. Learn how to enjoy beaches without harming them and learn about marine wildlife.

Eric Williams, 22211 Cliff Avenue South #103

Mr. Williams referenced the changes that were proposed to the Waterland Festival last year, noting that these changes were brought out very late and the Chamber was requested to review proposed changes with residents prior to bringing a plan to the Council. He complained that once again residents were never consulted. He stated that last year greasy smoke from the food vendors stained the walls in his condominium. He requested Council defer any final action on the proposed Resolution to allow more input. He also noted that last year the condominiums did not get garbage service due to the fencing which prohibited trucks from gaining access.

Don Riecks, 21221 5th Avenue South

Mr. Riecks spoke in support of the Chamber and the Waterland Festival. He advised that the Chamber has paid $10,000 for the past two years for police services.

Del Rivero, 1228 S. 230th Street

Mr. Rivero reported that graffiti had been cleaned up last week-end along 7th Avenue South from QFC to Red Robin and he is happy to report has stayed clean.

Mr. Rivero announced that this year, on July 24th for Waterland, the Chamber will be sponsoring a Kids Fishing Derby for special needs and handicapped children. He invited local boat owners to volunteer their services for this event. He also requested volunteers to help sponsor the event. He advised that the Coast Guard, Fish and Wildlife staff, among others, have already volunteered their time to help with the event.

Jeanne Moeller, 22211 Cliff Ave. S. #104

Ms. Moeller complained that the condominium owners who are most impacted by the Waterland Festival were once again, not included in the planning and layout of the Festival. She stated that she is not opposed to the Festival, but feels residents input is important and should be included in any final proposal.

Gary Hisel, 23003 Marine View Drive S. #B102

Mr. Hisel requested Council take a look at the 1996 Marina Master Plan before taking any final action on the new draft plan. He felt some critical areas in need of repair should be more thoroughly addressed.

Mr. Hisel concluded by cautioning citizens and Council against gossip by reading a statement by an unknown author.

R.D. “Pete” Johnson, 20834 13th Avenue South

Mr. Johnson informed Council that he had operated a conveyor belt in Bremerton. He stated that the 3-phase motors used in the operation of a conveyor belt are quite noisy. He also advised that conveyor belts do not make curves, but require a set of motors. He also noted that the belts do break and dirt gets in the gears making more noise. He concluded by encouraging everyone to walk the Des Moines Creek trail and note all the turns, and beauty of the area.

Arlene Knight, 22222 Dock Avenue South

Ms. Knight referenced instructions to the Chamber from last year, advising that they should solicit input from residents prior to requesting Council approval of the Waterland Festival. She informed Council that this has not happened. She requested Council not approve the configuration for this years event as there is not adequate emergency vehicle access to condominiums and the north end guest moorage and gas dock. She also requested shorter hours for the Festival, not longer. She urged Council not to approve the proposed layout and requested Council set a policy that would require residents input to the Festival prior to coming before Council.

Earline Byers, 22315 6th Avenue South

Ms. Byers stated that she has spent many years working for the Chamber and had been extremely involved in the Waterland event. She remarked that she had been informed last year by the then President and Vice President of the Chamber, that residents would be consulted prior to finalizing the Waterland Festival. She advised that this has not been done. She requested Council defer this matter to allow an opportunity for residents input on the final plan for the Festival configuration.

Bob Ross, 20901 2nd Place SW, Normandy Park

Mr. Ross noted that there has been a 15 year fight against the 3rd runway at SeaTac Airport. He that the end is near, and cautioned Council not to ignore the reality of the runway being built.

John Rozdilsky, 19227 3rd Avenue South

Mr. Rozdilsky spoke in support of the City's fight against the 3rd runway. In regards to the proposed conveyor belt system recent ad campaign, Mr. Rozdilsky felt the ads are slick and vague and misleading, and cautioned Council not to "go in blind".

Mysty Beal, 22628 16th Avenue South

Ms. Beal expressed concern over the recent firing of City Manager Olander by Council, and the resignations of Finance Director McCarty and City Attorney McLean. She felt these actions are creating unnecessary expenses and low morale issues with other employees.

Marie Rosenberg, 22222 Dock Avenue South

Ms. Rosenberg questioned why the Waterland Festival is always held at the north end of the Marina. She suggested sharing the benefits with the south end residents would only be fair.

Wayne Bader, 21913 Marine View Drive

Mr. Bader remarked that he will not disclose his name or address in the future as citizens are not required to do so under WAC (Washington Administrative Code).

Mr. Bader complained about expenses to build a new Marine View Drive Bridge, while stalling on Senior Center issues. He suggested Council not expend funds to build a new center, or stackable moorage at the Marina, but concentrate on the Senior Center that exists at the Des Moines Beach Park.

BOARD & COMMITTEE REPORTS

Municipal Facilities Committee

Councilmember Steenrod reported that the Committee will be meeting once a week for the next several week to review interim solutions to find a facility large enough to house Senior Center activities under one roof. Hopefully by the end of May options will be brought before Council for consideration.

She advised Council that the Committee will be reviewing finances regarding the Marina Master Plan sometime in the next two weeks.

SR 509 Executive Committee

Councilmember Petersen announced that he will be attending a Committee meeting scheduled for later part of May, at SeaTac City Hall.

Town Hall Forum

Mayor Pro Tem Benjamin reported that the one-on-one town hall meeting held last Tuesday was well attended. He noted this was an informal, comfortable time to share different points of view in a constructive manner. He remarked that all Councilmembers care about the betterment of the community.

Chamber of Commerce

Regarding the graffiti clean-up project sponsored by the Chamber of Commerce, Mayor Pro Tem Benjamin encouraged citizens to volunteer in these efforts, and noted that they are making a difference.

Public Safety and Transportation Committee

Mayor Pro Tem Benjamin reported he will be meeting with the Public Works Director next month and he will provide a report to Council later.

South King County Transportation Board

Councilmember White informed Council that we have received the go-ahead to apply for the application to continue improvements along Pacific Highway South.

ADMINISTRATION REPORTS

Council Retreat

Acting City Manager Piasecki noted that Council is scheduled for a retreat beginning Friday evening and continuing through Sunday morning. The retreat will be held at Port Ludlow. He advised that he is still finalizing the details of the Agenda.

Washington Cities Insurance Authority (WCIA) Training

Acting City Manager Piasecki informed Council that WCIA offers various training opportunities to member Cities. He questioned whether Council would be interested in one on "Land Use Law and Liability" presented by an Attorney from WCIA. He suggested this 2 to 4 hour training session could be set for Thursday, May 16th beginning at 7:30 p.m. Council expressed confirmation that this would be beneficial.

Staff Resignations

Acting City Manager Piasecki announced that Finance Director Scott McCarty has resigned to accept the position of Finance Director for the City of Puyallup. He noted that during Mr. McCarty's three years with the City, he has brought the City's finances to the solid situation that currently exists.

Acting City Manager Piasecki announced that City Attorney Gary McLean has submitted his resignation. He wished him well, and noted he will be missed as he has done a good job in providing legal guidance for the last six years.

He informed Council that he is working with an executive recruiter to bring replacements on board as soon as possible.

Upon questioning by Councilmember White, Acting City Manager Piasecki noted that the Finance Director position will be filled as a temporary interim director to help get through the upcoming budget sessions and look for a permanent replacement later in the year. In regards to the City Attorney position, he stated that he hopes to be able to 'piggy-back" onto a recruitment that is currently being undertaken for two other cities, which would reduce the cost to the City.

Video Tape

At the request of Councilmember Steenrod and with Council's concurrence, a video tape from the Alliance for A Competitive Economy entitled "Real Problems, Real Solutions" was shown.

At the conclusion of the video, Councilmember Steenrod requested that during upcoming budget discussions, that Council try not to add undue impacts to businesses. She felt a balanced perspective is needed to encourage more business and economic development which in turn will financially benefit the City.

CONSENT CALENDAR

Acting City Manager Piasecki announced that Item #7 is being removed by Administration and will be brought back at a later meeting. The Consent Calendar was read by City Clerk Staab.

1. Motion is to approve the minutes of April 4 and 11, 2002.

~~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 checks #80664 through #80832 & electronic fund transfers in the total amount of $279,518.29~~

~~Payroll fund transfers in the total amount of $289,626.30~~

[ED NOTE: This item was removed at the request of Councilmember Steenrod.}

3. Motion is to approve the Interlocal Agreement between the City of Tukwila and the City of Des Moines for video court services and to authorize the Acting City Manager to sign said agreement substantially in the form as submitted.

4. Motion is to approve the Memorandum of Understanding between the City of Des Moines, City of SeaTac and Port of Seattle, regarding reimbursement of costs for Project Manager consultant services for the Des Moines Creek Basin Project.

5. Motion is to approve the following:

A. To purchase 2,604 square feet of land and improvements from Christian Faith Center in the amount of $86,588.00 plus closing costs, and to authorize the Acting City Manager to sign the Purchase and Sale Agreement substantially in the form as submitted.

B. To purchase 1,034 square feet of land and improvements from John and Edith Gibson in the amount of $31,325.00 plus closing costs, and to authorize the Acting City Manager to sign the Purchase and Sale Agreement substantially in the form as submitted.

C. To purchase 2,099 square feet of land and improvements from McDonald's Corporation in the amount of $65,459.00 plus closing costs, and to authorize the Acting City Manager to sign the Purchase and Sale Agreement substantially in the form as approved by the City Attorney.

6. Motion is to purchase a 1972 ABC manufactured home from Elizabeth Keane located at Space O in Pine Terrace Trailer Park, on Pacific Highway South, in the amount of $6,515.48, plus closing costs, and further to authorize the Acting City Manager to sign the Purchase and Sale Agreement substantially in the form as submitted.

~~7. Draft Ordinance No. 02-073 - Title: An Ordinance of the City of Des Moines, Washington, relating to the traffic code, amending DMMC 10.20.010, and revising speed limits on certain streets that are located in the Redondo Riviera area.~~

~~TWO MOTIONS: First motion is to suspend Council Rule 26(b). Second motion is to approve Draft Ordinance No. 02-073.~~ [ED NOTE: This item was removed by Administration.]

8. Motion is to adopt the 2002 Intergovernmental Relations Policies and Positions.

~~9. Draft Resolution No. 02-074 - 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 2002 Waterland Festival and listing conditions under which such permission is granted.~~

~~MOTION is to approve Draft Resolution No. 02-074.~~ [ED NOTE: This item was removed at the request of Councilmember White.]

10. Motion is to enter into an agreement With Puget Sound Energy for Engineering Design to underground utilities for the Pacific Highway South Project, and to authorize the Acting City Manager to sign said agreement substantially in the form as submitted.

Non Participation: Acting City Manager Piasecki announced that Councilmembers Petersen and Steenrod will not be participating in Consent Items 5, 6 or 10.

Councilmember White requested Consent Item 9 be removed from the Consent Calendar.

Councilmember Steenrod requested that Item 2 be removed from the Consent Calendar.

MOTION was made by Councilmember Sheckler, seconded by Councilmember Thomasson, to approve the Consent Calendar as read. Motion passed unanimously. (Councilmembers Petersen and Steenrod not participating on Items 5, 6 or 10.)

REMOVED CONSENT ITEMS

Draft Resolution No. 02-074 - 2002 Waterland Festival (Consent Item #9)

MOTION was made by Mayor Pro Tem Benjamin, seconded by Councilmember Steenrod, to approve Draft Resolution No. 02-074.

Potential Conflict of Interest

Assistant City Attorney Marousek noted that four Councilmembers are members of the Chamber of Commerce and a citizen has raised the concern this might constitute a conflict of interest. She questioned Mayor Wasson, Mayor Pro Tem Benjamin, Councilmembers Petersen and Steenrod whether they are presently an officer of the Chamber or have any financial interest or receive financial compensation. All replied in the negative. She noted that the law allows for members who even have a remote interest to vote and participate in accordance with RCW 42.23.040. She further commented that the Chamber of Commerce is a non-profit organization under 501(c)6. She announced that her opinion is that these Councilmembers do have the right to participate in any discussion and vote on the draft resolution.

Harbormaster Dusenbury and Clarice James, Executive Director for the Chamber of Commerce, reviewed the proposed Waterland Festival layout and offered the following information:

- Sound Stage located at northern corner, near rest rooms, with speakers directed out towards the water.
- Beer Gardens located at southern corner, generators away from condos.
- No music on carnival rides, except for the carousel.
- Generators for carnival located near the launching deck, away from condos.
- Fire Lanes, worked close with Fire Marshall Ron Biesold, 30 foot width, access also provided to fuel dock
- Gate at Cliff Avenue for condominium residents, private designated area, with access for garbage trucks
- Buffer area provided on the south end of condominiums.

- Food Vendor area located closest to sound stage.
- Carnival will have a buffer zone between the main carnival rides and the condominiums.
- Entire fair grounds will be secured with fencing, with entrance gates for vehicles and pedestrians at both the north and south ends of the Marina, with "crash sections" for emergency situations.
- Patrons hands will be stamped.
- Admission charge $1.00 for general admission, .50 for seniors, children under 12 free.
- $10,000 paid by the Chamber for police security for the past two years.

Harbormaster Dusenbury informed Council that the pay parking has worked well, relieving Marina staff from this duty and has ensured that the Marina tenants have places to park.

Ms. James advised that all Waterland committee meetings are open and the public is welcome to attend. She noted that as a one person office, she does not have the time to visit all the condominium residents, but has tried to keep them aware of committee meeting dates. She further noted that the fencing is for security reasons.

In regards to extending the closing time to midnight from the previous 11:00 p.m., Harbormaster Dusenbury noted that the Police Command can shut down the Festival at any time they should deem it necessary, and they have the final authority on this issue.

Harbormaster Dusenbury noted that the Fire Marshall will be on the scene during set-up of the Festival to ensure all safeguards, setbacks, etc. are adhered to.

Councilmember Thomasson questioned whether there was public access for walkers to use the Beach Park. Ms. James noted that this access will not be allowed during the dates of the Festival.

MOTION was made by Councilmember Thomasson, seconded by Councilmember White, to amend the draft Resolution, Section 1(6)(c) to changed midnight to 11 p.m.

Councilmember Benjamin remarked that the Waterland Festival benefits the entire community. He expressed satisfaction that a lot of thought had gone into the planning, especially in regards to safety issues. He felt that the proposed layout would have the least amount of impact to the condominium residents.

Councilmember Sheckler felt action should be delayed on the resolution to allow the Chamber to give the same presentation it has given Council this evening to the impacted condominium residents.

MOTION was made by Councilmember Sheckler, seconded by Councilmember Thomasson and passed unanimously, to table the issue until the May 2nd Study Session to allow the Chamber time to make formal presentations to nearby condominium residents.

9:28 p.m. Mayor Wasson declared a 10 minute break. Councilmember Sheckler left the meeting.

Claim Checks & Electronic Fund Transfers, and Payroll (Consent Item #2)

Councilmember Steenrod voiced the opinion that more detail needs to be supplied to Council regarding the payment of bills and expenses. She advised that she would like to know which department is making what purchases in order to diligently track these expenses. She felt just having the description "supplies" was not enough information and that large ticket items, such as vehicles, it should be clearly identified which department is buying.

Acting City Manager Piasecki acknowledged that the City's current accounting system is old and does not allow for much detail on printed reports. However, he will check with the Finance Director to see if some department coding can be added such as PD for Police Dept., PW for Public Works, PR for Park and Recreation. He did advise Council that the City has a very good paper trail auditing system and there never has been any issues during the City's annual State audit.

MOTION was made by Councilmember Steenrod, seconded by Councilmember White, to approve payment of bills and payroll as read by City Clerk Staab earlier. Motion passed unanimously.

OLD BUSINESS

Draft Resolution No. 02-031 ***[ASSIGNED RESOLUTION NO. 927]*** Verizon Wireless, Unclassified Use Permit Application

Senior Planner Ruth noted that Council held a public hearing on March 28, 2002, on the Verizon Wireless request for approval of an unclassified use permit. The permit will allow for the installation of a telecommunication facility on a site in the City's downtown area located at 22613 7th Avenue South. The Council continued its discussion to this meeting to allow Administration to make changes to the conditions of approval as directed by Council. At this point he reviewed the changes that are included in Council's packet.

MOTION was made by Councilmember White, seconded by Councilmember Petersen and passed unanimously, to approve Draft Resolution No. 02-031.

NEW BUSINESS

Prior to the next item of business, Councilmembers Petersen and Steenrod recused themselves and left the meeting.

Pacific Highway South - Project Financing

Public Works Director Heydon and Assistant City Engineer Andrews reviewed in detail the information provided to Council in their packets.

Assistant City Engineer Andrews noted Pacific Highway South is the road segment in Des Moines with the highest vehicular and pedestrian injury and fatality rate, a high crime rate, and insufficient capacity to handle the traffic. In addition, much of the commercially zoned property is vacant or under utilized. As a result, the Des Moines City Council decided to move ahead with an ambitious plan to improve this highly visible corridor. She noted that the design phase is now 85% complete and over half of the needed right-of-way purchases have been completed. She proceeded to review a chart of expenditures versus revenues noting a current overage of $4,005,870. She noted most of the additional expense has come from the delay in the start of the project, which has added inflationary costs. Staff is suggestion a multi-pronged approach to filling the $4 million funding gap consisting of the following three steps:

- Grants - Staff will continue to work on any grant possibilities which may arise including a $0.7 million administrative increase, which the State Transportation Improvement Board staff has indicated would probably be approved.
- Loans - As a backup measure staff is recommending that the City apply for a Public Works Trust Fund Loan through the State of Washington. The application is due on May 13th.
- Additive Bid Items - The final approach to balancing the funding and the cost would be to bid the project in such a way that some items could be added, or deleted, from the project depending on the bid amounts.

Acting City Manager Piasecki advised Council that should they authorize staff to apply for the Public Works Trust Fund Loan, the City does not have to take the full amount, and any amount actually taken would only be with Council's approval. He noted this loan would only be used as a last resort for filling needed funding gaps. In response from Council questioning, he advised the loan would be at a 1% interest rate over 20 years.

Mayor Wasson remarked that the City of SeaTac had run into tremendous cost overruns due to bad underground conditions such as soil contamination. He would feel more comfortable with a higher contingency amount and a larger loan request if it did not jeopardize the City's ability to get loan approval.

Public Works Director Heydon remarked that staff is hopeful there is a good bidding climate at this time, however could put in a 15-20% contingency and increase the amount of the loan.

MOTION was made by Councilmember Thomasson, seconded by Councilmember White, to direct staff to apply for a Public Works Trust Fund loan in amount of up to $5 million, needed to fund the Pacific Highway South Project. Motion passed 5 to 0. (Councilmembers Petersen and Steenrod had left the meeting.)

MEETING DATE

It was announced that Council will be holding a retreat beginning Friday evening, continuing all day Saturday and ending with a half day session on Sunday at Port Ludow. The public is welcome to attend.

Mayor Wasson noted the next study session will be May 2, 2002.

ADJOURNMENT

At 10:15 p.m. **MOTION** was made by Councilmember Thomasson, seconded by Councilmember White and passed unanimously, to adjourn.

Respectfully submitted,

Denis Staab
City Clerk