

## MINUTES

### DES MOINES CITY COUNCIL REGULAR MEETING City Council Chambers 21630 11<sup>th</sup> Avenue South, Des Moines

April 10, 2014 – 7:00 p.m.

#### CALL TO ORDER

Mayor Kaplan called the meeting to order at 7:00pm

#### PLEDGE OF ALLEGIANCE

The flag salute was led by Councilmember Sheckler.

#### ROLL CALL

Council present: Mayor Dave Kaplan; Councilmembers Jeremy Nutting, Melissa Musser, Jeanette Burrage, Bob Sheckler and Vic Pennington.

Absent: Mayor Pro Tem Matt Pina was absent. A move was made by Councilmember Nutting to excuse his absence, seconded by Councilmember Musser. Passed unanimously.

Staff present: City Manager Tony Piasecki; City Attorney Pat Bosmans; Planning, Community Development Manager Denise Lathrop; Assistant City Attorney Tim George; Acting City Clerk Autumn Lingle.

#### CORRESPONDENCE

City Manager Piasecki noted that he had received a reply from the Port Commission to Mayor Kaplan's March 27 letter, regarding Des Moines Creek Business Park and the \$15.00 wage issue.

#### COMMENTS FROM THE PUBLIC

Gene Achziger, 28708 Soundview Dr. S., Mr. Achziger is the President of Des Moines Municipal Pool District. He issued an invitation to the April Pools Day Event at the Mount Rainier Pool, on Saturday, April 19, at noon and 3pm. Festivities include a life jacket raffle, marine life exhibits, "Walk the Plank" competition and more. Detailed information can be found at [www.desmoinespool.com](http://www.desmoinespool.com)

#### BOARD AND COMMITTEE REPORTS/COUNCILMEMBER COMMENTS

Councilmember Pennington:

- No Report

Councilmember Sheckler:

- No Report

Councilmember Burrage:

- No Report

Councilmember Musser:

- Enjoyed and recommended the Breeders Theater Tolstory performance.
- Attended the Marina Tenants Association Meeting with Councilmember Nutting. Topics discussed,
  - leasehold tax refunds

- ladders
- 911 phones
- The South Sound Opening Day is at the Des Moines Yacht Club, Saturday, May 10, 11:00am-4:00pm.

Councilmember Nutting:

- Saturday, April 19, is the EGGStravaganza sponsored by Des Moines Legacy Foundations Easter egg hunt at Beach Park.
- April pools day at Mount Rainier Pool.
- Saturday, April 26, is the 1<sup>st</sup> Annual Common Good Benefit Brunch fundraiser sponsored by Destination Des Moines and Des Moines Art Commission.
- Saturday, April 26, is the annual auction at Des Moines Elementary School at Landmark Event Center.

**PRESIDING OFFICER'S REPORT**

- Brookings Institute Meeting on April 9 included information on confronting suburban poverty, promoting economic development, providing opportunities and other significant foundational information. Thanked King County Executive Dow Constantine and Representative Dave Upthegrove for helping to host this important and relevant event.

**ADMINISTRATION REPORT**

City Manager Piasecki:

- Noted that the slide on 251<sup>st</sup> has been stabilized.
- Diseased tree in Big Catch Plaza was removed and replaced with a healthy new tree.
- Editorial on fish consumption and clean water and it's local impact, was discussed with Council.

**CONSENT AGENDA**

- Item 1: APPROVAL OF VOUCHERS  
Motion is to approve for payment vouchers and payroll transfer included in the attached list and further described as follows:  
Claim Checks: \$514,117.11  
Payroll Fund Transfers: \$432,878.87  
Total Certified Wire Transfers, Voids, A/P and Payroll Vouchers: \$946,995.98
- Item 2: DRAFT ORDINANCE NO. 13-246, AMENDMENTS TO TITLE 11 DMMC  
First Motion is to suspend Rule 26(a) in order to enact Draft Ordinance No. 13-246 on first reading.  
  
Second Motion is to enact Draft Ordinance No. 13-246, repealing chapters 11.24 and 11.28 DMMC and reenacting as new sections in chapter 11.08 DMMC.
- Item 3: APPROVAL OF LEASE WITH GEORGE POTTS & ANDREA PETERSEN, d/b/a OCEAN QUEST DIVE CHARTERS, LLC  
Motion is to approve the Lease Agreement between the City and George Potts & Andrea Petersen, d/b/a Ocean Quest Dive Charters, LLC, for the use of a slip in the Des Moines Marina, and to authorize the City Manager to sign the Lease Agreement, substantially in the form as attached.
- Item 4: TASK ORDER ASSIGNMENT WITH PARAMETRIX, INC. FOR DESIGN SERVICES FOR MARINA SOUTH PARKING LOT STORMWATER RETROFIT PROJECT

First Motion s to approve Task Order Assignment with Parametrix, Inc. for design services for Marina South Parking Lot Stormwater Retrofit Project in the amount of \$109,635.13, plus a contingency up to a maximum payable amount of \$120,000 and further authorize the City Manager or his designee to sign said Task Order Assignment, substantially in the form as submitted.

Second Motion is to remand the Marina South Parking Lot Stormwater Retrofit Project to the Municipal Facilities Committee for review and recommendations.

**Direction/Action**

Motion made by Councilmember Musser to approve the consent agenda; seconded by Councilmember Nutting.

Councilmember Musser clarified that the \$120,000 the Council authorized the City Manager to spend, is proceeds from a grant that the city received.

Councilmember Pennington brought an error to the attention of Council. In the Council Packet on Page 23, under Task 2 Survey, Goal, line 2, *west* should be replaced with *east*. It will be corrected.

Mayor Kaplan mentioned that he was pleased that a Charter Dive Company would be operating out of the Des Moines Marina.

The motion passed 6-0.

**EXECUTIVE SESSION**

At 7:18pm, Council went into Executive Session. The purpose of the Executive Session was to discuss pending litigation in accordance with RCW 42.30.110(1)(i). It concluded at 7:23pm.

No formal action was taken.

**PUBLIC HEARING/CONTINUED PUBLIC HEARING**

Item 1: Item 1: DRAFT ORDINANCE 14-011, MODIFICATION OF ZONING REQUIREMENTS REGULATING COMMERCIAL SPACE REQUIREMENT FOR MIXED USE IN THE MARINA DISTRICT  
Staff Presentation: Community Development Manager  
Denise Lathrop

Mayor Kaplan opened the Public Hearing at 7:33pm.

Community Development Manager Lathrop gave a power point presentation to Council on mixed use in the Marina District.

Mayor Kaplan asked 3 times if anyone wished to speak; seeing none Mayor Kaplan asked Council if they had any questions.

Mayor Kaplan closed the Public Hearing at 7:35pm

**Direction/Action**

Motion 1 made by Councilmember Burrage to suspend Rule 26(a) to consider Draft Ordinance 14-011 on first reading; seconded by Councilmember Musser  
The motion passed 6-0.

**Motion 2** made by Councilmember Burrage to enact Draft Ordinance No. 14-011 amending DMMC 18.115.050(9), "*Environmental performance standards*, for the D-C Downtown Commercial Zone; seconded by Councilmember Musser. The motion passed 6-0.

Mayor Kaplan read the ordinance into the record.

## NEW BUSINESS

Item 1:

PUBLIC DISTURBANCE NOISE CODE

Staff Presentation

Assistant City Attorney Tim George

### **Direction/Action**

**First Motion** made by Councilmember Sheckler to suspend Rule 26(a) in order to enact Draft Ordinance No. 14-018 on first reading; seconded by Councilmember Musser.

The motion passed 6-0.

**Second Motion** made by Councilmember Sheckler to enact Draft Ordinance No. 14-018, amending and updating chapter 7.36 DMMC entitled *Public Disturbance Noises*; seconded by Councilmember Musser.

Mayor Kaplan noted that some of these issues occurred in Mayor Pro Tem Pina's neighborhood and he thanked him for bringing this matter to Council's attention.

The motion passed 6-0.

Mayor Kaplan read the ordinance into the record.

## NEXT MEETING DATE

April 24, 2014, Regular City Council Meeting

## ADJOURNMENT

Motion made by Councilmember Nutting to adjourn; seconded by Councilmember Musser. The motion passed 6-0.

The meeting was adjourned at 7:41pm.

Respectfully Submitted,  
Autumn Lingle  
Acting City Clerk