

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

CALL TO ORDER - Mayor Sheckler called the meeting to order at 7:33.

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; Assistant City Manager Lorri Ericson; City Attorney Pat Bosmans; Planning Building and Public Works Director Grant Fredricks; Finance Director Paula Henderson; Assistant Director of Utilities and Environmental Engineering Loren Reinhold; Planning Manager Denise Lathrop; Finance Operations Manager Cecilia Pollock; City Clerk Sandy Paul

CORRESPONDENCE

There was no correspondence.

COMMENTS FROM THE PUBLIC:

Ali Larkin, 21937 7th Avenue South, spoke about beach naturalists, the Seattle Aquarium, and the “Explore Our Puget Sound Beaches” program.

BOARD & COMMITTEE REPORTS/ COUNCILMEMBER COMMENTS

Councilmember Scott announced the Spaghetti Feed to be held at the Senior Center on Friday, October 8, 2010, from 5:00 to 7:30 p.m. The cost is \$10.

Mayor Pro-Tem Kaplan reported that the Public Safety and Transportation (PS & T) Committee meeting had met prior to the City Council meeting. Discussion included:

- School zone photo enforcement
- Potential Boundary Line Adjustment along Kent-Des Moines Road
- Transportation CIP

Councilmember Musser had no report.

Councilmember Pina asked about a letter dated October 1 from a Jeffrey Owen of the Plumbers and Pipefitters Union re: SCORE Project. The mechanical contractor has no labor agreement and has been picketed by protestors.

Councilmember Thomasson had no report.

Councilmember Sherman attended the Des Moines Creek Park Trail official opening and acknowledged its completion.

PRESIDING OFFICER'S REPORT

Mayor Sheckler commented on what a beautiful day it had been for the successful opening of the Des Moines Creek Park Trail.

## ADMINISTRATION REPORTS

City Manager Piasecki reported that Assistant City Manager Lorri Ericson was awarded a scholarship to attend the ICMA Conference in San Jose, CA. Her air fare would be funded from her personal airline miles and attendance at the Conference would be at no cost to the City.

Replacement pages for Consent Item #1 in tonight's agenda regarding acquisition by eminent domain of certain property by amendment of the condemnation petition and currently pending as authorized by Ordinance No. 1456 were provided earlier.

There will be no presentation on the EB5 Program, the final agenda item. The City is not asking the Council to move forward at this time. Two developers are potentially interested in the program, but neither will be asking the City for such designation and may move forward on their own.

## CONSENT CALENDAR

Item 1: Draft Ordinance No. 10-162

Motion is to adopt Draft Ordinance No. 10-162 relating to the acquisition by eminent domain of certain property located in the City of SeaTac, describing the public convenience, use and necessity of such property, providing for the condemnation, appropriation, and taking of such land, including the mode of payment of cost of acquisition, and directing the City Attorney to prosecute such action by amendment of the condemnation petition currently pending as authorized by Ordinance No. 1456.

Item 2: Proclamation of October 18-22, 2010 as *National Business Women's Week*

Motion is to proclaim October 18-24, 2010 as National Business Women's Week in Des Moines.

## **ACTION/DIRECTION**

Councilmember Thomasson pulled Item 1 for further discussion.

Council member Pina moved approval of Item #2; Councilmember Sherman, second. The unanimous vote was in favor of approving the Proclamation.

City Attorney Bosmans clarified the wording of the draft ordinance in Consent Item #1. Councilmember Thomasson moved approval of Item #1, with the correction of the title; Mayor Sheckler, second. All the votes were ayes.

## OLD BUSINESS

1. Council Rules

## **ACTION/DIRECTION**

Discussion of new Council Rules resumed where it left off at the September 30 meeting. A motion, made by Councilmember Pina, was on the floor to call the question when time expired. The motion was about adopting the concept of the Spirit of Des Moines Award in Chapter 4. The vote passed 6-1, Councilmember Thomasson voting no.

The vote on the main motion (to establish a Spirit of Des Moines Award program into the Council Rules) was passed 6-1. Councilmember Thomasson voted *no*.

Mayor Pro-Tem Kaplan moved to adopt the Spirit of Des Moines Award policy as described in the attachment; (Rule #37); Councilmember Musser, second.

Councilmember Sherman offered wording changes as friendly amendments (no substantial change to the intent of the rule change), accepted by the makers of the motion. The motion was passed, 7-0.

Councilmember Sherman moved to change Rule 4 (b) relating to the manner in which the mayor is selected providing each councilmember the ability to serve as mayor for a year, rotating annually based on years of service; Councilmember Thomasson, second. The motion failed 6-1. Councilmember Sherman cast the one yes vote.

Councilmember Sherman moved to change Rule 5 (a) regarding Proclamations to read that the Mayor and the Council have the authority to issue proclamations for a variety of purposes, as approved by the Council; Councilmember Musser, second.

Councilmember Pina offered a friendly amendment to change the word *issue* to *introduce* and that change was accepted by Councilmembers Sherman and Musser. The motion passed 5-2, with Mayor Sheckler and Mayor Pro-Tem Kaplan voting *no*.

Councilmember Sherman moved that Des Moines as a Code City, Council-Manager form of government, Rule 5 (b) and (c) are City Manager functions and should be removed from the Council Rules as unsustainable under state law; Councilmember Thomasson, second.

Councilmember Pina moved to remand Rule #5 to committee; Mayor Pro-Tem Kaplan, second. The motion passed unanimously.

The Mayor recessed the meeting at 8:55 p.m. for a ten-minute break. The City Council reconvened at 9:05.

Councilmember Sherman moved to amend Rule #8a: A special meeting may be called by the Mayor and any three members of the Council or four members of the Council except to convene for the purpose of holding an Executive Session; Councilmember Thomasson second. The motion failed 5-2. Councilmembers Sherman and Thomasson voted *yes*.

Councilmember Sherman moved to amend Rule #10 by adding the words *no final Council action on ordinances and resolutions shall be taken at study sessions*. Councilmember Thomasson, second. The motion was accepted by Mayor Pro-Tem Kaplan and Councilmember Scott as a friendly amendment.

Councilmember Sherman moved to amend Rule #19a to allow Councilmembers to speak multiple times to a previous motion and (b) for no longer than ten minutes on any given motion. Councilmember Thomasson, second. The motion failed 5-2. Councilmembers Sherman and Thomasson voted *yes*.

Councilmember Sherman moved to delete Rule #22(g) as redundant to Rule #6. This amendment was accepted as a change to the main motion by Mayor Pro-Tem Kaplan and Councilmember Scott as makers of the main motion.

Councilmember Sherman moved to restore Rule #26(a). The amendment died for lack of a second.

Councilmember Sherman moved to amend Rules #35 and #36 as follows: Rule #35: *All special meetings of the City Council should be recorded on an audio recording device* and Rule #36: *All regular meetings of the City Council held in the Des Moines City Service Center should be recorded on audio and video devices and cablecast within the City*. Councilmember Thomasson, second.

Councilmember Pina moved a substitute motion, seconded by Councilmember Scott, which stated in Rule #35 that *all meetings shall be recorded on an audio recording device* and in Rule 36 that *all meetings held in the City Service Center 21630 11<sup>th</sup> Avenue South, be video recorded and cablecast within the City*. The motion failed 6-1, Councilmember Pina being the one member favoring his substitute motion.

A motion to amend the motion to change *shall* to *should* was made by Councilmember Musser and second by Councilmember Pina and was acceptable to the makers of the amendment. The motions, as amended (Rules #35 and #36) were acceptable to the makers of the main motion.

Councilmember Thomasson moved to table approval of the Council Rules until the remand from the Committee on Rule #5 is returned to the Council. Mayor Sheckler, second. The vote was unanimous.

#### NEW BUSINESS

1. City Services to Huntington Park – Huntington Park Request for Surface Water Management Services

Huntington Park had requested that the City provide street sweeping and vector cleaning services per their fees paid through Surface Water Management fees paid to the City. Ben Gill, 24601 13<sup>th</sup> Avenue South spoke to the Council on behalf of the Homeowner's Association.

#### **ACTION/DIRECTION**

No action was taken because there was no motion.

#### NEW BUSINESS

2. Briefing on Lakehaven Sewer District Comprehensive Plan

#### **ACTION/DIRECTION**

Mayor Pro-Tem Kaplan moved to extend the meeting until 10:40 p.m.; Councilmember Scott, second. The vote was 6-1 to approve, with Councilmember Pina casting the one dissenting vote.

#### **ACTION/DIRECTION**

Councilmember Kaplan moved to adopt Draft Resolution No. 10-167 approving the Lakehaven Sewer District 2009 Comprehensive Wastewater System Plan; Councilmember Sherman, second. All the votes were ayes.

#### **ACTION/DIRECTION**

Councilmember Thomasson moved to adjourn and continue other unfinished agenda items, *2010 and 2011 Revenue Estimates from All Sources* and *Marina District Planning Updates*, to a future meeting date to be set by the Mayor; Councilmember Sherman, second. All the votes were ayes.

NEXT MEETING DATE – October 14, 2010

#### ADJOURNMENT

The meeting was adjourned at 10:40 p.m.

Respectfully submitted,

Sandy Paul-Lyle CMC  
City Clerk