

REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES

January 9, 1992

EXECUTIVE SESSION - At 6:00 p.m. City Attorney Gorham announced that the City Clerk has delegated him the authority to open the City Council special meeting. He stated that proper legal notice has been given and stated that the Council will now convene in an executive session for approximately 90 minutes for the purpose of discussing with legal counsel representing the City in litigation or potential litigation to which the City is likely to become a party to. Following this executive session the Council will take a brief recess and convene in regular session.

At 7:34 p.m. the City Attorney announced that the City Council will continue in executive session for approximately another 15 minutes at which time they will convene the general meeting.

REGULAR SESSION - At 7:43 p.m. City Clerk Staab called the regular meeting of the City Council to order in the Council Chambers, 21630 11th Avenue South.

PLEDGE OF ALLEGIANCE to the flag was led by City Clerk Staab.

OATH OF OFFICE

City Attorney Gorham administered the Oath of Office to Councilmembers Elect Lew Anderson, Richard Kennedy and Scott Thomasson.

ROLL CALL - Present: Councilmembers Lew Anderson, Audrey Bowers, Frank Jovanovich, Richard Kennedy, Scott Thomasson, Don Wasson and Bob Wray. Also present were City Manager Greg Prothman, City Attorney James Gorham, Assistant City Manager Bob Olander, Planning Director Eric Shields, Associate Planner Corbitt Loch, Chief of Police Martin Pratt, Senior Services Supervisor Karen Marshall and City Clerk Denis Staab.

ELECTION OF MAYOR

City Attorney Gorham explained the procedures for conducting the election of Mayor and Mayor Pro Tem. Mr. Gorham opened the nominations for the office of Mayor for the City of Des Moines for the years 1992 through 1993.

Nominations:

- Councilmember Wray nominated Councilmember Frank Jovanovich.
- Councilmember Anderson nominated Councilmember Don Wasson.
- Councilmember Wasson nominated Councilmember Richard Kennedy.

Assistant City Manager Olander distributed ballots to each Councilmember for the general election of Mayor. The ballots were tabulated and read aloud by City Clerk Staab as follows:

- Councilmembers Anderson, Kennedy, Thomasson and Wasson: KENNEDY (4 votes)
- Councilmembers Bowers, Jovanovich and Wray: JOVANOVICH (3 votes)
- Mayor Richard Kennedy was seated.

ELECTION OF MAYOR PRO TEM

Mayor Kennedy called for nominations for the office of Mayor Pro Tem.

Nominations:

- Councilmember Bowers nominated Councilmember Bob Wray.
- Councilmember Wasson nominated Councilmember Lew Anderson.

Assistant City Manager Olander distributed ballots to each Councilmember for the general election of Mayor Pro Tem. The ballots were tabulated and read aloud by City Clerk Staab as follows:

- Councilmembers Anderson, Kennedy, Thomasson and Wasson: ANDERSON (4 votes)
- Councilmembers Bowers, Jovanovich and Wray: WRAY (3 votes)
- Lew Anderson was elected as Mayor Pro Tem for the years 1992 through 1993.

COMMENTS FROM THE PUBLIC

Larry Watson, 804 South 252nd - Mr. Watson noted that he is happy with the combination of the newly elected Mayor and Mayor Pro Tem.

Jean Houston, 1018 South 242nd - Ms. Houston requested Council consider going on record in support of the King County housing levy scheduled to go before the voters in March. She requested Council place this subject on an upcoming agenda.

Mayor Kennedy noted this will be scheduled.

George Minnich, 22701 19th Avenue South - Mr. Minnich congratulated the new Mayor and Mayor Pro Tem. He announced that after further study of the 2% utility tax to support law enforcement for the City, he supports it.

Earline Byers, 21229 4th Place South - Mrs. Byers congratulated the newly elected Mayor and Mayor Pro Tem. She also thanked former Mayor Jovanovich and Mayor Pro Tem Wray for a good job.

Mrs. Byers requested that if it is at all possible, that the drift wood removed at the Beach Park when the shore protection project was done, be put back.

City Manager Prothman reported that he did not think it could be retrieved at this late date.

Bob Ricketts, 815 South 216th Street - Mr. Ricketts congratulated the newly elected Mayor and Mayor Pro Tem.

BOARD & COMMITTEE REPORTS

METRO - Finance Committee

Councilmember Wray reported that discussion is centering around bus security. He reported that there will be funds allocated for expansion of the Des Moines/Kent Park'N Ride in the near future.

Puget Sound Regional Council

Councilmember Wray reported that he has been appointed to a seat on the new Puget Sound Regional Council.

Mayor Kennedy congratulated Mr. Wray for this appointment, stating that this is a real bonus for the City to have a representative seated on the Regional Council.

National League Of Cities Congress Of Cities & Exposition - Mayor Kennedy distributed the following written report:

Environment, Energy, and Natural Resources Policy Committee

The Environment, Energy, and Natural Resources (EENR) Policy Committee met from 2 p.m. to 5 p.m. on Thursday, December 12, 1991 at the Las Vegas Convention Center. The purpose of this meeting was to review, revise, adopt, or reject the recommendations of the EENR Steering Committee.

The EENR Committee is divided into five subcommittees. They are:

- 1) Energy. Priorities: (1) conservation, which includes incentives for renewable and alternative sources; mass transit review; and recycling, waste-to-energy, and other methods of energy efficiency; (2) applied R&D on energy alternatives and markets; and (3) review of the President's National Energy Strategy.
- 2) Water. Priorities: (1) reauthorization of the Clean Water Act including review and participation in the legislative process, storm water regulations, septic tank run off and funding for Clean Water Act mandates; and (2) water management (availability and distribution).
- 3) Solid Waste. Priorities: (1) liability under Superfund; (2) incentives for recyclable materials; and (3) R&D for municipal waste-to-energy facilities.
- 4) Land Use. Priorities: (1) wetlands; (2) wilderness issues, including endangered species; and (3) airport issues, including noise and emissions from aircraft.
- 5) Small Cities. Priorities: (1) definition of "small city"; (2) equity issues in funding and mandates.

The EENR Steering Committee made the following recommendations to the EENR Policy Committee:

Energy. The preponderance of the recommendations were to update section 2.02 (Energy Policy) of the National Municipal Policy to bring it into accordance with recent federal actions. Specific items of interest include:

- Requesting the federal government to increase the Corporate Average Fuel Economy (CAFE) standards for automobiles.
- Calling for no action by the federal government which would cause the depletion of the Strategic Petroleum reserve simply to mitigate oil prices.
- Calling for a national program to put newly developed energy technologies into practice.

Solid Waste. Most of the recommended policy changes were intended to update section 2.0.4 (Solid and Hazardous Waste) of the National Municipal Policy. Specific items of interest include:

- Requesting the federal government to establish packaging standards to limit excessive packaging.

- Opposing mandatory recycling requirements by the federal government.
- Calling upon the federal and state governments to remove tax incentives for the use of virgin materials.
- Opposing the relatively new practice of burning hazardous waste as fuel in facilities (boilers, industrial furnaces, and especially kilns) not designed for such purpose.
- Calling upon the federal government to eliminate municipal government liability under Superfund for the disposal of ordinary municipal waste (garbage and sewage sludge).

Water . Most of the recommended policy changes were intended to update section 2.0.5 (Water Quality and Supply) of the National Municipal Policy to take into account changes in Clean Water Act programs since this section of the policy was last reviewed. Specific items of interest include:

- Requesting the federal government to participate in the funding of projects mandated by the Clean Water Act.
- The National Primary Drinking Water Regulation for lead should provide for local flexibility to effectively reduce lead levels in drinking water.
- Wetlands should be classified on the basis of their relative ecological function and value.

Councilmember Dick Woods of Kelso, a long time EENR Steering Committee member, did not run for re-election this year. Therefore, his seat on the EENR Steering Committee is open. I have applied for his seat since airport issues, including noise and emissions for aircraft, are in the domain of the EENR Steering Committee. Appointment to the EENR Steering Committee would require my attendance at four EENR Steering Committee meetings each year and NLC direct member status for the City of Des Moines. The cost of NLC direct member status would be \$968 per year.

Opening General Session

The opening session was addressed by the Honorable Lamar Alexander, Secretary of the Department of Education. He spoke on "AMERICA 2000: An Education Strategy".

AMERICA 2000 is a long-term strategy to help make our country all it can be. It is a nine-year crusade designed to move us toward the six ambitious National Educational Goals that President Bush and the Governors adopted in 1990 to close our skills-and-knowledge gap.

The National Education Goals for the year 2000 are:

1. All children in America will start school ready to learn.
2. The high school graduation rate will increase to at least 90 percent.
3. American students will leave grades four, eight, and twelve having demonstrated competency in challenging subject matter including English, mathematics, science, history, and geography; and every school in America will ensure that all students learn to use their minds well, so they may be prepared for responsible citizenship, further learning, and productive employment in our modern economy.
4. U.S. students will be first in the world in science and mathematics achievement.
5. Every adult American will be literate and will possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship.
6. Every school in America will be free of drugs and violence and will offer a disciplined environment conducive to learning.

AMERICA 2000 is a national strategy, not a federal program. It honors local control, relies on local initiative, affirms states and localities as the senior partners in paying for education, and also recognizes the private sector as a vital partner. It realizes that real education reform happens community by community, school by school, and only when people come to understand what they must do for themselves and their children and set about to do it.

The AMERICA 2000 strategy has four parts that will be pursued simultaneously:

- For today's students, we must radically improve today's schools by making all 110,000 of them better and more accountable for results.
- For tomorrow's students, we must invent new schools to meet the demands of a new century with a New Generation of American Schools, bringing at least 535 of them into existence by 1996 and thousands by the decade's end.
- For those of us already out of school and in the work force, we must keep learning if we are to live and work successfully in today's world. A "Nation at Risk" must become a "Nation of Students".
- For schools to succeed, we must look beyond our classrooms to our communities and families. Schools will never be much better than the commitment of their communities. Each of our communities must become a place where learning can happen.

WORKSHOP: Americans with Disabilities Act: Municipal Implementation and Compliance

Under the recently enacted Americans with Disabilities Act, cities must undertake in 1992 a broad range of specific activities to satisfy the requirements of this new law and regulations issued by the Department of Justice and Equal Employment Opportunity Commission. These activities include the following: municipal self-evaluation process and procedure; development and implementation of a transition plan; the role of the designated employee; prohibited discrimination; and appropriate accommodation determinations.

This act will have major impact on Des Moines' employment practices, delivery of public services, accessibility of building and facilities, and public accommodations and services operated by the City. Staff time will be impacted if we are to meet the requirements and deadlines of this act.

WORKSHOP: Reconnecting Citizens and Politics

Those in public office often believe that Americans are disinterested in politics and government. They will not take the time to learn about issues, they do not vote, and they constantly complain about the failure of government and government officials.

While wanting to participate in the political process; many citizens think that they have lost their place to well-organized and financed special interest groups, negative campaigns, and public officials who tell them what they want to hear, rather than what they need to hear.

This workshop stressed the need to make all government proceeding more accessible and understandable to the public. Also presented were a new approach to community problem solving and policymaking developed from the National Issues Forums held throughout the country.

WORKSHOP: Finding New Revenue Sources for Your City

This workshop tried to answer the question "That program would be great for our community, but how can we pay for it?".

The panel examined the use of new user fees, different taxes, and ways to more effectively utilize your communities assets. Many of the ideas presented would not be useful in Des Moines because the City runs no major utilities. However, the refinancing of the City's high interest rate loans/bonds in today's low interest rate climate was recommended as an excellent method to decrease debt service costs.

Future Meetings

The next Annual Congressional City Conference will be held on March 7-10, 1992 in Washington, D.C. The next Annual Congress of Cities and Exposition will be held November 28-December 2, 1992 in New Orleans, Louisiana.

Environment Committee

Mayor Kennedy noted that the Committee has concluded its study of the Garbage Franchise Agreement. He stated that he feels Council's and citizen's concerns have been adequately addressed.

CONSENT CALENDAR was read by City Clerk Staab.

1. Motion is to approve the minutes of December 5, 1991.
2. Warrants

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 42.24.090, 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 included in the above list and further described as follows:

Payroll Warrants #10886 through #11133 in the amount of \$434,842.45
Claim Warrants #27401 through #27614 in the amount of \$378,743.05
Marina Warrants #14550 through #14599 in the amount of \$118,585.47

3. Motion is to authorize the City Manager to expend not more than \$4,000 to employ J. Richard Aramburu, Attorney at Law, to represent the interests of the citizens of the City of Des Moines in the matter of the proposed third runway at Seattle-Tacoma International Airport.

4. Motion that the City Council confirm the nomination of Nadine Zackrisson as Hearing Examiner for the City of Des Moines for the one-year term which runs August 1, 1989 through July 31, 1990 and for the four-year term which runs from August 1, 1990 through July 31, 1994.

5. Motion is to authorize the City Manager to sign the National Fitness Campaign enrollment agreement, #WAV7645K.

6. Proposed Ordinance No. 922 - Title: An Ordinance of the City of Des Moines, Washington repealing Chapter 2.14 DMMC relating to the Des Moines Arts Commission.

TWO MOTIONS: First motion is to suspend rule 26(b). Second motion is to approve Ordinance No. 922.

MOTION was made by Councilmember Wray, seconded by Councilmember Jovanovich and passed unanimously, to approve the Consent Calendar as read.

OLD BUSINESS

Proposed Ordinance No. 923 - Solid Waste Disposal, Collection & Recycling

Planning Director Shields reviewed the chronology of past actions leading to this evening's discussion.

Associate Planner Loch proceeded to summarize changes to the franchise agreement since Council's last review. Some of the items of interest were:

- Effective date is March 1, 1992
- Will include any future annexation areas
- 12% license fee

He then showed Council a rate comparison study noting that the proposed agreement will provide a high level of service with rates comparable to other jurisdictions. Mr. Loch stated there are a large number of options for citizens, with the purpose to be to offer incentive rates to encourage people to reduce solid waste in keeping with Council's waste reduction goals.

Councilmember Thomasson noted that an education process will be undertaken to encourage citizens to change their habits in purchasing, forcing manufacturers to change their packaging.

Citizen Comments:

Dan Sherman, 22530 8th Avenue South - Mr. Sherman questioned whether Christmas trees would be considered yard waste or if a separate charge would be levied. He also felt it would be helpful if the franchise agreement was more specific on exact location of placement of cans for pickup.

George Minnich, 22701 19th Avenue South - Mr. Minnich stated that he recycles already and still needs a large garbage can. He felt he is being penalized by the high rate. He also questioned whether the small mini cans have wheels as it is difficult for many people to carry garbage cans.

MOTION was made by Councilmember Thomasson, seconded by Councilmember Wray, to approve Ordinance No. 923.

Council Discussion:

Councilmember Thomasson commented that it is time that Des Moines took a step forward in promoting waste reduction and he feels this is a good program to implement.

Upon questioning from City Manager Prothman, Steve Caputo of Seatac Disposal noted that they will pickup Christmas trees if they are clean, and that small cans are available with wheels.

VOTE ON MOTION: Motion passed unanimously by voice vote to approve Ordinance No. 923.

Franchise Agreement with Seatac Disposal

MOTION was made by Councilmember Thomasson, seconded by Councilmember Bowers, that the Exclusive License of Collection of Residential Garbage, Recyclable Materials, and Yard Waste, and Commercial Garbage; and License for the Collection of Commercial Recyclable Materials and Yard Waste, dated January 2, 1992, be adopted, and that the City Manager be authorized to sign the agreement on behalf of the City of Des Moines.

Mayor Pro Tem Anderson questioned the use of the word exclusive in the agreement.

Councilmember Thomasson noted that the term exclusive only applies to residential zones and that commercial collection is not.

Upon questioning from Council, Steve Caputo Sea-Tac Disposal representative, stated that they would have no problem picking up clean Christmas trees on a one time basis, on a day of their choice at no charge to City residents.

VOTE ON MOTION: Motion passed unanimously by voice vote.

It was noted that since the implementing Ordinance No. 923 is subject to referendum and will not go into effect before thirty days of its passage, the City Manager will not sign the agreement until that time has expired.

9:07 p.m. Mayor Kennedy called a 10 minute break.

Human Services Plan

Assistant City Manager Olander reviewed the Policy Guidelines of the Human Services Plan. He then proceeded with a review of the Recommendations. Council expressed consensus with items 1 and 2.

Councilmember Jovanovich questioned what the City will get out of joining the Human Services Roundtable, suggesting the City may be better off spending the \$4,000 to \$8,000 dues within the City.

Assistant City Manager Olander noted that membership would give the City the benefit of networking and coordinating County-wide issues such as emergency housing, health care, etc.

After further discussion on item 3, it was determined that Administration will arrange for a presentation on the Human Services Roundtable at a future meeting.

In regards to item 5, Assistant City Manager Olander noted that human service needs could be incorporated, if Council so desired, if and when a new civic/senior center is planned.

Item #6, funding of a Human Services Coordinator position. Mr. Olander noted this idea could be explored and prioritized during Council's 1993 pre-budget retreat.

Councilmember Thomasson suggested Council consider adopting a resolution containing the policy element of the Human Services Plan and then adopt the actual plan in stages during the appropriate portion of the Comprehensive Plan.

Council's consensus was to take no formal action until more information is available including a presentation from a representative of the Human Services Roundtable.

NEW BUSINESS

Interlocal Agreement with City of Kent for Jail Services

Chief of Police Pratt addressed the Council stating that jail services from another agency would benefit the City from an economic and efficiency perspective. He advised Council that we would not totally eliminate our jail, it could still be maintained as a 6 to 72 hour holding facility. However, he stated that the full time jail facility in Kent offers more supervision of persons in custody, provides for a more well trained staff and better overall efficiency, and would reduce the capital costs to Des Moines associated with maintaining jail facilities. He also noted as a result the City would reduce the liability exposure we now incur.

Upon questioning from Council, Chief Pratt stated there is approximately \$20,000 within the budget to test the effectiveness of the agreement without being bound to a contract if it is determined not to be in the best interest of the City. Chief Pratt further noted officers would actually spend less time transporting to Kent, plus they would not have to come off duty to fix inmate meals and attend to other duties running a full time jail involves.

MOTION was made by Councilmember Thomasson, seconded by Councilmember Wray and passed unanimously, to authorize the City Manager to sign the proposed interlocal agreement between the City of Des Moines and the City of Kent, providing for the City of Kent to book and house Des Moines prisoners at the contract rate of \$58.00 per person. The effective date of this agreement shall be February 1, 1992.

Proposed Third Runway at Seattle-Tacoma International Airport

Mayor Kennedy announced the next two items are a result of the Council's earlier executive session regarding the recent decision of the Puget Sound Air Transportation Committee to recommend construction of a third runway at Seattle-Tacoma International Airport. He noted the City is planning on taking some action to counter the possibility of construction of a third runway. He stated that there are two documents that were presented to Council during the executive session and it was Council's consensus to bring these documents forward into tonight's open session and take action.

Proposed Ordinance No. 924 - Establishing the Airport Defense Fund
City Attorney Gorham read the ordinance by title into the record.

MOTION was made by Councilmember Thomasson, seconded by Councilmember Wray, to suspend Council rule 26(b). Motion passed unanimously.

MOTION was made by Councilmember Wray, seconded by Councilmember Bowers, to approve Ordinance No. 924. Motion passed unanimously.

Proposed Resolution No. 674 - Opposing 3rd Runway at Seattle-Tacoma International Airport

City Attorney Gorham read the resolution by title into the record.

MOTION was made by Councilmember Wray, seconded by Councilmember Jovanovich and passed unanimously, to approve Resolution No. 674.

Airport Defense Fund

MOTION was made by Councilmember Thomasson, seconded by Councilmember Wray and passed unanimously, that the City Manager is authorized to spend not more than \$50,000 from the Airport Defense Fund without further authorization of the Council, to initiate formation of the coalition and to prepare a response the EIS.

National League of Cities Membership

Mayor Kennedy noted two advantages to the City joining NLC as follows:
1. The opportunity for his appointment to the EENR Steering Committee and he would be the only member from Washington State on that committee. The Committee deals with land use, which includes airports and airport noise.
2. Since four people will probably attend the Legislative Conference of the NLC and probably the same number to the annual congress, the City would be saving approximately \$600 by being a direct member.
He noted the fee for membership is \$968.

MOTION was made by Mayor Kennedy, seconded by Councilmember Wray and passed unanimously, that the City Manager be authorized to apply for direct membership in the National League of Cities for the City of Des Moines.

NEXT MEETING DATE

Mayor Kennedy noted the following meeting dates:
January 16, 1992 - Study Session on 1992 Work Program.
January 23, 1992 - Regular meeting.

ADJOURNMENT

Meeting was adjourned at 10:18 p.m.

Respectfully submitted,

Denis Staab
City Clerk

REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES

January 16, 1992

The regular study session of the Des Moines City Council was called to order by Mayor Kennedy at Des Moines Beach Park, Founder's Lodge, 22030 Cliff Avenue South at 7:30 p.m.

ROLL CALL - Present: Mayor Richard Kennedy, Mayor Pro Tem Lew Anderson, Frank Jovanovich, Councilmembers Scott Thomasson, Audrey Bowers and Don Wasson. Absent: Councilmember Bob Wray. Also present were City Manager Greg Prothman, Assistant City Manager Bob Olander, Planning Director Eric Shields and Assistant City Attorney Alex Perlman.

MOTION was made by Councilmember Jovanovich, seconded by Councilmember Thomasson and passed unanimously, to excuse Councilmember Wray.

DISCUSSION ITEMS:

1992 Committee Appointments

Mayor Kennedy circulated a draft of the proposed 1992 Council Committee assignments.