

REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES

February 1, 2001

The regular study session of the Des Moines City Council was called to order by Mayor Thomasson at 7:32 p.m. in the Council Chambers, 21630 11th Avenue South, Suite B.

ROLL CALL - Present: Mayor Scott Thomasson, Mayor Pro Tem Bob Sheckler, Councilmembers Terry Brazil, Dave Kaplan, Dan Sherman, Gary Towe (arrived at 7:36 p.m.) and Don Wasson. Also present were City Manager Bob Olander, City Attorney Gary McLean, Assistant City Manager Tony Piasecki, Community Development Director Judith Kilgore, Planning Manager Corbitt Loch and City Clerk Denis Staab.

ANNOUNCEMENT

Councilmember Sherman announced that City Manager Olander will have a stone sculpture exhibition at Normandy Park City Hall. He advised that this show is to honor his first place win in a judged competition this past year. He noted that the show will begin February 1st and run through February 21st, with a reception being held on February 9th from 5 p.m. to 7 p.m. He suggested everyone attend to see another side of City Manager Olander.

DUTIES OF THE PLANNING AGENCY

Community Development Director Kilgore noted that, at Council's request, she has prepared alternatives to the status quo that would enlarge the Planning Agency's responsibilities for Council's consideration. She requested Council's direction on the following proposed changes:

Quasi-judicial Land Use Decisions	Current Decisionmaker	Alternative Decisionmaker
Unclassified use permit	City Council	Planning Agency ¹
Preliminary planned unit development	City Council	Planning Agency ¹
Preliminary plat	City Council	Planning Agency
Preliminary modified subdivision	City Council	Planning Agency
Preliminary binding site plan	City Council	Planning Agency
Preliminary townhouse development	City Council	Planning Agency
Business park Master Plan	City Council	No Change
Right-of-way dedication and vacation	City Council	No Change
Final Plat, planned unit development, etc.	City Council ²	No Change

¹ This change would not be enacted until the Zoning Code is amended to clarify decision criteria.

² Decision on final plat, plan, etc. would be based upon the record of information created during the Planning Agency's public hearing on the preliminary plat, plan, etc.

Legislative Actions	Current Decisionmaker	Alternative Decisionmaker
Textual code amendments	City Council. When appropriate, draft amendments are first forwarded to the Planning Agency for review and comment.	No change
Comprehensive Plan Amendments	City Council. The Planning Agency conducts a public hearing and forwards its recommendations to the City Council.	No change

Other provisions and provisos include:

- For the next 3-5 years, Planning Agency membership would be expanded from seven to nine members. The two additional seats would be filled by Councilmembers, who would serve as voting members. This is intended to promote continuity between goals and values of the City Council and the Planning Agency.
- Two times per year, a joint meeting of the City Council and the Planning Agency would be held to foster direct communication between the two boards.

Council noted that two members of the Planning Agency were in attendance and requested their comments on the proposal.

Planning Agency Member Mark Proulx spoke in support of the proposed changes stating that they strike a balance between duties and a partnership with City Councilmembers.

Mayor Thomasson questioned whether a conflict would exist if Councilmembers voted on matters that would have an appeal of Agency decisions directly to the Council.

City Attorney McLean responded that he would have to research which matters are appealable to the Council. It was noted that Code changes could be instituted to make certain items appealable to the Hearing Examiner or Superior Court, rather than the City Council.

Dave Peterson, Chairman of the Planning Agency, informed Council that he supports the proposed changes and if it is legally permitted, would prefer that the two Councilmembers have the right to vote on issues before the Agency.

Upon questioning by Council, Community Development Director Kilgore reminded Council that in regards to Unclassified Use Permits and Preliminary Planned Unit Developments, the Des Moines Municipal Zoning Code would first have to be amended to clarify decision criteria. Until that process is complete the decisions on these matters would remain with City Council.

MOTION was made by Councilmember Towe, seconded by Mayor Pro Tem Sheckler, to direct staff to prepare a draft ordinance for Council consideration at a future meeting, to change the duties of the Planning Agency as outlined by staff, with two Councilmembers to serve as non-voting members.

Councilmember Sherman spoke in opposition to the motion. He stated that he personally wants to be directly responsible to citizens and that as small city feels the elected officials should make the tough decisions. He noted that he does appreciate the input from the Agency members on issues, but felt there may be other ways to make the Planning Agency a more effective group, without giving up Council's authority.

Mayor Pro Tem Sheckler stated there are two options - do away with the Agency, or not. He felt strongly that if the Planning Agency is to remain then they need to have proper authority to make decisions under guidelines established by the Council. He felt they have much to offer as a individual body, especially with two Councilmembers as members. He noted if this does not work, it can always be changed.

Councilmember Kaplan remarked that the Planning Agency is made up of City residents that obviously want the best for the City and community. He noted members of the Agency represent

a good balance of interests and felt with two Councilmembers on the Agency, the group would better serve the Council as a whole and the citizens of the City. He did express concern over any conflicts regarding appeals to Council.

Councilmember Wasson questioned whether the Agency had seen this proposal.

Community Development Director Kilgore informed Council that the City Clerk had mailed Council's study packet to all of the Agency members and that the Agency had an informal discussion regarding the changes at a meeting on Monday, January 29, 2001.

Planning Agency Member Proulx felt that with Councilmembers having a voting status, that it would promote a more active partnership. Upon questioning, he assured Councilmembers that the Agency would not be intimidated by the Councilmembers participation on the Agency.

Councilmember Towe voiced the opinion that delegating more authority to the Agency is not necessarily a bad idea and it would free up Council to work on other issues. He noted there are several large policy issues Council needs to address. Some examples would be how to help promote development of the Pacific Ridge Area, the Marina Master Plan, budget and financial impacts of I-695. He concluded by stating, in his opinion, the proposed changes would strengthen the link between the Council and the Planning Agency.

Councilmember Brazil stated he supports the motion, but would prefer the Councilmembers have a voting status.

Mayor Thomasson voiced agreement with Councilmember Brazil, but stated first the various appeal processes will need to be defined to avoid any conflict.

City Manager Olander stated staff will check all avenues for appeal process that are available. he noted that there are a number of items that Council has not had the time to work on such as updating the City's Zoning Code. He further advised there are major items that will be coming before Council that will require a lot of work, such as updating the Shoreline Master Plan and detailed environmental issues.

Councilmember Sherman advised that the City's codes are not a "cook-book" and that there is a lot of discretion left. He further felt that delegating Council authority in this manner would cut Council off from direct community interaction.

MOTION was made by Mayor Thomasson, seconded by Councilmember Wasson, to amend the original motion to make the Councilmembers voting members.

Councilmember Sherman stated that it would be a mistaken notion to feel that two members of the Council could possibly represent the views of the Council as a whole.

VOTE ON AMENDMENT TO MAIN MOTION: Motion passed 5 to 2 with Councilmembers Kaplan and Sherman voting NO.

VOTE ON MAIN MOTION: Motion passed 6 to 1 with Councilmember Sherman voting NO.

Mayor Thomasson announced that Council will recess in to an Executive Session for approximately 15 minutes to discuss labor relations negotiations. No formal action will be taken.

ADJOURNMENT

At 8:50 p.m. Council reconvened to open session and adjourned.

Respectfully submitted,

Denis Staab
City Clerk