

PRELIMINARY
REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES

October 24, 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 Councilmember Roberts.

ROLL CALL - Present: Mayor Scott Thomasson, Councilmembers Bruce Roberts, Bob Sheckler, Dan Sherman, Gary Towe and Don Wasson. Absent: Mayor Pro Tem Terry Brazil. Also present were City Manager Bob Olander, City Attorney Gary McLean, Assistant City Manager Tony Piasecki, Finance Director Jim Hathaway, Community Development Director Judith Kilgore, Planning Manager Corbitt Loch, Public Works Director Tim Heydon, and City Clerk Denis Staab.

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

COMMENTS FROM THE PUBLIC

Mike Berry, 28632 Redondo Beach Drive South

Mr. Berry spoke to 3 items regarding the zoning questions in the Redondo area:

1. Regarding 20' front set backs for parking, Mr. Berry noted that 90% of the residents must park in the back of their property as there is no parking in the front because of the new street.
2. Items in common with Des Moines - He noted that the existing City and Redondo share a waterfront community, quality of life, citizen community involvement, and environmental concerns.
3. GMA supports small lots to allow more people to enjoy living in this area.

City Attorney McLean reminded the audience and Council that this is a legislative proceeding and he would consider Mr. Berry's comments technically out of order. He requested anyone else who wishes to speak on the items contained in tonight's second continued hearing, to hold their comments until the appropriate time on the Agenda.

BOARD & COMMITTEE REPORTS

Human Services Committee

Councilmember Towe advised Council that the Human Services Plan update should be completed in draft form near the end of next week. He informed Council that the Committee proposes that when the draft Plan is ready, the Council and the Committee will receive it at the same time. This will give Council an opportunity to review unedited comments from the public. He stated that the Committee will be meeting in November and December to formulate its recommendations. He noted that the present recommendation is for Council to formally review and adopt in early January.

Executive Committee, SR 509 South Access Road Project

Councilmember Sherman noted the Committee met last Thursday where voting took place on the preferred alternatives to SR 509. He advised Council that he voted as Council instructed, to support the Steering Committee's recommendations, which passed. He noted however, that two members of the Executive Committee took the vote to give them permission to start advertising that Alternative 2 was the one to pursue and that they should try to get funding from PSRC as "mitigation" for the 3rd runway project. He stated that he informed them that was not what Des Moines' vote was about and to make sure that corridor 2 was concentrated on. He advised Council that City Manager Olander has helped to draft a letter to reiterate what Des Moines' vote stood for to clear up any misunderstanding.

PRESIDING OFFICER'S REPORT

Potential Annexation Agreement with Federal Way

Mayor Thomasson informed Council that City Manager Olander, Mayor Pro Tem Brazil and he met with members of Federal Way City Council to discuss the "triangle area" potential annexation bounded by South 272nd on the north, 16th Ave. South on the west and Pacific Highway South on the east. He noted that they were informed that Council has been approached by citizens who wish to annex to Des Moines. He stated that Federal Way Councilmembers stated their position and that no conclusions were reached.

City Manager Olander advised that Federal Way's concerns will be brought before the full Council at a future meeting.

ADMINISTRATION REPORTS

Written Briefing: Water Quality Monitoring Program, 2nd Year Summary

City manager noted the written briefing has been supplied in Council's packet.

Upon questioning regarding what are the City's plans for resolving watersheds being out with conformance standards, Public Works Director Heydon explained the purpose of the studies was to identify what the problems are. The next step will be implementing programs to resolve any problems identified. He advised that the City is working closely with Highline College and hope to have programs to implement in the near future. He also noted that the Barnes Creek plan is close to coming back to Council, hopefully by the end of November. Also the Des Moines Creek study should have a rough draft by the end of January.

Upon questioning from Council concerning programs for the newly annexed areas, Public Works Director Heydon stated he will be in touch with King County to see if any studies have been made. City Manager Olander also noted that staff will be researching grants to expand our current program to the Woodmont/Redondo area.

CONSENT CALENDAR was read by City Clerk Staab.

1. Motion is to approve the minutes of May 2, October 3 and 10, 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 #53562 through #53755 in the total amount of \$602,491.57

Payroll fund transfers in the total amount of \$167,400.43

3. Motion is to remand sidewalk, street and bicycle inventory of problems to the Public Safety & Transportation Committee for review and recommendations.
4. Motion to award the contract for professional services for the Water Quality Monitoring Program, Years 3 through 5, to Herrera Environmental Consultants, Inc. for the amount of \$147,491 plus a 10% contingency, and further to authorize the City Manager to sign said contract.

MOTION was made by Councilmember Sheckler, seconded and passed unanimously, to approve the Consent Calendar as read.

CONTINUED PUBLIC HEARING

Draft Resolution No. 96-198 Adoption of 1997-2002 Capital Improvement Program

City Manager Olander reminded Council that the CIP has been partially presented. The Municipal Capital Improvement Fund was completed September 27, 1996 and the Arterial Street plan was presented on October 10th. The Marina Master Plan was discussed on October 3, 1996, which is the Marina Capital Improvement Plan.

Finance Director Hathaway reviewed the remaining funds as follows, with Council's comments as noted:

MARINA - Specific Projects:

Underground Fuel Tank Replacement

Total Expenditure: \$270,000 all in 1997

Card Lock System for Dock Gates

Total Expenditure: \$59,510 all in 1997

Bulkhead

Total Expenditure: \$266,470

\$147,050 in 1997

\$119,420 in 1998

Marina Access Stairway

Total Expenditure: \$438,290

\$45,000 in 1997

\$393,290 in 1998

Councilmember Wasson voiced strong objection to the Marina access stairway and feels it is a waste of Marina funds.

MOTION was made by Mayor Thomasson, seconded by Councilmember Wasson, to delete the Marina Access Stairway from the Marina Depreciation and Improvement category of the Capital Improvement Plan. Motion passed 4 to 2 with Councilmembers Roberts and Sheckler voting NO.

Restrooms in South Parking Lot

Total Expenditure: \$135,250
\$12,500 in 1998
\$122,750 in 1999

MOTION was made by Mayor Thomasson, seconded by Councilmember Sheckler, that restroom project be moved up one year. Motion passed 5 to 1 with Councilmember Towe voting NO.

SURFACE WATER MANAGEMENT - Specific Projects:

City Park Culvert Replacement (Pinebrook)

Total Expenditure: \$108,600 all in 1997

It was noted that the drawing was incorrect and Public Works Director Heydon stated this would be corrected in the final draft.

10th Avenue South Arch Culvert (10th Avenue South/Kent-Des Moines Road)

Total Expenditure: \$392,000 all in 1997

Barnes Creek Detention Facility (Between S. 222nd Street and So. 223rd Street)

Total Expenditure: \$394,000
\$138,000 in 1997
\$256,000 in 1998

Des Moines Creek Trail Tunnel (Marine View Drive)

Total Expenditure: \$3,320,000
\$220,000 in 1997
\$2,950,000 in 1998
\$150,000 in 1999

City Manager Olander commented that staff is checking into additional funding grants for this project. Upon questioning from Council, Public Works Director Heydon stated that he hopes for a split as from the parties involved in the initial study to help with the funding as follows: 40% Port of Seattle, 40% City of SeaTac, 15% from the City of Des Moines, and 5% from King County. He noted that if there is any real delays the \$300,000 from the Sewer District will be lost to this project as the Sewer District will move forward with their piping plans.

Barnes Creek/2234d Street Culvert Replacement

Total Expenditure: \$59,200
\$13,750 in 1997
\$45,450 in 1999

Public Works Yard Vehicle Wash

Total Expenditure: \$37,500 all in 1997

Mayor Thomasson requested staff look into the possibility of using private facilities rather than building our own.

199th North Hill Trunkline (Between 1st Avenue and 4th Avenue S.)

Total Expenditure: \$236,000

\$30,000 in 1997

\$206,000 in 1999

204th North Hill Trunkline (Between 204th and 200th Street)

Total Expenditure: \$248,100

\$32,000 in 1997

\$216,100 in 1999

Council questioned why so many of these projects had a one year gap between 1997 and 1999. Public Works Director Heydon stated that staff will be very busy in 1998 with large projects such as the Des Moines Creek Tunnel, so they had to schedule some of the projects for the next year.

City Manager Olander advised Council that the revised Capital Improvement Plan for 1997-2002 will be back to Council for final review and adoption next month.

CONTINUED PUBLIC HEARING

1. Draft Ordinance No. 96-158 Amendment of the Greater Des Moines Comprehensive Plan [CP96-039]
2. Amendment of Greater Des Moines Comprehensive Plan - Redondo Land Use Map [CP96-039(A)]
3. Amendment of Greater Des Moines Comprehensive Plan - Property-Specific Amendments [CP96-039(B)(C)(D)(E)]
4. Draft Ordinance No. 96-154 Adoption of City Zoning for the Woodmont/Redondo Annexation Area [RZ96-029]
5. Amendment of Greater Des Moines Comprehensive Plan - Text Amendments [CP-039(F)(G)]

Community Development Director Kilgore and Planning Manager Loch proceeded to review the issues paper that has been distributed to Council, requesting Council's input and consensus.

ISSUE 1: What development standards should be used for the "sliding scale" option for single family residential construction?

Staff presented a new proposal that is less of a "sliding scale" than the proposal for the October 17th meeting, and they feel, addresses the concerns expressed by Council as follows:

	Lot Area Less Than 7,200 sq. ft.	Lot Area 7,200 sq. ft. or More
Lot Width Less Than 60 Feet	Front 20' Side 5' Rear 10'	Front 20' Side 5' Rear 20'
Lot Width 60 Feet or More	Front 20' Side 5/10' Rear 10'	Front 20' Side 5/10' Rear 20'

With the use of a graph (Attachment A), staff showed proposed maximum lot coverage percentages.

3000 sq. ft. to 5040 sq. ft. lot = 50% maximum lot coverage allowed (Proposed Regulations)
5040 sq. ft. to 7200 sq. ft. lot = 2,520 sq. ft. maximum coverage allowed (Proposed Regulations)
7200 sq. ft. to 9000 sq. ft. lot = 35% Maximum coverage allowed (Existing Regulations)

Council's consensus was to change the 7200 sq. ft. to 6400 square feet as the breaking line.

ISSUE 2: Should nonconforming structures in the Woodmont/Redondo area be replaced with conforming structures if damaged or destroyed?

Staff recommended changes to Chapter 18.48 DMMC which would allow for reconstruction in the ORIGINAL footprint of the nonconforming structure if it is removed, destroyed or damaged.

ISSUE 3: How long have King County's single family residential development standards been in affect?

Staff advised that the current zoning was adopted in 1993. They noted that many of the single family residential standards within KCC chapter 21 were adopted in 1977, and prior to 1977 the County's standards were very similar to those within Des Moines' Zoning Code.

9:03 p.m. Mayor Thomasson declared a 10 minute break.

Mayor Thomasson announced that he would allow 15 minutes of comments from the public. City Attorney McLean reminded the audience of the rules for giving testimony under the public hearing standards.

George Minnich, 22701 19th Avenue South

In regards to the building height question for single family structures in the Redondo area, he suggested that 25 feet be the maximum allowed, exclusive of a daylight basement.

Morey Abes, 26329 7th Avenue South

Mr. Abes informed Council that he has a legal lot 7,200 square feet, but half of his property is tidelands. He noted that both he and his neighbor do not conform to Des Moines building standards as his house is 35' in height and his neighbor's house is closer than a 5' setback. He is concerned about conforming lots, with non-conforming structures either in height, or setbacks.

Donna Disenso, 26431 7th Avenue South

Ms. Disenso requested that public notice be given for one month before any revisions are made in next years Comprehensive Plan amendments.

Bill Snodgrass, 28436 Redondo Beach Drive South

Mr. Snodgrass congratulated the Community Development Department staff for doing such a great job in producing so much information since last week's meeting. He questioned whether or not he would be allowed to rebuild his existing house. He informed Council that he checked with a King County zoning official and he noted that the old King County zoning code was more restrictive than they are now and this was in effect until December 1995. He requested that the wording on the suggested motion for page 4 read: "The improvement as reconstructive is not any more nonconforming than it was immediately prior to the damage."

Marjorie O'Neal, 908 South 231st Place

Ms. O'Neal addressed the property specific change at 16th Avenue South and Kent-Des Moines Road. She spoke in opposition of changing this to commercial as the area is completely zoned and built residential.

Thomas Lee, 28107 10th Avenue South

Mr. Lee questioned what will take precedence, between coverage or setbacks. He noted he has a 2,400 square foot lot which is 40' wide and 62' deep. He noted that if he uses the setbacks he will get less than 35% coverage, yet going by the coverage he could have up to 50%. He feels there is some confusion as to which standard he could develop by.

Victor Anderson

Mr. Anderson presented a letter written by Katie Donohue (ED NOTE: Noted as Exhibit #1) who stated that she is in favor of retaining the current King County Building Codes indefinitely for the citizens of Woodmont and Redondo. Mr. Anderson informed Council he has a copy of a Certificate of Incorporation for the Woodmont Club dated August 10, 1915 which demonstrates how long these nonconforming lots have been in existence. He feels this area has a historic, long established identity and it should be allowed to continue with no new restrictions. He further advised that some of the residences are 3 stories to allow for parking underneath the structure. He concluded by stating that he has heard no reasonable explanation as to why this area cannot keep the current standards it now has.

Cathy Robertson, 26850 8th Avenue South

Ms. Robertson noted she owns two parcels with her home on one of the lots and the other is vacant. She noted her home is 35' in height and she wants to be able to build back to that height if her home was ever destroyed by fire.

Rick Kelly, 27015 8th Avenue South

Mr. Kelly expressed concern as to what happens after 1997, and what provisions can be made to solidify the fact that a resident can reconstruct to current building structures after 1997

There were no further speakers.

To satisfy the legal requirement for two public hearings for pre-annexation zoning, **MOTION** was made by Councilmember Wasson, seconded by Councilmember Roberts, that the first public hearing for Draft Ordinance No. 96-154 adopting City zoning for the Woodmont Redondo Annexation area be closed. Motion passed unanimously.

Mayor Thomasson announced that there will be a second public hearing after 30 days, regarding Draft ordinance No. 96-154 where additional public testimony will be taken.

City Attorney McLean noted upon questioning from Council, that as the City Code is presently written, rebuilding of nonconforming structures would include height.

City Attorney McLean announced that for the future public hearing, as with all hearings, the City will following state laws for notification procedures.

Mayor Thomasson noted that he would prefer to address the nonconforming lot issue as a City wide standard, not just Woodmont and Redondo.

City Attorney McLean reminded Council that this would be a new issue and staff's work load would be heavily impacted if Council chooses to take this issue on now.

Councilmember Towe stated he would rather absorb some of the new information and wait until there is a full Council in attendance to make any final decisions. Councilmember Sheckler agreed.

Community Development Director Kilgore informed Council that she would recommend Council consider addressing all of DMMC Chapter 18 since it has not been updated since 1964. However, she stated this will be a big task which includes SEPA, generating maps, text, notification, etc. She suggested Council take this up at a later date.

Councilmembers Sherman and Roberts suggested Council move forward to address the Woodmont Redondo annexation and then look at a City wide issue.

Councilmember Towe stated he would prefer to do it all at once and do it right, rather than in parts.

MOTION was made by Councilmember Sheckler, seconded by Councilmember Towe, to continue the remaining topics to the November 7, 1996 meeting. Motion passed unanimously.

NEW BUSINESS

1997 Preliminary Budget

City Manager Olander informed Council that the preliminary budget is currently at the printers and will be placed in Council's mail boxes by October 31st. He then noted the Budget policy framework is based on Council's -

VISION: A friendly and safe waterfront community, and

MISSION: To enrich residential living by providing leadership, administration, and community services that reflect the pride and values of Des Moines.

City Manager Olander reviewed the following Council strategic objectives:

1. Continue the legal and political efforts to keep the third runway from being built.
2. Provide and maintain an effective local transportation infrastructure.
3. Expand citizen participation in City government.
4. Increase and develop facilities for indoor and active recreation, specifically including a sports field park.
5. Define and support an appropriate level of human services.
6. Improve and expand community facilities including a community/senior center, marina, city hall, and police service center.
7. Maintain the peace and security of the community by aggressively deterring criminal activity through proactive community based policing, effective urban design, and continued citizen involvement.
8. Continue fiscal strength by initiating long range fiscal and economic planning.

He then reviewed eight “community first initiatives” proposed by various City departments, “efficiency and effectiveness measures and goals”, and in conclusion, noted the total budget proposed is \$24,901,471. He advised Council that this equates to a 2.1% increase over the 1996 budget.

10:28 p.m. **MOTION** was made by Councilmember Wasson, seconded by Mayor Thomasson, to extend the meeting for 15 minutes. Motion passed 4 to 2 with Councilmembers Sheckler and Towe voting NO.

Finance Director Hathaway reviewed the top eleven revenue sources for the City noting a total of \$7,959,695 is expected from these sources which is a 29.9% increase over 1996.

City Manager Olander reviewed the 1997 Budget policy issues that Council will need to address as follows:

- Marina Rates
- Airport Defense
- Surface Water management Rages
- General Fund Contribution to Capital
- Human Services Allocation

NEXT MEETING DATE - November 7, 1996 Study Session

ADJOURNMENT

Meeting was adjourned at 10:39 p.m.

Respectfully submitted,

Denis Staab
City Clerk