

MINUTES
REGULAR MEETING DES MOINES CITY COUNCIL
March 11, 2010 - 7:30 p.m.

CALL TO ORDER – The meeting was called to order by Mayor Sheckler at 7:35 p.m.

PLEDGE OF ALLEGIANCE – The flag salute was led by Councilmember Scott

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; Interim Economic Development Director Marion Yoshino; Parks and Recreation Director Patrice Thorell; City Clerk Sandy Paul

CORRESPONDENCE

A copy of a letter from the International Brotherhood of Electrical Workers (IBEW) regarding the SCORE project was discussed.

COMMENTS FROM THE PUBLIC:

Clark Snure, 27428 8th Avenue South, Des Moines, representing the Des Moines Legacy Foundation, spoke about the wall lease for the Wall of Aging mural.

Jack Kniskern, 22602 13th Avenue South, Des Moines, introduced a visitor, Lee “Carol” Jai, from Yang Jo, China. Carol spoke and said she was happy to be here and invited students and citizens of Des Moines to come to the city of Yang Jo and perhaps consider sister cityhood.

Brooks Powell, 22211 Marine View Drive, Des Moines, would comment further during the later discussion about the Fireworks Program for the Fourth of July.

BOARD & COMMITTEE REPORTS/ COUNCILMEMBER COMMENTS

Councilmember Scott reported attending the Arts Commission meeting. She commented on the energy and creativity of that group. She added that she had gone on a Marina tour led by Doreen Torseth, Contract Administrator of the North Marina Combined Projects. She said she would share her notes with Councilmembers if they wished.

Mayor Pro-Tem Kaplan had no report.

Councilmember Musser had attended a fast pitch tournament at Underwood Park. She shared comments she had received about Des Moines’ beautiful parks and she commended City staff for their hard work in maintaining the parks.

Councilmember Pina reported the he attended the Marina Open House and noted great community support. Afterwards, he stopped for a meal at Barnacle’s and met the owners. He encouraged all to stop in for dinner sometime. He attended the Poverty Bay Wine Festival gala. He had a wonderful time with great food, music, wine and laughter.

Councilmember Thomasson reported that the Environmental Committee had met earlier to discuss the Shoreline Plan for which a Public Hearing would be held on April 8, 2010. He mentioned drainage issues at Huntington Park and Normandy Park. On an unrelated issue, he said there had been allegations about the City of Bellevue City Council violating the Open Public Meetings Act (OPMA) and reminded Councilmembers that emails should not go to everyone on the Council, collectively.

Councilmember Sherman had no report but commented about the OPMA. He asked that Councilmembers be provided with updates on open meetings, public hearings, and quasi-judicial proceedings.

PRESIDING OFFICER'S REPORT

Mayor Sheckler invited City Manager Piasecki to expand on their trip to Washington, D. C., to lobby for funds for the Des Moines Creek Business Park during his Administrative Report.

Mayor Sheckler reported that he had met today with the Executive Board of SCORE to review the finalists for Executive Director. Several good candidates were considered. The Board unanimously appointed Penny Bartley to the position of Executive Director.

EXECUTIVE SESSION

The Council recessed to Executive Session at 7:53 p.m. to discuss Potential Litigation in accordance with RCW 42.30.110 (j). 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. The City Council meeting reconvened at 8:03 p.m.

Councilmember Musser moved to approve a settlement agreement in the amount of \$58,790.50 in order to settle all claims in the matter of Gary Peterson v. the City of Des Moines, King County Cause No. 08-2-33580-1, and to authorize the City Manager to execute the Agreement on behalf of the City. Councilmember Scott, second. The vote was 6-1, with Mayor Pro-Tem Kaplan casting the dissenting vote. The motion was passed.

ADMINISTRATION REPORTS

City Manager Piasecki reported on this week's trip to Washington, D. C. with Mayor Sheckler. They met with the representatives of Congressman Adam Smith and Senators Maria Cantwell and Patty Murray's offices to discuss financing for Phase I of the Des Moines Creek Business Park. If Des Moines were the favored location, DMCBP would be the site of a future Federal Aviation Administration site. Both felt positive about the meetings.

City Manager Piasecki reported that a letter had been received from the Highline School District announcing the Grand Opening and Open House at Parkside Elementary School.

CONSENT CALENDAR*

Item 1: APPROVAL OF MINUTES

Motion is to approve regular meeting minutes of the February 4 and 11, 2010 Regular City Council meeting minutes and the special meeting minutes of February 4, 2010.

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 in the amount of \$826,247.79

Payroll fund transfers in the total amount of \$474,744.39

Total Vouchers: \$1,300,992.18

Item 3: DRAFT WALL LEASE AGREEMENT BETWEEN BUILDING OWNER YEE2, LLC, AND THE CITY FOR A DOWNTOWN MURAL

Motion is to approve the Wall Lease Agreement between the City of Des Moines and building owner Yee 2 LLC for the installation of the Honoring Aging Mural, and to authorize the City Manager to sign the Agreement substantially in the form as attached.

Item 4: COMCAST FRANCHISE AGREEMENT EXTENSION

Motion #1 is to suspend rule 26 (b) in order to enact Draft Ordinance No 09-166 on first reading.

Motion #2 is to enact Draft Ordinance No. 09-166, extending the Current Comcast Communications Franchise through August 30, 2011.

Item 5: APPOINTMENT TO THE LIBRARY BOARD

Motion is to approve the appointment of Melissa Ponder to a three year term on the Library Board, effective January 1, 2010 and expiring on December 31, 2012.

Item 6: MEMORANDUM OF AGREEMENT FOR THE SOUTHWEST KING COUNTY ECONOMIC DEVELOPMENT INITIATIVE BUSINESS ATTRACTION PROGRAM

Motion is to approve the Memorandum of Agreement concerning the Southwest King County Economic Development Initiative Business Attraction Program with Highline Community College and the cities of Burien, Des Moines, Normandy Park, SeaTac, Tukwila, King County and the Port of Seattle for support of the 2010 SKCEDI Business Attraction Program, and authorize the City Manager to sign the agreement, substantially in the form as submitted.

ACTION/DIRECTION:

Councilmember Thomasson pulled item #3, the lease of a building wall for installation of a Downtown *Honoring Aging* Mural, because he believed that pertinent details of the agreement had been overlooked. Councilmember Sherman moved approval of items 1, 2, and 4-6; Mayor Pro-Tem Kaplan, second. All the votes were ayes.

Following discussion, Mayor Sheckler moved to approve the Wall Lease Agreement between Building Owner Yee2, LLC, and the City for a Downtown *Honoring Aging* Mural; Mayor Pro-Tem Kaplan, second. The vote was 6-1 in favor, with Councilmember Thomasson casting the dissenting vote.

NEW BUSINESS

FIREWORKS OVER DES MOINES AT THE DES MOINES MARINA

SUMMARY: The Purpose of this item is to seek Council approval of Draft Resolution No. 10-039 authorizing *Fireworks Over Des Moines*, to be held at the Des Moines Marina. The Rotary Club of Des Moines requests that the City Council authorize *Fireworks Over Des Moines* to proceed with the support of City public services to be paid from outside funding sources.

Brooks Powell, Powell Brothers Custom Homes, Inc., would be the primary supporter of the Des Moines 2010 Fourth of July Fireworks Display. An estimated \$7,000 in private donations would pay for City services. Marina staff would be on duty as part of regular work scheduling and would not be funded by donations. Mr. Powell asked that the City Council approve draft resolution No. 10-039 authorizing *Fireworks Over Des Moines* to be held at the Des Moines Marina.

ACTION/DIRECTION:

Councilmember Musser moved to adopt Draft Resolution No. 10-039, authorizing the tenth annual *Fireworks Over Des Moines* event on July 4, 2010 at the Des Moines Marina; Councilmember Scott, second. Councilmember Sherman pointed out that there was a conflict in the contract that stated funds would be held by the Rotary Club, and in the resolution, by the Legacy Foundation, and offered a friendly amendment accepted by Councilmembers Musser and Scott, to change the depository of the funds to the Legacy Foundation in the contract. The motion, as amended, was passed 7-0.

ACTION/DIRECTION:

Councilmember Pina moved to direct the City Manager to enter into an agreement with the Rotary Club of Des Moines for support services and amenities for the July 4, 2010 *Fireworks Over Des Moines* substantially in the form as attached; Councilmember Sherman, second. The vote was unanimous, 7-0, and the motion was passed.

NEXT MEETING DATE – March 25, 2010.

ADJOURNMENT

Mayor Pro-Tem Kaplan moved to adjourn at 8:51 p.m.; Councilmember Pina, second; all the votes were ayes. The meeting was adjourned.