

MINUTES

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

August 8, 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 Mayor Kaplan.

ROLL CALL

Council present: Mayor Dave Kaplan; Mayor Pro Tem Matt Pina; Councilmembers Jeremy Nutting, Melissa Musser, Jeanette Burrage, Bob Sheckler and Carmen Scott.

Staff present: City Manager Tony Piasecki; City Attorney Pat Bosmans; Engineering Services Manager Brandon Carver; SWM Utility Manager Loren Reinhold; Community Development Manager Denise Lathrop; Management Consultant Grant Fredricks; City Clerk Bonnie Wilkins.

COMMENTS FROM THE PUBLIC

There were no comments from the public.

BOARD & COMMITTEE REPORTS/COUNCILMEMBER COMMENTS

Councilmember Scott:

- Farmer's Market:
 - Kids fishing derby this Saturday.

Councilmember Sheckler:

- Artemis Hotel:
 - EB5 Regional Center Designation.
 - Thanked the following for all their support and hard work:
 - City Council
 - City Staff

Councilmember Burrage:

- Got a 15 minute massage from Quikmassage and it was wonderful.

Mayor Pro Tem Pina:

- Council retreat last Saturday:
 - Thanked staff for preparation.
- Finance & Economic Development Committee:
 - Updates to projects in community.
 - Permitted uses in the Business Park.
 - Discussion of B&O Tax Structure.
 - Policy discussion around Pacific Highway Corridor.
 - Parking solutions in Marina District.
 - Several business owners came in to speak at a meeting held on August 7, 2013.
 - Thanked City Manager and Economic Development Manager.

- Public Safety & Transportation Committee Meeting:
 - Marijuana Regulations are coming forward.
 - Ordinances and Zoning.
 - Transportation Capital Improvement Plan.
 - Pavement Preservation Program, if Proposition 1 passes;
 - Not likely to pass; will have more discussions around what to do next with paving issues.

Councilmember Musser:

- Municipal Facilities Committee Meeting:
 - Met with the 2 finalists from the Request for Qualifications for the Marina Development.
 - Interviews available to view on the City's web site.
 - Committee will meet on August 15 to discuss proposals.
- Editor of the *Highline Times*, Eric Mathison is retiring after many years and wished him well.

Councilmember Nutting:

- National Night Out:
 - Thanked the following for attending:
 - Des Moines Police Department.
 - South King County Fire.
 - Code Enforcement.
 - There were 32 get-togethers throughout the City.
- School starts in one month, please drive safe and pay attention in school zones.
- Attended the Concert in the Park, *Des Moines Got Talent*.
- Friday, August 9th Movie in the Park, *The Avengers*.

PRESIDING OFFICER'S REPORT

- Received comments back from people who are appreciative of the crosswalks and better signage on Marine View Drive.
- Listened to comments regarding the South part of the Marina.
 - Staff working hard to make adjustments.
 - Ordinance passed changing the closing time of the parking lot.
 - Received appreciative communication back on that Ordinance.
- Budget Retreat-some things that were discussed:
 - How to fund services everyone wants given the challenging revenue stream.
 - Approximately \$300,000 loss in revenue from the assessed property value from the County Assessor's Office.
 - Looking at all options to try to solve the budget deficit.
 - Ways to make things more efficient in every Department.
 - Grow economic base in City.
 - Approximately \$2.5 to \$3 million shortfall.
 - More conversations regarding budget options going forward.

- Proposition 1:
 - Appreciated the voters taking the time to vote.
 - Second time out to voters, this time to specifically fund paving of streets in Des Moines.
 - Proposition appears to be failing.

Mayor Kaplan presented former Councilmember Dan Caldwell a plaque acknowledging his years of service to the Community and Council and thanking him for his commitment.

Mayor Pro Tem Pina spoke to the size of the Council packet for this week, 492 pages. Mayor Pro Tem Pina proposed a few suggestions to help eliminate the size of future packets. Councilmember Sheckler asked for a status update on electronic council packet for Councilmembers. City Clerk Wilkins updated Council with the status of electronic packets and briefed them on some of the concerns that the IT Manager has.

ADMINISTRATION REPORTS

AHMADIYYA MUSLIM COMMUNITY BLOOD DRIVE SUPPORT OF PUBLIC SAFETY

- Chief George Delgado gave a brief introduction and introduced members of the Ahmadiyya Muslim Community.

Those that spoke were:

- Irfan Chaudhry, President of the Ahmadiyya Muslim Community.
- John Yasutake, Conciliation Specialist Northwest Regional Office, US Department of Justice Community Relations Service.

Announced Des Moines Community Blood Drive:

- Saturday, September 7, 2013.
- 10:00 – 4:00 p.m. (closed 12:00-1:00 p.m.).
- Blood Mobile in Public Works Parking Lot (2255 S 223rd Street, Des Moines WA).

CONSENT CALENDAR

Item 1: NATIONAL RECOVERY MONTH

Motion is to move that the City of Des Moines supports National Recovery Month by passing the proposed proclamation.

Item 2: DRAFT ORDINANCE ADOPTING STATE MARIJUANA INFRACTION

First Motion is to suspend Rule 26(a) in order to enact Draft Ordinance 13-074 on first reading.

Second Motion is to enact Draft Ordinance 13-074, adopting by reference RCW 69.50.445, creating a civil infraction for opening or consuming marijuana in public view.

Item 3: INTERLOCAL AGREEMENT – FEDERAL WAY SCHOOL DISTRICT IMPACT FEES

Motion is to approve the Interlocal Agreement between the City of Des Moines and the Federal Way School District to enable the City to distribute school impact fees collected for the Landmarque Development in accordance with the March 26, 2007 Environmental Mitigation Agreement, and to authorize the City Manager to sign the ILA substantially in the form submitted.

Item 4: NORTH HILL ELEMENTARY SCHOOL ZONE FLASHING BEACON PROJECT GRANT ACCEPTANCE

Motion is to accept the Washington Traffic Safety Commission grants for North Hill and Aviation School awarded for a total amount of \$15,000 and direct staff to bring forward a budget amendment to include this project as part of the 2013-2013 Transportation CIP.

Item 5: DRAFT RESOLUTION 13-180 SETTING A PUBLIC HEARING FOR PERMITTED USES WITHIN THE B-P ZONE

Motion is to adopt Draft Resolution No. 13-180 setting a public hearing on September 5, 2013 to consider Draft Ordinance 13-180 amending the permitted uses within the B-P Business Park Zone codified in Chapter 18.25 DMMC.

Item 6: TRANSPORTATION GATEWAY PROJECT: CONSTRUCTION CONTRACT AWARD AND CONSULTANT AGREEMENT SUPPLEMENT FOR CONSTRUCTION ENGINEERING AND INSPECTION SERVICES FOR THE 24TH AVENUE S IMPROVEMENT PROJECT (S 216TH STREET TO S 208TH STREET)

Motion 1 is to award the 24th Avenue South (S 216th Street to S 208th Street) construction contract, to DPK, Inc. in the amount of \$4,858,947.95, which includes all Bid Schedules (A through E), and authorize the City Manager to sign said contract substantially in the form as submitted. I further authorize a contingency for the construction project of up to \$485,895 (10%) to cover unforeseen conditions and change orders as determined necessary by the Planning, Building and Public Works Director.

Motion 2 is to approve Supplement #10 with KPG Consulting Engineers, Inc. for Construction Engineering and Inspection Services necessary for the 24th Avenue South Improvements (S 216th Street to S 208th Street) in the amount of \$688,091.86, bringing the total Agreement amount to \$3,577,950.85, and further authorize the City Manager to sign the contract supplement substantially in the form as submitted.

Direction/Action

Motion made by Councilmember Musser to approve the consent agenda; seconded by Mayor Pro Tem Pina.

Councilmember Burrage removed item #3 for further discussion.
The motion passed 7-0 for remainder of consent agenda.

Councilmember Musser moved to approve the Interlocal Agreement between the City of Des Moines and the Federal Way School District to enable the City to distribute school impact fees collected for the Landmarque Development in accordance with the March 26, 2007 Environmental Mitigation Agreement, and to authorize the City Manager to sign the ILA substantially in the form submitted; seconded by Mayor Pro Tem Pina.

The motion passed 6-1

For: Mayor Kaplan; Mayor Pro Tem Pina; Councilmembers Nutting, Musser, Sheckler and Scott.

Against: Councilmember Burrage.

Mayor Kaplan asked that Old Business go before the Council prior to the Public Hearings, council agreed.

OLD BUSINESS

Item 1: MODIFICATION TO SHORT SUBDIVISION FRONTAGE IMPROVEMENT REQUIREMENTS
Staff Presentation: Engineering Services Manager Brandon Carver

Motion made by Councilmember Sheckler to enact Draft Ordinance No. 13-118 creating a new section to DMMC 17.36.050, allowing for modifications to 2 lot short subdivision frontage improvements when certain criteria are met; seconded by Councilmember Musser.

Councilmember Burrage offered an amendment to change the language from 2 lot short subdivisions to 4 lot subdivisions; seconded by Councilmember Scott. The motion failed 2-5.

For: Councilmembers Burrage and Scott.

Against: Mayor Kaplan; Mayor Pro Tem Pina; Councilmembers Nutting, Musser and Sheckler.

The original motion passed 7-0.

Mayor Kaplan read Draft Ordinance No. 13-118 into the record.

Item 2: SURFACE WATER MANAGEMENT RATES
Staff Presentation: SWM Utility Manager Loren Reinhold

Motion made by Mayor Pro Tem Pina to enact Draft Ordinance No. 13-123, revising the definition the Equivalent Billing Unit, eliminating the 70% rate discount for private streets, revising the classification base rate calculations, and providing rate adjustments for non-single family residences and private streets that mitigate water quality and water quantity impacts to current development standards; seconded by Councilmember Sheckler.

The motion passed 5-2.

For: Mayor Kaplan; Mayor Pro Tem Pina; Councilmembers Nutting, Musser and Sheckler.

Against: Councilmembers Burrage and Scott.

Mayor Kaplan read Draft Ordinance No. 13-123 into the record.

PUBLIC HEARING/CONTINUED PUBLIC HEARING

Item 1: PUBLIC HEARING FOR DRAFT ORDINANCE 13-080, PLANNING AGENCY DISSOLUTION
Staff Presentation: Community Development Manager
Denise Lathrop

Mayor Kaplan opened the Public Hearing at 7:50 p.m.

Community Development Manager Denise Lathrop gave a brief power point presentation on the role of the Planning Agency over the years and shared comments from current members. See Attachment "A"

Mayor Kaplan called 3 times for those wishing to speak; seeing none, Mayor Kaplan asked for Councilmember questions.

Mayor Kaplan closed the public hearing at 8:12 p.m.

Direction/Action

Motion made by Councilmember Sheckler to suspend City Council Rule 26(a) in order to enact Draft Ordinance No. 13-080 on first reading; seconded by Councilmember Musser.

The motion passed 6-1.

For: Mayor Kaplan, Mayor Pro Tem Pina; Councilmembers Nutting, Musser, Burrage and Sheckler.

Against: Councilmember Scott.

Motion made by Councilmember Sheckler to enact Draft Ordinance No. 13-080 to dissolve the Des Moines Planning Agency; seconded by Mayor Kaplan.

The motion passed 6-1.

For: Mayor Kaplan, Mayor Pro Tem Pina; Councilmembers Nutting, Musser, Burrage and Sheckler.

Against: Councilmember Scott.

Mayor Kaplan read Ordinance No. 13-080 into the record.

At 8:25 p.m. Council took a 5 minute break and resumed the council meeting at 8:30 p.m.

Item 2: PUBLIC HEARING FOR DRAFT ORDINANCE 13-086, PACIFIC RIDGE ZONE
Staff Presentation: Management Consultant Grant Fredricks and
Community Development Manager Denise
Lathrop

Mayor Kaplan opened the Public Hearing at 8:35 p.m.

Management Consultant Grant Fredricks gave a brief power point presentation on the Pacific Ridge Zone.

Mayor Kaplan called those who signed in to speak.

Ronald Dupard, 11023 SE 240th Street #D-2, Kent, represents Wayne and Deb Ferguson, Managing Partners of the Smith Corp Property. Spoke about future development in the Pacific Ridge Zone and easing up on the City's requirements on how much recreation space is required. He also spoke about driveway access; leaving the requirements wide open.

Mayor Kaplan called 3 times for those wishing to speak; seeing none, Mayor Kaplan asked for Councilmember questions.

Councilmember Scott asked that an e-mail document and pictures be included in the record. See Attachment "B"

Mayor Kaplan also asked that an e-mail from Robyn and Randy Clark be included in the record. See Attachment "C"

Direction/Action

Motion made by Councilmember Sheckler to continue the public hearing on Draft Ordinance No. 13-086 amending DMMC 18.31, Pacific Ridge Zone Code,

to September 12, 2013 or as soon thereafter as the matter may be heard or scheduled by the Mayor; seconded by Mayor Pro Tem Pina.
The motion passed 7-0.

- Item 3: PUBLIC HEARING FOR DRAFT ORDINANCE 13-108, PARKING CODE
Staff Presentation: Management Consultant Grant Fredricks and
Community Development Manager Denise
Lathrop

Mayor Kaplan opened the Public Hearing at 8:58 p.m.

Management Consultant Grant Fredricks gave a brief power point presentation on the Parking Code.

Mayor Kaplan called 3 times for those wishing to speak; seeing none Mayor Kaplan asked for Councilmember questions.

Direction/Action

Motion made by Councilmember Sheckler to continue the public hearing on Draft Ordinance No. 13-108 amending DMMC 18.44, Parking Code, to September 12, 2013 or as soon thereafter as the matter may be heard or scheduled by the Mayor; seconded by Councilmember Musser.
The motion passed 7-0.

- Item 4: CONTINUED PUBLIC HEARING ON DRAFT ORDINANCE 13-011, SIGN CODE CHANGES
Staff Presentation: Management Consultant Grant Fredricks and
Community Development Manager Denise
Lathrop

Management Consultant Grant Fredricks gave a brief power point presentation on the proposed Sign Code Changes and introduced a list of Councilmember proposed amendments.

Mayor Kaplan asked if anyone wished to speak on the issue.

BJ Bjerneby, 517 S 212th, Des Moines thanked Council for what they are doing to promote business in Des Moines. Mr. Bjerneby specifically spoke about eliminating the opaque regulations for signs as it washes out the lettering during the night.

Mayor Pro Tem Pina asked Mr. Bjerneby to expand on his previous comments on roof signs.

Mr. Bjerneby commented that by raising the signs on the building tops they can be visible to those in the northbound lanes of Pacific Highway.

Malcolm Case, President of Grace Lutheran Church commented that the Church is trying to upgrade the looks to the church more than the consistency of signs throughout the City. Allow the Church to electronically advertise to the public rather than hang banners that have less visibility.

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

Councilmember Burrage asked staff to bring back Mr. Bjerneby's concerns to Council; council agreed.

Mayor Kaplan closed the public hearing at 9:30.

Direction/Action

Motion made by Mayor Kaplan to waive Council Rule 26(a) in order to enact Draft Ordinance No. 13-011 amending DMMC 18.42, Sign Code, on first reading; seconded by Councilmember Sheckler.
The motion passed 7-0.

Motion made by Mayor Kaplan to enact Draft Ordinance No. 13-011 amending DMMC 18.42, Sign Code; seconded by Councilmember Sheckler.

Motion made by Councilmember Burrage to amend Sec. 3 of Draft Ordinance 13-011, DMMC 18.42.050(7) on p. 21 to read "One nonelectrical and nonilluminated business identification sign not over thirty six square feet in area if allowed in that zone"; seconded by Councilmember Musser.
The motion passed 7-0.

Motion made by Councilmember Burrage to amend Sec. 3 of Draft Ordinance 13-011, DMMC 18.42.050(8) on p. 21 to read: "One on-premises nonilluminated bulletin board not over 24 square feet in area for a charitable or religious organization"; seconded by Councilmember Musser.
The motion passed 7-0.

Motion made by Councilmember Burrage to amend Sec. 3 of Draft Ordinance 13-011, DMMC 18.42.050(12)(i) on p. 23 to read "Portable signs located in the public right-of-way subject to the following requirements: i) Signs shall be professionally looking and maintained in good condition so as to preserve the aesthetic value of the total environment"; seconded by Councilmember Musser.

Mayor Kaplan offered a friendly amendment to change the word "professionally looking" to "professional appearance"; agreeable to the maker and the seconder of the motion.
The motion passed 7-0.

Motion made by Councilmember Burrage to amend Sec. 4 of Draft Ordinance 13-011, DMMC 18.42.150(6) on p. 26 to read: "The following signs are prohibited: (6) Off-premises signs, except as provided in DMMC 18.42.270; or any one sign for a Des Moines business that is 12 square feet or under"; seconded by Councilmember Scott.
The motion passed 5-2.

For: Mayor Pro Tem Pina; Councilmembers Nutting, Musser, Burrage and Scott.

Against: Mayor Kaplan; Councilmember Sheckler.

Motion made by Councilmember Burrage to amend Sec. 5 of Draft Ordinance 13-011, DMMC 18.42.270 on p. 27 to read: "All signs, except real estate directional signs, political signs, City operated signs communicating information on City services, community events and emergency management, portable signs expressly allowed under DMMC 18.42.050 and off-premises signs approved under DMMC 18.42.090, must be located on the premises or events or activities of the business that they identify or advertise. All other advertising signs located on premises other than the premises of the business or events or activities they advertise are prohibited, notwithstanding single ownership of more than one premises, except where the premises are contiguous. For the purposes of this section "contiguous" means that such buildings or properties are joined and/or interior access is provided from one to the other. Except those signs approved pursuant to DMMC 18.42.090 DMMC 18.42.150"; seconded by Mayor Pro Tem Pina.

The motion passed 6-1.

For: Mayor Kaplan; Mayor Pro Tem Pina; Councilmembers Nutting, Musser, Burrage and Scott.

Against: Councilmember Sheckler.

Motion made by Councilmember Burrage to amend Sec. 6 of Draft Ordinance 13-011 to delete DMMC 18.42.300(1) on p. 27 to read: "The following signs are permitted in the neighborhood commercial zone (N-C) and commercially zoned properties located in the Redondo neighborhood"; seconded by Councilmember Musser.

The motion passed 7-0.

Motion made by Councilmember Musser to amend DMMC 18.42.290(4) to add subsections (a)-(c) to read: "The following signs are permitted in all residential zones. (4) Community centers, schools, and churches are permitted one unlit wall sign no larger than 40 square feet in area and one freestanding sign not exceeding 80 square feet in area and 10 feet in height including a readerboard not exceeding 32 square feet in area"; seconded by Councilmember Nutting.

Motion made by Mayor Pro Tem Pina to extend the meeting until 10:15 p.m.; seconded by Councilmember Musser.

The motion passed 7-0.

Councilmember Sheckler stated he would be a protest vote on the proposed amendment.

The motion passed 6-1.

For: Mayor Kaplan; Mayor Pro Tem Pina; Councilmembers Nutting, Musser, Burrage and Scott.

Against: Councilmember Sheckler.

Motion made by Councilmember Burrage to amend DMMC 18.42.310(1)(a)(i)-(ii) and add (iii) to read: "The following signs are permitted in the Pacific Ridge commercial zone: 1, Pacific Ridge commercial zone 2, business park zone and all commercial zones abutting Pacific Highway South that are not within the Pacific Ridge neighborhood: (1) Freestanding Signs. For single business properties, multiple-tenant buildings, multiple building complexes, and shopping centers, freestanding signs are allowed as follows: (1) Number of Freestanding Signs. (i) For building sites with up to 200 feet of street frontage, one sign is allowed. (ii) For building sites with more than 200 feet of street frontage and

having more than one vehicular access, two signs are allowed; provided, that the total allowable sign area is not exceeded. (iii) If the building site is on two arterials one additional freestanding sign is allowed"; seconded by Councilmember Scott.

The motion failed 3-4.

For: Councilmembers Musser, Burrage & Scott.

Against: Mayor Kaplan; Mayor Pro Tem Pina; Councilmembers Nutting and Sheckler.

Motion made by Councilmember Sheckler to extend the meeting an additional 5 minutes, until 10:20 p.m.; seconded by Mayor Pro Tem Pina.
The motion passed 7-0.

Motion made by Councilmember Burrage to amend DMMC 18.42.310(i)(b) to read: "For single business properties, multiple-tenant buildings, multiple-building complexes, and shopping centers, freestanding signs are allowed as follows: (i) Each sign allowed shall not exceed 100 square feet in area"; seconded by Councilmember Musser.

The motion passed 4-3.

For: Mayor Pro Tem Pina; Councilmembers Musser, Burrage and Scott.

Against: Mayor Kaplan; Councilmembers Nutting and Sheckler.

Motion made by Councilmember Burrage to amend DMMC 18.42.310(i)(c) to read: "For single business properties and multiple business properties, freestanding signs shall not exceed 20 feet in height as measured from median sidewalk grade"; seconded by Councilmember Musser.

The motion passed 7-0.

Motion made by Councilmember Burrage to amend DMMC 18.42.310(1)(e), to read: "The city manager or designee may approve monument signs located on a separate parcel of property within a multiple-building complex or shopping center when the following conditions exist"; seconded by Councilmember Musser.

The motion passed 7-0.

Motion made by Councilmember Burrage to amend DMMC 18.42.310(2) to read: "Each single business property is permitted a total sign area not to exceed two square feet per lineal foot of street frontage, up to a maximum of 200 square feet or not more than 10% of the front wall size, whichever is larger"; seconded by Councilmember Musser.

Motion made by Councilmember Sheckler to extend the meeting an additional 5 minutes, until 10:25 p.m.; seconded by Mayor Pro Tem Pina.
The motion passed 7-0.

The motion passed 5-2.

For: Mayor Pro Tem Pina; Councilmembers Nutting, Musser, Burrage and Scott.

Against: Mayor Kaplan and Councilmember Sheckler.

Motion made by Councilmember Musser to strike section 18.42.310(3) which reads: "Internally illuminated signs shall be constructed using individual letters/characters, or sign cabinets with an opaque field or background so that only the individual letters/characters are illuminated"; seconded by Mayor Pro Tem Pina.

The motion passed 7-0.

The original motion passed as amended 7-0.

Mayor Kaplan read Draft Ordinance 13-011 into the record.

NEXT MEETING DATE

September 5, 2013 Regular City Council Meeting

ADJOURNMENT

Motion made by Councilmember Sheckler to adjourn; seconded by Mayor Pro Tem Pina.
The motion passed 7-0.

The meeting was adjourned at 10:25 p.m.

Respectfully submitted,
Bonnie Wilkins
City Clerk

