

## MINUTES

### REGULAR MEETING DES MOINES CITY COUNCIL

21630 11<sup>th</sup> Avenue South, Des Moines, City Council Chambers

October 4, 2012 - 7:00 p.m.

CALL TO ORDER - Mayor Pro-Tem Pina called the meeting to order at 7:02 p.m.

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

#### ROLL CALL

Present were Mayor Pro-Tem Matt Pina; Councilmembers Dan Caldwell, Jeanette Burrage, Bob Sheckler and Carmen Scott.

Mayor Dave Kaplan and Councilmember Melissa Musser were absent. Councilmember Burrage moved to excuse Mayor Kaplan and Councilmember Musser; Councilmember Scott, second; all the votes were ayes.

Staff present were City Manager Tony Piasecki; City Attorney Pat Bosmans; Assistant City Manager Lorri Ericson; Planning Building and Public Works Director Grant Fredricks; Police Chief George Delgado; Finance Director Paula Henderson; Finance Operations Manager Cecilia Pollock; Harbormaster Joe Dusenbury; Parks Recreation and Senior Services Director Patrice Thorell; Assistant Director of Transportation and Engineering Dan Brewer; Assistant Director of Utilities and Environmental Engineering Loren Reinhold; Senior Planner Jason Sullivan; CIP Project Manager Scott Romano; Economic Development Manager Marion Yoshino; City Clerk Sandy Paul

#### COMMENTS FROM THE PUBLIC:

Jeff Hart, 22609 6<sup>th</sup> Avenue South, #302, spoke about a huge gathering of cars and people at the Marina which had gathered in the parking lot and proceeded to party. He called it an extraordinary event. He commented on other events involving petty crime, alcohol abuse and drug dealing. He spoke in favor of paid parking at the Marina.

Will Huisingh, President of Waterford at Des Moines, also spoke about gatherings in the Marina parking lot during the summer and some of the activities he has witnessed. He asked for a permanent fix in the Marina to curb these activities, such as a hard gate at the south end of the Marina.

Ben Smith, 22515 6<sup>th</sup> Avenue, also asked for a permanent fix to the drug problems and eventual violence in the Marina.

#### BOARD & COMMITTEE REPORTS/ COUNCILMEMBER COMMENTS

Councilmember Scott

- Friday evening is the Spaghetti dinner at the Activities Center to support senior activities
- Des Moines' calendar for 2013 is almost ready and will be for sale for \$5 at the dinner
- Invited all to come to the Farmer's Market on Saturdays through October
- IOOF hall is downhill from Scotch and Vine and on October 13 they are putting on a celebratory spaghetti dinner. Please RSVP by October 8. Cost is a suggested \$10 donation

Councilmember Caldwell

- Said that seniors who are released from the hospital but are not well enough to go home can go to the Landmark Center and participate in its Transitional Care Project (the former Masonic Temple)
- Complimented the City Manager for having the July 12 Council meeting at Woodmont/Redondo and

- followed up with letters to all those who spoke at the meeting to share their concerns
- Stated the when he attends meetings he often finds the acoustics prevent him from hearing well
- Was at the beach today and saw for himself the problem the harbormaster has launching boats into rough water

#### PRESIDING OFFICER'S REPORT

- Attended the stakeholders meeting where the review of the potential development at the Marina is taking place

#### ADMINISTRATION REPORTS

- Thanked Councilmember Caldwell for his comments about the letters that went out to those speakers at the Woodmont meeting. He said all he did was to sign them and other staff did all the work!
- Please note that the first 2 consent items were switched. The clerk will read them in their proper order
- Grant Fredricks has announced his retirement after 47 years of public service in the Corps of Engineers, Washington state, and the City of Des Moines. Dan Brewer, Transportation Engineer, will be Acting Public Works Director, and Denise Lathrop, Planning Manager, will assume the duties of Acting Community Development/Building/Planning Director. Additionally, Senior Planner Jason Sullivan is going to take a position in Bonney Lake, nearer to his home.

#### CONSENT CALENDAR

##### **Item 1: MARINA DISTRICT PARKING LOT LEASE (FISHER PROPERTY)**

Motion is to approve the Lease Agreement between William O. and George D. Fisher and the City for the use of their property for a municipal parking lot at an annual cost of the actual property tax owed for the property plus \$100, and to authorize the City Manager to sign the Agreement substantially in the form as attached.

##### **Item 2: NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT PHASE II APPEAL**

Motion is to adopt contribute \$15,000 to the NPDES Coalition Fund for the City's share of litigation costs and expenses in the appeal of the NPDES Phase II permits and to authorize the City Manager to sign an ILA reflecting the City's participation and contribution to the litigation expenses, substantially in the form as attached.

##### **Item 3: RESOLUTION NO. 11-074C SETTING THE DATE FOR LAND USE REVIEW PROCEDURES**

Motion is to adopt Draft Resolution No. 11-074C setting a public hearing on November 29, 2012 to consider proposed amendments to the City's land use review procedures.

#### ACTION/DIRECTION

Item 1 was pulled by Councilmember Burrage.

Councilmember Burrage moved to approve the remaining Consent items; Councilmember Scott, second. The motion passed 5-0.

Councilmember Burrage asked to make changes to the length of time the City would have to use the property if a sale were pursued. She pointed out that since the City was responsible for all utilities, the City could be made to pay for new hook-up charges. SWM fees would continue to be the City's responsibility. And dumpsters placed there would be included in the City's contract with CleanScapes. Protection from invalid liens should also be clarified.

No action was taken. This matter will come appear on a later agenda after further staff review.

#### OLD BUSINESS

City Manager Tony Piasecki called Mayor Kaplan on the telephone at this time.

1. **RECONSIDERATION OF ORDINANCE NO. 1549, RELATING TO THE CITY'S IMPOSITION OF GAMBLING TAXES AND PROVIDING A GRADUATED TAX STRUCTURE FOR PUBLIC CARDROOMS AS A COMMERCIAL STIMULANT**

**ACTION/DIRECTION**

Councilmember Sheckler moved to modify Ordinance No. 1549 by changing the phase-in period of the gambling tax on card rooms as follows: **One percent (1%) in the first twelve months, four percent (4%) in the second twelve months, seven percent (7%) in the third twelve months, and ten percent (10%) thereafter;** Councilmember Burrage, second.

Councilmember Burrage moved to amend the motion to change 10% to 8% to encourage more business in the City of Des Moines and realize more revenue; seconded by Councilmember Scott. The motion to amend failed 4-2. Councilmembers Sheckler and Scott voted yes.

Councilmember Burrage moved to amend the original motion to reduce 10% to 9% where it appears twice in the ordinance; second by Councilmember Scott. The motion passed, 5-1. Councilmember Caldwell voted no.

Councilmember Sheckler moved to modify Ordinance No. 1549 (as amended) by changing the phase-in period of the gambling tax on card rooms as follows: **One percent (1%) in the first twelve months, four percent (4%) in the second twelve months, seven percent (7%) in the third twelve months, and nine percent (9%) thereafter;** Councilmember Burrage, second. The motion passed 5-1. Councilmember Caldwell voted no.

City Manager Piasecki read the title of the reconsidered ordinance.

Mayor Kaplan left the meeting.

**NEW BUSINESS**

**1. MARINA/BEACH PARK SECURITY ISSUES AND PAID PARKING**

Harbormaster Joe Dusenbury made a short introductory presentation. Police Chief George Delgado and Parks Recreation and Senior Services Director Patrice Thorell spoke afterwards.

**ACTION/DIRECTION**

**Councilmember Sheckler** moved to direct staff to proceed with the analysis and discussion of ways to improve the management of Marina and Beach Park including investing in security equipment and technology, parking and traffic management systems, and develop a parking fee structure that would support improvements to the facilities; second by Mayor Pro-Tem Pina. **The motion passed 5-0.**

Councilmember Sheckler moved to establish an ad-hoc committee for the purpose of seeing this project through and making recommendations for improvements. **The committee would dissolve at the end of the assignment;** second by Councilmember Burrage. The motion failed 3-2. Councilmembers Sheckler and Caldwell voted yes.

Councilmember Sheckler left the meeting at 8:35 p.m.

**2. SWIM CIP**

Assistant Director of Utilities and Environmental Engineering Loren Reinhold presented the Surface Water Management CIP for 2013-2018. **He highlighted projects completed in 2012 moving into projects scheduled for next year and through 2018.**

**ACTION/DIRECTION**

This was a policy discussion and there was no action taken.

**3. MARINA CIP**

Harbormaster Joe Dusenbury presented the 2013-2018 Marina CIP. **He pointed out projects that were completed in 2012. One project desired for 2013 is a more permanent 'tent' with sides to keep out the wind and rain and made of a more durable material. He also talked about the need for an offsite storage yard/shelter for spare floats, pilings, and lumber to get them out of the weather and out of sight. It would be located at the south end of the Public Works yard on South 223<sup>rd</sup> street.**

ACTION/DIRECTION

This was a policy discussion and there was no action taken.

NEXT MEETING DATE October 11, 2012, City Council Regular Meeting

ADJOURNMENT

There being no further business to come before the City Council, Councilmember Caldwell moved to adjourn; second by Councilmember Burrage. The meeting was adjourned at 9:00 p.m.

Respectfully submitted,

Sandy Paul

CMC

City Clerk