

PRELIMINARY
REGULAR MEETING OF DES MOINES CITY COUNCIL

MINUTES

May 23, 1996

The regular meeting of the Des Moines City Council was called to order by Mayor Thomasson at 7:30 p.m. in the Council Chambers, 21630 11th Avenue South.

PLEDGE OF ALLEGIANCE to the flag was led by Scout Troop #955.

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, City Attorney Gary McLean, Community Development Director Judith Kilgore, Public Works Director Tim Heydon, Park and Recreation Director Patrice Thorell, Senior Services Manager Sue Padden, Recreation Manager Tracy Thomas, Planning Manager Corbitt Loch, and Deputy City Clerk Angela Chaufy.

COMMENTS FROM THE PUBLIC

Richard Falk, 601 South 227th

Mr. Falk informed Council of his concerns with the Draft Park and Recreation Master Plan. He felt that the existing Senior Services' facility was inadequate and requested that Council give this issue a Priority 1 rating in the Plan. Noting that a community/senior facility plan has been studied in the past, he also encouraged Council to follow through in the implementation of the plans.

Shirle M. Falk

In regard to the current Senior Services' facility, Ms. Falk informed Council of the problems caused by flooding. She further stated that the classrooms had an inadequate heating system, lacked electrical outlets and were too small. She requested that Council upgrade the Senior /Community Center facility to a Priority 1 rating in the Draft Park and Recreation Master Plan.

Barbara Foster

Ms. Foster requested that the Park and Recreation Plan include land acquisition for a Senior Center facility.

City Manager Olander noted that Priority 1 projects in the Draft Park and Recreation Master Plan have funding secured and are already in the budget. He noted that this issue will be discussed by Council at the upcoming retreat.

Councilmember Sheckler stated that a committee will begin studying the siting of a Senior /Community Center facility in June.

Mark Proulx, 26202 14th Avenue South, Kent

As chairman of the "Des Moines - Yes!" Committee, Mr. Proulx voiced his pleasure with the recent approval of the Woodmont-Redondo annexation. He urged Council to deliver on the expectations and positions of the committee.

Gene Achziger, 28708 Sound View Drive, Kent

On behalf of the "Des Moines - Yes!" Committee, Mr. Achziger presented Council with their campaign poster.

Mayor Thomasson thanked the "Des Moines - Yes!" Committee for their efforts. He urged the Woodmont-Redondo residents to participate in the land use hearings affecting their area.

BOARD & COMMITTEE REPORTS

Highline School District Athlete of the Year Banquet

Mayor Pro Tem Brazil noted that he attended the Highline School District Athlete of the Year Banquet. He stated that it was a very moving and impressive evening spent celebrating the accomplishments of several youth in the community.

Senior Services Advisory Committee

Mayor Pro Tem Brazil reported that the Senior Services Advisory Committee had met with Tom Pearson from Pete von Reichbauer's office to discuss King County funding and the effect of recent re-districting. He also noted that John Rann had been elected Presiding Officer, Georgie Nupen elected Vice Presiding Officer, and Steve Swank elected Senior Advisory Committee Representative.

Airport Communities Study

Councilmember Sherman noted that he had met with other airport community representatives and HOK, Inc. consultants to study the long-range impacts of Sea-Tac International Airport on our community.

SR99/Pacific Highway South Redevelopment Project

Councilmember Sherman informed Council that public input regarding the SR99/Pacific Highway South Redevelopment Project will be solicited at the following Open Houses:

June 5, 1996	5:00 p.m. to 8:00 p.m.	Tyee High School
June 12, 1996	5:00 p.m. to 8:00 p.m.	Highline Community College

PRESIDING OFFICER'S REPORT

Proclamation: "Law Enforcement Fund Raising for Special Olympics Month" - June, 1996

Mayor Thomasson read a proclamation proclaiming June, 1996 as "Law Enforcement Fund Raising for Special Olympics Month".

ADMINISTRATION REPORTS

Briefing: Recreation Program

Senior Services Manager Padden shared the Senior Center Mission Statement with council. She highlighted the following program successes and upcoming events:

Successes

Paid part-time cook secured

Upcoming Programs

Day Trips

Computer classes established
Tax services
Mother's Day Luncheon
Health & Fitness Fair
Senior Stride Walking Program
Lunch Program with Transportation
Hair Cut Services
Trips and Tours

Concert/Brown Bag Lunch series
Waterland 5000 Activities
Rummage Sale
Old Fashioned Family Fund Day (7/24/96)
Senior Coed Softball Team
Strength & Stretch Program
Caregiver Support Program
Father's Day Program

Recreation Manager Thomas noted the following youth and teen programs sponsored by the Recreation Department:

Teen Night
Youth Afterschool Program
Teen Basketball League
Tuesday Teen Takeover
Parent's Night Out
Great Escapes
HCC Career Fair

Camp KHAOS
Sound Waves Concert Program
Halloween Carnival
Christmas in Des Moines
Spring Egg Hunt
Teen Flashlight Egg Hunt

Ms. Thomas also stated that intern and work study programs have been established with Highline Community College while a Teen Leadership Program has been developed at Mt. Rainier High School. She thanked the Des Moines/Midway Rotary for their scholarship program.

Food Bank Report

On behalf of the Food Bank, Steve Swank voiced support for the development of a Senior /Community Center facility. He requested that the Food Bank be included in the project. Food Bank usage statistics were distributed to Council. Mr. Swank identified the required Food Bank facility criteria as 10,000 square foot facility with high ceilings, a security system, and accessible by bus. He envisioned the facility also housing the clothing bank, employment counseling, and nursing services. He requested that a Councilmember be appointed to work with the Food Bank. In closing, Mr. Swank asked for volunteers to participate in a painting project scheduled for June 15, 1996. Interested parties should contact Councilmember Sheckler or Steve Swank.

Food Bank Representative Marilyn Orris presented Council with a City of Des Moines afghan. She noted that over \$12,000 for the Food Bank had been raised through the selling of the afghans.

CONSENT CALENDAR was read by Deputy City Clerk Chaufy.

1. Motion is to approve the minutes of May 2 and 9, 1996.
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 #51577 through #51732 in the total amount of \$738,926.66
Payroll fund transfers in the total amount of \$160,937.75

3. Motion to set a hearing on July 11, 1996 to hear an appeal of the Hearing Examiner's decision in File HV95-057 regarding an application for a variance.
4. Motion is to authorize the City Manager to approve all vouchers for payment of the following claims during the period of May 24 through June 13, 1996:
 - a. All vouchers for payment of payroll checks, including Marina payroll, and
 - b. All vouchers for payment of claims and marina checks, provided that all vouchers and checks approved by the City Manager in accordance with this motion shall be presented to the Council for ratification at the City Council meeting of June 27, 1996.

MOTION was made by Councilmember Roberts, seconded by Mayor Pro Tem Brazil and passed unanimously to approve the Consent Calendar as read.

OLD BUSINESS

Des Moines Creek Technology Campus - File No. MP 94-050 - Draft Ordinance No. 96-032 [Assigned Ord. No. 1163] - Vacating Certain Rights-of-Way and Adoption of Findings of Fact and Conclusions for the Street Vacation

City Attorney McLean introduced the subject.

MOTION was made by Councilmember Towe, seconded by Councilmember Sheckler, and passed unanimously to take from the table the motion to enact Draft Ordinance No. 96-032.

MOTION was made by Councilmember Towe, seconded by Mayor Pro Tem Brazil, and passed unanimously to amend Draft Ordinance No. 96-032 to read as reflected in the City Attorney's Second Draft, which incorporates a new Section 2 and renumbers subsequent paragraphs accordingly.

MOTION was made by Councilmember Towe and seconded by Councilmember Sheckler to enact Draft Ordinance No. 96-032 as amended. Motion passed, 6 - 1, with Mayor Thomasson opposed.

MOTION was made by Councilmember Towe and seconded by Mayor Pro Tem Brazil to adopt the findings of fact and conclusions for Ordinance No. 96-032 which are identified as Attachment 38 to the May 2, 1996 administration report. Motion passed, 6 - 1, with Mayor Thomasson opposed.

PUBLIC HEARING

Textual Code Change: Draft Ordinance No. 96-010 [Assigned Ord. No. 1164] Correcting Code References

Mayor Thomasson introduced the subject.

City Attorney McLean read the rules for conducting a public hearing. He noted that the proposed ordinance would correct certain references adopted in Ordinance No. 1160.

Mayor Thomasson called for speakers. None responded.

Mayor Thomasson closed the public testimony portion of the hearing.

MOTION was made by Councilmember Roberts, seconded by Mayor Pro Tem Brazil, and passed unanimously to suspend Rule 26(b) in order to enact Draft Ordinance No. 96-010 on the first reading.

MOTION was made by Councilmember Roberts, seconded by Mayor Pro Tem Brazil, and passed unanimously to enact Draft Ordinance No. 96-010.

Draft Ordinance No. 96-002 Regulatory Code Amendments

Mayor Thomasson introduced the subject and noted that the previously read public hearing rules would apply to this hearing as well.

Community Development Director Kilgore informed Council that draft Ord. 96-002 was developed in response to the Regulatory Reform Act (ESHB 1724) enacted by State legislation.

Planning Manager Loch highlighted the following points of the proposed ordinance:

- Land use decisions contained in the Comp Plan are binding.
- Process for amending Comp Plan is identified.
- Limitation of one public hearing per development project set.
- Vesting regulations revised.
- Land Use Council provisions repealed.

SPEAKERS

Mike Regeimbal, 22220 Marine View Drive South (work)

On behalf of the Chamber of Commerce, Mr. Regeimbal distributed recommendations to the Council (Exhibit 1). As only one open hearing per development project is allowed, he suggested that the Council hold the open hearing while the Hearing Examiner holds a closed hearing. In regard to Section 26, Item 2, Mr. Regeimbal suggested that City be required to issue a final decision within 120 days or else, by default, the decision is made. Mr. Regeimbal also questioned whether Section 26, Item 3 was an equitable provision. In closing, Mr. Regeimbal questioned where the 28 day limitation on determining if an application was complete was contained in the proposed ordinance.

George Minnich, 22701 19th Avenue South

Due to the complexity of the issue, Mr. Minnich urged Council to continue the hearing to a later meeting, thus allowing for additional public input.

At 9:10 p.m., Mayor Thomasson announced a ten minute break.

Mayor Thomasson called for additional speakers. None responded.

Community Development Director Kilgore clarified that the 28 day notification period was included in the RCW citations. She noted that the law allows for the City to issue, deny, or approve a development project with conditions. She felt that the City should not be liable for denying a permit if RCW provisions were not met.

Planning Manager Loch provided examples of situations that could cause the “120 Day Clock” to stop ticking. He noted that rezone and Comp Plan amendments were exempt from the 120 Day time limitation.

City Attorney McLean clarified that the City Attorney’s duties are limited by DMMC 18.94.290 and do not include the Hearing Examiner.

Council gave staff several questions to research and identified sections needing clarification.

MOTION was made by Councilmember Sherman, seconded by Mayor Pro Tem Brazil, and passed unanimously to continue the public hearing on draft Ordinance No. 96-002 to June 27, 1996 and to keep the record open for public comments.

NEW BUSINESS

Interlocal Agreement With King County Regarding Woodmont-Redondo Annexation

City Manager Olander informed Council of the background and negotiation process of the proposed interlocal agreements.

Through discussion, Council concurred to incorporate the following revisions into the Agreement for Interjurisdictional Cooperation Between King County and the City of Des Moines Concerning the Proposed Woodmont-Redondo Annexation:

- **Section VI (A)** List specific pieces of art. Limit County Art Commission review and approval of any changes to lands or structures within five feet of County owned public art work.
- **Section V (B)** - Add language stating purchase is at City’s option.
- **Section III (A)** - Add language concerning “assigns agreement”.
- **Section III (D3)** - Add “roads” to listing.

MOTION was made by Councilmember Sherman and seconded by Councilmember Sheckler to extend the meeting to 10:45 p.m. Motion passed, 6 - 1, with Mayor Pro Tem Brazil opposed.

MOTION was made by Councilmember Towe and seconded by Councilmember Sherman to approve the ‘Agreement for Interjurisdictional Cooperation Between King County and the City of Des Moines Concerning the Proposed Woodmont-Redondo Annexation’ and authorize the City Manager to sign the agreement substantially in the form as attached and incorporating the modifications identified by Council.

Council concurred to add language to **Section III, (F)** stating that the City agrees to keep Redondo Beach Drive South open to through traffic for the life of the improvement.

Council concurred to change “continue” to “relinquish” in **Section III (H)**.

VOTE ON MOTION: Motion passed unanimously.

MOTION was made by Councilmember Sherman, seconded by Councilmember Roberts, and passed unanimously to approve the ‘Interlocal Agreement Between King County and the City of

Des Moines Relating to Processing of Building Permits and Land Use Applications' and authorize the City Manager to sign the agreement substantially in the form as attached.

Draft Ordinance No. 96-082 [Assigned Ord. No. 1165], Declaring Certain Properties to be Required for Public Use (South 216th Street Improvement Project) and Authorizing Eminent Domain Proceedings.

Public Works Director Heydon distributed a map of the unsecured properties needed for the South 216th Street Improvement Project. Mr. Heydon requested that Council approve eminent domain proceedings should negotiations prove unsuccessful.

MOTION was made by Councilmember Sheckler and seconded by Councilmember Towe to suspend Council Rule 26(b) and allow adoption of draft Ordinance No. 96-082 on the first reading. Motion passed, 6 - 1, with Councilmember Wasson opposed.

MOTION was made by Councilmember Sheckler and seconded by Councilmember Sherman to enact draft Ordinance No. 96-082.

Councilmember Wasson voiced his opposition to the motion as he felt the property owner lost negotiation position under eminent domain proceedings.

VOTE ON MOTION: Motion passed, 6 - 1, with Councilmember Wasson opposed.

NEXT MEETING DATE - June 7 - 9, 1996, Council Retreat
- June 27, 1996 Regular Meeting

ADJOURNMENT

The meeting adjourned at 10:45 p.m.

Respectfully submitted,

Angela M. Chaufy
Deputy City Clerk