

REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES

May 22, 2008

The regular meeting of the Des Moines City Council was called to order at 7:32 p.m. by Mayor Sheckler 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, Building and Public Works Director Grant Fredricks, Transportation Engineer Dan Brewer, City Utilities & Environmental Engineer Loren Reinhold, Land Use Planner II Jason Sullivan and City Clerk Denis Staab.

CORRESPONDENCE

King County Councilmember Julia Patterson

City Manager Piasecki referenced a letter from Councilmember Patterson in regards, to what the City thought, was a pretty solid \$10,000 subsidy for the Water Taxi to be used during the 4th of July week-end for the Tall Ships in Tacoma. He noted it is most likely we will not receive the \$10,000 and Councilmember Patterson apologized for making it sound like a sure thing. He advised that he has asked the Parks and Recreation Director to come up with alternative plans to see how many spots and additional sailings we might be able to put together to create more revenue for the City for this project.

COMMENTS FROM THE PUBLIC

Roger Wuthier, 2062 South 233rd Street

Mr. Wuthier addressed Council regarding the Level III sex offenders now living in Des Moines and the community meeting regarding them that was held last night. He distributed correspondence he received from Des Moines' State Representative Shay Schual-Berke regarding the issue. The correspondence referenced legislation she tried to pass calling for electronic monitoring for Level I, II and III sex offenders that failed. He stated he was informed that cities can propose a requirement for 24 hour monitoring over a definite period of time for specified levels of sex offenders. He proposed that this is not to force the offenders out, but raise the standard that if they want to be here, we want to work with them. In regards to the cost of such monitoring it has been proposed that the City could ask the Department of Corrections to pay, or potentially the offenders themselves or who ever sponsors them, to pay. He further stated that should the City pass 24 hour monitoring, it can be stipulated that should an offender cut the monitor off, it may increase their level of conviction and if they have 2 offenses it may mean life in prison. He further proposed that back ground checks be conducted on who ever is sponsoring them.

Katherine Caughey, 650 South 198th, Member of Des Moines Arts Commission

Ms. Caughey formally invited Councilmembers to the installation program dedicating the new Art Mural on June 7th beginning at 12 Noon. She encouraged all citizens to also attend. She also noted the Children's Festival and the opening day of the Farmers Market will be on June 7th. She further noted that events will be held on the 4th and 5th of July including The Swing Session

and Jr. Cadillac playing, along with an Expressive Art exhibit. She advised that the Art Commission has worked very hard to make a difference in the City.

Councilmember Scott noted that Ms. Caughey is one of the two fantastic artists that spent many hours and weeks to create the art Mural which she feels is wonderful.

Mayor Sheckler expressed agreement with Councilmember Scott and felt everyone will be amazed at how they captured the essence of the City in the Mural.

BOARD & COMMITTEE REPORTS & COUNCILMEMBER COMMENTS

Municipal Facilities Committee

Councilmember Scott noted the Committee met on May 9th at Des Moines Beach Park to review in person the buildings in need of renovation and repair.

Annual Sports Night

Councilmember Scott advised that the Annual event was held on May 10th which was very well attended and the auction was a huge success.

Potential Assistant City Manager Interviews

Councilmember Scott reported that on May 19th she served on one of several committees that met for interviews with five candidates for the position. She stated she felt there were excellent candidates with good qualifications for the City Manager to choose from.

Public Safety & Transportation Committee Meeting

Councilmember Kaplan advised there was a Committee meeting held earlier this evening. One of the topics of discussion was updates to Street Standards. He advised that progress is being made on the Alaskan Way Viaduct in terms of public outreach, confined to the City of Seattle so far. He informed Council that concern has been expressed by the City of Burien, and he feels Des Moines should join in the concerns, and have the City of Seattle, King County and the State make a presentation so we can understand exactly what is going on as it will have significant impacts on traffic and the residents of our area. He noted discussion also dealt with transportation funding issues and public transit, and impacts that may be related to construction work on the north and south end of the Viaduct.

Sex Offender Housing In Des Moines

Councilmember Kaplan stated that he needs more information on this subject and while he is interested in the idea of electronic monitoring he has no idea of the costs involved or the impacts, but feels this is an issue that perhaps the Public Safety and Transportation Committee should look at.

Potential Assistant City Manager Interviews

Councilmember Pina reported he served on one of the teams that interviewed the potential candidates. He felt out the five, three of the individuals were outstanding.

Suburban Cities Dinner Meeting

Councilmember Pina noted he attended the meeting last night where the presentation was about the damage done by flooding in Centralia. One of the issues pointed out that instead of 3 days worth of emergency supplies, it should at least be five days worth.

Kent and Des Moines Midway Planning Meeting

Councilmember Thomasson reported attending the first meeting of the Stakeholders last night held at Highline Community College. Topics included King County's METRO rapid ride, which is a new bus service that will be on Highway 99 to connect with the Federal Way Transit Center to the end of the light rail system in Tukwila. He noted Sound Transit was there talking about what their light rail plans might be, and the State Highway Department talked about the SR 509/I-5 project. He advised they met in small groups talking about those issues and to provide comments. He felt the meeting went fairly well.

Mt. Rainier High School Track Funding

Councilmember White reported that all the money has been raised for the track, except for \$2,000. She requested a consensus from Council to contribute that amount to allow the project to move forward.

City Manager Piasecki informed Council that on June 12th an agenda item will be presented for an Interlocal Agreement with Highline School District for the previously pledged \$10,000. He suggested if Council is interested staff can prepare the agreement to include an additional \$2,000.

Mayor Sheckler suggested that when the Agreement comes to before Council on the June 12th Agenda, that would be an appropriate time to consider the request for additional funding.

Arts Commission

Councilmember White advised that the Commission held a four hour retreat last night. She offered major kudos to the Commission for their ideas and accomplishments in just one year as being amazing. She noted the Commission has lots of good people who are willing to devote a lot of time and energy into great ideas. She reminded Council that funding is always an issue and that we might want to consider ways to increase the basic funding for the Commission. She is working with the Parks and Recreation Director to put some proposals together for Council's future consideration.

Level III Sex Offender Meeting

Councilmember White reported she attended the community meeting held at the Police Department concerning the sex offender situation in the City. She requested Police Commander O'Leary brief citizens on how to gather more information regarding sex offenders living in the City.

Police Commander O'Leary informed Council that last night a community notification meeting was held regarding four sex offenders that had moved into Des Moines, living in the 1400 block of Kent-Des Moines Road. He noted they are all Level III offenders. He stated the State has a "scoring system" for offenders that are released by offender level. A level III is considered the most dangerous offender and has the highest risk of possibly re-offending. One of the concerns raised last night was about community notification and he advised that there is a link on the

City's web page through the Police Department to the King County Sexual Offender web site where anyone can obtain a list of offenders living within a certain zip code.

Upon questioning as to whether the City can prevent sex offenders from living in our community, Commander O'Leary responded negatively advising there are very limited restrictions as far as offenders moving into the community. However, housing is a totally separate issue that the Legal Department would need to respond to in regards to the type of housing, but geographically there is no limitation, with the exception of certain distances from schools and parks.

Council questioned whether the City can be more restrictive in conditions that what the State is. City Attorney Bosmans stated she believes that State law controls. She noted that there may be some offenders in this location that are no longer under the supervision of the Department of Corrections. She advised she will be reviewing the laws governing these situations. In regards to notification to the community she felt that the different categories of offenders dictates whether the notice is mandatory or discretionary. She noted the City can have a policy about the discretionary notification that it be mandatory. She further advised staff is looking into the permitting process for the housing itself and whether it is properly within the residential zone, and whether additions to the home were made without a permit. She advised that several violations have been found and the house has been so posted. However, the owner has met with the Building Official, with a contractor, and is working cooperatively to bring the house up to code. She noted this issue will be studied further.

Councilmember Thomasson questioned the proximity requirements to a park as he noted this home is quite near the Barnes Creek Trail Head. City Manager Piasecki advised staff will check on this.

City Manager Piasecki assured Councilmembers and the community that staff is scouring the Code, and gathering as much information as possible regarding the home, and whether this kind of use is allowed in that particular zone.

Store Front Studio Open House

Councilmember White noted that the last opportunity to visit the Store Front Studio will be June 6th from 3 p.m. to 6 p.m. She stated the University of Washington Architectural students have done a superb job in gathering some great ideas for downtown.

Alaskan Way Viaduct

Mayor Pro Tem Sherman voice support to have a presentation made to Council on the potential replacement program. He advised there are some funds, apparently, available for additional METRO service, and he felt the south end is not benefiting from that.

Suburban Cities Dinner Meeting

Mayor Pro Tem Sherman reported attending the meeting held last night and felt the presentation concerning flooding in Lewis County and the problems with losing bridges, homes and the problems of citizens being isolated, was very informative.

Municipal Facilities Committee Meeting

Mayor Pro Tem Sherman reported the meeting held on May 9th was at the Beach Park to examine the facilities. He noted they walked through the Sun Home Lodge, discussed space use,

including interior remodeling and the repair schedule. They also looked at the picnic shelter and talked about the clean-up and whether or not to save the bathrooms. He noted all final decision making will come to the Council as a whole for discussion. He further noted some discussion was concerning the Marina and what to do about its status as a tax parcel and the shoreline lease we have with the State. He advised they concluded with a beginning discussion regarding parking in Redondo.

Human Services Advisory Committee

Mayor Pro Tem Sherman reminded Council that the Committee had requested last year that Council set a budget amount for 2009 earlier than last year so the Committee knows in advance how much funds they are working with. He noted requests for human services funding are totaling around \$170,000.

ADMINISTRATION REPORTS

Dining Hall Lifting

City Manager Piasecki announced that the lifting of the Dining Hall at the Beach Park on either June 2nd or 3rd and he advised he will keep Council informed of the final date and time for anyone who wants to observe.

Assistant City Manager Interviews

City Manager Piasecki reported 5 individuals were interviewed on Monday. He advised he is still sorting through comments, checking references and trying to decide whether he will talk to 2 or 3 for additional interviewing. He noted he will keep Council informed of his decision and thanked Councilmembers, staff and community members who served on the interview panels.

Human Services Advisory Committee - Report

Janet Sorby of the Human Services Advisory Committee, introduced Carley Tercero of Auburn Youth Resources.

Ms. Tercero addressed Council to present a brief report on the Outreach Program in Des Moines operated by Auburn Youth Resources. She advised that the Mobile Outreach Team consists of 2.75 FTEs. She outlined the program as follows:

- Serves homeless youths between the ages of 15 and 22
- Provides for basic needs of hygiene supplies and food items
- Since January 2008 have conducted 31 hours of outreach in Des Moines
- Contacted approximately 130 youth were contacted, with 23 eligible for services, 19 were being sexually exploited
- Areas of outreach are gas stations, fast food restaurants including Des Moines Beach Park, Des Moines Marina and Saltwater State Park
- Work with Des Moines Police Department, Highline Community College, Mt. Rainier High School, Pacific Middle School, Des Moines Field House and the Des Moines Public Library

She advised that the community outreach program consists of contacting people in various communities who might encounter youth who fit their criteria and build relationships to build a referral base. She noted the youth population can be difficult to engage in the services they offer as they often come from abusive homes and have not witnessed healthy relationships by adults and once on the streets are often exploited by adults through human trafficking, drug dealing, and gangs. Therefore she noted it can take a great deal of time to build confidence and a

relationship with the youth. In conclusion, she thanked Council for continued financial support in their efforts in working with troubled youth.

Human Services - Budget Issues

Councilmember Thomasson remarked that along with Human Services, there may be a handful of other budget issues that it might be worth scheduling some time in June or July to start making some budget decisions. Council concurred and Mayor Sheckler advised he will schedule something in the near future.

CONSENT CALENDAR was read by City Clerk Staab.

1. Motion is to approve the special and regular minutes of May 8, 2008.
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 #114363 through #114526 & electronic fund transfers in the total amount of \$1,424,883.73

Payroll fund transfers in the total amount of \$400,351.64

~~3. Draft Resolution No. 08-098 – Title: A Resolution of the City Council of the City of Des Moines, Washington, in support of light rail to Tacoma.~~

~~MOTION is to approve Draft Resolution No. 08-098. [Item removed by Councilmember Scott]~~

4. Motion is to approve the Interlocal Agreement for five years between the City and Highline Water District for use of Highline Water District property, commencing from the effective date of the Agreement, wherein the District grants the City the right to use a portion of the District's North Hill Water Storage Tank Property for parks and recreational purposes, and authorize the City Manager to sign the agreement, substantially in the form as submitted.
5. TWO MOTIONS:
 - A. Motion is to approve the Task Order Assignment to kpff Consulting Engineers, Inc. for the design of permanent footing repairs at the North Twin Bridge in the amount of \$137,040, authorize the City Manager to approve task order supplements as necessary up to an amount of \$14,000, and further authorize the City Manager or his designee to sign said Task Order Assignment substantially in the form as submitted.
 - B. Motion is to direct Administration to propose a CIP budget amendment reallocating funds between approved project budgets to cover costs for the North Twin Bridge 2008 Footing Repairs.
6. Motion is to authorize the City Manager to submit an application for a Community Development Block Grant for the construction of the South 216th Street Sidewalk Project identified in the CIP, and also to participate in a joint application for Minor Home Repair Projects with the City of Tukwila and the City of Sea-Tac, and authorize the City Manager to sign said applications.

Councilmember Scott requested Consent Item #3 be removed.

Upon questioning by Councilmember Kaplan regarding Consent Item #4, Parks and Recreation Director Thorell noted that the Water Tower Park was not mothballed because the Water District

offered to take care of maintenance for the last 3 years, until the City was in a better financial position to assume maintenance of the facility.

MOTION was made by Mayor Pro Tem Sherman, seconded by Councilmember Kaplan and passed unanimously, to approve the amended Consent Calendar as read.

REMOVED CONSENT ITEM

Item #3 - Draft Resolution No. 08-098 [ASSIGNED RES. NO. 1073] - Support of Light Rail to Tacoma

MOTION was made by Councilmember Scott, seconded by Councilmember Sherman, to eliminate the 2nd to the last Whereas on page one of the draft resolution as being too extreme of a statement. Motion passed unanimously.

MOTION was made by Mayor Pro Tem Sherman, seconded by Councilmember Pina, to approve Draft Resolution No. 08-098 as amended. Motion passed unanimously.

PUBLIC HEARING

Draft Resolution No. 08-075 Cedar Heights Preliminary Planned Unit Development

Mayor Sheckler introduced the subject and declared the hearing open. Two individuals identified themselves as wishing to publicly speak during the hearing, and Mayor Sheckler administered the oath.

Land Use Planner II Sullivan noted the proposed subdivision is an irregularly L shaped property with the shorter narrower leg facing east-west fronting on 14th Avenue South and the wider longer leg facing north-south fronting South 232nd Street. In regards to density calculations he advised the maximum would be 35 dwelling units, and the applicant is proposing 27. He pointed out that the lots in this PUD are much larger than what Council has seen in the past PUDs, as they have a much more traditional lay out. In this lay out the houses will be anywhere from 20 to 30 feet from the nearest property line. Additionally, the applicant is installing a private park which is not required as part of a standard subdivision. Also on top of the storm water ponds the applicant has asked if they can install grass and use them as passive recreation areas, outside of their park requirement. Staff has recommended that as long as the homeowners understand through an agreement, that if it is not maintained or kept up, it will be fenced off and they will be required to restore it back to original conditions as strictly a storm water pond. He noted the developer has agreed to memorialize this in an agreement, so it will allow for additional green space without any maintenance to the City. He informed Council the lots are approximately 6,200 square feet and the configuration of the lots have less impact on the neighboring property owners, and because of the narrow lots staff has required additional design review criteria to ensure high quality homes and that there is modulation in the front yard setbacks. He advised that the right-of-way width has been reduced, but not the amount of right-of-way improvements. He proceeded review as follows:

Zoning Code Deviations

- Lot width 45 feet
- Front and rear setbacks on Lot 14 have been adjusted.

Perimeter Yard Deviations

- 20 foot perimeter yard area except
 - Lot 14
 - Lot 15 will have typical side yard setback

- Portion of Lot 1 will have typical side yard setback

Mayor Sheckler read the Council's Rules of Procedure for conducting the Public Hearing and called for speakers.

Alayne Salzer, 23112 10th Avenue South

Ms. Salzer questioned what is planned to control the storm water drainage as there is quite a steep slope from the south to the north. She noted she lives directly across the street from South 232nd and advised there already is a large amount of run off that crosses South 232nd and goes through her property.

Brian Harron, 14900 Interurban Ave. So, #279, Tukwila - Engineer of Record for the Plat

Mr. Harron thanked Land Use Planner II Sullivan for a concise and accurate summary of the project. He informed Council that he concurs with all of staff's recommendations and the draft resolution and all of its points.

Mr. Harron continued by addressing Ms. Salzer's concerns over storm water run off. He noted that all the storm water will be picked up in road catch basins in the curb line. He stated that all the water will be collected in the underground storm water vaults designed for water quality and will detain a 100 year storm event. The water is then released at a controlled rate as specified in the 2005 King County Storm Water Drainage Manual, to mimic the existing run off from the land as if it were a totally undeveloped, heavily forested condition. The release from the two separate vaults then goes through a culvert located at South 232nd Street and then down the historic drainage path. All this will be in compliance with all City laws and regulations.

City Utilities & Environmental Engineer Reinhold confirmed the water run off drains into two vaults (marked A & B) and will be discharged into an existing drainage system located across from S 232nd Street. He advised that the applicant is being held to a higher level of flow control due mainly to the flooding that is occurring in the lower parts of Massey Creek.

Mayor Sheckler inquired three time as to whether there were anyone else who wished to address Council. There was no response.

Mayor Sheckler inquired of staff as to whether there were any misstatements of fact, or they wished to introduce any additional information raised by speakers, or alter in any regard its initial recommendations. Administration responded in the negative.

8:55 Mayor Sheckler called for a 10 minute break.

Mayor Sheckler advised that it has come to his attention that one more individual has indicated that he wishes to address Council on the subject. He swore the individual in.

Dave Durst, 1311 South 232nd Street

Mr. Durst informed Council that when it rains hard a little creek use to form. He noted that new homes have since been built and he installed a 4 inch pipe to aid drainage, which has now dried up. He indicated that he does not know where the water runoff went to, but expressed concern that a new development could create even more runoff which he feels has not been addressed completely.

Correspondence - Robert & Shara Lyon 1315 S. 233rd Street

Land Use Planner II Sullivan introduced correspondence from the Lyon's and requested it be entered as an attachment to the Staff's report. He advised that the situation described in the letter has been investigated by the City's Code Enforcement Officer, along with the Des Moines Police Department and they have determined there is no violation of the Zoning Code or the laws of the City.

In regards to the drainage issues, Land Use Planner II Sullivan explained that the engineers treated the property as if it were a forest. He noted the amount of water that would have been absorbed by the trees, grass and dirt has to be the same at that condition as after it has been developed. This means that the amount of runoff is the same amount under both conditions. He concluded by noting that the facilities the developer is building will contain more water than was currently being detained on site.

Mayor Sheckler inquired whether Council had any questions.

Upon questioning by Mayor Pro Tem Sherman, Land Use Planner II Sullivan pointed out that the PUD Code says that the PUD should have the same density that would be allowed under the zone. He noted in this zone if you exclude the roads and the storm water pond, you are at 6.5 dwelling units per acre, which is substantially the same density between a standard subdivision allowed by this zone. He also noted we can include the private park because part of the PUD is allowing for lots to be a little bit smaller in order to provide open space and reminded Council that a private park would not be required in a standard subdivision. He noted in this case the PUD was used to keep homes further away from the neighboring properties, creating less impact on the neighboring property owners. He further noted that there is a very steep slope on the property and given that topography, by using the PUD, we were able reduce the amount of cut and fill and do a more balanced approach. He advised the PUD also increases the size of the back yards, provides additional recreational space which will be privately owned and maintained, and applicant has agreed to higher housing design standards.

Upon questioning by Councilmember Thomasson as to why we allowed a 90 degree turn in the road layout, Transportation Engineer Brewer noted this is considered an intersection, not a curve, in this type of design.

Councilmember Thomasson questioned how far away is the nearest sidewalk and is it not reasonable to require that this project connect to it. Transportation Engineer Brewer advised it is approximately 76 feet to the nearest sidewalk. He noted the City's Code requires frontage improvements along the property line, and it was staff's opinion that when and if, the property develops to the south, then they would be required to construct their frontage improvements.

Upon questioning as to why there is no sidewalk on the south side of the street which leads to 14th Avenue South, Transportation Engineer Brewer noted that the applicant does not control the property that abuts the street on the south, so they are not required to install sidewalks on that side. Land Use Planner II Sullivan added that if the property adjacent to the subdivision is likely to subdivide in the future, the Street Standards only require a 40 foot wide half street improvement, and then when the new subdivision comes in they will have to re-crown the road and add the sidewalk.

Councilmember Thomasson felt this is not the appropriate place for a half street. He felt in this case the subdivision is creating the entire right-of-way, a full street inside the subdivision. He requested he be shown the section in the Street Standards that would exempt the applicant from building a full street with sidewalks on both sides.

In regards to the drainage going north across South 232nd Street, City Utilities & Environmental Engineer Reinhold noted the land is relatively flat and the storm water follows a natural flow. He advised due to the wetland nature of the area it would be unlikely to try to pipe it. Councilmember Thomasson questioned what the City's liability might be should this natural flow erode.

Councilmember Thomasson questioned why two storm water drainage vaults instead of one. City Utilities & Environmental Engineer Reinhold explained the one vault would need to be at least 20 feet deep and that would be challenging to maintain. He noted given the topography of the land two vaults made sense. He noted there are no requirements regarding whether they are vaults versus open ponds and he felt the maintenance of a pond is probably more frequent than for a vault, however in the long run the maintenance is about equal.

Land Use Planner II Sullivan announced that in speaking with the developer and his engineer, regardless of Code issues, they have agreed to put in the sidewalk along the entire south side of the project. He recommended adding a 16th Condition of Approval that sidewalks shall be installed along the south perimeter of the PUD. This was accepted by Council.

In response to questioning, Land Use Planner II Sullivan noted the applicant has agreed to replace trees on a 1 to 1 ratio.

Upon a comment by Councilmember Pina, City Manager Piasecki noted this PUD provides for larger lots that most, and is better than it would have been under a straight subdivision.

Councilmember Scott stated she likes this PUD lay-out as it allows for usable yard space.

After further discussion, City Manager Piasecki announced one of the property owners has expressed concern about what he is hearing tonight and has informed staff that he wishes to withdraw his participation in this process. He suggested Council continue this hearing to a date certain to allow staff to clear up any issues or misunderstanding, to make sure we have a group of applicants who wish to move forward with the project.

MOTION was made by Councilmember White, seconded by Councilmember Scott, to continue the Public Hearing to June 26th. Motion passed unanimously.

OLD BUSINESS

1st Addendum to the Development Agreement with the Port of Seattle

Planning, Building and Public Works Director Fredricks noted Council has a 3rd draft dated 5/22/08 showing changes (highlighted) as negotiated with the Port of Seattle of staff. He proceeded to briefly review the changes that reflect Council's comments and direction.

MOTION was made by Councilmember White, seconded by Councilmember Kaplan, to approve the Third Draft First Addendum to the First Development Agreement with the Port of

Seattle regarding compensation for dedicated and deeded rights of way for the Des Moines Creek Business Park and authorize the City Manager to sign the addendum substantially in the form as provided.

Councilmember Scott questioned why the 3rd paragraph of Section F on Page 5, only covers the southern portion of South 216th Street and/or the eastern portion of 24th Avenue South.

Planning, Building and Public Works Director Fredricks commented that typically they would be required to do half street improvements which are on the north side of South 216th and the west side of 24th Avenue South. As mentioned before, this probably would not work if you only do half street improvements, so you have to do improvements that extend beyond the center line. This language anticipates that this may in fact be required, and it is a Council right to require this additional work and that there will be appropriate credits and compensation, and late comers agreements put in place in the event the developer is required to do work that extends beyond the center line.

City Manager Piasecki advised that this allows that it can only be required if studies proves there is a need. He noted this is also true for the last Whereas on page 2.

In regards to page 5, Section F, 3rd paragraph, line 9, Councilmember Pina suggested the word 'credit' be replaced with the word "reimburse". This was accepted as a FRIENDLY AMENDMENT by the maker and seconder of the motion.

Mayor Pro Tem Sherman expressed appreciation for the work staff has done and feels this shows we are working well with the Port of Seattle.

VOTE ON MAIN MOTION: Motion passed unanimously.

Zoning Code Update

MOTION was made by Councilmember Thomasson, seconded by Mayor Pro Tem Sherman and passed unanimously, to move this agenda item to a date to be determined by the Mayor.

NEXT MEETING DATE

Mayor Sheckler advised that the next meeting will be a study session on June 5, 2008.

ADJOURNMENT

At 10:25 p.m. **MOTION** was made by Mayor Pro Tem Sherman, seconded by Councilmember Thomasson and passed unanimously, to adjourn.

Respectfully submitted,

Denis Staab
City Clerk