

**MINUTES
REGULAR MEETING
DES MOINES CITY COUNCIL
September 30, 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 Thomasson

ROLL CALL

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

Assistant City Manager Lorri Ericson; City Attorney Pat Bosmans; Planning Building and Public Works Director Grant Fredricks; Assistant Director of Transportation and Engineering Dan Brewer; Assistant Director of Utilities and Environmental Engineering Loren Reinhold; Development Services Manager Robert Ruth; Land Use Planner Laura Techico; Land Use Planner Jason Sullivan; City Clerk Sandy Paul

CORRESPONDENCE

There was no correspondence.

COMMENTS FROM THE PUBLIC:

Paula Ryan, 1120 249th Place in Huntington Park, asked if the Huntington Park issue was going to be discussed or rescheduled. They would leave and return another time if the item were going to be rescheduled.

BOARD & COMMITTEE REPORTS/ COUNCILMEMBER COMMENTS

Councilmember Scott

- Attended the Finance and Economic Development Meeting
- Spoke about the *Honoring Aging* Mural Dedication, Art Show, and Blues and Brews Festival
- Commented that the Farmer's Market vendors had sold out of many items
- Thanked everyone for their kind thoughts following the recent passing of her husband, Scotty

Mayor Pro-Tem Kaplan

- Called last Saturday one of the most amazing days in Des Moines ever. With perfect weather, the City shined at the Art Show, Farmer's Market, dedication of the Honoring Aging mural. The Blues and Brews Festival delighted many.
- Commented that the Ad Hoc Committee on Franchises had met to discuss the Comcast Franchise which was extended in 2009 to 2011.

Councilmember Musser

- Had spoken to the Planning Building Public Works staff at a Tuesday meeting, and called employees the lifeblood of the City
- Reported that the Municipal Facilities Committee had discussed current projects including renovation of all buildings at Beach Park, Marina slip reconfiguration to qualify for a Port Security grant, and the City growing its way out of budget constraints via better utilization of the Marina.

Councilmember Pina

- Also attended the Planning Building Public Works quarterly staff meeting and noted the passion of all the employees.

Councilmember Sherman

- Commented on the life of an elected official and the media abuse from which he or she must often defend themselves. He felt the expectation of free speech was compromised by a letter in the local newspaper this past week.

Councilmember Thomasson had no report.

PRESIDING OFFICER'S REPORT

Mayor Sheckler showed the Council and audience a pictorial presentation of his recent trip to speak at the first World Emerging Industries Summit 2010 in Changchun China. He added a few of his own personal experiences.

ADMINISTRATION REPORTS

There were no Administrative Reports.

EXECUTIVE SESSION

The Council recessed to Executive Session at 7:50 p.m. for the purpose of discussion pending litigation per RCE 42.30.110 (i)(C) and real estate per RCW 42.30.110 (c). The session was expected to last for 30 minutes. For the litigation portion of the Executive Session, Mayor Sheckler; Mayor Pro-Tem Kaplan; Councilmembers Dan Sherman, Scott Thomasson, Matt Pina, Melissa Musser and Carmen Scott were present. Also present were Assistant City Manager Lorri Ericson, City Attorney Pat Bosmans, Jeff Tarraday, outside counsel, and Penny Bartlett, SCORE Director.

After 30 minutes, the Mayor announced another 15 minutes would be needed.

For the real estate discussion portion of the Executive Session which began at 8:25 p.m., Mayor Sheckler; Mayor Pro-Tem Kaplan; Councilmembers Dan Sherman, Scott Thomasson, Matt Pina, Melissa Musser and Carmen Scott were present. Also present were Assistant City Manager Lorri Ericson, City Attorney Pat Bosmans, Planning Building Public Works Director Grant Fredricks, Assistant Director of Transportation and Engineering Dan Brewer, Development Services Manager Robert Ruth, and outside real estate expert Rob Larson.

At 8:45 p.m. the Mayor announced another 15 minutes would be needed, and then a subsequent additional 15 minutes. The Council meeting resumed at 9:20 p.m.

CONSENT CALENDAR

Item 1: APPROVAL OF MINUTES

Motion is to approve Regular Meeting Minutes of September 2 and 9, 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, which have been recorded on a listing and have been made available to the City Council.

Claim checks \$1,648,710.11

Payroll fund transfers in the total amount of \$446,729.08

Total certified Wire Transfers, Voids, A/P & Payroll vouchers are \$2,095,439.19

Item 3: Draft Ordinance No. 10-162 amending Eminent Domain Ordinance No. 1456 by adding certain property owned by the Washington State Department of Transportation, the City of SeaTac, and Highline Water District

The Motion is to move Draft Ordinance No. 1456 to a second reading at the October 7, 2010 meeting.

ACTION/DIRECTION

Mayor Pro-Tem Kaplan moved approval of the Consent Agenda; Councilmember Pina, second. The votes were all ayes.

OLD BUSINESS

1. Vacate DMCBP Right of Way (ROW) and Surplus Streets/2nd Addendum to First Dev Agreement with Port of Seattle on DMCBP

Development Services Manager Robert Ruth led the first of a two-part presentation. He explained that the two *draft* ordinances included in the packet were essentially the same as presented at the first reading on June 10, 2010. He highlighted the changes.

ACTION/DIRECTION

Mayor Pro-Tem Kaplan moved to approve Draft Ordinance No. 10-069 approving a petition filed by the Port of Seattle (POS) requesting the vacation of certain streets located within property commonly known as the Des Moines Creek Business Park subject to final Council approval of the Second Addendum to the First Development Agreement. Councilmember Scott, second.

Following discussion, Mayor Pro-Tem Kaplan withdrew his motion and Councilmember Scott her second.

Mayor Pro-Tem Kaplan moved to accept the terms and conditions of the Second Addendum to the First Development and authorize the City Manager to sign the version of this Agreement included as Attachment 4 substantially in the form as submitted, accepting staff recommendation to accept the appraised value of \$6 per square foot for properties owned by both the Port of Seattle and the City of Des Moines as outlined. Councilmember Scott, second.

The motion passed 6-1, Councilmember Thomasson voted *no*.

Mayor Pro-Tem Kaplan moved to approve Draft Ordinance No. 10-069 approving a petition filed by the Port of Seattle (POS) requesting the vacation of certain streets located within property commonly known as the Des Moines Creek Business Park subject to final Council approval of the Second Addendum to the First Development Agreement. Councilmember Scott, second.

The motion passed 6-1, Councilmember Thomasson voted *no*.

Mayor Pro-Tem Kaplan moved to approve Draft Ordinance No. 10-070 to surplus certain city properties located within property commonly known as the Des Moines Creek Business Park and authorizing the sale of those properties to the Port of Seattle subject to final Council approval of the Second Addendum to the First Development Agreement. Councilmember Scott, second.

The motion passed 6-1. Councilmember Thomasson voted *no*.

Mayor Sheckler read both ordinances into the record.

OLD BUSINESS

2. 2nd Reading Budget Amendment Ordinances
Finance Director Paula Henderson led the budget discussion,

ACTION/DIRECTION

Mayor Pro-Tem Kaplan moved to adopt Draft Ordinance No. 10-045 relating to municipal finance, amending the 2010 budget adopted in Ordinance No. 1473. Councilmember Pina, second. This ordinance would move money out of the Revenue Stabilization fund to the General fund.

Councilmember Sherman suggested a 'friendly amendment' to add a *committed but unassigned* fund balance account, a category of fund balance, which is allowed by new GASB 54 rules.

Mayor Pro-Tem Kaplan rejected Councilmember Sherman's 'friendly amendment.'

Councilmember Sherman made a motion to amend the main motion to add a *committed but unassigned* fund balance account, a category of fund balance. Councilmember Thomasson, second.

The vote was 5-2 to amend the main motion and the amendment failed. Councilmembers Sherman and Thomasson voted *yes* and the remaining votes were *nay*.

The main motion was passed, 6-1. Councilmember Thomasson voted *no*, stating he could not support an amendment to a budget he did not vote to approve.

OLD BUSINESS

3. Council Rules

City Attorney Pat Bosmans introduced the topic of changes to the Council Rules as proposed by the Ad Hoc Committee on Council Rules. Those changes were discussed.

ACTION/DIRECTION

Mayor Pro-Tem Kaplan moved to adopt Draft Resolution No. 10-088 adopting the Council Rules as presented or amended, substantially in the form as attached. Councilmember Pina, second.

Mayor Pro-Tem Kaplan offered a friendly amendment to restore the time changes as previously stated in the original Council Rules. Councilmember Pina, accepted the friendly amendment.

Following discussion, a 'friendly' amendment was offered by Mayor Sheckler to have the rules state that Council materials would be available at the close of business on Friday prior to the Thursday meeting of the following week. Special sessions (Tuesday or Saturday meetings) would also require a 5-day advance notice, except in the case of an emergency. Both Mayor Pro-Tem Kaplan and Councilmember Pina accepted the change.

A vote of 7-0 supported the amendment to have Council Packet materials available by close of business on Friday prior to the next week's Council meeting.

Mayor Pro-Tem Kaplan moved to strike new language in Rule 4 (b). Councilmember Sherman second.

The motion failed on a 4-3 vote. Councilmembers Musser, Pina, Sheckler and Scott were opposed, believing that an experienced councilmember should be elected Mayor. Councilmembers Sherman and Thomasson, and Mayor Pro-Tem Kaplan were in favor of striking Rule 4 (b).

Mayor Sheckler moved to extend the meeting until 10:45. Mayor Pro-Tem Kaplan Second. The motion failed, 4-3, Councilmembers Pina, Musser and Sherman voting *no* and Councilmember Thomasson *abstaining*.

Mayor Pro-Tem Kaplan moved to establish a Spirit of Des Moines Award to be incorporated into the Council Rules. Councilmember Musser, second.

Councilmember Sherman made an amendment to the motion to codify the Spirit of Des Moines Award in Title 4 of DMMC. Mayor Pro-Tem Kaplan rejected this as a 'friendly' amendment. As a result, Councilmember Thomasson seconded the motion as an amendment.

Councilmember Pina called the question. The motion passed 5-2, Councilmembers Sherman and Thomasson voting *no*.

The motion to amend the motion failed 6-1. Councilmember Sherman voted *yes*.

Councilmember Pina called the question on the main motion. Time ran out. There was no vote.

NEW BUSINESS

1. EB5 Program Regional Investor Program
Staff Presentation: Economic Development Manager Marion Yoshino

The Council meeting ran out of time prior to discussion of this item.

NEW BUSINESS

2. City Services to Huntington Park – Huntington Park Request for Surface Water Management Services
Staff Presentation: Director of Utilities and Environmental Engineering Loren Reinhold

The Council meeting ran out of time prior to discussion of this item.

NEXT MEETING DATE – October 7, 2010

ADJOURNMENT

The meeting ended at 10:47 p.m.

Respectfully submitted,

Sandy Paul CMC
City Clerk