

MINUTES

REGULAR MEETING DES MOINES CITY COUNCIL

September 8, 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 Pina.

ROLL CALL

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

Councilmember Carmen Scott was absent. Mayor Pro-Tem Kaplan moved to excuse Councilmember Scott; Councilmember Pina, second; all the votes were ayes.

Staff present were Assistant City Manager Lorri Ericson; City Attorney Pat Bosmans; Assistant City Attorney Tim George; Planning Building and Public Works Director Grant Fredricks; Interim Police Chief John O'Leary; Finance Director Paula Henderson; Finance Operations Manager Cecilia Pollock; Development Services Manager Robert Ruth; Senior Planner Jason Sullivan; Associate Transportation Engineer Brandon Carver; Land Use Planner Laura Techico; CIP Project Manager Scott Romano; City Clerk Sandy Paul

Comments From the Public:

Marcie Pina is Councilmember Pina's sister and lives at 8214 SR#162E, Puyallup. She announced Councilmember Pina's 50th birthday.

BOARD & COMMITTEE REPORTS/ COUNCILMEMBER COMMENTS

Mayor Pro-Tem Kaplan

- The Public Safety and Transportation Committee (PS&T) reviewed the Matrix assessment of the Police Department. A report will be presented soon to the City Council.

Councilmember Pina

- Announced the Blues and Brews Festival would take place Saturday, September 10.

PRESIDING OFFICER'S REPORT

- The SCORE Facility held its Grand Opening. There are several hundred inmates currently housed there from Auburn.
- Will attend the Federal Way remembrance on Sunday of the September 11, 2001 terrorist tragedy

ADMINISTRATION REPORTS

- Cleanscapes, Inc., staff presented an update and transition plan for the transfer of solid waste collection by Allied Waste to Cleanscapes. The new contract will take effect on November 1.

CONSENT CALENDAR ITEMS

Item 1: 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 are \$ 1,338,937.77

Payroll fund transfers total \$467,974.21

Total certified Wire Transfers, Voids, A/P & Payroll vouchers are \$1,806,911.98

Item 2. BEACH PARK SLIDE REPAIR: AWARD OF CONSTRUCTION CONTRACT

Motion is to approve the award of the construction contract for the Des Moines Beach Park Slide Repair to Northwest Cascade, Inc. in the amount of \$225,975.70, which includes the applicable Washington State Sales Tax, and to authorize the City Manager or his designee to sign the Public Works Contract substantially in the form as submitted; and to further authorize a contingency for the project of up to \$25,000.00 to cover unforeseen conditions; and to authorize the City Manager or his designee to approve change orders as determined necessary by the Director up to this contingency amount.

Item 3. SURPLUS PROPERTY – REDONDO PARKING LOT PAY STATION

Motion is to authorize staff to surplus one, (1), Digital Pioneer Technologies pay station, serial number 000004141025 and supporting hardware in the manner most beneficial to the City

Item 4. ACQUISITION: SINGH – TAX PARCEL #0922049341 – PROJECT PARCEL #9

Motion is to authorize the purchase of 430 square feet of land from Mohinder Singh and Surjit Nijjar in the amount of \$1,844.70; a 16 square foot Utility Easement in the amount of \$61.78; and compensation for improvements of \$450 for a grand total of \$2,356.00 (rounded to the nearest dollar), plus closing costs; and further to authorize the City Manager to sign the Statutory Warranty Deed, Utility Easement, Construction Easement and Right of Entry and Real Voucher Property Agreement substantially in the form as submitted and accept the right of way on behalf of the City of Des Moines.

Item 5. ACQUISITION: GILL – TAX PARCEL #0922049399 – PROJECT PARCEL #53

Motion is to authorize the purchase of 299 square feet of land from Balbinder S. Gill in the amount of \$4,090.32 as well as an administrative settlement landscaping and gravel driveway improvements in the amount of \$250.00 (rounded to the nearest dollar) plus closing costs, making a grand total of \$4,340, and further to authorize the City Manager to sign the Statutory Warranty Deed, Construction Easement and Right of Entry, and Real Voucher Property Agreement substantially in the form as submitted and accept the right of way on behalf of the City of Des Moines.

Item 6. CONSULTANT AGREEMENT/SUPPLEMENT (KPG) - S. 216TH STREET – SEGMENT 4 (MVD – 11TH)

Motion is to approve the Task Order Assignment with KPG, Inc. for Supplemental Construction and Right of Way Services on the South 216th Street Improvement Project in the amount of \$35,857.56, bringing the total amount for KPG's Construction Services to \$395,847.56, and authorize the City Manager or his designee to sign said Task Order Assignment, substantially in the form as submitted.

Item 7. RECOGNITION OF DAY OF CONCERN FOR THE HUNGRY SEPTEMBER 24, 2011

Motion is to acknowledge and support the Day of Concern for the Hungry on Saturday, September 24, 2011, and strongly urge all citizens to join the Emergency Feeding Program of Seattle and King County and our local food banks to nourish those who are hungry by taking a few minutes on September 24th to shop for their neighbors and donate food at volunteer-staffed stores throughout King County.

ACTION/DIRECTION

Following confirmation of Vouchers totals, Councilmember Thomasson moved to adopt the Consent Agenda as corrected ; Mayor Pro-Tem Kaplan, second. The motion passed 6-0.

PUBLIC HEARING

National Flood Insurance Program Compliance Ordinance

Mayor Sheckler opened the public hearing at 7:50 p.m.

Development Services Manager Robert Ruth spoke about the National Flood Insurance Program. It was clarified that Des Moines does have flood plain areas. A formal notification must be provided by September 22, 2011. Changes to the Endangered Species Act (ESA) compliance will be made to floodplain areas only at this time. Staff recommends Option #3 to conserve scarce resources.

Mayor Sheckler asked that those wishing to speak please do so at this time. Mayor Sheckler called three times for anyone those wishing to speak. No one had signed up and no one came forward.

The Mayor asked the City Council to share its comments. Councilmembers requested to receive scanned maps via email so they can better see the issue being discussed.

Mayor Sheckler closed the Public Hearing at 8:30 p.m.

ACTION/DIRECTION

Mayor Pro-Tem Kaplan moved to pass Draft Ordinance No. 11-179 to a second reading on October 27, 2011; second by Councilmember Sherman. The motion was approved 6-0.

Councilmember Thomasson moved to direct staff to prepare an alternative ordinance for Council consideration that uses FEMA model ordinance language or a similar local ordinance deemed by FEMA to be substantially compliant with its model ordinance and/or Section 10 requirements of the ESA and Section 4(d) practices for protection of threatened species; second by Councilmember Sherman. The motion was approved 6-0.

NEW BUSINESS

1. Draft Ordinance No. 11-135 Repeal of Chapter 1.20 DMMC, *Public Records* to Adopt an Updated Public Records Policy Draft Resolution No. 11-150 adopting the City's Public Records Policy and indexing and records management policy; and designating an Acceptance Agent for Public Record Requests pursuant to chapter 42.56 RCW

City Attorney Pat Bosmans made a presentation about the public records act. The ordinance would delete the old policy; the resolution would adopt a new policy.

ACTION/DIRECTION

Mayor Pro-Tem Kaplan moved to continue Draft Ordinance No. 11-135 repealing chapter 1.20 DMMC, Public Records, to 2nd reading at a date to be determined; Councilmember Sherman, second. The motion passed 6-0.

Mayor Pro-Tem Kaplan moved to reschedule Draft Resolution No. 11-150, establishing the City's Public Records Policy to include indexing and a records management policy, and designating the City Clerk as the Acceptance Agent for Public Records Requests, to a date to be determined; Councilmember Sherman, second. The motion passed 6-0. The Council would like a provision added that sets goals to adopt certain parameters by a date certain.

BREAK - Mayor Sheckler called for a break in the Council meeting at 9:00 p.m. The meeting reconvened at 9:10 p.m. Mayor Pro-Tem Kaplan served as chair for the remainder of the meeting.

2. Preliminary Overview of General & Street Funds 2012 Budget

Finance Director Paula Henderson opened 2012 budget discussions with a presentation about federal, state and local economic trends with low or slow growth, a weak job market, and little or no growth in housing. Continued low interest rates impact the City's Local Government Investment Pool (LGIP). Reduction in property values will impact the Levy lid lift, due to lower evaluations. SCORE will bring in some additional sales and utility tax. Budget increases are 3.8% above 2011; projected revenues increase by 1.2%.

ACTION/DIRECTION

This presentation was for information only and no action was taken at this time.

3. Budget Amendment Ordinance First Reading

Finance Director Paula Henderson talked about the necessary corrections and adjustments to the 2011 budget. Two apartment complexes were sold in August positively affecting city Real Estate Excise Tax (REET) revenues.

ACTION/DIRECTION

Councilmember Musser moved to pass to a second reading for enactment on the September 22 consent calendar Draft Ordinance No. 11-139, relating to municipal finance, amending the 2011 budget adopted in Ordinance No. 1501; second by Councilmember Pina. The motion passed 5-0.

NEXT MEETING DATE – September 22, 2011 City Council Regular Meeting

ADJOURNMENT

There being no further business to come before the City Council, Mayor Pro-Tem Kaplan adjourned the meeting at 9:45 p.m.

Respectfully submitted,

Sandy Paul CMC
City Clerk