

AGENDA
REGULAR MEETING DES MOINES CITY COUNCIL
May 13, 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 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; Planning Building and Public Works Director Grant Fredricks; Parks and Recreation Director Patrice Thorell; Finance Director Paula Henderson; City Clerk Sandy Paul

CORRESPONDENCE

A letter from King County Water District #54, which was part of the agenda packet, was sent to the City stating that the Water District would take its funding, use it as a match for additional grants to complete the East/West portion of the waterline work, and the remainder of the work would be up to the City. When all work was completed, new lines and hydrants would be deeded to the Water District. Additionally, the Water District wanted these provisions to be included in the Interlocal Agreement presented to them by the City on April 23, 2010.

The City was in receipt of a letter from King County regarding Animal Control Services which have now been terminated. The letter was previously placed in individual Councilmember mailboxes. Des Moines has its own Animal Control Officer in Jan Magnusen. Officer Magnusen has contacted local private veterinarians and kennels and found that they would be interested in providing sheltering services. King County has not done a great job with lost animals, and now citizens missing pets are encouraged to call the City first, then King County.

COMMENTS FROM THE PUBLIC:

Clark Snure, 27423 8th Avenue South, and a member of the Legacy Foundation, passed out an artists drawing of the Honoring Aging mural to be installed on the Yee2 LLC Wall in Des Moines. He added that the legacy foundation was the beneficiary of the Phyllis Moore Estate and \$79,000.

Christopher Brown 9658 Rainier Avenue South, Seattle, spoke about \$300 million given to the deep bore tunnel project in Seattle by the Port of Seattle which may turn into a new tax to support the tunnel project. He was interested in getting support from the City of Des Moines City Council to convince leaders to abandon the project as too expensive, unfeasible, unsafe, and of little use to many.

Vernina Staab, 21628 28th Avenue South, spoke about the noise of ice cream trucks, bread trucks, and the Metrokids program. She also commented about messy mailboxes and tenants improperly parked on the street. She was concerned about her tenants who work nights and sleep during the day.

BOARD & COMMITTEE REPORTS/ COUNCILMEMBER COMMENTS

Councilmember Scott attended the Arts Commission Board meeting and reported they have something going on every month. She said they were awarded a \$7500 grant from 4Culture. She also reported that at the Seattle Southside meeting, each mayor in attendance spoke. Steve Shunzel, GIS Administrator, was working to update the City's map, and other information was being placed on-line and used in new marketing materials. Councilmember Scott commented that Natasha Savage, President of the Eastern European Chamber of Commerce was working to attract invertors who want to invest in this country. She wanted Des Moines and Highline College to work with her. Councilmember

Scott gave 75 of her pictures of Des Moines and the surrounding area that could be used for marketing Des Moines.

Councilmember Kaplan reported on the Public Safety and Transportation Committee meeting held today where reports on various projects were received: the North Twin Bridge project; South 216th Street project followed by a discussion of what to do with the old car wash property; a landslide in Beach Park; the Gateway Project. He said a discussion with SeaTac needs to take place regarding alignment of Light Rail. He said the 6-year Transportation Improvement Plan (TIP) would be presented to the Council in June and would include a Pacific Ridge Street Project, which had been previously excluded from the TIP. He asked for an update on the Public Safety RFP and what progress had been made in studying Des Moines Public Safety needs.

Councilmember Musser had no report but she reminded the Council that they had said at the January Retreat that they would like to take their meetings out to the public. She said she was really passionate about taking Council meetings to the people.

Councilmember Pina attended the Suburban Cities (SCA)Public Issues Committee (PIC). His comments highlighted the Small Cities Coalition for police services and King County Flood Control issues and Howard Hansen Dam. Also discussed at the PIC were transportation King County projects that had been prioritized and one of them that was described as an earthquake hazard under the flood control district was the Seattle Seawall. Should that project be selected for funding, other equally important projects would have to wait. The SCA Networking dinner is May 19 and Seattle Mayor Mike McGinn will be the speaker.

Councilmember Thomasson commented on the public comments of Vernina Staab about Pacific Ridge, bread deliveries to the neighborhood and the Metrokids program. He suggested inviting Jerry Thexton to speak to the Council about ongoing programs to assist that neighborhood.

Councilmember Sherman, inspired by Councilmember Scott's comments about the Arts Commission, would like to see the Arts Commission sponsor some panels or posters in empty storefront windows in downtown Des Moines.

PRESIDING OFFICER'S REPORT

Mayor Sheckler had no additional comments but he did inquire of staff about the status of the Police Services Needs analysis.

ADMINISTRATION REPORTS

City Manager Piasecki explained several changes in numerous editions of the revised agenda. The first was a change in the attendance at the Executive Session held on April 22. Councilmember Sherman had recused himself and was not present as previously stated in the minutes. Consent item #3 relating to the public hearing had been expanded from its original language. Consent item #6 relating to a Heritage Foundation Grant had been updated from \$830,00 to \$950,000.

CONSENT CALENDAR

Item 1: APPROVAL OF MINUTES

Motion is to approve Regular Meeting Minutes of April 22, 2010 as revised May 13, 2010 at 3:00 p.m.

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 \$2,369,926.87

Payroll fund transfers in the total amount of \$437,770.23

Total certified Wire Transfers, Voids, A/P & Payroll vouchers are \$3,252,475.04

Item 3: RESOLUTION SETTING A JUNE 10TH PUBLIC HEARING FOR DMCBP STREET VACATION & SURPLUS

Motion is to adopt Resolution No. 10-078 setting a combined public hearing on June 10, 2010 for a street vacation request relating to streets within the Des Moines Creek Business Park area, the surplus and transfer of certain streets within the Des Moines Creek Business Park, the purchase of rights of way fronting on South 216 Street and 24th Avenue South abutting the Des Moines Creek Business Park, and approval of the Second Addendum to the First Development Agreement with the Port of Seattle regarding compensation for property transfers to and from the Port of Seattle

Item 4: APPROVAL OF THE WASHINGTON STATE HERITAGE GRANT CONTRACT FOR DES MOINES FIELD HOUSE PARK GRANDSTAND PROJECT

Motion is to approve the contract with Washington State Historical Society and allocate funds in the amount of \$411,600 to the Des Moines 2010 Field House Grandstand Restoration Project, and authorize the City Manager to sign the contract, substantially in the form as submitted

Item 5: CDBG APPLICATION FOR GENERATOR AND NEW LIGHTING FOR THE MAIN ROOM OF ACTIVITY CENTER

Motion is to adopt Draft Resolution No. 10-072 for the submittal by the City Manager of a 2011 King County Community Development Block Grant Application to King County in the amount of \$144,935 for federal funds to make interior lighting improvements and to purchase and install an emergency generator for the Des Moines Activity Center

Item 6: WASHINGTON STATE HERITAGE GRANT FOR BEACH PARK HISTORIC BUILDING REHABILITATION PROJECT

Motion is to approve the Parks, Recreation and Senior Services Director's request to submit an application to Washington State Historical Society in the amount of \$950,000 for the Des Moines Beach Park Historic Buildings Rehabilitation Project

Item 7: WALL LEASE AGREEMENT FOR "HONORING THE AGING" 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 8: BARNES CREEK TRAIL ACQUISITION PROJECT

Motion is to approve Draft Resolution No. 10-071 authorizing the City Manager to submit a grant application for a Washington Wildlife and Recreation Program (WWRP) project to the Recreation and Conservation Office (RCO) as provided in Chapter 79A.15 RCW, *Acquisition of Habitat Conservation and Outdoor Recreation Lands*, for the funding of the Barnes Creek Trail Acquisition Project

Item 9: SET PUBLIC HEARING DATE FOR WATERVIEW CROSSING PUD

Motion is to adopt Draft Resolution No. 10-082 setting a public hearing on May 27, 2010 for the Waterview Crossing Planned Unit Development Application.

DIRECTION/ACTION

Councilmember Thomasson pulled items 4-8.

Councilmember Sherman moved approval of Items #1 through #3 and #9. Councilmember Thomasson, second. The votes were unanimous to approve items #1 through #3 and #9.

Item #4 - Councilmember Thomasson questioned why the Heritage Grant Contract for Des Moines Field House Park Grandstand Project did not mention the total funds spent on a much larger project. Staff explained that the grant application was a standard Heritage Grant application boilerplate and the information was not specifically requested. A letter from the City Manager could be inserted with the signed application explaining funds previously spent on the total project. Attachment #3 also showed an overview of cash matching funds.

ACTION/DIRECTION

Councilmember Sherman moved to approve the contract with Washington State Historical Society and allocate funds in the amount of \$411,600 to the Des Moines 2010 Field House Grandstand Restoration Project, and authorize the City Manager to sign the contract, substantially in the form as submitted; Councilmember Kaplan, second. All the votes were ayes.

Item #5 – Councilmember Scott stated that the purchase of a generator and running a shelter program definitely does have a financial impact on the City of Des Moines. Section #3 of the grant would be modified to state that operation of the generator was included in the Capital Improvement Plan (CIP).

ACTION/DIRECTION

Councilmember Kaplan moved to adopt Draft Resolution No. 10-072 for the submittal by the City Manager of a 2011 King County Community Development Block Grant Application to King County in the amount of \$144,935 for federal funds to make interior lighting improvements and to purchase and install an emergency generator for the Des Moines Activity Center; Councilmember Sherman, second. All the votes were ayes.

Item #6 – Councilmember Thomasson was confused about what money was used for a match for the Heritage Grant for Beach Park Historic Building Rehabilitation Project. He asked what money the City needed to raise and thought staff should be more astute in making it clear the origin of those matching funds.

ACTION/DIRECTION

Councilmember Kaplan moved to approve the Parks, Recreation and Senior Services Director's request to submit an application to Washington State Historical Society in the amount of \$950,000 for the Des Moines Beach Park Historic Buildings Rehabilitation Project; Councilmember Musser, second. All the votes were ayes.

Item #7 – Councilmember Thomasson voted against the Wall Lease the last time it was discussed and he would be voting against it this time, too.

ACTION/DIRECTION

Mayor Sheckler moved 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; Councilmember Musser, second. The vote was 6-1, with Councilmember Thomasson the one dissenting vote.

Item #8 – Councilmember Thomasson had questions about property rights and Right-of-Way. Councilmembers Sherman and Kaplan reminded Councilmember Thomasson that this discussion has been held previously and how state law (RCW) works in relation to vacated property and how it was to be used.

ACTION/DIRECTION

Mayor Sheckler moved to approve Draft Resolution No. 10-071 authorizing the City Manager to submit a grant application for a Washington Wildlife and Recreation Program (WWRP) project to the Recreation and Conservation Office (RCO) as provided in Chapter 79A.15 RCW, *Acquisition of Habitat Conservation and Outdoor Recreation Lands*, for the funding of the Barnes Creek Trail Acquisition Project; Councilmember Sherman second. All the votes were ayes.

BREAK –

The Council meeting was recessed for a 10 minute break. The meeting was reconvened at 9:20 p.m.

NEW BUSINESS

1. Levy Lid Lift Financial Report

The purpose of this agenda item is to provide information regarding the use of Levy Lid Lift funds and compliance with state law

City Manager Tony Piasecki explained that all levy lid lift funds had been spent on Police Services for which they were designated. A state auditor had examined the City's records and had found nothing to issue a finding, management letter, or exit item for use of levy lid lift monies. No current revenues were supplanted by levy lid lift money. Supporting documents could be found in the agenda packet.

At the end of the levy lid lift and without voter approval of a renewed levy lid lift, the new tax base is set at the amount it is at the completion of the lift. Without voters approving new funds, the annual increase is limited to 1% over the previous year within a statutory maximum collection. Changes in the taxing ability of the City would be generated if, for example, the Fire District was changed to a Fire Authority, or if the Library District decided to levy the full amount allowed by law.

EXECUTIVE SESSION

The City Council recessed to Executive Session for approximately 45 minutes to discuss acquisition of real estate per RCW 42.30.110 (B). The Executive Session was called to order at 9:35 p.m. Present were Mayor Sheckler; Mayor Pro-Tem Dave Kaplan; Councilmembers Matt Pina, Dan Sherman, Carmen Scott, Scott Thomasson, Melissa Musser. Also present were Rob Larson, Real Estate Professional; City Manager Tony Piasecki; Assistant City Manager Lorri Ericson; Grant Fredricks; and City Attorney Pat Bosmans. At 10:15 p.m., a meeting extension of fifteen more minutes was announced. The Executive Session ended at 10:30 p.m.

NEXT MEETING DATE – May 27, 2010.

ADJOURNMENT – The meeting was adjourned by gavel at 10:30 p.m.