

REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES

July 15, 1999

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

ROLL CALL - Present: Mayor Scott Thomasson, Mayor Pro Tem Terry Brazil, Councilmembers Dave Kaplan, Bob Sheckler, Dan Sherman, Gary Towe and Don Wasson. Also present were City Manager Bob Olander, Assistant City Manager Tony Piasecki, City Attorney Gary McLean, Community Development Director Judith Kilgore, and Deputy City Clerk Angela Chaufy.

DISCUSSION ITEMS:

SR 509 Project

Councilmember Sherman introduced Craig Stone from the Department of Transportation. Councilmember Sherman informed Council that value engineering for the SR 509 project had resulted in the proposal of two additional routes, C2 and C3. Study of the additional routes was estimated to add \$200,000 to the cost of the EIS process. Councilmember Sherman asked Council to determine whether Des Moines should support the study of Options C2 and C3. He noted that Public Works Director Heydon expressed a preference for Option C2.

Mr. Stone explained that neither Option C2 nor C3 would require the construction of a tunnel. He also noted that Option C2 would result in a high level of relocation as it would pass through a mobile home park. Option C3, on the other hand, bypassed the mobile home park. He noted that the SR 509 Steering Committee had voted 8 – 5 to pursue the study of the two additional routes but that they had expressed concern that sufficient information was available to screen the options and that additional staff would be required. Mr. Stone noted that the City of SeaTac had zoned the mobile home park area as commercial.

Councilmember Sherman referred Council to Table 4 of their packet which provided a basic comparison of the options. He noted that the tunnel would be situated in the FAA designated “No Object” area.

Upon questioning, Mr. Stone stated that the tunnel was expected to be approximately 600 feet and would require lighting and possible ventilation. He said that the Department of Transportation felt that a tunnel restricted capacity and presented a safety issue.

Councilmember Sherman explained that Option C1 would reduce the storage capacity for the Des Moines Creek retention facility but have no impact on the Des Moines Creek Park. Option C2, on the other hand, would affect the 28th/24th Avenue South detention pond and would impact a small portion of the park. Councilmember Sherman stated that the additional money required for the study of Options C2 and C3 would come from project funds.

Mr. Stone noted that SR 509 would be built to be a six lane facility. Funding would drive phasing of the project.

Mayor Pro Tem Brazil and Councilmember Sheckler stated that they could not support a design that routed the traffic flow from South 200th Street on to Des Moines Memorial Drive under the intersection's current design.

Councilmember Wasson stated that he could not support Options C1 or C2 due to the displacement of the mobile home park residents.

Council expressed general consensus to include Options C2 and C3 in the SR 509 EIS study.

Draft Ordinance No. 99-070 [Assigned Ord. No. 1240] Textual Code Changes – Reconstruction of Non-Conforming Multifamily – 2nd Reading

Mayor Thomasson introduced the subject and noted that the public testimony portion of the hearing had been closed at the July 1, 1999 meeting.

City Attorney McLean noted that the revisions and clarifications requested by Council had been incorporated into the proposed ordinance.

Councilmember Sheckler stated that he favored recognizing single family homeowners and condominium owners as the same. He felt that the same standards should apply to both groups.

MOTION was made by Councilmember Sheckler and seconded by Councilmember Kaplan to amend Section 1, Subsection 2 by adding “or condominiums” after “single-family”.

Upon questioning, Community Development Director Kilgore confirmed that condominiums were primarily in RM zones.

Councilmember Kaplan then suggested that “RS zone” be replaced by “residential zone”.

Upon questioning from Councilmember Sherman, City Attorney McLean stated that RCW 64.32 and 64.34 provided the definition for condominiums.

Councilmember Sherman confirmed that a condominium could become an apartment after the complex was built.

Councilmember Wasson suggested that Council not adopt the proposed ordinance but direct staff to come back with a new, clean ordinance.

City Attorney McLean confirmed that a hearing would be needed for a new ordinance. He suggested that Council amend Draft Ordinance 99-070 instead.

Councilmembers Sheckler and Kaplan confirmed that the motion's intent was to apply the same standards for condominiums as now provided for single-family residences.

The maker and seconder of the motion **amended their motion** to direct staff to incorporate appropriate language to adopt that policy into Draft Ordinance 99-070.

For the sake of clarity and timeliness, City Manager Olander suggested that a break be called to allow staff an opportunity to incorporate Council's direction into the proposed ordinance.

Councilmembers Sheckler and Kaplan withdrew their amended motion.

At 8:38 p.m., Mayor Thomasson recessed the meeting for thirty minutes.

Mayor Thomasson read the title of the proposed ordinance. He then highlighted its revisions.

MOTION was made by Councilmember Sheckler and seconded by Councilmember Kaplan to approve Draft Ordinance 99-070 as amended.

Councilmember Towe voiced his support for the intent of the proposed ordinance but stated that he was uncomfortable with the process utilized. He said that he was not comfortable with draft legislation being reviewed by the audience prior to Council's deliberation and that he would have preferred more patience on Council's part. Therefore, he would vote against the ordinance. Councilmember Towe stated that he appreciated the public's input and involvement in this issue.

Councilmember Sherman informed Council that the City's Environmentally Sensitive Area (ESA) section was contained within Title 18. He questioned whether the proposed ordinance would allow the ESA section to be ignored.

City Attorney McLean confirmed that it would.

MOTION was made by Councilmember Sherman and seconded by Mayor Thomasson to include DMMC 18.86 in Section 1, Subsection 2(e) of Draft Ordinance 99-070.

Mayor Thomasson felt that not much was gained by referencing ESA as the building would have already destroyed or impacted the environment.

VOTE ON MOTION: Motion failed, 1 – 6, with Councilmember Sherman voting "yes".

Upon Councilmember Sherman's questioning, City Manager Olander confirmed that the rebuilding of a structure situated by a stream would require the issuance of a state permit.

Councilmember Sherman voiced opposition to the proposed ordinance as he felt it removed certain buildings from the rules of Title 18. He said that the erosion of development standards caused a blow to the health, welfare, and safety of the community.

Councilmember Kaplan stated that the City had increased developmental regulations for new construction.

VOTE ON MAIN MOTION: Motion passed, 5 – 2, with Councilmembers Sherman and Towe opposed.

NEXT MEETING DATE

Mayor Thomasson announced the next regular meeting would be August 5, 1999.

ADJOURNMENT

The meeting adjourned at 9:35 p.m.

Respectfully submitted,

Angela M. Chaufy,
Deputy City Clerk