

REGULAR MEETING DES MOINES

MINUTES

May 22, 1997

The regular meeting of the Des Moines City Council was called to order at 7:32 p.m. by Mayor Thomasson in the City Council Chambers, 21630 11th Avenue South.

PLEDGE OF ALLEGIANCE to the flag and flag folding ceremony was led by Des Moines Post #10434, Veteran's of Foreign Wars.

ROLL CALL - Present: Mayor Scott Thomasson, Mayor Pro Tem Terry Brazil, Councilmembers Bruce Roberts, 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, Public Works Director Tim Heydon, Chief of Police Don Obermiller, Lieutenant Kevin Tucker, Planning Manager Corbitt Loch, Senior Planner Robert Ruth, Police Officer Marlene Goodman and Deputy City Clerk Angela Chaufy.

COMMENTS FROM THE PUBLIC

Michael Chang, 22315 Marine View Drive South

On behalf of his father, the owner of Dragon Gate Restaurant, Mr. Chang informed Council that Dragon Gate Restaurant has been a part of the community for the last twelve years. Since the opening of the Des Moines Theater, Mr. Chang noted that his customers are experiencing parking difficulties. He felt that if customers could not park by the restaurant, they would take their business elsewhere. He asked for Council's assistance in solving the parking issue.

Council directed Administration to research options for solving the issue.

Al Lamp, Owner of 7-Eleven (South 216th Street/Pacific Highway South)

Mr. Lamp informed Council that the installation of the barrier on South 216th Street has dramatically reduced his business at 7-Eleven. His gas gallons and gross sales have dropped significantly. He submitted a petition to Council requesting that the barrier be removed and then described the traffic difficulties associated with the barrier's placement. In closing, Mr. Lamp gave Council a copy of his sales calendar report for April and May, 1997.

Mayor Thomasson asked Administration to investigate the matter.

Elbert Hill, 21815 24th Avenue South

Mr. Hill thanked Council for their time as he has expressed his views regarding the Sports Park Bond issue. He commended Councilmember Wasson for his presentation of the issue. Mr. Hill stated that he felt that he had been mistreated throughout the bond issue process and asked Council to visit his property.

G. Stanley Jacobson, 42837 SE 170th Place, North Bend, WA

Mr. Jacobson informed Council that he had previously applied for a development permit from King County for the Woodmont area. Under King County, the permit had been processed up to the point of needing only the final approval of the Council. In December, 1996, the permit packet was submitted to Des Moines. Mr. Jacobson stated that the permit has not been looked at

yet due to staff's workload. He asked Council if anything could be done to speed up the processing of his permit.

Mayor Thomasson asked Administration to research the matter.

BOARD AND COMMITTEE REPORTS

Environment Committee

Councilmember Roberts reported that the Environment Committee had completed review of the Des Moines Creek project. The proposed project would be submitted to Council for review at a future meeting.

Airport Communities Coalition

Mayor Pro Tem Brazil reported that the two town meetings regarding the Third Runway Impact Study had been well attended.

Suburban Cities Association

Councilmember Sherman reported that the following individuals had been elected to serve as officers of Suburban Cities Association:

President	Mary Gates (Federal Way)
Vice President	Chuck Booth (Auburn)
Secretary/Treasurer	Judy Clibborn (Mercer Island)
Board Members	Debbie Eddy (Kirkland)
	Kathy Keolker-Wheeler (Renton)

Councilmember Sherman also noted that the Bylaws Committee had proposed a new representation of Suburban Cities. Four groupings of cities rather than three would be formed. He noted that Des Moines would be asked to adopt the new proposal in the upcoming months.

PRESIDING OFFICER'S REPORT

King County Pool Discussion

Mayor Thomasson announced that he would meet with the King County Executive on May 23, 1997 to discuss King County Pools.

CONSENT CALENDAR was read by Deputy City Clerk Chaufy.

1. Motion is to approve the minutes of May 1 and 8, 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 #56152 through #56304 in the total amount of \$727,305.66

Payroll fund transfers in the total amount of \$188,308.90

3. Draft Resolution No. 97-072 [Assigned Res. No. 829] - Title: A Resolution of the City Council of the City of Des Moines, Washington, authorizing the Des Moines-Midway Rotary Club to conduct the 1997 Haunted House at the Des Moines Beach Park and listing conditions under which such permission is granted.

MOTION is to approve Draft Resolution No. 97-072.

4. Motion is to award the contract for construction of the South 240th/16th Avenue South Traffic Signal to Signal Electric, in the amount of \$192,019.98, plus a 10% contingency and to further authorize the City Manager to sign said contract.

5. Motion is to authorize the City staff to bid the 10th Avenue Culvert Replacement Intersection Improvement Project for construction.

6. Motion is to authorize the City Manager to sign the State Revolving Fund Loan Agreement for the design of the Barnes Creek Biofiltration Wetland/Detention Facility.

7. Motion is to award the contract for construction of the Des Moines Memorial Drive Slide Repair to Precision Builders, Inc., in the amount of \$64,106.58, plus a 10% contingency and to further authorize the City Manager to sign said contract.

8. Motion is to award the contract for professional engineering services for design of the 199th and 204th Trunkline Project to Berger/Abam Engineers Inc. in the amount of \$64,046.66, plus a 10% contingency, and further to authorize the City Manager to sign said contract.

9. Motion is to authorize the City staff to bid the City Park Culvert Replacement project for construction.

10. Motion is to approve the Interlocal Agreement with the Midway Sewer District for design services for the Marine View Drive Bridge Project and to authorize the City Manager to sign such agreement substantially in the form as attached.

MOTION was made by Councilmember Towe and seconded by Councilmember Sheckler to approve the consent calendar as read.

Councilmember Sheckler corrected the spelling of two speakers names on the May 8, 1997 minutes.

VOTE ON MOTION: Motion passed unanimously.

PUBLIC HEARING

Draft Ordinance 97-089 - Post Office Siting

Mayor Thomasson introduced the topic.

City Attorney McLean read the rules for conducting a public hearing. He announced that the subject qualified as a quasi-judicial hearing.

Mayor Thomasson stated that he had been on Council when the issue was previously discussed in 1989.

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

Senior Planner Ruth stated that the proposed post office site had been rezoned from RS-9600 to CG by Council in 1989 through the adoption of Ordinance 813. As the project was not pursued

due to a lack of federal funding, the CG zoning had expired . Adoption of Draft Ordinance 97-089 would readopt the CG zoning for the property. Mr. Ruth briefly highlighted the provisions of Section 2 of the draft ordinance. He noted that staff recommended the adoption of CG zoning for the site.

City Attorney McLean swore in all speakers.

SPEAKERS

Proponents

Dick Myers, 911 Western Avenue South, Seattle, WA

On behalf of several of the property owners adjacent to the proposed post office site, Mr. Myers voiced support for the development of a new post office. He also expressed concern over potential traffic impacts caused by the development. He questioned whether future development might be restricted or not allowed due to traffic generated by prior land uses. He asked whether the post office paid for any of the traffic and impact studies.

Dave Anderson

Representing the Post Office, Mr. Anderson informed Council that the post office had secured professionals to handle traffic mitigation issues required by the City.

Opponents - None

Upon questioning, Senior Planner Ruth informed Council that only one half of the easterly side of 20th Avenue South was available for city use at this time. The other half of the right-of-way belonged to Washington State. Although it is possible that the state would relinquish the right-of-way to the City, it has not yet occurred. Mr. Ruth confirmed that the post office had expressed a desire to comply with all City requirements, including sidewalk developments.

In regard to Section 2 (5) of Draft Ordinance 97-089, City Attorney McLean clarified that the provision would not limit Council's future rezone options for the property.

Senior Planner Ruth noted that the City relied on SEPA to monitor developmental impacts. He stated that the Post Office was interested in maintaining a viable postal operation downtown if a business was interested in housing the service. Mr. Ruth noted that the site was a legal lot.

Mayor Thomasson felt that a current SEPA review would better estimate traffic impacts to the area.

Mayor Thomasson closed the public hearing.

Community Development Director Kilgore reminded Council that SEPA provisions require the proving of probable, significant, and adverse impacts before transportation impact fees could be imposed. In her opinion, the project did not meet that criteria.

Councilmember Sherman felt that the annexations since 1989 should also be considered in the SEPA review as the post office would serve the annexed areas.

Councilmember Towe suggested that Council discuss impact fees at the Council retreat.

Senior Planner Ruth confirmed that the post office's traffic study could be used to condition their proportionate share of impacts. He noted that the back road traffic has heavily impacted the area's streets.

Mayor Thomasson read the title of the proposed ordinance into the record.

Council continued the item to a second reading at a future meeting.

At 9:05 p.m., Mayor Thomasson declared a ten minute break.

Draft Ordinance 97-043 [Assigned Ord. No. 1188] - TX97-017 Single Family Residential Building Height

Mayor Thomasson introduced the subject and announced that the previously read hearing rules would apply.

City Attorney McLean announced that the hearing did not qualify as a quasi-judicial matter.

Planning Manager Loch informed Council that the proposed textual code amendment would amend the residential building height for Des Moines. He announced that correspondence from Cary Branch and Joseph Sanford had been received and distributed to Council. He noted that no comments or appeals had been filed during the appropriate periods.

Mayor Thomasson called for speakers.

SPEAKERS

Dave Edwards, 28436 Soundview Drive South

Mr. Edwards stated that he had favored annexation to Des Moines due to the 25 foot residential building height limitation. He stated that he had only recently been made aware of the hearing for the proposed building height change.

Victor Anderson, 27036 8th Avenue South

Mr. Anderson stated that he preferred a 35 foot height limitation but could support a 30 foot restriction. He asked that he be allowed to build to the same standards as his neighbors who had developed their land prior to annexation. Mr. Anderson urged Council to consider setting different standards for different areas in the city. If the proposed ordinance was not approved, he asked that the Council provide an affordable variance procedure.

Cliff McNeal, 28120 Redondo Beach Drive South

Mr. McNeal noted that small and narrow lots present parking problems for the area. He felt that a 35 foot height restriction would allow parking off the roads. He questioned whether a study regarding revision to the building code had been performed during the annexation process.

Joe Matthais, 22331 9th Avenue South

Mr. Matthais asked Council to consider the Woodmont/Redondo area separately from the rest of the city. He felt that off street parking could not compare to the value of a view. He stated that a property would not maintain its value if the view were lost. In closing, he stated that he felt 25 foot height was adequate.

Bonnie Kalmar, 28716 Soundview Drive South

Ms. Kalmar asked Council to postpone consideration of this item until other residents could be informed of the issue. She stated that she believed she would maintain her view by annexing to the City.

Mark Miller, Redondo

Mr. Miller noted that he is happy to be a Des Moines resident. He informed Council that he had purchased his property with the intention of building to a height of 35 feet. He felt that it was important to provide on-site parking of vehicles. He asked Council to approve at least a 30 foot height restriction.

Joseph Hough, 22321 9th Avenue South

Mr. Huff informed Council that his property had lost 25% of its view in the last six years. He asked Council to consider the Woodmont/Redondo area separately and maintain the 25 foot restriction for the rest of the city.

Bonnie Kalmar, 28716 Soundview Drive South

Ms. Kalmar asked for information regarding the variance procedure and whether views are considered as grounds for a variance.

Lloyd Wade, P.O. Box 46819, Seattle, WA

Mr. Wade informed Council that he owns a number of lots located on South 264th Street. He stated that he was not previously aware that the building height would be affected by the annexation to Des Moines. He felt that a 30 foot building height was an equitable compromise for the whole city. Noting that view-blockage was not an issue for most lots, he requested that the building height be eventually restored to 35 feet.

Jan Anderson, 27036 8th Avenue South

Ms. Anderson urged Council to consider the Woodmont/Redondo area separate from the rest of the city. She noted that a 30 foot lot creates off-street parking problems and felt that a one story house was not feasible. Ms. Anderson stated that she could appreciate a 30 foot height limitation but would prefer a 35 foot restriction. She noted that the majority of the undeveloped lots did not have a view. She also requested that Council provide an affordable variance process.

Tara McCalley, 22331 9th Avenue South

Ms. McCalley stated that she was opposed to a building height increase. She felt that parking issues and house style were secondary to views. Recognizing that all owners have a financial stake in their property, she felt that the view should be shared with surrounding neighbors. She asked Council to allow the public more time to share their views on the issue.

Eric Warren, 28819 Redondo Shores Drive South

Mr. Warren informed Council that his lot is positioned on a one lane road with no room for street parking. He noted that development of his property would not affect anyone's view. He stated that he could agree with a thirty foot height restriction but preferred the height be raised to 35 feet in certain areas.

Dave Edwards, 28436 Soundview Drive South

Mr. Edwards questioned why Woodmont/Redondo annexed to Des Moines if the residents wished to be treated differently.

Vic Anderson, 27036 8th Avenue South

Mr. Anderson asked Council to not treat the Woodmont/Redondo area differently but as they previously were. He noted that the small lots in the area had no options for parking. He felt that the people living in houses built to 35 feet were not present to speak as they already had what they wanted.

Joe Mattais, 22331 9th Avenue South

Mr. Mattais stated that all houses in Des Moines were built under the 25 foot height restriction. He noted that he had put his life savings into the 25 foot height restriction for his home.

Mayor Thomasson called for additional speakers. None responded.

Mayor Thomasson closed the public comment portion of the hearing.

Community Development Director Kilgore clarified that the city utilized the Uniform Building Code as its building code standard and that only the sound transmission portion had been revised by the City. She also stated that the current variance procedure does not recognize view preservation or blockage as grounds for a variance.

Planning Manager Loch noted that in several areas homes constructed prior to annexation to Des Moines are built to a different height standard than 25 feet.

Upon questioning from Councilmember Roberts, Mr. Edwards stated that pre-annexation community meetings discussed the 25 foot height restriction. He stated that several view property owners solicited support for the annexation based upon this point.

Planning Manager Loch explained the notification and posting methods for the hearing. Mr. Loch stated that the height issue was discussed but not emphasized during a pre-annexation community meeting.

Mayor Thomasson closed the public hearing and read the title of Draft Ordinance 97-043 into the record.

MOTION was made by Councilmember Sheckler and seconded by Mayor Pro Tem Brazil to suspend Council rule 26(b).

Councilmember Wasson voiced opposition to the motion as he felt more people should be given the opportunity to participate in the hearing.

VOTE ON MOTION: Motion passed, 4 - 3, with Councilmembers Sherman, Roberts, and Wasson opposed.

MOTION was made by Councilmember Sheckler and seconded by Councilmember Towe to enact draft Ordinance No. 97-043.

Councilmember Roberts opposed the motion as he wanted to hear the opinions of more individuals.

Mayor Pro Tem Brazil agreed with Councilmember Roberts and stated that he wanted logic behind the limitation.

Councilmember Sherman stated that he could not support a building height change for the whole city.

MOTION was made by Mayor Pro Tem Brazil and seconded by Councilmember Roberts to table the motion to June 12, 1997.

Mayor Thomasson reopened the public hearing to allow for additional testimony on June 12, 1997.

Mayor Thomasson spoke in support of the proposed ordinance as it would restore to most properties the building height they had prior to annexation.

Mayor Thomasson and Councilmember Towe agreed that the map displaying pre-annexation building heights was key to the issue. They stated that there was no "right" answer to the issue and felt that reasonable design and public comment input had been received.

Mayor Pro Tem Brazil withdrew his previous motion. Councilmember Roberts withdrew his second.

Mayor Thomasson declared the public hearing closed.

Councilmember Wasson called for the question.

VOTE ON MOTION: Motion passed, 4 - 3, with Mayor Pro Tem Brazil, Councilmembers Sherman and Roberts opposed.

At 10:29 p.m., **MOTION** was made by Councilmember Sheckler, seconded by Councilmember Roberts and passed unanimously to extend the meeting fifteen minutes.

NEW BUSINESS

Review of 1997 Police Department Work Plan

Chief of Police Obermiller invited Council and the public to attend the Summer Drama Workshop presentation of Sherlock Holmes. He noted that a Citizen Academy program had been developed and would begin on September 9, 1997. The purpose of the academy was to form a partnership between citizens, police and the community through education and training. Chief Obermiller thanked the following individuals for their efforts on this program:

City Staff Members

Steve Wieland (Chairperson)
Bob Thompson
Janet Beeck

Citizen Members

Larry Watson
Cathy Arnold
Ola May Crawford
Ray Lighty

He stated that applications for the Citizens Academy would be available at the Police Department next week.

Lieutenant Tucker reviewed the occupancy schedule for the new Police Station. He invited Council and the community to attend an Open House on July 11, 1997, 3:00 p.m. to 7:00 p.m.

Chief Obermiller informed Council that all officers have received training in domestic violence response. Resources to educate and aid domestic violence victims have been gathered. He recognized Officer Marlene Goodman for her efforts in this area.

Officer Goodman reviewed the Domestic Violence Community Outreach schedule for the mobile unit.

City Manager Olander asked Council to contact him or the police department if they had any questions regarding the Police Work Plan.

NEXT MEETING DATE

- City Council Retreat May 31 through June 1, 1997 at Enzian Inn, Leavenworth, WA
- (June 5, 1997 Study Session Canceled)
- Regular Meeting June 12, 1997

ADJOURNMENT

The meeting adjourned at 10:47 p.m.

Respectfully submitted,

Angela M. Chaufty, Deputy City Clerk