

REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES

January 7, 1999

At 7:30 p.m. City Attorney McLean announced that the City Council will continue in an Executive Session for approximately another 5 minutes.

The regular study session of the Des Moines City Council was called to order at 7:38 p.m. by Mayor Thomasson in the City Council Chambers, 21630 11th Avenue South.

ROLL CALL - Present: Mayor Scott Thomasson, Mayor Pro Tem Terry Brazil, Councilmembers Dave Kaplan, Bob Sheckler, Dan Sherman, Terry Brazil and Don Wasson. Also present were City Manager Bob Olander, Assistant City Manager Tony Piasecki, City Attorney Gray McLean, Community Development Director Judith Kilgore, Planning Manager Corbitt Loch, Planner Gloria Gould-Wessen and City Clerk Denis Staab.

Agenda Revisions

Mayor Thomasson announced that Discussion Items #3 (Draft Resolution - 1999 Employee Salaries) and #4 (Planning Agency Vacancy) have been removed from the Agenda.

He further advised that two items will be added. 1) Appointment as ACC Representative and, 2) Briefing on SR 509 South Access.

DISCUSSION ITEMS

City's 1999 Airport Communities Coalition Representative

MOTION was made by Mayor Thomasson, seconded by Mayor Pro Tem Brazil and passed unanimously, to reappointment Councilmember Bob Sheckler as the City's representative to the Airport Communities Coalition for 1999.

Zoning Map Amendments

Community Development Director Kilgore advised Council that the Council Committee consisting of Councilmembers Wasson and Towe, and Mayor Thomasson held seven meetings working on the zoning map amendments that are being presented to Council this evening. She noted this involved a lot of hard work and some tough decisions. She reminded Council that since the zoning map was adopted in 1964, it never has truly been updated. She noted some of the areas Council will need to review are technical questions regarding zoning designations, areas that are Comprehensive Plan related and various issues that were raised by the sub-committee during their review. In conclusion, Ms. Kilgore noted this notebook and related map is a working document that is always evolving. She thanked her staff, Corbitt Loch, Gloria Gould-Wessen and Doris Sawin for their hard work on a very complex project.

Planning Manager Loch proceeded to review the zoning code notebook for Council. He advised that there are 232 parcels represented for proposed zoning changes. Each parcel is listed with details noted such as current zone, proposed zone, site map, existing use. Further details include a picture, Council Committee recommendation and related documentation. He informed Council that public notices will be going out tomorrow with early notice being provided to allow staff to meet with concerned property owners prior to the public hearings. He concluded by noting that

Council will hold a public hearing on February 11th on the single family properties and a public hearing on February 25th on multifamily and commercial properties.

City Manager Olander suggested that Council should hold both hearings and take all public testimony and debate the issues at a later meeting.

Councilmember Wasson, Chairman of the Council's Zoning Map Committee, informed Council that the Committee spent more than 20 hours during seven meetings examining all the proposed changes. He also noted that the zoning code itself needs to be updated. He advised that the proposed map is easier to read and use and the Committee fully recommends adoption.

City Attorney McLean reminded Council that if they are contacted by citizens individually, Councilmembers should request written documentation so it can be shared by all of Council. He advised that all phone calls and correspondence must be shared to avoid any conflicts of the appearance of fairness doctrine. He concluded by reassuring Council that the public notice process being used in this matter is over and above what is legally required.

Draft Ordinance No. 98-274 Regulating Mobile Vendors

City Attorney McLean informed Council that the draft ordinance has two main provisions. The first would be the regulation of itinerant mobile vendors. The second is to amend chapter 5.04 of Title 5 to aid in the enforcement of the fire and building code regulations contained in Title 14 DMMC. He advised Council that they may wish to determine if some or all itinerant or mobile vendors will be banned in the City.

Upon questioning by Council, City Attorney McLean noted that contractors or service providers were not included in this draft ordinance and it would be too cumbersome and too much to take on at the same time. Council concurred that this would be two separate uses and they wished to stay focused on mobile vendors at this time.

Council questioned whether this ordinance would pertain to using city sidewalks. City Attorney McLean noted that the use of City sidewalks would be handled, as it currently is, under a right-of-way use permit. This draft ordinance is mainly to cover City owned parcels such as parks and marina property.

Councilmember Wasson expressed concern that businesses would be charged for the fire and building inspections. Staff assured Council that these types of inspections are already being conducted and there is no additional fee required. The code change would simply allow the City to uniformly and lawfully require inspection of all commercial businesses.

Council questioned whether this ordinance would apply to cars parked in parking lots, especially commercial businesses, with for sale signs. City Attorney McLean noted he would have to research this.

City Attorney McLean noted that this ordinance is modeled after several other cities ordinances that have stood up to court challenges. He advised the purpose of a monthly fee would be to encourage the vendors to stay in one place.

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

Mayor Pro Tem Brazil expressed concern with mobile ice cream vendors. In particular the appearance of the vehicle, safety concerns, quality control and noise. Regarding how loud they can play their music, City Attorney McLean reminded Council that the City has a noise control ordinance that would cover this concern.

Mayor Pro Tem Brazil further noted that in regards to ice cream vendors, he would like to see some sort of uniform vehicle inspection and some sort of special registration of the drivers.

Upon questioning by Council, City Clerk Staab advised that any business that needs a health department certificate must provide a copy of that certificate prior to a City business license being issued.

Councilmember Sherman commented that he felt Section 15(1)(d), was too restrictive. He would like to see language added that states "of similar items".

Mayor Thomasson requested Council contact the City Attorney directly with further questions and or suggestions. He stated that the draft ordinance will come back to Council at a future meeting for further discussion.

SR 509 South Access Update

Councilmember Sherman informed Council that he, City Manager Olander, Public Works Director Heydon, and Gary Grant met with Port of Seattle staff members to discuss the issues regarding the completion of a limited access south entrance to the airport. He stated that the Port determined that building the ramps would be around \$20 to \$30 million and they cannot afford that and they want someone else to build the ramps. He further advised that Phase I is going to require much more money than expected. He is of the opinion that the Port is attempting to try to keep Des Moines quiet so will not oppose their efforts. He stated that Public Works Director Heydon has determined that the ramps will not be on Port land.

City Manager Olander stated that he had a more optimistic view than Councilmember Sherman. He noted that costs of the south access are lower than it was first thought. He further advised Council that Gary Grant has stated he will advocate that the Port pay for south access as part of Phase I. He noted that a meeting is scheduled with Craig Stone of Washington State Department of Transportation. Also there is an Executive Committee meeting set for next week and he and Public Works Director Heydon will attend.

Councilmember Sherman requested a position stance from Council for a joint approach. He stressed that timing is critical within the next couple of weeks or Des Moines will lose its leverage.

City Manager Olander expressed hope that the Port and WSDOT will work out an agreement in the next couple of weeks and that the South Access will be built during Phase I.

Councilmember Sherman concluded by noting that Louise Miller has taken an active role in preserving the wetlands around the airport, and strongly favors a complete connection from 509 to I-5 for keeping freight traffic out of neighborhood streets.

Business License Regulations - Building & Fire Inspections

City Attorney McLean requested Council's concurrence to create a separate ordinance to amend the business license code to aid in the enforcement of fire and building code regulations as contained in Title 14 DMMC. This would be placed on the January 14th Consent Calendar. Council concurred.

NEXT MEETING DATE

Mayor Thomasson noted the next regular meeting will be January 14, 1999.

ADJOURNMENT

The meeting was adjourned at 10:02 p.m.

Respectfully submitted,

Denis Staab
City Clerk