REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES January 13, 2005

At 7:29 p.m., Mayor Sheckler announced that the City Council would remain in Executive Session for approximately ten minutes more.

The regular meeting of the Des Moines City Council was called to order at 7:47 p.m. by Mayor Sheckler in the City Council Chambers, 21630 11th Avenue South, Suite B.

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

ROLL CALL - Present: Mayor Bob Sheckler, Mayor Pro Tem Scott Thomasson, Councilmembers Richard Benjamin, Gary Petersen, Maggie Steenrod, and Susan White. Absent: Councilmember Dan Sherman. Also present were City Manager Tony Piasecki, City Attorney Linda Marousek, Public Works Director Tim Heydon, Community Development Director Judith Kilgore, Finance Director Paula Henderson, Developmental Services Manager Robert Ruth, and Deputy City Clerk Angela Chaufty.

> **MOTION** was made by Councilmember Steenrod, seconded by Councilmember Petersen, and passed unanimously to excuse Councilmember Sherman from attendance.

COMMENTS FROM THE PUBLIC

John Ayar, 28754 5th Place South

> Mr. Ayar told Council that he had paid thousands of dollars to the City for plan review services. Two years later, staff informed him that they had made a mistake and the plans were not approved. Mr. Ayar said that this was not good business. He asked the City Attorney to clarify whether DMMC 17.36.130 deals with combined or single utility easements.

BOARD AND COMMITTEE REPORTS

Results Based Accountability Seminar

> Councilmember Steenrod informed Council that she had attended a seminar regarding measurable performance results. She would give the seminar materials to the Mayor. Councilmember Steenrod suggested that Council discuss the subject at a mini retreat.

METRO

> Councilmember Steenrod reported that METRO had approved a corridor bus mural program for Des Moines.

Suburban Cities Association

> Councilmember White asked Council to submit a list of their top three public issues to her prior to the January 19, 2005 meeting of the Public Issues Committee. The committee will select their key issues from the topics received.

Lodging Tax Committee

> Councilmember White said that the Lodging Tax Committee had reviewed Draft Ordinance No. 03-069 that would be presented to Council later in the meeting.

Economic Development Committee

Councilmember White reported that the next meeting of the Economic Development Committee would be January 14, 2005.

Water Transportation

Councilmember White informed Council that Des Moines would be included in a METRO King County water transportation study.

Comprehensive Plan Ad Hoc Committee

Mayor Pro Tem Thomasson asked staff to schedule meetings for the Comprehensive Plan Ad Hoc Committee.

PRESIDING OFFICER'S REPORT

Comprehensive Plan Ad Hoc Committee

Mayor Sheckler announced that he, Mayor Pro Tem Thomasson, and Councilmember Petersen had been appointed to the Comprehensive Plan Ad Hoc Committee.

COUNCILMEMBER COMMENTS

Historical Preservation

Councilmember White announced that the Des Moines Beach Park would be presented to the Advisory Council on January 29, 2005 for a national nomination to the National Register of Historic Places.

Council Retreat

Councilmember White said that she would not be able to attend the Council Retreat scheduled for January 29, 2005. She would provide input to the Mayor prior to the event.

Pacific Highway South Project

Upon questioning from Mayor Pro Tem Thomasson, Public Works Director Heydon explained that the right turn lane at Kent-Des Moines Road was still closed as the sign for the lane had not yet arrived.

Mayor Pro Tem Thomasson suggested that "right turn only" signage be placed earlier in the QFC parking lot.

Council Retreat

Mayor Sheckler invited the public to attend the first of four Council retreats on January 29, 2005 from 9:00 a.m. to 4:00 p.m. at the Activity Center.

ADMINISTRATION REPORT

Marine View Drive Project

City Manager Piasecki announced that bids for the Marine View Drive Project were due February 9, 2005.

Chamber of Commerce

City Manager Piasecki informed Council that he had met with Chamber of Commerce representatives yesterday. The purpose of the monthly meetings was to improve communication between the entities.

<u>2005 Waterland</u>

City Manager Piasecki introduced Brenda Anders Larson.

Ms. Anders Larson invited Council and the public to attend a Community Open House concerning Waterland on February 8, 2005 at 7:45 p.m., at the Activity Center. Ms. Anders Larson also announced that she would not be the director of the 2005 Waterland Festival as she wished to refocus her time on her family. She identified the following options for 2005 Waterland:

1. Receive a donation to fund the event.
2. Do not have a Waterland Festival.
3. Conduct a modified Waterland Festival.

<u>CONSENT CALENDAR</u> was read by Deputy City Clerk Chaufty.

1. <u>Motion</u> is to approve the special and regular minutes of November 16, 18, 23 and 29, and December 2, 9 and 30, 2004.

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

<u>Motion</u>: 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 checks #97109 through #97589 & electronic fund transfers in the total amount of $2,153,702.74

Payroll fund transfers in the total amount of $677,001.39

3. <u>Motion</u> is to approve the surplus and disposal of a 1989 Ford Bronco, VIN 1FMEU15H2KLB 39297 and a 1989 Case Backhoe, VIN JAB00221320 and authorize disposing of by auction or sale.

4. <u>Motion</u> is to purchase 735 square feet of land including improvements from the Port of Seattle for the 24^{th} Avenue South/South 216^{th} Signal Project in the amount of $6,000 plus closing costs and to authorize the City Manager to sign the Purchase and Sale Agreement substantially in the form as submitted.

5. <u>Motion</u> is to approve Contract #D34956D between the City of Des Moines and King County for a King County Youth Sports Facility Grant in the amount of $45,000 for improvements to Steven J. Underwood Memorial Park and authorize the City Manager to sign the agreement substantially in the form as attached.

6. <u>Motion</u> to enter into the contract with Microflex for comprehensive tax and fee audits for sales and use taxes, utility taxes, business license fees and B & O taxes and to authorize the City Manager to sign the contract substantially in the form as submitted.

~~7. Draft Ordinance No. 03-069 - Title: An Ordinance of the City of Des Moines, Washington, relating to taxation, levying a special excise tax of one (1%) percent on the sale or charge made for the furnishing of lodging or the granting of any similar license to use real property; establishing a special fund for the tax, and providing penalties for nonpayment of the tax or violation of the requirements of the tax.~~

~~TWO MOTIONS: First motion is to suspend Council Rule 26(b). Second motion is to approve Draft Ordinance No. 03-069.~~

Upon questioning from Councilmember Steenrod, Public Works Director Heydon explained that the signal on 24th Avenue South and South 216th Street would be installed by the end of the summer.

Mayor Pro Tem Thomasson removed Item No. 7.

MOTION was made by Councilmember Steenrod, seconded by Councilmember White, and passed unanimously to approve the consent calendar as amended.

REMOVED CONSENT CALENDAR ITEM

Draft Ordinance No. 03-069 ***[Assigned Ord. No. 1358]*** Lodging Tax Advisory Committee Recommendations

Mayor Pro Tem Thomasson noted that transient boat moorage did not necessarily equate to lodging as some people just parked their boats rather than stayed overnight on them. He questioned how transient moorage came to be included in the draft ordinance.

Finance Director Henderson said that staff had interpreted transient moorage as renting space, similar to renting a hotel room. Transient was defined as a stay less than thirty days.

Mayor Pro Tem Thomasson asked whether the ordinance would apply to Saltwater State Park also. He questioned whether the lodging tax would apply to people who only parked their boats. Mayor Pro Tem Thomasson stated his preference for not including transient moorage in the draft ordinance.

Councilmember Benjamin noted that some boats do not even have sleeping quarters. If it was not possible to sleep on the boat, the tax did not seem right.

Finance Director Henderson explained that according to the current draft of the proposed ordinance, if a boat was in guest moorage, it would be subject to the lodging tax. Per the state auditor, if a state park charged a sales tax, it too was eligible for a lodging tax.

MOTION was made by Councilmember Benjamin, seconded by Mayor Pro Tem Thomasson and passed unanimously to suspend Council Rule 26(b).

MOTION was made by Mayor Sheckler, seconded by Councilmember White, and passed unanimously to approve Draft Ordinance No. 03-069 relating to the imposition of a 1% Des Moines lodging tax proposed by the Lodging Tax Advisory Committee deleting that portion that refers to "transient boat moorage."

NEW BUSINESS

Draft Resolution No. 04-262 ***[Assigned Res. No. 987]*** Final Plat Approval – Cederbrook

Developmental Services Manager Ruth informed Council of the proposed 29 unit attached, single-family town home modified subdivision. He noted that the property had been sold to a new owner since Council had reviewed the previous application three years ago. The new owner had requested several changes that were outside of the scope of acceptable changes that staff could approve. He noted that the PUD was now a modified subdivision. He reviewed the following revisions to the project:

- Internal lot lines will now exist.
- Units will be less clustered.
- The number of units will be reduced from 30 to 29 units.
- Lot widths will be increased from 20 feet to 25 feet.
- Full parking will be in the driveways.
- At least forty additional parking spaces will be included.
- Sidewalk connections will exist between all individual units.
- The tracts will be split differently.

Preliminary plat approval had been received from the Planning Agency. Road, storm, and utility design approval had been obtained from the respective utilities and City staff. Staff recommended approval of the proposed resolution with the following two changes to the final plat document:

1. On page 1, line 3 of the dedication, add the word “alleys”.
2. On page 2, include an easement to Puget Sound Energy along 20th Avenue South in order to maintain the four street lights.

Developmental Services Manager Ruth noted that the phone, gas, and cable utilities had requested an easement in the alley. The applicant had been informed of a need for an easement on 20th Avenue South due to the street lights. He introduced Bob Mickey, project designer for the applicant.

In response to Mayor Pro Tem Thomasson’s questioning, Public Works Director Heydon noted that the street standards were silent regarding easement provisions. Traditionally, a ten foot easement for all utilities was required.

City Manager Piasecki said that the easement in the alley handles all other utility needs and the utilities had not requested any easement along 20th Avenue South or South 240th Street.

MOTION was made by Councilmember Steenrod and seconded by Councilmember Petersen to adopt Draft Resolution No. 04-262 subject to and including the word “alleys” in the dedication on Page 1 of the plat and subject to a 10 foot utility easement to Puget Sound Energy.

Mayor Pro Tem Thomasson noted that Council had originally determined that the street in the development should be private due to liability concerns. He questioned why the project was now being presented to Council with a public street.

City Attorney Marousek explained that the original project was a PUD with no lot lines. Under DMMC 17.36.040, a vehicular access tract shall not serve more than four lots. Since the project was now a modified subdivision with separate lots, the alley serves 29 lots and, per the code, can no longer be an access tract.

Public Works Director Heydon stated that inspection reports for the project reveal that that the developer has met or exceeded development requirements.

Councilmember Benjamin requested a recess.

At 8:53 p.m., Mayor Sheckler declared a recess. The meeting would resume at 9:08 p.m.

In response to Councilmember Petersen's questioning, Public Works Director Heydon described the project's retaining wall.

VOTE ON MOTION: Motion passed, 5 – 0, with Mayor Pro Tem Thomasson abstaining.

At 9:15 p.m., Mayor Sheckler announced that he had to leave the meeting. Mayor Pro Tem Thomasson would now lead the meeting.

Updates – Zoning Code Rewrite and Economic Development Strategy

Community Development Director Kilgore introduced the subject. She distributed a sample of the draft zoning code in which the text had been converted to tabular form. All uses had been classified as permitted, conditional, or special use. Community Development Kilgore confirmed that the handout reflected the City's current code.

Mayor Pro Tem Thomasson suggested that complete sentences, rather than partial phrases, be used in the notes.

Community Development Director Kilgore distributed a copy of the Economic Development Committee's invitation to a Community Summit on February 16, 2005 from 5:00 p.m. to 8:00 p.m. in the Council Chambers.

City Manager Piasecki explained that the primary purpose of the Summit was to gather input. A draft of the public safety strategic plan would be presented during the Summit. Council would review the draft at the February study session.

Councilmember White recommended that the flyer be more specific. She recommended that that the use of words such as "initiative" and "land use patterns" be avoided.

Community Development Director Kilgore introduced economic development strategy consultant Darrell Vange.

Mr. Vance informed Council that results of a demographic market study had revealed the following concerning Des Moines:

- Low potential for office development.
- Low housing growth projection
- Population expected to stay flat.
- 30,000 Square feet of retail space could be added each year through revitalization or new developments.
- Good potential to increase capture rate through retail sales money.
- Shift toward smaller families.
- Shift toward an older population.
- Shift toward increased income levels.
- Strong residential market.

- Great potential for revitalization of Marine View Drive.
- Good opportunity for NEST properties.

Mr. Vance said that the consultants were currently focused on the following:

- Reviewing the residential developmental standards.
- Performing a property analysis on Marine View Drive.
- Developing a vision for Marine View Drive.
- Identifying options for Des Moines Beach Park.
- Looking at zoning review.

Mr. Vance noted that his company would meet with representatives from the Chamber of Commerce on January 14, 2005 and the Des Moines Boosters on February 7, 2005 in order to gain their input. The consultants were willing to meet with any community group to gain input. Mr. Vance confirmed that they were looking at other waterfront communities, such as Edmonds, to gain information.

NEXT MEETING DATE – Regular Meeting, January 27, 2004

ADJOURNMENT

At 10:03 p.m., **MOTION** was made by Councilmember Steenrod, seconded by Councilmember Petersen and passed unanimously to adjourn.

Respectfully submitted,

Angela M. Chaufty
Deputy City Clerk

ACTION ITEM FROM 1/13/05 MEETING

- Review Community Summit flyer at Economic Development Committee meeting.