

MINUTES

REGULAR MEETING DES MOINES CITY COUNCIL

July 22, 2010 - 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 led by Councilmember Dan Sherman.

ROLL CALL- Present were Mayor Bob Sheckler; Mayor Pro-Tem Dave Kaplan; Councilmembers Matt Pina, Dan Sherman, Carmen Scott, Scott Thomasson, and Melissa Musser.

Staff present were City Manager Tony Piasecki; City Attorney Pat Bosmans; Assistant City Manager Lorri Ericson; Planning Building and Public Works Director Grant Fredricks; Assistant Director of Utilities and Environmental Engineering Loren Reinhold; Development Services Manager Robert Ruth; Associate Transportation Engineer Brandon Carver; Land Use Planner Laura Techico; Land Use Planner Jason Sullivan; Civil Engineer Amy Swartz; City Clerk Sandy Paul

CORRESPONDENCE

There was no correspondence to report.

COMMENTS FROM THE PUBLIC:

Teresa Poirier, 219901 28th Place South, spoke on behalf of herself and her neighbors at Pine Terrace and Puget View. She was interested in getting information about possible relocation to take back to her community.

NOTE: City Manager Piasecki said that the City had looked into the relocation laws. He said that the property owner was aware of the laws and said that proper notice would be given. Relocation assistance funds were available, and when the time came to plan relocation for the residents of the neighborhoods, the transition would be well coordinated.

BOARD & COMMITTEE REPORTS/COUNCILMEMBER COMMENTS

Councilmember Scott had no report.

Mayor Pro-Tem Kaplan had no report.

Councilmember Musser reported on the meeting of the Municipal Facilities Committee earlier in the evening. She reported that poor soils were contributing to an increase of cost at the Beach Park. An increase in contingency funds would be requested at an upcoming meeting. The five foot wide sidewalks at the Marina were discussed. Wheelchairs and strollers would have difficulty using the narrow sidewalks. Due to cost, the portion that is completed will stay the way it is. The portion of the sidewalk incomplete will be studied and a recommendation made for building it eight feet wide. Parks Recreation and Senior Services Director Thorell had located an arborist to analyze trees in Sonju Park and design a program to sell fruit produced in the Community Garden at the Farmer's Market. The garden would also be used for education.

Councilmember Pina had no report.

Councilmember Thomasson had no report.

Councilmember Sherman reported that he had attended the Suburban Cities Association (SCA) dinner with City Manager Piasecki and Economic Development Manager Marion Yoshino. The program

included a presentation by the Port of Seattle which is working to be faster, better, and cheaper as well as greener.

PRESIDING OFFICER'S REPORT

Mayor Sheckler passed out new information on King County Metro's Rapid Ride. He pointed out that Des Moines is on the map, but no stops are shown.

ADMINISTRATION REPORTS

City Manager Piasecki reported that a hotel project proposed for the old emissions testing site on Pacific Highway South had selected an engineer/architect and could be submitting permit applications at City Hall by September.

He also reported that 16th Avenue South would be closed beginning July 26, 2010, and remain closed through Labor Day for repairs and earthquake retrofitting of the North Twin Bridge. The southbound lane would remain closed through the end of 2010 after the northbound lane reopens in September.

CONSENT CALENDAR

Item 1: APPROVAL OF MINUTES

Motion is to approve Special Meeting Minutes of July 8, 2010 and Regular Meeting Minutes of July 8, 2010

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, have been recorded on a listing, which has been made available to the City Council.

Claim checks \$545,844.25

Payroll fund transfers in the total amount of \$444,420.07

Total certified Wire Transfers, Voids, A/P & Payroll vouchers are \$990,264.32

Item 3: Shoopman Modified Short Plat Concurrence

Motion is to concur with City staff approval of the width to depth ratio of Lots 1, 7 and 8 of the Shoopman 9 lot Preliminary modified short subdivision and the use of a vehicular access tract to serve 8 lots in the short subdivision, City File No. LUA07-052.

ACTION/DIRECTION

Item #3 was pulled by Councilmember Thomasson. He had concerns about parking and access to the property for emergency vehicles.

Mayor Pro-Tem Kaplan moved approval of the remaining Consent Agenda items; Councilmember Sherman, second. All the votes were ayes.

Councilmember Musser moved the Shoopman Modified Short Plat Concurrence to a date to be determined by the Mayor; Mayor Pro-Tem Kaplan, second. All the votes were ayes.

CONTINUED PUBLIC HEARING

1. Waterview Crossing Planned Unit Development (PUD)

At this time, Mayor Sheckler turned the meeting over to Mayor Pro-Tem Kaplan and recused himself. He left the room in order to avoid the appearance of a possible conflict of interest.

Council discussion continued about the Waterview Crossing PUD. Staff was invited to update the Council with new and additional information about the project.

The Public Hearing was closed.

ACTION/DIRECTION

Councilmember Musser moved to suspend City Council Rule 26b to consider Draft Ordinance Number 10-081 on first reading; Councilmember Pina, second. The vote was 4-2, four votes in favor and two *noes*, with Councilmembers Thomasson and Sherman voting *no*. The motion was approved.

ACTION/DIRECTION

Councilmember Pina moved to approve Draft Ordinance Number 10-081 approving the Planned Unit Development entitled Waterview Crossing filed with the Des Moines Planning, Building and Public Works Department under file number LUA08-040 and impose the conditions of approval specified on pages 19-20 of May 27, 2010 Administration Report; Councilmember Scott, second. A friendly amendment was approved by both makers of the motion to leave Section 3, Item 2 and strike Section 3, Item 3; add to Section 3 an Item 2 that the perimeter buffer will remain 15feet, and strike the word "side" from Section 3, Item 2.

Councilmember Thomasson moved to amend the previously amended motion to add 'so long as no increase in square footage or density is allowed'; Councilmember Sherman, second. Councilmembers Sherman and Thomasson voted *yes*; Councilmembers Musser, Pina, Scott, and Mayor Pro-Tem Kaplan voted *no*. The amendment to the motion failed.

Following additional discussion, Councilmember Pina called the original question. The vote was 5-1, five in favor and one *no* vote. Councilmember Thomasson's vote was the dissenting vote. The motion was passed. The Waterview Crossing PUD was approved.

ACTION/DIRECTION

Councilmember Musser moved to approve Draft Resolution 10-083 reducing the minimum parking requirement to 1.2 stalls per residential unit except senior parking which is .5 spaces per residential unit within the Waterview Crossing project area and impose the conditions of approval specified on pages 19-20 of May 27, 2010 Administration Report. Councilmember Pina, second.

Councilmember Sherman moved to amend the main motion to call for a parking study if there was not enough parking and customers were reluctant to visit a business with scarce parking. Councilmember Thomasson, second. The vote was 2-4, two in favor and four against. Councilmembers Sherman and Thomasson voted in favor of the Amendment. The amendment to the main motion failed. The main motion passed with four votes in favor and two against.

Councilmember Thomasson moved to add conditions of approval to amend Draft Resolution No. 10-083 (amendment #1 of attachment #6 in the July 22 City Council Agenda packet) to limit assignment of parking spaces by changing the words *uses or buildings* to *businesses*. Councilmember Sherman, second. The vote was a tie, 3-3. The amendment to the main motion failed due to a tie vote.

The vote on the main motion was four votes in favor and two against, with Councilmembers Sherman and Thomasson voting against the motion. The main motion passed.

ACTION/DIRECTION

Councilmember Pina moved to concur with the Administration's approval of the modifications for Waterview crossing Short Plat filed with the Des Moines Planning, Building and Public Works Department under file number LUA08-040 to allow the phasing of the infrastructure improvements concurrent with the building construction and to allow a private street to serve more than 4 lots and provide a through connection; Councilmember Sherman, second.

Following discussion, the vote was 5-1 with five votes in support of the motion; Councilmember Thomasson was against the motion. The motion was approved.

ACTION/DIRECTION

Mayor Pro-Tem Kaplan moved to direct the City Manager to sign the Termination of the Native Growth Protection Easement releasing the existing easement between the City of Des Moines and SSI Pacific Place included as Attachment 10 of May 27, 2010 Administration Report substantially in the form as submitted; Councilmember Scott, second.

Conditions had changed since the Waterview Crossing project was introduced to the Council and the Native Growth Protective Easement was no longer needed.

The vote was all ayes. The motion was approved.

The Mayor returned to the dais at this time.

OLD BUSINESS

1. Vacate DMCBP Right of Way (ROW) and Surplus Interior Streets

Mayor Pro-Tem Kaplan moved to continue the second reading of Draft Ordinance No. 10-069 and Draft Ordinance No. 10-070 to September 9, 2010; Councilmember Sherman, second. All the votes were ayes.

NEW BUSINESS

1. Create New Position of Temporary, Full-Time Economic Development Manager

Councilmember Pina moved to postpone discussion until the July 29, 2010 meeting; Councilmember Musser, second.

Councilmember Thomasson would be absent for that vote. He commented that this was not a budgeted action, that the budget was done according to priorities. Police would not have been cut if there was extra money. He said that creating and filling the position of Temporary, Full-Time Economic Development Manager without a formal process was contrary to the City's hiring practices.

The vote was all ayes.

EXECUTIVE SESSION

There was no Executive Session needed.

NEXT MEETING DATE – July 29, 2010.

ADJOURNMENT

Councilmember Pina moved, seconded by Mayor Pro-Tem, to adjourn; all the votes were ayes. The meeting was adjourned at 10:20 p.m.