

## REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES

June 7, 2007

The regular study session of the Des Moines City Council was called to order by Mayor Sheckler at 7:32 p.m. in the Council Chambers, 21630 11<sup>th</sup> Avenue South, #B.

PLEDGE OF ALLEGIANCE to the Flag was led by Councilmember Scott.

ROLL CALL - Present: Mayor Bob Sheckler, Mayor Pro Tem Scott Thomasson, Councilmembers Dave Kaplan, Ed Pina, Carmen Scott, Dan Sherman and Susan White. Also in attendance were Acting City Manager Grant Fredricks, City Attorney Pat Bosmans, Parks and Recreation Director Patrice Thorell and City Clerk Denis Staab.

### INFORMATIONAL ITEM

#### Zoning Code Update

Upon questioning by Council, Planning, Building & Public Works Director Fredricks advised that this issue was previously remanded to the Finance and Economic Development Committee.

Mayor Sheckler advised that it is Council's consensus that this be discussed by Council as a whole, therefore he will assign this item to a future agenda.

### DISCUSSION ITEMS

#### Interlocal with City of SeaTac on Development of 24<sup>th</sup>/28<sup>th</sup> Avenues South

Planning, Building & Public Works Director Fredricks noted that the City of SeaTac had approached staff some time ago asking Des Moines to join with them in creating a local improvement district for the development of 24<sup>th</sup>/28<sup>th</sup> corridor from S 216<sup>th</sup> to S 200<sup>th</sup>, and that both cities require developers along this corridor to enter into "no protest" agreements regarding the formation of a local improvement district. He advised that staff has determined that this is perhaps not the best way to go given all the issues that need to be dealt with, including Highway 99. He noted staff is proposing for Council's consideration to develop a resolution from the City Council of Des Moines to the City Council of SeaTac, inviting them to join with us in a collaborative planning process dealing with the comprehensive transportation and land use issues in this general corridor. He stated that staff believes it is important to deal with the 24<sup>th</sup>/28<sup>th</sup> corridor, but it is also important to deal with the way that the corridor connects with SR 99, especially along South 208<sup>th</sup>. He also noted as important:

- SeaTac properties such as the Christian Faith Center site
- Sound Transit Proposal if approved by voters, including light rail

He felt this is a way to move all interests forward in a more coordinated way than might otherwise be provided with an LID. However, the LID option is still available, keeping in mind each City would have to act within their own City boundaries.

Councilmember Sherman questioned what street improvements are we expecting from the Des Moines Creek Business Park Project, are there traffic impact fees and how do traffic impact fees relate to an LID, and what additional costs would the City anticipate having consequent to the development of the Business Park.

Planning, Building & Public Works Director Fredricks responded that staff has not yet worked out the details of the frontage improvements along S 216<sup>th</sup> and 24<sup>th</sup> with the Port, however detailed discussions are proceeding. He noted that typically a development would require half street improvements to the center line of the adjoining streets, the right of way along 24<sup>th</sup> will be substantially increased to conform with our Comprehensive Transportation Plan, seventeen feet on each side of the right-of-way would be added. Also there would be a similar need to add additional right-of-way on the north side of S 216<sup>th</sup>. There have been suggestions about completing all of the frontage improvements from curb to curb along S 216<sup>th</sup> and 24<sup>th</sup> as part of the project. He further noted that in a preliminary way staff has talked to the Port about the exchange of interior rights-of-way for the perimeter right-of-way. He noted this might mean they may only buy seven acres and the City might exchange four acres of right-of-way to provide the perimeter needed. However, he reminded Council, these are details that need to be worked out with the Port. With respect to the Traffic Impact Fees, he advised that typically the City requires a development to complete the frontage improvements and dedicate the necessary right-of-way for those improvements and then they receive a credit against their Traffic Impact Fees for the value of those improvements.

In regards to the LID, Planning, Building & Public Works Director Fredricks noted that the proposal the City of SeaTac has given us, is to create one Local Improvement District extending from S 216<sup>th</sup> in Des Moines to S 200<sup>th</sup> in SeaTac. However, it is pretty clear that is not allowed under State law, therefore there would have to be two Local Improvement Districts formed. He noted Council's packet explains there are different ways to assign the benefit and establish the responsibility for costs. Upon further questioning, he advised this is very complicated and that is why staff needs to sit down with SeaTac staff and figure out how this will work under State law and how the special benefits would be assigned to the different segments of the streets. Since the Business Park could not be charged twice, there would be a cost responsibility, and that would be up to Des Moines as to how that responsibility would be borne.

Mayor Sheckler reminded Council that staff is asking that a resolution be prepared inviting the City of SeaTac to join us in developing an Interlocal Agreement.

Councilmember Scott felt that before we get to a point of developing LIDs, we need to communicate and understand what might be planned and how it would impact everyone, then we might be able to work out mutually beneficial relationships.

Planning, Building & Public Works Director Fredricks advised that this is exactly what staff is seeking, to have those conversations on a more formal basis to look at comprehensive transportation planning issues and comprehensive land use issue and decide whether an LID is the right mechanism or not.

Mayor Pro Tem Thomasson felt using an LID would not be in the City's best interests. He stated that City staff already is empowered to talk to their counter parts in SeaTac without Council direction. He questioned should street improvements be asphalt or concrete. He expressed some concern about the development of the Christian Faith Center property and what they are or are not being asked to do by SeaTac. He also noted that Des Moines should be responding to any SEPA notices SeaTac may be issuing for the streets that are in their City.

Upon questioning as why have a resolution, City Attorney Bosmans noted this was SeaTac's preference to have mirror resolutions to have staff work together. In terms of an LID

agreement, it was not to have a combined LID but looking at sharing an LID Administrator, Bond Counsel and the costs of the LID to be borne by both cities as it might be cheaper that way. She noted the other consideration is that if we have essentially an agreement that is a no-protest LID, it helps with the critical timing of completing street developments.

**MOTION** was made by Mayor Sheckler, seconded by Councilmember White, to direct staff to prepare a resolution to the City of SeaTac inviting them to join with the City of Des Moines to ~~develop an Interlocal Agreement~~ to coordinate transportation and land use planning and development efforts in the 24<sup>th</sup>/28<sup>th</sup> Avenue South/SR 99 corridors, including but not limited to, completion of 24<sup>th</sup>/28<sup>th</sup> Avenue South, reciprocal assessment of traffic impact fees, coordination of SEPA actions, redevelopment of commercial and residential properties, redevelopment of South 208<sup>th</sup> Street, transit-oriented Bus Rapid Transit/Link Light Rail development along SR 99, and redevelopment of Pacific Ridge. [ED NOTE: Strikeout - Friendly Amendment]

Councilmember Sherman stated we need to have a conversation with SeaTac because a lot of the traffic will go through their City and we have to be sure that the corridor is prepared to deal with that traffic. He expressed appreciation that Des Moines' staff is looking at this in a broader picture as there are a lot of projects that are inter-connected and that will affect both cities.

Mayor Pro Tem Thomasson requested the words "develop an Interlocal Agreement" should be struck as he feels this is premature. This was accepted as a FRIENDLY AMENDMENT by the maker and seconder of the motion.

Upon questioning, Planning, Building & Public Works Director Fredricks advised that he hopes to have a draft resolution on next weeks Consent Calendar.

Councilmember Kaplan noted that the Public Safety and Transportation Committee has discussed this and there are a number of transportation issues in both cities that need to be looked at and be considered in the whole picture and impacts that each of the projects will have on each other. In regards to the LID proposal, he noted that he does not want to dismiss it out of hand as there may be a value to it, along with other considerations that come out of the 2<sup>nd</sup> Development Agreement and discussions with the Port.

Mayor Pro Tem Thomasson voiced opposition to allowing the Port to build the business park and form an LID so the street will get built later. He felt once they have built the business park, an LID assessment would be based on after the business park was built, so there would be no assessment, as there would be no benefit. Therefore he felt if there is an LID it would need to now, before any development.

**VOTE ON MOTION:** Motion approved unanimously.

#### Suburban Cities Association - Charter Review Recommendations

Councilmember Pina advised that this coming Wednesday, the Public Issues Committee will be deciding which Charter Review Recommendations should be changed or supported. He distributed a list for Council's review and requested comments, noting he supports all five recommendations.

Mayor Sheckler requested Council review and he will try to fit this in this evening.

Draft Resolution No. 07-107 [ASSIGNED RESOLUTION NO. 1041] Amendment to Des Moines Creek Basin Interlocal Agreement Allowing King County to Withdraw

Mayor Sheckler introduced the subject.

Assistant City Engineer Reinhold advised that the Draft Resolution would allow King County to withdraw from the Des Moines Creek Basin Committee.

**MOTION** was made by Councilmember White, seconded by Councilmember Pina, to pass Draft Resolution No. 07-107.

Councilmember Kaplan expressed concern that the Basin Committee may come back and ask for more money, then he felt King County should be responsible for their appropriate share. He felt once the current projects are completed, then King County can pull out.

Upon questioning, Assistant City Engineer Reinhold noted an ILA amendment was approved last April, with a four party signing of WSDOT, Port, SeaTac and Des Moines. This did not include King County believing that they were withdrawing, therefore until King County formally withdraws we cannot move forward.

Mayor Pro Tem Thomasson expressed agreement with Councilmember Kaplan. However, if the only way to get the new agreement in place is to let them terminate, then he would be willing to accept the draft resolution.

Assistant City Engineer Reinhold reminded Council that when this process began back in 1995, there were parts that are now in Des Moines and Burien, that were unincorporated, which is how King County became involved as a partner. Even though those areas have become incorporated King County continued involvement in the Basin Committee and contributed financially and with their staff's expertise in the design and construction. Since we are now wrapping everything up, with essentially only the habitat project to go, King County feels their relevancy as a voting member is no longer needed. He noted they are contributing to the habitat work in the amount of \$160,000, even though they would no longer be a voting member.

Upon questioning as to what effect delaying action on this item may cause, Assistant City Engineer Reinhold advised that the Contractor for the By-pass Project will be starting soon and they will want to be paid. Without a completed amendment agreement we will not have the funds to pay.

Councilmember White stated she did not want to see any delays in the By-pass project.

Councilmember Sherman noted King County no longer has an interest since all property is now within city boundaries, and he is surprised they have not asked to get out earlier. He does not feel we should be holding them responsible when they no longer have an interest.

Councilmember Kaplan stated Council has a responsibility to its citizens to see that this work gets done. However he noted he does not understand why letting King County out of the Committee would hold up any project. He also noted it is not clear whether the Basin Committee is paying King County for work, or whether this is King County's contribution to the project.

VOTE ON MOTION: Motion passed 4 to 3 with Councilmembers Kaplan and Scott and Mayor Pro Tem Thomasson opposed.

Mayor Sheckler read the draft resolution by title into the record.

Mt. Rainier High School Track Renovation Project

Parks and Recreation Director Thorell noted the proposal is from Ray Prentice of the Normandy Park Running Club for City support of a new rubberized track at Mt. Rainier High School and for a letter of support to submit for a grant proposal to King County for a Youth Sports Facility Grant later this month.

Upon questioning, Parks and Recreation Director Thorell noted she has not heard if the City of Normandy Park is going to participate.

MOTION was made by Councilmember Pina, seconded by Councilmember White, to authorize support to the Mt. Rainier High School Track Renovation Project in an amount of \$10,000 from funds allocated in the City's 2008 CIP budget provided that all other required project funding is secured from other sources and that the City and Highline School District successfully enter into an Interlocal Agreement outlining conditions for community use of the track to be submitted to Council for approval.

Mayor Pro Tem Thomasson noted this should reflect that the funds will come from the Capital Improvement Program (CIP). This was accepted as a FRIENDLY AMENDMENT by the maker and seconder of the motion.

VOTE: Motion passed unanimously.

Draft Resolution No. 07-124 [ASSIGNED RESOLUTION NO. 1040] Authorizing Criterium Bike Race

MOTION was made by Councilmember Sherman, seconded by Mayor Sheckler, to adopt Draft Resolution No. 07-124, authorizing Puget Sound Bicycle Racing to host the 2007 Des Moines Bike Criterium on July 1, 2007 in downtown Des Moines and direct the City Manager to provide support services and amenities for the event as proposed in the Draft Resolution.

Mayor Pro Tem Thomasson noted that Council needs to make a decision on how these types of events get funded. He suggested Council should determine if there is a dollar limit and perhaps these questions and others should be determined through our budget process.

Mayor Sheckler noted that last year's event was a huge success.

Mayor Pro Tem Thomasson felt if it was a huge success then it should become self-supporting.

Councilmember White expressed agreement with Mayor Pro Tem Thomasson, however she did not feel that Destination Des Moines is in a position to help fund such events as was suggested. However, she felt Council should have a discussion on what role Destination Des Moines is playing in community events.

Councilmember Sherman noted this is an event being sponsored by a non-profit organization. He advised that the Criterium races are a series of events held all over. He felt this event promotes a very healthy sporting activity. He expressed comfort in helping the event for the first

few years with in-kind contributions, but his expectation is that as the event takes off it will become self supporting.

Councilmember Scott felt that Police and Public Works should be the City's contribution until it becomes self supporting. She noted that the resolution states that all signage will be removed within 10 days and would prefer the signage be removed prior to the 4<sup>th</sup> of July. Consensus was to change the resolution to remove signage within two days.

Councilmember Kaplan advised he supported the event last year. He informed Council that hundreds of people from outside the City attended the event and the only disappointment was that only a few businesses were open. He stated this is the type of event Des Moines needs to attract visitors and encourage them to spend their money here. He felt a few thousand dollars of in-kind investment is worthwhile for this project. However, with all the activities that do go on in the City during the year, Council should give consideration to a process by which we can evaluate the total amount of in-kind contributions for these types of activities.

VOTE ON MOTION: Motion passed unanimously.

MOTION was made by Councilmember Sherman, seconded by Councilmember White to, enter into an Agreement between the City of Des Moines and Puget Sound Bicycle Racing for the 2007 Des Moines Bike Criterium as proposed in Draft Resolution No. 07-124 and authorize the City Manager to sign the Agreement substantially in the form as submitted. Motion passed unanimously.

#### Suburban Cities Association - Charter Review Recommendations

Mayor Sheckler noted this will be handled by Council consensus.

Mayor Pro Tem Suggested Item 5 be strengthened so that the fifth bullet reads:

- Add budget authority over the enterprise funds of transit and water ~~quality~~ *treatment* to the respective Regional Committee's scope of work

Consensus was to accept the five items as written, with the one change to the fifth bullet under Item 5.

Councilmember Pina thanked Council for their input.

#### Police Department Redondo Substation

Councilmember Kaplan requested the total costs of the Police Substation be provided at Council's next meeting.

Mayor Sheckler directed staff to provide this information as requested.

#### NEXT MEETING DATE

Mayor Sheckler noted the next Regular Council Meeting will be June 14, 2007.

ADJOURNMENT

Mayor Sheckler adjourned the meeting at 8:59 p.m.

Respectfully submitted,

Denis Staab  
City Clerk

**ACTION ITEMS FROM 6-7-07 MEETING**

- Total costs of the Police Substation be provided at Council's next meeting