

REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES

November 3, 2005

The regular study session of the Des Moines City Council was called to order at 7:32 p.m. by Mayor Sheckler in the 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 (arrived at 10:13 p.m.), Dan Sherman, Maggie Steenrod and Susan White. Absent: Councilmember Gary Petersen. Also in attendance were City Manager Tony Piasecki, City Attorney Linda Marousek, Finance Director Paula Henderson and City Clerk Denis Staab.

MOTION was made by Mayor Sheckler, seconded by Councilmember Sherman and passed unanimously, to excuse Councilmembers Benjamin and Petersen. [ED NOTE: Councilmember Benjamin arrived later in the meeting.]

DISCUSSION ITEMS

CONTINUED PUBLIC HEARING: Comprehensive Plan Revisions

City Manager Piasecki reminded Council that at their direction, notice was provided to those property owners that had split use designations on the Comp Plan Land Use Plan to let them know that there is a question about what the City will be doing with their property if anything, and that they would have an opportunity to comment to the Council at this meeting.

PUBLIC COMMENT

Bill Rudberg, 22715 10th Avenue South

Mr. Rudberg advised Council that he had sent a letter regarding his property that is presently zoned multi-family 1800 and single family, that he would like the entire parcel to be designated as multi-family 2400. He stated that he has changed his mind and would prefer even a higher density. He noted that he does not understand the concern over split zoning on a piece of land, which has been that way ever since he owned it.

Mayor Sheckler inquired if there were any other individuals who wished to address Council on this issue. There were none.

Councilmember Sherman questioned if Council changes the designation in the Comp Plan, do we then have to rezone the property. City Manager Piasecki replied in the affirmative.

Mayor Pro Tem Thomasson advised that at the last meeting he raised the question of notice to inform property owners that several of these City initiated questions were Comp Plan changes with potential rezone. He stated that he felt the notice that should have gone out would have been to the standard of a rezone, not just to the property owners, but property owners within 300' of the proposal, along with posted signage. He felt that the City has not given proper notice.

City Manager Piasecki explained that Council may choose to leave designations exactly as they are, in which case nothing is changed and no notice would be required. He noted that if Council's direction is that the designation on one half of the property be changed to match the

rest of the property, or if something else will be done, then a full notice requirement of 300', signage, etc. would have to be done, with a 15 day notice.

Mayor Pro Tem Thomasson felt that if Council is going to have a conversation regarding potential changes, they would want the input of those who are effected, not after we have made our mind up and then ask people what they think. He felt Council should be briefed on all of the map changes and those changes should be on the record of the Public Hearing so Council can talk about the merits and then decide what to do about notices.

Consultant Kilgore expressed agreement with Mayor Pro Tem Thomasson, and noted that on October 12, 2005, she distributed a memo concerning 32 issues that staff is requesting direction on from Council before the final document is brought forward and that has not been done. She advised that in that memo there is some discussion on four or five parcels and she believes it would be premature to do a full notice on these parcels because perhaps nothing will be changed. She informed Council that the Comprehensive Plan Amendment and Rezone process is very well documented in the Code and will be followed if Council directs staff to prepare any specific amendments. She felt Council needs to begin working through the 32 issues and when Council gets to Issue 7, if there are any changes of the 4 or 5 parcels then the proper and complete public notice can be prepared.

Mayor Pro Tem Thomasson felt Council should deal with the map issues first and then it will be known what notices may need to be prepared.

7:54 p.m. Mayor Sheckler called for a brief break to allow staff to gather some materials to continue the discussion.

City Manager Piasecki distributed pages of parcels previously reviewed noting that the new designations have been accepted by Council with the exception of several parcels that have question marks indicated. Council began discussion reviewing those parcels with question marks with comments or determinations as noted.

Site 6, Planning Area: Downtown - Corner of 227th and 6th Avenue - Beachstone Condominiums
Current Designation: Mixed. Question: Remain mixed with split designation, residential or commercial?

Mayor Pro Tem Thomasson advised that the issue is that the Comp Plan says it could be commercial or it could be multi-family, it did not say mixed. He noted commercial allows for mixed, therefore it should be commercial. He noted that mixed is not a land use designation the City has and it confuses the issue.

Councilmember Sherman noted the parcel is located next to multi-family and commercial, and it is a gateway to the Marina. Since the property is commercial with mixed use, it should be called commercial.

Councilmember Steenrod felt that if mixed use is what Council really wants and we are trying to attract development that would allow a combination of retail on the ground floor, office on the second floor and residential on the third floor, that the commercial designation does not reflect that. She felt we need to change the name of the designation.

Consultant Kilgore pointed out that while the City does not have a designation of mixed use, there is a revision to the map legend which says "mixed use overlay". That way it shows it is mixed use and then you need to go to the Zoning Code to see what the mixed use is.

Councilmember Sherman spoke against using a map overlay and he felt it seems to be a disguised way of changing the zoning.

City Manager Piasecki advised that where we designate commercial it can be noted in the legend 'mixed use including residential' is allowed in this commercial. Consultant Kilgore concurred.

Councilmember Steenrod felt Council needs to do whatever it takes to make it simple to understand what the goal is for any particular area.

Mayor Sheckler expressed the feeling that by amending the map legend that would address the issue of confusion.

Consensus was Site Nos. 4, 5 and 6 should be designated commercial, with amended map legend.

Site 2 - Consensus was to hold off until there is a full Council.

Site 12 - Central Des Moines at Kent-Des Moines Road & Marine View Drive

Current: Split with commercial in front, back portion residential. Question: What zoning.

Mayor Pro Tem Thomasson noted this is one large parcel and it is not clear where the change in zoning line is. Part of the question is should the whole property be one zone, and should it be townhomes.

Consultant Kilgore noted the larger portion of the property is currently zoned 2400, to the east it is single family. The property to the north is 3600 and to the south is commercial.

There was no consensus for Site 12.

Site 20 - Central Des Moines south of S 224th on 24th Avenue South

Currently a Church with mixed use. Question: Continue mixed use & create an overlay.

Consensus was keep current designation.

Site 25 - Pacific Ridge South of S 221st and east of 28th Ave. S to east City limits

Current: Split designation of Public Facility & City Park - Puget Sound Energy substation.

Question: Continue to show half as Park or should it all be Public Facility as it is owned by Puget Sound Energy. Underlying zoning is Pacific Ridge Residential.

Consensus was to keep as Public Facility.

8:54 p.m. Mayor Sheckler called for a 10 minute break.

MOTION was made by Mayor Sheckler, seconded by Mayor Pro Tem Thomasson to leave the hearing open and continue the Public Hearing to November 17, 2005. Motion passed unanimously.

Preliminary 2006 Operating Budgets & Policy Issues

Finance Director Henderson continued review of the preliminary budget from the meeting of October 27, 2005, with comments as noted.

Mt. Rainier Pool Contributors Fund

Total Expenditures: \$115,000

Upon questioning, Parks and Recreation Director Thorell noted Des Moines entered into a three year Interlocal owners agreement with SeaTac, Normandy Park and Highline School District. She noted that planned expenditures is \$85,000 a year for operations paid to Aquatic Management Group, which is the operator of the pool. She noted the contributors total is \$135,000 a year, with contributions of \$75,000 from Des Moines, \$20,000 from Highline School District, \$15,000 from City of Normandy Park and \$25,000 from the City of SeaTac. She advised that the City plans to take \$25,000 from the General Fund and \$50,000 from the Capital Fund for next year to meet our capital commitment.

City Manager Piasecki advised that before staff spends any funds for any repairs that might be needed, staff will determine what is being repaired, is it a likelihood to go out again, and are there other items about to go. If so, staff will come to Council to say it is starting to “ding” us too much and consider possibly closing the pool.

Hotel-Motel Tax Fund

Finance Director Henderson noted an update from \$5,000 to approximately \$20,000. Expenditure that was agreed to by the Hotel-Motel Tax Committee is for \$12,000.

Revenue Stabilization Fund

Total Available Fund Balance at end of 2006: \$1,285,319

Facility Repair and Replacement Fund

Total Available Fund Balance at end of 2006: \$257,281

Self Insurance Fund

Total Available Fund Balance at end of 2006: \$149,999

Unemployment Compensation Fund

Total Available Fund Balance at end of 2006: \$226,493

Equipment Rental Replacement Fund

2006 Estimated Ending Fund Balance: \$1,069,967

Finance Director Henderson noted that the Crack Sealer for \$8,641 and the Thermo Plastic Applicator for \$41,727 have been removed.

Council requested staff review option of rather than selling the Patrol 2003 Ford Crown Victoria, to transfer it to Engineering to replace the 1995 Ford Escort, rather than replacing it with a 2006 Taurus.

At this point, Finance Director Henderson proceeded to review a recap of department changes.

- Transfer Hearing Examiner Services From Legal and Planning, Building and Public Works to Executive
- Merge Traffic Unit to Judicial, Legal, Law Enforcement Administration and Patrol Division
- Split Sr. Program Coordinator Time 75% to Sr. Services Operations and 25% to Information Services
- Transfer Code Enforcement Office from Development Services - 50% to Crime-free Housing Division and 50% to PBPW Administration
- Transfer Land Use Planner II from PBPW Development Services to PBPW Plan Development
- Transfer Senior Secretary from PBPW Engineering to 85% to PBPW Administration and 15% to PBPW Engineering
- Change PBPW Director's Time Allocation Base: 75% PBPW Administration and 25% PBPW SWM Engineering. Increase 10% PBPW Admin. and decrease 10% PBPW - SWM Engineering
- Change PBPW Maintenance Superintendent's Time Allocation
- Change Dept. of Correction Services Allocation
- Eliminate Limited-term Civil Engineer I Position

Finance Director Henderson reviewed a recap of Policy Issues and Departmental New Requests.

City Manager Piasecki advised that Council will see his previous recommendations of adding a few new staff and some one time requests are being reversed and he is now recommending that most of those things not be funded for next year. He stated the reason for this is that revenue estimates for next year have been severely effected by the closing of the Midway Casino (loss of \$45,000 for end of 2005 and \$185,000 revenue for 2006) and some of the monies in Planning, Building and Public Works for this year were double counted which will result in a lower beginning fund balance for 2006.

Councilmember White felt additional staffing is needed especially for Code Enforcement. She questioned whether volunteer staff could be used to help.

Planning, Building and Public Works Director Fredericks advised that he is hoping to build on the volunteer programs that other departments have successfully developed. He informed Council that the Code Enforcement Officer opened 100 new cases in September, who cannot sustain that level of activity. He felt it is a policy decision about what we will not enforce in the City, to bring the work load down to a manageable level and concentrate on the most severe life, safety and zoning issues.

City Manager Piasecki advised that the bottom line is, there is only so much we can do with the money that is coming in and priorities will have to be made. He stated that if we cannot find some support for the current level of the Code Enforcement Officer then we need to find a way to cut back.

Mayor Pro Tem Thomasson questioned whether the additional work load for the Code Enforcement Officer was being driven by the Crime Free Housing program as opposed to by complaint only.

Police Chief Baker advised that a large number of complaints the Code Enforcement Officer is working on is because of the Crime Free Housing program, especially in the Pacific Ridge area. He advised that the Enforcement officer is prioritizing the Housing program violations.

Councilmember Sherman expressed agreement with Councilmember White, noting that Code Enforcement is something only the City can do and it is important.

Mayor Sheckler noted that the majority of Council is very supportive of the Code Enforcement department and he requested staff keep this in mind before the budget is finalized.

A recap of new requests continued.

In regards to Surface Water Management, NPDS Permits and increased requirements and the rate making for that fund, Mayor Pro Tem Thomasson noted Council has given direction to set a rate for SWM that funds two-thirds of a position. He questioned if cutting the .67 maintenance position puts this in jeopardy.

In regards to a \$3,000 increase in Hearing Examiner Services, City Attorney Marousek noted this is based on the last two and half years of experience for the City. She advised that we have been relying on them to manage many issues for the City and it is likely the work hours will go up, rather than down.

Mayor Pro Tem Thomasson questioned whether the Council should consider going to an hourly contract with the Hearing Examiner.

10:13 p.m. Councilmember Benjamin arrived.

Upon questioning about cutting \$5,000 for the consultant fee for the Des Moines Memorial Drive Elms Project and if this would hurt the project, City Manager Piasecki advised that current staff can follow the Plan adequately.

Mayor Pro Tem Thomasson suggested staff research purchasing new parks and recreation software as it may be cheaper in the long run.

In regards to the consultant fee in the building division to study the Sierra Permit-tracking system, Mayor Pro Tem Thomasson felt spending this money makes no sense if we cannot afford to purchase any new system. Planning, Building and Public Works Director Fredricks felt that the City cannot afford not to make an investment in the system, because of work flow management, interface, and to get systems to talk to each other (Sierra and Eden), and to avoid duplications. He felt there will be a clear business reason to show this is a wise investment.

In conclusion, Finance Director Henderson reviewed the General and Street Funds, noting various revisions and adjustments

Remaining Discussion Items

MOTION was made by Mayor Pro Tem Thomasson, seconded by Councilmember White and passed unanimously, to have the remaining two agenda items (Review of B & O Tax and Draft Res. 05-124 Amending Council Rule 8) rescheduled at the Mayor's discretion.

NEXT MEETING DATE

Mayor Sheckler noted the next regular meeting will be November 10, 2005.

ADJOURNMENT

At 10:30 p.m. the meeting was adjourned due to time expiring.

Respectfully submitted,

Denis Staab
City Clerk