REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES September 23, 2004

At 7:28 p.m. Assistant City Manager Loch announced that the Council is expected to continue in Executive Session for approximately 10 minutes.

At 7:40 p.m. Assistant City Manager Loch announced that the Council is expected to continue in Executive Session for approximately 5 minutes.

The regular meeting of the Des Moines City Council was called to order at 7:47 p.m. by Mayor Sheckler in the City Council Chambers, 21630 11th Avenue South, Suite B.

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

ROLL CALL - Present: Mayor Bob Sheckler, Mayor Pro Tem Scott Thomasson, Councilmembers Richard Benjamin (arrived at 8:22 p.m.), Gary Petersen, Dan Sherman, Maggie Steenrod and Susan White. Also in attendance were City Manager Tony Piasecki, Assistant City Manager Corbitt Loch, City Attorney Linda Marousek, Public Works Director Tim Heydon, Community Development Director Judith Kilgore, Harbormaster Joe Dusenbury and City Clerk Denis Staab.

COMMENTS FROM THE PUBLIC

Vickie Bergquist, 22030 7th Avenue South, President Greater Des Moines Chamber of Commerce

Ms. Bergquist read a letter from the Chamber Board of Directors, expressing appreciation to the Council, City staff and the community for another successful Waterland in 2004. The letter further stated that after years of sponsoring the Waterland Festival, the Chamber will transition sponsorship and management of the Festival to an independent not-for profit organization. The organization will be based in Des Moines and staffed with many of the same community leaders and volunteers that have made previous festivals so successful. This change will allow the Chamber to better serve its primary mission of economic prosperity and advocacy of Chamber members and the Des Moines business community. It was noted that the Chamber is anxious to participate with the City in pursuing a comprehensive economic development strategy and other issues of mutual interest.

Michael Shannon, 1229 South 235th Place

Mr. Shannon addressed Council expressing his concern that the current City Building Codes, allow his neighbors to build sheds or storage buildings that are 30 feet in height. He advised that his neighbor has been allowed to build a shed that is taller that his 2 story-split level home and he questioned how it could be permissible to construct such a monstrosity in a single-family home neighborhood. He noted that if all his neighbors build sheds next to his fence he would never see the light of day. He noted the negative impact on his property value would be significant. He requested Council change the current building codes regarding sheds and outbuildings. In conclusion, he distributed photos for Council's review.

Jerry Harris, 24107 20th Avenue South, Member of Board of Commissioners for King County Fire District #26

Mr. Harris informed Council that he has received a proposal from Fire Chief Polhamus of Fire District #26, for a proposed merger with Fire District #39 in Federal Way. He advised that he can see no reason for this merger and Fire District #26 would lose identity with Des Moines and all office staff would be moved to Federal Way. He felt this proposal would destroy the close relationship Fire District #26 and the City of Des Moines has enjoyed. He distributed a copy of the proposal of the merger for Council's review and requested a couple of Councilmembers attend the next Board of Commissioner's meeting set for October 6th at 5 p.m. to express any concerns or views regarding the possible merger.

Brenda Anders-Larson, 2115 S 250th Street, Kent

Ms. Anders-Larson informed Council that she has agreed to take the lead in the transition of the Waterland Festival from the Chamber of Commerce. She advised that she intends to continue with the community spirit and pride in the festival and invited Council to participate in a information meeting regarding Waterland 2005 on October 11th at 6:30 p.m. in the Wesley Gardens Boardroom. She noted that the hope is to have a proposed resolution before the City Council before the end of November for consideration of the 2005 Festival.

Dave Kaplan, 2614 South 226th

Mr. Kaplan noted that with the failure of the proposed Levy Lid Lift on the ballot, it is time for Council to "put up or shut up" and stated that Council, not staff, is responsible and accountable to produce a balanced budget for 2005.

Carolyn Wilson, 1232 South 235th Place

Ms. Wilson advised Council that she is very unhappy with the Port of Seattle, and supports the Airport Communities Coalition (ACC). She feels supporting the ACC was money well spent as they spoke for the families of the area.

Richard Carlson, 21025 6th Avenue South

Mr. Carlson stated that twice today his vehicle was damaged by debris from gravel trucks working for the Port of Seattle third runway construction while traveling on I-5. He advised that the Port indicated that their contractors will pay for the damage. He requested that the City advertise this fact so that other citizens will be aware and not contact their private insurance company.

Linda Banks, Business Owner at 27215 Pacific Highway South

Ms. Banks advised that business owners of this unincorporated triangle have been notified of proposed annexation by the City of Federal Way, which will be on the November ballot. She informed Council that business and home owners that she has spoken with, do not want to be a part of Federal Way and would prefer to be part of Des Moines. She requested information on how Des Moines could annex this area.

Mayor Sheckler commented that the citizens of the area must first vote on the annexation issue and should it fail, then it could be considered.

Councilmember White noted that she felt this area would be an asset to Des Moines.

City Manager Piasecki advised that Des Moines and Federal Way have an annexation agreement that essentially split up parts of unincorporated King County. He noted that this triangle area is within the portion that Federal Way gets to look at. He stated that should the November ballot issue pass, then this area becomes part of Federal Way. If the ballot measure fails, then Des

Moines could potentially take a look at that area to be a part of Des Moines and perhaps talk to Federal Way to reach some agreement about changing the proposed annexation boundaries.

BOARD & COMMITTEE REPORTS

Potential Passenger Ferry Service

At the request of Councilmember Sherman, Councilmember White reported that there are people interested in looking at Des Moines Marina as a potential passenger ferry terminal. She will pursue this possibility and keep Council informed.

Senior Services Advisory Committee

Councilmember White reported attending a recent Committee meeting. She noted that the group will be briefing Council tonight on the work the Committee performs.

Beach Park

Councilmember White thanked Parks and Recreation Director Thorell and Carmen Scott for all their hard work on the Beach Park final report and feels that the City is close to submitting to the National Historic Register.

COUNCILMEMBER COMMENTS

Zoning Code Review

Councilmember Steenrod requested that staff take a look at the 30' height requirement for sheds when the Zoning Code review process takes place.

Waterland Festival

Councilmember Steenrod noted that the Chamber of Commerce has done a great job in the past for the Waterland Festival and advised that she looks forward to working with the new non-profit group on future Festivals.

Potential Passenger Ferry at Marina

Councilmember Steenrod commented that this type of service could really help open the Marina up and encouraged continued investigation of the potential project.

Zoning Code Review

Councilmember Sherman expressed agreement with Councilmember Steenrod in that height restrictions for storage sheds and other accessory buildings should be looked at.

Port Buy-out Area Negotiations

Councilmember Sherman questioned Administration as to whether there are any current negotiations with the Port of Seattle regarding the buy-out area north of the Post Office.

City Manager Piasecki reported that staff is currently working with the Port of Seattle on a development agreement. He noted that although he has a good outline of an agreement and the issues that will be addressed, he does not have a document for Council review yet, but hopes to have one soon.

Tukwila - Japan Sister City

Councilmember White informed Council that her and her husband hosted two Japanese visitors from the sister City of Tukwila. She noted that somehow they managed to communicate and had a wonderful time. She suggested this might be something that the Des Moines community may want to look at.

Southwest Chamber of Commerce

Councilmember White noted that the Japanese visitors were given maps from the SW Chamber of Commerce, that did not include all of Des Moines, including her home. She suggested that staff should contact the SW Chamber to inquire about joining and perhaps getting all of Des Moines on their map.

6th Avenue South Parking

Mayor Pro Tem Thomasson advised that while driving on 6th Avenue South recently he noted a parking problem. He stated that many of the vehicles parked were actually hanging out into the travel lane. He noted that he has brought this problem to the attention of the Public Works Director and the City Manager and is hoping for a report in the near future.

8:22 p.m. Councilmember Benjamin arrived at the meeting.

ADMINISTRATION REPORTS

Wooten Park Clean-up

City Manager Piasecki noted that there will be a clean-up party at Wooten Park tomorrow, sponsored by Redondo citizens, Starbucks Coffee and All State Insurance. This effort will help raise funds for the Legacy Foundation. Approximately 100 yards of mulch has been donated by the Port of Seattle to be used at the Park.

Announcement - Assistant City Manager Resignation

City Manager Piasecki announced that Assistant City Manager Loch has accepted a position with the City of Marysville as an Assistant City Administrator. He advised that he will miss Mr. Loch as he has been a tremendous help. He noted that Mr. Loch has been with the City for nearly 15 years.

Senior Services Advisory Committee

John Caroll, Chairman of the Committee introduced the other members and proceeded to brief Council on the following:

- 2004 Activities

  Senor Outreach Brochure
  Divider Doors for Activity Center
  Continued Development of Steven J. Underwood Park
  City of Des Moines Candidates Luncheon
  Adam Smiths Prescription Drug Town Hall Meeting
  Latino Senior Outreach
  Homes for the Aging Week
  Senior Representative to Chamber of Commerce Board of Directors
  Agencies Serving Seniors Presentations
  Focus Groups for Senior Participants & Caregivers

The briefing continued with sample testaments of how the Des Moines Senior Activity Center has made a difference in participant's lives and noting that programs and services are keeping a diverse group of seniors independent, healthy and active. Mr. Carroll expressed appreciation on behalf of the Committee for the support of City Council and concluded by inviting Councilmembers to the volunteer breakfast to be held tomorrow morning.

CONSENT CALENDAR was read by City Clerk Staab.

1. Motion is to approve the regular minutes of September 9, 2004.

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 #95922 through #96103 & electronic fund transfers in the total amount of $717,829.94

Payroll fund transfers in the total amount of $360,462.25

3. ~~**TWO MOTIONS:**~~

~~**A. Motion is to approve the consultant contract and scope of work with Ravenhurst Development as included in Attachment 1 and authorize the City Manager to sign the Contract substantially in the form as submitted for an amount not to exceed $50,000.**~~

~~**B. Motion is to approve the consultant contract and scope of work with Beckwith Consulting Group as included in Attachment 2 and authorize the City Manager to sign the contract substantially in the form as submitted for an amount not to exceed $75,000.**~~ [ED NOTE: Item removed by Mayor Pro Tem Thomasson.]

~~**4. Motion is to set a Public Hearing on amendments to Des Moines Municipal Code 18.20,. Neighborhood Commercial Chapter, for October 14, 2004**~~. [ED NOTE: Item removed by Mayor Pro Tem Thomasson.]

5. ~~**Draft Ordinance No. 04-208 - Title: An Ordinance of the City of Des Moines, Washington, relating to the protection and preservation of City-owned landmarks, adding new sections to chapter 18.96 DMMC, and codifying sections of Ordinance No. 1347 and of this ordinance in chapter 18.96 DMMC.**~~

~~**TWO MOTIONS: First Motion is to suspend Council Rule 26(b). Second Motion is to approve Draft Ordinance No. 04-208.**~~ [ED NOTE: Item removed by Councilmember Richard Benjamin.]

6. ~~**Motion is to accept the Des Moines Beach Park Conservation Guidance and Advocacy Report and to authorize the City pursuit of funding from the Washington State Legislature and other governmental sources such as King County and Federal Capital funds to preserve the Beach Park's historic resources meeting the Secretary of the Interior's Standards for the Treatment of Historic Properties.**~~ [ED NOTE: Item removed by Mayor Pro Tem Thomasson.]

7. ~~**Motion is to approve the use of the Quartermaster site for a long-term boat storage yard and accept the bid submitted by Lloyd Enterprises, Inc. in the amount of $14,465.94, plus a 10% contingency for the construction of a compacted gravel pad in the Marina, and authorize the City Manager to sign the contract, substantially in the form as submitted.**~~ [ED NOTE: Item removed by Mayor Pro Tem Thomasson.]

Mayor Pro Tem Thomasson requested Consent Items #3, 4, 6 and 7 be removed.

Councilmember Benjamin requested Consent Item #5 be removed.

MOTION was made by Mayor Pro Tem Thomasson, seconded by Councilmember Steenrod and passed unanimously, to approve the remaining Consent Calendar as read. (Items #1 and 2.)

REMOVED CONSENT CALENDAR ITEMS

Consent Calendar Item #3.A - Consultant Contract with Ravenhurst Development for $50,000.00 (Economic Development Strategy) and, #3.B - Consultant Contract with Beckwith Consulting Group for $75,000.00 (Comprehensive Land Use Code Rewrite)

Mayor Pro Tem Thomasson noted that in this time of budget concerns that he cannot support Item #3.B in spending $75,000 for a comprehensive land use code rewrite.

8:47 p.m. Mayor Sheckler called for a 10 minute break to deal with audio recording problem.

Continued Discussion Consent Items #3.A & #3.B

Councilmember Benjamin expressed agreement with Mayor Pro Tem Thomasson. He noted that contractors expressing frustration have not cited zoning issues as a problem, but more with the Administrative portion of the permit process. He noted that he does support item 3.A.

MOTION was made by Councilmember Sherman, seconded by Councilmember Steenrod, to approve the consultant contract and scope of work with Ravenhurst Development as included in Attachment 1 and authorize the City Manager to sign the contract substantially in the form as submitted for an amount not to exceed $50,000. Motion passed 6 to 1 with Mayor Pro Tem Thomasson opposed.

MOTION was made by Councilmember White, seconded by Councilmember Steenrod, to approve the consultant contract and scope of work with Beckwith Consulting Group as included in Attachment 2 and authorize the City Manager to sign the contract substantially in the form as submitted for an amount not to exceed $75,000.

Councilmember Steenrod noted that while she agrees $75,000 is a lot of money, when she looks at economic development in general and zoning in particular, there are serious problems with the zoning code. The City must make changes and this is an investment in preventing some of the problems and streamlining the process that will make it easier for people to get permits through the City. She felt that the money saved will far outweigh the costs.

Councilmember White agreed that there is confusion in the City's Code that needs to be cleaned up, and she feels this money is an investment in the future.

VOTE ON MOTION: Motion passed 4 to 3 with Councilmembers Benjamin, Sherman and Mayor Pro Tem Thomasson opposed.

Consent Item #4 - Set Public Hearing on Amendments to DMMC 18.20, Neighborhood Commercial, for October 14, 2004

Mayor Pro Tem Thomasson stated that there are only four properties in the City with this zoning, City Hall, Police Station, Redondo Store and the fourth one is a site that the Council recently had a hearing regarding a mixed use development. He advised that the Council denied the application as it was felt the use was incompatible with the existing neighborhood. He felt that what this proposed textual change would do would be to allow the developer to build something less than what he had originally requested, but enough so that he would hopefully withdraw the lawsuit that he filed against the City. It is his opinion that the City acted properly on the application and therefore there is no basis for the law suit. He does not see any need to impose on that neighborhood in order to try to settle this claim. Based on that, he will not support setting a public hearing on this issue.

Councilmember Sherman noted that if the City does not do anything, then the zoning will remain Neighborhood Commercial. However, the hearing would allow the Council to make adjustments to that zoning classification as Council best feels it should be.

Mayor Pro Tem Thomasson advised that Council should look at the Comprehensive Plan and study the zoning of the neighborhood and see if Neighborhood Commercial is appropriate for this one particular neighborhood. The motion covers the whole section of the zoning code. He would even prefer a moratorium on permits for this zone, while Council studies what the land use should actually be. He feels that studying the land use versus what is allowed in that particular zone are two different things.

MOTION was made by Councilmember White, seconded by Councilmember Steenrod, to set a public hearing on amendments to DMMC 18.20, Neighborhood Commercial chapter, to October 14, 2004.

Upon questioning by Councilmember Sherman as to what latitude the Council would have during this type of hearing, City Attorney Marousek advised that should Council wish to make a change different than what is proposed and what has been subject to public notice, then Council would have to give direction as what should be published and give new public notice. She further clarified her advice to say, that if the use proposed is more intense than what was subject to public notice, that would not be permitted, but a less intense use is not subject to additional public notice.

Mayor Pro Tem Thomasson voice the opinion that a less dense textual code change would make the lawsuit go away as Council may think it might. He felt more than one motion on the table at the same time would confuse both the neighborhood and the person suing the City in terms of what Council's intent or expectations are. He noted that if the motion on the table fails he is prepared to offer an alternative motion.

CALL FOR THE QUESTION: Vote failed 4 to 3, with Councilmember Steenrod, Mayor Pro Tem Thomasson and Mayor Sheckler opposed. (Requires super-majority (5) in favor for passage.)

Upon questioning by Council, Community Development Director Kilgore advised that the text of the proposed amendments is available for review now at her office, there is a public file at the Community Development front counter, or she can e-mail the text.

Councilmember Steenrod advised that there is nothing cut and dried here and having a public hearing to allow citizens to make comments to Council is a good thing.

VOTE ON MAIN MOTION: Motion passed 5 to 2 with Councilmember Benjamin and Mayor Pro Tem Thomasson opposed.

Upon questioning, City Attorney Marousek advised that this hearing will apply to all the properties contained within the NC zone, therefore the Rules of Fairness regarding ex-parte contact do not apply. However, she reminded Councilmembers that any communication that they have had in Executive Session is privileged.

Consent Item #5 - Draft Ordinance No. 04-208 ***[ASSIGNED ORDINANCE NO. 1348]*** Relating to Protection and Preservation of City-owned Landmarks - 1st Reading

Upon questioning by Councilmember Benjamin, City Attorney Marousek advised that this draft ordinance is housekeeping in nature and corrects some omissions and errors in the companion Ordinance No. 1347, passed at the last meeting.

MOTION was made by Councilmember Sherman, seconded by Mayor Pro Tem Thomasson and passed unanimously, to suspend Council Rule 26(b) in order to enact the draft ordinance on first reading.

MOTION was made by Councilmember Sherman, seconded by Mayor Pro Tem Thomasson and passed unanimously, to approve Draft Ordinance No. 04-208.

Consent Item #6 - Acceptance of Des Moines Beach Park Conservation Guidance & Advocacy Report, and Authorize Pursuit of Funding From Washington State Legislature and Other Governmental Sources

Mayor Pro Tem Thomasson advised that he pulled this item as the Report was received by Council late at the last meeting and there has been no Council policy discussion regarding options and alternatives, therefore to accept the report now would be premature. He further noted that it is not clear whether staff is seeking funding that may require matching funds.

Parks and Recreation Director Thorell noted that the Advocacy Report gave Council a historical perspective of the Beach Park and the condition of the facilities, and it recommends the preservation of those facilities. She noted the intent of the report was to advocate to the State Legislature to ask them for a direct line item in their capital appropriations, not necessarily requiring that the appropriation have a “match”. She advised that the second report Council received was the part that questioned Council as to what is to be done with the overall Park. The Advocacy Report states that all the buildings identified in the report are historic and are currently all on the State Historic Registry. She stated that the other part of tonight’s request is purely for advocacy to ask for State funding and looking for funding from other government agencies, with Council support, at the next Legislative session.

Councilmember Sherman commented that staff is aware, given our current financial circumstances, that Council is not too interested in anything that requires matching funds. He advised that he would not turn down a monetary gift from the State or Federal Government if it meant the City could move forward on this project.

Councilmember Benjamin spoke in favor of soliciting funds from other government agencies. He citied a need to keep moving forward on this project

Councilmember White advised that she has spent a lot of time working on the project, and in Olympia, meeting and talking with various individuals including Legislators. She feels it is important for all Councilmembers to support the Beach Park Plan and save the buildings for generations to come.

MOTION was made by Councilmember White, seconded by Councilmember Petersen, ~~**to accept the Des Moines Beach Park Conservation Guidance and Advocacy Report and**~~ [Accepted as Friendly Amendment] to authorize the City pursuit of funding from the Washington State Legislature and other governmental sources such as King County and Federal Capital funds to preserve the Beach Park's historic resources meeting the Secretary of the Interior's Standards for the Treatment of Historic Properties.

Upon questioning by Mayor Pro Tem Thomasson, City Manager Piasecki advised that he takes this as direction to look for sources of funding for any of the activities in the restoration work in the Beach Park, and if there are any programs that would require matching funds, they would be brought back to Council for approval. He noted that he does not takes this as direction to apply for grants that would commit the City to matching grants, unless previously approved by Council.

Councilmember Steenrod agreed with Mayor Pro Tem Thomasson in as far as accepting the report. She felt it would make more sense to add the words "to retain the Beach Park as a historic site and take steps to get funding to help keep it that way." She noted there are bigger problems ahead, especially the flooding, and there are no funds to fix it.

Parks and Recreation Director Thorell informed Council that by accepting the report, Council is saying the report is accurate. However, if Council does not want to accept the report, staff is still looking for permission to move forward to seek funding from the State Legislature.

Councilmember Steenrod suggested a **FRIENDLY AMENDMENT** to strike all the language except for authorization to seek funding. The maker and seconded of the motion ACCEPTED the friendly amendment.

VOTE ON MOTION: Motion passed unanimously.

Consent Item #7 - Construction of Long Term Boat Storage Yard at the Marina and Accept Bid by Lloyd Enterprises for $14,465.94 plus 10% Contingency

Mayor Pro Tem Thomasson commented that Council has not had a policy discussion on whether a boat storage yard is what would be the best use of this property. He noted that this type of construction could trigger permitting requirements such as setbacks, landscaping, irrigation, storm water, etc., that he does not feel has been computed in the cost of the projects. He felt that Administration needs to look at what the Code requirements are, list them out and develop a site plan. He noted that a more thorough examination of code issues and budget amounts need to be addressed before he could support this project.

Harbormaster Dusenbury noted that a boat storage yard was viewed as an interim use, and when the expanded guest moorage project comes to Council, that will include all the landscaping, sidewalks and other amenities. He advised the purpose of this proposal was one, to take care of existing maintenance problems and make use of the vacant lot. He noted there is an approved storm drainage system in place. Secondly, he advised Council this was a way to keep revenues up, noting that there is general consistent demand for open storage, and since this would be close to the launcher, it will increase the Marina's revenue stream at little cost.

Upon questioning by Council, Harbormaster Dusenbury advised that the fencing is necessary to provide security. He further noted that the liability would be no different than what currently exists with all the permanent moorage.

Councilmember Petersen agreed that the fence does limit the City's liability. He felt that the idea of developing this parcel cheaply is a good idea and it will generate needed City income.

Mayor Pro Tem Thomasson agreed that the plan may have merit, however in terms of process, it should have gone to the Council's Municipal Facilities Committee. He felt that although this may be a temporary use, Code requirements must still be met. He also felt there may need to be limits, including size, placed on what can be stored in this yard.

MOTION was made by Mayor Sheckler, seconded by Mayor Pro Tem Thomasson, to remand the issue to the Municipal Facilities Committee to review and bring a recommendation back to the Council as a whole. Motion passed unanimously.

OLD BUSINESS

Draft Ordinance No. 04-158 Budget Amendment - Public Works Equipment - 2nd Reading

Public Works Director Heydon reminded Council that the purpose of this item is to request Council's approval of the draft ordinance on a second reading, that will amend the adopted 2004 Des Moines Budget for the Equipment Replacement Fund in order to replace the Public Works Surface Water Management 1989 backhoe which has serious mechanical problems. He noted that this piece of equipment is critical for the SWM crew who use it daily, and especially critical during emergencies such as flooding.

MOTION was made by Mayor Pro Tem Thomasson, seconded by Councilmember White, to adopt Draft Ordinance No. 04-158 on second reading relating to municipal finance amending the 2004 Budget adopted in Ordinance No. 1333 by reducing the Equipment Replacement Fund ending fund balance by $62,000 to allow for purchase of a replaceme4nt Public Works Surface Water Management backhoe.

Councilmember Benjamin noted he is very concerned with the budget and feels this issue offers a choice of spending $10,000 versus $62,000. He felt it does not have to be aesthetically pleasing to perform its job for the City. Therefore he will not support the motion as he feels this is not a proper allocation of funds or necessary.

Councilmember Steenrod advised that she called around and found out that if the engine and hydraulic system were replaced there really is not much else that can go wrong. She feels it makes more sense to do the repairs and get around seven more years of use.

Upon questioning by Councilmember Petersen stated that unless this piece of equipment is used 40 hours a week, he could not justify buying new at this time, but would rather see it repaired.

Public Works Director Heydon noted the back hoe currently has about 7,000 hours on it. It is used about 3 times a week on various projects. He agreed that having used equipment in some cases makes sense, but the back hoe is used so often and relied on by the crew, that he feels a new piece of equipment is justified in this case. He further noted that he expects to spend less than the $62,000 that is being requested.

Upon questioning by Council, City Manager Piasecki advised that once an amount of funds has been placed in the budget to purchase a specific item, he would handle it and it would not come back to Council.

Mayor Pro Tem Thomasson noted that for the 16 years the City has had the back hoe, we have charged ourselves for using it and put money aside annually for its replacement. He questioned whether the City has the full amount set-aside for the purchase.

Finance Director Henderson advised that there is $66,000 currently in the equipment replacement fund to replace the back hoe.

City Manager Piasecki reminded Council that this is not general fund money, so if it is not spent on the back hoe, it would have to be spent on some other type of SWM equipment, or back into the SWM operating fund.

Councilmember Sherman commented that he is comfortable with this purchase since it is a fund that has been paid into, for exactly this purpose.

Councilmember Benjamin noted that just because the funds are there, does not mean they have to be spent now. That is part of the reason that the City is having budget problems.

Mayor Pro Tem Thomasson suggested that Council could approve the budget amendment, but require that the purchase of the actual equipment be brought back to Council for approval. He felt that repairing the current piece of equipment for $10,000 will only be the beginning, and each year there will be something else that needs repair and soon we will have a 20 year old back hoe, when we could have had a new one.

VOTE ON MOTION: Councilmembers Sherman and White, Mayor Pro Tem Thomasson and Mayor Sheckler voting YES. Councilmembers Benjamin, Petersen and Steenrod OPPOSED. MOTION FAILED as a super majority is needed for a budget amendment.

NEW BUSINESS

Airport Communities Coalition (ACC) Status Report and Potential Withdrawal

Mayor Sheckler briefed Council on the current status of ACC as follows:

- Letters received from the City of Tukwila and the Highline School District withdrawing from ACC.
- The City of Federal Way has indicated that they will withdraw in October.
- The City of Burien will withdraw effective tomorrow.
- The City of Normandy Park has not yet made a decision.

Mayor Sheckler noted that it takes five cities to dissolve the ACC as an entity. He noted it would be inappropriate for Des Moines to withdraw at this time for the following reasons:

- There is a State Auditor who will not be through until mid October and the costs of that audit are not known as of yet.
- Attorneys and other service providers have not yet brought forward all of their bills.

He noted that if the City of Des Moines withdrew now there would be no means by which to pay the bills and the checks do require two signatures. One would be accountant Kimberly Lockheart and the other is himself.

MOTION was made by Mayor Sheckler, seconded by Councilmember Sherman, that the City sunset its participation in ACC at the end of this year, or when the bills are all paid, whichever one occurs first.

Upon questioning, Mayor Sheckler reported that the cities of Burien and Normandy Park still owe $35,000. He advised that an agreement has been reached that when the bills come in they will be split evenly between these two cities.

Councilmember Benjamin commented that the Port of Seattle has made attempts to work with the City of Des Moines in order to extract dirt from the Port's buyout property north of the Post Office for a reportedly $2 million. He noted part of the agreement is that Des Moines would no longer be involved in litigation or ACC.

Mayor Sheckler stated that the qualifier was actually that Des Moines drop the 401, 402 and the 404. He advised that the Port is fully aware of the process ACC needs to go through to dissolve itself and are not protesting this in any manner.

Councilmember Sherman remarked that no matter what the Port of Seattle would have to pay the City of Des Moines for the rights-of-way on that property in order to utilize it. Mayor Sheckler agreed.

VOTE ON MOTION: Motion passed unanimously.

Design Guidelines Revision

Assistant City Manager Loch noted this item will come back as a textual code amendment as it will adopt the guidelines by reference and it will also be a comprehensive Plan amendment as it will repeal the existing guidelines to the Pacific Ridge Neighborhood. He informed Council that the City has a grant with the State of Washington that entirely funds this project and it needs to be concluded by the end of this year. He advised that staff needs to get the public hearing scheduled for October 14th.

After brief Council discussion, City Manager Piasecki advised that Council can review this item at the October 7th Study Session and determine when the Public Hearing should be held.

NEXT MEETING DATE

Mayor Sheckler announced that the next regular meeting will be September 30, 2004.

ADJOURNMENT

At 10:29 p.m. **MOTION** was made by Councilmember Thomasson , seconded by Councilmember White and passed unanimously, to adjourn.

Respectfully submitted,

Denis Staab, City Clerk