

PRELIMINARY
REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES

July 5, 2007

The regular meeting of the Des Moines City Council was called to order at 7:30 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 Dave Kaplan, Ed Pina, Carmen Scott, Dan Sherman and Susan White. Also in attendance were City Manager Tony Piasecki, City Attorney Pat Bosmans, Planning, Building & Public Works Director Grant Fredricks, Planning Manager Denise Lathrop and City Clerk Denis Staab.

DISCUSSION ITEMS

Budgeting for Outcomes

Councilmember White questioned the purpose of this exercise and expressed concern over the tremendous amount of staff time that may be needed. She referenced a two page, five year development plan from the City of Bremerton.

Councilmember Pina expressed the opinion that Council is reviewing all the things the City does and all of the sources of money to accomplish things, and how to determine what things are the most important if we do not have unlimited funds.

City Manager Piasecki noted we are talking about a budgeting type of process, including a strategic planning process for economic development and a few other items as shown on Bremerton's plan.

Planning, Building & Public Works Director Fredricks referenced the April 28th retreat noting that each department outlined the work they do and how it relates to things that people in the community care most about. Out of earlier decisions that the Council has made in respect to priorities, goals and strategic objectives over several years, staff tried to group those activities into "key result areas". These are things, staff believes, the community wants most from its city government, and each of those areas (contained in attachment 3) staff has identified the way in which we are approaching the key result areas, with a set of supporting strategies that staff is spending efforts on and investing City resources. He listed the three *Ultimate Outcome Areas* staff identified as:

1. Preserve and Enhance Livability
2. Protect People and Property
3. Protect and Enhance the Natural Environment

and the *Intermediate Outcome Areas* as:

4. Improve Economic Vitality and Development
5. Maintain and Enhance the City's Infrastructure
6. Improve Delivery of City Services
7. Improve Contribution of Marina to City Economic Development and Revenues

Upon questioning by Councilmember Kaplan on how this order was determined, Planning, Building & Public Works Director Fredricks noted this is a place for Council to start a conversation so that in a "step 2" meeting Council can prioritize for the 2008 budget.

City Manager Piasecki stated staff is asking Council to make the decision on the proper order.

Councilmember White felt if Council is not moving in these directions, then we are not doing our job. If this will streamline the Budget Process that is one thing, but if we just revisiting what the community wants, it is a waste of time. She noted the community tells her every day what they want and they are things Council is working on.

Councilmember Pina advised that a majority of the Council has decided we want to pursue this method as it will allow us to examine, given limited resources, what are the things that are most important to the citizens and the city. This will allow Council to do the best job it can with the funds that are available.

Councilmember Kaplan noted we are not talking economic development, but the money we have now and the services we need to provide. He felt Council has, since 1959, been using similar approaches in terms of budgeting with the same results. He felt we are now looking at prioritizing what is important and then deciding on what resources are necessary to provide the proper level of services. This process allows us to make the most of the current resources. He stressed that Council cannot keep using one time monies. He felt it is an important exercise for Council to tell staff what is important and keep the citizens informed.

Planning, Building & Public Works Director Fredricks informed Council what he hopes to conclude tonight with a clear understanding of what are Council priorities in terms of the results we want to achieve and the activities that support those results. He noted this is Step 1, connecting the work we do, with the results and outcomes, expected by the community. Early next month, based on Council's decision tonight, staff hopes to show Council how much staff effort and how many dollars are going into particular areas using the 2007 budget to determine if we are currently spending too much or not enough. He advised that in about six weeks, departments will be presenting budget requests for 2008 through the Finance Director to the City Manager, which after being rationalized and scaled to fit revenues, conversations can then be held with Council regarding the 2008 budget. He advised that staff hopes this will be a more efficient outcome and a focused discussion than what we have gone through in the past to establish the budget in relation to the results and outcomes that the Council determines to be the most important for the community.

At this point Mayor Sheckler requested Councilmembers prioritize the Ultimate and Intermediate Outcome Areas. Council discussion ensued with highlights and consensus as noted:

Ultimate Outcome Areas

1. Protect People and Property
Unanimous Consensus. Also move bullet "Prevent and eliminate unsafe and unhealthy living conditions" from *livability* to Protect People & Property.
2. Maintain City's Infrastructure
Unanimous Consensus
3. Preserve Livability

Discussion ensued and majority consensus was to drop "Enhance" as this implied adding new items which took funding away from preserving. As budget picture improves, enhancements can be added.

Councilmember Scott commented that she feels it is wrong not to insist on Park space in new neighborhoods as it forces residents to drive to recreational space. She requested Councilmembers take a strong look at this requirement for future developments.

4. Protect Natural Environment

After discussion the majority consensus was to drop "Enhance".

Intermediate Outcome Areas:

5. Improve Economic Vitality and Development
6. Enhance Livability

Planning, Building & Public Works Director Fredricks interjected at this point, that staff has a strong sense of Council's sentiment and requested staff be allowed to recompile the list for Council's consideration. He stated staff will figure out how much money we are spending and how much staff effort is being directed, in the 2007 budget, in each of these areas. This will give Council the opportunity to review and decide if it is too much or not enough. This will be used to guide development of a 2008 budget proposal to match Council's interests and desires.

Councilmember Scott requested when these issues come back to Council, have staff note what levels are supported by earmarked funds from various sources, including likely grant sources, so Council has a better sense of how much financial support there is for each category.

Councilmember Kaplan felt this was an important exercise because staff has learned that Council is prioritizing putting money into preserving and protecting things we already have and the services we already provide, over enhancing anything.

Mayor Sheckler commented that Council does not need to necessarily prioritize outcomes. He felt they all carry equal weight and the outcomes Council wants to see.

Zoning Code Update

Planning Manager Lathrop noted the update began in 2004 when a consultant completed a draft that organized the Zoning Code into a more user-friendly format. Since that time staff has made some additional changes and organization that tailored it more towards the City of Des Moines. She advised that Council will be provided with notebooks and staff will be bringing work packets, divided into five divisions as follows:

1. Administrative Mechanisms and Definitions
2. Zoning Districts and Use Tables
3. Environment
4. Land Development
5. General Provisions

She informed Council that on July 26th staff will address the first division administrative enforcement section and will be combining some of the land use review procedures, in order to avoid repetition throughout the Code on similar topic issues. She referenced a "Land Use Table" provided in Council's packet as an example of the background information, as provided by the City's consultant, on how we can provide more visual documentation versus all text in aiding a

more user friendliness of the Code. She questioned whether Council likes the concept of having a "use table" versus just straight text as the Code is currently. She also displayed some examples of graphics that could be used in the Code to help answer questions, such as what is an awning sign. She advised that staff will be bringing to Council's attention areas where staff is having difficulty implementing current regulations and work with Council to make any appropriate amendments.

Mayor Pro Tem Thomasson advised that he is hesitant to place pictures in the Code. He would prefer to see a separate booklet, like for the Sign Code. He felt this would be preferable to have referenced guidelines rather than try to build them into the Code.

MOTION was made by Councilmember White, seconded by Councilmember Scott, to direct staff to organize the zoning code in the format as discussed at this meeting and as illustrated in Attachment 1 of the July 5, 2007 Council Agenda.

Upon questioning, Planning Manager Lathrop stated that the work packets will be in strike-out and underlined format, and where a section has been moved there will be bold highlighted text to tell Council where an item was moved from.

Councilmember Sherman commented that he thought we would reformat first, before doing any substantial changes are made. Councilmember Kaplan remarked that this makes sense to him to make sure internal references get caught correctly.

Mayor Pro Tem Thomasson felt we should get the existing Code reformatted, based on the existing Code, and only then would it be appropriate to look at changes. He does not feel anything should be adopted until reformatting and all the changes are complete. In regards to definitions, he requested like things be kept together, or even point to a "like" definition. He noted that in Division 5, it contains Park Impact Fees, but he noted there are Transportation Impact Fees and they are not in the Zoning Code but the Transportation section of the Code. He felt perhaps all impact fees should be brought together or perhaps the Park Impact Fees should be in the Park Section, not the Zoning Section for consistency.

Planning Manager Lathrop noted that once Council gets into detailed discussions, those types of decisions will be made.

Councilmember Scott felt that the idea for a "Booklet" for examples should be instituted for a number of issues such as light standards, benches, waste containers, or anything that is an object that you might go out and purchase.

VOTE ON MOTION: Motion passed unanimously.

8:55 p.m. Mayor Sheckler called for a 10 minute break.

Draft Resolution 07-135 [ASSIGNED RESOLUTION NO. 1049] Des Moines Creek Business Park

MOTION was made by Councilmember White, seconded by Councilmember Kaplan, to approve Draft Resolution 07-135 setting out the Des Moines City Council's vision and preferred land use mix, proposing changes to the First Development Agreement, clarifying the entitlement and approval process, and committing to a schedule to execute the Second Development Agreement for the Port of Seattle's proposed Des Moines Creek Business Park.

Mayor Pro Tem Thomasson advised that in reading the draft resolution it raised more questions than it answered. On page 3, 2(a), he noted the highway and the area west is zoned our lowest single family residential, so he worries this sentence says we are going to enlarge the business park zoning. He felt the sentence should be amended to make it clear what we are doing.

Planning, Building & Public Works Director Fredricks noted this grew out of a series of conversations with Councilmember Scott to better understand the nature of the topography. The conclusion was we ought not to back the development onto this site, but rather to encourage the developer to recognize that at some point there may be similar or different uses of this property.

Councilmember Scott noted one point was that the DOT right-of-way will not become a freeway, so we need to recognize at some point in the future, that land may have a use and there needs to be reasonable and safe access. She further advised that it would not be safe for the Port property to have access on South 216th, so all development should direct 18 wheelers to the north on to 24th Avenue South, with only retail access available on South 216th.

Mayor Sheckler stated that South 216th is one of two main gateways to Des Moines so we need to be careful.

Mayor Pro Tem Thomasson suggested the wording be changed to Section 2(a) to add "provide a road connection to the west from the development site" then would understand what it means.

MOTION was made by Mayor Pro Tem Thomasson, seconded by Councilmember Kaplan, to strike Section 2, 2(b).

Mayor Pro Tem Thomasson felt this item implies, and opens the door, that it will be 100% air freight.

VOTE ON MOTION: Motion passed unanimously.

Further discussion and motions were offered as follows:

MOTION was made by Mayor Pro Tem Thomasson, seconded by Councilmember Kaplan, to amend Section 2 2(c) by placing a period after "SR 509" and striking the rest of the sentence.

Councilmember Scott suggested that after SR 509 we should add "and I-5". This was accepted as a FRIENDLY AMENDMENT by the maker and seconder of the motion.

VOTE: Motion passed unanimously.

In regards to Section 2 (3), Mayor Pro Tem Thomasson stated he has not read the detailed transportation analysis and therefore cannot accept that he acknowledges the content.

Councilmember Kaplan expressed comfort with Section 2 (3) since it is speaking to what Council offered in terms of the retail and was never a part of the original EIS, it needs to be included to acknowledge the fact that the existing analysis may not take into account the traffic impacts of having retail.

MOTION was made by Mayor Pro Tem Thomasson, seconded by Councilmember Kaplan, to add a period after "large-scale retail uses are added" in the last sentence. (**MOTION WITHDRAWN.**)

City Manager Piasecki suggested instead to strike "or if" and insert the word 'and' and add the word "truck" between the words 'primary' and 'access'.

MOTION was made by Mayor Pro Tem Thomasson, seconded by Councilmember Kaplan, to accept the City Manager's suggestion.

Upon questioning as to whether truck routes can be enforced, City Attorney Bosmans responded in the affirmative.

VOTE ON MOTION: Motion passed unanimously.

Upon questioning of the MOU in Section 3(2), Planning, Building & Public Works Director Fredricks advised this is intended to lead into, and ultimately be incorporated, into the Second Development Agreement. It sets out the business details between the Port and the City, terms and conditions for the right-of-way purchase, the vesting periods and all other business details that are not associated with the physical form of the development by the developer. The Second Development Agreement will incorporate the resolution approving the Master Plan which is submitted by the developer and include the business detail between the Port of Seattle and the City of Des Moines.

MOTION was made by Councilmember Kaplan, seconded by Mayor Pro Tem Thomasson and passed unanimously, in Section 4, to strike the last part of the first sentence that reads: "and that the CMP and EIS are consistent with the City's development regulations."

MOTION was made by Mayor Pro Tem Thomasson, seconded by Councilmember Pina, to amend Section 4(2) to strike the word "approve" and insert the word 'consider'. Motion passed unanimously.

MOTION was made by Councilmember Kaplan, seconded by Councilmember Pina and passed unanimously, to amend Section 4(4)(a) to strike the word "any" and insert 'necessary'.

MOTION was made by Mayor Pro Tem Thomasson, seconded by Councilmember Sherman and passed unanimously, to amend Section 4(4)(b) to insert the word "Consider" at the beginning of the first sentence.

MOTION was made by Councilmember Sherman, seconded by Mayor Pro Tem Thomasson, to amend Section 4(3) to strike the word "removing" and insert the word 'amending'. Motion passed unanimously.

MOTION was made by Councilmember Sherman to strike "and (iv) makes the site as attractive to the development community as possible to hasten realization of the Port's and City's shared goals for the DMCBP:" Motion DIED for lack of a second.

VOTE ON MAIN MOTION: (approving draft resolution as amended.) Motion passed unanimously.

Upon questioning about pre-briefing Council on items coming up, Planning, Building & Public Works Director Fredricks stated it would not make sense to talk about concepts which are unlikely to present themselves in the development proposal.

NEXT MEETING DATE

Mayor Sheckler noted the July 12, 2007 meeting has been canceled and the next regular meeting will be on July 19, 2007.

ADJOURNMENT

At 10:28 p.m. **MOTION** was made by Councilmember Pina, seconded by Councilmember White and passed unanimously, to adjourn.

Respectfully submitted,

Denis Staab
City Clerk