

AGENDA

**DES MOINES CITY COUNCIL
STUDY SESSION
City Council Chambers
21630 11th Avenue S, Des Moines, Washington**

July 13, 2017 – 7:00 p.m.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

COMMENTS FROM THE PUBLIC

Note: Comments must be limited to the items of business on the Study Session Agenda per Council Rule 10. Please sign in prior to the meeting and limit your comments to three (3) minutes.

DISCUSSION ITEMS

Item 1: EMERGING ISSUES
a) Paid Parking Update

Item 2: EVIDENCE BASED POLICING

Page 1 Item 3: SOUND TRANSIT'S FEDERAL WAY LINK EXTENSION (FWLE) UPDATE

Item 4: EMERGENCY MANAGEMENT

EXECUTIVE SESSION

Item 1: PROPERTY ACQUISITION PER RCW 42.30.110(1)(b) - 20 minutes

NEXT MEETING DATE

July 27, 2017 City Council Regular Meeting

ADJOURNMENT

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A G E N D A I T E M

BUSINESS OF THE CITY COUNCIL City of Des Moines, WA

SUBJECT: Sound Transit's Federal Way Link
Extension (FWLE) Update

ATTACHMENTS: None

FOR AGENDA OF: July 13, 2017

DEPT. OF ORIGIN: Chief Operations Officer

DATE SUBMITTED: July 6, 2017

CLEARANCES:

- ☒ Community Development Sinc
- ☐ Marina N/A
- ☐ Parks, Recreation & Senior Services N/A
- ☒ Public Works _____

CHIEF OPERATIONS OFFICER: DJB

- ☐ Legal N/A
- ☐ Finance N/A
- ☐ Courts N/A
- ☐ Police N/A

APPROVED BY CITY MANAGER
FOR SUBMITTAL: [Signature]

Purpose and Recommendation

The purpose of this Agenda Item is to update the City Council on staff support of the Sound Transit (ST) Federal Way Link Extension (FWLE) Project Contractor Procurement Phase and describe the work plan for updates and City Council action through the remainder of 2017.

No action is requested, but policy concurrence and direction is welcome to guide staff work for the remainder of 2017.

Background

The Sound Transit Board's January 2017 decision on the exact FWLE project to build and the federal agencies March 2017 records of decision regarding required environmental mitigation were the preconditions for project funds to proceed with the development of the FWLE Design-Builder Request for Proposals (RFP). On January 12, 2017, the date when the City/Sound Transit Memorandum of

Understanding was signed, began the period when project funds became available to reimburse City staff support for current and future phases of the FWLE project.

The City/ST Services Agreement, approved by the City Council on May 11, 2017, established: (1) roles and responsibilities with regards to the FWLE Project, (2) terms and procedures for the City to review and approve the proposed use and permits, and (3) a task order process for ST to pay the City for the costs of providing design, permitting, and public right-of-way review and approval services that will be required to allow construction of FWLE facilities within the City.

A task order will be prepared and executed by the Parties for each work effort to be covered by this Agreement. Currently, staff is working with ST on Task Order #1 for 2017 RFP services. This task Order, and each future task order will contain a scope of work, a detailed cost estimate, and a schedule of work. The cost estimate shall establish a maximum funding level for the task order. Each task order shall be executed by authorized representatives of ST and the City and shall incorporate by reference the provisions of the Agreement.

Task orders may address some or all of the following types of activities as appropriate to the project or phase. Each task described below is optional and will only be included in Task Orders when the City and ST agree it is appropriate.

A. Project Administration.

A.1. Coordination and Communication.

A.2. Management and Administration.

A.3. Agreements.

B. Design Review. Project design review consisting of informal “over the shoulder” (OTS) reviews and formal design submittals for which the City is expected to provide formal comments to ST.

B.1. OTS Review. Review meetings will be held approximately every other week in 2017.

B.2. Formal Submittals.

C. Planning and Design Coordination.

C.1 Station Access Improvements.

C.2 Transit Oriented Development (TOD).

C.3 Right-of-Way (ROW)

C.4 Joint Projects or Partnerships.

Task Order #1 for 2017 City Services emphasizes the RFP Preparation phase for a Design-Build Contractor to complete Final Design and Construct the FWLE Project, and anticipates the following City staff support activities:

- Regularly scheduled (weekly or bi-weekly as needed) project coordination meetings with ST and stakeholder workshops, neighborhood meetings, City Council meetings, and preparing for and following up on key topics to advance resolution of issues for inclusion in the Project Requirements, Development Agreement and Transit Way Agreement. Also included is identification of and discussion regarding projects or proposals (e.g., City, or public or private franchise utility or public works projects or private development

projects) that present partnership opportunities or the potential to conflict with ST's Project.

- The RFP Preparation Phase includes two formal submittals: the Draft RFP in mid-November 2017 and Final RFP in early 2018. As part of these submittals, City staff will review performance based and prescriptive Project Requirements and associated reference drawings, as well as Development Agreement and Transit Way Agreement language. City review of formal submittals is intended to ensure that Project design and Project Requirements are consistent with City codes and regulations.
- City services will also support ST in evaluating TOD opportunities on ST owned properties that will no longer be needed after construction is complete, or opportunities for development around ST facilities.
- ROW coordination between the City and ST and affected property owners during this phase is to ensure that plans in the ROW are consistent with City codes and regulations, the acquisition and management of acquired private property for ROW and vacation of City ROW, including the transfer of City ROW to the Project, are consistent with the City's management goals for the Pacific Ridge Neighborhood, and that the timing of relocation of residents and acquisition of property will be memorialized in a letter of concurrence to ensure that ST possesses and exercises property management responsibility.
- The City intends to provide ST with the necessary approvals to construct, operate and maintain the light rail system in the ROW conveyed through a Transit Way Agreement between the City and ST. The Transit Way Agreement will be approved by the City Council.
- ST and the City will also jointly develop a permitting plan that supports the project schedule and provides the City with the information and time needed to provide approvals. City and ST staff will work together to establish mutually agreeable procedures and to streamline processes where possible. These processes and procedures will be documented in the Project Requirements and/or Development Agreement, as appropriate. Between 200 and 300 permits are expected for the Des Moines segment over several years of design and construction with the goal of reducing this number by consolidating permits where possible.

The ST Board approved a level of City staff effort and associated reimbursable costs for the City's support in preparing the Design-Build Request for Proposal (RFP) of 1,400 hours of staff time which equals 0.74 full-time-equivalents with a not-to-exceed amount of \$165,000. This works out to a weighted average hourly reimbursable rate of \$117.86 based on individual fully loaded hourly billing rates ranging from \$85 to \$154. The Cost Estimate also provides for a 10% contingency. The City just submitted its first invoice for about \$88,000 to reimburse the City for FWLE services through June. Work to date has consisted of:

1. Bi-weekly "over-the-shoulder" reviews and FWLE workshops.
2. Additional staff time outside meetings to review draft and final RFP.
3. Additional time by staff to support ST's ROW efforts that complement the City's management goals for Pacific Ridge neighborhood.

4. Work on the following formal agreements: Staffing, Property Management, and Letters of Concurrence
5. Des Moines Municipal Code Changes: Drafting of two ordinance to change the City's Essential Public Facilities and Landscape codes.

Discussion

Staff effort to date has concentrated on reviews of the following preliminary RFP sections:

1. Roadway-related including construction, maintenance of vehicular and pedestrian traffic, restoration of haul routes, traffic control, road closures and detours.
2. Station Area-related including coordination with the City of Kent and Highline College on the design of South 236th Lane and related improvements.
3. Drainage-related including managing storm water from the guideway and related improvements.
4. Utility-related including coordination with impacts to PSE.
5. Real Estate/Right of Way-related including acquired property management by ST.
6. Urban Design-related including design elements of sound walls, structures, and "Gateway" features and treatments at the Kent Des Moines Road crossing.
7. DMMC-related clarifications. Some are discussed in further detail below.
8. Permit-related including submittal, design review, special inspections by third parties, and over-all construction inspection.
9. Landscape and Buffer-related including irrigation, fencing, wetland buffers, tree retention removal and replacements, noise mitigation and sound walls.
10. Other ST-related including access improvements, transit oriented development, neighborhood involvement, and contracting methods.

Changes will be proposed to the City Council to modify the following chapters of the City's development regulations in anticipation of the FWLE project:

1. Landscape Code to ensure the western edge of the guideway through Pacific Ridge will be a well-designed and complementary feature of the Pacific Ridge Neighborhood preliminarily proposing to:
 - a. Clarify landscape buffer width, provide for administrative flexibility provided certain criteria are met through buffer averaging and other approaches to achieve an "equal or better" design outcome while minimizing the impact on directly affected property owners, and elimination of berm requirement because of planned sound walls.
 - b. Clarify that if non-conformities such as reduced back yard depths result solely from partial right of way acquisitions, those properties will not be changed to legal non-conforming.
 - c. Clarify that higher walls and fences may be allowed for essential public transportation facilities.
 - d. Fix a restrictive code section to include all currently non-conforming residential and commercial properties as well as those properties made non-conforming solely as a result of the public acquisition of property for essential public transportation facilities.
2. Essential Public Facilities to provide for utilization of a development agreement rather than standard permitting processes, and eliminate the duplicative Unclassified Use Permit requirements for the FWLE project because of the extensive public and environmental review already completed.

3. Nonconforming Buildings and Uses to ensure affected private property owners are not disadvantaged by ST's right of way acquisition.

Future Agreements with ST:

Over the rest of the year, City staff will be working with ST to draft the following:

- a. The Property Management plan for properties acquired in Pacific Ridge.
- b. Franchise agreement (referred to as a Transit Way Agreement) for operations of the FWLE through Des Moines.
- c. Development Agreement incorporating the design and construction standards and permitting process that ST's selected design build contractor will be required to follow when that selection is made in 2018.

Staff is proposing to provide periodic updates to the City Council in future City Council Study sessions (perhaps quarterly), and will continue to have "Sound Transit Update" as a standing item with the Public Safety and Transportation Committee Agendas until the project is complete.

NATIONAL FIRE ACADEMY/EMERGENCY MANAGEMENT INTITUTE



August 28-
August 31, 2017

Emmitsburg,
Maryland

NATIONAL FIRE ACADEMY/EMERGENCY MANAGEMENT INTITUTE

- Integrated Emergency Management Course: Community Specific.
- Eleven (11) Des Moines Team Members Attending (Various Departments Throughout The City).
- Reimbursed Travel Expenses.
- Training Focus Will Be On Recovery.
- Partnerships To Expand Capacity:
 - City of Federal Way
 - South King Fire & Rescue



Evidence-Based Policing



BEST PRACTICES IN POLICING



Objectives

- Define Evidence-based policing
- Identify where we currently are with Evidence-based policing
- Identify where we are going with Evidence-based policing

Defined

- Evidence-based policing is a method of making decisions about what works in policing.

(Sherman, 2013)

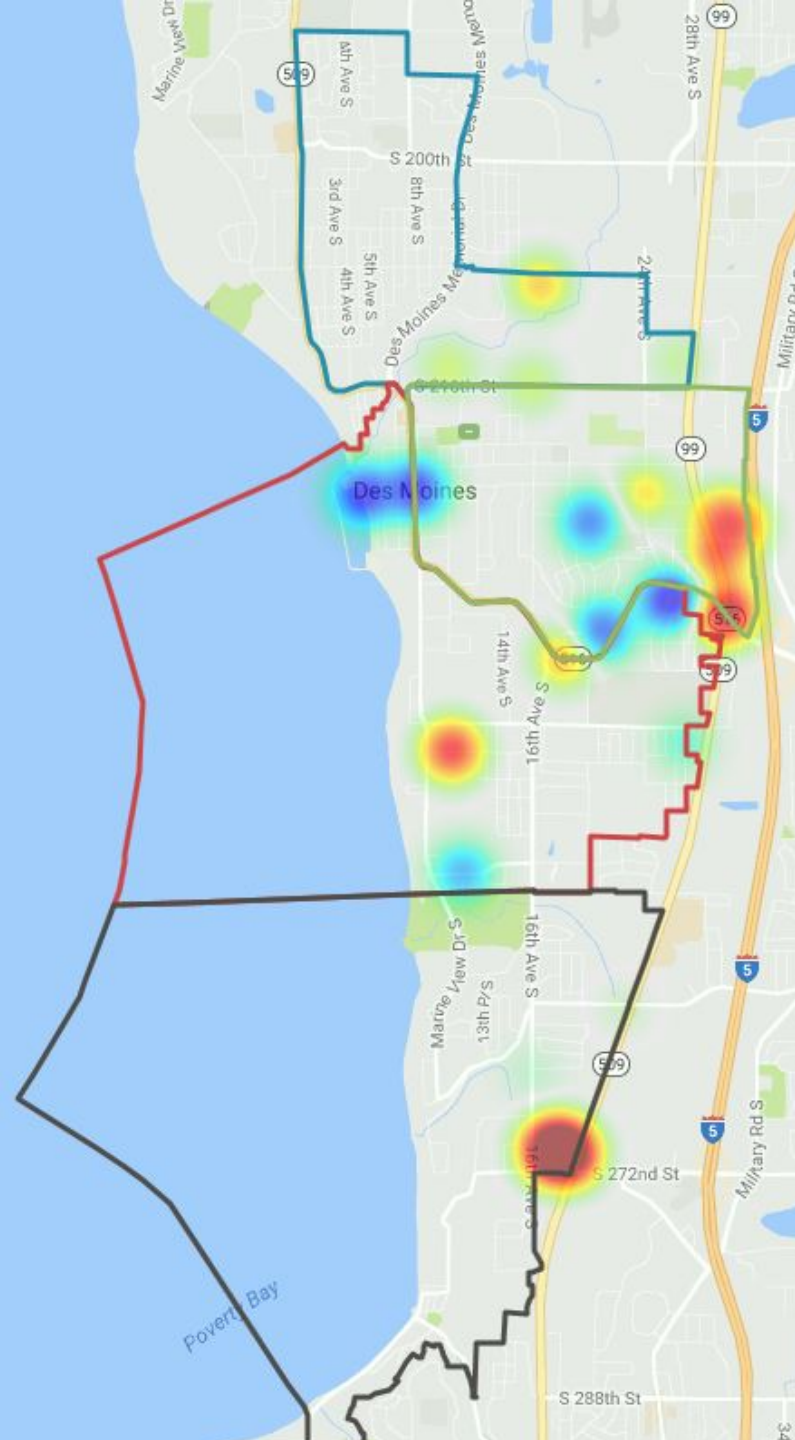
- Evidence-based policing means that research, evaluation, analysis and scientific process should have a seat at the table in law enforcement decision making about tactics, strategies, and policies.

(Lum, 2017)

Examples of Evidence-Based Strategies

- Hot spot policing
 - Micro-hot spots
 - Place-based approach
 - Predictive policing

Cool Downs



Hot Spots

Optimizing deployment of resources

Koper Curve

- PROACTIVE 10-16 MINUTE STOPS IN HOT SPOTS MAXIMIZES DETERRENCE
- The benefits of using Koper Curve Theory goes beyond crime reduction

What officers do in hot spots matters

Working on identifying why there is a crime concentration

- Does Wi-Fi need to be shut off after hours?
- Do exterior outlets need to be removed?
- Is more supervision needed (In areas of juvenile gatherings, after school)?
- Is more lighting needed?
- Does liquor need to be locked up at stores after 2AM?
- Are valuables left unattended or in sight?
- Are locks not being used?
- Does a civil code need to be enforced?

Steps to implementation

- Police personnel completed learning modules on Evidence-Based Policing
- Partnered with Highline College and George Mason University to bring Dr. Cynthia Lum out for a seminar on Evidence-based policing.
- Attended inaugural conference on Evidence-Based Policing
- Expanded library of print and e-resources on best/better practices
- Joined the American Society of Evidence-Based Policing
- Began networking with experts, academics, police leaders and practitioners on evidence-based practices

Steps to implementation, cont.

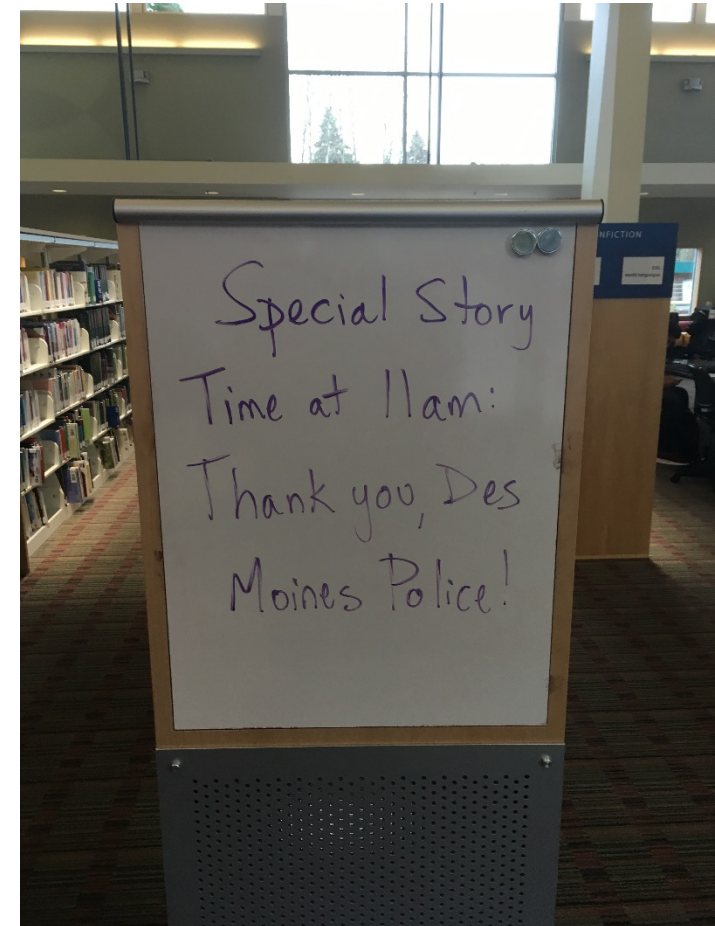
- Crime analytics software
- Increased crime analysis training/knowledge
- Lean Six Sigma training
- Lexipol policy manual
- WASPC State accredited police agency

What doesn't work...

- Random Patrol
- Gut feelings
- Rumors
- Urban Legends
- “Because we’ve always done it that way”

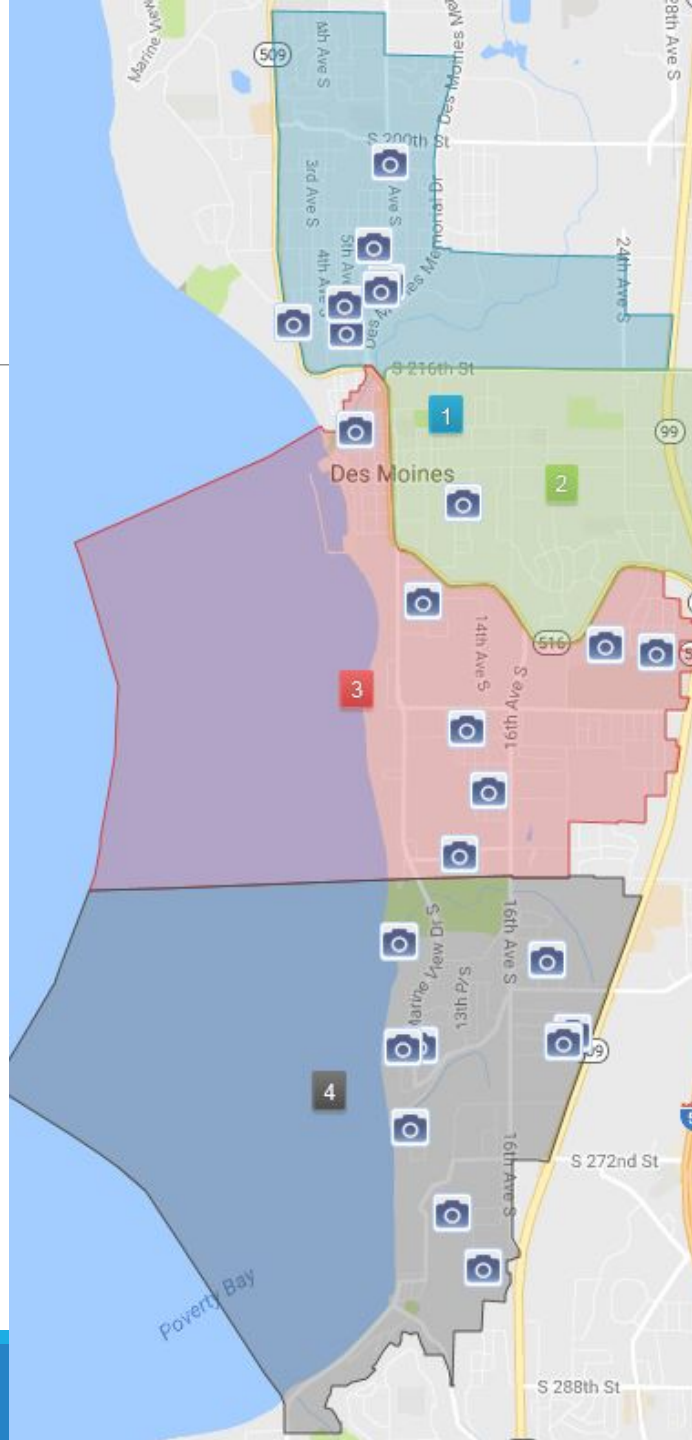
What works, what are we already doing

- Bulletproof Vest Partnership (BVP) grant program
- Traffic Safety High Visibility Patrols
- Model Policies
- Crime Prevention Through Environmental Design (CPTED)
- Graffiti Abatement
- “Code Enforcement as a means of Crime Prevention”
(Seaberry, 2016)
- Partnering with Businesses (Example: Library)





Micro hot spot



What's Next...

- Identify who we are as a police agency.
- Identify and focus on clear specific goals (Pillars of our agency). In other words, what are we setting out to do?
- Normalize it into the organization. Institutionalizing the efforts, infusing mindful evidence-based practices. (From recruiting, to selection, to PTO program, to program evaluation).
- Decentralize it, so it becomes the culture of the organization.

Continue to evaluate all of our programs

1. Operationalize it/Try it
2. Test it
3. **Evaluate** it
4. If it doesn't work, scrap it, regroup and move on!

Questions?



Proudly developed by the Men and Women of the Des Moines Police Department

SOUND TRANSIT FEDERAL WAY LINK EXTENSION (FWLE) PLANNING UPDATE BY CITY STAFF

Grant Fredricks, Consultant

Dan Brewer, Chief Operations Officer

July 13, 2017

Purpose

- Update the City Council on FWLE planning to date, current activities, and work plan for the remainder of 2017.
- Receive Council feedback on staff planning and policy direction on actions requiring future Council actions.

Background

- FWLE extension through Des Moines was approved as part of ST2 by regional voters in 2008.
- FWLE extension to Federal Way was approved as part of ST3 in November 2016.
- Alignment Alternatives Analysis was completed in 2013 defining 4 alternatives for EIS analysis.
- Preferred alternative was identified in July 2015.
- Final EIS and final project to build was approved in January 2017 and the environmental mitigation was approved by the FTA and FHWA in March 2017.
- Notice to Proceed will be issued to Design-Build contractor in Summer 2019 with FWLE service to Federal Way scheduled to begin in 2024.

City/Sound Transit Agreements

- MOU documenting how the City and ST staff have complied with the ST Board's policy direction for the project, and confirming that the City will use the FWLE FEIS as its own in reviewing and permitting the project.
- Services Agreement with Sound Transit (ST) and Task Order #1 covering 2017 City services. Provides for 1400 hours of reimbursed City staff and consultant time with a not-to-exceed \$165,000 cost plus a 10% contingency. \$78,000 of City costs were billed through June.
- Letter of Concurrence on City road design standards.

Current Staff Efforts

- Services Agreement reimburses City for:
 - ❑ Over-the-shoulder review of ST's FWLE Design Builder Request for Proposal (RFP)
 - ❑ Supporting agreements that will be incorporated by reference into the RFP, and
 - ❑ Staff time to prepare for City Council updates and consideration of necessary DMMC changes.

Current Staff Efforts

- Draft Request for Proposal project requirements section reviews of:
 - ❑ Roadway-related including construction, maintenance of City traffic, detours, restoration of haul routes.
 - ❑ Drainage-related including storm water management and managing pollution from train operations.
 - ❑ Other Utility-related including power and specialty equipment.
 - ❑ Real Estate/Right of Way-related including acquired property management by ST including vacation of City ROW.

Current Staff Efforts

- Draft Request for Proposal section reviews of (continued):
 - ❑ DMMC-related clarifications including land use approvals for EPF.
 - ❑ Permit-related including permit consolidation, submittal, design review, self-certification, and construction inspection.
 - ❑ Landscape and Buffer-related including irrigation, fencing, wetlands buffer, tree removal and replacement, and noise mitigation.
 - ❑ Other ST-related including access improvements, transit oriented development, neighborhood involvement, and contracting methods.

City Council Action

- Development Agreement and Transit Way Agreement.
- Plus changes to the Landscape Code, Essential Public Facilities Code, and NonConforming Buildings and Uses Code.

Development Regulation Changes

- ❑ Landscape Code to ensure the western edge of the guideway through Pacific Ridge will be a well-designed and complementary feature of the Pacific Ridge Neighborhood preliminarily proposing to:
 - Clarify landscape buffer width, administrative flexibility to waive requirements with criteria such as buffer averaging, and elimination of berm requirement because of sound walls.
 - Clarify that if non-conformities such as back yard depths that result solely from partial right of way acquisitions, those properties status will not be penalized.
 - Clarify that taller walls and fences may be allowed for essential public transportation facilities.
 - Fix a restrictive code section to include all non-conforming residential and commercial properties to ensure affected private property owners are not disadvantaged by ST's and potential future City right of way acquisition.

Development Regulation Changes

- ❑ Landscape Code policy principles proposed to set forth as Council legislative intent in the ordinance recitals:
 - Minimize the impact of the acquisition of private property while helping to facilitate the project, engage the Pacific Ridge Neighborhood and minimize project costs
 - Maintain, to the extent possible, the aggregate effect of the current 25 foot buffer requirement through buffer averaging and other techniques
 - Eliminate the DMMC's berm requirement because noise walls with heights varying from 6 to 12 feet will provide a more effective noise barrier in buffering the measured noise from the light rail train, SR 509 extension and I-5 traffic
 - Require that the buffer design represent the highest possible quality of urban and landscape design as validated by affected property owners and the Pacific Ridge Neighborhood, that it is a strong, complementary and integrating amenity of the Pacific Ridge Neighborhood, and that the landscape be tall and dense while incorporating Crime Prevention Through Environmental Design (CPTED) principles and features

Development Regulation Changes

- ❑ Essential Public Facilities to eliminate unnecessary Unclassified Use Permit requirements for the FWLE because of the extensive public and environmental review already completed.
- ❑ Complete EPF ordinance from June 2016's Public Hearing.

Future Agreements with Sound Transit

- Over the rest of the year City staff will be working with ST to complete the following:
 - ❑ Property Management plan for properties acquired in Pacific Ridge,
 - ❑ Franchise agreement (referred to as a Transit Way Agreement) for operations of the FWLE through Des Moines, and
 - ❑ Development Agreement incorporating the design and construction standards and permitting process that ST's selected design build contractor will be required to follow when that contractor selection is made in 2018.

July 13, 2017[illegible]

Hello my name is bill

I own a house on s 224th the street you want to use as a construction entrance. I am asking you to please reconsider this there are children that walk up and down this non sidewalk street. with your contractors and subs trying to drive up and down plus park on this street designed and constructed for light residential traffic only. Not heavy machinery/ large trucks going back and forth. Not to mention the possible damage caused to the street and houses by the large quantity of traffic this will create.

We already get large quantities of vehicles parking on street Caused by the new hotel on pacific hwy and 224th st. this causes the children and residence to walk in the street since the cars park in yards if not fenced off and in the walkways/shoulder. With cars parked on both sides of street it makes the street extremely narrow in some areas. making it dangerous to walk in while cars try to pass each other.

I would also like to see the train move to a different route like down 99 were there is already excessive noise. If you do continue along this route I am requesting that you place a sound wall to a height of at least as tall as the train. to block out the noise caused by the train or do like they do in Seattle and put the train underground.

I would also like to see you put up a bond for our street to have it repaved upon completion not patched. And another bond to cover possible damage and additional maintenance to our homes caused by construction vehicles and vendors. to include any accidents caused by you and your vendors to our vehicles and homes. which you pay for then you go after your vendors for the money not us. since accidents raise our insurance rates. I would also like you to pay us for depreciated value of our homes caused by this train going through our back yards. at present we have a large quantity of foliage between us and the freeway. Your train will make our area less desirable to live in causing property values to go down or stay stagnant and or trail other areas without the train for a longer period of time. For the apartments along the route you will cause lower rents. Unless you live close to a station.

I also want there to no more noise or vibrations than we already have. Id like to be able to sleep at night and use my yard during the day. A study and 2 years to implement it without compensation is unacceptable to me and my neighbors. compensation is not just fixing or band aiding the problem. Its financial compensation for everyday the problem is not fixed.

Id also like to see you put up a bond not your word that the above items will be complied with.

I remember you gave your word about the noise level of the train in Rainer valley and Tukwila.

Dear Tralayne Meyers,

3/10/16

It was very nice to meet all of you from sound transit last month. Thank you for meeting with the longtime residents of 224th St in Des Moines. We have lived here an average of 30 years, and love our quite, private, green belted neighborhood very much! We all live and work from our homes, and are not commuters. We are home all day, everyday.

Pacific Ridge is the highest point in the area, and has a beautiful 360 degree view of the Cascades, Olympics, Mt. Rainier, and Puget Sound. Our city of Des Moines re-zoned Pacific Ridge for high density residence, up to 12 stories or possibly higher just to capture the spectacular views. This was a big part of why I bought my ½ acre residence in 1991. I climbed up 30 feet up one of my fir trees and was amazed by the views. It reminded me of growing up in West Seattle, above Lincoln Park, and the sunset view of the Olympics. We have enjoyed complete privacy in our ½ acre backyard, complete with wildlife.

After you presented your proposal for the Federal Way light rail extension, and detailed how it would pass thru 224th street, I realized it would significantly reduce the value of my property, and the quality of our life in our own backyard. My land borders 300 feet of the proposed rail line, and I currently have 200 feet of forested greenbelt insulating noise and maintaining privacy. The combination of the 509 and light rail expansion will cut approximately 150 feet closer to my property. I am currently more than 250 feet from I-5. My property value will plummet unless construction mitigates the impact by,

- 1- Lowering the rail tracks to the level of the I-5 grade as it passes 224th. Your Light rail proposal calls for lowering the grade at 214th and tunneling under the 216th overpass. 224th creates only a slight rise in grade before sinking again as it nears Kent-Des Moines road. If the tracks remain level with I-5 it would reduce noise and preserve privacy and maintain the natural views.
- 2- Installing a 20 foot concrete freeway noise barrier wall. This also preserves privacy and the natural views.
- 3- During construction, 224th would be impossible to use for a staging area or construction vehicle access. The road is narrow. Many young children play on the street. Large trucks would be dangerous, dirty and noisy. We all live and work from our homes. Access thru 220th provides a wider road, and acres to stage and park.

I hope this letter explains my concerns clearly. Please call if you have any questions. Thank you for listening.

Sincerely,

Al Tanner
Ali Tanner

Al Tanner

3040 S. 224TH STREET
DES MOINES, WA 98198

Email: altannerdcime@hotmail.com Zach ph 206 903-7178

Phone 206-841-1622 zachary.eskenazi@Soundtransit.org
Fax 206-878-3354

Zach Fax 206-398-5271

10/30/16

Hi Rachel,

Thank you all for meeting with the Neighbors of 224th st. on Oct. 10th. It was very informative. My question today is, "has the project manager made any plan changes concerning the rail line noise and security walls?"

The neighborhood is very worried about security from homeless and transients during and after construction, as well as construction noise and large cranes and trucks using 224th St. as access.

Project manager (Cahill?) describes 224th as one of the major access points to the rail line before and after construction. Our single family residential st. with 10 young children needs to be protected. Homeless are already breaking through the wire fence at street end, stealing, squatting, and trespassing using the surveyor trail cut by sound transit. Cahill's plans currently call for only a 6 ft. sound fence. It would not keep the transients out. We proposed a taller cement barrier that would protect the worksite during construction and neighborhood after. A gate would be opened during work and closed after. We want to maintain the integrity and privacy of our neighborhood. We do not want to see 16,000 people per day, nor do we want them to see us playing in our back yards.

Cahill already plans a tall wall to elevate the tracts ~~south~~ of 216th, and the wall for 224th can be incorporated and extended south passed 224th.

We hope the project manager agrees.

Thank you,
Al Tanner and Neighbors

3043 Steven Fox (206) 708-4747
3018 Janet Lazaro (206) 321-3785
3018 James Kevin Wortley (206) 377-9681
3033 Victor Chaname 206-981-0772
3021 Bobbi Barkley 206 498 4975
3010 ANA MACARIO 206 280 6553
3028 Bill 206-459-6279
3024 AL Smith 206-878-7605