

MINUTES

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

August 20, 2015 – 7:00 p.m.

CALL TO ORDER

Mayor Kaplan called the meeting to order at 7:01 p.m.

PLEDGE OF ALLEGIANCE

The flag salute was led by Councilmember Nutting.

ROLL CALL

Council present: Mayor Dave Kaplan; Mayor Pro Tem Matt Pina; Councilmembers Jeremy Nutting, Luisa Bangs, Bob Sheckler and Vic Pennington.

Councilmember Melissa Musser was absent.

Direction/Action

Motion made by Councilmember Nutting to excuse Councilmember Musser; seconded by Mayor Pro Tem Pina.
The motion passed 6-0.

Staff present: City Manager Tony Piasecki; City Attorney Pat Bosmans; Assistant City Manager Michael Matthias; Planning, Building and Public Works Director Dan Brewer; Finance Director Donyele Mason; Surface Water Management Utility Manager Loren Reinhold; Marina Maintenance Manager Scott Wilkins; Court Administrator Jennefer Johnson; Land Use Planner Nikole Coleman; Community Development Manager Denise Lathrop; Assistant City Attorney Tim George; Engineering Services Manager Brandon Carver; City Clerk Bonnie Wilkins.

CORRESPONDENCE

Two letters were submitted regarding the Pinnacles at Des Moines. The letters will be introduced at the Public Hearing.

COMMENTS FROM THE PUBLIC

- Yvonne Nutting, 20819 4th Avenue S; Invited Council and the public to attend up-coming Des Moines Legacy Foundation events:
 - Poverty Bay Arts Gala.
 - Bayside Brunch.
- Rick Johnson, 28624 Redondo Beach Drive; Asked for the resignation of Councilmember Sheckler.
- Candace Urquhart; 25665 Marine View Drive S; Asked the City to enter into a 120 research period prior to moving forward with any agreements with Valley Cities.
- Laura Castronover; 1319 S 251st Place; Asked the City to find another location for the Woodmont Recovery Center.

BOARD AND COMMITTEE REPORTS/COUNCILMEMBER COMMENTS

Councilmember Pennington:

- Finance & Economic Development Committee meeting.
- Attended the Woodmont Recovery Center meeting:
 - Would like item added to regular agenda of the Public Safety & Transportation Committee meetings.

Direction/Action

Motion made by Mayor Pro Tem Pina to add Valley Cities development to the Public Safety & Transportation Committee agenda for regular reports and evaluation for proposals as they come forward; seconded by Councilmember Nutting.

The motion passed 6-0.

Direction/Action

Motion made by Councilmember Pennington to direct staff to create an Ordinance that requires notification to the entire City when proposed projects on essential public facilities come before staff; seconded by Mayor Pro Tem Pina.

The motion passed 6-0.

Direction/Action

Motion made by Councilmember Pennington to research a moratorium of 120 days regarding the Good Neighbor Agreement for the Woodmont Recovery project; seconded by Mayor Pro Tem Pina. The motion passed 6-0.

- Thanked the public for attending the meeting.

Councilmember Sheckler:

- No report.

Councilmember Bangs:

- No report.

Mayor Pro Tem Pina:

- Finance & Economic Development Committee meeting:
 - Potential projects within the City:
 - Maps on the web-site.
 - Update on Homeless Encampment Ordinance:
 - Discussion driven by a finding from our insurance company.
- Attended the Woodmont Recovery Center meeting.
 - Thanked those that attended.
- Transportation Benefit District meeting:
 - Discussion of \$20 car tab fee:
 - Money to go specifically to paving/maintaining City roads.

Councilmember Nutting:

- Kindergarten Jump Start has started:
 - Slow-down in school zones.
- School starts September 3rd.
- Coffee with a Cop:
 - September 10th.
 - September 14th.

PRESIDING OFFICER'S REPORT

- Woodmont Community meeting:
 - Impressive turnout.
- The latest edition of *The City Currents* is out:
 - New column, "From the Council".
 - Happy to meet with community groups, homeowner groups, etc. to discuss what's happening in the City.
- Redondo Boardwalk:
 - Design work being done.
 - Proposed opening, summer 2016.

ADMINISTRATION REPORT

- City Currents:
 - Paper, style has changed over time.
 - Started selling advertising:
 - This edition is break-even point.
 - Total cost approximately \$17,000 per edition; \$17,000 revenue received to cover costs.

CONSENT AGENDA

- Item 1: APPROVAL OF MINUTES
Motion is to approve the minutes from the July 2, July 9 and July 23, 2015 regular City Council meetings and the minutes from the July 23, 2015 Executive Session.
- Item 2: APPROVAL OF VOUCHERS
Motion is to approve for payment vouchers and payroll transfer included in the attached list and further described as follows:
- | | | |
|--|----------------|----------------|
| Total A/P Checks/Vouchers | #143640-144139 | \$2,472,910.83 |
| Electronic Wire Transfers | #575-591 | \$ 606,926.93 |
| Payroll Checks | #18670-18699 | \$ 29,189.95 |
| Payroll Direct Deposit | #270001-270175 | \$ 310,441.17 |
| Payroll Direct Deposit | #290001-290165 | \$ 306,397.05 |
| Payroll Direct Deposit | #320001-320171 | \$ 302,260.27 |
| Total Certified Wire Transfers, Voids, A/P and Payroll Vouchers: | | \$4,028,126.20 |
- Item 3: CHILDHOOD CANCER AWARENESS MONTH PROCLAMATION
Motion is to approve the Proclamation supporting September as Childhood Cancer Awareness Month.
- Item 4: DRAFT RESOLUTION NO. 15-122; AUTHORITY TO PURSUE ABATEMENT ACTION (GOLKA)
Motion is to approve Draft Resolution 15-122 authorizing the City Attorney to pursue all necessary legal action to abate the nuisances found at 2828 S 224th Street and 24813 16th Avenue S in Des Moines and to recover any associated costs.

- Item 5: TRANSPORTATION GATEWAY PROJECT SOUTH 216TH STREET, SEGMENT 1- A RIGHT OF WAY ACQUISITION DES MOINES CENTER, LLC, PROJECT PARCEL 50
Motion is to purchase 987 square feet of land from Des Moines Center, LLC in the amount of \$26,700.00, a 489 square foot Wall Easement in the amount of \$9,900.00, a 150 square foot utility easement in the amount of \$1,000.00, as well as compensate the owner \$4,000.00 for taken improvements a grand total of \$41,600.00 (rounded dollars), plus associated closing costs, and further authorize the City Manager to sign the Statutory Warranty Deed, Wall Easement, Utility Easement, Construction Easement & Right of Entry and Real Property Voucher Agreement substantially in the form submitted and accept the right of way on behalf of the City of Des Moines.
- Item 6: DRAFT ORDINANCE NO. 15-140, MUNICIPAL COURT JUDGE SALARY CERTIFICATION
First Motion is to suspend Rule 26(a) to pass Draft Ordinance No. 15-140 on first reading.

Second Motion is to enact Draft Ordinance No. 15-140 setting the Municipal Court Judge salary in accordance with state law.
- Item 7: SALE OF ABANDONED VESSEL
Motion is to adopt Draft Resolution No. 15-137, authorizing the sale of the abandoned vessel, hull identification number USDA55ER1596 by public auction, with a reserve large enough to cover the charges owed to the Marina.
- Item 8: SURPLUS PROPERTY – VEHICLES AND EQUIPMENT
Motion is to adopt Draft Resolution No. 15-141 declaring a certain vehicle identified in Attachment 1 as surplus and authorizing disposal of said surplus vehicle by auction or trade in.
- Item 9: DRAFT RESOLUTION NO. 15-030 SETTING A PUBLIC HEARING REGARDING TEMPORARY ENCAMPMENTS FOR THE HOMELESS
Motion is to adopt Draft Resolution No. 15-030 setting a public hearing on September 24, 2015 to consider Draft Ordinance No. 15-030 related to the establishment of legislation on Temporary Encampments for the Homeless, pursuant to RCW 35.21.915, RCW 35A.21.360 and RCW 36.01.290.
- Item 10: DRAFT ORDINANCE NO. 15-146; AMENDING DMMC 12.30.080, ESTABLISHMENT OF VEHICLE LICENSE FEE REVENUE SOURCE
First Motion is to suspend Rule 26(a) to pass Draft Ordinance No. 15-146 on first reading.

Second Motion is to enact Draft Ordinance No. 15-146, amending DMMC 12.30.080 entitled Establishment of vehicle license fee revenue source, to allow for an annual vehicle license fee consistent with state law.

Direction/Action

Motion made by Councilmember Nutting to approve the Consent Agenda; seconded by Mayor Pro Tem Pina.

Mayor Pro Tem Pina pulled Consent Agenda Item #9 for amendment.

The remainder of the consent agenda passed 6-0.

Motion made by Mayor Pro Tem Pina to adopt Draft Resolution No. 15-030 setting the public hearing on November 5, 2015 to consider Draft Ordinance No. 15-030 related to the public establishment of legislation on Temporary Encampments for the Homeless, pursuant to RCW 35.21.915, RCW 35A.21.360 and RCW 36.01.290; seconded by Councilmember Nutting.
The motion passed 6-0.

Mayor Kaplan took Public Hearing Item #2 before Public Hearing Item #1.

PUBLIC HEARING

Item 2:

THE PINNACLES AT DES MOINES MODIFIED PRELIMINARY SUBDIVISION
APPLICATION, LUA2015-0030

Staff Presentation: Land Use Planner Nikole Coleman

At 7:42 p.m. Mayor Kaplan opened the Public Hearing.

Land Use Planner Coleman gave a power point presentation to Council.

Mayor Kaplan asked if any Councilmember knows of any reason which would require such member to excuse themselves pursuant to Council Rule 15, (Appearance of Fairness Doctrine).

Seeing none, Mayor Kaplan asked all possible speakers to affirm the truth of their testimony by raising their right hand and responding with "I do."

Mayor Kaplan then called for those that wished to speak:

- Brian Harron, 14900 Interurban Avenue S; Proponent of the project.
- Fred Herber, 429 Main; Applicant for project and in agreement with everything that has been proposed by staff.
- Rick Steenerson, 1305 S 232nd Street; Concerned about wind buffer if the trees are clear cut off the property.
- Bill Wood, 1229 S 232nd Street; Concerned about structure of Lots 1 & 2, which surround his lot. Would like ramblers built on those two homes.

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

Mayor Kaplan asked administration if there has been any misstatements of fact or whether administration wished to introduce any materials as to subjects raised by the proponents or opponents or alter in any regard its initial recommendations.

City Manager Piasecki entered into the record two pieces of correspondence received regarding the development.

At 8:07 p.m. Mayor Kaplan closed the public hearing.

Direction/Action

Motion made by Councilmember Sheckler to adopt Draft Resolution 15-142 to approve *The Pinnacles at Des Moines* modified subdivision as recommended by staff; seconded by Councilmember Nutting.
The motion passed 6-0.

Item 1: MARINA DISTRICT DEVELOPMENT INCENTIVE ESTABLISHING A
COMMERCIAL BUILDING HEIGHT BONUS AREA
Staff Presentation: Community Development Manager Denise Lathrop

At 8:15 p.m. Mayor Kaplan opened the public hearing.

Community Development Manager Lathrop gave a power point presentation to Council.

Mayor Kaplan called for those that wished to speak:

- Michelle Roedell & Chris Mitchell, 22712 10th Avenue S; Opponent of raising building heights.
- Thelma Vannoy, 22532 6th Avenue S; Opposed to raising building heights in the Marina District.
- Bill Linscott, 22335 6th Avenue S; He would like the City to individually address the properties who want to raise building heights.
- Terri DiMartino, 22540 8th Avenue S; She would like to know what other plans the citizens do not know about that are being discussed.
- Phil Johnson, 22555 10th Avenue S; Concerned about having a concrete wall down 7th Avenue.
- Janice Rider, PO Box 13289; Opposed to zoning the Marina District to 45'.
- Tracie Thacker, 22629 10th Avenue S; Worried that the bonus height will take away the small town feel of the Marina District.
- Sue-Lynn Yim, 22429 10th Avenue S; Asked the Council to consider voting against the Ordinance.
- Jan Hickling, 846 S 227th Place; Opponent of raising building heights.
- Chloe Vlases, 22520 8th Avenue S; Spoke about losing her view with the proposed building heights.
- Cindi Schriock, 819 S 226th Place; Opponent of raising building heights.
- Victoria Nichols, 916 S 226th; Asked Council to re-examine the proposal and to postpone voting on the issue.

Mayor Kaplan asked if anyone else wished to speak.

- Cathy Sura, 516 S 222nd; Opponent of raising building heights.
- Jim Langston, 600 S 220th Street; Asked Council to not vote on issue and to allow the citizens to get to know the developers of the theater property.
- Candace Urquhart; 25665 Marine View Drive S; Asked Council to think about the long term future of Des Moines and to not vote on issue.
- Michael Schriock, 819 S 226th Place; Worried about building heights expanding past Marine View Drive.

Mayor Kaplan asked 3 times if anyone else wished to speak.

Seeing none, at 9:05 p.m. Mayor Kaplan closed the public hearing.

Direction/Action

Motion made by Councilmember Nutting to suspend Rule 26(a) in order to enact Draft Ordinance No. 15-127 on first reading; seconded by Councilmember Sheckler. The motion passed 6-0.

Motion made by Councilmember Nutting to enact Draft Ordinance No. 15-127 amending DMMC 18.115.06 and DMMC 18.115.080, and adding an "Area 2" on "Figure 2 Downtown Commercial Height Bonus Areas" in the Marina District Neighborhood, providing for up to three properties fronting on the west side of Marine View Drive South, between South 219th Street and South 227th Street, to qualify for a 10 foot building height bonus from 35 feet up to a maximum of 45 feet; seconded by Councilmember Sheckler.

Motion made by Councilmember Nutting to amend Draft Ordinance No. 15-127 at page 6 of the Draft Ordinance, Section 1 subsection (2) (b) (vii) to read as follows: To be eligible for the height bonus, a notice of complete land use application must be issued by June 30, 2016; seconded by Mayor Pro Tem Pina. The motion passed 6-0.

Motion made by Mayor Kaplan to add (viii) that would read: And further; to be eligible for the height bonus, a building permit must be issued for the project by December 31, 2017; seconded by Mayor Pro Tem Pina. The motion passed 6-0.

Motion made by Councilmember Pennington to amend Draft Ordinance No. 15-127 of the Draft Ordinance, Section 1 subsection (2) (b) (i) to read as follows: The maximum number of buildings within Area 2 that can be authorized to utilize the height bonus by the City Manager or the City Manager's designee under this section is two buildings; seconded by Councilmember Bangs. The motion, passed 5-1.

FOR: Mayor Kaplan; Mayor Pro Tem Pina; Councilmembers Nutting, Bangs and Pennington.

AGAINST: Councilmember Sheckler.

The main motion, as amended, passed 6-0.

Mayor Kaplan read Draft Ordinance No. 15-127 into the record, as amended.

NEXT MEETING DATE

September 10, 2015

ADJOURNMENT

Motion made by Councilmember Nutting to adjourn; seconded by Mayor Pro Tem Pina. The motion passed 6-0.

The meeting was adjourned at 9:46 p.m.

Respectfully Submitted,

Bonnie Wilkins
City Clerk

