

REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES

October 22, 2009

The regular meeting of the Des Moines City Council was called to order at 7:35 p.m. by Mayor Pro Tem Sherman in the Council Chambers, 21630 11th Avenue South, #B.

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

ROLL CALL - Present: Mayor Sheckler, Mayor Pro Tem Dan Sherman, Councilmembers Dave Kaplan, Ed Pina, Scott Thomasson and Susan White. Also in attendance were City Manager Tony Piasecki, , City Attorney Pat Bosmans, Planning, Building and Public Works (PBPW) Director Grant Fredricks, Development Services Manager Robert Ruth, Harbormaster Joe Dusenbury, Special Project Manager Len Madsen, Parks, Recreation & Senior Services Director Patrice Thorell, Finance Director Paula Henderson and Police Chief Roger Baker, and Interim City Clerk Autumn Lingle. Councilmember Carmen Scott was absent.

MOTION was made by Councilmember Pina seconded by Councilmember Kaplan, and passed unanimously to excuse Councilmember Scott.

CORRESPONDENCE

City Manager Piasecki stated Mr. Roy Dunn had distributed a letter to Council regarding the Auto Related Uses Ordinance. He stated it would be entered into the Continued Public Hearing Record.

COMMENTS FROM THE PUBLIC:

Georgie Nupen, 24816 12th Ave. S.

Ms. Nupen announced the Des Moines Garden Club is involved in a project installing a Blue Star Marker at South Marina Park to honor World War II veterans. The dedication is on October 31, 2009 at 10:30 a.m.

Rikki Marohl, 22507 17th Ave. S.

Ms. Marohl noted that the last day of the Farmers Market 2009 season would be on Saturday, October 31, 2009. There will be a chili cook-off and tasting will be at noon.

BOARD & COMMITTEE REPORTS & COUNCILMEMBER COMMENTS

- Water District #54 Federal Funding
- AWC Regional Meeting
- Howard Hanson Dam
- Green River Flooding

CONSENT CALENDAR was read by Clerk Lingle.

1. Motion is to approve the special and regular minutes of October 8, 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 has been made available to the City Council.

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 #121206 through # 121389 & electronic fund transfers in the total amount of \$1,074,156.84

Payroll fund transfers in the total amount of \$428,567.48

3a. Motion is to approve the contract between the City and the Midway Sewer District for coordinated pavement restoration and overlay improvements on South 250th Street, and further to authorize the City Manager to sign the contract substantially in the form as submitted.

3b. Motion is to award the construction contract for the 2009 Pavement Management Program to Lakeside Industries, Inc. in the amount of \$203,110.25, and further to authorize the City Manager to sign said contract substantially in the form as submitted plus further authorize the City Manager to sign change orders for unforeseen conditions up to 10% of the contract amount.

4. Motion is to authorize the creation of the temporary part-time position of "Contract Administrator" for the North Marina Combined Projects.

Councilmember Thomasson removed Consent Calendar Items #3b and 4.

DIRECTION/ACTION

MOTION was made by Mayor Pro Tem Sherman, seconded by Councilmember Thomasson, passed unanimously, to approve the remainder of the Consent Calendar.

Consent Calendar Item #3b:

Councilmember Thomasson queried PBPW Fredricks about overlaying the pavement on 240th street. He noted that the road and sub grade have failed and overlaying pavement would not work on this particular section of roadway. PBPW Fredricks stated that this project is also repairing and rebuilding that specific portion of the street.

DIRECTION/ACTION

MOTION was made by Councilmember Thomasson, seconded by Councilmember Kaplan, to approve Consent Calendar Item #3b.

Councilmember Kaplan stated the he is the Executive Director of an association that Lakeside Industries is a member of and he recused himself from voting.

VOTE: Passed unanimously.

Consent Calendar Item #4:

Councilmember Thomasson does not favor creating a new position with the current budget constraints. He did concur that this position would need specific skills that current employees may not have and inquired if a qualified applicant is known. Harbormaster Dusenbury acknowledged that he had a candidate and the funding would be by the Marina fund, specifically the CIP.

DIRECTION/ACTION

MOTION was made by Mayor Pro Tem Sherman, seconded by Councilmember White, to authorize the creation of the temporary part-time position of "Contract Administrator" for the North Marina Combined Projects. VOTE: Passed unanimously.

CONTINUED PUBLIC HEARING

Auto Related Uses in PR-C1 Zone – Draft Ordinance No. 09-116 *[ASSIGNED NO. 1467]*

Mayor Sheckler opened the Continued Public Hearing. He introduced Development Services Manager Ruth. Mr. Ruth provided Council with the revised Draft Ordinance No. 09-116 that included the changes Council had directed Staff to make. It was determined that this was a 1st Reading. Development Manager Ruth gave a PowerPoint presentation discussing changes that Staff made to the ordinance under Council's direction.

COMMENTS FROM THE PUBLIC:

Roy Dunn, 22616 Pacific Highway South

Mr. Dunn favored most of the changes to Draft Ordinance No. 09-116 except for the non-allowance of transmission repair. He requested that Council add it into the Ordinance before adopting it.

At 8:35 p.m., Mayor Sheckler closed the Public Hearing.

DIRECTION/ACTION

MOTION was made by Councilmember Kaplan, seconded by Mayor Pro Tem Sherman, and passed unanimously, to suspend Council Rule 26b in order to consider Draft Ordinance No. 09-116 on 1st Reading.

MOTION was made by Councilmember Kaplan, seconded by Councilmember Pina, to adopt Draft Ordinance No. 09-116 amending DMMC 18.31.040 and removing certain use restrictions related to automotive maintenance and repair and related uses in the PR-C-1 zone.

FRIENDLY AMENDMENT was made by Councilmember Thomasson, to change on page 8 b(i) to read, 'The proposed use shall be located within a building constructed on or before October 30, 2009, and said building is or has been previously used for such use.' Accepted by maker and seconder, becoming part of the main motion.

FRIENDLY AMENDMENT was made by Mayor Pro Tem Sherman, to move automotive transmission repair from 16a (i) into 16b. Accepted by maker and seconder, becoming part of the main motion.

VOTE: Passed unanimously.

Mayor Sheckler read Draft Ordinance No. 09-116 into the record.

Mayor Sheckler announced a change in the order of the agenda, placing Old Business #2 before Old Business #1.

OLD BUSINESS

Gateway Project Briefing – Preliminary Design Report and Project Phasing Issues

Special Project Manager Madsen distributed information to Council and briefed them on preliminary design of the Transportation Gateway Project and recommend a phasing strategy in

preparation for a motion to approve supplemental agreements advancing the project into final design. Nelson Davis of KPG contributed information to the discussion.

DIRECTION/ACTION

Direction provided by Council. No action taken.

At 9:18 p.m., Mayor Sheckler announced a 10-minute break. The meeting reconvened at 9:28 p.m.

Parks, Recreation and Senior Services Master Plan Draft Ordinance No. 08-129

Parks and Recreation Director Thorell distributed informational literature to Council. In addition, she gave a PowerPoint presentation providing an overview of the process. Discussion with questions & answers ensued.

DIRECTION/ACTION

MOTION was made by Mayor Pro Tem Sherman, seconded by Councilmember White, to change the level of service from 8.5 acres per 1000 population to 6.5 acres per 1000 population wherever it is mentioned in the Parks and Recreation Master Plan and in the Comprehensive Plan. Passed unanimously.

MOTION was made by Mayor Pro Tem Sherman, seconded by Councilmember Kaplan, to remove acquisition of Saltwater State Park. Passed 5 to 1. Councilmember White opposed.

MOTION was made by Mayor Pro Tem Sherman, seconded by Councilmember Pina, to remove mention of Mt. Rainier Pool as a goal. Passed unanimously.

FRIENDLY MOTION was made by Councilmember Kaplan, to include Aquatics Facility. Accepted by maker and seconder, becoming part of the main motion.

MOTION was made by Councilmember Kaplan, seconded by Mayor Pro Tem Sherman, that outlying goals for Chapter 6 of the Comprehensive Plan when brought back to Council include the proposed changes in 6-01-4 regarding State of Washington Parks within the City of Des Moines along with the proposed changes in: 6-01-06, 6-01-07, 6-01-08, 6-02, 6-03, 6-04, and 6-05 and new sub-section 6-01-09.

FRIENDLY MOTION was made by Councilmember Thomasson, to renumber paragraphs on the Parks and Recreation Draft Ordinance. Accepted by maker and seconder, becoming part of the Main Motion.

VOTE MAIN MOTION: Passed unanimously.

MOTION was made by Mayor Pro Tem Sherman, seconded by Councilmember Kaplan, to include conservancy acres as part of acres per thousand. Passed unanimously.

MOTION was made by Mayor Pro Tem Sherman, seconded by Councilmember Pina, to continue this item to November 5, 2009 meeting. Passed unanimously. Staff was directed to bring new sections of the Parks & Recreation Master Plan to the November 5, 2009 meeting.

2010 General & Street Funds Budget Balancing Strategies

City Manager Piasecki introduced Police Chief Baker. Chief Baker discussed Police Department proposed budget cuts. Finance Director Henderson provided Council with a revised recap with attached Police Department Organization Chart and SCORE revision building permit fees valuation and detail expenditures among other budget information.

DIRECTION/ACTION

MOTION was made by Mayor Pro Tem, seconded by Councilmember Pina, to extend the meeting to 10:45 p.m. Passed 5 to 1, Councilmember White opposed.

MOTION was made by Councilmember Pina, seconded by Mayor Pro Tem Sherman, to remove the following of the proposed cut items of the Police Department (Proposed Cut #3, lay off and un-fund 2 police officer positions and the roll up costs for 2 department employees terminated/frozen, Proposed Cut #4, lay off, freeze and un-fund 3 police officer positions and roll up costs for 3 department employees terminated/frozen and the Emergency Management Coordinator Contract.)

Councilmember Thomasson requested that the City Manager bring back an ending fund balanced budget to Council.

VOTE: Failed 2 to 4, with Mayor Pro Tem Sherman and Councilmember Pina in favor.

MOTION was made by Councilmember Thomasson, seconded by Councilmember Kaplan, to extend the meeting to 11:00 p.m. Passed 5 to 1, Councilmember White opposed.

MOTION was made by Councilmember Thomasson, seconded by Councilmember Kaplan, to use the recalculation method that puts more of the money in the General Fund and less to Levy Lid Lift. **VOTE:** 5 to 1, Mayor Sheckler opposed.

MOTION was made by Councilmember Thomasson, seconded by Councilmember Kaplan, to use the Library District unused money. **VOTE:** Passed 5 to 1, Mayor Sheckler opposed.

MOTION was made by Councilmember Kaplan, seconded by Mayor Sheckler, to direct staff to compose an Ordinance postponing the pay increase for Council for January 1, 2010 through 2012.

FRIENDLY AMENDMENT was made by Councilmember Thomasson to draft an ordinance repealing the increase of the number of meetings the Council is compensated back to 36. Accepted by the maker and seconder becoming part of the Main Motion.

VOTE MAIN MOTION: Passed unanimously.

MOTION was made by Councilmember Kaplan, seconded by Councilmember Pina, to eliminate the Federal and State Lobbyists from the City's budget. Councilmember Pina removed his second from the Motion. Motion failed for lack of a second.

MOTION was made by Councilmember White to adjourn, failed for lack of a second.

Mayor Sheckler noted the need to schedule a Saturday meeting for budgeting.

NEW BUSINESS

Code Enforcement & Property Abatement Ordinance *[Moved to October 29, 2009]*

NEXT MEETING DATE – Regular meeting October 29, 2009.

ADJOURNMENT

At 11:00 p.m., **MOTION** was made by Councilmember White, seconded by Councilmember Thomasson, and passed unanimously, to adjourn.

Respectfully submitted,

Autumn Lingle
Interim City Clerk