

REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES

January 24, 2008

The regular meeting of the Des Moines City Council was called to order by Mayor Sheckler at 7:32 p.m. in the Council Chambers, 21630 11th Avenue South, #B.

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

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 Acting City Manager Grant Fredricks, City Attorney Pat Bosmans, Development Services Manager Robert Ruth, Land Use Planner II Jason Sullivan, City Transportation Engineer Dan Brewer, City Utilities & Environmental Engineer Loren Reinhold and City Clerk Denis Staab.

BOARD & COMMITTEE REPORTS & COUNCILMEMBER COMMENTS

Municipal Facilities Committee

Mayor Pro Tem Sherman reported the Committee met on January 11th. Topics of discussion involved:

- Marina Bulkhead Replacement: Design & Permitting for Phase II all at once or separately. Issue is permitting is only good for 5 years - questionable if get to it in that time frame
- Development of Anthony's 2nd restaurant - May not happen due to Anthony's general financial concerns. May look at requests for proposals from others for an upscale restaurant. Potentially generating up to \$150,000 a year revenue.

Suburban Cities Dinner Meeting

Mayor Pro Tem Sherman advised he attended the dinner meeting last night. Port of Seattle's CEO was the main speaker and his take from the speech was not to expect the Port to take any action in reducing the Port's portion of the property taxes.

Suburban Cities Dinner Meeting

Councilmember White reported that she also attended the meeting last night and she felt that the Port of Seattle is not very interested in passenger ferries.

Arts Commission

Councilmember White advised she attended a Commission meeting last week. She reported that they are planning the Art Mural dedication in April. She informed Council that the Commission members represent a lot of very dedicated and talented individuals.

South King County Economic Development Initiative

Councilmember White noted that the supplement insert highlighting Southwest King County Cities in the Seattle Times still needs advertising from local Des Moines businesses to support our City's section.

Puget Sound Regional Council Membership (PSRC)

Councilmember White encouraged Council to support tonight's agenda item to retain membership in PSRC.

Suburban Cities Association - Public Issues Committee

Councilmember Pina reported attending a Committee meeting last Wednesday. He requested the Mayor appoint an alternate. He reported on some topics as follows:

- A proposal to extend liability protection to medical volunteers in an emergency/disaster. Proposal to Legislature would state if you are a registered volunteer and you respond to an emergency you would be free of liability.

He encouraged Council to support this measure.

- A proposal integrating climate change into the Growth Management Act. Goal is to reduce climate damaging pollution for cities over 30,000. Concern is it is too much, too fast and it is an unfunded mandate.

He encouraged a letter from the City Manager outlining City's position of opposition.

Councilmember Kaplan added that House Bill 2797 is the legislation that would mandate that local jurisdictions have to reduce the carbon footprint. Cost is estimated to be approximately \$26 billion. He noted the bill will be having a hearing tomorrow and he felt it would be good for Council to express their opinion to oppose or make it clear to the Association of Washington Cities that simply because Seattle and Tacoma want to impose this, it does not mean small cities have to participate. He advised he strongly opposes this and feels Council as a whole should reflect this opinion and express it tomorrow, with the Association of Washington Cities and through Suburban Cities.

Mayor Pro Tem Sherman expressed agreement with Councilmember Kaplan, pointing out these are issues of national concern and he cannot see how Des Moines can handle it when the Federal Government is not.

MOTION was made by Councilmember Kaplan, seconded by Councilmember White, directing staff to send a letter to the Association of Washington Cities in opposition to HB 2797, as well as the Senate version of the Bill. Motion passed unanimously.

Public Safety and Transportation Committee

Councilmember Kaplan stated that the Committee met last week. He noted that 3 contracts are on the Consent Calendar tonight for approval which are: Slide Repair, Comprehensive Transportation Plan and Design for South 216th. He also noted the following items were discussed:

- Construction on 16th Avenue South and the possibility of eliminating the planting medium to save some money on the project and reduce maintenance costs for the City.

He questioned Council's thoughts on this.

Councilmember Sherman questioned whether the planting medium could be done at a later date.

Planning, Building and Public Works Director Fredricks reported staff is at an early stage of reviewing this with our design consultant and construction management company. He felt it is premature to have Council discuss this, but will have more detailed information soon.

Also discussed:

- Thunderbird Drive paving - Interlocal is on tonight's Consent Calendar.
- 8th Avenue South Ordinance - Public Hearing on tonight's agenda.
- Des Moines Memorial Drive Paving - Due to weather conditions, overlay portion of the paving has been postponed. This delay may result in a cost increase.

- Street Standards Update - Began review, may have additional meetings to continue working on. Periodic updates will be provided to Council as a whole.

Municipal Facilities Committee

Councilmember Scott reported the Committee met on January 7th and she has requested that the topic of Beach Park flooding become an item to be discussed by the Council as a whole, noting things we had hoped would be in place before the next major flooding were not and she feels there is a need to press extremely hard to have things happen before more damage occurs. She informed Council she has photos dating back to the 1930s, photos of floods from the 1980s and 1990s, and photos showing the historic depth of the creek. She stated she will be happy to share these photos with anyone interested.

Historical Society Meeting - J.P. Patches

Councilmember Scott advised that J.P. Patches will be at the Society's public meeting on February 13th at 7:00 p.m. She reminded everyone that JP was a former Grand Marshall of the Waterland Parade and many of our children were Patches Pals. She noted this is a great opportunity to see him one more time. Those who cannot attend she suggested a contribution that can be made at the Patches and Gertrude Statue in Freemont, and all donations will go to Children's Hospital. She encouraged attendance to welcome JP to Des Moines.

By-pass Pipe at Des Moines Creek

Pertaining to the high flow by-pass, Planning, Building and Public Works Director Fredricks advised all the maintenance and cleaning work has been completed. The Port of Seattle has been requested to remove the plug that is on their property

PRESIDING OFFICER'S REPORT

Mayor Sheckler announced the 2008 Standing Committee and Liaison Assignments as follows:

ENVIRONMENT: Scott Thomasson, Chair; Dave Kaplan; Bob Sheckler

ECONOMIC DEVELOPMENT: Bob Sheckler, Chair; Susan White; Carmen Scott

MUNICIPAL FACILITIES: Dan Sherman, Chair; Carmen Scott; Scott Thomasson

PUBLIC SAFETY & TRANSPORTATION: Dave Kaplan, Chair; Ed Pina; Dan Sherman

LIAISON ASSIGNMENTS

ARTS COMMISSION:

Susan White

HUMAN SERVICES ADVISORY BOARD:

Dan Sherman

PLANNING AGENCY:

Dave Kaplan

SENIOR ADVISORY COMMITTEE:

Susan White

SR 509 STEERING COMMITTEE:

Dave Kaplan

Planning, Building & Public
Works Director, Alternate

SOUTH COUNTY AREA TRANSPORTATION BOARD: Dave Kaplan

Planning, Building & Public
Works Director, Alternate

SOUTH KING COUNTY ECONOMIC DEVELOPMENT INITIATIVE (SKCEDI):

Susan White

Planning, Building & Public
Works Director, Alternate

SUBURBAN CITIES ASSOCIATION

Public Issues Committee:

Ed Pina

Susan White, Alternate
WATER RESOURCE INVENTORY AREA 9 MANAGEMENT COMMITTEE:
Scott Thomasson
Assistant PBPW Director Reinhold, Alternate

ADMINISTRATION REPORTS

Marine View Drive Bridge Project

Planning, Building and Public Works Director Fredricks announced that this project received the Bronze Award from the American Council of Engineering Companies.

Legislative Bills

Planning, Building and Public Works Director Fredricks advised that staff is tracking 10 different Legislative Bills and will keep Council apprised.

Des Moines Creek Business Park Consultant Finalists

Planning, Building and Public Works Director Fredricks informed Council that last Friday the three finalists were officially notified and provided material for the 2nd phase of the selection process. The material will be distributed to Councilmembers next week detailing the information requested from the 3 finalists to address the concerns of City Council regarding the physical development and economic impacts associated with the project. He noted a final firm will be selected by the end of February and enter into exclusive negotiations with the Port of Seattle, under contract by the end of March and we should begin the process of developing the Master Plan and bring that forward for Council review.

CONSENT CALENDAR was read by City Attorney Bosmans.

1. Motion is to approve the special and regular minutes of January 10, 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 #112575 through #112809 & electronic fund transfers in the total amount of \$1,778,890.78

Payroll fund transfers in the total amount of \$316,898.22

3. Motion is to authorize payment of registration and travel expenses of approximately \$365 for Councilmember Pina to attend the Association of Washington Cities Legislative Action Conference in Olympia January 30-31, 2008.
4. Motion is to authorize payment of registration and travel expenses of approximately \$560 for Mayor Sheckler to attend the Association of Washington Cities Legislative Action Conference in Olympia January 30-31, 2008.
5. Motion is to authorize payment of registration and travel expenses of approximately \$605 for Councilmember White to attend the Association of Washington Cities Legislative Action Conference in Olympia January 30-31, 2008 and the Washington State Good Roads & Transportation Association's Legislative Breakfast in Olympia on February 1, 2008.
6. Motion is to confirm Mayor Sheckler's re-appointments to the Des Moines Arts Commission for three year terms as follows: Katherine Caughey and Cora Morrison effective January 1, 2008, and the appointment of Mary Siracuse effective January 1, 2008.

7. Motion is to confirm Mayor Sheckler's appointment of Diane Kennish to the Des Moines Landmarks Commission for a three year term effective January 1, 2008.

~~8. Motion is to approve the Task Order Assignment for the update of the City's Comprehensive Transportation Plan, along with the preparation of other transportation studies to Marai Associates, Inc. in the amount of \$319,997.00, authorize the City Manager to approve task order supplements as necessary up to an amount of \$32,000 and further to authorize the City Manager to sign said Task Order Assignment substantially in the form as submitted.~~ [Item removed at request of Councilmember Scott.]

9. Motion is to approve the Draft Interlocal Agreement between the City of Des Moines and the Highline Water District for coordinated Paving improvements on Thunderbird Drive and South 229th Street and to authorize the City Manager to sign the Agreement substantially in the form as submitted.

~~10. Motion is to approve the Task Order Assignment for the preparation of Plans, Specifications and Engineer's Estimate for the South 216th - Phase 4 improvements from Marine View Drive to 11th Avenue South to KPG, Inc. in the amount of \$163,500, authorize the City Manager to approve task order supplements as necessary up to an amount of \$20,000 and further authorize the City Manager to sign said Task Order Assignment substantially in the form as submitted.~~ [Item removed at request of Mayor Pro Tem Sherman.]

~~11. Motion is to authorize the City Manager to sign the contract with Gordon Thomas Honeywell Governmental Affairs for 2008 Federal government lobbying services substantially in the form as submitted.~~ [Item removed at request of Mayor Pro Tem Sherman.]

12. Motion is to confirm Mayor Sheckler's appointments to the Planning Agency of Aaron Bekkerus and Peter Skelly to vacant four year terms to expire on December 31, 2010.

While not removing Item #1, several clerical corrections were noted to be made for the regular minutes of January 10, 2008.

Mayor Pro Tem Sherman requested Consent Items #10 and #11 be removed.

Councilmember Scott requested Consent Item #8 be removed.

MOTION was made by Councilmember Thomasson, seconded by Councilmember Kaplan and passed unanimously, to approve the remainder of the Consent Calendar as read.

REMOVED CONSENT ITEMS

Item #10 - South 216th Street - Phase 4 Design

Mayor Pro Tem Sherman questioned whether there will be bicycle lanes, since the term "if feasible" is used in the document.

Transportation Engineer Brewer assured that there will be bicycle lanes. He noted the term, if feasible, refers to the planter strips.

MOTION was made by Mayor Pro Tem Sherman, seconded by Councilmember Pina, to approve the Task Order Assignment for the preparation of Plans, Specifications and Engineer's Estimate for the South 216th - Phase 4 improvements from Marine View Drive to 11th Avenue South to KPG, Inc. in the amount of \$163,500, authorize the City Manager to approve task order

supplements as necessary up to an amount of \$20,000 and further authorize the City Manager to sign said Task Order Assignment substantially in the form as submitted.

Councilmember Thomasson noted this project has been in the CIP for a long time partly because it is a hard project to do. While he is in favor of the motion in general, he would prefer to have a layout brought back to Council before the consultant does full design and specifications, in order to understand any compromises prior to the project going out for bid.

Councilmember Kaplan expressed agreement with Councilmember Thomasson, but noted time is important so we do not lose a \$50,000 CDBG Block Grant.

VOTE ON MOTION: Motion passed unanimously.

Consent Item #11 - Federal Government Lobbying Services Contract

Upon questioning as to the status of the \$500,000 earmarked for the Des Moines Creek Trail, Planning, Building and Public Works Director Fredricks noted the money is still in the bill and the bill has been signed. However, we have not received any word from our Senator as official notification that we actually have the money.

Mayor Pro Tem Sherman suggested this contract not be approved as we wanted to see proof of the performance of the lobbyist and so far we have received nothing.

MOTION was made by Councilmember Pina, seconded by Mayor Pro Tem Sherman, to postpone action on this item until we receive official notification of the \$500,000, earmarked for the Des Moines Creek Trail. Motion passed 6 to 1 with Councilmember White opposed.

Mayor Sheckler requested staff contract the appropriate U.S. Senator's office to inquire as to the status of the \$500,000.

Consent Item #8 - Comprehensive Transportation Plan

Councilmember Scott noted there are several very important projects, but questioned the \$73,000 slated for the highest and best use of the undeveloped 509 right-of-way from S. 216th Street to Kent-Des Moines Road. She felt this project has very little if any urgency, and these funds would be better used for downtown problems such as parking. Therefore she would like to re-prioritize this project.

Transportation Engineer Brewer noted that surveying of parking in the downtown area is already a high priority and should be complete by July. This will take into account potential growth in downtown.

Mayor Pro Tem Sherman felt we need to study, discuss and determine what Council wants in the downtown area. In regards to SR 509, he noted the State may choose at any time to surplus the land, so it is important to decide what interest the City may have and if we don't have a plan the State can offer it for general sale.

MOTION was made by Councilmember Pina, seconded by Councilmember Kaplan, to approve the Task Order Assignment for the update of the City's Comprehensive Transportation Plan, along with the preparation of other transportation studies to Marai Associates, Inc. in the amount of \$319,997.00, authorize the City Manager to approve task order supplements as necessary up

to an amount of \$32,000 and further to authorize the City Manager to sign said Task Order Assignment substantially in the form as submitted.

Councilmember Thomasson voiced support of the projects, but disappointed in the tasks of work as he does not see Council included at all. He felt the full Council should be involved in the development of policies and shaping the whole plan.

Councilmember Scott stated she would like to see a policy developed by the whole Council as to whether the design of Marine View Drive, especially in regards to parking, is the best one for the future of the development of downtown.

Councilmember White expressed agreement with Councilmember Scott.

Planning, Building and Public Works Director Fredricks advised that this consultant will work hand-in-hand with the Planning Manager Lathrop through the Downtown Element of the Comprehensive Plan. Also there will be meetings with most of the Council Committees and Council as a whole as the work moves forward.

VOTE ON MOTION: Motion passed 6 to 1 with Councilmember Scott opposed.

Agenda Revision

Mayor Sheckler advised they will take the Public Hearing on 8th Avenue South Restrictions first.

PUBLIC HEARING

Draft Ordinance No. 07-201 - 8th Avenue South Access Restrictions - 1st Reading

Mayor Sheckler introduced the subject and opened the Public Hearing. He read the rules of procedure for conducting the public hearing. He noted four individuals have signed up to speak and he requested they stand, raise their right hand and administered the oath.

Planning, Building and Public Works Director Fredricks advised that the draft ordinance was prepared at the request of Mayor Pro Tem Sherman. He noted this is a complicated issue in that it involves access to Marine View Drive which is governed by State law, the City's Comprehensive Plan and Transportation Plan. It has also been determined that the City's policies are not aligned in a clear way that will help guide decisions regarding development between Marine View Drive and 8th Avenue South. The biggest challenge is mid-block where owners do not have access to east/west streets, and how to coordinate access from Marine View Drive or access between adjacent properties, and to what extent if any do you use 8th Avenue S as a point of access or egress.

Mayor Sheckler called for speakers.

Monte Powell, 29607 8th Avenue South, Federal Way

Mr. Powell felt this is a very complex matter. He requested Council consider a 75' lot in the middle of the block on Marine View Drive worth \$150,000. He advised the building must be close to the sidewalk with access only from Marine View Drive which requires a 24' minimum access, taking 1/3 of the building lot, making the building only 50'. Commercial value is based on income stream from rent, and now the total worth is \$100,000. In other words, he felt \$50,000 has just disappeared due to the way the City has arranged the driving pattern for that lot.

Dave Moehrly, 22510 8th Avenue South

Mr. Moehrly advised that he lives on 8th Avenue South and stated a lot of vehicles drive very fast and he feels it is inappropriate for businesses to have access to this street.

John & Ethel Hixson, 24016 13th Avenue South, own property at 22605 8th Avenue South

Mrs. Hixson noted they have 3 tenants who back out on to 8th Avenue South which they need to gain access out of their apartments to go either to the south or north. She questioned if they would lose that access for their renters. The bottom commercial portion of the building uses Marine View Drive.

Councilmember Thomasson noted that this draft ordinance would not affect existing developed property, but would if the property redeveloped. It is geared toward any currently vacant land.

Mayor Sheckler called for speakers three times and there was no response. He questioned administration if they were aware of any misstatements of facts to correct and the response was negative. He asked Council if they had any questions.

Councilmember Thomasson referenced existing policy 10-03-06 which states: "Maintain 8th Avenue S as a local access street. Discourage commercial traffic from using 8th Avenue S through project design and roadway improvements." He felt the question before Council is - what might be the one or two things that would warrant access as opposed to things that would not warrant access. He stated when discussion centers on the draft ordinance and it says there shall be no primarily vehicle access he will ask the question: "What do you mean by primary?" And perhaps it is just as ambiguous to not fully express the intent of "we really do not want any traffic on 8th". He questioned how staff thinks this will work and what is meant by 'primary' and should it be defined.

Planning, Building and Public Works Director Fredricks noted that Attachment 3 in Council's packet tries to explain how staff tried to find a right balance point, acknowledging that parts of the Comprehensive Plan are very clear, but other parts are in staff's view contradictory especially when interpreting obligations under State law with respect to access on Marine View Drive, and the limits those administrative rules adopted by DOT that apply to Des Moines. He informed Council that it is staff's opinion there are contradictory policies that staff tried to apply to the Dom construction project, which staff felt was an exceptional case which warranted the kinds of permissions that were granted and which gave rise to this draft ordinance.

Development Services Manager Ruth noted that the draft ordinance is here at Council request to facilitate the discussion on access. He advised that historically "primary" has been looked at in terms of a main entrance to a site versus employee or accessory parking off the back. He stated a more distinct definition may be in order, but staff is struggling to layout primary access. He informed Council that Mr. Powell's testimony is dead on about what staff is facing. He stated staff has struggled to find solutions to achieve discouraging access from the rear to 8th Avenue South by examining all possible options first.

Councilmember Thomasson suggested that using underground parking would most likely not require 24' feet and commercial could be built above it. He noted originally the issue was a balance of safety, and Council knew when earlier language was adopted there was no ability to get additional dedications on 8th Avenue to make it the street it needed to be if it was to support

traffic. He questioned why we are not getting the full lot covered buildings, with internal parking and maximizing the leasable square footage.

Development Services Manager Ruth expressed agreement with Mr. Powell's statement that the front footage is precious to a retailer. He noted a business could build on top of the entrance for a driveway however the problem is when you come up out of the underground parking and a pedestrian is right in front of you, you can't see them. He further noted our Code does address trying to make the development occur in a balance with pedestrian oriented design. The other factor is the economies of scale - the types of development of 75' wide lots and parking facilities, and the expense associated with that, frankly is probably at a break point in terms of being a return to the investment for building underground parking and to build a building over the top. 150 to 200 front feet of developmental area would be more practicable. He informed Council that there is probably four or five lots left that are located in the middle of blocks that staff is concerned with. Staff is attempting to coordinate access with adjoining property owners as these situations arise.

Councilmember Pina questioned how Council can expect to develop downtown into the kind of shopping and living area that we want when we are imposing a "stupid rule".

Councilmember White expressed hope that Mayor Pro Tem Sherman who lives on 8th Avenue South can be fair and objective concerning this matter. She felt Council should forward this issue to the Planning Agency for more detailed study. She also noted that staff is working on the downtown plan which will provide an opportunity for more individuals to provide input. She commented that perhaps 8th Avenue should be a one-way street.

Upon questioning, Development Services Manager Ruth confirmed that if the draft ordinance is passed, preexisting properties will be grandfathered in unless they are torn down or replaced.

Mayor Sheckler declared the public hearing CLOSED.

MOTION was made by Councilmember White, seconded by Councilmember Pina, to remand the subject to the Planning Agency for further study including downtown development and building heights.

Councilmember Kaplan stated this issue is tied in with a number of different issues, including developing the downtown plan, which primarily will come before the Council. He felt the whole issue of parking, including angle parking, must be considered. He felt a blanket solution may not work. He would prefer this issue be set aside and be considered in conjunction with the downtown plan as there are many related side issues.

Councilmember Scott remarked that 8th Avenue is a residential half-street and she remembers when she was on the Council 17 years ago, Council went through some of these same concerns. At that time Council felt only utilitarian access could be on the 8th Avenue side for garbage, repair or an upper story of apartments. However she pointed out back then, Marine View Drive had parking on both sides of the street. She noted Marine View Drive has been redeveloped with almost no parking, and we are pushing businesses to build as if there were street parking. She felt Council needs to make it a priority to look at the whole problem as there is a mess that we need to clean up.

Councilmember Thomasson felt that sending this issue to the Planning Agency is Council avoiding what it should do, and that is dealing with tough issues. He felt one of the driving issues is that 8th Avenue is an alley that does not support commercial traffic, it is dangerous, there is no sidewalk and there is barely room for 2 cars to pass each other. He is curious as to what the City's liability might be should a vehicle from Dom Construction site hit a pedestrian on 8th Avenue as we have a policy that says "discourage access" but the City allowed the access. Part of not having commercial access on 8th Avenue was to say this the brite line to divide commercial from residential. He also felt part of the problem is individuals trying to develop small parcels rather than do a larger accumulation of property, which is what would be in the best interest in building and succeeding in downtown development. He felt Council needs to provide clearer direction to staff and that does not need to go to the Planning Agency.

Councilmember White agreed it is Council's final responsibility, but the Planning Agency has individuals with expertise to help Council.

Councilmember Pina suggested 8th Avenue should be developed to its full 30' with a sidewalk and made one-way going south, or something similar, to solve the problem and improve safety.

Mayor Pro Tem Sherman stated he requested this item because he felt staff had made a decision that went against what is contained in our Comprehensive Plan. In regards to the motion his concern is simply that 8th Avenue is a substandard half street with no sidewalk. He stated we need a solution now until a vision of downtown is redeveloped and to give clear direction to staff. He noted he is not in favor of passing this issue to the Planning Agency. Council needs to make a decision, and reminded Council that any decision can be changed in the future, if warranted.

Councilmember Scott felt this is not just an 8th Avenue South issue. Forcing commercial buildings to build to the sidewalk on Marine View Drive when there is no street parking available makes no sense to her. She suggested perhaps a moratorium on approving any commercial use of 8th Avenue for a period of time to allow Council and staff to explore the various ways we might be able to solve the bigger transportation and parking issue in the downtown area.

Mayor Sheckler felt something should be done immediately to keep any of the egress/ingress issues from occurring until Council comes up with a final plan.

VOTE ON MOTION: Motion failed 2 to 5 with Councilmembers Pina and White voting yes.

MOTION was made by Mayor Sheckler, seconded by Councilmember Pina, that the subject be remanded to the Public Safety and Transportation Committee for recommendations and allow Council to decide what is the best use for 8th Avenue South.

Mayor Sheckler noted he made this motion for the following reasons:

- This will expedite the process
- The Committee suggested is the Public Safety & Transportation Committee
- The Committee makes recommendations to the Council as a whole

Councilmember Kaplan pointed out in regards to safety issues, we are in the process of updating the City's Street Standards and will be addressing standards for 8th Avenue South.

Mayor Pro Tem Sherman stated he would prefer not to send this to a Committee but to have Council make a decision now one way or the other.

Councilmember Thomasson pointed out that by adopting the draft ordinance it would in effect stop all commercial traffic on 8th Avenue. He noted that if Council found a better solution down the road, the draft ordinance could be overturned.

VOTE ON MOTION: Motion passed 5 to 2 with Councilmember Thomasson and Mayor Pro Tem Sherman opposed.

9:50 p.m. Mayor Sheckler called for a 10 minute break.

Agenda Revision

Mayor Sheckler noted that due to the lateness of the meeting he will take an item of new business next regarding the contract for Des Moines Memorial Slide Repairs, then the continued public hearing, and the rest if time permits.

Upon questioning by the Mayor, City Attorney Bosmans advised that voting on continued membership in the Puget Sound Regional Council only requires a simple majority.

NEW BUSINESS

Des Moines Memorial Drive Slide Repair Contract

Assistant Planning, Building and Public Works Director Reinhold announced the City received a total of 12 bids. He noted the lowest responsive and responsible bidder was ¼ million dollars under the engineer's estimate. He advised that the first two low bidders had to be disqualified as non-responsive because they did not meet the bid specifications for their goal percentage for disadvantaged business enterprises which was 13%, so in accordance to the rules we had to declare them non-responsive. Upon questioning, he stated they were given an opportunity to appeal, which they did not respond to.

MOTION was made by Councilmember Kaplan, seconded by Councilmember Scott and passed unanimously, to award the construction contract for the Des Moines Slide Repairs Project to Construct Company in the amount of \$789,419.97, and further to authorize the City Manager to sign said contract substantially in the form as submitted, plus authorize the City Manager or his designee to approve change orders up to an amount of 10% of the contract amount.

MOTION was made by Councilmember Kaplan, seconded by Councilmember Pina and passed unanimously, to approve the professional services contract Supplement No. 4 with INCA Engineers, Inc. in the amount of \$226,315.94, and to authorize the City Manager to sign said supplement substantially in the form as submitted, and further to authorize the City Manager or his designee to approve contract changes up to 10% of the contract amount.

CONTINUED PUBLIC HEARING

Draft Ordinance 07-200 Development Noticing Requirements - 1st Reading

Mayor Sheckler introduced the topic. He questioned whether anyone in the audience wishes to speak on this matter and there was no response. He declared the hearing open.

Land Use Planner II Sullivan noted the proposed code amendment would ensure that adequate notices are received by the affected property owners. Staff researched and determined that all notices should be mailed to the taxpayer at their official mailing address as determined by the King County Assessor's records. It was determined that staff will also send a notice to the property address, addressed to the resident.

Mayor Sheckler inquired three times as to whether anyone wished to address Council and there was no response.

Councilmember Thomasson referenced page 5, (5) of the draft ordinance, noting "within 45 days of the initial application . . ." and suggested it might be better to say 'within 45 days of the actual hearing before Council'.

Land Use Planner II Sullivan suggested we require the applicant to provide a radius map as part of the complete application, which can be done on the submittal forms, rather than a text amendment. This would be when they sign their affidavits for ownership, they would also submit mailing labels, so if it is a few years before the actual hearing we would receive an updated mailing list. He pointed out that DMMC 16.04 contains the noticing procedures for any application that requires a notice to be issued.

It was suggested the term "appropriate notice" or "relevant notice" would be a better way to word this section.

Development Services Manager Ruth suggested we keep the 45 day language, but add: "and also provided that the status of this information be kept current within 120 days of the Council hearing, if applicable." He felt this would keep it current no matter how long a project may be delayed.

Councilmember Pina suggested the draft ordinance be remanded to staff to clarify the language.

Mayor Sheckler declared the hearing CLOSED.

MOTION was made by Mayor Pro Tem Sherman, seconded by Councilmember Thomasson, to advance Draft Ordinance No. 07-200, amending Chapter 16.04 DMMC requiring that all SEPA notices be mailed to the taxpayer's official mailing address instead of the property address to a second reading on February 14, 2008.

Mayor Pro Tem Sherman noted he received notice of tonight's hearing on 8th Avenue South at his post office address, not his home address. He commented that a lot of people do not use their street address and that mail is returned to sender, he felt it is important to make sure mail goes to the appropriate mailing address.

Councilmember Thomasson suggested the motion contain the language "to address the issues raised by Council during the public hearing". This was accepted as a **FRIENDLY AMENDMENT** by the maker and seconder of the motion.

VOTE ON MOTION: Motion passed unanimously.

10:26 p.m. **MOTION** was made by Councilmember White, seconded by Mayor Pro Tem Sherman and passed unanimously to extend the meeting by 10 minutes.

NEW BUSINESS

Puget Sound Regional Council Membership

MOTION was made by Councilmember White, seconded by Mayor Pro Tem Sherman, that the City of Des Moines revoke its December 28, 2007 withdrawal as a member of the Puget Sound Regional Council (PSRC) that was to be effective July 1, 2008.

Mayor Pro Tem Sherman advised that after re-thinking about withdrawal from PSRC, he realized Councilmember White serves on a passenger ferry subcommittee and felt whether or not we decide if passenger ferries is something we want in our City, she has been representing the City and feels Council should support her.

Councilmember Kaplan noted he respects Councilmember White's work and she will continue to represent our interests until the end of June, and this allows Council more time to reconsider our membership. However, the same issues and concerns he expressed during the budget process that we need to prioritize what we are doing in the City still applies. He noted that if additional revenues come in he would be willing to reconsider joining, but at this point in time he can see no reason why we should.

VOTE ON MOTION: Motion failed 4 to 3 with Councilmember White, Mayor Pro Tem Sherman and Mayor Sheckler voting yes.

City of Des Moines Logo

Mayor Sheckler noted that Attachment one of Council's packet displays existing City Logos A, B, C and D. He stated this is incorrect as only Example A and B are correct.

Councilmember Thomasson noted the seal has been adopted in the Municipal Code. He agreed that C and D have never been formally adopted, but just started showing up including on the City's web page.

Councilmember Pina stated that Example A is the official logo and Example B is taken from the center of A and he feels it is acceptable. He felt the other examples should not be used.

Councilmember Kaplan stated it is good to review the City's "brand" not only because it is the City's 50th anniversary next year, but we are always striving to make the City better.

Mayor Sheckler questioned how many Councilmembers are in favor of entertaining the idea of a new logo and only 3 responded. Since the majority of Council favor Example A and B, he directed staff to get rid of any other logos currently being used.

Mayor Pro Tem Sherman voiced support for the current logo, noting the symbols recognize the importance that Puget Sound and the Marina have on our City.

In regards to the City's 50th anniversary, Mayor Sheckler informed Council he will be asking in the near future what they want to do as far as setting up a Committee or what direction we should be taking.

NEXT MEETING DATE

Mayor Sheckler noted the next meeting will be a study session on February 7, 2008.

ADJOURNMENT

At 10:39 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