

**REVISED MINUTES  
REGULAR MEETING  
DES MOINES CITY COUNCIL  
October 13, 2011 - 7:30 p.m.**

CALL TO ORDER - Mayor Sheckler called the meeting to order at 7:34 p.m.

PLEDGE OF ALLEGIANCE – The flag salute was let by Mayor Pro-Tem Kaplan.

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; Interim Police Chief John O’Leary; Finance Director Paula Henderson; Finance Operations Manager Cecilia Pollock; Senior Planner Jason Sullivan; Harbormaster Joe Dusenbury; Parks Recreation and Senior Services Director Patrice Thorell; Assistant Director of Transportation and Engineering Dan Brewer; City Clerk Sandy Paul

COMMENTS FROM THE PUBLIC:

There were no public comments.

BOARD & COMMITTEE REPORTS/ COUNCILMEMBER COMMENTS

Mayor Pro-Tem Kaplan

- Attended a meeting with the Coalition on the SR509 project

Councilmember Musser

- Extended an invitation to Councilmembers to Highline Healthy Cities Coalition for Safe Streets to walk to school on Thursdays with Midway Elementary School students and parents

Councilmember Pina

- Highline Healthy Cities Coalition will get together on the evening of January 19, 2012 at Puget Sound skills center to discuss leveraging resources of the community
- Extended the idea that the city should celebrate when there is a ribbon cutting. That is a success and it should be recognized, and consideration should be given to holding these event in the evenings and on weekends to accommodate those who work during the day.
- Attended Suburban Cities Association meeting and regarding I-1183: the issue was discussed and shelved. There was no need to have a position as other councils had not discussed it.
  - The City of Kent Police Chief discussed the shooting incident at Kent-Des Moines Road and Pacific Highway last summer. Out of that gang activity, Kent has become concerned about connecting database systems which do not talk to each other.
  - Several cities have a program to take back pharmaceuticals. The SCA group was asked to consider a resolution formalizing this type of activity as a commitment to pharmaceutical take back. The drug problem is larger than illegal drugs.

Councilmember Sherman

- Addressed Councilmember Pina’s comments about drug issues

Councilmember Thomasson

- Environment Committee had a briefing on The Stormwater CIP

PRESIDING OFFICER’S REPORT

- Mayor Sheckler visited North Hill Elementary School. Area schools had held a contest to see how many students could collect the most plastic bags. North Hill won with 2400 bags/600 pounds of plastic bags

- Mayor Sheckler called attention to those who wished to speak that there were two separate sign-up sheets for the two public hearings.

### ADMINISTRATION REPORTS

- The Destination Des Moines treasurer dropped off all financial records for the year for a complete annual audit.
- The Farmer's Market has approached the City to hold Farmer's Markets for special occasions. Their agreement includes June through October. A resolution will be presented to the council in the near future to extend the agreement.
- City Manager Piasecki was invited to provide a topic discussion for City Manager as a profession for the Rotary Club. The topic will be 5 case studies of real life ethical questions posed by ICMA in their monthly magazine. Case studies have been handed out; answers will be provided at the meeting next week. The case studies were shared with Council.

### CONSENT CALENDAR ITEMS

#### Item 1. APPROVAL OF VOUCHERS

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 are \$638,151.66  
 Payroll fund transfers total \$426,532.00  
 Total certified Wire Transfers, Voids, A/P & Payroll vouchers are \$1,064,683.66

#### Item 2. Transportation Gateway Project: S. 24<sup>th</sup> Avenue South Right of Way Acquisition: Emerald Court Apartments

Motion is to approve purchase of 2561 square feet of land from Emerald Court Apartments in the amount of \$13,000, a 2001 square foot Slope Easement in the amount of \$3,000, and compensation for improvements of \$10,000 for a grand total of \$26,000. (*rounded to nearest dollar*), plus closing costs, and further to authorize the City Manager to sign the Statutory Warranty Deed, Slope Easement, Construction Easement & Right of Entry and Real Voucher Property Agreement substantially in the form as submitted and accept the right of way on behalf of the City of Des Moines.

#### Item 3. Transportation Gateway Project: 24<sup>th</sup> Avenue South Construction Easement & Right of Entry: Chand and Devi

Motion is to approve and accept Construction Easement and Right of Entry permission from Vinesh Chand and Shashi Devi at no direct cost and further to authorize the City Manager to sign said document substantially in the form as submitted on behalf of the City of Des Moines.

#### Item 4. Transportation Gateway Project: 216<sup>th</sup> Avenue South Construction Easement and Right of Entry: Sea Realty Tax Parcel #092204-9038/Parcel #2

Motion is to approve and accept Construction Easement and Right of Entry permission from Sea Realty LLC at no direct cost and further to authorize the City Manager to sign said document substantially in the form as submitted on behalf of the City of Des Moines.

#### Item 5. Draft Resolution 11-200 Setting the Date for Amendments to DMMC 18.44.060 - Downtown Parking Waiver

Motion is to adopt Draft Resolution No. 11-200 setting a public hearing on November 10, 2011 to consider the proposed amendments to the Marina District Parking Waiver established by Chapter DMMC 18.44.040(3).

Councilmember Thomasson pulled Item 5 and stated he would not support that because he didn't support it originally.

Mayor Pro-Tem Kaplan moved approval of the remainder of the Consent Agenda; Councilmember Musser, second. The vote was 7-0.

Mayor Pro-Tem Kaplan moved to adopt Draft Resolution No. 11-200 setting a public hearing on November 10, 2011 to consider the proposed amendments to the Marina District Parking Waiver established by Chapter DMMC 18.44.040(3). The motion passed 5-2. Councilmembers Sherman and Thomasson voted no.

#### PUBLIC HEARING

SeaMar Redevelopment - Street Vacation, Zoning Reclassification, Development Agreement

Mayor Sheckler opened the public hearing at 7:56 p.m. and read the Public Hearing Rules. He swore the speakers to tell the truth.

Senior Planner Jason Sullivan provided a PowerPoint presentation and explained the SeaMar Redevelopment - Street Vacation, Zoning Reclassification, and Development Agreement. Three quasi-judicial decisions were to be made.

Mayor Sheckler asked that those wishing to speak please do so at this time.

Representative Tina Orwell commented on the diverse community that is Des Moines. At least 25 Mt. Rainier High School students are homeless and live in their cars. She supports the SeaMar project as a partial solution for homeless families.

Paul Fitzgerald, the Housing Director of SeaMar, provided an overview of the project. He showed an architects rendering of what the project will look like when complete.

Mark Janofski, the SeaMar project architect, spoke about parking and how increased numbers of parking spaces could be accommodated.

Mayor Sheckler called three times for anyone else wishing to speak. There was no one else.

The Mayor asked if there had been any misstatement of fact and none of the information given had been misrepresented.

Councilmembers were invited to ask questions.

BREAK - The City Council recessed for a break at 8:54 p.m. The meeting reconvened at 9:04 p.m.

Councilmember questions continued.

Mayor Sheckler closed the Public Hearing at 9:47 p.m.

#### ACTION/DIRECTION

Councilmember Thomasson moved to carry the SeaMar Project - Street Vacation, Zoning Reclassification, Development Agreement to second reading/continuation for clarification of issues; Councilmember Sherman, second. The vote was 4-3. Councilmembers Scott, Sherman and Thomasson voted yes. The 'no's' prevailed and the motion failed.

Councilmember Musser moved to suspend City Council Rule 26A allowing for adoption of Draft Ordinance 11-184 on first reading. Councilmember Pina, second. The vote was 4-3. Councilmembers Scott, Thomasson and Sherman voted *no*. The motion passed.

Councilmember Musser moved to adopt Draft Ordinance 11-184 amending the official zoning map of the City of Des Moines in order to change the zoning classification of tax parcel 3603000024 located at 24215 Pacific Highway South from RM-900B to Highway Commercial. Councilmember Pina, second. The motion was passed on a 7-0 vote. Included as a *friendly* amendment, accepted by both maker and seconder, and proposed by Councilmember Thomasson, was a requirement to rewrite the legal description of the subdivision to include the small property called the 'wedge.'

Councilmember Musser moved to approve Draft Resolution 11-186 directing the City Manager to sign the Sea Mar Development Agreement substantially in the form as submitted. Councilmember Pina, second.

Councilmember Thomasson moved to amend the motion to delete section 8.08 of the Development Agreement. The motion died for lack of a second. Councilmember Thomasson moved to amend the motion to remove section 8.09 regarding expedited review. Councilmember Sherman seconded the motion. The motion passed 7-0.

Councilmember Thomasson moved to amend the motion to remove section 8.4 , to restore setbacks to 20' on 27<sup>th</sup>, 10' on Pacific Highway. Councilmember Sherman second The vote was 4-3 and the motion failed. Councilmembers Sherman, Thomasson, and Scott voted yes.

Councilmember Thomasson moved to amend the motion to require ~~Kent~~ SeaMar to build full street improvements on 27<sup>th</sup> with a drainage swale. Mayor Pro-Tem Kaplan, second. The motion passed 6-1. Councilmember Musser voted *no*.

City Manager Piasecki stated the Council adopted full street improvements. The way the motion was passed would require 28 feet of right-of-way. A better motion would have been to require curb, gutter and sidewalk and 22 feet of pavement. Mayor Pro-Tem Kaplan so moved and Councilmember Pina seconded. The vote was 6-1. Councilmember Musser voted *no*.

Councilmember Thomasson moved to include in the development agreement the 'wedge' of property. It is now included in the rezone. The motion died for lack of a second.

Councilmember Pina moved to rescind the previously approved amendment to the motion to require full street improvements; Mayor Pro-Tem Kaplan, second. The vote was 7-0 and the motion passed.

The vote on the main motion, as amended, was 7-0, and the motion passed.

Councilmember Musser moved to suspend City Council Rule 26A allowing for adoption of Draft Ordinance 11-185 on first reading; Councilmember Pina, second. The vote was 7-0 and the motion passed.

Councilmember Musser moved to adopt Draft Ordinance No. 11-185 approving the vacation of certain portions of public rights-of-way/streets specifically identified and legally described in the Draft Ordinance ~~and require compensation~~ for the vacation of the Class B right-of-way through the dedication of approximately 2400 square feet of ROW as identified and legally described in Exhibit B of the Draft Ordinance. Councilmember Pina seconded the motion. The vote was 6-1. Councilmember Thomasson voted *no*.

Mayor Pro-Tem Kaplan moved to extend the meeting to 10:45 p.m.; Councilmember Musser, second. The motion failed 4-3. Councilmembers Thomasson, Sherman and Scott voted *no*.

Councilmember Pina moved to extend the meeting to 10:40 p.m.; Mayor Pro-Tem Kaplan, second. The motion passed 6-1. Councilmember Sherman voted *no*.

Mayor Sheckler read the SeaMar Resolution and Ordinances into the record.

Mayor Sheckler opened the Waterview Crossing Development Agreement Addendum, Planned Unit Development (PUD) Amendment Public Hearing at 10:27 p.m.

Councilmember Thomasson moved to continue the public hearing until October 20, 2011; Councilmember Pina, second. The motion passed on a 6-1 vote. Councilmember Sherman voted *no*.

Councilmember Thomasson moved to continue the discussion on Department 2012 Operating Budgets to October 20, 2011; Mayor Pro-Tem Kaplan, second. The motion passed unanimously.

NEXT MEETING DATE – October 20, 2011, City Council Regular Meeting

ADJOURNMENT

Mayor Pro-Tem Kaplan moved to adjourn; Councilmember Thomasson, second. The vote was unanimous and the motion passed. Mayor Sheckler adjourned the meeting at 10:33 p.m.

Respectfully submitted,

Sandy Paul CMC  
City Clerk