

PRELIMINARY
REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES

December 12, 1996

The regular meeting of the Des Moines City Council was called to order by Mayor Thomasson at 7:34 p.m. in the 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, and Gary Towe. Absent: Don Wasson (vacation). Also present were City Manager Bob Olander, City Attorney Gary McLean, Assistant City Manager Tony Piasecki, Finance Director Jim Hathaway, Community Development Director Judith Kilgore, Park and Recreation Director Patrice Thorell, Planning Manager Corbitt Loch, Senior Services Manager Sue Padden, Engineering Inspector David Maresh, and Deputy City Clerk Angela Chaufy.

MOTION was made by Councilmember Roberts, seconded by Councilmember Towe, and passed unanimously to excuse Councilmember Wasson from attendance.

COMMENTS FROM THE PUBLIC

Tom Nelson, Glenn's Auto Repair

Mr. Nelson noted that the owner of Sports World had expressed concern with the City of Des Moines' Amusement License costs. Therefore, he requested that Council grant a thirty day extension to the Federal Way Triangle signature gathering effort to allow time to investigate and possibly negotiate the concerns.

BOARD & COMMITTEE REPORTS

Environmental Committee

Councilmember Roberts reported that the Environmental Committee had met to review the Barnes Creek Detention Facility project.

Human Services Funding

Mayor Pro Tem Brazil noted that King County had allocated \$18,000 to Human Services programs in Des Moines. He also thanked Normandy Park for their \$10,000 donation to the Des Moines Senior Center.

Suburban Cities Association

Councilmember Sherman informed Council that the legislative agenda was discussed at the recent Suburban Cities Association meeting. Agendas will be distributed to Council. He also noted that the Association discussed the possibility of dividing into four caucuses rather than three.

Hearts and Flowers Fund

Councilmember Sherman requested that a donation from the Hearts and Flowers Fund be sent in memory of Melanie Draper, City Historian and Des Moines Museum Curator, and Marilyn Jordan, mother of State Representative Julia Patterson.

PRESIDING OFFICER'S REPORT

National League of Cities Conference

Mayor Thomasson noted that he and three Councilmembers had attended the National League of Cities Conference in San Antonio, TX. They attended several sessions aimed at improving their skills and effectiveness.

ADMINISTRATION REPORTS

Briefing: Human Services Plan

Park and Recreation Director Thorell introduced Senior Services Manager Padden and Human Services Consultant Wendy Morgan.

Ms. Morgan reported that she had surveyed 209 people and 30 "key" individuals during the information gathering process. She defined Human Services as those resources available to the Des Moines Community which make it possible for citizens to live with dignity and purpose. The resources include food, shelter, clothing, personal safety services, prevention, information, and referral. Her study identified the following human services' priorities:

1. Services which meet basic and emergency needs;
2. Programs which promote healthy, violence-free families, and self-dependence; and
3. Programs which maintain and enhance the quality of life.

Ms. Morgan stated that a human services definition would assist the City in focusing human services programs, measuring the City's commitment and results, and establishing the roles and responsibilities of human services agencies. She felt that future welfare reform measures would affect human services programs. She summarized her recommendations as follows:

1. Participate in year-round community-based human services efforts;
2. Continue the Human Services Advisory Committee;
3. Establish an annual 1% general fund target for human services;
4. Provide funding for a full-time Human Services Coordinator;
5. Improve accessibility of human services to Des Moines' residents; and
6. Participate in the regional planning bodies that address human service issues.

In closing, Ms. Morgan stated that the second draft of the Human Services Plan would be distributed to Council in January.

Councilmember Towe thanked Ms. Morgan, city staff, and the Human Services Committee for their efforts. He introduced Human Services Committee members Jean Hueston, Karen Hendrickson, and Pat Holgan. He noted that the committee's recommendations tended to be more specific than Ms. Morgan's findings. Councilmember Towe requested that Council formalize the role of the Human Services Committee and broaden its scope to include policy guidance and recommendations to Council.

Council briefly discussed the roles of the Human Services Committee and the Senior Services Committee. Council concurred that the Human Services Committee should present a written recommendation proposing its broadened role at the January 9, 1997 Council meeting.

Sports Park Bond Issue Community Meeting

Park and Recreation Director Thorell informed Council that representatives of the local senior community, soccer and softball/baseball associations voiced support for the Sports Park Bond Issue. Interest in an indoor recreational facility was also expressed.

CONSENT CALENDAR was read by Deputy City Clerk Chaufy.

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 #53961 through #54257 in the total amount of \$607,835.55

Payroll fund transfers in the total amount of \$353,211.97

2. Motion is to authorize the City Manager to approve all vouchers for payment of the following claims during the period of December 13, 1996 through December 26, 1996:

- 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 December 12, 1996.

3. Draft Ordinance No. 96-158 [Assigned Ord. No. 1176] - Title: An Ordinance of the City of Des Moines, Washington adopting the 1996 amendments to the Greater Des Moines Comprehensive Plan.

TWO MOTIONS: First motion is to suspend Council Rule 26(b). Second motion is to approve Draft Ordinance No. 96-158.

4. Draft Resolution No. 96-230 [Assigned Res. No. 821] - Title: A Resolution of the City Council of the City of Des Moines, Washington, relating to long range planning for the Des Moines park and recreation department and adopting the Park and Recreation Master Plan.

MOTION is to approve Draft Resolution No. 96-230.

5. Motion is that a public hearing be scheduled for January 23, 1997 regarding Draft Ordinance No. 96-219 regarding development regulations for undersized single family residential lots, and legalization of certain nonconforming residential structures.

6. Motion is to approve the Interlocal Agreement between King County and the City of Des Moines Relating to the Ownership, Funding, Operation and Maintenance of Parks, Open Space, Recreation Facilities, and Programs, and to authorize the City Manager to sign such Agreement substantially in the form as attached.

7. Motion is to approve Mayor Thomasson's reappointment of Fred Frey, Alayne Salzer and Bruce Young to new four year terms beginning January 1, 1997, and to appoint Sven Kalve to a vacant position expiring December 31, 1998 on the Des Moines Planning Agency.

8. Draft Ordinance No. 96-238 [Assigned Ord. No. 1177] - Title: An Ordinance of the City of Des Moines, Washington relating to the traffic code, amending DMMC 10.20.010, related to speed limits on city streets.

TWO MOTIONS: First motion is to suspend Council Rule 26(b). Second motion is to approve Draft Ordinance No. 96-238.

9. Draft Ordinance No. 96-226 [Assigned Ord. No. 1178] - Title: An Ordinance of the City Council of the City of Des Moines, Washington, adopting the 1997 employee pay schedule, and amending DMMC 2.12.020 to implement such schedule.

TWO MOTIONS: First motion is to suspend Council Rule 26(b). Second motion is to approve Draft Ordinance No. 96-226.

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

City Attorney McLean announced that Councilmember Sheckler would refrain from voting on Item No. 9.

VOTE ON MOTION: Motion passed unanimously.

PUBLIC HEARING

Draft Ordinance No. 96-154 [Assigned Ord. No. 1179] Adoption of City Zoning for the Woodmont/Redondo Annexation Area - 1st Reading

City Attorney McLean introduced the subject and read the rules for conducting a public hearing. He noted that this was the second public hearing for the issue.

Planning Manager Loch displayed a map of the proposed zoning for the Woodmont/Redondo annexation area and briefly described the background of the proposed ordinance. He noted that developmental setback requirements would be discussed at a later public hearing.

Mayor Thomasson called for speakers. None responded.

Mayor Thomasson closed the public hearing.

MOTION was made by Councilmember Roberts, seconded by Councilmember Sherman, and passed unanimously to suspend Council rule 26(b) in order to enact draft Ordinance No. 96-154 on the first reading.

MOTION was made by Councilmember Roberts and seconded by Councilmember Sherman to enact draft Ordinance No. 96-154.

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

MOTION was made by Councilmember Towe to amend the proposed ordinance to adopt existing setback and dimension requirements for the Woodmont/Redondo annexation area. Motion died for lack of a second.

Upon questioning, Planning Manager Loch explained the public hearing notice procedure for draft Ordinance No. 96-219.

VOTE ON MOTION: Motion passed unanimously.

Draft Res. 96-240 [Assigned Res. 823] Moratorium on Permitting of Telecommunications Facilities - File #424-96

City Attorney McLean noted that the rules for the previous hearing would apply to this hearing as well. He explained the zoning moratorium process and explained Council's options.

Community Development Director Kilgore displayed and proposed a Telecommunications Act work program. She recommended the appointment of the Planning Agency as the lead on the implementation of the work program. Ms. Kilgore noted that the current Comprehensive Plan does not address this issue.

Engineering Inspector Maresh recommended adopting an extension on the moratorium established by Ordinance 1171. The extension would allow staff time to evaluate the affect of increased congestion and construction costs in the rights-of-way, to determine current capacities of existing facilities, to review existing franchise agreements for adequate protection of the city's interests, and to determine additional costs to regulate, manage and process street cut permits and inspections. Mr. Maresh stressed the importance of coordinating the installation and placements of telecommunication facilities and regulating abandoned facilities.

Finance Director Hathaway encouraged Council to adopt an extension on the moratorium to allow identification of the impact upon the city's revenue base and development of a fee schedule for new telecommunication services.

SPEAKERS

David Peterson, 20928 4th Place South

As the chairman of the Planning Agency, Mr. Peterson asked Council to continue the moratorium on telecommunications. He felt that the existing Comprehensive Plan did not address the competitive environment created by the Telecommunications Act of 1996 nor the City's role as regulator, facilitator, or service provider of telecommunications. Mr. Peterson stated that it was important to the City's long term economic health to study the issue.

Karen Kirkpatrick

Ms. Kirkpatrick, a Right-of-way Representative with Metrocom spoke against extension of the telecommunications moratorium. While recognizing staff's concerns, she stated that Metrocom's product did not interfere with the mentioned issues. She noted that her company had submitted an application and had proposed a franchise agreement which addresses the concerns of the Public Works department. In closing, she asked Council to move quickly as her company is ready to proceed.

Mayor Thomasson called for additional speakers. None responded.

City Attorney McLean encouraged Council to increase their knowledge of the telecommunication subject by attending the Planning Agency study sessions.

Mayor Pro Tem Brazil suggested that the issue be covered in a workshop/study session format.

Councilmember Sherman express concern with the potential for interference problems and cable and video broadcasting. He questioned whether the City had authority to set waiting period requirements.

Mayor Thomasson closed the public hearing.

MOTION was made by Councilmember Sheckler and seconded by Mayor Pro Tem Brazil to approve the work program and appoint the Planning Agency as lead on the implementation of the work program and creation of the Model Telecommunication Ordinance.

Staff confirmed that the work program would fall within the six month time limit.

Councilmember Towe suggested scheduling fewer meetings but longer sessions to discuss the issue.

VOTE ON MOTION: Motion passed unanimously.

City Attorney McLean distributed proposed findings of facts.

At 9:28 p.m., Mayor Thomasson declared a ten minute break.

Mayor Thomasson read the title of the proposed resolution into the record.

MOTION was made by Councilmember Roberts, seconded by Councilmember Sheckler, and passed unanimously to adopt draft Resolution No. 96-240.

OLD BUSINESS

Interlocal Agreement With Federal Way Regarding Potential Annexation Areas

City Manager Olander introduced the subject and noted that the thirty day time limit would expire December 14, 1996.

In regard to the letter submitted by Sports World concerning Amusement License fees, Councilmember Towe stated that he could support extending the deadline but was hesitant to study Amusement License fees just for annexation purposes.

Council concurred that Amusement License fees should not be reviewed at this time due to priority and time constraints.

MOTION was made by Mayor Pro Tem Brazil and seconded by Councilmember Sheckler to adopt the interlocal agreement between the cities of Federal Way and Des Moines relating to potential annexation area designation and authorize the City Manager to sign this agreement, unless valid signatures of owners of 60% or more of the assessed valuation of the proposed annexation area are received by the City of Des Moines on or prior to December 14, 1996.

City Manager Olander requested that the deadline for accepting the signatures be changed to December 16th, 1996, as December 14th is a Saturday.

The maker and seconder of the motion accepted this request as a **friendly amendment**.

Councilmember Towe asked staff to contact Sports World to determine whether they had concerns other than the amusement license fees.

VOTE ON MOTION: Motion passed, 4 - 2, with Mayor Thomasson and Councilmember Towe opposed.

Draft Ordinance No. 96-224 [Assigned Ord. No. 1180] Adoption of 1997 Budget

Finance Director Hathaway highlighted the revisions to the proposed 1997 budget as previously recommended by Council.

MOTION was made by Mayor Pro Tem Brazil, seconded by Councilmember Sherman, and passed unanimously to suspend Council rule 26(b) in order to enact draft Ordinance 96-224.

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

MOTION was made by Mayor Pro Tem Brazil and seconded by Councilmember Sherman to adopt draft Ordinance No. 96-224.

MOTION was made by Councilmember Sherman and seconded by Councilmember Sheckler to redirect \$2,000 from the General Fund to the Cultural Fund for the Southwest Symphony Orchestra. Motion failed, 3-3, with Mayor Thomasson and Councilmembers Roberts and Towe opposed.

Councilmember Towe confirmed that the Food Bank had received specific grants for property acquisition and equipment purchase. He expressed concern with the purchase of 4-wheel drive vehicles for the police sergeants, the domestic violence grant motor home, and other items not geared toward Council priorities. He felt that these projects were worthwhile but questioned the cumulative effect upon Des Moines' residents and their taxes.

VOTE ON MOTION: Motion passed, 5 - 1, with Councilmember Towe opposed.

NEW BUSINESS

Draft Resolution No. 96-235 [Assigned Res. No. 822] Amending Deferred Compensation Plan

Finance Director Hathaway informed Council that the Internal Revenue Service has adopted new guidelines related to deferred compensation plans. He summarized the following requirements of the guidelines:

1. The Plan is available to all employees;
2. The assets are held in trust for the employees for their exclusive benefit;
3. The City can offer loans from the 457 fund;
4. The annual contribution cap will be indexed to the CPI and will move up in \$500 increments.
5. Participants are allowed a one time, one year postponement of payment election; and
6. Participants are allowed a one time small distribution while remaining funds stay in the fund.

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

MOTION was made by Councilmember Sheckler, seconded by Mayor Pro Tem Brazil and passed unanimously to adopt draft Resolution No. 96-235.

Year in Review

City Manager noted the following 1996 accomplishments of City Council and staff:

- Woodmont/Redondo Annexation;
- Park and Recreation Master Plan Adoption;
- Capital Improvement Plan Adoption;
- Resolution of Change in Government Issue;
- Award of Bid and Construction of New Police Station;
- Construction of Skateboard Park;
- Marina Master Plan Adoption;
- CTI Project Work;
- Comp Plan Update;
- Adoption of Comp Plan Zoning for Woodmont/Redondo Area;
- Transfer of Parks Interlocal Agreement with King County;
- Adoption of Regulatory Reform Ordinance;
- Airport Expansion Fight; and
- Capital Improvement Projects.

He noted that Council has dealt professionally with several difficult issues and thanked them for their efforts.

NEXT MEETING DATE - Regular meeting January 9, 1997

ADJOURNMENT

The meeting adjourned at 10:29 p.m.

Respectfully submitted,

Angela M. Chaufty
Deputy City Clerk