REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES June 22, 2006

The regular meeting of the Des Moines City Council was called to order at 7:33 p.m. by Mayor Sheckler in the Council Chambers, 21630 11th Avenue South, #B.

PLEDGE OF ALLEGIANCE to the Flag was led by Mayor Sheckler.

ROLL CALL - Present: Mayor Bob Sheckler, Mayor Pro Tem Scott Thomasson, Councilmembers Dave Kaplan, Ed Pina, Carmen Scott, and Dan Sherman. Absent: Councilmember Susan White. Also in attendance were Acting City Manager Grant Fredricks, City Attorney Linda Marousek, Senior Services Manager Sue Padden, Park and Recreation Director Patrice Thorell, Land Use Planner I Jason Sullivan, Land Use Planner II Denise Lathrop, Capital Improvement Program Project Manager Scott Romano, Assistant City Attorney Richard Brown, and Deputy City Clerk Angela Chaufty.

> **MOTION** was made by Councilmember Pina, seconded by Councilmember Kaplan and passed unanimously to excuse Councilmember White.

COMMENTS FROM THE PUBLIC

Daniel White, 20911 7th Place South

> Mr. White asked Council to change the City's Code to protect residents' views.
>
> Mayor Sheckler said that he would have a staff member contact Mr. White to discuss the issue.

Ed Snyder, 17407 7th Place SW, Normandy Park

> On behalf of his daughter, Mr. Snyder asked Council to grant an easement to his daughter in order to enable her to further develop her property. He distributed two pictures illustrating easements in Normandy Park. Mr. Snyder suggested that his daughter's easement be granted as a "test".

BOARD & COMMITTEE REPORTS

Suburban Cities Association

> Councilmember Pina informed Council that the Suburban Cities Association was in the process of identifying their position on various pending King County matters. One of the items, as currently written, would require a minimum of four units per acre and apply to all acreage. Councilmember Pina preferred the County to provide GMA growth projections for the cities and allow the cities to determine whether the zoning in particular areas should be below or above four units. Councilmember Pina asked for Council's direction regarding the issue.
>
> Councilmember Sherman said that Council had previously determined that growth targets should be considered as a whole and the cities should have the authority to decide where specific densities should be located.
>
> Council concurred with this position.

Regarding the shifting of growth within the region, Councilmember Kaplan expressed his position that the current pattern of growth should be maintained.

Councilmember Sherman stated his preference for concentrating growth in major metropolitan areas as greater densities in specific areas would reduce transportation costs.

King County Regional Automated Fingerprinting Identification System Upgrade

Councilmember Pina informed Council that the King County Regional Automated Fingerprinting Identification System was in need of upgrading. The County was studying the possibility of establishing a permanent levy or adopting a $0.053/$1,000 multi-year levy lid lift to meet future funding needs. Councilmember Pina asked for Council's direction on the options as the issue would be voted on in July.

Councilmember Sherman asked that Councilmember Pina send Council additional information regarding the funding options so that direction could be provided.

Municipal Facilities Committee

Councilmember Sherman announced that the committee would continue discussion of the Marina Master Plan on July 9, 2006.

Environment Committee

Mayor Pro Tem Thomasson reported that the committee had met to review and discuss the wetland and stream classification system.

COUNCILMEMBER COMMENTS

Ribbon-Cutting Events

Councilmember Scott noted that she had participated in the ribbon-cutting events for Safeway and Des Moines Farmers Market on June 17, 2006.

Mayor Sheckler noted that the Farmers Market had a website which provided information regarding the availability of specific produce.

Activity Center

Councilmember Scott said that the new patio and trellis at the Activity Center was very attractive.

Response to Comments From the Public – Daniel White

Councilmember Sherman noted that he was concerned about property values being affected by construction on surrounding properties. He said that the Comprehensive Plan included a statement stating that construction in residential zones shall occur in a manner to minimize blockage of views. Councilmember Sherman agreed that Council should consider the matter. As new zoning laws are considered, he encouraged Council to consider the impact on residents.

Mount Rainier Baseball Team

Mayor Pro Tem Thomasson congratulated Mount Rainier Baseball Team on their fourth place finish in the State competition. He encouraged Council to intentionally recognize youth who represent the City in athletic and academic events.

Highline Community College Communication

Councilmember Kaplan suggested that Council conduct a retreat with Highline Community College representatives in order to improve communication. He said that there were several issues which both groups should work jointly to support and address impacts.

ADMINISTRATION REPORTS

Comments Regarding Maslow Plat

Acting City Manager Fredricks reminded Council that comments or questions regarding the Maslow Plat should be submitted to staff by June 23, 2006.

Annual Report from Senior Services Advisory Committee

Senior Services Manager Padden introduced Rena Hamburger, Don Harper, and Mack VanWyk of the Senior Services Advisory Committee.

Mr. VanWyk complimented the efforts of the groundskeepers of the Steven J. Underwood Park. He then described the demographics of the Senior Center participants.

Mr. Harper informed Council that the Senior Center provides services that help seniors stay independent and in their homes, provides a safe community, promotes a healthy and active lifestyle, provides referral and support for families and caregivers, and empowers seniors in consumer choices.

Ms. Hamburger cited the activity participation statistics for the Senior Center.

Councilmember Sherman said that he was proud of the Des Moines Senior Center and Council's support of the center.

Councilmember Kaplan thanked the volunteers who made the programs possible.

CONSENT CALENDAR was read by Deputy City Clerk Chaufty.

1. Motion is to approve the special minutes of May 13, 2006.
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 42.24.090, 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 checks #104516 through #104684 & electronic fund transfers in the total amount of $952,080.24
   Payroll fund transfers in the total amount of $372,590.29

3. ~~Motion is to remand to the City Council Finance & Economic Development Committee the following items: Study of the need for a residential property maintenance code, a Derelict Property Abatement Revolving Fund, and an ordinance regulating garage sales.~~
4. ~~Motion is to approve an additional $2,500 in contingency funds for the Marina Electrical Systems Upgrades Project and direct the staff to make the necessary budget adjustments and bring them back to Council for approval at the appropriate time.~~
5. Motion is to purchase 609 square feet of land from Richard and Song Voeller in the amount of $5,600 plus closing costs, to authorize the City Manager to sign the payment request substantially in the form as submitted, and accept the right-of-way on behalf of the City of Des Moines.
6. Motion is to purchase a slope easement of 440 square feet of land from Michael and Susan McQueary in the amount of $5,100 plus closing costs, to authorize the City Manager to sign the

payment request substantially in the form as submitted, and to accept the slope easement on behalf of the City of Des Moines.

7. Motion is to authorize payment of registration and travel expenses for Mayor Sheckler to attend the National League of Cities Conference in Reno, December 5-9, 2006.

~~8. Motion is to approve the Interlocal Agreement for Mount Rainier Pool for years 2007 through 2009 by Mount Rainier Pool Contributors and Mount Rainier Pool Owners and authorize the City Manager to sign the agreement substantially in the form as submitted.~~

~~9. Motion to approve the professional services contract supplement No. 14 with INCA Engineers, Inc. in the amount of $8,023.61, respectively, and to authorize the City Manager to approve the supplement substantially in the form as submitted.~~

In regard to Item No. 3, Councilmember Sherman urged the committee to consider whether existing codes and laws could be used more effectively to address the needs. He noted that King County had recently adopted a law regarding rodents.

In response to Councilmember Sherman's questioning regarding Item No. 8, Park and Recreation Director Thorell informed Council that the YMCA pool was scheduled to open in June, 2009.

Councilmember Kaplan pulled Item No. 8.

Mayor Pro Tem Thomasson pulled Item Nos. 3, 4, and 9.

MOTION was made by Mayor Pro Tem Thomasson, seconded by Councilmember Sherman and passed unanimously to approve the consent calendar as amended.

REMOVED CONSENT CALENDAR ITEMS

2007-2009 Draft Interlocal Agreement for Mount Rainier Pool by Mount Rainier Pool Contributors and Pool Owners

Councilmember Kaplan recognized the importance of the pool but expressed concern that the City assumed the obligation during a time of on-going budgetary concerns that still need to be addressed. Councilmember Kaplan stated that he would vote "No" on this issue as he felt the pool was not as high a financial priority as some other needs of the City.

MOTION was made by Councilmember Sherman and seconded by Councilmember Pina to approve the Interlocal Agreement for Mount Rainier Pool for years 2007 through 2009 by Mount Rainier Pool Contributors (MRPC) and Mount Rainier Pool Owners (Pool Owners), and authorize the City Manager to sign the agreement, substantially in the form as submitted.

Councilmember Scott voiced support for the motion as the City had previously taken on the responsibility and no other alternatives existed at this time.

Mayor Pro Tem Thomasson asked staff to clarify whether this would be an on-going fund during the budget process.

VOTE ON MOTION: Motion passed, 5 – 1, with Councilmember Kaplan opposed.

Items and Issues to be Remanded to City Council Committees

Mayor Pro Tem Thomasson said that the agenda packet did not provide information concerning why a particular issue was important. He stated that he could support the study of derelict property legislation if it addressed abandoned property. Regarding proposed garage sale regulations, Mayor

Pro Tem Thomasson stated that he had only received one complaint regarding garage sales during his tenure as Councilmember. He did not believe the issue had risen to a level that Council needed to address. Mayor Pro Tem Thomasson questioned whether existing home occupation laws might adequately address the issue. Mayor Pro Tem Thomasson said that he was unsure of what was intended by the proposed residential property maintenance code and stated his position that government should not dictate the mowing of lawns.

MOTION was made by Councilmember Kaplan and seconded by Councilmember Scott to remand to City Council committees the following items: To the Finance and Economic Development Committee: Study of the need for a residential property maintenance code, a Derelict Property Abatement Revolving Fund, and an ordinance regulating garage sales.

In regard to the proposed property maintenance code, Councilmember Pina commented that single-family rentals could affect the property value of surrounding neighborhoods.

Councilmember Kaplan said that the committees' workloads needed to be prioritized. He supported the topics being sent to Committee for further study.

Councilmember Sherman noted that the City was not a gated community. He questioned whether there were existing rules that could be enforced to address these concerns.

VOTE ON MOTION: 5 – 1, with Mayor Pro Tem Thomasson opposed.

Request for an Additional $2,500 in Contingency Funds for the Electrical Systems Upgrades Project

Mayor Pro Tem Thomasson said that he was not opposed to the motion but said that Council should receive an accounting of the change order.

MOTION was made by Councilmember Kaplan and seconded by Councilmember Scott to approve an additional $2,500 in contingency funds for the Electrical Systems Upgrade Project and direct staff to make the necessary budget adjustments and bring them back to the Council for approval at the appropriate time.

Councilmember Kaplan noted that the adjacent property owner had requested an extension.

Councilmember Sherman agreed that Council should be informed how the previous contingency funds were spent.

VOTE ON MOTION: Motion passed unanimously.

Marine View Drive Bridge/Des Moines Memorial Park Consultant Supplement

Mayor Pro Tem Thomasson questioned whether the Capital Improvement Program (CIP) Project Manager could perform the work.

Acting City Manager Fredricks said that the CIP Project Manager did not have the time nor the expertise to do the work.

Park and Recreation Director Thorell confirmed that the project did not include a seeding wall.

MOTION was made by Councilmember Kaplan, seconded by Councilmember Sherman, and passed unanimously to approve the professional services contract supplement No. 14 with INCA Engineers, Inc. in the amount of $8,023.61, respectively, and to authorize the City Manager to approve the supplement substantially in the form as submitted.

At 8:55 p.m., Mayor Sheckler declared a ten-minute break.

OLD BUSINESS

Draft Resolution No. 05-231 ***[Assigned Res. No. 1014]*** Highline Community College Shoreline Conditional Substantial Development Permit

Mayor Sheckler introduced the subject.

MOTION was made by Mayor Sheckler and seconded by Councilmember Kaplan to approve Draft Resolution 05-231 approving Highline Community College's Shoreline Conditional Substantial Development Permit.

Councilmember Sherman said that, in his opinion, approval of the resolution would be a special consideration for one party because a special amenity was provided to the community. Councilmember Sherman stated that he was not pleased with the situation but he was happy to see that, if there was any increase in activity, certain parking requirements must be met.

Councilmember Pina said that he did not believe Council was handling the situation uniquely.

Land Use Planner I Sullivan confirmed that the project must comply with the City Code's parking requirements.

Councilmember Kaplan said that the facility would be an asset to the community. The parking issues in the Redondo area should be addressed by Council.

VOTE ON MOTION: Motion passed unanimously.

Consent to Construct Agreement with Midway Sewer District for Placement of Puget Sound Energy & Qwest Utilities

Acting City Manager Fredricks introduced the subject.

MOTION was made by Councilmember Kaplan and seconded by Councilmember Pina to enter into the Consent to Construct Agreement with Midway Sewer District to cover construction of facilities by PSE and Qwest over Midway Sewer District lines within Midway's easement on City property for the Pacific Highway South Redevelopment Project.

Mayor Pro Tem Thomasson stated that he strongly disagreed with the motion as the City would be assuming a liability they were not required to take. Nothing precludes the City, as the owner, from granting another easement. Mayor Pro Tem Thomasson said that the City had no obligation to protect one utility from another utility.

Councilmember Pina stated his understanding that the agreement had been made verbally previously. He felt that the City should not change their position at this time.

Councilmember Kaplan noted that the Public Safety and Transportation Committee had reviewed the subject. He said that the City should fulfill its obligation.

Councilmember Sherman agreed. He questioned whether the City, as the owner of the easement, had the right to grant an easement above the sewer pipes. He also questioned whether the City would be responsible for the cost of moving the facilities if the sewer pipes ever needed to be accessed.

Acting City Manager Fredricks informed Council that the general policy was to keep utilities separate in order to avoid similar situations.

City Attorney Marousek advised that, to the extent the City was the owner of the easement and has said that it is non-exclusive, it would be difficult to argue that the City had not interfered with the basic underlying purpose of the easement.

In response to Mayor Pro Tem Thomasson's questioning, CIP Project Manager Romano explained that the agreement applied to the five structures only, (three PSE facilities and 2 Qwest facilities).

Mayor Pro Tem Thomasson recommended that a map be attached to the agreement for clarification purposes.

Councilmember Sherman agreed that the map should be attached to the agreement.

As maker and seconder of the motion, Councilmembers Kaplan and Pina accepted the recommendation as a **friendly amendment**.

VOTE ON MOTION: Motion passed, 5 – 1, with Mayor Pro Tem Thomasson opposed.

NEW BUSINESS

Best Available Science Presentation Relating to Critical Areas Ordinance Update - Department of Ecology

Land Use Planner II Lathrop stated that the purpose of the agenda item was to brief Council on the Best Available Science as it relates to the update of the City's critical area regulations. She introduced Richard Robohm from the Department of Ecology.

Using a PowerPoint presentation, Mr. Robohm informed Council of the DOE's four-tiered wetland rating system. The system assessed wetland functions in three main groups: habitat, water quality improvement, and hydrologic functions. Mr. Robohm said that a wetland's type and function, intensity of impacts from land use, and the character of the buffer should be considered when determining buffer widths. He presented the following alternatives for regulating buffers:

1. Buffers based on category rating only.
2. Buffers based on category rating and intensity of impacts.
3. Buffers based on category rating, intensity of impacts, and wetland functions or sensitivity.

Mr. Robohm said that the goal was not to eliminate nonconforming uses but to avoid increasing them.

Councilmember Kaplan said that the Environment Committee had reviewed surrounding jurisdictions' models and only CTED had a particular model that was not consistent with more recently adopted ordinances.

Mr. Robohm said that he would send an e-mail to Leonard Bower, the manager of Growth Management at CTED, to remind them that their models needed to be revised. He would also send staff DOE's informal guidelines regarding the filling-in of wetlands.

At 10:25 p.m., **MOTION** was made by Councilmember Pina, seconded by Councilmember Kaplan, and passed unanimously to extend the meeting to 10:45 p.m.

Code Enforcement Code Changes - Draft Ordinances No. 06-143 ***[Assigned Ord. No. 1381]*** Amending Solid Waste Disposal & Collection, No. 06-144 ***[Assigned Ord. No. 1382]*** Amending Graffiti Ordinance, & No. 06-145 ***[Assigned Ord. No. 1383]*** Amending Enforcement of Zoning Code

Acting City Manager Fredricks introduced the subject.

In response to Councilmember Pina's questioning, Assistant City Attorney Brown explained that the level of infraction would be defined by the offense.

MOTION was made by Councilmember Kaplan and seconded by Mayor Pro Tem Thomasson to suspend rule 26(b) in order to enact Draft Ordinances Nos. 06-143, 06-144, and 06-145 on the first reading. **VOTE ON MOTION**: Motion passed, 5 – 1, with Councilmember Pina opposed.

MOTION was made by Councilmember Kaplan, seconded by Mayor Sheckler, and passed unanimously to enact Draft Ordinance No. 06-143.

MOTION was made by Councilmember Kaplan, seconded by Mayor Sheckler, and passed unanimously to enact Draft Ordinance No. 06-144.

MOTION was made by Councilmember Kaplan, seconded by Mayor Pro Tem Thomasson, and passed unanimously to enact Draft Ordinance No. 06-145.

Acting City Manager Fredricks read the titles of the ordinances into the record.

NEXT MEETING DATE - Study Session July 6, 2006

ADJOURNMENT

At 10:36 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 6/22/06 MEETING

- Contact Mr. White to discuss his concerns regarding view preservation.