REGULAR MEETING OF THE DES MOINES CITY COUNCIL

MINUTES November 19, 1998

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

Pledge of Allegiance to the Flag was led by Councilmember Towe.

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, City Attorney Gary McLean, Public Works Director Tim Heydon, Community Development Director Judith Kilgore, Planning Manager Corbitt Loch, and Deputy City Clerk Angela Chaufty.

COMMENTS FROM THE PUBLIC

Carl Moberg, 1217 South 211th Street

For his Eagle Scout project, Mr. Moberg proposed that he be allowed to build and install benches and quarter mile markers for the Des Moines Creek Trail. He noted that volunteer labor and donated materials would be utilized for the project. He stated that his Eagle Scout project needed to be completed by January 1st.

Mayor Thomasson asked the City Manager to have the Park Manager contact Mr. Moberg to discuss the project.

Lew Anderson, 1650 South 244th Place

Mr. Anderson addressed Council regarding the traffic island that is currently being installed at the intersection of 20th Avenue South/ South 244th Place. He asked that the project be abandoned for safety reasons. Mr. Anderson stated that the traffic island would narrow the street to thirteen feet in some areas while a fire truck required a minimum of twenty feet. He suggested that a stop sign be installed at the intersection rather than completing the project. In closing, Mr. Anderson voiced support for Draft Ordinance Nos. 98-267 and 98-270.

CONSENT CALENDAR was read by Deputy City Clerk Chaufty.

1. Motion is to approve the minutes of November 5, 1998.
2. Motion is to approve the amendment to the Local Options Boat Tax and Vessel Registration Fees Agreement with King County to terminate such agreement and authorize the City Manager to sign such agreement substantially in the form as attached.

**MOTION** was made by Councilmember Kaplan, seconded by Mayor Pro Tem Brazil and passed unanimously to approve the consent calendar as read.

PUBLIC HEARING

Draft Ordinance No. 98-267 ***[Assigned Ord. No .1223]*** Determining and fixing the amount of funds to be raised by ad valorem taxes for the year 1999 for general City Expenditures - 1st Reading and Draft Ordinance No. 98-270 ***[Assigned Ord. No. 1224]*** Substantial need to increase the property tax levy for

1999 by an amount in excess of the "limit factor" imposed by Referendum 47, and expressly preserving the authority of any future City Council to consider adjustments to the City's property tax levy to the full extent permitted by law - 1st Reading

City Manager Olander introduced the subject. He noted that the two draft ordinances before Council sought to identify the precise property tax levy figures and percentage increase for the upcoming year, to document a substantial need for any increase in excess of the inflation rate, and to preserve the authority of future City Councils to adjust property taxes by an amount generally exceeding the inflation rate.

Mayor Thomasson called for speakers. None responded.

Mayor Thomasson closed the public hearing.

City Attorney McLean read the titles of Draft Ordinance Nos. 98-267 and 98-270 into the record.

**MOTION** was made by Mayor Pro Tem Brazil and seconded by Councilmember Sherman to suspend Council Rule 26(b) to adopt Draft Ordinances Nos. 98-267 and 98-270 on the first reading. Motion passed, 6 – 1, with Councilmember Wasson opposed.

**MOTION** was made by Councilmember Sheckler and seconded by Councilmember Towe to adopt Draft Ordinance No. 98-267.

Councilmember Wasson stated that he was opposed to both draft ordinances as he did not feel it was necessary to raise the tax rate as the City could afford to construct the Marine View Drive Bridge project. He voiced opposition to the Marine View Drive Bridge project.

**VOTE ON MOTION**: Motion passed, 6 – 1, with Councilmember Wasson opposed.

**MOTION** was made by Councilmember Towe and seconded by Councilmember Sheckler to adopt Draft Ordinance No. 98-270. Motion passed, 6 – 1, with Councilmember Wasson opposed.

OLD BUSINESS

Draft Resolution No. 98-230 ***[Assigned Res. No. 854]*** Adoption of 1999-2004 Capital Improvement Plan

City Manager Olander noted that Council had reviewed the projects in the proposed 1999-2004 Capital Improvement Plan (CIP). He acknowledged that the plan had been revised to reflect Council's direction regarding moving the SWM element of the Des Moines Creek Trail project into the Street section and increasing the authorization for the planned Community-Senior Center project. He also noted that staff recommended the deletion of the 6th Avenue South LID project due to a lack of property owner support. In closing, he recommended passage of the CIP as presented.

Mayor Thomasson read the title of the draft resolution into the record.

**MOTION** was made by Mayor Pro Tem Brazil and seconded by Councilmember Sherman to adopt Draft Resolution No. 98-230.

Councilmember Kaplan noted that he supported the increase of SWM fees as he felt they funded good projects but that he felt the Sports Park project should have been postponed for a least a year.

Councilmember Wasson voiced opposition to the SWM portion of the proposed CIP as it did not include SWM projects to relieve the flooding problems at the existing Senior Center.

**VOTE ON MOTION**: Motion passed, 5 – 2, with Councilmembers Kaplan and Wasson opposed.

NEW BUSINESS

SR 509/South Access Project - Funding

Public Works Director Heydon introduced the subject. He noted that the recent passage of Referendum 49 has highlighted the SR 509 project and has increased project funding lobby efforts by WSDOT, Port of Seattle, and SeaTac. In regard to the phasing of the project, Mr. Heydon informed Council that Option C had been selected as the preferred alignment. This option would provide for a connection between the existing freeway and 1-5, would build one lane in each direction of the freeway, and provide for the purchase of the complete project's rights-of-way. The EIS for the SR 509 project was currently being conducted. He felt that Option C would improve transportation movement for Des Moines. Public Works Director Heydon suggested that Des Moines take the position to lobby for funding as long as the following conditions were met:

- South access to airport constructed as part of phase 1 and
- Wetland mitigation measures that are in the same drainage basin where project related impacts occur.

Mr. Heydon felt that support for funding would be timely and aid in negotiating with other jurisdictions for other projects.

Councilmember Sherman reviewed the history of the project.

Mayor Pro Tem Brazil, Mayor Thomasson and Councilmember Sheckler expressed concern with potential traffic gridlock at South 200th Street/Des Moines Memorial Drive South due to the placement of a ramp at South 200th Street.

Mayor Thomasson suggested that mitigation be required to deal with the traffic impacts on South 200th Street/Des Moines Memorial Drive South and 24th/28th Avenue South corridor.

Mayor Pro Tem Brazil felt that the Port of Seattle should be responsible for the development of a south access to the airport.

**MOTION** was made by Councilmember Towe and seconded by Mayor Pro Tem Brazil to approve Council support for a State funding request for SR 509 construction provided that Option C, plus the improvements to I-5 are followed, an acceptable south access connection is made, and acceptable wetland mitigation takes place in the drainage basin where damage occurs due to this project.

Mayor Thomasson suggested that the condition require an expressway south access connection funded by the Port of Seattle.

The maker and seconder of the motion accepted the suggestion as a friendly amendment to the main motion.

City Manager Olander suggested that Council add a provision requiring adequate funding for ramp impacts at South 200th Street, 24th/28th Avenue South corridor, and off-site mitigation that is acceptable to Des Moines.

The maker and seconder of the motion also accepted this suggestion as a friendly amendment to the main motion.

City Manager Olander clarified the motion by stating that if the Executive Committee supported the Council's conditions then Council would support the funding requests for SR 509 construction.

At 9:25 p.m., Mayor Thomasson declared a ten minute break.

City Attorney McLean proposed the following:

**SUBSTITUTE MOTION**: "Provided the SR 509/South Access Executive Committee adopts the following conditions and mitigation measures, the Des Moines City Council will consider and approve a resolution supporting state funding for "Option C" as the SR 509/South Access Project:

- An expressway south access connection to the airport funded by the Port;
- Wetland mitigation measures that are in the same drainage basin where project-related impacts occur;
- Adequate funding to mitigate impacts associated with ramps at South 200th Street and the 24th/28th corridor, including off-site mitigation where appropriate and acceptable to the City of Des Moines."

The maker and seconder of the main motion accepted the above language as a substitute motion.

**VOTE ON SUBSTITUTE MOTION**: Motion passed, 4 – 3, with Councilmembers Kaplan, Sherman, and Wasson opposed.

OLD BUSINESS

Pacific Ridge Element of the Comprehensive Plan - Continued Discussion

Community Development Director Kilgore introduced the subject.

In regard to building heights, Planning Manager Loch confirmed the following direction previously given by Council:

Area East of Highway 99

- Council was more concerned with bulk than height of buildings.
- Open space and green areas were desirable.
- Not all buildings should be terraced.
- Building height range set at 85 – 120 feet.
- Buildings over 120 feet would need open space areas.

Commercial Area East of Highway 99

- Building height range set at 55 – 85 feet.

Area West of Highway 99

- Building heights up to 55 feet.

Area North of South 216th Street on Highway 99

- Building height range set at 55 – 85 feet.

After discussion regarding the building height for the area west of Highway 99 and its potential impact on residential areas, the majority of Council concurred that the building height should be set at 55 feet, with Mayor Thomasson advocating a lower height.

Mayor Thomasson suggested that larger setbacks be required for properties adjacent to residential areas so as to lessen the impact of the building height. He voiced support for utilizing Floor Area Ratio (FAR) requirements to regulate development.

Community Development Director Kilgore asked Council for direction regarding the type of uses that would be permitted in the area. She reviewed the various types of uses available (i.e. - permitted, conditional, unclassified, non-conforming).

Councilmember Wasson voiced support for setting the usage of the area so as to insure that the property was available for dense development. He suggested that light manufacturing be removed from the list of permitted uses for the H-C:1 area.

Community Development Director Kilgore confirmed that "mixed use" referred to retail mixed with office space. She stated that the code could be used to regulate usage.

Councilmember Sheckler agreed that light manufacturing should be removed. He felt that the uses listed under the H-C:1 column, except for the church, should not be permitted.

Councilmember Kaplan questioned whether any listed uses would potential be entirely eliminated from the city.

At 10:29 p.m., **MOTION** was made by Councilmember Wasson and seconded by Councilmember Kaplan to extend the meeting ten minutes. Motion failed, 2 – 5, with Councilmember Kaplan and Wasson voting in favor of the motion.

NEXT MEETING DATE - Regular Meeting December 10, 1998

ADJOURNMENT

The meeting adjourned at 10:30 p.m.

Respectfully submitted,

Angela M. Chaufty
Deputy City Clerk