REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES November 16, 2000

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

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

ROLL CALL - Present: Mayor Scott Thomasson, Mayor Pro Tem Bob Sheckler, Councilmembers Terry Brazil, Dave Kaplan (left meeting at 9:31 p.m.), Dan Sherman, Gary Towe and Don Wasson. Also present were City Manager Bob Olander, Assistant City Manager Tony Piasecki, City Attorney Gary McLean, Finance Director Scott McCarty, Budget Account Peggy Watson, Public Works Director Tim Heydon, Assistant City Engineer Loren Reinhold, Harbormaster Joe Dusenbury, Planning Manager Corbitt Loch and City Clerk Denis Staab.

COMMENTS FROM THE PUBLIC

John Carroll, 24832 11th Avenue South

On behalf of the Des Moines Senior Center Advisory Committee, Mr. Carroll thanked Council for including much need improvement projects to the Senior Center in the draft Capital Improvement Plan.

Tom Sitterley, 601 South 227th #203S

Mr. Sitterley, representing the Des Moines Marina Association, informed Council that they have been working closely with City staff on the draft Marina Master Plan. He stated that the Association is comfortable with the Draft Plan that will be presented to Council this evening.

Michael Allan, 27013 Pacific Highway South

Mr. Allan thanked Council for its action at the meeting of September 21, 2000, to remove commercial development from the South Marina Park that was contained in the first draft of the Marina Master Plan. He informed Council that there already exists a lot of vacant commercial space in Des Moines and creating more would only exasperate the problem. He felt it is more advisable to put energy in to the development of the Pacific Ridge Area, the Port buy-out area and the downtown commercial district.

Brooks Powell, 22528 Marine View Drive

Mr. Powell spoke in favor of the proposed Marina Master Plan. He stated that it contains good future uses for boaters, as well as capital improvements, to bring about a positive revenue producing asset to the whole City.

Jerry Guite, 22325 Marine View Drive

Mr. Guite stated that he had received, what he felt is, an inadequate response from City staff concerning his complaint on lack of action regarding illegal storage containers at a meeting two weeks ago.

Mr. Guite concluded by stating that the City is spending Surface Water Manager funds in an incorrect manner, and he will report this to the State Auditor. He cited $300,000 spent last year.

Carl Mealy, Water District #54

Mr. Mealy asserted that City staff is delaying the permitting process on Water District #54's building of a new reservoir. He noted part of the cause is that the City has claimed that the District has not submitted the appropriate request for a Comprehensive Plan amendment to Council for approval. He insisted that a copy of the amendment had been given to City staff and distributed another copy of the Comp amendment to Council. Mr. Mealy asserted that it is the District's belief that they are not obligated to submit this amendment to the City.

BOARD & COMMITTEE REPORTS

Environment Committee

Mayor Pro Tem Sheckler informed Council that the Committee met earlier this evening to continue deliberations on the Surface Water Management Comprehensive Plan. He noted that the draft should before Council as a whole in late January 2001.

Suburban Cities Association

Councilmember Brazil reported that the Board of Directors approved the 2001 Budget last night.

Association of Washington Cities

Councilmember Brazil announced that last Tuesday he attended the AWC Legislative Conference where the Legislative Agenda was prioritized for Olympia. He advised that he will have written material available and will distribute this information for Council review.

Water District #54

MOTION was made by Councilmember Wasson, seconded by Councilmember Towe, to direct Administration to quit harassing Water District #54 and to cooperate with the District to approve the requested amendment to their Comprehensive Plan.

Councilmember Wasson commented that the City's actions so far have cost the rate payers of the District over $40,000 which were directly related to the City's attempt to assume jurisdiction over the District. He felt that continued "stonewalling" of the request to approve plans for the reservoir are adding additional costs.

City Manager Olander noted that it was clear policy direction from Council to exercise its authority to review Comprehensive Plans and Comprehensive Plan Amendments and staff was not to waive those requirements per RCW. He emphasized that staff has not neglected or stopped review of the District's water tank plans. He further noted that correspondence from him and the City Attorney to the Water District have indicated that the City will continue to work on the technical aspects, but that we still need the Comprehensive Plan Amendment for Council review. He noted that City Attorney McLean's legal interpretation of the process for approval of the amendment differs significantly from the District.

City Attorney McLean advised that no regulation can over-rule a statute. He reiterated that all State laws relating to water and sewer districts are very clear and say that comp plans and amendments to a comp plan have to be submitted to a city for their approval. He further noted that comp plans and amendments need to be adopted in a form of a resolution. He reminded Council that this was pointed out to the Water District last summer. He stated that this amendment has never been adopted in a form of a resolution. He noted that the District has been asked to comply repeatedly at the staff level and he personally has requested this, and even has had a personal phone call with the District's attorney. He noted that RCW 57.16.10 clearly says that cities are supposed to review comp plans and any amendments to comp plans. He concluded by advising Council that they have no legal authority to act on the amendment, as they have not had a proper statutory request brought to them.

Councilmember Sherman advised that he is not prepared to discuss this item this evening.

Councilmember Kaplan expressed concern about the financial impact to the rate payers of the Water District and requested the best way to expedite the issue. He felt that the Water District must comply with statutory requirements to bring the appropriate resolution to the City, and that the City has the responsibility to make sure that the Water District is acting properly.

Mayor Thomasson agreed with Councilmember Kaplan. He noted that all other water and sewer districts in the City know the proper procedure. He advised that he still has concerns with Water District #54's fire flow capability.

Councilmember Towe stated that he does not feel the City is harassing the Water District however, the procedure needs to be moved along. He requested the City Attorney and the District's attorney work together so the matter can be resolved.

VOTE ON MOTION: Motion failed 5 to 2 with Councilmembers Towe and Wasson voting YES.

ADMINISTRATION REPORTS

Response to Jerry Guite Comments (Comments from the Public)

City Attorney McLean advised Council, that after due citation and hearing process, the illegal containers referred to by Mr. Guite in his earlier comments, have been removed as of today.

Water Resource Inventory Area 9 - Interlocal Agreement

Assistant City Engineer Reinhold introduced Deb Eddy, Executive Director of the Suburban Cities Association.

Ms. Eddy proceeded to provide background and details regarding the interlocal. She advised Council that the Interlocal Agreement represents an agreement among elected officials and senior staff from local governments within Water Resource Inventory Area 9 in King County, which includes a total of 16 jurisdictions. It provides for a collective approach for guiding and funding WRIA based salmon conservation planning. It also refines the watershed planning process and clarifies the roles and responsibilities of local governments who choose to participate in these efforts. She stated the benefits to Des Moines is to provide an economical efficient way to plan. In conclusion, she advised that Des Moines share is $15,341, or 3.5% of the total cost of $433,000.

MOTION was made by Mayor Pro Tem Sheckler, seconded by Councilmember Brazil, to approve the Interlocal Agreement between the jurisdictions located within Water Resource Inventory Area 9 for the purpose of sharing the cost of preparing a WRIA-based Watershed Plan, and to authorize the City Manager to sign such agreement substantially in the from as attached.

Councilmember Towe commented that he felt the City is already in compliance with Federal Requirements regarding the watershed planning and are currently involved with projects regarding Barnes Creek and Des Moines Creek. He felt that the benefits of spending this money is not worth it.

VOTE ON MOTION: Motion passed 6 to 1 with Councilmember Towe voting NO.

Agenda Revision

Mayor Thomasson announced that Councilmember Kaplan needs to leave early to catch a plan therefore, Council will conduct the budget public hearing at this time.

PUBLIC HEARING

Draft Ordinance No. 00-239 ***[ASSIGNED ORDINANCE NO. 1276]*** Adoption of 2001 City Budget - 1st Reading

Finance Director McCarty advised that the proposed budget for 2001 has been discussed over the last several months. The draft ordinance will approve the final budget for the City for the fiscal year ending December 31, 2001 and incorporates Council's policy directions.

City Manager Olander stated that he felt it is still prudent to hold back in certain areas for several months to determine whether the State Legislature will be able to find permanent funding for revenues lost.

ACC Funding

City Manager Olander requested Council approve an additional $50,000 to the Airport Defense Fund Budget. He advised that the money is available through recovered utility fees that originally would have been earmarked for this fund. He informed Council that the additional funds are needed as the 3rd runway fight is at a critical stage. He reminded Council that funding has been reduced from $600,000 to $200,000, but at this point the additional funding is needed to ensure proper ACC technical staff and attorneys are available.

Mayor Thomasson declared the Public Hearing open.

City Attorney McLean announced the rules for conducting the public hearing.

PUBLIC COMMENTS

Tom Sitterly, 601 South 227th, Des Moines Marina Association

Mr. Sitterly requested Council roll-back the general fund revenues to the Marina Fund. He cited serious maintenance issues at the Marina. He reminded Council that Ordinance 1250 which was passed last year, raised Marina rates and increased the transfer of funds from the Marina to the City's General Fund and he felt it was time to repay that money. He stated that the 220 families that have boats at the Marina and are citizens of Des Moines, paid more than their fair share to support the City. He urged Council to reconsider and rescind Ordinance 1250, roll back moorage rates and return funds to the Marina Repair and Replacement Fund for needed repairs.

Gary Hisel, P. O. Box 98195, Des Moines - Marina Live Aboard

Mr. Hisel insisted that there is a serious need for repair of the bulkhead and piers at the Marina. He requested Council restore the lost funding due to Ordinance 1250 to the Marina Repair and Replacement Fund.

As there were no further public comments, Mayor Thomasson closed the public hearing.

Upon questioning by Councilmember Towe, Mr. Sitterley stated his primary concern is to preserve the Marina facility by restoring funds to the Repair and Replacement funds. However, he also wants to see the rate increase rolled back.

MOTION was made by Councilmember Kaplan, seconded by Mayor Pro Tem Sheckler, to suspend Council Rule 26(b) in order to enact Draft Ordinance No. 00-239 on a first reading. Motion passed unanimously.

MOTION was made by Councilmember Kaplan, seconded by Mayor Pro Tem Sheckler, to approve Draft Ordinance No. 00-239.

Mayor Thomasson read the draft ordinance by title into the record.

Councilmember Sherman credited Administration with a smooth budget process. He thanked the Finance Department for their hard work. He noted that he personally would like to have increased funding for human services and traffic calming projects. He acknowledged the increase in Marina rates last year and the transfer of Marina funds to the General Fund and would like to consider a roll-back, but felt the timing is not right as there is still no clear direction from the Legislature on permanent funding for lost revenue. He reminded everyone that Council did repeal the Street Light Utility, and repealed and refunded the per unit fee on rental of real property.

Councilmember Kaplan also thanked the Finance staff for their efforts. He noted that he has concerns with permanent funding replacement from the State Legislature, otherwise he is in favor of reverting funds back into the Marina.

MOTION was made by Councilmember Towe, seconded by Councilmember Brazil, to amend the draft budget by transferring $150,000 from the Facility Repair and Replacement Fund into the Marina Repair and Replacement Fund.

Mayor Pro Tem Sheckler stated that while he can support the motion, he noted it is only a "band-aid" approach. He suggested that the amount be reduced to $100,000.

FRIENDLY AMENDMENT: The amount of $100,000 was accepted as a friendly amendment by the maker and seconder of the motion.

VOTE ON MOTION: Motion passed 5 to 2, with Mayor Thomasson and Councilmember Sherman voting NO.

VOTE ON MAIN MOTION: Motion passed 6 to 1, with Councilmember Wasson voting NO.

9:31 p.m. Mayor Thomasson declared a 10 minute break. Councilmember Kaplan left the meeting.

CONSENT CALENDAR was read by City Clerk Staab.

1. Motion is to approve the minutes of November 2, 2000.

2. Motion is to adopt the City of Des Moines 2000-2001 Intergovernmental Relations Policies and Positions.

MOTION was made by Councilmember Sherman, seconded by Mayor Pro Tem Sheckler and passed unanimously, to approve the Consent Calendar as read.

NEW BUSINESS

Draft Ordinance No. 00-240 ***[ASSIGNED ORDINANCE NO. 1277]*** 2001 Property Tax Levy - 1st Reading

Finance Director McCarty advised Council that the draft ordinance includes the funding source for the special levies, Des Moines Beach Park/Library and the Police facility, and increases the property taxes by 2.61%. as directed by Council.

Mayor Thomasson read the draft ordinance by title into the record.

MOTION was made by Mayor Pro Tem Sheckler, seconded by Councilmember Sherman and passed unanimously, to suspend Council rule 26(b) to take action on first reading.

MOTION was made by Councilmember Towe, seconded by Mayor Pro Tem Sheckler, to approve Draft Ordinance No. 00-240. Motion passed 6 to 1, with Councilmember Wasson voting NO.

Draft Ordinance No. 00-250 Special Property Taxes - 1st Reading

Finance Director McCarty reminded Council that in November 1997, voters approved Referendum 47, which put limitations on the allowable general property tax increase available to the City. This means that the levy cannot increase by more than six percent. He noted because the 2001 increase is 2.61%, a capacity amount of 3.39% remains. He advised that the draft ordinance is intended to protect this capacity for future years if needed, and if not approved, it will not be available. He noted this ordinance requires a super majority (5) for approval.

Mayor Thomasson read the draft ordinance by title into the record.

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

MOTION was made by Mayor Thomasson, seconded by Mayor Pro Tem Sheckler, to approve draft ordinance No. 00-250. MOTION FAILED 4 to 2 with Councilmembers Towe and Wasson voting NO. (ED NOTE: Super majority of 5 in favor was required for passage.)

Draft Resolution No. 00-238 ***[ASSIGNED RESOLUTION NO. 898]*** Adopting Capital Improvement Plan for the Years 2001-2006

Mayor Thomasson read the draft resolution by title into the record.

MOTION was made by Councilmember Sherman, seconded by Councilmember Towe and passed unanimously, to approve draft Resolution No. 00-238.

Draft Ordinance No. 00-241 ***[ASSIGNED ORDINANCE NO. 1278]*** Amending 2000 Budget - 1st Reading

Finance Director McCarty noted the draft ordinance is house keeping in nature as it formally incorporates Council financial decisions and recommendations in the final 2000 budget.

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

Mayor Thomasson read the draft ordinance by title in to the record.

MOTION was made by Mayor Pro Tem Sheckler, seconded by Councilmember Towe and passed unanimously, to approve Draft Ordinance No. 00-241.

OLD BUSINESS

Draft Marina Master Plan

Councilmember Towe, Chairman of the Municipal Facilities Committee, informed Council that the Draft Plan represents staff and the Committees recommendations. He thanked Harbormaster Dusenbury for his active role in taking the Draft Plan to the community and the Marina Tenants Association for review and comments. He concluded by noting that no detailed review will be attempted tonight and that public meetings are planned after the 1st of the year, at which time Council will need to address policy decisions.

Harbormaster Dusenbury advised Council that he has met with various interested community groups which included Des Moines Yacht Club, local service clubs and the Chamber of Commerce. He noted that there are 3 Saturday meetings planned with the Marina tenants and he is available to meet with individual Councilmembers or any other interested parties.

Planning Manager Loch stated that the purpose of this agenda item is to introduce the draft Marina Master Plan to the Council and interested citizens. The Plan is a policy document that provides guidance for capital improvement and operational issues over the next 10 to 15 years. The Plan intends to maximize the utility and return of future financial investment in the Marina while balancing a wide array of opportunities and constraints. The interests of non-boaters as well as boaters are reflected in this work. He proceeded to review the contents of the Draft Plan.

Mayor Thomasson requested that staff provide a visual overlay of the proposed changes versus the existing configuration of the Marina.

Councilmember Sherman expressed some concern that the Draft Plan would eliminate the Chamber of Commerce’s use of the Marina for the carnival for Waterland. He noted this is probably their most important fund raising event each year.

City Manager Olander noted that it most likely would be two to three years before the Marina could be redeveloped and during that time staff would work with the Chamber to seek other alternative sites for the Waterland event.

Harbormaster Dusenbury concluded the presentation by informing Council the goal is to resolve as many problems as possible before the January public meeting on the Draft Plan.

<u>NEXT MEETING DATE</u>

Mayor Thomasson announced that the next meeting will be a study session on January 4, 2001.

<u>ADJOURNMENT</u>

The meeting adjourned at 10:26 p.m.

Respectfully submitted

Denis Staab
City Clerk