

REGULAR MEETING OF DES MOINES CITY COUNCIL

MINUTES

July 11, 1996

The regular meeting of the Des Moines City Council was called to order by Mayor Thomasson at 7:32 p.m. in the Council Chambers, 21630 11th Avenue South.

PLEDGE OF ALLEGIANCE to the flag was led by Mayor Thomasson..

ROLL CALL - Present: Mayor Scott Thomasson, Councilmembers Bob Sheckler, Dan Sherman, Gary Towe and Don Wasson. Absent: Mayor Pro Tem Terry Brazil 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, Public Works Superintendent Frank Olson, Planning Manager Corbitt Loch, Civil Engineer Jim Seitz, Assistant Planner Ron Pike and Deputy City Clerk Angela Chaufy.

MOTION was made by Councilmember Sherman, seconded by Councilmember Wasson, and passed unanimously to excuse Mayor Pro Tem Brazil and Councilmember Roberts from attendance.

BOARD & COMMITTEE REPORTS

Human Services Advisory Committee

Councilmember Towe informed Council that the Human Services Advisory Committee had begun review of the Human Services grant applications. Approximately \$212,000 have been requested while \$85,000 will be allocated.

Suburban Cities Association

Councilmember Sherman noted that Suburban Cities Association is seeking a change of operation to improve the responsiveness and representation of the organization. He stated that he was asked to serve on the Bylaws Subcommittee, should one be formed.

Puget Sound Regional Council - Third Runway

Councilmember Sherman stated that the Puget Sound Regional Council had approved construction of a third runway at SeaTac International Airport. He informed Council that City Manager Olander had presented an excellent argument against the PSRC's decision. He noted that an amendment requiring all counties represented by PSRC share in any tax increase due to construction was defeated. In closing, Councilmember Sherman stated that King County Council had split on the third runway vote (No - Nichols, Vance, and von Reichbauer; Yes - Sullivan, Gossett, and Locke). He expressed appreciation for Councilmembers Nichols, Vance, and von Reichbauer's support in the third runway issue. He noted that the fight against the third runway will now enter a new stage.

Area Code Change Proposal

Councilmember Sherman referenced the letter sent by a citizen concerning the proposed change in area code for Des Moines.

Councilmember Wasson noted that the Chamber of Commerce had expressed a desire to participate with the City in influencing U.S. West to keep the "206" area code. He noted that the Chamber suggested that the area code boundary be drawn at the south county line.

Council concurred that City Manager Olander should contact U.S. West requesting that Des Moines stay within the "206" area code. If that proves unsuccessful, City Manager Olander should request that the entire city be awarded the same area code number.

Chamber of Commerce

Councilmember Wasson reported that he had attended the Chamber of Commerce Board meeting. He noted that the Board had expressed appreciation to the City for publishing Waterland information in the City Currents. The desire for a new Post Office siting in Des Moines also was discussed.

City Manager Olander stated that he would inquire into the status and building timeline of the Post Office's property on South 216th Street.

Library Board

Councilmember Sheckler reported that he will serve as Council liaison to the Library Board.

PRESIDING OFFICER'S REPORT

Little League Sponsorship

Mayor Thomasson thanked the Des Moines Police Guild for sponsoring his Little League Team. He presented the Guild with a plaque.

ADMINISTRATION REPORTS

Briefing: Street Maintenance

Public Works Superintendent Olson informed Council of the mission statement and role of the Public Works Street Maintenance Division. He noted that 62 miles of City streets are currently being maintained. His crew is operating at a ratio of 12 miles of street per maintenance worker. He listed several examples of work performed by the Street Department such as street repair, sidewalk repair, litter control, vegetation maintenance, and snow and ice control. He noted that the Public Works Department has a 24-Hour emergency number. In closing, Mr. Olson stated that his department is exploring the equipment, personnel, and space needs required to maintain the current level of service once the Woodmont/Redondo annexation becomes effective.

Councilmember Towe noted that areas annexing to the City often mention the quality of service provided by the Street crews.

City Manager Olander noted that benchmark figures are being developed to assist with determining departmental effectiveness and budgetary allocations.

Presentation: Des Moines/Midway Rotary Scholarship Contribution

On behalf of Des Moines/Midway Rotary, Michael Matthews thanked Council for their support and presented \$4,000 to the Park and Recreation Department for senior citizen and youth scholarships. He listed the various activities Rotary performs for the City.

CONSENT CALENDAR was read by Deputy City Clerk Chaufy.

1. 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 #52143 through #52338 in the total amount of \$435,670.34

Payroll fund transfers in the total amount of \$178,820.02

2. Motion is to authorize the City Manager to approve all vouchers for payment of the following claims during the period of July 12, 1996 through July 25, 1996:

a. All vouchers for payment of payroll checks, including Marina payroll, and

b. All vouchers for payment of claims and Marina checks, provided that all vouchers and checks approved by the City Manager in accordance with this motion shall be presented to the Council for ratification at the City Council meeting of August 8, 1996.

3. ~~Motion is that a public hearing be scheduled for August 8, 1996, to allow public comment regarding the textual code amendments associated with Common Wall Single Family zoning.~~

4. Motion is to set a public hearing to consider 1997 Community Development Block Grant Allocations for August 8, 1996.

Mayor Thomasson removed Item No. 3.

MOTION was made by Councilmember Sherman, seconded by Councilmember Wasson, and passed unanimously to approve the consent calendar.

NEW BUSINESS

TX96-037 Textual Code Amendment - Common Wall Single Family Residential Zoning

Upon Mayor Thomasson's suggestion, Council concurred to study the issue at the August 8, 1996 meeting and then set a public hearing date.

PUBLIC HEARING

Draft Resolution No. 96-136 [Assigned Res. No. 815] Adopting 6 Year Transportation Plan 1997-2002

Mayor Thomasson introduced the subject.

City Attorney McLean read the rules for conducting a public hearing and the hearing process. In regard to Appeal HV95-057, Mr. McLean noted that fifteen minute time limits had been set for each side. He also acknowledged that the Council had received and reviewed Stephen Thomas' letter regarding the appeal.

Mayor Thomasson opened the public hearing.

Civil Engineer Seitz informed Council that the Six Year Transportation Improvement Plan (TIP) serves as a tool to coordinate projects with other agencies as well as makes the City eligible for state and federal grant monies. He noted that all City streets have been reviewed and prioritized based upon their condition and location. King County has been asked to submit a list of identified projects for the Woodmont/Redondo area. He displayed maps and described the top sixteen projects attached to the proposed resolution.

City Manager Olander explained that the projects will be brought to Council for review during the CIP process. The CIP must then be adopted into the budget. He also noted that the Public Safety and Transportation Committee had reviewed the TIP and recommends approval.

SPEAKERS

George Minnich, 22701 19th Avenue South

Mr. Minnich noted that the sidewalk on 19th Avenue South between Mt. Rainier High School and Mount Rainier Pool is deteriorating. He requested that this project be included in the TIP.

Mayor Thomasson called for additional speakers. None responded.

Civil Engineer Seitz noted that the sidewalk section mention by Mr. Minnich would probably be included in the Citywide Sidewalk Program. Projects in the Citywide Sidewalk Program are prioritized based upon need and use. Upon questioning, Mr. Seitz noted that approximately \$400,000 of overlay street improvements are done annually. He mentioned that Council had previously requested that a twenty year overlay schedule be established so that every street is repaired over time. He noted that gas tax and motor vehicle excise tax dollars are utilized for these projects. Mr. Seitz stated that project estimates include design, construction, and administration costs. The Plan does not include the Redondo/Woodmont area at this time.

Mayor Thomasson closed the public hearing.

MOTION was made by Councilmember Sherman and seconded by Councilmember Sheckler to adopt draft Resolution No. 96.136.

Councilmember Towe encouraged 6th Avenue South/7th Avenue South residents to form a local improvement district to move up their project.

Council concurred that Administration should add language explaining that the 6th Avenue South project will be LID funded and that the 24th Avenue Project, between South 216th Street and 208th Street will be Port of Seattle financed.

VOTE ON MOTION: Motion passed unanimously.

At 8:50, Mayor Thomasson declared a ten minute break.

AGENDA REVISION

Due to the time, Mayor Thomasson announced that the Park and Recreation Master Plan would be reviewed at the August 8, 1996 meeting.

APPEAL OF HEARING EXAMINER DECISION

Denial of Variance - Hong Louie, File #HV95-057

City Attorney McLean noted that the previously read rules for conducting a public hearing would apply to the appeal procedures. He noted that this was a quasi-judicial proceeding.

Councilmember Wasson reported that Mr. Louie had previously attempted to discuss the issue with him. When Councilmember Wasson informed him that he could not discuss it until the hearing, the conversation ended.

City Attorney McLean ruled Councilmember Wasson eligible for the hearing. He then reminded the speakers of their fifteen minute time limits.

Assistant Planner Pike displayed a map of the area. He noted that the denied application is for a reduction of ten feet of the required 20 foot front yard setback for a proposed five unit multifamily building. Redress sought is granting of the variance to allow a ten foot front yard setback.

APPELLANT

City Attorney McLean swore in Hong Louie.

Hong Louie, 22505 6th Avenue South

Mr. Louie distributed his comments in writing to Council. He described his property and stated that he was requesting a variance for the following reasons:

- Danger of hill slide,
- Danger of earthquake damage,
- Danger of fire damage, and
- Room for construction and maintenance scaffolding

Mr. Louie felt that approval of the variance would not adversely affect the implementation of the Comprehensive Plan. Describing the setback footage of the surround properties between South 222nd Street and South 227th Street, he felt that the approval of the variance would not diminish the character of the neighborhood nor set any precedents. He also stated that granting of the variance would be to the benefit of the public welfare. In closing, he informed Council he would be willing to limit the number of units developed to five.

OPPONENT

City Attorney McLean swore in John Sanders.

John Sanders, 22523 6th Avenue South

Mr. Sanders stated that he was speaking in opposition to the variance on behalf of several individuals. He said that Mr. Louie did not have a comprehensive design plan during the hearing before the Hearing Examiner although now Mr. Louie has stated that he is willing to limit the number of units to five. Mr. Sanders informed Council that most of the surrounding buildings referred to by Mr. Louie were grandfathered into the current zoning. He stated that he did not want more condos built on the street for the reasons listed in the Hearing Examiner's findings of fact as well as for parking, safety, and density reasons. He noted that he had unintentionally missed attending the hearing on a recent variance request. Mr. Sanders voiced support for the Hearing Examiner's conclusion and asked Council to enforce the laws in place. In closing, he reminded Council of Stephen Thomas' letter which had previously been distributed to them.

REBUTTAL

Hong Louie, 22505 6th Avenue South

Mr. Louie asked where Mr. Sanders was on June 11, 1996 when he had applied for the variance. He stated that ignorance is not an excuse. He noted that the Council had approved a variance on some property last year. Mr. Louie requested fair treatment from the Council.

Upon questioning, Assistant Planner Pike estimated that the setback requirement for 6th Avenue South has been set at twenty feet since the early 1960's. He was aware of two variances being granted under the existing law.

Councilmember Sherman confirmed that Wamsley's variance applied other restrictions to the granted variance.

Assistant Planner Pike noted that the Hearing Examiner correctly identified the bluff as a hillside rather than slope. Therefore, the property owner could build onto and over the bluff.

Planning Manager Loch noted that upon review of the Hearing Examiner's considerations, administration supports the findings of the Hearing Examiner.

City Attorney McLean referred Council to DMMC 18.94.310 for a listing of criteria used for granting a variance.

MOTION was made by Councilmember Sherman and seconded by Councilmember Towe to deny the appeal of the Hearing Examiner's decision on File No. 95-057 and hereby adopt and affirm the decision of the Hearing Examiner.

Councilmember Sherman noted that variances cannot be granted lightly. He expressed support for the Hearing Examiner's decision.

Mayor Thomasson stated that the building could be constructed off the hillside without the approval of the variance if the proper building design was selected. He also noted that Mr. Louie's property is zoned RM-900 while the examples cited by Mr. Louie were zoned RM-900A. He concurred with the Hearing Examiner's decision that approval of the variance would be granting a special privilege to Mr. Louie.

Upon questioning, City Attorney McLean noted that Mr. Louie did not rebut Mr. Sander's comments stating that building only five units was not contained in the original record.

Councilmember Wasson noted that areas zoned as RM-900 were identified as RM-900A by the Hearing Examiner.

Planning Manager Loch stated that the Hearing Examiner incorrectly identified the affected area as RM-900A but correctly applied the RM-900 facts and criteria during discussion.

Assistant Planner Pike explained that RM-900 has no rear yard setback requirements while RM-900A requires a twenty foot rear yard setback.

City Attorney McLean noted that if a subject was not raised in the appeal, it cannot be the basis for a decision.

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

NEW BUSINESS

Draft Ordinance No. 96-129 [Assigned Ord. No. 1168] Interim 8th Position on Planning Agency From Woodmont/Redondo Annexation area.

City Manager Olander introduced the subject. He noted that the purpose of the interim position was to allow formalized neighborhood input from the pending annexation area.

Noting that the current vacant seat on the Planning Agency expires as of January 1, 1998, Councilmember Sherman suggested that the individual filling the interim position move into the voting position upon annexation.

Upon questioning, Planning Agency member Dave Peterson stated that it would be nice to have seven voting members but the Agency could get by with only six voting members for six months.

Mayor Thomasson suggested that he refrain from appointing anyone to the vacant Planning Agency position until the Woodmont/Redondo annexation became effective. He would then appoint the interim member to the vacant position. Council concurred.

MOTION was made by Councilmember Sherman, seconded by Councilmember Sheckler and passed unanimously to suspend Rule 26B in order to take action on the first reading of draft Ordinance No. 96-129.

MOTION was made by Councilmember Sherman and seconded by Councilmember Sheckler to adopt draft Ordinance No. 96-129 adding an eighth interim position to the Planning Agency effective upon appointment through December 31, 1996.

Mayor Thomasson read the title of the draft ordinance.

VOTE ON MOTION: Motion passed unanimously.

Mayor Thomasson asked Administration to advertise for the interim position.

Redondo Highlands Potential Annexation

City Manager Olander noted that residents in the Redondo Highlands area had expressed an interest in annexing to the City. He noted that this issue was somewhat related to the interlocal agreement with Federal Way regarding potential annexation areas which would be discussed on August 8, 1996. He reminded Council that representatives of the "Triangle" area had requested Council to give them a say in which City they were to go to. City Manager Olander informed Council that the Redondo Highlands group had not included the Triangle area in their potential annexation map. The Redondo Highlands group would need guidance on where to draw the petition's boundaries.

At 10:30 p.m., **MOTION** was made by Councilmember Wasson, seconded by Councilmember Sheckler, and passed unanimously to extend the meeting five minutes.

City Manager Olander displayed a map outlining the Redondo Highland potential annexation area, the Triangle area, and the current city boundaries.

Councilmember Wasson questioned whether the area east of Pacific Highway South could be used to barter with Kent over boundary lines.

City Manager Olander explained that Federal Way views the Triangle area as a main entrance to their city. In the draft interlocal agreement, Federal Way has included the area within their city's boundaries.

At 10:35 p.m., **MOTION** was made by Mayor Thomasson and seconded by Councilmember Wasson to extend the meeting five minutes. Motion passed, 4-1, with Councilmember Sherman opposed.

City Attorney McLean noted that inclusion of the Triangle area in the Redondo Highlands annexation would increase the valuation of annexation efforts and could make the annexation effort more difficult.

Councilmember Wasson suggested including the Triangle area within Des Moines potential annexation areas for the valuation issues and sales tax benefits.

City Manager Olander described the types of businesses and properties included within the Triangle area and noted that most sales tax benefits would be lost in equalization.

Mayor Thomasson suggested that Federal Way be given all of 16th Avenue South.

Council concurred that they were interested in the Redondo Highlands annexation but would like further review of the map. Council agreed to continue discussion of the issue during the August 8, 1996 meeting.

NEXT MEETING DATE - Study Session August 1, 1996

ADJOURNMENT - The meeting adjourned at 10:40 p.m.

Respectfully submitted,

Angela M. Chaufy
Deputy City Clerk