

REGULAR MEETING OF DES MOINES CITY COUNCIL

MINUTES

June 27, 1996

The regular meeting of the Des Moines City Council was called to order by Mayor Pro Tem Brazil at 7:38 p.m. in the Council Chambers, 21630 11th Avenue South.

PLEDGE OF ALLEGIANCE to the flag was led by VFW Post #10434.

ROLL CALL - Present: Mayor Pro Tem Terry Brazil, Councilmembers Bob Sheckler, Dan Sherman, Gary Towe and Don Wasson. Absent: Mayor Scott Thomasson (work commitment) and Councilmember Bruce Roberts (vacation). 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, Lieutenant John O'Leary, Planning Manager Corbitt Loch, Assistant City Engineer Loren Reinhold, Building Official Mary Kate Gaviglio, Community Service Officer Shelley Miell, and Deputy City Clerk Angela Chaufy.

MOTION was made by Councilmember Sheckler, seconded by Councilmember Sherman, and passed unanimously to excuse Mayor Thomasson and Councilmember Roberts from attendance.

CORRESPONDENCE

Potential Annexation Area Request

City Manager Olander read a letter from Alex Deriugin and Lou Gerrity, residents of the Upper Redondo area, requesting that the City Council consider annexing an unincorporated area of King County.

Council concurred to place the issue on the next available agenda.

COMMENTS FROM THE PUBLIC

Robin Pratt, 15116 8th Avenue NE, Seattle

Ms. Pratt requested that Council amend the RS zoning code to include Bed and Breakfasts. She noted that she would like to establish a Bed and Breakfast in a RS zoned area.

Mayor Brazil referred the issue to staff for recommendation.

Gene Achziger, 28708 Sound View Drive, Kent

In regard to New Business Item #2, Mr. Achziger noted that revisions to the map are needed. He requested that the unincorporated area commonly referred to as "the Triangle" be given the right to choose which city they would like to join.

Nancy Nelson, 27606 16th Ave S, Kent (Work)

Ms. Nelson reiterated that the triangle area would like to be given the opportunity to choose which city to join.

Judy Holm

As owner of North Hill Espresso, Ms. Holm asked council to consider a variance allowing outdoor seating at her business. She noted that 340 customers had signed a petition requesting outdoor seating.

City Manager Olander noted that the Community Development Director would work with Ms. Holm to determine the proper procedure to follow.

Anthony Spain

Mr. Spain, Music Director for the Northwest Symphony Orchestra, noted that he is visiting the four Highline area City Councils and requesting an annual commitment of \$2,000 to the orchestra. He stated that the orchestra hopes to utilize the Highline Performing Arts Center facility and offer 100 complimentary tickets for local students each year.

Earline Byers, 22315 6th Avenue South

On behalf of Library Board Chairman Bob Nichols, Ms. Byers requested that a Councilmember volunteer to attend the Library Board meetings.

Lew Anderson, 1650 South 244th Place

Mr. Anderson congratulated the Des Moines Police Department on their Special Olympics' fund raising efforts. He also requested that Council take the time to review the regulatory reform issue section by section. He also stated that charging 150% for anything is not right and will cause others to suffer.

BOARD & COMMITTEE REPORTS

Public Safety & Transportation Committee

Councilmember Sherman reported that the committee had met to review the Six Year Arterial Maintenance Plan and CIP.

Senior Services Advisory Committee

Mayor Pro Tem Brazil noted that the committee had met with King County Councilmember Pete von Reichbauer and a representative from Chris Vance's office to discuss 1997 King County funding for senior services.

Suburban Cities Association

Mayor Pro Tem Brazil noted that an audit of Suburban Cities Association had been conducted. He will circulate to Council the resulting document suggesting a restructuring of the organization.

Association of Washington Cities Conference

Mayor Pro Tem Brazil informed Council that a new District has been formed. This will cause a significant change in AWC representation.

Municipal Facilities Committee

Mayor Pro Tem Brazil reported that the Marina Facility Master Plan has been reviewed by the committee. The plan will be reviewed by the full council in August.

ADMINISTRATION Reports

Briefing: Community First Initiatives & Crime Prevention - Police Department

Lieutenant John O'Leary informed Council that the primary role of the Community Service Officers is crime prevention education. He introduced Community Service Officer Lead Shelley Miell.

Officer Miell informed Council of the formation and effectiveness of Block Watch Group 9601.

Mayor Pro Tem Brazil presented certificates of appreciation to Block Watch Group 9601 captains. Officer Miell distributed "We Took Our Neighborhood Back" buttons to all Block Watch participants.

City Manager Olander encouraged all residents interested in forming a Block Watch for their neighborhood to contact the police department.

Presentation by South King County Housing Forum: Regional Approach to Affordable Housing

Jack Kniskern, a member of the South King County Housing Forum, introduced Michael Rossotto, coordinator for South King County Housing Forum.

Mr. Rossotto requested that Des Moines join with other South King County cities to sign an interlocal agreement forming a regional entity for low and moderate income housing in South King County by the end of 1996. He distributed and reviewed a briefing packet describing the purpose and benefits of forming a regional entity. He cited ARCH as an example of an existing successful regional housing entity.

Shirley Thompson, SeaTac City Councilmember, informed Council of the reason affordable housing is important to her. She urged Council to read and approve the proposed resolution. She expressed hope that a Southend regional entity for low and moderate income housing be formed.

At Council's request, City Manager Olander scheduled the issue for a later study session.

U.S. Department of Justice Grant

City Manager Olander announced that the City of Des Moines and its police department had received a \$177,000 grant for community policing partnerships and problem solving initiatives focusing on domestic violence.

CONSENT CALENDAR was read by Deputy City Clerk Chafty.

1. Motion is to approve the minutes of a special meeting on April 25, 1996 and the regular meeting of May 23, 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 #51753 through #52142 in the total amount of \$623,362.48
Payroll fund transfers in the total amount of \$327,396.27

3. Motion is to award the construction contract for the 31st Avenue Block Grant project to RAM Inc., in the amount of \$63,769.55, plus a 7% contingency and to further authorize the City Manager to sign.
4. Motion is to award the contract for professional engineering services for the 10th Avenue South Arch Culvert design to R.W. Beck in the amount of \$101,522 plus a 10% contingency, and further to authorize the City Manager to sign said contract.

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

At 8:40 p.m., Mayor Pro Tem Brazil announced a ten minute break.

PUBLIC HEARING CONTINUED

Draft Ordinance No. 96-002 - Regulatory Code Amendments

Mayor Pro Tem Brazil reopened the public hearing.

City Attorney McLean reviewed Council's progress to date and read the rules for conducting a public hearing.

Community Development Director Kilgore informed Council that the Planning Agency had reviewed the draft ordinance. She asked Council for direction regarding the role of the Planning Agency and whether to include language allowing the expediting of the permit process.

Planning Manager Loch informed Council of the current public hearing process. He described the following land use hearing alternatives available to Council:

- Hearing Examiner holds hearing and makes decision. Decision is appealable to Council.
- Planning Agency holds hearing and makes decision. Decision is appealable to Council.
- Planning Agency holds hearing and makes recommendation to Council. Closed record decision is made by Council.
- Public meeting is held by Planning Agency. Planning Agency makes recommendation to Council. Council holds public hearing and makes decision.
- City Council holds hearing and makes decision.

SPEAKERS

Bruce Young, 24719 15th Avenue South

As a member of the Planning Agency, Mr. Young requested that hearing responsibilities be awarded to the Planning Agency. He felt that the Agency was better able to focus on land use requests and could devote more quality time to the issues than the Council. Mr. Young stated that citizens tend to be more comfortable with citizen involvement within the government process. He felt that decisions made at the lowest possible level were the most efficient.

Dave Peterson, 20928 4th Place South

Planning Agency member Dave Peterson concurred with Mr. Young's comments.

Mike Regeimbal, 1029 South 272nd

On behalf of the Chamber of Commerce, Mr. Regeimbal stated that the establishment of a 150% expediting fee was bad policy. Recognizing that the draft ordinance listed the proper statutes, he requested that the ordinance also include language clearly mentioning the 120 day provision and that all decisions are appealable to Council. He also requested that Council be allowed greater latitude while hearing an appeal of a Hearing Examiner's decision.

Mayor Pro Tem Brazil called for additional speakers. None responded.

City Attorney McLean noted that Section 24 of the draft ordinance incorporates language referring to the 120 day limit. He stated that Hearing Examiner appeal procedures are consistent with the DMMC. He noted that WCIA had submitted a letter stating that city councils could avoid liability by using a Hearing Examiner. In his opinion, the City's code is consistent with WCIA recommendations.

Planning Manager Loch noted that procedures for conducting an appeal of the Hearing Examiner's decision are addressed in the Hearing Examiner section of the DMMC.

Community Development Director Kilgore noted that WCIA advocated the use of a Hearing Examiner as it allows for an objective, professional voice and reduces liability.

In regard to land use training, City Manager Olander noted that WCIA offers training to both Councilmembers and Planning Agency members. Because the Council has more group affiliations than the Planning Agency, he noted that Council might have more training opportunities. Upon questioning, he further noted that land use applicants will be given informational packet material that will include information regarding the 120 day limitation.

Planning Manager Loch noted that the Land Use Study Commission and Washington State Department of Community Trade and Economic Development Committee will review and advise the legislature on the 120 day requirement.

Mayor Pro Tem Brazil closed the public hearing.

Council concurred to move the discussion of this issue to the next available meeting.

At 9:50 p.m., Mayor Pro Tem Brazil announced a five minute break.

NEW BUSINESS

Draft Ordinance No. 96-113 [Assigned Ord. No. 1166] Accepting the Woodmont/Redondo Annexation Effective 1/1/97 -1st Reading

City Attorney McLean introduced the topic and read the title of the proposed ordinance into the record.

MOTION was made by Councilmember Towe, seconded by Councilmember Sheckler, and passed unanimously to suspend Rule 26(b) in order to enact draft Ordinance No. 96-113 on the first reading.

MOTION was made by Councilmember Towe and seconded by Councilmember Sheckler to enact draft Ordinance No. 96-113.

MOTION was made by Councilmember Sherman, seconded by Mayor Pro Tem Brazil, and passed unanimously to amend Section 6 of the proposed ordinance to set the effective date five (5) days after the County adopts and executes the two Interlocal Agreements regarding the Woodmont-Redondo annexation Area which were previously adopted by the Des Moines City Council in its open public meeting on May 23, 1996. Following such event, the ordinance shall be published in accordance with law.

VOTE ON AMENDED MAIN MOTION: Motion passed unanimously.

Interlocal Agreement With Federal Way Regarding Potential Annexation Areas
Council concurred to move this item to a later agenda.

First Draft Park & Recreation Master Plan

Park and Recreation Director Thorell introduced the subject. She noted that the purpose of the Park and Recreation Master Plan was to develop a long range priority plan based upon demand, need, and cost, provide an organizational framework, establish future program guidelines, standards, and funding options, and serve as a tool for future park and recreation planning. She recognized the Park & Recreation Master Plan committee and explained the data collection methods. She then introduced, Norm Landerman and Bob Droll, consultants for the project.

Mr. Landerman noted that the following needs were identified by the user groups:

- There are increasing deficiencies in the facilities.
- There are opportunities to develop partnerships to serve the public better and more efficiently.
- League and individual sport activity needs should be addressed.

He summarized the key person responses as follows:

The city should:

- Improve what we have.
- Develop policy and funding to maintain facilities.
- Develop partnerships to provide services.
- Focus on development of sport facility.
- Provide family oriented opportunities.
- Provide equity in service and management of facilities.
- Develop special events.
- Develop public/private partnerships.

He recommended a standard of 4 acres/1000 people.

Ms. Thorell reviewed the CIP long range priorities for park land acquisition, facilities renovation and repair, park facilities development, and interlocal development projects. She displayed the master plans for the Des Moines Creek Trail, Des Moines Field House Park, Midway Park, Overlook 1 Park, and Parkside Wetlands.

At 10:29 p.m., **MOTION** was made by Councilmember Towe, seconded by Councilmember Sheckler, and passed unanimously to extend the meeting 15 minutes.

City Manager Olander announced that the Draft Master Plan would be discussed in detail at a later meeting. He displayed an overhead illustrating how the Master Plan fits within the budget plan.

City Park Culvert Replacement Project

Assistant City Engineer Reinhold asked Council to amend the SWM CIP to include and finance a needed culvert replacement at Kent-Des Moines Road and 22nd Place South. He displayed a map of the culvert location and gave a brief history of the project. He noted that the requested project would delete the South 220th Bypass Project, Highline Community College culvert replacement project, and Highline Community College detention facility project from the CIP and would reschedule the Barnes Creek Culvert Project to 1997.

MOTION was made by Councilmember Towe and seconded by Mayor Pro Tem Brazil to amend the 1995-2000 SWM CIP projects schedule to include the City Park Culvert Replacement Project and to delete the 220th Street Bypass, and Highline College Detention and Highline College Culvert Replacement Projects from the schedule and to reschedule the Barnes Creek Culvert Project for 1997.

Public Works Director Heydon noted that the original pipe was not designed properly for the load it was required to carry. He noted that the culvert was impossible to maintain in its present condition.

Assistant City Engineer Reinhold noted that Pinebrook Terrace Condominium has expressed interest in contributing to the replacement costs.

VOTE ON MOTION: Motion passed unanimously.

At 10:44 p.m., **MOTION** was made by Councilmember Sheckler and seconded by Councilmember Towe to extend the meeting by an additional ten minutes. Motion passed, 4 - 1, with Councilmember Sherman opposed.

Draft Ordinance No. 96-100 [Assigned Ord. No. 1167] Amending Sound Reduction Standards - 1st Reading

Building Official Gaviglio introduced the proposed ordinance and noted that it would allow some commercial occupancies to comply with reduced sound insulation standards.

MOTION was made by Councilmember Sheckler, seconded by Councilmember Towe, and passed unanimously to suspend Council Rule 26(b) to allow the adoption of draft Ordinance No. 96-100 on the first reading.

MOTION was made by Councilmember Sheckler and seconded by Councilmember Towe to approve draft Ordinance No. 96-100 amending DMMC Chapter 14.

Upon questioning, Community Development Director Kilgore explained that if the use of a building changes, a new building permit must be obtained. The building code applied would be determined by the type of occupancy. If the changed use did not fall under the proposed ordinance, the new owner would need to retrofit the building.

Councilmember Sherman noted that the Council cannot control external noises but can place controls on internal noise. He also recognized that refurbishing is typically more expensive than installing the necessary materials during original construction.

Mayor Pro Tem Brazil read the title of the proposed ordinance into the record.

VOTE ON MOTION: Motion passed, 4 - 1, with Councilmember Sherman opposed.

NEXT MEETING DATE - July 11, 1996

ADJOURNMENT

The meeting adjourned at 10:55 p.m.

Respectfully submitted,

Angela M. Chaufy
Deputy City Clerk