

REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES

July 25, 2002

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

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

ROLL CALL - Present: Mayor Don Wasson, Mayor Pro Tem Richard Benjamin (left at 7:58 p.m.), Councilmembers Gary Petersen, Bob Sheckler, Maggie Steenrod and Susan White. Absent: Councilmember Scott Thomasson. Also present were City Manager Tony Piasecki, City Attorney Linda Marousek, Community Development Director Judith Kilgore, Park and Recreation Director Patrice Thorell, Assistant City Engineers Maiya Andrews and Loren Reinhold and Deputy City Clerk Angela Chaufy.

MOTION was made by Mayor Pro Tem Benjamin, seconded by Councilmember White and passed unanimously to excuse Councilmember Thomasson from attendance.

COMMENTS FROM THE PUBLIC

Arlene Knight, 22222 Dock Avenue South

Ms. Knight distributed and read a letter inviting Council to visit her condominium during the Waterland Festival in order to observe the impact of the festival's new configuration on nearby residents. She said that the carnival rides caused her home to vibrate and the noise from the generators and carnival music was continuous.

Phil Yohann, 1300 South 250th Street

Mr. Yohann asked Council to amend the city code to eliminate the use of razor wire on security fences. He recognized the security concerns but noted that the razor wire also indiscriminately affected wild and domestic animals. Mr. Yohann distributed a sample of razor wire and photos of its use in the City. He stated that he has freed cats trapped in the wire on three occasions. Last night, one cat died from the experience. In closing, Mr. Yohann asked that there be no grandfather clause included in the amendment.

BOARD & COMMITTEE REPORTS

Municipal Facilities Committee

Councilmember Steenrod announced that the Municipal Facilities Committee would meet next week to discuss the Marina Master Plan and to develop cost estimates for the Senior Center.

Finance Committee

Councilmember Steenrod said that the Finance Committee would meet every Monday for the next several weeks in order to develop budget proposals for Council's review.

SR 509 Executive Committee

Councilmember Petersen reported that the committee had met to review four SR 509 proposals. He commented that Referendum 51 would greatly affect the proposals.

ADMINISTRATION REPORTS

King County Pools

City Manager Piasecki announced that he had met with King County Councilmember Julia Patterson, Senator Karen Keiser, Representative Dave Upthegrove, and Normandy Park, Highline Community College, King County Parks, and Highline School District representatives to discuss the County's funding deficient and its potential impact on King County pools. He reported that the County currently planned to close their pools that were located within city limits. He noted that Council was scheduled to discuss the issue and identify their position at the next Council meeting.

Port of Seattle Comprehensive Plan Amendment

City Manager Piasecki announced that the Port of Seattle had filed a Comprehensive Plan Amendment to allow interim uses for the Port buyout area. As part of the process, several permits would be required. The amendment and permit requests would be processed according to city code. City Manager Piasecki said that he and Community Development Director Kilgore had met with Port of Seattle Executive Director Gina Marie Lindsay and Community Development Director Diane Summerhaze to discuss plans for the site.

Wescot Corporation Lawsuit

City Attorney Marousek announced that Wescot Corporation had filed a lawsuit in Superior Court on July 19, 2002 suing the City of Des Moines for damages and civil rights violation. She said that Council had been briefed on the issue and the City intended to respond aggressively. As the issue was a matter of public record, copies of the lawsuit were available.

Introduction of Prosecuting Attorney

City Attorney Marousek introduced Susan Mahoney, the proposed Prosecuting Attorney for the City. She noted that Ms. Mahoney came highly recommended and had ten years experience working with the King County Prosecutor's office.

After introducing her legal assistant Nancy Collins, Ms. Mahoney briefly described her background and said that she looked forward to serving as the city's Prosecutor.

Briefing: Puget Sound Energy Settlement

Assistant City Engineer Andrews informed Council of the background of the issue. She explained that over a year ago Puget Sound Energy (PSE) had presented the City with a set of undergrounding plans for the Pacific Highway South Project, which included forty easements in PSE's name, and for their exclusive use. After months of negotiating with PSE, the City of Des Moines joined with other cities in filing a legal case against PSE. She highlighted the following elements of the settlement:

- Requires PSE to underground utilities when the City asks them to do so;
- Creates a tariff for these actions, including template design and construction agreements;
- Gives the cities responsibility for installing vaults and conduit;
- States both parties will work in good faith to place facilities in rights-of-way;
- Sets relocation costs; and
- Sets cost allocations for undergrounding, trenching, and restoration actions.

In closing, Assistant City Engineer Andrews stated that the settlement satisfactorily preserved the City's authority over the rights-of-way and provided a reasonable cost allocation for underground conversion.

At 7:58 p.m., Mayor Pro Tem Benjamin left the meeting.

CONSENT CALENDAR was read by Deputy City Clerk Chaufy.

1. Motion is to approve the minutes of June 27 and July 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 42.24.090, 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 #81709 through # 81903 & electronic fund transfers in the total amount of \$708,566.26

Payroll fund transfers in the total amount of \$335,650.74

3. Motion is to confirm the appointment of Susan L. Mahoney as Prosecuting Attorney for the City of Des Moines and to authorize the City Manager to sign the Agreement for Professional Services substantially in the form as submitted.
4. Motion is to purchase a 1965 Fleetwood mobile home from Mabel H. Stokes in the amount of \$7,472.04 plus closing costs, and to authorize the City Manager to sign the Purchase and Sale Agreement substantially in the form as submitted.
5. Motion is to approve the surplus and disposal of twelve mobile homes listed in Attachment A which are located in Pine Terrace Mobile Home Park that the City has, or will, acquire as a result of the Pacific Highway South Improvement Project.
6. Motion is to approve the surplus and disposal of one "Gem Top" truck canopy from the Equipment Rental Department.
7. ~~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 AT&T Wireless Services, inc. for use as a wireless antenna location and to authorize the City Manager to sign the lease substantially in the form as submitted.~~

In response to Councilmember Steenrod's question regarding Item No. 7, Park and Recreation Director Thorell stated that the proposed lease was located approximately thirty feet east of the current light standard.

Councilmember Steenrod removed Item No. 7.

MOTION was made by Councilmember Sheckler and seconded by Councilmember Petersen to approve the consent calendar.

City Manager Piasecki announced that Councilmember Petersen and Steenrod recused themselves from voting on Item Nos. 4 and 5.

VOTE ON MOTION: Motion passed unanimously.

CONSENT ITEM REMOVED

AT&T Wireless Service Lease Agreement – Des Moines Field House Park

Upon questioning from Councilmember Steenrod, City Attorney Marousek confirmed that the proposed agreement was not a standard lease for AT&T. She explained that the lease was the first step in the unclassified use permit process. City Attorney Marousek said that the city had negotiated the lease dependent upon the approval of the unclassified use permit.

Community Development Director Kilgore explained that AT&T's unclassified use permit application would be reviewed by Council.

MOTION was made by Councilmember Steenrod, seconded by Councilmember White and passed unanimously to approve Consent Calendar Item No. 7 as previously read by the Deputy City Clerk.

NEW BUSINESS

Briefing: Water Resource Inventory Area (WRIA) 9 - Near-Term Action

Assistant City Engineer Reinhold introduced Dennis Clark, the Public Outreach Coordinator for the Water Resource Inventory Area (WRIA) 9 Forum. He stated that the purpose of the briefing was to inform Council of the salmon habitat and to describe the near-term action plan of the forum.

Mr. Clark informed Council that the State of Washington was divided into 62 watershed areas. The City of Des Moines was a part of the Green/Duwamish and Central Puget Sound Watershed (WRIA 9). He displayed a map of the area and described its features. Mr. Clark identified the following benefits of the City's participation in the WRIA 9 salmon habitat effort:

- Provides the City with an opportunity to participate in the development of a watershed habitat plan that will be proposed to the federal government in 2005;
- Illustrates the City's commitment to avoid salmon "take" under the Endangered Species Act;
- Provides an opportunity for jurisdictions dealing with similar problems to learn from each other;
- Provides City input regarding the allocation of \$600,000 of King Conservation District funds annually; and
- Provides an efficient method to meet watershed-wide and local government planning needs for salmon habitat.

Mr. Clark said that the WRIA 9 habitat planning elements included the development of a reconnaissance assessment (completed December 2000), near-term action agenda (completed May 2002), strategic assessment (2002 – 2004), and a comprehensive salmon habitat plan (2002 – 2005). He explained that the near-term action agenda serves as a educational and decision making tool for the City. It describes the current efforts of WRIA 9 and lists achievable priority actions. It is a product of consensus and implementation is voluntary. Mr. Clark highlighted the following WRIA-wide actions identified in the agenda:

- Determine fish use and habitat priorities within jurisdictions;
- Promote the use of alternative shoreline protection techniques;
- Evaluate and improve erosion and sediment control programs to reduce sediment entering salmon streams;

- Adopt stormwater standards that protect salmon;
- Develop programs and protocols for the maintenance of stormwater systems and facilities to reduce entry of sediment to salmon streams;
- Review road maintenance practices and adopt written operating procedures to reduce potential impacts to salmon;
- Review parks and grounds maintenance procedures and adopt written best management practices;
- Create combined naturalist and stewardship activities across WRIA 9;
- Evaluate fish passage barriers at the local jurisdiction level; and
- Support the Puget Sound Nearshore Ecosystem Restoration Project, Phase 1.

Mr. Clark said that each WRIA 9 jurisdiction was expected to evaluate actions, determine which were needed, establish an implementation schedule, work with WRIA groups on joint actions, and report annually to WRIA on their progress.

Councilmember Sheckler asked if any official count of the coho salmon in Des Moines Creek had been performed.

Mr. Clark said that Salmon Watcher, a volunteer group, had counted the coho salmon in the creek. He would send Councilmember Sheckler the figures.

Councilmember White said that the beach signage in Redondo provided through WRIA were very nice.

City Manager Piasecki noted that several items regarding WRIA would be brought before Council over the next few years.

At 8:37 p.m., Mayor Wasson declared a five-minute break.

Draft Ordinance No. 02-141 Cardroom Regulations - 1st Reading

Community Development Director Kilgore introduced the subject. After researching the issue, Community Development Director Kilgore said that she found that most casinos were self-regulating, created family wage jobs, and did not seem to generate crime. She noted that State law heavily regulated the industry. While the City could not regulate the placement of casinos, she believed that they would gravitate toward acceptable areas in the city due to lot size and visibility requirements. Community Development Director Kilgore explained that casinos must be linked to a full-service restaurant. If Council chose to permit casinos, Community Development Director Kilgore proposed a taxation rate of 10%. She noted that most cities' taxation rates were between 10% and 15%. She explained that the potential revenue of a casino would be dependent upon its location and size.

Councilmember White cautioned Council to not consider casinos to be the answer to the City's budgetary concerns.

Community Development Director Kilgore explained that the State regulated a casino's hours of operation and number of tables. She confirmed that proceeds from gambling taxes were to be used primarily for local gambling enforcement programs.

Councilmember Sheckler noted that Council was considering Draft Ordinance No. 02-141 due to the city's \$1.5 million budget shortfall. He said that city service levels would be cut unless additional revenue sources were found.

Councilmember Steenrod asked staff to inquire whether neighboring police departments had experienced an increase in DUI's since the establishment of casinos in their cities.

Councilmember Sheckler noted that if additional police were required to patrol the casinos, profits would be decreased.

Councilmember Petersen said that most casinos provide their own security.

City Attorney Marousek explained that if the State legislature broadened the definition of allowable gambling activities, the proposed ordinance was written so as to allow Council the opportunity to determine whether a specific activity should be allowed in Des Moines.

Mayor Wasson said that three surrounding cities were currently providing gambling services to Des Moines' residents. He felt that the citizens should be encouraged to spend their money at home.

MOTION was made by Councilmember Sheckler, seconded by Councilmember White and passed unanimously to move Draft Ordinance No. 02-141 on to a second reading at the August 22, 2002 meeting.

NEXT MEETING DATE - Regular Meeting August 1, 2002

ADJOURNMENT

At 9:22 p.m., **motion** was made by Councilmember Petersen, seconded by Councilmember White and passed unanimously to adjourn the meeting.

Respectfully submitted,

Angela M. Chaufty
Deputy City Clerk