

REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES

June 8, 2000

The regular meeting of the Des Moines City Council was called to order at 7:30 p.m. by Mayor Thomasson in the Council Chambers, 21630 11th Avenue South, Suite B.

PLEDGE OF ALLEGIANCE to the Flag was led by Mayor Pro Tem Sheckler.

ROLL CALL - Present: Mayor Scott Thomasson, Mayor Pro Tem Bob Sheckler, Councilmembers Terry Brazil, Dave Kaplan, Dan Sherman, Gary Towe (arrived at 7:56 p.m.) and Don Wasson. Also present were City Manager Bob Olander, City Attorney Gary McLean, Community Development Director Judith Kilgore, Planning Manager Corbitt Loch, Police Commander John O'Leary, Harbormaster Joe Dusenbury and City Clerk Denis Staab.

COMMENTS FROM THE PUBLIC

Jeanne Serrill, 601 South 227th Street

Ms. Serrill spoke to Council as a long time resident and Waterland Festival attendee. She requested Council give careful and favorable consideration to the Chamber's request to allow for paid parking at the Waterland Festival event due to growing problems with traffic and pedestrian control at the Marina.

BOARD & COMMITTEE REPORTS

Senior Services Advisory Committee

Mayor Pro Tem Sheckler acknowledged members of the Senior Services Advisory Committee Keith Noess, John Carroll and George Hadley, seated in the audience, and Georgetta Nupen and Less Travis (not in attendance).

Appreciation

Mayor Pro Tem Sheckler presented a Certificate of an Outstanding Service Award to former two term member Judy Mannard for all her past volunteer efforts while serving on the Committee.

6 Month Activity Report

Chairman Noess and Senior Services Supervisor Padden proceeded to review the Committees activities for the past six months and projects being worked on. Items outlined as follows:

- Town Hall Meetings to discuss:
 - Budget concernsMr. Noess commented that the Committee would like the City Manager and Councilmembers to participate in upcoming meetings. He noted that they hope to also have State Legislators attend.
- Community Bulletin Boards
 - Working towards having information boards installed in local grocery stores.
- Facility Education Project
 - Attempt to handle rumors and educate the public regarding sr. housing needs, potential new sites, etc.
- Active Recreation Programs

- Committee supports proposed sports park. Seniors involved in soft ball, golf and volley ball.
- Senior Needs
 - Improved facilities, increase in future evening and week-end activities especially during summer months, programs for “boomers” with special needs for older parents.
- Des Moines Legacy Foundation
 - Allows for tax deductible contributions to senior services, parks and recreation programs.

Association of Washington Cities

Councilmember Brazil reported attending a meeting last Friday, where the topic was the Endangered Species Act. At this point in time, he advised that there are more questions than answers. He noted that Councilmembers interested in the information he has obtained to please contact him. He noted that one of the main problems is that various Watersheds are putting together plans, however, the Tribes have chosen not to attend. These Tribes are a major player in the National Marine Fisheries Service decision process. There is concern that all the efforts to establish plans of action could be thrown out by the Fisheries Service if the Tribes have not been involved. This concern has been placed as an Agenda Item for AWC to bring to the State Legislature to help find some solution.

Airport Communities Coalition

Mayor Pro Tem Sheckler advised that ACC had become aware of a letter from the Port of Seattle to residents that the Port would begin using SR-509 for hauling materials to be used for the 3rd runway. He noted that after contacting various agencies and elected officials, this proposed action by the Port has been successfully halted, and the Department of Transportation has officially notified the Port to cease all construction of the temporary SR 509 interchange until proper permits have been obtained.

CONSENT CALENDAR was read by City Clerk Staab.

1. Motion is to approve the minutes of May 18 and 25, 2000.
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 42.24.080, 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 check # 71802 through #71969 in the total amount of \$204,385.13

Payroll fund transfers in the total amount of \$296,574.07

3. Motion is to approve interlocal agreement between the Office of the Administrator for the Courts and the City of Des Moines for reimbursement for expenses incurred in purchasing a personal computer and printer for use by the municipal court judge, and to authorize the City Manager to sign said Interlocal Agreement substantially in the form as submitted.
4. Draft Resolution No. 00-137 [ASSIGNED RESOLUTION NO. 888] - Title: A Resolution of the City Council of the City of Des Moines, Washington, expressing appreciation to Edward M. Command for his outstanding service to the citizens of Des Moines and Washington.

MOTION is to approve Draft Resolution No. 00-137.

MOTION was made by Mayor Pro Tem Sheckler, seconded by Councilmember Sherman, to approve the Consent Calendar as read.

Mayor Thomasson read Draft Resolution No. 00-137 in its entirety, acknowledging Edward M. Command for his service with Highline Community College for 30 years, the last ten as its President, and extending appreciation for his outstanding academic and civic contributions to the community.

VOTE ON MOTION: Motion passed unanimously.

OLD BUSINESS

Pacific Ridge Neighborhood Improvement Plan

Planning Manager Loch provided information regarding the status of the Pacific Ridge Neighborhood Improvement Plan (NIP). He advised that the Environmental Impact Statement (EIS) was issued May 24th, and written public comments may be submitted through June 22nd. He noted that a Public Hearing is scheduled before the Planning Agency on June 19th, with the City Council's hearing set for June 29th, both of which will allow for further written and oral comments on the Plan.

Planning Manager Loch proceeded to review some issues that may require additional council discussion and direction as follows:

- *Should the City explore ways to enlarge Midway Park?*
 - Recreational needs increase as population grows.
 - Puget Power is open to expansion to the east of the existing park.
 - To the west, potential by right-of-way use abutting Pacific Highway South
- *Should the City explore options for, and alternatives to connecting 30th Avenue South between South 216th and Kent-Des Moines Road?*
 - Consultants currently examining various alternatives and associated costs.
 - If pushed through could hurt potential use of Midway Park.

Councilmember Brazil commented he does not feel putting the street through would be warranted for existing population. Money saved could be used for traffic signal improvements.

7:56 p.m. Councilmember Towe arrived.

- *Should the draft zoning regulation that offers an affordable housing building height bonus remain?*
 - 85' height limit if built as condominiums.
 - 120' height allowed with affordable housing units.

Concern was expressed that 120' may make it too expensive for most developers. Staff pointed out that various options are available to help subsidize the developer and also that there are a lot of programs available to buyers for low to moderate income housing.

Draft Ordinance No. 00-071 [ASSIGNED ORDINANCE NO. 1260] Business Park Classification Textual Code Amendments - 2nd Reading and Draft Ordinance No. 00-070 ASSIGNED ORDINANCE NO. 1261] Rezone of the North and Portions of South Subareas in the North Central Neighborhood - 1st Reading

Community Development Director Kilgore reviewed the revisions to draft Ordinance No. 00-071 as follows:

- 18.25.020(4): adding the words “motor freight transportation and warehousing (42), transportation by air (45) and packing and crating (4783) are prohibited.”
- *New section (8):* “Residential uses in the South subarea if established prior to January 1, 2000. No use other than single family residential or home occupation use as further described in DMMC 18.08.020 shall be permitted in existing single family residential structures or sites.
- 18.25.035 *New Section - Submittal Requirements and Approval Process for the South Subarea:* Minimum site area of 2 acres.
- 18.25.040 *Dimensional Standards:* Landscaping buffers adjacent to residential uses has been included. In the South subarea, the setback of building sites adjacent to single family use has been increased to 30’. A minimum site area of 2 acres is required in the South subarea.
- 18.25.060 *General Site Design Guidelines for Business Park Development:* Language included that states all development in the South subarea has to be compatible with the Sports Park, Senior Center/Community Center and adjacent residential uses.
- All City owned properties and residential properties fronting 220th Street have been removed from the South subarea rezone.

MOTION was made by Mayor Pro Tem Sheckler, seconded by Councilmember Kaplan, to approve Draft Ordinance No. 00-071.

Mayor Thomasson read the draft ordinance by title into the record.

Councilmember Sherman noted he is opposed as he does not feel this is good planning. He would rather see a master plan process used for developing this area. He felt that the two businesses that wish to locate in this area bear no relationship to properties to the east or west.

Councilmember Kaplan spoke in support of the draft ordinance, stating that this will be the best use of these small parcels.

VOTE ON MOTION: Motion passed 5 to 2 with Councilmember Sherman and Mayor Thomasson voting NO.

Mayor Thomasson read draft Ordinance No. 00-070 by title into the record.

MOTION was made by Mayor Pro Tem Sheckler, seconded by Councilmember Brazil, to suspend Council Rule 26(b). Motion passed 6 to 1 with Councilmember Sherman voting NO.

MOTION was made by Mayor Pro Tem Sheckler, seconded by Councilmember Brazil to approve Draft Ordinance No. 00-070. Motion passed 5 to 2 with Councilmember Sherman and Mayor Thomasson voting NO.

NEW BUSINESS

Waterland Festival Parking

Police Commander O’Leary advised Council that he has been working with the Chamber of Commerce on the Waterland Festival for 20 plus years. He noted that during that time the size and scope of the event has grown tremendously causing serious traffic and pedestrian congestion.

There are only two points of access to the event at the Marina. The north end is pretty much blocked off except for necessary festival personnel, and residents. The south entrance is becoming increasingly difficult to manage and there is increasing concern due to congestion. He advised that staff is recommending that the Chamber of Commerce be authorized to implement a paid parking and traffic control system for the 2000 Waterland Festival. Both Police Commander O'Leary and Harbormaster Dusenbury believe it will improve vehicular and pedestrian safety, and relieve City staff of time consuming traffic control duties.

Clarice James, Executive Director of the Chamber of Commerce, informed Council that they are working with Valet Parking Systems to implement a plan for paid parking. She noted this company has been in business for a number of years. They will be capable of bringing in additional staff if the need exists. Upon questioning by Council, she advised that they plan on signing the streets leading into the south entrance of the Marina regarding the paid parking, and will alert the public through the Waterland brochure and advertisements in the local paper. She further noted that Anthony's monitors its own parking during Waterland, and she has been informed that Breaker's may close during the festival.

Councilmember Towe voiced the opinion that people will be upset at having to pay after all the years of free parking at the Marina.

Police Commander O'Leary noted that there may be some traffic back-up on South 227th. He also reminded Council that Police and Marina staff will still be available. He noted he will be willing to supply Council with a full report on the success or any problems encountered.

MOTION was made by Mayor Pro Tem Sheckler, seconded by Councilmember Wasson, to authorize the Chamber of Commerce to have paid parking at the Marina for the 2000 Waterland Festival.

Councilmember Sherman noted that he has concerns for close in parking for the disabled, senior citizens and couples with young children, who are the most least able to pay. Ms. James advised that five golf carts will be available to help transport individuals who need help. This will be better facilitated with the parking service having the means to be in voice contact with their staff.

VOTE ON MOTION: Motion passed 5 to 2 with Councilmembers Sherman and Towe voting NO.

8:58 p.m. Mayor Thomasson declared a 10 minute break.

Draft Ordinance No. 00-060 [ASSIGNED ORDINANCE NO. 1262] Telecommunications Franchise - Metricom, Inc. - 1st Reading

City Attorney McLean informed Council that Metricom, Inc. has applied for a telecommunications franchise. He noted that the draft ordinance would grant a five year non-exclusive franchise to install, operate and maintain a telecommunications system within the public ways of the City. He stressed the point that since Metricom does not plan to run any cable underground, a number of provisions may be unnecessary in the granting of this franchise. He reminded Council that they devoted considerable time and attention in development Title 20 of the City's Telecommunications code contained in Des Moines Municipal Code which should facilitate this first request for a franchise. He introduced Lisa Verner, Metricom ROW Representative, and Karen Kirkpatrick, Metricom's Local Market Manager..

City Attorney noted some changes as requested by Metricom for Council consideration as follows:

1. Pages 23-24, re: Secs. 39 and 40, bond and security fund requirements;
2. Page 28, Sec. 43, insurance coverage limits and requirements; and
3. Pages 32-33, re: Sec. 52, assignment or transfer requirements.

He concluded by noting that Metricom representatives will address a fourth issue they wish Council to consider.

Ms. Verner informed Council that Metricom is a national company which provides a wireless mobile data communication services. She displayed the small, shoebox size, radios which are located on the arms of street light or utility poles. She also displayed the Ricochet system which involves a small wireless transmitting and receiving device which attaches to various computers in lieu of a telephone line.

Ms. Verner noted that since adjacent trees can obstruct frequency, only clear areas will be used. Generally there are about 6 to 8 units per square mile. It was noted that Metricom would like permission, through a franchise, to use the street light arms owned by the City, and use the ROW in areas where the street light arms are owned by third parties. It was noted that Metricom has an existing pole attachment agreement with Puget Sound Energy to use its facilities.

Ms. Verner proceeded to review the four amendment to the agreement with comments as noted:

1. Sections 39 and 40. Metricom asks that the bond called for in Section 39 be set at \$2,000 and that Section 40 be deleted.

After some discussion, a majority of the Councilmembers felt Section 40 should not be deleted and the full amount of \$10,000 should be retained.

2. Section 43. Metricom asks that the amount of insurance required be dropped to \$1,000,000 due to the small size and nature of the items being located in the right-of-way.

Councilmember Wasson reminded Council that all higher costs of operating are going to be passed on to the users.

Discussion ensued that even though the units are small, law suits today can get out of hand. City Manager Olander commented that Washington Cities Insurance Authority would prefer the higher amount of five million dollars be retained.

3. Section 46. Metricom asks that the "Most Favored Community" language be amended to allow the City to substitute another agreement in its entirety, not individual sections or paragraphs.

Council's conclusion was to leave this language in the agreement.

4. Section 52. Metricom asks that the "Assignment" language be amended so that assignments/transfers are made according to DMMC 20.06.230 except when a change of control involves equity or interest of 51 percent or more.

Councilmember Kaplan referenced the proposed language on Page 33, 2nd Paragraph, should read "This agreement may not be assigned or transferred except as provided in DMMC 20.06.230 and .240, except that any transfer or change of control in whole or in part to a parent, subsidiary, or affiliated corporation or to any successor in interest or equity acquiring less than 50 percent or more of Metricom's stock or assets shall not be deemed an assignment." This was deemed acceptable by Council.

Mayor Thomasson read the draft ordinance by title into the record.

MOTION was made by Councilmember Kaplan, seconded by Councilmember Brazil, to suspend Council Rule 26(b). Motion passed 5 to 2 with Councilmembers Sherman and Wasson voting NO.

MOTION was made by Councilmember Kaplan, seconded by Mayor Pro Tem Sheckler, to approve Draft Ordinance No. 00-060.

MOTION was made by Councilmember Towe, seconded by Councilmember Wasson, to amend Section 43 to lower the amount to one million dollars. Motion failed 4 to 3 with Councilmembers Kaplan, Towe and Wasson voting YES.

VOTE ON MAIN MOTION: Motion passed six to one with Councilmember Wasson voting NO.

NEXT MEETING DATE

Mayor Thomasson announced the next regular meeting is scheduled for June 29, 2000.

City Manager Olander reminded Council that Des Moines' is hosting Suburban Cities Association meeting on June 14th. A dinner cruise is planned.

ADJOURNMENT

Meeting was adjourned at 10:24 p.m.

Respectfully submitted,

Denis Staab
City Clerk