

REGULAR MEETING DES MOINES

MINUTES

February 27, 1997

At 7:29 p.m., Deputy City Clerk Chaufy announced that the City Council would continue in Executive Session for approximately another ten minutes.

The regular meeting of the Des Moines City Council was called to order at 7:49 p.m. by Mayor Thomasson in the City Council Chambers, 21630 11th Avenue South.

PLEDGE OF ALLEGIANCE to the flag was led by Councilmember Roberts.

ROLL CALL - Present: Mayor Scott Thomasson, Mayor Pro Tem Terry Brazil, Councilmembers Bruce Roberts, Bob Sheckler, Dan Sherman and Don Wasson. Absent: Councilmember Gary Towe (Ill family member). 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, Senior Planner Robert Ruth, Public Works Director Tim Heydon, and Deputy City Clerk Angela Chaufy.

MOTION was made by Councilmember Sheckler, seconded by Councilmember Wasson, and passed unanimously to excuse Councilmember Towe from attendance.

COMMENTS FROM THE PUBLIC

Vic Anderson, 27036 8th Avenue South

In regard to draft Ord. No. 96-219, Mr. Anderson asked Council to adopt a maximum building height of 35 feet for lots with a width of 40 feet or less and an area of 4,480 square feet or less. He also asked Council to eliminate the 50% destruction qualification in Section 18.48.040. He felt that the 35 foot building height was necessary to build a home with adequate square footage and off-the-street parking. He distributed a letter from himself and other concerned property owners stating their rationale for these requests.

Jeri Brown, Wesley Gardens

Ms. Brown felt that the Senior Center ran an excellent program but access to the facility was difficult. She voiced support for the proposed Community/Senior Center site selection and plan. She hoped that METRO would provide transportation to the proposed site.

George Minnich, 22701 19th Avenue South

Mr. Minnich stated that he had heard that council might consider some future legislation regarding feeding of the waterfowl. He asked Council to provide sufficient notice so as to allow input from the community. He felt waterfowl feeding provided a valuable growing lesson for children and their families.

Don Clayton, 22426 12th Avenue South

Mr. Clayton voiced support for the Sports Park bond and the development of a Community/Senior Center. He felt that both projects would enrich the City and improve the future for the youth.

Paula Birch, 1831 South 266th Place

On behalf of her neighborhood, Ms. Birch invited Council to attend a meeting regarding the clean and sober housing being provided adjacent to Woodmont Elementary School. The meeting would be held March 7, 1997 at 7:00 p.m. at Woodmont Elementary School.

Mike Berry, 28632 Redondo Beach Drive

In regard to draft Ord. No. 96-219, Mr. Berry asked for clarification of the language proposed for DMMC 18.48.030 and 18.48.040.

Dick Myers, 911 Western Avenue South

As lead spokesperson for the property owners of the area being considered for the Sports Park, Mr. Myers voiced support for the project and the Community/Senior Center. He described various access issues for the property as well as possible site options. He noted that owners Al and Pat Hill would like to stay in their house.

George Emery, 28104 10th Avenue South

Mr. Emery noted that he owns a 3,200 square foot lot while his daughter owns a 3,800 square foot lot in Des Moines. He asked Council not to regulate his property out of development. If the properties were ruled nonbuildable, he questioned whether the tax assessment would be adjusted as well.

Ron Creme, 24507 13th Avenue South

Mr. Creme noted that senior centers are dedicated to making life more enjoyable for seniors. He felt that the City had a wonderful opportunity to serve all facets of the population through the Community/Senior Center.

Jeanne Moeller, 22211 Cliff Avenue South, #104

As a member of the Community/Senior Center Advisory Committee, Ms. Moeller urged Council to move ahead with the Community/Senior Center plans. She felt that the Sports Park and Community/Senior Center would provide a better community for all residents and future generations.

Remy VanHout, 21429 14th Avenue South

Mr. VanHout noted that the current Senior Center facility was not adequate to meet the needs of the community. He noted that previous community center plans had been submitted only to have no action taken by Council. He asked that the Senior Advisory Board also participate in the project.

Mark Proulx, 2620 14th Avenue South

As a member of the Community/Senior Center Advisory Committee, Mr. Proulx stated that he was a strong proponent of adding the land purchase for the Community/Senior Center to the Sports Park bond. He felt that the Puget Power property fails to address expansion options beyond the Senior Center. He believed it was important to mix the generations.

Kristi Drebeck-Brown, 20628 2nd Avenue South

As a member of the Community/Senior Center Advisory Committee, Ms. Drebeck-Brown supported the development of the Community/Senior Center adjacent to the Sports Park. She urged Council to add the land purchase costs to the Sports Park bond.

Steve Swank, 20410 2nd Avenue South

As a member of the Community/Senior Center Advisory Committee, Mr. Swank felt that the Sports Park and Community/Senior Center locations provided a perfect opportunity to mesh seniors, youth, and sports in the area. He urged Council to take action.

Remy VanHout, 21429 14th Avenue South

Mr. VanHout clarified that he was previously speaking of the Senior Advisory Board -- not of the Community/Senior Center Advisory Committee.

BOARD & COMMITTEE REPORTS

Community/Senior Center Advisory Committee

Councilmember Sheckler thanked the committee members for their efforts.

Seattle Tacoma International Airport Supplemental EIS Hearing

Mayor Pro Tem Brazil urged Council and the community to attend the public hearing regarding the Supplemental EIS. The hearing will be at SeaTac Airport Auditorium, March 4, 1997, at 4:00 - 8:00 p.m.

Proposed Gasoline Tax Increase

Mayor Pro Tem Brazil reported that the state legislators are discussing increasing the gasoline tax. This could substantially affect the revenue of the City.

Telecommunications

Mayor Pro Tem Brazil noted that he will distribute some information regarding telecommunications to Council.

King County Roundtable

Mayor Pro Tem Brazil noted that he and the city manager had attended a roundtable discussion hosted by King County Councilmember Pete Von Reichbauer, with County Executive Ron Sims as key speaker. The roundtable focused on King County involvement with Des Moines and Federal Way. Topics discussed included transportation, affects of the regional justice center, and schools and county providing service in partnerships.

CONSENT CALENDAR was read by Deputy City Clerk Chaufy.

1. Motion is to approve the minutes of February 6 and 13, 1997.
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 #54961 through #55104 in the total amount of \$270,507.30

Payroll fund transfers in the total amount of \$181,240.31

3. Motion is to set a public hearing on March 27, 1997, to consider Administration File No. PP 96-002, preliminary subdivision entitled "Westwood", Applicant: Centex Homes Inc.

4. Motion is to purchase the Purcell Property in the amount of \$32,500 plus closing costs, and further to authorize the City Manager to sign the purchase and sale agreement. Councilmember Sheckler noted a typographical error in the February 6, 1997 minutes.

MOTION was made by Councilmember Sheckler, seconded by Councilmember Roberts, and passed unanimously to approve the consent calendar as read.

OLD BUSINESS

Community/Senior Center Advisory Committee Report - Discussion and Direction

City Manager Olander introduced Assistant City Manager Piasecki and ARC Consultant Rex Bond.

Assistant City Manager Piasecki recognized the Community/Senior Center Advisory Committee and thanked them for their efforts. He noted that the committee recommended the construction of a center built in four phases on the property adjacent to the proposed Sport Park. The committee also recommended that the Sports Park bond include funds to purchase five additional acres for the center.

Mr. Bond summarized the efforts of the committee. He noted that they were asked to select a site as well as develop a building design. He displayed a drawing of the proposed 47,000 square foot facility and described the construction phasing plan.

City Manager Olander estimated the property tax impact of adding the five acre land purchase to the Sports Park Bond.

MOTION was made by Councilmember Sheckler and seconded by Mayor Pro Tem Brazil to add an additional \$500,000 to the Sports Park bond for a total of \$6,900,000 for the purpose of purchasing land adjacent to the Sports Park for the development of a Community/Senior Center.

City Manager Olander noted that Council was scheduled to discuss the ballot title at the March 13, 1997 council meeting.

Mayor Pro Tem Brazil and Councilmember Sherman voiced support for the recommendation.

Councilmember Roberts suggested that Council consider Highline Community College as an alternate site for the Community/Senior Center should the bond fail.

Councilmember Wasson noted that he was in favor of adding the land purchase to the bond issue but also felt that the two issues should be able to stand separately, on their own merit.

VOTE ON MOTION: Motion passed unanimously.

At 8:50 p.m., Mayor Thomasson declared a ten minute break.

Purchase/Sale Agreement - Puget Power Property

MOTION was made by Mayor Thomasson and seconded by Councilmember Roberts to approve the purchase of Puget Sound Energy property for \$250,000 and to authorize the City Manager to

sign a Purchase and Sale Agreement substantially in the form as attached. Motion passed: 5-1, with Councilmember Wasson opposed.

PUBLIC HEARING

Preliminary Subdivision Request "Portage Point Estates" - Applicant: Larry Crews - File #PP 96-020

Senior Planner Ruth briefly described the background of the proposed plat and noted that the Planning Agency recommended approval. While displaying a zoning and vicinity map, he described the slope, access, and zoning of the area. He informed Council that all lots exceeded the 7,200 square foot requirements. Mr. Ruth then noted the following exceptions to current city standards: 1) No sidewalk was proposed for South 243rd Street and 2) The right-of-way width was set at 40 feet. Senior Planner Ruth stated that the applicant had opted to pay the fee to fulfill the subdivision park space requirement. In closing, he explained the proposed surface water treatment requirements.

Public Works Director Heydon identified utility locations within the proposed subdivision and further described the site access considerations. He noted that staff recommended approval of the subdivision.

City Attorney McLean read the rules for conducting a public hearing.

Mayor Thomasson called for proponents and set a five minute time limit for each speaker.

Proponents

Robert Bennett, 720 E. Main, Puyallup

On behalf of Bennett PS&E, Mr. Bennett informed Council that the original design for the subdivision included a cul-de-sac design that was eventually changed to a through street. He noted that the through street reduced the lot sizes by an average of 1,500 square feet, doubled the paved areas, increased the storm water runoff, and caused the applicant to incur costs to treat storm water that flow from neighboring properties. He felt that a cul-de-sac is the best design for the project.

Gerald Belbeck, 24221 11th Avenue South

Mr. Belbeck voiced support for a cul-de-sac design within the proposed plat. He noted that a buying feature for his house was that it was located on a deadend.

Jim Irish, 24229 11th Avenue South

Mr. Irish noted that there are several children in the neighborhood, as well as poor lighting, narrow streets and some open ditches. He expressed concern that a through street would increase traffic and decrease safety in the area. He asked Council to support the cul-de-sac design option.

Mayor Thomasson confirmed that the previous speakers were not opposed to the proposed subdivision but only preferred a cul-de-sac arrangement.

Larry Crews, 1321 5th Lane, Kirkland

Mr. Crews asked Council to consider the original design for the subdivision which included a cul-de-sac rather than a through street. As part owner of the property, Mr. Crews estimated that construction costs would double if a through street were required.

Opponents

Millard Armstrong, 1206 South 244th

Mr. Armstrong presented Council with a petition (Exhibit 1) requesting a cul-de-sac design be adopted for the proposed subdivision.

Jan Armstrong, 1206 South 244th

Ms. Armstrong noted that the proposed street does not meet current city standards. She felt this would create a dangerous situation as the street was narrow and visibility was impaired by fences. She referenced Exhibit 1 noting that the signers were in favor of a cul-de-sac arrangement for the subdivision.

Dave Knipp, 24228 11th Avenue South

Mr. Knipp noted that he is opposed to the project but willing to compromise. He spoke in support of a cul-de-sac design as he believed a through street would increase traffic. He also felt that a cul-de-sac arrangement would solve some drainage problems in the area.

Nola Irish, 24229 11th Avenue South

Ms. Irish voiced support for the project but opposed the placement of a through street through the development. She noted that there are several young families in the area who could be endangered by the increased traffic.

Mill Armstrong, 1206 South 244th

Mr. Armstrong voiced opposition to the proposed through street design but voiced support for a cul-de-sac arrangement. He felt that a cul-de-sac would best maintain the character of the community. Mr. Armstrong stated that a through street would decrease safety, increase traffic and add to surface water management problems. He suggested that the land proposed for the through street be used as a park area. In closing, Mr. Armstrong commended Senior Planner Ruth for his professionalism.

Gerald Belbeck, 24221 11th Avenue South

Mr. Belbeck noted that he had received notice of the public hearing from a neighbor two days ago. He suggested that Council renotify the surrounding neighbors in order to obtain their comments as well.

Sherry Leonard, 24250 11th Avenue South

Ms. Leonard stated that a cul-de-sac design would reduce crime and preserve the safety of the children in the neighborhood.

Jan Armstrong, 1206 South 244th

Referencing Exhibit 1, Ms. Armstrong stated that she felt that the concerns of the petitioners were not validated but slid under the counter.

Millard Armstrong, 1206 South 244th

Mr. Armstrong felt that emergency vehicles had few difficulties locating addresses in Huntington Park. He noted that Huntington Park has several cul-de-sacs.

Mayor Thomasson called for additional speakers. None responded.

Senior Planner Ruth explained that the existing street light would be replaced by new lighting as part of the subdivision proposal. As the public hearing notification process had been questioned, Mr. Ruth asked Council leave the comment portion of the hearing open at this time. He would investigate the issue.

City Attorney McLean noted that this is a quasi-judicial hearing.

Mayor Thomasson stated that he had been contacted by one of the speakers. Recognizing the quasi-judicial status of the hearing, he forwarded the comments to staff but did not engage in any discussion.

City Attorney McLean ruled Mayor Thomasson was eligible to participate in the hearing.

Community Development Director Kilgore noted that the proposed subdivision was not vested under Regulatory Reform rules but under the prior rules.

Councilmember Sherman requested that Council be informed of the "day status" of future projects.

Public Works Director Heydon noted that the through street option was selected as it created a better flow of traffic through the neighborhood, distributed traffic impacts to all residents, and made locating addresses easier.

Senior Planner Ruth noted that all subdivisions are unique and should be evaluated separately.

Public Works Director Heydon noted that the alley was unopened right-of-way and currently contained a water main.

Robert Bennett distributed the original subdivision design with the cul-de-sac arrangement (Exhibit 2) to Council.

Mayor Thomasson questioned whether a structure could be situated on vacated land.

Council expressed support for a cul-de-sac design in the subdivision.

MOTION was made by Mayor Thomasson, seconded by Councilmember Sherman, and passed unanimously to direct administration to return the proposed preliminary subdivision to the applicant for modification by changing the design from a through street to a cul-de-sac.

City Attorney McLean asked Council to submit their questions to staff in written form so they could be forwarded to the applicant.

Mayor Thomasson closed the public hearing and stated that a second hearing would be held on the revisions.

Draft Ordinance No. 96-219 [Assigned Ord. No. 1182] Development Regulations for Undersized Single Family Residential Lots, and Legalization of Certain Nonconforming Residential Structures - 2nd Reading

Mayor Thomasson introduced the subject.

Councilmember Wasson proposed an amendment to DMMC 18.08.080 limiting building heights in a RS zone to 25 feet from average finish grade with the exception that if it can be demonstrated by a licensed surveyor that the height of the building or structure will not exceed 25 feet above the highest buildable area on the lot, the residential building or structural height may be 35' average finish grade.

Community Development Director Kilgore noted that SEPA procedures would need to be done prior to adoption of the suggestion.

Mayor Thomasson stated that the building height issue would be discussed during the next available study session.

MOTION was made by Mayor Thomasson, seconded by Councilmember Roberts to enact draft Ordinance No. 96-219.

Mayor Thomasson read the title of the proposed ordinance.

VOTE ON MOTION: Motion passed unanimously.

At 10:29 p.m., **motion** was made by Councilmember Wasson and seconded by Councilmember Sherman to extend the meeting ten minutes. Motion failed: 3-3, with Mayor Pro Tem Brazil and Councilmembers Sheckler and Roberts opposed.

NEXT MEETING DATE - March 13, 1997 Regular Meeting

ADJOURNMENT - The meeting adjourned at 10:30 p.m.

Respectfully submitted,

Angela M. Chaufy