

MINUTES
REGULAR MEETING DES MOINES CITY COUNCIL
December 10, 2009 - 7:30 p.m.

CALL TO ORDER – The meeting was called to order at 7:30 p.m. by Mayor Bob Sheckler.

PLEDGE OF ALLEGIANCE was led by Councilmember White.

ROLL CALL - Present: Mayor Bob Sheckler, Mayor Pro Tem Dan Sherman, Councilmembers Dave Kaplan, Ed Pina, Carmen Scott, Scott Thomasson and Susan White. Also in attendance were City Manager Tony Piasecki; City Attorney Pat Bosmans; Finance Director Paula Henderson; Parks, Recreation and Senior Services Director Patrice Thorell; Police Chief Roger Baker; Planning, Building, and Public Works Director Grant Fredricks; and City Clerk Sandy Paul.

Mayor Pro-Tem Sherman called for a moment of silence in honor of the fallen City of Lakewood officers.

CORRESPONDENCE

City Manager Piasecki reported that the time was near to renew the City's agreement with the CompRetro Program, whereby the City is saved money on services that were not available outside the program.

City Manager Piasecki also reported that a letter had been received from King County granting to the city of Des Moines, Iowa, with the address for the City of Des Moines, Washington, a sum of money from the American Recovery and Rehabilitation Act (ARRA) funding program. He commented that the letter was a poor example of administrative excellence; however, the letter would be pursued in order to determine which Des Moines (or both) had actually been awarded the money.

COMMENTS FROM THE PUBLIC: At this time the public is invited to comment on items to bring to Council's attention. Please sign in prior to the meeting and limit your comments to three minutes or less.

Rikki Marohl spoke on behalf of the Des Moines Farmer's Market. She said that working with the Des Moines Parks and Recreation Department made this the best year so far with \$24,000 in revenues recorded against \$22,975 in expenditures.

PRESIDING OFFICER'S REPORT

Mayor Sheckler administered the oath of office to Judge Veronica Alicea-Galvan.

Mayor Sheckler awarded Councilmembers Ed Pina and Susan White plaques of appreciation commemorating their combined twelve years of service to the City of Des Moines.

BOARD & COMMITTEE REPORTS & COUNCILMEMBER COMMENTS

Councilmember Scott reported on the Tree Lighting on Friday, December 11, 2009.

Councilmember Pina commented that he had enjoyed his four years on the City Council. He said he was impressed by how well the Councilmembers work together.

Councilmember Thomasson reported an Environment Committee meeting had been held earlier in the evening.

Mayor Pro-Tem Sherman corrected a misstatement he had made about the Police Guilds not making concessions for 2009 – they have.

He also reported on the mobil van that provides dental services to those hard hit in these rough financial times. Also of interest was the proposed King Copunty Board of Health rules regarding pet care services. A Public Hearing would be held on the topic on January 23, 2010. H1N1 vaccine inoculations were now open to all between the ages of six months to sixty-four years at many local pharmacies.

Sherman stated that in the Auditor's Exit Conference the 2008 Audit revealed no major adverse findings.

ADMINISTRATION REPORTS

Scott Greenburg, president of the American Planning Association (APA) and Community Development Director of the City of Burien, presented an award to the City of Des Moines for its *Envision Midway* project, a partnership with the City of Kent, which was also receiving an award. Planning Manager Denise Lathrop accepted the award for her work on the project. Mayor Sheckler received a certificate and accepted an engraved plaque for the City of Des Moines.

City Manager Tony Piasecki reported the new Department of Health regulations would create new regulations for animal care businesses. The City Attorney would be looking at codes that govern animal facilities and their associated new fees.

The City Manager also reported that tourism dollars could be expended on parts of the Maritime Heritage Area project.

The Regional Commission on Airport Affairs (RCAA) Part 150 study results were not what Des Moines was expecting. Letters would be sent expressing the higher expectations of the City. Now that the second runway mitigation was all but finished, a new group of people have been affected by the third runway. Single family homes and schools had been sound proofed, but apartments and businesses were in need of sound proofing. The City was working with and through the office of Adam Smith.

CONSENT CALENDAR

1. **Motion** is to approve the special and regular minutes of December 3, 2009. I provided you this agenda information prior to completing those minutes and did not provide you the minutes. Therefore, these and other minutes will be brought to you at a later meeting.

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 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 #121636 through #121926 & electronic fund transfers in the total amount of \$2,671,131.49

Payroll fund transfers in the total amount of \$876,718.09

3. **Motion** is to approve the agreement between the City of Des Moines and King County for the Construction and Implementation of Intelligent Transportation System Improvements to support the A-Line RapidRide Project, and further authorize the City Manager to sign said Agreement substantially in the form as submitted.

4. **Motion** is to approve purchase 453 square feet of land from William and Jennifer Stock in the amount of \$8,154.00, plus closing costs, and further to authorize the City Manager to sign the warranty deed substantially in the form as submitted and accept the right-of-way on behalf of the City of Des Moines, Washington.

5. **Motion** is to approve the Supplemental Task Order Assignment with KPG for Construction Management and Inspection services necessary for the South 216th Street Improvement Project – Segment 4 (Marine View Drive to 11th Avenue South in the amount of \$359,990, bringing the total amount for KPG's Task Order Assignment number 2008-001 to \$685,380, and authorize the City Manager or his designee to sign said Supplemental Task Order Assignment, substantially in the form as submitted.

6. **Motion** is to authorize the disposal of miscellaneous building materials and equipment that accumulate as the North Marina Combined Projects progresses, using the most cost effective methods.

7. **Motion** is to approve the Interagency Agreement with the State Department of General Administration (GA) for GA to provide surplus property services to the City, and further to authorize the City Manager to sign the Agreement substantially in the form as submitted.

8. **Motion** is to purchase 126 square feet of land and a 64 square feet permanent utility easement from Calixtro DeLeon in the amount of \$3,500.00, plus closing costs, and further, to authorize the City Manager to sign the warranty deed substantially in the form as submitted and accept the right-of-way on behalf of the City of Des Moines, Washington.

DIRECTION/ACTION:

Councilmember Scott wanted to discuss Item #6, disposing of building materials and equipment at the North Marina projects but did not want to pull it.

MOTION was made by Councilmember Kaplan, seconded by Councilmember Thomasson, and passed unanimously, to approve the Consent Calendar once Councilmember Scott was assured that waste materials and surplus equipment were being saved, recycled or surplus properly. She was especially concerned about some old beams from the launcher deck that could be reused for a later project.

OLD BUSINESS

1. Adoption of year 2010 Budget – Draft Ordinance No. 09-189 – 2nd reading

SUMMARY: The purpose of this agenda item is to adopt the City's budget for 2010.

Staff Presentation: Paula Henderson

The budget had been discussed over the last several months. The first reading on the Budget Ordinance had been held on December 3, 2009 and the General and Street Funds Recap approved by the City Council as of December 3, 2009. The second reading was moved to December 10. Small projects such as maintenance of Pacific Highway landscaping were to be funded from the Fund Balance.

DIRECTION/ACTION:

Councilmember Kaplan moved, Mayor Sheckler second, to reduce City Council travel by \$2860 and apply the additional funding to senior services.

Councilmember Thomasson made a motion to reinstate police cuts at the original level retaining the Sergeant position and eliminating an officer; Councilmember Pina, second. There was no discussion. All the votes were *ayes*.

MOTION: Council member Pina moved to adopt Draft Ordinance No. 09-189 adopting the final budget for the City of Des Moines, Washington, for the fiscal year ending December 31, 2010; Councilmember Thomasson, second. Draft Ordinance No. 09-189 was approved, with Councilmember Sherman voting *nay*.

PUBLIC HEARING

1. Draft Ordinance No. 09-150 on Traffic Impact Fees – 1st Reading

SUMMARY: The purpose of this agenda item is to modify Chapter 12.56 of the DMMC relating to the City's transportation impact fee program.

Staff Presentation: Assistant Director of Transportation and Engineering Dan Brewer

Mayor Sheckler opened the Public Hearing at 8:37 p.m. Staff showed a power point presentation in summary of what was presented in hard copy to the City Council.

David Litowitz, a local builder and developer, spoke against the draft ordinance on Traffic Impact Fees stating that the current economy was not a good time to be raising taxes, especially on those businesses which contribute to the strengthening of the economy.

Don Samdahl, PE, PTP, Principal, Fehr & Peers, spoke about where money comes from to pay for road improvements and how some South Sound cities compare with each other for calculating trip costs.

All traffic impact fees must be spent within six years or the City must refund them to the payor.

BREAK At 9:25 p.m. Mayor Sheckler called a ten minute break. Upon reconvening, the discussion of traffic impact fee issue would be completed, the agenda finished, and a thirty minute Executive Session would be held to discuss litigation, personnel issues and labor negotiations per RCW 42.30.110. No action would be taken.

The meeting was reconvened at 9:35 p.m.

Collectively, the City Council did not want a traffic impact fee to hinder a restart of the economy. Councilmembers said they could not vote for this Ordinance until some changes or addendums were implemented. Therefore, no action would be taken.

The Public Hearing was closed at 10:11 p.m. and was continued to the January 14, 2010 meeting for first reading.

NEW BUSINESS

1. **PSE Franchise Agreement**

SUMMARY: The purpose of the item is to request Council to pass an ordinance creating a fifteen year non-exclusive franchise agreement with Puget Sound Energy for both gas and electrical utilities. Staff recommends approval.

Staff Presentation: Assistant City Manager, Lorri Ericson

The twenty-five year old Puget Sound Energy Franchise needed to be renewed to include how to handle abandoned lines and to stipulate collaboration between the City and utility during construction projects, as well as other language updates and general housekeeping measures.

DIRECTION /ACTION

MOTION:

Councilmember White moved to suspend Rule 26(b) in order to enact Draft Ordinance No. 08-067 on first reading. Mayor Pro-Tem Sherman second. All the votes were *ayes*.

MOTION:

Councilmember White moved to enact draft Ordinance No. 08-067, granting a non-exclusive franchise for natural gas and electrical utilities to Puget Sound Energy; Councilmember Thomasson, second. All the votes were affirmative to adopt Draft Ordinance No. 08-067.

ADJOURNMENT to Executive Session at 10:17 p.m.

MOTION was made by Councilmember Kaplan, seconded by Mayor Pro Tem Sherman and passed unanimously, to recess to Executive Session.

EXECUTIVE SESSION

An Executive Session of the Des Moines City Council was called to order by Mayor Sheckler at 10:20 p.m. in the City Hall Conference Room, 21630 11th Avenue South, #A.

ROLL CALL - Present: Mayor Sheckler; Mayor Pro Tem Sherman; Councilmembers Dave Kaplan, Ed Pina, Carmen Scott, Scott Thomasson, and Susan White. Also in attendance were City Manager Tony Piasecki, Assistant City Manager Lorri Ericson, and City Attorney Pat Bosmans.

The purpose of the meeting was to discuss Potential Litigation, Personnel, and Contract Negotiations per RCW 42.30.110. No formal action was taken.

The Executive Session was adjourned at 10:30 p.m.

NEXT MEETING DATES— Special Meeting December 21, 2009
Regular Meeting January 14, 2010.

Respectfully submitted,

Sandy Paul CMC
City Clerk