# REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES June 1, 2006

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

PLEDGE OF ALLEGIANCE to the Flag was led by Councilmember White.

ROLL CALL - Present: Mayor Bob Sheckler, Mayor Pro Tem Scott Thomasson, Councilmembers Dave Kaplan, Ed Pina, Carmen Scott, Dan Sherman, and Susan White. Also in attendance were City Manager Tony Piasecki, City Attorney Linda Marousek, Planning, Building, and Public Works Director Grant Fredricks, and Deputy City Clerk Angela Chaufty.

## COMMENTS FROM THE PUBLIC

B.J. Bjorneby, 517 South 212th

Mr. Bjorneby thanked Council for addressing his situation. He asked Council to recognize the uniqueness of some Pacific Ridge properties, such as the grade of the property, that would not fit the area's vision.

Steve Burpee, 405 E Titus, Kent

Based upon his involvement in the commercial real estate industry for over twenty years, Mr. Burpee voiced support for Mr. Bjorneby's comments. Due to the grade of the property, he said that the property would not adequately meet a business's need for exposure.

Mark Johnson, 41025 236th Ave SE, Enumclaw

As an owner of property in Pacific Ridge, Mr. Johnson said that he shared Council's long term vision for the area. He purchased his property after staff had told him that he could lease the land to interim tenants. Mr. Johnson asked Council to allow him to rent his property on an interim basis while he accumulated the money to finance a project in keeping with the vision for the area.

Russ Phillips, 22002 Pacific Highway South

On behalf of Mr. Johnson and E Z Rent-A-Car, Mr. Phillips said that his company wished to lease Mr. Johnson property until the airport facility was completed, approximately three years. He said that a vacant lot was not in the best interest of the City or Mr. Johnson. Locating a business on the property would deter crime and create jobs. Mr. Phillips asked for approval of his business license application.

## DISCUSSION ITEMS

Car and Boat Show Admission Fee – Reconsideration

Councilmember Pina recommended that Council reduce the admission fee for the Car and Boat Show from $4 to $2 for the following reasons:

- The Tacoma Car Show was an invitational event, thus justifying a $12 admission fee.
- Several car shows do not charge an admission fee.
- A flyer distributed by John L. Scott advertised the event as having a $2 admission fee.

**MOTION** was made by Councilmember Pina and seconded by Councilmember White to set the admission fee back to $2.

Councilmember Sherman stated that the additional money was needed to cover the City's expenses. He said that Council was not responsible for incorrect information on the flyers.

Due to the publicity error, Councilmember Scott said that she would support the motion but that Council should review the admission fee for the event next year.

**VOTE ON MOTION**: Motion passed, 5 – 2, with Mayor Pro Tem Thomasson and Councilmember Sherman opposed.

Sound Transit Phase 2

Office of Policy and Planning Department of Sound Transit South Corridor ST2 Project Lead Eric Chipps informed Council that Sound Transit's long range plans include the completion of a light rail system between Tacoma, Seattle, and Everett (ST2 Plan). Information regarding potential projects and anticipated costs were available at Sound Transit's website. Mr. Chipps displayed a map of potential routes. He noted that the extension of light rail from the South 200th Street station to Kent-Des Moines Road along SR 99 was a representative project for costing purposes only. Other alignments were possible and would be explored. Mr. Chipps identified the following future steps of the project:

- Review project scope.
- Board selects draft ST2 Plan.
- Collect public input and comments.
- Board approves final plan.
- Voters approve the plan.
- Perform EIS and work with local jurisdictions to develop alternatives.
- Board selects preferred alternative.
- Perform final design and engineering.
- Begin construction.

Mr. Chipps confirmed that his team was coordinating their project with the WSDOT 509 Extension team. In response to Mayor Pro Tem Thomasson's questioning, Mr. Chipps said that the current project was more conservative in its approach compared to the previous Sound Transit project. He confirmed that he was aware of the City's plans for Pacific Ridge and Council's direction to look at I-5 rather than SR 99 as a possible route.

Mayor Pro Tem Scott commented that, if the Board's intention was to build jurisdictional support, they were off to a bad start by not using the preferred route as the model.

Mr. Chipps noted that MVET taxes were not eligible for Phase 2. He said that he would provide Mayor Pro Tem Thomasson with information regarding the subsidization of Sound Transit's heavy rail program.

Councilmember Pina noted that a Kent-Des Moines Road station would support the City's work to develop the downtown and Pacific Ridge areas.

Councilmember Sherman noted that, when the voters supported the light rail project, it included a link between Seattle and Tacoma. He hoped that the completion of the link would get priority over a newly conceived link such as to the Eastside. Councilmember Sherman voiced his support for locating the light rail on the I-5 corridor. He said that the Kent-Des Moines Road Park and Ride might provide an opportunity for a multi-modal station. Councilmember Sherman said he was disappointed the First Hill station project had been removed as it would have connected the area's medical region.

Councilmember Kaplan said that Sound Transit should study the Comprehensive Plans of the surrounding jurisdictions. He voiced support for an I-5 alignment, a Kent-Des Moines Road station, and an east/west connection between Kent and Des Moines.

Pacific Ridge Vision and Code

City Manager Piasecki introduced the subject. He clarified that staff would issue a determination regarding Mr. Johnson's issue soon and that Mr. Bjorneby wished to have a use in his building that was currently not allowed in the Pacific Ridge area.

Mayor Pro Tem Thomasson stated his understanding of the argument for an interim use but recommended that a phase out plan also be identified. He said that it might be premature for Council to address Mr. Johnson's issue since administration had not completed its process.

Councilmember White said that she did not believe Pacific Highway South would be a walkable community. She voiced support for readdressing the area's vision. Councilmember White stated that Council should consider the current market and recognize that car dealerships located in some areas could be a source of economic revenue for the City.

Councilmember Sherman felt that the current vision was still good and should be maintained. He stated that it was better for the City to have property occupied rather than vacant. Councilmember Sherman said that he could support some extension of existing uses but he did not want to add new uses. He recommended that some accommodation be made to keep property active, alleviate crime, and add revenue to the City.

Councilmember Scott voiced agreement with Ravenhurst Development's recommendations that the development standards should be appropriate for the current market and be applicable for the next five to ten years. She supported a review of the vision including the review of permitted building heights. Councilmember Scott did not want to take any action that would make it impossible for people with current investments in the area to make a reasonable use of their property now. The rules should create an incentive for higher use later.

Mayor Sheckler voiced agreement with Councilmember Sherman's comments. He said that there were properties with unique characteristics in the area that warranted consideration. He asked staff to identify Council's options, should they be willing to consider a conditional use provision.

Councilmember Pina said that he did not wish to change the vision for Pacific Ridge but he understands that property owners need time to afford the vision. He voiced support for a three year conditional use. In regard to the Bjorneby property, Councilmember Pina said that the land could become the basement of a high rise.

City Manager Piasecki said that the current code does not allow conditional or limited type use permits in the Pacific Ridge area.

City Attorney Marousek suggested that the City Manager brief Council on staff's final interpretation of the Code at a later meeting.

Mayor Pro Tem Thomasson stated that the Code should clarify abandonment or cessation of non-conforming uses.

EXECUTIVE SESSION

At 9:00 p.m., Mayor Sheckler announced a ten-minute break to be followed by a fifteen-minute executive session.

City Attorney Marousek announced that the purpose of the executive session was to discuss with legal counsel representing the City litigation or potential litigation to which the City was, or was likely, to become a party and about which public knowledge regarding the discussion was likely to result in an adverse legal or financial consequence to the City pursuant to RCW 42.30.110(1)(j).

Present: Mayor Sheckler, Mayor Pro Tem Thomasson and Councilmembers Kaplan, Pina, Scott, Sherman and White (arrived at 9:20 p.m.). Also present were City Manager Piasecki and City Attorney Marousek.

No formal action was taken.

At 9:26 p.m., the executive session concluded.

At 9:27 p.m., Council reconvene in open session.

Pacific Ridge Vision and Code, Continued

Mayor Sheckler directed staff to determine methods to grant the considerations of the two parties with the recognition that they are existing non-conforming businesses. He said that the new Councilmembers deserve an opportunity to provide input into the Pacific Ridge vision. He recommended that this be done in a retreat format.

Mayor Pro Tem Thomasson asked staff to confirm the information regarding the adjacent lots and expanded use.

City Manager Piasecki informed Council that he would be meeting with Mr. Johnson on June 2nd. He noted that the Code allows one auto body shop in the area. Bjorneby's Auto Rebuild was currently the auto body shop. He stated his opinion that an auto upholstery business, located within the building, would be allowed. Other uses discussed but not currently allowed would require a Code revision.

Extension and Amendment of the Exclusive License for Collection of Solid Waste with Allied Waste, formerly known as Rabanco Company, dba SeaTac Disposal

City Manager Piasecki introduced the subject. As the current license will expire July 9, 2006, Allied Waste has requested a five year extension. Based upon input from Council and negotiations with Allied Waste, the following changes to the license were proposed:

- Allow for extra yard waste pickups after storm events during the fall and winter months.
  Option 1: Build two additional storm event cleanups into the rates. In the event less than two pickups are conducted in any given year, Allied Waste would build a credit into the following year's rates for the pickup(s) that were not performed.
  Option 2: Collect yard waste after a storm event during the winter months and then place a surcharge on customers' accounts to recover the cost of providing the extra service. Once the costs are recovered, the surcharge ends.
- Provide bulky and e-waste collection services on an on-call basis.
- Switch out on a regular basis those apartment and condominium dumpsters that need repair or painting.
- Add a yard waste cleanup event in the fall at no additional cost.
- Provide a reduced rate for code enforcement cleanups.
- Provide free service to the Field House and Activity Center.

City Manager Piasecki informed Council that Allied Waste has asked the City to consider changing the terms of the license renewal to a continual five year agreement unless the City specifically states its desire to terminate the agreement. Allied Waste has also requested that their 2006 rates be increased higher than the IPD allows in order for them to recover substantial cost increases in fuel, labor and insurance costs. City Manager Piasecki introduced Nels Johnson and Chris Guimond from Allied Waste.

Mr. Johnson informed Council that Allied Waste had recently polled its customers regarding their rates, name change, and service. He briefly highlighted the results. Mr. Johnson noted that the Cedar Hills Landfill was scheduled to close in 2015. He anticipated a reduction in rates once the waste is exported.

Councilmember Sherman asked that the covers be put back on the cans during windy conditions.

In regard to Option 2 of the additional yard waste pick-up proposal, Mr. Johnson explained that the surcharge amount would depend upon the volume of collected waste. In regard to the proposed increase rate for the co-mingling of recyclables, Mr. Johnson said that the increased fee would cover the capital costs for the 96 gallon carts. The 32 gallon containers were manually dumped by the drivers while the 96 gallon containers would be dumped by the trucks.

Councilmember Pina said that he did not prefer adoption of a continual five year agreement.

Mr. Johnson said that the continual agreement would provide certainty for capital purchases and indicate a partnership with the City.

Mayor Pro Tem Thomasson said that it was important to provide Council with a process to address and direct changes in the program.

City Manager Piasecki said that a review of the contract could be schedule annually or every few years.

Councilmember Pina questioned whether a three year rolling contract was possible.

Councilmember Sherman stated his preference for a regular five year contract or a rolling three year contract.

Regarding the recycling issue, Mayor Pro Tem Thomasson commented that the entire City did not need to be converted to the new containers at once.

Councilmember Pina said that he was opposed to an efficiency item for Allied Waste resulting in a higher cost for the City.

NEXT MEETING DATE - Study Session June 1, 2006

ADJOURNMENT

At 10:23 p.m. **MOTION** was made by Councilmember Kaplan, seconded by Councilmember Pina and passed unanimously to adjourn.

Respectfully submitted,

Angela M. Chaufty
Deputy City Clerk

**ACTION ITEM FROM 6/1/06 MEETING**

- Determine methods to grant the considerations of the two parties in the Pacific Ridge area with the recognition that they are existing non-conforming businesses.