

MINUTES

DES MOINES CITY COUNCIL REGULAR MEETING City Council Chambers 21630 11th Avenue South, Des Moines

September 12, 2013 – 7:00 p.m.

CALL TO ORDER

Mayor Kaplan called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

The flag salute was led by Councilmember Scott.

ROLL CALL

Council present: Mayor Dave Kaplan; Councilmembers Jeremy Nutting, Jeanette Burrage, Bob Sheckler and Carmen Scott.

Mayor Pro Tem Pina and Councilmember Musser were absent. Councilmember Scott moved to excuse Mayor Pro Tem Pina and Councilmember Musser; seconded by Councilmember Burrage. The motion passed 5-0.

Staff present: City Manager Tony Piasecki; City Attorney Pat Bosmans; Management Consultant Grant Fredricks; Engineering Services Manager Brandon Carver and City Clerk Bonnie Wilkins.

COMMENTS FROM THE PUBLIC

Brady Wright, 3732 156th Street SW, Lynnwood; Community Outreach Coordinator for Hyde Shuttle headquartered out of the Des Moines Activity Center. Introduced himself to Council and spoke about the services that Hyde Shuttle offers to anyone 55 and over or anyone with a disability that is a King County resident. Volunteer drivers are needed, contact 206-727-6262 if interested or if a ride is needed.

CORRESPONDENCE

- Letter from Mr. Thompson, regarding tonight's two Public Hearings; will be entering those letters into the record at the appropriate time.
- Council received a letter from a Condominium Association regarding Surface Water concerns; staff will following up.
- Council received a letter from a citizen who has billing concerns with Cleanscapes; staff is researching those concerns and will copy Council on the response.

BOARD AND COMMITTEE REPORTS/COUNCILMEMBER COMMENTS

Councilmember Scott:

- Tripped and fell and received a black eye, but is fine.

Councilmember Sheckler:

- Had surgery on nose, but is fine.
- Shared an observation on the level of Police Staff mingling and interacting with the patrons during the Farmer's Market and finds it very impressive.
 - Kudos to Chief Delgado.
 - Encourages the public to take an opportunity to introduce themselves to the Police Staff.
 - Would like Chief Delgado to pass along his compliments to his staff.

- Police Department will have a booth at the Farmer's Market on September 14, 2013.

Councilmember Burrage:

- Has a wrist brace on due to Tendonitis but is fine.

Mayor Pro Tem Pina:

- Absent

Councilmember Musser:

- Absent

Councilmember Nutting:

- Senior Services Advisory Meeting:
 - Medicare open enrollment
 - October 15-December 7, 2013.
 - Workshop on October 8, 2013 from 6:00 to 8:00 p.m.
 - Benefits advisor will be at the Activity Center on the second Tuesday of every month from 1:00 to 3:00 p.m.
 - Healthcare reform.
 - Take back Meds program, October 26, 2013 @ Bartell Drugs on 216th.
 - November 3, 2013, Bayside Brunch @ Anthony's Homeport from 9:30 to 1:00 p.m. Tickets are \$75/per person and the theme is Grand Ole Opry.

PRESIDING OFFICER'S REPORT

- Annual Spaghetti Night Dinner, October 4, 2013 from 5:00-7:00 p.m., \$10/adults, \$5/children, \$20/family which includes 2 adults plus 2 children (under 12).
 - Sponsored by the City of Des Moines, Normandy Park Senior Living, Law Offices of Gehrke, Wegener & Doull.
- Des Moines Farmer's Market Annual Food Truck Rodeo, September 14, 2013.
- Annual Spirit of Des Moines Awards:
 - Recognize people who show a consistent dedication to the betterment of Des Moines (for both annual and lifetime award).
 - Looking for members of the community who are willing to serve on the Committee; 5 members of the community plus 2 Councilmembers.
 - Mayor Kaplan asked if any Councilmember would like to serve on the committee with him; Councilmember Sheckler volunteered.
 - E-Mail Mayor Kaplan if you would like to serve on the committee or nominate someone.

ADMINISTRATION REPORT

No report.

CONSENT CALENDAR

Item 1: APPROVAL OF VOUCHERS
Motion is to approve for payment vouchers and payroll transfers included in the attached list and further described as follows:
Claim Checks: \$2,939,341.71
Payroll Fund Transfers: \$860,378.10
Total Certified Wire Transfers, Voids, A/P and Payroll Vouchers: \$3,799,719.81

Item 2: RECOGNITION OF DAY OF CONCERN FOR THE HUNGRY – SEPTEMBER 28, 2013
Motion is to acknowledge and support the Day of Concern for the Hungry on Saturday, September 28, 2013, and strongly urge all citizens to join the Emergency Feeding Program of Seattle & King County and our local food banks to nourish those who are hungry by taking a few minutes on September 28th to shop for their neighbors and donate food at volunteer staffed stores throughout King County.

Item 3: DRAFT RESOLUTION 13-170 SETTING A PUBLIC HEARING FOR TITLE 18 DMMC ENTITLED "ZONING"
Motion is to adopt Draft Resolution No. 13-170 setting a public hearing on October 24, 2013 to consider Draft Ordinance 13-170 which repeals and replaces Title 18 DMMC.

Direction/Action

Motion made by Councilmember Sheckler to approve the consent agenda; seconded by Councilmember Burrage.
The motion passed 5-0.

PUBLIC HEARING/CONTINUED PUBLIC HEARING

Item 1: CONTINUED PUBLIC HEARING FOR DRAFT ORDINANCE 13-086, PACIFIC RIDGE ZONE
Staff Presentation: Management Consultant Grant Fredricks

Continuation of Public Hearing from August 8, 2013 Council meeting:

Management Consultant Fredricks gave a brief power point presentation to Council. Entered into the record, the letter sent by Mr. Thomas Thompson on behalf of Dr. & Mrs. Baljinder Buttar regarding the Pacific Ridge Zone.

Mayor Kaplan called Thomas Thompson to the podium.
Thomas Thompson, AIA, 29619 15th Avenue NE, Stanwood; Architect for Dr. & Mrs. Baljinder Buttar, owner of Heritage Plaza, 23040 Pacific Highway S. came to the Public Hearing this evening to confirm that his letter has been received and entered into the record. Mr. Thompson spoke in support of the proposed changes and encourages the adoption of the zoning changes to the Pacific Ridge Zone.

Imad Bahbah, Architect, 12522 28th Avenue E, Tacoma; represents a couple of property owners who have property at I-5 between S 220th/S 219th Street. He appreciates the great effort that everyone has done in giving more incentives to develop in the community. He also supports and encourages the adoption of the zoning changes.

Mayor Kaplan asked 3 times if anyone else wished to speak. Seeing none Mayor Kaplan asked Council if they had any questions.

Seeing none Mayor Kaplan closed the public hearing at 7:25 p.m.

Direction/Action

Motion 1A made by Councilmember Sheckler to waive Council Rule 26(a) in order to enact Draft Ordinance No. 13-086 amending DMMC 18.31 Pacific Ridge Zone Code, on first reading; seconded by Councilmember Burrage.

The motion passed 5-0.

AND

Motion 1B made by Councilmember Sheckler to enact Draft Ordinance No. 13-086 amending DMMC 18.31, Pacific Ridge Zone Code; seconded by Councilmember Burrage.

Motion made by Councilmember Burrage to amend Sec. 9, PR-C Permitted Uses, to allow no more than two (2) exclusive used car dealers in the Pacific Ridge Zone; seconded by Councilmember Sheckler.
The motion passed 5-0.

Motion made by Mayor Kaplan to amend Sec. 9, PR-C Permitted Uses, to not allow single purpose multi-family dwellings in the PR-C zone in order to preserve limited commercial properties for commercial uses; seconded by Councilmember Sheckler.

The motion passed 4-1.

For: Mayor Kaplan, Councilmembers Nutting, Sheckler and Scott.

Against: Councilmember Burrage.

Motion made by Councilmember Sheckler to amend Sec. 10, Environmental Performance Standards, to delete (1)(e), Capital Facilities, Utilities and Public Services, because it is redundant with other parts of the DMMC; seconded by Councilmember Scott.

The motion passed 5-0.

Motion made by Councilmember Sheckler to amend Sec. 10, Environmental Performance Standards, to delete (1)(f) because it is constitutionally vague; seconded by Councilmember Nutting.

The motion passed 5-0.

Motion made by Mayor Kaplan to amend Sec. 10, Environmental Performance Standards, to (1) add the requirement that all new construction in all PR zones conform to applicable FAA regulations affecting navigable airspace, including Part 77, to make developers aware of these existing FAA requirements; and (2) deleting similar language from the provisions applicable to the PR-R Zone; seconded by Councilmember Burrage.

The motion passed 5-0.

Motion made by Councilmember Sheckler to amend Sec. 10, Environmental Performance Standards, to delete the number of driveway accesses and simply incorporate the City's Street Design and Construction Standards by reference to avoid confusion; seconded by Councilmember Burrage.

Councilmember Burrage offered a friendly amendment to remove the words "Design and Construction" and replace it with "Development", to read City's Street Development Standards. Acceptable to the maker of the motion.

The motion passed 5-0.

Motion made by Mayor Kaplan to amend Sec. 11, Dimensional Standards for New Development, to lower the maximum building height west of SR 99 from 85 feet to 55 feet to prevent views from being blocked from the east side of SR 99 and better transition to residential uses to the west, and to clarify that 200 feet high buildings are only allowed east of SR 99; seconded by Councilmember Scott.

The motion passed 4-1.

For: Mayor Kaplan, Councilmembers Nutting, Burrage and Scott.

Against: Councilmember Sheckler.

Motion made by Councilmember Burrage to amend Sec. 11, Dimensional Standards for New Development, to eliminate (1) because it is redundant with (8); seconded by Councilmember Scott.

The motion passed 5-0.

Motion made by Councilmember Burrage to amend Sec. 12, General Site Design Requirements, to eliminate Site Design Guidelines, but retain the 1st sentence which reads: (1) Design guidelines. All development proposals shall demonstrate substantial compliance, as determined by the City Manager or City Manger's designee, with the adopted Pacific Ridge design guidelines; seconded by Councilmember Scott.

The motion passed 5-0.

Motion made by Councilmember Burrage to amend Sec. 13, General Building Design Requirements, to eliminate Building Design Guidelines, but retain the 1st sentence which reads: (1) Design guidelines. All development proposals shall demonstrate substantial compliance, as determined by the City Manger or City Manger's designee, with the adopted Pacific Ridge design guidelines; seconded by Councilmember Scott.

The motion passed 5-0.

Motion made by Councilmember Burrage to allow vehicle storage as an outright permitted use in PR-C provided that the vehicles cannot be viewed from any other site or any other property in Pacific Ridge or from the street; seconded by Councilmember Scott.

The motion failed 1-4.

For: Councilmember Burrage.

Against: Mayor Kaplan; Councilmembers Nutting, Sheckler and Scott.

The main motion, as amended, passed 5-0.

Mayor Kaplan read Ordinance No. 13-086 into the record.

At 8:21 p.m. Council took a break and resumed back in session at 8:30 p.m.

Item 2: CONTINUED PUBLIC HEARING FOR DRAFT ORDINANCE 13-108, LOADING AREAS AND OFF-STREET PARKING CODE
Staff Presentation: Management Consultant Grant Fredricks

Continuation of Public Hearing from August 8, 2013 Council meeting:

Management Consultant Grant Fredricks gave a brief power point presentation to council.

Mayor Kaplan called Thomas Thompson to the podium. Thomas Thompson, AIA, 29619 15th Avenue NE, Stanwood; Architect for Dr. & Mrs. Baljinder Buttar, owner of Heritage Plaza, 23040 Pacific Highway S. After receiving the proposed amendments Mr. Thompson continues to be concerned about the 3 year stipulated length of the condition of proposed Amendment 3.

Mayor Kaplan called Imad Bahbah, 12522 28th Avenue E, Tacoma, who offered a few comments regarding the parking revisions in the packet. Multi-family parking has been an issue and he feels that it would have been nice to see that change less restricted and more like King County standards. He commented that having an incremental adjustment might be something to consider. The 50% compact car allowance is gracious; other jurisdictions have 25-33%.

Mayor Kaplan asked 3 times if anyone else wished to speak. Seeing none Mayor Kaplan asked if Council had any questions.

Councilmember Burrage asked Mr. Thompson if he had an opinion on the compact car allowance, changing the percentage from 25-30% or changing the dimensions to 8 1/2 x 17 feet.

Mr. Thompson said that he had no preference to that condition. He found that 9 x 19 is more universal than 9 x 20 and it does surprise him to see how the numbers vary in certain cities.

Councilmember Burrage asked Mr. Thompson if he was looking for design requirements more for the alternative use because of the time difference (weekend/weekdays) or an interim use (so many years), or a combination of both.

Mr. Thompson said the concern was the 3 year limitation.

Mayor Kaplan asked what Mr. Thompson thought would be a fair delineation between an interim use vs. a long term use; 5 years, 8 years, 10 years, etc.

Mr. Thompson said that 5 years is a great place to start but would be nice if there was wording for staff to re-consider for renewal.

Mayor Kaplan closed the Public Hearing at 8:53 p.m.

Direction/Action

Motion 1A made by Councilmember Sheckler to waive Council Rule 26(a) in order to enact Draft Ordinance No. 13-108 amending Chapter 18.44 DMMC, Loading Areas and Off-Street Parking Code, on first reading; seconded by Councilmember Burrage.

The motion passed 5-0.

AND

Motion 1B made by Councilmember Sheckler to enact Draft Ordinance No. 13-108 amending Chapter 18.44 DMMC, Loading Areas and Off-Street Parking Code; seconded by Councilmember Burrage.

Motion made by Councilmember Scott to amend Sec. 1, Modification of parking requirements, to extend the Marina District parking waiver for commercial uses currently expiring on December 31, 2013 to December 31, 2015.
The motion died for lack of a second.

Motion made by Councilmember Burrage to amend Sec. 5, Parking and storage of recreational, utility, and commercial vehicles in residential neighborhoods, to increase the allowable time that RV's may be used as dwellings from the 4 weeks proposed to 6 weeks; seconded by Councilmember Scott.
The motion fails 2-3.

For: Councilmembers Burrage and Scott.

Against: Mayor Kaplan; Councilmembers Nutting & Sheckler.

Motion made by Councilmember Burrage to amend Sec. 1, Modification of parking requirements, to add a provision to permit interim uses as outlined but change 3 years to 5 years and in 7) add "or renewal after application and approval" at the end of the sentence; seconded by Mayor Kaplan.

Mayor Kaplan offered a friendly amendment to limit the extension for an additional 3 years, not to be renewed past 8 years; acceptable to the maker of the motion.
The motion passed 5-0.

Motion made by Councilmember Burrage to amend DMMC 18.44.070(1) to read: "A maximum of 30 percent of the total required off-street parking stalls may be permitted and designated for compact cars" and (3) to read: "Dimensions of compact parking stall shall be 8.5 feet by 17 feet, 144.5 square feet"; seconded by Councilmember Scott.
The motion passed 5-0.

The main motion, as amended, passed 5-0.

Mayor Kaplan read Ordinance No. 13-108 into the record.

NEXT MEETING DATE

September 26, 2013 Regular City Council Meeting

ADJOURNMENT

Motion made by Councilmember Sheckler to adjourn; seconded by Councilmember Nutting.
The motion passed 5-0.

The meeting was adjourned at 9:15 p.m.

Respectfully submitted,
Bonnie Wilkins
City Clerk

