

REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES

October 13, 2005

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

PLEDGE OF ALLEGIANCE to the Flag was led by Mayor Pro Tem Thomasson.

ROLL CALL - Present: Mayor Bob Sheckler, Mayor Pro Tem Scott Thomasson, Councilmembers Richard Benjamin (arrived at 8:45 p.m.), Dan Sherman, Maggie Steenrod and Susan White. Absent: Councilmember Gary Petersen. Also in attendance were City Manager Tony Piasecki, Planning, Building, and Public Works Director Grant Fredricks, Assistant City Engineer Loren Reinhold, and Deputy City Clerk Angela Chaufy.

MOTION was made by Councilmember Sherman, seconded by Councilmember Steenrod and passed unanimously to excuse Councilmember Petersen from attendance.

COMMENTS FROM THE PUBLIC

Bob Pond, 23116 30th Avenue South

Mr. Pond said that the levy lid lift mailer failed to mention that passage of the levy lid lift would lock in 60% of the city's total budget for police services for six years. He questioned how the rest of the City could run on the remaining 40%. Mr. Pond said the mailer also did not mention that the passage of the levy lid lift was linked to the development of a substation in Redondo. Mr. Pond stated that he wanted to see the police department at full strength but not at the cost of the rest of the City.

Kevin Parkhurst, 27019 Pacific Highway South

Mr. Parkhurst, owner of Redondo Bar and Grill, informed Council that he has been working for three years to address security issues in the Redondo Square area and has hired security guards to patrol the area.

BOARD AND COMMITTEE REPORTS

Association of Washington Cities Regional Committee

Councilmember Steenrod reported that the committee has focused their legislative activity on economic development and transportation infrastructure funding. Councilmember Steenrod encouraged voters to research the gas tax issue before voting.

Central Washington University Des Moines Campus Grand Opening

Councilmember Steenrod announced that the Grand Opening Ceremony for the Central Washington University Campus in Des Moines would be conducted October 25, 2005 from 1:30 to 3:30 p.m.

Streamline Sales Tax

Councilmember Sherman announced that the cities had reached general agreement concerning the streamline sales tax issue. The item would be presented to the legislators.

South County Small Business Center

Councilmember White announced that the City of Des Moines has partnered with several neighboring cities and Highline Community College to provide a resource for small businesses.

South County Community Network

Councilmember White announced that the Food Bank needed volunteers and donations of paper bags for the coming holiday season. She noted that the Adopt-A-Family Program would be conducted through the school district.

Environment Committee

Mayor Pro Tem Thomasson announced that the Environment Committee had reviewed the proposed surface water management rate increase but had reached no consensus.

COUNCILMEMBER COMMENTS

Passenger Ferry Service

Councilmember White announced that there would be a meeting next week to discuss a waterborne study for possible passenger ferry service in Des Moines.

Consent Calendar Item No. 4 – Supplemental Agreement #2 with KPG on the 16th Avenue South Project

Mayor Pro Tem Thomasson said that he would pull Item No. 4 from the consent calendar as the project did not include the undergrounding of utilities. He stated that it was bad policy to implement the plan without this provision.

ADMINISTRATION REPORT

Passenger Ferry Service Feasibility Study

City Manager Piasecki informed Council that it has been suggested that several agencies join together, with Des Moines serving as the lead agency, to apply for a WSDOT grant for \$300,000 to conduct a feasibility study of ferry service in the South Sound area.

CONSENT CALENDAR was read by Deputy City Clerk Chaufy.

1. Motion is to approve the regular minutes of September 8, the special minutes of September 17, and the regular minutes of September 22, 2005.
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 #101068 through #101363 & electronic fund transfers in the total amount of \$1,112,683.91

Payroll fund transfers in the total amount of \$366,833.12

3. Motion is to approve the agreement with BST Associates for the Marina Rate Study Project in the amount of \$25,000, plus a contingency of \$2,500, and authorize the City Manager to sign the agreement substantially in the form as submitted.
4. ~~Motion is to enter into supplement agreement #2 for professional engineering design services for the 16th Avenue South Project with KPG, increasing the maximum amount payable to~~

~~\$396,290.88, plus a 10% contingency and a contract end date of June 30, 2006, and to authorize the City Manager to sign the contract substantially in the form as submitted.~~

Mayor Sheckler noted that Mayor Pro Tem Thomasson wished to remove Item No. 4.

Councilmember Sherman corrected a committee name on Page 11 of the September 8, 2005 minutes.

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

REMOVED CONSENT CALENDAR ITEM

Supplemental Agreement #2 with KPG on the 16th Avenue South Project

Mayor Pro Tem Thomasson urged Council to include undergrounding of utilities in the project. He noted that REET revenues were higher than expected.

Upon questioning, Planning, Building, and Public Works Director Fredricks estimated that it would cost \$3,000,000 to underground the utilities.

Councilmember Sherman said that he would like to have the project's utilities underground but felt that the money to do so was not available. He stated that he wanted to insure that the project happened as it would increase safety.

Mayor Pro Tem Thomasson suggested that the City obtain a bid for undergrounding the utilities from Puget Sound Energy prior to deciding the issue.

Councilmember Steenrod said that the undergrounding of utilities had aesthetic value but the other parts of the project were safety and traffic congestion related.

MOTION was made by Councilmember Sherman and seconded by Councilmember Steenrod to enter into supplement agreement #2 for professional engineering design services for the 16th Avenue South Project with KPG, increasing the maximum amount payable to \$396,290.88, plus a 10% contingency and a contract end date of June 30, 2006, and further to authorize the City Manager to sign said contract, substantially in the form as attached.

Mayor Pro Tem Thomasson said that the project was an investment in economic development.

VOTE ON MOTION: Motion passed, 4 – 1, with Mayor Pro Tem Thomasson opposed.

PUBLIC HEARING

Mitchell/Chamlian Comprehensive Plan Amendment and Rezone

Mayor Sheckler opened the public hearing. He read the rules for conducting a public hearing and announced that it was a quasi-judicial matter.

When questioned, no Councilmember identified any disqualifying information.

Mayor Sheckler administered an oath to all speakers and read the legal standards for rezones.

Consultant Kilgore informed Council that the 2004 Comprehensive Plan amendment and rezone had been initiated by the applicant. She briefly highlighted the background of the issue. Ms. Kilgore noted that the Planning Agency had conducted a public hearing on the subject and had recommended approval. She displayed the following exhibits:

- Exhibit 1 – Aerial photograph of the property.
- Exhibit 2 – Drawing of separate parcels.
- Exhibit 3 – Site Plan illustrating ingress and egress

Ms. Kilgore said that the project was consistent with the Comprehensive Plan's standards and the City's rezone criteria. She identified traffic as the key issue of the project. She displayed a preliminary plat site plan illustrating possible ingress/egress methods. Ms. Kilgore said that a preliminary traffic study estimated an additional 49 morning trips and an additional 51 evening trips through the area. A preliminary drainage study indicated 1.2 acres available for development of a commercial site.

PROPONENTS

Richard Mitchell, 27507 12th Place South

Mr. Mitchell identified himself as one of the owners of the property. He distributed a copy of his presentation (Exhibit 4) to Council and briefly described the history of the property. Mr. Mitchell displayed pictures of the parcels and informed Council that garbage was still being dumped on the property. Mr. Mitchell said that his project would increase the city's economic base, provide affordable housing, and rid the property of homeless people.

Hans Korve, 726 Auburn Way North, Auburn

Mr. Korve identified the proponent as his client. In response to the comments received at the previous two hearings, Mr. Korve said that a traffic study had been done to address the neighbor's concerns. The study indicated that traffic would not go through the neighboring streets. He proposed that bollards for fire access only be placed at the west access to deter neighboring traffic from traveling through the proposed development. He noted that two SEPA reviews had resulted in determinations of non-significance and neither determination had been challenged. Mr. Korve reminded Council that, if the rezone was approved, they would have future opportunity to review the project in detail. He said that the project would provide affordable housing, increase economic development, and support families with jobs.

Michael Ewing, 1102 Commerce Street, Tacoma

On behalf of Mr. Chamlian, Mr. Ewing said that a R3600 zoning would be more aesthetic than a commercial use and have less impact to the surrounding neighborhoods. He felt it was logical that most of the traffic would come off Pacific Hwy South. Mr. Ewing said that the owners' intent was to improve the situation.

OPPONENTS

Henry Stahl, 1640 South 261st Place

Mr. Stahl stated that the proposed development had an access problem. Assuming that South 261st Street was proposed for the ingress/egress access, Mr. Stahl told Council that only one vehicle can travel on South 261st Street at a time when vehicles are parked on the street. Unless

egress/ingress to the west was prohibited, Mr. Stahl said that he was opposed to the rezone. He asked that the potential traffic pattern be studied. Mr. Stahl said that the Planning Agency public hearing notification was insufficient. He requested that all people in the area be notified of the proceedings.

George Landram, 1807 South 263rd Place

Mr. Landram said that the development would create a west egress problem as the traffic would be on a one lane street.

Dorothy Mays, 1628 South 261st Place

Ms. Mays questioned whether the City planned to widen South 261st Street as the street only allowed for one-way traffic when cars were parked on it. If so, she asked where the utilities would be placed and if additional police protection would be needed. Ms. Mays questioned why she was not notified at the beginning of the process.

Debbie Eustice, 1629 South 261st Place

Ms. Eustice questioned why the neighbors were not previously told of the proposal. She said that traffic problems in the area would increase. Ms. Eustice stated that the residents should not have to pay for the mismanagement of the property. She questioned how the residents would get out of the development to travel north. Ms. Eustice stated that she would rather see the property developed commercially than have the project developed as proposed.

Rick Webb, 1841 South 261st Place

Mr. Webb spoke in opposition to the rezone. He said that any additional traffic would add to the existing traffic issues.

John Carlson, 1604 South 262nd Place

Mr. Carlson said that he was opposed to the project unless a fence was constructed along 20th Avenue South to prohibit traffic on to South 262nd and South 263rd Streets. He said that South 260th Street through South 272nd Street had solid traffic for three hours in the morning and evening. Mr. Carlson informed Council that it took him fifteen minutes to travel from his driveway to Albertsons. He said that Council was not being told the truth and that it would cost money for the City to rectify the situation.

At 8:45 p.m., Councilmember Benjamin joined the meeting.

Norine Nitzel, 1632 South 261st Place

Ms. Nitzel told Council that she did not know about the public hearing until Mr. Stahl had given her a flyer yesterday. She voiced concern that the proposed development's traffic would cause backups in the streets. She said that the development must include a wall prohibiting the use of South 261st Street.

Donald Schlosser, 1600 South 261st Place

Mr. Schlosser said that safety was key in small neighborhoods. He asked Council to consider the needs and safety of the Woodmont area. Mr. Schlosser said that residents could only go one direction on Pacific Highway South.

Natalie Stockwell, 26124 19th Avenue South

Ms. Stockwell said that she appreciated something being improved but did not like to see it at the cost of safety. She said that people in the neighborhood often had to drive to South 264th Street to access 16th Avenue South. Ms. Stockwell stated that a west access to the proposed development was unthinkable. She voiced support for the construction of a fence to prevent traffic through the neighborhoods.

Dennis King, 26111 20th Avenue South

Mr. King told Council that 20th Avenue South was one lane wide and did not have sidewalks in some areas. As vehicles could only go south on Pacific Highway South in that area, Mr. King said that the residents of the proposed development would use the west access.

Mayor Sheckler called for additional speakers three times.

None responded.

At 8:56 p.m., Mayor Sheckler declared a ten minute break.

Mayor Sheckler asked if there were any rebuttal statements.

Mr. Korge clarified that the applicant was present to discuss the rezone rather than a hypothetical project. He agreed that the surrounding streets were very crowded and said that the owners were willing to install bollards in the area to allow for emergency access only. Mr. Korge agreed with Mr. King's comments regarding the narrowness of 20th Avenue South and said that the project included the widening of the street. Mr. Korge voiced agreement with the problems noted and said that he looked forward to working with the neighbors to resolve them.

Ms. Kilgore clarified that the drainage study should be a wetland diagram. She reiterated that the traffic study projected an additional 49 morning trips and an additional 51 evening trips. Ms. Kilgore said that the public notice procedures were in accordance with SEPA and DMMC regulations. She presented the following exhibits:

Exhibit #5: Agenda Packet, October 13, 2005

Exhibit #6: SEPA Checklist

Exhibit #7: Wetland Delineation

Exhibit #8: Traffic Impact Analysis

Councilmember Sherman requested the following information:

- 1) A map of street connections for the area of 16th Avenue South to Pacific Highway South and South 252nd Street to south of the discussed area.
- 2) What are the setback and screening requirements between commercial and townhouse designations?
- 3) Were U-turns allowed on Pacific Highway South in the general area?
- 4) If the property was designated commercial only, would a connection to the residential community be allowed?
- 5) As the neighborhood residents and the developers do not want the west connection, why has staff propose it?
- 6) Is it possible to close the street to all but emergency traffic?
- 7) If the property is rezoned to residential, is a connection to the west required?

- 8) In order to minimize cuts onto Pacific Highway South, why not have the ingress/egress to the commercial property off the road going into the residential property?

Councilmember Steenrod identified the main concerns of the opponents to be safety and traffic. She said that she did not hear any negative comments regarding the rezone.

Mayor Pro Tem Thomasson identified the question of whether to convert prime commercial land to residential as a policy issue. He noted that the proposal was for three separate parcels. Two of the parcels had Pacific Highway South access while the third parcel's frontage was on 20th Avenue South. Mayor Pro Tem Thomasson said that Council should consider that the properties could be sold separately. If the parcels were consolidated into one parcel, some of the access issues could be addressed. Mayor Pro Tem Thomasson requested information regarding the siting and size of the commercial site. He said that Council would need to consider buffering issues, parcel consolidation, access, street dedications, emergency access only, and the completion of 20th Avenue South during their review.

MOTION was made by Councilmember Steenrod, seconded by Councilmember Sherman, and passed unanimously to continue the public hearing to November 17, 2005.

Mayor Pro Tem Thomasson introduced Planning, Building, and Public Works Director Fredricks. Individuals with questions regarding the pending 16th Avenue South project should contact him.

Draft Ordinance No. 05-216 2004/2005 Comprehensive Plan Amendments - 1st Reading

Mayor Sheckler opened the public hearing. He asked if there were any speakers.

None responded.

Consultant Judith Kilgore briefed Council on the background of the subject. She informed Council that the Planning Agency had unanimously voted to recommend approval of the proposed amendments. She briefly highlighted her memorandum to Council regarding the Comprehensive Plan's remaining issues (Exhibit #1) and the proposed chapter revisions as contained in the agenda packet (Exhibit #2). Ms. Kilgore noted that property owners of those properties listed under Issue 9 must receive notice of any potential designation revisions.

City Manager Piasecki said that staff was gathering information, including an outside legal opinion, regarding Issue 7. He hoped to have the information available within a few weeks.

Mayor Sheckler called for speakers three times.

None responded.

Upon questioning from Councilmember Sherman, Ms. Kilgore said that the owners of the properties identified in Issue 9 could be notified with a general notice or after Council has provided direction.

Councilmember Sherman requested that the owners be informed that their property was being reviewed.

City Manager Piasecki said that staff could do so.

Mayor Pro Tem Thomasson noted that a combined rezone hearing would need to be conducted. He requested that staff review the list to ensure proper notification to only the affected parcels.

Councilmember Sherman stated that Council needed to determine whether a church was a public facility.

Mayor Pro Tem Thomasson noted that there were no other churches in the City designated as a public facility.

MOTION was made by Councilmember Sherman, seconded by Mayor Pro Tem Thomasson, and passed unanimously to continue the public hearing to November 3, 2005.

NEW BUSINESS

Preliminary 2006 Operating Budgets (General & Street Funds - Dept. Budgets)

City Manager Piasecki distributed the agenda packet materials to Council.

Surface Water Management Rate Study

Planning, Building, and Public Works Director Fredricks stated that equity and stewardship were key components of the development of the proposed rate increase. He said that it was important for development, rather than ratepayers, to pay for projects. In regard to stewardship, Mr. Fredricks explained that staff had remained mindful of the affect on ratepayers, of the need to re-invest in the existing system, and of changing regulatory requirements. He said that the proposed rates were competitive with the rates of neighboring cities.

MOTION was made by Mayor Pro Tem Thomasson and seconded by Councilmember White to authorize staff to prepare an ordinance for a rate increase to adjust the Surface Water Management Utility rate from its current \$6.96 to \$9.32 per equivalent billing unit and the Development Permit Charge from \$570 per equivalent billing unit to \$933.

In response to Councilmember Steenrod's questioning, Assistant City Engineer Reinhold reviewed the anticipated affects of maintaining the current level of service or adopting the proposed minimal, moderate, and optimal levels of service.

Councilmember Steenrod requested a chart of the various service levels projections for the next five years.

MOTION was made by Councilmember Sherman and seconded by Councilmember Steenrod to have the amount to be achieved be evenly spread over a three year period.

Councilmember Sherman clarified that the intention of his motion was to not apply the CIP each year but to achieve the desired rate level and then apply the CIP.

At 10:28 p.m., **MOTION** was made by Councilmember Sherman, seconded by Mayor Pro Tem Thomasson and passed unanimously to extend the meeting ten minutes.

Councilmember Benjamin said that the benefit to the consumer should be the driver of increased rates.

Mayor Pro Tem Thomasson stated that surface water management was an essential service of the City. He said that ramping of the rates would not allow the City to meet its permit requirements. Mayor Pro Tem Thomasson voiced support for staff's recommendation of the moderate level of service.

At 10:33 p.m., Councilmember Benjamin left the meeting.

Mayor Pro Tem Thomasson questioned whether staff should prepare a one year or three year ordinance.

Councilmember Sherman said that he could support automatic rate increases for the following years.

Upon questioning, Assistant City Engineer Reinhold said that he believed the capital and operations components could be ramped up to comply with the NPDES permit requirements.

Councilmember Steenrod questioned why the rates for Burien, Kent, and Tukwila were not included on the comparative rate list.

VOTE ON MOTION: Motion passed, 4 – 1, with Mayor Pro Tem Thomasson opposed.

VOTE ON MAIN MOTION: Motion passed, 3 – 2, with Mayor Sheckler and Councilmember Steenrod opposed.

NEXT MEETING DATE - Regular Meeting October 20, 2005

ADJOURNMENT

At 10:40 p.m., the meeting adjourned.

Respectfully submitted,

Angela M. Chaufy
Deputy City Clerk

ACTION ITEMS FROM MEETING OF OCTOBER 13, 2005

- Provide responses to requests for information during the Mitchell/Champlian Comprehensive Plan amendment and rezone hearing.
- Provide notification to property owners that their property was under review.