REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES October 14, 2004

The regular meeting of the Des Moines City Council was called to order by Mayor Sheckler at 7:34 p.m. in the City Council Chambers, 21630 11th Avenue South, #B.

PLEDGE OF ALLEGIANCE to the flag was led by Councilmember White.

ROLL CALL - Present: Mayor Bob Sheckler, Mayor Pro Tem Scott Thomasson, Councilmembers Richard Benjamin, Gary Petersen, Dan Sherman, Maggie Steenrod, and Susan White. Also present were City Manager Tony Piasecki, City Attorney Linda Marousek, Assistant City Attorney Richard Brown, Community Development Director Judith Kilgore, Park and Recreation Director Patrice Thorell, Parks Manager Bill Miller, and Deputy City Clerk Angela Chaufty.

COMMENTS FROM THE PUBLIC

Max Fields, 1715 South 234th

Mr. Fields told Council that the proposed “head-count” tax on businesses would deter economic growth in the City. Company growth would result in more taxes and the new tax would not be deductible. As a Chamber of Commerce board member, he said that the Chamber of Commerce would be willing to look at other sustainable alternatives.

Wayne Bader, 21938 Marine View Drive

Mr. Bader asked for an additional minute for his comments.

Due to the number of agenda items and speakers scheduled for the meeting, Mayor Sheckler said that all comments must be limited to three minutes and no additional time would be allowed.

Mr. Bader said that his comments would require more than three minutes so he would make them at a later meeting.

Mayor Sheckler confirmed that Mr. Bader did not wish to use his available minutes at this time.

BOARD & COMMITTEE REPORTS

Economic Development

Councilmember Steenrod noted that Labor and Industry had proposed a rate increase for 2005. The new rates should be included in the budget. Councilmember Steenrod informed Council that the Economic Development Council would be conducting a press conference on October 15, 2004 to announce some news.

METRO

Councilmember Sherman announced that METRO would conduct a public meeting regarding design options for the Burien Transit Center on October 27, 2004 from 4:00 to 8:00 p.m. at the Burien Community Conference Center.

South West King County Economic Development Initiative

Councilmember White reported that approximately forty businesses had inquired about locating their businesses in Des Moines. The Committee would host an Import Export Symposium on March 23, 2005.

Economic Development

Councilmember White informed Council that discussions regarding water transportation opportunities for Des Moines were continuing.

Municipal Facilities Committee

Mayor Pro Tem Thomasson noted that the committee had reviewed the Marina Master Plan's first phase of improvements.

Public Safety and Transportation

Mayor Pro Tem Thomasson reported that the committee had met to review the Rental Housing Program and the proposed false alarm ordinance.

COUNCILMEMBER COMMENTS

2005 Budget

Councilmember Benjamin said that taxing businesses would serve as a disincentive for business development and would be in conflict with Council's intent to develop the City's tax base. He said that the City needed to create incentives rather than disincentives. Councilmember Benjamin stated that Council needed to look at cuts before increasing taxes.

Optimizing Staff and Processes

Councilmember Steenrod said that she would distribute a newsletter regarding ideas to optimize staff and city processes.

Council Chamber Upgrades

Councilmember Steenrod asked that Council be briefed on the proposed Council Chamber upgrades.

City Manager Piasecki confirmed that a briefing would be placed on the October 21, 2004 agenda.

2005 Budget

In regard to Mr. Fields and Councilmember Benjamin's comments regarding proposed business taxes, Councilmember Sherman said that the public meetings regarding the budget situation included information about revenue source options as well as potential cuts. Possibly the public voted against the levy lid lift as they supported the new revenue options. Councilmember Sherman said that business taxes were deductible as regular business expenses. He stated that business taxes were a legitimate source of taxation as customers and employees affected road conditions. Councilmember Sherman said that Des Moines currently did not have any business taxes yet it did not have a good business environment. Several issues, in addition to taxing levels, attract businesses to specific communities.

Councilmember White said that it was easy to say "don't do something" and she looked forward to hearing different ideas to balance the budget. She encouraged Council to stay focused to accomplish the difficult task.

Councilmember Petersen stated his belief that Council would balance the budget. He said that he did not believe the outcome would be that drastic.

Mayor Sheckler said that the budget process would require difficult, unpopular decisions. Council needed to provide leadership.

Council Meetings

Mayor Sheckler said that the Council Rules allowed every first and third Council meeting of the month to be a study session. He announced that the October 21, 2004 Council meeting would be a study session. Until further notice, future Council meetings would start at 7:00 p.m. Comments from the public would be conducted at the usual point in the meeting.

City Manager Piasecki announced that there would be an Executive Session at 6:00 p.m. before the next meeting.

ADMINISTRATION REPORTS

Oil Spill

City Manager Piasecki reported that the oil spill had been identified as a marine lubricant. At this time, it does not appear to pose a threat to the Marina but staff is prepared to implement a contingency plan if necessary. Anyone sighting an animal in distress due to the oil spill should call 360-902-2200.

Assistant City Manager's Last Day

City Manager Piasecki announced that Assistant City Manager Loch's last day with the City would be October 15, 2004. Beginning October 18, 2004, he would become Assistant City Administrator for the City of Marysville. City Manager Piasecki thanked Mr. Loch for his fifteen years of service to Des Moines. A reception in his honor would be held on October 15, 2004.

CONSENT CALENDAR was read by Deputy City Clerk Chaufty.

1. Motion is to approve the special and regular minutes of September 23, 2004.

2. 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 42.24.090, 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 checks #96104 through #96339 & electronic fund transfers in the total amount of $1,532,032.19

Payroll fund transfers in the total amount of $361,323.41

3. Draft Ordinance No. 04-206 ***[Assigned Ordinance No. 1349]*** - Title: An Ordinance of the City of Des Moines, Washington relating to the Municipal Court sessions and cancellations, benefits of the Municipal Court Judge and amending DMMC 2.28.030, 2.28.060 and 2.28.070.

TWO MOTIONS: First motion is to suspend Council Rule 26(b). Seconded motion is to approve Draft Ordinance No. 04-206.

~~4. Draft Resolution No. 04-215 - Title: A Resolution of the City Council of the City of Des Moines, Washington, waiving the state competitive bidding requirements for the purchase of a~~

~~Mediappliance and Toastmaster from Rushworks, Inc. for the PEG Channel Upgrade Project, pursuant to RCW 39.04.280; and authorizing the purchase of same.~~

~~MOTION is to approve Draft Resolution No. 04-215 and authorize the City Manager to sign purchase agreement as approved by the City Attorney, with price of approximately $35,265, plus sales tax,~~

~~5. Motion is to authorize the City Manager to sign the construction contract with SKM Construction, Inc. for creation of a records center in the amount of $27,444.80 with a contingency of up to $2,740. The contract shall be in a from substantially as provided and as approved by the City Attorney.~~

~~6. Motion is to approve the Settlement Agreement and Release in the matter of Parkhurst v. Roger Baker, John O'Leary, and City of Des Moines, King County Superior Court Case No. 04-2-17543-7KNT; and to authorize the City Manager to sign the Agreement, as approved by the City Attorney, on behalf of the City substantially in the form as submitted, with the cost of the City's settlement contribution not to exceed $2,490.00 to be paid from the General fund.~~

~~7. Motion is to confirm the Mayor's appointments to the Lodging Tax Advisory Committee as follows: City Council Representative Susan White; Lodging Representatives Lea Choi and Chung Ki Choe; and Tourism Representatives Dianne Jacobson and Max Fields/~~

~~8. Motion is to grant an electrical easement to Puget Sound Energy for the construction, operation and maintenance of electrical service to Steven J. Underwood Memorial Park and to authorize the City Manager to sign the easement substantially in the form as submitted.~~

City Manager Piasecki requested that Item No. 5 be removed as SKM had said that they would need to increase their bid by 30%. Due to the increased cost, the feasibility of the project would need to be re-evaluated.

Mayor Sheckler removed item No. 5.

Mayor Pro Tem Thomasson removed Item No. 8. In regard to Item No. 7, Mayor Pro Tem Thomasson clarified that the item would create a committee but there was no business before them at this time.

Park and Recreation Thorell confirmed that Mayor Pro Tem Thomasson was correct. She and Finance Director Henderson detailed the required process.

Councilmember Benjamin removed Item Nos. 4, 6, 7, and 8.

MOTION was made by Mayor Pro Tem Thomasson, seconded by Councilmember Sherman and passed unanimously to approve the consent calendar as amended.

REMOVED CONSENT ITEMS

On-site Records Center Construction Contract

Councilmember Steenrod asked the following questions:

- Who is liable for any damage to the records?
- Who will be appointed to maintain the records?
- Has the appointed person received training?
- Have record management policies and procedures been developed?

Councilmember Steenrod felt that it was unwise to proceed with the project at this time.

Mayor Pro Tem Thomasson suggested that administration brief Council on the record management program prior to Council's approval of the project.

Mayor Sheckler recommended that the project be sent to committee for review.

MOTION was made by Councilmember Steenrod, seconded by Mayor Sheckler and passed unanimously to remand the item to the Municipal Facilities Committee.

Underground Electrical Easement for Steven J. Underwood Memorial Park with Puget Sound Energy

Mayor Pro Tem Thomasson said that a legal description detailing the actual placement of the facilities should be included in the easement or the property would be encumbered.

City Attorney Marousek explained that Puget Sound Energy will not provide a survey.

Park and Recreation Director Thorell informed Council that the conduit was already in the ground.

Mayor Pro Tem Thomasson recommended that staff obtain a legal description for the conduit and then present the proposed ordinance to Council for adoption.

MOTION was made by Mayor Pro Tem Thomasson and seconded by Councilmember Benjamin to authorize the City Manager to sign the easement with Puget Sound Energy for undergrounding of power to the Steven J. Underwood Memorial Park once a legal description for the easement has been provided.

City Manager Piasecki estimated the cost of the survey to be $2,000.

Councilmember Steenrod said that the City should not spend the money if it was not necessary.

Mayor Pro Tem Thomasson expressed concern that the proposed agreement applies to easements to be constructed, to be extend, and to be re-located. The easement was not limited.

VOTE ON MOTION: Motion passed, 5 – 2, with Mayor Sheckler and Councilmember White opposed.

Draft Resolution No. 04-215 Authorizing the City Manager to Negotiate a Sole Source Purchase of Electronic Components for the PEG Upgrade Project

In response to Councilmember Benjamin's questioning, Assistant City Manager Loch explained that, as the public was not best served by going out to bid for sole-source purchases, State law allows Council to approve sole-source purchases by resolution. The two items before Council were sole-source purchases.

MOTION was made by Councilmember Benjamin and seconded by Mayor Pro Tem Thomasson to adopt Draft Resolution No. 04-215, waiving normal bidding requirements and allowing sole-source purchase agreements with Rushworks, and authorizing the City Manager to sign such an agreement with a combined purchase price of approximately $35,265 plus sales tax. The purchase agreements shall be in a form as approved by the City Attorney.

Councilmember Steenrod questioned whether Rushworks would be the only company qualified to fix the equipment. She said that the City should maximize its options and flexibility regarding maintenance and repairs.

Mayor Sheckler confirmed that Council would receive a briefing on the Council Chamber upgrades at the next meeting.

Councilmember Benjamin **withdrew his motion**.

Upon questioning, Assistant City Manager Loch said that the equipment should be ordered by next week in order to maintain the project's schedule.

MOTION was made by Mayor Pro Tem Thomasson to adopt Draft Resolution No. 04-215, waiving normal bidding requirements and allowing sole-source purchase agreements with Rushworks, and authorizing the City Manager to sign such an agreement with a combined purchase price of approximately $35,265 plus sales tax. The purchase agreements shall be in a form as approved by the City Attorney. **Motion died for lack of a second.**

MOTION was made by Councilmember Benjamin, seconded by Councilmember Steenrod and passed unanimously to combine this item with next week's agenda item.

Settlement of Public Disclosure Litigation

In response to Councilmember Benjamin's request, Assistant City Attorney Brown presented the background of the subject.

MOTION was made by Councilmember Sherman, seconded by Councilmember White and passed unanimously to approve the Settlement Agreement and Release in the matter of Parkhurst v. Roger Baker, John O'Leary, and City of Des Moines, King County Superior Court Case No. 04-2-17543-7KNT; and to authorize the City Manager to sign the Agreement, as approved by the City Attorney, on behalf of the City substantially in the form as submitted, with the cost of the City's settlement contribution not to exceed $2,490 to be paid from the general fund.

Lodging Tax Advisory Committee Appointments

Councilmember Benjamin voiced support for the item as it was a minimal tax that would not negatively impact the City.

MOTION was made by Councilmember Benjamin and seconded by Councilmember Steenrod to approve the Mayor's appointments to the Lodging Tax Advisory Committee: City Council Representative - Susan White, Lodging Representatives – Lea Choi and Chung Ki Choe, and Tourism Representatives - Dianne Jacobson and Max Fields.

Upon questioning, Park and Recreation Director Thorell confirmed that the committee would not meet tomorrow.

VOTE ON MOTION: Motion passed unanimously.

At 8:50 p.m., Mayor Sheckler declared a ten-minute break.

PUBLIC HEARING

Draft Ordinance No. 04-134 Revision to DMMC 18.20 Neighborhood Commercial Textual Code Change - 1st Reading

Mayor Sheckler introduced the subject. He said that each speaker would be given three minutes to present their comments to Council. Mayor Sheckler read the rules for conducting a public hearing. He opened the public hearing.

Community Development Director Kilgore informed Council that there were currently four properties with the N-C designation: City Hall, Police Station, Redondo Market and Zenith Market. Some of the current text's allowed uses were not conducive to the intent of the classification and were higher in intensity than the intent of the zone. The proposed ordinance would clarify setback requirements and add townhouses and duplexes as compatible uses. The Comprehensive Plan specifically recommends consideration of townhouse development on sites that are transitional in nature. Because of this policy directive, an amendment to the Comprehensive Plan was not required prior to the textual code amendment.

Mayor Sheckler called for speakers.

SPEAKERS

Roger Gallington, 23913 6th Avenue South

Mr. Gallington identified himself as a proponent of the proposed ordinance with reservations. He voiced concern that Section 18.20.020 gave the Community Development Director authority to determine other uses. He said Council should have approval authority. Regarding Section 2(9a), Mr. Gallington recommended that Council require a commercial space to not exceed 50% of the total building area.

Lloyd Lytle, 23911 Marine View Drive South

Mr. Lytle said that this topic should not even be discussed as the Zenith property was erroneously zoned. He said that he disagreed with the rezoning of the N-C zone which would allow townhouses, reduce minimum lot size to 7,500 feet, remove the unclassified use requirements, and allow the Community Development Director discretion in determining allowed uses. Mr. Lytle encouraged Council to only allow one storefront with one residential dwelling on the Zenith property.

Donald Gorlick, 23641 7th Avenue South, #17

Mr. Gorlick said that the Zenith property was not transitional but surrounded by single family homes. The property had not had a commercial use for over ten years. He disagreed with the fifth and sixth "Whereas" of the proposed ordinance.

Cathy McMonagle, 708 South 240th Street

Ms. McMonagle recommended that the front and back setbacks be increased from ten feet to twenty feet in order to make the dimensions more compatible with the surrounding neighborhood.

Dan McMonagle, 708 South 240th Street

Mr. McMonage said that several of the identified uses would serve the larger community rather than the neighborhood. He stated that he wanted a neighborhood store or coffee shop on the Zenith property. If that was not possible, he wanted the property to go back to a residential zoning.

Andy Lane, 524 2nd Avenue, Seattle

Mr. Lane from Cairncross and Hempelmann, P.S. distributed the following materials (Exhibit A):

1. Letter to the City Council from Nancy Bainbridge Rogers and Andrew S. Lane dated 10/14/04.
2. Letter to the City Council from Nancy Bainbridge Rogers dated 10/30/04.
3. E-mail to Nancy Rogers from Judith Kilgore dated 10/27/03.
4. Ordinance No. 550.
5. Memorandum to the City Clerk from the City Attorney dated 4/17/85.
6. Commercial/Industrial Land Record for Account No. 511940-0055-0.
7. Official District Zoning Map, West Portion of District No. 43.

He said that the proposed permitted uses were not consistence with the Comprehensive Plan, specifically Policy No. 2-03-07. Mr. Lane said there was no reason for Council to take immediate action on Draft Ordinance No. 04-134. He said that the proposed ordinance failed to accurately record all of the changes to the City's Code. In closing, Mr. Lane stated that the issue should be addressed under a Comprehensive Plan Review Update process. He said that the zoning for the Zenith Store property was in question.

Carol Dameron, 23650 7th Avenue South

Ms. Dameron said that she had understood that the Zenith Neighborhood would have input into the proposed zoning changes. She was appalled that the Community Development Director was to have so much authority. Ms. Dameron said that the building height should be limited to 30 feet rather than 35 feet.

Harriet Butters, 23929 Marine View Drive South

Ms. Butters gave her time to George Pettibone.

Mayor Sheckler asked if any other speakers wished to give their time to Mr. Pettibone.

Merle Dameron, 23650 7th Avenue South

Mr. Dameron gave his time to Mr. Pettibone.

Paula Bogovich, 23635 Marine View Drive South

Ms. Bogovich gave her time to Mr. Pettibone.

Merle Bogovich, 23635 Marine View Drive South

Mr. Bogovich gave his time to Mr. Pettibone.

In light of speakers giving their time to another speaker, Mayor Sheckler explained that Mr. Pettibone would be given five minutes to present his comments in keeping with Council's rules for conducting a public hearing.

Alice McCabe, 23902 7th Avenue South

Ms. McCabe said that the proposed vehicular access provision was not legal and should not be approved. She said that a neighborhood retail service, such as a grocery store, bakery, or coffee shop, should be provided on the property. If this was not attainable, she wanted the Zenith property to be zone RS-15,000 as she felt that was what the property was currently technically zoned.

Debbie Workman, 23903 7th Avenue South

Ms. Workman said that she believed that Council had provided direction at an April Council meeting stating that multi-family was not an appropriate use for the Zenith property. She said that a duplex or townhouse was not compatible with the area. Ms. Workman stated that she wanted a store, coffee shop, or bakery with an attached single-family residence on the property. Ms. Workman said that the City already had a process in place to rezone properties and this was not the proper process.

Alex White, 3520 South Star Lake Road, Auburn; Business: 22030 7th Avenue South, #204,

As owner of the Zenith Store property, Mr. White said that the property south of his has a five-unit apartment rather than a single-family home. Mr. White stated that he had asked for a feasibility schedule from staff prior to buying the property. He followed the directions provided by staff. Mr. White said that he did not ask for any changes. He stated that he only wanted to do what was allowed by the Code.

Brian Todd, 1221 2nd Avenue, #80, Seattle

As Alex White's attorney, Mr. Todd encouraged Council to adopt the proposed ordinance. He said that the proposed changes were not significant. Mr. Todd stated that staff had researched other cities' ordinances and had balanced the needs of the neighborhoods. He believed that the proposed ordinance was reasonably consistent with the Comprehensive Plan.

Shirley Robertson, 23660 7th Avenue South

Ms. Robertson said that the building south of the Zenith Store property was a duplex rather than a five-unit apartment. She said that a planned unit development was not compatible with the City Code as defined in DMMC 18.20.010**.** Ms. Robertson said that in 1992, she was told that the Zenith property was only fifty feet wide. As Mr. White's proposal included a large condo with no setbacks, she questioned why staff would allow the development in violation to the Code.

Mayor Sheckler called for Speaker George Pettibone. He reiterated that in keeping with Council's public hearing rules, Mr. Pettibone would be allowed five minutes to speak as other speaker's had donated their time to him.

George Pettibone, 23653 Marine View Drive South

Mr. Pettibone said that the proposed ordinance would allow additional multi-unit uses. He felt it was an attempt to re-zone a single property. Mr. Pettibone said that a store, bakery, or coffee shop should be developed on the Zenith property. He said that several errors were contained in the proposed ordinance. Mr. Pettibone said that there was no reason to allow multi-family use. He was upset that the unclassified permit process had been eliminated. Mr. Pettibone said that the Zenith Store property should be developed as a store with one attached dwelling or it should be zoned RS-15,000. The property was not transitional. Mr. Pettibone began to read the disclaimer noted on the City's zoning map.

Mr. Pettibone's time expired.

Mr. Pettibone requested additional time to complete the disclaimer statement.

Mayor Sheckler gave Mr. Pettibone thirty additional seconds.

Mr. Pettibone completed the reading of the disclaimer statement.

Peter Skelly, 23622 7th Avenue South

Mr. Skelly entered Exhibit #2, a letter to the City Council from himself dated 10/14/04, into the record. Mr. Skelly said that 80% of the proposed ordinance pertains to multi-family development. He questioned where the language regarding commercial use was located. Mr. Skelly said that a small business, such as a store, coffee shop, or bakery with a dwelling on-site, was a suitable retail service for the Zenith property. He said that he was disturbed Mr. White had been lead down a wrong path by staff. Mr. Skelly said that the neighborhood did not want a commercial use on the Zenith property.

Robert Benson, 23905 Marine View Drive South

As the owner of the property next to the Zenith property, Mr. Benson described the history of his property and said that a building with three living units was currently on the property. He voiced concern with the following provisions of the proposed ordinance:

- The permissible floor area criterion was removed with no replacement language.
- The allowed building height of 35 feet has not changed.
- The changes seem selective and in favor of the builder rather than the neighborhood.

Mayor Sheckler called for additional speakers.

Councilmember Steenrod announced that she had received an e-mail from Jerry and Jan Bergman (Exhibit #3) and had been asked to read the e-mail into the record. Councilmember Steenrod read the e-mail.

Mayor Sheckler called for additional speakers three times.

None responded.

Mayor Sheckler asked staff to correct any misstatements of fact.

Community Development Director Kilgore clarified that the item before Council was a non-specific project action that would affect all four of the properties currently zoned N-C in the City. She noted that staff had taken extra measures to provide notice for the hearing. Ms. Kilgore entered Exhibit #4, a memorandum to the City Council from City Attorney Marousek dated 10/14/04 regarding the correctness of the Zenith Market's current zoning and Exhibit #5, a memorandum to Council from herself and City Attorney Marousek regarding the lack of necessity for a Comprehensive Plan Amendment in order to adopt the N-C text change. In regard to the references to “transitional”, Community Development Director Kilgore said that the Zenith neighborhood was predominately single-family but also included areas zoned RM-900 and RM-15,000. The Zenith neighborhood was not limited to the area west of Marine View Drive. Ms. Kilgore noted that the permitted uses language was also contained in other chapters of the zoning code and the Community Development Director’s scope of authority was very narrow and applied to clarifications of classifications. The director could not approve new uses. Community Development Director Kilgore informed Council that the allowable building height in the Zenith area was currently set at 35 feet and no change had been proposed. Community Development Director Kilgore reiterated that the proposed ordinance was not a rezone but a textual change dealing with classifications. The inclusion of townhouse development specifics was intended to provide the Hearing Examiner with the criteria to make a good decision. Community Development Director Kilgore informed Council that the sixty-day notification period would expire November 1, 2004. No comments from any state agency had yet been received. She recommended that Council take no final action until after the expiration of the notification period.

Mayor Sheckler asked if Council had any questions for staff or any speakers.

In response to Councilmember White’s questioning, Mr. White said that he was not opposed to the development of a store, coffee shop, or bakery on his property but that he had heard during the previous hearing that the neighbors did not want any commercial use due to anticipated parking, traffic, and noise problems. Therefore, he felt it more productive to focus on the townhouse project.

Councilmember Steenrod reiterated that the proposed ordinance’s zoning change would impact four parcels. The existing uses would be grandfathered but, if the buildings were destroyed, the redevelopment would need to be according to the ordinance, if approved.

Councilmember White clarified that the proper name of the store in the Redondo area was the “Redondo Community Store.”

In response to Mayor Pro Tem Thomasson’s questioning, Community Development Director Kilgore identified the classification of the Redondo Community Store as “other specialty food stores” and the Des Moines Drug Store as a “gift, novelty, and souvenir store”. In regard to the proposed intensity level, Ms. Kilgore said that, as a replacement of the floor/area ratio formula, specific setbacks were proposed in order to make the development more compatible with surrounding uses. She felt that the proposed setbacks were more restrictive. In regard to proposing 18 units per acre, Community Development Director Kilgore said that the surrounding densities were very diverse and the proposed ordinance attempted to adopt a middle ground.

Mayor Pro Tem Thomasson asked that a new draft ordinance be prepared as some current Code language was missing and various strike-throughs and underlines were missing. He questioned what criteria would be available to the Hearing Examiner in order to make decisions. Mayor Pro Tem Thomasson said that he would like to read the materials presented and reserve the right to ask more questions.

Councilmember Steenrod noted that 18.20.050 was missing from Page 15 and that there were two “New Section No. 9’s” listed. She questioned whether parking on Marine View Drive was desirable.

Councilmember Sherman identified the 2005 budget as the primary function of the Council. He voiced concern with completing the budget.

Mayor Sheckler suggested that he and the City Manager meet to determine an appropriate hearing continuation date.

Councilmember Benjamin said that Council could meet on nights other than Thursdays.

Mayor Pro Tem Thomasson said that a continuation date should be identified or staff would need to provide public notice again.

MOTION was made by Mayor Pro Tem Thomasson and seconded by Councilmember Steenrod to continue the public hearing to November 11, 2004.

Councilmember Steenrod clarified that the proposed ordinance referred to four properties in Des Moines.

VOTE ON MOTION: Motion passed, 5 – 2, with Mayor Sheckler and Councilmember Sherman opposed.

REMAINING AGENDA ITEMS

MOTION was made by Mayor Pro Tem Thomasson, seconded by Councilmember Steenrod and passed unanimously to continue the remaining business to a date to be determined by the Mayor and City Manager.

ADJOURNMENT

At 10:30 p.m., as time had expired, the meeting adjourned.

Respectfully submitted,

Angela M. Chaufty
Deputy City Clerk

ACTION ITEMS FROM 10/14/04 CITY COUNCIL MEETING

- Provide a briefing regarding the Council Chamber upgrades on October 21, 2004.
- Obtain a legal description for the underground electrical easement for Steven J. Underwood Memorial Park.