

**MINUTES
REGULAR MEETING
DES MOINES CITY COUNCIL
December 1, 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 let by Councilmember Scott.

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; 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; Harbormaster Joe Dusenbury; Parks Recreation and Senior Services Director Patrice Thorell; Planning Manager Denise Lathrop; Senior Planner Jason Sullivan; Policy Analyst Sue Anderson; City Clerk Sandy Paul

COMMENTS FROM THE PUBLIC

Kim Konopaski, 22072 7th Avenue South, thanked the City for help she received getting her business, *Suhka*, up and running. She mentioned Dave Steen, Barbara Wagner, Rex Christianson, and Marion Yoshino, among others, as going above and beyond helping her with details. She is holding an Open House on December 14, 2011, from 6:00-9:00 p.m.

David Wilson, 1232 South 235th place, asked about a potential rezone west of Des Moines Memorial Drive, north of 200th Street. City Manager Piasecki referred to Comprehensive Plan changes that would be discussed later at this meeting. He was invited to say to hear the proceedings.

BOARD & COMMITTEE REPORTS/ COUNCILMEMBER COMMENTS

Councilmember Scott

- Christmas lights are on at the Marina
- Tree lighting at Big Catch Plaza December 2, at 6:00 p.m.
- Saturday, the decorated boat parade will take place
- Wednesday, December 7, Wild Birds Unlimited will sponsor a bird walk. There is no fee but registration is required at Wild Birds Unlimited
- The Argosy Christmas ships are in Des Moines at 7:00 p.m. on December 8 and 15

Mayor Pro-Tem Kaplan

- Reported that School Zone Speed Cameras went *live* today and tickets for speeding will be issued beginning today
- Public defenders standards have changed. Those changes may dictate the hiring of more public defenders. He asked for support in a letter opposing those changes.
- A meeting will be held at the Activities Center December 6 at 6:30 p.m. regarding the downwind Asarco Smelter clean up
- Sound Transit will meet at Highline Community College regarding transportation projects in this area and in conjunction with the Envision Midway project

Councilmember Musser

- The Aging Your Way Forum at the Senior Center was one of the best attended events in the community. One suggestion out of that meeting: safer sidewalks and cross walks in the downtown area

- Thursday mornings organized safe walks to schools take place.
- Some dedicated Sonju Garden volunteers were on the cover of the *Journal of Agriculture and Community Development*

PRESIDING OFFICER'S REPORT

Mayor Sheckler read a letter from King County Elections regarding the machine recount of the vote between candidates Sheckler and King. The recount will begin December 2 at 9 a.m. The public may attend and watch. Results will be published at the end of the day.

ADMINISTRATION REPORTS

Next week, budget amendments will be presented. The Marina exceeded its fuel appropriation and an adjustment is required. The Fieldhouse project exceeded its scope and city staff and equipment were used on the project. The ordinance will need to be heard twice, 5 days apart, according to state law, once tonight and again on December 13 at 6:30 (date and time reached by Council consensus).

CONSENT CALENDAR ITEMS

Item 1. APPROVAL OF MINUTES

Motion is to approve the meeting minutes of November 10, 2011.

Item 2. Consultant Contract –Special Transportation Project Manager

Motion is to authorize the City Manager to sign the contract amendment, substantially in the form submitted, with Leonard D. Madsen to continue professional special project management services for the Transportation Gateway Project through December 31, 2012 at a value not to exceed \$66,000."

Item 3. Transportation Gateway Project: S. 216th Street Right of Way Acquisition: Gabino Mendez, Jr. and Gabino and Angelina Mendez – Tax Parcel 092204-922 and Project Parcel #10

Motion is to purchase 430 square feet of land from Gabino Mendez, Jr. and Gabino and Angelina Mendez in the amount of \$1,844.70, a 235 square foot Slope Easement in the amount of \$252.04, and compensation for improvements of \$250 for a grand total of \$2,347. (*rounded to nearest dollar*), plus closing costs, and further to authorize the City Manager to sign the Statutory Warranty Deed, Slope Easement, Construction Easement & 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 4. Contract for Public Defender/Video Court

Motion is to approve the contract with Julie Codd and Tracy Greenwood to provide public defender attorney services for qualifying individuals in an amount not to exceed \$110,000 per year and to authorize the City Manager to sign the agreement substantially in the form as submitted

Item 5. Contract Supplement Transportation Gateway Project - KPG

Motion is to authorize the City Manager to sign the no-cost contract supplement substantially in the form as submitted, with KPG to continue to finalize design, specifications and right-of-way support for the Transportation Gateway Project through December 31, 2012.

Item 6. 2011 Assignment of Intergovernmental Agreement Amendment Number 1

First Motion is to approve the Finance Director to sign the 2010 State of Washington Intergovernmental Cooperative Purchasing Agreement for Public Agencies substantially in the form as submitted.

Second Motion is to authorize the City Manager to sign the 2011 Assignment of Intergovernmental Agreement Amendment Number 1 assigning the Interlocal Agreement to the Washington State Department of Enterprise Services and extending the term through December 21, 2012.

Item 7. Agreement by and between the City of Des Moines Washington and Des Moines Police Guild January 1, 2012 – December 31, 2014

Motion is to approve the Agreement by and between the City of Des Moines Washington and Des Moines Police Guild January 1, 2012 – December 31, 2014, and authorize the city manager to sign the agreement substantially in the form as submitted.

ACTION/DIRECTION

Councilmember Sherman noted that his affirmative vote would not include Item 7. He has routinely excluded himself from Police Contract negotiations.

Mayor Pro-Tem Kaplan moved to adopt the Consent Agenda; Councilmember Pina, second. The motion passed 7-0.

NEW BUSINESS

1. Briefing on Marina Development Process

Harbormaster Joe Dusenbury spoke about the pre-development strategy for the Des Moines Marina and Beach Park, which is divided into a series of six tasks. He then introduced Heber Kennedy who talked about revitalizing the city waterfront to attract citizens and tourists for economic renewal of an underused facility and enrich the surrounding area. He recommended a plan not to exceed 6 months which includes a volunteer Advisory Committee of 13 citizens, from four community pools.

ACTION/DIRECTION

Motion 1: Councilmember Sherman moved to direct staff to continue working on the Marina and Beach Park Business and Development Plan as set forth in this presentation; Councilmember Scott, second. The motion passed 7-0.

Motion 2: Councilmember Sherman moved to approve the plan to create a 'Marina and Beach Park Development Stakeholders Committee' composed of 13 people that meet the requirements set forth by the Council, with seven of the members nominated by Council Members and with all 13 members approved by Council action at a meeting in early 2012; Councilmember Scott, second. The motion passed 7-0.

CONTINUED PUBLIC HEARING

Mayor Sheckler reopened the Public Hearing at 8:20 p.m..

1. Continued Public Hearing on the Comp Plan Amendments

Planning Manager Denise Lathrop discussed answers to questions raised by the City Council on the Comprehensive Plan update at the Public Hearing on October 27, 2011.

Mayor Sheckler closed the public hearing at 8:35 p.m.

ACTION/DIRECTION

Mayor Pro-Tem Kaplan moved to suspend Council Rule 26(a) in order to adopt Ordinance No. 11-121 on first reading; Councilmember Musser, second. The motion passed 7-0.

Mayor Pro-Tem Kaplan moved to adopt substitute Draft Ordinance No. 11-121 dated November 28, 2011, amending the 2009 Des Moines Comprehensive Plan; Councilmember Pina, second.

Discussion followed.

Councilmember Musser offered a friendly amendment to keep Lots #75-80, 87 and 88 residential; the amendment was accepted by the maker and seconder of the motion.

Councilmember Sherman moved to further amend the motion in order to remove all language entirely that refers to the HEAL Grant; second by Mayor Pro-Tem Kaplan for discussion. The motion passed 4-3. Mayor Sheckler and Councilmembers Musser and Pina voted *no*.

Councilmember Sherman moved to delete text in the Comprehensive Plan (section 7.03.12) that would locate low income housing in a specific place; Councilmember Thomasson, second. The motion passed 4-3, Mayor Sheckler and Councilmembers Musser and Pina voted *no*.

Councilmember Thomasson made a motion that the map be corrected to show vacated land in right of ways; Mayor Pro-Tem Kaplan, second. The motion passed unanimously.

The vote on the main motion as amended was 7-0 and the motion was approved unanimously.

Mayor Sheckler read the amended ordinance.

BREAK

The City Council took a ten minute break at 9:00 p.m. The meeting resumed at 9:10 p.m.

OLD BUSINESS

1. Adopt 2012 Budget

Finance Director Paula Henderson highlighted the updated revisions to the budget recap.

ACTION/DIRECTION

Councilmember Pina moved to enact Draft Ordinance No. 11-222 adopting the final budget for the City of Des Moines, Washington, for the fiscal year ending December 31, 2012. The motion was seconded by Mayor Sheckler. The motion passed, 4-3, Mayor Pro-Tem Kaplan and Councilmembers Tomlinson and Sherman voting *no* following their comments that the budget process requires changes in 2012.

Mayor Sheckler read the ordinance in entirety.

2. DNR Aquatic Lands Lease

Harbormaster Joe Dusenbury presented information about new lease requirements with the Department of Natural Resources for the Marina aquatic lands.

ACTION/DIRECTION

Councilmember Thomasson moved to direct staff to continue to explore property issues related to Tract B and bring a recommendation to the City Council to be scheduled for a meeting in January 2012; second by Councilmember Pina. The motion passed 7-0.

NEXT MEETING DATE – December 8, 2011 City Council Regular Meeting

ADJOURNMENT

There being no further business to come before the City Council, Councilmember Sherman moved to adjourn; Councilmember Musser, second. The motion passed 7-0. The meeting was adjourned at 10:10 p.m.

Respectfully submitted,

Sandy Paul CMC
City Clerk