

REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES

December 10, 1998

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

PLEDGE OF ALLEGIANCE to the Flag was led by Weeblo Pack 398, Den 4.

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, Community Development Director Judith Kilgore, Planning Manager Corbitt Loch and City Clerk Denis Staab.

COMMENTS FROM THE PUBLIC

Alicia Sroka, 18913 8th Avenue SW, Normandy Park

Ms. Sroka, a student at Pacific Middle School in Des Moines, informed Council that a student was hit by a car using the cross walk on 24th Avenue South. She noted the student was attending a math club at 6:00 p.m. on November 19th. She presented Council with a petition containing 236 signatures requesting that the City take action to improve the safety of students by installing flashing lights at this cross walk. She concluded by noting that although this may be a great expense, a child's life is much more valuable.

Councilmember Sherman informed Ms. Sroka this concern will be addressed by the City as a project for "Traffic Calming" measures.

Rebecca Furgason, 260625 South 232nd Street

Ms. Furgason also presented a petition with 80 plus signatures requesting additional safety measures be installed at the cross walk on 24th Avenue South in front of the elementary and middle school at that location. She requested members of the audience stand who are in support of this petition. Approximately 15 people stood up in support.

Ms. Bergin, 21628 28th Avenue South

Ms. Bergin reported that the ditch in front of her property has been mowed as she requested. She further commented on the following items:

- Bushes still need to be trimmed
- Fence is shabby and in need of repair
- Business License Renewal, City should provide a return envelope
- Audio on broadcasting of Council meetings on Channel 28 is terrible

Michael Clostoff, parent

Mr. Clostoff spoke in support of improvements at the school cross walk. He reported that he has noticed cars tend to speed in this school zone and requested better police patrol.

City Manager Olander advised that there are a wide range of safety features that will be looked to improve the safety of the school cross walk. He assured everyone that this issue is of high importance.

Mary Cassar, 803 South 195th Street

Ms. Cassar advised Council that traffic is speeding on 8th Avenue South. She noted that she walks twice a day and she is very concerned for her safety. She further advised that few cars ever stop when she is trying to use the cross walk in her neighborhood. She requested that this area be looked at also.

Jack Kniskern, 22602 13th Avenue South

Mr. Kniskern voiced strong support of the City's bond proposal for a senior/community center. He noted that this is an excellent project and requested that Council take an active roll in vocally supporting this effort. He advised that he has challenged the members of the committee he is on to financially support the efforts to publicize the issue to the voters of Des Moines to help the bond issue to pass.

Bruce Moore, 2733 61st Avenue SW, Seattle

Mr. Moore informed Council that he is a teacher at Pacific Middle School and he personally inspected the cross walk on 24th Avenue South. He stated that he felt an additional problem is created by the Metro bus space on the east side and the 18' wide school bus area on the west side, making the street additionally wide for small children to cross safely.

City Manager Olander assured Mr. Moore that the school will be contacted to participate on a committee to look at the numerous tools that can be used to help improve the safety of the cross walk.

Earline Byers, 22315 6th Avenue South

Ms. Byers thanked the City for allowing the residents to participate in the recent polling for consideration on an LID on 6th Avenue South in the downtown area. She noted there was a lot of interest, but not enough answers to questions raised by the residents. She stated that she hoped there may be another opportunity to consider this issue in the future.

BOARD & COMMITTEE REPORTS

Suburban Cities Association

Mayor Pro Tem Brazil reminded Council that the Suburban Cities Association Legislative meeting will be held December 15th at the Des Moines Police Department from 9 a.m. to 10 a.m. He reported that it will be co-hosted by himself and Mayor Chuck Booth from Auburn. Subjects of discussion will include natural resources, energy and utilities, and the environment.

SR 509 Executive Committee

Councilmember Sherman report the Executive Committee met on Tuesday, December 8th. He informed Council that the Port did not greet the Council's conditions, that were voted on at an earlier meeting, with much enthusiasm. He advised Council that he, City Manager Olander and Public Works Director Heydon will be meeting with Gary Grant. Plans are to get the Port to make a written commitment. He noted funds are available and it will be important to have Des Moines's approval of the project as any negative voice will hurt the chances of obtaining funding. He concluded by advising Council that Metropolitan King County Councilmember Chris Vance is supportive of the City's position.

PRESIDING OFFICER'S REPORT

Special Legislative Meeting

Mayor Thomasson reported that Monday, December 7th, Councilmembers met with the City's State Legislative representatives to discuss mutual concerns for the next Legislative Session.

ADMINISTRATION REPORTS

Terrace Apartments

City Attorney McLean informed Council that a resolution has been reached with the property owner of the Terrace Apartments complex. He reminded Council that the owners were charged with a number of civil infractions that have come before Des Moines Municipal Court. He reported that he has negotiated with the property owner's attorney, to have the owner agree to list and sell the property in return for a lower monetary penalty. The owner has paid a \$5,000 penalty and if they fail to sell the property within one year, they will owe the City an additional \$7,000. During the interim they are liable for any and all penalties imposed for current infractions that they might face. He concluded by noting that currently the property is in compliance with code.

CONSENT CALENDAR was ready by City Attorney McLean.

1. Motion is to approve the minutes of November 12 and 19, 1998.
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 #6453 through #64904 in the total amount of \$1,228,047.24

Payroll fund transfers in the total amount of \$432,872.19

3. Motion is to authorize the City Manager to approve all vouchers for payment of the following claims during the period of December 11 through December 24, 1998:
 - 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 at the January 14, 1999 meeting.
4. Motion is to approve an Interlocal Agreement between King County and the City of Des Moines for provision of services by the King County Road Services Division and further to authorize the City Manager to sign said agreement substantially in the form as attached.
5. Motion is to adopt the Public Works Emergency Response Mutual Aid Agreement and further to authorize the City Manager to sign said agreement substantially in the form as attached.
6. Motion is to approve the contract in the form of an Interlocal Agreement between the City of Des Moines and the Washington Department of Corrections for the Offender Community Service Work Crew Program and authorize the City Manager to sign the agreement substantially in the form as attached.
- ~~7. Motion is to approve an Interlocal Agreement between King County and the City of Des Moines for the transfer of the 16th Avenue South Project funds, and further to authorize the City Manager to sign said agreement substantially in the form as attached.~~ [ED NOTE: Removed at the request of Mayor Thomasson.]

~~8.A Draft Ordinance No. 98-261 Title: An Ordinance of the City of Des Moines, Washington relating to animal control, adding licensing for cats to the existing animal control policy, and amending DMMC 8.04.010, .020, and .030.~~

~~TWO MOTIONS: First motion is to suspend Council Rule 26(b). Second motion is to approve Draft Ordinance No. 98-261 as amended in yellow pages distributed to Council.~~

~~[ED NOTE: Removed at the request of Councilmember Sheckler.]~~

~~8.B Draft Resolution No. 98-261 Title: A Resolution of the City of Des Moines, Washington, setting annual dog and cat license fees effective at the beginning of the calendar year 1999 pursuant to the Ordinance proposed for enactment by the previous motion, and repealing Resolution No. 498 adopted February 11, 1988.~~

~~MOTION is to approve Draft Resolution No. 98-261 as amended in yellow pages distributed to Council. [ED NOTE: Removed at the request of Councilmember Sheckler.]~~

MOTION was made by Councilmember Kaplan, seconded by Mayor Pro Tem Brazil, to approve the Consent Calendar as read.

Consent Item #8A & 8B - Was removed at the request of Councilmember Sheckler.

Consent Item #7 - Was removed by Mayor Thomasson.

VOTE ON MOTION: Motion passed unanimously to approve the consent calendar Items 1 through 6.

REMOVED CONSENT CALENDAR ITEMS

Interlocal Agreement - King County 16th Avenue South Transfer of Project Funds

MOTION was made by Mayor Thomasson, seconded by Councilmember Wasson to approve an Interlocal Agreement between King County and the City of Des Moines for the transfer of the 16th Avenue South Project funds and further to authorize the City Manager to sign said agreement substantially in the form as attached. Also, to strike the last two sentences under Item 2., subsection 2.5 to be in compliance with recently passed initiative 200. Motion passed 5 to 2 with Councilmembers Sherman and Towe voting NO.

Draft Ordinance No. 98-261 [ASSIGNED ORDINANCE NO. 1225] Adding Cats to Existing Animal Control

Councilmember Sheckler requested that the draft ordinance, Section 3(6), be amended to state that City residents 65 years of age and older may “obtain at no charge” a special permanent license ... A majority of Council concurred with this language

MOTION was made by Councilmember Sheckler, seconded by Mayor Pro Tem Brazil, to suspend Council Rule 26(b). Motion passed 6 to 1 with Councilmember Wasson voting NO.

MOTION was made by Councilmember Sheckler, seconded by Mayor Pro Tem Brazil, to approve Draft Ordinance No. 98-261, with the suggested amendment.

Councilmember Sherman noted that he would prefer to see the no cost lifetime tag only available to senior's with a limited income, or for that matter, anyone with a limited income. He does not

feel just because you are 65 that you should be entitled to a free lifetime animal license. He felt that the current one-time fee of \$20 is reasonable.

VOTE ON MOTION: Motion passed 5 to 2 with Councilmembers Sherman and Wasson voting NO.

Draft Resolution No. 98-261 /**ASSIGNED NO. 855**/ Setting Annual Dog and Cat License Fees

It was noted that the draft resolution would be amended to reflect the no cost life time license for citizens 65 years of age and older.

MOTION was made by Councilmember Sheckler, seconded by Councilmember Kaplan to approve Draft Resolution No. 98-261 as amended. Motion passed 5 to 2 with Councilmembers Sherman and Wasson voting NO.

Agenda Revisions

Mayor Thomasson announced that New Business Item #2, Courtyard at Zenith - Request for Final Plat, has been removed from tonight's agenda for some technical corrections.

Mayor Thomasson noted a new item has been added regarding property acquisition.

PUBLIC HEARING

Draft Ordinance No. 98-284 1998 Comprehensive Plan Amendments - 1st Reading

Planning Manager Loch advised that this agenda item provides a public hearing for the proposed 1998 Amendments to the Greater Des Moines Comprehensive Plan. The requested actions involve amending the Comprehensive Plan, which is a policy guide for zoning and other land use decisions. No change in zoning or construction would occur at this time. If some or all of the amendments are approved, no change in land use or new construction may occur without first changing the zoning to match the new Comprehensive Plan designation. He informed Council that the Planning Agency reviewed the amendments at their November 2nd meeting and their comments are noted in Council packets.

City Attorney McLean read the rules for conducting the public hearing. He requested all those present in the audience raise their hands if they wished to testify at tonight's hearing and administered the oath to those whose hands were raised.

Planning Manager Loch began review of the packet material with comments as noted.

Amendment A

1. Universal text change: All references to "Common Wall Single Family" be changed to "Townhouse/Duplex".
2. 22741 Marine View Drive South: Change in land use designation from Multifamily - 18 dwellings per acre to public Facility/Utility.
3. 1800 block South 240th Street (north side): Change in land use designation from Single Family 6 dwellings per acre to Public Facility/Utility.
4. 24728-24800 16th Avenue South: Change in land use designation from Single Family - 6 dwellings per acre to Park.
5. 2400 block Kent-Des Moines Road (north side): Change in land use from Single Family 6 dwellings per acre to Park.

6. 802 South 223rd: Change in land use designation from Single Family - 5 dwellings per acre to Public Facility/Utility.
7. 25127 16th Avenue South: Change in land use designation from Single Family - 6 dwellings per acre to Public Facility/Utility.
8. 23900 Block of 16th Avenue South (east side): Adoption of land use designation of Park.

Planning Agency & Staff Recommendation: Approval. For amendment No. 8, the Park designation should follow property lines as may be adjusted.

PUBLIC COMMENTS

Robert Back, 23840 16th Lane South

Mr. Back noted that he and 2 other property owners would like to request a street vacation of 16th Lane South to allow access to 16th Avenue South. He proceeded to give Council a history of the neighborhood, noting that King County purchased some land years ago and when they did not follow through on road plans, they deeded the property to the neighboring school.

City Attorney McLean noted that this request would need to go through normal channels for a street vacation which is a different process than the amendments to the Comp Plan.

Council had no corrections or additions to Amendment A.

9:06 p.m. Mayor Thomasson declared a 10 minute recess.

Amendment B

19804 8th Avenue South: Change in land use designation from Single Family Residential - 6 dwellings per acre to Townhouse/Duplex

Planning Agency and Staff Recommendation: Denial

PUBLIC COMMENTS

Mrs. Weiss

Mrs. Weiss noted that she voted to annex to Des Moines because she wanted to stop multi family zoning from spreading in the single family zones. She is very much in support of staff's recommendation to deny this change.

Mary Cassar, 121 South 208th

Ms. Cassar spoke in support of denial of the request. She reported that multi family would add to traffic problems of too many speeding vehicles and the area is too close to a school.

Council expressed concurrence with staff recommendation.

Amendment C

2200 block of South 260th Street: Change in land use designation from Public Facility/Utility to Townhouse/Duplex.

Planning Agency & Staff Recommendation: Approval, subject to a maximum density of nine dwellings per acre.

PUBLIC COMMENTS

Don Moody, 16443 SE 35th Street, Bellevue

Mr. Moody noted he is the project manager for Puget Western, proponent for the request. Mr. Moody informed Council he feels this is the highest and best use of this area.

Amendment D

20700-20800 of 1st Avenue South (east side) and the 100 block of South 208th Street (both sides).

Staff Recommendation: 1) Do not amend the Comprehensive Plan until the B-N Zone is revised to provide more specificity for permitted uses. 2) Add revision of the B-N zone to Community Development's 1999 work program.

PUBLIC COMMENTS

Jerry Guite, Normandy Park Resident, Owner of some of the currently used business property
Mr. Guite noted some of the property in question has been used commercially for 50 years as there were no zoning restrictions at that time. He stated he would like to see some of the commercial uses stay such as coffee stands, real estate office and doctors offices.

Ed Rowe, 18415 Occidental South

Mr. Rowe noted that he owns the dental laboratory on 1st avenue. He informed Council that he does not feel the property in that area, especially south of the dental lab, is suitable for residential construction and he would prefer the City take action to officially create a business zoning.

Janet Cassar, 121 South 208th

Ms. Cassar noted she is an adjacent property owner of the dental laboratory and she expressed concern over increased traffic speeds with commercial zoning and she further noted the lack of sidewalks, which increase problems for pedestrian safety in the area.

Mary Cassar, 121 South 208th

Ms. Cassar informed Council that commercial parking lots, such as the dental laboratory are dark at night, and with no security, invite people to use the parking lots to hang out. She requested Council give a lot of thought and consideration before designating this area as business zoning.

Rosemary Maulden, 20625 2nd Avenue South

Ms. Maulden spoke strongly in support of keeping the area single family.

Tim Rasmussen, 132 South 208th Street

Mr. Rasmussen presented Council with a petition to keep this neighborhood single family. He further noted that the containers trailers parked on vacant land on 1st Avenue South are, in his opinion, an eyesore.

Cherie Martin, 20603 1st Place South

Ms. Martin felt commercial zoning of this area would add to traffic problems and devalue single family property. She also felt the container trailers are an eyesore. Upon questioning from Councilmember Sherman, she noted she has no problem with the doctor's office, and felt that if the vacant land the containers are parked on was cleaned up, then that might be acceptable. She would not want any further expansion of business zoning than there currently exists.

Rosemary Maulden, 20625 2nd Avenue South

Ms. Maulden noted that she feels the current business uses are okay, but she does not want any expansion of business zoning.

Upon questioning by Council, Community Development Director Kilgore advised Council that since the current business uses are non-conforming, that if they were over 50% destroyed they could not be rebuilt.

As there were no further comments from the public, Mayor Thomasson CLOSED the public hearing. He noted that Council discussion will resume at the January 14, 1999, Council meeting.

NEW BUSINESS

Draft Resolution No. 98-280 [ASSIGNED RESOLUTION NO. 856] Setting Bond Issue on Senior/Community Center

Mayor Thomasson noted that the Draft Resolution has been prepared as directed by the City Council at its November 5, 1998 meeting.

MOTION was made by Councilmember Kaplan, seconded by Mayor Pro Tem Brazil and passed unanimously, to approve Draft Resolution No. 98-280.

Draft Ordinance No. 98-286 [ASSIGNED ORDINANCE NO. 1226] Amending 1998 Budget - 1st Reading

MOTION was made by Councilmember Towe, seconded by Councilmember Kaplan and passed unanimously, to suspend Council Rule 26(b) in order to enact the draft ordinance on first reading.

Mayor Thomasson read the ordinance by title into the record.

MOTION was made by Councilmember Sheckler, seconded by Mayor Pro Tem Brazil and passed unanimously, to approve Draft Ordinance No. 98-286.

Purchase of Diocese of Olympia Property - 20th Avenue South and South 216th Street

MOTION was made by Councilmember Kaplan, seconded by Councilmember Towe, to approve the purchase of the Diocese of Olympia property for \$153,875.70 and authorize the City Manager to sign a Purchase and Sale Agreement substantially in the form as attached. Motion passed unanimously.

PUBLIC HEARING

Draft Ordinance No. 98-274 Regulating Mobile Vendors - 1st Reading

City Attorney McLean informed Council that the draft ordinance was prepared at Council's direction to regulate itinerant and mobile vendors. He further advised that the draft ordinance also updates the City's business license regulations to aid in the enforcement of fire and building code regulations contained in Title 14 DMMC. He noted that this is not a quasi judicial proceeding.

Mayor Thomasson declared the hearing open and called for public testimony.

PUBLIC COMMENTS

Cliff McNeal, 28120 Beach Drive South #211

Mr. McNeal informed Council that he has had an opportunity to review the draft ordinance. He stated he felt it is well done and he highly recommended Council's approval.

Earline Byers, 22315 6th Avenue South

Ms. Byers expressed concern with pages 11 and 12 of the draft ordinance as it pertained to operation of a mobile coffee vendor who currently operates at the Des Moines Marina. She felt this is a great service to citizens who use the Marina and the business is not hurting other permanent businesses located in that area. She requested Council look very closely at the draft ordinance before passage.

As there was no further public testimony, Mayor Thomasson CLOSED the public hearing and announced that Council will begin deliberation and discussion at the January 7, 1999, study session.

NEXT MEETING DATE

Mayor Thomasson announced the next meeting will be a study session set for January 7, 1999.

ADJOURNMENT

The meeting adjourned at 10:30 p.m.

Respectfully submitted,

Denis Staab
City Clerk