REGULAR MEETING OF THE DES MOINES CITY COUNCIL

MINUTES September 25, 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 Towe.

ROLL CALL - Present: Mayor Scott Thomasson, Councilmembers Bruce Roberts, Bob Sheckler, Dan Sherman, Gary Towe and Don Wasson. Absent: Mayor Pro Tem Terry Brazil (ACC Town Meeting). Also present were City Manager Bob Olander, Assistant City Manager Tony Piasecki, City Attorney Gary McLean, Finance Director Jim Hathaway, Senior Planner Robert Ruth, and Deputy City Clerk Angela Chaufty.

MOTION was made by Councilmember Sheckler, seconded by Councilmember Wasson, and passed unanimously to excuse Mayor Pro Tem Brazil from attendance.

COMMENTS FROM THE PUBLIC

Marilyn Peterson, 24810 20th Avenue South, Kent

On behalf of her neighbors, Ms. Peterson presented Council with a petition requesting that the City of Des Moines follow through on their traffic study and asking the Council to take measures to discourage speeding motorists in their neighborhood. She asked Council to take immediate action by approving traffic control devices for the area.

City Manager Olander noted that the Public Safety and Transportation Committee would review various traffic control methods and area prioritization at their next meeting. He stated that neighborhood speeding is a citywide concern.

Charles Martin, 24816 20th Avenue South, Kent

Mr. Martin urged Council to consider the above mentioned petition and take the appropriate action. He noted that he had witnessed excessive speeding on the roadway.

Ron Cree, 24507 13th Avenue South

Mr. Cree requested that the floating dock at the Marina be left in place until the end of October as the silvers are currently running. He noted that the dock is usually removed during the first week of October.

City Manager Olander stated that he would discuss the matter with the Harbormaster.

Laura Wells, 3706 NE 42nd Street, Seattle

On behalf of Child Care Resources, Ms. Wells expressed appreciation for the support given to the children in Des Moines as well as to Child Care Resources. After distributing a brochure, Ms. Wells noted that the “Work First” program has created an increase in demand for Child Care Resource’s services. She stated that inquiries from Des Moines’ residents have increased 33% over last year’s requests. She felt that support for all human service agencies was very important to the community. The website address for Child Care Resources is Childcare.org.

Councilmember Towe noted that affordable child care was identified as a priority in the Human Services Plan. He stated that Child Care Resource, a pilot program developed by the Human Services Roundtable, has aided in meeting this need.

BOARD & COMMITTEE REPORTS

Human Services Committee

Councilmember Towe reported that the Human Services Committee has initiated review of the grant applications.

Campaign Signs In Rights-of-way

Referencing a Municipal Research newsletter, Councilmember Wasson felt that political signs must be allowed in the rights-of-way if similar signs are permitted in the area.

MOTION was made by Councilmember Wasson to direct administration to not enforce the sign code with regard to political signs until the issue is resolved.

City Manager Olander informed Council that the City Attorney has been asked to prepare a legal opinion on the matter. He noted that counties and cities may regulate the placement of signs and objects on rights-of-way and public property for the purpose of protecting public health, safety, and welfare. He felt that he was obligated to enforce the sign code until it was repealed or amended by Council.

City Attorney McLean cautioned Council regarding selective sign removal.

Motion died for lack of a second.

PRESIDING OFFICER'S REPORT

Presentation of Service Award

Mayor Thomasson noted that City Manager Olander had been presented with an award for 25 Years of Public Service by the International City County Management Association as well as a Distinguished Service Award by the Washington Cities County Management Association.

Suburban Cities Association

Mayor Thomasson announced that Des Moines had hosted the Suburban Cities Association meeting last week.

CONSENT CALENDAR was read by Deputy City Clerk Chaufty.

1. Motion is to approve the minutes of September 11, 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 #57959 through #58133 in the total amount of $555,266.40

Payroll fund transfers in the total amount of $200,096.78

3. Motion is to accept Oakbrook Homes' offer to purchase the City property located on the north side of South 222nd Street and 13th Avenue South for $140,000.00 and further to authorize the City Manager to sign the Purchase and Sale Agreement and other legal instruments required to effectuate such sale.

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

PUBLIC HEARING

Draft Ordinance No. 97-195 ***[Assigned Ord. No. 1198]*** Jess & Joyce Coil, Rezone from RS 7200 (Single Family) to RA 3600 (Common Wall Single Family) Located at: 1218 South 216th Street

Senior Planner Ruth explained that the proposed rezone request, if adopted, would change the zoning for the property from RS-7200 to RA-3600. He displayed maps of the site and its surrounding properties' zoning. He noted that the property was designated Common Wall/Single Family in the Greater Des Moines Comprehensive Plan. Mr. Ruth reminded Council that the hearing was strictly a zoning issue. In closing, he noted that Administration and the Planning Agency recommend approval of the rezone request as RA-3600 zoning is consistent with Common Wall/Single Family land use in the Comprehensive Plan.

City Attorney McLean read the rules for conducting a public hearing. He noted that the hearing qualified as a quasi-judicial matter and determined that all Councilmembers were eligible to participate in the hearing. City Attorney McLean swore in all potential speakers.

PROPONENTS - None.

OPPONENTS

John Peterson, 3507 South 269th Street, Kent
Speaking as a concerned citizen, Mr. Peterson noted that the Planning Agency meeting material contained a letter from Jess Coil requesting that his house be removed from the Historical Listing. Mr. Peterson asked for an explanation of the design review process.

Edith MacAdoo, 21405 13th Avenue South
Ms. MacAdoo noted that she appreciates the small town character of Des Moines. She expressed concern that the area would become more transient if the area were rezoned. She felt that traffic had increased in the area and had changed the environment for the worse.

Jess Coil, 1145 South 216th, #E101
Mr. Coil stated that the number of buildings and cars in the area had increased since 1943.

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

Senior Planner Ruth briefly described the possible design and subdivision review procedures for townhouse development on the property. He noted that the anticipated increased traffic on South 216th Street was negligible compared to what the street could handle.

Mayor Thomasson closed the public hearing.

MOTION was made by Councilmember Sheckler, seconded by Councilmember Towe, and passed unanimously to suspend Rule 26(b) to allow adoption of Draft Ordinance No. 97-195 on the first reading.

MOTION was made by Councilmember Sheckler and Councilmember Towe to adopt Draft Ordinance No. 97-195 approving a rezone for a 1.27 acre property from RS-7200 to RA-3600 and the findings of fact dated September 8, 1997; Administration File No. PP 96-024, Applicant: Jess and Joyce Coil.

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

MOTION was made by Councilmember Sherman and seconded by Councilmember Wasson to remove Item No. 6 from the Findings of Fact.

Senior Planner Ruth suggested that Item No. 6 be revised to reflect that Council has taken action rather than delete the finding.

Councilmember Sherman and Councilmember Wasson accepted this comment as a **friendly amendment** to their motion.

VOTE ON MOTION: Motion passed unanimously.

MOTION was made by Mayor Thomasson and seconded by Councilmember Sherman to amend Item No. 4 of the Findings of Fact to reflect the zoning name change and Item No. 12 of the Findings of Fact to reflect the final action of Council.

Senior Planner Ruth noted that Item No. 4 accurately reflected the zoning requested.

Mayor Thomasson and Councilmember Sherman agreed to **revise their motion** to refer to Item No. 12 only.

VOTE ON MOTION: Motion passed unanimously.

Mayor Thomasson noted that the file number in the main motion should be RZ 96-024 rather than PP 96-024.

Councilmembers Sheckler and Towe accepted this change as a **friendly amendment** to their main motion.

VOTE ON AMENDED MAIN MOTION: Motion passed unanimously.

OLD BUSINESS

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

Mayor Thomasson introduced the subject.

City Attorney McLean asked Council for direction concerning the following issues:

1. Height concerns;
2. Requirement to lease space sufficient for collocation;
3. Most favored community requirement; and
4. Construction permit fee.

Upon questioning, City Attorney McLean confirmed that Council could tie the tower height to collocation.

Mayor Thomasson suggested that the ordinance also include language addressing the size of the base unit.

After discussing the issue, Council requested that staff provide pictures of varying tower heights before they make their decision.

In regard to the requirement to lease space sufficient for collocation, Council concurred to continue with the current language as collocation is encouraged.

In regard to the most favored community requirement, Council concurred to retain existing or similar language.

In regard to the construction permit fee, Mayor Thomasson preferred that the rights-of-way information be placed in the rights-of-way code. He felt the current language in the draft ordinance was confusing.

City Attorney McLean noted that the Engineering Department had been involved in the development of the section's language.

Councilmembers Roberts and Sheckler felt that the current language was adequate.

Councilmember Sherman suggested that the Public Works Director be contacted to determine whether he has any concerns with the language.

Council concurred to allow administration to determine whether a civil infraction, misdemeanor, or gross misdemeanor infraction was appropriate based upon the circumstances of the situation.

City Attorney McLean confirmed that Section 20.04.015 of the draft ordinance should grant the authority to renew franchise agreements to the Council.

City Manager Olander confirmed that the Public Works Director would be consulted concerning the rights-of-way issue.

NEW BUSINESS

Facilities Replacement Fund - Establishing Policies

Finance Director Hathaway noted that the Facility Repair and Replacement Fund was established to be used for the eventual replacement or repair of major mechanical systems of city owned buildings. He reviewed the following proposed policies:

1. General Use of Fund - Emergency or scheduled overhaul of major building systems.
2. Funding - Formula based upon square footage of each occupied building and its type of use.
3. Priorities and Authorization - Subject to Council review and approval.
4. Identified Structures - Reference Appendix A in Council's packet. Marina facilities would not be included in the Fund.
5. Maximum Ceiling - Based upon percentage of estimated replacement cost.

Finance Director Hathaway confirmed that a formal assessment of the mechanical systems' condition and a financial analysis had not been performed. He noted that the fund was intended to provide an accumulation of funds to offer options during emergency situations. Based upon the proposed formula, he estimated the placement of $50,000 per year into the fund.

City Manager Olander likened the fund to the Equipment Replacement Fund.

City Manager Olander stated that he would obtain an estimate for acquiring accurate figures.

NEXT MEETING DATE - Study Session October 2, 1997

ADJOURNMENT

The meeting adjourned at 9:42 p.m.

Respectfully submitted,

Angela M. Chaufty
Deputy City Clerk