REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES January 13, 2000

At 7:30 p.m., Deputy City Clerk Chaufty announced that the Executive Session would last approximately another ten minutes.

The regular meeting of the Des Moines City Council was called to order by Mayor Thomasson at 7:38 p.m. in the Council Chambers, 21630 11th Avenue South #B.

PLEDGE OF ALLEGIANCE to the Flag was led by Councilmember Brazil.

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, City Attorney Gary McLean, Community Development Director Judith Kilgore, Public Works Director Tim Heydon and Deputy City Clerk Angela Chaufty.

COMMENTS FROM THE PUBLIC

Alan Pomeroy, 23600 Marine View Drive South

Mr. Pomeroy distributed a letter regarding the proposed RM-900B Zoning Amendment to Council.

Jeff Mann, 2601 South 35th Street, #200, Tacoma

Mr. Mann from Apex Engineering confirmed Council had received the preliminary view analysis submitted on January 5 and 11, 2000. He asked that Council allow Masonic Home and Judson Park to submit their master plan for review.

Jim Bartlemay, 23510 10th Avenue South

Mr. Bartlemay voiced his opposition to Draft Ordinance No. 99-173. He felt that high-rise buildings belonged on Pacific Highway South rather than in residential areas. He said that the proposed ordinance would severely impact views and property values in the surrounding neighborhoods. Mr. Bartlemay also suggested that the ordinance require a buffer zone for construction next to residential zones. Mr. Bartlemay said that proper notice of Council's intent to discuss the issue at this meeting had not been provided to the affected property owners. He urged Council to oppose the draft ordinance.

Ed Wickman, 817 South 234th

Mr. Wickman asked Council to vote against the proposed zoning changes as it would affect neighborhood views and impact his retirement. He agreed with Mr. Bartlemay's comments regarding the notification of affected property owners.

Pamela Johnson, Westwood Neighborhood

Ms. Johnson asked for permission to replace some unstable, large trees in the Westwood Park with new trees. She said that one tree had already fallen on her house. On another occasion, her family had been instructed to temporarily move to the bottom floor of their house due to potential danger.

Mayor Thomasson asked staff to research the issue.

Mike Hovland, 1223 62nd Avenue East, Fife
Mr. Hovland, architect for Masonic Homes, clarified that the buildings proposed for the Judson Park development were under the current zoning height limit of 35 feet.

BOARD & COMMITTEE REPORTS

Suburban Cities Association
Councilmember Brazil informed Council that the medium sized cities 2 had not yet elected a Board member as the two votes conducted resulted in a tie between George Rosman from Enumclaw and Jim Haggerton from Tukwila.

Regional Transit Committee
Councilmember Brazil announced that regional transit and bus routes would be discussed at the Regional Transit Committee Caucus meeting, January 14, 2000 at Mercer Island City Hall.

Census 2000
Councilmember Brazil informed Council that the city would be asked to participate in the census process in the spring. He noted that it was important for the city to provide accurate population figures as some future funding would be based upon those numbers.

Regional Transit
Councilmember Sherman announced that METRO Bus Route 189 would be eliminated on February 2, 2000 due to the loss of drivers. He also noted that the first daily run of METRO Bus Route 166 had also been cut.

City Council Trust Account
Due to the healthy balance in Council's Trust (Hearts and Flowers) Account, Councilmember Sherman questioned whether Council wished to continue contributing to the fund or stop allocations for one year.

Mayor Thomasson directed staff to research the formation of the account.

PRESIDING OFFICER'S REPORT

Agenda Revision
Mayor Thomasson announced that consent calendar item No. 5 had been withdrawn by staff as the legal description needs to be revised.

ADMINISTRATION REPORTS

Agenda Revision
City Manager Olander informed Council that 30th District, State Representative Mark Miloscia was unable to address Council as scheduled.

CONSENT CALENDAR was read by Deputy City Clerk Chaufty.

1. Motion is to approve the minutes of December 8 and 9, 1999.
2. 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 42.24.080, have been recorded on a listing which has been made available to the City Council.

Motion: As of this date the Des Moines City Council, by unanimous vote, does approve for payment those vouchers and payroll transfers included in the above list and further described as follows:

Claim check # 69639 through #70114 in the total amount of $1,396,495.47
Payroll fund transfers in the total amount of $548,804.60

3. Motion is to approve the contract between the City of Des Moines and King County for King County Youth Sports Facilities Grants and authorize the City Manager to sign the agreements substantially in the form as attached.

~~4. Motion is to authorize the City Manager to exceed the previously authorized contract contingency of 10% for R. W. Beck, Inc., by $11,948 and to amend the contract for a total amount of $99,899.39, while still remaining within the approved CIP budget.~~ (Editor's note: Item removed by Councilmember Kaplan.)

MOTION was made by Councilmember Sherman and seconded by Councilmember Brazil to approve the consent calendar as read.

Consent calendar item No. 4 was removed by Councilmember Kaplan.

VOTE ON MOTION: Motion passed unanimously.

OLD BUSINESS

Comprehensive Storm Water Management Plan Update, Authorization to Exceed 10% Contingency

Upon questioning from Councilmember Kaplan, Public Works Director Heydon explained that the contract required the study of more financial scenarios than originally anticipated. He said that staff was satisfied that the extra hours involved were justified. He noted that the document was ready for Council committee review. The requested authorization would finance the contractor's time and labor for presenting the plan update to Council.

MOTION was made by Councilmember Sheckler and seconded by Councilmember Sherman to authorize the City Manager to exceed the previously authorized contract contingency of 10% for R.W. Beck, Inc., by $11,948 and to amend the contract for a total amount of $99,899.39.

Councilmember Kaplan stated that he believed it was an important project but he was concerned with contingencies for construction projects.

Councilmember Wasson stated that he could not support the motion as he was opposed to contingencies. He felt that the contractors should be held to their estimates.

Councilmember Towe stated his belief that the authorized budgeted figure was the contract amount once the contract was approved. He noted that he would support the motion as he felt that the project needed to be completed.

VOTE ON MOTION: Motion passed, 6 – 1, with Councilmember Wasson opposed.

<u>Draft Ordinance No. 99-173 - Textual Amendments to RM 900B Zoning (Retirement Centers) Regarding Building Height</u>

Community Development Director Kilgore introduced the subject. She reminded Council that the proposed ordinance provided an application process and review that included buildings taller than the current height limit of 35 feet. She informed Council of the public notification process followed by staff. Ms. Kilgore noted that the public hearing portion of the discussion had been closed on October 14, 1999. Upon questioning, Ms. Kilgore stated that the zoning for the area had not changed since it was annexed to the city. She said that Judson Park had not raised the height issue four years ago during their remodel project.

Mayor Thomasson suggested that the process requirements of the proposed ordinance be consolidated into one area. He also asked that the word "paved" be substituted for the word "open" in Section 2.

Upon questioning from Councilmember Towe, Community Development Director Kilgore recommended that a process which included a master plan be adopted for all institutional zoned facilities. She noted that the current code only required administrative SEPA review.

Councilmember Sheckler suggested that the applicants discuss the issues with their surrounding neighbors.

Mayor Thomasson said that he would not support the proposed ordinance as he felt that the reasons that the Council had previously designated a 35 feet building height limit for the area were still valid. He felt that increased height would infringe on the surrounding residential properties.

Councilmembers Sherman and Towe agreed with Mayor Thomasson's comments.

Councilmember Towe suggested that Council consider adopting a process that included a binding site plan without adjusting the building height.

Councilmember Kaplan voiced support for requiring a binding site plan for institutional developments.

<u>MOTION</u> was made by Councilmember Sheckler and seconded by Councilmember Wasson to move Draft Ordinance No. 99-173 to a second reading.

<u>VOTE ON MOTION</u>: Motion failed unanimously.

<u>MOTION</u> was made by Councilmember Kaplan and seconded by Councilmember Towe to direct staff to draft an ordinance that created a binding site plan for institutions citywide.

Mayor Thomasson confirmed that the project was already included in the work plan.

Councilmembers Kaplan and Towe withdrew their motions.

At 9:10 p.m., Mayor Thomasson declared a ten minute break.

Preferred Alternative Alignment for SR 509/South Access Road

Public Works Director Heydon introduced WSDOT employees Susan Everett and Craig Stone. He noted that the value engineering study conducted by the Executive Committee had resulted in preferred alternative C being broken down into three sub-alternates. He displayed maps of the sub-alternate routes and briefly described them. Public Works Director Heydon noted that the Steering Committee recommended adoption of alternative C2 as the preferred alternative as it eliminated the need for a tunnel, was located further away from the Des Moines Creek regional detention facility, provided for the straightest road alignment, and was the least costly alternative. On the negative side, he said that Alternative C2 cut across the northeast corner of the City of SeaTac's portion of Des Moines Creek Park. Preliminary mitigation options discussed included replacement of the park land involved, reconstruction of the parking lot on South 200th Street, and extension of the existing bike/pedestrian trail along SR 509 to the north.

Mr. Stone said that the identification of a preferred alternative would provide clarification for the public but that all alternatives would still be treated equally.

Councilmember Brazil expressed concern that on and off ramps for Alternative C2 would create bottlenecks at South 188th Street and South 200th Street.

Public Works Director Heydon said that the City's Comprehensive Transportation Plan would detail the traffic concerns for those areas. He noted that the 16th/18th Avenue South link was still an undecided issue.

City Manager Olander suggested that the next SR 509 discussion include traffic flow analysis for Des Moines Memorial Drive, South 200th Street, and South 188th Street.

Upon questioning, Ms. Everett clarified that the roadway would be 16 to 20 feet in the air at South 200th Street.

Mayor Thomasson confirmed that if Council chose to support Alternative C2, their previous direction and conditions would still apply.

MOTION was made by Councilmember Kaplan and seconded by Councilmember Sherman to continue with C1 as the preferred alignment for SR 509/South Access Road.

Councilmember Kaplan stated that he preferred the "No Build" option but felt that Alternative C1 provided less impact to the area than the other options.

Mr. Stone said that the committee felt that the tunnel presented a serious safety condition.

VOTE ON MOTION: Motion failed, 3 – 4, with Mayor Thomasson, Mayor Pro Tem Sheckler, and Councilmembers Towe and Brazil opposed.

MOTION was made by Mayor Pro Tem Sheckler and seconded by Councilmember Towe to approve Alternative C2 as the new preferred alignment for SR 509/South Access Road.

VOTE ON MOTION: Motion passed, 4 – 3, with Councilmembers Kaplan, Sherman, and Wasson opposed.

NEW BUSINESS

Settlement Agreement

MOTION was made by Councilmember Towe and seconded by Mayor Pro Tem Sheckler to approve the settlement agreement prepared by the City Attorney substantially in the form as proposed, settling the King County Superior Court lawsuit known as Cathcart v. Westphal, Clayton and the City of Des Moines; and to authorize the City Attorney to confirm appropriate legal descriptions and execute any papers, pleadings and/or recording instruments deemed necessary to effect the terms and conditions of the settlement agreement. Copies of the executed settlement agreement shall be filed and maintained as required by law.

Councilmember Brazil confirmed that the Clayton party mentioned in the agreement was not the Clayton family he knew personally.

VOTE ON MOTION: Motion passed unanimously.

Business Park Zoning Discussion Regarding Potential Changes

Community Development Director Kilgore introduced the subject and displayed a map of the area. Due to the land purchased by the City for a sport park and senior center, twenty contiguous acres no longer remain in the sub-area making the possibility of a 20-acre master plan difficult, if not impossible.

MOTION was made by Councilmember Sherman and seconded by Mayor Pro Tem Sheckler to request staff to develop a new BP zoning subsection for the South Sub Area as outlined in Option 4 for council's review.

Mayor Thomasson suggested that the neighboring properties combine with the City property to provide shared parking.

Judith explained that design issues, landscaping, coordination of utility and transportation issues would be included in the proposed zoning regulations.

VOTE ON MOTION: Motion passed unanimously.

NEXT MEETING DATE

Mayor Thomasson announced that the next regular meeting would be January 27, 2000.

ADJOURNMENT

Meeting was adjourned at 10:23 p.m.

Respectfully submitted,

Angela M. Chaufty
Deputy City Clerk