REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES January 6, 2000

The regular study session of the Des Moines City Council was called to order by Mayor Thomasson at 7:34 p.m. in the Council Chambers, 21630 11th Avenue South #B.

ROLL CALL: Mayor Scott Thomasson, Mayor Pro Tem Bob Sheckler, Councilmembers Terry Brazil, Dave Kaplan, Dan Sherman, Gary Towe and Don Wasson. Also present were City Manager Bob Olander, Assistant City Manager Tony Piasecki, City Attorney Gary McLean, Community Development Director Judith Kilgore, Planning Manager Corbitt Loch and City Clerk Denis Staab.

ITEMS OF BUSINESS:

Oath of Office

City Attorney McLean administered the Oath of Office to Councilmembers Elect Bob Sheckler, Scott Thomasson and Don Wasson.

Election of Mayor

City Attorney McLean explained the procedure for the nominations and election of Mayor and Mayor Pro Tem for the term of January 6, 2000 to the first City Council meeting of the year 2002. He called for nominations for the office of Mayor.

Councilmember Sherman nominated Councilmember Scott Thomasson.

As there were no further nominations, City Attorney McLean called for a vote. Council voted unanimously to affirm Scott Thomasson as Mayor.

Election of Mayor Pro Tem

Mayor Thomasson called for nomination for the office of Mayor Pro Tem.

Councilmember Brazil nominated Councilmember Bob Sheckler.

As there were no further nominations, Mayor Thomasson called for a vote. Council voted unanimously to affirm Bob Sheckler as Mayor Pro Tem.

Councilmember Brazil stated that it has been an honor and a privilege to have served as Mayor Pro Tem for the last two terms. He noted that his “plate is full” and has every confidence that Councilmember Sheckler will perform the duties of Mayor Pro Tem admirably.

Announcement

Mayor Pro Tem Sheckler announced that Councilmember Brazil has been recently elected to the Association of Washington Cities Board of Directors. He noted this is a huge responsibility as he will be representing not just Des Moines, but all of western Washington State.

He further noted that beginning in June, Councilmember Brazil will be the new President of the Suburban Cities Association.

Part 150 Study - Briefing

Richard Kennedy, citizen representative to the Part 150 Advisory Committee, informed Council that as directed by the Puget Sound Regional Council, the participants have been studying for several years now additional programs to reduce the impact of aircraft noise on neighborhoods impacted by aircraft operations from Sea-Tac Airport. He introduced Mary Vigilante of Snyergy Consultants, Inc. and Ron Seymour of the Port of Seattle.

Mr. Seymour distributed and reviewed written material containing some of the following items:

- Maps of the Three Flight Track Alternatives
  1. Existing South Flow Tracks
  2. South Flow Two Tracks
  3. South Flow Three Tracks
- Summary of Flight Track Alternatives (3) - South Flow detailing the following:
  - Population Affected
  - Speech Interference
  - Possible Sleep Awakenings
- Maps showing Track Two and Three Dispersion
- Maps Comparing Existing Conditions Compared to Two or Three Tracks

In conclusion, it was noted that the Committee and Port Staff will present recommendations to the Port of Seattle Commissioners sometime in June or July of this year. The Port Commissioners will then present their final plan to the Federal Aviation Administration for final action. He noted that the whole process will most likely take three years before implementation.

Airport Communities Coalition Representatives for the Year 2000

MOTION was made by Councilmember Brazil, seconded by Councilmember Kaplan, and passed unanimously, that Mayor Pro Tem Sheckler represent the City of Des Moines.

MOTION was made by Mayor Pro Tem Sheckler, seconded by Mayor Thomasson, and passed unanimously, that the City's alternate representative be Councilmember Kaplan.

Executive Session

Mayor Thomasson announced that Council will hold an Executive Session at the conclusion of the regular business agenda.

8:43 p.m. Mayor Thomasson declared a 10 minute break.

Pacific Ridge Zoning Regulations - Continued Discussion

Community Development Director Kilgore reminded Council that the SW King County Developers Round Table will be held January 19th at Highline Community College at 6:30 p.m. The purpose of the Round Table will be to have developers and finance people discuss what they look for in terms of land size, etc. She encouraged Council to attend.

Community Development Director Kilgore informed Council that the first report from the City Consultant regarding existing economic conditions in the Pacific Ridge Area will be presented on the 13th of January at 1:00 p.m. in the Community Development Conference Room.

Planning Manager Loch reminded everyone that the City is still in the comment period for the EIS Scope and citizens may present issues they wish to see addressed. The comment period runs through January 14th. He noted there will be a public meeting in the Council Chambers on January 12th at 7 p.m. to allow for verbal citizen input.

Planning Manager Loch requested direction from Council on the following two issues with comments as noted:

1. Should the west boundary of Pacific Ridge be changed?
- Option A - No change.
- Option B - Remove multifamily west of Pacific Highway South

Councilmember Sherman spoke in support of Option B. He noted he has concerns over increasing bulk in that area and wants to protect the single family to the west.

Mayor Thomasson spoke in support of Option B as he is concerned that if this area is redeveloped, height issues would have a impact on the single family to the west.

Councilmember Towe spoke in support of Option A. Multi family would benefit as consumers to support base businesses in the area. He felt that design guidelines would prevent any negative impacts to single family to the west, and if this area were redeveloped it may even be a better buffer to the single family than what presently exists.

Councilmember Kaplan noted that he will not participate in the decision as he lives in the disputed boundary area.

After further discussion, Mayor Thomasson requested a show of hands in favor of each option. Results were as follows Option A: Councilmembers Wasson, Towe and Mayor Pro Tem Sheckler. Those in favor of Option B: Councilmembers Brazil, Sherman and Mayor Thomasson. voting for Option A.

[ED NOTE: Tie vote means the boundary will stay as previously designated in OPTION A.]

2. How should the Planning Agency be used during this process?
Community Development Director Kilgore informed Council that staff plans to update and brief the Planning Agency at its regularly scheduled meeting on February 7th. She noted that citizens will be invited to that meeting to attend and express their comments on the Pacific Ridge Area. She noted that staff would like the Agency to partner with representatives from the community to listen to concerns, while leaving the technical issues to the City Council.

Councilmember Kaplan felt that the Planning Agency can be valuable in feeling out any major concerns so that Council can be prepared. He noted that the more public involvement and input early on, will help Council in final decisions.

City Attorney McLean reminded Council that they have the authority to remand issues to the Planning Agency for study to advise and offer recommendations to the Council. It was noted that the Planning Agency's main role is to hear subdivisions and to review Comprehensive Plan changes and issues. It was further noted that eventually the Pacific Ridge Area will require a Comp Plan amendment.

Councilmember Kaplan reminded everyone that the moratorium will expire at the end of March and Council should use every opportunity for public input, therefore remanding this to the Planning Agency is a wise decision.

Consensus was to remand the issue to the Planning Agency to gather public testimony with the understanding that Council has established a comprehensive vision and as the final authority will still hold a public hearing and make all technical decisions after weighing all evidence presented to them.

Announcement

Councilmember Wasson announced that he received a communication from Scott Lewis, Commissioner at Highline Water District, regarding a law suit challenging his right to serve on the City Council while being a Water District #54 Commissioner. Councilmember Wasson stated that he resigned his position as a Water District #54 Commissioner effective December 31, 1999.

10:08 p.m. Executive Session

Mayor Scott Thomasson announced that the City Council would hold an Executive Session for approximately 15 minutes to discuss with legal counsel representing the City litigation or potential litigation to which the City is, or is likely to become, a party and about which public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the City.

10:21 p.m. Council reconvened in to open session

MOTION was made by Mayor Pro Tem Sheckler, seconded by Councilmember Sherman, to approve the settlement agreement submitted by the City Attorney, between the City of Des Moines and the Wescot Company and authorize the City Attorney to sign such agreement substantially in the form as submitted. Motion passed unanimously.

City Attorney McLean announced that there are two law suits currently pending filed by Wescot regarding some Comprehensive Plan amendments that might have made a conveyor belt possible, and they are seeking protection of their proposal as an essential public facility as a necessary support activity. The Wescot Company was concerned about the tremendous costs of preparing a Environmental Impact Statement. Mr. McLean advised that this agreement tonight in no way changes the City Council's vote in denying a conveyor belt, but only in return for the Wescot Company dismissing its pending law suits, the City Council will agree that the previously prepared EIS that has already gone through the public hearing process, would remain valid for a period of 36 months in to the future, unless there were an emergency such as a land slide, earthquake or other natural or man made alterations on the proposed route. Or, as a result of Federal Regulations such as the Endangered Species Act. Therefore, the proponent could bring forward the exact same draft amendments that they proposed back in 1997, with the same EIS for that 36 month period, if nothing else changes. The City Council would then consider the request within 60 days with no commitment to approve or disapprove the project.

City Attorney McLean noted that anyone wishing to review the agreement can contact the City Clerk's office during normal business hours.

VOTE ON MOTION: Motion passed unanimously.

<u>NEXT MEETING DATE</u>

Mayor Thomasson announced that the next regular meeting will be January 13, 2000.

<u>ADJOURNMENT</u>

Meeting was adjourned at 10:21 p.m.

Respectfully submitted,

Denis Staab
City Clerk