

REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES

April 9, 1998

The regular meeting of the Des Moines City Council was called to order at 7:33 p.m. by Mayor Thomasson in the Council Chambers, 21630 11th Avenue South.

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

ROLL CALL - Present: Mayor Scott Thomasson, Councilmembers Dave Kaplan, Dan Sherman, Gary Towe and Don Wasson. Absent: Councilmember Bob Sheckler (vacation) and Terry Brazil (excused paid absence to attend another meeting on behalf of the City). Also present were City Manager Bob Olander, City Attorney Gary McLean, Community Development Director Judith Kilgore, Planning Manager Corbitt Loch, Senior Planner Robert Ruth, Public Works Director Tim Heydon and City Clerk Denis Staab.

MOTION was made by Councilmember Sherman, seconded by Councilmember Wasson and passed unanimously, to excuse Mayor Pro Tem Brazil and Councilmember Sheckler.

COMMENTS FROM THE PUBLIC

Jeannie VanVleet, 28318 15th Avenue South

Ms. VanVleet presented Council with a petition to annex to the City of Des Moines. She informed Council that the petition is from the homeowners of the Applewood Development and has been signed by 28 of the 33 owners. She also presented Council with a copy of a notice that has been presented to the City Council of Federal Way, to withdraw a ten percent petition for annexation to that City. She noted the area not only encompasses the Appelwood development, with South 284th on the south, but east over to Highway 99 and north to South 279th. She requested Council accept this requested annexation petition.

Janice Singer, 28306 15th Avenue South

Ms. Singer also spoke in support of the proposed Applewood Development annexation. She stated that the residents of the area feel that Des Moines is more understanding and will listen to citizen concerns.

Upon questioning by Council, Ms. VanVleet stated that the Federal Way City staff have not been very responsive to the neighborhood's concerns regarding a project development to the north. However, she advised Council that Des Moines staff, Corbitt Loch in particular, have been extremely helpful.

City Manager Olander reminded Council that Des Moines has a Interlocal Agreement with Federal Way regarding annexation areas. This petition will need to be reviewed by staff.

BOARD & COMMITTEE REPORTS

Planning Agency

Councilmember Kaplan informed Council that at the recent Planning Agency meeting topics included review of the NE Neighborhood Element and discussion of a proposed Regional Planning Commission.

Fire District #26 Open House

Councilmember Kaplan reported attending the recent open house at Fire District #26. He noted that a presentation was given on the design process for improvements regarding the bond levy that passed at the last election.

SR 509 South Access Executive Committee Meeting

Councilmember Sherman advised Council that the Committee met last Tuesday and authorized that both options of Alternative two be considered in the EIS study. He noted that the Final EIS should be ready in March of 1999.

Councilmember Sherman briefed Council on the fact that if Referendum 49 is approved in November, \$146 million has already been earmarked for the first two stages of the project. He voiced concern that if these first two stages are completed, including access from I-5 to the south end of the airport, it could effectively eliminate the need to make the rest of the improvements to SR 509 as the airport would have the access they are looking for. He further noted that this would gravely impact 24th Avenue South in the Des Moines area. He advised that Chris Vance, King County Councilmember, voiced strong objection to this funding proposal, and stated he would not support this packaging.

Councilmember Wasson remarked that in his opinion, people have expressed the desire to see SR 509 completed along the entire existing right-of-way.

ADMINISTRATION REPORTS

Regional Finance and Governance

City Manager Olander reported that he attended a recent 21 city regional meeting of elected and appointed officials. He informed Council that 19 of those cities indicated that they have grave concerns over substantial negative impacts of the Plan as proposed. The main concerns were over potential annexation agreements, human services, and to a lesser degree, pools.

He advised that another meeting will be held on April 22nd to draft language to send a strong message that the proposed Plan is not acceptable, but cities wish to continue to negotiate to move in an appropriate agreeable direction.

Mayor Thomasson suggested that Administration be in a positive position to file any appropriate legal challenges should this plan continue along its proposed adoption path. City Manager Olander replied that staff will research this.

City Hall Remodel and South Wing Building Project

Planning Manager Loch informed Council that the project is currently out to bid. He introduced Rich Murakami of Arai/Jackson Architects, who reviewed the following items for Council:

- *Existing City Hall* - Upgrade restrooms, fire alarm, electrical outlets, retrofit fire sprinkler system, renovate foyer area.
- *Courtyard Design* - Street trees to match library and police station, low profile plantings
- *Exterior Treatment & Roofing Material* - Natural colors, stucco treatment
- *South Wing Rebuild* - Reviewed proposed floor plans

Planning Manager Loch advised Council that construction costs are estimated to be higher than expected by approximately \$120,000, however he noted that there are additional revenues to help cover the additional expense. He distributed a budget summary noting that staff is recommending four bid alternatives that can be eliminated if bids should come in higher than budget. He reviewed the following recommended additive bid alternates as:

- Canopy \$55,964
- West Parking Lot Revisions \$11,263
- Landscaping/Irrigation (labor) \$13,535
- Stucco Existing Buildings \$20,000
\$100,762

Councilmember Sherman commented that the canopy treatment had been stressed as an important item, providing shelter from the elements, signage and creating a visual entryway. He strongly encouraged that funding be found for this item.

Councilmember Towe advised that these items were only being looked at as potential add-ins for consideration if bids came in high, and are not meant to be completely abandoned. He expressed the opinion that this project is an important one, meant to last many years and this would be no time to try to cut corners or eliminate portions of the project.

Planning Manager Loch stated that in regards to the landscaping/irrigation item, that City crews are very capable of doing an exceptional job, which would provide some savings.

In conclusion, Planning Manager Loch reviewed the project schedule. He advised that bids will be opened April 23rd, with award of bid by Council scheduled in late May. He noted construction is expected to be done within nine months, in two phases. It will take 3-4 months for the remodel of the existing City Hall/Council Chambers and then construction of the new wing. He informed Council that there are currently 8 plan holders .

CONSENT CALENDAR was read by City Clerk Staab.

1. Motion is to approve the minutes of March 19 and 26, 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 #60752 through #61230 in the total amount of \$274,312.93
Payroll fund transfers in the total amount of \$210,056.14

3. Motion is to recognize the week of April 13-17, 1998, as Volunteer Week in the City of Des Moines.
4. Motion is to direct staff to advertise for bids for the 1998 Arterial Maintenance Project.
5. Draft Ordinance No. 98-022 - Title: An Ordinance of the City of Des Moines Washington, adding DMMC 11.08.050, amending DMMC 11.12.040, DMMC 11.12.090, DMMC 11.12.100, and DMMC 11.12.110, and repealing DMMC 11.12.105, in order to update the Code consistent with King County Interlocal Agreement No. 10367, for billing, collection, and disbursement of City of Des Moines surface water management service charge fees.

MOTION is to approve Draft Ordinance No. 98-022 on second reading.

MOTION was made by Councilmember Kaplan, seconded by Councilmember Towe, to approve the Consent Calendar as read.

Councilmember Wasson remarked that he did not wish anything removed from the Consent Calendar, but wished to go on record that he voices dissent with item #5. City Attorney McLean so noted.

VOTE ON MOTION: Motion passed unanimously.

ADMINISTRATION REPORT CONTINUED

Certificate of Achievement

City Manager Olander read a letter from the Government Finance Officers Association announcing that Des Moines' comprehensive annual financial report for the fiscal year ended December 31, 1996, qualifies for a Certificate of Achievement for Excellence in Financial Reporting. It was noted that this certificate is the highest form of recognition in governmental accounting and financial reporting, and represents a significant accomplishment by a government and its management. Therefore, an Award of Financial Reporting Achievement is presented to the responsible official.

City Manager Olander presented FINANCE DIRECTOR JIM HATHAWAY, with a Certificate of Achievement and noted that a plaque will be forthcoming.

8:32 p.m. Mayor Thomasson declared a 10 minute break.

PUBLIC HEARING

Draft Resolution No. 98-057 - File #PP97-077 Shoopman Preliminary Subdivision Request - 18 Single Family Lots - East of 22nd Avenue South at South 252nd Place, 2.99 Acres

Community Development Director Kilgore cautioned Council that this is a very unusual preliminary subdivision request in that it must be processed under King County rules and standards, as the proposal had vested under King County prior to annexation into Des Moines. She informed Council that staff has worked hard with the applicant to comprehend the different standards and are still investigating a couple of issues.

Senior Planner Ruth proceeded to provide Council with an overview of the proposed subdivision highlighting the following:

- History - Filed with King County in September of 1996. It took City staff 9 months to get everything from King County needed to review (County Codes/rules, street standards)
- Location, topography - Approximately 100 feet south of the intersection at 252nd and 22nd Avenue South, containing 2.99 acres
- Surrounding Zoning - Compatible single family to the north, west and south, commercial to the east
- Lot Sizes - Range from 5,249 square feet to 6,300 square feet
- 2 tracts are dedicated as retention ponds on the northwest and southwest sides of the proposed plat
- In lieu fee for parks is \$40,600

Senior Planner Ruth noted the proposed design access from South 252nd to 22nd Avenue South. A new cul-de-sac (South 252nd Place) with 31' of right-of-way with curb and gutter will be dedicated to the City. He noted a five foot easement for sidewalks has been provided. He proceeded to review differences between the original proposal with King County and a modified proposal with Des Moines as follows:

TOPIC	ORIGINAL PROPOSAL	MODIFIED PROPOSAL
Street Length	440 Feet	400 Feet
Park Space	No Park Space	\$40,604.64 Paid to City as an In-lieu Park Fee
Off-Site S.W.M.	None	Approx. 450 feet of Pipe Installed
Curb & Gutter	Rolled Curb & Gutter Within the Plat Only	All vert. curb & gutter; additional 262' of C & G & 4 additional catch basins provided
Sidewalks	450 Lineal Feet	1,100 Lineal Feet
Street Paving	24 Foot Wide Street (within Plat Only)	Provides 2,710 sq. ft. More Street Paving (Frontage & Within Plat)
Landscaping	None	2,500 square feet of Landscaping Area Provided with 12 Street trees Along 22nd Ave. S.

In regards to school fees, Senior Planner Ruth advised Council that City Attorney McLean is in the process of researching whether the City can waive the fees or not. In conclusion, Mr. Ruth informed Council that the Planning Agency has reviewed the request and voted 5 to 1 to recommend approval to the Council, subject to the terms of the environmental mitigation agreement and the conditions of approval contained within the draft resolution.

City Manager Olander requested Council not take any action tonight and keep the public testimony portion of the hearing open. This will allow the 2 Councilmembers that are absent to

review the tapes and participate in a future meeting, and allow staff time needed to continue research of a few remaining issues. This would provide an opportunity for more testimony and questions.

City Attorney McLean reviewed the procedures for conducting the public hearing. There were two members of the audience who indicated they wished to participate in giving testimony and Mr. Lean administered an oath to those individuals.

PROPONENTS

Don Scarberry, Engineer and Representing the applicant Mr. Shoopman, 16025 NE 85th Street #101, Redmond

Mr. Scarberry reiterated that the proposed subdivision was almost complete and was within a couple of weeks of a public hearing in King County, only to be told that he would have to more or less start over with Des Moines because of the annexation. Mr. Scarberry informed Council that he has worked hard with City staff to make the proposed project more in-tune with Des Moines. He advised that they have agreed to use the school mitigation fees for in lieu of park fees. He informed Council that the Planning Agency agreed that the school fees were not appropriate, but he stated that if the school fees must be imposed then he feels all of the King County regulations should apply, not the agreed upon compromise with Des Moines. He reported that if standards for streets are any larger, they would cut into the lot sizes. He concluded by noting he appreciated the cooperation of Des Moines' staff in working through this proposal.

OPPONENTS

James Laferriere, 25416 22nd Avenue South

Mr. Laferriere stated he does not believe the cul-de-sac is adequate for fire emergency vehicles to use as a turn around. He also felt that the lot sizes should be maintained at 7,200 square feet to be in compliance with surrounding existing properties.

PROPONENTS REBUTTAL

Mr. Scarberry advised that King County Fire District reviewed the cul-de-sac plans and approved the plans as meeting all their requirements. In regards to the 7,200 sq. ft. lot size, he informed Council that King County has made it easier with the Growth Management Act to provide the ability to adjust lot sizes. He informed Council that market studies have indicated more individuals are now seeking homes with less yard maintenance.

Mayor Thomasson noted that there are no further speakers this evening. He advised that he will hold the Public Comment portion of the hearing open to a future date to be named later this evening.

Mayor Thomasson questioned staff if they knew of any misstatements of fact or had any further information to provide Council.

Senior Planner Ruth advised Council that in regards to the school fees, staff never implied that they would not be imposed, only that the City of Des Moines does not have such a requirement.

Appearance of Fairness Doctrine

City Attorney McLean noted that since this hearing is a quasi judicial proceeding, prior to Council discussion and questions, he questioned Councilmembers as to whether there were any conflicts of interest. There were none.

Upon questioning from Council, Public Works Director Heydon noted that the County requires 40' of right-of-way with a reduction for sidewalks. He noted this particular item needs additional study.

In regards to Council questions concerning school fees, it was noted that the Highline School District has never asked for any. Also, since the Woodmont Redondo annexation, Federal Way School District has not approached the City for any such fees. Senior Planner Ruth stated that the Federal Way School District was sent a public notice regarding this preliminary subdivision, but has not contacted the City regarding any school fees.

City Attorney McLean informed Council that he is currently researching the existence of interlocal agreements between Federal Way School District and King County and what legal impacts, if any, this may impose on the City of Des Moines.

Councilmember Sherman requested the City Attorney also inquire as to whether any interlocal exists between the City of Federal Way and the Federal Way School District for impact fees.

Discussion ensued regarding the separated drainage/retention ponds and the direction of the proposed piping. Councilmember Sherman questioned why screening and fencing of the ponds, versus a park like setting. Public Works Director Heydon reminded Council that the City will have the responsibility of maintenance of the ponds which would require maintaining lawns and landscaping which they do not have the time or manpower to do, and there also is the liability issue, especially if small children have easy access.

Mayor Thomasson noted that he would prefer to see one larger retention pond, located on the northwest corner of the preliminary subdivision. He felt this would also provide less expense for piping and would make more sense.

Mayor Thomasson requested staff consider further SEPA conditions such as:

- Buffer screening along the eastern border to protect the single family homes from the commercial zone immediately abutting.
- Extend sidewalk, curb and gutter along the west side of the plat all the way to South 252nd Street.
- Provide for undergrounding of utilities along 22nd Avenue South to meet all health and safety standards.

Mayor Thomasson requested that staff ensure that the setback requirements for homes will be far enough to ensure vehicles parked in driveways will not hang out into sidewalks creating pedestrian safety issues.

Mayor Thomasson requested input from Park and Recreation Director Thorell on the need for neighborhood parks in this area and what might be contained within the City's Park and Recreation Plan.

It was announced that the Public Hearing will be continued at the May 14, 1998, City Council meeting.

NEXT MEETING DATE

Mayor Thomasson noted the next regular meeting of the Council will be held April 23, 1998.

ADJOURNMENT

The meeting was adjourned at 10:05 p.m.

Respectfully submitted,

Denis Staab
City Clerk