

REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES

January 14, 1999

The regular meeting of the Des Moines City Council was called to order at 7:31 p.m. by Mayor Thomasson in the Council Chambers, 21630 11th Avenue South.

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

ROLL CALL - Present: Mayor Scott Thomasson, Mayor Pro Tem Terry Brazil, Councilmembers Dave Kaplan, Bob Sheckler, 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, Planning Technician Gloria Gould-Wessen, Public Works Director Tim Heydon and City Clerk Denis Staab.

Mayor's Announcement

Mayor Thomasson noted that he and Council have received numerous phone calls and correspondence regarding a potential conveyor belt for dirt hauling in connection with proposed SeaTac Airport expansion. He advised the public that there is no public hearing scheduled tonight on this topic.

City Manager Olander advised that staff and City consultants are currently reviewing a draft final EIS. He noted that when a final EIS is received it will be available for public review before any public hearing is set. He further noted that a hearing on the EIS is expected around late February or middle March, and will be well publicized.

COMMENTS FROM THE PUBLIC

The following individuals addressed Council:

- Al Furney, CASE (Citizens Against Airport Expansion)
- Len Oebser
- Larry Corvari, co-President of CASE
- Jim Bartlemay
- H. Conway, Vice President of Huntington Park Development
- John DelVento
- Frank Jovanovich
- Chris Crower
- Arleen Brown
- Ben Stark
- Elaine Marlow

Each expressed opposition to a proposed dirt conveyor to be located in Des Moines. Following are highlights of related issues and comments made:

- Destruction of critical wetlands, parkland, shoreline, bird, fish & animal habitat
- Noise, dust and air pollution
- Would guarantee construction of 3rd runway and further airport expansion
- Concern over land stability, and potential flooding
- Detrimental effect to Marina boating community and use of the public fishing pier

In conclusion, most speakers thanked the City of Des Moines, Burien and Normandy Park for their efforts and leadership in fighting the airport expansion, and encouraged the cities to keep up the fight.

Dan Caldwell, 19547 2nd Avenue South

Mr. Caldwell addressed Council, urging support for the proposed light rail system to be routed to not just SeaTac Airport, but Tukwila and the expanding Southcenter area, to Des Moines and Highline College.

BOARD & COMMITTEE REPORTS

Suburban Cities Association

Mayor Pro Tem Brazil reminded Council that the Executive Board had requested an additional staff member to help with the increasing work load. He informed Council that a one time additional assessment to each City will be made to fund this position. Any City can apply for a wavier to pay this assessment if it proves to be a hardship. After 1999, the Association will look for funding within the existing budget to continue the position if needed.

Association of Washington Cities - Y2K Problems

Mayor Pro Tem Brazil announced that he attended a recent meeting wherein Cities are being asked to draw up contingency plans on a "what if basis" concerning the Y2K problems that would result if there is no power for 3 days or more. He advised Council that he will be working with Assistant City Manager Piasecki on an emergency plan for Des Moines that will cover public safety, transportation, water supply and other essential public needs.

SR 509 South Access Committee

Councilmember Sherman reported that Public Works Director Heydon and City Manager Olander attended a meeting this week of the Committee. He reported that a memo of understanding is in progress and that a funding bill will be attached to this memorandum.

City Manager Olander reported that this is moving faster than anticipated and that an understanding has been reached in principle. He stated that a memorandum of understanding is being prepared that will address the issues that Council had determined were of priority including wetland concerns, completion of Phase I with south access ramps. He noted that the scope and costs will be contained within this memorandum.

CONSENT CALENDAR was read by City Clerk Staab.

1. Motion is to approve the minutes of December 7 and 10, 1998.
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 #64905 through #65221 in the total amount of \$1,012,331.37

Payroll fund transfers in the total amount of \$412,360.50

~~3. Draft Resolution No. 98-268 -- Title: A Resolution of the City Council of the City of Des Moines Washington, adopting the 1999 employee pay schedule.~~

~~MOTION is to approve Draft Resolution No. 98-268.~~ [ED NOTE: Item was removed by Administration for further revisions.]

4. Draft Ordinance No. 99-003 [~~ASSIGNED ORDINANCE NO. 1227~~] - Title: An Ordinance of the City of Des Moines, Washington updating City business license regulations and amending chapter 5.04 DMMC.

TWO MOTIONS: First Motion is to suspend Council Rule 26(b). Second motion is to approve Draft Ordinance No. 99-003.

5. Motion to confirm Mayor Thomasson's reappointment of Sven Kalve, Kristi Drebrick-Brown, David Peterson and Stephen Swank to new four year terms on the Planning Agency beginning January 1, 1999, and to confirm reappointment of Joyce Blake and George Minnich to new three year terms on the Library Board beginning January 1, 1999.

MOTION was made by Mayor Pro Tem Brazil, seconded by Councilmember Towe and passed unanimously, to approve the Consent Calendar as read.

Agenda Revision

Mayor Thomasson announced that he will take New Business first this evening.

NEW BUSINESS

Lakehaven Utility District Draft Comprehensive Water System Plan

Public Works Director Heydon informed Council that he received a copy of the November, 1998 Lakehaven Utility District "Comprehensive Water System Plan Update." The Lakehaven Utility District provides water services for a portion of the Woodmont/Redondo neighborhood. This area is primarily residential. The largest issues are the future water supply, flows during emergency and fire flow events, and water quality given new sources of supply and new regulations. Upon completion of the required environmental review, the Plan will be brought to the Lakehaven Board for adoption and back to the City Council for approval by resolution. The purpose of the Comprehensive Water System Plan is to schedule the orderly development of the Districts programs and facilities. Mr. Heydon introduced the following representatives from the District to brief Council on the draft Plan:

- Burt Ross, Engineer for Lakehaven
- Milt Larson, Professional Engineering Consultant from Kennedy/Jenks
- Mary Osburn, Program/Policy Analyst

In conclusion, Public Works Director Heydon advised Council that he would suggest that the coordinated development permit process be improved and that Fire District #26 needs to be involved in this draft plan.

Representatives of Lakehaven Utility District proceeded to review the draft Comprehensive Water System Plan Update, as contained in Council's packets, highlighting the following:

Review of Current Background:

- District serves residential population of approximately 97,000, includes 450 miles of water mains, 20 active wells and 12 storage tanks.

Review of Demographic Forecasts Through 2017

- Scenario One & Two were noted. Scenario One was selected by the district for subsequent planning purposes, despite the possibility that the employment forecast

may be too aggressive. Scenario One noted 1997 Population at 97,000 and employment at 36,000 and, 2003 population at 114,000 and employment at 46,000.

Water Demand:

- 1997 Average million Gallons a day of 10.6, with a projected 2003 demand of 11.5 million gallons a day.

Water Supplies:

- Groundwater, interim supply, and a 2nd supply line.
- System analysis and water quality issues.

Public Works Director Heydon reminded Council of his concerns over the analysis of the waterflow especially in regards to fire flow or emergency situations. He informed Council that the Utility District is using short term and long term negotiations with the City of Tacoma. Additionally, he cautioned Council that he is still unclear on the Utility's financing for the planned improvements.

Upon questioning by Council regarding deterioration of pipes, Public Works Director Heydon remarked that he could not find much detail on programs to replace old pipes other than approximately 10,000 feet a year, which he did not feel was a very aggressive program.

Upon questioning by Council, Lakehaven's Engineer Ross noted that by creating underground storage and selling excess water to surrounding communities they may be able to delay future rate increases.

Councilmember Towe commented that the draft plan noted that \$32 million is available, but the plan contains \$50 million worth of projects. He questioned how the district plans on accomplishing the projects with no funds.

Mr. Ross informed Council that he is not prepared to answer funding or financial issues this evening and this would have to be reported back to Council at a later time.

Council questioned what affect on rates existing customers can expect, and what rates will be applied for new hook-ups. Lakehaven representatives noted that the district not convinced growth will meet the projected growth levels and therefor it is hard to know.

Ms. Osburn informed Council that most of the proposed new facilities would only be built if there is a need.

City Manager Olander felt the draft plan does not contain an adequate finance plan. He would prefer to see a more detailed financial element. He also expressed concern that high hook-up fees may impede growth in the area.

Mayor Thomasson expressed concern with the planned fire flow rates as only meeting minimum requirements and that they need to be set higher. He requested that Fire District #26 become involved with the review of the draft plan for their input.

Regarding questioning of mining the aquifer after it is replenished, Mr. Ross stated that it is believed if the Utility purchases water, there will be no need to mine the aquifer.

Upon questioning by Mayor Thomasson, Mr. Ross noted that the Utility is continuing to work with the Cascade Water Line Board, but is not going to participate in the water line.

Mayor Pro Tem Brazil request that the Utility have a year 2000 contingency plan. He informed the Utility representatives that they can expect a formal letter requesting this plan.

After further discussion, City Attorney McLean advised that the Lakehaven Utility District will need to bring their Comprehensive Plan back before the District's Board takes any final action as Des Moines residents may take issue with some of the elements. He noted that Des Moines City Council will take final formal action by adoption of a Resolution.

Mayor Thomasson requested that Des Moines Community Development Director review all related SEPA documents.

9:19 p.m. Mayor Thomasson declared a 10 minute break.

OLD BUSINESS

Draft Ordinance No. 98-284 1998 Comprehensive Plan Amendments - 1st Reading

Community Development Director Kilgore reminded Council that this agenda item provides for Council discussion and deliberation regarding the proposed 1998 Amendments to the Greater Des Moines Comprehensive Plan. A public hearing was held on December 10, 1998, and subsequently closed after all public testimony was taken. Council may now take action on the proposed amendments.

Planning Manager Loch proceeded to review the amendments which were color coded to aid Council's deliberations, with recommendations noted:

Amendment No.: CP98-018(A)

- Housekeeping in nature - 7 sites & 1 text change
- Staff Recommendation - APPROVAL

COUNCIL CONSENSUS: Approval.

Amendment No. : CP98-018(B)

- Site: 19804 8th Avenue South - Single Family to Townhouse/Duplex
- Staff Recommendation - DENIAL

COUNCIL CONSENSUS: Denial

Amendment No.: CP98-018(C)

- Site: 2200 block of South 260th Street (south side) - Public Facility/Utility to Townhouse/Duplex
- Staff Recommendation - APPROVAL, subject to maximum of 9 dwellings per acre

COUNCIL CONSENSUS: Approval with maximum density of nine dwellings per acre. Further that the buffer boundary be clearly defined between the zones, and that the sliver towards the east to Highway 99 remain commercial.

Amendment No.: CP98-018(D)

- Site: 20700-20800 of 1st Avenue South (east side) and the 100 block of South 208th Street (both sides) - Single Family to Commercial
- Staff Recommendation - DENIAL (However, Council may wish to direct revisions to BN Zone to provide more specificity for permitted uses.)

COUNCIL CONSENSUS: Denial

Community Development Director Kilgore and Planning Manager Loch reminded Council the Comprehensive Plan is only a clarifying use, not necessarily the zoning or a blank check. A rezone and/or plat must still be filled and is subject to all of the municipal code requirements and Council review.

Council concluded discussion by advising staff that they did not wish staff to pursue revising the BN zone at this time.

Mayor Thomasson read the draft ordinance by title into the record.

MOTION was made by Councilmember Kaplan, seconded by Mayor Pro Tem Brazil to move the draft ordinance to a 2nd reading and approval on the January 28th Consent Calendar. Motion passed 6 to 1 with Councilmember Wasson voting NO.

Zoning Map Amendments - Continued Discussion

Planning Manager Loch informed Council that public notices on the upcoming hearings scheduled before Council on February 11 and 25, 1999, were mailed last Saturday. He proceeded to review 13 down zones, locating the sites with the use of a view foil. He noted these down zones are as directed by the Comprehensive Plan.

Site 8: 736, 740, 748 South 216th
RS 72000 to RS 15,00

Site 9: 23641 7th Avenue South
RM 2400 to RS 1500

Site 17: 1011 Kent-Des Moines Road & 23036 10th Avenue South
RM 1800 to RS 7200

Site 33: 754 S. 216th, 750 S. 216th & 800 S. 216th
RM 900B and RM 1800

Site 35: 745-820 S. 219th, 802-815 S. 219th Street
RM 900B and RM 1800 to RM 2400

Site 36: 22640 8th Avenue South, 813 S. 227th Place, & 22715 10th Avenue South (west portion)
RM 1800 & RM 1800/RS 8400 to RM 2400 & RM 2400/RS 8400

Site 37: 22745-23001 Marine View Drive
RM 1800 to RM 2400

Site 39: 22942 10th Avenue South
RM 900 to RM 2400

Site 42: 1845 S. 216th
RM 1800 to RM 2400

Site 49: 2465 Kent-Des Moines Road & 23020 25th Avenue South
RM 900 & BC/RM 900 to RM 2400

Mayor Thomasson remarked that these changes were adopted in the Comprehensive Plan as previous Council's had determined that there are too many apartments within the City limits as these changes would eliminate the most dense uses. The Zoning Map Committee supports and confirms the vision for our long term Comprehensive Plan.

Site 51: 1701-1901 Kent-Des Moines Road
RM 1800 & RM 1800/SR to RM 2400

Site 53: 2443 S. 216th
RM 900 to RM 1800

Site 54: 2805-2815 S. 216th St., 21603-21954 29th Ave. S., 21628 28th Ave. S. & 2807-3027 S. 220th Street
RM 900 to RM 1800

Council questioned what happens to those current uses that become "legally non-conforming". Staff replied the use may remain, repairs and upkeep are not impaired. However, the use may not be expanded and if the structure is destroyed by 50% or more, the use could not be re-established at the old densities.

Councilmember Towe noted that many property owners complain that if the property is down zoned it is difficult to refinance or apply for a loan. He requested that staff arrange for expert testimony from a professional lender.

Mayor Thomasson noted that some park land had been left out of the park designation in the North Central Element that is owned by the Port of Seattle. Staff reported that they can still notify the Port in a timely manner and will include this property in the proposed changes.

In response to Councilmember Kaplan's concerns about working on the area known as the Pacific Ridge Element, when Council is just beginning work on this area, City Attorney McLean advised that this is a wise place holder while the Pacific Ridge Element is being developed.

10:29 p.m. **MOTION** was made by Councilmember Wasson, seconded by Councilmember Kaplan to extend the meeting 2 minutes. Motion passed 6 to 1 with Mayor Pro Tem Brazil voting NO.

Councilmember Wasson felt those properties that have a "Legal Non-conforming" designation should be allowed to rebuild to exactly what now exists. He is concerned about reducing value of citizens property by down zoning.

Planning Manager Loch advised Council that he will review other items at the January 28, 1999 meeting.

NEXT MEETING DATE

Mayor Thomasson noted that the next regular meeting will be January 28, 1999.

City Manager stated that an Executive Session has been scheduled for 6:00 p.m. prior to the regular meeting on January 28th.

ADJOURNMENT

The meeting adjourned at 10:32 p.m.

Respectfully submitted,

Denis Staab
City Clerk