

MINUTES

REGULAR MEETING DES MOINES CITY COUNCIL

21630 11th Avenue South, Des Moines, City Council Chambers

December 6, 2012 - 7:00 p.m.

CALL TO ORDER: Mayor Kaplan called the meeting to order at 7:01 p.m.

PLEDGE OF ALLEGIANCE: The flag salute was led by Councilmember Musser.

ROLL CALL:

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

Staff present were City Manager Tony Piasecki; City Attorney Pat Bosmans; Assistant City Manager Lorri Ericson; Harbormaster Joe Dusenbury; Interim Director of Community Development Denise Lathrop; City Clerk Sandy Paul.

COMMENTS FROM THE PUBLIC:

Sherry Verburg, 22315 6th Avenue, read a letter she recently wrote to the City Council opposing further development as proposed currently in the Marina and Beach Park.

Jeannette Jones, 22315 6th Avenue South, read her letter recently written to the City Council over her concerns about future Marina development.

Dr. Marie Rosenberg, 22222 Dock Avenue S, spoke about additional parking in order for Beach Park and the Marina to be successfully developed.

BOARD & COMMITTEE REPORTS/ COUNCILMEMBER COMMENTS:

Councilmember Scott

- Finance and Economic Development Committee got feedback on the Pacific Ridge area which was attended by 3 local developers and consultants. All participated in a 10:00 a.m. to 2:00 p.m. bus tour.

Mayor Pro-Tem Pina

- Reported on the bus tour on Saturday December 1. Councilmembers and developers/consultants had a rare opportunity to engage with each other on shared visions, goals, and skills.
- Wanted to follow up with a presentation from a group of citizens at Redondo Heights. The decision will be forthcoming in the next few days.

Councilmember Caldwell

- Talked about how, according to Group Health, information is retained better if the eyes are closed for 10 minutes after attempting to learn something new.

PRESIDING OFFICER'S REPORT:

- Mayor Kaplan reported on the Economic Development holiday party that was held at the Auditorium which was sponsored by Seattle Southside, Southwest Chamber of Commerce and Destination Des Moines (to name a few), and took place on December 6, 2012.
- Reported on a second meeting that took place in Council Chambers to view charts and plans for future development in the Marina and Beach Park, which also took place on December 6, 2012.
- The Mayor presented certificates to outgoing Arts Commissioners Scott Eliason, Eileen O'Neil, Clark Snure and Nancy Stephan.

ADMINISTRATION REPORTS:

- City Manager Piasecki reported that there have been 10 new reservations for the Beach Park Auditorium and 3 more at the Founders Lodge, thanks to Facility Coordinator, Shannon Kirchberg.

CONSENT CALENDAR:

Item 1: APPROVAL OF MINUTES

Motion is to approve the minutes of the meetings of November 8 and 15, 2012.

Item 2: NORTHWEST LANDSCAPE SERVICES (NLS) CONTRACT

Motion is to amend the contract with Northwest Landscape Services for City parks and streetscape maintenance services by extending the contract through December 31, 2014, including an option for the City to extend the contract for an additional twelve months, for an annual amount of \$77,910.24 plus tax; authorize an annual contingency of 10%; and authorize the City Manager to sign said contract amendment substantially in the form as submitted.

Item 3: MAYORAL APPOINTMENTS TO THE ARTS COMMISSION

Motion is to confirm the Mayoral appointments of Gene Achziger and John Hicks to the Des Moines Arts Commission effective January 1, 2013 which will expire on December 31, 2015 and Adrian VanderHoeven to fill an unexpired term effective immediately which will expire on December 31, 2013.

Item 4. SETTLEMENT OF BEACH PARK AUDITORIUM PROJECT CLAIMS

Motion is to authorize the City Manager to sign the attached Settlement Agreement and Mutual Release of Claims, substantially in the form as attached with respect to claims arising out of the design and construction of the Des Moines Beach Park Auditorium.

Item 5. BUDGET AMENDMENT

Motion is to pass Draft Ordinance No. 12-207 relating to municipal finance amending the 2012 budget adopted in Ordinance No. 1529 as amended by Ordinance No. 1547.

ACTION/DIRECTION

Motion made by Councilmember Musser, seconded by Councilmember Scott. The motion passed, 7-0.

NEW BUSINESS

1. B&O TAX AMENDMENT ORDINANCES - DRAFT ORD. NO. 12-196 (TAX IMPOSED) AND DRAFT ORD. NO. 12-197 (TAX ADMINISTRATION)
Staff Presentation: City Manager Tony Piasecki

City Manager Piasecki reported that the State has made a few changes to the B&O tax law and requires the city to adopt all changes to secure collection of the B&O tax in the coming year. In

addition, this ordinance would also preserve the 2 or 3 small modifications that are put specifically into the City's B&O tax.

ACTION/DIRECTION

Motion made by Mayor Pro-Tem Pina to suspend Rule 26(a) in order to enact Draft Ordinance No. 12-196 on first reading. Councilmember Musser seconded. The motion passed 7-0.

Motion made by Mayor Pro-Tem Pina to enact Draft Ordinance No. 12-196, relating to taxes, repealing chapter 3.84 DMMC, replacing chapter 3.84 DMMC as provided in Draft Ordinance No. 12-196 for a Business and Occupation Tax, imposing the Business and Occupation Tax, setting the amount of the tax, and establishing an effective date. Seconded by Councilmember Musser.

Councilmember Burrage moved to amend the Draft Ordinance No 12-196 at section 6, at line 1 following "subsection (2)" with the words and exemptions in Section 12. Acceptable to both the maker and the seconder of the motion. The motion passed, 7-0.

Mayor Pro-Tem Pina moved to suspend Rule 26(a) in order to enact Draft Ordinance No. 12-197 on first reading. Councilmember Musser seconded. The motion passed 7-0.

Mayor Pro-Tem Pina moved to enact Draft Ordinance No. 12-197, establishing a new chapter 3.85 of the Des Moines Municipal Code, providing for business and occupation tax administrative provisions, prescribing penalties, and codifying a new chapter 3.85 DMMC entitled *Business and Occupation Tax – Administrative Provisions*. Seconded by Councilmember Musser. The motion passed 7-0.

Mayor Kaplan read Ordinance No. 12-196 into the record.

Mayor Kaplan read Ordinance No. 12-197 into the record.

2. DRAFT ORDINANCE NO. 12-212, UPDATING THE ORDINANCE RELATING TO EMPLOYEE POLICIES

Staff Presentation: Assistant City Manager Lorri Ericson

Assistant City Manager Ericson reported that updating this ordinance would reflect changes in personnel policies due to changes in Washington State Law (Referendum 74) as well as changes negotiated in recent Collective Bargaining Agreements and Memorandums of Understanding.

Councilmember Musser moved to suspend City Council Rule 26(a) in order to adopt Draft Ordinance No. 12-212 on first reading. Seconded by Mayor Pro Tem Pina. The motion passed 7-0.

Councilmember Musser moved to adopt Draft Ordinance No. 12-212 amending Chapter 2 of the Des Moines Municipal Code relating to employee policies. Seconded by Mayor Pro Tem Pina. The motion passed 7-0.

Mayor Kaplan read Ordinance No. 12-212 into the record.

OLD BUSINESS

1. MARINA & BEACH PARK DEVELOPMENT PLAN – PREFERRED DEVELOPMENT ALTERNATIVE

Staff Presentation: Interim Director of Community Development Denise Lathrop and Harbormaster Joe Dusenbury

Interim Community Development Director Denise Lathrop and Harbormaster Joe Dusenbury outlined preferred recommendations for revitalizing the Marina floor. Heber Kennedy of Geometrics added

information about strategies for attracting and implementing the phasing of development. Preferred by a majority of the stakeholder's committee were a flexible combination of options #2 and #3, depending on market demand.

Mayor indicated that this topic warrants more discussion, clarifying what is not wanted by Council. Stay with options #2 and #3 for flexibility and possibly discuss this issue at a retreat or over several study sessions.

ACTION/DIRECTION

There was no action taken.

2. ADOPTION OF 2013 BUDGET

Staff Presentation: City Manager Tony Piasecki

City Manager Piasecki continue budget discussion, summarizing all actions that have been taken to date, and introduced 4 new revenue/expenditures items; additional property tax revenue, elimination of National League of Cities membership dues, decrease aide to Human Services and 3 Councilmembers who will voluntarily reduce the maximum number of meetings to be paid in 2013.

ACTION/DIRECTION

Councilmember Sheckler moved to enact Draft Ordinance No. 12-192 adopting the final budget for the City of Des Moines, Washington, for the fiscal year ending December 31, 2013. Seconded by Mayor Pro Tem Pina. The motion passed 7-0.

Mayor Kaplan read Ordinance No. 12-192 into the record.

NEXT MEETING DATE December 13, 2012, City Council Regular Meeting

ADJOURNMENT

There being no further business to come before the City Council, Councilmember Sheckler moved to adjourn. Seconded by Councilmember Musser. The motion passed 7-0.

The meeting was adjourned at 8:42 p.m.

Respectfully submitted,

Sandy Paul MMC
City Clerk