

MINUTES
REGULAR MEETING DES MOINES CITY COUNCIL
February 11, 2010 - 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 Sheckler; Mayor Pro-Tem Dave Kaplan; Councilmembers Matt Pina, Dan Sherman, Carmen Scott, Scott Thomasson, Melissa Musser. Staff present were City Manager Tony Piasecki, Assistant City Manager Lorri Ericson, City Attorney Pat Bosmans; Assistant City Attorney Susan Mahoney; Planning Building and Public Works Director Grant Fredricks; Planning Manager Denise Lathrop; Interim Economic Development Director Marion Yoshino; Development Services Manager Robert Ruth; Land Use Planner Laura Techico; Assistant Director of Transportation and Engineering Dan Brewer; Land Use Planner Jason Sullivan; CIP Project Manager Scott Romano; Harbormaster Joe Dusenbury; City Clerk Sandy Paul

CORRESPONDENCE

There was no correspondence.

COMMENTS FROM THE PUBLIC:

Gary McNeil, 16256 13th Street SW, Burien, spoke in support of Relay for Life June 12 and 13, 2010, at Highline Stadium.

Rose Clark, 16856 Des Moines Memorial Drive, Deputy Mayor of Burien, challenged Des Moines and all neighboring cities to participate in Relay for Life and to serve as team captains for the Relay for Life.

Marie Rosenberg, 22222 Dock Avenue South, Des Moines, spoke about traffic on Dock Street, the marina construction and the vibrations of construction machinery causing settling and cracks in her walls.

BOARD & COMMITTEE REPORTS/ COUNCILMEMBER COMMENTS

Councilmember Scott reported on the Washington State Committee on Tourism meeting on February 5 which was very informative. She stated that the entire Washington state tourism budget was \$6,000,000, and called it small in comparison to other states. Tourism is the 4th largest economic driver in the state of Washington.

She reported that a Tourism meeting was held at the new tourism office near the Sounder Station in SeaTac on February 10.

She stated that as Council liaison to the Arts Commission, she accompanied the Commission to Olympia and met with representatives Kaiser and Upthegrove.

She also wanted to know how many people cared about a Waterland Parade, because with streets under construction this summer this year, holding the parade may not be a good choice.

Councilmember Kaplan had no report.

Councilmember Musser reported the many regional successes of the athletes at Mt. Rainier High School.

Councilmember Pina mentioned that he had received several comments from constituents about the levy lid lift that was approved to fund the police department. He called for a discussion about the levy lid lift to be scheduled on a future agenda.

Councilmember Thomasson reported that the Des Moines Transportation Benefit District (TBD), of which all Council members are members, had met earlier in the evening. Scott Thomasson was elected Chair and Matt Pina was elected Vice-Chair. A budget was adopted. The TBD collects a \$20 fee on all auto license renewals.

PRESIDING OFFICER'S REPORT

Mayor Sheckler commented that many citizens want a Waterland Festival to take place in 2010. This year, however, may not be a good year to hold the event due to pending road construction projects, marina construction and the state of the economy. The City also learned that the Sea Fair Pirates would not be available this year. Therefore, an extra year to plan next year's Waterland Festival would be a benefit.

The Mayor placed "discussion of the levy lid lift" on a future agenda.

Mayor Sheckler reported having lunch with investors from Hong Kong and Russia. Their investing interests centered on larger tracts, large business, the entire downtown, a marina. Mayor Sheckler was invited to go to Russia.

On any future trip made by the Mayor, he will reserve Carmen Scott's photos to present as gifts until the very end of his visit. Carmen's photos, which were taken along on the Mayor's trip to China, were more popular than the smoked salmon he presented as gifts to Chinese officials.

Councilmember Musser was commended by the Mayor for having so tactfully responded to public concern about recent meth labs discovered in the City. She also thanked the police for helping to defuse the situation.

ADMINISTRATION REPORTS

City Manager Tony Piasecki explained that the minutes presented in the agenda packets for approval reflected exactly what had been advertised prior to past meetings. Consent Agenda Item #3 would be pulled from the vote.

Joe Dusenbury, Harbormaster, was called to speak about the Marina Construction Projects. He introduced [Casey Dougherty, Project Superintendent](#). Both would be available to answer questions. Discussion followed concerning the Marina Construction Project including public comment from Marie Rosenberg, who wanted to know where the vibration and sound monitors were located, and Stan Wilkes of Classic Yachts, who disagreed that the vibration was slight.

Lines of communication were being kept open via an email tree and the blog at Desmoinesmarina@blogspot.com.

CONSENT CALENDAR

The Consent calendar was read by the City Clerk.

Item 1: APPROVAL OF MINUTES

Motion is to approve Regular Meeting Minutes of December 3, 10, and 21, 2009 and January 7, 14 and 28, 2010; minutes of special meetings of December 3, 10, and 21, 2009.

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, have been recorded on a listing, which has been made available to the City Council.

Claim checks total \$1,314,581.29

Payroll fund transfers in the total amount of \$456,951.55

Total expenditures for February 11, 2010 are \$1,771,532.84

Item 3: Increase of \$30,000.00 in the contingency fund set aside for the agreement with Moffatt & Nichol Engineers was pulled from the agenda.

Item 4: 2010-2011 CPG GRANTS & PROFESSIONAL SERVICES CONTRACT FOR THE 2010-2011 RECYCLING PROGRAM

Motion a: The motion is to authorize the City Manager to sign the 2010-2011 CPG Grant No. G1000430 between the City of Des Moines and the Washington State Department of Ecology; the 2010 LHWMP contract amendment for Grant No. D37969D between the City and the Seattle-King County Department of Public Health; and the 2010-2011 King County Solid Waste Division WR/R Grant No. D39894D

Motion 4b: The motion is to authorize the City Manager to sign the Professional Services Contract for the 2010-2011 Recycling Program between the City of Des Moines and Olympic Environmental Resources substantially in the form as submitted.

Item 5: SURPLUS OF EXCESS CITY PROPERTY

Motion 5: The motion is to approve the surplus of three vehicles listed as a:

- 1997 Ford Taurus VIN # 1FALP52U4VA209240
- 1997 Ford Taurus VIN # 1FALP52U6VA209238
- 1993 Ford F150 Pick Up VIN # 1FTDF14PLA06980

Item 6: NORTH TWIN BRIDGE: PURCHASE OF ACCESS AND UTILITY EASEMENT

Motion 6: The motion is to purchase a permanent access and utility easement from Colene Baker in the amount of \$3,500.00, plus closing costs, and further to authorized the City Manager to sign the Easement substantially in the form as submitted and accept the Easement on behalf of the City of Des Moines.

Councilmember Pina pulled Consent Agenda Item #1.

MOTION made by Councilmember Sherman, second by Mayor Pro Tem Kaplan to approve the remaining Consent Agenda items. VOTE ON MOTION: The vote was unanimously ayes.

MOTION was made by Councilmember Thomasson to approve the minutes and special meeting minutes of December 3, 10, and 21, 2009; Mayor Pro Tem Kaplan, second. VOTE ON MOTION: The Vote was 5-2 in favor, with Councilmembers Musser and Pina abstaining.

MOTION was made by Councilmember Thomasson to approve the minutes and special meeting minutes of January 7, 14, and 28, 2010; Mayor Pro Tem Kaplan, second. VOTE ON MOTION: The Vote was unanimously in favor of approval.

OLD BUSINESS

Transportation Gateway Project Supplement: SR 509 Right-of-Way Acquisition for Drainage, wetland Mitigation and other Transportation Related Purposes

The purpose of this item was to approve Supplement #2 with KPG Consulting Engineers, Inc. to assist the City in acquiring portions of the undeveloped SR 509 right-of-way for transportation related purposes, and for the design of drainage and wetland mitigation improvements along South 216th Street referred to as part of the Transportation Gateway Project.

MOTION/DIRECTION

Mayor Pro Tem Kaplan moved to approve Supplement #2 with KPG Consulting Engineers, Inc. for engineering work relating to securing portions of the SR 509 right-of-way south of South 216th Street for transportation purposes, and for the design of surface stormwater retention and wetland improvements necessary for the Transportation Gateway Project as well as for the future extension of 16th Avenue South, South 218th Street, and the Barnes Creek Trail extension in the amount of \$2,168,917.73, and further authorized the City Manager or his designee to sign said contract supplement, substantially in the form as submitted and proceed with this work; Councilmember Scott, second.

Councilmember Thomasson offered a friendly amendment to delete task #5 from the Supplemental Agreement, which was accepted by the motion's makers.

VOTE ON MOTION: The vote was unanimously ayes in favor of approval of the motion, as amended.

BREAK – Mayor Sheckler called for a 10 minute break at 8:55 p.m. The Council meeting was reconvened at 9:10 p.m.

NEW BUSINESS

Small Works Roster Ordinance 09-120 and Resolution 10-012, Small Works Roster and City Manager Settlement Authority

The purpose of this item was to 1) update DMMC 3.36, Small Works Roster, raising City limits from \$200,000 to the \$300,000 limit authorized by RCW 39.04.155 by approving Draft Ordinance 09-120, 2) to increase the City's small works roster contracting procedures to accommodate this increase, and 3) to provide new authority for the City Manager to enter into and execute on behalf of the City without individual approval by the City Council settlement agreements for risk-management claims or suits with a value of up to \$20,000. The measure updates City policies and Code to comply with new limits provided by state statute.

MOTION/DIRECTION

Mayor Pro-Tem Dave Kaplan moved to suspend City Council Rule 26b to consider Draft Ordinance No. 09-120 on first reading. Councilmember Scott, second. **VOTE ON MOTION:** All the votes were ayes.

MOTION/DIRECTION

Mayor Pro-Tem Kaplan moved to adopt Draft Ordinance No. 09-120 raising the small works roster limits of DMMC 3.36 from \$200,000 to \$300,000. Councilmember Pina, second. **VOTE ON MOTION:** All the votes were ayes.

MOTION/DIRECTION

Mayor Pro-Tem Kaplan moved to approve Draft Resolution 10-012 revising policies governing City Council participation in public contracts, establishing a policy for City Manager settlement authority for risk management claims or suits involving a cost or fee of \$20,000 or less, and

rescinding Resolution No. 1070. *WHEREAS* #3, #4, and #5 as well as Section #2 of Draft Resolution No. 10-012 would be removed. Councilmember Musser, second. VOTE ON MOTION: The motion was passed as amended. All the votes were ayes.

Federal Government Earmark Request

The purpose of this agenda item was to request the City Council to select one or more federal appropriation requests to submit to our Congressional Delegation for Fiscal Year 2011 and to decide which member(s) of the council would travel to Washington, D. C., to meet with our Delegation to discuss these requests.

MOTION/DIRECTION

Councilmember Sherman moved, Mayor Pro-Tem Kaplan second, to direct staff to prepare for submission to our Congressional Delegation a federal appropriation for Fiscal Year 2011 for transportation improvements related to the Des Moines Creek Business Park. VOTE ON MOTION: The votes were unanimously all ayes.

MOTION/DIRECTION

Councilmember Pina moved to authorize payment of travel expenses of approximately \$1,500 each for up to two Councilmembers or one Councilmember and the City Manager to meet with Washington State's Congressional delegation in Washington, D.C., in March 2010 for the purpose of requesting funds. VOTE ON MOTION: The vote was 4-3. Councilmembers Scott, Musser, Pina, and Mayor Sheckler voted yes. Councilmembers Sherman, Thomasson, and Kaplan voted no.

EXECUTIVE SESSION

MOTION/DIRECTION

Councilmember Thomasson moved to extend the City Council meeting to 10:45 p.m.; Councilmember Kaplan, second. VOTE ON MOTION: All the votes were ayes.

The City Council recessed to Executive Session for up to one hour to discuss Labor Negotiations per RCW 42.30.140 (4)(a). No action was to be taken. Staff not present at the Executive Session were dismissed. The Council meeting would adjourn following the Executive Session.

An Executive Session of the Des Moines City Council was called to order by Mayor Sheckler at 9:50 p.m. in the City Hall Conference Room, 21630 11th Avenue South, #A.

ROLL CALL - Present: Mayor Sheckler; Mayor Pro Tem Kaplan; Councilmembers Dan Sherman, Matt Pina, Carmen Scott, Scott Thomasson, and Melissa Musser. Also in attendance were City Manager Tony Piasecki, Assistant City Manager Lorri Ericson, and City Attorney Pat Bosmans.

Councilmember Sherman recused himself at 10:35 p.m.

No formal action was taken.

ADJOURNMENT

The meeting was adjourned at 10:45 p.m.

NEXT MEETING DATE – February 25, 2010.

ADJOURNMENT