REGULAR MEETING OF THE DES MOINES CITY COUNCIL

MINUTES September 11, 1997

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

Pledge of Allegiance to the Flag was led by Councilmember Roberts.

"God Bless America" was sung by 10 year old Deanna Breiwick.

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, Planning Manager Corbitt Loch, Assistant Planner Ron Pike, Building Official Mary Kate Gaviglio, Finance Director Hathaway and City Clerk Denis Staab.

BOARD & COMMITTEE REPORTS

Senior Services Advisory Committee

Mayor Pro Tem Brazil informed Council that he attended a meeting of the Senior Services Advisory Committee earlier this evening. He reported that they discussed the upcoming Senior Summit which will be held Saturday, October 4th from 8 a.m. to Noon at Highline Community College, Building 2. He advised that the topics of discussion will include affordable housing, health and wellness, transportation, services for the homebound and unmet program and facility needs. He concluded by stating the Advisory Committee is also working on their 1998 draft budget that they will be forwarding to the City Manager shortly.

Transportation Issues

Councilmember Sherman reported that development of the 6 Year Network Transportation Plan for Metro is nearing the final stages. He informed everyone that a workshop for this area will be held Thursday, September 25th from 6:30 p.m. to 8:30 p.m. at the Student Center at Highline Community College. He stressed the importance of attending to express citizen views on increased frequency of Metro services, more east-west service, and new neighborhood connections, among other items of interest. He stated that he hopes that the Woodmont Redondo area can be included in the Metro van routes as that area currently has no direct service. He concluded by noting that public comment will also be taken later on the final draft proposed plan.

Chamber of Commerce

Councilmember Wasson informed Council that the Chamber of Commerce has withdrawn sponsorship of the upcoming Council candidate forum, however the local newspaper has come forward to help organize the event. He stated that this candidate forum is an important event to inform citizens on candidates stands. He noted that the forum is scheduled for October 15th and it is requested that Administration make the City Council Chambers available for this purpose.

City Manager Olander agreed with Councilmember Wasson that this is an important event and should be televised on Channel 28. However, he has denied the request for use of the Council Chambers in order for the City to remain neutral. He noted that other facilities have been made available such as the Des Moines Field House, the Senior Center and he also suggested a couple of the retirement homes in the City.

CONSENT CALENDAR was read by City Clerk Staab.

1. Motion is to approve the minutes of September 4, 1997.

2~~1~~. 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 #57328 ~~-~~through #57958~~-~~ in the total amount of $983,864.88
Payroll fund transfers in the total amount of $418,471.49

3. Motion is to authorize staff to advertise for bids for the 31st Avenue South/South 219th Street Block Grant Project.

~~2. Motion is to award the Contract for supplying and installing new gate security system at the Marina to in the amount of $ and authorize the City Manager to sign said contract substantially in the form as attached.~~

~~3. Motion is to ward the contract for Professional services to as consultant for the marina Master Plan process and to authorize the City Manager to sign said contract substantially in the form as attached.~~

~~4. Draft Resolution No. 97-___ - Title: (Set public hearing for Street Vacation, 11th Ave. So. between S. 251st & S. 252nd, for October 23, 1997.~~

~~35. Motion to approve purchase & sale agreement (Loren)~~

~~6. motion to go to bid for 31st/219th sidewalk 1997 Block Grant Project (Keith)~~

MOTION was made by Mayor Pro Tem Brazil, seconded by Councilmember Sherman and passed unanimously, to approve the Consent Calendar as read.

ADMINISTRATION REPORTS

Briefing: King Conservation District Activities & 1998 Special Assessment Proposal ~~(5 Minutes)~~

City Manager Olander introduced Chris Tiffany, Board Member, and Steve Heacock, Urban Manager, of King Conservation District who proceeded to brief Council on the activities the District has participated in within the Des Moines area. The following were mentioned:

- Storm drain stenciling
- Stream enhancement - plantings, soap skimming/diversion for water quality
  Des Moines Creek, Miller Creek
- Slide assistance
- Variety of programs working with Des Moines Salmon Chapter

Mr. Heacock advised Council that the District is funded by a per-parcel assessment fee and is a natural resource assistance agency authorized by the State of Washington and guided by the Washington State Conservation Commission. The current fee is $1.25 and the Board is proposing an increase to $1.43 per parcel.

Upon questioning, it was noted that Des Moines generates approximately $9,000 from their current $1.25 per parcel assessment, and approximately $3,000 is returned for use within the City limits.

PUBLIC HEARING

Draft Ordinance No. 97-155 Telecommunications - 2nd Reading

City Attorney McLean informed Council that this latest version of the draft ordinance is available on the internet, thanks to the City's Webmaster. He advised Council that changes requested by Council at the meeting of September 4th regarding fencing and parking have been incorporated into the draft. He referenced a new section - page 39, Item B regarding co-location. He advised Council that several companies are ready to apply for permits and that staff met today to discuss department responsibilities and application forms.

City Attorney McLean read the rules for conducting the public hearing and Mayor Thomasson declared the hearing open.

Letter - Metricom

City Attorney McLean distributed a letter received from Metricom (marked as Exhibit #1), and noted he will answer questions from Council concerning the letter at the appropriate time.

Scott Stiding, Western Wireless Corporation, Issaquah, 330 120th NE #110, Bellevue, WA
Mr. Stiding praised the City for having the draft ordinance on the web for easy accessibility to download the information. He proceeded to comment on the following items:

- Page 42, item (10) - Expressed concern with the 80 foot height limit restriction as the 3rd co-locator could be no more than 50 feet and he feels this too restrictive and may not be economically viable.
- Page 44, item (L) - Noted that a fluctuation time frame should be allowed for corrections necessary before certification is required.
- Page 45, item (a) - More flexibility needed as language is too tight on an exact description. He would rather see it provide guidelines for staff to make the final determination of what is an antenna.
- Page 46, item (f) - Limiting height to 2 feet is too restrictive as he already knows of a new product that is 26 inches but is much less visible than the two foot one. This is an area where he feels staff should be empowered to make a final decision.

Susie Reagan, Regional Real-estate Manager for Air Touch Cellular, 3350 161st Avenue SE, Bellevue, WA Ms. Reagan advised Council that she agrees with Mr. Stiding's comments and called Council's attention to:

- Page 38, item (5) - The height restriction of 80 feet would restrict the ability to provide coverage for an additional two carriers because of topographical constraints. Having to lease a larger parcel to provide for co-location is not standard policy with most carriers due to the insurance liability issues.

Steve Bennett, Government Affairs Specialist for Sprint PCS, 11000 NE 33rd Place, #200, Bellevue, WA Mr. Bennett further expanded on opposition to the 80 foot height restriction referenced by Ms. Reagan. He felt that if a carrier provides for additional space it should be an incentive rather than a requirement. He suggested this item (5) should be more flexible.

As there were no more speakers, Mayor Thomasson questioned Administration as to any misstatements of facts or additional information that needed to be brought forward.

City Attorney McLean addressed the following issues:

- Informed Council that the Planning Agency studied the issue of the 80 foot height limit with great deliberation and felt very strongly that this height limit is appropriate. He pointed out to Council that on page 38 provision (A) allows for an additional 20 feet.
- Page 44, item (L) Noted these concerns would be handled in the regulations portion to allow a start-up before server.
- Page 45 - Felt the ordinance is flexible as to definition of antenna, and would leave it as is unless there are specific aesthetic conditions. Area amount can be waived if antenna is hidden or improved.
- Points to providers for co-location is already built in to the ordinance.

Councilmember Sherman questioned whether large parabolic antennas are covered. It was noted by Mr. Stiding that this type is used in remote rural areas and they are not necessary in normal residential areas.

City Attorney McLean informed Councilmember Sherman that parabolic antennas are covered.

Upon questioning by Councilmember Roberts, regarding page 38, item (5), City Attorney McLean noted he would have to address the question of above ground versus ground level with the Public Works Director.

Upon questioning by Councilmember Towe, Mr. Stiding stated that the 50 foot height limit for co-location is generally not workable because it is usually too low and cannot reach through buildings or trees at that height. He noted it is expensive to provide for this service and is even more costly for having to provide for the 2nd and 3rd co-locations, especially if the 3rd location cannot be used.

Upon questioning by Council, City Attorney McLean noted that the ordinance does not provide for future changes in technology, but is designed with specific purposes in mind. He noted that these issues would be addressed as needed.

9:10 p.m. Mayor Thomasson declared a 10 minute break.

City Attorney McLean addressed the letter from Metricom, informing Council that Metricom does not have any permit with the City and is in direct violation of the moratorium that is in effect.

After further Council discussion, and as there were no further speakers, Mayor Thomasson declared the Public Hearing closed. It was determined that the discussion will continue at the Council meeting of October 2, 1997.

OLD BUSINESS

Service Contract with King County for Surface Water Management Billing

Finance Director Hathaway noted that at the July 10, 1997 meeting, Council directed the City Manager to enter into negotiations with King County to provide Surface Water Management billing service for the City. He noted that included in Council's packet for review is a draft interlocal agreement provided by King County for SWM billing and revenue collection services. He informed council that the cost for this service is lower than first anticipated. However, the City of Des Moines will be responsible for collection of delinquent accounts, but the senior citizen discount will be continued. In conclusion he noted that the Finance Department is recommending approval of the draft interlocal.

Mayor Thomasson pointed out that since any changes in billing charges must be in to the County 60 days before they will implement them, Council will need to address SWM changes as a separate budget issue in the future, as new charges would have to be to the County by October 31st.

City Manager Olander stated that Council could look at multi-year projections and plan further ahead.

MOTION was made by Councilmember Towe, seconded by Councilmember Sheckler, to approve the Interlocal Agreement with King County for Surface Water Management billing and revenue collection services and to authorize the City Manager to sign said agreement substantially in the form as attached.

Councilmember Wasson voiced opposition to the motion. He feels it is important that each property owner in Des Moines be aware of what the City is billing them and feels this tax would be hidden on people's property tax statement.

Councilmember Sherman spoke in favor of the motion as he feels this is a more cost efficient method for the City. However, he wants to see this savings passed on to the property owner, at the very least there should be no increase in SWM charges for awhile.

Councilmember Roberts noted that he is in agreement with Councilmember Wasson.

VOTE ON MOTION: Motion passed 4 to 3 with Councilmembers Roberts and Wasson, and Mayor Thomasson voting NO.

NEW BUSINESS

Briefing: Hazardous Materials in the Business Park (BP) Zone

Planning Manager Loch reminded Council that this issue arose during Council review of the Des Moines Creek Technology Campus last year. He reviewed the following suggestions to Council on a proposed method for addressing Council's concerns regarding hazardous materials use in the B-P zone.

1. Require an Unclassified Use Permit for all uses with hazardous materials.
2. Adopt comprehensive regulations identifying use and containing specific regulations.
3. Use thresholds contained within the Uniform Building Code for determining which uses will require an Unclassified Use Permit, and which will be allowed out-right.

Assistant Planner Pike detailed the history of the Business Park zone and the need to establish regulations regarding hazardous materials.

Planning Manager Loch informed Council that staff recommends using the thresholds contained within the Uniform Building for determining which uses will require an Unclassified Use Permit. He requested direction from Council.

Building Official Gaviglio informed Council that having these regulations in place will make it clear to potential applicants exactly what the requirements are.

MOTION was made by Councilmember Sherman, seconded by Mayor Pro Tem Brazil that the Community Development Department be directed to prepare the proposed B-P zone code amendment as recommended by staff and hold a public hearing on October 23, 1997. Motion passed unanimously.

Council Candidate Forum

MOTION was made by Councilmember Wasson, seconded by Councilmember Towe, that administration be directed to make the City Council chambers available for a candidates forum on October 15, 1997.

Councilmember Wasson noted that four years ago the Chamber was used for a candidates forum and he was not aware of any adverse impacts to the City. He further stated that the Chamber has a good sound system.

10:30 p.m. **MOTION** was made by Councilmember Wasson, seconded by Councilmember Towe to continue the meeting another 2 minutes. Motion passed six to one with Mayor Pro Tem Brazil voting NO.

VOTE ON MOTION: Motion passed 4 to 3 with Mayor Thomasson voting NO and Councilmembers Sherman and Roberts abstaining.

~~2. Draft Resolution No. 97 – Facilities Replacement Fund – Establishing Policies~~

~~*SUMMARY*:~~

~~1. Service Contract with King County for Surface Water Management Billing~~

~~*SUMMARY*:~~

~~4. 1998 Revenue Projections~~

~~SUMMARY~~~~:~~

NEXT MEETING DATE

Suburban Cities Dinner Cruise in Des Moines, September 17, 1997

Regular Meeting, September 25, 1997

ADJOURNMENT

The meeting was adjourned at 10:32 p.m.

Respectfully submitted,

Denis Staab

City Clerk