

REGULAR MEETING OF THE DES MOINES CITY COUNCIL

MINUTES
28, 1998

May

The regular meeting of the Des Moines City Council was called to order by Mayor Thomasson at 7:35 p.m. in the Council Chambers, 21630 11th Avenue South.

Pledge of Allegiance to the Flag was led by Councilmember Sherman.

ROLL CALL - Present: Mayor Scott Thomasson, Mayor Pro Tem Terry Brazil, Councilmembers Dave Kaplan, Dan Sherman, Bob Sheckler, 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, Park and Recreation Director Patrice Thorell, Harbormaster Joe Dusenbury, Planning Manager Corbitt Loch, Senior Planner Robert Ruth, Planning Technician Susan Anderson and Deputy City Clerk Angela Chaufy.

CORRESPONDENCE

Brooks Powell Correspondence

City Manager Olander confirmed that the letter from Brooks Powell had been distributed to Council.

Richard Kennedy's Correspondence

City Manager Olander read a fax received from Richard Kennedy requesting that Draft Ordinance Nos. 98-151 and 98-152 be removed from the agenda for the following reasons:

- Property dedication required as a prerequisite to the street vacation;
- Legal description's starting point; and
- Lack of clarification of ownership of the remainder of 11th Avenue South and South 251st Street.

COMMENTS FROM THE PUBLIC

Susan Goegebuer, 20903 9th Avenue South

Ms. Goegebuer presented Council with a check for \$26,011.09 for the City's share of the proceeds from the Haunted House. She thanked the Rotary Club, SCARE Productions, and the City for their participation in the event. She asked that the Council extend the Haunted House agreement to a two year agreement.

Dwayne Bever, 17650 140th Avenue SE, #B6-220

As Vice President of SCARE Productions, Mr. Bever asked Council to approve a two year agreement for the Haunted House. As the event relied on volunteer services, Mr.

Bever felt a two year agreement would enable SCARE Productions to better meet their goals for the Haunted House.

Robert McManus, 24415 9th Place South

Mr. McManus presented Council with a petition containing 129 signatures asking for the City to remedy an unsafe traffic condition located at the Huntington Park entrance at South 248th Street and Marine View Drive. He felt that a neighbor's fence and landscaping has obstructed the view of oncoming traffic at this intersection. Mr. McManus described the Huntington Park area and the community's interaction with city staff regarding this issue.

Lala Klenman, 24804 9th Place South

As President of the Huntington Park Board of Directors, Ms. Klenman addressed Council regarding their concerns with the unsafe traffic condition at South 248th Street and Marine View Drive. She felt that the position of the driver rather than the position of the front end of the vehicle should be used to measure traffic visibility. She asked Council to correct the unsafe condition.

Stan Mickleson, 24519 9th Place South

In regard to the unsafe traffic condition located at South 248th Street and Marine View Drive, Mr. Mickleson noted that Huntington Park had hired a licensed surveyor to determine property lines. He stated that the results of the survey determined that the fence was located on city property. He asked the City to remove the fence and possibly install a three to four foot railing to protect the area surrounding the telephone pedestal.

Wendell Bakken, 24816 9th Place South

Mr. Bakken informed Council that he would be the person to contact regarding the unsafe traffic condition located at South 248th Street and Marine View Drive.

Public Works Director Heydon confirmed that he would visit the site tomorrow to review the concerns of the Huntington Park residents.

Hank Hopkins, 3720 Serene Way, Lynnwood

On behalf of Wescot Company, Mr. Hopkins asked Council to consider his company's proposal. He felt that an agreement with Wescot Company would not compromise the city's position regarding the airport's expansion efforts.

Brooks Powell, 22528 Marine View Drive South

Mr. Powell asked Council to quickly address his concerns for the RA-3600 zone as listed in his letter.

BOARD & COMMITTEE REPORTS

SR-509 Public Meeting

Mayor Pro Tem Brazil noted that a public meeting to discuss the SR-509 Supplemental Draft Environmental Impact Statement would be conducted on June 4, 1998 at Tyee High School.

Councilmember Sherman reported that this would be an informational meeting and that the SR-509 committee would begin surveying the various alternate route options.

TVW

Councilmember Sherman announced that TCI Cable had committed to providing King County customers with a dedicated TVW channel within the next two years.

Zoning Map Committee

Councilmember Wasson announced that the committee had met to review the zoning map. The next meeting was scheduled for June 26, 1998.

Airport Communities Coalition

MOTION was made by Councilmember Sheckler, seconded by Mayor Pro Tem Brazil, and passed unanimously to approve the appointment of Councilmember Kaplan as alternate for the Airport Communities Coalition.

Mayor Pro Tem Brazil confirmed that although he was no longer serving as ACC alternate he would remain involved in the issue.

ADMINISTRATION REPORTS

City Hall Remodel/Construction Project

Planning Manager Loch displayed a map of the construction project and highlighted the pertinent parking issues involved. He noted that construction would begin June 5, 1998.

Redondo Riviera Annexation Boundary Review Board Hearing

Assistant City Manager Piasecki informed Council that the Boundary Review Board had conducted a hearing to discuss the Redondo Riviera annexation. He displayed a map of the area and gave a brief history of the annexation efforts. Mr. Piasecki noted that the primary objection to the annexation was based upon the premise that the annexation would split a single property. Therefore, the Boundary Review Board had decided to consider a modification of the annexation boundaries to include the area west of Pacific Highway South between South 279th Street and South 284th Street. The Board will conduct a hearing on the modified boundaries on July 9, 1998.

CONSENT CALENDAR was read by Deputy City Clerk Chaufy.

1. Motion is to approve the minutes of May 14, 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 #61724 through #61891 in the total amount of \$444,153.56

Payroll fund transfers in the total amount of \$206,087.70

3. Motion is to approve the State of Washington Interlocal Agreement ICA-98169 between the Office of the Administrator for the Courts and the City of Des Moines, Washington which provides funding for computer upgrades in the City's Municipal Court and Legal Departments and authorize the City Manager to sign such agreement substantially in the form as attached.

4. ~~Draft Resolution No. 98-124 – Title: A Resolution of the City Council of the City of Des Moines, Washington, authorizing the Des Moines Midway Rotary Club to conduct the 1998 Haunted House at the Des Moines Beach Park and listing conditions under which such permission is granted.~~

~~MOTION is to approve Draft Resolution No. 98-124. (Editor's Note: Removed by Councilmember Wasson and placed under New Business).~~

5. ~~Draft Resolution No. 98-144 – Title: A Resolution of the City Council of the City of Des Moines, Washington, authorizing the Greater Des Moines Chamber of Commerce to conduct its 1998 Waterland Festival and listing conditions under which such permission is granted.~~

~~MOTION is to approve Draft Resolution No. 98-144-. (Editor's Note: Removed by Councilmember Sherman and placed under New Business).~~

6. Motion is to authorize City staff to advertise the bid for the Marine View Drive Slide Repair Project construction.

7. ~~Draft Ordinance No. 98-131 – Title: An Ordinance of the City Council of the City of Des Moines, Washington relating to the incurrence of indebtedness; providing for the sale and issuance of \$1,225,000 limited tax general obligation bonds, 1998, to provide funds to pay part of the costs necessary to purchase certain real property in the City for the development of a senior center, recreational facilities and/or other City purposes; providing for the date, denominations, form, terms, registration privileges, maturities, interest rates and covenants of the bonds; providing for the annual levy of taxes to pay the principal of and the interest on such bonds; establishing a debt service fund and a project account for the bonds and providing for the sale and delivery of such bonds to Seattle-Northwest Securities Corporation, Seattle, Washington.~~

~~TWO MOTIONS: First motion is to suspend Council Rule 26b. Second motion is to approve Draft Ordinance No. 98-131-. (Editor's Note: Removed by Councilmember Wasson and placed under New Business).~~

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

Item No. 5 was removed by Councilmember Sherman.

Items Nos. 4 and 7 were removed by Councilmember Wasson.

VOTE ON AMENDED MOTION: Motion passed unanimously.

NEW BUSINESS

Draft Resolution No. 98-124 [Assigned Res. No. 845] – 1998 Haunted House

City Manager Olander recommended authorizing the 1998 and 1999 Haunted Houses as the building was not currently used for any other purpose.

MOTION was made by Councilmember Towe and seconded by Mayor Pro Tem Brazil to adopt Draft Resolution No. 98-124 with a modification to cover both 1998 and 1999.

City Manager Olander confirmed that the proceeds of the Haunted House were currently set aside for maintenance and/or restoration of the building and Sun Home Lodge.

Mayor Thomasson recommended that Section 9 of the draft ordinance be amended as the fund is already established.

City Attorney McLean read the title into the record.

VOTE ON MOTION: Motion passed unanimously.

Draft Resolution No. 98-144 [Assigned Res. No. 846] – 1998 Waterland Festival

Councilmember Sherman questioned whether locating the arts and crafts in the Beach Park would damage the park grounds, cause crowding, or interfere with fireworks viewing.

Park and Recreation Director Thorell noted that the arts and crafts area would not be constructed until after the fireworks were over. She did not feel that pedestrian traffic would significantly damage the area.

Harbormaster Dusenbury noted that the past location of the arts and crafts booths created an unsafe condition for pedestrians and vehicles. By locating the booths in the Beach Park, this situation would hopefully be eliminated.

Councilmember Sherman questioned whether the Chamber of Commerce would be responsible for damage to the area.

The Chamber of Commerce Director agreed to address the Chamber Board regarding this issue during their next meeting.

City Manager Olander noted that specific details could be negotiated with the Chamber of Commerce separate from the authorization resolution.

MOTION was made by Councilmember Kaplan, seconded by Councilmember Sheckler, and passed unanimously to adopt Resolution No. 846.

Draft Ordinance No. 98-131 *[Assigned Ordinance 1214]* – 1998 Limited Obligation Bond Sale
MOTION was made by Mayor Pro Tem Brazil and seconded by Councilmember Towe to suspend Council Rule 26(b).

VOTE ON MOTION: Motion passed, 5 – 2, with Councilmembers Kaplan and Wasson opposed.

MOTION was made by Councilmember Towe and seconded by Councilmember Sheckler to enact Draft Ordinance No. 98-131.

Judy Andrews from Seattle-Northwest Securities Corporation confirmed that the draft ordinance was before Council as the Seattle Times had failed to publish Ordinance No. 1209. Draft Ordinance No. 98-131 would cure the publication error.

Councilmember Wasson stated his opposition to the sale of bonds to purchase property due to the outcome of the previous vote of the citizens.

VOTE ON MOTION: Motion passed, 5 – 2, with Councilmembers Kaplan and Wasson opposed.

OLD BUSINESS

Draft Ordinance Nos. 98-151 *[Assigned Ord. No. 1215]* & 98-152 *[Assigned Ord. No. 1216]* -
Street Vacation: 11th Avenue South Between South 251st/252nd Streets, and a Portion of South
251st Street

Councilmember Sherman excused himself from the discussion.

In response to the concerns presented in Richard Kennedy's letter, Public Works Director Heydon noted that the legal description included one half of the vacated alley.

City Attorney McLean explained that the property dedication language was consistent with the language used in prior quiet title agreements.

MOTION was made by Councilmember Kaplan, seconded by Councilmember Sheckler, and passed unanimously to suspend Rule 26(b) in order to enact Draft Ordinance No. 98-151 on the first reading.

MOTION was made by Councilmember Kaplan and seconded by Councilmember Sheckler to enact Draft Ordinance No. 98-151.

In response to Councilmember Towe's questioning, Public Works Director Heydon recommended that the City preserve its flexibility in order to maintain existing utilities and meet future needs.

City Attorney McLean added the following language to the end of Section 2(2) of both draft ordinances:

“... and confirming dedication of all remaining rights-of-way not vacated herein.”

VOTE ON MOTION: Motion passed unanimously.

MOTION was made by Councilmember Kaplan, seconded by Councilmember Wasson, and passed unanimously to suspend Rule 26(b) in order to enact Draft Ordinance No. 98-152 on the first reading.

MOTION was made by Councilmember Wasson, seconded by Mayor Thomasson, and passed unanimously to enact Draft Ordinance No. 98-152.

At 9:08 p.m., Mayor Thomasson declared a ten minute break.

PUBLIC HEARING

Draft Resolution No. 98-143/Assigned Res. No. 847/ - Request for Property Tax Reduction Via King County Public Benefit Rating System for Open Space Taxation - File # MP98-013

Senior Planner Ruth informed Council that an application for property tax reduction under the Public Benefit Rating System for real property had been filed with King County. He explained that the program is voluntary and he highlighted King County's rating system. Mr. Ruth then introduced Ted Sullivan of King County's Water and Land Resources Division.

Planning Technician Anderson displayed a map of the area and described its site location and characteristics. She noted that the request was consistent with the Greater Des Moines Comprehensive Plan Conservation Element.

Senior Planner Ruth recommended that Council approve the 1.19 acres for open space taxation as recommended by Ted Sullivan of King County. He noted that the annual financial impact to the City would be \$87.

City Attorney McLean confirmed that no individuals wished to testify. He stated that the issue was a quasi-judicial hearing. No councilmembers were excused.

Upon questioning, Mr. Sullivan explained that, if approved, the legal description for the property would be revised to detail the portion of land in the Public Benefit Rating System Program. He noted that King County would be responsible for monitoring the property.

MOTION was made by Councilmember Sherman, seconded by Councilmember Towe, and passed unanimously to adopt Draft Resolution No. 98-143 to enable King County to consider a request for a reduction of property taxes for 1.19 acres of a two acre property located at 26350 Woodmont Drive under its Open Space Taxation Program; Applicant: Rick King.

MOTION was made by Councilmember Sherman, seconded by Mayor Pro Tem Brazil, and passed unanimously to adopt Findings of Fact identified as Attachment “A” to Draft Resolution No. 98-143.

Draft Ordinance No. 98-129 Textual Revisions to Community Commercial Code (DMMC 18.26) - 1st Reading

Community Development Director Kilgore noted that Council had adopted Community Commercial (C-C) zoning for portions of the Woodmont/Redondo area. She displayed a map of the area and highlighted the C-C zoned properties. Ms. Kilgore noted that modifications of the C-C regulations were necessary to better align them with the land uses in the Woodmont/Redondo community. She briefly reviewed the following recommended modifications:

- Purpose of Classification;
- Permitted Uses;
- Environmental Performance Standards;
- Conditional Uses;
- Unconditional Uses;
- Dimensional Standards;
- General Site Design Requirements; and
- Appeal of Administrative Decisions.

After confirming that no speakers wished to testify, Mayor Thomasson closed the public hearing.

Mayor Thomasson requested that Section 4(1) of the proposed ordinance provide a better definition of public utilities.

Community Development Director Kilgore confirmed that DMMC 18.26.070 and 18.26.090 should also be repealed. She noted that the proposed ordinance would allow for an educational fish hatchery but not a commercial one. In regard to Section 3(3b), Ms. Kilgore explained that the Community Development Director would be given discretion to allow more than one business access within the guidelines set by the Washington State Department of Transportation.

Mayor Thomasson requested that the environmental performance standards also be included in the ordinance.

At 10:00 p.m., Councilmember Sheckler left the meeting.

MOTION was made by Councilmember Kaplan and seconded by Councilmember Towe to pass Draft Ordinance No. 98-129 on to a second reading.

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

VOTE ON MOTION: Motion passed unanimously.

Draft Ordinance No. 98-109 [Assigned Ordinance No.1217] - State Environmental Policy Act (SEPA) Amendments

Planning Manager Loch informed Council that the Department of Ecology had amended the SEPA Rules in response to regulatory reform requirements. He noted that the proposed ordinance would provide reference to the amended WAC provisions and make determinations of significance non-appealable administrative decisions except to Superior Court. Mr. Loch noted that most jurisdictions send determination of significance appeals directly to Superior Court as the SEPA rules give deference to the SEPA official.

After confirming that no speakers wished to testify, Mayor Thomasson closed the public hearing.

Upon questioning, Planning Manager Loch explained that environmentally sensitive areas were now referred to as critical areas in GMA and the zoning code.

City Attorney McLean noted that one purpose of the proposed ordinance was to streamline the development and appeal process.

MOTION was made by Councilmember Kaplan, seconded by Mayor Pro Tem Brazil, and passed unanimously to suspend Rule 26(b).

Planning Manager Loch read the title of the proposed ordinance into the record.

MOTION was made by Councilmember Kaplan, seconded by Councilmember Wasson, and passed unanimously to approve Draft Ordinance No. 98-109.

NEXT MEETING DATE - Study Session June 4, 1998

ADJOURNMENT

The meeting adjourned at 10:22 p.m.

Respectfully submitted,

Angela M. Chafty
Deputy City Clerk