

**PRELIMINARY**  
**SPECIAL MEETING DES MOINES CITY COUNCIL**

MINUTES

July 7, 2003

The special meeting of the Des Moines City Council was called to order at 7:36 p.m. by Mayor Steenrod in the Council Chambers, 21630 11<sup>th</sup> Avenue South, Suite B.

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

ROLL CALL - Present: Mayor Maggie Steenrod, Councilmembers Gary Petersen, Bob Sheckler, Dan Sherman, Scott Thomasson and Susan White. Absent: Mayor Pro Tem Richard Benjamin. Also in attendance were City Manager Tony Piasecki, City Attorney Linda Marousek, Finance Director Paula Henderson and City Clerk Denis Staab.

MOTION was made by Councilmember Sherman, seconded by Councilmember Sheckler and passed unanimously, to excuse Mayor Pro Tem Benjamin.

ITEMS OF BUSINESS

Airport Communities Coalition Funding

Councilmember Thomasson noted that at the June 26, 2003 regular Council meeting, a motion was on the table regarding this issue and questioned whether that is the point that Council should begin discussion this evening.

City Attorney Marousek stated that Council Rules of Procedure provide that any business that is not concluded at a regular meeting shall be continued to the next regular meeting. She advised that since tonight's meeting is a special meeting it would be best to have a new motion on the agenda item.

MOTION was made by Councilmember Thomasson, seconded by Councilmember Sheckler, to approve payment of \$150,000.00 to the Airport Communities Coalition as the City of Des Moines contribution to the 3<sup>rd</sup> runway fight, funding to be provided from the General Fund's ending fund balance.

Mayor Steenrod expressed concern that this movement of funds will not be done through a formal budget amendment, as normally recommended by staff. She felt the reason the formal budget process was not used is because it would require a 5 to 2 favorable vote. She also noted concern that citizens will not be able to track where this money was spent if money for the ACC is paid from the general account and does not show up under payments to the Airport Defense Fund.

Finance Director Henderson advised that the expenditure can be noted in a separate line item that will denote that the money was allocated specifically to airport defense.

Mayor Steenrod questioned whether the City is still a member of the Airport Communities Coalition (ACC). The City Attorney had advised the Council in a prior meeting that the vote to withdraw money from the 2003 budget for the ACC constituted a withdrawal of the City from

the ACC. She noted that she maintained that the City is still a member and questioned legal staff on the issue.

City Attorney Marousek stated that several months ago she had summarized that since the Council withdrew funding of ACC that the City was no longer a member.

City Manager Piasecki noted that our current agreement with ACC specifically notes that the agreement is in effect unless terminated by a separate written agreement. He further advised that other cities made payments at later dates and did not negotiate an amended agreement or adopt a special exhibit to the current agreement.

Stuart Creighton, Chairman of ACC and Normandy Park City Councilmember, informed Council that Des Moines is currently a member of ACC but because of non-payment is a member in suspension. He advised that the ACC Executive Committee took no formal action to remove Des Moines from ACC and has received no formal request from Des Moines to be removed.

Upon questioning by Councilmember Sherman, Mr. Creighton stated that should Des Moines pay the \$150,000 to ACC, then Des Moines would be a member of ACC in good standing. He further noted that it is not unusual for member cities to pay late or make payment installments through duly passed motions. He also advised that the \$150,000 payment from Des Moines would be enough funding to move forward on the three legal actions currently pending regarding the 3<sup>rd</sup> runway, and that will run concurrently.

City Attorney Marousek advised that it is her legal opinion that Des Moines is not required to re-sign an agreement with ACC and the current agreement is still in effect.

Mayor Steenrod expressed concern with the scope of the ACC agreement as it appears to be more than just the third runway and includes regional transportation issues. She questioned whether the City may be delegating its authority to negotiate on important issues over and above the airport by being bound by decisions made by the ACC Executive Committee.

Councilmember Sherman interjected that the Agenda for tonight's meeting did not include the ACC agreement and that it is his belief the Council could not discuss it and should vote on the funding motion on the table.

City Attorney Marousek stated that after further review of the agreement she has determined that the City is still a member of ACC. She agreed with Councilmember Sherman that the agreement with ACC cannot be part of tonight's discussion as it was not listed as an agenda item for this special meeting.

Mayor Steenrod stated that at the time the special meeting notices were issued, the Councilmembers were under advice from the City Attorney that the City was not a party to the Acc agreement. While she will move forward with a vote on the motion, she noted that she would like the opportunity to discuss the agreement in its entirety at a future date.

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

Selection of City Representative to ACC

**MOTION** was made by councilmember Thomasson, seconded by Councilmember Sherman and passed unanimously, that Councilmember Sheckler be appointed the City's representative to ACC with Councilmember White appointed as alternate.

Selection of City Representative for July 9, 2003 Meeting Between ACC and the Port of Seattle

**MOTION** was made by Councilmember Sherman, seconded by Councilmember Thomasson, that ACC Representative, Councilmember Sheckler, be appointed to represent the City at a meeting between ACC and the Port of Seattle scheduled for July 9, 2003. Motion passed unanimously.

ADJOURNMENT

At 8:06 p.m. **MOTION** was made by Councilmember Thomasson, seconded by Councilmember Sherman and passed unanimously, to adjourn.

Respectfully submitted,

Denis Staab  
City Clerk

