

AMENDED

STUDY SESSION DES MOINES CITY COUNCIL - February 6, 2003 - 7:30 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG

ROLL CALL

CONSENT ITEM:

1. Motion is to approve Draft Resolution No. 03-002 Approving a Conditional Shoreline Substantial Development Permit and an Environmentally Sensitive Areas Development subject to conditions specified herein.

DISCUSSION ITEMS:

1. Marina Dry Stack Storage Alternatives

DISCUSSION LEADER:

Harbormaster

GOAL:

Discussion/Direction

EST. TIME:

50 Minutes

2. Marine View Drive Pedestrian Safety

Public Works Director

Discussion/Direction

45 Minutes

3. Planning Agency Duties

Mayor Steenrod & Community
Development Director

Discussion/Direction

30 Minutes

4. Draft Resolution No. 02-237 Amending Council
Rule 12 Regarding Council Meeting Minutes

Mayor Steenrod

Discussion/Action

10 Minutes

5. Draft Resolution No. 03-013 - Amending Council
Rule 36 Regarding Videotaping Council Meetings

Councilmember Wasson

Discussion/Action

15 Minutes

6. Draft Ordinance No. 03-014 Allowing Suspension of
Council Rules of Procedure

Councilmember Wasson

Discussion/Action

20 Minutes

7. Councilmember Compensation

Mayor Steenrod

Discussion/Direction

10 Minutes

NEXT MEETING DATE: Regular Meeting February 13, 2003

A G E N D A I T E M

BUSINESS OF THE CITY COUNCIL City of Des Moines, WA

SUBJECT: Amending DMMC 4.12.030, Allowing
Suspension of Council *Rules of
Procedure*

ATTACHMENTS: 1. Draft Ordinance No. 03-014
2. Robert's Rules of Order

FOR AGENDA OF: February 6, 2003

DEPT. OF ORIGIN: Legal

DATE SUBMITTED: 1/13/03

CLEARANCES:

☒ Legal

APPROVED BY CITY MANAGER

FOR SUBMITTAL:

RECOMMENDATION

It is recommended that the Council discuss Draft Ordinance No. 03-014 at the regular session of January 16, 2002, and pass Draft Ordinance No. 03-014 in its current or amended form to a second reading for enactment on a future calendar.

MOTION: "To pass Draft Ordinance No. 03-014 to a second reading for enactment on a future calendar."

BACKGROUND

The Mayor has requested that the Council *Rules of Procedure* be amended to allow for suspension of Council rules. Suspensions of rules are not currently allowed under DMMC 4.12.030. Therefore, DMMC 4.12.030 must be amended.

ALTERNATIVES

Two alternatives are presented. One alternative permits suspension by majority vote. However, the City Attorney recommends that suspension be permitted only by 2/3 vote, since Robert's Rules of Order requires a 2/3 vote.

CITY ATTORNEY'S FIRST DRAFT 01/13/03

DRAFT ORDINANCE NO. 03-014

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON relating to City Council Rules of Procedure, allowing incidental suspension of rules contained in the City Council Rules of Procedure by amending DMMC 4.12.030.

WHEREAS, DMMC 4.12.030 currently provides only for amendments, not suspensions, of existing City Council Rules of Procedure, and

WHEREAS, this amendment to DMMC 4.12.030 allows for the suspension of a Council rule for the meeting at which the vote to suspend is taken, and

WHEREAS, the City Council finds it in the public interest to amend DMMC 4.12.030 allowing for incidental suspensions of Council rules; now therefore,

THE CITY COUNCIL OF THE CITY OF DES MOINES ORDAINS AS FOLLOWS:

Sec. 1. DMMC 4.12.030 and section 3 of Ordinance No. 765 as amended by section 1 of Ordinance No. 821 as amended by section 1 of Ordinance No. 855, are each amended to read as follows:

Rules of Procedure-Amendment/Suspension. The rules adopted under the procedure set forth in this chapter shall not be suspended (~~but~~) except by a [majority vote] [2/3 vote] of the Councilmembers present. Such suspension shall remain in effect only for the meeting at which the vote to suspend is taken. The rules adopted under the procedure set forth in this chapter may be amended or new rules may be adopted by an affirmative vote of at least a majority of the whole membership of the Council. Any such amendments or new rules shall be submitted in resolution form at a regular meeting and shall be placed on the Council agenda under the order of new business. A vote of the Council to adopt such

Ordinance No. ____
Page 2 of ____

a resolution shall occur at a subsequent regular meeting.

NEW SECTION. Sec. 2. Severability - Construction.

(1) If a section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

(2) If the provisions of this ordinance are found to be inconsistent with other provisions of the Des Moines Municipal Code, this ordinance is deemed to control.

NEW SECTION. Sec. 3. Effective date. This ordinance shall take effect and be in full force five (5) days after its passage, approval, and publication in accordance with law.

PASSED BY the City Council of the City of Des Moines this ____ day of ____, 2003 and signed in authentication thereof this ____ day of ____, 2003.

M A Y O R

APPROVED AS TO FORM:

City Attorney

ATTEST:

City Clerk

Published: _____

subject to appeal. But the point can be put at issue before the assembly by making the motion despite the chair's opinion and, when he *rules* the motion out of order, appealing from the chair's decision.

The chair's announcement of the result of a vote also is not a ruling and is not subject to appeal. If a member doubts the correctness of such an announced result, however, he should call for a "Division" (see 29).

Form and Example

A member desiring to appeal rises and, without waiting to be recognized, addresses the chair as follows:

MEMBER A: I appeal from the decision of the chair.
(Second.)

The chair, after stating clearly the exact question at issue, and the reasons for his decision if he thinks an explanation necessary, states the question on the appeal as follows:

CHAIR: The question is: "Shall the decision of the chair stand as the judgment of the assembly [or "club," "society," "board," etc.]"

Or:

CHAIR: The question is, "Shall the decision of the chair be sustained?"

The question should not be on "sustaining the chair," because the *decision*, not the presiding officer, is in question.

The vote is taken so that the affirmative will be in favor of sustaining the chair's decision, as follows:

CHAIR: As many as are in favor of sustaining the chair's decision, say *aye*. . . . Those opposed to sustaining this decision, say *no*. . . .

After the result of the vote is announced, business is resumed in accordance with the situation existing after the action on the appeal.

§25. SUSPEND THE RULES

When an assembly wishes to do something that it cannot do without violating one or more of its regular rules, it can adopt a motion to *Suspend the Rules* interfering with the proposed action—provided that the proposal is not in conflict with the organization's bylaws (or constitution), local, state, or national law, or the fundamental principles of parliamentary law.

Standard Descriptive Characteristics

The incidental motion to *Suspend the Rules*:

1. Can be made at any time that no question is pending. When business is pending, *Suspend the Rules* takes precedence over any motion if it is for a purpose connected with that motion. It yields to the motion to *Lay on the Table* and to all privileged motions when these motions are in order at the time according to the order of precedence of motions—except that if it relates to the priority of business it does not yield to a *Call for the Orders of the Day*. It also yields to incidental motions arising out of itself.
2. Can be applied to any rule of the assembly except

bylaws* (or rules contained in a constitution or corporate charter). No subsidiary motion can be applied to *Suspend the Rules*.

3. Is out of order when another has the floor.
4. Must be seconded.
5. Is not debatable.
6. Is not amendable.
7. Usually requires a two-thirds vote (see below, however). In any case, no rule protecting a minority of a particular size can be suspended in the face of a negative vote as large as the minority protected by the rule.
8. Cannot be reconsidered (see below regarding its renewal).

Further Rules and Explanation

OBJECT AND EFFECT OF THE MOTION. The object of this motion must usually be to suspend one or more rules contained in the parliamentary authority (rules of order), the special rules of order, or the standing rules of the assembly.** A motion to "take up a question out of its proper order," or to consider one before a time to which it has been postponed, is an application of the motion to *Suspend the Rules* (see 14, 40).

In making the incidental motion to *Suspend the Rules*, the particular rule or rules to be suspended are not mentioned; but the motion must state its specific purpose, and its adoption permits nothing else to be done under the suspension. Such a motion, for instance, may be "to suspend the rules and take up the report of the Building

*Regarding the suspendibility of rules in the nature of rules of order when placed within the bylaws, see page 17.

**For the classes of rules that an organization or an assembly may adopt, see 2.

Committee," or "to suspend the rules and agree to [that is, to adopt without debate or amendment] the resolution . . ." When the purpose of a motion to *Suspend the Rules* is to permit the making of another motion, and the adoption of the first motion would obviously be followed by adoption of the second, the two motions can be combined, as in "to suspend the rules and take from the table (33) the question relating to . . ." The foregoing is an exception to the general rule that no member can make two motions at the same time except with the consent of the assembly—unanimous consent being required if the two motions are unrelated (see also pp. 107-108 and 270-271).

If a motion to *Suspend the Rules* is adopted and its object is to allow consideration of business that could not otherwise have been considered at the time, the chair should immediately recognize the member who moved the suspension of the rules, to make the appropriate motion that will bring up the desired business. Or, if no further motion is necessary (for example, if the two motions were combined as indicated above, or if the question is one that was postponed), the chair should announce the business as pending.

RENEWAL OF THE MOTION. If a motion to suspend the rules is voted down, it cannot be renewed by moving to suspend the rules for the same purpose at the same meeting, unless unanimous consent is given. It can, however, be renewed for the same purpose after an adjournment, even if the next meeting is held the same day. Any number of motions to suspend the rules for different purposes can be entertained at the same meeting.

RULES THAT CANNOT BE SUSPENDED. Rules contained in the *bylaws* (or constitution) cannot be sus-

pending—no matter how large the vote in favor of doing so or how inconvenient the rule in question may be—unless the particular rule specifically provides for its own suspension, or unless the rule properly is in the nature of a rule of order as described on page 17.

Rules *protecting absentees or a basic right of the individual member* cannot be suspended, even by unanimous consent or an actual unanimous vote. For example, the rule requiring previous notice of a proposed amendment to the bylaws protects the absentees, and its suspension would violate their rights. Further, the rule requiring officers to be elected by (secret) ballot protects a minority of one from exposing his vote, which he may do if he votes against, or objects to, suspending such a rule (see *Voting by Ballot*, p. 405).

At a regular meeting of an organization that has an established order of business, the assembly cannot, even unanimously, vote to *dispend* with that order of business (in the sense of voting, in advance of the time when it adjourns, that the order of business shall not be gone through at all at that meeting). If the assembly, by a two-thirds vote, adopts a motion “to dispense with the regular order of business and proceed to”^{*} a certain subject, it has in effect voted to *pass* all classes in the order of business which normally would precede that subject (see 40). In such a case, when the matter taken up out of its proper order has been disposed of, even if it has consumed as much time as the usual meeting, the chair must return to the regular order of business and call for the items in sequence, unless the assembly then votes to adjourn. (see 21).

^{*}This usage should be avoided.

RULES WHOSE SUSPENSION REQUIRES A TWO-THIRDS VOTE. The *rules of order* of a society, as contained in the manual established by the bylaws as the parliamentary authority, or as included in any special rules of order adopted by the organization (see 2), are rules of parliamentary procedure, the suspension of which requires a two-thirds vote. Some societies call all their rules “standing rules.” But by whatever name a rule is called, if it relates to parliamentary procedure, it requires previous notice and a two-thirds vote for its amendment; hence, it requires a two-thirds vote for its suspension.

RULES THAT CAN BE SUSPENDED BY A MAJORITY VOTE. An ordinary^{*} *standing rule*, as the term is used in this book, is a rule that does not relate to parliamentary procedure as such and refers, for example, to such matters as the hour for beginning meetings (in cases where the dates of regular meetings are established by the bylaws). Standing rules are adopted, as any ordinary motion, by a majority vote, and are amended by a two-thirds vote without previous notice or by a majority vote with such notice; they therefore can be suspended by a majority vote as they do not involve the protection of a minority of a particular size. Through an incidental main motion adopted by a majority vote, a standing rule can be suspended for the duration of the current session.

SUSPENSION OF RULES BY UNANIMOUS CONSENT. Frequently, when the matter is clearly not controversial, time may be saved by asking unanimous consent rather

^{*}In conventions the term *standing rule* is used in a special sense which may include parliamentary rules adopted by the convention (see pp. 612 ff.).

than by making a formal motion to suspend the rules. A member who has obtained the floor can say, for example, "Madam President, I ask unanimous consent to offer the courtesy resolutions before we receive the report of the special committee." The chair then asks if anyone objects and, if so, she proceeds to take a vote on suspending the rules, just as if a formal motion had been made.

Form and Example

The usual form of this motion is:

MEMBER A (obtaining the floor): I move that the rules be suspended [or "to suspend the rules"] which interfere with . . . [stating the object of the suspension]. (Second.)

Or:

MEMBER A (obtaining the floor): I move to suspend the rules and take up . . . (Second.)

When the object is to adopt a motion without debate or amendment, the form is:

MEMBER A (obtaining the floor): I move to suspend the rules and adopt [or "agree to"] the following resolution: "*Resolved*, That . . ." (Second.)

If such a motion does not receive the required two-thirds vote, the main motion can be taken up only in the normal way. A member moving to suspend the rules can briefly give sufficient information to enable the members to vote intelligently on his undebatable motion. (For the manner of taking a two-thirds vote, see pp. 45 and 48-49.) In announcing an affirmative result, the chair says, for example,

CHAIR: There are two thirds in the affirmative and the rules are suspended for the purpose of . . . The chair recognizes Mrs. Watkins.

§26. OBJECTION TO THE CONSIDERATION OF A QUESTION

The purpose of an *Objection to the Consideration of a Question* is to enable the assembly to avoid a particular original main motion altogether when it believes it would be strongly undesirable for the motion even to come before the assembly.

Standard Descriptive Characteristics

An *Objection to the Consideration of a Question*:

1. Takes precedence over original main motions (and over an *unstated* subsidiary motion, except *Lay on the Table*), but the objection can be raised only before there has been any debate or any subsidiary motion has been stated by the chair; thereafter consideration of the main question has begun and it is too late to object. It yields to the motion to *Lay on the Table*, to all privileged motions, and to incidental motions arising out of itself.
2. Can be applied to original main motions (p. 97) and to petitions and communications that are not from a superior body. It cannot be applied to incidental main motions. No subsidiary motion can be applied to it alone, but while it is pending the main question can be laid on the table, and the objection then goes to the table with the main question.
3. Is in order when another has the floor, until considera-

A G E N D A I T E M

BUSINESS OF THE CITY COUNCIL City of Des Moines, WA

SUBJECT: Alternatives for Dry Stack Boat
Storage at the Marina

ATTACHMENTS:
4 Dry Stack Boat Storage Concepts

FOR AGENDA OF: February 6, 2003
DEPT. OF ORIGIN: Marina

DATE SUBMITTED: January 24, 2003

CLEARANCES:

☒ Marina

☐ Legal

APPROVED BY CITY MANAGER

FOR SUBMITTAL:

A. Purpose & Recommendation

The purpose of this report is to update the Council on the progress of the Dry Stack Storage Project and to seek Council Direction regarding the site and configuration alternatives.

Recommended Motion

"I move that the City Council accept the recommendation of the Municipal facilities committee to proceed with Alternative A of the Dry Stack Boat Storage Project at the Quartermaster Site."

B. Background

Existing Conditions:

There are 171 20 and 24 foot slips in the water and 107 dry sheds for a total of 279 spaces. This amounts to 33% of the total number of slips in the Marina. These slips account for about \$420,000 in annual revenue, or 23% of the total permanent moorage collected each year. Currently there are seven people on the 20 foot covered list, 35 people on the 24 foot covered list and 12 people on the dry shed list. The wait for a 20 foot covered slip or a dry shed is about six months, and the wait for a 24-foot covered is about nine months to a year.

Trends

The demand for smaller in-water slips has been declining in the last decade, primarily because the smaller boats have traditionally been used for fishing and fishing opportunities have declined significantly since 1990. The demand for the dry sheds has declined somewhat also, again because of fishing conditions and because the dry sheds at the Marina can only accommodate a

boat 21 feet or less in length. Dry stack storage facilities have been operating in the Puget Sound region for some time, and they are becoming more popular now that the technology exists to store and launch boats in the 24 to 30 foot range. Dry stack storage is popular with boaters because it is convenient, reduces maintenance costs and preserves the value of their boats.

Master Plan Process

When the Marina was built in the late 1960's, the covered moorages were built using all-wood construction for the floating docks instead of using sectional concrete floats. All-wood floats were chosen because they are cheaper and because at that time, concrete floats were relatively new and their life span was not certain. Even though the decision at that time was to use all wood construction for the covered moorages, the project engineers, Reid Middleton, Inc., designed the structures so that the wood floats could be replaced with concrete floats sometime in the future.

In 1995 and 1996, the Marina staff and Reid Middleton, Inc. completed the Marina Facility Master Plan. The object of this planning process was to determine what would need to be done to keep the Marina in good condition for the next ten years. In 1995 the floating docks were still in excellent condition, and no significant repairs were recommended. At that time it was assumed that when major repairs or renovations were needed that the method used would be to replace the wood floats with sectional concrete floats, keeping the roof structures as is.

At the end of 1996 a snowstorm destroyed the covered floating docks at the Port of Edmonds and the Port of Bremerton. These structures were almost identical to the covered docks in the Marina. As a result of these failures, local building codes regulating the minimum roof loads for floating structures were changed. In the future, all floating structures will have to support the same roof loads that land based structures support. These new requirements increase the cost of covered floating docks dramatically. These new regulations took away the option of replacing the wood floats with concrete floats and keeping the original roof structures because the existing roofs are not designed to take the weight loads required by the new codes.

At the beginning of the Comprehensive Marina Master Plan project in 1997/98 it became apparent that the biggest issues would involve the floating docks because the cost of renovating or replacing the docks would be much more than the estimates for the original plan, which was to keep the existing roof structures. The fact that the demand for the 20 and 24 foot covered moorages had been decreasing over the last several years became a problem also. At that point the staff and consultant had to ask the question "if the 20 and 24 foot covered docks are going to be significantly more expensive to replace and if the demand for them continues to decrease, will the Marina be able to get enough revenue from new small boat docks to recapture the cost of building and operating them"? At that time the trend toward larger boats was well established by the sales data, and the staff and consultant were concerned enough about the economic feasibility of in-water 20 and 24 foot moorage to begin looking at ways to increase the capacity of upland storage for the smaller boats. Typically, upland storage is much cheaper than in-water slips to build.

In 1998/99 the existing dry shed site was evaluated for possible expansion and, after the Quartermaster parcel became available, two configurations for dry stack storage were developed for that site.

C. Discussion

Dry Stack Options

Dry Shed Site.

This site was considered early in the Master Plan process. A concept that would replace the dry sheds with a “two-story storage structure was discussed in the Des Moines Marina Facility Plan Development Issues Report given to the Council in May of 1999. After the Quartermaster site became available, no further work was done on developing options for this site. The options discussed below have not been developed to the level of the Quartermaster site options. Before the staff could make a recommendation on a plan at the dry shed site, a more detailed analysis of the construction costs, view impacts and operational impacts would need to be done.

Dry Shed Site -- Concept 1

This building would have space for approximately 162 boats 18 to 32 feet long, stacked two-high. A more detailed design effort would be needed to determine the exact height of the building. The doors would be on the west side. It would include interior wash-down areas, some exterior racks for small boats and 5 ft. by 5 ft. storage lockers that would be accessible from the outside. This plan maximizes the number of boats that can be stored but the west-facing doors would create some conflicts with M and N dock tenants that need to park in that area to access their boats.

Dry Shed Site – Concept 2

This building would house approximately 152 boats 18 to 32 feet long, also stacked two-high. As with Concept 1, the exact height of the building is not known at this time. The doors would face the north. It would include interior wash-down areas and storage lockers accessible from the outside. This plan cannot store as many boats as option 1, but it does eliminate the conflict with M & N dock tenants.

Quartermaster Site – Concept A

This building would be built as close to the bank as possible and would have the capacity to store approximately 100 boats 18 to 32 feet long. The boats would be stacked three or four high, depending on size. The building would be built to the maximum allowable height. This concept includes exterior wash-down areas and does not include storage lockers. This Concept has the best financial performance of the two concepts for this site. Its major drawback is the buildings proximity to the neighboring buildings.

Quartermaster Site – Concept B

The footprint of this building would extend to the setback line on the west side of the parcel. The building could store 85 to 95 boats, stacked three or four high. Like Concept A, this building would be built to the maximum allowable height. The wash-down area for this concept could be located inside the building. This building has more separation from neighboring buildings, but generates less revenue than concept A.

D. Alternatives

Alternative 1. Accept the recommendation of the Municipal Facilities Committee and direct staff to proceed with Concept A at the Quartermaster Site.

Alternative 2. Remand the Dry Stack project back to the Municipal Facilities Committee for further study of the two Quartermaster Site Alternatives.

Alternative 3. Remand the Dry Stack project back to the Municipal Facilities Committee for further study of the alternatives, including the dry shed site.

E. Financial Impact

Currently, the dry sheds and lockers generate about \$150,000 per year. Operating expenses are very low, limited to annual maintenance on the hoists and sheds. At the Quartermaster Site, the estimated annual revenue for Alternative A, (at 100% occupancy) is approximately \$200,000 and the estimated annual increase in operating expenses is \$40,000. For Alternative B, the estimated annual increase in operating expenses is the same as for Alternative A, but estimated annual revenues are less at \$185,000 per year.

At the dry shed site, Concept 1 has the highest revenue potential, which is estimated to be \$300,000 per year. This is about \$50,000 per year less than the current dry shed revenue plus the expected revenue from Concept A at the Quartermaster site. Using the Dry Shed site will create the opportunity for using the Quartermaster site for another purpose, possibly some type of retail, but a use that will generate \$50,000 in annual net revenue has not been identified.

Use of the Quartermaster site for a Dry Stack operation does not preclude developing other business opportunities at other locations. The Master Plan identifies the area north of the existing office as a possible site if the guest moorage is expanded. Also, at some point, the existing dry sheds will need to be replaced. That may create an opportunity for some other type of development in that area.

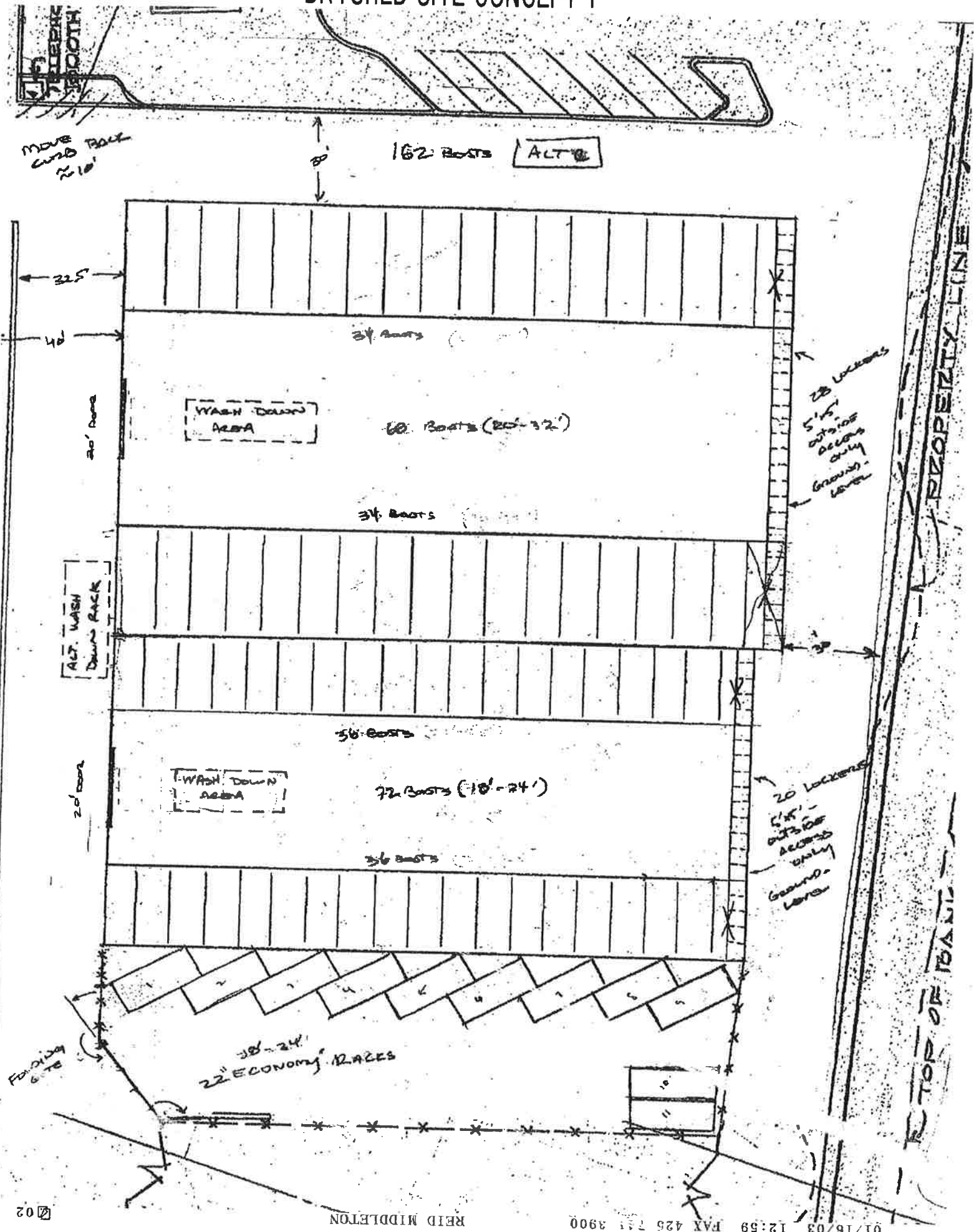
F. Recommendation

The staff believes that Concept A at the Quartermaster site is the best available alternative.

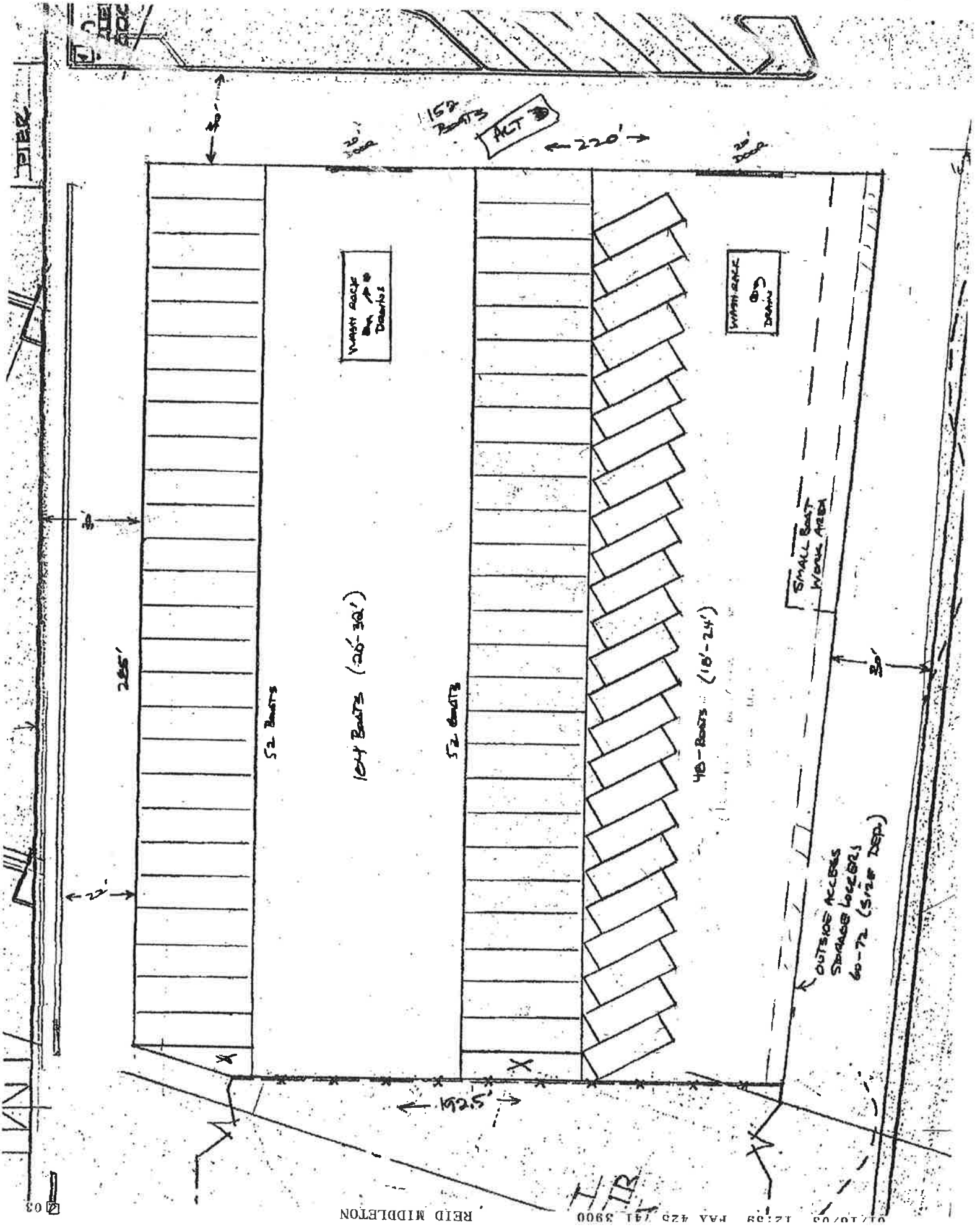
G. Concurrence

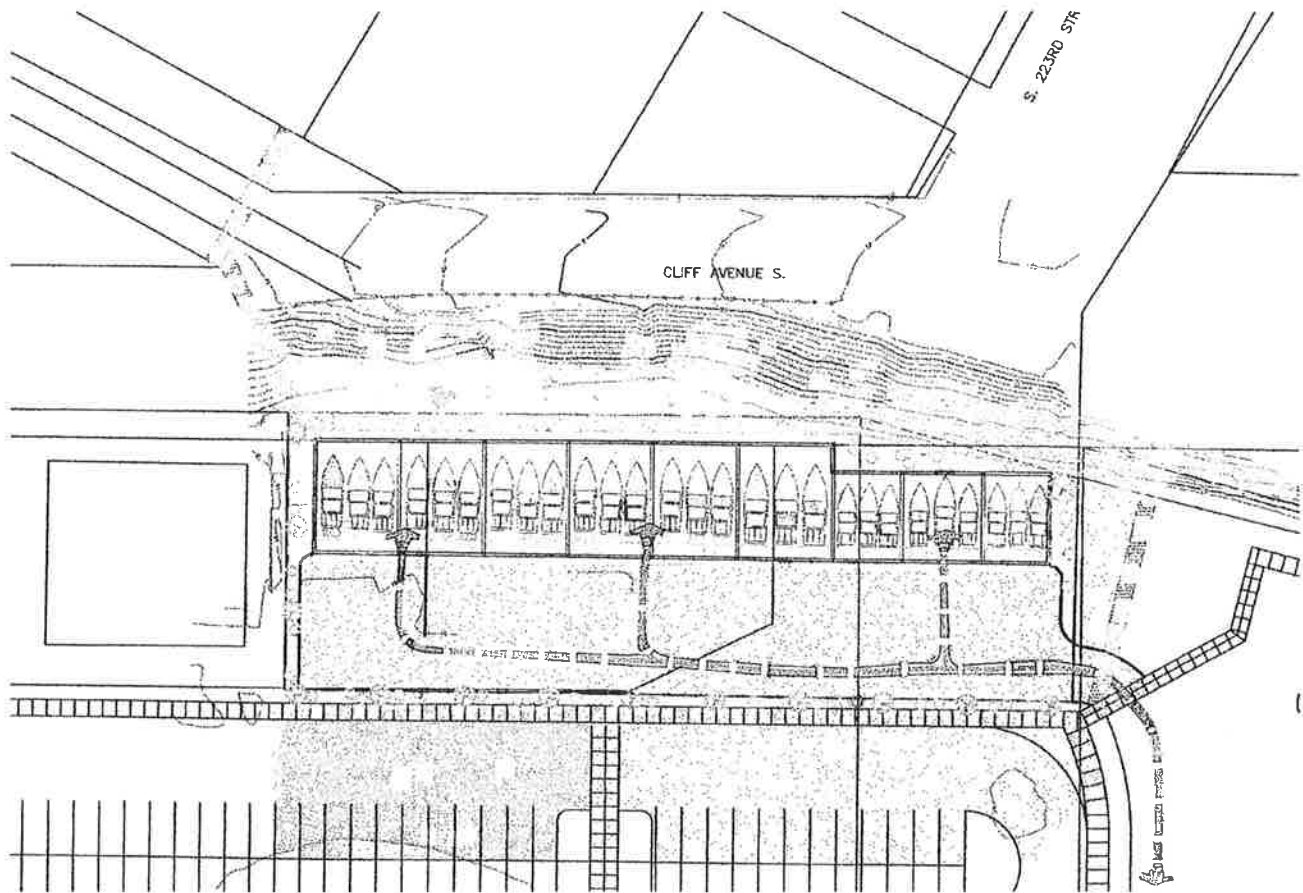
Municipal Facilities Committee.

DRYSHED SITE CONCEPT 1

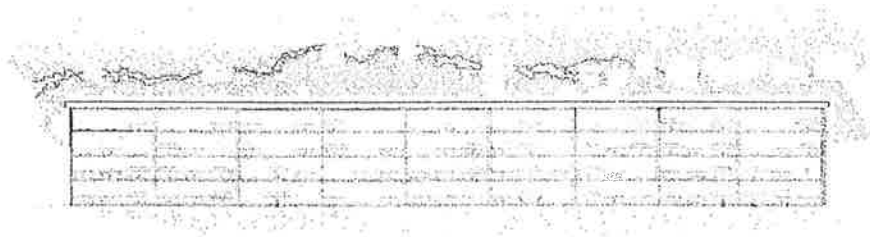
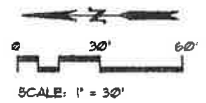


DRYSHED SITE CONCEPT 2

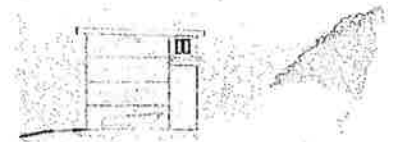




site plan



elevation - front

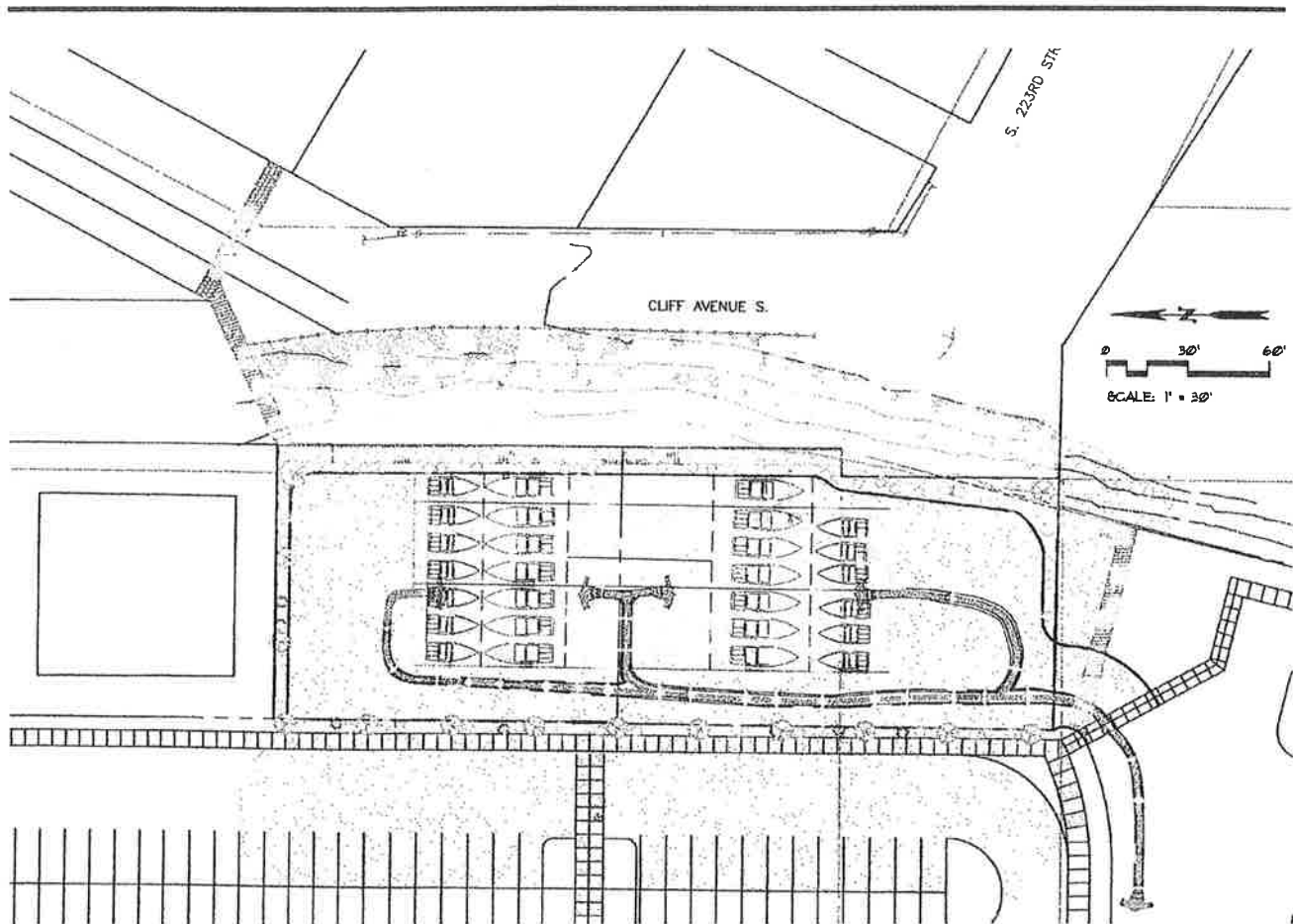


elevation - side

DRY STACK BOAT INVENTORY - CONCEPT A

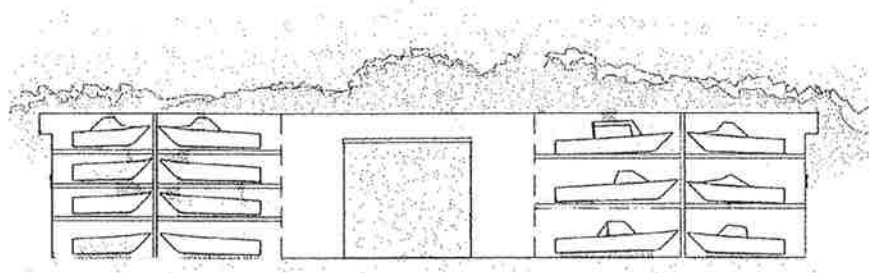
<u>< 24'</u>	<u>< 32'</u>	<u>TOTAL</u>
36	72	108 BOATS

NOTE: ROOF & CLADDING
REMOVED FOR CLARITY



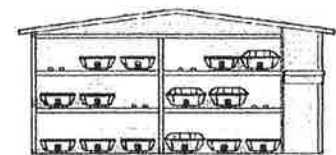
site plan

scale: 1" = 30'



elevation — front

scale: 1" = 20'



elevation — side

scale: 1" = 20'

DRY STACK BOAT INVENTORY - CONCEPT B

< 24'	< 28'	< 32'	TOTAL
28	49	18	95 BOATS

NOTE: ROOF & CLADDING
REMOVED FOR CLARITY

AGENDA ITEM

SUBJECT: Marine View Drive Pedestrian Study

ATTACHMENTS:

1. Marine View Drive Downtown Area Pedestrian Treatment Study

AGENDA OF: February 6, 2003

DEPT. OF ORIGIN: Public Works

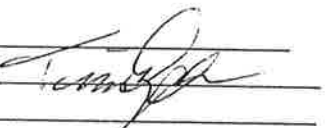
DATE SUBMITTED: January 30, 2003

CLEARANCES:

☐ Police

☒ Public Works

☐ Legal

APPROVED BY CITY MANAGER
FOR SUBMITTAL: 

Purpose and Recommendation:

The purpose of this item is to submit the staff report requested by Council for a study of pedestrian activity and possible treatments along Marine View Drive South between South 216th Street and South 227th Street.

After review, if Council deems some action is necessary, additional study will be needed. This study represents only an overview of possible options. The City does not currently own traffic analysis software or adequate traffic counting equipment to do the comprehensive study that would be necessary for analyzing options which effect vehicular traffic patterns.

Questions and comments from Council are welcome.

Background:

At the direction of council, this study has been prepared in order to identify pedestrian problems on Marine View Drive in the downtown area, and to list possibilities for improvement along with their advantages and disadvantages. Since Marine View Drive South is a State highway, any significant change will required Washington State Department of Transportation approval.

Discussion:

The attached study incorporates accident history, traffic volumes and winter pedestrian volumes, pedestrian and driver perceptions, and engineering analysis to provide options to Council for treatments. During the time of the study, observed pedestrian delay was minimal, and the accident statistics were remarkably low. However, staff recommends that a similar study be conducted during summer months as this study was done during rainy and dark winter weather conditions and pedestrian volumes were likely at a low.

Alternatives:

The study provides some advantages and disadvantages for each of the various options listed below:

Do Nothing	Roving Eyes
In-Pavement Flashing Lights	Pedestrian Flags
Textured Pavement	Refuge Islands
Traffic Signal/Pedestrian Activated Signal	One-Way Couplet
Additional Crosswalks	Educational Pedestrian Signs
Police Enforcement	Overpass/Underpass
Raised Crosswalk	Flashing Crosswalk Warning Lights
Thermoplastic "Obstacle" Stripes	Bulbouts/Sidewalk/Radius Treatments

Financial Impact:

The study provides general information about the cost level of individual options; however, additional analysis would need to be done to determine the scope and cost of any chosen alternative or combination of alternatives. Due to limited staff and tools to conduct this type of analysis, this would likely include a consultant study.

Recommendation/Conclusion:

After review of accident records and observation of pedestrian activity, staff does not believe that any substantial pedestrian treatments are necessary at this time. Staff recommends that no action be taken until a summertime analysis of existing conditions is conducted. Furthermore, staff recommends that an in-depth traffic study be completed prior to selecting any treatment(s), which would effect vehicular traffic volumes.

However, if Council prefers that action be taken immediately, staff would suggest one or more of the following treatments be considered: additional police enforcement, pedestrian educational signs, or roadside features (lighting and reduced landscaping to improve visibility). Bulbouts/Sidewalk/Radius Treatment is an option that deserves additional study.

Staff recommends that other listed alternatives not be considered at this time. Staff has serious concerns about introducing unproven treatments that could reduce an excellent safety record, open up the City to costly litigation, or that provide minimal benefit for a substantial cost.

Concurrence:

A study only – for Council comments.

A G E N D A I T E M

BUSINESS OF THE CITY COUNCIL City of Des Moines, WA

SUBJECT: Amendment to City Council Rules
Of Procedure, Rule 12.

ATTACHMENTS: Draft Resolution No. 02-237.

FOR AGENDA OF: February 6, 2003

DEPT. OF ORIGIN: Legal

DATE SUBMITTED: 11/07/02

CLEARANCES:

☒ Legal

APPROVED BY CITY MANAGER

FOR SUBMITTAL: AP

PURPOSE AND RECOMMENDATION

The purpose of this item is to amend the current City Council Rules of Procedure to more specifically identify the City Clerk's duties to keep minutes as required by the Revised Code of Washington and Robert's Rules of Order, and to require a specific action item section in the minutes kept of each City Council meeting.

It is recommended that the City Council review the attached draft resolution and pass Draft Resolution No. 02-164 in its current or amended form to a second reading for adoption at a subsequent regular Council meeting in accordance with DMMC 4.12.030.

MOTION: "To place Draft Resolution No. 02-237, which amends Council Rule 12 regarding the City Clerk's duties, allowing for a specific action items section, on a subsequent regular Council meeting agenda for adoption."

BACKGROUND

During recent Council discussion regarding amendment to Council Rule 23, requiring minutes at Council committee meetings, it was recommended that minutes taken at Council meetings include a specific action items section. This resolution amends Council Rules of Procedure Rule No. 12 to provide that a specific action items section be added to the minutes of each of each Council meeting.

DISCUSSION

Adding a specific action items section to the Minutes of each Council meeting would simplify tracking of action items that need follow up.

ALTERNATIVES

No alternatives considered.

FINANCIAL IMPACT

Not considered.

CONCLUSION

This draft resolution is responsive to a request of the City Council to amend the Council Rules regarding the minutes taken at future Council meetings.

CITY ATTORNEY'S FIRST DRAFT 10/30/02

DRAFT RESOLUTION NO. 02-237

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DES MOINES, WASHINGTON, amending Rule 12 of the Des Moines City Council *Rules of Procedure* for City Council meetings to add a specific identification action item section to the City Council minutes, and amending Rule 12 of section 1 of Resolution No. 525.

WHEREAS, the DMMC 4.12.030 expressly provides that "The rules may be amended or new rules may be adopted by an affirmative vote of at least a majority of the whole membership of the council," and

WHEREAS, DMMC 4.12.030 further provides that "(A)any such amendments or new rules shall be submitted in resolution form at a regular meeting and shall be placed on the council agenda under the order of new business," and

WHEREAS, DMMC 4.12.030 also provides that "A vote of the council to adopt such a resolution shall occur at a subsequent regular meeting," and

WHEREAS, the City Council finds it in the public interest to amend Rule 12 of the City Council *Rules of Procedure* to more specifically identify the City Clerk's duties to keep minutes of City Council meetings as required by the Revised Code of Washington and Robert's Rules of Order, and to add a requirement for a specific action item section in the City Council minutes; now therefore,

THE CITY COUNCIL OF THE CITY OF DES MOINES RESOLVES AS FOLLOWS:

Rule 12 of the Des Moines City Council *Rules of Procedure* and Rule 12 of section 1 of Resolution No. 525 are hereby amended as follows:

Rule 12. The City Clerk shall be ex-officio Clerk of the Council and shall keep minutes as required by the Revised Code of Washington and Robert's Rules of Order, and including a specific action item section, and shall perform such other and further duties in the meeting as may be required

Resolution No. ____
Page 2 of ____

by the Council, Presiding Officer, or City Manager. In the absence of the City Clerk, the City Manager shall appoint a replacement to act as Clerk of the Council.

ADOPTED BY the City Council of the City of Des Moines, Washington this ____ day of _____, 2002 and signed in authentication thereof this ____ day of _____, 2002.

M A Y O R

APPROVED AS TO FORM:

City Attorney

ATTEST:

City Clerk

DRAFTRES:02/237

A G E N D A I T E M

SUBJECT: Councilmember Compensation

AGENDA OF: February 6, 2003

DEPT. OF ORIGIN: Administration

ATTACHMENTS: DMMC 4.08 and
 RCW 35A.13.040

DATE SUBMITTED: January 10, 2002

CLEARANCES:

[] _____

APPROVED BY CITY MANAGER
FOR SUBMITTAL: 

Purpose and Recommendation:

The purpose of this item is to provide the City Council an opportunity to discuss Councilmember compensation. Mayor Wasson placed this item on the agenda at the request of Councilmember Steenrod.

Suggested Motion:

I move to direct staff to prepare an ordinance changing the compensation the Mayor and Councilmembers receive as follows: _____.

Background:

DMMC 4.08 and RCW 35A.13.040 governs the compensation the Mayor and Councilmembers receive for their service to the City. Per DMMC 4.08.020(1) and (2), Councilmembers receive \$250.00 per regular and special meeting attended while the Mayor receives \$350.00 per regular and special meeting attended. The total number of meetings for which the Mayor and Councilmembers may be compensated may not exceed 36 in a calendar year. DMMC 4.08.020(3) provides that Councilmembers may have their compensation reduced to a specific amount for a fixed period of time upon written request to the Finance Director.

RCW 35A.13.040 provides the authority for City Councils to establish compensation rates by ordinance. It also provides that City Council's may not change the rate of their own compensation but that any change will take effect after the next election and only for those positions (if elected in staggered years) for which an election was held.

Discussion:

It is Council's prerogative to set compensations rates. Council can direct staff to set the rates at whatever level Council feels is appropriate. Any new rates will take effect January 1, 2004 for those Council positions that are up for election in the fall of 2003.

Alternatives:

Council compensation rates are at the discretion of the Council.

Recommendation:

None.

Chapter 4.08

MAYOR – CITY COUNCIL COMPENSATION

Sections

4.08.010 Definitions.

4.08.020 Compensation – Mayor and councilmembers. (Effective beginning January 1, 2000)

4.08.020 Compensation – Mayor and councilmembers. (Effective beginning January 1, 2001)

4.08.025 Compensation – Mayor pro tem serving as presiding officer.

4.08.030 Compensation – Councilmember serving as a delegate or representative. (Effective beginning January 1, 1998)

4.08.040 Travel expenses – Reimbursement.

4.08.010 Definitions.

(1) Use of Words and Phrases. As used in this chapter, unless the context or subject matter clearly requires otherwise, the words or phrases defined in this section shall have the indicated meanings.

(2) “Attendance” at a regular or special council meeting means being physically present at the city council meeting at any time between the roll call and adjournment.

(3) “Special council meeting” means a city council meeting, other than a regular city council meeting as defined in DMMC 4.04.020, that is called by the mayor or any three councilmembers by written notice delivered to each councilmember or each councilmember’s residence at least 24 hours before the time specified for the proposed meeting. [Ord. 1040 § 1, 1993: Ord. 418 § 1, 1977.]

4.08.020 Compensation – Mayor and councilmembers. (Effective beginning January 1, 2000)

(1) Except as provided in subsections (2) through (5) of this section, each member of the city council shall receive as compensation the sum of \$250.00 for attendance at each regular and special council meeting.

(2) Except as provided in subsections (3) through (5) of this section, the councilmember elected mayor shall receive as compensation the sum of \$350.00 for attendance at each regular and special council meeting.

(3) A councilmember may have their compensation reduced to a specific amount for a fixed period of time upon written request to the finance director.

(4) No councilmember shall receive compensation for attendance at more than a total of 36 regular and special council meetings per calendar year.

(5) No councilmember shall receive compensation for attendance at more than one regular or special council meeting per day. [Ord. 1152 § 3, 1995: Ord. 569 § 1, 1983: Ord. 418 § 2, 1977.]

4.08.020 Compensation – Mayor and councilmembers. (Effective beginning January 1, 2001)

(1) Except as provided in subsections (2) through (5) of this section, each member of the city council shall receive as compensation the sum of \$250.00 for attendance at each regular and special council meeting.

(2) Except as provided in subsections (3) through (5) of this section, the councilmember elected mayor shall receive as compensation the sum of \$350.00 for attendance at each regular and special council meeting.

(3) A councilmember may have their compensation reduced to a specific amount for a fixed period of time upon written request to the finance director.

(4) No councilmember shall receive compensation for attendance at more than a total of 36 regular and special council meetings per calendar year.

(5) No councilmember shall receive compensation for attendance at more than one regular or special council meeting per day. [Ord. 1253 § 1, 1999: Ord. 1152 §§ 1 – 3, 1995: Ord. 569 § 1, 1983: Ord. 418 § 2, 1977.]

4.08.025 Compensation – Mayor pro tem serving as presiding officer.

In the absence of the mayor the mayor pro tem shall act as presiding officer at meetings of the city council. When so acting, the mayor pro tem shall receive as compensation the same compensation the mayor receives for the meeting at which the mayor pro tem presides. [Ord. 1152 § 4, 1995: Ord. 720 § 1, 1987.]

4.08.030 Compensation – Councilmember serving as a delegate or representative. (Effective beginning January 1, 1998)

If a member of the city council attends a meeting as a city representative to an organization in which either (1) the city is a dues-paying member, or (2) any other meeting authorized by motion of the council during the time that a regular or special meeting of the city council is held, the member shall be compensated at the rate he or she would have received for attendance at the meeting of the city council. [Ord. 1152 § 6, 1995: Ord. 718 § 1, 1987: Ord. 418 § 3, 1977.]

4.08.040 Travel expenses – Reimbursement.

Each member of the council shall be reimbursed for the use of a private vehicle at the same monetary rate per mile the Internal Revenue Service allows for the first 15,000 miles of business travel and shall further be reimbursed for actual and necessary expenses

[Legislature Home](#)[About Us](#)[E-Mail Lists](#)[Search](#)[Help](#)[RCW TITLES >> TITLE 35A >> CHAPTER 35A.13 >> SECTION 35A.13.040](#)[Print Version](#)[35A.13.035](#) << [35A.13.040](#) >> [35A.13.050](#)**RCW 35A.13.040****Compensation of councilmen -- Expenses.**

The salaries of the councilmen, including the mayor, shall be fixed by ordinance and may be revised from time to time by ordinance, but any increase or reduction in the compensation attaching to an office shall not become effective until the expiration of the term then being served by the incumbent: PROVIDED, That compensation of councilmen may not be increased or diminished after their election nor may the compensation of the mayor be increased or diminished after the mayor has been chosen by the council.

Until councilmen of a newly-organized council-manager code city may lawfully be paid as provided by salary ordinance, such councilmen shall be entitled to compensation in the same manner and in the same amount as councilmen of such city prior to the adoption of this council-manager plan.

Until a salary ordinance can be passed and become effective as to elective officers of a newly incorporated code city, the first councilmen shall be entitled to compensation as follows: In cities having less than five thousand inhabitants -- twenty dollars per meeting for not more than two meetings per month; in cities having more than five thousand but less than fifteen thousand inhabitants -- a salary of one hundred and fifty dollars per calendar month; in cities having more than fifteen thousand inhabitants -- a salary of four hundred dollars per calendar month. A councilman who is occupying the position of mayor, in addition to his salary as a councilman, shall be entitled, while serving as mayor, to an additional amount per calendar month, or portion thereof, equal to twenty-five percent of the councilmanic salary: PROVIDED, That such interim compensation shall remain in effect only until a salary ordinance is passed and becomes effective as to such officers, and the compensation provided herein shall not be construed as fixing the usual compensation of such officers. Councilmen shall receive reimbursement for their actual and necessary expenses incurred in the performance of the duties of their office, or the council by ordinance may provide for a per diem allowance. Procedure for approval of claims for expenses shall be as provided by ordinance.

[1979 ex.s. c 18 § 25; 1967 ex.s. c 119 § 35A.13.040.]

NOTES:

Severability -- 1979 ex.s. c 18: See note following RCW [35A.01.070](#).

A G E N D A I T E M

BUSINESS OF THE CITY COUNCIL City of Des Moines, WA

SUBJECT: Amendment of Council Rule 36,
Videotaping of Council Meetings

ATTACHMENTS: 1. Draft Resolution No. 03-013
2. Attorney General Opinion
Dated November 30, 1998
3. Correspondence

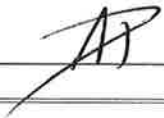
FOR AGENDA OF: _____

DEPT. OF ORIGIN: Legal

DATE SUBMITTED: 1/13/03

CLEARANCES:
[X] Legal 

APPROVED BY CITY MANAGER

FOR SUBMITTAL: 

RECOMMENDATION

It is recommended that the Council discuss Draft Resolution No. 03-013 at the regular session of January 16, 2002, and pass Draft Resolution No. 03-013 in its current or amended form to a second reading for enactment on a future calendar.

MOTION: "To pass Draft Resolution No. 03-013 to a second reading for enactment on a future calendar."

BACKGROUND

The Mayor has requested that the Council *Rules of Procedure* be amended to restrict persons, other than the City's official videographer, from videotaping or photographing Council meetings to an area defined as behind a line projected parallel to the Council dais at the rear of the public comment table and not to block the view of the City Council dais. The attached resolution reflects the requested amendment to the rules.

Council rules may be amended or new rules may be adopted by an affirmative vote of at least a majority of the whole membership of the Council. Proposed amendments or new Council rules require two meetings. As provided in DMMC 4.12.030, amendments or new rules must be submitted in resolution form at a regular meeting, during which such item is to be placed on the agenda as a new business item.

A final vote of the Council to adopt any resolution containing new rules or amendments to the rules shall occur at a subsequent regular meeting of the City Council. *Id.*

DISCUSSION

A 1998 Attorney General Opinion (copy attached) states that, for meetings subject to the Open Public Meetings Act, the “legislative body may impose restrictions on the use of [video or audio] recording devices, but only to the extent necessary to preserve the orderly conduct of the meeting.” To regulate video recording, the Council must make a finding that this amendment is necessary to preserve order.

CITY ATTORNEY'S FIRST DRAFT 01/13/02

DRAFT RESOLUTION NO. 03-013

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DES MOINES, WASHINGTON, amending Rule No. 36 of the City Council *Rules of Procedure*.

WHEREAS, the DMMC 4.12.030 expressly provides that "new rules may be adopted by an affirmative vote of at least a majority of the whole membership of the council", and

WHEREAS, DMMC 4.12.030 further provides that "(A)ny such amendments or new rules shall be submitted in resolution form at a regular meeting and shall be placed on the council agenda under the order of new business", and

WHEREAS, DMMC 4.12.030 also provides that "A vote of the council to adopt such a resolution shall occur at a subsequent regular meeting", and

WHEREAS, the City Council finds that this amendment is necessary to preserve order because _____

and

WHEREAS, the City Council finds it in the public interest to amend the current Council Rules to amend Rule 36; now therefore,

THE CITY COUNCIL OF THE CITY OF DES MOINES RESOLVES AS FOLLOWS:

Sec. 1. The Des Moines City Council amends Rule 36 of its *Rules of Procedure* to read as follows:

Rule 36. All regular meetings of the City Council held in the Des Moines City Service Center at 21630 11th Avenue South are recorded on video tape and such tapes are cablecast within the City. Video taping or photographing of City Council meetings by any person other than the Official City videographer must be made from an area defined as behind a line projected parallel to the council dais at the rear of the public comment

Resolution No. ____
Page 2 of ____

table and shall not block the view of the City
Council dais by the official City video camera,
except with consent of the presiding officer.
(Res. 772, 1994).

ADOPTED BY the City Council of the City of Des Moines,
Washington this ____ day of ____, 2003 and signed in
authentication thereof this ____ day of ____, 2003.

M A Y O R

APPROVED AS TO FORM:

City Attorney

ATTEST:

City Clerk

DRAFTRES:03-013