

REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES

January 28, 1999

At 7:33 p.m., Deputy City Clerk Chaufy announced that the regular meeting of the Des Moines City Council would begin in approximately ten minutes.

The regular meeting of the Des Moines City Council was called to order at 7:43 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, City Attorney Gary McLean, Harbormaster Joe Dusenbury, Park and Recreation Director Patrice Thorell, Planning Manager Corbitt Loch, Assistant Planner Gloria Gould-Wessen, and Deputy City Clerk Angela Chaufy.

COMMENTS FROM THE PUBLIC

Tom Mannard, 22315 6th Avenue South, #A307

Mr. Mannard thanked Council and staff for putting the Community/Senior Center bond issue before the people for a vote. In particular, he thanked Councilmember Kaplan, Park and Recreation Director Thorell, and Senior Manager Padden for their efforts. He expressed hope that the voters would approve the bond issue.

Mrs. Bergin, 21628 28th Avenue South

Mrs. Bergin asked the City to respond to her following concerns:

- Drug selling in the area.
- Dirty bus stop by 7-11 Store.
- Overflowing dumpsters in the area.
- Two-month process for issuance of a gun permit.
- Inadequate drainage system by her property.
- Overgrown trees creating a dangerous situation.

Mrs. Bergin also noted that the audio for the Council meeting broadcasts was poor due to the acoustics in the room.

Jimmy Stewart, 24812 9th Place South

Mr. Stewart thanked Council for their initiative in purchasing the property for the Community/Senior Center. He felt that the proposed bond provided a great benefit to the City at a low cost to the average homeowner. He thanked staff for their efforts. In closing, Mr. Stewart noted that brochures and signs regarding the bond issue were available.

Don Riecks, 21221 5th Avenue South

On behalf of North Hill Community Club, Mr. Riecks requested that the City develop a viewpoint and gravel the pathway at 3rd Avenue South and South 212th Street. He informed

Council that the North Hill Community Club had passed a resolution offering the City a bench for the area. He noted that the undeveloped area was currently used as a pathway for pedestrians.

City Manager Olander said that staff would research the proposal.

BOARD & COMMITTEE REPORTS

Airport Community Coalition

Mayor Pro Tem Brazil announced that Councilmember Sheckler had been elected to the position of ACC Chairman.

On behalf of the City, Mayor Thomasson thanked Councilmember Sheckler for his work with the ACC.

Suburban Cities Association

Mayor Pro Tem Brazil noted that he had been appointed by Suburban Cities Association to the Economic Development Council of King County.

PRESIDING OFFICER'S REPORT

Appointment of 1999 Representative to South County Area Transportation Board

Councilmember Sheckler nominated Councilmember Sherman to serve as representative to the South County Area Transportation Board. Mayor Pro Tem Brazil seconded the nomination.

Council's consensus was that Councilmember Sherman should continue to serve as representative to the Board.

Mayor Thomasson asked that any Councilmember interested in serving as an alternate for the Board contact the City Manager or himself.

ADMINISTRATION REPORT

Marina Comprehensive Master Plan

Upon City Manager Olander's request, Council remanded the Marina Comprehensive Master Plan to the Municipal Facilities Committee.

CONSENT CALENDAR was read by Deputy City Clerk Chaufy.

1. Motion is to approve the minutes of January 7 and 14, 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 #65222 through #65380 in the total amount of \$1,003,341.06

Payroll fund transfers in the total amount of \$204,201.00

3. Draft Resolution No. 98-276 [Assigned Res. No. 857] - Title: A Resolution of the City of Des Moines, Washington approving a subdivision and the final plat of Courtyard at Zenith as shown and described in administration file number FP 96-020.

MOTION is to approve Draft Resolution No. 98-276.

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

5. Draft Resolution No. 98-268 [Assigned Res. No. 858] - 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.

6. Motion is to approve the 1999 Agreement with the Regional Commission on Airport Affairs, and to authorize the City Manager to sign such agreement substantially in the form as attached.

MOTION was made by Councilmember Kaplan and seconded by Councilmember Wasson to approve the consent calendar as read.

Upon questioning from Mayor Pro Tem Brazil, Park and Recreation Director Thorell identified the soccer and baseball field projects listed in the Capital Improvement Plan.

Due to the thirty day notice provision listed in the lease, Mayor Thomasson asked Park and Recreation Director Thorell to closely monitor the contract so as to insure that the interests of the City were protected.

Councilmember Sherman requested that staff report on the hours of usage of the fields after one year.

City Attorney McLean noted that Councilmember Sheckler was abstaining from voting on consent calendar item No. 5.

VOTE ON MOTION: Motion passed unanimously.

OLD BUSINESS

Zoning Map Amendments - Continued Review

Planning Manager Loch noted that the Zoning Map process included review of proposed changes due to technical reasons, non-conformance with the Comp Plan, and Zoning Map Committee recommendations. He stated that the last type of changes would also require a revision of the Comprehensive Plan.

City Attorney McLean noted that the Comprehensive Plan amendments and Zoning Map changes must occur in the proper order so as to insure the legal process. He suggested that Council give direction concerning the property now but take no action until the Comprehensive Plan amendment process.

Planning Manager Loch highlighted the following thirteen sites that were recommended by the Zoning Map Committee for review:

Site 5: 1632 South 250th Street

- S-E/RS-7,200 to S-E
Reason: Property formerly zoned RS-7,200. Owner requested change.
- Site 6:* 1835 South 252nd Street, 2004 South 253rd Street
RS-7,200 to S-E
Reason: Significant environmental constraints.
- Site 7:* 1000 block off Redondo Way (north side)
RS-9,600 to S-E
Reason: Significant environmental constraints.
- Site 13:* 23400 block off Kent-Des Moines Road
RM-2,400/RS-9,600 to RS-9,600
Reason: Significant environmental constraints. Inherited zoning from King County.
- Site 16:* 22201-22025 8th Avenue South, 744 South 222nd Avenue
RM-1,800 to RS-7,200
Reason: Surrounding area is zoned RS-7,200
- Site 18:* 24411-2617 S. 240th, 24004-24046 24th, 24021-24028 25th, 24015 26th, 24015 26th Pl., 24003 27th
RM-2,400/RS-7,200, RM-2,400 & RA-3,600 to RS-7,200
Reason: Surrounding area is zoned RS-7,200
- Site 20:* 23630 16th Avenue South
SR to RS-7,200
Reason: Significant environmental constraints.
- Site 21:* 1200 South 240th Street
RS-7,200 to RS-7,200 – PUD
Reason: Mistake in mapping at the time of annexation. Owner agrees with recommendation.
- Site 31:* 2325-2501 Kent-Des Moines Road, 23041 25th Avenue South
RM-900/RM-2,400, RM-1,800/RM-2,400, RM-1,800, RM-2,400 and RM-900 to RA-3,600
Reason: RM-900 allows for greater residential density than Comprehensive Plan. Little or no documentation of existing zoning for several parcels.
- Site 45:* 2403-2455 South 222nd Street
RM-1,800 to RM-2,400
Reason: Zoning allows greater residential density than Comprehensive Plan.
- Site 46:* 2458 South 224th Street
RM-900 to RM-2,400
Reason: Zoning allows greater residential density than Comprehensive Plan.
- Site 48:* 22600, 22700, 22800-22838 28th Avenue South
RM-900 to RM-2,400
Reason: Zoning allows greater residential density than Comprehensive Plan.
- Site 52:* 2136 South 260th Street
RS-7,200 to RM-2,400
Reason: Revision would make the zoning consistent with the actual use of the property.

City Manager Olander clarified that Council could remove the items requiring a Comprehensive Plan amendment now and consider them in the fall or keep the items in the public hearing process and if a rezone was desired, the items would then be removed and considered in the fall.

City Attorney McLean noted the legal requirements regarding area wide rezones versus site specific rezones.

Mayor Thomasson suggested that the properties be revised to the level recommended by the Comprehensive Plan with this process and then be adjusted to the recommended zoning with the Comprehensive Plan amendment process.

In regard to Site 9, Planning Manager Loch and Assistant Planner Gould-Wessen noted that they had met with the property owners to discuss specific issues. The owners were given a copy of DMMC 18.48.030.

At 8:52 p.m., Mayor Thomasson declared an eight minute recess.

Continued Discussion: Draft Ordinance No. 98-274 - Amending Business License Code Mobile Vendors - 2nd Reading

City Manager Olander introduced the subject. He asked for direction regarding licensing and regulation of itinerant and mobile vendors.

City Attorney McLean questioned whether the City Council wished to permit stationary vendors to operate anywhere in the City of Des Moines. He noted that staff recommended against allowing stationary vendors with the exception of fireworks, agricultural products, flowers, and Christmas trees, which could be permitted on private property with appropriate limits related to the time, place, manner, and safety of such operations. City Attorney McLean stated that he would research the statutes regarding agricultural products grown in Washington. He defined "itinerant" as up to thirty days.

After discussion, general council consensus was to follow staff's recommendation in regard to the issue.

City Attorney McLean questioned whether the City should permit mobile vendors of any kind.

Mayor Pro Tem Brazil stated that he felt that mobile vendors should not be permitted in the City as they took business away from property tax payers.

Mayor Thomasson asked that the City Attorney research whether a franchise could be established with one ice cream vendor.

Councilmember Towe stated that he was uncomfortable regulating business competition on the basis of who pays property taxes. He acknowledged that competition is a risk when starting most businesses. From a consumer standpoint, he appreciated the services provided by the mobile vendors. He voiced support for regulating mobile vendors but not for restricting competition.

Council concurred that there should be no restriction of invited mobile vendors on private property.

Councilmembers Sheckler, Wasson, and Sherman voiced support for limiting the mobile vendors to food services with regulations enabling staff to register operators and enforce compliance with

food safety regulations, background checks, possible noise limits, and vehicle/equipment safety laws.

Councilmembers Towe and Kaplan asked for a broader allowance for mobile vendors.

Mayor Thomasson and Mayor Pro Tem Brazil asked that all mobile vendors be restricted.

City Attorney McLean then questioned whether the City Council should permit any itinerant or mobile vendor to operate on City property.

Upon request, Harbormaster Dusenbury stated that the commercial people had asked for a process that leveled the playing field.

Park and Recreation Director Thorell voiced concern for concessionaires that compete with other concessionaires who are contracted to give a portion of their proceeds to the City.

Mayor Thomasson voiced support for the city contracting for desired services. He also felt that if a group rented a field for the day, they should be able to bring in their own concessionaire with none of the proceeds going to the City.

Councilmember Towe felt that rules for mobile vendors should be established and that vendors should be able to approach the City regarding specific services.

Councilmember Wasson agreed with Councilmember Towe. He stated that he was uncomfortable with establishing different rules for different groups.

Councilmember Sheckler felt that mobile vendors should not be prohibited but limited. He felt that terms of an agreement should be agreed upon prior to the vendor operating.

Park and Recreation Director Thorell suggested that Council maintain flexibility in the agreements with renters of city facilities.

Mayor Thomasson stated that he would like to regulate administrative standards as they apply to mobile vendors.

City Manager Olander informed Council that staff would bring a draft ordinance back to them for review.

NEXT MEETING DATE - Study Session February 4, 1999

ADJOURNMENT

The meeting adjourned at 10:10 p.m.

Respectfully submitted,

Angela M. Chaufy
Deputy City Clerk