REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES February 24, 2000

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

PLEDGE OF ALLEGIANCE to the Flag was led by Councilmember Sherman.

ROLL CALL: Mayor Pro Tem Bob Sheckler, Councilmembers Dave Kaplan, Dan Sherman, Gary Towe and Don Wasson. Absent: Mayor Scott Thomasson and Councilmember Brazil (vacation). Also present were City Manager Bob Olander, Assistant City Manager Tony Piasecki, City Attorney Gary McLean, Community Development Director Judith Kilgore, Public Works Director Tim Heydon, Planning Manager Corbitt Loch, Assistant City Engineer Loren Reinhold, and Deputy City Clerk Angela Chaufty.

MOTION was made by Councilmember Sherman, seconded by Councilmember Kaplan, and passed unanimously to excuse Mayor Thomasson and Councilmember Brazil from attendance.

CORRESPONDENCE

Interim Conditional Use Permit (ICUP) for Safeway

City Manager Olander confirmed that the letter from the City of SeaTac as well as staff's proposed Safeway ICUP conditions of approval had been distributed to Council.

COMMENTS FROM THE PUBLIC

Connie Midgett, 303 South 216th

Ms. Midgett addressed Council regarding proposed cuts to the Senior Center. She said that budget cuts should be distributed equally in all departments. Ms. Midgett felt that scattering the locations of existing programs would cause the participants to fall through the cracks. She stated that she would actively oppose any action of the Council to close the Senior Center.

Shirle Falk, 601 S. 227th, #305N

In regard to potential Senior Center budget cuts, Ms. Falk felt closing the Senior Center would be a step backwards for the program. As many seniors participate in more than one activity, she felt that a central location was essential. She said that using various facilities for senior activities would cause several volunteers and participants to be lost. Instead, Ms. Falk suggested that the Senior Center move their activities to the Field House. She recommended that scheduling conflicts between the senior and recreation programs be worked out in a fair and equitable manner.

Ellie Chaplain, P.O. Box 47196, Seattle

Ms. Chaplain asked Council to keep the Senior Center open at the Des Moines Beach Park and to keep its current budget intact. She felt that the center had successfully serviced its participants for the last fifteen years and that seniors were entitled to enlightened and compassionate service from the City.

Bill Aickin, P.O. Box 98783, Seattle

As a resident of the Des Moines Marina, Mr. Aickin wished to remind Council that the transfer of cash from the Marina to other departments came out of the Marina's capital funds. He felt that the Marina required a substantial amount of money to meet and maintain its capital needs. In a comparison of rates for 23 local Marinas, Mr. Aickin said that the Des Moines Marina's rates fell in the upper 10 – 20%. He asked Council to use prudence rather than expediency to solve the problems at the Marina.

Jerry Guite, 21317 Marine View Drive, Normandy Park

Mr. Guite told Council that the Senior Center needed to remain at the Marina. He suggested that Council use $4,000,000 allocated for the bridge tear out and $240,000 allocated for the Marina restroom repair project to meet current funding needs. Mr. Guite said that he has asked an analyst to review the city's books to find additional money. He requested that the City provide a written response to his previously voiced complaint regarding containers. He stated that he would oppose the City's effort to assume the water districts. In closing, Mr. Guite stated that he now owns the company name "RCAA".

BOARD & COMMITTEE REPORTS

State Budget Discussions

Councilmember Kaplan reported that the House, Senate, and Governor's preliminary budgets proposed various forms of sales tax equalization replacement money for the cities. He noted that the House's budget was the only one that proposed an ongoing revenue source.

Councilmember Sherman and Mayor Pro Tem Sheckler encouraged concerned individuals to contact their legislators to encourage restoration of the sales tax equalization funds to cities. Councilmember Sherman stated that none of the Councilmembers desired to close the Senior Center.

Councilmember Kaplan said that state legislators could be contacted toll free by dialing 1-800-562-6000.

Municipal Facilities Committee

Councilmember Towe reported that the committee had met to discuss the funding and timing of capital projects at the Marina. He said that the committee would incrementally review the issues with Council and gather citizen input through public meetings.

PRESIDING OFFICER'S REPORT

Briefing: Highline Citizens for Schools

On behalf of the Highline School Board, Boardmember Matt Pina and retired Boardmember Ed Pina addressed Council regarding the school levy issue that would be voted upon on March 4, 2000. Mr. Matt Pina said that the bond was not a new tax but a renewal of an existing levy. He said that the educational program and operations levy would provide funding for existing programs.

Mr. Ed Pina listed the following rate schedule for the proposed levy:

Current	\$3.07/\$1,000 of assessed value
2001	\$3.06/\$1,000 of assessed value
2002	\$3.07/\$1,000 of assessed value
2003	\$3.13/\$1,000 of assessed value

He asked Council to adopt a resolution supporting the levy issue and to lend their personal support to the issue. He said that the Seattle Times Guide to Schools had rated Highline School District students in the upper 40% of the students attending the University of Washington. Upon questioning, Mr. Ed Pina explained that the levy rates would be reduced if the assessed value increased.

ADMINISTRATION REPORTS

Executive Session

City Manager Olander stated that a brief executive session to discuss property and potential litigation would be held at the end of the meeting.

CONSENT CALENDAR was read by Deputy City Clerk Chaufty.

1. Motion is to approve the minutes of February 3 and 10, 2000.
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 42.24.080, 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 check #70486 through #70710 in the total amount of \$211,529.10
   Payroll fund transfers in the total amount of \$268,817.30
3. Motion is to approve surplusing of two 1983 Mercury 90 HP outboard motors, serial numbers A150339 and A150340 and authorize disposing of by auction, sale or transfer to other departments or agencies.

MOTION was made by Councilmember Sherman, seconded by Councilmember Kaplan, and passed unanimously to approve the consent calendar as read.

PUBLIC HEARING

Draft Ordinance No. 00-037 Interim Conditional Use Permit for Safeway Expansion

City Attorney McLean introduced the subject. He noted that this qualified as a quasi-judicial hearing.

Mayor Pro Tem Sheckler stated that he had previously spoken with Lowell Lucas, owner of the dry cleaning business in the area. During the conversation, Mayor Pro Tem Sheckler reported that Mr. Lucas had stated his concerns regarding the potential reduction in parking and signage.

City Attorney McLean confirmed with Mr. Lucas that Mayor Pro Tem Sheckler had accurately described their conversation. Mr. Lucas indicated that he would not be speaking during the public hearing.

When questioned, the applicant expressed no objection to Mayor Pro Tem Sheckler's continued participation in the hearing.

Community Development Director Kilgore informed Council that the proposed project was consistent with their goals for the Pacific Ridge area.

Planning Manager Loch displayed and described the layout of the project. He noted that the proposed project included the renovation and expansion of the existing Safeway store and the addition of approximately 1,000 square feet commercial space to the site. Planning Manager Loch entered the meeting packet (Exhibit 1) into the record. He showed slides of the property and described the proposed signage and façade revisions. He explained the roadway improvements associated with the project. As a center median on Pacific Highway South was planned, staff recommended a maximum of two driveways on Pacific Highway South. Mr. Loch noted that the City of SeaTac had submitted a letter (Exhibit 2) withdrawing their requirement for in-lieu fees and requesting right-of-way dedication of a seven foot strip along the eastern edge of the site as a condition of approval. Planning Manager Loch voiced staff's agreement with the request. He described the proposed sidewalks, landscaping, parking, and building elevations for the project. He showed slides of other existing Safeway stores. In closing, he recommended approval of the project as conditioned.

Public Works Director Heydon explained the transportation issues for the project. He noted that staff recommended two rather than three access points off Pacific Highway South in keeping with the Department of Transportation's standards for the Pacific Highway South project.

At 8:57 p.m., Mayor Pro Tem Sheckler declared a ten minute break.

Proponents

Patrick Mullaney
On behalf of the applicant, Mr. Mullaney, an attorney from Foster, Pepper, & Sheffelman introduced the Safeway Development Team, Barb Richardson (Safeway), Paul Turmala (Architect), Marni Heffron (Traffic Engineer), Pedro DeGuzman (Civil Engineer), and Christian Soltendieck (Signage). Mr. Mullaney said that staff had accurately characterized the project. He noted that the dry cleaning building might be moved slightly for life and safety purposes. He also said that Safeway would be requesting a minor lot line adjustment for the dry cleaning building. Mr. Mullaney said that Safeway was excited about the project and felt that the project would be beneficial for the community and the store. Regarding the south driveway issue, Mr. Mullaney noted that the tire center had no legal relationship with Safeway. He explained that Safeway was negotiating with the landlord of the tire store but no agreement had been reached yet. He explained that the tire center had a lease through 2004 with three five-year options. Mr. Mullaney said that Safeway would agree to work with the City, the tire center, and its landlord to close the south driveway. If the lease changed, Safeway would work with the City and the landlord to close the driveway sooner. Safeway would also agree to configure its internal traffic flow so that vehicles were discouraged from using the South driveway.

Upon questioning, Mr. McLean confirmed that Mr. Mullaney had accurately stated the condition as agreed to during the break by the City and Safeway. In addition, Mr. McLean noted that the parties expressly agreed that if the tire center refused to negotiate and Safeway was unable to close the south driveway, there would never be more than three driveways. He said there was no intent for Safeway to have three driveways, but there would be three unless the south access could be closed. At that time, there would only be two driveways.

Mr. Mullaney stated Safeway's agreement.

Mr. Mullaney then informed Council of Safeway's concern with proposed Conditions of Approval J2, J5, and G5 as provided in Community Development's second draft. In Condition J5, he noted that the correct sign area should be 257 square feet.

Mr. McLean confirmed staff's agreement.

In regard to Condition J2, Mr. Mullaney asked that the background of the sign be translucent rather than opaque so as to better display the Safeway logo. In regard to Condition G5, Mr. Mullaney reminded Council that Safeway does not own the Eagle Tire property and that they may not be able to landscape property owned by someone else.

City Manager Olander said that the issues would be addressed during staff's response.

Paul Turmala
On behalf of Safeway, Architect Paul Turmala displayed a drawing of the proposed project. He requested that Council allow a sign to be placed on south side of the building also.

City Attorney McLean called for additional speakers. None responded.

City Attorney McLean suggested that the following language be added to Section 3 of Draft Ordinance No. 00-037: "Such conditions are adopted substantially in the form as attached and the City Attorney is expressly authorized to make corrections and modifications in conformance with direction of Council during the public hearing."

In regard to proposed Condition J2, Planning Manager Loch noted that the issue was consistent with discussions held during the Ramada project. He voiced staff's recommendation that the condition remain. Planning Manager Loch said that proposed Condition G5 was up to Council's discretion.

Upon questioning regarding proposed Condition H3, Ms. Richardson explained that Safeway was willing to pay for the paint for the building but that no deal had yet been made. She briefly explained the relationship between Safeway, the tire store landowner, and the lessee.

In response to Councilmember Kaplan's questioning, Assistant City Engineer Reinhold explained that the plan included a wet vault and a detention facility.

In regard to proposed Condition G2, Councilmember Sherman confirmed that lights could be pointed toward the sign logos. Upon request, Planning Manager Loch displayed a drawing of the planned Safeway signs.

City Attorney McLean summarized the discussion as follows:

- Proposed condition D4 - Eliminate current language. Modify to state that applicant would work with the City, the landlord, and the tenant to close the south driveway. All parties agree that, even including the south driveway, there would never be more than three driveways on Pacific Highway South. If the lease changed, the south access would be closed. Safeway expressly agreed that they would reconfigure the parking so that Safeway customers would not be encouraged to use the south access.
- Staff does not concur with Safeway's requested changes to the sign issues.
- Proposed Condition J5 – Calculations should total 257 square feet.
- Draft Ordinance 00-037, Section 3 – Add language which states that the conditions of approval should be approved to form with direction to the City Attorney to approve the final form of them.
- Proposed Condition G5 – The applicant agreed to work with the City to provide that the area should be landscaped with shrubs and groundcover.

Mayor Pro Tem Sheckler closed the public hearing.

MOTION was made by Councilmember Towe, seconded by Councilmember Kaplan, and passed unanimously to move Draft Ordinance No. 00-037, as modified by the City Attorney, to the March 9, 2000 consent calendar.

OLD BUSINESS

Pacific Ridge Neighborhood Improvement Plan
Planning Manager Loch introduced Consultant Rick Sepler of Madrona Planning, lead consultant for the Pacific Ridge Neighborhood Improvement Plan.

Mr. Sepler noted that he had been working with consultants from Makers (urban design issues), Triad Research Group (economic issues and market absorption), and Transpo (transportation issues) to develop the plan. He said that an initial economic truth test had been conducted to measure feasibility of land uses, market absorption and the potential for successful redevelopment in the Pacific Ridge area. Regionwide assessments revealed that commercial growth was fairly limited while residential development was in short supply. Mr. Sepler explained that growth in the area would occur primarily at the end of the twenty-year horizon period. He noted that the team would also study an economic impact model to determine the best balance between commercial and residential development for the area. Mr. Sepler stated that the team was hoping to remove as many disincentives to commercial growth as possible and to spend growth in an appropriate manner to foster development. He said that the team was currently developing alternatives through urban design, accessing utility needs, formulating design guidelines, and identifying existing conditions for the EIS.

Community Development Director Kilgore stated that the next Pacific Ridge Neighborhood Improvement Plan discussion would occur at the March 9, 2000 meeting.

Councilmember Sherman asked for information regarding the affects of changing from a single family to multifamily based community.

City Manager Olander noted that Council would need to consider the policy issues involved.

At 10:29 p.m., **MOTION** was made by Councilmember Sherman, seconded by Councilmember Kaplan, and passed unanimously to extend the meeting ten minutes.

NEXT MEETING DATE

Mayor Pro Tem Sheckler announced that the next regular meeting would be March 9, 2000.

Executive Session

At 10:32 p.m., it was announced that Council would recess into executive session for approximately ten minutes to discuss property and potential litigation. It was noted that an item might be brought back to open session.

No formal action was taken.

ADJOURNMENT

The meeting was adjourned at 10:48 p.m.

Respectfully submitted,

Angela M. Chaufty
Deputy City Clerk