

PRELIMINARY
REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES

November 12, 2009

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

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

ROLL CALL - Present: Mayor Bob Sheckler, Mayor Pro Tem Dan Sherman, Councilmembers Dave Kaplan, Ed Pina, Carmen Scott, and Scott Thomasson. Absent: Councilmember Susan White. Also in attendance were City Manager Tony Piasecki, City Attorney Pat Bosmans, Assistant City Attorney Susan Mahoney, Parks and Recreation Director Patrice Thorell, Planning, Building and Public Works Director Grant Fredricks, Planning Manager Denise Lathrop, Assistant Director of Transportation and Engineering Dan Brewer and Interim City Clerk Autumn Lingle.

DIRECTION/ACTION

MOTION was made by Mayor Pro Tem Sherman, seconded by Councilmember Kaplan, passed unanimously, to excuse Councilmember White.

CORRESPONDENCE

City Manager Piasecki noted the City received a letter from the King County Executive regarding the County considering formation of a Transportation Benefit District. He requested direction from Council on how the City should reply. Council directed that a response be sent stating that the City had already formed a TBD and would not be interested in a countywide district.

Mayor Sheckler proposed a moment of silence for Officer Timothy Brenton and the men and women that have sacrificed their lives for their community and country.

BOARD & COMMITTEE REPORTS & COUNCILMEMBER COMMENTS

- Des Moines Historical Society Veterans Day Program
- City of SeaTac Veterans Day Program honoring the role of women in the military
- Public, Safety and Transportation Committee
- Councilmember Kaplan thanked voters for another term
- Annual Suburban Cities meeting

DIRECTION/ACTION

MOTION was made by Councilmember Kaplan, seconded by Councilmember Pina, to nominate Mayor Pro Tem Dan Sherman as the city of Des Moines representative at the Suburban Cities annual meeting. Passed 4 to 1 with Mayor Pro Tem Sherman opposed, he preferred that Councilmember White be the main representative with himself as backup.

ADMINISTRATION REPORTS

City Manager Piasecki stated that King County Councilmember Julia Patterson was seeking input from all the Cities in King County regarding the King County Conservation District and the Flood Control

District Levy. Council consensus was to remain as is. In addition, he noted that he was appointed to the 2010 board of the Suburban Cities Association.

CONSENT CALENDAR was read by Interim City Clerk Lingle.

1. Motion is to approve the special minutes of October 22, 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 # 121390 through #121635 & electronic fund transfers in the total amount of \$1,140,784.34

Payroll fund transfers in the total amount of \$449,449.01

3. Motion is to approve the Supplement #1 with KPG Consulting Engineers, Inc. for engineering work relating to final design, environmental documentation, and right-of-way services in the amount of \$1,428,682.69 bringing the total Contract amount to \$2,098,463.54, authorize the City Manager to approve additional supplements as necessary up to \$145,000 for the entire contract, and further authorize the City Manager or his designee to sign said contract supplement, substantially in the form as submitted.
4. Motion is to authorize the City Manager to sign the professional services contract amendment, substantially in the form submitted, with Leonard D. Madsen to continue professional project management services through December 31, 2010.
5. Motion is to confirm Mayor Sheckler's appointments of M. Luisa Bangs and Shaw Dixon to three-year terms on the Des Moines Arts Commission effective January 1, 2010.
6. Motion is to accept the King County Community Development Block Grant Fund Award in the amount of \$450,000 for the South 216th Street improvements, between Marine View Drive and 11th Avenue South, and further authorize the City Manager to sign the funding contract, substantially in the form as submitted.
7. Motion is to confirm the City Manager's re-appointment of Veronica Alicea-Galvan to the position of Municipal Court Judge for a four-year term beginning January 1, 2010, and expiring December 21, 2013.

DIRECTION/ACTION

Councilmember Thomasson pulled Item #3.

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

Councilmember Thomasson pulled Item #3 because he is concerned that the City does not have the money to support this Item. In response, City Transportation Engineer Brewer referred to Attachment 2 of Item #3 and explained the funding in further detail to Council.

MOTION was made by Councilmember Kaplan, seconded by Councilmember Pina, to approve Supplement #1 with KPG Consulting Engineers, Inc. for engineering work relating to final design, environmental documentation, in the amount of \$1,007,068.75 and contingent upon funding sources, right-of-way services in the amount of \$421,613.94, authorize the City Manager to approve additional supplements as necessary up to \$145,000 for the entire contract, and

further authorize the City Manager or his designee to sign said contract supplement, substantially in the form as submitted.

VOTE: Passed 4 to 1 Councilmember Thomasson opposed. He would not support this unless the 10% was limited to \$50,000.

At 8:03 p.m., Mayor Sheckler announced a 15-minute Executive Session to discuss Labor Negotiations. Meeting reconvened at 8:26 p.m. Mayor Sheckler left the meeting at this time and Mayor Pro Tem Sherman chaired the remainder of the meeting.

CONTINUED PUBLIC HEARING

Mayor Pro Tem Sherman stated that before the Comprehensive Plan could be adopted action needs to be taken on the SEPA Appeal. In addition, a Substitute Ordinance has been drafted for Councils consideration.

Comprehensive Plan Amendments and Resolution of Findings & Conclusion for SEPA Appeal Ordinance No. 09-160 [ASSIGNED #1469]

Planning Manager Lathrop discussed the proposed amendment with Council.

DIRECTION/ACTION

MOTION was made by Councilmember Kaplan, seconded by Councilmember Thomasson, to add Exhibit A2 to the Comprehensive Plan as substitute for the prior Parks Plan. Passed unanimously.

Mayor Pro Tem Sherman closed the Public Hearing.

MOTION was made by Councilmember Thomasson, seconded by Councilmember Kaplan, to move Draft Resolution No. 09-190 adopting the Findings of Fact and Conclusions of Law Denying the City of SeaTac Appeal to the determination of non-significance regarding SEPA File No. LUA09-026. Passed unanimously

MOTION was made by Councilmember Kaplan, seconded by Councilmember Scott, to adopt substitute Draft Ordinance No. 09-160A amending Chapters 2 (Land Use Element), 3 (Transportation Element), 5 (Capital Facilities, Utilities, Public Services Element), 6 (Parks, Recreation, Open Space Element), 10 (Downtown element), and 11 (Pacific Ridge Element) of the Des Moines Comprehensive Plan.

AMENDMENT was made by Councilmember Kaplan, to attach Section 1 as Exhibit A and A2 to reflect the Park Comprehensive Plan changes that were incorporated.

AMENDMENT withdrawn by Councilmember Kaplan as it was deemed unnecessary.

VOTE: Passed 4 to 1. Councilmember Thomasson opposed because Council was asked to adopt a document that they have not had the opportunity to read and discuss.

Mayor Pro Tem Sherman read substitute Ordinance No. 09-160A, an Ordinance of the City of Des Moines, Washington amending DMMC 18.84.010 adding new sections to Chapter 18.84,

adopting 2009 amendments to the City of Des Moines Comprehensive Plan and adopting the preferred Land Use Map designation and codifying new sections to Chapter 18.84 DMMC.

OLD BUSINESS

Years 2010 – 2015 Capital Improvement Plans

City Manager Piasecki noted that all of the CIP had been reviewed by Council at the special meeting that took place on Saturday, November 7, 2009. Council had requested some changes and PBPW Director Fredricks addressed those changes.

DIRECTION/ACTION

No action taken. Council consensus was to discuss this again at the December 3, 2009 meeting.

At 9:10 p.m., Mayor Pro Tem Sherman announced a 10-minute break. Meeting reconvened at 9:21 p.m.

2010 Budget

PBPW Director Fredricks discussed the 2010 budget and how the reduction in force has affected the community development branch of the City. In addition, he noted the cut in Code Enforcement and the impact that will have on the community.

DIRECTION/ACTION

No action taken. Council consensus is more discussion is required regarding the 2010 budget.

NEXT MEETING DATE – November 19, 2009 Regular Meeting

ADJOURNMENT

At 10:27 p.m., **MOTION** was made by Councilmember Pina, seconded by Councilmember Kaplan and passed unanimously, to adjourn.

Respectfully submitted,

Autumn Lingle
Interim City Clerk