

MINUTES

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

October 18, 2018 – 7:00 p.m.

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

The flag salute was led by Councilmember Mahoney.

ROLL CALL

Council present: Mayor Matt Pina; Deputy Mayor Vic Pennington; Councilmembers Traci Buxton, Luisa Bangs, Jeremy Nutting, Robert Back and Matt Mahoney.

Mayor Pina arrived at the meeting at 7:15 p.m.

Staff present: City Manager Michael Matthias; Chief Operations Officer Dan Brewer; Chief Strategic Officer Susan Cezar; City Attorney Tim George; Director of Emergency Management George Delgado; Acting Harbormaster Scott Wilkins; Finance Director Beth Anne Wroe; Police Chief Ken Thomas; Assistant City Attorney Matt Hutchins; Public Works Director Brandon Carver; Judge Lisa Leone; Probation Officer Melissa Patrick; Court Administrator Jennefer Johnson; Domestic Violence Victim Advocate/Management Analyst Nicole Nordholm; Police Officer Dan Lindstrom; Community Development Manager Denise Lathrop; Budget Manager Cecilia Pollock; City Clerk/Communications Director Bonnie Wilkins; Deputy City Clerk Taria Keane.

COMMENTS FROM THE PUBLIC

- J.C. Harris, Des Moines, Aviation
- Anne Kroeker, Des Moines, Port of Seattle Commissioners Meeting
- Rick Johnson, Des Moines, Speed Board Signs
- Elaina Garcia, Burien, Mount Rainier High School Choir

BOARD AND COMMITTEE REPORTS/COUNCILMEMBER COMMENTS

Councilmember Mahoney

- Art & Wine Walk
- Spanish Castle at the Oddfellows Hall
- Transportation Meeting
- Police Advisory Board
- SCATBd Meeting
- Des Moines Marina Association Meeting

Councilmember Back

- No Report
- Paul Allen's Passing
 - Asked for a moment of Silence for the passing of Paul Allen

Councilmember Bangs

- Police Department Advisory Meeting
- Destination Des Moines Board Meeting
- Rainbow Bingo

Councilmember Nutting

- No Report

Councilmember Buxton

- Rainbow Bingo
- Art & Wine Walk
- State of the City of Des Moines
- Human Services Committee Meeting
- Environment Committee Meeting
- StormFest
- Region Public Issues Meeting

Deputy Mayor Vic Pennington

- No Report

PRESIDING OFFICER'S REPORT

- Seattle Symphony
- Highline College President Dr. John Mosby
- Des Moines Police Foundation
 - Presentation of the K-9 Check to the City for \$12,000
- Rainbow Bingo
- Art & Wine Walk
- Lunch with the Mayor
- North Hill Community Club Meeting
- Des Moines Marina Association Meeting
- Nextdoor.com

ADMINISTRATION REPORT

- Human Services Advisory Committee
 - Domestic Violence Victim Advocate/Management Analyst Nicole Nordholm and Human Services Member Judi Armer gave a PowerPoint Presentation for Funding Recommendations to the council.

CONSENT CALENDAR

Item 1: APPROVAL OF VOUCHERS

Motion is to approve for payment vouchers and payroll transfers through October 18, 2018 included in the attached list and further described as follows:

Total A/P Checks/Vouchers	#155377-155600	\$ 892,297.91
Electronic Wire Transfers	# 1111-1124	\$ 423,001.63
Payroll Checks	# 19095-19097	\$ 934.36
Payroll Direct Deposit	#400001-400178	\$ 349,511.53
Total Checks and Wires for A/P and Payroll:		\$1,665,745.43

- Item 2: APPROVAL OF MINUTES
Motion is to approve September 27, 2018 and October 4, 2018 City Council Regular Meeting Minutes.
- Item 3: ACCEPTANCE OF WASHINGTON TRAFFIC SAFETY COMMISSION GRANT: DES MOINES MUNICIPAL COURT-DUI COURT
Motion is to accept the grant from Washington Traffic Safety Commission IN the Amount of \$65,000 for the purpose of continuing operations of the Des Moines Municipal Court-DUI Court and further to ratify and confirm the City Manager's approval of the attached contract.
- Item 4: DRAFT RESOLUTION NO. 18-077 UPDATING THE SICK LEAVE POLICY FOR NON-REPRESENTED EMPLOYEES TO COMPLY WITH STATE LAW AND PROVIDE EQUITY WITH EMPLOYEE BARGAINING GROUPS
Motion is to adopt Draft Resolution 18-077 to update sick leave provisions for non-represented employees retroactive to January 1, 2018 to comply with state law and to provide equity with City bargaining groups.
- Item 5: SENIOR SERVICES ADVISORY COMMITTEE APPOINTMENT
Motion is to confirm the Mayoral appointment of Christine Mark to an unexpired term on the City of Des Moines Senior Services Advisory Committee, effective immediately and expiring on December 31, 2021.
- Item 6: LODGING TAX ADVISORY COMMITTEE APPOINTMENTS
Motion is to confirm the Mayoral appointment of Peter Philips, Ben Osgood, Martin Sanchez, and Alex Candalla to the Lodging Tax Advisory Committee effective immediately.
- Item 7: CONSULTANT SERVICES CONTRACT ADDENDUM - DAVID A. CLARK ARCHITECTS
Motion is to approve Contract Addendum No. 1 with David A. Clark Architects for additional Design and Construction Administration Services on the Sun Home Lodge and Founder's Lodge in the amount of \$24,319.00, bringing the total Contract amount to \$102,748.94, and further authorize the City Manager to sign said Contact Addendum substantially in the form as submitted.
- Item 8: CONSULTANT SERVICES CONTRACT ADDENDUM – ENVIRONMENTAL SCIENCE ASSOCIATES
Motion is to approve Contract Addendum No. 2 with Environmental Science Associates for additional emergency permitting work on the Van Gasken Property in the amount of \$5,900.00, bringing the total Contract amount to \$66,990.00, and further authorize the City Manager to sign said Contract Addendum substantially in the form as submitted

Direction/Motion

Motion made by Councilmember Nutting to approve the consent calendar; seconded by Councilmember Bangs.
Motion passed 7-0.

NEW BUSINESS

- Item 1: AMENDING CHAPTER 5.04 DMMC, ADOPTING A MODEL BUSINESS LICENSE ORDINANCE
Staff Presentation: Finance Director Beth Anne Wroe

Finance Director Wroe gave a presentation to council

Direction/Action

Motion 1 made by Councilmember Nutting to suspend Council Rule 26(a) in order to enact Draft Ordinance 18-089 on first reading; seconded by Deputy Mayor Pennington.
Motion passed 7-0

Motion 2 made by Councilmember Nutting to enact Draft Ordinance No. 18-089, amending chapter 5.04 DMMC, adopting a model business license ordinance; seconded by Deputy Mayor Pennington.
Motion passed 7-0

PUBLIC HEARING/CONTINUED PUBLIC HEARING

- Item 2: PUBLIC HEARING TO CONSIDER DRAFT ORDINANCE 18-105 AMENDING THE DES MOINES 2035 COMPREHENSIVE PLAN AND PREFERRED LAND USE MAP
Staff Presentation: Chief Strategic Officer Susan Cezar

Mayor Pina opened the Public Hearing at 8:00 p.m.

Chief Strategic Officer requested that the Public Hearing be moved to a second reading on November 15, 2018.

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

Direction/Action

Motion made by Councilmember Bangs to continue the public hearing to a second reading on November 15, 2018, or as soon thereafter as the matter may be heard, to consider Draft Ordinance No. 18-105 amending Chapters 18.05 and 18.25 DMMC; seconded by Councilmember Nutting.
The Motion Passed 7-0

At 8:10 p.m. Council took a 7 minute break, and resumed the meeting at 8:17 p.m.

- Item 3: PUBLIC HEARING TO CONSIDER DRAFT ORDINANCE 18-099 RELATED TO THE S. 216TH STREET ZONING RECLASSIFICATION
Staff Presentation: Chief Strategic Officer Susan Cezar

Mayor Pina opened the Public Hearing at 8:18 p.m.

Chief Strategic Officer requested that the Public Hearing be moved to a second reading on November 15, 2018.

As this public hearing is a Quasi-Judicial Mayor Pina asked all councilmembers to give consideration as to whether they have:

- 1.) Demonstrated bias or prejudice for or against any party to the proceeding;
- 2.) A direct or indirect monetary interest in the outcome of the proceedings;
- 3.) A prejudgment of the issue prior to hearing the facts on the record; or
- 4.) Ex parte contact with any individual, excluding Administrative staff, with regard to an issue prior to the hearing.

The following councilmembers answered yes, and provided details to Administration to determine if there is a violation of the Appearance of Fairness Doctrine exists:

- Mayor Pina
- Councilmember Buxton
- Deputy Mayor Pennington

City Attorney George asked each Councilmember if this contact would create a bias or prejudice or keep them from making a fair decision in this matter. All councilmembers answered no.

City Attorney George asked if there was any parties seeking to disqualify each of councilmember in Appearance of Fairness Doctrine. There was none, the council was allowed to proceed.

Mayor Pina asked the speakers to affirm the truth of their testimony by standing, raising their right hand and respond with "I do."

Mayor Pina called for those that wished to speak:

- Russell Brown, Bellevue, proponent
- Charles & Dee Cantellay, Des Moines, proponent
- Jim Morrison, Des Moines, proponent
- Wendy Fosberg, Des Moines, opponent
- Patricia Booze, Des Moines, opponent
- Michael Wicklund, Des Moines, neither proponent nor opponent; concerned about privacy.
- Christian Clevis, Des Moines, opponent
- Sean Kelly, Des Moines, opponent

Mayor Pina asked 3 times if anyone else wished to speak.

Mayor Pina asked the speaker to affirm the truth of their testimony by standing, raising their right hand and respond with "I do."

- Jeffery Johnson, Des Moines, proponent

Mayor Pina asked 3 times if anyone else wished to speak.

Mayor Pina asked the speaker to affirm the truth of their testimony by standing, raising their right hand and respond with "I do."

- Matthew Fulton, Des Moines, opponent

Mayor Pina asked 3 times if anyone else wished to speak.

Mayor Pina asked the speakers to affirm the truth of their testimony by standing, raising their right hand and respond with "I do."

- Brian Fosberg, Des Moines, opponent
- Patricia Palucci, Des Moines, opponent

Mayor Pina asked 3 times if anyone else wished to speak.

Mayor Pina asked the Administration as to whether there have been any mis-statements of fact or whether the administration wishes to introduce any material as to subjects raised by the proponent or opponents or alter in any regard its initial recommendations.

Mayor Pina asked Council if they had any questions.

Direction/Action

Motion made by Councilmember Nutting to continue the public hearing to a second reading on November 15, 2018, or as soon thereafter as the matter may be heard, to consider Draft Ordinance No. 18-099 amending DMMC 18.10.050 (Adoption of official zoning map), to reclassify 12 tax parcels from RA-3,600 Residential Attached Townhouse and Duplex Zone and RS-8,400 Residential Single-Family Zone to RM-2,400 Residential Multifamily Zone; seconded by Councilmember Bangs.
The motion passed 7-0

- Item 1: PUBLIC HEARING: 2019 PRELIMINARY ANNUAL BUDGET, 1ST READING
Staff Presentation: Finance Director Beth Anne Wroe

Mayor Pina opened the Public Hearing at 9:01 p.m.

City Manager Matthias and Finance Director Wroe gave a PowerPoint presentation to council.

Mayor Pina called 3 times if anyone wished to speak. Seeing none he asked council if they had any question.

Direction/Action

Motion made by Mayor Pina to extend the meeting until 10:15 p.m.; seconded by Councilmember Back.
The Motion passed 5-2.

For: Mayor Pina, Deputy Mayor Pennington, Councilmembers Mahoney, Back, and Bangs.

Against: Councilmembers Bangs and Nutting.

Direction/Action

Motion made by Councilmember Nutting to pass Draft Ordinance No. 18-108 to a second reading on November 8, 2018 for further City Council consideration and approval; seconded by Councilmember Bangs.
The Motion passed 7-0

NEXT MEETING DATE:

November 1, 2018 City Council Study Session

ADJOURNMENT

Direction/Action

Motion made by Deputy Mayor Pennington to adjourn; seconded by Councilmember Bangs.
The motion passed 7-0.

The meeting adjourned at 9:59 p.m.

Respectfully Submitted,
Taria Keane
Deputy City Clerk

