

PRELIMINARY
REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES

May 6, 1999

The regular study session of the Des Moines City Council was called to order by Mayor Thomasson at 7:35 p.m. in the Council Chambers, 21630 11th Avenue South.

ROLL CALL - Present: Mayor Scott Thomasson, Mayor Pro Tem Terry Brazil, Councilmembers Bob Sheckler, Dan Sherman, Gary Towe and Don Wasson. Absent: Councilmember Dave Kaplan. Also present were City Manager Bob Olander, City Attorney Gary McLean, Community Development Director Judith Kilgore, Planning Manager Corbitt Loch, Assistant Planner Gloria Gould-Wessen and Deputy City Clerk Angela Chaufy.

MOTION was made by Councilmember Sherman, seconded by Councilmember Sheckler and passed unanimously to excuse Councilmember Kaplan.

DISCUSSION ITEMS:

Draft Ordinance No. 99-059 [Assigned Ord. No. 1236] Civil Violation Process - 2nd Reading

City Attorney McLean stated that the proposed ordinance would create a new section of the Code that would provide an optional method for staff to handle civil violations and penalties. He noted that the revisions previously requested by Council had been incorporated into the document. Upon questioning from Councilmember Sherman, City Attorney McLean confirmed that the daily monetary penalty for violations included weekends and holidays.

MOTION was made by Mayor Pro Tem Brazil and seconded by Councilmember Wasson to enact Draft Ordinance No. 99-059 adding a new chapter to Title 1 DMMC regarding civil violations and penalties.

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

In regard to Section 2(7), City Attorney McLean clarified that the words “judge” and “hearing examiner” would both be defined as the Des Moines Municipal Court Judge or any lawfully appointed judge pro tem. He listed the current civil violation fee schedule. City Attorney McLean noted that the proposed fee structure was identical to those adopted by Kent, Federal Way, Bellevue, Seattle, Everett, and Edmonds.

MOTION was made by Councilmember Wasson and seconded by Councilmember Towe to remove Section 3.3a(vi) and Section 3.3b from the proposed ordinance.

Councilmember Wasson stated that he did not wish to deny anyone’s right to appeal. As agreements could be misinterpreted or misunderstood by the parties, he felt that an appeal process should still be available.

City Attorney McLean noted that an administrative decision could be brought before the Hearing Examiner.

Councilmember Towe voiced concern over potential corrective action disputes. He felt that the appeal process should remain available. If the appeal process was found to be manipulated by individuals in order to extend the compliance deadlines, then the issue should be brought before Council at that time.

City Attorney McLean suggested that language be added to the end of Section 3.3b, which would allow for an appeal to the Municipal Court Judge concerning compliance with any required corrective action.

City Manager Olander suggested that language which clarified that any dispute over an administrative decision could be appealed to the Hearing Examiner be added to the proposed ordinance.

Councilmember Wasson suggested that “and/or the required corrective action” be struck from Section 3.3a(vi).

City Attorney McLean indicated that the language he previously proposed for Section 3.3a(vi) could also be added to the end of Section 3.3b.

VOTE ON MOTION: Motion failed, 1 – 5, with Councilmember Wasson voting for the motion.

MOTION was made by Councilmember Sherman, seconded by Councilmember Sheckler, and passed unanimously to add the following language to the end of Section 3.3a(vi) and Section 3.3b:

“ . . . , except an appeal may be pursued for compliance with any required correction action to the Municipal Court Judge.”

VOTE ON AMENDED MAIN MOTION: Motion passed, 5 – 1, with Councilmember Wasson opposed.

Draft Ordinance No. 99-110 [Assigned Ord. No. 1237] Zoning Map Amendments - 1st Reading

Community Development Director Kilgore noted that Draft Ordinance No. 99-110 was a companion ordinance to the Zoning Map. She and Planning Manager Loch noted the following revisions in the proposed ordinance:

- Section 1(1) – Move S-E Suburban Estate and S-R Suburban Residential to the top of the list so that the order is consistent with the Zoning Map listing.
- Section 1(2) – Switch D-C Downtown Commercial with C-C Community Commercial so that the commercial zones are listed by density.
- Section 5 – Proposed wording for the first sentence under degree of restrictiveness should be “In the different major categories of the zones established by this title, the residential zones are considered the most restrictive and the other zones are less restrictive.”

Upon questioning from Mayor Thomasson, City Attorney McLean confirmed that the disclaimer statement on the official zoning map would be removed. He also noted that Code Publishing had

indicated that the proposed ordinance provided sufficient direction to make the necessary changes to the Code.

Mayor Thomasson read the title of the proposed draft ordinance.

MOTION was made by Mayor Pro Tem Brazil, seconded by Councilmember Towe and passed unanimously to suspend Council Rule 26(b) to allow consideration of Draft Ordinance No. 99-110 on the first reading.

MOTION was made by Councilmember Towe, seconded by Councilmember Sheckler, and passed unanimously to enact Draft Ordinance No. 99-110, adopting various text amendments relating to zones and zone names, and adopting a new zoning map with those text changes.

Community Development Director Kilgore questioned whether Council wished to discuss the high complexity zoning changes proposed by the Zoning Map Committee.

Councilmember Sheckler and Mayor Pro Tem Brazil stated that they wanted more time to address and understand the specific site concerns. Councilmember Sheckler asked that issue be postponed until fall.

Councilmember Towe felt that the public wanted the Comprehensive Plan revisited to insure that it reflected Council's vision and goals for the City. He suggested that the sites be studied during the Comprehensive Plan review.

Community Development Director Kilgore noted that the Comprehensive Plan was adopted in 1995 and the Land Use Maps were adopted in 1991.

Mayor Thomasson suggested that Council review the basis for the land use maps in June.

Due to time constraints, City Manager Olander suggested that Council concentrate on land use elements and strategies for the high complexity sites and Comprehensive Plan amendments only.

Mayor Thomasson directed staff to formulate and recommend a plan of action.

Councilmember Wasson requested that related correspondence be filed with the referenced site page.

City Manager Olander stated that public testimony comments would also be filed with the specific site information.

Request for Reconsideration of Waterland Festival Parking Fee Issue

Councilmember Sheckler requested that Council reconsider the Waterland Festival parking fee proposal so as to hear additional information regarding the request.

City Manager Olander noted that Councilmember Kaplan had asked that the issue be reconsidered as well.

MOTION was made by Councilmember Sheckler and seconded by Councilmember Wasson to reconsider the issue.

Councilmember Sherman expressed opposition to the motion. He felt that the reasons for the request had been sufficiently explained already and that the requested fee was excessive.

VOTE ON MOTION: Motion failed, 3 – 3, with Mayor Pro Tem Brazil and Councilmembers Sherman and Towe opposed.

Councilmember Wasson requested that a copy of the Des Moines City Council's Rules of Procedure be placed in each Councilmember's drawer.

NEXT MEETING DATE

Mayor Thomasson announced the next regular meeting would be May 13, 1999.

ADJOURNMENT

The meeting adjourned at 8:52 p.m.

Respectfully submitted,

Angela M. Chaufy
Deputy City Clerk