

AGENDA

**DES MOINES CITY COUNCIL
REGULAR MEETING
City Council Chambers
21630 11th Avenue S, Des Moines, Washington
Thursday, July 25, 2024 - 6:00 PM**

City Council meeting can be viewed live on the City's website, Comcast Channel 21/321 or on the City's [YouTube](#) channel.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

CORRESPONDENCE NOT PREVIOUSLY RECEIVED BY COUNCIL

COMMENTS FROM THE PUBLIC

COMMITTEE CHAIR REPORT

- Municipal Facilities Committee: Chair Jeremy Nutting
- Economic Development Committee: Chair Jeremy Nutting

CITY MANAGER REPORT/PRESENTATIONS/BRIEFINGS

- Item 1. PROPOSITION 1 INFORMATION BRIEFING
[Lid Lift - FAQ](#)
- Item 2. CITY MANAGER RECRUITMENT UPDATE
[City Manager Recruitment](#)
[Proposed City Manager Evaluation Criteria.edited](#)

CONSENT AGENDA

- Item 1. APPROVAL OF VOUCHERS
Motion is to approve the payment vouchers through July 18, 2024 and payroll transfers through July 19, 2024 in the attached list and further described as follows:

EFT's	#10381-10467	\$ 691,686.22
Wires	#2620-2649	\$2,868,869.44
Wire	#2927-2927	\$ 17,291.33
Accounts Payable	#165951-165984	\$ 195,093.33
Checks		
Payroll Checks	#19854-19863	\$ 16,781.04

Payroll Voided Advice #10217-10389 \$ 585,093.86

Total Checks and Wires for A/P & Payroll: \$4,374,815.22

[Approval of Vouchers](#)

Item 2. APPROVAL OF MINUTES

Motion is to approve the June 06, 2024 Study Session, the June 13, June 27, and July 11, 2024 Regular City Council Meetings, and the July 02, 2024 Executive Session minutes.

[Approval of Minutes](#)

Item 3. ADMINISTRATIVE OFFICE OF THE COURTS - REIMBURSEMENT AGREEMENT

Motion is to approve the Interagency Reimbursement Agreement between the Administrative Office of the Courts and the City of Des Moines for extraordinary expenses for up to \$100,966 and further authorize the Director of Court Administration of Des Moines Municipal Court to sign the agreement substantially in the form as submitted.

[Administrative Office of the Courts-Reimbursement Agreement](#)

Item 4. DRAFT RESOLUTION 24-064 IN SUPPORT OF MARINA CHARGING FLOATS GRANT APPLICATION

Motion is to enact Draft Resolution 24-064 naming the Interim City Manager as the designated agent for the City in order to apply for grant funding for the Marina Charging Floats Project.

[Draft Resolution 24-064 in support of Marina Charging Floats Grant Application](#)

Item 5. DRAFT RESOLUTION NO. 24-061: SUPPORT FOR SOUTH KING FIRE PROPOSITION NO. 1, AUTHORIZING FIRE BENEFIT CHARGE

Motion is to adopt Draft Resolution No. 24-061 in support of South King Fire's Proposition 1, Authorizing Fire Benefit Charge, on the August 6, 2024 election ballot.

[Draft Resolution No. 24-061 Support for South King Fire Proposition No. 1, Authorizing Fire Benefit Charge](#)

Item 6. MARINA STEPS PROJECT - AMENDED TASK ASSIGNMENT FOR CONSULTANT DESIGN

Motion is to approve the 2022-2023 On-Call General Civil Engineering Amendment Task Assignment 2023-07.01 with KPFF Inc., to provide engineering design services for the Marina Steps Project in the amount of \$156,631.00, and further authorize the City Manager to sign said Task Assignment substantially in the form as submitted.

[Marina Steps Project – Amended Task Assignment for Consultant Design](#)

PUBLIC HEARING/CONTINUED PUBLIC HEARING

Item 1. VACATION RIGHT-OF-WAY

Staff Presentation by Civil Engineer I Mike Kwispond
[Vacation of Public Right-of-Way](#)
[Street Vacation PowerPoint Presentation](#)
[Public Hearing Public Comment 07.25.2024](#)

NEW BUSINESS

Item 1. NEW AGENDA ITEMS FOR CONSIDERATION – 10 Minutes

COUNCILMEMBER REPORTS

(4 minutes per Councilmember) - 30 minutes

PRESIDING OFFICER'S REPORT

EXECUTIVE SESSION

NEXT MEETING DATE

July 30, 2024 City Council Executive Session

ADJOURNMENT

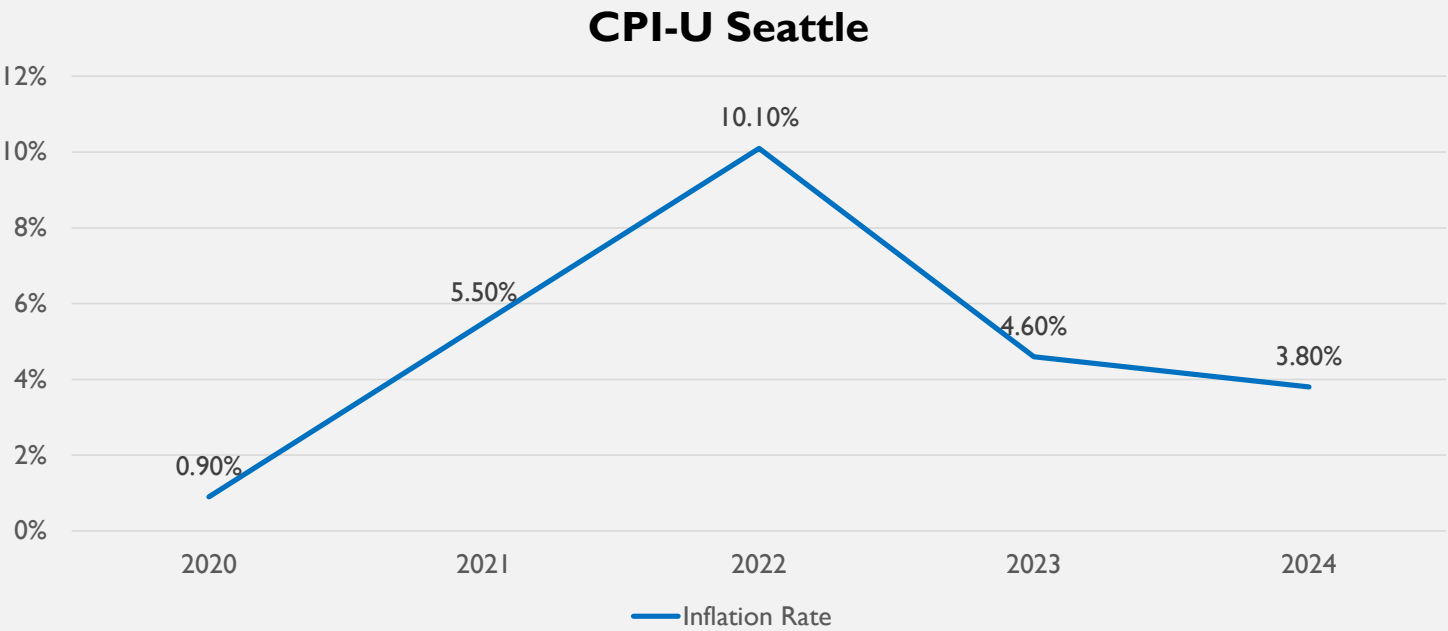
Item 1. [Public Comment 07.25.2024](#)
[Public Comment Handout](#)

PROPOSITION 1 FAQ

City of Des Moines, Washington

July 25, 2024

WHY?



WHY?

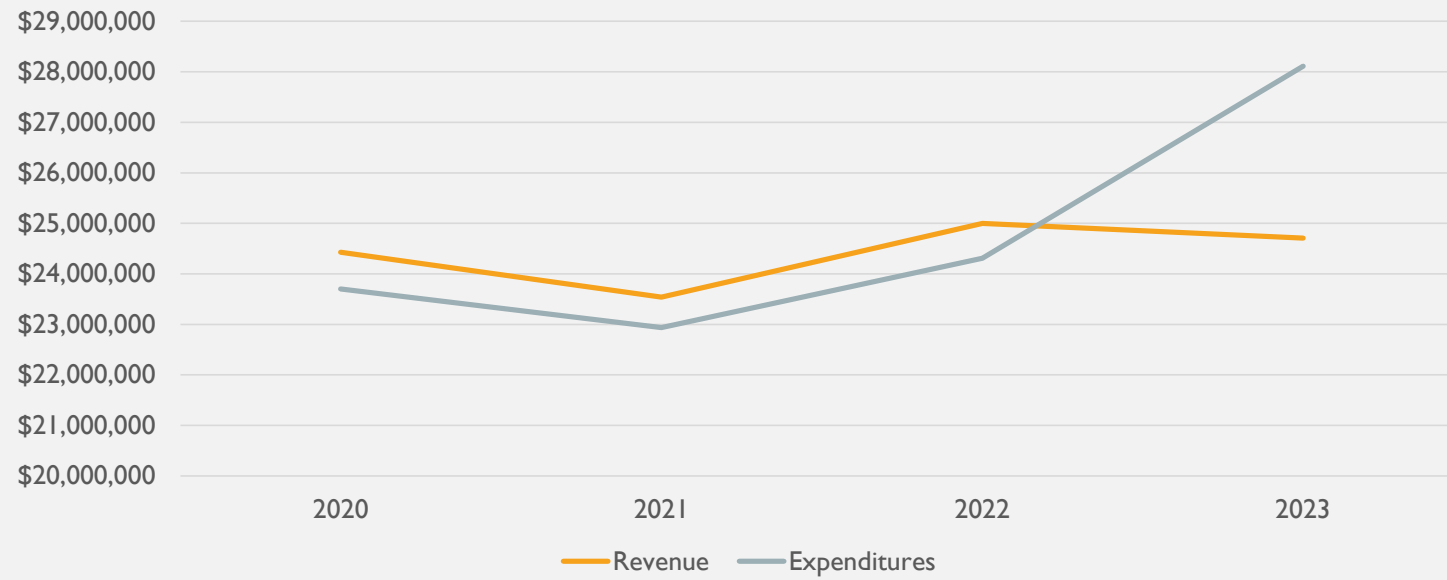
According to the Bureau of Labor Statistics' Inflation Calculator:

What cost \$1 in June of 2020 costs \$1.22 in June 2024



WHY?

Annual Revenue and Expenditures



WHAT COULD THE LEVY FUNDS PAY FOR?

- Enables the City to raise Property Tax collections more than 1%
- Can retain positions currently funded with one-time funding
 - 2 Patrol Officers
 - Crisis Response Specialist
 - Crime Analyst
- Can add additional positions
 - 4 new Patrol Officers
 - 1 new Community Service Officer
- Estimated increase between \$2.6M and \$3.0M

IS THIS GOING TO BE LIKE LAST TIME?

2006

- \$1.60/\$1,000 AV
- Temporary
- Multi-Year/Five years of exceeding 1%
- No designated fund for levy proceeds

2024

- \$1.40/\$1,000 AV
- Permanent
- Single-Year
- Special Revenue Fund for levy funds and transparent financial reporting

WHY DOESN'T THE CITY SCRUB THE BUDGET?

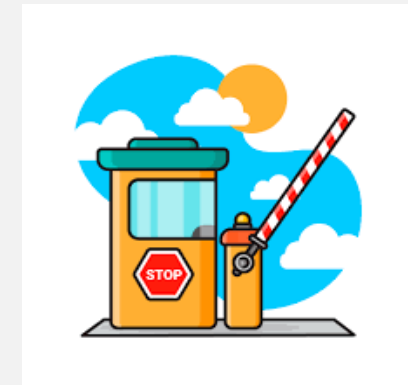
- Reduced budgets for services and supplies in 2024
- Strategically managing vacancies to reduce personnel costs
- Reviewing fee schedules for revenue opportunities
- Reduced hiring pay range for City Manager
- Commitment to a balanced budget
- Purpose of Proposition 1 is to preserve and add to current levels of public safety and insulate public safety from budget cuts



WHY ARE TAXPAYERS PAYING FOR THE MARINA PARKING SYSTEM?

The only taxpayers contributing to the cost of the Marina parking system are:

- 1) Construction companies with projects in the city valued at \$15 million or more
- 2) Taxpayers who use the parking system



WHAT ABOUT THE BONDS?

Bond proceeds can only be expended on projects designated to receive the proceeds.

Bond payments are made by the Marina and Capital Projects funds, not by the General Fund.

Proposition I asks the public for additional funding for public safety. Public Safety departments, such as the Police Department, reside in the General Fund.

WHAT ABOUT THE BONDS?

- General Fund - Public Safety
- Special Revenue Funds
- Debt Service Funds
- Capital Projects Funds - Bonds
- Enterprise Funds
- Internal Service Funds

WHY ARE THERE TWO PROPOSITION 1S?

South King Fire and Rescue and the City of Des Moines each have a Proposition 1 on the ballot.

The Proposition 1 from South King Fire seeks to reduce their property tax rate by 50 cents per \$1,000 of assessed value and authorize a Fire Benefits Charge.



WHAT IS THE EFFECT ON MY PROPERTY TAX BILL?

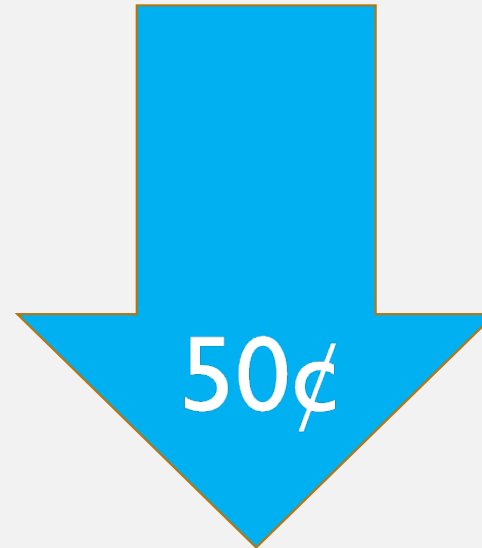
Proposition 1 seeks to increase the City's Property Tax rate to \$1.40 per \$1,000 of assessed value. This is about a 50 cent increase from the current rate.

Property Value	\$.90262 Rate	\$1.40 Rate	Increase
\$400,000	\$361	\$560	\$199
\$600,000	\$542	\$840	\$298
\$800,000	\$722	\$1,120	\$398
\$1,000,000	\$903	\$1,400	\$497
\$1,200,000	\$1,083	\$1,680	\$597

WHAT IF BOTH PROPOSITIONS PASS?



City of Des Moines



South King Fire and Rescue

CITY OF DES MOINES

**2024 City Manager
Recruitment
Finalist Selection
Process**



CITY MANAGER RECRUITMENT RECAP

- Secured an executive search firm to conduct the City Manager recruitment.
- Updated the City Manager Job Description.
- Adopted a new salary methodology and range for the 2024 City Manager Pay Schedule.
- Participated in “Listening Sessions” with the consultant.
- Provided input that later became the City Manager Recruitment Brochure.
 - The job posting went live on May 30, 2024 and closed on June 30, 2024.
 - (29) applicants applied.
- **Selected (13) semi-finalist to respond to (20) written supplemental questions and (4) online self interview questions.**
- **(11) candidates provided the requested supplemental materials.**



CITY MANAGER RECRUITMENT NEXT STEPS

- July 30, 2024-Executive Session
 - Council will select the finalists who will move on to the next phase.
- August 1, 2024 – Council Meeting
 - We will present a proposed interview process and suggested interview dates for the Council's review and consideration.
- August 8, 2024- Council Meeting
 - The Council will provide the final guidance on the interview process.



FINALIST SELECTION PROPOSED PROCESS

- The City Council will employ a scoring key and Candidate Evaluation Form to assess the candidates based on the evaluation criteria selected by the Council.
- Final scores will provide a structured overview of each candidate's strengths and areas for improvement but they do not have to be the basis for selection.
- Instead, these scores will serve as a tool to help the Council collectively identify the top candidates who best meet the criteria and are most suited for advancement to the next stage of the selection process.



FINALIST SELECTION PROPOSED PROCESS - ?QUESTION?

- As proposed, the evaluation ratings will help the Council identify top candidates, but the Council can choose to use the ratings as the main factor in determining which candidates advance to the next stage.
- **QUESTION FOR COUNCIL**
 - Does the Council have a preferred approach for how the evaluation ratings will be used in the selection process?



Preference

FINALIST SELECTION-PROPOSED EVALUATION CRITERIA

■ Scoring Key Matrix

SCORING KEY		DESCRIPTION
1	Poor	Does not address all aspects of the criterion and the information presented indicates a strong likelihood of failure to meet the requirements of the position .
2	Fair	Does not address all aspects of the criteria (meets some basic requirements) and/or no evidence is presented indicating the likelihood of successfully meeting the criteria or qualification. Weaknesses are demonstrated and clearly outweigh any strengths presented; may need substantial development.
3	Good	Addresses all aspects of the criteria and demonstrates the ability or qualification(s) to meet the requirements of the position. There may be minor weaknesses but can be managed and/or exists a possibility for improvement.
4	Very Good	Fully addresses all aspects of the criterion, convincingly demonstrates a likelihood of meeting the requirements, and demonstrates only a few minor weaknesses or areas needing refinement.
5	Excellent	Fully addresses all aspects of the criterion, convincingly demonstrates they meet the criteria , no weaknesses or issues.

FINALIST SELECTION-PROPOSED EVALUATION CRITERIA

- PROPOSED EVALUATION CRITERIA



?QUESTIONS?





Proposed City Manager Evaluation Criteria

Educational Background and Professional Experience

- **Educational Background:** Relevant Degrees in public administration, management, or related fields.
- **Achievements:** Indicates a record of successful projects, programs, or initiatives.
- **Professional Development and Continuous Learning:** Relevant certifications and/ or professional memberships.
- **Relevant Experience:** Previous experience in city management or a similar role, including managing budgets, personnel, and city operations.
- **Municipal Governance:** Understanding of municipal government operations, public policy, and community relations
- **Leadership Roles:** Experience in senior leadership positions, such as managing departments, projects, budgets, and staff.
- **Intergovernmental Relations:** Experience working with other governmental agencies and organizations.

Leadership and Management Skills

- **Change Management:** Capability to manage and implement organizational change.
- **Decision-Making:** Demonstrates skill in making sound decisions and solving complex problems.
- **Strategic Planning:** Ability to set a strategic vision and develop and implement strategic plans to address city goals and priorities.
- **Team Leadership:** Experience leading, motivating, and managing diverse teams effectively.
- **Adaptability and Flexibility:** Demonstrates flexibility and ability to adapt to changing circumstances.
- **Vision and Innovation:** Demonstrates vision, creativity, and innovation in addressing city challenges and opportunities.
- **Conflict Resolution:** Demonstrates skill in identifying the root causes of conflicts and developing practical strategies to resolve issues. Ability to mediate conflicts by facilitating open dialogue and finding common ground.

Financial and Operational Acumen

- **Financial Management:** Experience in developing, managing, and overseeing budgets.
- **Financial Oversight:** Proficiency in financial reporting, auditing, and ensuring fiscal responsibility.
- **Operational Efficiency:** Ability to optimize city operations and resources.
- **Project Management:** Ability to oversee and deliver complex municipal projects to achieve successful outcomes.

- **Personnel Management:** Ability to develop and execute effective recruitment strategies and manage labor relations, including contract negotiations and conflict resolution, to foster positive employee relations.

Communication Skills

- **Written Communication:** Clarity, conciseness, and effective presentation of ideas. Avoids distracting grammar/spelling issues.
- **Public Speaking and Presentation:** Ability to present information clearly and persuasively with confidence and poise.
- **Adjusting Communication Style:** Adapting communication style to suit diverse and different audiences, including residents, elected officials, and staff.
- **Open Communication:** Demonstrates decision-making transparency and keeps stakeholders informed about city operations and policies.
- **Community Engagement:** Experience fostering community relations, engaging stakeholders, and promoting transparency.
- **Collaboration:** Engages relevant stakeholders and leverages their expertise to develop and implement solutions.

Additional Evaluation Criteria

- **Problem Solving:** Demonstrates innovative approach to solving "problems". Ability to evaluate potential solutions based on effectiveness, feasibility, and goal alignment.
- **Decision-making:** Demonstrates analytical thinking and critical evaluation, sound judgment (well-reasoned decisions), risk assessment and mitigation strategies, and transparency in decision-making.
- **Ethical Leadership and Integrity:** Demonstrates high ethical standards and integrity in their professional conduct.
- **Research and Knowledge:** Shows a clear understanding of the responsibilities, challenges, and opportunities associated with the position. Possesses a familiarity with the city and its mission, values, culture, and recent initiatives.
- **Political Acumen:** Demonstrates understanding of the political landscape, key stakeholders, and legislative processes. Ability to negotiate and influence outcomes and has a record in achieving political or policy-related goals.
- **Candidate Interest:** Demonstrates that career goals and values align with the position's objectives. Demonstrates enthusiasm, motivation, and an eagerness to contribute.

CITY OF DES MOINES
Voucher Certification Approval

July 25, 2024

Auditing Officer Certification

Voucher transfers 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.

As of **July 25, 2024** the Des Moines City Council, by unanimous vote, does approve for payment those vouchers through July 18, 2024 and payroll transfers through July 19, 2024 included in the attached list and further described as follows:

The vouchers below have been reviewed and certified by individual departments and the City of Des Moines Auditing Officer:


 Jeff Friend, Finance Director

		# From	# To	Amounts
Claims Vouchers:				
EFT's		10381	10467	691,686.22
Wires		2620	2649	2,868,869.44
Wire		2927	2927	17,291.33
Accounts Payable Checks		165951	165984	195,093.33
Total Vouchers paid				3,772,940.32
Payroll Vouchers				
Payroll Checks	7/19/2024	19854	19863	16,781.04
Payroll Advice		10217	10389	585,093.86
Total Paychecks & Direct Deposits				601,874.90
Total checks and wires for A/P & Payroll				4,374,815.22

MINUTES

**DES MOINES CITY COUNCIL
STUDY SESSION
City Council Chambers
21630 11th Avenue S, Des Moines, Washington
Thursday, June 6, 2024 - 6:00 PM**

CALL TO ORDER

Deputy Mayor Harry Steinmetz called the meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE

The flag salute was lead by Councilmember Matt Mahoney.

ROLL CALL

Council Present:

Deputy Mayor Harry Steinmetz; Councilmember Gene Achziger;
Councilmember Yoshiko Grace Matsui; Councilmember JC Harris;
Councilmember Matt Mahoney; and Councilmember Jeremy Nutting

Council Absent:

Mayor Traci Buxton

Direction/Action

Motion made by Councilmember Yoshiko Grace Matsui to excuse
Mayor Traci Buxton; seconded by Councilmember Jeremy Nutting.
Motion passed 6-0.

Staff Present:

Interim City Manager Tim George; Interim City Attorney Matt Hutchins;
Assistant City Manager Adrienne Johnson-Newton; Director of
Community/Administrative Services Bonnie Wilkins; Harbormaster Scott
Wilkins; Finance Director Jeff Friend; Assistant Police Chief Mark
Couey; Communications Director Nicole Nordholm; Executive
Administrative Analyst Rochelle Caton; and City Clerk Taria Keane

CORRESPONDENCE

- There were no additional correspondence outside of the emails already received by Council.

COMMENTS FROM THE PUBLIC

Study Session Minutes
June 6, 2024

Comments from the public must be limited to the items of business on the Study Session Agenda. Please sign in prior to the meeting and limit your comments to three (3) minutes.

- There were no Comments from the Public

DISCUSSION ITEMS

PASSENGER FERRY UPDATE

Staff Presentation by Interim City Manager Tim George

- Consultant Peter Philips gave Council a PowerPoint update on the Water Taxi Project.

ALLEYWAY NAMING

- Citizen Advisory Committee member Bettina Carey gave Council a presentation on the Alleyway Naming process.

COMMUNICATIONS UPDATE

Staff Presentation by Interim City Manager Tim George

- Communication Director Nicole Nordholm gave Council a PowerPoint update on Communication.

EXECUTIVE SESSION

NEXT MEETING DATE

June 13, 2024 City Council Regular Meeting

ADJOURNMENT

Direction/Action

Motion made by Councilmember Matt Mahoney to adjourn; seconded by Councilmember Jeremy Nutting.
Motion passed 6-0.

The meeting adjourned at 7:54 p.m.

MINUTES

**DES MOINES CITY COUNCIL
REGULAR MEETING
City Council Chambers
21630 11th Avenue S, Des Moines, Washington
Thursday, June 13, 2024 - 6:00 PM**

CALL TO ORDER

Mayor Traci Buxton called the meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE

The flag salute was lead by Councilmember Yoshiko Grace Matsui.

ROLL CALL

Council Present:

Mayor Traci Buxton; Deputy Mayor Harry Steinmetz; Councilmember Gene Achziger; Councilmember Yoshiko Grace Matsui; Councilmember JC Harris; Councilmember Matt Mahoney; and Councilmember Jeremy Nutting

Staff Present:

Interim City Manager Tim George; Interim City Attorney Matt Hutchins; Assistant City Manager Adrienne Johnson-Newton; Finance Director Jeff Friend; Acting Community Development Director Dan Hopp; Acting Public Works Director Tommy Owen; Director of Community Events and Services Nicole Nordholm; Executive Administrative Analyst Rochelle Caton; Assistant Harbormaster Katy Bevegne; Deputy City Clerk Sara Lee; Administrative Coordinator Laura Hopp; and Police Officer Abram English

CORRESPONDENCE NOT PREVIOUSLY RECEIVED BY COUNCIL

- There was no additional correspondence outside of the emails already received by Council.

COMMENTS FROM THE PUBLIC

- Martha Hamilton, ADU's and Cottages
- Azeb Hagos, Highline Public Schools
- Erik Matthews, King County Library System
- Steve Shamblin, Pride Month
- Alena Rogers, Misconduct and Rights Violation

COMMITTEE CHAIR REPORT

- Finance Committee: Chair Matt Mahoney
 - Councilmember Matt Mahoney gave Council an update on the Finance Committee meeting.
- Transportation Committee: Chair Matt Mahoney
 - Councilmember Matt Mahoney gave Council an update on the Transportation Committee meeting.
- PSRC Transportation Policy Board
 - Councilmember Matt Mahoney gave Council an update on the PSRC Transportation Policy Board meeting.
- Environment Committee: Chair JC Harris
 - Councilmember JC Harris gave Council an update on the Environment Committee meeting.
- Public Safety/Emergency Management Committee: Vice Chair Yoshiko Grace Matsui
 - Councilmember Yoshiko Grace Matsui gave Council an update on the Public Safety/Emergency Management Committee meeting.
- Public Issues Committee
 - Deputy Mayor Harry Steinmetz gave Council an update on the Public Issues Committee meeting.

CITY MANAGER REPORT/PRESENTATIONS/BRIEFINGS

SOUTH KING HOUSING AND HOMELESSNESS PARTNERS

- SKHHP Program Coordinator Dorsel Plants gave Council a PowerPoint update on the South King Housing and Homelessness Partners 2025 Work Plan and Budget.

2023 4TH QUARTER FINANCIAL REPORT

- Finance Director Jeff Friend gave Council a PowerPoint update on the 2023 4th Quarter Financial Report.

CITY MANAGER RECRUITMENT UPDATE

- Assistant City Manager Adrienne Johnson-Newton gave Council an update on the City Manager Recruitment.

Interim City Manager Tim George announced to the Council the hiring of a new Chief of Police, Ted Boe.

CONSENT AGENDA

- Item 1: APPROVAL OF VOUCHERS
Motion is to approve the payment vouchers through May 30, 2024 and payroll transfers through June 05, 2024 in the attached list and further described as follows:

Regular Meeting Minutes
June 13, 2024

EFT Vendor Payments	#10038-10217	\$1,281,403.22
EFT Void	#10089-10089	\$(3,051.97)
Wires	#2569-2599	\$2,214,618.29
Accounts Payable Checks	#165825-165890	\$749,351.50
Payroll Checks	#19821-19827	\$7,448.16
Payroll Advice	#9386-9552	\$492,058.59
Payroll Checks	#19828-19828	\$3,559.97
Payroll Voided Advice	#9512-9512	\$(3,559.97)
Payroll Checks	#19829-19833	\$7,259.26
Payroll Advice	#9553-9717	\$480,494.50
Payroll Checks	#19834-19841	\$16,327.03
Payroll Advice	#9718-9881	\$483,075.28

Total Checks and Wires for A/P & Payroll: \$1,486,662.82

- Item 2: APPROVAL OF MINUTES
Motion is to approve the April 25, 2024 and the May 09, 2024 Regular City Council Meeting and the May 02, 2024 Study Session Minutes.
- Item 3: JUNETEENTH PROCLAMATION
Motion is to approve the proclamation recognizing June 19, 2024, as a day to celebrate Juneteenth.
- Item 4: 2025 SKHHP WORK PLAN AND BUDGET
Motion is to enact Draft Resolution No. 24-035, approving the 2025 South King Housing and Homelessness Partners Budget and the 2025 Work Plan.
- Item 5: UPDATING GENDER REFERENCES IN THE DMMC
Motion is to adopt Draft Ordinance No. 24-036 updating outdated gendered language contained in the Des Moines Municipal Code.
- Item 6: MARINA BUILDING ROOF REPLACEMENT
Motion is to approve the Public Works Contract with D&D Construction Inc. for the purchase and installation of new roofs for two Marina buildings leased by CSR and direct the City Manager to sign the contract substantially in the form as submitted.
- Item 7: PORT OF SEATTLE ECONOMIC DEVELOPMENT GRANT
Motion is to accept the economic development grant from the Port of Seattle in the amount of \$33,260.00 and authorize the City Manager to sign the Economic Development Partnership Agreement substantially in the form as attached.

Direction/Action

Motion made by Councilmember Jeremy Nutting to approve the Consent Agenda; seconded by Councilmember Matt Mahoney.

Councilmember JC Harris pulled Consent Agenda Item #7.

The remainder of the Consent Agenda passed 7-0.

Mayor Traci Buxton read the Juneteenth Proclamation into the record.

Council discussed Consent Agenda Item #7.

Motion made by Councilmember Jeremy Nutting to approve Consent Agenda Item #7 as read; seconded by Deputy Mayor Harry Steinmetz. Motion passed 5-2.

For: Mayor Traci Buxton; Deputy Mayor Harry Steinmetz; Councilmember Yoshiko Grace Matsui, Councilmember Matt Mahoney, and Councilmember Jeremy Nutting.

Against: Councilmember Gene Achziger, and Councilmember JC Harris.

PUBLIC HEARING/CONTINUED PUBLIC HEARING

Item 1: TRANSPORTATION IMPROVEMENT PLAN (2025-2044)
Staff Presentation by Acting Public Works Director Tommy Owen

At 7:39 p.m. Mayor Traci Buxton opened the Public Hearing.

Acting Public Works Director Tommy Owen gave Council a PowerPoint Presentation on the Transportation Improvement Plan 2025-2044.

Mayor Traci Buxton called those who signed up to speak.

- Chuck Coleman

Mayor Traci Buxton asked 3 times if anyone else wished to speak.

Seeing none, Mayor Traci Buxton asked Council if they had any questions.

At 7:53 p.m. Mayor Traci Buxton closed the Public Hearing.

Direction/Action

Motion made by Councilmember Matt Mahoney to approve the Draft Resolution No. 24-042 adopting the 2025-2044 Transportation Improvement Plan for the City of Des Moines; seconded by Councilmember Jeremy Nutting.
Motion passed 7-0.

- Item 2: UPDATING CITY BUILDING AND FIRE CODES
Staff Presentation by Acting Community Development Director Daniel Hopp

At 7:57 p.m. Mayor Traci Buxton opened the Public Hearing.

Acting Community Development Director Daniel Hopp gave Council a PowerPoint Presentation on proposed changes to Title 14 of the Municipal Code.

Mayor Traci Buxton called those who signed up to speak.

- Chuck Coleman

Mayor Traci Buxton asked 3 times if anyone else wished to speak.

Seeing none, Mayor Traci Buxton asked Council if they had any questions.

At 8:24 p.m. Mayor Traci Buxton closed the Public Hearing.

Direction/Action

Motion made Councilmember Jeremy Nutting to enact Draft Ordinance No. 24-015 updating the City's building and fire codes to clean up language and to maintain consistency with the Washington State adopted construction codes; seconded by Councilmember Matt Mahoney.
Motion passed 7-0.

NEW BUSINESS

- Item 1: NEW AGENDA ITEMS FOR CONSIDERATION – 10 Minutes
- There were no new items for future consideration.

COUNCILMEMBER REPORTS

Regular Meeting Minutes
June 13, 2024

(4 minutes per Councilmember) - 30 minutes

COUNCILMEMBER YOSHIKO GRACE MATSUI

- No Report

COUNCILMEMBER JEREMY NUTTING

- Congratulated Graduating Class of 2024
- Pride Month
- Men's Mental Health Awareness Month

COUNCILMEMBER JC HARRIS

- Tour of Region Transit Center
- King County Emergency Management Advisory Committee Meeting
- Port of Seattle Part 150 Noise Workshop

At 8:29 p.m. Councilmember Gene Achziger left the meeting.

COUNCILMEMBER MATT MAHONEY

- Waterland Parade

DEPUTY MAYOR HARRY STEINMETZ

- Des Moines Farmers Market
- Interview with the Mayor on Wesley TV
- Citizen Advisory Committee Meeting
- Tour of Wet and Dry Stack Storage
- What's up Des Moines Event
- Wesley's 80th Anniversary
- Grand Opening of the 7-Eleven
- Juneteenth Event

PRESIDING OFFICER'S REPORT

- Legacy Foundation Fundraiser
- Des Moines Farmers Market
- Park Run
- Men in Black Birthday Bash
- Juneteenth
- Father's Day

Regular Meeting Minutes
June 13, 2024

EXECUTIVE SESSION

NEXT MEETING DATE

June 27, 2024 City Council Regular Meeting

ADJOURNMENT

Direction/Action

Motion made by Councilmember Yoshiko Grace Matsui to adjourn;
seconded by Deputy Mayor Harry Steinmetz.
Motion passed 6-0.

The meeting adjourned at 8:43 p.m.

MINUTES

**DES MOINES CITY COUNCIL
REGULAR MEETING
City Council Chambers
21630 11th Avenue S, Des Moines, Washington
Thursday, June 27, 2024 - 6:00 PM**

CALL TO ORDER

Mayor Traci Buxton called the meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE

The flag salute was led by Councilmember Jeremy Nutting.

ROLL CALL

Council Present:

Mayor Traci Buxton; Deputy Mayor Harry Steinmetz; Councilmember Gene Achziger; Councilmember Yoshiko Grace Matsui; Councilmember JC Harris; Councilmember Matt Mahoney; and Councilmember Jeremy Nutting

Staff Present:

Interim City Manager Tim George; Interim City Attorney Matt Hutchins; Assistant City Manager Adrienne Johnson-Newton; Acting Public Works Director Tommy Owen; Civil Engineer II Tyler Beekley; Civil Engineer I Mike Kwispond; Harbormaster Scott Wilkins; Finance Director Jeff Friend; Director of Community/Administrative Services Bonnie Wilkins; Events and Facilities Manager Cortney Wilt; City Clerk Taria Keane; and Police Officer Nate Chevallier

CORRESPONDENCE NOT PREVIOUSLY RECEIVED BY COUNCIL

- There were no addition correspondence outside of the emails already received by Council.

COMMENTS FROM THE PUBLIC

- Marnie Sevores, Softball Tournament hosted by District 7 Little League
- Rolly Mupas; Rotary
- Richael Mockler; Rotary
- Russell Carlson, Rotary
- Alena Rogers, Legal Complaints

COMMITTEE CHAIR REPORT

- MUNICIPAL FACILITIES COMMITTEE: Chair Jeremy Nutting
 - Councilmember Jeremy Nutting gave Council an update on the Municipal Facilities Committee Meeting.
- ECONOMIC DEVELOPMENT COMMITTEE: Chair Jeremy Nutting
 - Councilmember Jeremy Nutting gave Council an update on the Economic Development Committee Meeting.

CITY MANAGER REPORT/PRESENTATIONS/BRIEFINGS

4TH OF JULY

- Events and Facilities Manager Cortney Wilt gave an update on the 4th of July Event at the Des Moines Beach Park and Marina.

2024 1ST QUARTER FINANCIAL REPORT

- Finance Director Jeff Friend gave Council a PowerPoint Presentation on the 2024 1st Quarter Financial Report.

CONSENT AGENDA

Item 1: APPROVAL OF VOUCHERS

Motion is to approve the payment vouchers through June 20, 2024 and payroll transfers through June 20, 2024 in the attached list and further described as follows:

EFT Vendor Payments	#10218-10318	\$ 701,678.33
Wires	#2600-2619	\$1,411,037.76
Accounts Payable Checks	#165891-165930	\$ 782,868.17
Payroll Checks	#19842-19845	\$ 5,040.33
Payroll Advice	#9882-10043	\$ 486,467.99

Total Checks and Wires for A/P & Payroll: \$3,387,092.58

Item 2: SENIOR SERVICES ADVISORY APPOINTMENT

Motion is to confirm the Mayoral appointment of JoAnn Hayden to an open position on the City of Des Moines Senior Services Advisory Committee effective immediately and expiring December 31, 2027.

Item 3: PARAMETRIX TASK ASSIGNMENT 2024 NPDES SUPPORT

Motion is to approve the 2024-2025 On-Call General Civil Engineering Task Assignment 2024-02 with Parametrix Inc., to provide 2024 NPDES Support in the amount of \$88,411.83, and further authorize the City

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Manager to sign said Task Assignment substantially in the form as submitted.

- Item 4: DRAFT RESOLUTION 24-048 SETTING A DATE FOR PUBLIC HEARING FOR STREET VACATION OF 1ST PLACE SOUTH
Motion is to adopt Draft Resolution No. 24-048 setting a public hearing on July 25, 2024, for a street vacation request relating to public right-of-way within the City of Des Moines.

- Item 5: RIGHT-OF-WAY DEDICATION - SALVADOR PROPERTY
Motion is to authorize the City Manager to accept a Right-of-Way dedication from Louie Salvador, King County Tax Parcel No. 2922049001, which is located along 12th Ave South property frontage.

Direction/Action

Motion made by Councilmember Jeremy Nutting to approve the Consent Agenda; seconded by Councilmember Matt Mahoney. Motion passed 7-0.

UNFINISHED BUSINESS

ALLEYWAY NAMING

Direction/Action

Motion made by Deputy Mayor Harry Steinmetz to select Backstage Alley as the new name for the Marina District Alleyway and direct staff to prepare an ordinance to formally implement this decision; seconded by Councilmember Jeremy Nutting.

Friendly Motion made by Councilmember Matt Mahoney to honorary name west of 223rd street between Marine View Drive S. and Cliff Avenue South to "Waterland Way" and at the cross roads of Waterland Way and Backstage Alley have a bench in honor of Jack Kelsey. Councilmember Matt Mahoney withdrew his amended motion.

The main motion passed 7-0.

Motion made by Councilmember Matt Mahoney to direct staff to prepare the necessary materials in order to create the commemorate name of "Waterland Way" for 223rd street between Marine View Drive and Cliff Avenue; seconded by Deputy Harry Steinmetz. Motion passed 6-1.

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For: Mayor Traci Buxton; Deputy Mayor Harry Steinmetz;
Councilmember Gene Achziger, Councilmember JC Harris,
Councilmember Matt Mahoney, and Councilmember Jeremy Nutting.

Against: Councilmember Yoshiko Grace Matsui.

Mayor Traci Buxton discussed the City's Bench Program.

Deputy Mayor Harry Steinmetz discussed nominating the Spirit of Des Moines award to Jack Kelsey.
Council Supported.

CITY MANAGER RECRUITMENT

Staff Presentation by Assistant City Manager Adrienne Johnson-Newton

- Assistant City Manager Adrienne Johnson-Newton provided Council with a PowerPoint Presentation update on the City Manager Recruitment.

NEW BUSINESS

- Item 1: **RATE REDUCTION REQUEST – 2024 POVERTY BAY BLUES AND BREWS**
Staff Presentation by Interim City Manager Tim George

Direction/Action

Motion made by Councilmember Jeremy Nutting to approve a rate reduction in the amount of 40 percent for the 2024 Poverty Bay Blues and Brews Festival; seconded by Deputy Mayor Harry Steinmetz.

Amended Motion made by Councilmember Gene Achziger to approve a rate reduction in the amount of 75 percent for the 2024 Poverty Bay Blues and Brews Festival; seconded by Councilmember Yoshiko Grace Matsui.

Amended Motion passed 4-1-2.

For: Councilmember Gene Achziger, Councilmember Yoshiko Grace Matsui, Councilmember JC Harris, and Councilmember Matt Mahoney.

Against: Councilmember Jeremy Nutting.

Abstained: Mayor Traci Buxton; and Deputy Mayor Harry Steinmetz.

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Amended Motion made by Mayor Traci Buxton to approve the rate reduction in the amount of 75 percent for the 2024 Poverty Bay Blues and Brews Festival and recognize the City of Des Moines visibly as a sponsor; seconded by Councilmember Yoshiko Grace Matsui. Amended Motion passed 7-0.

The Main Motion as Amended passed 5-2.

For: Mayor Traci Buxton; Councilmember Gene Achziger, Councilmember Yoshiko Grace Matsui, Councilmember JC Harris, and Councilmember Matt Mahoney.

Against: Deputy Mayor Harry Steinmetz; and Councilmember Jeremy Nutting.

- Item 2: NEW AGENDA ITEMS FOR CONSIDERATION – 10 Minutes
- Deputy Mayor Harry Steinmetz asked Council to refer Resolution 1289 to the Municipal Facilities and Economic Development committee to draft an update to clarify the language so it is clear, equitable, and appropriate. Council supported.

COUNCILMEMBER REPORTS

(4 minutes per Councilmember) - 30 minutes

COUNCILMEMBER JEREMY NUTTING

- No report

COUNCILMEMBER GENE ACHZIGER

- Passing of community volunteer Kaylene Moon

COUNCILMEMBER JC HARRIS

- Passing of community volunteer Kaylene Moon

COUNCILMEMBER MATT MAHONEY

- 4th of July
- Music in the Park
- Waterland Parade

COUNCILMEMBER YOSHIKO GRACE MATSUI

- Men in Black Birthday Bash

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- Waterland Pride Festival
- Goth Fly a Kite
- Des Moines Farmers Market
- Comprehensive Plan
- 4th of July

DEPUTY MAYOR HARRY STEINMETZ

- Passing of community volunteer Kaylene Moon
- Police Advisory Board – Crime Statistics
- Men in Black Birthday Bash
- Waterland Pride Festival
- Des Moines Farmers Market
- United Methodist Church Quilting Groups
- 4th of July

PRESIDING OFFICER'S REPORT

- Music in Redondo
- Music in the Park
- 4th of July
- Puget Sound Regional Council Ferry Discussion
- 7-Eleven Grand Opening
- Passing of community volunteer Kaylene Moon

EXECUTIVE SESSION

NEXT MEETING DATE

July 02, 2024 City Council Executive Session

ADJOURNMENT

Direction/Action

Motion made by Councilmember Jeremy Nutting to adjourn; seconded by Councilmember Matt Mahoney.
Motion passed 7-0.

The meeting adjourned at 8:13 p.m.

MINUTES

DES MOINES CITY COUNCIL SPECIAL MEETING North Conference Room

Tuesday, July 2, 2024 - 6:00 PM

CALL TO ORDER

Mayor Traci Buxton called the Special Meeting to order at 6:00 p.m. in the Council Chambers.

ROLL CALL

Council Present:

Mayor Traci Buxton; Deputy Mayor Harry Steinmetz; Councilmember Gene Achziger; Councilmember Yoshiko Grace Matsui; Councilmember JC Harris; Councilmember Matt Mahoney; and Councilmember Jeremy Nutting

Staff Present:

Assistant City Manager Adrienne Johnson-Newton

Other Present:

SGR Consultant Dave Tuan via Zoom

PURPOSE

The purpose of the Special Meeting was to hold an Executive Session to discuss qualified applications per RCW 42.30.110(1)(g). The Executive Session was expected to last 60 minutes.

At 6:56 p.m. Mayor Traci Buxton extended the Executive Session to 7:30 p.m.

At 7:24 p.m. Mayor Traci Buxton extended the Executive Session to 7:45 p.m.

At 7:41 p.m. Mayor Traci Buxton extended the Executive Session to 7:50 p.m.

No formal action was taken, The Executive Session lasted 1 hour and 50 minutes.

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The meeting adjourned at 7:50 p.m.

Respectfully Submitted
Taria Keane
City Clerk

MINUTES

**DES MOINES CITY COUNCIL
REGULAR MEETING
City Council Chambers
21630 11th Avenue S, Des Moines, Washington
Thursday, July 11, 2024 - 6:00 PM**

CALL TO ORDER

Mayor Traci Buxton called the meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE

The flag salute was lead by Councilmember Gene Achziger.

ROLL CALL

Council Present:

Mayor Traci Buxton; Deputy Mayor Harry Steinmetz; Councilmember Gene Achziger; Councilmember Yoshiko Grace Matsui; Councilmember JC Harris; Councilmember Matt Mahoney; and Councilmember Jeremy Nutting

Staff Present:

Assistant City Manager Adrienne Johnson-Newton; Interim City Attorney Matt Hutchins; Acting Police Chief Mark Couey; Director of Community/Administrative Services Bonnie Wilkins; Harbormaster Scott Wilkins; Finance Director Jeff Friend; Public Works Director Michael Slevin; City Engineer Tommy Owen; Civil Engineer I Khai Le; Director of Emergency Management and Workplace Safety Shannon Kirchberg; Director of Community Events and Services Nicole Nordholm; Human Resource Analyst Shawna Thomas; and City Clerk Taria Keane

CORRESPONDENCE NOT PREVIOUSLY RECEIVED BY COUNCIL

- There was no additional correspondence outside of the emails already received by Council.

COMMENTS FROM THE PUBLIC

- Rick Johnson, Officer Calls

COMMITTEE CHAIR REPORT

- Environment Committee: Chair JC Harris

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- Councilmember JC Harris gave Council an update on the Environment Committee meeting.
- Destination Des Moines: Liaison Harry Steinmetz
 - Deputy Mayor Harry Steinmetz gave Council an update on the upcoming Destination Des Moines Summer Events.
- Public Issues Committee: Harry Steinmetz
 - Deputy Mayor Harry Steinmetz gave Council an update on the Public Issues Committee meeting.

CITY MANAGER REPORT/PRESENTATIONS/BRIEFINGS

- SOUTH KING FIRE AND RESCUE CHIEF
 - South King Fire and Rescue Chief Dave Van Valkenburg gave Council a PowerPoint Presentation on the Fire Benefit Charge
- Assistant City Manager Adrienne Johnson-Newton recognized IT Director Dale Southwick's Retirement
- INTRODUCTION OF PUBLIC WORKS DIRECTOR
 - Assistant City Manager Adrienne Johnson-Newton introduced Public Works Director Michael Slevin to Council.
- Acting Police Chief Mark Couey gave Council an update on the Fireworks stats.
- INTRODUCTION OF INCOMING POLICE CHIEF
 - Assistant City Manager Adrienne Johnson-Newton introduced the incoming Police Chief Ted Boe to Council.
- REDONDO RESTROOM REPLACEMENT PROJECT
 - Civil Engineer II Khai Le gave Council a PowerPoint Presentation on the Redondo Restroom Replacement Project.

CONSENT AGENDA

- Item 1: APPROVAL OF VOUCHERS
Motion is to approve the payment vouchers through July 03, 2024 and payroll transfers through July 05, 2024 in the attached list and further described as follows:

EFT Vendor Payments	#10319-10380	\$476,490.84
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Accounts Payable	#165931-165950	\$43,991.87
Checks		
Payroll Checks	#19846-19853	\$9,009.96
Payroll Advice	#10044-10216	\$505,765.81

Total Checks and Wires for A/P & Payroll: \$1,035,258.48

Item 2: PUBLIC WORKS CONTRACTS - REDONDO RESTROOM
REPLACEMENT PROJECT

Motion 1 is to direct administration to bring forward a budget amendment to the 2024-2029 Capital Improvement Plan and the 2024 Capital Budget to include the amended Redondo Restroom Replacement Project as described herein, and include such amendment in the next available budget amendment ordinance.

Motion 2 is to approve the Public Works Contract with Christensen Inc. General Contractor, for the Redondo Restroom Replacement Project in the amount of \$1,882,952.93, authorize a project construction contingency in the amount of \$190,000.00, and further authorize the City Manager to sign said Contract substantially in the form as submitted.

Motion 3 is to approve the Consultant Services Contract with Exeltech Consulting Inc. to provide Construction Administration and Inspection Services for the Redondo Restroom Replacement Project in the amount of \$275,617.56, and further authorize the City Manager to sign said Task Assignment substantially in the form as submitted.

Item 3: ALLEYWAY NAMING AND COMMEMORATIVE STREET NAME

Motion 1 is to move to enact Draft Ordinance no. 24-026, naming the Marina District alleyway from South 223rd Street to South 227th Street 'Backstage Alley'.

Motion 2 is to move to enact Draft Resolution no. 24-056, establishing a commemorative name of 'Waterland Way' for the portion of South 223rd Street between Marine View Drive and Cliff Avenue.

Direction/Action

Motion made by Councilmember Jeremy Nutting to approve the Consent Agenda; seconded by Councilmember Matt Mahoney.

Councilmember JC Harris pulled Consent Agenda Item #2.

The remainder of the Consent Agenda passed 7-0.

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Council discussed Consent Agenda Item #2.

Motion made by Councilmember Jeremy Nutting to approve Consent Agenda Item #2 Motion 1 as read; seconded by Councilmember Matt Mahoney.
Motion passed 6-1.

For: Mayor Traci Buxton; Deputy Mayor Harry Steinmetz;
Councilmember Gene Achziger, Councilmember Yoshiko Grace Matsui,
Councilmember Matt Mahoney, and Councilmember Jeremy Nutting.

Against: Councilmember JC Harris.

Motion made by Councilmember Jeremy Nutting to approve Consent Agenda Item #2 Motion 2 as read; seconded by Deputy Mayor Harry Steinmetz.
Motion passed 6-1.

For: Mayor Traci Buxton; Deputy Mayor Harry Steinmetz;
Councilmember Gene Achziger, Councilmember Yoshiko Grace Matsui,
Councilmember Matt Mahoney, and Councilmember Jeremy Nutting.

Against: Councilmember JC Harris.

Motion made by Councilmember Jeremy Nutting to approve Consent Agenda Item #2 Motion 3 as read; seconded by Deputy Mayor Harry Steinmetz.
Motion passed 6-1.

For: Mayor Traci Buxton; Deputy Mayor Harry Steinmetz;
Councilmember Gene Achziger, Councilmember Yoshiko Grace Matsui,
Councilmember Matt Mahoney, and Councilmember Jeremy Nutting.

Against: Councilmember JC Harris.

NEW BUSINESS

- Item 1: NEW AGENDA ITEMS FOR CONSIDERATION – 10 Minutes
- There were no new items for future consideration.

COUNCILMEMBER REPORTS

(4 minutes per Councilmember) - 30 minutes

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COUNCILMEMBER GENE ACHZIGER

- Waterland Festivals

COUNCILMEMBER JC HARRIS

- Meeting with Key to Change Studio Group
- North Hill Espresso hosting informational event on Septic Systems Rebates
- Port of Seattle Commission Meeting
- Public Planning Commission

COUNCILMEMBER MATT MAHONEY

- Thanked Staff for 4th of July Drone Show
- Music in the Park
- Voting Ballots

COUNCILMEMBER YOSHIKO GRACE MATSUI

- 4th of July Drone Show

COUNCILMEMBER JEREMY NUTTING

- No report

DEPUTY MAYOR HARRY STEINMETZ

- Washington State Little League Softball Tournament
- 4th of July Drone Show
- Deputy Mayors Phone Call
- Citizens Advisory Committee Meeting
- Des Moines Farmers Market
- Redondo Garage Sale
- Yoga on the Deck at Sound View Park

PRESIDING OFFICER'S REPORT

- Washington State Little League Softball Tournament
- Des Moines Farmers Market
- Park Run
- Redondo Music
- Music in the Park
- Senior Center Trips
- Movies in the Park
- Waterland Festivals

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- Coffee with the Mayor
- Regional South County Good Eggs Breakfast

EXECUTIVE SESSION

NEXT MEETING DATE

July 25, 2024 City Council Regular Meeting

ADJOURNMENT

Direction/Action

Motion made by Councilmember Gene Achziger to adjourn; seconded by Deputy Mayor Harry Steinmetz.
Motion passed 7-0.

The meeting adjourned at 7:52 p.m.

AGENDA ITEM

BUSINESS OF THE CITY COUNCIL City of Des Moines, WA

SUBJECT: Administrative Office of the Courts-
Reimbursement Agreement

FOR AGENDA OF: July 25, 2024

DEPT. OF ORIGIN: Judicial Branch

ATTACHMENTS:

DATE SUBMITTED: 7/1/2024

1. Reimbursement Agreement with
Administrative Office of the Courts (AOC)
and Des Moines Municipal Court

CLEARANCES:

- ☐ City Clerk _____
- ☐ Communications _____
- ☐ Community Development _____
- ☒ Court *M. Patrick*
- ☐ Emergency Management _____
- ☒ Finance *MH*
- ☐ Human Resources _____
- ☒ Legal /s/ MH
- ☐ Marina _____
- ☐ Police _____
- ☐ Parks, Recreation & Senior Services _____
- ☐ Public Works _____

APPROVED BY CITY MANAGER

FOR SUBMITTAL: *[Signature]*

Purpose and Recommendation

The purpose of this agenda item is to request the Council's approval of the Reimbursement Agreement between the Administrative Office of the Courts (AOC) and the Des Moines Municipal Court for the purposes of reimbursing for extraordinary costs of resentencing and vacating as required by State v. Blake ("Blake").

Suggested Motion

Motion: "I move to approve the Interagency Reimbursement Agreement between the Administrative Office of the Courts and the City of Des Moines for extraordinary expenses for up to \$100,966 and further authorize the Director of Court Administration of Des Moines Municipal Court to sign the agreement substantially in the form as submitted."

Background

In February 2021, the Washington State Supreme Court ruled the crime of simple possession of a controlled substance under RCW 69.50.4013 unconstitutional (*State v. Blake*). The Supreme Court voided the law, prospectively as well as retroactively. The “*Blake* fix” bill (2E2SSB 5536) passed by the Legislature in special session criminalizes drug possession going forward, but does not affect the status of the cases invalidated by the *Blake* decision.

Discussion

Des Moines Municipal Court has vacated approximately 420 cases under the Blake fix. The court continues to work with AOC to ensure all eligible cases are calendared, reviewed and provided the appropriate remedies under Blake. Funding provided through this reimbursement grant and the previous reimbursement grant allows the Court to request reimbursement for costs associated with Legislative changes and the Supreme Court decision. With or without this state funding, processing these cases is a duty that the Court will be required to perform.

Alternatives

Decline to approve the agreement and receive no reimbursement from Washington State Administrative Office of the Courts.

Financial Impact

Acceptance of this agreement would permit the Court, prosecution and/or defense to seek reimbursement of costs associated with resentencing and vacating the sentences of individuals affected by the Blake decision. In absence of the agreement, the labor costs to process these cases would be solely on each department or contractual rate.

Recommendation

Staff recommends that the Council approve authorizing the Director of Court Administration to execute the reimbursement agreement with the Administrative Office of the Courts for amounts up to \$100,966.

INTERAGENCY REIMBURSEMENT AGREEMENT - IAA25231
BETWEEN
WASHINGTON STATE ADMINISTRATIVE OFFICE OF THE COURTS
AND
DES MOINES MUNICIPAL COURT

This Interagency Reimbursement Agreement ("Agreement") is entered into by and between Washington State Administrative Office of the Courts ("AOC") and Des Moines Municipal Court ("Jurisdiction") to reimburse extraordinary costs of resentencing and vacating sentences as required by *State v. Blake* ("*Blake*"). AOC and Jurisdiction will be known individually as *Party* and collectively as *Parties*.

I. PURPOSE

The purpose of this Agreement is to reimburse the extraordinary judicial, prosecutorial, clerk, court administration and/or defense-related costs of resentencing and vacating the sentences of individuals whose convictions or sentences are affected by the *Blake* decision. For Municipalities and Counties, this will include language Engrossed Substitute Senate Bill 5187, Section 114(3) passed by the 2023 Legislature, which includes simple drug possession, to include cannabis and possession of paraphernalia.

II. REIMBURSEMENT

- A. Extraordinary Expenses Reimbursement. AOC shall reimburse Jurisdiction up to a maximum of \$100,966 for the extraordinary judicial, clerk, court administration, prosecutorial, and/or defense-related costs of resentencing and vacating the sentences of individuals whose convictions and/or sentences are affected by the *Blake* decision. For Municipalities this will include language from the Engrossed Substitute Senate Bill 5187, Section 114(13), passed by the 2023 Legislature, which includes simple drug possession to include cannabis and possession of paraphernalia.

To be eligible for reimbursement, the Costs must be incurred between July 1, 2024 and June 30, 2025. AOC will not reimburse Jurisdiction Costs incurred after June 30, 2025. AOC may, at its sole discretion, deny reimbursement requests in excess of the amount awarded. If additional funding is or becomes available for these purposes, AOC and Jurisdiction may mutually agree to increase the amount awarded under this Agreement.

- B. General. AOC shall reimburse Jurisdiction for approved and completed reimbursements by warrant or electronic funds transfer within 30 days of receiving a properly completed A-19 invoice and the necessary backup documentation.

III. PERIOD OF PERFORMANCE

Performance under this Agreement begins on July 1, 2024, regardless of date of execution, and ends on June 30, 2025. The period of performance maybe amended by mutual agreement of the Parties.

IV. TERMS OF REIMBURSEMENT

- A. Jurisdiction shall electronically submit, once per month, it's A-19 invoices to payables@courts.wa.gov.
- B. Jurisdiction's A-19 invoices must include:
 - 1. Payment documents from Jurisdiction indicating the amounts expended, the recipients, and the date of expenditure;
 - 2. A list of any case numbers associated with the services provided;
 - 3. A breakdown of expenses by judicial, clerk/court administration, prosecutorial, and defense-related costs;
 - 4. Any employee positions supported by Blake related funds, broken down by judicial, clerk/court administration, prosecutorial, and defense-related positions, including name of employee, title, hourly wage of the individual, time spent on *Blake*-related cases and a list of corresponding cause numbers;
 - 5. The unique three-digit court code for the Jurisdiction the work was completed on behalf of must be provided on the A-19. If a Jurisdiction contracts with another jurisdiction to provide court services, then the unique court code for the jurisdiction for which the work was completed must be provided; and,
 - 6. Data, including case numbers and aggregate data on the number and type of cases:
 - a. Vacated under *Blake*;
 - b. Resentenced under *Blake*; and
 - c. Being worked on under *Blake*.

V. REVENUE SHARING

- A. AOC, in its sole discretion, may initiate revenue sharing. AOC will notify the Jurisdiction no later than May 1, 2025 that AOC intends to reallocate funding among courts in the program and/or to support the Supreme Court's directive for an AOC case vacating team. If AOC determines the Jurisdiction may not spend all monies available under the Agreement or if Jurisdiction declines and/or elects not to participate in the vacating of Blake eligible cases, AOC may reduce the Agreement amount as mentioned above. If AOC determines the Jurisdiction may spend more monies than available under the Agreement and for its scope, AOC may increase the Agreement amount.
- B. If the AOC initiates revenue sharing, then the Jurisdiction must submit the final revenue sharing A-19 to payables@courts.wa.gov between July 12, 2025 and August 1, 2025.

VI. AGREEMENT ALTERATIONS AND AMENDMENTS

This Agreement may be amended by agreement of the Parties. Such amendments are not binding unless they are in writing and signed by personnel authorized to bind each of the Parties.

VII. GOVERNANCE

- A. This Agreement is entered into pursuant to and under the authority granted by the laws of the state of Washington and any applicable federal laws. The provisions of this Agreement must be construed to conform to those laws.
- B. In the event of an inconsistency in the terms of this Agreement, or between its terms and any applicable statute or rule, the inconsistency will be resolved by giving precedence in the following order:
 - 1. Applicable state and federal statutes and rules;
 - 2. This Agreement; and then
 - 3. Any other provisions of the Agreement, including materials incorporated by reference.

VIII. WAIVER

A failure by either Party to exercise its rights under this Agreement does not preclude that Party from subsequent exercise of such rights and is not a waiver of any other rights under this Agreement unless stated to be such in a writing signed by an authorized representative of the Party and attached to the original Agreement.

IX. SEVERABILITY

If any Party to exercise its rights under this Agreement does not preclude that Party from subsequent exercise of such rights and is not a waiver of any other rights under this Agreement unless stated to be such in a writing signed by an authorized representative of the Party and attached to the original Agreement.

X. AGREEMENT MANAGEMENT

The Program Managers/Point of Contacts noted below are responsible for and are the contact people for all communications and billings regarding the performance of this Agreement:

AOC Program Manager	Jurisdiction Program Manager/ Point of Contact
Sharon Fogo Blake Implementation Manager PO Box 41170 Olympia, WA 98504-1170 Sharon.Fogo@courts.wa.gov (360) 819-7305	Melissa M Patrick Court Administrator 21630 11th Avenue S Suite C Des Moines, WA 98198 MPatrick@desmoineswa.gov 206-870-6593

XI. ENTIRE AGREEMENT

This Agreement contains all the terms and conditions agreed upon by the Parties. No other understandings, oral or otherwise, regarding the subject matter of this Agreement are considered to exist or to bind any of the Parties to this agreement unless otherwise stated in this Agreement.

AGREED:

**Washington State Administrative
Office of the Courts**

Jurisdiction

<i>Signature</i>	<i>Signature</i>
<i>Date</i>	<i>Date</i>
Christopher Stanley, CGFM	Melissa M Patrick
<i>Name</i>	<i>Name</i>
Chief Financial and Management Officer	Director of Court Administration
<i>Title</i>	<i>Title</i>

AGENDA ITEM

BUSINESS OF THE CITY COUNCIL City of Des Moines, WA

SUBJECT: Draft Resolution 24-064 in support of
Marina Charging Floats Grant Application

ATTACHMENTS:

1. Draft Resolution 24-064

FOR AGENDA OF: July 25, 2024

DEPT. OF ORIGIN: Administration

DATE SUBMITTED: July 17, 2024

CLEARANCES:

- ☐ City Clerk _____
- ☐ Communications _____
- ☐ Community Development _____
- ☐ Courts _____
- ☐ Emergency Management _____
- ☒ Finance *[Signature]*
- ☐ Human Resources _____
- ☒ Legal /s/ MH
- ☒ Marina *[Signature]*
- ☐ Police _____
- ☐ Parks, Recreation & Senior Services _____
- ☐ Public Works _____

APPROVED BY CITY MANAGER

FOR SUBMITTAL: *[Signature]*

Purpose and Recommendation

The purpose of this agenda item is for the City Council to consider Draft Resolution 24-064 which is a prerequisite of the Recreation and Conservation Office (RCO) to applying for or receiving grant funds for the Marina Charging Floats Project. The resolution authorizes the Interim City Manager to act as an agent for the City when applying for the grant funding. If funds are awarded, City Council approval will be obtained prior to receipt of the funds. The following motion will appear on the consent calendar:

Suggested Motion

Motion: "I move to enact Draft Resolution 24-064 naming the Interim City Manager as the designated agent for the City in order to apply for grant funding for the Marina Charging Floats Project."

Background

If approved by RCO, the proposed Marina Charging Floats Project would construct and install a modular shore- charging float to supply electric power to transient vessels at the Des Moines Marina. The use of float-based electric power builds on existing electrification efforts by the Marina and its transition to green energy. Due to Des Moines' unique location and number of transient slips available, it is key in providing support to Boating Infrastructure Grant (BIG) eligible recreational vessels (boats over 27' in length).

Our proposal calls for an engineered steel float equipped with essential components to facilitate electric passenger vessels. Operating by receiving a continuous charge from existing shore power, the charge float replenishes an onboard battery pack. The high-capacity charge will reduce dwell time, allowing the Marina to retain high-value berthing locations for other users, avoid prolonged dock occupancy, and minimize intrusive electrical upgrades to existing dock facilities. This project will help transition the Marina to climate-friendly energy options and establish Des Moines as a leader in the transition to marine electrification.

The first goal of this project is to provide the Marina's transient moorage guests with a modern, code compliant shore power system that has the receptacles that their boats require and has enough capacity to eliminate overloads. The second goal is to build in enough capacity to accommodate future changes in the recreational boating industry like adding charging stations for hybrid propulsion systems.

The specific project activities include:

- Design and engineering of modular charging floats
- Contractor constructs and delivers charging floats to Des Moines Marina
- Removal of existing pilings and float materials
- Installation of new piling and floating charger

When completed, it is anticipated this project will result in cutting edge technology that delivers clean electric shore-power to transient recreational vessels visiting the Marina by February 28, 2027.

Discussion

The City has prepared a grant application seeking \$1.4 million from the Recreation and Conservation Office (RCO) for the Marina Charging Floats Project. As part of the grant process, there is a requirement to have the attached resolution passed by the City Council before the application is submitted. The deadline to file the resolution is July 31st.

Alternatives

Not approve the Resolution and therefore do not apply for the grant. RCO does not allow amendments to the Resolution.

Financial Impact

There is no financial impact in applying for this grant.

Recommendation

Administration and Marina recommend approving the Resolution as presented.

CITY ATTORNEY'S FIRST DRAFT 07/30/2024

DRAFT RESOLUTION NO. 24-064

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DES MOINES, WASHINGTON, authorizing the City Manager to act as a representative/agent on behalf of the City of Des Moines, and to legally bind the City with respect to the Recreation and Conservation Office Application #24-2120, **Des Moines Marina Charging Floats** ("Project"), for which the City seeks grant funding assistance managed through the Recreation and Conservation Office ("Office").

WHEREAS, the state grant assistance is requested by the City to aid in financing the cost of the Project referenced above, and

WHEREAS, the City considers it in the best public interest to complete the Project described in the application; now therefore,

THE CITY COUNCIL OF THE CITY OF DES MOINES RESOLVES AS FOLLOWS:

Sec. 1. The City of Des Moines has applied for or intends to apply for funding assistance managed by the Recreation and Conservation Office ("Office") for the above "Project."

Sec. 2. Des Moines Interim City Manager Tim George is authorized to act as a representative/agent for the City with full authority to bind the City regarding all matters related to the Project, including but not limited to, full authority to:

(1) approve submittal of a grant application to the Office,

(2) enter into a project agreement(s) on behalf of the City,

(3) sign any amendments thereto on behalf of the City,

(4) make any decisions and submissions required with respect to the Project(s), and

(5) designate a project contact(s) to implement the day-to-day management of the grant(s).

Resolution No. ____
Page __ of __

Sec. 3. The City Council has reviewed the sample project agreement on the Recreation and Conservation Office's WEBSITE at: <https://rco.wa.gov/documents/manuals&forms/SampleProjAgreement.pdf>. We understand and acknowledge that if offered a project agreement to sign in the future, it will contain an indemnification and legal venue stipulation (applicable to any sponsor) and a waiver of sovereign immunity (applicable to Tribes) and other terms and conditions substantially in the form contained in the sample project agreement and that such terms and conditions of any signed project agreement shall be legally binding on the sponsor if our representative/agent enters into a project agreement on our behalf. The Office reserves the right to revise the project agreement prior to execution and shall communicate any such revisions with the above authorized representative/agent before execution.

Sec. 4. The City Council acknowledges and warrants, after conferring with its legal counsel, that its authorized representative/agent has full legal authority to enter into a project agreement(s) on its behalf, that includes indemnification, waiver of sovereign immunity (as may apply to Tribes), and stipulated legal venue for lawsuits and other terms substantially in the form contained in the sample project agreement or as may be revised prior to execution.

Sec. 5. Grant assistance is contingent on a signed project agreement. Entering into any project agreement with the Office is purely voluntary on our part.

Sec. 6. The City Council understands that grant policies and requirements vary depending on the grant program applied to, the grant program and source of funding in the project agreement, the characteristics of the project, and the characteristics of the City of Des Moines.

Sec. 7. The City Council further understands that prior to our authorized representative/agent executing the project agreement(s), the RCO may make revisions to its sample project agreement and that such revisions could include the indemnification, the waiver of sovereign immunity, and the legal venue stipulation. The City accepts the legal obligation that we shall, prior to execution of the project agreement(s), confer with

Resolution No. ____
Page __ of __

our authorized representative/agent as to any revisions to the project agreement from that of the sample project agreement. We also acknowledge and accept that if our authorized representative/agent executes the project agreement(s) with any such revisions, all terms and conditions of the executed project agreement (including but not limited to the indemnification, the waiver of sovereign immunity, and the legal venue stipulation) shall be conclusively deemed to be executed with our authorization.

Sec. 8. Any grant assistance received will be used for only direct eligible and allowable costs that are reasonable and necessary to implement the Project referenced above.

Sec. 9. The City acknowledges and warrants, after conferring with its legal counsel, that no additional legal authorization beyond this authorization is required to make the indemnification, the waiver of sovereign immunity (as may apply to Tribes), and the legal venue stipulation substantially in form shown on the sample project agreement or as may be revised prior to execution legally binding on the City upon execution by our representative/agent.

Sec. 10. [Recreation and Conservation Funding Board Grant Programs Only] If match is required for the grant, we understand the City must certify the availability of match at least one month before funding approval. In addition, the City understands it is responsible for supporting all non cash matching share commitments to this project should they not materialize.

Sec. 11. The City acknowledges that if it receives grant funds managed by the Office, the Office will pay us on only a reimbursement basis. We understand reimbursement basis means that we will only request payment from the Office after we incur grant eligible and allowable costs and pay them. The Office may also determine an amount of retainage and hold that amount until the Project is complete.

Sec. 12. [Acquisition Projects Only] The City acknowledges that any property acquired with grant assistance must be dedicated for the purposes of the grant in perpetuity unless otherwise agreed to in writing by the City and the Office. We agree to dedicate the property in a signed "Deed of Right" for fee acquisitions, or an "Assignment of Rights" for other than fee acquisitions (which

Resolution No. ____
Page __ of __

documents will be based upon the Office's standard versions of those documents), to be recorded on the title of the property with the county auditor.

Sec. 13. [Acquisition Projects Only] The City acknowledges that any property acquired in fee title must be immediately made available to the public unless otherwise provided for in policy, the project agreement, or authorized in writing by the Office Director.

Sec. 14. [Development, Renovation, Enhancement, and Restoration Projects Only - If your organization owns the property] The City acknowledges that any property owned by the City that is developed, renovated, enhanced, or restored with grant assistance must be dedicated for the purpose of the grant in perpetuity unless otherwise allowed by grant program policy, or Office in writing and per the project agreement or an amendment thereto.

Sec. 15. [Development, Renovation, Enhancement, and Restoration Projects Only - If your organization DOES NOT own the property] The City acknowledges that any property not owned by the City that is developed, renovated, enhanced, or restored with grant assistance must be dedicated for the purpose of the grant as required by grant program policies unless otherwise provided for per the project agreement or an amendment thereto.

Sec. 16. [Only for Projects located in Water Resources Inventory Areas 1 - 19 that are applying for funds from the Critical Habitat, Natural Areas, State Lands Restoration and Enhancement, Riparian Protection, or Urban Wildlife Habitat grant categories; or the Puget Sound Acquisition and Restoration program, or a Salmon Recovery Funding Board approved grant] The City certifies the following: the Project does not conflict with the Puget Sound Action Agenda developed by the Puget Sound Partnership under RCW 90.71.310.

Sec. 17. This resolution/authorization is deemed to be part of the formal grant application to the Office.

Sec. 18. The City warrants and certifies, after conferring with its legal counsel, that this resolution/ authorization was properly and lawfully adopted following the requirements of our the City and applicable laws and policies that the City has full

Resolution No. ____
Page __ of __

legal authority to commit the City to the warranties,
certifications, promises and obligations set forth herein.

ADOPTED BY the City Council of the City of Des Moines,
Washington this ____th day of _____, 2024 and signed in
authentication thereof this ____th day of _____, 2024.

M A Y O R

APPROVED AS TO FORM:

City Attorney

ATTEST:

City Clerk

A G E N D A I T E M

BUSINESS OF THE CITY COUNCIL
City of Des Moines, WA

SUBJECT: Draft Resolution No. 24-061: Support
for South King Fire Proposition No. 1, Authorizing
Fire Benefit Charge

ATTACHMENTS:

1. Draft Resolution No. 24-061

FOR AGENDA OF: July 25, 2024

DEPT. OF ORIGIN: Administration

DATE SUBMITTED: July 18, 2024

CLEARANCES:

- ☐ City Clerk _____
☐ Communications _____
☐ Community Development _____
☐ Courts _____
☐ Emergency Management _____
☒ Finance *MH* _____
☐ Human Resources _____
☒ Legal */s/ MH* _____
☐ Marina _____
☐ Police _____
☐ Parks, Recreation & Senior Services _____
☐ Public Works _____

APPROVED BY CITY MANAGER

FOR SUBMITTAL: *[Signature]*

Purpose:

The purpose of this agenda item is to adopt Draft Resolution No. 24-061 supporting South King Fire’s Fire Benefit Charge (FBC) on the August 6, 2024 election ballot.

Suggested Motion

MOTION: “I move to adopt Draft Resolution No. 24-061 in support of South King Fire’s Proposition 1, Authorizing Fire Benefit Charge, on the August 6, 2024 election ballot.”

Background

South King Fire is proposing to adopt a more stabilized funding approach that distributes costs for the delivery of fire protection services, known as the Fire Benefit Charge (FBC). The FBC is not a tax. Instead, it is a fee that aims to place more cost on structures with higher fire risk and resource needs, and less cost on those with lower risk or resource needs. Smaller structures (such as single-family homes) generally pay less than larger buildings (i.e. commercial buildings) because it takes fewer resources to protect them in a fire.

If the FBC is approved, it will lower regular property tax rates and eliminate the need for a renewed Maintenance & Operations levy. This will create a more stabilized funding approach that relies less on property tax, which can be subject to fluctuations.

If voters approve, the FBC would be in place for six years (2025-2030). It initially requires a 60% majority vote.

After the initial approval (six-year term), voters would decide whether to reauthorize the FBC. Extending it for an additional six or ten years requires a simple majority vote, whereas a permanent extension requires 60% voter approval.

A local government legislative body may vote on a motion or resolution to express support or opposition to a ballot proposition if the following procedural steps are first taken:

- The notice for the meeting must include the title and number of the ballot proposition, and
- Members of the legislative body or members of the public must be allowed an approximately equal opportunity to express an opposing view.

Discussion

Due to population growth, higher density and community need, additional resources and services are required to meet rising demand. In 2012, South King Fire responded to 16,279 emergency 911 calls. Fast forward to 2023, emergency 911 calls now exceed 25,000 annually, signifying a 54% increase compared to a decade ago.

This rising demand in emergency response calls is creating conditions that are:

1. **Unsustainable**, surpassing what their current funding structure can support.

In order to uphold fiscal responsibility and effectively meet the rising demand for emergency calls and fire services, South King Fire is proposing a new, more stabilized funding model, called the Fire Benefit Charge.

Alternatives

To not adopt Draft Resolution No. 14-193. With the escalating demand for emergency services and the current funding model, South King Fire would need to find ways to address budget shortfalls, which could involve seeking additional property taxes or reevaluating service delivery models. If the FBC is not approved:

1. The primary funding source from property tax levies would remain at or up to \$1.50 per \$1,000 of assessed value.
2. South King Fire would experience an immediate annual budget shortfall of \$3.75M per year due to the expiration of the current M&O levy at the end of 2024. The loss of revenue would require significant budget cuts, impacting levels of service and response times.

South King Fire would need to place another multi-year Maintenance & Operations levy on the ballot in 2025 to balance the budget and maintain service levels.

Financial Impact

If the FBC is approved, it will lower regular property tax rates and eliminate the need for a renewed Maintenance & Operations levy. Commercial and larger structures would likely see a property tax increase.

CITY ATTORNEY'S FIRST DRAFT 07/17/2024

DRAFT RESOLUTION NO. 24-061

A RESOLUTION OF THE COUNCIL OF THE CITY OF DES MOINES, WASHINGTON, supporting South King Fire's Fire Benefit Charge (FBC) Proposition 1 on the August 6, 2024 ballot, to stabilize funding and more effectively meet rising community demands by providing improved access to resources when responding to fire and emergency situations.

WHEREAS, South King Fire provides high quality professional fire department services to safeguard the community of Des Moines and neighboring cities, and

WHEREAS, calls for 911 emergency services have increased by 54% in the last decade and due to population growth, higher density, and community need, additional resources are now required, and

WHEREAS, without additional funding, South King Fire would experience an immediate annual budget shortfall of \$3.75M per year due to the expiration of the current Maintenance & Operations levy at the end of 2024, and

WHEREAS, South King Fire has approved the placement of a Fire Benefit Charge (FBC) Proposition 1 on the August 6, 2024 ballot which proposes a more fair and stabilized funding approach which would lower regular property taxes and eliminate the need for a renewed Maintenance & Operations levy, and

WHEREAS, the Fire Benefit Charge distributes costs by placing more responsibility on structures with higher fire risk and resource needs, and as a result, smaller structures (such as single-family homes) generally pay less than larger buildings (i.e. commercial buildings) because it takes fewer resources to protect them in a fire, and

WHEREAS, the Fire Benefit Charge will uphold fiscal responsibility and more effectively meet rising community demands by providing improved access to resources when responding to fire and emergency situations; now therefore,

THE CITY COUNCIL OF THE CITY OF DES MOINES RESOLVES AS FOLLOWS:

Resolution No. ____
Page 2 of 2

The Des Moines City Council strongly supports South King Fire's Fire Benefit Charge Proposition 1 on the August 6, 2024 ballot.

ADOPTED BY the City Council of the City of Des Moines, Washington this ____ day of _____, 2024 and signed in authentication thereof this ____ day of _____, 2024.

M A Y O R

APPROVED AS TO FORM:

City Attorney

ATTEST:

City Clerk

AGENDA ITEM

BUSINESS OF THE CITY COUNCIL City of Des Moines, WA

SUBJECT: Marina Steps Project – Amended Task
Assignment for Consultant Design

FOR AGENDA OF: July 25, 2024

DEPT. OF ORIGIN: Public Works

ATTACHMENTS:

1. KPFF, Inc., 2022-2023 On-Call General
Civil Engineering Services Amendment
Task Assignment 2023-07.01

DATE SUBMITTED: July 17, 2024

CLEARANCES:

- ☐ City Clerk _____
- ☐ Community Development _____
- ☐ Courts _____
- ☐ Director of Marina Redevelopment _____
- ☐ Emergency Management _____
- ☒ Finance *MH*
- ☐ Human Resources _____
- ☒ Legal */s/ MH*
- ☐ Marina _____
- ☐ Police _____
- ☐ Parks, Recreation & Senior Services _____
- ☒ Public Works *WPS*

APPROVED BY CITY MANAGER

FOR SUBMITTAL: *[Signature]*

Purpose and Recommendation

The purpose of this agenda item is to seek City Council approval for the 2022-2023 On-Call General Civil Engineering Services Amendment Task Assignment 2023-07.01 (Attachment 1) with KPFF, Inc. to provide engineering design services for the Marina Steps Project. The following motion will appear on the Consent Agenda:

Suggested Motion

Motion: “I move to approve the 2022-2023 On-Call General Civil Engineering Amendment Task Assignment 2023-07.01 with KPFF Inc., to provide engineering design services for the Marina Steps Project in the amount of \$156,631.00, and further authorize the City Manager to sign said Task Assignment substantially in the form as submitted.”

Background

Over many decades, there have been many efforts to enhance the value of the City's Downtown and Marina for the residents and region alike. As early as the 1920's, landside and waterside activity and developments have occurred and changed. In the mid-1980's the City conducted a Revitalization planning project that identified the importance of Marine View Drive, 7th Ave S, and alleyway in-between. One of the most significant elements of this plan highlighted the missing 'Pedestrian Connection' to the waterfront from Downtown to the Marina. Further planning investment included the Marina District Enhancement Master Plan in 2008 prepared by the University of Washington. Again, Marina redevelopment and pedestrian access between Downtown and the Marina were consistently highlighted. Subsequently after these studies, the Council appointed a joint committee to review Marina and Beach Park Development consistent with the planning work completed. Significant public outreach was conducted and the outcomes have helped shape the current Des Moines Comprehensive Plan, Marina Master Plan, 2010 Parks Recreation & Senior Services Master Plan, Comprehensive Transportation Plan, and Marina District Design Guidelines. Since, starting in 2016, City administration has been actively pursuing many possibilities to make all of these efforts reality knowing that there will eventually be both significant private and public investment made. Finally, the City Council provided further direction on February 2nd, 2023 to City Administration that Capital Improvement Projects be brought forward.

At the April 13, 2023 City Council meeting, the City Council approved a task assignment with KPFF, Inc. for design and permitting of the Marina Steps Project under the 2022-2023 On-Call General Civil Engineering Services Contract. The design approach seeks to increase connectivity between Downtown and the waterfront through sustainable design and improvements to create a welcoming and lively environment that will spur economic growth and development in the community and region. The Marina Steps Project as part of the holistic Marina Redevelopment Project targets non-motorized users, connectivity between Downtown and the Marina, as well as the analysis of strategic storm water quality improvements.

On October 17, 2023, the City released the first public comment period for the Marina Steps Project using a virtual survey. The survey was available for two and a half weeks and provided the public an opportunity to express their top priorities for the project, including elements that they would like incorporated as well as additional ideas for the design. The survey received an overwhelming amount of positive feedback with a clear trend indicating park space areas showcasing marina views and interactive water features were top priorities.

Following the online survey, the City hosted a public forum on February 13, 2024. This forum was attended by over a hundred individuals. The project team presented the marina redevelopment history, design iterations, and the current 30% design. The public then had a chance to circulate through the different project boards which was facilitated by members of the project team. This public forum received numerous feedback for the project which allowed the project team to solidify the 60% design and consider supplementary design features.

Discussion

The project design is 60% complete and in order to deliver on the public's feedback and support grant opportunities, additional consultant support through an amendment is required. This amendment will allow the design team to incorporate a water feature, play area and structures, undergrounding of aerial utilities, ADA pedestrian crossing at Cliff Avenue/223rd Street, provide additional geotechnical documentation, slope stabilization design, and assistance with a storm water grant.

The design amendment addresses the public's top two priorities by incorporating a water feature and full build out of the play area and structures. These items were previously shown in conceptual plans but were not included in the original task assignment with KPFF.

Undergrounding of aerial facilities along the frontage of the Marina Steps Project provides for an open and inviting pedestrian area void of potential utility poles. Further, as the downtown South 223rd Street corridor is improved in the future, it is proposed that aerial facilities will be relocated underground. Undergrounding facilities for the Marina Steps Project will tie into those future utility improvements.

During the planning phase of the 223rd Green Street Project, an ADA pedestrian crossing was identified and recommended at the corner of Cliff Ave and South 223rd Street, at the top of the Marina Steps. The design amendment seeks to construct this pedestrian crossing and incorporate the landing into the design of the Marine Steps Project.

To support and enhance the water quality component of the Marina Steps project, the City is seeking funding from the National Estuary Grant Program. In support of this effort, the design amendment aids with the grant application and award period.

In order to fulfill project design and prepare the project for advertisement, consultant support is needed. The City's 2022-2023 On-call is utilized under an amendment to retain KPFF, Inc. KPFF has been previously tasked with providing preliminary engineering design and permitting for the Marina Steps Project and their continued support is needed to complete the design of the project and mitigate any schedule delays.

Alternatives

The City Council could elect not to approve the 2022-2023 On-Call General Civil Engineering Services Amendment Task Assignment 2023-07.01 with KPFF Inc. for engineering design services. The City does not have adequate internal resources to complete the project design. This will impact the design of the Marina Steps.

Financial Impact

The City's adopted CIP Budget Worksheets include revenue to achieve full funding for this Task Assignment.

Recommendation

Staff recommends adoption of the motion.

Council Committee Review

The Transportation and Municipal Facilities Committees have been routinely updated on the status of this project.



FORMAL TASK ASSIGNMENT DOCUMENT

Task Number 2023-07.01

The general provisions and clauses of Agreement 19-159

Shall be in full force and effect for this Task Assignment.

Location of Project: Des Moines, WA

Project Title: Des Moines Marina Steps Change Order Request (COR) #3

Maximum Amount Payable Per Task Assignment: Time and Materials Not-to-Exceed \$156,631.00

Completion Date: January 30, 2025

Description of Work: Refer to attached Change Order Request #3 proposal for complete description of work.

Agency Project Manager Signature: _____ Date: _____

Oral Authorization Date: _____ See Attachment Dated: _____

Consultant Signature: Priya Kashyap Date: 2024-07-17

Agency Approving Authority: _____ Date: _____



CHANGE ORDER REQUEST (COR) #03

DATE: June 3, 2024
JOB NUMBER: 2300235
CLIENT: City of Des Moines
PROJECT NAME: Des Moines Marina Steps

BACKGROUND

As a result of the online survey, public forum, opportunity for a stormwater grant, and meeting with staff, the City of Des Moines has asked the Marina Steps design team to provide additional services beyond those currently in our scope. That additional scope and associated fees are documented herein.

SCOPE

This Change Order Request includes scope related to the following changes to the project:

- Inclusion of a non-recirculating water feature;
- Expanded play area;
- Undergrounding of overhead utilities;
- Additional geotechnical documentation;
- Slope Stabilization Design;
- Stormwater grant;
- Cliff Avenue pedestrian crossing; and,
- Extended project schedule.

Detailed scope descriptions for each consultant can be found in the following attachments to this proposal.

- KPFF: Attachment A.
- PLACE: Attachment B.
- Shannon & Wilson: Attachment C.

FEE

We request the following not-to-exceed (NTE) fees be incorporated to address the scope of work described herein. A more detailed breakdown of these fees can be found in Attachment D.



CHANGE ORDER REQUEST (COR) #03

<u>Consultant</u>	<u>COR #03 NTE Fee</u>
KPFF Civil	\$ 79,010
PLACE	\$ 37,400
Shannon & Wilson	\$ 40,221
TOTAL:	\$ 156,631

If this proposal meets with your approval, please sign below and return one copy for our files. If you have any questions regarding this proposal, please call me at (206) 660-5297.

Offered By KPFF, Inc.

Accepted by City of Des Moines

A handwritten signature in blue ink, appearing to read 'Puja'.

Puja Kashyap, PE
Principal

(Signature)

(Print Name/Title)



CHANGE ORDER REQUEST (COR) #03 KPFF SCOPE

DATE: June 3, 2024
JOB NUMBER: 2300235
CLIENT: City of Des Moines
PROJECT NAME: Des Moines Marina Steps

SCOPE

KPFF's scope for Change Order Request (COR) #03 is described below:

Water Feature

Current Scope: The water feature was intended to be designed under a separate contract.

Requested Change per COR #3: The City has requested that a non-recirculating water feature be included as part of this project.

Scope for COR #3:

- Assist landscape architect with locating water feature elements to site plan, including piping, valving, and controls.
- Incorporate water and sewer connections for the water feature into the plans for 60%, 90%, 100%, and Bid Set PS&E.

Additional Play Area

Current Scope: The extents of the play areas were anticipated to be simple features at landings, in accordance with the master plan documentation.

Requested Change per COR #3: Play areas have been expanded to include hill climbs, with slides, rope assemblies, and other more extensive features.

Scope for COR #3:

- Coordinate with landscape architect to locate and grade play areas and design drainage collection and routing.
- Incorporate the expanded play areas into plans for 60%, 90%, 100%, and Bid Set PS&E.



CHANGE ORDER REQUEST (COR) #03 KPFF SCOPE

Undergrounding of Overhead Lines

Current Scope: Overhead lines were intended to remain in place, with the exception of the overhead power service from Cliff Avenue to the marina floor.

Requested Change per COR #3: The City has requested that the removal of two power poles be included in this project. Design of the trenching, conduit and vault placement, and pavement restoration will be by this team. Design of the cable connections and pole removal will be by Puget Sound Energy (PSE) and the franchise utilities.

Scope for COR #3:

- Coordinate with Puget Sound Energy, the City, and the design team to develop the location of vaults, conduit trenches, and guy anchors.
- Incorporate undergrounding of these overhead utilities into plans for 60%, 90%, 100%, and Bid Set PS&E. Electrical design and pole removal will be by PSE.

Stormwater Grant

Current Scope: The original minimum requirements for the stormwater planters were to provide treatment of a portion of the upstream runoff using traditional treatment media while also celebrating the stormwater as it moves through the project towards the Puget Sound.

Requested Change per COR #3: In order to better fit the Puget Sound National Estuary Program Grant, changes were required to make the stormwater planter system better suited for scientific study. In addition, KPFF's support was requested during the development of the grant application.

Scope & Fee:

- Assist with development of the grant application, including attendance at coordination meetings with the City, KPG-PSOMAS, and representatives from the grant agency team.
- Revise planter design to include different media types, sampling ports, even distribution and treatment of flows, and reduce flow of stormwater entering downstream of pre-treatment sampling ports.
- Provide documentation to support scientific analysis of the planters, including drainage reports, plans, profiles, and details.



CHANGE ORDER REQUEST (COR) #03 KPFF SCOPE

Cliff Avenue Crossing

Current Scope: The original project limits end at the back of existing curb along Cliff Avenue.

Requested Change per COR #3: Project limits have been expanded to include a new curb and curb alignment, crosswalk, and corresponding curb ramps on either end of the new crosswalk.

Scope for COR #3:

- Coordinate with landscape architect to redesign Overlook Park I to accommodate new crosswalk and curb ramp location.
- Design crosswalk and new curb ramps on either end of crosswalk and incorporate into PS&E documents.

Extended Schedule

Current Scope: The original project schedule included 7 months of PS&E design.

Requested Change per COR #3: After discussions of schedule and addition of other scope items included in this proposal, the PS&E timeline has been extended to approximately 10 months (October 2023-August 2024).

Scope & Fee:

- Prepare schedule alternatives and participate in additional scoping and scheduling meetings during the 30% and 60% phases.
- Attend approximately 3 months of additional weekly owner and consultant coordination meetings.
- Participate in additional coordination, drawing exchanges, and design iterations in the PS&E

03.08.2024

Via E-mail: Brandon.McNerney@kpff.com
Brandon McNerney
KPFF
1601 5th Avenue, Suite 1600
Seattle, WA, 98101

Re: Des Moines Marina Steps - Additional Design Play Area and Water Feature

Hello Brandon,

We are happy to continue the collaboration with the team to provide the city of Des Moines with a unique play area and an easily maintained, playful water feature at the Marina Steps. We have developed a scope and fee for additional design time to document the improvements that were presented to the community and included in the Land Use package. The improvements will follow the development schedule of the Marina Steps.

Understanding of Additional Scope – Play Area and Water Feature:

- 3.1 60% Plans Specifications & Cost Estimate (PS&E) Documents
 - A. Coordinate documentation with project team
 - B. Plans to include:
 - Materials plans
 - Preliminary details
 - Draft Technical Special Provisions as needed
- 3.2 90% Plans Specifications & Cost Estimate (PS&E) Documents
 - A. Coordinate documentation with project team
 - B. Plans to include:
 - Materials plans
 - Layout plans
 - Details
 - Technical Special Provisions
- 3.3 100% Plans Specifications & Cost Estimate (PS&E) Documents
- 3.4 Bid Set Plans Specifications & Cost Estimate (PS&E) Documents

PLACE proposes an additional NTE fee based on hourly services for the additional requested scope. Fee breakdown per subtask:

Fee:

	Play Area	Water Feature
3.1 60% Plans	\$6,629.00	\$5,468.00
3.2 90% Plans	\$5,298.00	\$4,002.00
3.3 100% Plans	\$3,613.00	\$2,317.00
3.4 Bid	\$1,525.00	\$1,123.00
Total	\$17,066.00	\$12,909.00

Total Proposed fee:

\$29,975.00

We appreciate your partnership and collaboration.

Best regards,

PLACE



Phoebe Bogert | Principal



Mauricio Villarreal | Principal

05.30.2024

Via E-mail: Brandon.McNerney@kpff.com
Brandon McNerney
KPFF
1601 5th Avenue, Suite 1600
Seattle, WA, 98101

Re: Des Moines Marina Steps - Additional Design ROW Crossing and Storm Water Science

Hello Brandon,

We are excited to see the integration of the proposed crossing at 223rd Ave and storm water science into the project to better connect the citizens of Des Moines to the Marina and understanding their watershed. We have developed a scope and fee for additional design time to document and review the crossings and storm water cells the team has discussed over the past couple of months. The improvements and modifications to the documents will follow the development schedule of the Marina Steps.

Understanding of Additional Scope – ROW Crossing and Storm Water:

- 3.1 Plans Specifications & Cost Estimate (PS&E) Documents
- A. Coordinate documentation and attend meetings with project team
 - B. Revise base plans presentation sketches and images
 - Updates to current 60%/90% plans

PLACE proposes an additional NTE fee based on hourly services for the additional requested scope. Fee breakdown per subtask:

Fee:	Crossing	Storm water
3.1 60%/ 90% plan updates	\$ 4,221.06	\$ 3,169.93
Total	\$ 4,221.06	\$ 3,169.93
Total Proposed fee:		\$7,390.99

We appreciate your partnership and collaboration.

Best regards,
PLACE



Phoebe Bogert | Principal



Mauricio Villarreal | Principal

PLACE
www.place.la



March 28, 2024

Brandon McNerney, PE
KPFF Consulting Engineers
1601 Fifth Avenue, Suite 1600
Seattle, WA 98101

RE: PROPOSAL FOR GEOTECHNICAL REVIEW OF GEOLOGICAL HAZARDOUS
AREAS, DES MOINES MARINA STEPS PROJECT, DES MOINES, WA

Dear Brandon

This letter presents our proposal for providing geotechnical review services to KPFF for the City of Des Moines Marina Steps project. This proposal presents our understanding of the project, scope of work, and budget estimate.

PROJECT UNDERSTANDING

The City intends to make improvements to the Marina accessibility by building a series of steps from Cliff Avenue South down to the Marina. The City's Hazard maps indicate that the project contains slopes greater than 15%, erosion and landslide hazards, and seismic hazards.

SCOPE OF SERVICES

Our geotechnical engineer will perform an analysis of the critical areas by reviewing available background information, geologic data, and subsurface data. We will prepare a geotechnical hazards review letter summarizing site geology and geologic hazards.

ESTIMATED BUDGET

We are prepared to complete this scope of services for a fee not to exceed of \$6,000 in accordance with an Amendment to the Agreement for Subconsultant Services between KPFF and Shannon & Wilson dated November 8, 2023. We propose to carry out this work on a time and materials basis at the hourly billing rates shown in the agreement.

CLOSING

This proposal presents our scope and estimated budget to provide a geotechnical report addendum to address geological hazardous areas within the Marina Steps project site. Should you have any questions, please do not hesitate to contact the undersigned.

Sincerely,

SHANNON & WILSON

Martin Page

Martin Page, PE, LEG
Vice President/Geotechnical Engineer

MWP/mwp



May 31, 2024

Mr. Brandon McNerney, PE
KPFF
1601 Fifth Avenue, Suite 1600
Seattle, Washington 98101

RE: PROPOSED ADDITIONAL SCOPE OF SERVICES
DES MOINES MARINA STEPS – RESTORE SLOPE AT MSE WALL

Dear Brandon:

UNDERSTANDING

An MSE wall will be constructed integral with the existing glacial till slope. As part of the MSE wall construction, an excavation into the glacial till slope is necessary. The glacial till slope will be generally restored to the original lines and grades leading to the proposed MSE wall. Slope restoration will consist of grouted soil nails advanced into the glacial till slope which will support a welded wire face. The area between the welded wire face and the excavation soil cut face will be backfilled with soil obtained from the required project excavations. The front face of the restored slope will have a facing zone of topsoil to support plant growth. Vegetation will be selected by KPFF landscape architects.

DELIVERABLE

Shannon & Wilson will submit a slope restoration design consisting of Plans, Specifications, Calculations, and other relevant information.

TECHNICAL APPROACH

The slope design will be based on generally accepted geotechnical principles. As deemed appropriate, some proprietary products such as soil nails and wall facing may be specified.

SCOPE OF SERVICES

Specifically, we propose the following activities, which are included in Shannon & Wilson's cost estimate work breakdown.

Project No. - 101409 - SOW_12 PREPARED 31 May 24_MWP rev.docx

1920 E 17th Street ■ Suite 204 ■ Idaho Falls, Idaho 83404 ■ 208 523-8710
3605 Belmont Rd ■ Coeur d'Alene, Idaho 83815 ■ 208 659-5697
5260 W Chinden Blvd ■ Boise, Idaho 83714 ■ 208 658-8700
■ www.shannonwilson.com ■

- Review available geotechnics data and develop a design bond stress for the soil nails.
- Perform nail/slope stability analyses and determine the type, size, and pattern of grouted nails.
- Develop the facing type and the detailing associated with the facing.
- Develop the end treatments with proposed MSE wall face and with the cut slope edge.
- Coordinate topsoil requirements with KPFF.
- Using WSDOT guide specifications as a basis, prepare specifications for grouted nails, the facing, the end treatments, and the backfill.
- Work with KPFF to develop quantities and bid items for the slope restoration. Provide engineering-level cost estimating data.
- Prepare the plan set.
- Develop a deliverable package for internal QC and KPFF and City review. Respond to comments and update documents, as appropriate.
- Develop quantities and bid items for the MSE wall. Provide engineering-level cost estimating data.
- Perform general project management.

Key Understandings

Our proposed scope of services is based on the following assumptions:

- KPFF will provide an AutoCAD file to Shannon & Wilson of the topography at the slope restoration area and provide a quantity for anticipated excavation with excavation modeling input from Shannon & Wilson.
- KPFF landscape architect will provide topsoil requirements for our inclusion in the backfill specification.
- Shannon & Wilson will not design the vegetation.

ABOUT THIS PROPOSAL

In preparing this proposal, Shannon & Wilson used our experience to develop a scope of work, schedule, and budget for this type of project in this area. The level of detail of our scope of work has an accompanying level of risk of unforeseen subsurface conditions and/or possible unanticipated circumstances associated with the project design, construction, and/or performance. Although risk can never be eliminated, more detailed and extensive explorations, analyses, and studies will provide more information to allow us and other

designers to potentially reduce project risk and better meet project performance expectations. Because more comprehensive explorations and more detailed analysis and studies involve greater expense, we recommend client discuss the explorations and services offered in this proposal with us so that the services are sufficient for the client or owner's budget and risk tolerance.

CLOSURE

We look forward to the successful fruition of this project.

Sincerely,

SHANNON & WILSON



Stanley G. Crawford, PE
Geotechnical Engineer

Consultant Contract Fee Estimate

City of Des Moines 2024-2025 On-Call Civil Engineering Services
Task Order 02: Marina Steps
Change Order Request #03

KPFF Consulting Engineers		On Call PM	Principal-in-Charge	Project Manager	Project Engineer	Design Engineer	CAD	Project Coordinator	KPFF 10% Markup to Subconsultant Fee	Subtotal
		\$ 225.01	\$ 225.01	\$ 153.00	\$ 145.52	\$ 116.25	\$ 125.12	\$ 106.08		
Task No	Description									
10.1	COR 3	4	40	168	146	48	62	10		\$ 79,010.69
10.1.1	Water Feature	1	3	16	16		4		\$ 1,294.25	\$ 7,471.09
10.1.2	Additional Play Area	1	3	8	16		6		\$ 1,706.65	\$ 6,909.73
10.1.3	Undergrounding of Overhead Lines	2	8	42	56		20	2		\$ 19,539.78
10.1.4	Additional Geotechnical Documentation								\$ 600.00	\$ 600.00
10.1.5	Slope Stabilization Design								\$ 3,422.10	\$ 3,422.10
10.1.6	Stormwater Grant		12	36	24	32	16		\$ 316.99	\$ 17,739.51
10.1.7	Cliff Avenue Crossing		2	24	16	16	16		\$ 422.11	\$ 10,734.37
10.1.8	Extended Schedule		12	42	18			8		\$ 12,594.12
										\$ -
										\$ -
Total Hours		4	40	168	146	48	62	10		478
Total Fee (Direct Labor X 3.12)		\$ 900.04	\$ 9,000.40	\$ 25,704.00	\$ 21,245.92	\$ 5,580.00	\$ 7,757.44	\$ 1,060.80	\$ 7,762.09	\$ 79,010.69
Other Direct Costs		Qty		Cost per Unit						Total
Mileage		0.00		\$ 0.58						\$ -
Parking		0.00		\$ -						\$ -
Reprographics		0.00		\$ -						\$ -
Courier		0.00		\$ -						\$ -
Postage		0.00		\$ -						\$ -
Other		0.00		\$ -						\$ -
Total Reimbursable Costs										
KPFF TOTAL										\$ 79,010.69

Consultant Contract Fee Estimate

City of Des Moines 2024-2025 On-Call Civil Engineering Services

Task Order 02: Marina Steps

Change Order Request #03

PLACE		Principal	Project Manager	LA	LD	Subtotal
		\$ 157.56	\$ 142.90	\$ 150.07	\$ 126.36	
Task No	Description					
10.2	COR 3	20	59	39	158	\$ 37,399.91
10.2.1	Water Feature	8.0	23.0	13.0	51.0	\$ 12,942.45
10.2.2	Additional Play Area	8.0	25.0	15.0	79.0	\$ 17,066.47
10.2.5	Stormwater Grant	2.0	5.0	5.0	11.0	\$ 3,169.93
10.2.6	Cliff Avenue Crossing	2.0	6.0	6.0	17.0	\$ 4,221.06
						\$ -
	Total Hours	20	59	39	158	276
Total Fee (Direct Labor X 3.12)		\$ 3,151.20	\$ 8,431.10	\$ 5,852.73	\$ 19,964.88	\$ 37,399.91
Other Direct Costs		Qty	Cost per Unit			Total
Mileage		0.00	\$ -			\$ -
Parking		0.00	\$ -			\$ -
Reprographics		0.00	\$ -			\$ -
Courier		0.00	\$ -			\$ -
Postage		0.00	\$ -			\$ -
Other		0.00	\$ -			\$ -
Total Reimbursable Costs						\$ -
PLACE TOTAL						\$ 37,399.91

Consultant Contract Fee Estimate

City of Des Moines 2024-2025 On-Call Civil Engineering Services

Task Order 02: Marina Steps

Change Order Request #03

Shannon & Wilson							Subtotal
		Principal	Project Manager	Senior Engineer	Engineer	Drafter	
		\$ 248.73	\$ 248.73	\$ 223.42	\$ 150.00	\$ 95.63	
Task No	Description						
10.3	COR 3	16	31	91	40	23	
10.3.4	Additional Geotechnical Documentation				40		\$ 6,000.00
10.3.5	Slope Stabilization Design	16	31	91		23	\$ 34,221.02
Total Hours		16	31	91	40	23	
Total Direct Labor		\$ 3,979.68	\$ 7,710.63	\$ 20,331.22	\$ 6,000.00	\$ 2,199.49	\$ 40,221.02
Total Fee (Direct Labor X 3.12)		\$ 3,979.68	\$ 7,710.63	\$ 20,331.22	\$ 6,000.00	\$ 2,199.49	\$ 40,221.02
Other Direct Costs		Qty	Cost per Unit				Total
Mileage		0.00	\$ -				\$ -
Parking		0.00	\$ -				\$ -
Reprographics		0.00	\$ -				\$ -
Courier		0.00	\$ -				\$ -
Postage		0.00	\$ -				\$ -
Other		0.00	\$ -				\$ -
Total Reimbursable Costs							\$ -
Shannon & Wilson Total							\$ 40,221.02

AGENDA ITEM

BUSINESS OF THE CITY COUNCIL City of Des Moines, WA

SUBJECT: Vacation of Public Right-of-Way

FOR AGENDA OF: July 25, 2024

ATTACHMENTS:

1. Draft Ordinance No. 24-063
2. Resolution No. 1468

DEPT. OF ORIGIN: Public Works

DATE SUBMITTED: July 17, 2024

CLEARANCES:

- ☐ City Clerk N/A
- ☒ Community Development *D. Hopp*
- ☐ Courts N/A
- ☐ Director of Marina Redevelopment N/A
- ☐ Emergency Management N/A
- ☐ Finance N/A
- ☐ Human Resources N/A
- ☒ Legal /s/MH
- ☐ Marina N/A
- ☐ Police N/A
- ☐ Parks, Recreation & Senior Services N/A
- ☒ Public Works *WPS*

APPROVED BY CITY MANAGER
FOR SUBMITTAL: 

Purpose and Recommendation

The purpose of this agenda item is for the City Council to consider Draft Ordinance No. 24-063 for the vacation of a public right-of-way in accordance with the provisions of DMMC 12.10.040 and RCW 35.79.010.

Suggested Motion

Motion 1: "I move to enact Draft Ordinance No. 24-063 approving the vacation of a portion of unimproved right-of-way specifically identified and legally described in Draft Ordinance No. 24-063."

Background

Jasvir Singh and Manjit Kaur applied for a lot line adjustment and a building permit at parcel 7893805540. During the review process, it was discovered that the proposed access to the proposed development was through an unopened public right-of-way that may be subject to a “statutory vacation” under Washington State’s Non-User Statute.

While the Non-User Statute vacates streets by operation of law, a formal street vacation process is necessary to establish it on the record and to remove the right-of-way designation. In order to clarify the status of the area and to enable an access agreement with neighboring properties, applicants Jasvir Singh and Manjit Kaur filed application materials requesting vacation of the public right-of-way within the area known as 1st Place South, between South 210th and South 208th Street. The owners of all the other properties abutting the subject area met with City staff and expressed agreement with the proposed action. The area to be vacated is identified in Exhibit A of Attachment 1.

The area requested to be vacated is currently unimproved public right-of-way. The only public utilities currently within the right-of-way are Midway Sewer District and Highline Water District. Utilities that were contacted and are not affected are: Puget Sound Energy, Comcast, King County Water District 54, CenturyLink, AT&T, Lakehaven Utility District, South King Fire & Rescue, Des Moines Surface Water Utility, and Southwest Suburban Sewer District.

Street Vacation Process:

The street vacation process is listed in Chapter 12.10 of the DMMC and in RCW 35.79. Street vacation may be initiated by petition or by resolution of the City Council. The process is as follows for a vacation initiated by petition: The street vacation petition and non-refundable fee are filed with the Public Works Director. The petition must be signed by at least two-thirds of the adjacent property owners. The Public Works Division sends the application to all public utilities in the area including the police and fire department. The utilities state whether they have utilities within the right-of-way and request an easement if necessary. The police and fire departments provide comments and state whether they approve or disapprove of the street vacation.

The Public Works Director then either approves or disapproves the petition. If the petition is disapproved, the Public Works Director sends a written response to the petitioner citing the rationale for the denial and indicates that the denial may be appealed to the hearings examiner.

If the petition is approved, a date is set for a public hearing which is within 60 days of the resolution that sets the hearing date. A Notice of Public Hearing is mailed to all adjacent property owners, placed in three of the most conspicuous places in the City, printed in the Seattle Times, and a copy of the notice is placed in a conspicuous place on the right-of-way that is proposed for vacation.

For a vacation initiated by resolution, as with this proposed vacation, Public Works makes the same inquiries of interested parties and provides the notice required by law.

The public hearing is held and any objections to the street vacation are noted. If the Council approves the street vacation, the City Clerk records the ordinance with King County as a deed. The ordinance does not go into effect until the City receives compensation, if due, from the adjacent property owner(s).

The ordinance may exercise the right to grant easements for the construction, repair, and maintenance of public utilities and services.

Discussion

The street proposed to be vacated is 1st Place South as identified in “Exhibit A” of Attachment 1. Staff provided notice of this proposed street vacation to all utility purveyors and other City departments on February 16, 2024, requesting their comments and input on the issue. Staff has received comments or input from most utility purveyors and City departments with no objections to the proposed vacation. Two (2) utility purveyors, Midway Sewer District and Highline Water District have requested a ten (10) foot utility easement around their facilities within the vacated area.

A thorough review showed that the area requested to be vacated has never been improved for public transportation purposes. The right-of-way is classified as a “Type C” right-of-way pursuant to DMMC 12.10.050, therefore compensation is not required.

Procedural Requirements

As authorized by RCW 35.79.010 this request for vacation was initiated by the legislative action of the City Council under Resolution No. 1468 (Attachment 2). Vacation of public rights-of-way requires a public hearing before the City Council set by resolution no more than 60 days but not less than 20 days prior to the public hearing per RCW 35.79.010 and DMMC 12.10.060. On June 27, 2024, the City Council approved Resolution No. 1468 setting a public hearing on July 25, 2024. Notice of the public hearing was provided as required by RCW 35.79.020.

State Environmental Policy Act (SEPA)

The vacation of public rights-of-way are categorically exempt from the State Environmental Policy Act pursuant to WAC 197-11-800(2)(h) adopted by reference per DMMC 16.05.350.

Alternatives

The City Council has the following alternatives:

- (1) Enact the draft ordinance as written. (Recommended)
- (2) Enact the draft ordinance with amendments by the City Council.
- (3) Not enact the draft ordinance.

Financial Impact

No financial impact.

Recommendation

Administration recommends that the City Council enact Draft Ordinance No. 24-063, vacating a segment of undeveloped and unutilized right of way.

Council Committee Review

Not applicable.

CITY ATTORNEY'S FIRST DRAFT 7/25/2024

DRAFT ORDINANCE NO. 24-063

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DES MOINES, WASHINGTON, vacating a public right-of-way road known as a portion of 1st Place South, between South 210th Street and South 208th Street, located in the City of Des Moines, subject to the applicant's compliance with requirements set forth herein.

WHEREAS, DMMC 12.10.060 adopts the street vacation procedures of chapter 35.79 RCW, and

WHEREAS, RCW 35.79.010 authorizes the City Council to initiate such street vacation procedures by resolution, and

WHEREAS, The City has received a petition from Jasvir Singh and Manjit Kaur to vacate a portion of the public right-of-way commonly known as a portion of 1st Place South, between South 210th Street and South 208th Street, located in the City of Des Moines as described and shown in Exhibit "A", attached hereto and incorporated by reference, and

WHEREAS, RCW 35.79.010 requires that the City Council set the public hearing and date by resolution which was, in this case, established by Resolution No. 1468 fixing the public hearing for July 25, 2024, to be followed by City Council action, and

WHEREAS, notice of the public hearing was given in accordance with RCW 35.79.020 and the public hearing was held before the Des Moines City Council on July 25, 2024, and all persons wishing to be heard were heard, and

WHEREAS, no objections to the vacation were filed by any abutting property owners prior to the hearing, and the City Council finds that no person has demonstrated special injury due to substantial impairment of access to such person's property, and,

WHEREAS, the Council finds that vacation of the aforesaid right-of-way, as legally described here and depicted on Exhibit "A" to this Ordinance, is in the public interest; now therefore

THE CITY COUNCIL OF THE CITY OF DES MOINES ORDAINS AS FOLLOWS:

Sec. 1. Findings adopted. Based on the evidence presented, the City Council adopts the following findings of fact:

(1) The public right-of-way subject to this Ordinance consists of a portion of public right-of-way known as 1st Place South, between South 210th Street and South 208th Street further legally described in Section 2 of this Ordinance; and

(2) The public right-of-way described in section 2 of this Ordinance was not improved for City transportation purposes; and

(3) The public right-of-way which are described in section 2 of this Ordinance is not necessary for present and future use by public utilities or for native growth protection; and

(4) The public right-of-way has never been opened for transportation purposes, and

(5) It is in the public interest to vacate this right-of-way; and

(6) The right-of-way is classified as a Class "C" right-of-way since no public funds have ever been expended in its acquisition; and

(7) Vacation of a Class "C" right-of-way requires no compensation.

Sec. 2. Right-of-way vacation. Subject to the requirements set forth in section 3 this Ordinance, the public right-of-way as legally described here and depicted in the attached map entitled Exhibit "A" (incorporated herein by this reference) is vacated and the property within the right-of-way so vacated shall belong to the respective abutting property owners, one-half to each as required by RCW 35.79.040:

BEGINNING THE NORTHEAST CORNER OF LOTS 7, 8 AND 9, BLOCK 71, SOUTHERN PACIFIC LAND COMPANY'S SECOND ADDITION TO DES MOINES, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 4 OF PLATS, PAGE 49, RECORDS OF KING COUNTY, WASHINGTON, BEING THE

TRUE POINT OF BEGINNING; THENCE EASTERLY 30.12 FEET TO THE CENTERLINE OF 1ST PLACE SOUTH; THENCE NORTHEASTERLY ALONG THE CENTERLINE OF 1ST PLACE SOUTH A DISTANCE OF 25 FEET; THENCE EASTERLY A DISTANCE OF 30.12 FEET TO THE NORTHWEST CORNER OF LOTS 8 THRU 11, BLOCK 72, SOUTHERN PACIFIC LAND COMPANY'S SECOND ADDITION TO DES MOINES, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 4 OF PLATS, PAGE 49; THENCE SOUTHEASTERLY ALONG THE EASTERLY RIGHT OF WAY MARGIN OF 1ST PLACE SOUTH A DISTANCE OF 275 FEET TO THE SOUTHWEST CORNER OF LOT 16 THRU 18, BLOCK 71, SOUTHERN PACIFIC LAND COMPANY'S SECOND ADDITION TO DES MOINES, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 4 OF PLATS, PAGE 49, RECORDS OF KING COUNTY WASHINGTON; THENCE WESTERLY 60.24 FEET TO THE SOUTHEAST CORNER OF LOTS 13 THRU 16, BLOCK 71, SOUTHERN PACIFIC LAND COMPANY'S SECOND ADDITION TO DES MOINES, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 4 OF PLATS, PAGE 49, RECORDS OF KING COUNTY WASHINGTON; THENCE NORTHLY ALONG THE NORTHWESTERNLY ALONG THE WESTERLY RIGHT OF WAY MARGIN OF 1ST PLACE SOUTH A DISTANCE OF 250 FEET TO THE TRUE POINT OF BEGINNING.

Sec. 3. Conditions of right-of-way vacation. The right-of-way subject to vacation under this Ordinance shall be subject to the following conditions:

(1) The abutting property owner shall not be required to pay the City of Des Moines compensation for vacation of this Class C right-of-way, pursuant to DMMC 12.10.070(2)(c).

(2) The abutting property owner recognizes that the City of Des Moines retains an easement or the right to exercise and grant easements for utility purveyors in respect to the land vacated by this Ordinance for the construction, repair, and maintenance of public utilities and services, and that the City of Des Moines will grant utility easements through the right-of-way subject to vacation under this Ordinance:

(a) Midway Sewer District reserves a ten (10) foot easement around their facilities within the vacated area for the purpose of maintaining and operating existing pipelines.

(b) Highline Water District reserve a ten (10) foot easement around their facilities within the vacated area for the purpose of maintaining and operating existing pipelines.

3) Petitioner, Jasvir Singh and Manjit Kaur, shall be responsible for obtaining and recording the easement referenced herein, and provide recorded copies to such easement to the City of Des Moines.

Sec. 4. Easements and reservation of easements. Pursuant to RCW 35.79.030, the City of Des Moines retains easements as set forth in section 3 of this Ordinance and retains the right to exercise and grant easements in respect to the land vacated by this Ordinance and abutting property for the construction, repair, and maintenance of public utilities and services, and for vehicular access.

Sec. 5. Severability - Construction.

(1) If a section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

(2) If the provisions of this ordinance are found to be inconsistent with other provisions of the Des Moines Municipal Code, this ordinance is deemed to control.

Sec. 6. Recordation. The City Clerk shall cause a certified copy of this ordinance to be recorded in the records of the King County Recorder.

Sec. 7. Effective date. This ordinance shall take effect and be in full force thirty (30) days after its passage, approval, and publication in accordance with law.

PASSED BY the City Council of the City of Des Moines this 25th day of July, 2024 and signed in authentication thereof this 25th day of July, 2024.

Draft Ordinance No. 24-063
Page 5 of 5

M A Y O R

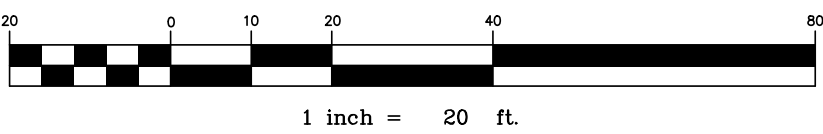
APPROVED AS TO FORM:

City Attorney

ATTEST:

City Clerk

NW 1/4 OF THE NW 1/4 OF SEC 08, TWN. 22 N., R 4 E, W.M.



SURVEY NOTES
INSTRUMENT: TOPCON GPT 3000W TOTAL STATION
METHOD USED: FIELD TRAVERSE WITH ACTUAL
FIELD MEASUREMENTS AND ANGLES
WAC 332-130-090
DATE OF SURVEY: AUGUST 2021
BASIS OF BEARING: ROS 20001221900006
REFERENCE SURVEYS: AF#20070424900019
BENCHMARK ELEVATION : EX SSMH RIM AT THE INTERSECTION
OF S 210th STREET & 1st PLACE S
ELEVATION = 321.17 (NAVD88)

- LEGEND**
- | | |
|-----------------------|---------------------|
| □ CB (TYPE 1) | □ TELEPHONE VAULT |
| ○ STMH (TYPE 11) | □ TELEPHONE CABINET |
| ⊙ SANITARY SEWER MH | ⊙ SIGN |
| ⊕ WATER VALVE | ⊕ CONIFER TREE |
| ⊕ WATER METER/SERVICE | ⊕ DECIDUOUS TREE |
| ⊕ FIRE HYDRANT | ⊕ MONITORING WELL |
| ⊕ UTILITY POLE | ⊕ MAIL BOX |
| ⊕ GUY WIRE | ⊕ PK NAIL |
| ⊕ SIGNAL CABINET | ⊕ MON IN CASE/ |
| ⊕ POWER JUNCTION BOX | ⊕ EX REBAR / PIPE |
| ⊕ LIGHT POLE | ⊕ AS NOTED |
| ⊕ GAS VALVE | |
| ⊕ POWER VAULT | |
| ⊕ POWER PEDESTAL | |

EXISTING LOTS LEGAL DESCRIPTIONS

TAX PARCELS 789380-5525, 789380-5530 AND 789380-5535

LOTS 7, BLOCK 71, SOUTHERN PACIFIC LAND COMPANY'S SECOND ADDITION TO DES MOINES, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 4 OF PLATS, PAGE 49, RECORDS OF KING COUNTY , WASHINGTON.

SITUATE IN THE CITY OF DES MOINES, COUNTY OF KING , STATE OF WASHINGTON.

LOTS 8, BLOCK 71, SOUTHERN PACIFIC LAND COMPANY'S SECOND ADDITION TO DES MOINES, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 4 OF PLATS, PAGE 49, RECORDS OF KING COUNTY , WASHINGTON.

SITUATE IN THE CITY OF DES MOINES, COUNTY OF KING , STATE OF WASHINGTON.

LOTS 9, BLOCK 71, SOUTHERN PACIFIC LAND COMPANY'S SECOND ADDITION TO DES MOINES, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 4 OF PLATS, PAGE 49, RECORDS OF KING COUNTY , WASHINGTON.

SITUATE IN THE CITY OF DES MOINES, COUNTY OF KING , STATE OF WASHINGTON.

TAX PARCELS 789380-5540 AND 789380-5545

TL#789380-5540

LOT 10, BLOCK 71, SOUTHERN PACIFIC LAND COMPANY'S SECOND ADDITION TO DES MOINES, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 4 OF PLATS, PAGE 49, RECORDS OF KING COUNTY , WASHINGTON.

SITUATE IN THE CITY OF DES MOINES, COUNTY OF KING , STATE OF WASHINGTON.

TL# 789380-5545

LOTS 11 AND 12, BLOCK 71, SOUTHERN PACIFIC LAND COMPANY'S SECOND ADDITION TO DES MOINES, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 4 OF PLATS, PAGE 49, RECORDS OF KING COUNTY , WASHINGTON.

SITUATE IN THE CITY OF DES MOINES, COUNTY OF KING , STATE OF WASHINGTON.

TAX PARCEL 789380-5555

LOT 13 THRU 16, BLOCK 71, SOUTHERN PACIFIC LAND COMPANY'S SECOND ADDITION TO DES MOINES, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 4 OF PLATS, PAGE 49, RECORDS OF KING COUNTY , WASHINGTON.

SITUATE IN THE CITY OF DES MOINES, COUNTY OF KING , STATE OF WASHINGTON.

TAX PARCEL 789380-5650

LOT 16 THRU 18, BLOCK 72, SOUTHERN PACIFIC LAND COMPANY'S SECOND ADDITION TO DES MOINES, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 4 OF PLATS, PAGE 49, RECORDS OF KING COUNTY , WASHINGTON.

SITUATE IN THE CITY OF DES MOINES, COUNTY OF KING , STATE OF WASHINGTON.

TAX PARCEL 789380-5630

LOT 12 THRU 15, BLOCK 72, SOUTHERN PACIFIC LAND COMPANY'S SECOND ADDITION TO DES MOINES, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 4 OF PLATS, PAGE 49, RECORDS OF KING COUNTY , WASHINGTON.

SITUATE IN THE CITY OF DES MOINES, COUNTY OF KING , STATE OF WASHINGTON.

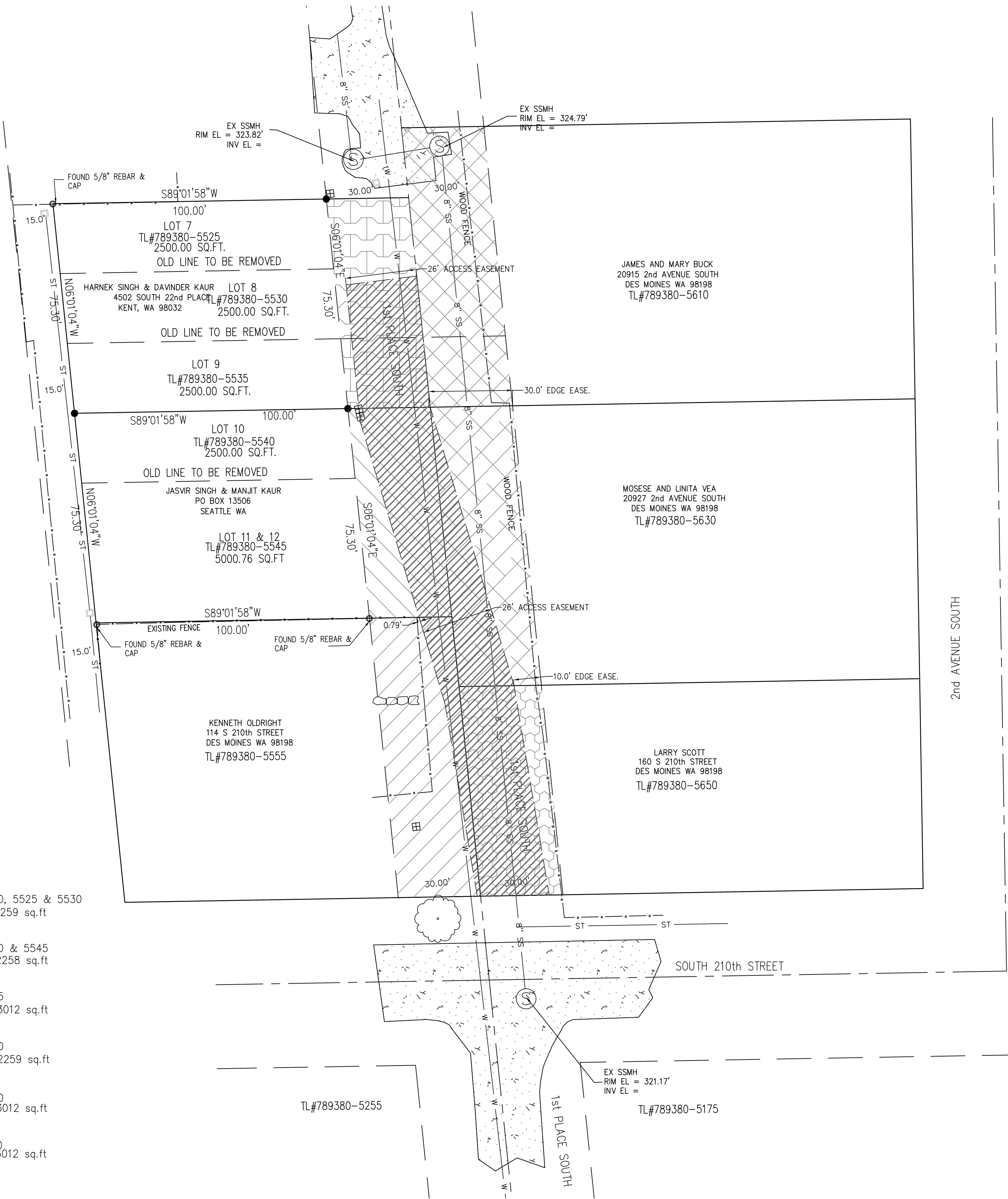
TAX PARCEL 789380-5610

LOT 9 THRU 11, BLOCK 72, SOUTHERN PACIFIC LAND COMPANY'S SECOND ADDITION TO DES MOINES, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 4 OF PLATS, PAGE 49, RECORDS OF KING COUNTY , WASHINGTON.

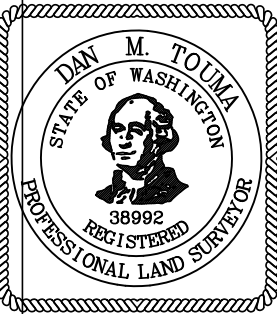
SITUATE IN THE CITY OF DES MOINES, COUNTY OF KING , STATE OF WASHINGTON.

DEDICATION AREA NOTE

- | | |
|--|--|
| | TAX LOT 789380-5520, 5525 & 5530
DEDICATION AREA = 2259 sq.ft |
| | TAX LOT 789380-5540 & 5545
DEDICATION AREA = 2258 sq.ft |
| | TAX LOT 789380-5555
DEDICATION AREA = 3012 sq.ft |
| | TAX LOT 789380-5650
DEDICATION AREA = 2259 sq.ft |
| | TAX LOT 789380-5630
DEDICATION AREA = 3012 sq.ft |
| | TAX LOT 789380-5610
DEDICATION AREA = 3012 sq.ft |



REVISIONS		
NO.	DESCRIPTION/DATE	BY



**TOUMA ENGINEERS AND
LAND SURVEYORS, PLLC**
330 SW 43rd STREET, K412~ RENTON, WA 98057
PHONE (425) 251-0665 FAX (425) 251-0625

PRELIMINARY DEDICATION MAP

WASHINGTON

DES MOINES

JOB NO.	
DESIGNED	
DRAWN	
COMP.	
CHECKED	
DATE	NOVEMBER 2023
DWG. NO.	

RESOLUTION NO. 1468

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DES MOINES, WASHINGTON, fixing a time for a public hearing to consider vacation of a segment of public rights-of-way within the City of Des Moines.

WHEREAS, the City Council is considering vacation of a portion of public rights-of-way known as 1st Place South between South 210th Street and South 208th Street, located in the City of Des Moines as shown on Exhibit "A" attached hereto and incorporated by reference, by the petition method, and

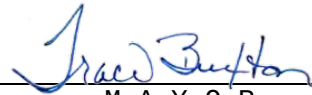
WHEREAS, the provisions of RCW 35.79.010 authorize the City Council to fix a time for a public hearing in order to receive public comment regarding this proposal; now therefore,

THE CITY COUNCIL OF THE CITY OF DES MOINES RESOLVES AS FOLLOWS:

The matter of the vacation of the following described portions of public rights-of-way in the City of Des Moines is set for a public hearing before the City Council on Thursday, July 25th, 2024 at 6:00 p.m., or as soon thereafter as the matter may be heard, in the City Council Chambers, 21630 11th Avenue So., Suite B, Des Moines, Washington:

1st Place South, between South 210th Street and South 208th Street, located in the City of Des Moines as described and shown on Exhibit "A", attached hereto.

ADOPTED BY the City Council of the City of Des Moines, Washington this 27th day of June, 2024 and signed in authentication thereof this 27th day of June, 2024.



M A Y O R

APPROVED AS TO FORM:



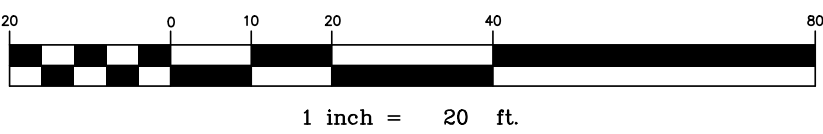
City Attorney

ATTEST:



City Clerk

NW 1/4 OF THE NW 1/4 OF SEC 08, TWN. 22 N., R 4 E, W.M.



SURVEY NOTES
INSTRUMENT: TOPCON GPT 3000W TOTAL STATION
METHOD USED: FIELD TRAVERSE WITH ACTUAL
FIELD MEASUREMENTS AND ANGLES
WAC 332-130-090
DATE OF SURVEY: AUGUST 2021
BASIS OF BEARING: ROS 20001221900006
REFERENCE SURVEYS: AF#20070424900019
BENCHMARK ELEVATION : EX SSMH RIM AT THE INTERSECTION
OF S 210th STREET & 1st PLACE S
ELEVATION = 321.17 (NAVD88)

- LEGEND**
- | | |
|-----------------------|---------------------|
| □ CB (TYPE 1) | □ TELEPHONE VAULT |
| ○ STMH (TYPE 11) | □ TELEPHONE CABINET |
| ⊙ SANITARY SEWER MH | ⊙ SIGN |
| ⊕ WATER VALVE | ⊕ CONIFER TREE |
| ⊕ WATER METER/SERVICE | ⊕ DECIDUOUS TREE |
| ⊕ FIRE HYDRANT | ⊕ MONITORING WELL |
| ⊕ UTILITY POLE | ⊕ MAIL BOX |
| ⊕ GUY WIRE | ⊕ PK NAIL |
| ⊕ SIGNAL CABINET | ⊕ MON IN CASE/ |
| ⊕ POWER JUNCTION BOX | ⊕ EX REBAR / PIPE |
| ⊕ LIGHT POLE | ⊕ AS NOTED |
| ⊕ GAS VALVE | |
| ⊕ POWER VAULT | |
| ⊕ POWER PEDESTAL | |

EXISTING LOTS LEGAL DESCRIPTIONS

TAX PARCELS 789380-5525, 789380-5530 AND 789380-5535

LOTS 7, BLOCK 71, SOUTHERN PACIFIC LAND COMPANY'S SECOND ADDITION TO DES MOINES, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 4 OF PLATS, PAGE 49, RECORDS OF KING COUNTY , WASHINGTON.

SITUATE IN THE CITY OF DES MOINES, COUNTY OF KING , STATE OF WASHINGTON.

LOTS 8, BLOCK 71, SOUTHERN PACIFIC LAND COMPANY'S SECOND ADDITION TO DES MOINES, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 4 OF PLATS, PAGE 49, RECORDS OF KING COUNTY , WASHINGTON.

SITUATE IN THE CITY OF DES MOINES, COUNTY OF KING , STATE OF WASHINGTON.

LOTS 9, BLOCK 71, SOUTHERN PACIFIC LAND COMPANY'S SECOND ADDITION TO DES MOINES, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 4 OF PLATS, PAGE 49, RECORDS OF KING COUNTY , WASHINGTON.

SITUATE IN THE CITY OF DES MOINES, COUNTY OF KING , STATE OF WASHINGTON.

TAX PARCELS 789380-5540 AND 789380-5545

TL#789380-5540

LOT 10, BLOCK 71, SOUTHERN PACIFIC LAND COMPANY'S SECOND ADDITION TO DES MOINES, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 4 OF PLATS, PAGE 49, RECORDS OF KING COUNTY , WASHINGTON.

SITUATE IN THE CITY OF DES MOINES, COUNTY OF KING , STATE OF WASHINGTON.

TL# 789380-5545

LOTS 11 AND 12, BLOCK 71, SOUTHERN PACIFIC LAND COMPANY'S SECOND ADDITION TO DES MOINES, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 4 OF PLATS, PAGE 49, RECORDS OF KING COUNTY , WASHINGTON.

SITUATE IN THE CITY OF DES MOINES, COUNTY OF KING , STATE OF WASHINGTON.

TAX PARCEL 789380-5555

LOT 13 THRU 16, BLOCK 71, SOUTHERN PACIFIC LAND COMPANY'S SECOND ADDITION TO DES MOINES, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 4 OF PLATS, PAGE 49, RECORDS OF KING COUNTY , WASHINGTON.

SITUATE IN THE CITY OF DES MOINES, COUNTY OF KING , STATE OF WASHINGTON.

TAX PARCEL 789380-5650

LOT 16 THRU 18, BLOCK 72, SOUTHERN PACIFIC LAND COMPANY'S SECOND ADDITION TO DES MOINES, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 4 OF PLATS, PAGE 49, RECORDS OF KING COUNTY , WASHINGTON.

SITUATE IN THE CITY OF DES MOINES, COUNTY OF KING , STATE OF WASHINGTON.

TAX PARCEL 789380-5630

LOT 12 THRU 15, BLOCK 72, SOUTHERN PACIFIC LAND COMPANY'S SECOND ADDITION TO DES MOINES, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 4 OF PLATS, PAGE 49, RECORDS OF KING COUNTY , WASHINGTON.

SITUATE IN THE CITY OF DES MOINES, COUNTY OF KING , STATE OF WASHINGTON.

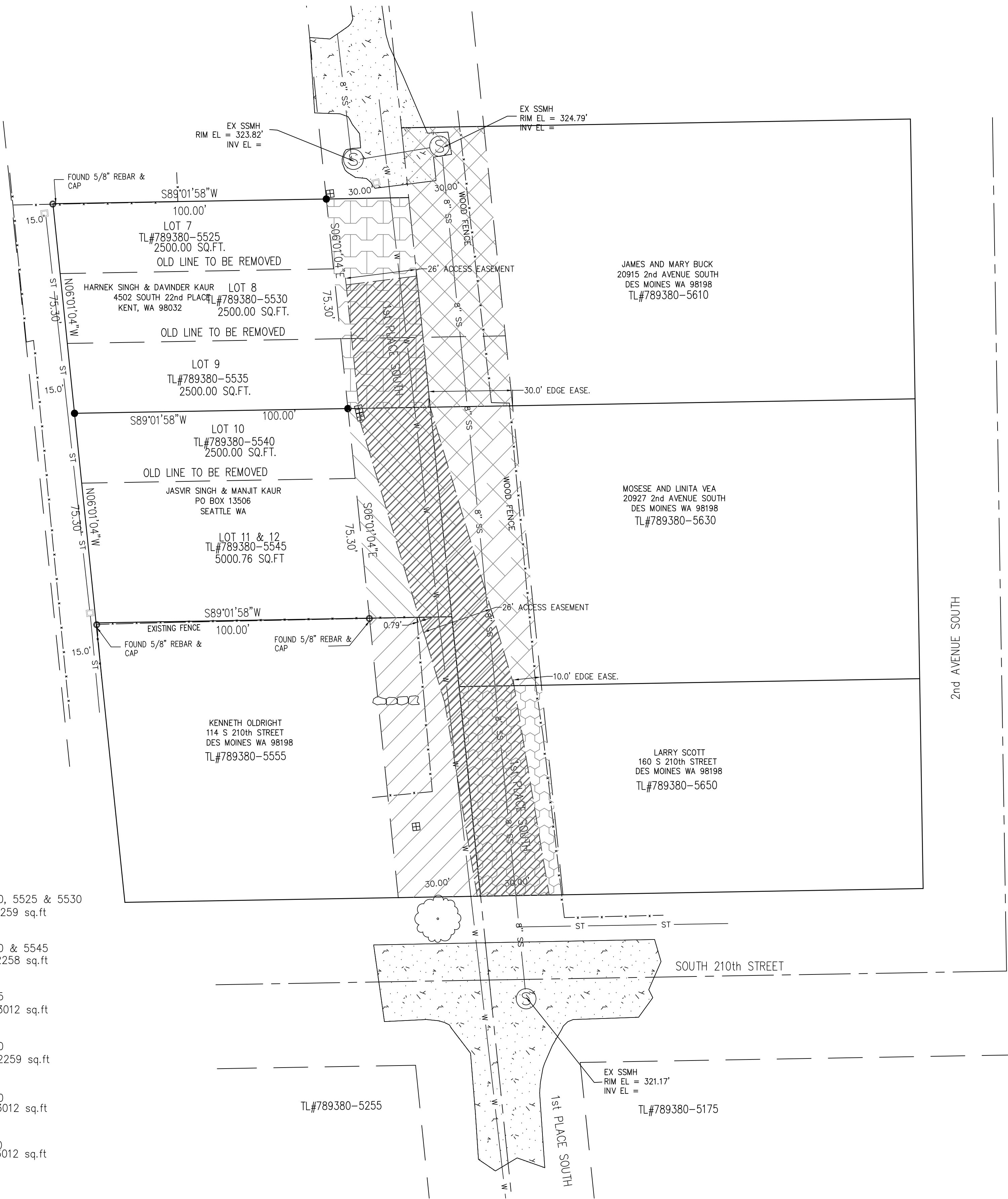
TAX PARCEL 789380-5610

LOT 9 THRU 11, BLOCK 72, SOUTHERN PACIFIC LAND COMPANY'S SECOND ADDITION TO DES MOINES, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 4 OF PLATS, PAGE 49, RECORDS OF KING COUNTY , WASHINGTON.

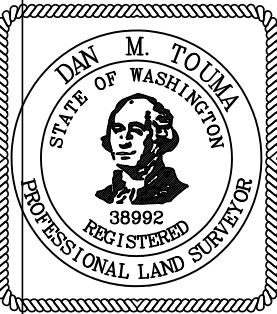
SITUATE IN THE CITY OF DES MOINES, COUNTY OF KING , STATE OF WASHINGTON.

DEDICATION AREA NOTE

- | | |
|--|--|
| | TAX LOT 789380-5520, 5525 & 5530
DEDICATION AREA = 2259 sq.ft |
| | TAX LOT 789380-5540 & 5545
DEDICATION AREA = 2258 sq.ft |
| | TAX LOT 789380-5555
DEDICATION AREA = 3012 sq.ft |
| | TAX LOT 789380-5650
DEDICATION AREA = 2259 sq.ft |
| | TAX LOT 789380-5630
DEDICATION AREA = 3012 sq.ft |
| | TAX LOT 789380-5610
DEDICATION AREA = 3012 sq.ft |



REVISIONS		
NO.	DESCRIPTION/DATE	BY



**TOUMA ENGINEERS AND
LAND SURVEYORS, PLLC**
330 SW 43rd STREET, K412~ RENTON, WA 98057
PHONE (425) 251-0665 FAX (425) 251-0625

PRELIMINARY DEDICATION MAP

WASHINGTON

DES MOINES

JOB NO.	
DESIGNED	
DRAWN	
COMP.	
CHECKED	
DATE	NOVEMBER 2023
DWG. NO.	

Public Hearing

For the vacation of Public Right-of-Way known as 1st Place South



**July 25, 2024
CITY OF DES MOINES**

Draft Ordinance No. 24-063

Mike Kwispond
Civil Engineer I



Quick Facts



- Jasvir Singh and Manjit Kaur filed application requesting vacation of public right-of-way
- The area requested to be vacated is currently an unopened right-of-way subject to a “statutory vacation” under Washington State’s Non-User Statute
- A formal street vacation is necessary to officially record the vacation
- Property owners abutting the subject area met with City staff and expressed agreement with the proposed action

Right-of-Way Vacation Process



- Chapter 12.10 of DMMC and RCW 35.79
- Vacation initiated by legislative action of the City Council under Resolution No. 1468
- For vacation initiated by resolution, Public Works makes the same inquiries of interested parties and provides notices as required by law
- Notice all utilities, including Police and Fire
- Utilities request easements, Police and Fire provide comments
- If approved, public hearing date is set within 60 days of resolution

Classification

Class C

- No public funds were ever expended in acquisition of the right-of-way
- Never improved for transportation purposes, therefore classified as Class C.
- DMMC 12.12.050 FEES AND COMPENSATION states that a Class C street vacation “requires no compensation”

Utility Responses



Midway Sewer District and Highline Water District requested a 10-foot easement for existing and future utilities. The following utilities yielded no objections to vacating the right-of-way:

- Comcast
- Century Link/Qwest
- AT&T
- Southwest Suburban Sewer District
- King County Water District #54
- Lakehaven Utility
- Zayo
- Des Moines Surface Water Management
- Police Department
- South King Fire & Rescue

Discussion and Conclusion



- Owners of all other properties abutting the subject area expressed agreement to vacate the area
- The right-of-way is not used for pedestrian or vehicle traffic
- The access to the all lots will be through an access easement with neighboring properties
- The right-of-way is not necessary for present or future use by public utilities (excluding Midway Sewer District and Highline Water District)
- Does not contain a Native Growth Protection Easement

Staff Recommendation



Motion:

“I move to enact Draft Ordinance No. 24-063 approving the vacation of a portion of unimproved right-of-way specifically identified and legally described in Draft Ordinance No. 24-063.”



Road classification for Fee Purposes

From DMMC 12.10.050



- **Class A** – Streets or alleys that have been part of a dedicated public right-of-way for 25 years or more, all rights-of-way conveyed to or held by the city for transportation purposes for which public funds have been expended in the acquisition, improvement or maintenance of such rights-of-way interests, and rights-of-way that abut a body of fresh or salt water
- **Class B** – All city rights-of-way conveyed to or held by the city for transportation purposes for which no public funds have been expended in the acquisition of the same, excluding any Class A rights-of-way
- **Class C** – All city rights-of-way originally conveyed to the city by a party who subsequently petitions for the vacation of said rights-of-way for which no public expenditures have been made in the acquisition of the same and any rights-of-way or portions thereof subject to being vacated by the provisions of section 32, chapter 19, Laws of 1889-90; or any other rights-of-way not included with in Classes A and B



CITY COUNCIL

Public Hearing Speaker Sign-Up Sheet

Vacation Right-of-Way
July 25, 2024



NAME (PLEASE PRINT)	CITY YOU LIVE IN	TOPIC	PHONE/E-MAIL ADDRESS
✓ Larry Scott (PRO?)	Des Moines	• Easement given-up • Extend S from N	206-966-5299 larryscott45@yahoo.com
✓ CHUCK BALLARD	DES MOINES	EASEMENT	206-356-4180 CVB PMSB@AOL.COM

CITY COUNCIL REGULAR MEETING

Speaker Sign-Up Sheet

July 25, 2024



NAME (PLEASE PRINT)	ADDRESS	TOPIC	PHONE/E-MAIL ADDRESS
✓ Martha Hamilton	2415 11 th Ave S	Housing	42-780-9962 mhamilton858@gmail.com
✓ Bill Wuscott	22335 6 th Ave So	Marina Steps	206 445 2099
✓ Lloyd Lytle	23929 Marine Dr. S	Masonic Home	323 605-5547
✓ SCOTT KAWAHARA	23922 - 7 th AVE S	MASONIC HOME	206-930-0402
○ CHARLES BALLARD	2102/ 1 st Pl S	NEW ROAD TO DEVELOPMENT	206-356-4180
✓ George Pettibone	23653 MVD	Masonic Home	sepettibone@comcast.net
○ Larry Scott	160 S 210 th	1 st Place S Vacation Rights	206-966-5299 larryscott45@yahoo.com
✓ Kay Vann	281 st - Rainier Beach	Safely	206-853 1826
✓ Barbara McMichael	22810 Thunderbird Dr	DM Creek Business Park	206-878-6912











Puget Sound area map



Mosquito Fleet



Early logging



Big Tree Inn



Alder Beach Manor



Des Moines Ferry Dock



Rudberg's store

Past and Present

Des Moines, Washington, a city of pioneers, is built upon the spirits of figures like Irish-born John and Bridget Moore, the first homesteaders in 1863, and Dr. Barney Clark, recipient of the first permanent heart transplant in 1982. Bordering the Puget Sound and shrouded in dense forests of cedar and fir, the community's maritime orientation has been shaped by the unique environment, creating a local point for the entire region.

Before settlers dared to claim this untamed portion of the Pacific Northwest, Des Moines played host to Native Americans who followed the streambeds to the Puget Sound to catch spawning salmon and to dig for clams. During his 1792 explorations, British naval captain George Vancouver passed along the coast of Des Moines. He was followed by American explorer Charles Wilkes in 1841. By 1889, short years after the first homestead was granted to John and Bridget Moore, Des Moines land sold like hotcakes. The Des Moines News boasted that it is "The best and most prosperous city on the Puget Sound."

By the early 1900s, Puget Sound was a busy waterway providing transportation, food and recreation. During that time, the area attracted many summer visitors due to its recreational opportunities. First serviced by the "Mosquito Fleet", the dock was enlarged to accommodate a ferry run between the city and Vashon Island.

During the roaring twenties and the great depression, the area continued to expand and prosper. Solvater State Park and the Des Moines Field House were established to meet the growing demand for recreational facilities.

During and after World War II, the population and business boomed, leading to the formal incorporation of the city in 1959. In the late 1960s, a small boat marina with 732 moorage slips was built followed by a 670 foot public fishing pier. Highline Community College was founded in 1961 as the first community college in King County. The current campus was built in 1964.

While Des Moines continues to develop with the times, the waterfront city still retains the charm of its pioneer history and its ties to the Puget Sound, keeping the title of the "Waterland" city up to today.

The Big Tree Inn was originally the Forestry Pavilion at the Panama Pacific International Exposition held in San Francisco in 1915. It was moved to Des Moines in the 1920s where it specialized in family chicken dinners. In the late 1940s it was moved to Pacific Highway South. It was eventually destroyed by fire.

Built in 1916, the Alder Beach Manor was situated at the end of the Brick Highway near the cross-sound auto ferry. It was a popular destination in the 1920s and burned down in 1930.

The first cross-Puget Sound automobile ferry route was established in 1916 between Des Moines and Portage on Vashon Island. The ferry terminal was located at the foot of South 27th Street. The service ended in late 1921 and the ferry dock was sold for scrap although pilings were visible into the mid-1960s.

The first grocery store in Des Moines was built in 1890 by the Young brothers. It was purchased by Peter Rudberg in 1898 and later enlarged. The store was operated by Peter until 1933 and his son Victor until 1943.



Des Moines Historical Museum

Admission is free but donations are gladly accepted!

Museum membership information

is available on our Website.

Hours:

Saturdays 1 – 4 p.m. between Memorial Day and Labor Day.

Otherwise, please call for an appointment.

(206) 824-5226

Web Address:

<http://www.dmh.s.org/>

Email Address:

info@dmhs.org

Physical Address:

Museum is located on the 2nd floor of the historic Odd Fellows Hall,
730 225th Street South, Des Moines, Wash.

Mailing Address:

Des Moines Historical Museum
P.O. Box 98055
Des Moines, WA 98198-0055

Items unique to Des Moines Museum:

- Local newspapers • Several thousand historical photos • Exhibit on early maritime history
- Examples of early clothing • Historical items actually used in early Des Moines

Museum Bookstore:

One Hundred Years of the "Waterland" Community:	\$10.00
A History of Des Moines, Washington	\$10.00
Video: Historic Des Moines, Washington—A Visual Perspective	\$20.00
Stationary Set (containing drawings of 8 historic homes)	\$10.00

This project was made possible by the generous support of:

HIGHLINE
COMMUNITY COLLEGE
www.highline.edu

Located at S. 240th Street and
Pacific Highway S.

P.O. Box 98000, Des Moines, WA 98198-0000



4CULTURE
ARTS, CULTURE & RECREATION

<http://www.4culture.org/>

Des Moines Historical Sites

*See the History of the
Waterland Community
Come Alive!*



Google

historical landmarks in des moines, wa

All

Images

Maps

Forums

News

Videos

Web

More

Tools

Within 5 mi

Open now

Top rated

Free

Beautiful

Results for Des Moines, WA · Choose area

Places

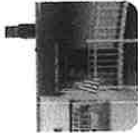


Seattle World's Fair Bubbleator

4.5 (109) · Historical landmark

28708 Sound View Dr S

Open now



Des Moines Historical Society

4.5 (8) · Tourist attraction

730 S 225th St

Closed · Opens 1 PM Sat

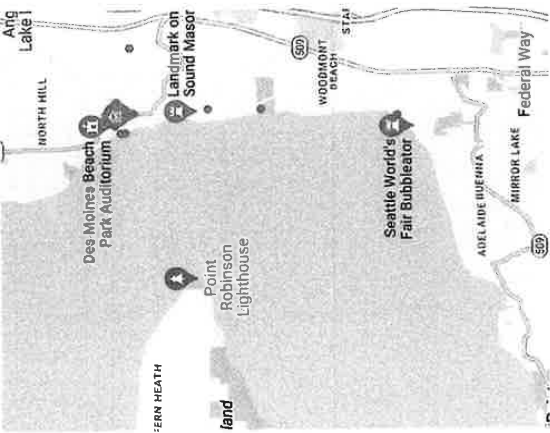


Landmark on the Sound Masonic Retirement Ho...

3.8 (6) · Historical landmark

23765 Marine View Dr S

More places



People also ask

What is Des Moines, Washington known for?

What is the history of Des Moines?

What is the most famous landmark in Iowa?

When did Des Moines, WA become a city?

Feedback

Yelp

https://www.yelp.com/search?find_loc=Des+Moines,+WA

Landmarks & Historical Buildings - Des Moines, WA

The Best 10 Landmarks & Historical Buildings near Des Moines, WA · 1. Neely-Soames Historic Homestead · 2. Old Capitol Building · 3. Waterworks Gardens · 4.

beckdtc.com

<https://beckdtc.com/historical-places-in-des-moines>

Heritage Trail: 8 Historical Places to Visit in Des Moines, WA

May 27, 2024 — Des Moines, WA is home to a number of historical sites that offer a glimpse into the area's past. From the Des Moines Beach Park to the historic ...