

## REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES

July 24, 2008

The regular meeting of the Des Moines City Council was called to order at 7:32 p.m. by Mayor Sheckler in the Council Chambers, 21630 11<sup>th</sup> Avenue South, #B.

PLEDGE OF ALLEGIANCE to Flag was led by Councilmember Scott.

ROLL CALL - Present: Mayor Bob Sheckler, Mayor Pro Tem Dan Sherman, Councilmembers Dave Kaplan, Ed Pina and Carmen Scott. Absent: Councilmembers Scott Thomasson and Susan White.. Also in attendance were City Manager Tony Piasecki, City Attorney Pat Bosmans, Chief of Police Roger Baker, CIP Project Manager Scott Romano, Development Services Manager Robert Ruth, Planning Manager Denise Lathrop, Land Use Planner II Jason Sullivan and City Clerk Denis Staab.

MOTION was made by Mayor Pro Tem Sherman, seconded by Councilmember Kaplan and passed unanimously, to excuse Councilmembers Thomasson and White.

### CORRESPONDENCE

#### Sound Transit Board - Joni Earl, Chief Executive Office

City Manager Piasecki distributed an e-mail to Councilmembers that came in this evening from Joni Earl letting Des Moines know that the Sound Transit Board has decided to put a ballot proposition to the voters in November, exactly as Council discussed a couple of weeks ago. That is a five tenths of one percent sales tax, 15 year project, take Light Rail down to S 272<sup>nd</sup>, etc.

### BOARD & COMMITTEE REPORTS & COUNCILMEMBER COMMENTS

#### Leadership Summit

Councilmember Scott reported a Summit was held two Saturdays ago, with approximately 60 community leaders and Councilmembers in attendance to discuss the City's 50<sup>th</sup> anniversary which will occur in June 2009. She noted it was also discussed whether it is possible to bring back some of the "Waterland" events as there are people who would like that to happen. Lots of ideas were expressed to add to our celebration next summer of our official 50<sup>th</sup> year as a city.

#### Cars and Boat Show

Councilmember Scott noted a Car & Boat Show was held at the Marina last Saturday, and a Car Show was held on Sunday at the Field House.

#### 2009 Calendar

Councilmember Scott advised that the Legacy Foundation has agreed to sponsor a Des Moines Calendar for 2009.

### COMMENTS FROM THE PUBLIC

#### Nadine Byers, 26241 13<sup>th</sup> Place South - Des Moines Human Services Commission Member

Ms. Byers invited everyone to attend the opening of the remodeled Woodmont Library on Saturday at 2 p.m.

Ms. Byers proceeded to introduce Linda Parker from the Salvation Army. She noted this is the 2<sup>nd</sup> year that the City has funded the agency located within Des Moines. She advised that 100% of the funds that they receive from the City are used to help Des Moines' residents with utilities and rent assistance, and that administrative and operating costs are covered under other funding sources.

Ms. Parker distributed The Salvation Army's 2007 Annual Report for Council's review, noting they are a non-profit organization and do not discriminate against anybody for any reason. If they have the ability to help an individual they will. She reported the following statistics for Des Moines in 2008:

- Utility Assistance to 113 individuals and 37 households
- Rental/Housing assistance to 15 individuals and 7 households

## BOARD & COMMITTEE REPORTS & COUNCILMEMBER COMMENTS CONTINUED

### Public Safety and Transportation Committee

Councilmember Kaplan advised that the Committee has meet on almost a weekly basis. He noted the three issues they have been spending the most time on are the Comprehensive Transportation Plan, the Road Standards and possibly the most significant, financial condition of the roads fund. He advised that because of the timing of when we anticipated certain revenues to come in, there is a significant timing issue on those funds that were expected to be received this year, which the City will not get. In addition, we have had emergency repairs to the North Twin Bridge, so in total the short fall is in excess of \$4 million, with a beginning fund balance of \$2 ½ million, which shows the scope of the issues we have for the remainder of the year. He noted the Committee is trying to provide guidance to staff, and staff is providing options, on the ways to add funding to get us through the remainder of this year in anticipation of the largest chunk of revenues hopefully being received next year. He stated the Council will receive an update on what we need to do this year at an upcoming meeting. He warned this may involve postponing various projects, may need to borrow money, or having to set aside some MCI projects and redirect the funds towards the Street Fund.

### Sound Transit - Light Rail

Councilmember Kaplan noted the way that the new proposal is being put forward implies that Des Moines would essentially wind up with two stops along the light rail corridor, if approved by the voters. He pointed out Council has not discussed whether we will support whatever they put on the ballot, however we have expressed the opinion that it should be built to Tacoma and that they should not be building the other links over to the east side of the lake before completing the entire stretch down to Tacoma. He felt it is important to take into consideration, if this is going to go through Des Moines, where do we want it to go, where we want the stations and whether or not we can support it based on the configuration Sound Transit talks about.

### Sound Transit - Light Rail

Councilmember Pina stated that he does not support what is being proposed as he feels they are not putting enough emphasis on short term transportation problems, such as more buses. He also noted he is opposed to serving the east side.

### Municipal Facilities Committee

Mayor Pro Tem Sherman reported the Committee met two weeks ago with a focus on Marina issues. He advised items are costly and we will need to take out some bonds, which was

anticipated, to move ahead with the bulkhead replacement project. Final determination will be made by the Council as a whole. They also discussed project design for the new electrical ducting. He reminded Council that Council has determined that general funds will be paying for some of the facilities that are more publicly oriented at the Marina, such as the trail extension, and restrooms. He advised that there has been three responses to the Request for Proposals regarding an eatery to be located at the Marina which will be discussed at a later meeting.

#### Woodmont Library - Preview Opening

Mayor Pro Tem Sherman reported attending the preview opening and stated the building is much larger than it used to be and felt the design fits in nicely with the character of the original library.

#### Governor Gregoire Visit

Mayor Pro Tem Sherman stated the Governor arrived at the Marina guest moorage via boat as part of her tour around Puget Sound regarding a Partnership for Restoring and Improving Puget Sound. He advised that Mayor Sheckler did an excellent job of introducing her and welcoming her to our City. While he did not get an opportunity to speak to the Governor he personally hopes this program will stop the Morey Island Gravel Pit. He informed Council that under his title of Mayor Pro Tem, he has sent an e-mail asking them why on one hand they are approving cleaning up the Sound, while on the other hand the State has approved the mining of gravel on Puget Sound.

### PRESIDING OFFICER'S REPORT

#### Leadership Summit

Mayor Sheckler noted about 60 community leaders attended the Summit. He advised that so many ideas resulted that they have formed a Steering Committee which will meet on Monday, to sift through all the suggestions and try to determine which ideas can be completed by the City's celebration date.

### ADMINISTRATION REPORTS

#### Port of Seattle

City Manager Piasecki reported that the Port Commission approved the 1<sup>st</sup> Addendum to the Development Agreement last Tuesday, regarding the Street Vacations and authorized their CEO to sign. We are now awaiting the Port to finish their negotiations with Majestic Realty, and once that is completed, master planning will begin.

#### Consent Item #3 - Street Vacation

City Manager Piasecki informed Council that the applicant has signed the deed to give the City the 30 feet of right-of-way which is on the northern part of his party, subject to approval of the Draft Ordinance. He also noted the 30 feet of the northern property that is on the School District's property along 200<sup>th</sup> Street, was deeded over to the City when the improvements were made to the School and they installed the curb, gutter and sidewalk in 2005.

#### July 4, 2008

Police Chief Baker reported on the following:

##### General Fireworks Related Calls/Incidents

- Between June 11<sup>th</sup> & July 5<sup>th</sup> received a total of 99 service calls
- Translates into a 10% reduction from last year

- Fireworks complaints in 2008 is the lowest total since "no fireworks" law of 2005, with a 23% reduction from last year

July 4<sup>th</sup> Fireworks Event at North end of Marina

- Total additional personnel assigned included 27 Police Officers, 3 CSO's, 1 Animal Control and 1 Evidence Specialist
- Few incidents of fireworks being surrendered/confiscated
- 2 arrests for liquor violations and 1 for possession of drug paraphernalia (all in South parking lot)

Chief Baker summarized that the mission to 'conduct crowd control and public safety operations' in support of City sponsored Fourth of July activities was a success. He concluded by noting that incidents requiring police response and services were consistent with similar weekend evening shifts throughout the City.

Pacific Ridge Police Activity Update

In response to public comments on July 10<sup>th</sup> by Mr. Chastain regarding concerns related to public safety in the Pacific Ridge Area, Chief Baker distributed a memo dated July 24, 2008, with information on law enforcement related activities. He advised that in January 2005, the Police Department implemented a 5 year strategic plan, which led to the restoration of the department (Levy LID Lift, and the Crime Free Rental Housing Ordinance). The Crime Free Housing Program provides skilled assistance to property owners and managers to better manage their property and resolve public safety issues. The program requires a business license, attend a crime Free Housing Class and a safety survey of the property is conducted. The City also provides a very effective voluntary criminal trespass program which allows Police Officers to remove those people that are on private property for no legitimate purpose. He informed Council that Mr. Chastain withdrew from this program in May 2008, which limits the Department's ability to assist him in removing uninvited persons from entering his property. He advised that on July 17, 2008, the Department has achieved sufficient increases in staffing, training and equipment levels to field three police officers of a designated five officer Levy Lid Lift funded Crime Task Force that will provide data driven directed enforcement activities in the Pacific Ridge area. He noted they expect to fill the remaining two positions this year. In conclusion, he noted the results of the strategic planning and implementation efforts as follows:

- 2006 Part I Crime - 14% reduction
- 2007 Part I Crime - 23% reduction
- 2007 Calls for Service - 10% reduction

Councilmember Kaplan acknowledged the efforts of the Chief and the Civil Service Commission in the process of hiring well qualified, above average candidates to serve our City as Police Officers.

Chief Baker further acknowledged the efforts of the unpaid Civil Service Commission in meeting so often to screen qualified personnel for the Police Department.

CONSENT CALENDAR was read by City Clerk Staab.

1. Motion is to approve the special minutes of March 29, the special and regular minutes of June 26, and the regular minutes of July 3, 2008.
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 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 #115180 through #115418 & electronic fund transfers in the total amount of \$1,107,504.78

Payroll fund transfers in the total amount of \$476,908.06

3. **Draft Ordinance No. 03-107 [ASSIGNED NO. 1443]** - Title: An Ordinance of the City of Des Moines, Washington, vacating a portion of City right-of-way in an area generally described as a portion of public right-of-way commonly known as South 201<sup>st</sup> Street, between 6<sup>th</sup> Avenue S. and alley to the east, together with an abutting unopened alley, in the City of Des Moines, subject to the applicant's compliance with requirements set forth herein.

MOTION is to approve Draft Ordinance No. 03-107 on 2<sup>nd</sup> Reading.

4. **Motion** is to award the contract for professional services for the Downtown Water System Evaluation to PACE Engineers, Inc. in the amount of \$28,713.29 plus a 10% contingency and to authorize the City Manager to sign said contract substantially in the form as submitted.

5. **Motion** is to award the contract for 2008-2012 Street Sweeping Services to Action Services Corporation in the amount of \$195,961.90 and further to authorize the City Manager to sign said contract substantially in the form as submitted.

6. **Two Motions**

A. Motion is to adopt Draft Resolution No. 08-167 [ASSIGNED NO. 1084] waiving the State competitive bidding requirements, pursuant to RCW 39.04.280, for Robbins and Company to be the general contractor for the construction of the Beach Park Dining Hall permanent foundation.

B. Motion is to approve the Construction Services Agreement with Robbins and Company, in the amount of \$729,425 plus tax, and authorize the City Manager to sign contract substantially in the form as submitted. And, to authorize City Manager to approve change orders in amounts not to exceed 20% in total.

**MOTION** was made by Councilmember Kaplan, seconded by Councilmember Pina, to approve the Consent Calendar as read.

Councilmember Kaplan posed the following comments/questions with responses as noted:

- Consent Item #4 - Thanked staff for moving this item forward.
- Consent Item #5 - Questioned what happens if we terminate because of budget concerns? City Manager Piasecki pointed out this will be paid from SWM funds, not general funds, and it is part of our NPDES permit requirements to do this.
- Consent Item #6.B - Why a 20% for change orders? Parks and Recreation Director Thorell advised this was highly recommended by our engineers due to the complexity of the project and the short time-frame that we have to complete the work.
- Consent Item #6.B - Why a charge for traffic control when it is in the Beach Park? Parks and Recreation Director Thorell advised due to the large number of participants using the Park facilities, as it will not be closed, that it must be part of the project, including signage.

**VOTE ON MOTION:** Motion passed unanimously.

## PUBLIC HEARING

Draft Ordinance No. 08-164 [ASSIGNED NO. 1384] Des Moines Creek Business Park Subdivision & Short Subdivision Vacations - City File #LUA 07-025 - 1<sup>st</sup> Reading

Mayor Sheckler introduced the topic and declared the public hearing open. As no one indicated a desire to address Council on the subject, he requested Administration describe the matter under consideration.

Development Services Manager Ruth advised that the proposal is a request by the Port of Seattle to vacate short and full plats within the Des Moines Creek Business Park area which they own. He advised that this is an 89 acre site, generally bounded on the north by 208<sup>th</sup> Street, on the east by 24<sup>th</sup> Avenue South and on the south by South 216<sup>th</sup> Street. He proceeded to identify and review the Short Plats (SP) and Plats (P) as follows:

- SP-1: Recorded in 1980, 4 lots, 2 acres
- SP-2: Recorded in 1980, 4 lots, 1.2 acres
- P-1: Recorded in 1956 48 Lots, 14.4 acres (extends into North half of South 216<sup>th</sup> Street)
- P-2: Recorded in 1949, 18 lots, 10.9 acres
- P-3: Recorded in 1956, 7 lots, 1.5 acres
- P-4: Recorded in 1962, 10 lots, 2.5 acres
- P-5: Recorded in 1964, 10 lots, 2.3 acres
- P-6: Recorded in 1965, 9 lots, 2.9 acres

He advised Council that the utilities were contacted and have no use for any of the existing utility easements supporting lots that are now vacant properties in the area. He noted that the draft ordinance as prepared does exclude the portion of Plat 1 that extends into South 216<sup>th</sup> Street and ties the approval of the Plat vacation to the Street Vacations which is still pending. He concluded by recommending approval this evening.

Mayor Sheckler inquired three times as to whether there is anyone who wishes to address Council on this matter. As there was no response he inquired of Council whether they have any questions of staff and as there were no questions, he declared the hearing CLOSED.

**MOTION** was made by Councilmember Kaplan, seconded by Councilmember Pina, to suspend Council Rule 26(b) in order to enact the draft ordinance.

Mayor Pro Tem Sherman voiced concern over taking action on a 1<sup>st</sup> reading as there is a Councilmember absent this meeting who is informative and helpful on this sort issue.

Councilmember Kaplan noted that Councilmember Thomasson had expressed concern about ensuring that South 208<sup>th</sup> not be impacted.

Development Services Manager Ruth assured Council that no property extends into South 208<sup>th</sup>.

**VOTE ON MOTION:** Motion passed 4 to 1 with Mayor Pro Tem Sherman opposed.

**MOTION** was made by Councilmember Kaplan, seconded by Councilmember Pina, to adopt Draft Ordinance No. 08-164 conditionally approving a request by the Port of Seattle to vacate certain short subdivisions and subdivisions within a site commonly known as the Des Moines Creek Business Park.

Mayor Pro Tem Sherman commented on the magnitude of the Port's efforts to turn this 89 acres of land back into a beneficial uses.

Councilmember Kaplan noted this action will allow us to move forward in the process.

VOTE ON MOTION: Motion passed unanimously.

[ED NOTE: Mayor Sheckler read the ordinance by title into the record later in the meeting.]

## PUBLIC HEARING

### Draft Ordinance No. 08-122 Cooper Right-of-Way Vacation at S 241<sup>st</sup> Street & 24<sup>th</sup> Avenue South - 1<sup>st</sup> Reading

Mayor Sheckler introduced the subject. He noted one individual has signed up to address Council and he proceeded to administer the Oath to Mr. Nelson. He requested staff describe the matter.

CIP Project Manager Romano advised that the application was filed on December 6, 2007, and all utilities and City departments were notified on January 8, 2008. Comments were received that there are several existing utilities in the area and they do not protest the vacation as long as their easements are protected. He noted the area is surplus for transportation purposes and will not affect any circulation or access. He located the property to be vacated as identified in Council's packet as Attachment 2.

Mayor Sheckler requested any comments from the public.

#### Harold Nelson, 24034 24<sup>th</sup> Avenue South

Mr. Nelson informed Council that he owns the property directly across the street from the proposed vacation. He noted that under Section 3, item #2, it refers to existing utility easements and he expressed concern that there is no existing gas main on this section of 24<sup>th</sup> Avenue. He noted there is a gas main on 23<sup>rd</sup> Avenue South. He questioned how home owners could get an easement for gas should the home owners in this area decide they wanted Natural Gas through the area being vacated. He also noted he would like to see a pedestrian walkway in the area.

Mayor Sheckler called for additional speakers three times, as there were none, he inquired of Administration as to whether there has been any misstatements of facts or they wish to introduce any new material or alter their recommendations.

In response to Mr. Nelson, CIP Project Manager Romano advised that Puget Sound Energy's response to current and future needs, was for power. He further noted that even if Council added an easement for gas, Puget Sound Energy may not want that as they have other options they may prefer. In regards to a pedestrian access he noted the area is covered in blackberry brambles along the western edge of S. 241<sup>st</sup>, and he felt there is very little pedestrian activity along this street. He also noted that the Comprehensive Transportation Plan does not have any recommendations for pedestrian access or enhancements through this area.

Upon questioning as what would happen if Council added a condition of providing a gas easement, CIP Project Manager Romano noted it may not impact Mr. Cooper's property, but it may impact the properties to the north that would have the right-of-way added to their lots by impacting them with an easement that Puget Sound Energy may not use or want.

City Manager Piasecki noted that if Puget Sound Energy determines in the future they want a gas easement, they can approach the property owners and ask for the easement.

Councilmember Kaplan questioned whether Section 3, 2(d) could be altered to read "protect existing 'and future' Puget Sound Energy facilities".

CIP Project Manager Romano confirmed that most utilities prefer to deal with private property owners, instead of the City through their Franchise Agreements.

City Attorney Bosmans stressed that Puget Sound Energy (PS) gave a specific request for electrical easement only, and she questioned the City's right to encumber the parcel with an additional easement, with no basis for it, that may not benefit the applicant but only his neighbors.

Mayor Sheckler declared the hearing CLOSED.

**MOTION** was made by Councilmember Kaplan, seconded by Councilmember Pina, to suspend Council Rule 26(b) in order to enact the Draft Ordinance on a first reading.

Mayor Pro Tem Sherman voiced objection to the motion as would prefer some changes to the draft ordinance to come back to Council for a second reading.

Councilmember Scott noted this is City property and Council does have a responsibility and ability to apply conditions. She questioned whether the gas division of PSE may even have been asked if they wanted an easement. She would prefer to see language in the ordinance that would allow them to use the existing easement for both power and gas.

Councilmember Pina noted Council will be granting PSE an easement that they do not have to use, but it will be there if they need it.

CIP Project Manager Romano remarked that even if PSE does not need it, it will still be encumbering the abutting property owner whose property it attaches to.

Councilmember Kaplan noted that the easement is already encumbering the property because there is already an easement for PSE on the property.

City Manager Piasecki pointed out that all of the easements are for very specific areas and PSE's is the north 10 feet of S 241<sup>st</sup>. He questioned where specifically the gas easement would be. He noted he does not know what the rules are for putting an electrical and gas easement together, they may have to be separated and not on top of each other. He stated there may not be room for a gas line because of all the other utilities that are already there.

Mayor Pro Tem Sherman pointed out that there is uncertainty concerning some of the issues raised. He felt it would be beneficial to have this ordinance go to a second reading.

Councilmember Kaplan reminded Council that if a gas easement is needed PSE can obtain such an easement with private property owners and not encumber this vacation request.



VOTE ON MOTION: Motion failed 2 to 3, with Councilmember Kaplan and Mayor Sheckler voting yes.

MOTION was made by Mayor Pro Tem Sherman, seconded by Councilmember Pina, to pass Draft Ordinance No. 08-122 to a second reading on ~~September 11~~, August 7, 2008. [ED NOTE: Date changed after it was determined that August 7<sup>th</sup> would be a regular meeting instead of a Study Session.]

City Manager Piasecki pointed out that Mr. Cooper had filed a Quiet Title Action against the City pertaining to the portion of South 241<sup>st</sup> Street. However, since he also needs some right-of-way on 24<sup>th</sup> he decided to voluntarily dismiss the law suit and filed a vacation request for both parts of right-of-way. He noted Mr. Cooper is anxious to get started and he could come forward with a request for Quiet Title on S 241<sup>st</sup>, in which case everything Council has been talking about would not be applicable.

After a brief discussion it was determined that August 7<sup>th</sup> would be changed from a study session to a regular meeting. The August 7<sup>th</sup> date was accepted by the maker and the seconder of the motion as a FRIENDLY AMENDMENT.

Councilmember Scott requested PSE gas division be contacted prior to that meeting to determine if they have an interest in such an easement.

CIP Project Manager Romano reiterated that both the gas and electrical divisions of PSE have already been contacted and the gas division response was that they have no facilities there and they do not need any easements retained.

Mayor Pro Tem Sherman requested staff draft language to include an allowance in the Puget Sound Energy defined easement to also have gas, since they now have a resident who has shown an interest in having gas. He noted PSE may say they still have no interest in this, but at least Council will know for sure.

City Manager Piasecki informed Council that staff will contact PSE requesting a specific answer to this issue regarding a gas easement, and if there is a need by PSE, staff will alter the draft ordinance and make a specific note in the staff report.

VOTE ON MOTION: Motion passed 3 to 2 with Councilmember Kaplan and Mayor Sheckler opposed.

#### Previous Agenda Item - Draft Ordinance No. 08-164

Mayor Sheckler read the ordinance by title into the record.

9:22 p.m. Mayor Sheckler called for a 10 minute break. [Mayor Sheckler left the Council meeting and Mayor Pro Tem Sherman assumed Presiding Officer's duties.]

#### OLD BUSINESS

#### Zoning Code Update - Division 5 General Provisions and Division 2 Zones & Use Tables

Planning Manager Lathrop proceeded to review Division 5 noting the focus is to group all the sections related to the general provisions, conditions and exceptions that are applicable to

multiple zones in the Code into one section. She noted the Division 5 General Provisions would be organized as follows:

- 18.172 General Provisions
- 18.176 Keeping of Animals in Residential Zones
- 18.180 Noise Levels
- 18.184 Temporary Buildings and Structures
- 18.188 Landscaping and Screening
- 18.192 Signs
- 18.196 Loading Areas and Off-Street Parking
- 18.200 Multifamily Recreational Areas
- 18.204 Nonconforming Buildings and Uses
- 18.208 Protection of Historic and Archeological Resources
- 18.212 Development Regulations on Land Acquired and Owned by Public Entities
- 18.216 Adult Entertainment Facility Zoning

and New Chapters:

- 18.220 Park Impact Fees
- 18.224 School Impact Fees

She proceeded by stating there are four proposed amendments for Division 4 as follows:

Amendment 1:

- DMMC 18.36.010, 18.36.050 and 18.36.140 should be moved to the new Administration section (18.172); since the items contained in these sections instruct City staff on how to administer different parts of the code or provides greater clarification that is applicable to all zones.

Upon questioning as to why make this amendment, Planning Manager Lathrop remarked that these provisions apply across all zones. Land Use Planner II Sullivan added that this way all staff instructions are in one section.

Councilmember Pina suggested adding a cross reference to remind people to go the administration section to see how staff will interpret different sections.

Amendment 2:

- DMMC 18.36.150 dealing with current day care providers should be added to the current version of DMMC 18.40, dealing with height, yard and open space.

Councilmember Kaplan remarked it might make more sense to add a chapter titled "State Mandated" so it clear all of those are in one place.

Amendment 3:

- DMMC 18.36.09, 18.36.110 and 18.36.130 should be kept together and placed into a new chapter entitled "Temporary Buildings and Structures". The City should develop policies regarding portable classrooms on school property, temporary real estate offices, portable buildings on government property, etc.

Land Use Planner II Sullivan noted temporary on residential property is looked at as residential structure, and is regulated completely different from temporary commercial buildings. He

acknowledged that we could change the title to "Temporary Commercial Buildings and Accessory Structures".

Amendment 4:

- DMMC 18.40 should be re-titled to simply "General Provisions".

Planning Manager Lathrop continued by reviewing Attachment 1 in Council's packet for Division 2: Zoning District and Use Table. She noted these tables were created for the purpose of providing a 'user friendly' format for understanding the land use zones and development requirements and the table reflects the existing code at the time the tables were created. She advised the symbols indicate whether a use is allowed as a permitted use, a conditional use, or requires a special use permit. It also includes National Industrial Classification System Codes for specific types of uses.

Councilmember Kaplan felt it would be important to ask some individuals who may actually use the table to see if they can make sense of the formatting, as we need to ensure it is user friendly.

Mayor Pro Tem Sherman explained that the individuals that prepared this for the City had assured Council that this is the style that is preferred by users.

After further brief discussion, Planning Manager Lathrop noted the Tables for single family, landscaping and signage will be simpler to compile and will be the first ones that staff will bring back to Council.

City Manager Piasecki noted staff can "bounce" the use table format off a few of the individuals we work with on a regular basis just to inquire as to how friendly they feel the format is.

Planning Manager Lathrop noted that the next step will be to develop the tables with the existing codes and bring them back to Council after staff receives some feed back from developers.

Councilmember Kaplan requested before staff inserts information into the tables he felt Council needs to have policy discussions about signage and landscaping.

City Manager Piasecki reminded Council that direction was given to staff to put existing codes into the new format, including the tables, and then Council will have the policy discussions.

NEXT MEETING DATE

Mayor Pro Tem Sherman noted the next meeting will be a Regular Meeting on August 7,2008.

ADJOURNMENT

At 10:03 p.m. **MOTION** was made by Councilmember Kaplan, seconded by Councilmember Pina and passed unanimously, to adjourn.

Respectfully submitted,

Denis Staab  
City Clerk