

REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES

October 26, 2000

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

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

ROLL CALL - Present: Mayor Scott Thomasson, Mayor Pro Tem Bob Sheckler, Councilmembers Terry Brazil, Dave Kaplan, Dan Sherman, Gary Towe and Don Wasson. Also present were City Manager Bob Olander, Assistant City Manager Tony Piasecki, City Attorney Gary McLean, Court Services Manager Jennefer Henson, Finance Director Scott McCarty, Budget Accountant Peggy Watson, Chief of Police Don Obermiller, Public Works Director Tim Heydon, Assistant City Engineer Loren Reinhold, Harbormaster Joe Dusenbury and City Clerk Denis Staab.

COMMENTS FROM THE PUBLIC

Matt Doherty, 21229 4th Place South

Mr. Doherty, representing Des Moines Legacy Foundation a non-profit organization, invited everyone to attend the Bayside Brunch at Anthony's Home Port on November 5th from 10:30 a.m. to 1:30 p.m. He stated that the event will help to support park and recreation programs as well as the Senior Center. He advised that there will be a silent auction as well as dinner and entertainment.

Jerry Guite, P. O. Box 98010, Des Moines

Mr. Guite spoke on the following issues:

- Requested written response as to why containers at two locations are allowed to remain illegally when he had been forced to remove the same.
- Requested Police emphasis to "clean-up" Mt. Rainier High School.
- Requested Council hire outside consultants to work on finances and budgeting.

BOARD & COMMITTEE REPORTS

Cable Franchise Ad Hoc Committee

Councilmember Kaplan advised Council that the Committee met earlier this evening and are close to presenting a draft cable franchise agreement for Council's consideration.

Human Services Committee

Councilmember Towe noted that the Committee met on Tuesday and formulated a list of additional funding recommendations should additional funding become available for the 2001 budget.

Suburban Cities Association

Councilmember Brazil reminded Council that applications for appointments to various committees should be returned by any Councilmember who may be interested in appointment or reappointment.

Public Safety and Transportation Committee

Councilmember Sherman reported that the Committee is progressing on the review of the City's Comprehensive Transportation Plan.

King County Transportation

Councilmember Sherman informed Council that the King County Executive is pushing ideas in funding for transportation projects, in particular those with regional significance. He advised that this could financially hurt the smaller cities, including Des Moines.

CONSENT CALENDAR was read by City Clerk Staab.

1. Motion is to approve the minutes of October 5 and 12, 2000.
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 # 73616 through #73804 in the total amount of \$226,176.17

Payroll fund transfers in the total amount of \$282,566.94

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

OLD BUSINESS

Draft Ordinance No. 00-217 [ASSIGNED ORDINANCE NO. 1273] - Metricom Franchise Reconsideration

City Attorney McLean reminded Council that on June 8, 2000, the City Council enacted Ordinance No. 1262, granting Metricom, Inc. a franchise to operate its wireless data service within Des Moines. Metricom rejected the franchise as written and requested that section 46 of Ordinance No. 1262, the "Most-Favored Community" clause, be stricken or amended. At the direction of Council, he has renegotiated an amendment and has prepared Draft Ordinance No. 00-217 which would amend the original ordinance. He reviewed the draft amendments noting that the main point is that, should the parties be unable to reach agreement on issues arising under Section 46, there is a provision for arbitration. He reminded Council that the term of the franchise is only for five years at which time Council can renegotiate. He concluded by stating that staff recommends adoption.

Lisa Verner, Metricom ROW Representative, advised Council that Metricom is agreeable to the amendment. Upon questioning by Council, Ms. Verner noted that county comparisons had been omitted as cities and counties are too different in structure to be used for comparisons.

Councilmember Kaplan expressed concern that the quality of equipment may be less for Des Moines than other cities. City Attorney McLean stressed that the system developed by Metricom would not operate without uniform equipment and that it is in Metricom's best interest to maintain uniformity.

Mayor Thomasson stated that he is not in favor of allowing for arbitration, especially if Metricom is the one requesting this. He would prefer a termination clause.

City Attorney McLean pointed out that a termination clause already exists in Des Moines Municipal Code, Title 20 Telecommunications.

MOTION was made by Councilmember Kaplan, seconded by Councilmember Towe, to suspend Council Rule 26(b) in order to take action on the draft ordinance. Motion passed unanimously.

MOTION was made by Councilmember Kaplan, seconded by Councilmember Towe, to approve Draft Ordinance No. 00-217.

City Attorney McLean read the draft ordinance by title into the record.

VOTE ON MOTION: Motion passed 6 to 1 with Mayor Thomasson voting NO.

Preliminary 2001 Budget - Continued Department Reviews: Legal, Law Enforcement, Marina, and Surface Water Management Operations

Finance Director McCarty proceeded to review preliminary 2001 department budgets for the following, with highlights and comments as noted:

Surface Water Management

Revenue	- \$1,160,303
Expenses	- \$ 889,453

Upon questioning by Mayor Thomasson, Public Works Director Heydon advised that the department is carefully monitoring the endangered species act. He further noted that Des Moines is already operating within most of the recommended guidelines.

In summary it was noted that approximately \$270,850 will be available for capital projects and debt service.

Multiple Grants

Domestic Violence Grant	- \$24,800
COPS In The Schools Grant	- \$64,865
Teen Dating Violence Grant	- \$32,271

Police Chief Obermiller advised Council that in regards to Mt. Rainier High School, the Police department has seen a 46% increase in the number of calls for assistance. These incidents involve student/teacher assaults, alcohol use, student fighting, etc. He noted that the COPS grant will go a long way in curbing these types of problems along with student truancy.

Upon Council questioning, it was noted the Teen Dating Violence Grant which is new, is all federally funded.

Legal Services - Judicial

Total Expenditures	- \$324,124
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Court Services Manager Henson advised that the increase in services and charges is to cover the costs of public defenders and interpreters, of which there has been an increasing demand.

Legal Services - Legal

Total Expenditures - \$300,333

Finance Director McCarty noted that the increase in salaries and benefits is due to the fact that the Assistant City Attorney is now budgeted as a full-time position. The increase in other services and charges is to cover the increased costs of outside legal advice and the addition of a part-time legal intern.

Legal Services - Jail Services

Total Expenditures - \$425,000

It was noted that the increase in 2001, is due to the weighted average increase of 7% by King County.

9:01 Mayor Thomasson declared a 10 minute break.

Law Enforcement - Police Drug Seizure

Total Expenditures - \$553,000

Law Enforcement - Administration

Total Expenditures - \$1,200,019

Law Enforcement - Detective

Total Expenditures - \$652,452

Law Enforcement - Patrol

Total Expenditures - \$3,136,939

With the use of a graph, Police Chief Obermiller explained the increased cost of overtime in this years budget was mainly due to the fact that there were vacant positions in the police department from officers leaving to go into the private sector, employee injuries requiring extended leave, retirement and the loss of one officer to another agency. He noted however, this expense was greatly off-set by the savings seen from not having to pay benefits.

Law Enforcement - Traffic Unit

Total Expenditures - \$428,127

Police Chief Obermiller noted that the traffic unit will be established to identify and address traffic safety issues through engineering, education and enforcement, and to provide a safe and effective flow for pedestrian and motorized traffic through out the City. He advised that the traffic unit would be established with two officers. He stated that several areas of the City have already been identified as needing strong emphasis, such as Highway 99, Redondo, and South 200th among a couple of others.

Court Services Manager Henson assured Council that the revenue generated by traffic citations was calculated using a very conservative dollar amount.

Councilmember Sheckler requested staff contact the City of SeaTac regarding the planned improvements to the intersection of Des Moines Memorial Drive and South 200th Street to determine when improvements might begin.

Marina

Revenue	- \$2,490,000
Expenses	- \$2,468,867

It was noted that the Marina budget would be amend as needs arise or are determined by adoption of the Comprehensive Marina Master Plan.

Upon questioning by Council regarding the interfund transfer to the General Fund, City Manager Olander noted that this is a major policy issue for Council. However, he would recommend that it would not be prudent to roll this back yet. He felt it would be best to see what funding packages, if any, that the State Legislature may come up with to restore the million dollar a year shortage the City is still facing.

10:29 p.m. **MOTION** was made by Councilmember Kaplan, seconded by Councilmember Sherman, to extend the meeting another 5 minutes. Motion passed 4 to 3 with Councilmembers Brazil, Sheckler and Towe voting NO.

Finance Director McCarty proceeded to review the following Marina items:

Bond and Interest Fund

Estimated balance for 2001 \$512,805

Marina Repair and Replacement Fund

Estimated balance for 2001 of \$310,888. Finance Director pointed out that this is \$10,888 greater than required. However, he advised that it would be prudent to increase this reserve amount to \$400,000. He further advised that staff feels given the rate of inflation since the fund was established in 1968, the \$400,000 represents a more realistic reserve to cover unforeseeable expenses.

Depreciation and Improvement Fund

Given the ongoing discussions regarding the Master Plan, staff did not feel that the normal six-year capital improvement plan could be prepared at this time and recommends that the 2001-2007 CIP be completed as part of the Master Plan process.

NEXT MEETING DATE

Mayor Thomasson noted that the next meeting will be a study session on November 2, 2000.

ADJOURNMENT

The meeting was adjourned at 10:35 p.m.

Respectfully submitted,

Denis Staab
City Clerk