

**MINUTES
REGULAR MEETING
DES MOINES CITY COUNCIL
July 14, 2011 - 7:30 p.m.**

CALL TO ORDER - Mayor Sheckler called the meeting to order at 7:30 p.m.

PLEDGE OF ALLEGIANCE – The flag salute was let by Councilmember Thomasson.

ROLL CALL

Present were Mayor Sheckler; Councilmembers Scott Thomasson, Dan Sherman, Matt Pina, and Carmen Scott.

Mayor Pro-Tem Kaplan and Councilmember Musser were absent. Councilmember Scott moved to excuse Mayor Pro-Tem Kaplan and Councilmember Musser; Councilmember Pina, second; all the votes were ayes to excuse the missing Councilmembers.

Staff present were City Manager Tony Piasecki; City Attorney Pat Bosmans; Assistant City Manager Lorri Ericson; Planning Building and Public Works Director Grant Fredricks; 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; Acting Civil Engineer Tommy Owen; City Clerk Sandy Paul

CORRESPONDENCE

There was no correspondence to report.

COMMENTS FROM THE PUBLIC:

Dan Caldwell, 19547 2nd Avenue South, thanked the City Manager for sending him, as a Council candidate, an agenda packet.

BOARD & COMMITTEE REPORTS/ COUNCILMEMBER COMMENTS

Councilmember Scott

- The July 4 celebration and the weather were gorgeous. She thanked Powell homes and all those who made it a great evening
- July 7, 4 Culture visited Des Moines researching historic properties
- The Farmer's Market is doing very well
- July 20 is the first of four Wednesday evenings with music in the park
- The Boat and Car Show will take place July 22 at the Marina and the Waterland Parade will occur in the evening of July 23
- On July 30, the Arts Commission will present Shakespeare at Beach Park, *Comedy of Errors*

Mayor Pro-Tem Kaplan

- absent

Councilmember Musser

- absent

Councilmember Pina

- Mentioned that he was credited with Councilmember Thomasson's comments in the Highline Times

- Attended the Public Safety and Transportation Committee on July 7 where LID street lights, decriminalization of fireworks violations, review of a request to delay traffic impact fees, and upcoming transportation projects were discussed.

Councilmember Sherman

- No report

Councilmember Thomasson

- No report

PRESIDING OFFICER'S REPORT

- No report

ADMINISTRATION REPORTS

- South 216th Street will be paved tomorrow, July 15, weather permitting.
- Reimbursement from the State for grants received has been problematic but a check was received for \$316,267.89.
- SEMAR, once a drug and alcohol rehabilitation facility, desires to redevelop into a family medical clinic and low income housing through a development agreement with the City. The group will present its plans at an upcoming City Council meeting.

CONSENT CALENDAR

Item 1: APPROVAL OF MINUTES

Motion is to approve minutes from the meeting of June 30, 2011.

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 \$745,145.76

Payroll fund transfers in the total amount of \$457,862.70

Total certified Wire Transfers, Voids, A/P & Payroll vouchers are \$1,203,008.46

ACTION/DIRECTION

Councilmember Pina moved approval of the Consent Agenda as presented; Councilmember Scott, second. The motion passed on a 5-0 vote.

PUBLIC HEARING

First Ukrainian Baptist Church Street Vacation

Mayor Sheckler opened the public hearing at 7:45 p.m. The Public Hearing is being held to assist the City Council in making a decision regarding the vacation of public-rights of-way in accordance with DMMC 12.12.040 RCW 35.79.010

Staff provided information about the scope of the vacation and its terms.

Mayor Sheckler called for the public to comment.

Daniel Shelton, 1224 South 274th Street, commented that his home is bounded on two sides by the detention pond. He is concerned about a plan to minimize the impact of this vacation on his home. He wanted extra landscaping to buffer the effects of the new street.

Mayor Sheckler requested additional speakers. After three calls, there were none.

Staff addressed options to facilitate landscaping for the concerned homeowner.

Council was invited to speak.

Mayor Sheckler closed public hearing at 8:37 p.m.

ACTION/DIRECTION

Councilmember Thomasson moved to a second reading on July 28 the adoption Draft Ordinance No. 11-112 approving the vacation of certain portions of public rights-of-way specifically identified and legally described therein and require compensation for the vacation of this Class B rights-of-way through the dedication of approximately 50,362 square feet of right-of-way connecting 12th Place South to 16th Avenue South as identified and legally described in Exhibit B of the Draft; second by Councilmember Pina.

Councilmember Thomasson moved to amend his motion to have Section 3 of the Draft Ordinance revised to accurately restate the area being dedicated and to address the property owners who will be providing quit claim deeds; Councilmember Pina, second.

The motion to amend passed with a 5-0 vote.

Councilmember Sherman moved to amend the motion show the tract where the new drainage should go in order to preserve the City's interests; second by Councilmember Thomasson if the word 'tract' were changed to 'easement;' accepted by Councilmember Sherman.

The motion failed on a 2-3 vote. Councilmembers Sherman and Thomasson voted yes. The motion to amend failed.

Councilmember Thomasson moved to include edited findings of fact; second by Mayor Sheckler. The motion passed 5-0.

The vote on the main motion, as amended, was 5-0.

Mayor Sheckler recessed the meeting for a break at 8:45 p.m. The meeting was reconvened at 8:55 p.m.

OLD BUSINESS

Beach Park/Street Pavement Overlays Ballot Measure

Staff discussed a proposed ballot measure as a means to achieve City Council Strategic Objective #2 as established at the Council's retreat in January 2011 via a bond measure to be paid by raising the utility tax rate by 3%, one percent of which would be retire after 20 years, or when that potential bond issue was repaid.

ACTION/DIRECTION

Councilmember Pina moved to approve Draft Resolution No. 11-072 establishing November 8, 2011 as the election date for the question on whether to increase the Utility Occupation Tax rate from 6% to 9%. Funds from the increase would provide: (1) one percent (1%) for Des Moines Beach Park capital projects for twenty (20) years or until capital bonds are repaid and thereafter tax to cease; (2) one half percent (.5%) for Beach Park maintenance and operations; and (3) one and one half percent (1.5%) for City street pavement overlays; second by Councilmember Scott.

Following discussion, the language of the ballot measure was changed to begin with *The Des Moines City Council proposes*. The word *would* would be removed and *increase* would change to *increases*. It was agreed that the final phrase of the ballot measure would say *street paving improvements*.

The vote on motion was 3-2. The motion passed. Councilmembers Thomasson and Sherman voted *no*.

NEW BUSINESS

1. Lakehaven Franchise Agreement

Staff presented an outline of the Lakehaven Franchise Agreement explaining that it mirrored the recently approved franchise with Water District #54.

ACTION/DIRECTION

Councilmember Pina moved to suspend City Council Rule 26 (a) in order to adopt Draft Ordinance No. 11-124 on first reading; Councilmember Scott, second. The motion passed by a unanimous vote.

Councilmember Pina moved to enact Draft Ordinance No. 11-124 granting a 20-year water and sewer franchise to Lakehaven Utility District substantially in the form as attached; Councilmember Scott, second. The vote to approve was 5-0.

Further discussion about Section 28 of the ordinance followed, whereby the District would maintain all the fire hydrants as part of the agreement and the City would not levy utility taxes for water or sewer services upon the District.

2. Additional Construction Contingency for Lower Des Moines Creek Improvements Project

Staff presented a staff report about ongoing work in the park to stabilize Lower Des Moines Creek. An itemized list could be found on page 62 of the packet.

ACTION/DIRECTION

Councilmember Thomasson moved to authorize an additional contract contingency in the amount of \$190,000 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 \$262,000 and ~~the maximum contract amount to \$622,000~~, authorize the City Manager or his designee to approve change orders as determined necessary up to the maximum contract amount of \$622,000 and to further direct Administration to submit a \$75,000 CIP Budget amendment for this expenditure; second by Councilmember Sherman.

The motion passed 5-0, with Councilmember Thomasson's changes in ~~strikeout (delete)~~ and underline (add).

NEXT MEETING DATE – July 28, 2011

ADJOURNMENT

Councilmember Sherman moved to adjourn; Councilmember Thomasson, second. The motion passed, 5-0. The meeting was adjourned at 9:40 p.m.