# REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES July 6, 2000

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

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

ROLL CALL - Present: Mayor Scott Thomasson, Mayor Pro Tem Bob Sheckler, Councilmembers Terry Brazil, Dave Kaplan, Dan Sherman, Gary Towe and Don Wasson. Also present were Acting City Manager Tony Piasecki, City Attorney Gary McLean, Planning Manager Corbitt Loch, Public Works Director Tim Heydon, Engineering Technician Steven Chen and Clerk Denis Staab.

## COMMENTS FROM THE PUBLIC

Mary Jane Mauvich, 3312 South 189th Street, SeaTac

Ms. Mauvich addressed Council, representing Pregnancy Aid of Des Moines. She noted that they serve over 3,700 clients with children clothing, newborn baby supplies, furniture, etc. She noted that effective July 1st their president resigned and the group is looking for someone who can take over the administrative duties. She thanked Council for their continued support of this vital service to area residents.

## ADMINISTRATION REPORTS

Water Utility District

Acting City Manager Piasecki informed Council that he attended a Highline Water District Board of Commissioner's meeting yesterday. At that meeting the Commissioners discussed Water District #54's request that Highline Water District take over their District. He advised Council that tonight a joint meeting of the two districts is underway to review a proposed resolution regarding a merger and the City has staff in attendance. He outlined the process the District's would have to follow for such a merger.

City Attorney McLean reminded Council that the subject will be back before Council at the July 13th meeting. He noted that no written material has yet been submitted by either water district.

Acting City Manager Piasecki advised Council that Highline Water District has already gone through the SEPA check list for a merger and has issued a DNS.

Councilmember Kaplan commented that in light of the discussion between the two districts regarding a merger he wondered if it would not be best to postpone discussion on the utility assumption, especially since Highline Water District has indicated that they will be unable to have their legal staff available.

Councilmember Wasson reported that other arrangements have been made and Highline will have legal representation available.

City Attorney McLean announced that City staff has just returned from the utility district meeting where a resolution was proposed, however, no action was taken. He noted that a copy of the proposed resolution will be distributed to Council.

CONSENT CALENDAR was read by City Clerk Staab.

1. Motion is to purchase the privately owned South 214th Street right-of-way between 4th Place South and 5th Place South from Joseph and Melodie Garcia in the amount of $11,700, plus closing costs, and further to authorize the City Manager to sign the purchase and sale agreement substantially in the form as submitted.

2. Resolution No. 00-142 ***[ASSIGNED RESOLUTION NO. 889]*** - 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 2000 Waterland Festival and listing conditions under which such permission is granted.

MOTION is to approve Draft Resolution No. 00-142.

**MOTION** was made by Mayor Pro Tem Sheckler, seconded by Councilmember Towe, to approve the Consent Calendar.

Councilmember Sherman commented that, although he will not pull Item #2, the draft resolution authorizing the 2000 Waterland Festival contains a substantial change in that the Chamber will be allowed to charge for parking, which he does not approve of.

VOTE ON MOTION: Motion passed unanimously.

PUBLIC HEARING

Draft Resolution No. 00-143 ***[ASSIGNED RESOLUTION NO. 890]*** - Six Year Transportation Plan 2001-2006

Public Works Director Heydon advised that each year all cities and counties are required to submit a Six-Year Transportation Improvement Plan to the State. The purpose of the plan is not only to provide a planning tool for the individual agencies, but also to provide a consistent method of coordinating interagency needs and funding requirements. He noted that this proposed plan for the years 2001-2006 is based on the approved City of Des Moines 2000 Capital Improvement Program, other projects suggested by Council, block grant requests and the City's Comprehensive Transportation Plan.

Engineering Technician Chen proceeded to review projects scheduled for the first two years.

In reference to the Neighborhood Traffic Control Program, Councilmember Sherman commented that due to the popularity of the program with citizens, the fact that the improvements are permanent and do not require much police enforcement, Council may wish to increase funds to this program during budget time. He felt this program has great benefits.

Mayor Thomasson declared the public hearing open. As there was no public comments, Mayor Thomasson CLOSED the public hearing.

Motion was made by Councilmember Brazil, seconded by Councilmember Sherman, to approve Draft Resolution No. 00-143.

Mayor Thomasson read the resolution by title into the record.

Councilmember Towe commented on the true amount of City funds involved with project 2: Des Moines Creek Trail Bridge Project and project 4: Pacific Highway South Redevelopment Project. He noted that using the term "local funds" is misleading and creates expectations that we may not be able to fulfill. He requested in the future that a support sheet be brought with the plan detailing where money is coming from, i.e. SWM, Public Works, etc.

Public Works Director Heydon reminded Council that there is no hard financial obligation as the Six Year Transportation Improvement Plan is a planning document, not a budget document.

Councilmember Wasson stated that he cannot support the plan as he feels the Des Moines Creek Trail Bridge Project is a waste of tax payer money.

VOTE ON MOTION: Motion passed 5 to 2 with Councilmembers Wasson and Towe voting NO.

OLD BUSINESS

Pacific Ridge Neighborhood Improvement Plan - Draft Ordinances Numbers. 00-099, 00-101, 99-015 and 00-098 - 2nd Reading

Planning Manager Loch proceeded to review seven issues that Council wished addressed with comments as follows:

DRAFT ORDINANCE No. 00-099:

*Issue No. 1: Whether draft Comprehensive Plan Strategy No. 11-04-18 should be revised.*

**MOTION** was made by Councilmember Sherman, seconded by Councilmember Kaplan, that the amendment of : "11-04-18 Align City and outside resources, including in-lieu multifamily recreation fees, to improve and/or expand recreation opportunities and open space in and near Pacific Ridge. Examples of potential improvements include: a) enlarging Midway Park; b) improving the Sports Park complex adjacent to Pacific Ridge; and c) improving pedestrian connections between these facilities." be adopted. Motion passed unanimously.

*Issue No. 2: Whether the boundary of Pacific Ridge should include the multifamily properties west of Pacific Highway South.*

Councilmember Sherman expressed concern regarding the transition between Pacific Ridge land uses/buildings and residential properties to the west. He suggested that the multifamily properties west of Pacific Highway South be removed from the Pacific Ridge area.

**MOTION** was made by Mayor Thomasson, seconded by Councilmember Kaplan, that the multifamily properties west of Pacific Highway South be deleted from the proposed rezone. Motion passed 4 to 3 with Mayor Pro Tem Sheckler and Councilmembers Towe and Wasson voting NO.

DRAFT ORDINANCE NO. 00-101

*Issue No. 3: Whether the NIP should include a land use plan map that synthesizes the Council's vision for Pacific Ridge.*

**MOTION** was made by Mayor Thomasson, seconded by Councilmember Brazil and passed unanimously, to include a land use plan map in the appropriate section.

*Issue No. 4: Whether 30th Avenue South should be extended.*

**MOTION** was made by Mayor Thomasson, seconded by Councilmember Towe to include the 30th Avenue South in the appropriate ordinance.

Mayor Thomasson noted that the corridor can always be deleted if development does not warrant it, but if it is not designated the opportunity could be lost forever.

Councilmember Towe commented that there is no adequate north/south transportation corridor at this time and he can foresee a real future need.

Councilmember Kaplan felt that a through street is not always an enhancement. He expressed concern as it could be a potential use as light rail if it is noted as a dedicated right-of-way.

VOTE ON MOTION: Motion failed with Mayor Thomasson and Councilmembers Kaplan and Towe voting YES.

DRAFT ORDINANCE NO. 99-015

*Issue No. 5: Whether Pete's Towing should be allowed to expand onto the property to the north.*

Planning Manager Loch informed Council that staff would recommend that any expansion be allowed only upon approval of a Conditional Use Permit. He noted a CUP is handled by the Hearing Examiner and conditions can be applied to ensure compatibility with the neighborhood to limit or eliminate any adverse impacts. It is also recommended that it be limited to towing and short term storage.

Upon questioning by Council, City Attorney McLean noted that conditions could be placed on the CUP that it would contain a no-transfer clause if Council so desires.

Councilmember Sherman voiced support for allowing nominal business expansion of Pete's Towing, but expressed concerns for future use of a towing operation in this particular location, say 50 years from now. Therefore, he would prefer to see that the permit expires when and if the family no longer has controlling interest in the business.

**MOTION** was made by Councilmember Sherman, seconded by Councilmember Kaplan, that automobile towing in conjunction with short term automobile storage, but not automobile wrecking or salvage, be allowed in the PR-C1 zone subject to a conditional use permit which shall contain conditions pertaining to restricting transfer of such permit to family members only, or controlling interest. In the event that it is transferred, the permit shall expire.

Mayor Thomasson suggested language should be incorporated to limit this to preexisting towing yards. This was accepted as a FRIENDLY AMENDMENT by the maker and seconder of the motion.

Councilmember Sheckler noted a towing operation is not part of his vision for the area, but Pete's has proven to be a successful business and a good neighbor, so he will support the motion.

Mayor Thomasson requested that design guidelines be clearly established for this CUP including such items as screening, enclosures, etc.

Councilmember Wasson spoke in support of allowing the business to stay, but against restricting the family from selling as they should have the right to sell the existing business to anyone they wish.

Councilmember Sherman noted that the only reason Council is considering allowing this use to continue is because of the very fact that it is a family owned and operated business.

VOTE ON MOTION: Motion passed unanimously.

9:25 p.m. Mayor Thomasson called for a five minute break for changing the video film.

*Issue No. 6: Whether a building height bonus should be available for inclusion of affordable housing.*

Councilmember Sherman spoke against allowing a height bonus for affordable housing. He expressed concern that affordable housing will drop in value almost immediately. This would reduce the market affecting the value of the building and property. He noted this is a complex issue. He felt it would make more sense for government to offer vouchers so housing units would not be so identifiable as low income. He questioned whether allowing a height bonus would really help accomplish the envisioned goal.

Councilmember Sheckler commented that he feels affordable housing in reality will not happen in this particular area.

Councilmember Kaplan felt that if the height bonus is dropped then the maximum building height should be 120' for anyone who wishes to build to that height.

Mayor Thomasson remarked the area currently has much affordable housing which, in his opinion, has created some of the neighborhood problems that Council is trying to eliminate. He noted he is comfortable dropping the bonus and addressing the overall height issue.

**MOTION** was made by Councilmember Kaplan, seconded by Mayor Pro Tem Sheckler, to eliminate the affordable housing height bonus. Motion passed five to two with Councilmembers Brazil and Towe voting NO.

**MOTION** was made by Councilmember Kaplan, seconded by Councilmember Towe to allow a height bonus for condominiums. Motion passed unanimously.

OTHER ISSUES

*Issue No. 7: Whether the existing zoning regulations for mobile home parks be amended to allow installation of new mobile homes.*

Planning Manager Loch advised Council that this is not a Pacific Ridge Issue, but is part of the existing mobile home park regulations that were adopted in 1992. He noted that if a majority of Councilmembers wish to discuss revisions to DMMC 14.48, staff would recommend discussion occur after the Pacific Ridge neighborhood Improvement Plan has been completed.

Councilmembers Wasson and Towe requested that the issue be revisited. It was requested that the topic be placed on a future agenda no later than this Fall.

NEXT MEETING DATE - Regular meeting July 13, 2000

EXECUTIVE SESSION

At 9:53 p.m. Mayor Thomasson announced that the Council will convene into an Executive Session for approximately 10 minutes to discuss with legal counsel representing the City litigation or potential litigation to which the City is, or is likely to become, a party and about which public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the City. No formal action is anticipated.

The open meeting reconvened and adjourned.

ADJOURNMENT

The meeting was adjourned at 10:09 p.m.

Respectfully submitted,

Denis Staab
City Clerk