

**REGULAR MEETING
DES MOINES CITY COUNCIL**

June 14, 2012 - 7:00 p.m.

CALL TO ORDER - Mayor Pro-Tem Pina called the meeting to order at 7:30 p.m.

PLEDGE OF ALLEGIANCE – The flag salute was led by Councilmember Burrage.

ROLL CALL

Present were Mayor Pro-Tem Pina; Councilmembers Dan Caldwell, Melissa Musser, Jeanette Burrage, Bob Sheckler and Carmen Scott.

Mayor Dave Kaplan was absent. Councilmember Scott moved to excuse Mayor Kaplan; Councilmember Sheckler, second; all the votes were ayes.

Staff present were City Manager Tony Piasecki; City Attorney Pat Bosmans; Planning Building and Public Works Director Grant Fredricks; Interim Police Chief John O’Leary; Finance Director Paula Henderson; Parks Recreation and Senior Services Director Patrice Thorell; Assistant Director of Transportation and Engineering Dan Brewer; Development Services Manager Robert Ruth; Senior Planner Jason Sullivan; Sergeant Patty Harris; Officer Cory Batterman; City Clerk Sandy Paul

BOARD & COMMITTEE REPORTS/ COUNCILMEMBER COMMENTS

Councilmember Scott

- Reported that the Arts Commission is hard at work on the summer activities including summer concerts and an art show in August
- Called attention to the new ‘food court’ area of the Farmer’s Market. Attendees at the Farmer’s Market each week so far have exceeded 2500. Average attendance last year was 1800 each week

Councilmember Sheckler

- Reported on the Environment Committee meeting

Councilmember Musser

- Thanked staff for moving the Farmer’s Market to the North end of the Marina

Councilmember Caldwell

- Complimented staff on the simplification of the Consent agenda
- Raised the issue of the Boat Launch

PRESIDING OFFICER’S REPORT

Mayor Pro-Tem Pina

- Reported to be pleased to be a part of the opening of the Farmer’s Market. The north end location is very successful
- The Byers panels were rededicated with a ribbon cutting at City Hall
- The Public Safety and Transportation Committee reviewed the Emergency Management Plan

- Attended the SCA PIC networking dinner. At the July 12 City Council meeting there will be an item to support the AFIS System

ADMINISTRATION REPORTS

- George Delgado accepted the City's offer to serve as its police chief. He begins work July 16. Chief O'Leary's last day is June 29 and Commander Kevin Tucker is acting chief through July 15

CONSENT CALENDAR

Item 1: APPROVAL OF MINUTES
Motion is to approve the minutes of the meetings of May 17 and 24, 2012

Item 2: APPROVAL OF VOUCHERS
Motion is to approve for payment vouchers and payroll transfers described as follows:

Claim checks **\$741,702.88**

Payroll fund transfers in the total amount of **\$429,823.31**

Total certified Wire Transfers, Voids, A/P & Payroll vouchers are **\$1,171,526.19**

Item 3: DRAFT RESOLUTION 12-096, POST-ISSUANCE G.O.-BOND POLICIES
Motion is to adopt Draft Resolution No. 12-096 authorizing a Post Issuance Compliance Policy for Tax-Exempt General Obligation Bonds.

ACTION/DIRECTION

Councilmember Musser moved to approve the Consent Agenda; Councilmember Caldwell, second. The motion passed 6-0.

PUBLIC HEARING

1. DMCBP MASTER PLAN PHASE I/2ND DEVELOPMENT AGREEMENT

Mayor Pro-Tem Pina read the rules of the Public Hearing into the record. Guests and staff who planned to speak were sworn to testify only the truth as they knew it.

Mayor Pro-Tem Pina opened the public hearing at 7:15 p.m.

Planning Building Public Works Director Grant Fredricks provided a background of the Des Moines Creek **Business Park property**. He acknowledged the contribution of the development team from Benaroya, the Port of Seattle, and Puget Sound Energy. Senior Planner Jason Sullivan provided historical development details of the property, past and present, and outlined the terms of the development.

Mayor Pro-Tem Pina asked that those wishing to speak please do so at this time.

David Namura of PSE spoke in favor of this development project and thanked all the development partners.

Mayor Pro-Tem Pina called three times for anyone else wishing to speak. Seeing none, Mayor Pro-Tem Pina called for questions from Councilmembers. There were none.

The Public Hearing was closed at 7:35 p.m.

Councilmember Sheckler moved to approve Draft Resolution 12-098 directing the City Manager to sign the Second development Agreement with the Port of Seattle regarding the development of the Des Moines Creek Business Park substantially in the form as submitted and approving the master plan for the

proposed PSE/Benaroya facility filed with the Des Moines Planning, Building, and Public Works Department under file number LUA2012-0016; **Councilmember Caldwell, second. The motion passed 6-0.**

Mayor Pro-Tem Pina read the Ordinance title into the record.

OLD BUSINESS

1. RECONSIDERATION OF ORDINANCE NO. 1540, MULTIFAMILY TAX EXEMPTION

Presenting work completed since this matter was last discussed, Senior Planner Jason Sullivan pointed out that one change was made to reflect councilmember preference.

ACTION/DIRECTION

Councilmember Burrage moved to suspend City Council Rule 26a in order to consider Draft Ordinance 12-106 on first reading; **Councilmember Musser, second. The motion passed 6-0**

Following discussion on the second motion, to reduce the minimum building height from 100 feet to 40 feet, **Councilmember Sheckler called the question; the motion of calling the question, needing a ¾ positive vote, failed 4-2. Debate continued.**

Councilmember Burrage moved to adopt Draft Ordinance 12-106 reducing the minimum building height to qualify for the Multi-Family Tax Exemption in Residential Target Area Zone 2 from 100 feet to 40 feet; **Councilmember Caldwell, second. Friendly amendments accepted by both maker and seconder of the motion included increasing the minimum building height to 50 feet, reducing the number of units from 160 to 60, allowing both apartments and condominiums to be built until June of 2015 at which time condominiums would be required instead of apartments.**

The motion failed, 3-3. **The item will return to the City Council for a policy discussion at a later date.** Council's concerns were noted by staff.

NEW BUSINESS

1. HITCH HIKING ORDINANCE TO HELP DEAL WITH PROSTITUTION

Police Chief John O'Leary spoke about the need to curtail hitchhiking in the anti-prostitution areas of public roadways, adopting, by reference, RCW 42.61.255.

ACTION/DIRECTION

Councilmember Musser moved to suspend City Council Rule 26a in order to consider Draft Ordinance 12-035 on first reading; **Councilmember Caldwell, second. The motion passed, 6-0.**

Councilmember Musser moved to enact Draft Ordinance 12-035 relating to soliciting rides on public roadways and prohibiting hitchhiking in "Anti-Prostitution Emphasis Areas"; **Councilmember Scott, second. The motion passed, 6-0.**

Mayor Pro-Tem Pina read the title of the ordinance into the record.

2. UPDATE SOLICITOR BUSINESS LICENSE REQUIREMENTS

Assistant City Manager Lorri Ericson pointed out that the change in the ordinance governing Solicitor's licensing was to reflect actual practice. Fingerprinting had become expensive, but background checks continue.

ACTION/DIRECTION

Councilmember Sheckler moved to suspend City Council Rule 26a in order to consider Draft Ordinance 12-053 on first reading; **Councilmember Scott, second. The motion passed 6-0.**

Councilmember Sheckler moved to adopt Draft Ordinance No. 12-053 modifying the requirements for a solicitor's license and eliminating the requirement to submit fingerprints, Councilmember Scott, second. The motion passed 6-0.

The question about background checks revealing sex offenders will be researched and a policy discussion held at a later time.

Mayor Pro-Tem Pina read the title of the ordinance into the record.

NEW BUSINESS

3. COMPREHENSIVE MASTER PLAN – EMERGENCY MANAGEMENT

Police Chief John O'Leary presented the CEMP, a broadly written plan designed to encompass man-made and natural disasters. The plan conforms with structure and terminology at state and federal levels and was reviewed at county and state levels and by Washington Cities Insurance Association (WCIA) for compliance. Annual revisions will be made

ACTION/DIRECTION

Councilmember Sheckler moved to approve and adopt the City of Des Moines Comprehensive Emergency Management Plan and Emergency Support Functions substantially in the form as attached; Councilmember Musser, second. The motion passed, 6-0.

NEXT MEETING DATE June 28, 2012, City Council Regular Meeting

ADJOURNMENT

There being no further business to come before the City Council, Councilmember Sheckler moved to adjourn; Councilmember Caldwell, second. The motion passed 6-0.

Meeting was adjourned at 8:45 p.m.

Respectfully submitted,

Sandy Paul

City Clerk

CMC