

## REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES

June 26, 2008

The regular meeting of the Des Moines City Council was called to order at 7:34 p.m. by Mayor Sheckler in the Council Chambers, 21630 11<sup>th</sup> Avenue South, #B.

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

ROLL CALL - Present: Mayor Bob Sheckler, Mayor Pro Tem Dan Sherman, Councilmembers Carmen Scott, Scott Thomasson and Susan White. Absent: Councilmembers Dave Kaplan and Ed Pina. Also in attendance were City Manager Tony Piasecki, City Attorney Pat Bosmans, Planning, Building and Public Works Director Grant Fredricks, Land Use Planner II Jason Sullivan, Transportation Engineer Dan Brewer and City Clerk Denis Staab.

MOTION was made by Councilmember White, seconded by Councilmember Scott and passed unanimously, to excuse Councilmembers Kaplan and Pina.

### COMMENTS FROM THE PUBLIC

Stephen Andrew, 13204 37<sup>th</sup> Avenue NE

Mr. Andrew, representing Lyndon LaRouche PAC, addressed the Council over his concerns regarding increasing prices and the breakdown of society. He felt it is the responsibility of local governments to put pressure on our nations representatives to ensure the quality of life.

Juliette Lamoureux (No Address Given)

Ms. Lamoureux expressed agreement with, Mr. Andrew.

### BOARD & COMMITTEE REPORTS & COUNCILMEMBER COMMENTS

Highline Community College - Marine Science & Technology Center (MaST)

Councilmember Scott reported attending the MaST dedication on June 16<sup>th</sup>. She advised they have a marvelous new building in Redondo on the Pier with an aquarium that will expand in time. She noted beginning this Saturday the aquarium will be open to the public.

16<sup>th</sup> Avenue South Project - Dedication

Councilmember Scott advised that the dedication ceremony for the improvements on 16<sup>th</sup> Avenue South was held Monday, June 23, 2008.

Storefront Studio

Councilmember Scott noted that the architectural students that have been working in Des Moines this spring, will have a presentation to the City Council at the July 17<sup>th</sup> Council meeting.

Farmer's Market

Councilmember Scott remarked that we have had great weather the last two Saturdays for the Farmers Market. She noted the market is open from 10 a.m. to 2 p.m. on Saturday.

Association of Washington Cities

Councilmember White reported attending the Annual Conference in Yakima, last week-end, celebrating 75 years of the Association. She noted 157 cities attended out of the 271 in the State of Washington. She felt the conference was wonderful and will be distributing material to the rest of the Council, including some good budgeting ideas.

### PRESIDING OFFICER'S REPORT

#### Plaque Presentation - Len Madsen

Planning, Building and Public Works Director Fredricks introduced 16<sup>th</sup> Avenue South Improvement Project Manager Len Madsen. He noted Mr. Madsen has presided over the project for the past 2 years and helped coordinate the ribbon cutting ceremony on June 23<sup>rd</sup>.

Mayor Sheckler noted that the project is now complete with sidewalks and bike lanes installed in a previously very dangerous area for children near the school. He presented Len Madsen a plaque in appreciation for outstanding work managing the 16<sup>th</sup> Avenue South Improvement Project.

City Manager Piasecki added that a project of this size and as disruptive as it was, you would normally expect a steady stream of complaints. He noted in the two years Mr. Madsen headed the project he only got 3 phone calls and all issues were handled satisfactorily by Mr. Madsen. Furthermore it was pointed out that the Project was completed early and under budget.

#### Regional Commission on Airport Affairs (RCAA), Larry Corvari, President

Mayor Sheckler introduced Mr. Corvari, President of RCAA, who preceded to update Council on their activities as follows:

##### 2007 Activities

- Monitored the DOT's Wild Life Attractants Task Force
- Worked cooperatively on runway concrete batch plant issues
- Monitored state and regional airport issues:
  - Port of Seattle/King County Rail Trail swap
  - Puget Sound Regional Council's Vision 2040 and Destination 2030
  - State-wide aviation study
- Continued work on environmental monitoring
- Lobbied Port Commission and Port CEO for a hush house

##### Future: Initiatives

- Take advantage of opportunities that may arise from changes in Port governance: relation of Port Commission and Port staff
- Evaluate the Port's NPDES Efforts
  - Governs levels of pollutants in water
  - Lower levels of pollutants
  - No backsliding from past victories
- Monitor the Port of Seattle's environmental compliance
- Monitor the state wide aviation planning process and communicate relevant information to the elected in the Highline area
- Make sure monitoring is done at source, not downstream
- Watch for developments that could impact cities and citizens negatively
- Watch for opportunities the area can take advantage of:
  - Puget Sound Partnership and cleanup of Puget Sound

- Global warming
- Health developments, looking at the impact of airports on citizen health, including noise and air

Present: Plan for 2008

- National Pollution Discharge Elimination System
  - New permit process starts later this year
- Wildlife Attractants Task Force
  - Continue to provide input to this flawed process
  - Very serious potential impacts to our communities

ADMINISTRATION REPORTS

Federal Government Lobbyist Report

City Manager Piasecki introduced Dale Learn and Nate Potter from Gordon Thomas Honeywell the City's Federal Government Lobbyists.

Mr. Learn advised that the scope of services they do for Des Moines has generally been analyzing the interests of the City, both on policy and projects, and trying to match that up with what the Federal government is doing, as well advocate for the City's projects in front of the members of Congress, and of the administrative agencies. He noted they try to match things that are available and those things that are most likely for success. He noted they were successful last year and hopefully will be able to finish the Des Moines Creek Trail. He advised this year, Councilmembers appeared before members of Congress to advocate for the Des Moines Creek Business Park Transportation Project and the Downtown Water Infrastructure. He felt it most likely will be after the November elections before results will be known. For future needs he stated it is important to find projects and policies and match them up with what the Federal Government is doing.

Sound Transit

City Manager Piasecki informed Council that at a recent Sound Transit Board meeting a new alternative for a potential ballot package was presented, making it a 15 year package instead of 10. This would still use ½ cent additional sales tax and allow the system to be extended to South 272<sup>nd</sup>. Plus they would have money to do some preliminary engineering, design and even have some strategic right-of-way acquisition funds to get the light rail all the way to Tacoma. It would also provide for some mid-point check of that 15 years for the voters to be asked if they want to extend it more so the funding would be available to go all the way to Tacoma. He noted that next week's agenda will have a policy discussion to see if Council wishes to change its position, and if Council wants, we can have a draft resolution on the July 10<sup>th</sup> Agenda to do that.

Mayor Sheckler informed Council that he has talked with the Mayor of Federal Way and their Council has already decided to accept the new alternative and will be waiting to see if Des Moines will too.

CONSENT CALENDAR was read by City Clerk Staab.

1. Motion is to approve the regular minutes of June 5, 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 #114759 through #114960 & electronic fund transfers in the total amount of \$961,220.60

Payroll fund transfers in the total amount of \$389,005.18

3. Draft Resolution No. 08-153 ASSIGNED NO. 1078] - Title: A Resolution of the City of Des Moines, Washington ratifying the "2007 King County Buildable Lands Report", consistent with the requirements of RCW 36.70A.215, and finding that the City of Des Moines has sufficient capacity, based on actual densities achieved during the most recent 5 year review period, to accommodate household and job growth targeted for the remainder of the current 20 year planning period.

MOTION is to approve Draft Resolution No. 08-153.

4. Motion is to approve the surplusing of miscellaneous items from the Police Department's Criminal Investigation Division as listed in memo of June 11, 2008, and authorize disposing of by auction, sale or transfer to other departments or agencies.

5. Draft Resolution No. 08-122 [ASSIGNED NO. 1079] - Title: A Resolution of the City Council of the City of Des Moines, Washington, fixing a time for a Public Hearing to consider vacation of a portion of public right-of-way in the City of Des Moines.

MOTION is to approve Draft Resolution No. 08-122 setting a Public Hearing for July 24, 2008.

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

### CONTINUED PUBLIC HEARING

#### Draft Resolution No. 08-075 [ASSIGNED NO. 1080] Cedar Heights Preliminary Planned Unit Development (PUD)

Upon questioning as to why the co-applicant wanted a 'time out' at the May 28<sup>th</sup> meeting, Land Use Planner II Sullivan noted the co-applicant had concerns related to the frontage improvements along the shared property line and the size of the detention vault to handle drainage from the future development of the co-applicant's property. He informed Council that after staff met with the applicant and co-applicant, the applicant has agreed to install the complete street improvements and to modify the size of the vault to include sufficient area to handle the drainage from the future development of the co-applicant's property. The City has since received a letter from the co-applicant agreeing to continue his participation in the PUD.

As there were no further questions, Mayor Sheckler declared the Public Hearing CLOSED.

MOTION was made by Councilmember White, seconded by Councilmember Scott, that the City Council approve Draft Resolution 08-075 approving the proposed preliminary PUD subdivision entitled "Cedar Heights" subject to the 17 additional conditions of approval included in the June 26, 2008 Administration Report: City file number LUA07-030.

MOTION was made by Councilmember Thomasson, seconded by Councilmember Scott, that a condition of approval be added that would provide that the storm drainage needs to include the retention/detention for the parcel south of and adjacent to Tract A.

Councilmember Thomasson remarked that this parcel will front the street, and it will be their front yard. He felt it would be appropriate that they should not have to construct their own private drainage.

Upon questioning, Land Use Planner II Sullivan noted the slope for drainage was not considered for this parcel, as it is not part of the PUD.

City Attorney Bosmans stated that since this parcel is not part of the PUD, there is an issue of imposing this obligation on the proposed development.

VOTE ON AMENDING MOTION: Motion FAILED 4 to 1 with Councilmember Thomasson voting yes.

MOTION was made by Councilmember Thomasson to amend by adding a condition that the sidewalk be constructed south from proposed road A along 14<sup>th</sup> Avenue South, approximately 70 or 80 feet. Motion DIED for lack of a second.

MOTION was made by Councilmember Thomasson, seconded by Mayor Pro Tem Sherman, to add a condition that the average lot size be 7200 square feet.

Councilmember Thomasson advised that this is a proposed planned unit development and there is a methodology for calculating lot area, but he does not see where this planned unit development really offers any substantial improvement or meets the criteria where it is better than a traditional sub-division would be. He noted he has no problem with their request for the depth/width ratio, but it seems inappropriate to have the lots 1,000 square feet less than our zoning codes says the lots should be.

VOTE ON AMENDING MOTION: Motion FAILED 3 to 2 with Councilmember Thomasson and Mayor Pro Tem Sherman voting yes.

VOTE ON MAIN MOTION: Motion passed 3 to 2 with Councilmember Thomasson and Mayor Pro Tem Sherman opposed.

Mayor Sheckler read the Draft Resolution by title into the record.

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

#### PUBLIC HEARING

#### Draft Resolution No. 08-123 [ASSIGNED NO. 1081] 6 Year Transportation Improvement Program for 2009-2014

Mayor Sheckler introduced the topic, declared the hearing open and advised that no one has signed up to speak. He called on staff to describe the matter.

Transportation Engineer Brewer advised that State law requires all cities to create and adopt a Six Year Transportation Improvement Plan with a deadline for adoption by July 1, 2008. He noted the plan is shared between individual agencies and provides a consistent method of coordinating interagency needs and funding requirements on a regional and state wide basis. He stated that the Transportation Plan is a "wish list" for transportation projects and advised that in

order to be eligible for some Grants, it is a requirement that the project be identified in the Transportation Plan. He noted that five new projects have been added:

- Des Moines Memorial Drive and South 200<sup>th</sup> Street - Intersection widening and reconstruction of the traffic signal
- Redondo Beach Drive and Redondo Way - Reconstruct intersection and construct traffic signal
- South 268<sup>th</sup> Street, 16<sup>th</sup> Avenue South to Pacific Highway South - Provide roadway improvements including curb, gutter and sidewalks
- Barnes Creek Nature Trail from Kent-Des Moines Road to South 216<sup>th</sup> Street - Reconstruct and provide shared use path
- 16<sup>th</sup> Avenue South, 18<sup>th</sup> Avenue South extension - Connect up to South 216<sup>th</sup> Street

He continued by advising that two projects have been removed which are Phase I of the 16<sup>th</sup> Avenue South improvements which will be completed within the next month or so, and improvements to South 243<sup>rd</sup> Street from 16<sup>th</sup> Avenue South to 20<sup>th</sup> Avenue South due to other priorities. He concluded by stating existing projects have been updated to reflect anticipated schedules and planning level cost estimates, noting the relative priorities of the projects were adjusted based on potential funding partnerships, and upcoming development related activity. The project priorities are influenced by safety needs, capacity needs, concurrency and general development activity.

Mayor Sheckler called for any speakers three times. As there was no response, he asked Council if they had any questions of staff.

Upon questioning from Councilmember White about why we want to redo the intersection and install a traffic signal at Redondo Beach Drive and Redondo Way, Transportation Engineer Brewer responded there are two issues. First, the congestion during peak hours is backing up all the way to 16<sup>th</sup> Avenue South and South 272<sup>nd</sup>. Second is to provide a signalized controlled way for pedestrians to safely cross the intersection.

Councilmember White expressed doubt that there will be very much public support for installing a traffic light at this intersection.

Mayor Pro Tem Sherman questioned whether a traffic light at the intersection would help or hinder people to get across the street to get their boats across and onto the ramp.

Transportation Engineer Brewer advised that staff would need to do further traffic engineering studies of the entire area, which has not been done at this time.

Councilmember Thomasson noted placing a traffic signal at the Redondo Beach Drive and Redondo Way intersection to increase capacity may not be a desirable outcome. He felt we should be adding traffic calming and try to actually reduce the capacity to encourage people to use the State Highway. He also felt the road construction activities going on in Federal Way and Kent, especially between S 272<sup>nd</sup> and 312<sup>th</sup> have probably caused more people to use Redondo as a cut-through route, but feels when that construction is finished people should be encouraged to use the Highway.

In regards to the added SR 509 projects, Councilmember Thomasson stated it would have been beneficial to have the City's Transportation Plan have policy statements that we want those

streets, prior to having put them on the wish list, when Council has not had the policy discussion to do so. He continued by stating he feels Priority #24 - Kent-Des Moines Road from 24<sup>th</sup> Avenue S to Pacific Highway S, should be ranked at a higher priority such as #8. He felt this is a very dangerous situation.

Councilmember Scott noted Council will be having a presentation by the Storefront Studio students later this month, who have some excellent ideas on downtown parking and pedestrian improvements. She expressed disappointment that there is no mention of any improvements for Marine View Drive or 7<sup>th</sup> Avenue South. She felt it is important to help downtown become economically viable.

Councilmember White expressed agreement with Councilmember Scott.

City Manager Piasecki reminded Council that most of the funds that the Transportation Engineer will be applying for to pay for the projects are going to be looking at safety, moving vehicles, and relieving congestion, and projects that are going to spur economic development do not necessarily have to be included in the TIP. He advised there are other types of grant money that would be available for that. He pointed out that the top 10 priorities are all important when it comes to safety and capacity.

As there was no further questions, Mayor Sheckler CLOSED the Public Hearing.

**MOTION** was made by Mayor Pro Tem Sherman, seconded by Mayor Sheckler, to approve Draft Resolution No. 08-123 adopting the 2009-2014 Six Year Transportation Improvement Program for the City of Des Moines.

Mayor Pro Tem Sherman briefly explained the PS&T Committee recommended the SR 509 issues on the TIP due the potential for a connection from Kent-Des Moines Road to South 216<sup>th</sup> might help alleviate some traffic congestion that occurs on Marine View Drive.

City Manager Piasecki pointed out acquiring the SR 509 right-of-way is a position and policy contained in Council's adopted Intergovernmental Policies and Positions. He also noted the only way we can acquire it without having to pay for it, is if it is used for transportation purposes.

**MOTION** was made by Councilmember White, seconded by Councilmember Thomasson, to remove Priority Number 16. Motion passed 4 to 1 with Mayor Pro Tem Sherman opposed.

**MOTION** was made by Councilmember Thomasson, seconded by Councilmember White, to move Priority Number 24 to Priority Number 12 and shift everything back.

Upon questioning, Transportation Engineer Brewer advised that in Phase II of the Kent-Des Moines Road Project, from 24<sup>th</sup> Avenue S to Pacific Highway South, the last 900 feet of the east bound lanes are under the jurisdiction of the City of Kent. He emphasized that Kent is not willing to participate in any improvements in this stretch.

Mayor Pro Tem Sherman voiced the opinion that Priority Number 12 is very important for the development of the Des Moines Creek Business Park.

Councilmember Thomasson felt that Priority Number 12 should likely be funded by the developments that front it and it should not need public money.

Councilmember Scott stated she would like to leave Priority 24 where it is until we can work things out with the City of Kent.

VOTE ON MOTION: Motion FAILED by 3 to 2 with Councilmembers Thomasson and White voting yes.

MOTION was made by Mayor Pro Tem Sherman, seconded by Councilmember Thomasson, to move Priority Number 24 to Priority Number 16. Motion passed 4 to 1 with Councilmember Scott opposed.

VOTE ON MAIN MOTION: Motion passed unanimously.

Mayor Sheckler read the resolution by title into the record.

#### PUBLIC HEARING

#### Draft Ordinance No. 08-149 [ASSIGNED NO. 1431] Pacific Heights (Grandville Southern) Rezone - 1<sup>st</sup> Reading

Mayor Sheckler described the matter and declared the hearing OPEN. He noted no one has signed up to speak.

Land Use Planner II Sullivan noted this was originally the Grandville Southern rezone and the subject tonight is part of a settlement agreement the City entered into in 2000, for a project that was in unincorporated King County prior to the Redondo Riviera Annexation. Tonight's purpose is to fulfill the City's obligation to rezone the portion of the project within the City from RS 7200 to RA 3600. He noted this will not change the Preliminary Plat that has already been approved. He also noted the RA 3600 will provide greater design criteria to the homes be constructed.

Mayor Sheckler called for any public speakers.

#### Trisha Daniels, 1313 S 279th

Ms. Daniels questioned whether there was official notification of this Public Hearing. She noted the front side of her notice shows a public meeting and the back side is for a Public Hearing.

Mayor Sheckler confirmed that Ms. Daniels does have an official notice of the Public Hearing.

Mayor Sheckler called for additional speakers three times. As there was none he questioned whether Council has any questions for staff.

Land Use Planner II Sullivan advised that staff did send out a combined notice for SEPA and tonight's Public Hearing.

Councilmember Thomasson questioned if we have asked Federal Way to take action on their portion of the rezone.

Planning, Building and Public Works Director Fredricks answered that staff has prepared a letter to Federal Way, which will be sent after tonight's meeting.

Upon questioning concerning Attachment 3 in Council's packet, Land Use Planner II Sullivan noted that the actual legal description for both the annexations of Des Moines and Federal Way describe the boundary as the eastern side of 15<sup>th</sup> Avenue as platted in this document. He advised this is the Pacific Heights Project which Council has approved.

Mayor Sheckler declared the Hearing CLOSED.

**MOTION** was made by Mayor Pro Tem Sherman, seconded by Councilmember White to suspend Council Rule 26(b) allowing for adoption of Draft Ordinance No. 08-149 on first reading. Motion passed unanimously.

**MOTION** was made by Mayor Pro Tem Sherman, seconded by Councilmember White, to adopt Draft Ordinance 08-149 amending the official zoning map of the City of Des Moines in order to change the zoning classification for a property within the Redondo Rivera Neighborhood area currently zoned RS-7200 to RA-3600.

Mayor Pro Tem Sherman stated normally he would never vote for this kind of a motion, however the City made an agreement years ago and he believes we need to honor that agreement to proceed with the rezone.

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

Mayor Sheckler read the ordinance by title into the record.

**NEXT MEETING DATE**

Mayor Sheckler announced the next meeting will be a study session on July 3, 2008.

**ADJOURNMENT**

At 10:04 p.m. **MOTION** was made by Mayor Pro Tem Sherman, seconded by Councilmember Scott and passed unanimously, to adjourn.

Respectfully submitted,

Denis Staab  
City Clerk