PRELIMINARY

REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES July 31, 2003

The regular meeting of the Des Moines City Council was called to order at 7:36 p.m. by Mayor Steenrod in the Council Chambers, 21630 11th Avenue South.

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

ROLL CALL - Present: Mayor Maggie Steenrod, Councilmembers Gary Petersen, Bob Sheckler, Dan Sherman and Susan White. Absent: Mayor Pro Tem Richard Benjamin and Councilmember Scott Thomasson. Also in attendance were City Manager Tony Piasecki, Assistant City Manager Corbitt Loch, City Attorney Linda Marousek, Public Works Director Tim Heydon, Assistant City Engineer Maiya Andrews, Parks and Recreation Director Patrice Thorell, Acting Chief of Police Commander Kevin Tucker and City Clerk Denis Staab.

MOTION was made by Councilmember Petersen, seconded by Councilmember Sherman and passed unanimously, to excuse Mayor Pro Tem Benjamin and Councilmember Thomasson.

COMMENTS FROM THE PUBLIC

Bob Pond, 23116 30th Avenue South

Mr. Pond informed Council that the gang members have been evicted from the Woodhaven Apartment complex. He thanked Police Commander Tucker for helping to put pressure on the owners of the complex who live in California. He noted that there are still some improvements that need to be made, such as a chain link fence.

David Goretski, 1520 South 268th Street (President of SODA - Save Our Dog Areas)

Mr. Goretski introduced Sonja Kreshel, a Des Moines resident. He spoke in support of Council joining the Interlocal Agreement for a off-leash dog area at Grandview Park that is on the agenda tonight for Council consideration. He advised that he represents the group SODA who have made an agreement with the City of SeaTac to adopt the Grandview Park to use as an off-leash dog area. He felt the off-leash dog area will be a feature destination in south King County and will benefit Des Moines by people stopping for coffee, food and visiting the Marina. He noted that the cost to Des Moines is only $1,400 which will help install garbage containers, restrooms, signage and fencing. He concluded by informing Council that he will be in charge of the Park operations.

Alli Larkin, 21937 7th Avenue South

Ms. Larkin read a letter to Council and staff noting her concern regarding the Des Moines Beach area. She advised that she serves as a volunteer in the Beach Naturalist program and at the Seattle Aquarium. The Beach Naturalist program mission statement is: To expand knowledge of, inspire interest in, and encourage stewardship of the aquatic wildlife and habitats of Puget Sound and the Northwest. She noted the same evening that Council approved an ordinance granting Comcast an easement to install a fiber optic cable by bringing in heavy equipment on the beach, the Seattle Parks & Recreation Board voted to make specific areas of Seattle Beach Parks Marine Reserves. She concluded by inviting everyone to join her on Sunday, August 10th at 10 .m. at Des Moines Beach Park, to see and get to know some of the marine life that will surely be put in jeopardy by the construction of the optic cable.

BOARD & COMMITTEE REPORTS

Steven J. Underwood Memorial Park Opening Ceremony

Councilmember Sherman reported attending the ceremonies of the opening of the Park on Friday, July 25th. He noted this is a result of may years of planning and it is a great facility that should prove to be an economic help to the community by bringing people into Des Moines. He stated he is very proud of the Park.

PRESIDING OFFICER'S REPORT

Steven J. Underwood Memorial Park Opening Ceremony

Mayor Steenrod expressed her compliments to the Parks and Recreation staff for their efforts at the new Park. She noted she was really impressed with how wonderful the grass looked and enjoyed seeing the kids excited about the ball field.

Waterland Festival

Mayor Steenrod thanked the Chamber of Commerce and the many volunteers for a successful Waterland Festival.

King County Mayors Meeting

Mayor Steenrod reported attending a meeting of King County Mayors recently. She advised one of the topics of discussion involved the fact that King County gets a large portion of property taxes but is removing a lot of the services that they provide to cities. Another topic was concern over Stated mandated issues that provide no funding. She advised that the mayors will be tackling this issues in the near future. She also noted that the County is pushing for pockets of unincorporated areas to be annexed into neighboring cities. Another item of concern was raised by Seattle Mayor Nichols that was discovered during the recent emergency management drill. The problem arose that government officials did not understand some of the terminology and procedures that the emergency management team were using. She felt it is very important, not to just Fire and Police, but all officials to review emergency management procedures.

ADMINISTRATION REPORTS

Police Vehicle Accident

At the request of Mayor Steenrod, City Manager Piasecki advised that the Des Moines Police Officer involved in a traffic accident last night at South 216th and Pacific Highway South, has been released from the hospital and is at home recovering.

Steven J. Underwood Memorial Park Opening Ceremony

City Manager Piasecki thanked Parks & Recreation Director Thorell and her staff for a job well done in a very tasteful manner in the dedication of the new Park in the memory of fallen Des Moines Police Officer Underwood.

4th of July Report

City Manager Piasecki informed Council that a written report regarding the 4th of July has been placed in Council's boxes.

Redondo Boat Launch Project

City Manager Piasecki announced that the Redondo Boat Launch Project will be underway soon and closure of the area will occur in early September.

Field House Construction

City Manager Piasecki reminded everyone that the Des Moines Field House is open during construction improvements to the facility.

Application for Initiative Petition

City Manager Piasecki advised that the City has received an application for an Initiative Petition to reduce the Utility Tax from 4% to 2%. He requested City Attorney Marousek provide an update on the status of this request.

City Attorney Marousek informed Council that she and Assistant City Attorney Brown have reviewed and researched the request to repeal taxes. She advised that the conclusion is that both State statute and Des Moines Municipal code are clear that the request is not appropriate subject to an initiative.

Traffic Unit Update - Status Report

City Manager Piasecki noted that because of missing data, he is not ready to present a full report to Council as requested. He advised that the City is working with the Administrator of the State Court to merge a data base to obtain the data that is necessary in order to present Council with a full comprehensive report. Hopefully the report will be ready for Council in early September.

CONSENT CALENDAR was read by City Clerk Staab.

1. Motion is to approve the minutes of July 10 and 17, 2003.
2. Motion is to approve the Contract with Lakeridge Paving Company in the amount up to $31,980.00 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 not to exceed 10% of the total contract amount.
3. ~~Motion is to enter into an agreement with the City of Kent for their participation in the construction and maintenance of the Joint Use Stormwater Detention/Treatment Facility improvements for the Pacific Highway South Redevelopment Project and to authorize the City Manager to sign said agreement substantially in the form as submitted.~~ [ED NOTE: This item was removed at the request of Mayor Steenrod.]
4. Motion is to approve the "Consent Judgment & Decree of Appropriation" in King County Superior Court Cause No. 02-2-33625-6 KNT and to authorize the City's retained counsel to approve said Judgment and Decree and present it to the court, for approval and entry, substantially in the form as submitted.
5. Motion is to approve the "Consent Judgment & Decree of Appropriation" in King County Superior Court Cause No. 02-2-19389-6 KNT and to authorize the City's counsel to approve said Judgment and Decree and present it to the court, for approval and entry, substantially in the form as submitted.

Councilmember Petersen announced that he is recusing himself from Consent Items number 4 and 5.

Mayor Steenrod removed Item #3 from the Consent Calendar.

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

REMOVED CONSENT ITEM

Consent Item #3 - Interagency Agreement with City of Kent for Pacific Highway South Joint Use of Stormwater Facility

Mayor Steenrod advised that she has visited the site and is satisfied that it is down a steep embankment and will not be visible from the road. However, she sees no changes in the agreement that Council had requested.

Public Works Director Heydon drew the Mayor's attention to the fact that the old agreement is in Council's packet, but the new agreement is the last item contained within the packet. He pointed out that the two changes requested by Council have been addressed in the latest version of the agreement.

MOTION was made by Councilmember Sherman, seconded by Councilmember White and passed unanimously, to enter into the agreement with the City of Kent for their participation in the construction and maintenance of the Joint Use Stormwater Detention/Treatment Facility improvements for the Pacific Highway South Redevelopment Project and further to authorize the City Manager to sign said agreement substantially in the form as submitted.

PUBLIC HEARING

Draft Ordinance No. 03-032 ***[ASSIGNED ORDINANCE NO. 1327]*** Comcast Cable TV Franchise - 1st Reading

Mayor Steenrod introduced the subject. She read the procedures into the record for conducting the Public Hearing and declared the Hearing open.

Assistant City Manager Loch, along with the City's Consultant Lon Hurd of 3-H Cable Communications Consultants, reviewed the following items in Council's packets:

- Term - 6 years, with possible 2 year extension
- Franchise Fee - %5 of gross revenues
- Street Restoration
- Relocation - Shall remove or relocate facilities at City's direction
- Refunds for outages
- $140,000 PEG Contribution
- Internet Excluded from Agreement
- Upon termination Comcast shall removed all facilities
- $10,000 application fee (partial reimbursement to City for negotiation expenses)

PROPONENTS:

James Stewart, 24812 9th Place South

Mr. Steward noted that Comcast internet service billing is combined with the TV Cable bill. He questioned whether the City does receive utility taxes on the internet billing.

OPPONENTS - None

As there were no further speakers, Mayor Steenrod questioned whether Administration had any further comments.

Mr. Hurd informed Council that the FCC has ruled that internet usage is an information service and therefore is not eligible to be taxed.

Mayor Steenrod declared the Hearing closed.

Upon questioning by Councilmember Petersen, Mr. Hurd advised that Comcast customers will be billed approximately 30 cents per month for Comcast to recoup the $140,000 PEG contribution as allowed by law.

Mayor Steenrod questioned Administration as to what are the plans for the proposed improvements using the $140,000.

Assistant City Manager Loch noted that the PEG funds can only be used for capital improvements to the City's public, education, and government broadcast system. He advised that shortly an RFQ or RFP will be put out regarding installation and design of improvements. This will be brought to council to make final determination of equipment and scheduling of installation.

MOTION was made by Councilmember Sheckler, seconded by Councilmember Petersen and passed unanimously, to suspend Council Rule 26(b) to allow enactment of Draft Ordinance No. 03-032 on first reading.

MOTION was made by Councilmember Sheckler, seconded by Councilmember Sherman to enact Draft ordinance No. 03-032 granting Comcast a six year renewal for a cable television franchise.

Councilmember Sherman stated that he is looking forward to the improvements of lighting and sound in the Council chambers. He noted that Council has received much feed-back over the years as to the poor quality of the video re-broadcasts of Council meetings.

Councilmember Sheckler commented that the agreement gives Comcast 90 days to make the capital contributions payment and questioned how this will effect staff's requests for RFQs or RFPs.

Assistant City Manager Loch advised that he expects the time frame to work out about the same to process any requests for proposals.

Upon questioning by Council, City Manager Piasecki advised that revenues received from Comcast have remained relatively stable and that the only increase usually comes from an increased rate charged to customers.

VOTE ON MOTION: The motion passed unanimously by a roll call vote.

8:23 p.m. Mayor Steenrod called for a 10 minute break.

NEW BUSINESS

Final Draft 2003 Parks, Recreation & Sr. Services Master Plan

Parks & Recreation Director Thorell noted that the purpose of this agenda item is for the Ad Hoc Parks, Recreation & Senior Services Master Plan Citizens Committee to transmit the revised Draft Master Plan. She introduced Shelly Parker, Chairperson of the Committee.

Ms. Parker advised that the Master Plan is a comprehensive plan that covers the next 12 years. She noted that based on Council input the Committee revised its Capital Policy Recommendations as follows:

- Dedicate a sustainable portion of Real Estate Excise Tax as an ongoing capital funding source for the major capital maintenance of existing recreation buildings and park facilities.
- Consider Levy Lid Lift funding for multiple park projects throughout Des Moines. A Citizen Voted Bond Issue to fund the future Community Center project should be postponed until improved economic times.
- Actively seek joint use and shared cost opportunities.
- Support economic development through creation of a more aesthetically pleasing environment.
- Provide adequate parking at all recreational facilities.
- Support Marina and Redondo Waterfront Improvement Plans capitalizing on Des Moines best recreational features, its waterfront amenities.

To meet the above recommendations, Ms. Parker noted that the Committee proposes the following:

- With traffic mitigation fees to be initiated in Des Moines in 2005 and the continued appropriation of King County transportation funds, funds taken from parks projects and reprogrammed to arterial streets should be returned to park projects as needed to accomplish urgent Master Plan needs.
- The City's investment in the remodeled Activity Center may fill the need for a Community Center for the next decade or until Des Moines' economic picture improves. The Committee recommends that the property on 24th Ave. S and South 220th Street should be utilized for the construction of a soccer field to complete Steven J. Underwood Memorial Park.

Ms. Parker noted the CIP projects approved for the years 2004-2008 and detailed the Priority 1 urgent Master Plan projects as follows:

1.a - Activity Center Acoustics, Walks & Landscaping
1.b - Activity Center Sidewalk to 216th & Patio
2.a - Beach Park Master Plan
2.c - Beach Park (Play Area, Paths, Picnic Shelter, Restroom Repair)
3.a - Midway Park Play Area Improvements
3.b - Midway park Expansion
4.a - Underwood Park Phase 1B 1 Field & Restrooms
4.b - Alternate 1B Lighting for 1 Field
4.c - Underwood Phase II Soccer Field $1,079,085

After reviewing the priority projects funding plan for the next five years, Ms. Parker concluded by informing Council that the Committee recommends that the City accept the Plan and forward it to the Planning Agency for review and recommendations.

MOTION was made by Councilmember Sheckler, seconded by Councilmember White, to accept the Parks Recreation and Senior Services master Plan, and to forward it to the Planning Agency for review and recommendation under DMMC 4.28.040 as to adoption by the City Council of the Parks, Recreation and Senior Services Master Plan as a Type VI land use action amending the City's Comprehensive Plan.

Councilmember White complimented the Ad Hoc Committee on an exceptional job. She questioned whether they had considered adding the Redondo Board Walk as a project.

Parks & Recreation Director Thorell noted that the Redondo Board Walk is part of the Marina and would be addressed through the Marina Master Plan.

Councilmember Sherman felt that due to the high cost of installing a soccer field where the Community Center will one day be located, does not seem to make economic sense.

Parks & Recreation Director Thorell advised that the Activity Center was created at an investment of ½ a million dollars and is expected to last at least 10 years. If a soccer field was installed on near 24th Avenue South, it too would expect to need to be redone in about the same time period.

In response to questioning by Councilmember Sherman, City Manager Piasecki advised that the Supreme Court is expected to make a decision within the next couple of months as to the legality of I-776 which could free up funds. He noted that the Traffic Impact Fees can only be used for new street projects due to growth, not for street maintenance or repairs.

Councilmember Sherman stated that the Ad Hoc Committee has done a great job and he may look favorably on continuing the Committee's existence.

Upon questioning by Mayor Steenrod, Parks & Recreation Director Thorell advised that some off-setting revenues should be realized from tournament league fees and selling sponsorships to various sport leagues, but most likely would be 50% or less of the actual costs.

Mayor Steenrod voiced concern over any use of unreserved funds as these should be maintained for emergency purposes.

Councilmember Sherman noted that maintenance costs can be quite high and encouraged fee comparisons with King County to help ensure adequate funds coming in.

VOTE ON MOTION: Motion passed unanimously.

Interlocal Agreement Off-Leash Dog Area at Grandview Park

Parks & Recreation Director Thorell informed Council that the Ad Hoc Des Moines Parks, Recreation & Senior Services Master Plan Citizens Committee and Administration recommends entering into a one year Interlocal Agreement with South King County cities and King County for promoting and facilitating the development and operation of a regional off-leash dog area.

She noted that the City of SeaTac has agreed to enter into an agreement with Save Our Dog Areas, a Washington non-profit corporation, to use Grandview Park located just east of I-5 and Military Road, and it is scheduled to open September 6th. She advised that there is a one time cost of $1,463 to Des Moines based on population, and a maximum of sixteen hours of personnel time and sixteen hours of equipment and tool use. She advised that there is a real need for this type of facility in South King County and it will be good to tell citizens who allow their dogs to run in Des Moines' parks that there is a place for this type of activity near by. She stated that the Interlocal is subject to renewal at the end of one year.

MOTION was made by Councilmember White, seconded by Councilmember Sherman to enter into an Interlocal Agreement with the Cities of Auburn, Burien, Federal Way, Kent, Renton, Tukwila, SeaTac and King Count for the purpose of promoting and facilitating the development and operation of a regional off-leash dog area and to authorize the City Manager to sign the Agreement substantially in the form as submitted.

Upon questioning, Parks & Recreation Director Thorell noted that the sixteen hours of personnel and tools would be an approximate cost of $500.00.

Councilmember Sherman stated that he has noticed that Grandview Park has not been maintained as the County has closed it due to budget concerns. He stated that he hopes pet owners will help support this effort as there is a need for revenue sources.

VOTE ON MOTION: Motion passed unanimously.

Draft Ordinance No. 02-126 Graffiti

Police Commander Tucker addressed Council stating that the draft ordinance was brought to Council a year ago and was mandated to the Public Safety and Transportation Committee and is now ready for full Council review and recommendations. He advised Council that there still is graffiti problems in the City and feels the draft ordinance will provide Community Development and the Police Department with additional tools to help fight this problem.

City Attorney Marousek pointed out that Sections 2 though 4 of the draft ordinance deal with criminal misdemeanors, and Sections 5 though 8 are civil violations, which can be appealed through the Hearing Examiner.

Councilmember Sheckler question what resources are available as mentioned in Section 7 of the draft ordinance.

Police Commander Tucker demonstrated items that were found in possession of an individual that were used in an actual graffiti case. He noted that items can be more than just spray paint and showed that chemicals can be put in shoe shine bottles, among other items.

In regards to Section 5, Mayor Steenrod stated that she does not want to see the victim being penalized. She noted that clean-up can be expensive and feels that the City needs someone knowledgeable and able to identify what was used to help the property owner in the clean-up process. She thought that seven days may be too short of a time frame.

Police Commander Tucker noted that the purpose of Section 5 was to encourage and recommend clean-up as this does help deter it from recurring. He felt the City's Code Enforcement Officer, along with Police Department Personnel, can aid in identifying the proper method for removal of the offending graffiti.

City Manager Piasecki noted that a resource site can be set-up on the City's web site, and City Currents can be used to educate citizens.

MOTION was made by Councilmember Sheckler, seconded by Councilmember Petersen, to pass Draft ordinance No. 02-126 to a second reading on the next available consent calendar. [ED NOTE: Motion was later changed by friendly amendment.]

Councilmember Sherman stated he would like to see the offender have to take some responsibility for removing the graffiti. He further advised that he is not satisfied with penalizing the property owners. The graffiti is not a matter of public health, but one of visual blight. He agreed with Mayor Steenrod that he has a problem with fining someone who has been victimized. He suggested that the City establish a clean-up fund to help citizens. He noted it would not have to be a great deal of money, and when it is depleted it is not renewed until the following budget year.

Police Commander Tucker advised that graffiti is not just a visual blight when it comes to gang graffiti and activities, and it needs to be removed as soon a possible.

9:43 p.m. Mayor Steenrod called for a 5 minute break.

City Attorney Marousek reminded Council that the property owners are given every opportunity to voluntarily correct the graffiti before any citations would be issued.

City Manager Piasecki stated that clarifying language can be added to provide ample opportunities for citizens to work with the City to abate the problem, and that he can meet with staff to find budget funds to establish a "clean-up fund". He suggested that the motion be amended to allow staff to address these two issues and bring the ordinance back in September for a second reading.

FRIENDLY AMENDMENT: City Manager's suggestion was acceptable to the maker and seconder of the motion.

VOTE ON MOTION: Motion passed unanimously.

NEXT MEETING DATE

Mayor Steenrod announced that there will be no study session on August 7th and that the next regular meeting will be August 14, 2003.

ADJOURNMENT

At 9:52 p.m. **MOTION** was made by Councilmember Sheckler, seconded by Councilmember Sherman and passed unanimously, to adjourn.

Respectfully submitted,

Denis Staab, City Clerk

AGENDA ITEM

SUBJECT: Extension of Existing Photocopier Equipment Agreement

ATTACHMENTS:
1. Agreement
2. Department Listing of Copy Machines & Costs - Existing Equipment vs. New
3. Comparison Spread Sheet Showing IKON, & Three Other Vendors

AGENDA OF: August 14, 2003

DEPT. OF ORIGIN: Administration

DATE SUBMITTED: July 29, 2003

CLEARANCES:
[ ] ____________
[ ] ____________
[ ] ____________

APPROVED BY CITY MANAGER FOR SUBMITTAL: ____________

Purpose and Recommendation:

The purpose of this agenda item is to seek Council authority to extend the City's Photocopying Agreement with IKON Office Solutions for an additional two years.

Suggested Motion:

The following motion will appear on the Consent Calendar:

> "Motion is to authorize an extension of two (2) years to the City's Photocopying Agreement with IKON Office Solutions in the amount of minimum monthly payments of $1,764.00 and authorize the City Manager to sign the extension Agreement substantially in the form as submitted."

Background:

Prior to expiration of an existing agreement regarding copiers in the year 2000, department representatives began an exhausting two month research and evaluation of equipment available from various vendors via the State contract for copies. After reviewing capabilities/functions, price and references all departments, except for Legal/Court requested digital copiers from IKON for a lease term of 36 months. On August 15, 2000, the City entered into the existing agreement with IKON for our photocopying needs.

Discussion:

During the three years of our existing agreement, all departments have reported few, if any, problems with their copiers. The Administration copier was set up to act as a printer. This significantly reduces the amount of printing sent to the laser printers, and the cost per copy/page printed is less than the cost of printing from the laser.

The new monthly cost will be $2,716.90 which will equate to a savings of approximately $5,096 over the next 24 months. The monthly charge covers all toner, staples, service needs and costs per copying charge. We could upgrade all of our existing equipment for the same 2 year extension at a cost of $2,835.48, for a savings of $2,013. However, staff is very satisfied with existing equipment and is not recommending an upgrade of equipment at this time. We have been assured by IKON that if any copier should fail during this two year extension the equipment would be replaced at no additional charge to the City. After the two year extension has expired, another thorough review and evaluation will be made before requesting a new agreement.

The City Clerk researched three other companies that offer photocopying machines comparable to what the City is currently using, through the Washington State Current Contract information which offers government pricing. The three companies compared were Konica at $3,319.55 a month, Sharp at $3,090.00 per month and Xerox at $3,11.90 per month. (Note: All contracts are for a 3 year period and that two year contracts are only available at higher costs.) Details are contained on Attachment 4.

Alternatives:

Council could choose to not renew the extension, in which case staff would need to dedicate time and energy to reviewing and evaluating potential copier agreements. This would require an immediate response as our current agreement will expire August 15, 2003.

Council could direct that the extension be granted with upgraded equipment. Savings would be less substantial and there would be some disruption of the office as equipment is "swapped-out".

Financial Impact:

By extending the existing agreement two years, the City will realize a cost savings of approximately $5,096.

Recommendation/Conclusion:

Staff has concluded that IKON Office Solutions has provided the City with superior equipment and backup services, and therefore is recommending that Council approve the extension of the existing contract with IKON and authorize the City Manager to sign the agreement.

Concurrence:

The following departments concur with the recommendation to extend the existing agreement with IKON: Park Maintenance, Marina, Senior Center, Police Department Records and Detectives, Community Development, Parks, Engineering/SWM and City Hall.