PRELIMINARY
REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES November 14, 1996

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

PLEDGE OF ALLEGIANCE to the flag was led by Girl Scout Troop #389.

ROLL CALL - Present: Mayor Scott Thomasson, Mayor Pro Tem Terry Brazil, Councilmembers Bruce Roberts, Bob Sheckler, Dan Sherman, Gary Towe and Don Wasson. Also present were City Manager Bob Olander, City Attorney Gary McLean, Assistant City Manager Tony Piasecki, Finance Director Jim Hathaway, Harbormaster Joe Dusenbury and City Clerk Denis Staab.

CORRESPONDENCE

Sports World, Letter

City Manager Olander referenced a letter that was faxed to Mayor Thomasson and Federal Way Mayor Skip Priest. The fax requested that the City Council defer discussion on the interlocal agreement with Federal Way regarding annexation until the business can further study all the issues involved for each City regarding annexation.

COMMENTS FROM THE PUBLIC

Tom Nelson, Glenn's Auto Repair, 27606 16th Avenue South

Mr. Nelson appealed to Council to allow the business owners of the "Redondo triangle" the right to decide which City they want to be annexed to. He advised Council that four property owners met with a Committee of the Federal Way Council in September and unanimously informed the committee that they did not want to be annexed by Federal Way. He noted that there wishes were ignored. He further noted that their questions regarding Federal Way services were never answered. He informed Council that 9 out of 12 property owners in this triangle area have expressed a strong desire to be annexed to Des Moines. He concluded by requesting Council delay any decision for 90 days to allow time for both Des Moines and Federal Way to educate the land owners on the benefits of annexation to each city.

David Hapgood, Marina Live-Aboard

Mr. Hapgood spoke against the proposed Marina rate increase. His main concern was that open moorage is paying a larger percentage of increase over covered moorage. He also requested Council consider funding a suitable craft to patrol the water area of the Marina as he noted this is a method criminals use to rob boats. He also requested that time clocks be installed on each of the piers so the Harbormaster can be sure that the land security officer is actually walking the docks.

Tom Sitterly, 601 South 227th #203

Mr. Sitterly addressed the Council at length against the proposed Marina rate increase. Some of the issues he expressed concern with were:

- Marina revenues should not be used to help fund civic events such as Waterland, Nibble of Des Moines, etc.
- Charges to Marina for Police services are too excessive.
- General expenses charged to Administration may be too excessive for the services actually rendered.
- Tenant lease hold taxes should not be put in general fund, but should go to Marina only.

In conclusion, Mr. Sitterly requested Council delay discussion and action on the proposed increase until a more detailed assessment is made regarding existing funding for the Marina.

Child Care Resources - Letter

A letter written by Nina Auerbach, Executive Director of Child Care Resources, was read into the record. The letter thanked Council for past funding of their organization and requested that the 1997 funding level stay the same and not be reduced by $500 as proposed in the 1997 budget.

Jim Bartlenmay, Vice President of CASE, 23510 10th Avenue South

Mr. Bartlenmay thanked the City for its leadership role in the fight against the 3rd runway. He urged Council continue the fight and help support offices for RCAA.

Mr. Bartlenmay also spoke concerning the following issues:
- Food Bank: He noted as a driver for the Des Moines area Food Bank there is an increasing demand for support.
- Marina Rates: He felt that the Marina should give something back to the community ie. funding for civic events for all citizens such as Waterland.

Jeanne Moeller, 22211 Cliff Avenue South #104

Ms. Moeller spoke in favor of the proposed Marina rate increase. She stated that without the existing police patrol of the north parking lot unattractive activities would surely occur. She complimented the Marina staff for a great job of keeping the Marina grounds immaculate. She concluded by stating that owning a boat is a luxury and the expense of maintenance and operation of the Marina should not fall on the citizens in general.

Jim Mesick, 22205 6th Avenue South

Mr. Mesick spoke in favor of the proposed Marina rate increase. He stated the Marina should be run aggressively like any business and like any private business pay its fair share for services such as police protection, and provide activities for all citizens to enjoy the area.

Wayne Bayder, 21938 Marine View Drive.

Mr. Bayder stated that the Marina makes Des Moines what it is. He spoke against the Marina rate increase and stated that Des Moines has excessive bureaucracy. He also noted that it is inconvenient to boat owners during Waterland and that if the rate hike is passed, then parking at the Marina should be left exclusively for Marina tenants and let people walk to Waterland.

Roger Holmstrom, Renton

Mr. Holmstrom informed Council that he is retired, on a fixed income and that if the Marina rates are increased he may be forced to leave the Marina. He noted that he would not object to just a cost of living increase.

Dan Davidson, 1227 South 236th Place

Mr. Davidson told Council that he has had his moorage for one year after being on the waiting list for seven years. He spoke against the proposed Marina rate increase feeling that it is exorbitant.

BOARD & COMMITTEE REPORTS

Human Services Committee

Councilmember Towe informed Council that the Committee will have its first meeting tomorrow to review the draft Human Services Plan. He noted that Council has been furnished with an unedited copy and he encouraged everyone to review the draft. He advised that after several meetings, the Committee should have a final draft back to Council in a few weeks. He requested permission from Council to include some outside agencies in the Committee's review of the draft plan. There was no objections from Council.

Senior Services Advisory Committee

Mayor Pro Tem Brazil advised Council that the Committee is working on the 1997 Budget. Other topics at the recent meeting included working with King County to continue with funding support. He also noted that a presentation was made by the King County Health Department on services they provide to seniors. The Committee questioned what Des Moines could do to get a local health services in the City. They were told that it would be highly unlikely due to King County budget restraints.

Suburban Cities Association

Councilmember Sherman stated that he and Councilmembers Brazil and Sheckler attended the recent meeting. Main topics included the following:
- Legislative Agenda with Association of Washington Cities, main issues regional transportation facilities and the recent Telecommunications Act.
- Presentation by Seattle City Attorney for legislation regarding impound of vehicles for persons convicted of driving with a suspended drivers license.

ADMINISTRATION REPORTS

Chamber of Commerce - Newspaper Ad

City Manager Olander informed Council that he had been contacted to participate in a local ad in the newspaper advertising Christmas in Des Moines. The cost would have been $380.00. He advised Council that he felt this would be an inappropriate use of City funds because of the implications of a religious holiday. He noted however, the City will continue its support of the event, as it has in the past, by helping to set up official tree and the use of the Recreation and Senior Center for hosting some of the holiday events.

CONSENT CALENDAR was read by City Clerk Staab.

1. Motion is to approve the minutes of October 17 and 24, 1996.
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 check #53756 through #53960 in the total amount of $540,989.77
Payroll fund transfers in the total amount of $173,487.89

3. Motion is to authorize the City Manager to approve all vouchers for payment of the following claims during the period of November 15, 1996 through November 28, 1996:

a. All vouchers for payment of payroll checks, including Marina payroll, and

b. All vouchers for payment of claims and Marina checks, provided that all vouchers and checks approved by the City Manager in accordance with this motion shall be presented to the Council for ratification at the City Council meeting of December 12, 1996.

MOTION was made by Councilmember Towe, seconded by Councilmember Sherman, to approve the Consent Calendar as read.

Councilmember Brazil noted a correction to the minutes of October 24, 1996, page 3, final motion should read "Motion passed 4 to 2 with Councilmember Roberts and Sheckler voting NO."

VOTE ON MOTION: Motion passed unanimously.

OLD BUSINESS

Interlocal Agreement with Federal Way Regarding Potential Annexation Areas

City Manager Olander reminded Council that this issue was delayed from an earlier Council meeting to allow time to meet with representatives of the Federal Way City Council. He stated the item is before Council for final action.

Upon questioning from Council on the impacts of delaying a decision for 90 days, City Manager Olander advised that there would be no negative impacts, but Federal Way is not going to change their mind about wanting this area.

Councilmember Sheckler questioned whether Sports World was requesting a delay so they could gather more information. City Manager Olander replied yes, but noted that the basic decision for Council will still be the same at the end of any delay.

Councilmember Towe stated that he recognizes the interest of the property owners of this area and he would prefer to allow more time by establishing a deadline to allow the property owners to gather signatures.

Upon questioning from Council on whether the Growth Management Act allows two jurisdictions to claim the same area, City Attorney McLean stated no. He advised that adjoining cities must establish clear jurisdictional lines, or the decision could be taken out of their hands. He reminded Council that this area has already had nearly one year to review the issues.

Mayor Pro Tem Brazil noted he would like to sign the interlocal but feels that the citizens of that area do not want to become part of Federal Way.

Mayor Thomasson stated that if Council approves the interlocal, we are telling the people of that area that the City of Des Moines does not want them, and he is not prepared to do that.

Councilmember Wasson questioned what happens if we sign agreement with Federal Way and then the property owners submit enough signatures by assessed valuation to be annexed to Des Moines.

City Attorney McLean advised that Des Moines would be obligated to not consider such an annexation request and the Boundary Review Board would most likely step in.

City Manager Olander expressed the opinion that if we sign the interlocal then Des Moines is in no position to accept any annexation petitions from this area in question.

Councilmember Roberts stated that he would prefer waiting 90 days to allow the property owners to have their questions answered and for those same people to informally demonstrate to Federal Way that they have no interest in being annexed to Federal Way.

Upon questioning from Council, City Manager Olander noted that Federal Way and Des Moines are involved together in several issues including the fight against the 3rd runway.

Councilmember Sherman noted that he would not want to jeopardize the cooperative relationship Des Moines enjoys with Federal Way over such a small area of land.

MOTION was made and then WITHDRAWN by Councilmember Towe, seconded by Councilmember Wasson, to defer signing the interlocal agreement for 90 days to allow the property owners an opportunity to study the issues and if there is no demonstration of interest, or they fail to get 60% signatures of interest within 90 days, then the interlocal is approved.

Councilmember Towe reminded Council that members of the Federal Way Council could change in the next election and that he is more concerned about the process of allowing people a voice in which City they belong to. He felt it is good government to let the people decide whenever possible.

City Manager Olander reminded Council that another question to be answered by Council is how is this area going to fit Des Moines, and would it be in our best interest.

City Attorney McLean advised Council that he has some legal concerns and a 30 day waiting period is more than adequate.

MOTION was made by Councilmember Wasson, seconded by Councilmember Sherman and passed unanimously, to postpone consideration of the potential annexation agreement with Federal Way for 30 days, during which time parties interested in annexation to the City using the 60% assessed valuation method are to demonstrate they can obtain the needed signatures.

9:05 p.m. Mayor Thomasson declared a 10 minute break.

Draft Resolution No. 96-198 ***[ASSIGNED RESOLUTION NO. 820]*** Adopting 1997-2002 Capital Improvement Program

Finance Director Hathaway reminded Council that the Capital Improvement Plan has been fully presented and reviewed by Council at three previous meetings. He proceeded to summarize the changes that were directed by Council.

City Manager Olander urged passage of the draft resolution. He cited the fact that Sections 4 and 5 of the draft resolution provide adequate safeguards to ensure Council retains full authority over any existing or new projects.

Upon questioning by Council, City Manager Olander noted he is recommending Council hold a special study session to review major issues concerning park projects, especially if Council wants to consider a park bond issue

MOTION was made by Councilmember Sherman, seconded by Councilmember Roberts, to approve Draft Resolution No. 96-198.

Mayor Thomasson read the resolution by tittle into the record.

VOTE ON MOTION: Motion passed unanimously.

1997 Preliminary Budget - Continued Departmental Reviews

As requested by Council, City Manager Olander reviewed projects that could be cut from the CIP with Municipal Capital Improvement Fund contributions to be used to fund the Airport Defense Fund instead of using an interfund loan. The projects listed were:
- Permit Tracking System $60,152
- Field House Outdoor Lights $178,530
- Des Moines Creek Trail $1,084,532
- Transfer to the Arterial Street Fund $175,000
- Miscellaneous Funds $40,000
- Expired Councilmanic Bonds $80,000

He concluded by noting that if Council wishes to use an interfund loan then staff can prepare a resolution to accomplish that.

It was the general consensus of Council to continue with the interfund loan policy.

Due to the lateness of the meeting, Council determined at this point to go on to the next agenda item.

NEW BUSINESS

Draft Resolution No. 96-205 Adoption of 1997 Marina Rates

Harbormaster Dusenbury informed Council that the rates contained in the draft resolution contain the recommended increases to fund the Marina Facility Master Plan in addition to a 2.9% CPI factor. He reminded Council that when the Marina Facility Master Plan was adopted last month, the financial forecast showed that the current rates are not sufficient to cover the needed improvements.

City Manager Olander noted that the rate increase is spread over a nine year period and, if averaged, amounts to a 3.6% annual average increase for covered moorage and a 4.7% annual average increase for open moorage, which includes a 3% CPI increase. He stated that Des Moines Marina rates are very competitive and are clearly related to the Marina Capital plan to keep and maintain the Marina as a first class facility. He further advised Council that the charges for services is a separate issue. He noted that the State Auditor has always checked these charges carefully and if anything we are probably undercharging the Marina for services. In conclusion, he recommended Council adopt the proposed rate increase.

Councilmember Towe noted that he would rather not raise rates at this time. He would prefer to review each year separately and not commit to any long term rate hikes. He would like to review the business development idea of the Marina first and feels that other sources or revenue may be discovered and that there may be other projects that Council may wish to do that are not currently noted. He further noted that the Plan does not take into account trend changes or potential reconfiguration, therefore he does not feel we should put a lot of money into maintenance if it is determined that we need to change the facilities as they presently exist. He concluded by noting that it his opinion that the CPI will allow enough funds for current maintenance.

Councilmember Roberts noted that this is a good solid plan and it seems inappropriate to worry year by year on whether there are appropriate funds to maintain and operate this facility.

Mayor Pro Tem Brazil reminded Council that the Municipal Facility Committee has reviewed the Marina Facility Plan projects, costs, and long range maintenance needs in detail. He advised that the City needs a long term plan and implementing a rate increase is the first step needed. He stated that the Committee recommended unanimous approval.

Mayor Thomasson advised that he supports the Marina Facility Master Plan and an increase over the CPI , however, he does not support the flat increase. He stated that he would rather see a more equal percentage rate applied across all moorage types, including live-aboards.

MOTION was made by Councilmember Sheckler, seconded by Councilmember Roberts, to approve Draft Resolution No. 96-205.

Councilmember Towe stated he will vote against the draft resolution and he feels the Marina should be viewed as a community asset and therefore the community should be helping to pay for a portion of the general usage. He noted he feels the Marina Facility Master Plan is excellent, but only a small piece of developing the funding structure has been covered. He believes that the standard CPI will handle 1997 operating costs and after that Council can study issues further to make a permanent funding decision.

Councilmember Wasson felt that the lease hold tax that is collected from Marina users should be designated only for Marina use and maintenance.

VOTE ON MOTION: Motion failed 4 to 3 with Councilmembers Sheckler, Brazil and Roberts voting YES.

MOTION was made by Mayor Thomasson, seconded by Mayor Pro Tem Brazil, to direct Administration to explore different funding options besides a flat rate, to finance the Marina Master Facility Plan.

10:30 p.m. **MOTION** was made, seconded and passed 6 to 1 to continue the meeting another 10 minutes. Mayor Pro Tem Brazil voting NO.

City Manager Olander advised Council that using the lease hold tax revenues would amount to approximately a $60,000 reduction in the General Fund which would have an impact on the budget.

Mayor Thomasson suggested Administration check on the market rates for the amount of square footage of water that a vessel could be charged for.

VOTE ON MOTION: Motion passed unanimously.

NEXT MEETING DATE - Regular Meeting November 21, 1996

ADJOURNMENT

The meeting adjourned at 10:37 p.m.

Respectfully submitted,

Denis Staab
City Clerk