

**MINUTES
REGULAR MEETING
DES MOINES CITY COUNCIL
July 29, 2010 - 7:30 p.m.**

CALL TO ORDER - Mayor Sheckler called the meeting to order at 7:32 p.m.

PLEDGE OF ALLEGIANCE – The flag salute was led by Councilmember Scott.

ROLL CALL

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

Councilmember Scott Thomasson was absent. Councilmember Sherman moved to excuse Councilmember Thomasson; Mayor Pro-Tem Kaplan, second; all the votes were ayes.

Staff present were City Manager Tony Piasecki; City Attorney Pat Bosmans; Assistant City Manager Lorri Ericson; Assistant City Attorney Susan Mahoney; Planning Building and Public Works Director Grant Fredricks; Interim Police Chief John O'Leary; Marina Director Joe Dusenbury; Parks Recreation and Senior Services Director Patrice Thorell; Assistant Director of Transportation and Engineering Dan Brewer; Planning Manager Denise Lathrop; CIP Project Manager Scott Romano; City Clerk Sandy Paul

CORRESPONDENCE

There was no correspondence to report.

COMMENTS FROM THE PUBLIC:

Rikki Marohl, 22807 17th Avenue South, provided an update on the Farmer's Market and thanked the Council for its support. She said there were 35-40 vendors each week and 1,500 Market customers, making this the best year beginning with opening day and with each subsequent week.

BOARD & COMMITTEE REPORTS/ COUNCILMEMBER COMMENTS

Councilmember Scott had no report.

Mayor Pro-Tem Kaplan reported on a recent ScaTBd meeting. He reported that the Council needs to communicate to the Mayor its concerns about the impacts and advantages of a 228th Street connection to SR509, which will connect Des Moines to the Kent Valley.

Councilmember Musser had no report.

Councilmember Pina commented on the Finance and Economic development meeting which was held earlier in the evening to discuss the sign code, junk vehicle ordinance, Marina District zoning, architectural and rooftop treatments. He also spoke about the number of businesses operating without valid business licenses. Some businesses have accrued hefty fines for not renewing their business licenses.

Councilmember Thomasson was absent.

Councilmember Sherman had no report.

PRESIDING OFFICER'S REPORT

Natasha Savage, 4742 72nd Avenue SW, Seattle, is the President of the Eastern European Chamber of Commerce. She and her contingent travelled to Moscow to meet with representatives of the former Soviet Union in Russia and President Putin while the relationship with that country may be favorable to explore interest in foreign investment, especially in Des Moines, Washington, and including the possibility of a sister-city relationship with the City of Zelinograd. Zelinograd is translated to mean 'green city' and it is like Des Moines in that it is also located close to a large city (Moscow) and an airport. Zelinograd is an industrial and scientific center in Russia. Her colleagues, Mazina Simunek and Liz Davidson, were in attendance with her.

The three colleagues are currently working on bringing Jewish families to the United States from Jerusalem.

ADMINISTRATION REPORTS

City Manager Tony Piasecki reminded the Council about the City Sign Inventory Program and mentioned that Traffic Engineer Brandon Carver had written an article for the national magazine American Public Works Association newsletter *The Reporter*. A copy of the article was passed out to each Council member.

Attention was called to the revised agenda and corrected minutes.

On Tuesday, August 3, work will begin outside normal work hours at the Marina. The nature of the work requires that it be done during very low tides, which will be prevalent next week, however, the tides will occur early in the morning. The contractor will begin work at 5:30 a. m. and will observe all noise ordinances.

Temporary Economic Development Manager Marion Yoshino outlined the recently completed Business Survey and presented the results, an unscientific compilation of the comments of almost 20% of Des Moines businesses. Nine questions were asked on the survey and an analysis of the comments of the 58 respondents was summarized to the City Council.

EXECUTIVE SESSION

The City Council recessed to Executive Session at 8:13 p.m. for approximately ten minutes to discuss Litigation per RCW 43.30.110 (A). The Executive Session was called to order at 8:15 p.m. Present were Mayor Sheckler; Mayor Pro-Tem Kaplan; Councilmembers 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; Assistant City Attorney Susan Mahoney. The Executive Session was adjourned at 8:25 p.m.

The City Council meeting resumed at 8:27 p.m.

ACTION/DIRECTION

Mayor Pro-Tem Kaplan moved to approve the proposed Settlement Agreement with South Shore Condominium Association for the dismissal, with prejudice, of South Shore Condominium's lawsuit against the City #08-2-4270-3 SEA and to authorize the City Manager to sign the Agreement in substantially the form as approved.

CONSENT CALENDAR

Item 1: APPROVAL OF MINUTES
Motion is to approve the Regular Meeting Minutes of July 15, 2010.

Item 2: APPROVAL OF FINDINGS:

Findings will be reported at the September 9, 2010 meeting.

Item 3. Amendment to Consultant Agreement with BOLA Architecture and Planning

Motion #1 is to approve the Amendment to the Agreement for Structural Design Revisions, Special Inspections and extended Construction Administration Services between the City of Des Moines and BOLA Corporation in the amount of up to \$56,630 including a 10% contingency and authorize the City Manager to sign the Agreement substantially in the form as submitted and further to direct staff to prepare a 2010 Capital Improvement Plan budget adjustment ordinance to authorize this appropriation.

Motion #2 is to approve increasing the Auditorium Rehabilitation Project construction contingency in the amount of \$50,000 and further to authorize the City Manager to sign change orders for unforeseen conditions up to this amount and further to direct staff to prepare a 2010 Capital Improvement Plan budget adjustment ordinance to authorize this appropriation.

Item 4. Update on the Status of the Marina's Water Main Replacement Project and Request for Additional Contingency Funds to Complete the Project

Motion is to authorize an additional \$40,000 in contingency funding for the Water Main Replacement Project and authorize the staff to pay for the remaining tasks for the completion of the project, subject to the City Manager' approval.

Item 5. Task Order Assignment for design of Beach Park Mud Slide Repairs

Motion #1 is to approve the Task Order Assignment with INCA Engineers, Ind., that will provide for design services associated with the Beach Park Mud Slide Repair in the amount of \$137,572.14, authorize the City Manager to approve Supplements to the Task Order as necessary up to \$14,000, and further authorize the City Manager or his designee to sign said Task Order Assignment, substantially in the form as submitted.

Motion #2 is to direct the Finance Director to bring forth a 2010 budget amendment for this project at the next available opportunity.

Item 6. Additional Funding for Mayoral Trip to China

Motion is to authorize an additional \$1700 from unspent professional services funds in the Legislative Budget to support Mayor Sheckler's upcoming trip to China to participate in an economic development conference.

ACTION/DIRECTION

Item 4 was pulled by Mayor Pro-Tem Kaplan. Councilmember Sherman noted, without pulling Item 6, that his vote to approve the consent agenda would not include approval of Item 6.

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

Mayor Pro-Tem Kaplan said that he could not support Item 4 because INCA, the Marina Water Main Project contractor had made mistakes. He felt the City should not support that mismanagement. Staff concurred that the contractor was inexperienced at this type of construction. Several leadership changes were experienced as well as construction delays but that the project was currently on solid footing.

Councilmember Sherman moved approval of Consent Item 4; Councilmember Musser, second. The vote was 5-1; the motion passed. Mayor Pro-Tem Kaplan was the dissenting vote.

OLD BUSINESS

1. 2nd Reading Ordinance No. 10-65 Adopting Marina District Design Guidelines
Planning Manager Denise Lathrop updated the Council on the Marina sidewalk design concepts that had been raised at a previous Council meeting and mentioned the need to address parking issues in the future.

ACTION/DIRECTION

Following Council discussion, Councilmember Sherman moved approval of Draft Ordinance No. 10-065 adopting the *Marina District Design Guidelines* for the Downtown Neighborhood; Councilmember Musser, second. The vote was 5-1. Councilmember Scott abstained, feeling that other issues should be resolved prior to approving design guidelines even though she agreed that the design guidelines provide some structure for new designs as the City grows.

BREAK

The City Council took a break at 9:10 p.m. The meeting was reconvened at 9:20 p.m.

ACTION/DIRECTION

Councilmember Sherman moved to formalize the designation of the Downtown Neighborhood as the *Marina District* by adopting necessary changes to the Des Moines Comprehensive Plan in 2010 and when textual code amendments are proposed to the Des Moines Municipal Code; Mayor Sheckler, second. The vote was 5-1, with Mayor Pro-Tem Kaplan voting *no*.

NEW BUSINESS

New Business Item #2 was considered before Item #1 in order to allow Councilmember Scott to leave the meeting early.

2. Create New Position of Temporary, Full-Time Economic Development Manager
City Manager Piasecki addressed comments and concerns voiced by Councilmember Thomasson at a previous meeting. The position of Economic Development Manager is merely a temporary position and Ms. Yoshino has been doing the work for several months on a voluntary basis. The same hiring rules do not apply for temporary positions as for regular positions.

ACTION/DIRECTION

Councilmember Scott moved to approve the creation of a temporary, full-time economic development manager position for the time frame July 1, 2010 through March 31, 2011, with the duties and responsibilities as outlined in the attached scope of work, to be paid \$40.00 per hour and further to direct staff to prepare a budget adjustment ordinance to authorize this appropriation; Councilmember Pina, second.

Councilmember Sherman moved to extend the term of the position until 2012. His motion died for lack of a second.

The vote was 4-2. Councilmember Musser agreed that the Economic Development position was important, but with so many other personnel needs and code enforcement needs, she could not approve this at this time. Mayor Pro-Tem Kaplan preferred to see the Beach Park projects finished and public safety staffing levels restored; there are so many other competing needs. The motion passed.

1. Des Moines Creek Trail Construction Consultant Agreement and Contingency Increases
Planning Building Public Works Director Grant Fredricks offered a brief presentation about the Des Moines Creek Trail Construction Consultant Agreement and Contingency Increases.

ACTION/DIRECTION

Councilmember Sherman moved approval of the INCA Supplement #1 (Attachment #1) in the amount of \$55,890.91, bringing the total contract amount to \$171,775.21 for construction management and inspection services; Councilmember Musser, second. The vote was 5-0 and the motion passed.

Councilmember Musser moved to approve an increase of contingency funds for the construction contract for the Des Moines Creek Trail in the amount of \$100,000.00, bringing the total approved contingency for the construction contract to \$173, 442.78; Mayor Pro-Tem Kaplan, second. The vote was 5-0, and the motion passed.

NEXT MEETING DATE – August 5, 2010.

ADJOURNMENT

Councilmember Musser moved to adjourn; Mayor Pro-Tem Kaplan, second. The vote was unanimous. The meeting was adjourned at 10:05 p.m.

Sandy Paul CMC, City Clerk