REGULAR MEETING DES MOINES

MINUTES August 7, 1997

At 7:25 p.m., the Mayor announced that the Council would be in executive session for an additional ten minutes.

At 7:38 p.m., the Mayor announced that the Council would be in executive session for approximately another ten minutes.

The regular meeting of the Des Moines City Council was called to order at 7:45 p.m. by Mayor Thomasson in the City Council Chambers, 21630 11th Avenue South.

PLEDGE OF ALLEGIANCE to the flag was led by Councilmember Sheckler.

ROLL CALL - Present: Mayor Scott Thomasson, Mayor Pro Tem Terry Brazil, Councilmembers Bruce Roberts, Bob Sheckler, Dan Sherman, Gary Towe, and Don Wasson. Also present were City Manager Bob Olander, Assistant City Manager Tony Piasecki, City Attorney Gary McLean, Community Development Director Judith Kilgore, Public Works Director Tim Heydon, Park and Recreation Director Patrice Thorell, Planning Manager Corbitt Loch, and Deputy City Clerk Angela Chaufty.

COMMENTS FROM THE PUBLIC

George Minnich, 22701 19th Avenue South

Mr. Minnich addressed the Council regarding two issues. First, he voiced concern over contracting with King County for surface water management billing services. He felt that several residents had voted to annex to the City of Des Moines due to King County's service. He requested that Council conduct a public hearing prior to making any decision on the matter. Secondly, Mr. Minnich asked administration to have the Animal Control Officer contact him as his cat was missing.

BOARD & COMMITTEE REPORTS

Waterland 5000 Fun Run

Councilmember Roberts noted that he and Councilmember Sherman had participated in the Waterland 5000 Fun Run.

Human Services Committee

Councilmember Towe informed Council that the Human Services Committee had begun the grant application process. He announced that the committee had a current opening due to the resignation of Steve Soukasene. He thanked Mr. Soukasene for his contributions to the Human Services Committee.

Suburban Cities Association

Mayor Pro Tem Brazil invited Council to attend a meeting with Senator Adam Smith on August 20, 1997 in Burien. He also noted that Suburban Cities Association is soliciting suggestions for 1998 legislative issues. Mayor Pro Tem Brazil asked Council to contact him with any suggestions and he will forward them on to the Association.

Councilmember Sherman asked Council for any comments regarding the proposed Suburban Cities Association bylaws.

Public Safety and Transportation Committee

Councilmember Sherman noted that the Public Safety and Transportation Committee had met to discuss traffic control issues. The committee also studied the development of walking and bike paths and the vacation of various streets in the North Hill neighborhood.

ADMINISTRATION REPORT

Emergency Drill and Training Exercise

City Manager Olander announced that an emergency drill and training exercise would be held at Des Moines Beach Park on August 15, 1997 from 9:00 a.m. to 12:30 p.m.

Consent Calendar Revision

City Manager Olander announced that consent calendar item No. 5 has been withdrawn by Administration.

CONSENT CALENDAR was read by Deputy City Clerk Chaufty.

1. Motion is to approve the minutes of July 10, 1997.

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 #56752, #56913 through #57327 in the total amount of $839,268.73
Payroll fund transfers in the total amount of $443,980.34

3. Motion is to authorize the City Manager to approve all vouchers for payment of the following claims during the period of August 8, 1997 through August 28, 1997:

a. All vouchers for payment of payroll checks, including Marina payroll, and

b. All vouchers for payment of claims and Marina checks, provided that all vouchers and checks approved by the City Manager in accordance with this motion shall be presented to the Council for ratification at the City Council meeting of September 11, 1997.

4. Motion is to set a public hearing on September 25, 1997, to consider Administration File No. RZ 96-024, a request for approval of a rezone from RS 7200 to RD 3600 (or equivalent zoning classification as currently being created and pending review by Council for townhouse development); Applicant: Jess and Joyce Coil.

~~5. Motion is to authorize the City Manager to 1) Sign the interlocal agreement substantially in the form as attached with King County for City Optional Program funds; and 2) Contract for services for a collection event for hard-to-recycle household items.~~ (Removed by Administration).

~~6. Two motions: 1) To amend the 1997-2002 SWM CIP project budget to include adjustments in this year's expenditure schedule in order to cover the added $67,000 that is needed for preparing a limited EIS for the Marine View Drive Bridge Project. The City Manager is authorized to make expenditures up to $413,860, plus a 10% contingency, and 2) to approve the Marine View Drive Bridge design contract Supplemental No. 2 with INCA Engineers, Inc. in the amount of $78,170.35 and further to authorize the City Manager to sign said supplemental contract substantially in the form as attached, based on the stipulation of the revision of the CIP.~~

~~7. Motion is to award the contract for construction of the Field House Tennis Court Improvement Project to Emerald Paving Inc. in the amount of $44,415.22, plus a 20% contingency, and to further authorize the City Manager to sign said contract, substantially in the form as attached.~~

8. Motion is to award the contract for professional engineering construction management services for the Des Moines Creek Trail to Harding Lawson Associates Infrastructure, Inc. in the amount of $84,067, plus a 10% contingency and further to authorize the City Manager to sign said contract, substantially in the form as attached.
9. Motion is to award the contract for construction of the Des Moines Creek Trail Project, to Tucci & Sons, Inc., in an amount up to $432,122.32, plus 8.6% tax and a 10% contingency for Phase I, Schedules A and B of such project, and in an amount up to $120,362.50, plus 8.6% tax and a 10% contingency for Phase I, Schedule C of such project, and to authorize the City Manager to sign a contract for Schedules A and B substantially in the form as attached, and, subject to funding approval from the City of SeaTac, to authorize the City Manager to sign a contract for Schedule C substantially in the form as attached.

MOTION was made by Councilmember Sheckler and seconded by Councilmember Roberts to approve the consent calendar as read.

Councilmember Wasson removed consent calendar items 6 and 7.

VOTE ON AMENDED MOTION: Motion passed unanimously.

OLD BUSINESS

Marine View Drive Bridge over Des Moines Creek - Consultant Design Contract Supplemental

Councilmember Wasson stated that he was opposed to the project as he felt it was a waste of money.

MOTION was made by Councilmember Towe and seconded by Mayor Pro Tem Brazil to remake the motion as previously read for consent calendar item No. 6.

VOTE ON MOTION: Motion passed 6 - 1 with Councilmember Wasson opposed.

Award of Bid - Des Moines Field House Tennis Court Project

MOTION was made by Councilmember Towe and seconded by Councilmember Roberts to remake the motion as previously read for consent calendar item No. 7.

Upon questioning, Park and Recreation Director Thorell noted that an alarm system had been installed in the Field House. The Fire Department had stated that the alarm was adequate for fire purposes. She noted that a 20% contingency was proposed due to the bid amount.

City Manager Olander clarified that the bid pertained to the tennis court surfacing only.

VOTE ON MOTION: Motion passed, 6 - 1, with Councilmember Wasson opposed.

PUBLIC HEARING

1998 Community Development Block Grant (CDBG) Applications

Community Development Director Kilgore noted that Council was now in the second phase of the CDBG process. Ms. Kilgore briefly described the following applications and their recommended funding level:

Senior Center Operations	$35,755
Planning and Administration	33,230

Housing Repair	10,191
City of Des Moines - Wheelchair Ramps	50,000
King County Department of Health	7,358
City of Des Moines - Senior Center Property Acquisition	45,722
Fair Housing Center of South Puget Sound	0
City of Des Moines - Field House Renovation	80,000

She noted that funding was not recommended for the Fair Housing Center of South Puget Sound as the program is located in Pierce County rather than King County. Also, the program would utilize public service money traditionally allocated to the Senior Center. In closing, Community Development Director Kilgore asked Council to provide her with direction if additional grant money is received from King County.

City Manager Olander suggested that if Council agreed with the allocation toward the purchase of Senior Center property acquisition, they should extend the hearing to a September meeting so as to allow for the preparation of the appropriate resolution and to accept additional public comment.

City Attorney McLean read the rules for conducting a public hearing.

SPEAKERS

George Minnich, 22701 19th Avenue South
Mr. Minnich stated that he was pleased with the funding recommendations. He noted that if additional funds are received from King County, he would support them being split between the Field House and Senior Center property acquisition projects.

Mayor Thomasson continued the public hearing to September 4, 1997. Additional public comment would be accepted at that time.

Upon questioning, Community Development Director Kilgore noted that a homeowner could request Housing and Repair funds. She also stated that the Department of Public Health served 151 Des Moines residents in 1996.

Draft Ordinance No. 97-090 ***[Assigned Ordinance No. 1196]*** Establishing Pre-annexation Zoning for the Redondo Riviera Area

Mayor Thomasson introduced the subject.

Planning Manager Loch noted that this was the third public hearing on the subject. He displayed maps of the proposed zoning for the Redondo Riviera area and the Des Moines Comprehensive Plan. He noted that the Planning Agency had reviewed and recommended adoption of the proposed ordinance. He noted that a list of permit activity for the area had been distributed to Council.

Mayor Thomasson stated that the previously read hearing rules would apply to this hearing as well.

Mayor Thomasson called for speakers. None responded.

Mayor Thomasson closed the public hearing.

MOTION was made by Councilmember Roberts, seconded by Councilmember Towe and passed unanimously to suspend Rule 26(B) for enactment of Draft Ordinance No. 97-090 on the first reading.

Deputy City Clerk Chaufty read the title of the proposed ordinance into the record.

MOTION was made by Councilmember Sheckler, seconded by Councilmember Towe, and passed unanimously to approve Draft Ordinance No. 97-090.

OLD BUSINESS

Continued Discussion - Draft Ordinance No. 97-155 Telecommunications

Mayor Thomasson introduced Sven Kalve of the Planning Agency.

On behalf of the Planning Agency, Mr. Kalve informed Council that the Planning Agency had reviewed Draft Ordinance No. 97-155. He commended staff for their efforts and thoroughness concerning this issue.

Mayor Thomasson noted that continued discussion of this item would be conducted later in the meeting.

PUBLIC HEARING

Draft Ordinance No. 97-068 Common Wall Single Family Zoning Regulations

Community Development Director Kilgore informed Council that the Comprehensive Plan identified certain properties as sites appropriate for Common Wall Single Family land use.

Planning Manager Loch highlighted the goals of the draft ordinance as listed in the agenda packet. He noted that the draft ordinance attempted to allow for townhouse development with a minimum of new requirements and approval processes. While displaying slides of existing townhouse developments, Mr. Loch discussed the following recommendations and provisions of the proposed ordinance:

1. Common areas;
2. Thirty foot height restriction;
3. Creative facades preferred;
4. Front entry preferred;
5. Varying roof levels preferred; and
6. 40% Maximum facade area dedicated to garage.

Planning Manager Loch displayed a preferred land use map illustrating the areas designated common wall single family. He noted that townhouses would be developed on small lot areas rather than in large developments.

At 8:57 p.m., Mayor Thomasson declared a ten minute break.

Mayor Thomasson noted that the previously read hearing rules would apply to this hearing as well.

SPEAKERS

George Minnich, 22701 19th Avenue South
Mr. Minnich appreciated the comments concerning various design elements. If the identified elements were incorporated into the proposed ordinance, then he was in support of its adoption.

Sherry Rimpler, 2712 Kent-Des Moines Road
Ms. Rimpler reminded Council that they could make development cost prohibitive for small property owners through over regulation. She voiced support for limiting the garage size to 40% of the facade.

After calling for additional speakers, Mayor Thomasson closed the public testimony portion of the hearing.

Upon questioning, Planning Manager Loch noted that only a design review board process could assure attractive development. He stated that state law does not allow different regulation for owner owned property and rental units. Mr. Loch explained that the proposed thirty foot height limitation for townhouse development was consistent with single family residence development. He illustrated a reverse corner lot and its affects on the setback requirements.

Mayor Thomasson declared the public hearing closed. He read the title of the ordinance into the record.

MOTION was made by Councilmember Sheckler and seconded by Mayor Pro Tem Brazil to schedule Draft Ordinance No. 97-068 to a second reading at the September 4, 1997 meeting.

MOTION was made by Mayor Thomasson, seconded by Councilmember Roberts, and passed unanimously to repeal DMMC 18.10.090 as well.

MOTION was made by Mayor Thomasson, seconded by Councilmember Sheckler, and passed unanimously to change Page 15(7) to "Garage door and wall area shall not constitute more than 40 percent of any wall area on a single townhouse dwelling."

MOTION was made by Mayor Thomasson and seconded by Councilmember Towe to change Section 9 (8a) from 25 feet to 30 feet.

VOTE ON MOTION: Motion passed, 5 - 2, with Councilmember Sherman and Roberts opposed.

Council concurred to designate the September 4, 1997 Council meeting as a regular meeting rather than a study session.

VOTE ON AMENDED MAIN MOTION: Motion passed unanimously.

OLD BUSINESS

Continued Discussion - Draft Ordinance No. 97-155 Telecommunications

City Attorney McLean informed Council that the Planning Agency had reviewed and recommended approval of Draft Ordinance No. 97-155. He felt that the proposed ordinance allowed flexibility and creativity. He stated that the legislative body would set the standards while staff would apply the standards. Mr. McLean noted that the telecommunications moratorium was set to expire November 11, 1997.

Councilmember Roberts suggested that Section 20.07.006(h) be rewritten to clarify its meaning.

City Attorney McLean confirmed that the proposed ordinance addressed rights-of-way effected by telecommunication placements.

Councilmember Towe asked staff to research whether the City can require the franchisee to bear the cost of the franchise fee or spread it over its entire customer base.

City Manager Olander explained that the franchise fee covers the cost of rights-of-way use.

Upon questioning, City Attorney McLean clarified the fee requirements of the draft ordinance. He noted that the intent of the ordinance was not to influence rates. Mr. McLean stated that 20.07.006(a) referred to city owned property rather than utility owned land.

Councilmember Towe asked staff to research whether the City had the right to negotiate rates as provided for in the garbage franchise.

City Attorney McLean stated that he would research the matter.

MOTION was made by Councilmember Roberts, seconded by Councilmember Towe, and passed unanimously to conduct a telecommunication public hearing on September 11, 1997.

NEXT MEETING DATE - Regular Meeting, September 4, 1997

ADJOURNMENT

The meeting adjourned at 10:23 p.m.

Respectfully submitted,

Angela M. Chaufty, Deputy City Clerk