

REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES

January 18, 2007

CALL TO ORDER - The regular meeting of the Des Moines City Council was called to order at 7:03 p.m. by Mayor Sheckler at the City of Des Moines Council Chambers, 21630 11th Avenue South, Des Moines, WA.

ALLEGIANCE - The pledge was lead by Mayor Sheckler.

ROLL CALL - Present: Mayor Bob Sheckler, Mayor Pro Tem Scott Thomasson, Councilmembers Dave Kaplan, Ed Pina, Carmen Scott, Dan Sherman, and Susan White. As City Manager Tony Piasecki was on vacation, Acting City Manager for the meeting was Planning, Building, and Public Works Director Grant Fredricks. Also present was Interim City Attorney Richard Brown, and filling in for City Clerk Denis Staab was Planning, Building, and Public Works Permit Technician Tina McVey.

CORRESPONDENCE

Director Fredricks stated that we had received correspondence from the Association of Washington Cities asking if we wanted to join with them on an appeal of the Municipal Phase II NPDES Permit (ecology provisions permit).

BOARD & COMMITTEE REPORTS & COUNCILMEMBER COMMENTS

Councilmember Dave Kaplan:

Reported on the Public Safety and Transportation Committee Meeting. Slide repairs to Saltwater bridge will be extensive due to soil conditions and difficulty to identify the repairs needed and then how to obtain the funds to do the repairs. The committee will be sending appeals to Federal and State offices in order to ask for help in funding these repairs. This becomes very important because the bridge issue has a direct impact on the 16th Avenue project. To do some of the road work on 16th Avenue, the Woodmont Road area would need to be closed for a few weeks. In order for people to leave their homes and get anywhere, they would have to cross Saltwater Bridge. If Saltwater Bridge is not open, the work on that part of the project can not be done. Previous cost estimates of \$500,000 have now been determined to be far short of what it can actually cost to repair the bridge by as much as \$2 Million Dollars. It is anticipated that the findings of the special engineers will give the City a better idea of costs and what it will take to fix it so that this does not occur again. Federal inspectors should be arriving next week to inspect the bridge and give the City more information.

Councilmember Ed Pina:

Public Issues Committee meeting was cancelled because of snow. It was noted for the record that he and several other Councilmembers were overpaid in 2006. This was brought to staff's attention and it was their recommendation that the excess funds be returned to the City by taking them out of the Councilmembers' first check in 2007. Also brought to the Council's attention a report he'd recently read on the pros and cons of underground wiring. The report stated that while burying the wiring reduces failure by 50%, it also raised the amount of time needed to find breaks by twice the current time it now takes for overhead wiring. He felt the Council needed to consider these facts when addressing this issue.

Councilmember Susan White:

Southwest King County Economic Development committee meeting went well. Copies of the report were distributed to the Council. She stated that involvement with the committee was a positive move for

the City. She also stated that she had met recently with all three state legislators to hand deliver the City's letters to them and those letters were well received. Attended the Historic Preservation Caucus while there and enjoyed it greatly.

Councilmember Dan Sherman:

Municipal Facilities committee met on 1/5/07 to go over several issues, most notably the Beach Park Concession Agreement with Tillacum Village. This is something which they are not rushing as this area is still in the development stage.

- At this point, Councilmember Pina interjected that he was under the impression that the City would be obtaining bids for the concession contract and that the talks with Tillacum Village were exactly that; talks.
 - Councilmember Sherman stated that if that was indeed the way the Council wished for the committee to proceed, the committee would definitely abide by that decision. It was his thought that the City was looking for a group/company who had experience in this area and had been successful in this type of endeavor. However, the committee will stop the talks right where they are now, if that is what the Council wishes.
- Motion made by Councilmember Pina to submit a proposal that the City would look for other businesses who would be interested in the food/beverage/marketing services that are established. Councilmember Kaplan seconded the motion after a brief discussion where he obtained clarification that from Councilmember Sherman that the scope of the services for the Beach Park was food, beverage, maintenance, memorabilia, things which identified with the City of Des Moines.
- Councilmember Scott stated her concern was that businesses local to the City and community would be excluded or looked over if we did not seek out bids. It was her feeling that we had local businesses who were just as well qualified and would be interested in the contract. She did not, however, feel that we should stop talking to the people at Tillacum as they were being vitally important in helping the committee gain knowledge as to what was needed and how the City's goals could be achieved.
 - Mayor Pro-Tem Thomasson stated one of the things brought up in the committee was whether or not they were interested in a broader look and the committee did not seem to want to go that way. Most of the conversation that he's heard has seemed to be related to what Tillacum wanted or offered. He felt that Tillacum offers a larger service opportunity that would not be available in a 'catering' service and that he doesn't feel it should go to a broader look for that reason.
 - Councilmember Ed Pina stated that he wanted a more specific scope of services and work defined and for the City to obtain, evaluate, and grade bids based on the quality of the company bidding. His fear is that if we only go with what Tillacum offers, we could be making a mistake.
 - Councilmember Dan Sherman stated that he felt that putting things out for bids was a good process in a lot of cases, but felt it was worth mentioning that Tillacum does more than just promote Native American Heritage. In their other comparative endeavors, they have promoted local history and heritages. He felt very confident in saying that we should go with Tillacum rather than go after cheaper bids. Tillacum is even quite open in expanding to a new stage of growth in their development in collaboration with the City, like possibly offering a kayaking service. His fear is that if we go off in other tangents, we could lose them.
 - Councilmember White stated that Tillacum has invested a lot of time in the past year with us and she feels they are our best fit. She is more concerned that our first priority must be getting the flooding in that area under control and developing the area. It was also her feeling

that if we were going to put out a request for proposals, we should do it soon before Tillacum invests more time with us.

- Councilmember Dave Kaplan stated that it was his understanding that after the Tillacum presentation, the subject was going back to committee to define the scope of services. Tillacum has been very helpful, but his concern is that the committee, he thought, was going to put together this defined scope of services and bring that back to the Council. It was then that the decision was going to be made whether or not to put the services out for bidding. It would be his wish that the City would define what is going to go in the Park, whereas we now seem to be involved in a 'give and take' situation with *a* specific contractor.
 - Councilmember Carmen Scott reminded everyone of the Carl Jensen study which was very informative regarding uses in the area. She stated that she knew there had been other studies in the intervening years and that those studies could help with defining the scope of services. Also stated that without the discussions with Tillacum, she does not believe we could have come up the list of things that the committee would like to see happen in the Park. She also wanted to caution everyone with regard to the number of meetings the committee has had with Tillacum. They've really only met and had two good discussions and those discussions have been very broad in nature.
 - Councilmember Ed Pina voiced his agreement with Councilmember Kaplan's comment that Tillacum was defining the scope of services, not the City.
 - Mayor Pro-Tem Thomasson suggested that the Administration put in each Councilmember's inbox a copy of the previous motion as to what was exactly was wanted and what the committee was supposed to be doing in regard to the discussion with Tillacum.
 - Mayor Sheckler stated that he could not vote for the motion as it is. Tillacum came to us; we did not go to them. It is his feeling that getting other proposals would be futile as no one else does what Tillacum does. He himself had been waiting to hear from committee on whether the proposal was to be approved.
- o Vote to approve the motion as previously stated: Yay: Councilmembers Pina and Kaplan. Nay: Councilmembers White, Scott, Sherman, Mayor Pro-Tem Thomasson, and Mayor Sheckler. Motion did not pass, committee is to proceed in discussions with Tillacum Village as before.

Councilmember Sherman then asked to continue his comments as his time had been interrupted and then set aside for the discussion and vote on Tillacum Village. Regarding the Marina, the amount of revenues from Marina services will determine what will be done at the Marina, but the committee still wanted to discuss possibilities. He informed the Council that the committee would soon be bringing before the Council a proposal to raise Marina rates. He also wanted to comment on the extreme natural events that we have been experiencing and that these events are going to impact us directly as the Council meets to discuss and decide on funding and finances as major projects are impacted by the result of these events. He also wanted to state that he is proud of the way the City staff has handled all of these events.

Mayor Pro-Tem Thomasson:

Environment Committee has not met, so he has nothing to report. He also stated that he had no other comments.

PRESIDING OFFICER'S REPORT - Mayor Sheckler wished to reserve his comments for later in the meeting.

Councilmember Scott wanted to end this part of the meeting by saying that she's concerned with what she's hearing about the Puget Sound area and World-Wide decline of how we treat each other and the environment. She stated it was up to us to be the best person we could be.

ADMINISTRATIVE REPORTS - Director Fredricks stated there were none.

CONSENT CALENDAR was read by Planning, Building, and Public Works Permit Technician, Tina McVey.

1. Motion is to approve the regular minutes of November 30 and December 7, 2006.
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 #107074 through #107459 & electronic fund transfers in the total amount of \$1,698,821.96

Payroll fund transfers in the total amount of \$562,605.02

3. Motion is to authorize the City Manager to sign the 2007 Local Hazardous Waste Management Program Contract No. D37322D between the City and the Seattle-King County Department of Public Health.
4. Motion is to accept the King County Community Development Block Grant Fund award for South 216th Sidewalk Design in the amount of \$50,000.
- 5.A Draft Resolution No. 06-282 - Title: A Resolution of the City Council of the City of Des Moines, Washington, commending City employees for their diligent efforts above and beyond their normal duties responding to the violent wind storm which occurred on December 14, and 15, 2006, uprooting trees, knocking out power, and undermining and closing Marine View Drive at the Saltwater Park Bridge.
MOTION is to approve Draft Resolution No. 06-282.
- 5.B Draft Resolution No. 06-283 - Title: A Resolution of the City Council of the City of Des Moines, Washington, commending Landmark on the Sound, South King Fire and Rescue, and The American Red Cross, who together responded to the needs of the entire community arising from the violent wind storm which occurred on December 14 and 15, 2006, resulting in many of the citizens of Des Moines being left in a vulnerable state without power, food, shelter, and warm water for bathing.
MOTION is to approve Draft Resolution No. 06-283.
6. Motion is to approve the Contract for the Mt. Rainier Pool Sand Filter Replacement Project with Ole's Pool and Spa for the amount of \$21,751.70 plus tax, and authorize the City Manager to sign the contract substantially in the form as submitted. And, to authorize the City Manager to approve change orders not to exceed 10% of the total contract amount.
7. Motion is to confirm Mayor Sheckler's reappointment to the Planning Agency of Donald Riecks to a four year term effective January 1, 2007.
8. ~~Motion is to authorize the City Manager to sign the amended services contract with ESA Adolfson Associates in the amount of \$12,549.00, plus a 10% contingency, allowing for additional work and completion of the Shoreline Master Program. (removed by Councilmember Kaplan for discussion)~~
9. Motion is to award the Consultant Agreement for architectural and engineering services for Des Moines Creek Trail to INCA Engineers, Inc. in the amount of \$193,344.42, plus a 10%

contingency, and to authorize the City Manager to sign the contract substantially in the form as submitted.

10. Motion is to authorize the City Manager to enter into an Interlocal Agreement between the Cities of SeaTac, Des Moines and Tukwila for planning, funding and implementation of a joint minor home repair program 2007, using Community Development Block Grant funds.

11. ~~Motion is to authorize the City Manager to sign a Contract for Lobbying Services with Gordon, Thomas, Honeywell~~

~~SUMMARY: The purpose of this agenda item is to present and recommend a proposed contract with Gordon, Thomas, Honeywell, for federal government lobbying services for the time period of January 1, 2007 to December 31, 2007. (removed by Mayor Pro-Tem Thomasson)~~

Formatted: Not Highlight

➤ Motion was made by Councilmember White, seconded by Councilmember Kaplan, to approve the Consent Calendar as amended. Motion passed unanimously.

Mayor Sheckler at this time spoke regarding the hardships the City had undergone during the recent weather disaster. He commended the City Staff on a job well done. He spoke highly of the actions taken by our Staff and their willingness to do above and beyond their normal job duties. Resolution No. 06-282 gave credit to "...the City of Des Moines Maintenance and Marina Crews and Police Force during the emergency situation and recovery efforts resulting from the violent windstorm that took place on December 14 and 15, 2006." The Mayor then invited Chief Executive Officer of Landmark on the Sound, Jane Ipsen, and South King County Fire and Rescue Deputy Chief Vic Pennington to come up front for the reading of resolution No. 06-283 which commended "...the sacrifice and effort of Landmark on the Sound, assisted by South King Fire and Rescue and community volunteers, to open their doors to the Red Cross to set up a shelter for those who were without power, needed food, shelter, warmth and showers during the storm and its aftermath." Ms. Ipsen and Deputy Chief Pennington then thanked the City for the resolution and commendations, both stating they were just happy that they were able to provide these services at a time when they were needed.

REMOVED CONSENT ITEMS

Item #11 - Motion to authorize the City Manager to sign a Contract with Gordon Thomas Honeywell, for federal government lobbying services for the time period of January 1, 2007 to December 31, 2007. Discussion began with Councilmember Sherman stating he was concerned that the City was being asked to renew this contract when we have yet to see any returns on the previous year's contract.

Councilmembers White, Pina, and Scott, as well as the Mayor stated that the past year's lack of results were due to outside factors in Congress, and we would not know what changes would occur, but felt that it was more important than ever to have a lobbyist representing the City's needs.

Councilmember Kaplan reminded the Council that it was he that stated during the budget talks that he would not vote for a renewing of this contract if we did not see the sure possibility of returns by the end of 2006. However, since this is one time money he is willing to approve the motion as long as long as it the lobbying is not narrow focused.

➤ Motion to approve Item #11 was made by Councilmember White and seconded by Councilmember Kaplan. Vote: Yays: Councilmembers White, Scott, Kaplan, Pina, and Mayor Sheckler. Nays: Councilmember Sherman and Mayor Pro-Tem Thomasson.

Item #8 - Motion to authorize the City Manager to sign the amended services contract with ESA Adolfson Associates.

Discussion began with Councilmember Kaplan asking why the City was extending this contract if grant money was given by the state to finish the Master Shoreline Program and the Department of Ecology came back with a number of responses.

- Development Services Manager, Robert Ruth, came forward at this point. DSM Ruth stated that the department worked hard to get the Council's decision forwarded to the Department of Ecology in February 2006. It was fully expected that the turnaround time would be 4-6 weeks. This did not happen until July 2006. The comments were quite lengthy and beyond the deadline of the grant. Our department did not have time to respond to them within the time frame of the grant. The Department of Ecology informed the City that they were pulling the grant because there was some delay because of things on their behalf. In October, the City was informed that the legislature had to reauthorize on the grant refunds and the administrative arm of the Dept of Ecology was powerless to reallocate the funds or roll them over into the next year. In December 2006 the City was informed that the grants were now able to be rolled over. During the process, it was discovered that the Planning department had only received partial comments in the original response which came after the deadline as many more comments were received afterward. It was determined by the Planning Department that the scope of the original request from the Department of Ecology had changed from asking for changes in the Master Shoreline Program to completely restructuring the program.
 - Councilmember Kaplan asserted that his issue was that if all of those 51 responses were suggestions, then we should be done. If they're requirements, then we have to do them, but it needs to be determined what is necessary and have to be done or things that they would like us to do.
 - DSM Ruth stated this had been discussed with the Department of Ecology in November and they were able to determine what was suggested and what was required. There are issues with mandated requirements and the reach of the Department of Ecology.
 - Councilmember Kaplan stated that it was his opinion that unless we have done something where we have made mistakes, we should call this done and let the burden of proof be on the Department of Ecology to say we haven't complied.
 - Mayor Pro-Tem Thomasson stated that if the Shoreline Program wasn't in compliance, it is possible the Department of Ecology would say that we would not get any state money. That would then be their way to get us to comply with what they wanted, so perhaps voting for this contract would be worth it for that reason.
 - Councilmember Kaplan stated that this has already been in process for 2 years and there is a bill before the state congress to allow it to extend that process time. His concern is that the Council has a lot to get done this year and does not want to spend time arguing with the Department of Ecology.
 - Councilmember Sherman stated that perhaps spending the money for the contract would be less expensive and more expeditious than a lawsuit.
 - Mayor Pro-Tem Thomasson asked if this was something which could possibly be done in the Environment Committee. Director Fredricks stated that the City was going to be discussing this with the committee in the following week. He also stated that this was funding paid for in grants for this exclusive purpose and it would not require any money from the City. Any money not used would just be absorbed back into the Department of Ecology.
- Motion was made by Mayor Pro-Tem Thomasson to approve the measure as written and seconded by Councilmember Ed Pina. Vote: Yays: Councilmembers White, Pina, Scott, and Sherman, Mayor Pro-Tem Thomasson, Mayor Sheckler. Nay: Councilmember Dave Kaplan.

Mayor Sheckler declared a 10 minute break at 8:50pm.

Mayor Sheckler called the meeting back to order 9:04pm.

OLD BUSINESS

Des Moines Creek Business Park - Draft EIS

Mayor Sheckler turned the floor over to Planning Manager, Denise Lathrop, for this part of the agenda. Dev. Manager Lathrop stated that this was to be an overview of the Draft EIS which had been delivered to Councilmembers about a month prior. The comment period had recently ended for DMCBP. She stated that not many comments had been received, but the majority of what the City received had been from SeaTac. She further stated that she would answer any questions the Council had, but that policy issues would not be discussed in order to avoid compromising the Council's quasi-judicial role in the event of an appeal, and no Council action is required.

Mayor Sheckler asked if any comments had come in and Planning Manager Lathrop stated that we had received comments from SeaTac.

The discussion began with Planning Manager Lathrop providing slides describing the processes taken to get to this point in creating the Draft EIS and the impacts on the environment, traffic, and the City's citizens as development progresses from paper plans to reality. The slides were titled Conceptual Master Plan, The Conceptual Master Plan Content, Environmental Review, EIS alternatives, Disciplines Studied during the Environmental Review Process, Earth, Water Resources, Wetlands, Transportation, SEPA Mitigation, and EIS Review Schedule.

Planning Manager Lathrop briefly explained the process began with the creating of the Conceptual Master Plan. This then brought about the Environmental Review, which then allowed them to put together the Draft EIS. The process centered on the following objectives of the Comprehensive Master Plan: identify market feasibility of development, evaluate alternative uses, set the basis for environmental review, and identify infrastructure needs.

The three alternatives which came out of these meetings with the Port of Seattle were:

(1) No action at all.

(2) Alternative 1 - Lower Intensity which would have a footprint of 900,000 square feet with 50% of the area being used for logistics, 30% for manufacturing, and 20% for office/research and development.

(3) Alternative 2 - Maximum Intensity which would have a footprint of 1.1 Million square feet with 20% of the area being used for logistics, 25% manufacturing, and 50% office/research and development.

Questions/Comments from the Council and Mayor:

- o Councilmember Sherman: What is 'logistics'? Planning Manager Lathrop stated that these were land uses that were defined, with some of it being warehousing.
- o Mayor Sheckler: What is the 50% office/ research and development portion in relation to airport supported/related businesses? Planning Manager Lathrop stated that she did not have exact numbers available, but that the Port was the major player in this development with Des Moines being only a small part of the project. Director Fredricks stated that the market will favor more airport directed activities, but there are no restrictions on use.
- o Mayor Pro-Tem Thomasson stated that although he had not read the EIS, it was clear that there was a problem with the accuracy of the represented land use areas as Figures 3.3.1 and 3.4.1 in

the Draft EIS are not consistent with the markings for the area and type of development toward the north end of the project. His concern was that the maps show development in the ravine buffer area and that if the map projections are not accurate, how can we trust the analysis of the people who developed the numbers and processes? Planning Manager Lathrop stated that these are indeed only projected uses in 'bubble' form and not exact representations. Field verifications will help plot this area and the next phase, which will be presented to the Council in the near future, should answer a lot of these kinds of questions.

- o Mayor Pro-Tem Thomasson then inquired as to the non-Port parcel on 216th and if the EIS should consider including that parcel in the documents as the Port is trying to obtain it and that would keep the EIS from being amended later.
- o Mayor Pro-Tem Thomasson inquired as to why an area in Alternative 1 is marked as a greenbelt and in Alternative 2, the same area is marked as a street, and is having that street as an access point is an option for either alternative? Is 214th a viable access point for either alternative? Is the traffic analysis dependent on the two points of interest and whether or not there is a third point of interest? Planning Manager Lathrop stated that when this area is actually under development, those people will come in with a Master Plan and their road considerations may not match any of those options. The access points at the top of the map entering onto 24th are considered emergency egress access points until future improvements to 24th and 28th are added, with the primary access limited to 216th. For Alternative 1 on the left in the handout, the access points would be considered optional; either one or the other. For Alternative 2 on the right, it would be from the North or from 24th with a potential additional access on 214th. This will be dependent upon whether a developer wants and whether it fits in with their transportation proposal.
- o Mayor Pro-Tem Thomasson restated that his main concern was environmental. He stated that if he were giving comments, he would state that the City should figure out where the stream is on the property, figure out where the ravine buffer is on the property, and have the development address those impacts.

Planning Manager Lathrop then began the next phase of her presentation, speaking to the impact the development would have on Earth, Water, Wetlands, and Transportation.

Earth:

A substantial amount of cut and fill are on the site and an initial 576,000 cubic yards will be exported from the site. It is one of their objectives to find a balance between cut and fill, but the Port feels it would be difficult to do if Alternative 1 is chosen because of the larger footprint.

Water:

There will be an increase of about 50 acres of impervious surface area on the site. Two options were formed under analysis for stormwater discharge: (1) to an existing system on 216th with upgrades to the storm main required, but no improvements to the outfall have been proposed, or (2) to construct a new pipeline to the west of the existing system and outfall to Des Moines Creek on 212th where the existing outfall would need to be reconstructed.

- o Councilmember Sherman asked if water retention would be put in place as Des Moines Creek could not handle more water and if Planning Manager Lathrop knew what the footprint of the area was when this was an active residential area. Streets, driveways, etc can have huge runoffs and it would be interesting to see how that compares with the footprints being considered now. Planning Manager Lathrop stated that when an analysis is performed, the existing conditions are what is normally considered. As the houses have been demolished, it would not have considered that as part of the analysis.

- Mayor Pro-Tem Thomasson stated that it was his observation that the northwest corner of the site seems to be the lowest on the property and the stormwater is coming out at an elevation much higher than that. He inquired as to the amount of mass grading being suggested and offered that if the alternative of having a larger percentage of Research/Development or Offices, then construction could be stairstepped and lessen the impact. He was curious as to why the proposal does not address stormwater runoff on that part of the site. He asked if another wall was being considered. Planning Manager Lathrop stated that this was of great concern to everyone. Whomever was doing the development would have to put together as part of the stormwater runoff proposal and clearing/grading plan would be the inclusion of a temporary erosion plan, a stormwater prevention plan, various permits, approvals, and other required documentation and proposals as needed.
- Councilmember Scott expressed concern that a proposal in 1999 regarding a medical company before the council who wanted to manufacture their product in the same area. There was concern about having greenbelts at the tops of the slopes that would need to be buffered to provide access to those who worked on the site as well as those who might come into the area for recreational purposes at the top of the ravine. The map made at that time was extremely detailed and it concerned her that those critical area buffers may be in danger. Planning Manager Lathrop stated that the bubbles on the map were drawn according to current zoning rules and were only conceptual areas of development. They are not actual footprints of buildings, parking lots, etc. They represent a percentage of the site which could be developed with a particular use in mind.
- Mayor Pro-Tem Thomasson suggested that the City go back to the consultants to provide more accurate lines to take into account these critical areas. Planning Manager Lathrop stated she would be in discussion with our consultants to make sure that those buffers and critical areas were taken into consideration.
- Director Fredrick stated that the text throughout the document, it was made very clear that the current development regulations are the deciding factor and that these sketches and maps are intended to do is provide a starting point for analysis to bracket the environmental impact on the City and to make sure they are evaluated and considered. Anything outside of those ranges would require additional.
- Councilmember Kaplan stated if a line was drawn to the North from 20th and overlay it onto 3.31, the steep slope would provide challenges to development. He would prefer that the topographical maps be more accurate. Mayor Sheckler stated that it was obvious to him that when the maps were being drawn, it did not occur to the person putting them together that there would be such a discrepancy. He also stated that these maps should be looked at as representative analysis and not factual, however, he did feel that these should be more accurate. Mayor Pro-Tem Thomasson agreed as this was titled the City's EIS.

Wetlands:

Planning Manager Lathrop stated that the Port had approved 1.3 acres of Wetland Fill in their Environmental Review and Airport Master Plan. This was based on the two proposed land use scenarios with .96 acres of wetland would be filled. The EIS did consider the Des Moines Classification standards for wetlands which uses the terminology of Significant or Important, and then compared those standards to that of the Dept of Ecology Rating and Classification system where they are designated as Categories I, II, III, or IV. The wetlands to be filled on figure 3.4.1 notated as areas B11 and B14 and are classified as Important/Category III or IV. The remaining wetlands would be preserved.

- Councilmember Sherman inquired as to the amount of acreage that would remain and Planning Manager Lathrop stated she did not have those numbers with her and would research it.

- Councilmember Sherman expressed concern that the fill material taken from the area would be going for runway construction and now that the Port is stating that they wish to use it to fill the wetlands.
- Mayor Pro-Tem Thomasson stated that this was at one time a proposed borrow site. He wondered what the amount of land to have been used for fill then would compare to the amount of fill being discussed now. Planning Manager Lathrop stated she had not done a comparison using those parameters and did not currently have an answer. Mayor Sheckler stated that it was his understanding that the Port was no longer considering a 'borrow' site. Mayor Pro-Tem Thomasson expressed a concern that this was going to be a borrow site only with different name. Mayor Sheckler stated that the original proposal showed a large pit and this is being utilized for development of the land and does not look like that proposal.
- Director Fredricks stated that most of these questions would be addressed in the 2nd Development Agreement. The policy questions are going to be more fully developed in the 2nd Development Agreement would generate the kind of regulatory sideboards and scrutiny under the DMMC 18 requirements for a site plan. Tonight was intended solely to bring the Council up to date on the project.
- Councilmember Kaplan stated that the Council wanted to make sure that the Council had accurate information to make an informed decision.
- Councilmember Sherman expressed a concern that the City would be going down a path from which they could not return and which would not allow the City to make modifications because of things being decided now.
- Planning Manager Lathrop stated that the constraints of development were considered under the City's existing code and requirements.
- Director Fredricks stated that the EIS will not preempt or supersede the City's development conditions. It does not remove the City's right to review or propose conditions under the 2nd Development Agreement.
- Councilmember Sherman declined making any direct suggestions, but is instead expressing general concerns regarding the Draft EIS.
- Mayor Pro-Tem Thomasson would like to see the Council set limits on the amount of grading is to be allowed. Director Fredricks stated this is a specific issue to be addressed in the 2nd Development Agreement.

Transportation:

Planning Manager Lathrop gave the following estimates regarding transportation/truck trips under Alternative 1 and 2:

- Estimated 19,200 truck trips during site preparation (clearing and grading)
- 2008 Operation
 - Operations would trigger the need for a signal at 216th and 20th. Without this improvement, this would become a LOSF (failure). Intersections on Pacific Highway S would decrease slightly and signal optimization would again help alleviate this issue. With the signal optimization, this would become a LOSA (acceptable).
 - Councilmember Sherman asked how long this would have the average driver heading east on 216th waiting for a traffic light at 20th; would it be one light cycle or more?
 - Director Fredricks stated that there is a limit to where the level of service becomes a failure, but the single optimization should keep the level of service to an acceptable level.
 - Mayor Pro-Tem Thomasson asked if there would only be a street intersection at 216th, with the presupposition that the City would allow this. He stated that the Alternative offered what appeared to be a public street running through it and he was curious as to

whether the street would be built with the first plat as it is in a major subdivision.

Planning Manager Lathrop responded by saying the assumption for the traffic analysis is that 24th is a substandard roadway. SeaTac has proposed improvements to extending 24th to 208th. Mayor Pro-Tem Thomasson stated he felt that the City should be wanting this to be improved in a way that minimizes the level of service reductions and having these improvements made early in the process. Planning Manager Lathrop said SeaTac doesn't want traffic being routed to 208th because of residential uses in that area. Mayor Pro-Tem Thomasson stated he felt that SeaTac was saying it was ok for our citizens to suffer, but not SeaTac's. Planning Manager Lathrop stated they were working with SeaTac on various options and possible ways to make sure that these things are designed appropriately and to accommodate our current road standards.

- Councilmember Pina requested clarification as to where the traffic would be coming from and going into this area. Mayor Pro-Tem Thomasson said Figure 3 showed the traffic flow. Councilmember Pina expressed concern that Des Moines seemed to be the one bearing the majority of the inconvenience.
 - Councilmember Scott stated that when this was first proposed 15+ years ago, they were discussing developing connecting 24th to 28th, rather than having the currently proposed connections, causing little impact on 216th because traffic would be going north on 24th. Also expressed concern that our pedestrian traffic on 216th would be endangered by increased traffic on 216th and that 208th seems to have less traffic as there are fewer structures and lesser pedestrian traffic. It was her feeling that the Council should not approve anything that made the traffic dependent upon 216th.
- 2015 Buildout
 - 1. Alternative 1 (900,000sf):
 - 730 vehicle and 40 truck trips during PM Peak
 - 5,485 vehicle and 315 truck trips/day
 - 2. Alternative 2 (1.1million sf):
 - 1,045 vehicle and 43 truck trips during PM Peak
 - 7,820 vehicle and 320 truck trips/day
 - Councilmember Sherman expressed surprise that the number of truck trips in Alternate 2 is larger as that is office space and he would have figured that there would be less traffic under it. Planning Manager Lathrop said she will clarify that with the consultant.
 - Councilmember Pina requested the definition of a day, which Planning Manager Lathrop answered she assumed it to be 24 hours. He expressed concern that this meant that there would be a truck trip every 5 minutes.
 - Director Fredricks informed the Council that the analysis is working on what happens in the peak period and addresses the traffic infrastructure.
 - Councilmember Pina asked what were the pm peak hours and Planning Manager Lathrop stated the hours were 4-6pm. Councilmember Pina stated this then meant that there would be 43 truck trips during peak hours.
 - Planning Manager Lathrop stated the LOS would decrease at the signals, but as part of the project mitigation, this would include signal optimization to help alleviate the traffic problems at the signals.

Planning Manager ended her presentation regarding the Draft EIS of the DMCBP by stating the current schedule was for the Final EIS to be issued on March 2nd.

Mayor Sheckler took the floor at this time and stated that with 20 minutes remaining, there were still several items left for the Council to consider. He then moved immediately into the New Business items.

NEW BUSINESS:

Draft ordinance No. 06-279 - New Employee Relocation Expense Reimbursement.

Mayor Sheckler asked if everyone on the Council had had a chance to look at the draft ordinance and if they thought this was something that could be discussed and resolved within the remaining time. It was expressed by the Council that this should instead be tabled until there was more time for discussion.

Update Of DMMC For The State Adopted International Building Code, International Mechanical Code, Uniform Plumbing Code, International Fire Code, And The National Electrical Code.

Mayor Sheckler stated that while this discussion could not be completed tonight, it could definitely at least be started.

*At this point, Planning Manager Lathrop asked the Council if this meant they were bumping the Critical Areas Ordinance. Mayor Sheckler stated that this was indeed being bumped. Director Fredricks asked if Planning Manager Lathrop needed to explain to the Council about the Public Hearing Issues. Planning Manager Lathrop stated she sent out the notice of intent on January 3rd, which started the clock on the 60 day process for the Department of Ecology to inform agencies that we were intending to adopt our update. The first reading date proposed was February 8, 2007. She was hoping to get some direction from Council was in regard to some consensus on the recommendation which came from the Environment Committee and Planning Agency regarding critical areas. If these change, she needs to supply the Department of Ecology with those changes at least 10 days before the date of the first reading.

Mayor Sheckler then informed the audience that Council would not be hearing the Building Code item tonight as Planning Manager Lathrop made a good case to hear her item instead. At this point, the floor was given back to Planning Manager Lathrop.

Planning Manager Lathrop stated that the Critical Areas Update with the Planning Agency and Environment Committee has been focused on wetland buffers, mitigation ratio, stream buffers, and revisions to our development standards for wetlands, streams, geologically hazardous areas, fish and wildlife habitat areas, and critical recharge areas. Mayor Sheckler then asked if Planning Manager Lathrop would mind skipping the historical perspective as there were 3 members of the Environmental Committee on the City Council.

Planning Manager Lathrop stated that after meetings and discussions with the Planning Agency and Environmental Committee, obtaining their reviews as well as the BAS review and a critical areas inventory, it was determined that we approve Alternative 3 for the following reasons:

1. The current City wetland buffer widths can not meet the BAS of Significant wetlands having a 100 foot buffer and Important Wetlands having a 35 foot buffer. This includes the criteria to increase, decrease, and average buffers in the city. This is supported by the BAS review, the critical areas inventory, the Planning Agency and the Environmental Committee reviews. This alternative increases the buffer range from 50 to 300 feet in Category I wetlands. The City only has one wetland that is a borderline Category I, but the habitat score is well below standard requirements. The wetlands in the City are Category II, III, and IV. Even in the Category II wetlands, we had only one where the highest habitat score was 20.

2. Our current mitigation ration system is based on an old King County ratio which is a 3-tier system. The new wetland mitigation ratios would increase the ration for the City's Category III and IV wetlands from 1:1 to 5:1. As we don't have any Category I wetlands in the City, it would have no impact/change on those systems. provide flexibility to require smaller mitigation ratios where necessary and higher mitigation ratios where appropriate. This requires avoidance and minimization of wetland impact, and wetlands fill or buffer impact is only allowed where reasonable use is precluded without it.

Mayor Sheckler asked if the Environmental Committee Chair would give his recommendation and perspective on the matter and Mayor Pro-Tem Thomasson stated that while the committee agreed with the recommendations, it was not the intention of the committee to make these changes onerous on those areas which were still to be developed. Councilmember Kaplan agreed with the assessment and Mayor Sheckler stated he also agreed.

Planning Manager Lathrop stated the other issue was involving Critical Aquifer Recharge Areas. What the Department of Ecology and King County DoH would like to see is the creation of what they call "wellhead protection" areas. They are not clear on what the state law is regarding these protections and she is now in discussion with them to find out what the state laws are. She stated that what the state called wellhead protections areas are considered critical areas.

- o Councilmember Sherman stated he liked what he was hearing from the committee as that it was looking toward development. He asked if the City could create and enforce rules that said if you had a piece of land and wanted to subdivide it, you had to take into consideration the buffer to decide if it was a substandard lot. Planning Manager Lathrop stated that she wasn't able to answer that question at this time.

At 10:29, Mayor Sheckler asked if the Council would like to extend the meeting by five minutes. Councilmember Kaplan made the motion, Councilmember Scott seconded, and it passed unanimously.

The discussion continued briefly with Mayor Pro-Tem Thomasson's concluding remarks, stating that the Council needed to read the ordinance very closely to make sure that everything in there was to Council's approval.

- Councilmember Pina motioned that Ordinance 06-279 be discussed on the next available Consent calendar. Councilmember White seconded the motion. Mayor Pro-Tem Thomasson, Councilmembers Sherman and Scott opposed, Councilmembers Kaplan, White, Scott, and Pina approved.

NEXT MEETING DATE - Regular Council Session, January 25, 2007.

ADJOURNMENT

At 10:34 p.m., the meeting adjourned.

Respectfully submitted,

Tina R McVey
Permit Technician
Planning, Building and Public Works