# REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES May 26, 2005

The regular meeting of the Des Moines City Council was called to order by Mayor Sheckler at 7:34 p.m. in the City Council Chambers, 21630 11th Avenue South, #B.

PLEDGE OF ALLEGIANCE to the Flag was led by Councilmember Benjamin.

ROLL CALL - Present: Mayor Bob Sheckler, Mayor Pro Tem Scott Thomasson, Councilmembers Richard Benjamin (left meeting at 8:25 p.m.), Gary Petersen, Dan Sherman, Maggie Steenrod and Susan White. Also in attendance were City Manager Tony Piasecki, City Attorney Linda Marousek, Community Development Director Judith Kilgore, Harbormaster Joe Dusenbury, Parks and Recreation Director Patrice Thorell, Domestic Violence Advocate Kristen Gabel and City Clerk Denis Staab.

COMMENTS FROM THE PUBLIC

Joyce Balcom Schleebe, 17042 4th Ave S (Breakers Restaurant)

Ms. Schleebe informed Council that the individuals who wish to purchase the Breakers Restaurant (located at Des Moines Marina) are good perspective buyers who will be a great asset to the City.

Linda Reed, 259 S. 171st , Burien

Ms. Reed as owner of Breakers Restaurant at the Marina, requested Council authorize the assignment of the Lease for the Restaurant. She noted that all requested documentation has been submitted to the City Attorney, plus additional copies for each Councilmember and the City Manager. She advised that the buyers are available to execute the lease immediately. She also noted that the buyers understand that should the City opt to retain the Restaurant at the end of the Lease term, they will be required to re-negotiate the terms of the lease with the City. She explained that there are no plans to request a change in zoning or a change in material use of the premises, it will remain a restaurant. She concluded by noting that further delay of the assignment will create a hardship on the buyers and sellers.

Jim Reed, 529 S. 171st, Burien

Mr. Reed questioned whether Councilmembers had received the documentation on the Breakers Lease transfer.

City Attorney Marousek noted that the material has not been distributed to Council. She advised that the item will be scheduled on an upcoming Council meeting and both the buyer and seller will be invited. A complete packet will be delivered to Councilmembers prior to that meeting.

Mayor Sheckler stated that the item will be scheduled in the very near future.

Mr. Reed informed Council that it will create a great hardship on the buyers by delaying too long and could put the sale in jeopardy. He noted in the past, when he negotiated the lease it was with the Harbormaster, City Manager and City Attorney, not the City Council. He questioned the reason for the full Council participation. He noted that there is no liability to the City since if something should happen, the previous owners will resume the Lease. He informed Council that the potential owners are experienced in the restaurant business, with great new ideas. He requested an immediate decision, as he is concerned that he will lose the buyers.

Norma Milluzzo, 3509 55th Ave NE, Tacoma

Ms. Milluzzo, speaking for her husband and herself as potential buyers of Breakers, informed Council that they have a lot of fresh ideas that will help make the restaurant an asset to the City. In conclusion she requested Council expedite the matter.

BOARD & COMMITTEE REPORTS

Potential Assignment of Breakers Restaurant Lease

Councilmember Benjamin requested a copy of the material Mr. Reed stated he had prepared for Council's review.

City Attorney Marousek replied that all the material will be provided to Council with a complete packet of information, as soon as it is determined when the public hearing will be held.

South King County Transportation Board

Councilmember Sherman reported attending a Board meeting on May 17th. The main issues were:

- An update on Sound Transit. Beginning June 4th on week-ends buses will not be using the tunnel and will be running on 3rd Avenue. This will be permanent every day for two years beginning in September, as they work on the tunnel.
- If approved by the public, a priority is the completion of the light rail link, from S 200th down through Federal Way to Tacoma.

Suburban Cities Association Public Issues Committee

Councilmember Sherman noted he attended the Committee meeting on May 18th that makes policy recommendations to the Board for them to make the decisions on whether to move forward on various issues. Decisions made to forward to the Board included the following:

- Support reauthorization of the King Conservation District's Special Assessment at $5 per parcel, with authority to go to $10, as long as cities get at least 20% of the revenues.
- Did not support in conjunction with the County Wide Planning Policies, to link land use transportation and public health. Recommended not to propose any new amendments to the County Wide Planning Policies.
- On the Regional Water Quality Committee the County currently has six members, recommendation is to lower this to four, with no change in the Suburban Cities representation.

He requested comments from Councilmembers for the next meeting subject on not supporting the Urban Subsidy to rural areas. As there were no comments, it was noted that the City supports the Suburban Cities stance on this issue.

He also noted that he would like to take a position for Suburban Cities supporting mitigation for citing essential public facilities. Mayor Pro Tem Thomasson stated he could support this as long as there is policy language that states "mitigation commiserate with the impacts".

SR 509 Executive Committee Meeting

Councilmember Sherman stated he attended the Committee meeting on May 24th. He reminded Council that Des Moines' current position is that we do not support the "South Access" if the grade separated south access freeway to the airport is not built at the same time as SR 509, as it would block major access points in the City. He noted the Port has taken the position that SR 509 can be built, and dump the traffic onto arterials, with no south access road. He advised Council that the "South Access" is now being called the "Teal Road" and it is proposed that this road would take the traffic from the proposed SR 509. In conclusion, he noted that he will only support the SR 509 construction, if the "Teal Road" is built at the same time.

Des Moines Beach Park

Councilmember White advised that the Beach Park will be featured in an upcoming summer issue of the Washington Trust for Historic Preservation Newsletter.

COUNCILMEMBER COMMENTS

City Manager's Report - Activity Center Decreased Revenues

Councilmember Benjamin noted that the Activity Center Division Statistics for 2005 versus 2004, show activity up in every category except for total revenue which is down by 60% and he questioned why. He requested this be answered under the Administration Report.

Greater Seattle Chamber of Commerce and the Trade Development Alliance International Study Session

Councilmember Steenrod reported that she just returned from this Session which was held in Ireland. The purpose of the session was to study what has contributed to Ireland's meteoric raise in economic development. She requested she be allowed to have about 20 minutes to present highlights of this session to Council at a future meeting.

Economic Development Committee Meeting

Upon questioning by Councilmember Steenrod as to when the next meeting will be held, City Manager Piasecki advised that a Council retreat date is being established where this item will be discussed. He also noted that this item is scheduled for an update by the Consultants at the June 16th Council meeting and therefore the Committee should meet on the Friday before, on June 10th.

Potential Assignment of Breakers Restaurant Lease

Councilmember Steenrod stated that she knows that for real estate contracts there usually is a very limited time frame for completion, therefore she felt this item needs to come before Council quickly in order to give the parties the answers they need to proceed.

Ayers Development

Councilmember Steenrod advised that she has seen no development occurring on this project. She requested an update report from Administration.

Des Moines "Dollars for Scholars"

Councilmember Steenrod reported that last night Dollars for Scholars awarded 15 scholarships to Des Moines and Normandy Park Students. She congratulated the winners and their families.

Highway 99 Bus Shelters

Councilmember Steenrod advised that Metro is beginning to install the student painted murals along Pacific Highway South.

Downtown Businesses

Councilmember Sherman noted that the QFC grocery store at Kent-Des Moines Road and Pacific Highway South will be closing. He encouraged folks to continue grocery shopping at the stores (Safeway and QFC) that are located in Des Moines, so the City gains sales taxes.

Public Works Director Tim Heydon

Councilmember Sherman pointed out that this will be the last Council meeting that Mr. Heydon will be attending as the City's Public Works Director. He noted that his last day of employment will be the end of May. He thanked Mr. Heydon for his service to the City. He noted his valuable technical input on the South County Area Transportation Board and the tremendous work he contributed while representing Des Moines on the SR 509 project. He also noted his efforts in securing funding for the Marine View Drive Bridge Project.

City Manager Piasecki advised that Mr. Heydon has signed a contract with the City to continue working on some specific projects.

City Staffing

Councilmember White also expressed appreciation for the work that Public Works Director Heydon has done.

She further noted that with the current budget cuts all City staff is extremely busy, and expressed hope that more quality staff is not lost down the road.

Teal Road Access - SR 509

Mayor Pro Tem Thomasson stated that he feels it is essential that the connection between the Airport and SR 509 is completed.

Mt. Rainier High School - Interim Move to Olympic Middle School

Mayor Pro Tem Thomasson remarked on the imposition to the North Hill Neighborhood during the reconstruction of Mt. Rainier High School. He advised that Highline School District is informing the citizens of this impacted area that any problems that occur are City problems. The issues of concern are parking, loitering, smoking, etc. He felt that the City needs to be proactive and make decisions now so that when the High School opens in September Council is not descended upon by a 100 angry citizens. He requested Administration prepare a report regarding the neighborhood relations aspect of this project.

Mayor Sheckler requested City Manager Piasecki to address this under the Administration Report.

Councilmember Petersen noted that most of the south side of Olympic Middle School, along with the west side, is being developed for student parking.

Mayor Pro Tem Thomasson advised that the proposed parking is about 100 stalls short.

Mayor Sheckler also noted that the streets wind and dip in this area and certainly can become impacted by the need for more parking, along with speeding cars.

Des Moines Leadership Summit

Mayor Sheckler advised that so far a list of about 50 has been developed that will be invited to participate in the Summit. He noted invitations should go out within the next week, with a first meeting date to be in early August.

ADMINISTRATION REPORTS

Parking - Interim Use of Olympic Middle School by Mt. Rainier High School

City Attorney Marousek informed Council that the Police Department, the Planning Department and the City's Transportation Engineer are on top of the potential parking problems. She noted that Planning Manager Ruth wrote a letter two weeks ago to the School District informing them that their parking arrangements are not adequate and informed the District on what they need to do to correct the situation.

Mayor Sheckler questioned whether any measures will be taken to reduce speeding in the area, such as speed bumps. He felt there may be a number of issues that need to be addressed in the North Hill area before Olympic is used as a high school. He suggested either the Council's Public Safety & Transportation Committee, or an ad hoc committee, begin immediately to review the potential problems, as waiting until September will be too late.

Activity Center Decreased Revenues

City Manager Piasecki, in response to Councilmember Benjamin's earlier question, noted that usually when there is an unusual spike in revenues at the Activity Center, it is generally because the Senior Program had a large trip or event that they were collecting money for. In noted that he cannot confirm exactly why that happened in April, but he will check with Senior Services Supervisor Padden.

Vision, Mission Statements and Strategic Objectives

City Manager Piasecki displayed a colored format that will be posted around town as per Council's request.

Pacific Highway South Improvement Project

City Manager Piasecki reported that the project was awarded a second place silver award from the Association of Washington Cities for cities with a population between 15,000 to 40,000. He noted that there was a lot of competition and the City should be proud of the second place award.

Public Works Director

City Manager Piasecki thanked Public Works Director Heydon for his service to the City which is just short of 11 years. He felt unquestionably Mr. Heydon is leaving the City a better place for having been here.

CONSENT CALENDAR was read by City Clerk Staab.

1. Motion is to approve the regular minutes of May 12, 2005
2. Findings: 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.

Motion: As of this date the Des Moines City Council, by unanimous vote, does approve for payment those vouchers and payroll transfers included in the above list and further described as follows:

Claim checks #99256 through #99427 & electronic fund transfers in the total amount of $436,473.50
Payroll fund transfers in the total amount of $331,808.66

3. Motion is to approve payment of registration and travel expenses for Mayor Sheckler (approximately $1,048) and Councilmember White (approximately $1,005) to attend the Association of Washington Cities Annual Conference in Kennewick, Washington, June 21-24, 2005.

4. Motion is to reject all bids received on April 27, 2005, for the Street, Bike Route and Pedestrian Walkway Cleaning Contract.

Councilmember Steenrod requested that, although she was not at the meeting, that the May 11, 2005 Minutes, Under Comments From the Public by Lala Klemmon, a note be added "That legal services were not available, that the City Attorney declined to represent those Councilmembers." for the purpose of clarification.

**MOTION** was made by Councilmember Sherman, seconded and passed unanimously, to approve the Consent Calendar as read.

PUBLIC HEARING

Justice Assistance Grant for the Domestic Violence Program

Mayor Sheckler introduced the hearing, noting no one has signed up to speak on the issue. He noted the purpose of this agenda item is to conduct a public hearing and to seek City Council approval to accept the Justice Assistance Grant for 2005 in the amount of $15,156 for the City's Domestic Violence Advocate Program. He declared the hearing open and requested any speakers.

City Attorney Marousek reminded Council that funds were approved in the 2005 budget to maintain the City's Domestic Violence Advocate Kristen Gabel, who works with domestic violence victims and defender accountability. She noted that since then the Department of Justice called from Washington, D.C. and requested the City apply for this grant. She informed Council that there are no matching funds required by the City and this is essentially "free" money from the Federal Government recognizing the good work that Ms. Gabel and the Municipal Court are doing with domestic violence. She noted the public hearing is required to hear if there are public comments regarding the City's program and the City Council is required to approve acceptance of the grant.

City Attorney Marousek noted that the Rules for the Public Hearing are set out in Council's Rules of Procedure and there is a hand-out that is available to the Public.

Mayor Sheckler requested if there were any questions.

Domestic Violence Advocate Gabel responded to questioning by Mayor Pro Tem Thomasson, that there are no strings attached and no matching funds are required.

Mayor Sheckler closed the public hearing

**MOTION** was made by Councilmember White, seconded by Mayor Pro Tem Thomasson, to accept the Justice Assistance Grant in the amount of $15,156, funding the City's Domestic Violence Advocate Program. Motion passed unanimously.

PUBLIC HEARING

First Development Agreement With the Port of Seattle

Mayor Sheckler introduced the topic noting that the purpose of this agenda item is to hold a public hearing on the proposed first development agreement regarding the Des Moines Creek Business Park (north of the Post Office on S 216$^{th}$ Street).

Mayor Sheckler read the rules for conducting the Public Hearing into the record. He declared the public hearing open and asked Administration to describe the matter.

8:25 p.m. Councilmember Benjamin left the Council meeting.

Community Development Director Kilgore advised Council that before them is the first proposed development agreement regarding the development of the Des Moines Creek Business Park property, commonly known as the Port Buy-out Area. She noted that although the Port owns additional property west of 18$^{th}$ Avenue, the only area being discussed tonight are those areas that are currently zoned Business Park. She stated that since March per Council direction, the Port and the City have been working on the document before Council tonight. She informed Council that this development agreement is the first step of a proposed three step process leading to construction at this site. The proposed three step process is as follows:

1. Proposed development agreement (procedure and process) before Council tonight.
2. Review of conceptual Master Plan, with street and plat vacations, SEPA mitigation, etc.
3. Review of detailed Master Plan per DMMC 18.25

She noted that once all three steps are accomplished and approved, then building construction can occur.

She informed Council that the reasons for doing a development agreement is that it takes a more detailed review of the entire site. It also provides more certainty than an Interlocal Agreement for both parties, along with more public participation and more Council oversight and involvement. It will allow for more midcourse adjustment, if needed. She pointed out that a development agreement is authorized by RCW 35.70B.170, a copy of which is included in Council's packet.

Community Development Director Kilgore proceeded to review the Draft Proposed Development Agreement noting contents as follows: Recitals, Purpose, Definitions, Jurisdictional Authority, Overall Development Process, SEPA Review for All Project Phases, Relationship Between the Parties, and Miscellaneous Agreements. She also pointed out there are the following exhibits: Exhibit 1 - Map, Exhibit 2 - Des Moines Creek Business Park Uses and Exhibit 3 - Proposed Des Moines Creek Development Timeline, and Exhibit 4 - Available Environmental Documents. She noted underlines and a few strikeouts in Exhibit 2 and pointed out that three attorneys have reviewed the listing of uses and all concluded that the list is consistent with the applicable development regulations.

Community Development Director Kilgore announced that representatives from the Port are available for comments or questions

Mayor Sheckler requested public speakers.

PUBLIC COMMENTS

Ben Stark, 1310 South 230th Street

City Attorney Marousek questioned Mr. Stark as to whether his testimony will be true and accurate to the best of his knowledge. Mr. Stark responded in the affirmative.

Mr. Stark stated that to his knowledge this hearing was not publicized and therefore it is difficult to make comments. He felt that if there are any residential uses in the South subarea they should be protected. He suggested that if the 3rd runway is converted to freight use versus passenger traffic, it would create much more noise impacts. He suggested that more public participation is needed in this process.

Mayor Sheckler called for further public speakers three times. There was no response. He inquired of Administration as to any misstatements of facts or any additional material they may wish to submit.

Clarifications

Community Development Director Kilgore advised that the Public Hearing was noticed in the Seattle Times and posted in all the City's legal posting places under the Des Moines Municipal Code. She further advised that the project is exempt from SEPA review so there was no large white sign on the site. Regarding residential uses in the south subarea, she noted that was removed as at this time we are only looking at the north subarea and there are no residential uses in that area.

Councilmember Steenrod announced that Councilmember Benjamin had an emergency and left the meeting at 8:25 p.m.

8:48 p.m. Mayor Sheckler declared a 10 minute break.

Mayor Sheckler questioned whether any Councilmembers have questions for staff or Port officials.

Councilmember Steenrod requested before the final plan is brought back that Exhibit 2 be indented. On page 3, Now, Therefore, she questioned what "valuable consideration" is referring to. She felt that 'consideration' usually refers to money.

City Attorney Marousek pointed out that the various Whereas's are the valuable considerations by both parties. It was suggested that the word "receipt" be eliminated.

Councilmember Steenrod also pointed out that on the signature page the term "Washington Municipal corporation" that the word municipal should not be capitalized. She also questioned and recommended review of the use of commas throughout the document.

Upon questioning about the term "Foreign Trade Zone", Mark Reiss Director of SeaTac Airport, advised that the Port of Seattle has the authority under Federal administrative rules to establish foreign trade zones in certain of its properties. The term is really an overlay of authority to allow tenants to defer Federal taxes associated with products they import and then re-export or alternatively work on prior to their introduction into the property of the United States. He noted that by itself a foreign trade zone does not produce anything or do anything, it is simply a designation that allows a deferral of taxes under Federal law.

Mayor Pro Tem Thomasson noted that the 3rd Whereas on the first page poorly describes the land and several other places refer to the "land". He suggested either a legal description be added or, better yet, add boundary lines to exhibit one and make references to the exhibit. He continued with further comments as follows:

- Page 2, 3rd Whereas, where it says "conditions were unfavorable", he suggested the word 'economic' be inserted, or the last half of the sentence should be struck.
- Page 2, 4th Whereas, "the City and the Port now seek to work collaboratively", he felt misstates the City's roll in the process. He would like the word "supports" inserted between "City" and "and".
- Page 2, 6th Whereas, he expressed concern and would prefer there be two agreements, one dealing with Interlocal Issues, and a development agreement. He felt being merged into one agreement, that we need to clearly identify what issues might go to a hearing board versus what issues go to a Court of competent jurisdiction.

In regards to this last comment, City Attorney Marousek advised that the Interlocal Cooperation Act has no specific criteria or provisions for dispute resolution. She noted that the City of Des Moines generally prefers to have arbitration and mediation, which is what is contained within this draft agreement. She noted that the dispute resolution provision in this agreement says we will arbitrate, mediate, using Council, the City Manager and the Port officials, but if all that fails we do not waive any legal remedies as appropriate.

Mayor Pro Tem Thomasson suggested then (5) on page 10, last sentence the particular processes for legal remedies be listed. He continued with his comments:

- Page 2, 7th Whereas. He questioned whether the Port has an adopted land use code, or exercised its authority to establish land use regulations?

SeaTac Airport Director Reiss noted that the Port has certainly done various kinds of development, and made decisions about what kind of land use to develop certain of their properties to.

City Attorney Marousek remarked that the point of this recital was to indicate that the Port has authority to have development regulations. The Port indicated, when they agreed to this paragraph, that what is contained here is consistent with whatever regulations they have.

Mayor Pro Tem Thomasson continued:

- Page 3, I. Purpose of This Agreement (4): He felt that it should be noted that Exhibit 3 is attached. He also felt that the draft time line is unbelievable and questioned how binding is the time line.

City Attorney Marousek remarked that the key word in the time line is "proposed".

Mayor Pro Tem Thomasson continued:

- Page 3, I, (7): He felt the term "entered into" is wrong language, as this should be with the eventual developer, not the Port.

- Page 4, II, (3) and (5): Suggested both need more definitive clarification.
- Page 5, III, (2): He noted that it not clear how the separate SEPA officials act or interact, do they have to be in complete agreement and if not, is that when the City Manager steps in to resolve the difference.

Community Development Director Kilgore referenced page 9 (2), referring to co-lead agencies. She suggested that the applicable WAC be referenced into the section that states how the co-lead agencies act. Page 9 (7) shows the City is the final authority. Page 5 (2), refers to only land it owns.

Mayor Pro Tem Thomasson continued:

- Page 6, (2): He felt the term “Community Development Director” should be updated.

Community Development Director suggested this remain and add the term “or designee”, as the new position will not have this authority under our existing Code.

- Page 6, V, (2): Insert word “proposed” time schedule . . .
- Page 7, V, Step 2, (1): Questioned term “this agreement”, suggested using the true definition.
- Page 7, V, Step 2, (2): In regards to “broad plans for and impacts” feels this terms leaves great room for misunderstanding or miss-expectations. Felt there should be a better definition.
- Page 7 (4): Does not want to give up City legislative control to the State or Federal.

City Attorney Marousek stated that the State and Federal pre-empt the City.

Councilmember Sherman expressed concerns over potential loss of new wetlands and questioned since conditions have changed, will the Corps Permit still stand. He noted he wants to retain wetlands that might have been allowed to go with “borrowing” of dirt.

Director Reiss noted that when the wetlands permit was issued, it was issued with the expectation that the property would be used initially to “borrow” dirt and then there would be some sort of subsequent development, but the impact would be with the borrowing of the dirt. The broader context had to do with the environmental impacts and the potential environmental benefits, including air quality in mitigating truck traffic by bringing dirt from a closer spot. The trade-off associated with the determination regarding wetlands, included in that context, a number of other environmental parameters for the whole basin. He stressed since they are not taking dirt, that the broader environmental context was a little different. The Permit does still apply, but the Port is going to have to ask the Corps exactly how they will interpret the approval given the lack of air quality benefit, etc. from less trucks.

Mayor Pro Tem Thomasson stated that he does not want to see in this first development agreement the City giving up its legislative and regulatory authority in regards to sensitive areas, as this will be a basis in the future agreements. He continued:

- Street Vacation issue: Feels it is still feasible to do something with the streets so that buildings can be laid out within existing streets. Felt this is a judgment statement that overstates the issue.
- Top of page 10: Representatives names should be their titles, not personal names.
- Page 10 (2): What are the costs?
- Page 10 (5): Clarify fees for both arbitration and mediation or singular.
- Exhibit 2: Formatting needs to be used (indents).
- Exhibit 2 (e): Does this include airplanes? Would want them excluded.

- Exhibit 2 (i): Questioned whether day care and nursery schools are appropriate uses, since we said people should not live here due to high noise and other concerns. Also felt the same may be true with (j) and (l)
- Exhibit 2 (3)(f): Strike “south subarea”.
- Exhibit 2 (3)(k): strike “avionics” and include elsewhere as a separate statement.
- Exhibit 2 (4): Warehousing needs a clear definition.
- Exhibit 2 (8): Operation of foreign trade zones, he wants to see specific uses listed.
- Exhibit 2: If staff is not using SIC Code, then at least reference DMMC.
- Exhibit 2: (8): Is this really a use or a Federal tax law? He questioned if this is an actual land use or should it even be listed.

Mr. Reiss noted the Port want Foreign Trade Zones included because the list on Exhibit 2 is so specific and there was concern that if it was not listed it could not be done.

Mayor Sheckler advised that he is not closing the public hearing at this time, as there are too many proposed changes to take action this evening. He stated for the record that adequate advertising of this hearing was done.

Councilmember Sherman stated that he would like to see some additional uses for this area including recreational, such as theaters, bowling alleys or amusement arcades, and inclusion of some retail uses.

Community Development Director Kilgore advised she will need to review the Comp Plan again as she believes there are some policies about not having a lot of retail in this area.

Councilmember Steenrod requested more tie-in by reference, throughout the agreement, with the Exhibits.

**MOTION** was made by Mayor Sheckler, seconded by Councilmember Steenrod, to continue the Public Hearing to the meeting June 9, 2005. Motion passed 6 to 0.

10:28 p.m. **MOTION** was made by Mayor Sheckler, seconded by Mayor Pro Tem Thomasson and passed, to extend the meeting by 10 minutes.

OLD BUSINESS

Draft Resolution No. 05-022 ***[ASSIGNED RESOLUTION NO. 991]*** Fireworks Over Des Moines
Mayor Sheckler introduced the subject.

**MOTION** was made by Mayor Sheckler, seconded by Councilmember White, to adopt the draft resolution authorizing the fifth annual “Fireworks Over Des Moines” event on July 4, 2005, at the Des Moines Marina and to direct the City Manager to provide support services and amenities for the event as identified therein, with the attached agreement.

FRIENDLY AMENDMENT: Councilmember Sherman suggested that on page 3, Section 4, of the resolution to remove the line “to grant permission to the Rotary Club”, and on page 3 of the agreement 2(c) remove the same words. This was accepted by the maker and seconder of the motion.

Mayor Pro Tem Thomasson noted that on page 3 of the resolution after (9) that the 10 and 11 should be changed to (a) and (b).

City Manager Piasecki noted any funds received from Rotary over the City's maximum expenditures will be prorated to the appropriate funds.

Council thanked Rotary Club for stepping forward to help make this event happen.

VOTE ON MOTION: Motion passed unanimously.

NEW BUSINESS

Critical Areas Ordinance Consultant Agreement

**MOTION** was made by Mayor Pro Tem Thomasson, seconded by Councilmember Sherman, to approve the consultant contract and scope of work with AHBL consultants as included in Attachment 1 and authorize the City Manager to sign the contract substantially in the form as attached for an amount not to exceed $37,000. Motion passed unanimously.

Beach Park Master Plan

**MOTION** was made by Mayor Pro Tem Thomasson, seconded and passed, that this item be continued to a meeting in the future to be scheduled by the Mayor.

NEXT MEETING DATE - Study Session June 2, 2005

Mayor Sheckler advised that the next meeting will be a study session on June 2, 2005.

ADJOURNMENT

10:39 p.m. **MOTION** was made by Mayor Pro Tem Thomasson, seconded by Councilmember Petersen and passed unanimously, to adjourn.

Respectfully submitted,

Denis Staab
City Clerk

**ACTION ITEMS FROM MEETING OF MAY 26, 2005**

- Update from Administration on the "Ayers Development".