

## REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES

July 23, 2009

The regular meeting of the Des Moines City Council was called to order at 7:33 p.m. by Mayor Sheckler in the Council Chambers, 21630 11<sup>th</sup> Avenue South, #B.

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

ROLL CALL - Present: Mayor Bob Sheckler, Mayor Pro Tem Dan Sherman, Councilmembers Dave Kaplan, Ed Pina, Carmen Scott and Scott Thomasson. Absent: Susan White. Also in attendance were City Manager Tony Piasecki, City Attorney Pat Bosmans, Planning, Building and Public Works Director Grant Fredricks, Assistant City Attorney Susan Mahoney, Harbormaster Joe Dusenbury, Senior Services Manager Sue Padden, Parks and Recreation Director Patrice Thorell, Transportation Engineer Dan Brewer, City Utilities & Environmental Engineer Loren Reinhold, Land Use Planner II Jason Sullivan, Special Projects Manager Len Madsen and Interim City Clerk Autumn Lingle.

MOTION was made to excuse Councilmember White by Councilmember Kaplan, seconded and passed.

### CORRESPONDENCE

City Manager Piasecki stated the City has received an official bid protest regarding the Field House Ball Field project.

### COMMENTS FROM THE PUBLIC:

#### Brittany Anders, 2115 S. 250<sup>th</sup> St, Kent

Ms. Anders spoke on behalf of Jobs Daughters, thanking Council for the July 18<sup>th</sup> parade and their support of the Jobs Daughters Carnival. She extended an invitation to everyone to the Carnival on August 15, 2009 from 11:00 a.m. to 7 p.m. at the Masonic Lodge.

#### Jean Munro, 21925 7<sup>th</sup> Ave S

Ms. Munro is serving on the Human Services Board. She mentioned she is mentoring Mary Ellen Stone and introduced Ms. Stone to Council.

#### Mary Ellen Stone, 200 Mill Street, Renton

Ms. Stone is the Executive Director of King County Sexual Assault Center. She gave an update to Council on the services provided by the Center and asked for Councils support.

#### Rikki Marohl, 22807 17<sup>th</sup> Ave. S.

Ms. Marhol briefed Council on current attendance and events at the Farmers Market. She noted Wednesday evening was the initial evening opening of the Farmers Market and they will hang a banner informing the public of the new schedule. The transition to becoming a 501C4 is a lengthy one and they hope it will be completed by years end.

#### Vernnena Staab, 21628 28<sup>th</sup> Ave. S.

Ms. Staab shared her opinions with Council on various topics.

#### Schell Ross, 23444 26<sup>th</sup> Ave, S.

Ms. Ross discussed the Mt. Rainier Pool, thanking Council for listening and working hard to keep the pool.

#### BOARD & COMMITTEE REPORTS & COUNCILMEMBER COMMENTS

Topics included:

- Des Moines 50<sup>th</sup> Birthday Celebration
- Mount Rainier Pool
- State Route 509 Project status
- Letter to Puget Sound Regional Council regarding State Route 509
- Parade
- Letter from DSHS regarding elimination of juvenile parole
- Environment Committee meeting
- Lakehaven Utility District General Sewer Plan
- Human Services Advisory Committee meeting
- Food Bank
- Health Point usage

#### PRESIDING OFFICER'S REPORT

Mayor Sheckler invited Senior Services Manager Padden to speak about the Trash to Treasure Parking Lot Sale at the Activity Center. She noted it is the biggest outdoor sale in the area! The City is sharing its free shopper shuttle with two other parking lot sales in the community on the same day. It is on Saturday, August 1, 9am-3pm. The other parking lots sales will be the same date and time at Wesley Gardens and the Masonic Lodge on 223<sup>rd</sup>. Our shopper shuttle will also be stopping at the Farmers Market. The inside spaces are taken but ten outdoor spaces are available. Mayor Sheckler discussed the problem of stolen campaign signs. He requested the Chief of Police address this problem and the consequences to those who take the signs. Chief Baker stated removal of signs can be considered a theft and the Police will be enforcing this law.

#### ADMINISTRATION REPORTS

City Manager Piasecki touched on three topics:

- Base building revenues continue to decline and the City determined it was necessary to lay off another employee.
- The City should have enough money to purchase new play equipment at the Field House.
- Ethics policy for the City and City Council has been raised and City Attorney Bosmans has provided ethics policies that other cities have adopted. City Manager Piasecki suggested Council read the information and if Council wishes to pursue this further they can provide direction at next Council meeting. City Attorney Bosmans noted that the City needs some input from Council on how to proceed.

#### Briefing on King County Board of Health – Health Care Reform Project

Mayor Pro Tem Sherman presented Health Reform Principles from the King County Board of Health

1. All people have access to affordable, comprehensive health care services on an equitable basis. All individuals are able to access the right care in the right place at the right time.
2. All health care is clinically appropriate and provided in a timely, safe, and patient-centered manner.
3. Health services financing is designed and allocated so as to provide permanent, stable, and sufficient funding for high-quality, universal health care.

4. Health services delivery systems are responsive to the needs of the community they serve. Community members collaborate with health care systems to ensure the delivery of appropriate high quality health care services.
5. The best investments are those that prevent disease and promote good health in the most cost-effective manner.
6. Health services delivery and financing systems employ strategies, policies, and interventions aimed at achieving health equity.

Mayor Sheckler announced an agenda change, moving Old Business #2, Metropolitan Park District Draft Resolution No. 09-095 as the first item of discussion.

Metropolitan Park District Election Draft Resolution No. 09-095 **ASSIGNED NO.1109**

ACTION/DIRECTION

**MOTION** was made by Mayor Sheckler, seconded by Councilmember Pina, to pass Draft Resolution 09-095, establishing November 3, 2009 as the election date for the question on the formation of a Metropolitan Park District to acquire, maintain, operate, and/or for capital improvement/construction expenditures for a pool facility, and on the election of five initial District Commissioners. Passed unanimously. Mayor Sheckler read the Draft Resolution No. 09-095 into the record.

At 9:02 p.m., Mayor Sheckler announced an Executive Session would be held to discuss potential litigation with a break following. Attending the meeting were Mayor Pro Tem Sherman, Councilmembers Kaplan, Pina Scott, and Thomasson, City Manager Piasecki, Assistant City Manager Ericson, City Attorney Bosmans, Assistant City Attorney Mahoney. The regular meeting reconvened at 9:24 p.m. Mayor Sheckler left the meeting at the break. Mayor Pro Tem Sherman chaired the remainder of the meeting.

CONSENT CALENDAR was read by Clerk Lingle.

1. Motion is to approve the ~~special and~~ regular minutes of July 2 and July 9, 2009.
2. Findings: Vouchers audited and certified by the auditing officer as required by RCW 42.24.080, and those expense reimbursement claims certified as required by RCW 42.24.090, have been recorded on a listing, which will be made available to the City Council on July 24, 2009.

Motion: As of this date, the Council, by unanimous vote, does approve for payment those vouchers and payroll transfers included in the above list and further described as follows:

Claim checks #120135 through #120344 & electronic fund transfers in the total amount of \$728,805.31

Payroll fund transfers in the total amount of \$459,565.36

3. Motion is to award the contract for the 2009 Facility Roof Repairs to Stanley Roofing Company, Inc. for The Founder's Lodge at Beach Park and the Public Works Building, in the amount of \$68,409.03 plus a 20% contingency to cover unforeseen change order conditions, and further to authorize the City Manager to sign said contract substantially in the form as submitted.
4. Motion is to approve the Interlocal Agreement Regarding Mount Rainier Pool by Highline School District No. 401 and the City of Des Moines, and to direct the City Manager to execute said ILA in substantially the form as attached.

5. Motion is to authorize the award of the contract for construction services for the Des Moines Field house Ball field #1 Expansion Project to Moon Construction Company, schedule A and schedule B, for a total project cost of \$247,418.54, including sales tax plus a 10% contingency, and to authorize the City Manager to sign said contract no earlier than July 29, 2009 substantially in the form as submitted.
6. Motion is to approve the surplus of two vehicles listed as a:  
2001 Crown Victoria VIN#2FAFP71W81X145054  
1993 Ford Taurus VIN#1FALP52U8PG255752,  
and further to authorize disposal of said equipment by auction, sale or transfer to other departments or agencies.
7. Motion is to confirm the Mayoral appointment to the Des Moines Arts Commission of Gene L. Piccirilli effective July 24, 2009 and expiring on December 31, 2010.
8. Motion is to authorize the City Manager to sign, substantially in the form as submitted, the Proceeds Distribution and Hold Harmless Agreement with the City of Bellevue regarding the sale of property collectively owned by thirty-seven cities in King County.
9. Motion is to authorize the purchase of the steel sheet pile needed for replacing 800 feet of the bulkhead in the Marina from Skyline Steel, the company that submitted the low bid of \$667,826.04 and also approve a 5% contingency to cover the cost of pairing the sheets if necessary.
10. Motion is to approve the Easement Amendment for parcel numbers: 0822049142-02, 082204-9143-01, 082204-9141-03, 082204-9143-02, 082204-9007-06, 082204-9063-07, 082204-9134-02, 082204-9138-08, 082204-9148-07, 082204-9106-06, 789380-1210-02 by Midway Sewer District to the City of Des Moines for a perpetual easement exclusively for constructing, improving, operating and maintaining the Des Moines Creek Trail to be recorded with King County, Washington.

Councilmember Kaplan pulled Consent Calendar Item #3.

Councilmember Thomasson pulled Consent Calendar Item #10.

Councilmember Thomasson noted the minutes for the July 2, 2009 Special Meeting did not need to be approved as the Executive Session was held during the Council Meeting.

#### ACTION/DIRECTION

**MOTION** was made by Councilmember Kaplan, seconded by Councilmember Pina, to approve the Consent Calendar as amended. Passed unanimously.

Councilmember Kaplan had Consent Calendar Item #3 clarified.

**MOTION** was made by Councilmember Thomasson, seconded by Councilmember Pina, to approve Consent Calendar #3 to pass as read. Passed unanimously.

Parks and Recreation Director Thorell explained Consent Calendar Item #10 had some language added. Assistant City Attorney Mahoney confirmed the language was typical easement language.

**MOTION** was made by Councilmember Kaplan, seconded by Councilmember Scott, to approve Consent Calendar #10 to pass as read by the Clerk. Passed unanimously.

CONTINUED PUBLIC HEARING: National Pollution Discharge Elimination System Ordinance No. 09-086 – 1<sup>st</sup> Reading.

There were no public comments.

Assistant Director of Utilities and Environmental Engineer Reinhold gave a presentation regarding Draft Ordinance 09-086.

Mayor Pro Tem Sherman closed the Public Hearing portion of the meeting.

**MOTION** was made by Councilmember Kaplan, seconded by Councilmember Thomasson to move Draft Ordinance 09-086 prohibiting illicit connections and discharges to the city stormwater system and creating an operation, maintenance and inspection program for public and private stormwater facilities, and adopting supplemental stormwater standards be moved to second reading on the August 13, 2009 agenda. Passed unanimously.

**MOTION** was made by Councilmember Kaplan, seconded by Councilmember Thomasson, moved to extend the meeting to 10:45 p.m. Passed unanimously.

PUBLIC HEARING

There were no public comments.

Vacations of Public Streets within the Des Moines Marina

Land Use Planner II Sullivan gave a presentation to Council on vacation of public streets at the Marina. Harbormaster Dusenbury presented additional information.

Councilmember Thomasson questioned if Section 4 is necessary. Land Use Planner II Sullivan affirmed that it could be pulled.

Mayor Pro Tem Sherman closed Public Hearing.

ACTION/DIRECTION

**MOTION** was made by Councilmember Kaplan, seconded by Councilmember Scott, to suspend City Council Rule 26b in order to adopt Draft Ordinance No. 09-124 on first reading. Passed unanimously.

**MOTION** was made by Councilmember Kaplan, seconded by Councilmember Scott, to adopt Draft Ordinance No. 09-124 [***ASSIGNED NO.1462***] approving the vacation of certain portions of public right-of-way/streets specifically identified and legally described in Draft Ordinance No. 09-124, third Draft, dated July 22, 2009.

**AMENDED MOTION** was made by Councilmember Kaplan, seconded by Councilmember Thomasson, to strike Section 4 and renumber the remaining sections. Passed unanimously.

**VOTE ON MAIN MOTION.** Passed unanimously.

Mayor Pro Tem Sherman read Draft Ordinance No. 09-124 into the record.

**MOTION** was made by Councilmember Kaplan, seconded by Councilmember Pina, moved that the meeting be extended to 11:00 p.m. Passed unanimously.

**OLD BUSINESS**

**Transportation Gateway- Approval of Preferred Alternative**

Special Project Manager Madsen briefed the Council on the status of the Transportation Gateway Project.

**ACTION/DIRECTION**

**MOTION** was made by Councilmember Kaplan, seconded by Councilmember Pina, to direct staff to advance preliminary design of improvements to S. 216<sup>th</sup> Street and 24<sup>th</sup> Avenue S., employing an “offset” alternative that best fits the Transportation Gateway Project design objectives, as well as report findings and recommendations back to the City Council including project reports and deliverables as provided in the March 26,2009 consultant agreement with KPG.

**MOTION** was made by Councilmember Kaplan, seconded by Councilmember Scott, moved that the meeting be extended to 11:05 p.m. Passed unanimously.

**VOTE ON MOTION:** Passed unanimously.

**NEXT MEETING DATE** – Regular Meeting August 13, 2009.

**ADJOURNMENT**

At 11:04 p.m., **MOTION** was made by Councilmember Kaplan, seconded by Councilmember Pina and passed unanimously, to adjourn.

Respectfully submitted,

Autumn Lingle  
Interim City Clerk