

REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES

February 28, 2008

The regular meeting of the Des Moines City Council was called to order by Mayor Sheckler at 7:30 p.m. in the Council Chambers, 21630 11th Avenue South, #B.

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

ROLL CALL - Present: Mayor Bob Sheckler, Mayor Pro Tem Dan Sherman, Councilmembers Dave Kaplan, Ed Pina, Carmen Scott, Scott Thomasson and Susan White. Also in attendance were City Manager Tony Piasecki, City Attorney Pat Bosmans, Planning Manager Denise Lathrop, Parks and Recreation Director Patrice Thorell.

COMMENTS FROM THE PUBLIC:

Michael Mc Andrews, 1620 S. 260th St., has been raising and racing homing pigeons and doves for many years. He releases doves at various events, mostly funerals. When he applied for a business license with Des Moines they declined to issue a license. Officer Urick came by the house with a complaint against the birds, stating that there was a rat problem and the birds smell. In February he received a letter stating that he was operating without a business license which is a code violation. A complaint was again issued for noise the birds make when landing. Officer Urick told him the birds must go, but he informed Officer Urick that they are nesting and could not be moved. The birds are all healthy and there is no rodent problem.

Rhonda Bryant, 6220 SE 2nd Place, spoke on behalf of the dove releases, stating that this is a service to help bring closure to many grieving loved ones. Fowl and doves are not the same, as doves are not raised as food.

Valerie Tavenner, 12030 SE 165th St. also has homing pigeons and a white dove release business. If Michael were forced to move his business would be devastating to his birds. The birds cannot be retrained to fly to another place other than where they were hatched.

Carol Sue Braaten, 2410 Berry Lane E., spoke in support of Michael asking that his birds not be moved. The pigeons that Michael raises are unique birds that always fly back home.

Gail Hipwell-Nelson, 10203 Canyon Rd. E. again spoke in support of Michael and his birds. She gave the Council a hand out containing the history of the dove and it uses.

Kim Konopaski, 1610 S 260th St. is a neighbor of Michaels and her daughter helps with the birds and gets a valuable lesson about caring for animals at the same time.

Sharon Byerlien, 10833 2nd Ave. S. is in support of Michael's business of dove releases as she had one done at her father's funeral which brought her family a sense of peace.

Scott Vestal, 1626 S. 260 St. spoke in support of Michael and his birds. He feels if there is a rodent problem, it comes from the field behind their houses, not from Michael's birds.

Trese Rand, 3607 308th Ave. SE, wanted to add her voice to support Michael and his dove release and the peace his birds bring to happy occasions or to grieving families at a time of loss.

The Mayor thanked everyone for voicing their comments. Possible enforcement or adoption of a resolution action is on hold until the Council studies the issue and makes a decision.

David Burger, 1520 NE 98th St, Executive Director of Stewardship Partners which is a non-profit organization located in Seattle, Washington. They work with land owners and farmers on development. They will be taking over the Farmers Market for a least one year.

Ricki Marohl, 22807 17th Ave. S., thanked the Council for their support of the Farmer's Market.

COUNCILMEMBER COMMENTS

Councilmember Scott spoke about a meeting held with the City of Kent concerning the grant the cities have together to do a study about the common boundary of the cities and to some planning for the future. The Rotary Wine Festival and Gala is this week, tickets are still available. Municipal facilities' meeting is tomorrow to study the Field House. The Kent newspaper is doing an insert to show off Des Moines.

Councilmember Kaplan announced that the transportation budget that is in both the House and Senate has the amendments in it that the city requested to be able to utilize the funds for traffic control. Funding for 509 has been pushed out until 2019.

Councilmember Pina commented on the trip to Washington DC to visit with our Representatives and to seek funds to widen 216th and to upgrade water lines. The staff did a great job of presentation of the case.

Councilmember Thomasson met with the City of Kent regarding the grant and the boundary issue. Environment committee met to discuss storm water rates and 2008 work plan.

Councilmember White briefed the Council on the work that South King County Economic Development Center (SKCEDI) has been doing to promote the cities in South King County. There is going to be a business and real estate showcase at the Double Tree hotel and she handed out a brochure on this event. Trip to Washington D.C. was a very successful and thanked the staff for all their hard work putting the presentation together.

PRESIDING OFFICER'S REPORT

Jack Birmingham from Highline Community College gave a report on the exciting things happening at the College. They have 9460 students enrolled of which more than 50% are students of color and 50% are non-native English speaking students. He presented a slide show representing the recent recognition, economic development and community collaborations.

AWARDS

Mike Adams received a plaque in appreciation from the Human Services Advisory Committee.

Florence McMullen also received a plaque in appreciation from the Human Services Advisory Committee.

ADMINISTRATION REPORT

City Manager Piasecki reported that the Pacific Height Appeal item has been withdrawn so there will be no need to deal with that any further. A memorandum concerning the Pacific Heights issues from Jason Sullivan responding to questions brought in a phone conversation was received. Governor Booth Gardner signed an order concerning protection of the wetlands and it is less stringent and following it should not have any material affect. A letter has been drafted to our Senator and Congressman on the behalf of City of Seatac and with Council agreement, will be sent and Council is in agreement.

CONSENT CALENDAR was read by City Manager Piasecki.

1. Motion is to approve the special and regular minutes of February 7, 2008.
2. Findings: Vouchers audited and certified by the auditing officer as required by RCW 42.24.090, 42.24.080, and those expense reimbursement claims certified as required by RCW 42.24.090, have been recorded on a listing in 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 #113142 through #113366 & electronic funds transfers in the total amount of \$427,122.01

Payroll fund transfers in the total amount of \$327,232.77

3. Motion is to confirm Mayor Scheckler's appointment of Janet Sorby and Jean Murno to two year terms on the Human Services Advisory Board effective January 1, 2008.
4. Draft Resolution No. 08-015 [ASSIGNED RES. NO. 1064] - Title: A Resolution of the City Council of the City of Des Moines, Washington, authorizing Stewardship Partners, as 501c3 non-profit organization, to conduct the Des Moines Waterfront Farmers Market at the Des Moines Marina and South Marina Park on Saturdays from June 7, 2008, until October 24, 2008, and listing conditions under which such permission is grated.

MOTION is to approve Draft Resolution No. 08-015, AND

Motion is to enter into an Agreement between the City of Des Moines and Stewardship Partners for the 2008 Des Moines Waterfront Farmers Market as proposed in Draft Resolutions 08-015, and authorizes the City Manager to sign the agreement substantially in the form as submitted.

5. ~~Motion is to approve the Interlocal Agreement between the City of Normandy Park and the City of Des Moines for the provision of Senior Services in fiscal year 2008 whereby Normandy Park will pay Des Moines for Senior Services in the amount of \$18,714 which represents the amount equal to Normandy Park's pro-rated share of costs for services based on 2007 participation levels and authorize the City Manager to sign the agreement substantially in the form as submitted.~~ [Removed by Councilmember Thomasson]
6. ~~Motion is to authorize the City Manager to sign the 2008-2009 CPG Grant No. G0800415 between the City of Des Moines and the Washington State Department of Ecology and the 2008-2009 King County Solid Waste Division WR/R Grant No. D36969D.~~ [Removed by Councilmember Thomasson]
7. ~~Motion is to approve the revised Local Government Stormwater Grant No. G0800130 between the Washington State Department of Ecology and the City of Des Moines, and further to authorize the City Manger to sign the agreement substantially in the form as submitted.~~ [Removed by Councilmember Thomasson]

8. Motion is to remand to the Finance & Economic Development Committee the economic development, planning and development and financing topics as identified on attachment 2.
9. ~~Motion is to remand to the Public Safety & Transportation Committee the public safety and transportation topics as identified on attachment 2.~~ [Removed by Councilmember Thomasson]

Councilmember Thomasson removes item #5, 6, 7 and 9. Councilmember Sherman states his approval of the consent calendar does not include his approval for item #8.

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

Removed Consent Calendar Items

#6-CPG Grant

Councilmember Sherman this item which has to do with recycling. At the recycling events it seems unclear about what can be recycled at these events.

David Steen with the planning department explained that electronics will be able to recycle at the recycling events this year. There will be a charge for electronics.

Councilmember Thomasson discussed the language differences in the two grants. Councilmember Kaplan feels there should be a better job of coordinating as to who is picking up what at these events.

MOTION was made by Councilmember Kaplan, second by Councilmember Pina to authorize the City Manager to sign the 2008-2009 CPG Grant No. G0800415 between the City of Des Moines and the Washington State Department of Ecology and the 2008-2009 King County Solid Waste Division WR/R Grant No. D36969D. Motion passed unanimously.

#7- Local Government Storm water Grant No. G0800130

MOTION was made by Councilmember Thomasson to approve the revised Local Government Storm water Grant No. G0800130 between the Washington State Department of Ecology and the City of Des Moines, and further to authorize the City Manger to sign the agreement substantially in the form as submitted. Motion passed unanimously.

#5- Interlocal Agreement

Councilmember Thomasson feels the formula for Normandy Park's share of the cost for this program should be reexamined and they should pay their full share.

MOTION was made by Councilmember Sherman, second by Councilmember Kaplan to approve the Interlocal Agreement between the City of Normandy Park and the City of Des Moines for the provision of Senior Services in fiscal year 2008 whereby Normandy Park will pay Des Moines for Senior Services in the amount of \$18,714 which represents the amount equal to Normandy Park's pro-rated share of costs for services based on 2007 participation levels and authorize the City Manager to sign the agreement substantially in the form as submitted. Motion passed unanimously.

#9- Public Safety and Transportation

Under transportation, Councilmember Thomasson wants to remove item # 1, the 8th Ave S mention as it has been dealt with previously. Item # 8 also under transportation regarding city wide parking regulations should not be remanded to committee as it cuts across so many interests. Under the Law Enforcement issues, the rental fee should be added for the committee to review.

MOTION was made by Councilmember Thomasson, second by Councilmember White to remand to the Public Safety & Transportation Committee the public safety and transportation topics as identified on attachment 2, with the deletion of item 1 and 8 under transportation and the addition of the review of the rental housing agreement under law enforcement. Motion passed with Councilmember Sherman voting nay.

At 9:15 p.m. Mayor Sheckler called for a 10 minute break

PUBLIC HEARING

Draft Resolution No. 08-004 Pacific Heights Planned Unit Development Subdivision File #LUA06-037.

Mayor Sheckler introduced the subject and declared the hearing open. The Mayor sworn in all those wishing to give testimony on this matter.

The City Administration described the matter under consideration. The primary reason tonight will be to review the project in compliance with the settlement agreement which is different than the city's traditional processing of subdivisions and the recommended changes to the site plan.

Proposed Pacific Heights project is located just off Pacific Highway and it located in three jurisdictions. The primary portion is located in Des Moines with a small portion in Federal Way and a road extension that is in unincorporated King County. It's bounded by 279th, 13th and Pacific Highway.

History:

- Condominium plan filed in King County in 1997.
- 1998 the site was annexed and transferred to the City of Des Moines.
- 2000 the cities of Federal Way, Des Moines and Grandville Southern entered into a settlement agreement. No sunset clause was put into this agreement so it is still valid today.
- 2005 project was sold to new owner and site plan modified. Condominiums were replaced with single family dwellings.
- *Site changes:*
 - Store was removed because it was no longer part of the plan.
 - Eastside lots were reduced
 - Access tract was relocated
 - Right of way was reduced from 56 feet to 50 feet
 - Right of way was increased from 40 feet to 50 feet
 - Right of way was increased from 30 feet to 50 feet
 - Frontage was reduced 2 to 5 feet
- *Public comment opportunities:*
 - Expanded noticing increased from 300 feet to 600 feet (600 mailing address)
 - Public open house notice (August of 2007)
 - Notice of application (September 2007)
 - SEPA MNDS notice (December 2007)
 - Public hearing notice
- *Traffic Circulation:*
 - Age and assumptions of the first traffic study (completed in 1998)

- o Quality of life impacts
- o Traffic calming measure will mitigate impacts

Proposed project: PUD density calculations are as follows:

(Net development area) divided by (minimum lot area) = maximum number of dwelling units.
130 maximum dwelling units.

No volitions were found on density on three different levels of codes. Representatives from Federal Way were there to answer questions on transportation impacts. The developer and his engineer, our transportation engineer, a representative from Meraia who did the transportation study and our surface water engineer were there to answer questions on this issues.

Public Speakers:

Rich Cornwell, 27925 13th Ave. S., has lived in this community for 60 years. Concerned about the loss of animals and fish that made the community what it is. Also raised concerns about air pollution, traffic and the quality of life.

Louise Setlinger, passed.

Roberta Schauberg 28040 13th Ave. S., raised drainage issues on the site. She is on the downhill and gets all the drainage now and questions the site plan on this issue.

Patricia Danniell, 1313 S. 279th St., has lived here since 1967 and was involved with the annexation process. She expressed confusion about the annexation appeal and the agreement that was reached in private without any input from the residents in the area. Drainage was not studied and this is a real issue. They are going to be three lanes of air traffic going through this development. This was not disclosed in the permit process. She feels that concerns of the residents most impacted by this development are not being heard by anyone.

Craig Davis, 28234 15th Ave. S., represents the Applewood Homeowners Association. Their concerns are mostly about the traffic situation. Pacific Heights will have 77 homes in the same acreage that Applewood has only 31 homes. The increase traffic will impact child safety and Applewood Homeowners would propose a gate be installed to prevent traffic from using this Applewood neighborhood as an access.

Ellen Lavita, 28234 15th Ave. S., has similar concerns about the traffic and the traffic study that was ordered by the City of Des Moines, but that only considered the Rivera Heights and the north side and did not look at the traffic impact through Applewood. The only way to get to Hwy 99 going north is through Applewood and up 16th Ave S. a two lane road which has cliffs on both sides and no sidewalks. There are bus stops on this road and no room for people to walk. She also advocates a gate being installed.

Cory Martin, 6 Maple Lane, works for Pacific West Development and has worked on this project for 2 1/2 years. The plan is viable and traffic will probably go through Redondo Rivera or through 279th.

Mayor Sheckler called three times for any additional people wishing to speak and there were none. The Mayor then inquired of the Administration whether there had been any misstatements of fact or whether the Administration wishes to introduce any material as to subjects raised by proponents or opponents or alter in any regard its initial recommendations.

Administration rebuttal

On the planning related issues, to address the concern raised of a new apartment complex going in at 272nd and 16th this is actually the Crestwood Park Planning and Development. The second concern is in regards to the building codes and noise issues; the settlement agreement only covers the subdivision of the property. When the home permits come in they have to meet our current regulations. Third, has to do with the drainage issue, what the settlement agreement did is it said we could not require any new additional down stream analysis, but we could require an updated technical information report which looks at the water coming off the development and the off site flow.

Transportation Department

Dan Brewer, City Transportation Engineer, explained changes that have occurred since the original traffic study was done. At the intersection of Pacific Highway and 279th, at the time of the study, traffic could access northbound, that has now changed. There is a U-turn route so people can access northbound. The impact of a gate has not been studied.

The Mayor recommends extending this hearing.

MOTION was made by Councilmember Sherman, second by Councilmember Kaplan to extend the public hearing until March 27, 2008. Motion passed unanimously.

MOTION was made by the Mayor, second by Councilmember Sherman to postpone until March 6, 2008, the draft Ordinance No. 07-138. Motion passed unanimously.

ADJOURNMENT

At 10:25 p.m. **MOTION** was made by Councilmember Kaplan, seconded by Councilmember Pina and passed unanimously, to adjourn.

Respectfully submitted,

Lady of Letters, Inc