

**REGULAR MEETING MINUTES
DES MOINES CITY COUNCIL
February 25, 2010 - 7:30 p.m.**

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

PLEDGE OF ALLEGIANCE – The flag salute was led by Councilmember Sherman

ROLL CALL

Present were Mayor Pro-Tem Dave Kaplan; and Councilmembers Matt Pina, Carmen Scott, Scott Thomasson, Melissa Musser, and Dan Sherman. Staff present were City Manager Tony Piasecki; Assistant City Manager Lorri Ericson; City Attorney Pat Bosmans; Park, Recreation and Senior Services Director Patrice Thorell; Municipal Judge Veronica Alicea-Galvan; Interim Economic Development Manager Marion Yoshino; Planning, Building, and Public Works Director Grant Fredricks; Land Use Planner Jason Sullivan; Building Official Larry Pickard; Assistant Building Official/Inspector Rex Christianson; City Clerk Sandy Paul

Councilmember Sherman moved to excuse Mayor Sheckler; Councilmember Musser, second. All the votes were ayes. The motion was passed.

CORRESPONDENCE

There was no correspondence to report.

COMMENTS FROM THE PUBLIC:

Michael Spear, 24219 7th Avenue South, spoke about the Parkside opening and invited the Councilmembers and the public to attend.

Bob Pond, 23116 30th Avenue South, asked about the levy lid lift and assurance that it was going to fund the police. He also mentioned issues related to 30th Avenue South.

Rikki Marohl, 22807 17th Avenue South, commented on what a great city Des Moines was and added that her recent experience with the Building Department during a remodel was positive and pleasurable.

Wayne Corey, 22818 5th Avenue South, thanked the City Council for allowing the establishment of a Farmer's Market in the Marina parking lot.

BOARD & COMMITTEE REPORTS/ COUNCILMEMBER COMMENTS

Councilmember Scott reported that the Municipal Facilities Committee had met and that the Finance and Economic Development Committee met last week, where she was elected chair. She added that Marion (Yoshino) and others were doing great things to help expand business and economic opportunity. She also reported that the Rotary Club Annual Poverty Bay Wine Festival was to be held at the Landmark Event Center on March 6-8, 2010, with the Gala on Friday night March 6. Tickets could be purchased at Corky's Cellar or on-line.

Mayor Pro-Tem Kaplan shared that many concerns were expressed at the Economic Development meeting. His hope was that the comments that were shared would assist the City in making sound future decisions. He added that the state had kept some funding for the SR509 project and that those funds, however small, would keep that project moving forward. He was also hopeful that some of the federal economic recovery money would be available to Des Moines for use on the SR509 project.

Councilmember Musser reported that she was selected Chair of the Municipal Facilities Committee, which is reviewing the Beach Park and many other projects. She attend the AWC training for new councilmembers. She thanked staff for being so patient in bringing her up to speed on so many issues.

Councilmember Pina had no comments.

Councilmember Thomasson had no comments.

Councilmember Sherman reminded everyone that 2010 was a Census year and that the citizens cannot be reminded enough about the importance of the Census and participation in it. He added that financial allocation from tax collections is dependent upon the distribution of the population. Census forms would be distributed March 15-17 and would be due to be returned by April 15, 2010.

PRESIDING OFFICER'S REPORT

Mayor Pro-Tem Kaplan had already commented under Councilmember Comments.

ADMINISTRATION REPORTS

Marty Martinson, President of the Metro Park District created in November, spoke about events leading up to the decision to present to the voters a measure that would establish a Park District in Des Moines. He brought the Council up to date on the processes that are ongoing until the District stands alone. He then introduced all of the Board members present.

City Manager Tony Piasecki announced that item #5 was pulled from the Consent Agenda due to the last minute inclusion of the City of Burien. Updated paperwork would be submitted at a subsequent City Council meeting.

Planning, Building and Public Works Director Grant Fredricks clarified comments from a previous Council meeting related to Marina noise.

The 2009 SCORE Annual Report was distributed.

Future City Council Packets will be distributed in 3-ring binders, two for each Councilmember. Notebooks will be returned regularly to be refilled with new agenda materials. If notebooks are not returned, Council packets will be presented in a binder clip.

City Manager Piasecki distributed a final version of the Vision, Mission and Strategic Objectives as discussed at the City Council Retreat on January 23, 2010. A poster sized document would be created, framed, and placed in the City Council Chambers.

CONSENT CALENDAR*

1. Motion is to approve the Minutes of the Regular Meeting of October 22, 2009.

2. APPROVAL OF VOUCHERS

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 #122681 through #122924 and electronic fund transfers in the total amount of \$518,694.03

Payroll fund transfers in the amount of \$443,455.38

Total certified Wire Transfers, Voids, A/P & Payroll vouchers for February 25, 2010 is \$962,149.41

3. (a) Motion is to adopt Draft Resolution No. 10-017, authorizing the Des Moines Farmers Market between June 5, 2010 and October 30, 2010 at the Des Moines Marina, and to direct the City Manager to provide support services and amenities for the event as proposed in Draft Resolution No. 10-017.
- (b) Motion is to enter into an Agreement between the City of Des Moines and Des Moines Farmers Market for the 2010 Des Moines Farmers Market as proposed in Draft Resolution 10-017, and to authorize the City Manager to sign the Agreement substantially in the form as attached.
4. Motion is to confirm the Mayoral appointment of G. Rene Laigo to the Des Moines Arts Commission effective immediately, to fill a vacant term, which expires on December 31, 2010.
5. Motion was removed by Administrative staff to be rescheduled to a later meeting.
6. Motion is to adopt Draft Resolution No. 10-030, authorizing the use of the Marina parking lot sixth annual Rotary Club of Des Moines' Poverty Bay Wine Festival event taking place on March 6-7, 2010; and, to direct the City Manager to execute the Agreement between the City of Des Moines and the Rotary Club of Des Moines for the 2010 Poverty Bay Wine Festival substantially in the form as attached.
7. Motion is to approve the Interagency agreement with the City of Seattle to be the Fiscal Agent for the Edward Byrne Memorial Justice Assistance Grant and to authorize the City Manager to sign the agreement substantially in the form submitted.

Further comment and questions about Items #3, #6 and #7 were presented.

Item #3 – was the Farmer's Market going to be moved in the event that construction crews were working on a Saturday [the contract for the Market allows for moving or cancelling the Farmer's Market should public safety be compromised if the Police Department or Harbormaster so determined.] Additionally, a formula would be devised as a means to charge back to the Farmer's Market the cost of electrical utilities. The actual electrical consumption was expected to be a small amount that was used mostly by electrical loud speakers in the stage area.

Item #6 – was this agreement the same or substantially similar to the agreement approved last year; the City or the Rotary Club needs to bring this type of event before Council before advertising the use of the parking lot [the agreement was the same as that approved for the previous Wine Festival and the lack of lead time by the Rotary Club was a member oversight.]

Item #7 - were the improvements being made on the Council/Court dais to provide increased safety features and would the features be additions or was the dais to be replaced [there were no changes proposed to the configuration of the dais except for the addition of safety features; however, the dais would be completely replaced and would be built of new materials.]

Councilmember Thomasson moved approval of the Consent Agenda; Councilmember Sherman, second. The Consent Agenda was approved by a 6-0 yes vote. Councilmembers Musser and Pina abstained from approving the minutes of October 22, 2009, because they were not comfortable approving minutes from a meeting they did not attend.

OLD BUSINESS

DES MOINES CREEK BUSINESS PARK DEVELOPMENT PLANNING WITH PORT OF SEATTLE

Director of Planning, Building & Public Works Grant Fredricks showed a power point on Des Moines Creek Business Park Development Planning with Port of Seattle, bringing the City Council current on discussions with Port of Seattle staff. The purpose of the presentation was to receive Council's direction on the New Development Agreement with the Port of Seattle for the Des Moines Creek Business Park (DMCBP). A new Development Agreement would be brought to Council for review at its March 25, 2010, meeting.

The most important first step to facilitate redevelopment of the DMCBP is to finalize land ownership transfers of the interior dedicated rights-of-way then acquiring 2.6 acres of additional ROW adjacent to South 216th Street and 24th Avenue South. An updated appraisal will be performed reflecting the current real estate market. Development regulations have been assessed for future possible modification regarding building heights, wetland buffer averaging, parking, expiration of a PUD to correspond with a five-year subdivision expiration period, and more flexibility for landscaping and signage requirements. Following the release to the City of escrowed funds, a Retail Feasibility Study will be performed. Only a small amount of supplemental EIS work is necessary and a SEPA planned action is not necessary. The U. S. General Services Administration is considering property in Renton, Tukwila, Kent, SeaTac or Des Moines out of the 100-year flood plain with banks, retail and restaurants within ½ mile, with multiple bus lines within ½ mile, and direct connections to the Sounder train.

Administration will keep Council advised on its negotiations and will be presenting further updates as well as coordinating a draft development agreement for Council review.

BREAK

Mayor Pro-Tem Kaplan called a ten-minute break at 9:20 p.m. The meeting reconvened at 9:30 p.m.

NEW BUSINESS

ADOPTING WASHINGTON CITIES ELECTRICAL CODE

Building Official Larry Pickard led a discussion about Draft Ordinance No. 09-081, adopting Washington Cities Electrical Code, 2009 Edition, which, if adopted, would provide Administrative Provisions and incorporate the State Code and the National Electrical Code into the WA Cities Electrical Code. Councilmember Thomasson noted that the date of November 22 should be shown as November 12. The edits would be made.

Following discussion, Councilmember Sherman moved to suspend Rule 26(b) in order to enact Draft Ordinance No. 09-081 on first reading; Councilmember Pina, second. The votes were unanimous in favor of the motion to suspend Rule 26(b).

Council member Sherman moved approval of Draft Ordinance No. 09-081, as amended; Councilmember Pina, second. All the votes were unanimous in favor of approval of the ordinance.

NEXT MEETING DATE: Regular Study Session Meeting March 4, 2010

ADJOURNMENT – There being no further business, the meeting was adjourned at 10:00 p.m. by gavel. There was no motion or second.

Respectfully Submitted,

Sandy Paul
City Clerk