DES MOINES CITY COUNCIL MEETING

MINUTES May 13, 1999

The regular meeting of the Des Moines City Council was called to order at 7:38 p.m. by Mayor Thomasson in the City Council Chambers, 21630 11th Avenue South.

PLEDGE OF ALLEGIANCE to the Flag was led by Boy Scout Troop No. 975.

ROLL CALL - Present: Mayor Scott Thomasson, Mayor Pro Tem Terry Brazil, Councilmembers Dave Kaplan, Bob Sheckler, Dan Sherman, Gary Towe (arrived at 8:33 p.m.) and Don Wasson. Also present were City Manager Bob Olander, Assistant City Manager Tony Piasecki, City Attorney Gary McLean, Community Development Director Judith Kilgore, Finance Director Scott McCarty, Public Works Director Tim Heydon and City Clerk Denis Staab.

CORRESPONDENCE

Wescot Company

City Manager Olander read a letter from Wescot Company dated May 11, 1999, requesting Council defer taking any action on its request for the proposed 1997 amendments to the City's Comprehensive Plan for developing a proposed conveyor belt system in the City of Des Moines. He noted the letter is signed by Henry Hopkins, President of Wescot Company.

CERTIFICATE OF APPRECIATION - Carl Moberley, Eagle Scout

Park Manager Rick Still detailed the Des Moines Creek Trail Eagle project completed by Carl Moberly. He noted that Mr. Moberley cleaned up trash, installed fencing, mile markers and information signs. Mr. Still complimented him on his organization skills and fund raising efforts.

Mayor Thomasson presented Mr. Moberley with a Certificate of Appreciation from the City for all his efforts, and on behalf of all citizens, he thanked him for an outstanding job.

COMMENTS FROM THE PUBLIC

Wayne Bader, 21938 Marine View Drive

Mr. Bader criticized Council for recently passing an ordinance imposing civil penalties at a Council study session. He felt the item deserved a public hearing. He further stated that he felt the civil monetary penalties that the ordinance imposes are too severe and that community projects such as planting a tree or building a fence would have been more appropriate.

Rose Clark, 16856 Des Moines Memorial Drive

Ms. Clark updated Council on the Des Moines Memorial Drive Elm Tree Project. She advised that the coalition group has received a $100,000 grant to pursue efforts on preserving the WWI memorial trees. She noted this is a long term project which is expected to take about 10 years to complete. She detailed some of the items the group hopes to complete in phases as follows:

- Planting of new native trees to replace trees that have been lost.
- Widening the road to two lanes with a center left turn in some locations and a bike lane.
- Move road to the east near Sunnydale School to allow better viewing of the memorial wall and provide a courtyard area for planting of flowers, and holding ceremonies.

Ms. Clark invited everyone to attend a Sea-Tac Airport Part 150 Workshop on noise to be held May 20, 1999 at 4 p.m. in the Highline High School Cafeteria.

Ms. Clark concluded by thanking the public works departments of the participating cities for their cooperation and input during this process. She also thanked the Veterans Association and the Historical Society for their efforts.

Catherine Milne, 11913 27th Place South, Mayor of Burien

Ms. Milne addressed Council encouraging them to vote against the proposed conveyor belt system for dirt hauling. She noted the deterioration of the quality of life near the airport and stated that approval of the conveyor system to transport dirt to the airport for expansion would only add to this problem.

Larry Corvari, 19458 1st Place SW

Mr. Corvari advised that the Legislature has passed a budget item to fund studies on the environmental impacts of SeaTac Airport expansion on the local area. He encouraged everyone to contact the Governor's office to tell him not to veto this proposed budget item.

Chris Gower, 16856 11th Place SW

Mr. Gower supported Mr. Corvari's request. He noted the study would include impacts on the aquifer in Miller and Walker Creeks. He concluded by thanking the City of Des Moines for the great efforts in stopping the 3rd runway and encouraged continued efforts in the fight against airport expansion.

Frank Jovanovich, 22431 10th Avenue South

Mr. Jovanovich encouraged Council to deny the proposed dirt conveyor belt and continued efforts to fight the Port of Seattle and their efforts to expand the airport.

BOARD & COMMITTEE REPORTS

Des Moines 40th Anniversary

MOTION was made by Councilmember Kaplan, seconded by Mayor Thomasson and passed unanimously, to direct staff to prepare a resolution recognizing the City's 40th anniversary as an incorporated City on June 17th.

Audience Recognition

Councilmember Sheckler noted Tukwila City Councilmember Jim Haggerton, who is Vice President of the Airport Communities Coalition, was present in the audience.

Suburban Cities Association

Councilmember Sherman announced that Mayor Pro Tem Brazil has been elected as Vice President of the Association and will take office in June. He noted that the one of the issues discussed at the recent meeting was reorganization for a stronger voice in the region, especially with the withdrawal from the Association by the City of Bellevue,

CONSENT CALENDAR was read by City Clerk Staab.

1. Motion is to approve the minutes of April 22, 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 # 66476 through # 66720 in the total amount of $394,040.38
Payroll fund transfers in the total amount of $222,327.64

3. Motion is to confirm Mayor Thomasson's appointments of the following individuals to unexpired terms on the Senior Services Advisory Committee: John Carroll term expiring 12/31/01, and George Hadley term expiring 12/31/99.

4. Draft Ordinance No. 98-284 ***[ASSIGNED ORDINANCE NO. 1238]*** - Title: An Ordinance of the City of Des Moines, Washington, adopting the 1998 amendments to the Greater Des Moines Comprehensive Plan.

TWO MOTIONS: First motion is to suspend Council Rule 26(b). Second motion is to approve Draft Ordinance No. 98-284.

5. Motion is to remand the Draft City of Des Moines Stormwater Development Standards to the Environmental Committee for review and recommendations.

6. Motion is to remand the Draft City of Des Moines Comprehensive Stormwater Management Plan to the Environmental Committee for review and recommendations.

MOTION was made by Councilmember Kaplan, seconded by Councilmember Mayor Thomasson to approve the consent calendar as read.

Upon questioning by Councilmember Kaplan regarding consent item number 5, Public Works Director Heydon noted that King County standards have been updated and therefore it is necessary for the City to review our Stormwater standards for any potential impacts and conflicts.

VOTE ON MOTION: Motion passed unanimously.

AGENDA REVISION

Mayor Thomasson announced he would take an item from old business prior to the public hearing this evening.

OLD BUSINESS

1997 Comprehensive Plan Amendments - Wescot - Conveyor Belt

MOTION was made by Mayor Thomasson, seconded by Mayor Pro Tem Brazil to direct Council to prepare the necessary ordinance to approve the requested 1997 Comprehensive Plan Amendments.

Councilmember Sherman called Council's attention to an Interagency Agreement and Purchase Agreement of 1986 with King County and the State of Washington for the Beach Park. He noted that Exhibit D of the purchase agreement contains a restrictive covenant that the Beach Park can only be used for public park and recreation. No other use could be allowed without specific permission from King County and other property of the same size and location being dedicated as a park. He pointed out that this would mean beach front property. He noted that he is unaware of any property that would fit this description and size.

Councilmember Sheckler advised that the Port of Seattle has pulled out of negotiations with ACC. He would encourage no action that would benefit the Port's position.

Mayor Thomasson stated that there was overwhelming public testimony of the disagreeable impacts the project would have on the residents. He also noted that people use the Des Moines Creek Trail as a means of getting away from the noise, hustle and bustle of the City.

Councilmember Kaplan reported that he has thoroughly studied all the materials submitted including the EIS, and has concluded that this project is not in the City's best interest.

Mayor Pro Tem Brazil advised that there is no evidence that there is a need for a conveyor belt as, in his opinion, there will be no third runway.

Councilmember Wasson expressed agreement with Mayor Pro Tem Brazil

VOTE ON MOTION: Motion failed unanimously 6-0.

Draft Resolution No. 99-119 **[ASSIGNED RESOLUTION NO. 865]** was introduced to support the Council's denial of the application for the Comp Plan amendment by Wescot. Mayor Thomasson proceeded to read the resolution and the attached Findings in whole, into the record.

8:33 Councilmember Towe arrived.

MOTION was made by Mayor Thomasson, seconded by Councilmember Sheckler, to approve Draft Resolution No. 99-119.

Councilmember Sherman requested that an item be included in the Findings to reference Exhibit D of the original Purchase Agreement regarding the Restrictive Covenant. This was accepted by the maker and seconder of the motion.

VOTE ON MOTION: Motion passed 6 to 1 with Councilmember Towe voting NO.

PUBLIC HEARING

Year 2000 Community Development Block Grant Program Allocations

Community Development Director noted that in order to be eligible to receive Community Development Block Grant funds for 2000, the City must take the following actions:

1. Accept the 2000 CDBG allocation in the estimated amount of $217,698. Use the proposed program policies to guide allocations of 2000 funds.
2. Decide whether to reserve a portion of funds for public services.
3. Decide whether to reserve a portion of the funds for planning and administration.
4. Decide how much, if any, to allocate to the housing repair program.
5. Decide whether to allocated Des Moines' portion of program income to support the consortium-wide emergency shelter programs.

She noted that the figures will be adjusted in July. And that this is the first step in a two step decision making process. Later in the year the Council will be asked to make decisions on specific projects. Those decisions must be consistent with the actions taken this evening. She concluded by noting that the strategies incorporate the Pacific Ridge area and staff recommends approval.

PUBLIC COMMENTS
Mayor Thomasson called for speakers three times. As there were no comments from the public, Mayor Thomasson declared the Public Hearing closed.

MOTION was made by Councilmember Sheckler, seconded by Councilmember Sherman that:

1. Des Moines accept its 2000 CDBG entitlement funds,
2. The policies included as Attachment 1 to the agenda item summary be used to guide Des Moines 2000 CDBG allocations,
3. The maximum allowable portion of Des Moines' 2000 entitlement funds be reserved for public services, planning and administration, and
4. Des Moines' program income (if any) be allocated to support the consortium wide emergency shelter program.

In response to direction from Council, Community Development Director Kilgore noted she would be sure all references to "moderate income" would be amended to include "low to".

VOTE ON MOTION: Motion passed unanimously.

OLD BUSINESS

Reconsideration: Sea Tac Disposal Rate Increase Request

City Manager Olander reminded Council that earlier in the year, the City Council rejected a proposed rate increase by Sea-Tac Disposal. Sea-Tac Disposal requested reconsideration and several Councilmembers requested that this item be brought back for reconsideration. He informed Council that in an effort to compromise and reduce the impact of the rate increase on customers, Sea-Tac has agreed to modify their request to be retroactive to April 1st instead of the January 1st effective date to which they have a right. Under the Exclusive License Agreement, Sea-Tac Disposal meets the requirements for requesting and receiving this rate adjustment. He concluded by noting staff recommends approval of the increase.

MOTION was made by Councilmember Sheckler, seconded by Councilmember Sherman, to approve Sea-Tac Disposal's requested rate increase as reflected in Attachment 1, retroactive to April 1, 1999. Further, any acts consistent with the authority and prior to the passage of this motion are hereby ratified and confirmed.

Upon questioning of the chart of proposed increases, Nels Johnson, Vice President of Rabanco, noted that the chart is incorrect, there is no reduction in the multi family rates. It was noted that this will be corrected.

VOTE ON MOTION: Motion passed 6 to 1 with Councilmember Towe voting NO.

NEW BUSINESS

Draft Resolution No. 99-064 **[ASSIGNED RESOLUTION NO. 866]** Airport Defense Fund Interfund Loan

Finance Director McCarty advised Council that the proposed resolution implements a recommendation from the State Auditors' Office made in conjunction with the 1997 audit. On March 13, 1997, Council approved a loan of $353,646 from the Revenue Stabilization Fund to the Airport Defense Fund. The loan was to be repaid in the year 2000, at 4% interest, from the proceeds of the one-percent utility tax intended for defense against the third runway. The draft resolution formalizes the conditions of the 1997 Council motion and creates an amortization schedule that will result in repayment of the loan on or before December 31, 2003.

Mayor Thomasson read the resolution by title into the record.

Upon questioning by Councilmembers regarding retiring the loans earlier, City Manager Olander advised that this would be best handled during the regular budget process. He noted that at that time Council can redirect funds.

MOTION was made by Mayor Pro Tem Brazil, seconded by Councilmember Kaplan and passed unanimously, to approve Draft Resolution No. 99-064.

Non-Conforming Multi-family Zoning

MOTION was made by Councilmember Kaplan, seconded by Councilmember Wasson, to direct staff to prepare a Comprehensive Plan Amendment to grandfather all non-conforming multi-family.

Councilmember Sherman expressed opposition to the motion. He cited his concern with the quality of the community as he felt this nibbling away of development standards will led to deteriorating housing. He felt this is dangerous.

Councilmember Sheckler noted he does not want to revisit this issue at this time. He felt this was settled a couple of meetings ago and will be studied in the fall with the other zoning map issues.

Councilmember Kaplan felt Council has more than enough information to make a decision now. He advised that citizens are very concerned and that the underlying problem of older multi-family development has not been addressed.

Mayor Thomasson felt that administration could bring this issued back during the fall 1999 process. He noted that this could involve a textual zoning code change which would need a public hearing. He also stated that nonconforming multi-family issues are very different from single family, in particular height requirements, parking, landscaping, recreation/open space, among other items.

Councilmember Wasson spoke in favor of the motion. He noted that citizens deserve to know where Councilmembers stand on this issue prior to the elections.

Councilmember Towe noted he supports the motion. He expressed concerns with the unresolved issue of non-conforming multi-family. He felt that Council should make a commitment to the citizens and make the grandfathering of multi-family consistent with the non-conforming single family.

City Manager Olander reminded Council that per their direction, Community Development staff has committed a majority of their time to the Pacific Ridge area. He advised that Council may need to readdress their priorities for staff work load.

VOTE ON MOTION: Motion passed 4 to 3 with Councilmembers Sherman and Sheckler, and Mayor Pro Tem Brazil voting NO.

NEXT MEETING DATE

Mayor Thomasson noted that Council will hold a special 3 day meeting retreat on May 21st, 22nd and 23rd in Port Ludlow, Washington.

The next regular meeting of the Council will be May 27, 1999.

ADJOURNMENT

The meeting was adjourned at 9:30 p.m.

Respectfully submitted,

Denis Staab
City Clerk