

## MINUTES

**DES MOINES CITY COUNCIL  
REGULAR MEETING  
City Council Chambers  
21630 11<sup>th</sup> Avenue South, Des Moines**

**November 5, 2015 – 7:00 p.m.**

### CALL TO ORDER

Mayor Kaplan called the meeting to order at 7:00 p.m.

### PLEDGE OF ALLEGIANCE

The flag salute was led by Councilmember Pennington.

### ROLL CALL

Council present: Mayor Dave Kaplan; Mayor Pro Tem Matt Pina; Councilmembers Jeremy Nutting, Melissa Musser, Luisa Bangs and Vic Pennington.

Councilmember Bob Sheckler was absent.

#### **Direction/Action**

**Motion** made by Mayor Pro Tem Pina to excuse Councilmember Sheckler; seconded by Councilmember Musser.

The motion passed 6-0.

Staff present: City Manager Tony Piasecki; City Attorney Pat Bosmans; Police Chief George Delgado; Marina Maintenance Manager Scott Wilkins; Assistant City Attorney Tim George; Municipal Court Judge Lisa Leone; Probation Officer Melissa Patrick; Court Administrator Jennefer Johnson; Court Clerk Deborah Phillipson; Prosecutor Matt Hutchins; Finance Director Donyele Mason; Parks, Recreation & Senior Services Director Patrice Thorell; Planning, Building and Public Works Director Dan Brewer; Community Development Manager Denise Lathrop; Surface Water Management Utility Manager Loren Reinhold; Engineering Services Manager Brandon Carver; Associate Transportation Engineer Andrew Merges; Information System Administrator Chris Pauk; Councilmember-Elect Robert K. Back; City Clerk Bonnie Wilkins.

### CORRESPONDENCE

There were no correspondences.

### EXECUTIVE SESSION

At 7:03 p.m. Council went into Executive Session to discuss Potential Litigation per RCW 42.30.110(1)(i). In attendance were: Mayor Kaplan; Mayor Pro Tem Pina; Councilmembers Nutting, Musser, Bangs and Pennington; Incoming Councilmember Robert K. Back; City Manager Piasecki; City Attorney Bosmans; Assistant City Attorney Tim George.

At 7:19 p.m. Council resumed the regular meeting. No formal action was taken.

### **COMMENTS FROM THE PUBLIC**

- Mary Eun, 806 S 273<sup>rd</sup> Court; Spoke on Council process with public comment.
- Kevin Isherwood, Redondo Beach Drive S; City employee furloughs and essential employees and Council Rules.
- Janise Disbrow, 5008 58<sup>th</sup> Street Court East; Supports the Park, Recreation & Senior Services Department.
- Sheila Brush, 24614 8<sup>th</sup> Avenue S; Inquired if Council had hired an attorney regarding the Woodmont Recovery Center.

### **BOARD AND COMMITTEE REPORTS/COUNCILMEMBER COMMENTS**

Councilmember Pennington:

- Public Safety & Transportation Committee meeting:
  - Comprehensive Transportation Plan.
  - Pavement Management Program.
  - Update on Ferguson incident from Police Chief.
- Coffee with a Cop.
- Redondo Boardwalk:
  - Staff has done a great job securing funds
- Thanked the community for attending.

Councilmember Bangs:

- Squid-A-Rama:
  - November 14<sup>th</sup> @ MaST Center.
- Thanked everyone who voted and did not vote this election.

Mayor Pro Tem Pina:

- Attended the Bayside Brunch:
  - Great event.

Councilmember Musser:

- Thanked first speaker for bringing timer issue to Council:
  - Staff currently working on finding a system that will work with our current audio/visual system.
- Thanked Farmer's Market staff for a great season.
- Acknowledged Council and staff November birthday's.
- Sandy Gady, Design and Engineering Teacher at Pacific Middle School was awarded a \$10,000 grant from the Highline School Foundation.

Councilmember Nutting:

- Attended the Bayside Brunch:
  - Legacy Foundation is a 501c3 organization.
  - Over \$15,000 raised for youth scholarships.
  - Thanked Anthony's Restaurant staff who donated their time.

### **PRESIDING OFFICER'S REPORT**

- Public Economic Development Meeting:
  - Held on Microsoft Campus.
  - December 11<sup>th</sup>.
  - All day session.
- Safe Call Now:
  - Opportunity for Employee Assistance Programs geared towards public safety officers.
- Congratulated recently elected/re-elected Councilmembers.
- Received Thank you from Ms. Muscolo and the Pacific Middle School kids:
  - They will be picking up litter in the Marina.
- Met with City staff and water and sewer district's regarding feedback received at last week's meeting.
- Woodmont:
  - Communication with Representative Orwall.
  - Progress is being made.
  - Hope to have an update soon.

### **ADMINISTRATION REPORT**

- Item 1:            **AUDIT EXIT CONFERENCE**  
This item was moved to the November 19, 2015 Agenda due to illness.
- Item 2:            **EMERGING ISSUES:**
- **SYRIAN REFUGEES**
    - The United States has pledged to accept 10,000 refugees next year.
    - Some will find their way into the Pacific Northwest.
    - Side note: Des Moines, Iowa is expecting 50-100 Syrian refugees to show up in the next few months.
- Item 3:            **STATE OF THE COURT ADDRESS**  
Municipal Court Judge Leone delivered her first State of the Court Address to Council regarding Des Moines Municipal Court.
- Item 4:            **REDONDO BOARDWALK UPDATE**  
Associate Transportation Engineer Merges gave a brief update on a slide that happened at S. 251<sup>st</sup> Street. He also gave a brief update to Council on the progress of the Redondo Boardwalk repairs.

### **CONSENT AGENDA**

- Item 1:            **CONSULTANT SERVICES CONTRACT WITH DAVID A. CLARK ARCHITECTS, PLLC FOR DESIGN AND CONSTRUCTION ADMINISTRATION SERVICES FOR THE DES MOINES BEACH PARK HISTORIC PICNIC SHELTER/RESTROOMS REHABILITATION**  
Motion is to approve the Consultant Services Contract with David A. Clark Architects, PLLC for design and construction administration services for the Des Moines Beach Park Historic Picnic Shelter/Restrooms Rehabilitation in the total amount of \$54,795.00, and authorize the City Manager to sign the Consultant Services Contract substantially in the form as submitted.

Item 2: SURFACE WATER MANAGEMENT RATES  
Motion 1a is to suspend Rule 26(a) in order to enact Draft Ordinance No. 15-188 on first reading.

Motion 1b is to enact Draft Ordinance No. 15-188 increasing the utility rates on the Surface Water Management utility.

Item 3: SURPLUS PROPERTY – VEHICLES AND EQUIPMENT  
Motion is to adopt Draft Resolution No. 15-184 declaring the vehicle identified in Attachment 1 as surplus and authorizing disposal of said surplus vehicle by auction or trade-in.

Item 4: TRANSPORTATION GATEWAY PROJECT SOUTH 216<sup>TH</sup> STREET, SEGMENT 1-A RIGHT OF WAY ACQUISITION SAFEWAY, INC., PARCEL 49  
Motion is to purchase 1,220 square feet of land from Safeway Inc, in the amount of \$26,900.00, a 88 square foot Wall Easement in the amount of \$1,500.00, as well as compensate the owner \$4,600 for taken landscaping, pavement and a tree, per the terms of a stipulated settlement before the Washington State Superior Court, plus closing costs, and further authorize the City Manager to sign the Statutory Warranty Deed, Wall Easement, Construction Easement & Right of Entry and Real Property Voucher substantially in the form submitted and accept the right of way on behalf of the City of Des Moines.

Item 5: 2016 BUSINESS LICENSE FEE SCHEDULE  
Motion is to adopt Draft Resolution No. 15-189 updating the business license registration fee schedule.

**Direction/Action**

Motion was made by Councilmember Musser to approve the Consent Agenda; seconded by Councilmember Nutting.  
The motion passed 6-0.

**PUBLIC HEARING/CONTINUED PUBLIC HEARING**

Item 1: DRAFT ORDINANCE 15-030; TEMPORARY ENCAMPMENTS FOR THE HOMELESS

Staff Presentation: Planning, Building and Public Works Director  
Dan Brewer

At 8:26 p.m. Mayor Kaplan opened the Public Hearing.

Community Development Manager Denise Lathrop gave a power point presentation to Council.

Mayor Kaplan called for those that wished to speak.

- Kevin Isherwood, Redondo Beach Drive S; Valid identification and rules within structured shelters.
- Chad Wagner, 26212 17<sup>th</sup> Avenue S; Proximity to schools.

Mayor Kaplan asked 3 times if anyone else wished to speak. Seeing none Mayor Kaplan asked Council if they had any questions.

At 8:59 p.m. Mayor Kaplan closed the public hearing.

**Direction/Action**

**Motion 1** made by Mayor Pro Tem Pina to suspend Rule 26(a) in order to enact Draft Ordinance No. 15-030 on first reading; seconded by Councilmember Nutting.

The motion passed 6-0.

**Direction/Action**

**Motion 2** made by Mayor Pro Tem Pina to enact Draft Ordinance No. 15-030 related to the establishment of regulations on Temporary Encampments for the Homeless, pursuant to RCW 35.21.915, RCW 35A.21.360 and RCW 36.01.290; seconded by Councilmember Nutting.

**Motion** made by Mayor Pro Tem Pina to amend Section 3 subsection 3 to state "The maximum number of residents within a temporary homeless encampment is one hundred (100); however, this number may be limited as site conditions dictate and as deemed appropriate by South King County Fire and Rescue and the Des Moines Police Department"; seconded by Councilmember Nutting.

**Motion** made by Mayor Pro Tem Pina to amend Section 3 subsection 2(f) to state "Garbage and recycling containers shall be provided on site and collected and emptied a minimum of once per week and each site shall be cleared of all debris and litter within five (5) days of when the temporary homeless encampment moves from the site"; seconded by Councilmember Nutting.

**Motion** made by Mayor Pro Tem Pina to add new language to Section 3, subsection (2) to state "Temporary homeless encampments shall not be located within 1000 (one-thousand) feet of an elementary or secondary school"; seconded by Councilmember Pennington.  
The motion, as amended, passed 4-2.

**For:** Mayor Pro Tem Pina; Councilmembers Nutting, Musser and Pennington.

**Against:** Mayor Kaplan; Councilmember Bangs.

**Direction/Action**

**Motion** made by Councilmember Pennington to add a subsection (d) to read, "If 1,000 feet includes another jurisdiction, the City shall notify the Chief Executive Officer of that city; seconded by Mayor Pro Tem Pina.

The motion passed 6-0.

**OLD BUSINESS**

Item 1: SURFACE WATER MANAGEMENT UTILITY TAX  
Staff Presentation: Finance Director Dunyele Mason

Finance Director Mason gave a presentation to Council.

**Direction/Action**

**Motion** made by Councilmember Musser to pass Draft Ordinance No. 15-172 amending chapter 3.92 DMMC; seconded by Mayor Pro Tem Pina. The motion passed 5-1

**For:** Mayor Kaplan; Mayor Pro Tem Pina; Councilmembers Musser, Bangs and Pennington.

**Against:** Councilmember Nutting.

**NEW BUSINESS**

Item 1: LODGING TAX COMMITTEE RECOMMENDATIONS  
Staff Presentation: Parks, Recreation & Senior Services Director Patrice Thorell

Parks, Recreation & Senior Services Director Thorell gave a presentation to Council.

**Direction/Action**

**Motion** made by Mayor Kaplan to approve the Des Moines Lodging Tax Advisory Committee's Recommendations for the Use of Des Moines Lodging Tax to become effective on January 1, 2016; seconded by Councilmember Nutting. The motion passed 6-0.

Item 2: DES MOINES PARKS, RECREATION AND SENIOR SERVICES MASTER PLAN  
Staff Presentation: Parks, Recreation & Senior Services Director Patrice Thorell

Parks, Recreation & Senior Services Director Thorell gave a power point presentation to Council.

Motion made by Mayor Kaplan to extend the meeting until 10:05 p.m.; seconded by Councilmember Pennington. The motion passed 6-0.

**NEXT MEETING DATE**

November 12, 2015 Regular City Council Meeting

**ADJOURNMENT**

The meeting was adjourned at 10:05 p.m.

Respectfully Submitted,  
Bonnie Wilkins, CMC  
City Clerk

