REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES December 9, 1999

The regular meeting of the Des Moines City Council was called to order at 7:33 p.m. by Mayor Thomasson in the Council Chambers, 21630 11th Avenue South.

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

ROLL CALL - Present: Mayor Scott Thomasson, Mayor Pro Tem Terry Brazil, Councilmembers Dave Kaplan, Bob Sheckler, 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, Harbormaster Joe Dusenbury, Park & Recreation Director Patrice Thorell and Deputy City Clerk Angela Chaufty.

COMMENTS FROM THE PUBLIC

Dave Loft, 900 South 242nd

Mr. Loft introduced the following members of his family: Helen (mother), Kirsten (daughter), and Kristina (granddaughter). He noted that his family supported and participated in the park and recreation programs. On behalf of his family, Mr. Loft asked Council to carefully consider any cuts to the various departments.

Pat Calkin, 23031 19th Avenue South

Ms. Calkin addressed Council regarding the recently approved street light utility. She questioned the City's involvement with the lights as she understood that Puget Power maintained and owned the lights. She also felt that the park and recreation programs should be self-supporting.

Tom Sitterley, 601 South 227th

On behalf of the Des Moines Marina Association, Mr. Sitterley spoke in opposition to the marina rate increase. He felt that the increase was not fair due to its residential/non-residential rate difference and he felt that it singled out a small population for a large financial hit. Mr. Sitterley then projected the rate increase to provide only $113,000 in firm revenue plus $58,000 in revenue netted from over-length boats. In regard to the Marina's $25,910 transfer to the Park and Recreation Department for ground maintenance, Mr. Sitterley reported that a local landscaper had estimated the maintenance costs to be $750 - $1,000 per month. Mr. Sitterley asked Council to review whether the ground maintenance charge was accurate. If the amount was accurate, he suggested that the City contract with an outside contractor for ground maintenance services and reduce the costs by one half.

Randy Potter, 612 South 192nd Place

Mr. Potter said that he served on the South Highline Little League Board of Directors. He acknowledged that Council had difficult decisions before them but stated his belief that the children of the community must be provided with proper programs. He felt that the Sports Park was a critical park. He said that the two local Little League teams and other sport leagues would be willing to form partnerships with the City to make the Sports Park feasible. He asked Council to consider the Sports Park project.

BOARD & COMMITTEE REPORTS

Marina Rates

Upon questioning from Councilmember Sherman, Harbormaster Dusenbury confirmed that staff was comfortable with their revenue projections for the Year 2000 Budget.

Councilmember Sherman asked the Harbormaster to provide a report to Council after one year to verify if staff's estimates proved true.

Highline Water District

A brief discussion ensued related to water district matters.

MOTION was made by Councilmember Sheckler, seconded by Mayor Pro Tem Brazil to direct the City Manager to prepare a report regarding the feasibility and benefits of the City of Des Moines providing water utility services within its City limits.

Councilmember Kaplan voiced support for the motion. He felt that Highline Water District had abrogated its duty to provide clean water to its customers by signing a settlement agreement with the Port of Seattle. He noted that a state-funded study regarding impacts to the water system was still outstanding.

Councilmember Sheckler stated that he was not aware of any public hearings conducted by the water district to solicit comments regarding the agreement.

Councilmember Sherman asked that staff provide information regarding what Highline Water District gained in consideration for the settlement agreement, how the agreement process transpired, and if any other cities served by the district were interested in joining the effort.

City Manager Olander explained that the City could only assume jurisdiction over portions of any water district that is located within Des Moines' city limits.

Councilmember Towe said he supported the motion as he felt that Highline Water District had failed to protect the interests of the citizens they were to serve.

Citing a possible conflict of interest, Councilmember Wasson abstained from the proceedings.

VOTE ON MOTION: Motion passed, 6 – 0, with Councilmember Wasson abstaining from the vote.

ADMINISTRATION REPORTS

Continued Appointment of Richard Kennedy to SeaTac Part 150 Study Citizens Advisory Committee

City Manager Olander informed Council that Richard Kennedy had been representing Des Moines on the SeaTac Part 150 Study Citizens Advisory Committee. He noted that Mr. Kennedy was moving to Normandy Park but had offered to continue his involvement with the committee on behalf of the city of Des Moines. As Mr. Kennedy was no longer a resident, his involvement would require Council's agreement.

Council concurred to allow Mr. Kennedy to continue to represent Des Moines on the SeaTac Part 150 Study Citizens Advisory Committee.

CONSENT CALENDAR was read by Deputy City Clerk Chaufty.

1. Motion is to approve the minutes of November 17, 18 and 29, 1999.
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 #69007 through #69638 in the total amount of $1,033,395.45
   Payroll fund transfers in the total amount of $867,011.36
3. Motion is to authorize the City Manager to approve all vouchers for payment of the following claims during the period of December 10, through December 23, 1999:

   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 at the January 13, 2000 meeting.
4. Motion is to approve Interlocal Agreement with Airport Communities Coalition and authorize the City Manager to sign the agreement substantially in the form as submitted.
5. Motion is to approve the Agreement for Continuation of the South County Area Transportation Board and to authorize the City Manager to sign such agreement substantially in the form as submitted.
6. Motion is to approve the interlocal agreement between the cities of Des Moines and Tukwila regarding video court services and to authorize the City Manager to sign such agreement substantially in the form as submitted.

MOTION was made by Councilmember Kaplan, seconded by Councilmember Sheckler, and passed unanimously to approve the consent calendar as read.

NEW BUSINESS

Interlocal Agreement Between the City of Des Moines and the City of Federal Way for Access Service Performance and Processing

City Attorney McLean introduced the topic. He noted that the Federal Way Council had approved the agreement to provide Access service for the Des Moines Police Department at their December 7, 1999 meeting.

MOTION was made by Mayor Pro Tem Brazil, seconded by Councilmember Kaplan and passed unanimously to approve the interlocal agreement between the cities of Des Moines and Federal Way regarding access services performance and processing and to authorize the City Manager to sign such agreement substantially in the form as submitted.

Pacific Ridge Neighborhood Improvement Plan - Acceptance of Grant Funds & Award Consultant Services Contract

MOTION was made by Councilmember Sheckler, seconded by Mayor Pro Tem Brazil, and passed unanimously to accept grant funds from the Washington State Department of Community, Trade, and Economic Development in the amount of $75,000 for the preparation of the Pacific Ridge Neighborhood Improvement Plan. This motion included authorizing the City Manager to sign the grant contract substantially in the form as attached.

MOTION was made Councilmember Sheckler and seconded by Mayor Pro Tem Brazil to award the contract for the Pacific Ridge Neighborhood Improvement Plan to Madrona Planning and Development Services in the amount of $135,380, and a contingency of $14,620. This motion included authorizing the City Manager to sign the consultant services contract substantially in the form as attached.

Councilmember Wasson spoke in opposition to the motion due to the inclusion of a contingency amount. He felt that the contractor should be willing to provide the City with a firm bid.

VOTE ON MOTION: Motion passed 6 – 1, with Councilmember Wasson opposed.

Draft Ordinance No. 99-260 ***[Assigned Ordinance No. 1251]*** Amending the 1999 Budget - 1st Reading

Finance Director McCarty introduced the subject. He noted that the proposed ordinance would create new funds that were unforeseen when the 1999 budget was prepared, incorporate Council's decisions made after adoption of that budget, and retire funds that were no longer in use.

MOTION was made by Councilmember Kaplan, seconded by Councilmember Towe, and passed unanimously to suspend Council Rule 26(b) to consider Draft Ordinance No. 99-260 on the first reading.

Mayor Thomasson read the title of the proposed ordinance into the record.

MOTION was made by Councilmember Kaplan, seconded by Councilmember Towe, and passed unanimously to enact Draft Ordinance No. 99-260, authorizing the necessary adjustments to the City's 1999 budget.

Draft Ordinance No. 99-245 ***[Assigned Ord. No. 1252]*** Adoption of 2000 Budget - 2nd Reading

Finance Director McCarty stated that Council's direction regarding revenue increases and expenditure reductions had been incorporated into the proposed 2000 budget. He noted that information had also been provided which detailed the affects should the 3% utility vote fail.

City Manager Olander reminded Council that budgets were a product of compromise and were ever changing documents. City Manager Olander thanked Council for their intense deliberations during the budget process.

Mayor Thomasson read the title of Draft Ordinance No. 99-245 into the record.

MOTION was made by Mayor Thomasson and seconded by Councilmember Sheckler to enact Draft Ordinance No. 99-245.

Mayor Pro Tem Brazil voiced support for the budget as he felt that Council had done the best job possible under the current financial circumstances.

Councilmember Towe complimented staff and Council for their work on the budget. He said that he did not necessarily like the budget but that he would support it. He said that he would have preferred to institute incremental cuts to maintain services as long as possible without mortgaging the future. He expressed regret that the city would lose some quality staff members.

Councilmember Sherman said that he would not support the budget as he felt it was not sustainable due to its reliance on reserve funds. He expressed concern that the city was living beyond its means.

Councilmember Kaplan echoed Councilmember Towe's comments regarding staff and Council. He said that he felt that a number of the cuts should be made at the beginning of the year rather than after the results of the utility tax vote were known. He voiced opposition to the utility tax due to its impact on people living on fixed incomes. In regard to the Sports Park project, Councilmember Kaplan felt that additional facilities should not be added when the city was struggling to afford maintenance of its existing facilities. He said that he would oppose the draft ordinance.

Councilmember Sheckler said that he would support the budget as presented. He felt that the public had expressed a desire to keep Police, Recreation, and Senior Services intact. He reiterated that the budget was subject to change should the legislators provide additional funding for the City.

Councilmember Wasson stated that he would not support the proposed budget due to the Public Works Fund Loan.

Mayor Thomasson stated that he was not happy with the proposed budget's program cuts nor its use of reserve funds. He said that he would support the budget but felt that additional significant cuts would be necessary in 2001.

VOTE ON MOTION: Motion passed, 4 – 3, with Councilmembers Kaplan, Sherman, and Wasson opposed.

City Manager Olander noted that King County had decided to continue to collect their $15 license fee. He noted that potentially $240,000 could be recovered from this source but said that the collection would most likely be challenged.

Draft Resolution No. 99-262 ***[Assigned Res. No.878]*** Adoption of Capital Improvement Program

Finance Director McCarty introduced the subject. He noted that the MCI Fund, Arterial Street Fund, and Surface Water Management Fund had been updated. Mr. McCarty informed Council that the laptop computer for patrol vehicles had been deleted from the CIP as the city could not use Real Estate Excise Tax money for this purpose due to the money's restrictions. If Council wished to reallocate money from a capital project, Finance Director McCarty recommended that it be directed to a similar project. Finance Director McCarty said that staff would track the specific funding sources for projects in the future.

City Manager Olander reiterated that research indicated that all of the retail sales tax money had been spent.

In regard to the Sports Park project, Finance Director McCarty noted that the revenue source for $94,850 of the project was not yet identified. He said that park in lieu fees could be used for this shortfall.

City Manager Olander said that approval of the proposed Sports Park plan at this point would keep the project alive in case additional funds became available.

Mayor Thomasson felt that park in lieu fees should be utilized only if the developments were too small to support a neighborhood park.

Finance Director McCarty explained that economics of the construction projects often determined the use of in lieu fees.

Councilmember Kaplan spoke in opposition to establishing a policy to use park in lieu fees.

Councilmember Towe spoke in support of utilizing park in lieu fees for the Sports Park project as he felt that larger facilities provided better year round utilization of facilities.

Mayor Thomasson suggested that the City should never have a year end balance in the park mitigation fee fund but that the money should be spent on the first eligible project. This would ensure that monies that are less restrictive remain available for other projects.

MOTION was made by Mayor Pro Tem Brazil and seconded by Councilmember Sheckler to approve Draft Ordinance 99-262.

Mayor Thomasson read the title of the proposed resolution.

Councilmember Sherman said that he would not support the resolution as he felt that it was more important to maintain existing infrastructure rather than obtain something new. He also was opposed to the loss of the laptop computers for the police vehicles.

VOTE ON MOTION: Motion passed, 4 – 3, with Councilmembers Kaplan, Sherman, and Wasson opposed.

NEW BUSINESS, CONTINUED

Draft Ordinance No. 99-263 ***[Assigned Ord. No. 1253]*** Amending Council Salaries - 1st Reading

Mayor Thomasson read the title of the proposed ordinance.

MOTION was made by Councilmember Kaplan and seconded by Mayor Thomasson to suspend Council Rule 26(b) to consider Draft Ordinance No. 99-263 on the first reading.

VOTE ON MOTION: Motion passed, 6 – 1, with Councilmember Sheckler opposed.

MOTION was made by Councilmember Kaplan and seconded by Councilmember Wasson to enact Draft Ordinance No. 99-263.

Councilmember Sherman suggested that the compensation effective date listed in Section 1 be amended to read January 1, 2001.

Councilmembers Kaplan and Wasson accepted the suggestion as a **friendly amendment**.

Councilmember Kaplan voiced support for the motion so as to set a tone for all the programs which are or will be cut in the next year.

VOTE ON MOTION: Motion passed unanimously.

NEXT MEETING DATE - Study Session January 6, 2000

ADJOURNMENT

Meeting was adjourned at 9:31 p.m.

Respectfully submitted,

Angela M. Chaufty
Deputy City Clerk