SPECIAL MEETING DES MOINES CITY COUNCIL

MINUTES July 9, 2005

The special meeting of the Des Moines City Council was called to order at 9:07 a.m. by Mayor Sheckler at the Des Moines Senior Center, 2045 S. 216th St, Des Moines, WA.

ROLL CALL – Present: Mayor Bob Sheckler, Mayor Pro Tem Scott Thomasson, Councilmembers Dan Sherman, Maggie Steenrod (left the meeting at 10:05a.m. and returned at 10:43 a.m.), Gary Peterson, Susan White and Richard Benjamin (left the meeting at 9:50 a.m. and returned at 1:15 p.m.). Also present were City Manager Tony Piasecki, Planning Building and Public Works Director Grant Fredricks, Police Commander Kevin Tucker, Park and Recreation Director Patrice Thorell, Finance Director Paula Henderson (arrived at 9:45 a.m.), consultants Tom Beckwith and Judith Kilgore and Permit Specialist David Steen.

DISCUSSION ITEMS

Zoning Code

City Manager Piasecki reviewed the working process, noting that the Council had moved through the first half of the "matrix" at the last retreat. **Mayor Pro Tem Thomasson** also noted that the first part of the consultant's report is to be showing the present Zoning Code in a new format.

Consultants Kilgore and **Beckwith** confirmed that the same code contents would first be produced in new form. **Ms. Kilgore** asked for clarification: will they be receiving feedback through Committee or from the full Council?

Councilmember Steenrod raised the issue of simplicity and consistency, urging that the product of this work and other work on the Comprehensive Plan be such that a lay person could understand it. She stressed the importance of consistency between the Comprehensive Plan and Zoning Code.

Mayor Pro Tem Thomasson mentioned that he thought the decision at the last Council retreat to create a Public Facilities zone would be a mistake, making it possible for any Public Facility to become established in any place. Through the following discussion several points were clarified:

1. The Comprehensive Plan presently lists Public Facilities uses, making it inconsistent with the Zoning Code.
2. Applicants would be submitting Master Plans or Project Specific Development Agreements by which contracts would be negotiated for any specific use. If that use ceased, the next use would have to be developed under new contract, coming first before Council.
3. Even though many uses would be listed as possible, each applicant would have to satisfy specific criteria in their Master Plan. Some uses would not fit certain areas for any number of reasons—e.g., "Yes we allow that use, but it causes too many problems in that particular location."
4. Some perennial problems could be solved, like Highline College being in a Single Family Zone. Some of their buildings, coming to the end of their useful life, would need to be replaced. At that time, the City could require a Master Plan from the college before the changes are allowed.
5. When "grandfathered" uses come to an end, then zoning reverts back to the underlying use and any new development would need to be done through the use of Project Specific Development Agreement.
6. This would also cover the issue of Highline Schools declaring surplus land, providing a predictable and deliberative way of making changes.
7. Courts have ruled that higher uses could be granted subject to Project Specific Agreements in place.

Mayor Sheckler asked Mr. Beckwith to lead the discussion as the Council moved on into the matrix issues remaining; noting that some had been left for further discussion and would be included after the full list had been covered.

At 9:50 a.m., Councilmember Benjamin left the meeting.

At **Item 15**, **Mr. Beckwith** discussed the differences between a Euclidian approach to planning where densities are reached by legislating lot sizes and a "performance" approach whereby density becomes an overriding principle for any decision on an application. He recommended the performance approach.

When **Councilmember Sherman** asked how this would be different from a Planned Unit Development, **Ms. Kilgore** pointed out that the Planned Unit Development required a minimum of 2.5 acres for a project. She suggested that this approach could apply well to the 5,000 sq. ft. individual, non-adjacent lots that exist in Redondo. She said rather than using a minimum lot size which means these lots are unbuildable, a "performance" approach could allow owners to develop their land.

Several issues arose in the following discussion:

1. While it is true that Des Moines presently allows some averaging of lot sizes within a subdivision development so that some lots could be as little as 75% of the minimum lot size assigned, it is conceivable to apply the "density principle" district wide and allow individual lots to be developed when they have to now been considered substandard.
2. Although this is an impetus to add flexibility to our zoning which could demand more staff work at a time when staff is understood to be greatly stretched already much work is already involved for any application received under the present code.
3. Citizens have had great difficulty getting insurance coverage when trying to buy a house on a substandard lot.
4. Several affirmed the need to write a code that will allow these existing lots to be developed.
5. In trying to achieve a style of neighborhood, if minimum lot size is used (a geometric formula), then certain product types tend to be demanded. But the "density" orientation would allow more flexibility.

Mayor Sheckler suggested that Council revisit this issue later and move through the other work outlined.

Councilmember Steenrod left the meeting at 10:05 a.m.

At **Item 16** on the Land Use Code and Comprehensive Plan Matrix, **Mr. Beckwith** recommended making "noxious and super regional facilities" Special Uses, thus allowing them, as the City is mandated to do, but also applying defined criteria, public hearings and other due process. Then, he said, the City's answer to an applicant for a project from the list of essential facilities from the Growth Management Act might be that we do allow such a facility in the City, but we are going to closely judge whether the use is appropriate for the specific location proposed. He pointed out that over time the City has found ways to make things work on specific issues, but that this direction would create a formal process that makes its decision more defensible. Finally, he pointed out that such a process should not be overused.

City Manager Piasecki recognized and named a consensus from the Council directing Mr. Beckwith to draft this recommendation.

At 10:23 a.m., **Mayor Sheckler** announced a 15 minute break. At 10:43 a.m. he called the group back to order.

Also, at 10:43, **Councilmember Steenrod** returned to the meeting.

Mayor Sheckler reminded the group that the agreement had been to spend five minutes on each item and then make a decision to accept or reject a recommendation or to come back to the item later for further discussion.

At **Item 17**, **Mr. Beckwith** suggested that instead of creating specific rules for Landscaping in each zoning district, the code should define the purpose of buffers and list characteristics and planting materials all in one place. Then, he said, those purposes could be applied as appropriate in each application.

Consensus was to create such a draft.

At **Items 18 through 23** (noting there is no Item 22), all concerning Landscaping, consensus was reached to ask Mr. Beckwith to provide drafts that would show how his recommendations would look.

Mr. Beckwith described the omitted **Item 22**. He said the Issue is that the Code does not require any performance bond for landscaping, and that the recommendation would be to require a bond for a certain duration without necessarily telling developers how to make the landscaping last so long (i.e., requiring irrigation systems), but requiring them to do it.

There were three concerns mentioned:

1. Sometimes a period of three years instead of one year is required to make sure plants will survive.
2. A code should not be put in place that the City will be unable to enforce.
3. It is important that developers not be able to put in substandard landscaping and walk away.

Consensus was noted, to provide a draft for this recommendation.

On **Items 24 and 25**, both regarding clarifying sign codes and making them more consistent from zone to zone, consensus was quickly reached that the consultant should provide draft language for consideration.

Mr. Beckwith described **Item 26** as part of the "new" material which would be making the sign code more comprehensive, providing definitions and the requirements for every type of sign. Concerns raised in the discussion included:

1. Des Moines needs higher standards for signs.
2. Changes in the code will almost certainly create "flack" and may overreach the ability of our code enforcement division to oversee.
3. It is a good idea for the Council to decide what it would want and then take on the issue of enforcement.
4. Reiteration that this will need to be treated as "new" and not just a rewrite of the present code in new format.

Consensus was reached to ask for a draft from this recommendation.

For **Items 27**, recommending indexing sign requirements to building size and frontage walls instead of property size;
28, recommending specifying a maximum size for each type of sign;
29, recommending specifying sign performance requirements;
30, recommending specifying duration limits for each type of temporary sign;
and **31**, recommending providing good examples and illustrations, there was almost discussion before consensus was declared to ask for drafts on each recommendation.

Mr. Beckwith described **Item 32**, which had not been listed, as recommending that the sign code should have penalty and enforcement provisions as well as dealing with signs that have outlived their usefulness. Consensus was declared to ask for a draft statement for this recommendation.

At this point the discussion was directed back to items that had been set aside due to time restraints. **Item 15**, recommending the performance approach to lot size decisions, was first. Several concerns were noted:

1. The "density approach" would allow clustering and cottage housing by getting away from rigid lot sizes and the types of houses that fit them.
2. People who had larger properties would be penalized by allowing the smaller properties to be developed.
3. Flexibility of product is not necessarily desired if people who live in single family houses want similar houses around them in their neighborhood.
4. Practically speaking, there is very little easy land left and 7,200 sq. ft. lots are scarce. This lets owners take advantage of a property while taking wetlands and buffers into account.

Mayor Sheckler called for a shortened lunch break beginning at 12:10 p.m. At 12:45 p.m., he called the meeting back to order.

Mr. Beckwith gave these reasons for the proposal in **Item 15**:

1. It is more flexible and defendable
2. It is more practical

3. You must control types
4. There is a need to meet the argument that choice of products in the marketplace is allowed. This allows a wider use of products in higher density zones.
5. The Growth Management Act calls for provision for broader income groups.

Mayor Sheckler noted consensus to support the draft of the proposal and suggested the group move forward in its work.

As the group reached consensus about **Item 10**, **City Manager Piasecki** noted that it will be helpful to have maps available when reviewing the draft that will come from it.

At **Item 9**, about consolidating Single Family Residential zones, after some discussion of the 900, 900A and 900B zones, **Mayor Sheckler** recognized a consensus for receiving a draft from the proposal.

At 1:15 **Councilmember Benjamin** returned to the meeting.

<u>Economic Development Strategy</u>

Referring to the 06/17/2005 document, "Economic Development Matrix", **City Manager Piasecki** suggested that Council members might each list their own top five most urgent choices from the matrix.

Councilmember White listed 1.1, 2.1, 2.2, 2.8, 2.9 and 2.11.
Mayor Pro Tem Thomasson listed 1.1, 2.2, 3.14, and 4.26.

Councilmember Sherman listed 1.1, 2.2, 2.8, 3.14, and 4.26.

Councilmember Peterson listed 3.2, 3.3, 3.4, 3.11, and 3.14.

At 1:40 p.m., **Councilmember Sherman** left the meeting.

Councilmember Benjamin listed 3.1 through 3.6 and 4.1.

Councilmember Steenrod listed 1.1, 2.2, 4.1, 4.25 and 4.26.

Mayor Sheckler listed 1.1, 2.2, 2.8, 3.14, 4.1 and 4.26.

At 1:50 p.m., **Mayor Sheckler** called for a brief break. At 2:00 p.m. he called the group back together.

<u>2006 Budget</u>

City Manager Piasecki opened the discussion by asking whether Council would be interested in seeing a proposal drafted for going to the voters for a tax increase this fall. He suggested the idea would be to be very specific about the proposed application of the increased funds to Police Officers and Park Workers.

Councilmember Peterson and **Mayor Pro Tem Thomasson** stated that they were not in favor of such a proposal.

Councilmember Benjamin indicated that he was pleased about the notion of being specific about the application of any possible tax increase. He also mentioned that whether he eventually would support a tax increase or not, he would support the idea of going to the voters.

Councilmember Steenrod mentioned the City should first show it has become leaner. She also advised only using the date of the general election for any such vote.

Mayor Sheckler suggested that although the dedicated levy lid lift was attractive, he believed the public has not yet felt the decrease in service that exists now. He indicated he preferred to have further discussion before announcing either support or non-support of the idea.

City Manager Piasecki commented that responsibility to the public is driving the idea. He said that crime rate is an important factor, noting that positive changes in the Police Department have been such that Chief Baker has said that the growth of the crime rate might be slowed. **City**

Manager Piasecki suggested that if the public were made aware of the good work being done, they might feel more supportive of a levy lid lift to reinforce that work.

Mayor Sheckler invited staff members to join the discussion.

Finance Director Henderson mentioned she thought we should move for a levy lid lift to help shore up the City's reserves. She also said she would prefer to move away from "one-time revenues" being used to make up the annual budget.

Police Commander Tucker recalled that there was full police staff in 1999, but that since then there are 7 fewer officers while Redondo was annexed by the City. He mentioned that the Part One crime rate growth is +23%. He said he is concerned with staff overtime while the staff is just tired.

Parks and Recreation Director Thorell pointed to park closures. She asserted that the City needs places for people to go. She mentioned that neighbors who have pitched in to keep the parks open, know very well how the budget cuts are affecting them. She said that staff mows less and does not irrigate. She also mentioned phone calls her department receives each time a park gate is locked.

Councilmember Benjamin asked about the rate change being sought and whether it might produce a surplus beyond the specifics mentioned. **City Manager Piasecki** indicated the rate would go from $1.20 per thousand to $1.60 per thousand of property assessment values. He also said the change might produce a surplus.

Police Commander Tucker added that the Police Department wants to provide many specifics as to its needs.

Councilmember Steenrod advised that the voter would have to he shown exactly how such a commitment would help. She also advocated a five year plan. She mentioned that she believes the City is leveraging its money well on the Des Moines Creek Bridge project and needs to do more of that.

City Manager Piasecki indicated he would place this discussion item on the July 28, 2005 City Council agenda, framed around the presentation that Finance Director Henderson would be making that night.

Mayor Sheckler invited **Planning, Building and Public Works Director Fredricks**, new on staff, to offer his thoughts to the group. **Director Fredricks'** comments were that he had been hearing two themes recurring, accountability and economic development strategy. He suggested that this has a direct connection with the budget, since investors are not inclined toward an unsafe community. Finally, he suggested that the City's financial grade should be considered as a potential talking point with potential investors.

At 2:55 p.m., noting that Council had done a great job, **Mayor Sheckler** adjourned the meeting.

Respectfully submitted,

Dave Steen