

**MINUTES
REGULAR MEETING
DES MOINES CITY COUNCIL
March 10, 2011 - 7:30 p.m.**

CALL TO ORDER - Mayor Sheckler called the meeting to order at 7:30 p.m.

PLEDGE OF ALLEGIANCE – The flag salute was led by Councilmember Thomasson.

ROLL CALL

Present were Mayor Sheckler; Mayor Pro-Tem Kaplan; Councilmembers Scott Thomasson, Dan Sherman, Matt Pina, Melissa Musser and Carmen Scott.

Staff present were City Manager Tony Piasecki; City Attorney Pat Bosmans; Assistant City Manager Lorri Ericson; Parks Recreation and Senior Services Director Patrice Thorell; Assistant Director of Transportation and Engineering Dan Brewer; CIP Project Manager Scott Romano; Senior Services Manager Sue Padden; City Clerk Sandy Paul

CORRESPONDENCE

There was no correspondence to report..

COMMENTS FROM THE PUBLIC:

There was no one who wished to comment.

EXECUTIVE SESSION

The City Council recessed to Executive Session and was called to order by Mayor Sheckler at 7:35 p.m. for the purpose of discussing pending litigation for approximately 30 minutes per RCW 42.30.110 (A). Present were Mayor Sheckler; Mayor Pro-Tem Kaplan; Councilmembers Scott Thomasson, Dan Sherman, Matt Pina, Melissa Musser and Carmen Scott. Also present were City Manager Tony Piasecki; City Attorney Pat Bosmans; Assistant City Manager Lorri Ericson; and outside Counsel, Mike Walter.

At 7:50 p.m. Mr. Walter left the meeting. The Executive Session was adjourned at 7:55 p.m.

The City Council meeting was reconvened at 8:05 p.m.

BOARD & COMMITTEE REPORTS/ COUNCILMEMBER COMMENTS

Councilmember Scott

- Reported on Arts Commission work and their discussion of upcoming 2011 events

Mayor Pro-Tem Kaplan

- Reported PS & T meeting last Thursday regarding REET funds coming in well below expectations
- Mentioned that Vacation of Streets for SCORE project funds may be coming soon
- Attended the Environment Committee
- Stated late notices were sent out for delinquent business licenses
- Attended the Poverty Bay wine festival and called it 'a great event'
- Said the 2010 Census of 29,600 population showed modest growth and a more diverse community than 10 years ago
- Reported State Revenue forecasts were \$2 billion less than previously predicted
- Shared some thoughts about the *Rosie* incident and said that an Ad Hoc Committee of the City Council would review city policies
- Commended Des Moines police officers for all they do
- Remembered the 10th anniversary of the death Des Moines Officer Steven Underwood who was shot in the line of duty

Councilmember Musser reported

- Attended the Highline Healthy Communities/ HEAL Program Meeting
- Reported the Senior Services Advisory Committee met at 2:00 today. Due to work obligations. Mayor Sheckler will take over her assignment to that committee.

Councilmember Pina

- Also attended the Poverty Bay Wine Festival, attended by about 1500 people
- Reported businesses had a 'banner' weekend with people in town for the Wine Festival
- Reported that citizens are delighted that the Twin Bridges are open, but dismayed about its potholes
- Attended SCA PIC meeting
 - Briefing about HEAL Grant in relation to the trail system
 - Briefing about King County Visitor Tax
 - Presentation on Strategic Transit Plan
 - Briefing on Wastewater Treatment Reclamation
 - Asked for council input about issues on the PIC agenda

Councilmember Sherman

- Confirmed the starting time with Councilmember Scott for *Brothers with Different Mothers* concert at 7:00 p.m. on Tuesday April 26, 2011
- Public Health Department notified all restaurants that re-permitting can be done on-line
- City Manager can forward PIC agendas to all Council Members so that opinions and thoughts can be shared with him who will, in turn, share with PIC representatives

Councilmember Thomasson

- The Environment Committee met to discuss groundwater remediation from a gasoline spill years ago in the Public Works yard and repair of a storm drain pipe at Redondo.

PRESIDING OFFICER'S REPORT

- The City Council will meet in a Retreat on March 26, 2011 in City Council Chambers from 9 a.m. to 3 p.m.. The meeting is open to the public and will be recorded. Councilmembers will begin discussion by sharing their views on how they want the Marina/Downtown district to look

ADMINISTRATION REPORTS

- Tenth anniversary of Officer Steven Underwood's death was commemorated this week. CM Piasecki appreciated that Mayor Pro-Tem Kaplan honored Officer Underwood.
- The electronic version of the ordinance being considered at the retreat was emailed to Council today

CONSENT CALENDAR

Item 1: APPROVAL OF MINUTES

Motion is to approve minutes from the City Council meeting of February 24, 2011.

Item 2: APPROVAL OF FINDINGS:

Motion is to approve 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, which have been recorded on a listing and made available to the City Council.

Claim checks \$628,134.65

Payroll fund transfers in the total amount of \$431,801.71

Total certified Wire Transfers, Voids, A/P & Payroll vouchers are \$1,059,936.36

Item 3: eCityGov Alliance Amendment

Motion is to approve the eCityGov Alliance Subscription Agreement Amendment #1 for one year of HSConnect services for the City of Des Moines, and to authorize the City Manager to sign the amendment, substantially in the form as submitted

Item 4: Two year ILA with City of Normandy Park for Senior Services funding

Motion is to approve the Interlocal Agreement between the City of Normandy Park and the City of Des Moines for the provision of Senior Services in Fiscal years 2011 and 2012 ~~whereby Normandy Park will pay Des Moines for Senior Services in an amount equal to Normandy Park's pro-rata share of costs per year for services based on participation levels~~ (line deleted by Council) and to authorize the City Manager to sign the Agreement substantially in the form as submitted.

Item 5. 2011 Joint Human Services Funding Program (MOU)

Motion is to approve Exhibit A for Des Moines 2011 funding as provided in the 2003 MOU for the Joint Human Services Funding Program between the Cities of Auburn, Burien, Covington, Des Moines, Renton, SeaTac, and Tukwila (Attachment 2), substantially in the form as submitted.

Item 6. Des Moines Creek Trail Drainage Improvements and Consultant Supplemental Agreement
Motion 1 is to approve Supplement #2 to the Consultant Agreement with INCA, Inc., for additional Construction Management and Inspection Services on the Des Moines Creek Trail Project in the amount of \$17,051.02, bringing the total amount for these services to \$188,826.23, authorize the City Manager or his designee to sign the Supplemental Agreement substantially in the form as submitted, and further authorize the City Manager to approve additional Supplements to the Agreement as may be necessary up to a maximum amount of \$2,500.00.

Motion 2 is to approve an additional \$30,000.00 contingency for the Des Moines Creek Trail Construction contract, bringing the total contingency to a total of \$203,442.78, and a maximum authorized contract amount to \$937,870.

Item 7. Draft Resolution 11-027 Appointing Acceptance Agents for Claims for Damages
Motion is to adopt Draft Resolution No. 11-027 appointing a new Acceptance Agent for Claims for Damages filed against the City pursuant to RCW chapter 4.96.

Item 8. Supplements for Construction Management/Inspection/Construction Engineering Services for the North Twin Bridge Improvement Project

Motion 1 is to approve Supplement 2 to the Consultant Agreement with kpff, Inc. for additional Construction Engineering Services on the North Twin Bridge Improvement Project in the amount of \$61,366.00; bringing the total amount for these services to \$298,063.00, authorize the City Manager or his designee to sign the Supplemental Agreement substantially in the form as submitted, and authorize the City Manager to approve additional Supplements to the Agreement as necessary up to an amount of \$15,000.

Motion 2 is to approve Supplement 2 to the Consultant Agreement with Exeltech, Inc. for additional Construction Management and Inspection Services on the North Twin Bridge Improvement Project in the amount of \$52,740.88, bringing the total amount for these services to \$548,229.40, authorize the City Manager or his designee to sign the Supplemental Agreement substantially in the form as submitted, and authorize the City Manager to approve additional Supplements to the Agreement as necessary up to an amount of \$15,000.00.

Item 9. City Council Ad-Hoc Committee to Review Animal Control Policies
Motion is to create a City Council Ad hoc Committee to review animal control policies, procedures, equipment and training in the Des Moines Police Department and will report back to the City Council in July after completion of work by June 30, 2011.

ACTION/DIRECTION

Councilmember Sherman pulled Item 8.

Councilmember Thomasson had comments on Items 4, 7 and 9. He questioned the wording of the motion for Consent Item 4, which seemed to paraphrase the agreement. The 'whereby' phrase was removed. Councilmember Thomasson commented further that the City should develop some sort of 'tickler' system whereby assignment of specific duties should not be forgotten as employees come and go. Thomasson also requested a start and an end date for the Ad-Hoc Committee to review Animal Control Policies, Consent Item 9. (June 30, 2011 was the intended end date and was added to the motion.)

Councilmember Thomasson moved approval of the Consent Agenda, except Item 8, with amendments to Items 4 and 9; Councilmember Pina, second. The vote to approve the motion was unanimous.

Mayor Sheckler, Mayor Pro-Tem Kaplan and Councilmember Musser were selected to serve on the Ad Hoc Committee to Review Animal Control Policies and to report back to City Council soon after their work is completed by June 30, 2011.

Councilmember Sherman requested a discussion of cost overruns on the North Twin Bridge Improvement Project, most of which are being created by a subcontractor which has proven to be less efficient that would be desirable. Councilmember Sherman wanted to be sure this problem did not occur for other jurisdictions in the future.

Councilmember Sherman moved approval of Consent Item 8. Mayor Pro-Tem Kaplan, second. The motion was approved by unanimous vote.

CITY COUNCIL BREAK

The City Council meeting was recessed for a 10-minute break at 9:00 p.m. The meeting was reconvened at 9:10

OLD BUSINESS

1. City-Wide Energy Savings & Utility Improvements – Grant Funding
Assistant Director of Transportation and Engineering Dan Brewer provided staff presentation on a combination of several projects that have several different sources of grant funding.

ACTION/DIRECTION

Mayor Pro-Tem Kaplan moved to approve the Department of Commerce ARRA/EECBG Funding Agreement in the amount of \$135,000, and further authorize the City Manager to sign the Agreement substantially in the form as submitted. Councilmember Sherman, second.

A typographical error was found on Page 185 referring to *Goldendale* Energy Savings, which should say *Des Moines* Energy Savings.

Following discussion, the vote to approve the motion was unanimous.

Mayor Pro-Tem Kaplan moved to formally decline the award of King County CDBG Funds for Activity Center lighting in the amount of \$70,000, and further authorized the City Manager or his designee to formally convey this decision to the granting agency. Councilmember Sherman, second. The vote to approve the motion was unanimous.

Councilmembers commented on the number of requirements that are attached to CDBG funds now and how those requirements have increased over the years. A request was made of staff to prepare a letter for the Mayor's signature to the City's elected Congressional representatives discussing how cities like Des Moines might find it onerous to submit to rules that directly conflict with the current uses of public facilities when considering to accept federal funding to augment local funding to make public projects possible.

NEW BUSINESS

1. Field House Park Projects
Staff presentation was provided by Director of Parks Recreation and Senior Services Patrice Thorell to request redirection of funds in the amount of \$35,000 from Fund 506 (Facility Replacement Funds) to provide sufficient Des Moines Field House Renovation Project funds to proceed with the project.

ACTION/DIRECTION

Councilmember Sherman moved to authorize staff to redirect funds in the amount of \$35,000 from Fund 506 to augment \$74,383 of approved funds for the 2011 Field House Restroom Renovation Project thereby increasing the project fund total to \$109,383. Councilmember Musser, second. The motion was approved unanimously.

Councilmember Sherman moved to authorize award of the contract for construction services for the Des Moines field House Restroom Renovation Project to Design Air, Ltd. In the amount of \$77,700 which includes \$73,900 total base bid amount, and \$2,800 for Alternate #2, and to authorize the City Manager to sign said contract substantially in the form as submitted and further to authorize the City Manager to sign change orders for unforeseen conditions in an amount up to \$7,700 for a total construction budget of up to \$85,400. Councilmember Pina, second. The vote on the motion was unanimously in favor of approval.

NEXT MEETING DATE – The next meeting will be held on March 24, 2011 at 7:30 p.m.

ADJOURNMENT

Mayor Pro-Tem Kaplan moved to adjourn; Councilmember Pina, second; the motion was approved unanimously. The meeting was adjourned at 9:40 p.m.

Respectfully submitted,
Sandy Paul CMC

City Clerk