PRELIMINARY
REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES December 22, 2003

The special meeting of the Des Moines City Council was called to order at 6:07 p.m. by Mayor Steenrod in the Council Chambers, 21630 11th Avenue South, Suite B.

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

ROLL CALL - Present: Mayor Maggie Steenrod, Councilmembers Gary Petersen, Dan Sherman, Bob Sheckler, Scott Thomasson and Susan White. Absent: Mayor Pro Tem Richard Benjamin. Also present were City Manager Tony Piasecki, Assistant City Manager Corbitt Loch, Finance Director Paula Henderson, Community Development Director Judith Kilgore, Public Works Director Tim Heydon, Park and Recreation Director Patrice Thorell, Park Manager Bill Miller, Harbormaster Joe Dusenbury, Assistant City Engineer Maiya Andrews and Deputy City Clerk Angela Chaufty.

MOTION was made by Councilmember Sheckler, seconded by Councilmember Thomasson, and passed unanimously to excuse Mayor Pro Tem Benjamin from the meeting.

CONSENT CALENDAR was read by Deputy City Clerk Chaufty. She announced that Item No. 1 had been removed by Administration.

~~1. Motion is to approve the minutes of December 4, 2003.~~
2. Draft Ordinance No. 03-288 ***[Assigned Ord. No. 1332]*** - Title: An Ordinance of the City of Des Moines, Washington adopting the 2003 Parks, Recreation and Senior Services Master Plan, a revised Park, Recreation, and Open Space Element, new environmentally sensitive area maps, and a textual code amendment relating to the environmentally sensitive area maps.
MOTION is to enact Draft Ordinance No. 03-288 on second reading.
3. Motion is to approve the contract between the City of Des Moines and E.D.S. Janitorial Services to provide building maintenance services as identified in Exhibit A through Exhibit F in contract, and authorize the City Manager to sign the contract substantially in the form as submitted
4. Motion is to authorize the City Manager to sign the interlocal agreement between King County and the City of Des Moines relating to animal services substantially in the form as submitted.

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

BUSINESS ITEMS

Gates on Private Streets

Public Works Director Heydon said that there was no interest expressed by Council to gate off private streets when the present City of Des Moines Street Standards were adopted in 1996. As a number of locations were now requesting gates, he asked Council to provide direction concerning this matter. He reviewed the following purposes for streets:

- Provide for vehicular access to occupants of property.

- Provide emergency vehicle access to property.
- Where sidewalks do not exist, serve as pedestrian access.
- Provide utility corridors to serve the property and region.
- Provide for US Postal service and garbage pickup.
- Provide for various other delivery services.
- Provide for access and parking for visitors to the property.
- Provide for access for home and property maintenance and repair.

Public Works Director Heydon advised that, if gates were allowed on private streets, they should not affect the public streets or the surrounding neighborhood.

Mayor Steenrod invited Dr. Rick Edwards to address Council.

Dr. Edwards said that the proposed provisions were more detailed than required by other jurisdictions. He recommended that the following conditions be eliminated or changed:

- The fee for the gate should not be a deterrent to installation but should reflect staff's true costs.
- Item No. 5 – Eliminate the provision or allow a vehicle turnaround, turnout or similar mechanism.
- Item No. 12 – The sixty-inch provision should refer to the fence only.

Councilmember Sherman recommended that a turn-around pad be allowed in Item No. 5.

Councilmember Thomasson said that he was comfortable with allowing a backing maneuver as long as the vehicle was not backing on to a street. He suggested that Council allow the Public Works Director to waive the provision if the conditions were determined to be safe.

Public Works Director Heydon explained that private streets often involve cul-de-sacs serving multiple dwellings. He said that the fee would depend upon the requirements level of detail. If the provisions were specific, the project would be more straightforward for both parties.

Councilmember Thomasson recommended that the fee be established by the City Manager.

Mayor Steenrod expressed concern that the proposed provisions did not allow much flexibility. She suggested that Item No. 13 refer to "an adequate number of activation devices" rather than identifying a specific number.

Public Works Director Heydon said that specific provisions were easier for the applicant, staff, and legal department to comply with.

Councilmember Thomasson asked Dr. Edwards to submit any additional comments to Council in writing. He recommended that the required permit be a private gate permit rather than a right-of-way permit. Councilmember Thomasson asked staff to respond to the following questions regarding Item No. 18:

- What actions or items that might make Item No. 18 necessary?
- Would existing gates be affected by this provision? If so, how?

- Would this provision apply to condominiums? To short-plat streets?

Councilmember Thomasson asked if the provisions would be part of the City's Street Standards or DMMC.

MOTION was made by Councilmember Sheckler and seconded by Councilmember Sherman to direct staff to draft an ordinance regarding gates on private streets.

Mayor Steenrod asked staff to provide information regarding the proposed fee and application process.

VOTE ON MOTION: Motion passed unanimously.

2004 Budget Policy Issues

Finance Director Henderson noted that Council had addressed Unmet Needs Item Nos. 1 through 12 at the previous meeting. She directed their attention to Item No. 13.

Park and Recreation Director Thorell said that the part-time Human Services Specialist would serve as a contact for services and partner with other agencies to identify additional funding opportunities. The person would work with Community Development Block Grant (CDBG) and human services funds.

Councilmember Sherman recognized the need but felt that this service should be provided at a County level rather than at a city level. He said that the position would not bring any additional CDBG funds to the City.

Councilmember Thomasson said that if one third of the Community Development Director's salary was funded through CDBG Administration dollars, then one-third of the Community Development Director's time should be spent on the program. He said that he would not support the position until a revenue source was identified.

Councilmember White voiced support for the position as the person could research additional funding sources.

Mayor Steenrod said that she would not support the position as it involved administrative duties with little direct assistance to the citizens. She recommended that the City create direct links to various human service agencies on the city website.

In response to Councilmember Sheckler's questioning, Community Development Director Kilgore estimated that she spends 25 to 27% of her time on the CDBG program.

City Manager Piasecki acknowledged Council's general opposition to the position.

In regard to Unmet Need Item Nos. 14 and 15, City Manager Piasecki recommended that, rather than allocate money for street light installations and miscellaneous street system repairs, an additional $20,000 be allocated to the Public Works Professional Services line item for consultants' review of development projects.

Councilmember Thomasson voiced support for the recommendation. He questioned why the street lights installation request was not included in the capital program.

City Manager Piasecki explained that current policy dictated that projects requiring less than $25,000 per year were not included in the capital program.

MOTION was made by Councilmember Thomasson, seconded by Councilmember Sherman, and passed unanimously to allocate $20,000 to the Public Works Professional Services line item for the purpose of hiring consultants to review development projects.

Public Works Director Heydon introduced Unmet Needs Item No. 16, purchase of a used forklift.

City Manager Piasecki noted that the total cost of the forklift was $6,000. The cost would be split equally between Streets, Parks and Surface Water Management.

MOTION was made by Councilmember Sherman and seconded by Councilmember White to allocate money to Unmet Needs Item Nos. 16 and 17 (forklift).

Park Manager Miller said that the forklift would be used primarily as a yard tug, The backhoe would be used for off-site work.

VOTE ON MOTION: Motion passed unanimously.

Park Manager Miller introduced Unmet Need Item No. 23, the transport trailer, to Council. He described the particular features of the City's mowers.

MOTION was made by Councilmember Sheckler and seconded by Councilmember White to allocate $5,330 for the purchase of a transport trailer.

Councilmember Thomasson said that he would support the motion but he did not like a mower being used at only one park.

Upon questioning, Park Manager Miller confirmed that staff had looked for a used trailer but had not been able to locate an available one.

VOTE ON MOTION: Motion passed unanimously.

Harbormaster Dusenbury identified the purposes of Unmet Needs Item No. 24, the moorage and electric rate study, as follows:

- Revisit the 1995 study and marina master plan to insure the City was on correct path.
- Study the moorage rate structure.
- Study the service rates.
- Review the revenue stream to insure the future was adequately funded.

MOTION was made by Councilmember Thomasson, seconded by Councilmember Sheckler, and passed unanimously to approve the moorage and electric rate study.

At 7:30 p.m., Mayor Steenrod declared a ten-minute break.

Assistant City Manager Loch introduced Unmet Needs Item Nos. 18, training for the computer system administrator, and 19, server room cooling system.

Upon questioning from Councilmember Thomasson, Finance Director Henderson confirmed that the on-going costs associated with these items would be included in future budgets.

MOTION was made by Councilmember Thomasson, seconded by Councilmember Sherman, and passed unanimously to approve Unmet Needs Item Nos. 18 and 19.

City Manager Piasecki introduced Unmet Needs Item No. 21. If approved, he recommended that the banners be funded out of the General Fund rather than through one time money.

Park and Recreation Director Thorell informed Council of the Field House flooring/restroom fixture project. She confirmed that the recent drainage project had been successful. Park and Recreation Director Thorell said that the flooring and restroom fixture project was not eligible for CDBG funds.

MOTION was made by Councilmember Thomasson, seconded by Councilmember Sheckler, and passed unanimously to approve Unmet Needs Item No. 20 (Field House flooring/restroom fixture project).

Park and Recreation Director Thorell informed Council of the Beach Park Restroom and Sun Home Lodge Fixtures and Flooring project. She noted that the restrooms had been closed due to recent flood damage. Park and Recreation Director Thorell explained that a total of $30,000 was needed for the project but only $15,000 was requested as $15,000 had not been expended from the Des Moines Beach Park restroom project identified in the 2002 Capital Improvement Plan.

Councilmember Thomasson stated that he could not support the restroom project as their current location would flood again. He said that the restrooms needed to be relocated.

MOTION was made by Councilmember Thomasson, seconded by Councilmember Sheckler, and passed unanimously to approve $15,000 to fund the flooring project, assuming that Sun Home Lodge was one of the facilities assessed a fee for the Facility Repair and Replacement Fund.

Park and Recreation Director Thorell informed Council that banner replacement funds had been cut from the budget in 1999. She said that $9,000 would provide the City with three sets of banners.

Councilmember White suggested that Council revisit the issue after they had discussed downtown revitalization.

Mayor Steenrod voiced agreement with Councilmember White. She said that Council should consider the downtown area and Pacific Highway South area as a whole.

Councilmember Sherman voiced support for the banners as he said that banners and flowers make the City more attractive.

Councilmember Sheckler agreed with Councilmember Sherman. Council could select other art at a later time.

MOTION was made by Councilmember Thomasson, seconded by Councilmember Sherman, and passed unanimously to approve $3,000 of general funds for on-going banner costs.

City Manager Piasecki suggested that Council discuss the Des Moines Beach Park restrooms during the Capital Improvement Plan subject.

In regard to the Equipment Rental Replacement Fund, Finance Director Henderson informed Council that the Sergeant's vehicle had been excluded as the vehicle had been received in 2003.

Public Works Director Heydon explained that all vehicles identified for replacement were currently in the fleet.

At 8:08 p.m., Mayor Steenrod declared a two-minute break.

Upon questioning, Park Manager Miller informed Council that the mower for the Steven J. Underwood Park had been purchased through grant funds and was on a seven year replacement schedule.

MOTION was made by Councilmember Sherman and seconded by Councilmember White to approve the Equipment Rental Replacement Fund items.

Mayor Steenrod confirmed that the Sergeant's vehicle had been deleted from the list.

VOTE ON MOTION: Motion passed unanimously.

Finance Director Henderson informed Council that she was proposing a new methodology for determining General Fund Indirect Assessments.

Councilmember Sherman said he was willing to support the revision for this year as he wanted the Marina Master Plan to continue.

MOTION was made by Councilmember Sherman and seconded by Councilmember White to accept the changes for the General Fund Indirect Assessments for the 2004 budget year.

Upon questioning, Finance Director Henderson confirmed that she would present a six-year plan using the new formula.

VOTE ON MOTION: Motion passed unanimously.

City Manager Piasecki informed Council that the Airport Communities Coalition (ACC) had asked the City to commit to $70,000 for 2004 and the RCAA had submitted a request for $22,000.

Councilmember Sheckler noted that the Airport Defense Fund had a balance of $143,364 so no additional General Fund money would be required to fulfill the requests.

MOTION was made by Councilmember Sheckler and seconded by Councilmember Sherman to appropriate the money in the Airport Defense Fund to the Professional Services line item in the 2004 budget and to allocate $70,000 of the available funding in the 2004 Professional Services line item to ACC.

Councilmember Thomasson voiced support for the motion. He stated his belief that the ACC needed to continue to monitor Port of Seattle issues. He asked that the long-term role of the ACC be discussed at the Council retreat.

Councilmember Sheckler agreed. He informed Council that the RCAA had gone to an on-line format.

As maker and seconder of the motion on the floor, Councilmember Sheckler and Councilmember Sherman **accepted** allocating $20,000 to RCAA **as a friendly amendment**.

Finance Director Henderson confirmed that, if the motion passed, the remaining balance would continue to earn interest.

Councilmember Thomasson stated his preference for the City to negotiate a contract with RCAA identifying specific services and an appropriate fee for those services.

As seconder of the motion, Councilmember Sherman **removed his second of the friendly amendment**. He agreed that the City should have a current contract with RCAA.

As maker of the motion, Councilmember Sheckler **removed his acceptance of the friendly amendment**.

City Manager Piasecki said that staff would contact RCAA and invite them to negotiate a contract for services and identify an appropriate fee. The proposed contract would be brought to Council to approval.

Mayor Steenrod agreed that the City needed a watchdog agency to monitor the Port of Seattle. She stressed the importance of insuring the agency was cost effective and properly structured.

Councilmember Sheckler agreed. He explained that the requested $70,000 was for legal fees.

VOTE ON MOTION: Motion passed, 4 – 2, with Mayor Steenrod and Councilmember Petersen opposed.

Finance Director Henderson recommended that Council add liquor excise tax and liquor board profits to the reserve requirement formula for the revenue stabilization fund.

MOTION was made by Councilmember Sherman and seconded by Councilmember Thomasson to direct staff to prepare a resolution changing the formula for the Revenue Stabilization Fund to be used on an on-going basis until Council decided otherwise.

Councilmember Thomasson said that he would support the motion as long as Council was not exceeding the reserve requirement identified by the prior formula.

As staff was still unsure of the gambling tax revenue projections, Finance Director Henderson said she had not included them in the proposed formula.

VOTE ON MOTION: Motion passed unanimously.

Finance Director Henderson introduced the Capital Improvement Plans.

In light of the budget deadline, Councilmember Thomasson suggested that Council address only 2004 CIP funding requests. Council could discuss the other years' projects later.

Council concurred.

MOTION was made by Councilmember Sherman and seconded by Councilmember Sheckler to approve the 2004 Park and Recreation Projects as identified on Attachment 17 of the agenda packet.

Councilmember Thomasson spoke against allocating $14,500 to the Des Moines Beach Park restrooms. He said that if money was approved for a specific project and the project came in under budget, the remaining money should not be rolled into the department's budget. In regard to the Activity Center remodel project, Councilmember Thomasson said that the City should fulfill the requirements of the Code by installing full gutter, curb, and sidewalk. He recommended increasing the expenditures to complete the street improvements.

Park and Recreation Director Thorell explained that the proposed project was for the construction of a sidewalk from the Activity Center to the Post Office.

Mayor Steenrod suggested that the additional work be included in the 2005 project.

Councilmember Thomasson agreed that the additional improvements could be done in the second year of the CIP.

MOTION was made by Councilmember Thomasson to remove the Des Moines Beach Park Repair allocation.

Councilmember Sheckler noted that many citizens use the park.

Councilmember White voiced support for leaving the project in the CIP.

Councilmember Sherman suggested that the City obtain temporary, portable toilets for the area.

Councilmember Petersen recommended that the City lease a mobile trailer with restrooms and running water during the park's peak seasons.

Mayor Steenrod and Councilmember Thomasson voiced support for Councilmember Petersen's suggestion.

Councilmember Sheckler stated his preference for securing the leased facility year-round.

Park and Recreation Director Thorell said that she would research the suggestion.

City Manager Piasecki suggested that Council leave the money for the Des Moines Beach Park repairs in the budget. In January, staff would present the year-round costs associated with leasing a restroom trailer and ask Council for a budget adjustment at that time.

Motion died for lack of a second.

Councilmember Thomasson confirmed that the Steven J. Underwood Memorial Park project identified in the 2004 CIP was Phase 1B.

VOTE ON MOTION: Motion passed unanimously.

MOTION was made by Councilmember Sherman and seconded by Councilmember White to approve the 2004 General Governmental Projects as identified on Attachment 18 of the agenda packet.

MOTION was made by Councilmember Thomasson and seconded by Councilmember Sherman to move the Accounting Software Upgrade project out of the Municipal Capital Improvements Fund and into the Computer Replacement Fund.

Finance Director Henderson informed Council that staff had researched alternative vendors for the business license program. After the conversion requirements had been detailed to Eden, they had requested permission to submit a revised quote in 2004. She recommended that the funding request for the Accounting Software Upgrade be changed from $51,475 to $30,000.

MOTION was made by Councilmember Thomasson, seconded by Councilmember Sheckler, and passed unanimously to change the Accounting Software Upgrade amount to $30,000.

Councilmember Thomasson said that the City should allocate one-time revenues toward one-time expenditures.

MOTION was made by Councilmember Thomasson, seconded by Councilmember Sherman, and passed unanimously to set the MCI Fund transfer to the General Fund at $300,000.

In response to Mayor Steenrod's questioning, City Manager Piasecki said that the PEG Access/Video Arraignment project could include the wiring for monitors for all Councilmembers. He clarified that, if Council approved the motion, the 2004 MCI Fund transfer to the General Fund would total $320,000 as it would include a $20,000 transfer, previously approved by Council, for the court video conferencing equipment.

VOTE ON MOTION: Motion passed unanimously.

At 9:25 p.m., Mayor Steenrod declared a five-minute break.

MOTION was made by Councilmember Sherman and seconded by Councilmember White to approve the 2004 Arterial Street Fund Projects as identified on Attachment 21 of the agenda packet.

Upon questioning from Councilmember Sherman, City Manager Piasecki recommended that the City slurry seal the existing chip sealed streets and perform some overlays in 2004. If Council was satisfied with the slurry sealed streets, Council could budget for this process next year.

Councilmember Thomasson stated his opinion that belief that the chip seal process was appropriate for some streets. He recommended that Council discuss which method was appropriate for specific streets.

Assistant City Engineer Andrews informed Council that the Pacific Highway South project costs were on track.

VOTE ON MOTION: Motion passed unanimously.

MOTION was made by Councilmember Sherman and seconded by Councilmember Sheckler to approve the 2004 Surface Water Capital Fund Projects as identified by Attachment 22 of the agenda packet.

Public Works Director Heydon explained that all but $100,000 of the Marine View Drive Bridge project would be funded by outside sources.

VOTE ON MOTION: Motion passed unanimously.

MOTION was made by Councilmember Sherman and seconded by Councilmember Sheckler to approve the 2004 Marina Depreciation and Improvement Fund as detailed in the agenda packet.

Councilmember Thomasson said that he was concerned with the proposed dry stack storage facility's aesthetics and its ability to pay for itself.

Councilmember White recommended that Council discuss the project as circumstances had changed.

Councilmember Sherman stated that Council was scheduled to discuss the dry stack storage facility on January 8, 2004. He noted that the any approved allocations would not be spent until the project was approved.

Mayor Steenrod agreed with Councilmember Sherman. She said that, if necessary, Council could discuss the re-allocation of funds later.

Councilmember Petersen voiced agreement with Councilmember Thomasson's concerns.

VOTE ON MOTION: Motion passed unanimously.

EXECUTIVE SESSION

At 9:50 p.m., Mayor Steenrod announced that the Council would hold an Executive Session for approximately 15 minutes for the purpose of planning or adopting strategies or positions as part of an ongoing collective bargaining process as provided by RCW 42.30.240(4)(b).

At 9:57 p.m., Councilmember Sheckler recused himself from the executive session as his wife was a City employee.

At 10:03 p.m., City Attorney Marousek announced that Council would remain in executive session for an additional ten minutes.

No formal action was taken.

At 10:13 p.m., Council reconvened in open session.

BUSINESS ITEMS, CONTINUED

National League of Cities Conference

Councilmember White reported that the NLC Conference had been very informative. She encouraged other Councilmembers to attend the conference in March 2004. Economic development information, including materials regarding America's Downtown Revitalization seminar, would be presented and discussed at the Council's retreat.

EXECUTIVE SESSION

City Attorney Marousek announced for the record that Councilmember Sheckler had recused himself from the previous executive session regarding labor relations as his wife was an employee of the City.

Draft Ordinance No. 03-307 ***[Assigned Ord. No. 1333]*** – Adoption of Year 2004 Budget, 2nd Reading

City Manager Piasecki announced for the record that Councilmember Sheckler would not participate in any vote on the budget concerning employee salaries or benefits.

At 10:25 p.m., Mayor Steenrod declared a two-minute break.

Finance Director Henderson distributed a proposed appendix to Draft Ordinance No. 03-307 which incorporated Council's actions. She announced that the proposed budget for 2004 was $50,298,265.

City Manager Piasecki noted that 20% of the budget was dedicated to the Pacific Highway South Project.

MOTION was made by Councilmember White and seconded by Councilmember Sheckler to approve Draft Ordinance 03-307.

Councilmember Sherman said that he would support the motion. He stated that Council needed to discuss how to deal with city provided services as it could not continue to provide the same level of service with declining revenues. As the public had voted to take away revenues, the city needed to spend less. He asked that Council discuss strategic planning at their retreat.

Councilmember Thomasson voiced agreement with Councilmember Sherman's comments. He said that the City had not learned to live on its budget but was supplementing the budget with one-time development money. He asked that Council begin discussing the policy issues earlier in the year.

Councilmember White agreed. She said that Council needed to look at new ways to provide service and focus on economic development.

Mayor Steenrod concurred with Councilmember White's comments regarding economic development. She said that the proposed 2004 budget did not include any significant strides to use technology to allow fewer employees to do more. Mayor Steenrod said that expenditures would eventually need to be cut.

City Manager Piasecki confirmed that the 2005 budget would be a retreat topic. He asked that Council identify the time and structure of the retreat at the January 8, 2004 Council meeting.

VOTE ON MOTION: Motion passed unanimously.

NEXT MEETING DATE – Regular Meeting, January 8, 2004

ADJOURNMENT

At 10:38 p.m., **motion** was made by Councilmember Sheckler, seconded by Councilmember Thomasson, and passed unanimously to adjourn the meeting.

Respectfully submitted,

Angela M. Chaufty
Deputy City Clerk

ACTION ITEM FROM DECEMBER 22, 2003 MEETING

- Contact RCAA and invite them to negotiate a contract for services and identify an appropriate fee.
- Research the cost of leasing a restroom trailer for the Des Moines Beach Park. Present the findings to Council in January.