

**MINUTES**  
**REGULAR MEETING DES MOINES CITY COUNCIL**  
**December 3, 2009 - 7:30 p.m.**

CALL TO ORDER – The meeting was called to order at 7:30 p.m. by Mayor Pro Tem Dan Sherman.

PLEDGE OF ALLEGIANCE to the Flag was led by Councilmember Kaplan.

ROLL CALL - Present: Mayor Pro Tem Dan Sherman, Councilmembers Dave Kaplan, Ed Pina, Carmen Scott, and Scott Thomasson. Also in attendance were City Manager Tony Piasecki, City Attorney Pat Bosmans, Finance Director Paula Henderson, Park, Recreation and Senior Services Director Patrice Thorell, Police Chief Roger Baker, Planning, Building, and Public Works Director Grant Fredricks and City Clerk Sandy Paul.

DIRECTION/ACTION

**MOTION** was made by Councilmember Scott, seconded by Councilmember Kaplan, and passed unanimously, to excuse Mayor Sheckler and Councilmember Susan White.

CORRESPONDENCE

City Manager Piasecki introduced City Clerk Sandy Paul, who began work on December 1, 2009. He then reported that \$8,000 had been budgeted for the Regional Commission on Airport Affairs (RCAA) in 2010.

COMMENTS FROM THE PUBLIC:

There were no general comments from the public not related to the budget.

BOARD & COMMITTEE REPORTS & COUNCILMEMBER COMMENTS

Councilmember Scott reported about the tree lighting on Friday December 4, 2009. Santa would attend. December 8, 2009, the Christmas Ships would stop in Redondo. Calendars and note cards were available at the Senior Center and Des Moines Drug.

Councilmember Kaplan reported that on November 16, 2009, the Planning Agency met to discuss Design Guidelines. He thought more communication would be forthcoming with requests for public input.

ADMINISTRATION REPORTS

Marine View Drive, also designated as SR 509 creates problems with potential land use. To remove the designation was considered a positive and Des Moines had been invited by the City of Normandy Park to participate in a process to ask the State of Washington to remove the SR509 designation. Staff would create a memo detailing the issues.

City Councils are allowed, by Revised Code of Washington (RCW) to revise Council salaries from time to time. Any salary change would not be realized until after the time of election or reelection of individual Council members. Councilmember could at any time voluntarily refuse payment for City Council attendance. An ordinance was requested to limit the number of City Council meetings to thirty-six to be effect January 1, 2012.

CONSENT CALENDAR was read by City Clerk Sandy Paul.

1. Motion is to approve the special and regular minutes of October 29, 2009, November 12, 2009 and November 19, 2009.
2. No findings for this period.

DIRECTION/ACTION

**MOTION** was made by Councilmember Pina, seconded by Councilmember Kaplan, and passed unanimously, to approve the Consent Calendar.

OLD BUSINESS (Old Business was moved to take place prior to the continued Public Hearing on the Budget)

1. Adoption of 2010 – 2015 Capital Improvement Plan- Draft Resolution No. 09-197

Summary: The purpose of this report is to request the City Council approve the Years 2010-2015 Draft Capital Improvement Plans for the Municipal Capital Improvement Fund, the Transportation Capital Improvement Fund, the Surface Water Management Capital Fund, and the marina Depreciation & Improvement Fund by Adopting Resolution No. 09-197. The Transportation Impact Fee Fund 2010 activity includes estimated transportation impact fee revenues of \$357,610 and fund balance of \$23,435. Once all Capital Improvement Plans have been presented and approved by the City Council.

Staff Presentation: Finance Director

Discussion centered around much needed repairs to buildings in the Beach Park area which are currently in a state of disrepair and some not useable. Parks Staff presented options to pay for low, moderate, and aggressive levels of repairs to the buildings and the funding means that would pay for those repairs. Those funds might be provided by Municipal Capital Improvement (MCI) funds, reducing, MCI transfers to transportation, councilmanic bonding authority, voter approved bonding authority, and tax credit funding for historic sites, or an excess levy. These buildings could be an economic driver if they could be rented.

#### DIRECTION/ACTION

**MOTION** was made by Councilmember Kaplan, seconded by Councilmember Thomasson, and passed unanimously, to approve Adoption of Years 2010 – 2015 Capital Improvement Plans Draft Resolution No. 09-197.

The Capital Improvement Plan is a *plan*. The approved Budget is the spending authority. Other funding options would be sought to refine park building remodel options, and the vote on the Capital Improvement Plan could be modified in the future.

The motion passed unanimously to approve Adoption of Years 2010 – 2015 Capital Improvement Plans Draft Resolution No. 09-197.

#### CONTINUED PUBLIC HEARING

1. Adoption of Year 2010 Budget – Draft Ordinance No. 09-189

Finance Staff completed the presentation begun at earlier meetings.

City Council discussion continued about spending scarce resources to make needed repairs rather than to fund a study to make a list of those items that need to be repaired.

#### DIRECTION/ACTION

#### **MOTION**

Councilmember Kaplan moved to transfer \$40,000 to the Building Assessment Fund from the line *Paint for the Public Works Building*. Councilmember Thomasson, second. Councilmembers Kaplan, Pina, Sherman and Thomasson voted yes; Councilmember Scott voted *no* because she felt the assessment survey funds should be expended to accomplish tasks that needed to be done.

Staff presentations of the 2010 Budget continued with ongoing Council discussion and questions.

#### BREAK

Mayor Pro-Tem Sherman called for a ten-minute break at 8:57 p.m. to be followed by an executive session to discuss a Real Estate matters. The City Council meeting was reconvened at 9:10 p.m.

#### EXECUTIVE SESSION

An Executive Session of the Des Moines City Council was called to order by Mayor Pro Tem Sherman at 9:10 p.m. in the City Hall Conference Room, 21630 11<sup>th</sup> Avenue South, #A.

**ROLL CALL** - Present: Mayor Pro Tem Sherman, Councilmembers Dave Kaplan, Ed Pina, Carmen Scott, and Scott Thomasson. Also in attendance were City Manager Tony Piasecki, Assistant City Manager Lorri Ericson, City Attorney Pat Bosmans, PBPW Director Grant Fredricks, and PBPW Assistant Director/Transportation Engineer Dan Brewer.

The purpose of the meeting was to discuss Property Acquisition.

No formal action was taken.

The Executive Session was adjourned at 9:20 p.m.

Budget presentation continued. The Budget reflects a deficit of \$219,482, funding the Code Enforcement Officer, and previously discussed cuts # 3 and #4 in the police department. The City Manager would not take a pay increase. Phil Watkins, Lobbyist, would be hired to represent the City of Des Moines in Olympia during the upcoming Legislative Session. Another \$30,000 can be reduced from assessments for equipment rental operation, bringing the deficit down to approximately \$189,000.

Mayor Pro-Tem Sherman reopened the Continued Public Hearing on the 2010 Budget – Draft Ordinance No. 19-189. He asked for public comment three times and there was none and he closed the Continued Public Hearing on the 2010 Budget. Mayor Pro-Tem Sherman suggested that it would be best to conduct the vote on the budget when all City Councilmembers could be present.

Councilmember Kaplan made the motion to move the 2010 Budget to the December 10, 2009, meeting, for second reading and vote; Councilmember Pina, second. The votes were all *ayes*.

## **NEW BUSINESS**

### **1. Marina Moorage Rate Ordinance – Draft Ordinance No. 09-192.**

**SUMMARY:** The adoption of the Draft Ordinance No. 09-192 would replace the current Marina moorage rate plan with the new plan contained in the Ordinance. This action would repeal the appropriate sections of the Des Moines Municipal Code and replace those sections with the language contained in the Draft Ordinance.

Joe Dusenberry, Harbormaster, led the discussion about new rates for the Marina which, if approved, would take effect in February 2010.

### **DIRECTION/ACTION** **MOTION**

First Motion: Councilmember Kaplan moved to suspend Rule 26(b) in order to enact Draft Ordinance No. 09-192 on first reading; Councilmember Thomasson, second. The motion passed unanimously.

Second Motion: Councilmember Kaplan moved to enact Draft Ordinance No. 09-192, establishing a new moorage rate plan for the Des Moines Marina, effective February 1, 2010; Councilmember Thomasson, second. The City Council voted in the affirmative unanimously and passed Draft Ordinance No. 09-192.

### **2. Proposed New Des Moines Creek Business Park Development Agreement Framework.**

**SUMMARY:** The purpose of this agenda item is to brief the City Council and receive its direction on changes to the Development Agreements with the Port of Seattle for the Des Moines Creek Business Park (DMCBP). These changes are needed because of the failure of last year's negotiations with Majestic Realty, the selected developer of the DMCBP, and national economic conditions.

Planning, Building & Public Works Director Grant Fredricks presented additional information and led the City Council in discussion.

### **DIRECTION/ACTION**

**MOTION**

Councilmember Kaplan moved to extend the meeting to 10:45 p.m.; Councilmember Thomasson, second. The City Council voted unanimously to extend the meeting to 10:45 p.m.

Discussion continued about taking this opportunity to create a property that was attractive to a developer. It was pointed out that this was a plan, not a final action. Staff pledged to keep the Council advised as the project progressed.

**DIRECTION/ACTION**  
**MOTION**

Councilmember Kaplan moved to extend the meeting to 11:00 p.m.; Councilmember Thomasson, second. The City Council voted unanimously to extend the meeting to 11:00 p.m.

**DIRECTION/ACTION**  
**MOTION**

Councilmember Kaplan moved to direct staff to work with Port of Seattle staff to draft a new development agreement for City Council review and approval amending and restating the terms of both the existing First Development Agreement and the First Addendum to the First Development Agreement; and,

1. Authorizing the Port's future dedication of about 2 acres of the site for the planned widening of 24<sup>th</sup> Avenue South and South 216<sup>th</sup> Street under the 'offset' alignment;
2. Granting the City a conditional, fixed-term, assignable option to acquire a portion of the site for a potential retail component;
3. Outlining an entitlement approach and schedule for the site using a commercial Planned Unit Development (PUD) process; and
4. Authorizing the incremental disbursement or retention of the \$3.8 million currently in escrow.

Councilmember Pena seconded the motion. The City Council voted unanimously to approve.

**NEXT MEETING DATE** – Regular Meeting December 10, 2009.

**ADJOURNMENT**

At 11:02 p.m., **MOTION** was made by Mayor Pro-Tem Sherman, seconded by Councilmember Kaplan, and passed unanimously, to adjourn.

Respectfully submitted,

Sandy Paul CMC  
City Clerk