

MINUTES  
REGULAR MEETING  
DES MOINES CITY COUNCIL

January 27, 2011 - 7:30 p.m.

CALL TO ORDER - Mayor Sheckler called the meeting to order at 7:29 p.m.

PLEDGE OF ALLEGIANCE – The flag salute was led by Councilmember Pina.

ROLL CALL

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

Staff present were City Manager Tony Piasecki; City Attorney Pat Bosmans; Assistant City Manager Lorri Ericson; Planning Building and Public Works Director Grant Fredricks; Finance Director Paula Henderson; Harbormaster Joe Dusenbury; Parks Recreation and Senior Services Director Patrice Thorell; Development Services Manager Robert Ruth; City Clerk Sandy Paul

CORRESPONDENCE

City Manager Piasecki reported receiving a letter from Robert Verzani, Legal Counsel for Water District #54. Copies were distributed to Councilmembers.

COMMENTS FROM THE PUBLIC:

Vicki Daniels, 1181 147<sup>th</sup> Place SW, Lynnwood, spoke about the *Rosie* incident.

BOARD & COMMITTEE REPORTS/ COUNCILMEMBER COMMENTS

Councilmember Scott

- Attended a meeting of the Farmer's Market and reported that the Market is financially sound, more vendors are slated for this season, and a wine tasting venue has been proposed

Mayor Pro-Tem Kaplan

- Inquired about the third party review from WACA regarding the *Rosie* incident (NOTE: CM Piasecki stated that report would be available by the end of the week or no later than January 31.)
- Attended a Midway Sewer District open house regarding the downtown sewer repair project

Councilmember Musser

- Met with other elected representatives on the Highline Healthy Community Coalition which discussed incentivizing healthy businesses such as Whole Foods Market and Emerald City Smoothies
- Municipal Facilities committee met and discussed finishing up the dining hall and picnic shelter at Beach Park
- Asked to have added to the City Council Retreat agenda discussion of a proposal to raise funds to complete the buildings at Beach Park and to maintain them once they are complete

Councilmember Pina had no report.

Councilmember Sherman added to Councilmember Musser's comments that he fully appreciated the need for ongoing funds for maintenance and operation of Beach Park and its buildings.

Councilmember Thomasson had no report.

## PRESIDING OFFICER'S REPORT

Mayor Sheckler reported that he had met with investors from China who are very interested in private or City-owned properties for dormitories at Highline College. They were also interested in opportunities at the Marina, vacant property on Pacific Highway, or the buy-out area. He also commented that he is hearing comments from developers who are experiencing ease in working with the City.

## ADMINISTRATION REPORTS

- The North Twin Bridge was opened to traffic northbound
- The Marina combined projects are substantially complete (some punch list items are left) and the fences will come down this week
- A previous State Department of Commerce grant application for energy improvements was not funded. There are funds now available and the City was approved to receive \$135,000 which may be used to offset other planned energy efficiency projects.
- Acceptance of a Community Development Block Grant (CDBG) for a generator and other energy improvements at the Activities Center would result in limiting annual rental income to \$25,000 and would remove the option of renting to churches. With these restrictions, it may not be desirable to accept the money. Further research is on-going
- The City was awarded a Port Security grant in the amount of \$1,000,000. Actual grant documents will be forthcoming as they are available.
- Saturday, January 29, 2011, 9:00 a.m. to 2:00 p.m., the City Council will meet for a retreat to review strategic goals. The public is welcome to attend.

## CONSENT CALENDAR

Item 1: APPROVAL OF MINUTES

Motion is to approve minutes from the meetings of January 6, 2011

Item 2: 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 made available to the City Council:

Claim checks \$624,348.59

Payroll fund transfers in the total amount of \$437,264.38

Total certified Wire Transfers, Voids, A/P & Payroll vouchers are \$1,248,697.18

Item 3: Squidman Aquathon

Motion is to adopt Draft Resolution No. 10-201, authorizing the first annual Squidman Aquathon sponsored by BTO Multisports on August 13, 2011, at the Des Moines Beach Park, Des Moines Creek Park and Des Moines Marina.

Item 4. Approval of City-Wide Energy Savings & Utility Improvements

Contract with McKinstry Company

Motion is to approve Amendment No. 1 to Interagency Agreement with the State Department of General Administration (GA) for McKinstry to design and construct energy efficiency measures in City Hall, the Public Works Building, the Public Works Service Center, Field House, Senior Activities Center and the Police Services Building with a guaranteed maximum project allowable cost of \$314,183 and a final project cost of \$370,268 as detailed in the attached Energy Services Proposal dated January 5, 2011 plus a \$24,000 contingency controlled by the City, and further to authorized the City Manager to sign the Amendment substantially in the form as submitted.

Item 5. Additional contract contingency for Des Moines Creek Channel

Modification

Motion 1 is to authorize an additional 10% contract contingency in the amount of \$36,000 for the construction contract with KC Equipment, LLC to cover change orders related to the Lower Des Moines Creek Improvements Project bringing the total authorized contract contingency amount to

\$72,000 and the maximum contract amount to \$432,000, and authorized the City Manager or his designee to approve change orders as determined necessary up to the maximum contract amount.

Motion 2 is to approve Supplement No. 6 of the contract with Tetra Tech, Inc. for additional engineering and construction management services for the Lower Des Moines Creek Channel Modifications project in the amount of \$44,729 bringing the total contract amount to \$517,772 , authorize the City Manager to approve additional supplements as necessary up to \$5,000 for the entire contract, and to authorize the City Manager to sign said supplement substantially in the form as submitted.

Item 6. Resolution to Set the Public Hearing Date for the Sign Code  
Motion is to adopt Draft Resolution No. 10-117 setting a public hearing February 24, 2011 to consider proposed amendments to the City's Sign Code.

Item 7. Department of Ecology LHWMP Grant  
Motion is to authorize the City Manager to sign the 2011 LHWMP Grant #D40590D Contract (Attachment 1) between the City of Des Moines and the Seattle-King County Department of Public Health, which will provide funding for recycling activities in 2011.

Item 8. Superseding Resolution No. 775 Authorizing Deposit and Withdrawal of Funds in the Local Government Investment Pool (LGIP)  
Motion is to adopt Draft Resolution No. 10-213, authorizing deposit or withdrawal of funds in the Local Government Investment Pool in accordance with the provisions of the Washington Administrative Code for the purpose of investment as stated in the Washington Administrative Code, describing the names and titles of the officials authorized to order deposit or withdrawal of funds, and superseding Resolution No. 775.

Item 9. Mayor's Appointment to the City of Des Moines Arts Commission  
Motion is to confirm the Mayoral appointment of Eileen O'Neal to the Des Moines Arts Commission effective immediately, to fill a vacant 3-year term which expires on December 31, 2013.

#### ACTION/DIRECTION

Item 4 was pulled by Councilmember Thomasson; Item 3 was pulled by Councilmember Sherman. Councilmember Thomasson questioned Item 6, Setting the Public Hearing for the Sign Code. He would be out of town on February 24, the date of that proposed public hearing. He asked if the hearing could be rescheduled. By consensus of the City Council the date for the public hearing on the Sign Code was rescheduled to March 24.

Motion to adopt the remaining Consent Agenda items was made by Mayor Pro-Tem Kaplan and seconded by Councilmember Thomasson. Approval was unanimous.

Following staff presentation, explanation, and Council discussion, Item 4, Mayor Pro-Tem Kaplan moved approval of City-Wide Energy Savings & Utility Improvements Contract with McKinstry Company as read by the City Clerk; Councilmember Sherman, second. The motion was approved unanimously.

Councilmember Sherman had questions about the Squidman Aquathon. Porter Bratten, USA Triathlon Certified Race Director, discussed the event and explained that the event would not keep park and trail users from their bicycles and walks for long. Councilmembers appreciated the possible economic benefits that this event might bring to Des Moines. Councilmember Musser moved approval of Draft Resolution No. 10-201, the Squidman Aquathon. Mayor Pro-Tem Kaplan, second. The motion was approved by all Councilmembers.

#### PUBLIC HEARING

1. Adopt Shoreline Master Program

Mayor Sheckler opened the Public Hearing at 8:30 p.m. He invited staff to make a presentation.

Development Services Manager Robert Ruth spoke about the work on amendments to the Shoreline Master Program that had encompassed several years. He said that whereas the City had wished to have increased flexibility, state regulations would not allow cities creativity in managing their shorelines. The amended document presented for approval reflected state approval, including limited city options.

Scott Freeman, 18115 110<sup>th</sup> SE, Renton, and 26237 Marine View Drive, Des Moines, was opposed to the changes that he felt were based in emotion and not fact and would stifle economic vitality.

Mayor Sheckler called for additional speakers a total of three times. There were no more speakers.

The Mayor called for any misstatements of fact and referred to an email that had been sent from Scott Freeman and Maureen Richter. Staff explained that the city had to work within state guidelines. The email was listed as Exhibit #1. Exhibit #2 was a written copy of previous comments submitted by Mr. Freeman and Ms. Richter.

Mayor Sheckler closed the Public Hearing at 8:46 p.m.

ACTION/DIRECTION

Following City Council comments, Mayor Pro-Tem Kaplan moved to suspend Rule 26 (a) allowing Council to take action on Draft Ordinance No. 10-212 on first reading; Councilmember Musser, second. The motion passed 6-1. Councilmember Pina was opposed.

Mayor Pro-Tem Kaplan moved to adopt Draft Ordinance No. 10-212 approving amendments to the City of Des Moines Shoreline Master Program to be consistent with State requirements and codifying the new SMP by amending DMMC 18.90.10 accordingly; second by Councilmember Musser. The motion was approved 6-1. Councilmember Pina was opposed.

BREAK

Mayor Sheckler recessed the City Council meeting at 8:50 p.m. for a ten minute break. The meeting was resumed at 9:00 p.m.

NEW BUSINESS

1. Draft Ordinance No. 11-006, Marina Moorage Rates and 2. Draft Resolution No. 11-007 Setting 2011 Monthly Marina Slip Rental Rates

Harbormaster Joe Dusenbury discussed Marina usage and rates, adding a 28' seasonal rate, slip rental fees, and moorage rates.

ACTION/DIRECTION

Following City Council discussion, Mayor Pro-Tem Kaplan moved to adopt Draft Resolution No. 11-007, suspending the automatic rate increase for 2011 regular moorage rates as provided in Ordinance No. 1472, and setting the 2011 moorage rates for open and covered general moorage the same as rates posted for 2010. The motion was seconded by Councilmember Scott.

There was additional discussion. Mayor Pro-Tem Kaplan rescinded his motion and Councilmember Scott agreed to the rescission.

Following further debate, Mayor Pro-Tem Kaplan moved to suspend Rule 26 (a) in order to enact Draft Ordinance No. 11-006 on first reading. Councilmember Musser, second. The vote was unanimous to approve the motion.

Mayor Pro-Tem Kaplan moved to enact Draft Ordinance No. 11-006, amending DMMC 15.04.480 establishing prepaid annual moorage rates, amending seasonal monthly moorage rates, effective February 1, 2011. Councilmember Musser, second. The motion passed 6-1. Councilmember Thomasson voted no because he felt that both the Ordinance and Resolution were unnecessary, that one or the other was sufficient.

Mayor Pro-Tem Kaplan moved to adopt Draft Resolution No. 11-007, suspending the automatic rate increase for 2011 regular moorage rates as provided in Ordinance No. 1472, and setting the 2011 moorage rates for open and covered general moorage at the same as rates posted for 2010. Councilmember Musser seconded the motion. The motion was approved, 6-1. Councilmember Thomasson voted no for the same reason as noted above.

NEXT MEETING DATE – January 29, 2011, a Retreat to be held at the Activities Center.

ADJOURNMENT

There being no further business to come before the City Council, Mayor Pro-Tem Kaplan moved to adjourn; Councilmember Pina, second. All the votes were eyes. The meeting was adjourned at 9:30 p.m.

Respectfully submitted,

Sandy Paul CMC  
City Clerk