

REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES

February 3, 2000

The regular study session of the Des Moines City Council was called to order by Mayor Thomasson at 7:33 p.m. in the Council Chambers, 21630 11th Avenue South.

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

DISCUSSION ITEMS

Executive Session

City Manager Olander requested that Council hold an executive session at the conclusion of tonight's regular meeting.

Draft Ordinance No. 99-015 Pacific Ridge Zoning Regulations

Community Development Director Kilgore referenced the written responses to City Council questions and comments from the January 6th Council meeting that were e-mailed and a hard copy placed in Council's boxes. She asked if any further clarification was needed.

Councilmember Brazil remarked that he appreciated having the information e-mailed and requested staff continue to use this method to get material to Councilmembers prior to Council meetings as this allowed more time for study.

Community Development Director Kilgore proceeded to review the draft ordinance concerning the residential zoning, with discussion and comments as follows:

Minimum building height

Planning Manager Loch noted this was written to encourage the maximum building height.

Mayor Thomasson expressed concern on how affordable housing could possibly be controlled when it came to resale. Community Development Director Kilgore advised that there are ways to deal with that issue and will have further detail if Council chooses to leave this option in the bonus section.

Councilmember Sherman noted that he supports the method of achieving the maximum building height, but questioned how to keep it from becoming undesirable dense slums.

Mayor Thomasson stated that the 120 foot height limit is fine with him, but would prefer that the affordable housing bonus be eliminated.

City Manager Olander stated he felt it was important to provide an opportunity for senior citizens on fixed incomes, and who may be displaced, to stay in the area and affordable housing would be a way for them to do so.

Community Development Director explained various county, state and federal programs are available to assist those who qualify to pay a lower price for the same standard of housing. She noted it is not built any different than a higher market price condominium. She further referenced some contractors who only build this type of construction with wonderful results as there is the "pride of ownership" factor.

Councilmember Towe requested more information on the types of programs and construction referenced by the Community Development Director at a future meeting.

After further discussion on the requirement for affordable housing, Mayor Thomasson noted that on page 26 (A) the requirement is to remain in effect for 30 years.

City Manager Olander stated that the question of affordable housing is a policy issue Council needs to decide on whether it can, or should be done.

Page 10, Permitted uses (2)

Mayor Thomasson felt that the NAICS code is way too broad. He would prefer these uses be specific to the area itself.

Page 22, Minimum building height.

Planning Manager Loch advised that this section is intended to discourage one story structures that are already in this area. He noted the exceptions could be restaurants and gas stations, with a specific number limit of how many.

City Manager Olander remarked that minimum building heights is a new concept, but more cities will be looking at this as a way to increase density because of GMA.

Upon questioning from Council, Community Development Director Kilgore advised that she has close contact with developers and flexibility is one of the important issues with them. They are not as concerned over minimum or maximum building heights. She stressed that to developers if the market is there then their immediate concerns are "how much can I build, and how fast can I build it".

City Attorney McLean affirmed that contractors like to know up front that the process is in place and the zoning makes it clear what they can and cannot do

Signs

With the use of various slides, Planning Manager Loch reviewed various sign aspects that would be appropriate for the area. He stressed that the height would be lower to allow for good visibility with the street trees that are planned with the redevelopment of Pacific Highway South. He further noted that no flashing or marquee type signage would be allowed. Businesses would be encouraged to tie signs to building style.

Upon questioning by Council, Planning Manager Loch noted that as currently written, the ordinance would allow those non-conforming signs that are removed due to Pacific Highway South construction to relocate their existing signs. Council's consensus was to not allow this. It was noted that they will be compensated and that money could be used towards a new sign that would conform to the new code.

Councilmember Sherman noted that he would like to see more restrictions on the use of banners or temporary signs or even prohibit them. He felt that they tend to become permanent and create a cluttered look.

After further discussion, Community Development Director Kilgore advised that Councilmembers will be contracted individually for more detailed input before a revised draft ordinance is brought back for Council's review. It was noted that she or Corbitt can also be contacted by e-mail.

Draft Ordinance No. 00-020 [ASSIGNED ORDINANCE NO. 1255] - Mini Casinos

City Attorney McLean informed Council that the State Gambling Commission recently expressed a legal position that placed local zoning authority over specific forms of gambling in serious questions. The problem centers on whether any local government has authority to limit the location of so-called "mini-casinos", also known as enhanced card rooms or social card games, within its boundaries. He noted that what this means is, if Des Moines allows one, it cannot stop others, and has no controls over location. Any existing tavern or restaurant could apply for a mini-casino permit to the state gambling commission and the Council would have no say in the matter. With the use of visual aids he showed various establishments in Burien, Kent, SeaTac and Tukwila noting locations close to schools, garish colors and extremely large signs.

City Manager Olander noted that this raises serious concerns such as not being able to regulate signs, parking, landscaping, etc. He requested whether Council wishes to pass the draft ordinance which would adopt a prohibition on this particular gambling activity within the city's boundaries.

City Attorney McLean advised that the prohibition can be repealed or modified at any date in the future if the Legislature adopts new language that adequately provides for local zoning and regulatory authority over such activity.

It was a strong consensus of Council that while they did not have a problem with allowing this type of use, they had considerable problems with the idea that the City had no say in any zoning regulations whatsoever.

Councilmember Brazil requested some information on what type of revenue mini-casinos bring to the cities they are located in. He felt if the zoning and regulating issues can be resolved this could be something Des Moines may want.

City Attorney McLean remarked that this is not a moral issue, but a concern of the authority of the Gambling Commission and passage of this ordinance would allow some breathing room while working with State officials to get the issue resolved.

MOTION was made by Councilmember Sherman, seconded by Councilmember Towe and passed unanimously, to suspend Council Rule 26(b) to take final action on first reading.

MOTION was made by Councilmember Sherman, seconded by Mayor Pro Tem Sheckler, to approve Draft Ordinance No. 00-020.

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

Councilmember Kaplan remarked that generally he is not in favor of moratoriums or bans, however he supports this draft ordinance as it keeps the City's options open. He strongly recommended that pressure be placed on the State Attorney General to make a clear ruling on this matter.

City Manager Olander noted that cities cannot request an opinion from the Attorney General, but the Legislature can. He stated that this issue is being brought to the Legislature's attention.

VOTE ON MOTION: Motion passed six to one with Councilmember Brazil voting NO.

Invitation

City Manager Olander informed Council that an invitation from Metropolitan King County Councilmember Pete von Reichbauer to attend a meeting on February 14th at Highline Community College, at 7:30 a.m., has been placed in Council's boxes. The topic of the meeting will be transportation issues and the future of METRO Transit. He advised Council that he will attend.

Vacation

City Manager Olander noted that he will be on vacation next week and Assistant City Manager Piasecki will be Acting City Manager in his absence.

NEXT MEETING DATE

Mayor Thomasson noted the next regular meeting will be February 10, 2000.

Executive Session

City Attorney McLean remarked that immediately following regular adjournment, Council will convene in to an Executive Session for approximately 20 minutes. He announced that the purpose of the executive session will be consider the acquisition of real estate by purchase and about which public knowledge would cause a likelihood of increased price. He noted that no formal action will be taken.

ADJOURNMENT

The regular meeting adjourned at 9:29 p.m.

Respectfully submitted,

Denis Staab
City Clerk