

AGENDA

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

January 5, 2017 – 7:00 p.m.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

CORRESPONDENCE

COMMENTS FROM THE PUBLIC

BOARD AND COMMITTEE REPORTS/COUNCILMEMBER COMMENTS

PRESIDING OFFICER'S REPORT

ADMINISTRATION REPORT

CONSENT CALENDAR

Page 1 Item 1: **APPROVAL OF MINUTES**

Motion is to approve the minutes from the November 10 and December 8, 2016 City Council Executive Sessions, minutes from the October 29, 2016 City Council Retreat and the minutes from the October 27, November 10, November 17, December 1 and December 8, 2016 Regular City Council meetings.

Page 29 Item 2: **SURPLUS PROPERTY**

Motion is to declare the items on the attached list surplus to the City's needs and direct the staff to dispose of them in the most cost effective way consistent with State law and City policy.

Page 33 Item 3: **ARTS COMMISSION REAPPOINTMENT**

Motion is to confirm the Mayoral reappointment of Collette Deardorff to a three year term on the City of Des Moines Arts Commission effective January 1, 2017 and expiring on December 31, 2019.

Page 35 Item 4: **DRAFT RESOLUTION NO. 16-199 SOUTH 216TH STREET – SEGMENT 3, 11TH AVENUE S TO 20TH AVENUE S – PROJECT CERTIFICATION OF FULL FUNDING – FOR TIB AWARD**

Motion is to adopt Draft Resolution No. 16-199 certifying to the Washington State Transportation Improvement Board (TIB) that full funding is secured for the S 216th Street – Segment 3, 11th Avenue S to 20th Avenue S Project, and further authorize the City Manager to sign the TIB Funding Status Form and the Fuel Tax Grant Agreement with TIB.

- Page 51 Item 5: 2017 VEHICLE AND EQUIPMENT PURCHASE
Motion is to approve and confirm the purchase of vehicles and equipment identified in Attachment 1 for a total amount of \$555,513.19, ratify Administration's purchase of vehicles already ordered, and authorize the City Manager or his designee to sign the remaining purchase orders substantially in the form as attached.
- Page 69 Item 6: DRAFT ORDINANCE 16-201 RELATED TO GAMBLING TAXES
Motion 1 is to suspend Rule 26(a) in order to enact Draft Ordinance No. 16-201 on first reading.
- Motion 2 is to enact Draft Ordinance 16-201, extending the date for cardrooms to be eligible for the graduated gambling tax schedule to June 30, 2017, and amending the graduated gambling tax structure applicable to public card rooms.
- Page 83 Item 7: SURPLUS PROPERTY – VEHICLES AND EQUIPMENT
Motion is to adopt Draft Resolution No. 16-206 declaring certain vehicles and equipment identified in Exhibit A to Attachment 1 as surplus and authorize disposal of said surplus vehicles and equipment by auction or trade-in, and to retain certain vehicles and equipment identified in Exhibit B to Attachment 1.
- Page 89 Item 8: APPROVAL OF VOUCHERS
Motion is to approve for payment vouchers and payroll transfers through December 23, 2016, included in the attached list and further described as follows:
- | | | |
|--|----------------|----------------|
| Total A/P Checks/Vouchers | #148876-149152 | \$1,799,875.96 |
| Electronic Wire Transfers | #798-811 | \$1,321,222.35 |
| Payroll Checks | #18876-18879 | \$ 5,651.39 |
| Payroll Direct Deposit | #480001-480154 | \$ 324,235.81 |
| Payroll Checks | #18880-18890 | \$ 7,863.66 |
| Payroll Direct Deposit | #500001-500156 | \$ 296,536.70 |
| Total Certified Wire Transfers, Voids, A/P and Payroll Vouchers: | | \$3,755,385.87 |

PUBLIC HEARING/CONTINUED PUBLIC HEARING

- Page 91 Item 1: DRAFT ORDINANCE NO. 16-173; CODE AMENDMENTS SUPPORTING LOW IMPACT DEVELOPMENT
Presentation: Austin Fisher, Project Manager
Parametrix

EXECUTIVE SESSION

Performance of a Public Employee under RCW 42.30.110(1)(g)-30 Minutes

NEXT MEETING DATE

January 12, 2017 City Council Regular Meeting

ADJOURNMENT

MINUTES**SPECIAL MEETING TO HOLD AN EXECUTIVE SESSION**

November 10, 2016

CALL MEETING TO ORDER

The Special Meeting was called to order by Mayor Pina at 6:31 p.m. in Council Chambers.

ROLL CALL

Council present: Mayor Matt Pina; Mayor Pro Tem Vic Pennington;
Councilmembers Melissa Musser, Luisa Bangs, Dave Kaplan
and Robert K. Back.

Others present: City Manager Michael Matthias; City Attorney Tim George;
Planning, Building and Public Works Director Dan Brewer.

PURPOSE

The purpose of the Special Meeting was to hold an Executive Session to discuss potential litigation under RCW 42.30.110.

No formal action was taken.

The meeting was adjourned at 6:51 p.m.

Respectfully submitted,
Bonnie Wilkins, CMC
City Clerk

MINUTES
SPECIAL MEETING TO HOLD AN EXECUTIVE SESSION

December 8, 2016

CALL MEETING TO ORDER

The Special Meeting was called to order by Mayor Pina at 6:35 p.m. in Council Chambers.

ROLL CALL

Council present: Mayor Matt Pina; Mayor Pro Tem Vic Pennington;
Councilmembers Jeremy Nutting, Dave Kaplan and Robert K.
Back.

Others present: City Manager Michael Matthias; City Attorney Tim George;
Chief Operations Officer Dan Brewer; Finance Director Dunyele
Mason; Human Resources Manager Maureen Murphy.

PURPOSE

The purpose of the Special Meeting was to hold an Executive Session to discuss Labor Negotiations under RCW 42.30.140(4)(a).

No formal action was taken.

The meeting was adjourned at 6:54 p.m.

Respectfully submitted,
Bonnie Wilkins, CMC
City Clerk

MINUTES

DES MOINES CITY COUNCIL COUNCIL RETREAT City Council Chambers 21630 11th Avenue South, Des Moines

October 29, 2016 – 10:00 a.m. to

CALL TO ORDER

Mayor Pina called the retreat to order at 10:04 a.m.

ROLL CALL

Council present: Mayor Matt Pina; Mayor Pro Tem Vic Pennington; Councilmembers Melissa Musser, Jeremy Nutting, Luisa Bangs, Robert K. Back and Dave Kaplan.

Staff present: City Manager Michael Matthias; City Attorney Tim George; Parks, Recreation & Senior Services Director Patrice Thorell; Harbormaster Joe Dusenbury; Assistant Harbormaster Scott Wilkins; Police Chief George Delgado; Court Administrator Jennefer Johnson; Planning, Building and Public Works Director Dan Brewer; Human Resources Manager Maureen Murphy; Commander Bob Bohl; Commander Barry Sellers; Transportation and Engineering Services Manager Brandon Carver; Finance Director Dunyele Mason; Municipal Court Judge Lisa Leone; City Clerk Bonnie Wilkins.

Mayor Pina opened the meeting, recapped the agenda and welcome those in attendance.

Councilmember Bangs thanked Planning, Building and Public Works Director Dan Brewer and his staff for getting the Block Watch Signs up in the City.

BUILDING TRUST: THROUGH COOPERATION, COLLABORATION, COMMUNICATION

City Manager Matthias initiated discussion of team building and Council/Manager form of Government.

WHO WE ARE: 2017 VISION, MISSION STATEMENT AND GOALS

Discussion between Council and staff regarding issues and concerns.

At 11:22 a.m. Council took a break and the retreat resumed at 11:30 a.m.

LEGISLATIVE PRIORITIES: NEW FORMAT

Item moved to November 10, 2016 regular Council meeting.

COMMUNITY FEEDBACK: CITIZEN'S ADVISORY COMMITTEE FOLLOW UP

Council and staff discussed neighborhood concerns from the October 6, 2016 Citizen's Advisory Committee meeting.

At 12:15 p.m. Council broke for lunch.

At 12:35 p.m. Council resumed the retreat.

Judge Leone officially swore in City Manager Michael Matthias.

WHO WE ARE: 2017 VISION, MISSION STATEMENTS AND GOALS

Council edited the 2017 Vision, Mission Statement, Goals and Strategic Objectives.

Motion made by Councilmember Kaplan to extend the meeting until 2:15 p.m.;
seconded by Mayor Pina.
The motion passed 7-0.

ADMINISTRATION PRESENTATION: CITY GOVERNMENT FUNCTIONALITY

City Manager Matthias updated Council on his inclusive management style and consolidated reporting requirements.

WRAP UP AND SUMMARY

Mayor Pina thanked Council and staff for their participation in retreat discussion.

The meeting was adjourned at 2:15 p.m.

Respectfully Submitted,
Bonnie Wilkins, CMC
City Clerk

MINUTES

DES MOINES CITY COUNCIL REGULAR COUNCIL MEETING City Council Chambers 21630 11th Avenue South, Des Moines

October 27, 2016 – 7:00 p.m.

CALL TO ORDER

Mayor Pina called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

The flag salute was led by Mayor Matt Pina.

ROLL CALL

Council present: Mayor Matt Pina; Mayor Pro Tem Vic Pennington; Councilmembers Melissa Musser, Jeremy Nutting, Luisa Bangs, Robert K. Back and Dave Kaplan.

Staff present: Interim City Manager Michael Matthias; Interim City Attorney Tim George; Police Chief George Delgado; Finance Director Dunyele Mason; Interim Assistant City Attorney Matt Hutchins; Transportation & Engineering Services Manager Brandon Carver; Planning, Building and Public Works Director Dan Brewer, Harbormaster Joe Dusenbury; Assistant Harbormaster Scott Wilkins; Parks, Recreation & Senior Services Director Patrice Thorell; Community Development Manager Denise Lathrop; Human Resources Manager Maureen Murphy; City Clerk Bonnie Wilkins.

PRESIDING OFFICER'S REPORT

Item 1: REDONDO BOARDWALK RECOGNITION

Planning, Building and Public Works Director Brewer gave a power point presentation on the damage and rehabilitation of the Redondo Boardwalk.

Mayor Pina and Planning, Building and Public Works Director Brewer acknowledged and thanked key stakeholders for their support of the project:

Those in attendance:

Senator Karen Keiser

Senator Mark Miloscia

State Representative Linda Kochmar

State Representative Teri Hickel

Transportation Improvement Board Executive Director Steve Gorcester

Not in attendance:

State Representative Mia Gregerson

State Representative Teri Hickel

State Representative Tina Orwall

EXECUTIVE SESSION

At 7:09 p.m. Council went into Executive Session. The purpose of the Executive Session is to discuss the performance of a public employee per RCW 42.30.110(1)(f). In attendance: Mayor Pina; Mayor Pro Tem Pennington; Councilmembers Musser, Nutting, Bangs, Back and Kaplan; Interim City Attorney George.

At 7:39 p.m. Council concluded the Executive Session.

At 7:40 p.m. Council resumed the regular meeting.

STATEMENT FROM MAYOR

Mayor Pina read a statement regarding the investigation of Interim City Manager Matthias.

CORRESPONDENCE

- Letter from Legacy Foundation in response to scholarship processing.

COMMENTS FROM THE PUBLIC

- Laurie McEachern, 601 S 227th Street; Marina paid parking.
- Jackie Benster, 601 S 227th Street; passed on speaking.
- Sophie Rock, Mt. Rainier High School ASB President; School update.
- Rick Johnson, Redondo Beach Drive; City Manager Audit and airport.
- David Barber, 22338 6th Avenue S; Marina District parking mitigation.
- Harry Steinmetz, address on record; City Manager contract.
- Sheila Brush, address on record; Block Watch signs.
- Nadya Curtis, address on record; Great job on Redondo Boardwalk.
- Doreen Harper, address on record; City Manager contract.

BOARD AND COMMITTEE REPORTS/COUNCILMEMBER COMMENTS

Mayor Pro Tem Pennington

- No report.

Councilmember Kaplan

- Block Watch signs citizens referring to.
 - Transportation & Engineering Services Manager updated Council on process/progress.
- SeaTac Airport flights.

Councilmember Back

- Welcomed new Mt. Rainier High School principal.
- SeaTac Airport flights.
- Crime in neighborhoods.
- SCORE meeting:
 - Annual comparison spreadsheet.
 - Des Moines down from last year.
- Attended Burien City Council meeting.
 - Former Des Moines City Manager Tony Piasecki acting as interim City Manager.
- Complimented Des Moines Police/bank robbery at Wells Fargo.

Councilmember Bangs

- No report.

Councilmember Nutting

- Tip A Cop at Red Robin:
 - Benefits Special Olympics.
- Seattle Symphony Concert.

Councilmember Musser

- Municipal Facilities Committee Meeting:
 - Possible funding sources for Marina project.
 - Capacity to improve Emergency Management and response.
 - Tourism grants
 - CIP Project update.
 - Field House roof finished, \$40,000 under budget.
 - Finishing up Boardwalk punch-list.
 - Picnic Shelter Restroom contract has been awarded.
 - Parkside Park clearing.
 - Barnes Creek Trail:
 - Boy Scout Troop looking for volunteer project.
- Vandalism to a citizen who spoke before Council.
 - Mayor is waiving Council Rule providing address for the record.

ADMINISTRATION REPORT

- Seattle Symphony Concert.
- Mt. Rainier High School Football Season.
- SeaTac Airport flight safety corridor.

Chief Delgado spoke regarding crime in the City.

Planning, Building and Public Works Director announced that all Block Watch Signs would be up within the next 2 weeks.

Planning, Building and Public Works Director updated Council on the Red Light Cameras throughout the City.

Item 1: MONTHLY FINANCIAL REPORT

Finance Director Mason gave a presentation to Council on the City's financials through September.

CONSENT AGENDA

Item 1: APPROVAL OF VOUCHERS

Motion is to approve for payment vouchers and payroll transfers through October 20, 2016 included in the attached list and further described as follows:

Total A/P Checks/Vouchers	#148330-148520	\$1,022,640.53
Electronic Wire Transfers	#775-775	\$ 552.00
Payroll Checks	#18864-18867	\$ 9,119.75
Payroll Direct Deposit	#420001-420148	\$ 279,669.87
Total Certified Wire Transfers, Voids, A/P and Payroll Vouchers:		\$1,311,982.15

- Item 2: CONSULTANT CONTRACT AMENDMENT: TRANSPORTATION PROJECT MANAGER LEONARD D. MADSEN
Motion is to approve Amendment 11 to the Contract with Leonard D. Madsen, continuing professional project management services for the Transportation Gateway Project from January 1 through December 31, 2016 not to exceed \$48,000, and authorize the City Manager to sign the contract amendment substantially in the form submitted.
- Item 3: DRAFT RESOLUTION 16-113 ESTABLISHING A COMMEMORATIVE STREET NAME, RAINIER DRIVE S, FOR A PORTION OF 19TH AVENUE SOUTH
Motion is to adopt Draft Resolution No. 16-113 adding a commemorative street name, Rainier Drive South, to a portion of 19th Avenue South, between South 223rd Street and South 229th Street.
- Item 4: CITY MANAGER EMPLOYMENT AGREEMENT
Motion is to formalize the appointment of Michael Matthias as Des Moines City Manager under the terms of the attached Employment Agreement, and to authorize the Mayor to sign such Agreement on behalf of the City substantially in the form as submitted.
- Item 5: CONSULTANT CONTRACT AMENDMENT: GRANT FREDRICKS
Motion is to approve Amendment/Addendum 5 to the Contract with Grant Fredricks, continuing professional consulting services through December 31, 2017 with a total not to exceed \$60,000 for 2016 services and \$50,000 for 2017 services, and authorize the City Manager to sign the contract amendment substantially in the form submitted.

Action/Direction

Motion made by Councilmember Kaplan to approve the Consent Agenda; seconded by Councilmember Bangs.

Councilmember Nutting removed Consent Agenda Item #3 for further discussion.
Councilmember Musser removed Consent Agenda Item #4 for further discussion.

The remainder of the Consent Agenda passed 7-0.

Motion made by Councilmember Nutting to adopt Draft Resolution No. 16-113 adding a commemorative street name, Rainier Drive South, to a portion of 19th Avenue South, between South 223rd Street and South 229th Street; seconded by Councilmember Musser.

The motion passed 7-0.

Motion made by Councilmember Kaplan to formalize the appointment of Michael Matthias as Des Moines City Manager under the terms of the attached Employment Agreement, and to authorize the Mayor to sign such Agreement on behalf of the City substantially in the form as submitted, retroactive to August 20, 2016; seconded by Mayor Pro Tem Pennington.

The motion passed 6-1

For: Mayor Pina; Mayor Pro Tem Pennington; Councilmembers Kaplan, Back, Bangs and Nutting
Against: Councilmember Musser.

At 9:20 p.m. Council took a 5 minute break and resumed the regular meeting at 9:29 p.m.

PUBLIC HEARING

Item 1:

DRAFT ORDINANCE 16-123; 2035 COMPREHENSIVE PLAN AMENDMENT
Staff Presentation: Community Development Manager Denise Lathrop

Mayor Pina opened the public hearing at 9:30 p.m.

Community Development Manager Lathrop gave a power point presentation to Council.

Mayor Pina called 3 times if anyone wished to speak; seeing none he asked Council if they had any questions.

Mayor Pina closed the public hearing at 9:43 p.m.

Direction/Action

Motion made by Mayor Pina to enact Draft Ordinance No. 16-123 adopting the 2016 amendments to *Des Moines 2035: Charting Our Course for a Sustainable Future* and amending Chapters 18.05 and 18.25 DMMC to a second reading on November 17th or as soon thereafter as the matter may be heard; seconded by Mayor Pro Tem Pennington.

After discussion Mayor Pina withdrew motion; seconded by Mayor Pro Tem Pennington.

Motion made by Councilmember Kaplan to suspend Rule 26(a) in order to enact Draft Ordinance No. 16-123 on first reading; seconded by Councilmember Musser.

The motion passed 7-0.

Motion made by Councilmember Kaplan to enact Draft Ordinance No. 16-123 adopting the 2016 amendments to *Des Moines 2035: Charting Our Course for a Sustainable Future* and amending Chapters 18.05 and 18.25 DMMC; seconded by Councilmember Bangs.

The motion passed 6-0.

Mayor Pina read Draft Ordinance No. 16-123 into the record.

NEXT MEETING DATE

November 10, 2016 Regular City Council Meeting

ADJOURNMENT

Motion made by Councilmember Nutting to adjourn; seconded by Councilmember Kaplan.
The motion passed 7-0.

The meeting was adjourned at 9:59 p.m.

Respectfully Submitted,
Bonnie Wilkins, CMC
City Clerk

MINUTES

DES MOINES CITY COUNCIL REGULAR COUNCIL MEETING City Council Chambers 21630 11th Avenue South, Des Moines

November 10, 2016 – 7:00 p.m.

CALL TO ORDER

Mayor Pina called the meeting to order at 7:01 p.m.

PLEDGE OF ALLEGIANCE

The flag salute was led by Mayor Pro Tem Pennington.

ROLL CALL

Council present: Mayor Matt Pina; Mayor Pro Tem Vic Pennington; Councilmembers Melissa Musser, Luisa Bangs, Robert K. Back and Dave Kaplan.

Councilmember Jeremy Nutting was absent.

Direction/Action

Motion made by Councilmember Musser to excuse Councilmember Nutting; seconded by Councilmember Bangs.
The motion passed 6-0.

Staff present: City Manager Michael Matthias; City Attorney Tim George; Commander Barry Sellers; Commander Bob Bohl; Assistant City Attorney Matt Hutchins; Municipal Court Judge Lisa Leone; Finance Director Donyele Mason; Transportation & Engineering Services Manager Brandon Carver; Harbormaster Joe Dusenbury; Assistant Harbormaster Scott Wilkins; Senior Services Manager Sue Padden; Planning, Building and Public Works Director Dan Brewer; Parks, Recreation & Senior Services Director Patrice Thorell; City Clerk Bonnie Wilkins.

CORRESPONDENCE

- There were no correspondences.

COMMENTS FROM THE PUBLIC

- Bart Brynestad, Panattoni; Roof screening.
- Rick Johnson, address on file; Redondo Boardwalk.
- Cindy Zwart; Hyde Shuttle.

BOARD AND COMMITTEE REPORTS/COUNCILMEMBER COMMENTS

Mayor Pro Tem Pennington

- Public Safety & Transportation Committee meeting.
- Block Watch Captain's meeting.
- Redondo Boardwalk Ribbon Cutting.
- Finance & Economic Development Committee meeting.

Councilmember Kaplan

- Flight Corridor Safety Program meeting.
- Redondo Boardwalk Ribbon Cutting.
- Legacy Foundation Bayside Brunch, "Margaritaville:"
 - Thanked all volunteers for a great event.
- Presidential Election:

Councilmember Back

- Sound Cities PIC meeting:
 - Land Conservation Preservation work plan.
 - Letter from Paige Myers.
- Redondo Boardwalk Plaque.

Councilmember Bangs

- Presidential Election.
- Public Safety & Transportation Committee meeting:
 - Low Impact Development Standards.
 - Ordinance being drafted.
 - Update on on-going coordination with Sound Transit.
 - Draft 2017 Committee work program.
 - Street lighting improvements.
- Arts Commission Meeting:
 - 342 people attended Squid-A-Rama.
 - Art show.

Councilmember Musser

- Pacific Middle School Future Cities:
 - December 9th.
- Welcome newest Police Officer, Clayton Wilson.
- Special Thank You to Scott Wilkins and Rick Johnson for cleaning up the Wooton Park Gazebo after vandalism.
- Annual Police Toy Drive.

PRESIDING OFFICER'S REPORT

- Block Watch Captain's meeting.
- Redondo Boardwalk Ribbon Cutting.
- Legacy Foundation Bayside Brunch:
 - Always well attended.
 - Proceeds for scholarships.
- Thanked Legacy Foundation Board Members, volunteers and Anthony's Homeport:
 - Anthony's staff time and tips donated.
- Finance & Economic Development Committee meeting:
 - Meeting Chair absent.
 - Uses in the PR-C Zone.
 - Draft 2017 work program.

ADMINISTRATION REPORT

- Met with Rose Clark to discuss Des Moines Memorial Drive.

CONSENT AGENDA

- Item 1: RESOLUTION SETTING A PUBLIC HEARING REGARDING THE HIGHLINE COLLEGE MASTER PLAN, LUA2016-0025
Motion is to adopt Draft Resolution No. 16-146 setting a public hearing on January 12, 2017, or as soon thereafter that the matter can be heard, to consider the Master Plan application entitled "Highline College Master Plan."
- Item 2: REDONDO BOARDWALK REPAIR CONSULTANT AGREEMENT SUPPLEMENT #5 FOR ADDITIONAL CONSTRUCTION ADMINISTRATION AND INSPECTION SERVICES
Motion is to approve the Supplemental Agreement Number 5 with Exeltech Consulting for the Redondo Boardwalk Repair in the amount of \$75,000.00 to complete construction administration and inspection services associated with project delay, bringing the total contract to \$928,474.49, and further authorize the City Manager to sign said Supplemental Agreement Number 5 substantially in the form as submitted.
- Item 3: INTERLOCAL AGREEMENT BETWEEN THE CITIES OF SEATAC, DES MOINES, COVINGTON AND TUKWILA FOR PLANNING, FUNDING AND IMPLEMENTATION OF A JOINT MINOR HOME REPAIR PROGRAM
Motion is to authorize the City Manager to approve revised Exhibit A of the Interlocal Agreement between the Cities of SeaTac, Des Moines, Covington and Tukwila accepting \$31,125 for the Minor Home Repair Program substantially in the form as submitted.
- Item 4: CITIZENS ADVISORY COMMITTEE APPOINTMENT
Motion is to confirm the Mayoral appointment of Thomas Smith, Marina Tenant Alternate, to the Citizens Advisory Committee effective immediately and expiring on December 31, 2017.
- Item 5: APPROVAL OF VOUCHERS
Motion is to approve for payment vouchers and payroll transfers through November 4, 2016 included in the attached list and further described as follows:
- | | | |
|--|----------------|----------------|
| Total A/P Checks/Vouchers | #148521-148640 | \$ 838,859.54 |
| Electronic Wire Transfers | #776-789 | \$ 429,308.13 |
| Payroll Checks | #18868-18872 | \$ 6,540.20 |
| Payroll Direct Deposit | #440001-440152 | \$ 295,020.42 |
| Total Certified Wire Transfers, Voids, A/P and Payroll Vouchers: | | \$1,569,728.29 |

Action/Direction

Motion made by Councilmember Kaplan to approve the Consent Agenda; seconded by Councilmember Musser.
The motion passed 6-0.

PUBLIC HEARING

Item 1: 2016 OPERATING AND CAPITAL BUDGETS
Staff Presentation: Finance Director Dunyele Mason

Mayor Pina opened the public hearing at 7:36 p.m.

Finance Director Mason gave a power point presentation to Council.

Mayor Pina called 3 times if anyone wished to speak; seeing none he asked Council if they had any questions.

Mayor Pina closed the public hearing at 7:46 p.m.

Direction/Action

Motion made by Councilmember Kaplan to suspend Rule 26(a) in order to enact Draft Ordinance No. 16-163 on first reading; seconded by Councilmember Musser.

The motion passed 6-0.

Motion made by Councilmember Kaplan enact Draft Ordinance No. 16-163 amending the 2016 Operating and Capital Budgets with the updated Appendix A and to add the Deepdene Outfall Project to the 2016-2021 and 2017-2022 Capital Improvement Plans; seconded by Councilmember Musser.

A friendly amendment was made by Councilmember Kaplan to amend Appendix A to increase the amount of the transfer of the abatement fund from \$20,000 to \$25,000; seconded by Councilmember Musser.

The motion, as amended, passed 6-0.

Mayor Pina read Draft Ordinance No. 16-163, as amended, into the record.

Item 2: 2017 GENERAL PROPERTY TAX LEVIES
Staff Presentation: Finance Director Dunyele Mason

Mayor Pina opened the public hearing at 7:50 p.m.

Finance Director Mason gave a power point presentation to Council.

Mayor Pina called 3 times if anyone wished to speak; seeing none he asked Council if they had any questions.

Mayor Pina closed the public hearing at 7:59 p.m.

Direction/Action

Motion made by Councilmember Kaplan to enact Draft Resolution No. 16-162 declaring a "substantial need" for purposes of setting the limit factor for the property tax levy for 2017; seconded by Councilmember Bangs.

The motion passed 6-0.

Motion made by Councilmember Kaplan to suspend Rule 26(a) in order to enact Draft Ordinance No. 16-178 on first reading; seconded by Councilmember Bangs.

The motion passed 6-0.

Motion made by Councilmember Kaplan to enact Draft Ordinance No. 16-178 determining the amount of funds to be raised by ad valorem taxes for the year 2017 for general City expenditures; seconded by Councilmember Bangs.

The motion passed 6-0.

Motion made by Councilmember Kaplan to suspend Rule 26(a) in order to enact Draft Ordinance No. 16-162 on first reading; seconded by Councilmember Bangs.

The motion passed 6-0.

Motion made by Councilmember Kaplan to enact Draft Ordinance No. 16-162 authorizing the increase in ad valorem taxes for the year 2017 for general City expenditures; seconded by Councilmember Bangs.

The motion passed 6-0.

Mayor Pina read Draft Ordinance No. 16-178 and Draft Ordinance No. 16-162 into the record.

Item 3:

2017 OPERATING AND CAPITAL BUDGETS

Staff Presentation: Finance Director Dunyele Mason

Mayor Pina opened the public hearing at 8:02 p.m.

Finance Director Mason gave a power point presentation to Council.

Mayor Pina called 3 times if anyone wished to speak; seeing none he asked Council if they had any questions.

Mayor Pina closed the public hearing at 8:19 p.m.

Direction/Action

Motion made by Councilmember Kaplan to enact Draft Ordinance No. 16-161 establishing the 2017 Operating and Capital Budgets; seconded by Councilmember Bangs.

The motion passed 6-0.

Mayor Pina read Draft Ordinance No. 16-161 into the record.

NEXT MEETING DATE

November 17, 2016 Regular City Council Meeting.

ADJOURNMENT

Motion made by Mayor Pro Tem Pennington to adjourn; seconded by Councilmember Bangs.
The motion passed 6-0.

The meeting was adjourned at 8:41 p.m.

Respectfully Submitted,
Bonnie Wilkins, CMC
City Clerk

MINUTES

DES MOINES CITY COUNCIL REGULAR COUNCIL MEETING City Council Chambers 21630 11th Avenue South, Des Moines

November 17, 2016 – 7:00 p.m.

CALL TO ORDER

Mayor Pina called the meeting to order at 7:01 p.m.

PLEDGE OF ALLEGIANCE

The flag salute was led by Councilmember Kaplan.

ROLL CALL

Council present: Mayor Matt Pina; Mayor Pro Tem Vic Pennington; Councilmembers Melissa Musser, Jeremy Nutting, Luisa Bangs, Robert K. Back and Dave Kaplan.

Staff present: City Manager Michael Matthias; City Attorney Tim George; Harbormaster Joe Dusenbury; Paralegal Vicki Sheckler; Assistant City Attorney Matt Hutchins; Transportation & Engineering Services Manager Brandon Carver; Police Chief George Delgado; Finance Director Dunyele Mason; Acting City Clerk Ellie Hooman.

CORRESPONDENCE

- There were no correspondences.

COMMENTS FROM THE PUBLIC

- Sophie Rock, ASB President; Mt. Rainier monthly update.
- Mary Ann Markraren, 20613 12th Avenue S; Marina paid parking.
- Rick Johnson, address on file; NextGen and Port of Seattle tree issue.
- Bill Linscott, address on file; Marina paid parking.
- Bob Adams, Des Moines; Marina paid parking.

BOARD AND COMMITTEE REPORTS/COUNCILMEMBER COMMENTS

Mayor Pro Tem Pennington

- Marina paid parking.

Councilmember Kaplan

- South Country Area Transportation Board meeting.

Councilmember Back

- Environment Committee meeting.

Councilmember Bangs

- No report.

Councilmember Nutting

- No report.

Councilmember Musser

- Marina parking.
- Municipal Court sentencing alternatives.

PRESIDING OFFICER'S REPORT

- Marina paid parking.

ADMINISTRATION REPORT

- Employee Recognition Program:
 - Chief Delgado spoke about a water rescue at the Marina.
 - Police Senior Secretary, Ellie Hooman, received PHR Certification.
 - City Attorney George presented Paralegal Vicki Sheckler with a 30 year anniversary pin.
 - City Manager Matthias discussed development of an Employee Recognition Program.
- Monthly Financial Report:
 - Finance Director Mason gave an update to Council on the City's financials through October.
- Marina Paid Parking:
 - Harbormaster Dusenbury gave a power point presentation to Council.

CONSENT AGENDA

Item 1:

CONSULTANT CONTRACT FOR PORT OF SEATTLE GRANT

Motion is to approve the draft Consultant Agreement with the Holmes Group, LLC, in an amount not to exceed \$60,200, for the purposes of providing a Marina District Feasibility Study, and authorize the City Manager to sign the draft Agreement substantially in the form as attached.

Action/Direction

Motion made by Councilmember Kaplan to approve the Consent Agenda; seconded by Councilmember Nutting.
The motion passed 7-0.

At 9:30 p.m. Council took a 5 minute break and resumed the regular meeting at 9:35 p.m.

NEW BUSINESS

ITEM 1:

LOCAL GOVERNMENT 101, PART 10: FINANCE

Staff Presentation

Finance Director Dunyele Mason

Finance Director Mason gave a power point presentation to Council.

Direction/Action

Motion made by Mayor Pina to extend the meeting until 10:30 p.m.; seconded by Councilmember Kaplan.
The motion passed 7-0.

EXECUTIVE SESSION

At 10:13 p.m. Council went into Executive Session. The purpose of the Executive Session was to discuss the Performance of a Public Employee under RCW 42.30.110(1)(g).

No formal action was taken.

At 10:30 p.m. Council ended the Executive Session and resumed the regular meeting.

NEXT MEETING DATE

December 1, 2016 Regular City Council Meeting

ADJOURNMENT

Motion made by Councilmember Nutting to adjourn; seconded by Councilmember Musser. The motion passed 7-0.

The meeting was adjourned at 10:31 p.m.

Respectfully Submitted,
Ellie Hooman, PHR
Acting City Clerk

MINUTES

DES MOINES CITY COUNCIL REGULAR COUNCIL MEETING City Council Chambers 21630 11th Avenue South, Des Moines

December 1, 2016 – 7:00 p.m.

CALL TO ORDER

Mayor Pina called the meeting to order at 7:01 p.m.

PLEDGE OF ALLEGIANCE

The flag salute was led by Councilmember Back.

ROLL CALL

Council present: Mayor Matt Pina; Mayor Pro Tem Vic Pennington; Councilmembers Melissa Musser, Jeremy Nutting, Luisa Bangs, Robert K. Back and Dave Kaplan.

Staff present: City Manager Michael Matthias; City Attorney Tim George; Chief Operations Officer Dan Brewer; Police Chief George Delgado; Community Service/Code Enforcement Officer Tonya Seaberry; Finance Director Dunyele Mason; Transportation & Engineering Services Manager Brandon Carver; Harbormaster Joe Dusenbury; Assistant Harbormaster Scott Wilkins; Assistant City Attorney Matt Hutchins; Parks, Recreation & Senior Services Director Patrice Thorell; Detective Mike Thomas; Community Development Manager Denise Lathrop; Master Police Officer Tony Nowacki; City Clerk Bonnie Wilkins.

CORRESPONDENCE

- There were no correspondences.

COMMENTS FROM THE PUBLIC

- Scott Wilkins, Tenant Appreciation Holiday Party.
- Larry Cripe, Burien resident; NextGen and airport noise.
- Sheila Brush, address on file; Quiet Skies Coalition.
- Candace Urquhart, address on file; Quiet Skies Coalition.
- Jerry Harris, address on file; left meeting before public comment.
- Bill Linscott, address on file; Port of Seattle Grant Study.
- Harry Steinmetz, address on file; Airport noise.

BOARD AND COMMITTEE REPORTS/COUNCILMEMBER COMMENTS

Mayor Pro Tem Pennington

- Acknowledged the passing of Tacoma Police Officer Jake Gutierrez.
- Soundside Alliance meeting.
- Public Safety & Transportation Committee meeting:
 - Emergency Management
 - Code Enforcement.
 - Intern updating plan.
 - Web-site updates.
 - Staff working with the Greater Federal Way area.
 - Attending training in August 2017.

Councilmember Kaplan

- Soundside Alliance meeting.
- Public Safety & Transportation Committee meeting.
- State Department of Transportation letter of support for grant funding.

Councilmember Back

- No report.

Councilmember Bangs

- Public Safety & Transportation Committee meeting:
 - Code Enforcement Update.
 - Use PermitTrax for logging issues.
 - Evidence based policing.

Councilmember Nutting

- Bayside Brunch:
 - \$13,500 raised for recreational scholarships.
 - \$14,000 raised for the seniors.
- Annual tree lighting.

Councilmember Musser

- Soundside Alliance meeting.
- 2017 Wish List:
 - Airport noise mitigation.
 - Marina Committee.

PRESIDING OFFICER'S REPORT

- Airport noise mitigation.
 - Port of Seattle \$1M Airport Ecology Fund.
 - NextGen presentation in 1st Quarter 2017?
- Spirit of Des Moines Awards:
 - Sponsorship.
 - Banquet for recognition.
 - Committee to meet a few more times.
 - Increase Hearts and Minds Fund to \$25 per paycheck:
 - Council consensus to do so.
- Fast Lane grant letter.

ADMINISTRATION REPORT

Item 1: EMERGING ISSUES

- Level of uncertainty from the Presidential election.

Item 2: DATA FROM ECONOMIC DEVELOPMENT COUNCIL

- Informational handout in packet.
- Announced that Dan Brewer (former Planning, Building and Public Works Director) is now the Chief Operations Officer as a result of the recent City reorganization.
- Port of Seattle Commission Special Session:
 - Sustainable Airport Master Plan.
- Regional Administrator for Government Services Agency meeting.

- Soundside Alliance meeting:
 - Senator Keiser sat at the City table.
- Chief Delgado spoke:
 - Pacific Ridge shooting suspect.
 - Woodmont Library.

Item 3: BLOCK WATCH CAPTAIN'S MEETING RECAP
Community Service/Code Enforcement Officer Seaberry gave an update to Council on the Block Watch Captain program.

CONSENT CALENDAR

- Item 1: DRAFT RESOLUTION NO. 16-184; SETTING A PUBLIC HEARING AMENDING ALLOWED USES IN THE PR-C ZONE NORTH OF SOUTH 216TH STREET
Motion is to adopt Draft Resolution No. 16-184 setting a public hearing on January 19, 2017, or as soon thereafter that the matter can be heard, to consider amending the permitted uses in the PR-C Pacific Ridge Commercial Zone north of South 216th Street.
- Item 2: DRAFT RESOLUTION NO. 16-185; REGARDING SCREENING REQUIREMENTS FOR ROOF TOP MECHANICAL EQUIPMENT ON INDUSTRIAL BUILDINGS IN THE BP ZONE
Motion is to adopt Draft Resolution No. 16-185 setting a public hearing on January 19, 2017, or as soon thereafter as the matter may be heard, to consider amending the screening requirements for roof top mechanical equipment on industrial buildings within the BP zone.
- Item 3: DRAFT RESOLUTION NO. 16-188; APPOINTMENT OF CLAIMS FOR DAMAGES ACCEPTANCE AGENTS
Motion is to adopt Draft Resolution No. 16-188 updating the appointed Acceptance Agents for Claims for Damages filed against the City pursuant to chapter 4.96 RCW and superseding Resolution No. 1222.
- Item 4: DRAFT RESOLUTION NO. 16-173; SETTING A PUBLIC HEARING TO CONSIDER CODE AMENDMENTS IN SUPPORT OF LOW IMPACT DEVELOPMENT
Motion is to adopt Draft Resolution No. 16-173 setting a public hearing on January 5, 2017, or as soon thereafter that the matter can be heard, to consider amending the DMMC related to Low Impact Development.

Action/Direction

Motion made by Councilmember Nutting to approve the Consent Agenda; seconded by Councilmember Musser.
The motion passed 7-0.

PUBLIC HEARING

Item 1: DRAFT ORDINANCE NO. 16-181; ZONING CONTROLS FOR W-C AND T-C ZONES

Staff Presentation: Chief Operations Officer Dan Brewer

Mayor Pina opened the public hearing at 8:05 p.m.

Chief Operations Officer Brewer gave a power point presentation to Council.

Mayor Pina called for those that signed up to speak:

- Brian Sullivan; 2020 187th Avenue NE; Proponent of the Draft Ordinance.
- Ken Taylor, 325 W. Gowe Street; Proponent of the proposed Draft Ordinance.

Mayor Pina called 3 times if anyone wished to speak; seeing none he asked Council if they had any questions.

Mayor Pina closed the public hearing at 8:39 p.m.

Direction/Action

Motion made by Councilmember Kaplan to suspend Rule 26(a) in order to enact Draft Ordinance No. 16-181 on first reading; seconded by Councilmember Back. The motion passed 7-0.

Motion made by Councilmember Kaplan to enact Draft Ordinance No. 16-181 clarifying City Council intent regarding ground floor commercial space by amending Footnote 58 of DMMC 18.52.010B, and adding a definition to DMMC 18.01.050, to make the interim zoning controls enacted by Ordinance 1661 permanent, and amend Draft Ordinance No. 16-181 to include the staff recommended amendment proposed in Attachment 3; seconded by Councilmember Back. The motion passed 7-0.

Mayor Pina read Draft Ordinance No. 16-163, as amended, into the record.

OLD BUSINESS

Item 1: 2017 LEGISLATIVE PRIORITIES

Staff Presentation: City Manager Michael Matthias

City Manager Matthias introduced Anthony Hemstad who will serve as Legislative Advocate for the City.

Direction/Action

Motion made by Councilmember Kaplan to adopt the 2017 Legislative Priorities as submitted; seconded by Councilmember Bangs. The motion passed 7-0.

NEW BUSINESS

- Item 1: 2017 INTERGOVERNMENTAL POLICIES AND POSITIONS
Staff Presentation: City Manager Michael Matthias

Direction/Action

Motion made by Councilmember Kaplan to adopt the 2017 Intergovernmental Policies and Positions as submitted; seconded by Councilmember Bangs.
The motion passed 7-0.

- Item 2: 2017 COUNCIL VISION, MISSION STATEMENT, GOALS AND STRATEGIC OBJECTIVES
Staff Presentation: City Manager Michael Matthias

Direction/Action

Motion made by Councilmember Kaplan to adopt the Vision, Mission Statement, Goals and Strategic Objectives for 2017 as amended by the City Council at the October 29, 2016 Council goal setting retreat; seconded by Councilmember Nutting.
The motion passed 7-0.

NEXT MEETING DATE

December 8, 2016 Regular City Council Meeting

ADJOURNMENT

Motion made by Councilmember Kaplan to adjourn; seconded by Councilmember Nutting.
The motion passed 7-0.

The meeting was adjourned at 9:00 p.m.

Respectfully Submitted,
Bonnie Wilkins, CMC
City Clerk

MINUTES

DES MOINES CITY COUNCIL REGULAR COUNCIL MEETING City Council Chambers 21630 11th Avenue South, Des Moines

December 8, 2016 – 7:00 p.m.

CALL TO ORDER

Mayor Pina called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

The flag salute was led by Councilmember Kaplan.

ROLL CALL

Council present: Mayor Matt Pina; Mayor Pro Tem Vic Pennington; Councilmembers Jeremy Nutting, Robert K. Back and Dave Kaplan.

Councilmember Melissa Musser and Luisa Bangs were absent.

Direction/Action

Motion made by Councilmember Nutting to excuse Councilmember Musser and Bangs; seconded by Councilmember Kaplan.
The motion passed 5-0.

Staff present: City Manager Michael Matthias; City Attorney Tim George; Chief Operations Officer Dan Brewer; Harbormaster Joe Dusenbury; Finance Director Dunyele Mason; Assistant City Attorney Matt Hutchins; Probation Officer Melissa Patrick; Court Administrator Jennefer Johnson; Assistant Harbormaster Scott Wilkins; Police Chief George Delgado; Parks, Recreation & Senior Services Director Patrice Thorell; City Clerk Bonnie Wilkins.

CORRESPONDENCE

- There were no correspondences.

COMMENTS FROM THE PUBLIC

- Bill Linscott, address on file; Thanked Council, on behalf of the Des Moines Marina Association, for a great year.
- Rick Johnson, address on file; NextGen.

BOARD AND COMMITTEE REPORTS/COUNCILMEMBER COMMENTS

Mayor Pro Tem Pennington

- No report.
- Happy Holidays

Councilmember Kaplan

- No report.
- Sounders playing for the MLS Cup.

Councilmember Back

- No report.
- Thanked everyone for being patient during his first year.

Councilmember Nutting

- No report.
- Jake Gutierrez' funeral December 9th.

PRESIDING OFFICER'S REPORT

- Passed along Holiday cards received.
- Des Moines tree lighting at Des Moines Fish Plaza.
- Tree of Lights Celebration at Wesley Homes.
- Tenant Appreciation Holiday party at the Marina.
 - Argosy Boat in Marina all lit up.
 - Hospitality tent.
 - All boats in the Marina all lit up.
- Sound Transit neighborhood briefing
 - December 14th at Mt. Rainier High School.
- NextGen.
- Kick Off meeting with consultants/Port and Marina District.

ADMINISTRATION REPORT

Item 1: CITY MANAGER THIRD QUARTER REPORT

City Manager Matthias presented to Council the new format for the City Manager report; monthly to quarterly.

City Manager Matthias introduced new Public Information Officer, Ilene Peterson, to the Council.

Kick Off meeting with consultants/Port and Marina District.

CONSENT CALENDAR

Item 1: APPROVAL OF MINUTES

Motion is to approve the minutes of the October 13 and October 20, 2016 City Council Executive Sessions and the minutes of the October 13 and October 20, 2016 Regular City Council meetings.

Item 2: APPROVAL OF VOUCHERS

Motion is to approve for payment vouchers and payroll transfer included in the attached list and further described as follows:

Total A/P Checks/Vouchers	#148641-148875	\$1,373,632.91
Electronic Wire Transfers	#790-797	\$ 185,679.29
Payroll Checks	#18873-18875	\$ 3,808.18
Payroll Direct Deposit	#460001-460149	\$ 287,062.69
Total Certified Wire Transfers, Voids, A/P and Payroll Vouchers:		\$1,850,183.07

Item 3: ARTS COMMISSION REAPPOINTMENTS

Motion is to confirm the Mayoral reappointments of Alfonso De Anda and Ekkarath Sisavatdy to three year terms on the City of Des Moines Arts Commission effective January 1, 2017 and expiring on December 31, 2019.

- Item 4: JAIL ALTERNATIVE – DOC WORK CREW
Motion is to approve the Memorandum of Agreement between the City of Des Moines and the Washington State Department of Corrections for the purpose of providing Community Restitution crew participation as a jail alternative, and authorize the City Manager to sign said agreement substantially in the form submitted.
- Item 5: TRANSPORTATION MANAGEMENT SERVICES CONSULTANT CONTRACT-SPECIAL PROJECT MANAGER
Motion is to approve the contract with Leonard D. Madsen, AICP, for professional transportation management services in 2017, estimated to average 26 hours per week, to manage the S. 216th Segment 3 project, the Marine View Drive Roundabout project, and right of way coordination services with Sound Transit at a not-to-exceed cost of \$115,000, and authorize the City Manager to sign the contract substantially in the form as submitted.
- Item 6: UPDATE OF CITY OF DES MOINES CERTIFICATION ACCEPTANCE QUALIFICATION AGREEMENT AND RIGHT OF WAY ACQUISITION PROCEDURES
Motion 1 is to approve the City of Des Moines Certification Acceptance Qualification Agreement, with Attachment designating the City Manager and the Chief Operations Officer as the individuals authorized to sign Progress Billing statements and reimbursement requests, and authorize the City Manager to sign the Agreement substantially in the form as submitted.

Motion 2 is to approve the City of Des Moines Right-of-Way Acquisition Procedures and authorize the Mayor to sign the Procedures substantially in the same form as submitted.
- Item 7: AMENDMENT TO ILA WITH DEPARTMENT OF LICENSING FOR COLLECTION OF ANNUAL VEHICLE FEES
Motion is to approve Amendment #2 to the Interlocal Agreement between the City of Des Moines and the Department of Licensing for the collection of the annual vehicle licensing fee, and to authorize the City Manager to sign the Amendment substantially in the form as attached.

Action/Direction

Motion made by Councilmember Nutting to approve the Consent Agenda; seconded by Councilmember Kaplan.
The motion passed 5-0.

NEW BUSINESS

Item 1: CONTRACT WITH PARKING BOXX, INC. FOR PROVIDING THE EQUIPMENT, INSTALLATION, SUPPLIES AND TRAINING FOR THE PARKING LOT ACCESS AND REVENUE CONTROL SYSTEM FOR THE MARINA AND BEACH PARK

Staff Presentation: Harbormaster Joe Dusenbury

Harbormaster Dusenbury gave a power point presentation to Council.

Direction/Action

Motion made by Councilmember Kaplan to approve the contract with Parking Boxx, Inc. for providing the equipment, installation, software and supplies for the Parking Lot Access and Revenue Control System for the Marina and Beach Park for the sum of \$260,647.00, plus Washington State Sales Tax of \$24,761.47 and to authorize the City Manager to sign the agreement, substantially in the form as attached; seconded by Councilmember Back.
The motion passed 5-0.

NEXT MEETING DATE

January 5, 2017 Regular City Council Meeting

ADJOURNMENT

Motion made by Councilmember Nutting to adjourn; seconded by Mayor Pro Tem Pennington.
The motion passed 5-0.

The meeting was adjourned at 7:39 p.m.

Respectfully Submitted,
Bonnie Wilkins, CMC
City Clerk

A G E N D A I T E M

BUSINESS OF THE CITY COUNCIL City of Des Moines, WA

SUBJECT: Surplus Property

ATTACHMENTS:

1. List of Surplus Property

FOR AGENDA OF: January 5, 2017

DEPT. OF ORIGIN: Marina

DATE SUBMITTED: December 6, 2016

CLEARANCES:

- ☐ Community Development
- ☒ Marina 
- ☐ Parks, Recreation & Senior Services
- ☐ Public Works 

CHIEF OPERATIONS OFFICER: DSB

- ☒ Legal 
- ☐ Finance
- ☐ Courts
- ☐ Police

APPROVED BY CITY MANAGER
FOR SUBMITTAL: 

Purpose and Recommendation

Suggested Motion

Suggested Motion: "I move that the Council declare the items on the attached list surplus to the City's needs and direct the staff to dispose of them in the most cost effective way consistent with State law and City policy."

Background

Over time the Marina purchases and uses various types of equipment and merchandise and as the items reach the end of their useful life or are no longer necessary because of changes in Marina operations it becomes necessary to dispose of them.

Discussion

The staff is requesting that the City Council declare the items on the attached list surplus to the City's needs. Most of the items on the list are smaller pieces of equipment or merchandise with little or no residual value. Two of the items on the list, the 8000 lb. hoists and the floating breakwater may have some value.

The two old boat hoists were taken out of use when the public boat launching operation was discontinued in 2009. It is apparent not that these hoists will not be used in future Marina operations and they can be surplus. Because they have some value the staff will use the Public Surplus Auction web site to sell the hoists.

The floating breakwater was purchased and installed at the Redondo Boat Ramp when that facility was remodeled in 2001-2002. The floating breakwaters initial cost was about \$125,000, plus the cost of the SeaFlex anchoring system, which was about another \$100,000. The breakwater was used continuously at Redondo until three years ago when it was damaged in a severe winter storm. Because it was marginally effective in that location anyway, the staff does not believe that is worth fixing and re-installing. The staff will use the Public Surplus auction site to sell the breakwater but the Seaflex anchoring system will be stored for a while longer in case the anchors can be used in a future project. The State's Boating Facilities Program funded about 75% of the cost of the breakwater.

All of the other items on the list will be sold on the auction site, Craig's List or disposed of in the most cost effective manner.

Financial Impact

The City's cost for the floating breakwater was about \$30,000 in 2001 and the original cost of the hoists is no longer available, but it is unlikely that either item will sell for a significant amount because of their specialized uses.

Recommendation

The staff recommends that the Council declare the items on the list as surplus property and direct the staff to dispose of the items in the most cost effective way.

SURPLUS PROPERTY LIST

ITEM NO.	DESCRIPTION	QUANTITY	DATE ACQUIRED	PURCHASE PRICE	ESTIMATED VALUE	REASON FOR SURPLUS
1	Propane fuel Tanks	4	2013	N/A	\$30.00 ea	Only need one fuel tank for the fork lift
2	Chest Freezers	3	2006	N/A	\$0.00	No longer sell frozen bait at Redondo
3	8000 Lb. Hoist	2	1969	N/A	\$2,500 ea	No longer operate boat launch
4	MH Warehouse Lights	3	2013	N/A	\$40.00	No longer needed for operations
5	Mail Box Banks	2	2005	N/A	\$50.00	Discontinued Mail service for liveaboard tenants
6	Floating Breakwater	1	2001	\$125,000	?	End of useful Life, needs extensive repairs. Not worth fixing because it was marginally effective in that location.
7	Fuel Dispenser	1	1998	N/A	\$0.00	Obsolete
8	PZ 38 Sheet Pile	1	2009	\$4,500	\$4,500	Extra sheets from project
9	PZ 28 Sheet Pile	2	2009	\$1460 ea.	\$1460 ea.	Extra sheet from project
10	18" Dia Steel Pipe Pile	1	2009	N/A	N/A	Extra pipe pile from project.
11	Concrete Dock Sections	466 sq. ft	1988	N/A	N/A	Replaced by new dock
12	150 KVA Transformer - S/N 89K38589	1	1968	N/A	N/A	Replaced by new transformer
13	150 KVA Transformer - S/N 89K38569	1	1968	N/A	N/A	Replaced by new transformer
14	GE 100 KVA Transformer - S/N J434828Y69A	1	1968	N/A	N/A	Replaced by new transformer
15	HDPE Pipe - 20' long - 18" dia.	7	N/A	N/A	4000	No longer needed for operations

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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: Arts Commission Reappointment

FOR AGENDA OF: January 5, 2017

ATTACHMENTS:

1.

DEPT. OF ORIGIN: Parks, Recreation & Senior Services

DATE SUBMITTED: December 8, 2016

CLEARANCES:

- ☐ Community Development
- ☐ Marina
- ☒ Parks, Recreation & Senior Services
- ☐ Public Works

CHIEF OPERATIONS OFFICER: DSB

- ☒ Legal
- ☐ Finance
- ☐ Courts
- ☐ Police

APPROVED BY CITY MANAGER
FOR SUBMITTAL: [Signature]

The purpose of this agenda item is to recommend City Council approval of a reappointment to the City of Des Moines Arts Commission.

Suggested Motion

Motion: "I move to confirm the Mayoral reappointment of Collette Deardorff to a three year term on the City of Des Moines Arts Commission effective January 1, 2017 and expiring on December 31, 2019."

Background

The City Council adopted Ordinance No. 06-1393 establishing the Des Moines Arts Commission in November 30, 2006. The nine Arts Commission positions were appointed in February 2007. The terms were staggered so that six positions are retained each year and three positions expire each year on December 31.

The Arts Commission was created to:

- (1) Represent the interest of the city in matters of the arts, to be a spokes group for the arts in the city and to keep the city council informed on all such related matters.
- (2) Evaluate, prioritize, and make recommendations on funding for cultural arts needs within the city.
- (3) Review and recommend works of art for the city, especially works to be acquired through appropriations set aside from municipal construction projects. Local artists will be encouraged and given equal consideration for these projects.
- (4) Inform, assist, sponsor or coordinate with arts organizations, artists, or others interested in the cultural advancement of the community.
- (5) Encourage and aid programs for the cultural enrichment of the citizens of Des Moines and encourage more public visibility of the arts.
- (6) Develop cooperation with schools, local, regional, state and national arts organizations.
- (7) Obtain private, local, regional, state or federal funds to promote arts projects within the Des Moines community.

Discussion

This agenda seeks confirmation of the Mayoral reappointment of Des Moines resident Collette Deardorff to the Des Moines Arts Commission to become effective January 1, 2017 and expire on December 31, 2019.

Alternatives

None provided.

Financial Impact

No financial impact.

Recommendation/Concurrence

None provided.

A G E N D A I T E M

BUSINESS OF THE CITY COUNCIL City of Des Moines, WA

SUBJECT: Draft Resolution 16-199 S 216th Street
– Segment 3, 11th Ave S to 20th Ave S Project
Certification of Full Funding – For TIB Award

FOR AGENDA OF: January 5, 2017

DEPT. OF ORIGIN: Public Works

DATE SUBMITTED: December 22, 2017

ATTACHMENTS:

1. Draft Resolution No. 16-199
2. Transportation Improvement Board Project Selection Letter, November 18, 2016
3. TIB Fuel Tax Grant Agreement
4. TIB Funding Status Form
5. 2017 CIP Project Budget Worksheet

CLEARANCES:

- [] Community Development _____
 [] Marina N/A
 [] Parks, Recreation & Senior Services N/A
 [X] Public Works PBC

CHIEF OPERATIONS OFFICER: DJB

- [X] Legal TG
 [X] Finance JM
 [] Courts N/A
 [] Police N/A

APPROVED BY CITY MANAGER
FOR SUBMITTAL: [Signature]

Purpose and Recommendation

The purpose of this agenda item is for City Council to adopt Draft Resolution 16-199 (Attachment 1) formally certifying to the Washington State Transportation Improvement Board (TIB) that the City has secured local and/or private funding by signing the TIB Funding Status Form (Attachment 4) for construction of improvements for the S 216th Street – Segment 3, 11th Ave S to 20th Ave S Project. The following motion will appear on the consent calendar:

Suggested Motion

Motion 1: “I move to adopt Draft Resolution No 16-199 certifying to the Washington State Transportation Improvement Board (TIB) that full funding is secured for the S 216th Street – Segment 3, 11th Ave S to 20th Ave S Project, and further authorize the City Manager to sign the TIB Funding Status Form and the Fuel Tax Grant Agreement with TIB.”

Background

Roadway widening and improvement of S 216th Street – Segment 3, 11th Ave S to 20th Ave S, is an element of the City of Des Moines Comprehensive Plan and an adopted element of the Capital Improvement Plan. This arterial segment is the final portion of S 216th Street that completes capacity and multi-modal improvements between SR99 and Marine View Drive. This segment of S 216th Street will be widened to accommodate a center turn lane, bicycle lanes, curbs, gutters, sidewalks, undergrounding of utilities, LED street and pedestrian lighting, and a new storm drainage and treatment system.

Discussion

The City applied for TIB funding for the S 216th Street – Segment 3, 11th Ave S to 20th Ave S improvements on August 18, 2016 requesting \$3,157,245.00 in project funding to complete Preliminary Engineering (\$335,595), Right-of-Way Acquisition (\$84,500), and Construction (\$2,353,650).

On November 18, 2016 the TIB approved \$3,157,245 in project funding and required certification (Attachment 2) and verification of funding as well as approval of a Fuel Tax Grant Distribution Agreement (Attachment 3). The TIB requires that the City certify that funding is in place prior to incurring any reimbursable expenses.

Design has not commenced for this project. Staff will prepare a Consultant Agreement for Council Consideration to proceed with design, permitting, and preliminary ROW tasks.

Alternatives

City Council can elect not to accept the TIB grant for the S 216th Street – Segment 3, 11th Ave S to 20th Ave S project. This will delay the project as well as jeopardize any future TIB project funding opportunities.

Financial Impact

The City's CIP Budget Worksheet includes TIB revenue in order to achieve full funding (Attachment 5). The budget worksheet shows the local match of \$2,721,970 coming from collected Traffic Impact Fees (TIFs), with the bulk of the local match programed for 2019 during construction. Staff is also anticipating frontage in-lieu payment from the development of the phase 4 DMCBP to the west which would supplant a portion of the TIFs. Additionally, and only if needed, the 2019 Arterial Pavement Program could help supplant the TIF source as well since this project will be paving approximately 3,000 lf of arterial street.

Recommendation

Staff recommends adoption of the motion.

CITY ATTORNEY'S FIRST DRAFT 12/2/2016**DRAFT RESOLUTION NO. 16-199**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DES MOINES, WASHINGTON, certifying funding for the City of Des Moines S 216th Street - Segment 3, 11th Ave S to 20th Ave S Project.

WHEREAS, the City of Des Moines adopted the 2017-2022 Capital Improvement Program budget including full funding for the S 216th Street - Segment 3 Project, 11th Ave S to 20th Project, and

WHEREAS, the City of Des Moines was selected for a grant from the Washington State Transportation Improvement Board (hereinafter TIB) and on November 18, 2016 the TIB announced that \$3,157,245.00 in state TIB funds would be available for the project subject to certification full funding for the improvements is available pursuant to RCW 47.26.084, and

WHEREAS, the City of Des Moines adopted the 2017-2035 Transportation Improvement Plan and recommends roadway widening to provide a center turn lane, bike lanes, curb, gutter, sidewalks, storm drainage, and illumination, and

WHEREAS, project Preliminary Engineering, Right-of-Way Acquisition, and Construction phases of work are funded, but not started; now therefore,

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

Sec. 1. Funding for the S 216th Street - Segment 3, 11th Ave S to 20th Ave S Project is secured and the City Council certifies that the necessary local

Resolution No. ____
 Page 2 of ____

matching funds will be available for construction.

ADOPTED BY the City Council of the City of Des Moines,
 Washington this ____ day of _____, 2017 and signed in
 authentication thereof this ____ day of _____, 2017.

 M A Y O R

APPROVED AS TO FORM:

 City Attorney

ATTEST:

 City Clerk

12/20/16 12:58 PM



Washington State Transportation Improvement Board

TIB Members

Commissioner Richard Stevens, Chair
Grant County

Mayor Patty Lent, Vice Chair
City of Bremerton

Jim Albert
Office of Financial Management

Jeff Carpenter, P.E.
WSDOT

Elizabeth Chamberlain
City of Walla Walla

Wendy Clark-Getzin, P.E.
Clallam Transit

Gary Ekstedt, P.E.
Yakima County

Commissioner Terri Jeffreys
Mason County

Mayor Glenn Johnson
City of Pullman

John Klekotka, P.E.
Port of Everett

Commissioner Robert Koch
Franklin County

Colleen Kuhn
Human Services Council

Mayor Ron Lucas
Town of Steilacoom

Mick Matheson, P.E.
City of Sultan

E. Susan Meyer
Spokane Transit Authority

Laura Philpot, P.E.
City of Maple Valley

David Ramsay
Feet First

Amy Scarton
WSDOT

Martin Snell
Clark County

Jay Weber
County Road Administration Board

Stevan E. Gorcester
Executive Director

P.O. Box 40901
Olympia, WA 98504-0901
Phone: 360-586-1140
Fax: 360-586-1165
www.tib.wa.gov

November 18, 2016

Mr. Dan Brewer
Planning, Building and Public Works Director
City of Des Moines
21650 11th Avenue South
Des Moines, WA 98198-6317

Dear Mr. Brewer:

Congratulations! We are pleased to announce the selection of your project, S 216th Street, 11th Ave S to 20th Ave S, TIB project number 8-1-110(008)-1.

Total TIB funds for this project are \$3,157,245.

Before any work is allowed on this project, you must:

- Verify the information on the Project Funding Status Form, revise if necessary, and sign;
- Submit the section of your adopted Six Year Transportation Plan listing this project;
- Sign both copies of the Fuel Tax Grant Distribution Agreement; and
- Return the above items to TIB;

You may only incur reimbursable expenses after you receive approval from TIB.

In accordance with RCW 47.26.084, you must certify full funding by November 18, 2017 or the grant may be terminated. Grants may also be rescinded due to unreasonable project delay as described in WAC 479-05-211.

If you have questions, please contact Greg Armstrong, TIB Project Engineer, at (360) 586-1142 or e-mail GregA@TIB.wa.gov.

Sincerely,

Stevan Gorcester
Executive Director

Enclosures

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City of Des Moines
8-1-110(008)-1
S 216th Street
11th Ave S to 20th Ave S

STATE OF WASHINGTON
TRANSPORTATION IMPROVEMENT BOARD
AND
City of Des Moines
AGREEMENT

THIS GRANT AGREEMENT (hereinafter "Agreement") for the S 216th Street, 11th Ave S to 20th Ave S (hereinafter "Project") is entered into by the WASHINGTON STATE TRANSPORTATION IMPROVEMENT BOARD (hereinafter "TIB") and City of Des Moines, a political subdivision of the State of Washington (hereinafter "RECIPIENT").

1.0 PURPOSE

TIB hereby grants funds in the amount of \$3,157,245 for the project specified above, pursuant to terms contained in the RECIPIENT'S Grant Application, supporting documentation, chapter 47.26 RCW, title 479 WAC, and the terms and conditions listed below.

2.0 SCOPE AND BUDGET

The Project Scope and Budget are initially described in RECIPIENT's Grant Application and incorporated by reference into this Agreement. Scope and Budget will be further developed and refined, but not substantially altered during the Design, Bid Authorization and Construction Phases. Any material alterations to the original Project Scope or Budget as initially described in the Grant Application must be authorized by TIB in advance by written amendment.

3.0 PROJECT DOCUMENTATION

TIB requires RECIPIENT to make reasonable progress and submit timely Project documentation as applicable throughout the Project. Upon RECIPIENT's submission of each Project document to TIB, the terms contained in the document will be incorporated by reference into the Agreement. Required documents include, but are not limited to the following:

- a) Project Funding Status Form
- b) Bid Authorization Form with plans and engineers estimate
- c) Award Updated Cost Estimate
- d) Bid Tabulations
- e) Contract Completion Updated Cost Estimate with final summary of quantities
- f) Project Accounting History

4.0 BILLING AND PAYMENT

The local agency shall submit progress billings as project costs are incurred to enable TIB to maintain accurate budgeting and fund management. Payment requests may be submitted as often as the RECIPIENT deems necessary, but shall be submitted at least quarterly if billable



amounts are greater than \$50,000. If progress billings are not submitted, large payments may be delayed or scheduled in a payment plan.

5.0 TERM OF AGREEMENT

This Agreement shall be effective upon execution by TIB and shall continue through closeout of the grant or until terminated as provided herein, but shall not exceed 10 years unless amended by the Parties.

6.0 AMENDMENTS

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

7.0 ASSIGNMENT

The RECIPIENT shall not assign or transfer its rights, benefits, or obligations under this Agreement without the prior written consent of TIB. The RECIPIENT is deemed to consent to assignment of this Agreement by TIB to a successor entity. Such consent shall not constitute a waiver of the RECIPIENT's other rights under this Agreement.

8.0 GOVERNANCE & VENUE

This Agreement shall be construed and interpreted in accordance with the laws of the state of Washington and venue of any action brought hereunder shall be in the Superior Court for Thurston County.

9.0 DEFAULT AND TERMINATION

9.1 NON-COMPLIANCE

- a) In the event TIB determines, in its sole discretion, the RECIPIENT has failed to comply with the terms and conditions of this Agreement, TIB shall notify the RECIPIENT, in writing, of the non-compliance.
- b) In response to the notice, RECIPIENT shall provide a written response within 10 business days of receipt of TIB's notice of non-compliance, which should include either a detailed plan to correct the non-compliance, a request to amend the Project, or a denial accompanied by supporting details.
- c) TIB will provide 30 days for RECIPIENT to make reasonable progress toward compliance pursuant to its plan to correct or implement its amendment to the Project.
- d) Should RECIPIENT dispute non-compliance, TIB will investigate the dispute and may withhold further payments or prohibit the RECIPIENT from incurring additional reimbursable costs during the investigation.

9.2 DEFAULT

RECIPIENT may be considered in default if TIB determines, in its sole discretion, that:



- a) RECIPIENT is not making reasonable progress toward correction and compliance.
- b) TIB denies the RECIPIENT's request to amend the Project.
- c) After investigation TIB confirms RECIPIENT'S non-compliance.

TIB reserves the right to order RECIPIENT to immediately stop work on the Project and TIB may stop Project payments until the requested corrections have been made or the Agreement has been terminated.

9.3 TERMINATION

- a) In the event of default by the RECIPIENT as determined pursuant to Section 9.2, TIB shall serve RECIPIENT with a written notice of termination of this Agreement, which shall be served in person, by email or by certified letter. Upon service of notice of termination, the RECIPIENT shall immediately stop work and/or take such action as may be directed by TIB.
- b) In the event of default and/or termination by either PARTY, the RECIPIENT may be liable for damages as authorized by law including, but not limited to, repayment of grant funds.
- c) The rights and remedies of TIB provided in the AGREEMENT are not exclusive and are in addition to any other rights and remedies provided by law.

9.4 TERMINATION FOR NECESSITY

TIB may, with ten (10) days written notice, terminate this Agreement, in whole or in part, because funds are no longer available for the purpose of meeting TIB's obligations. If this Agreement is so terminated, TIB shall be liable only for payment required under this Agreement for performance rendered or costs incurred prior to the effective date of termination.

10.0 USE OF TIB GRANT FUNDS

TIB grant funds come from Motor Vehicle Fuel Tax revenue. Any use of these funds for anything other than highway or roadway system improvements is prohibited and shall subject the RECIPIENT to the terms, conditions and remedies set forth in Section 9. If Right of Way is purchased using TIB funds, and some or all of the Right of Way is subsequently sold, proceeds from the sale must be deposited into the RECIPIENT's motor vehicle fund and used for a motor vehicle purpose.

11.0 INCREASE OR DECREASE IN TIB GRANT FUNDS

At Bid Award and Contract Completion, RECIPIENT may request an increase in the TIB funds for the specific project. Requests must be made in writing and will be considered by TIB and awarded at the sole discretion of TIB. All increase requests must be made pursuant to WAC 479-05-202 and/or WAC 479-01-060. If an increase is denied, the recipient shall be liable for costs incurred in excess of the grant amount. In the event that final costs related to the specific project are less than the initial grant award, TIB funds will be decreased and/or refunded to TIB in a manner that maintains the original ratio between TIB funds and total project costs.



12.0 INDEPENDENT CAPACITY

The RECIPIENT shall be deemed an independent contractor for all purposes and the employees of the RECIPIENT or any of its contractors, subcontractors, and employees thereof shall not in any manner be deemed employees of TIB.

13.0 INDEMNIFICATION AND HOLD HARMLESS

The PARTIES agree to the following:

Each of the PARTIES, shall protect, defend, indemnify, and save harmless the other PARTY, its officers, officials, employees, and agents, while acting within the scope of their employment as such, from any and all costs, claims, judgment, and/or awards of damages, arising out of, or in any way resulting from, that PARTY's own negligent acts or omissions which may arise in connection with its performance under this Agreement. No PARTY will be required to indemnify, defend, or save harmless the other PARTY if the claim, suit, or action for injuries, death, or damages is caused by the sole negligence of the other PARTY. Where such claims, suits, or actions result from the concurrent negligence of the PARTIES, the indemnity provisions provided herein shall be valid and enforceable only to the extent of a PARTY's own negligence. Each of the PARTIES agrees that its obligations under this subparagraph extend to any claim, demand and/or cause of action brought by, or on behalf of, any of its employees or agents. For this purpose, each of the PARTIES, by mutual negotiation, hereby waives, with respect to the other PARTY only, any immunity that would otherwise be available to it against such claims under the Industrial Insurance provision of Title 51 RCW. In any action to enforce the provisions of the Section, the prevailing PARTY shall be entitled to recover its reasonable attorney's fees and costs incurred from the other PARTY. The obligations of this Section shall survive termination of this Agreement.

14.0 DISPUTE RESOLUTION

- a) The PARTIES shall make good faith efforts to quickly and collaboratively resolve any dispute arising under or in connection with this AGREEMENT. The dispute resolution process outlined in this Section applies to disputes arising under or in connection with the terms of this AGREEMENT.
- b) Informal Resolution. The PARTIES shall use their best efforts to resolve disputes promptly and at the lowest organizational level.
- c) In the event that the PARTIES are unable to resolve the dispute, the PARTIES shall submit the matter to non-binding mediation facilitated by a mutually agreed upon mediator. The PARTIES shall share equally in the cost of the mediator.
- d) Each PARTY agrees to compromise to the fullest extent possible in resolving the dispute in order to avoid delays or additional incurred cost to the Project.
- e) The PARTIES agree that they shall have no right to seek relief in a court of law until and unless the Dispute Resolution process has been exhausted.



15.0 ENTIRE AGREEMENT

This Agreement, together with the RECIPIENT'S Grant Application, the provisions of chapter 47.26 Revised Code of Washington, the provisions of title 479 Washington Administrative Code, and TIB Policies, constitutes the entire agreement between the PARTIES and supersedes all previous written or oral agreements between the PARTIES.

16.0 RECORDS MAINTENANCE

The RECIPIENT shall maintain books, records, documents, data and other evidence relating to this Agreement and performance of the services described herein, including but not limited to accounting procedures and practices which sufficiently and properly reflect all direct and indirect costs of any nature expended in the performance of this Agreement. RECIPIENT shall retain such records for a period of six years following the date of final payment. At no additional cost, these records, including materials generated under the Agreement shall be subject at all reasonable times to inspection, review or audit by TIB personnel duly authorized by TIB, the Office of the State Auditor, and federal and state officials so authorized by law, regulation or agreement.

If any litigation, claim or audit is started before the expiration of the six (6) year period, the records shall be retained until all litigation, claims, or audit findings involving the records have been resolved.

Approved as to Form
Attorney General

By:

Signature on file

Guy Bowman
Assistant Attorney General

Lead Agency

Transportation Improvement Board

Chief Executive Officer

Date

Executive Director

Date

Print Name

Print Name

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Transportation Improvement Board
Project Funding Status Form

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Attachment #4

Agency: **DES MOINES**

TIB Project Number: **8-1-110(008)-1**

Project Name: **S 216th Street
11th Ave S to 20th Ave S**

Verify the information below and revise if necessary.

Return to:
Transportation Improvement Board
PO Box 40901
Olympia, WA 98504-0901

PROJECT SCHEDULE

	Target Dates
Construction Approval Date	
Contract Bid Award	
Contract Completion	

PROJECT FUNDING PARTNERS

List additional funding partners and amount.

Funding Partners	Amount	Revised Funding
DES MOINES	2,643,755	
WSDOT	0	
Federal Funds	0	
TOTAL LOCAL FUNDS	2,643,755	

Signatures are required from two different agency officials. Return the originally signed form to the TIB office.

Mayor or Public Works Director

Signature

Date

Printed or Typed Name

Title

Financial Officer

Signature

Date

Printed or Typed Name

Title

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Project Title: South 216th - Segment 3

Project # 319.334.040

Summary Project Description:

TOTAL PROJECT SCOPE				PROJECT ALLOCATIONS BY YEAR					
Expenditures	1/1/17 Current CIP Budget	2017 CIP Supplemental Request	2017 Revised CIP Budget Estimate	Project to Date 12/31/16	Estimated Year End 2017	Planned Year 2018	Planned Year 2019	Planned Year 2020	Planned Year 2021
Design									
External Engineering	540,000	-	540,000	-	540,000				
Internal Engineering/Project Mgmt	30,000	(15,000)	15,000	-	15,000				
Other Professional Services - Len Madsen		55,000	55,000	-	55,000				
Prop/ROW/Easements									
External Engineering	130,000	-	130,000	-		130,000			
Construction									
External Engineering	560,000	-	560,000	-			560,000		
Internal Engr- Proj Mgmt/ Inspect	30,000	-	30,000	-			30,000		
Construction Contract 1	4,081,000	-	4,081,000	-			4,081,000		
Other Miscellaneous		-	-	-					
Other									
Interfund Financial Services	58,210	-	58,210	-	3,350	3,650	51,210		
Contingencies	450,000	(40,000)	410,000	-			410,000		
Total Project Expense Budget:	5,879,210	-	5,879,210	-	613,350	133,650	5,132,210	-	49

GL Account Number	Vendor #
319.334.040-595.10-65.10	
319.334.040-595.10-65.12	
319.334.040-595.10-65.15	
319.334.040-595.10-65.20	
319.334.040-595.10-65.30	
319.334.040-595.10-65.32	
319.334.040-595.30-65.33	
319.334.040-595.30-65.39	
319.334.040-595.90-65.80	
319.334.040-595.30-65.90	

Vendor #

GL Account Number

319.334.040-595.10-65.10

319.334.040-595.10-65.12

319.334.040-595.10-65.15

319.334.040-595.10-65.20

319.334.040-595.10-65.30

319.334.040-595.10-65.32

319.334.040-595.30-65.33

319.334.040-595.30-65.39

319.334.040-595.90-65.80

319.334.040-595.90-65.90

Funding Sources	1/1/17 Current CIP Budget	2017 CIP Supplemental Request	2017 Revised CIP Budget Estimate	Project to Date 12/31/16	Scheduled Year 2017	Scheduled Year 2018	Scheduled Year 2019	Scheduled Year 2020	Scheduled Year 2021
Transfers									
321.334.319.597.00	2,721,970	-	2,721,970	-	283,970	61,878	2,376,122		
Traffic Impact Fees - City Wide	3,157,240	-	3,157,240	-	329,380	71,772	2,756,088		
State of Washington Grants (Unconfirmed)									
Total Project Revenue Budget:	5,879,210	-	5,879,210	-	613,350	133,650	5,132,210	-	-

Funding Source

/Transfers

319.334.322.397.00-00.00

319.334.000.333.20.00.00

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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: 2017 Vehicle and Equipment Purchase

FOR AGENDA OF: January 5, 2017

DEPT. OF ORIGIN:

ATTACHMENTS:

1. 2017 Vehicle Purchases:

- PO for 6 Patrol Vehicles
PBPW 1/5/2017 #024
- PO for (1) 1-Ton Pickup Truck
PBPW 1/5/2017 #025
- PO for Purchase of Hydrostatic
Articulating Front Loader
- PO for Purchase of Genie Aerial
Work Platform

DATE SUBMITTED: December 22, 2016

CLEARANCES:

- [] Community Development _____
- [] Marina N/A
- [] Parks, Recreation & Senior Services N/A
- [X] Public Works RBC

CHIEF OPERATIONS OFFICER: DSB

[X] Legal TS

[X] Finance DM

[] Courts N/A

[] Police N/A

APPROVED BY CITY MANAGER
FOR SUBMITTAL: [Signature]

Purpose and Recommendation

The purpose of this agenda item is to seek Council authorization to purchase one Hydrostatic Articulating Front Loader and one Genie Aerial Work Platform, and to ratify Administrations purchase of 6 Police Vehicles and one 1-Ton Public Works Maintenance Utility Truck, consistent with the adopted 2017 Budget. The purchase orders for these purchases are included as Attachment 1. The following motion will appear on the consent calendar:

Suggested Motion

Motion 1: "I move to approve and confirm the purchase of vehicles and equipment identified in Attachment 1 for a total amount of \$555,513.19, ratify Administration's purchase of vehicles already ordered, and authorize the City Manager or his designee to sign the remaining purchase orders substantially in the form as attached."

Background

The adopted 2017 Budget includes the replacement of the following vehicles and equipment: Six (6) new Police Department fleet vehicles; one (1) Public Works Streets 1-ton utility truck; and one (1) Hydrostatic Articulating Front Loader. The budget also includes the purchase of one (1) Genie Aerial Work Platform.

Given that the combined total of these purchases is over the City Manager's authorized signing authority of \$50,000, Council approval is necessary for these purchases.

Discussion

Police Department

The adopted 2017 Budget includes the replacement of the six (6) new Police Department fleet vehicles. The new vehicles are 2017 Ford Police AWD Interceptors Midsize Utility Model (Ford Explorers) and all six will be set up as patrol vehicles in the standard color of black bodies with white doors. The total price for the six patrol vehicles including tax, equipment and set up fees will be \$364,850.22 or \$60,808.37 per vehicle.

Public Works and Parks Maintenance Division

The adopted 2017 Budget includes the replacement of two vehicles: One 1-ton Ford F-350 utility work truck with a body box and bumper crane for a total price of \$46,812.06 which includes tax, equipment and set up fees; and one (1) Case Hydrostatic Articulating Front Loader with front mount broom, jib boom and utility forks for a total price of \$143,850.91 which includes a trade-in credit of \$14,681.67 for the used Volvo L50C with 8' hydraulic angle broom and fork lift attachments. The budget also included the new purchase of one (1) Genie Aerial Work Platform for a total price of up to \$9,456.

There is a corresponding Council agenda item and Draft Resolution to address the surplus of the existing fleet vehicles that these purchases will replace.

The State contract that the police vehicles and public works pick-up are being purchased off of expired on December 31st. While there is a new contract that took effect on January 1st, the vehicle prices under the new contract were approximately 3% higher for the same vehicle. This increase would have cost the City in the neighborhood of an additional \$10,000. Therefore, Administration approved and submitted the purchase order for the purchase of the police vehicles and public works pickup (off of the 2016 State Contract) on December 22, 2016. Following Council authorization, the remaining vehicles will be ordered.

The police vehicles and public works pickup should be ready for fleet service around April 2017. The front end loader and Genie lift should be ready for service by the end of January.

Alternatives

Council could decide to revisit the fleet replacements previously approved in the 2017 Budget.

Financial Impact

The adopted 2017 Budget includes a total of \$557,000 for these fleet replacements. (\$360,000 for the police vehicles; \$47,000 for the utility truck; and \$150,000 for the hydrostatic articulating front loader). The actual costs for the replacements will total \$555,513.19 which is within the authorized budget. Funds for these replacements will come from the vehicle replacement fund (Fund 501).

The adopted budget also included the new purchase of a Genie Aerial Work Platform for \$9,456. Funding for the purchase of the equipment will come from the general fund.

Recommendation/Conclusion:

Staff recommends purchase of the identified vehicles, truck, front loader and scissor lift and asks Council to approve the suggested motion.

Concurrence:

The Finance, Legal, and Planning, Building and Public Works Departments concur.

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CITY OF DES MOINES

Finance Division

21630 11TH Avenue South

Des Moines WA 98198-6317

Phone 206.870.6511 Fax 206.870.6540

**PURCHASE ORDER**

THE FOLLOWING NUMBER MUST APPEAR ON ALL RELATED CORRESPONDENCE, SHIPPING PAPERS, AND INVOICES:

P.O. NUMBER: PBPW 12/07/2016 #024

TO:
Columbia Ford
Attn: Marie Tellinghussen
700 7th Avenue
Longview WA 98632

SHIP TO:
Don Leadbetter, Equipment Shop
City of Des Moines WA
21650 11th Avenue South
Des Moines WA 98198-6317
206.870.6525 FAX 206.870.6596

Email: mariet@colford.com
Vehicle Quote #2016-11-395

P.O. DATE	REQUISITIONER	SHIPPED VIA	F.O.B. POINT	TERMS
12/07/2016	John Blackburn			Net 30 - \$200 discount per vehicle if pd within 20 days of delivery

QTY	UNIT	DESCRIPTION	UNIT PRICE	TOTAL
6	Each	2017 Ford Police Interceptor Utility/SUV AWD (K8A/500A) Code #2017-502-001 Color: Shadow Black	\$27,433.00	\$164,598.00
6	Each	Alternative Engine, 3.5L V6 EcoBoost w/ 6-speed Automatic Transmission (131 mph top speed) (99T/44C) Code #2017-502-004	3,135.00	18,810.00
6	Each	Front Headlamp Housing Only (see attached description) Code #2017-502-010	119.00	714.00
6	Each	Noise Suppression Bonds (Ground Straps)(60R) Code #2017-502-025	95.00	570.00
6	Each	Side Marker LED, Sideview Mirrors (Driver side – Red/Passenger side – Blue) (Located on backside of exterior mirror housing) (LED lights only. Wiring & controller not included) Code #2017-502-018	277.00	1,662.00
6	Each	Pre-Wiring for grille lamp, siren & speaker (60A) Code #2017-502-023	49.00	294.00
6	Each	Ballistic Door Panels – Driver & Passenger front Door (90E) Code #2017-502-029	3,016.00	18,096.00
6	Each	Dark Car Feature (Courtesy lamp disable when any door is opened) (43D) Code #2017-502-038	20.00	120.00
6	Each	Dome Lamp – Red/White in Cargo Area (17T) Code #2017-502-040	49.00	294.00
6	Each	Doors/Locks: Hidden Door Lock Plunger w/ Rear Door Handles Inoperable (included w/ready for the road pkg #67H)(52P) Code #2017-502-044	153.00	918.00
6	Each	Fleet Keyed Alike (call for availability w/ key codes)(N/A w/ Remote Keyless Entry #595) (KEY) Code 2017-502-045	49.00	294.00

6	Each	Power Windows, Driver Control ⁵⁶ (deletes rear power window controls)(18W) Code #2017-502-048	24.00	144.00
6	Each	Rear Console Plate (wiring conduit from front console plate to rear seat)(N/A with interior Upgrade Pkg #65U or Front Console Plate Delete #85D)(85R) Code #2017-502-050	33.00	198.00
6	Each	Remappable (4) switches on steering wheel (if ordered with SYNC includes Voice Button) (61R/61S) Code #2017-502-053	148.00	888.00
6	Each	Spot Lamp, LED Bulb, Driver Only (Whelen) (51T) Code #2017-502-058	400.00	2,400.00
6	Each	2 nd Row Vinyl Seats in lieu of cloth Code #2017-502-078	(54.00)	(324.00)

Authority:

SUBTOTAL	\$209,676.00
8.3% SALES TAX	17,403.11
SHIPPING & HANDLING	
OTHER	
TOTAL	\$227,079.11

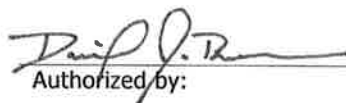
1. Please send two copies of your invoice.
2. Enter this order in accordance with the prices, terms, delivery method, and specifications listed above.
3. Please notify us immediately if you are unable to ship as specified.
4. Send all correspondence to: Address above

INTERNAL INSTRUCTIONS:

CHARGE TO DM CITY CODE: 501.100.040.594.21.64.00

Ordered by:

Date


Authorized by:

12-22-2016

Date

Peggy Volin

From: Don Leadbetter
Sent: Tuesday, December 06, 2016 7:45 AM
To: Peggy Volin
Subject: FW: Vehicle Quote - 2016-11-395 - DES MOINES, CITY OF - POLICE DEPARTMENT - 21709

Hey Peggy I need a po for these cars Dan would like to order them as soon as possible
 Thanks Don

From: NOREPLY@des.wa.gov [mailto:NOREPLY@des.wa.gov]
Sent: Tuesday, November 29, 2016 3:54 PM
To: Don Leadbetter <DLeadbetter@desmoineswa.gov>
Cc: Steve.Hatfield@des.wa.gov
Subject: Vehicle Quote - 2016-11-395 - DES MOINES, CITY OF - POLICE DEPARTMENT - 21709

Vehicle Quote Number: 2016-11-395 [Create Purchase Request](#) [View organization purchase requests](#)

This is a **quote** only. You must create a purchase request to order this vehicle(s)

Contract & Dealer Information

Contract #: 03713

Dealer: Columbia Ford (W403)
 700 7th Avenue
 Longview WA 98632

Dealer Contact: Marie Tellinghuisen
 Dealer Phone: (360) 423-4321 Ext: 187
 Dealer Email: mariet@colford.com

Organization Information

Organization: DES MOINES, CITY OF - POLICE DEPARTMENT - 21709
 Email: dleadbetter@desmoineswa.gov

Color Options

Shadow Black - 6

Tax Exempt: N

Vehicle Options

Order Code	Option Description	Qty	Unit Price	Ext. Price
2017-502-001	2017 Ford Police Interceptor Utility/SUV AWD (K8A/500A)	6	\$27,433.00	\$164,598.00
2017-502-004	Alternative Engine, 3.5L V6 EcoBoost with 6-speed Automatic Transmission (131mph top speed)(99T/44C)	6	\$3,135.00	\$18,810.00
2017-502-010	Front Headlamp Housing Only (includes pre-drilled hole for side marker police use and pre-molded side warning LED holes with standard sealed capability)(does not include LED installed lights)(Not available with Ready for the Road Package #67H)(86P)	6	\$119.00	\$714.00

2017-502-018 Side Marker LED, Sideview Mirrors (Driver side - Red / Passenger side - Blue) (Located on backside of exterior mirror housing) (LED lights only. Wiring and controller "not" included.) (Must also order Pre-wiring for grille lamp, siren and speaker #60A) (63B)	6	\$277.00	\$1,662.00
2017-502-023 Pre-Wiring for grille lamp, siren and speaker (60A)	6	\$49.00	\$294.00
2017-502-025 Noise Suppression Bonds (Ground Straps)(60R)	6	\$95.00	\$570.00
2017-502-029 Ballistic Door Panels (Level III) - Driver & Passenger Front Door (90E)	6	\$3,016.00	\$18,096.00
2017-502-038 Dark Car Feature (courtesy lamp disable when any door is opened) (43D)	6	\$20.00	\$120.00
2017-502-040 Dome Lamp – Red/White in Cargo Area(17T)	6	\$49.00	\$294.00
2017-502-044 Doors/Locks: Hidden Door Lock Plunger with Rear Door Handles Inoperable (included with Ready for the Road Package #67H)(52P)	6	\$153.00	\$918.00
2017-502-045 Fleet Keyed Alike (Call dealer for available key codes)(N/A with Remote Keyless Entry #595) (KEY)	6	\$49.00	\$294.00
2017-502-048 Power Windows, Driver Control (deletes rear window power controls) (18W)	6	\$24.00	\$144.00
2017-502-050 Rear Console Plate (wiring conduit from front console plate to rear seat) (N/A with Interior Upgrade Package #65U or Front Console Plate Delete #85D) (85R)	6	\$33.00	\$198.00
2017-502-053 Remappable (4) switches on steering wheel (if ordered with SYNC, includes Voice Button) (61R/61S)	6	\$148.00	\$888.00
2017-502-058 Spot Lamp, LED Bulb, Driver Only (Whelen)(51T)	6	\$400.00	\$2,400.00
2017-502-078 2nd Row Vinyl Seats in lieu of cloth	6	(\$54.00)	(\$324.00)

Quote Totals

Total Vehicles:	6
Sub Total:	\$209,676.00
8.3 % Sales Tax:	\$17,403.11
Quote Total:	\$227,079.11

CITY OF DES MOINES

Finance Division

21630 11TH Avenue South

Des Moines WA 98198-6317

Phone 206.870.6511 Fax 206.870.6540

**PURCHASE ORDER**

THE FOLLOWING NUMBER MUST APPEAR ON ALL RELATED CORRESPONDENCE, SHIPPING PAPERS, AND INVOICES:

P.O. NUMBER: PBPW 12/20/2016 #025**TO:**

Corwin Ford Tri-Cities

Attn: Joe Cardillo

1225 Autoplex Way

Pasco WA 99301

Email: jcardillo@corwinauto.com

Vehicle Quote #2016-12-140

SHIP TO:

Don Leadbetter, Equipment Shop

City of Des Moines WA

21650 11th Avenue South

Des Moines WA 98198-6317

206.870.6521 FAX 206.870.6596

P.O. DATE	REQUISITIONER	SHIPPED VIA	F.O.B. POINT	TERMS
12/20/2016	John Blackburn			Net 30 - \$200 discount per vehicle if pd within 20 days of delivery

QTY	UNIT	DESCRIPTION	UNIT PRICE	TOTAL
1	Each	2017 Ford F-350 1-Ton Pickup (4WD) Extended cab X3B/610A (2017-817-001)	\$30,257.00	\$30,257.00
1	Each	Heavy Service Suspension PKG (Rear for PU Box delete) 63R (2017-817-025)	107.00	107.00
1	Each	Pickup Box Delete (66D) (Cab & Chassis) Deletes: tow pkg, rec hitch & spare tire (2017-817-028)	(533.00)	(533.00)
1	Each	Tire (spare) (512) w/Pickup Box Delete (2017-817-039)	280.00	280.00
1	Each	Battery HD 850 CCA (DLR) (2017-817-201)	140.00	140.00
1	Each	Floor Mats, HD Rubber (Weather Tech) DLR (2017-817-212)	95.00	95.00
1	Each	Undercoating-DLR (2017-817-226)	185.00	185.00

Authority:

SUBTOTAL

30,531.00

% SALES TAX

2,625.67

SHIPPING & HANDLING

00.00

OTHER

TOTAL

\$33,156.67

1. Please send two copies of your invoice.
2. Enter this order in accordance with the prices, terms, delivery method, and specifications listed above.
3. Please notify us immediately if you are unable to ship as specified.
4. Send all correspondence to: Address above

INTERNAL INSTRUCTIONS:

CHARGE TO DM CITY CODE: 501.100.040.594.21.64.00

Ordered by:

Date

Authorized by:

Date

12-22-2016

Peggy Volin

From: Don Leadbetter
Sent: Wednesday, December 14, 2016 6:52 AM
To: Peggy Volin
Subject: FW: Vehicle Quote - 2016-12-140 - DES MOINES, CITY OF - POLICE DEPARTMENT - 21709

Here is the Street truck Still waiting on Nelson Truck for the service bed Quote

From: NOREPLY@des.wa.gov [mailto:NOREPLY@des.wa.gov]
Sent: Thursday, December 08, 2016 7:27 AM
To: Don Leadbetter <DLeadbetter@desmoineswa.gov>
Cc: Steve.Hatfield@des.wa.gov
Subject: Vehicle Quote - 2016-12-140 - DES MOINES, CITY OF - POLICE DEPARTMENT - 21709

Vehicle Quote Number: 2016-12-140 [Create Purchase Request](#) [View organization purchase requests](#)

This is a **quote** only. You must create a purchase request to order this vehicle(s)

Contract & Dealer Information

Contract #: 03813

Dealer: Corwin Ford (W53992) *Tri-Cities*
1225 Autoplex Way
PASCO WA 99301

Dealer Contact: Joe Cardillo

Dealer Phone: (509) 545-3865

Organization Information

Organization: DES MOINES, CITY OF - POLICE DEPARTMENT - 21709

Email: dleadbetter@desmoineswa.gov

Color Options

Oxford White- Z1 - 1

Tax Exempt: N

Vehicle Options

Order Code	Option Description	Qty	Unit Price	Ext. Price
2017-817-001	2017 Ford F-350 1-Ton Pickup (4WD) Extended cab, 8 ft bed X3B/610A	1	\$30,257.00	\$30,257.00
2017-817-025	Heavy Service Suspension PKG- (Rear for PU Box delete)- 63R	1	\$107.00	\$107.00
2017-817-028	Pickup Box Delete- (66D)- (Cab & Chassis) Deletes: tow pkg, rec hitch and spare tire. Not available with 535 Tow package. -8 Foot bed only-	1	(\$533.00)	(\$533.00)
2017-817-039	Tire- (Spare) (512)- w/Pickup Box Delete.	1	\$280.00	\$280.00
2017-817-201	Battery, HD 850 CCA (DLR)	1	\$140.00	\$140.00

2017-817-212 Floor Mats, HD Rubber- (Weather Tech)- DLR	1	\$95.00	\$95.00
2017-817-226 Undercoating-DLR	1	\$185.00	\$185.00

Quote Totals

Total Vehicles: 1
Sub Total: \$30,531.00
8.6 % Sales Tax: \$2,625.67
Quote Total: \$33,156.67

CITY OF DES MOINES

Finance Division
 21630 11TH Avenue South
 Des Moines WA 98198-6317
 Phone 206.870.6511 Fax 206.870.6540

**PURCHASE ORDER**

THE FOLLOWING NUMBER MUST APPEAR ON ALL RELATED CORRESPONDENCE, SHIPPING PAPERS, AND INVOICES:

P.O. NUMBER: PBPW 12/21/2016 #028

TO:
Nelson Truck Equipment Co., Inc.
Attn: Geoffrey Strother
20063 84th Avenue S
Kent WA 98032

SHIP TO:
Don Leadbetter, Equipment Shop
City of Des Moines WA
21650 11th Avenue South
Des Moines WA 98198-6317
206.870.6521 FAX 206.870.6596

Email: Equipment@nelsontruck.com

P.O. DATE	REQUISITIONER	SHIPPED VIA	F.O.B. POINT	TERMS
12/21/2016	John Blackburn			Net 30

QTY	UNIT	DESCRIPTION	UNIT PRICE	TOTAL
1	Each	Body – Part no. 696J	\$4,530.50	\$4,530.50
1	Each	Bumper Crane 2K – Part no. Stoaway	5,225.00	5,225.00
1	Each	2-Drawer R Horizontal – Part no. 20192506	00.00	00.00
1	Each	Hitch in Crane	00.00	00.00
1	Each	Plug	10.00	10.00
1	Each	Paint	750.00	750.00

Authority:

SUBTOTAL \$10,515.50

% SALES TAX 1,184.71

FREIGHT 605.18

LABOR 1,350.00

TOTAL 13,655.39

1. Please send two copies of your invoice.
2. Enter this order in accordance with the prices, terms, delivery method, and specifications listed above.
3. Please notify us immediately if you are unable to ship as specified.
4. Send all correspondence to: Address above

INTERNAL INSTRUCTIONS:

CHARGE TO DM CITY CODE: 501.100.040.594.21.64.00

Ordered by:

Date

Authorized by:

Date



NELSON TRUCK EQUIPMENT CO., INC.
 20063 84th AVE S.
 Kent, WA 98032
 Ph (253)395-3825
 Fax (253)395-0368

Quotation

Customer: CITY OF DES MOINES	DATE 12/16/2016
Address:	TRUCK: 2017 F350
City:	WHEELBASE: 135
Attention: DON	CA: 56
Phone:	ROOF (IF APP
Fax:	OTHER: EXTENDED
Email:	

Nelson Truck Equipment is pleased to provide the following quotation to provide the following equipment and services

ITEM	Part	QUAN	UNIT COST	LABOR	FREIGHT	TOTAL
BODY	696J	1	\$4,530.50	\$600.00	\$305.18	\$5,435.68
LIGHTS, LED	26266494	1				
ADAPTER	26209924	1				
HOLES	77000156	1				
BUMPER CRANE 2K	STOAWAY	1	\$5,225.00	\$500.00	\$300.00	\$6,025.00
3 DRAWER RHFVC	77002228	1				
2 DRAWER R HORIZONTAL	20192506	1		\$50.00		\$50.00
HITCH IN CRANE		1		\$100.00		\$100.00
PLUG		1	\$10.00	\$100.00		\$110.00
PAINT		1	\$750.00			\$750.00
MOUNTING KIT	32450550	1				

SALES TAX

TOTAL PRICE

\$1,184.71

\$13,655.39

This quote good for 30 days unless stated here. Quote good until ____/____/____.

Terms are C.O.D. for orders over \$5000.00

Sincerely,

Geoffrey Strother
 Equipment Division Manager
 Nelson Truck Equipment Co., Inc.
 Email Equipment@nelsontruck.com

CITY OF DES MOINES

Finance Division
 21630 11TH Avenue South
 Des Moines WA 98198-6317
 Phone 206.870.6511 Fax 206.870.6540

**PURCHASE ORDER**

THE FOLLOWING NUMBER MUST APPEAR ON ALL RELATED CORRESPONDENCE, SHIPPING PAPERS, AND INVOICES:

P.O. NUMBER: PBPW 12/21/2016 #027

TO:
Sonsray Machinery LLC
Attn: Ronald Olsson
2702 West Valley Highway N
Auburn WA 98001

Email: rolsson@sonsray.com

SHIP TO:
Don Leadbetter, Equipment Shop
City of Des Moines WA
21650 11th Avenue South
Des Moines WA 98198-6317
206.870.6521 FAX 206.870.6596

P.O. DATE	REQUISITIONER	SHIPPED VIA	F.O.B. POINT	TERMS
12/21/2016	John Blackburn			Net 30

QTY	UNIT	DESCRIPTION	UNIT PRICE	TOTAL
1	Each	2015 Case Equipment 521F ZBAR T4 CA QC 3S NB RC Joy 1.6 Yard GP Bucket Stock #: 12672169 Serial #: NFF224442 Includes: 96" Hydraulic Front Mount Broom w/ dual HYD motors, 50/50 Poly Wire Brush Core, Quick Change Brush Head. Jib Boom - manual adjustment 7' - 11' 3,400 lb. capacity Utility Forks - 65" Carriage, 60" Tine Length	\$145,932.50	\$145,932.50
1	Each	Trade-in: Volvo L50C - 8' Hydraulic Angle Broom & Fork Lift attachment - Serial #: L50CP10184	(14,681.67)	(14,681.67)

Authority:

SUBTOTAL	\$131,250.83
% SALES TAX	12,600.08
SHIPPING & HANDLING	00.00
OTHER	00.00
TOTAL	\$143,850.91

1. Please send two copies of your invoice.
2. Enter this order in accordance with the prices, terms, delivery method, and specifications listed above.
3. Please notify us immediately if you are unable to ship as specified.
4. Send all correspondence to: Address above

INTERNAL INSTRUCTIONS:

CHARGE TO DM CITY CODE: 501.100.040.594.21.64.00

Ordered by:

Date

Authorized by:

Date



SONSRAY MACHINERY LLC

2702 West Valley Highway N • Auburn, WA 98001

800-562-8261 • Fax: 253-735-3664

www.sonsraymachinery.com

Ship To: CITY OF DES MOINES
21630 11TH AVE SOUTH
DES MOINES WA 98198

Invoice To: CITY OF DES MOINES
21630 11TH AVE SOUTH
DES MOINES WA 98198

Attention: DON LEADBETTER

Branch 08		
08 - AUBURN		
Date	Time	Page
12/14/2016	6:48:21 (O)	1
Account No	Phone No	Quote No
DESMO001	2068706588	Q00701-08
Ship Via	Purchase Order	
TRUCK		
Tax ID No		
253.735.2702 RONALD OLSSON		Salesperson 120

EQUIPMENT QUOTE / SALES ORDER

Description ** Q U O T E ** EXPIRY DATE: 12/30/2016 Amount

Stock #: 12672169 Serial #: NFF224442 145932.50

*

New 2015 CASE EQUIPMENT 521F ZBAR T4 CA QC 3S NB RC JOY 1.6
YARD GP BUCKET.

TO INCLUDE 3 YEARS FACTORY WARRANTY, 3 YEARS SITE WATCH, 3
YEARS FILTERS AND OILS FOR NORMAL SERVICE INTERVALS.
SONSRAY TECHNICIAN WILL DO THE SERVICE, TRAVEL TIME AND
MILEAGE NOT INCLUDED.

*

TO INCLUDE:

96" HYDRAULIC FRONT MOUNT BROOM, WITH DUAL HYD MOTORS,
50/50 POLY WIRE BRUSH CORE, QUICK CHANGE BRUSH HEAD.

*

JIB BOOM, MANUAL ADJUSTMENT 7'-11' 3,400 LB. CAPACITY
RETRACTED,

*

UTILITY FORKS, 65" CARRIAGE, 60" TINE LENGTH

*

PRICES SUBJECT TO CHANGE AFTER DECEMBER 31, 20016
ATTACHMENTS WILL NOT BE ORDERED UNTIL PO IS RECEIVED.

Trade Ins

=====

Volvo L50C

8' hydraulic angle broom

Fork lift Attachment

Serial #: L50CP10184

14681.67-

Subtotal: 131250.83

WA STATE 6.5%: 8531.30

SEATTLE 3.1%: 4068.78

Quote Total: 143850.91

Authorization: _____

NOTICE TO PURCHASER

1. Caution. Do not sign this contract before you thoroughly read both pages 1 and 2 of it or if it contains blank spaces, even if otherwise advised.
2. You are entitled to an exact and completely filled in copy of this Sales Order when you sign it. Keep it to protect your legal rights.
3. Store Manager signature required for final acceptance of Sales Order.

THIS AGREEMENT IS SUBJECT TO THE ADDITIONAL TERMS AND CONDITIONS ON THE REVERSE SIDE. CUSTOMER HAS HAD THE OPPORTUNITY TO READ THE TERMS OF THIS AGREEMENT PRIOR TO SIGNING

Purchaser's Signature _____

Sales Consultant **Ron Olsson** Date **12/14/2016**

Print Name _____ Date _____

Accepted By _____ Date _____

CITY OF DES MOINES

Finance Division

21630 11TH Avenue South

Des Moines WA 98198-6317

Phone 206.870.6511 Fax 206.870.6540

**PURCHASE ORDER**

THE FOLLOWING NUMBER MUST APPEAR ON ALL RELATED CORRESPONDENCE, SHIPPING PAPERS, AND INVOICES:

P.O. NUMBER: PBPW 12/21/2016 #026**TO:****Herc Rentals****Attn: Chris Johnston****5505 4th Avenue South****Seattle WA 98134****Email: chris.johnston@hercrentals.com****SHIP TO:****Don Leadbetter, Equipment Shop****City of Des Moines WA****21650 11th Avenue South****Des Moines WA 98198-6317****206.870.6521 FAX 206.870.6596**

P.O. DATE	REQUISITIONER	SHIPPED VIA	F.O.B. POINT	TERMS
12/21/2016	John Blackburn			Net 30

QTY	UNIT	DESCRIPTION	UNIT PRICE	TOTAL
1	Each	Genie AWP-25S (Aerial Work Platform)	\$7,950.00	\$7,950.00

Authority:

SUBTOTAL \$7,950.00

% SALES TAX 755.00

SHIPPING & HANDLING 00.00

OTHER 00.00

TOTAL \$8,705.25

1. Please send two copies of your invoice.
2. Enter this order in accordance with the prices, terms, delivery method, and specifications listed above.
3. Please notify us immediately if you are unable to ship as specified.
4. Send all correspondence to: Address above

INTERNAL INSTRUCTIONS:

CHARGE TO DM CITY CODE: 501.100.040.594.21.64.00

Ordered by:

Date

Authorized by:

Date

SALES QUOTE**Herc Rentals Inc.**

Office: (206) 934-5700

Branch #: 9721

Fax:

Cell: (206) 214-5680

Email: Chris.johnston@hercrentals.com

Date: 12/20/2016

Sales Rep: Chris Johnston

Customer InformationName: **City Of Des Moines**

Contact: Peggy Volin / Dick Stites

Address: 21630 11th Ave S

City, State: Des Moines, WA

Zip: 98198

Phone: (206) 227-0937

Fax:

Job Site Information

Name:

Contact:

Address:

City, State:

Zip:

Phone:

Fax:

Qty	Description	Part Number	Unit Price	Unit of Measure	Extended Price
1	Genie AWP-25S	AWP-25	7,950.00	Ea	7,950.00
Sub Total					7,950.00
Transportation Charges					
Estimated Taxes 9.50%					755.25
Estimated Total					\$8,705.25

Sales Quote is valid through: 30 DAYS

Comments :

Lead Time is 5 weeks.

This price quote is for information purposes only and does not constitute an offer to rent or sell goods or equipment. All rentals or sales shall be subject to the terms and conditions of Herc Rentals Contract or Sales Invoice.

THANK YOU FOR CHOOSING HERTZ EQUIPMENT RENTAL

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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: Draft Ordinance 16-201 related to
Gambling Taxes

ATTACHMENTS:

1. Draft Ordinance 16-201
2. Council Agenda from September 13, 2012
3. Council Agenda from September 4, 2012

FOR AGENDA OF: January 5, 2017

DEPT. OF ORIGIN:

DATE SUBMITTED: December 22, 2016

CLEARANCES:

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

CHIEF OPERATIONS OFFICER: DJB

- ☒ Legal TD
- ☒ Finance DM
- ☐ Courts N/A
- ☐ Police N/A

APPROVED BY CITY MANAGER
FOR SUBMITTAL: [Signature]

Purpose and Recommendation

The purpose of this agenda item is for City Council to consider Draft Ordinance 16-201 which would modify the gambling tax schedule for cardrooms codified in DMMC 5.40.010. The following motion will appear on the consent calendar:

Suggested Motion

Motion 1: "I move to suspend Rule 26(a) in order to enact Draft Ordinance No. 16-201 on first reading."

Motion 2: "I move to enact Draft Ordinance 16-201, extending the date for cardrooms to be eligible for the graduated gambling tax schedule to June 30, 2017, and amending the graduated gambling tax structure applicable to public card rooms"

Background

The state legislature authorizes cities to impose gambling taxes upon public cardrooms up to 20% of gross revenues conducted in accordance with chapter 9.46 RCW.

In September of 2002, the City Council enacted Ordinance 1305 that established a 10% tax on gross receipts for public cardrooms as a commercial stimulant.

In September of 2012, the City Council enacted Ordinance 1549, establishing a graduated tax structure for newly established card rooms. The graduated tax structure established the tax at 1% for the first year the business license is issued, 4% for the second year, 7% for the third year, and 10% thereafter. The Council reconsidered Ordinance 1549, and in October 2012, enacted Ordinance 1549-A. Ordinance 1549-A set the graduated tax structure at 1% for the first year the business license is issued, 4% for the second year, 7% for the third year, and 9% thereafter.

The graduated tax structure is available to those public cardrooms that receive a business license prior to December 31, 2016.

Discussion

On September 27, 2016, only 3 months prior to the termination of the eligibility date for the graduated tax structure, the building permit for the cardroom Tenant Improvement at the Four Points Sheridan was submitted to the City for review. The permit review was expedited in order to process the permit as quickly as possible. The City Building Official, Larry Pickard, worked closely with the Architect of Record and in order to assist in the request to issue a permit quickly, the Planning, Building and Public Works Department allowed for a deferred submittal on one of the Planning issues related to window treatments and signage. Building permit, BLD2016-1171, was approved and the applicant was notified on November 9, 2016 that the permit was ready to be picked up. As of the date of this agenda item, the permit had not been picked up by the applicant.

In order for the City to issue a business license, the business needs to be ready to operate, and the building permit and all related permits need to be finalized. The Building and Planning Divisions need to have signed off on the permit, along with South King Fire and Rescue. A Certificate of Occupancy would also need to be issued. Therefore, the City could not issue a business license to the cardroom at the Four Points Sheridan prior to December 31, 2016.

The City Council set the graduated tax structure, and eligibility date as an incentive to stimulate commercial development. No one has taken advantage of the graduated tax structure since the enactment of Ordinance 1549-A in October of 2012.

Alternatives

The City Council may:

1. Decline to enact the proposed Draft Ordinance. Under this alternative, since no one met the eligibility requirement of receiving a business license by December 31, 2016, all cardrooms would be taxed at 9% on gross receipts.
2. Enact the proposed Draft Ordinance as written, which would extend the eligibility date by 6 months, and eliminate the 1% tax structure for the first year. The applicant for the card room at

the Four Points by Sheridan has indicated that the tenant improvements should be completed in the first quarter of 2017.

3. Enact the proposed Draft Ordinance with modifications. Modifications could include, but not limited to:
 - a. Eliminating the commercial stimulate all together, and leave the tax at 9%.
 - b. Eliminating the commercial stimulate all together, and increase the tax rate up to 20%.
 - c. Establishing an eligibility date other than June 30, 2017.
 - d. Leave the tax structure at 1% for the first year.
 - e. Establish a different tax structure all together.

Financial Impact

Without amending DMMC 5.40.010, the current tax rate for public card rooms is now 9%. As proposed, the amending to the code would provide some relief to the currant applicant, but would also start the tax structure at 4%, rather than 1%.

Recommendation or Conclusion

Staff recommends that the City Council enact Draft Ordinance No. 16-201 as written.

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CITY ATTORNEY'S FIRST DRAFT DECEMEBR 8, 2016**DRAFT ORDINANCE NO. 16-201**

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON, relating to the City's imposition of gambling taxes, and amending DMMC 5.40.010 to provide a graduated tax structure for public cardrooms as a commercial stimulant.

WHEREAS, the state legislature authorizes cities to impose gambling taxes upon public cardrooms up to twenty percent (20%) of gross revenues conducted in accordance with chapter 9.46 RCW, and

WHEREAS, Ordinance No. 1305 was adopted by the City Council on September 27, 2002, amending Ordinance No. 361 and establishing a new tax rate of ten percent (10%) of gross receipts, less the amount awarded as cash or merchandise, for public cardrooms operated as a commercial stimulant, and

WHEREAS, Ordinance No. 1549-A was adopted by the City Council on October 4, 2012, amending Ordinance No. 361, Ordinance 1305, and Ordinance 1549 by establishing a new tax rate of nine percent (9%) and establishing a graduated tax schedule for those public cardrooms that receive a business license prior to December 31, 2016 as commercial stimulant, and

WHEREAS, encouraging business continues to be of economic benefit to the City and provides increased tax revenues to support municipal services, and

WHEREAS, the City Council finds that it is in the best interest of the City to amend DMMC 5.40.010 to extend that date for public cardrooms to be eligible for the graduated tax schedule, and to modify the tax rates applicable to public cardrooms, now therefore,

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

Sec. 1. DMMC 5.40.010 and section 1 of Ordinance No. 361, as amended by section 4 of Ordinance No. 1305, as amended by section 1 of Ordinance No. 1549, as amended by section 1 of Ordinance No. 1549-A are amended to read as follows:

Taxes imposed. In accordance with chapter 9.46 RCW as presently constituted or as may be subsequently amended, there is levied upon all persons who have been duly licensed by the

Draft Ordinance No. 16-201
Page 2 of 3

Washington State Gambling Commission to conduct or operate:

(1) Public cardrooms operated as a commercial stimulant, a tax of nine percent (9%) of the gross receipts shall be imposed; except those cardrooms that receive an initial business license prior to ~~December 31, 2016~~ June 30, 2017, ~~a tax of one percent (1%) of the gross receipts in the first twelve months of an initial business license issuance shall be imposed;~~ a tax of four percent (4%) of the gross receipts in the ~~second~~ first twelve months of an initial business license issuance shall be imposed; a tax of seven percent (7%) of the gross receipts in the ~~third~~ second twelve months from the date of initial business license issuance shall be imposed; and a tax of nine percent (9%) of the gross receipts shall be imposed thereafter. Transfers of ownership or change of business name or location will not affect the date of initial business license issuance used to calculate the tax percentage.

(2) Punchboards and pulltabs, a tax of five percent (5%) of the gross receipts.

Sec. 2. 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.

//
//
//
//

Draft Ordinance No. 16-201
Page 3 of 3

Sec. 3. Effective date. This Ordinance shall take effect and be in full force five (5) days after its passage, approval, and publication in accordance with law.

PASSED BY the City Council of the City of Des Moines this _____ day of January, 2017 and signed in authentication thereof this _____ day of January, 2017

M A Y O R

APPROVED AS TO FORM:

City Attorney

ATTEST:

City Clerk

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New Business #4

AGENDA ITEM

BUSINESS OF THE CITY COUNCIL City of Des Moines, WA

SUBJECT: Cardroom Tax Exemption Ordinance

FOR AGENDA OF: September 13, 2012

ATTACHMENTS:

DEPT. OF ORIGIN: Economic Development

1. Draft Ordinance No. 12-160

DATE SUBMITTED: September 5, 2012

CLEARANCES:

- ☒ Legal 16
☐ Finance _____
☐ Marina _____
☐ Parks, Recreation & Senior Services _____
☐ Planning, Building & Public Works _____
☐ Police _____
☒ Economic Development WJ

APPROVED BY CITY MANAGER
FOR SUBMITTAL: AA

Purpose and Recommendation

The purpose of this agenda item is to present for Council approval an ordinance that changes the gambling tax for public cardrooms to allow a three-year phase in period as an economic development incentive.

Currently the City of Des Moines taxes cardrooms at 10% of gross receipts. This ordinance changes the tax to just 1% for the first year the business license is issued, then 4% for the second year, 7% for the third year, and 10% thereafter. The proposed ordinance also makes this tax incentive available only to businesses which receive business licenses between the effective date of the ordinance and December 31, 2015.

Suggested Motion

First Motion: I move to suspend Rule 26(a) to enact Draft Ordinance No. 12-060 on the first reading.

Second Motion: I move to enact Draft Ordinance No. 12-060 amending DMMC 5.40.010 to provide a graduated tax structure for newly established cardrooms.

Background

Public cardrooms are allowed in Washington State with a maximum of 15 tables. The City of Des Moines categorizes them as 'a commercial stimulant' ("an activity operated in connection with an established business, with the purpose of increasing the volume of sales of food or drink for consumption on that business premises"). Popular games are poker, black jack and baccarat.

Cardrooms accounted for \$225 million in gross gambling receipts in 2011, roughly 10% of total gambling receipts for the state and about equal to the gross sale of lottery tickets.

Local municipalities in Washington were able to collect a corresponding \$22.9 million in gambling taxes in 2011 from cardrooms.

The Washington State Gambling Commission provides the following data on receipts for nearby municipalities:

<u>Name</u>	<u>Location</u>	<u>2011 Receipts</u>	<u>Reported Local Tax</u>
Roman Casino *	Skyway	\$10.281 million	\$1.114 million
Riverside	Tukwila	\$10.430 million	\$.829 million
Great American	Tukwila	\$6.672 million	\$.667 million
Silver Dollar	SeaTac	\$5.459 million	\$.411 million
Wizards	Burien	\$4.433 million	\$.564 million

*Roman Casino is the largest grossing cardroom in the State.

Discussion

'Gross receipts' taxes (for example B&O taxes and gambling taxes) can make survival difficult in the first few years of a new business' operation when revenues are generated but there are little to no profits or even a loss. A tax reduction for new businesses enables them to survive the fragile first few years when statistically most businesses fail, and provides the City with another economic development incentive to encourage new businesses to locate in Des Moines.

At the August 31, 2012 meeting, the City Council adopted an ordinance that waives the B&O tax for new businesses in their first three years of operation. The attached ordinance changes the gambling tax on cardrooms from 10% on day one of operation to a graduated tax structure that allows new card rooms the opportunity to use revenues to build and promote a new location. As an addition to the City of Des Moines, an upscale card room is an attractive entertainment venue that can draw guests from nearby SeaTac Airport and create a significant source of revenue for the City

Alternatives

Alternatives to the ordinance presented are as follows:

- No gambling tax reduction may be offered.
- The tax reduction could be graduated by other amounts.
- The tax reduction period could be revised to a shorter or longer time frame (one, two or five years for example).
- The sunset date of 2015 could be adjusted.

Financial Impact

Encouraging a card room to establish in Des Moines, where none currently exist, could be expected to result in over half a million dollars in gambling tax revenues per year to the City once the business is established.

However, reducing the tax from 10% in the initial years could be estimated to cost the City a half million dollars in tax revenue over a three-year period, calculated as follows:

	<u>Gross Receipts</u>	<u>Tax Revenue</u>	<u>Uncollected Revenue</u>
Year One:	\$2 million	\$20,000 (1%)	\$180,000 (9%)
Year Two:	\$3 million	\$120,000 (4%)	\$180,000 (6%)
Year Three	\$4 million	\$280,000 (7%)	\$120,000 (3%)
Year Four	\$5 million	\$500,000 (10%)	\$0

Estimated Uncollected Revenue Total: \$480,000

Recommendation/Conclusion

Offering incentives for newly established businesses communicates that the City welcomes new ventures that produce jobs and improve the developed environment and property values for Des Moines residents. Simply stating that the City is business friendly does not have as much impact and substance as a gesture that offers financial support to prospective businesses.

Economic Development staff recommends adopting the ordinance as written.

September 13, 2012
DATE

DATE _____

[illegible]

Old Business #1**AGENDA ITEM**

BUSINESS OF THE CITY COUNCIL
City of Des Moines, WA

SUBJECT: Reconsideration of Ordinance No. 1549, Card Room Gambling Tax

FOR AGENDA OF: October 4, 2012

DEPT. OF ORIGIN: Administration

ATTACHMENTS:

DATE SUBMITTED: September 28, 2012

1. Ordinance No. 1549

CLEARANCES:

- ☐ Legal _____
- ☐ Finance _____
- ☐ Marina _____
- ☐ Parks, Recreation & Senior Services _____
- ☐ Planning, Building & Public Works _____
- ☐ Police _____
- ☐ Economic Development _____

APPROVED BY CITY MANAGER
FOR SUBMITTAL: 

Purpose

The purpose of this agenda item is to facilitate City Council reconsideration of Ordinance No. 1549 regarding gambling taxes on public card rooms. At the September 27, 2012 City Council meeting, Councilmember Sheckler moved that Ordinance No. 1549, adopted at the September 13, 2012, Council meeting be reconsidered. The motion was seconded and approved unanimously. Councilmember Sheckler has indicated to staff that he intends to move to modify Ordinance No. 1549 to change the gambling tax on card rooms phase-in period to the four years that had been originally part of the draft ordinance; however, as this is a reconsideration of the entire ordinance, any Councilmember may move to modify any part of it.

Suggested Motion

"I move to modify Ordinance No. 1549 by changing the phase-in period of the gambling tax on card rooms as follows: one percent (1%) in the first twelve months, four percent (4%) in the second twelve months, seven percent (7%) in the third twelve months, and ten percent (10%) thereafter."

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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: Surplus Property – Vehicles and Equipment

ATTACHMENTS:

1. Draft Resolution No. 16-206

FOR AGENDA OF: January 5, 2017

DEPT. OF ORIGIN: Public Works

DATE SUBMITTED: December 28, 2016

CLEARANCES:

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

CHIEF OPERATIONS OFFICER: DJS

- ☒ Legal MH
- ☒ Finance DM
- ☐ Courts N/A
- ☐ Police N/A

APPROVED BY CITY MANAGER
FOR SUBMITTAL: [Signature]

Purpose and Recommendation

The purpose of this agenda item is to seek Council authorization to surplus certain City vehicles and equipment, and to retain certain vehicles that were previously declared surplus. Consistent with the adopted 2017 budget, the Public Works Department recommends that the vehicles and equipment identified in Exhibit A to Attachment 1 be declared surplus and disposed of, and that the vehicles and equipment identified in Exhibit B to Attachment 1 be retained. The following motion will appear on the consent calendar:

Suggested Motion

Motion: “I move to adopt Draft Resolution No. 16-206 declaring certain vehicles and equipment identified in Exhibit A to Attachment 1 as surplus and authorize disposal of said surplus vehicles and equipment by auction or trade-in, and to retain certain vehicles and equipment identified in Exhibit B to Attachment 1.”

Background

The adopted 2017 Budget includes the replacement and purchase of several vehicles and equipment including six (6) Police Department fleet vehicles, (2) Street Department vehicles, and (1) Parks and Recreation van.

Police Department

As the new police vehicles are put into service, the existing police vehicles 512, 524, 525, 528, 538 and 542 will become available for surplus. Staff anticipates the surplus of these six police vehicles will be around May 2017.

Public Works and Parks Maintenance Division

The Street Department Utility body truck will be ordered in January of 2017. After delivery, staff anticipates the existing Street Vehicle P-220 will be available for surplus around May 2017. Vehicle P-219, a 1995 Volvo Front Loader, is anticipated for replacement in January.

Parks and Recreation Division

With the arrival of the new Senior Center van, Senior Center Van SC-2 will be moved to the Recreation Division making R-244 available to be surplus in January 2017.

Discussion

There are two vehicles included in the Exhibit A to Draft Resolution 16-206 that have already been auctioned. These are identified as Vehicle 522 and Vehicle 529.

In mid-2016, vehicle 522 (a 2011 Crown Victoria) began showing signs of significant mechanical problems. Staff reassigned vehicle 525, which was already declared surplus by Resolution 1326 (but not yet sent to auction), and took vehicle 522 out of service. Vehicle 522 was scheduled to be replaced in 2017 in Fund 501.

Staff also took vehicle 529 (a 2007 Chevrolet Tahoe) out of service in 2016 for mechanical reasons, and reassigned another 2007 Chevrolet Tahoe (VIN # 1GNFK03087R354149), which was already declared surplus by Resolution 1326 (but not yet sent to auction). This vehicle is currently assigned to Kory Batterman.

Alternatives

Council could decide to revisit the fleet replacements identified in the 2017 Budget.

Financial Impact

The Equipment Replacement fund owns the vehicles to be sold and therefore the proceeds from the disposals will remain in the Equipment Replacement fund. The use of the proceeds will go first to cover any shortfall in funding the purchase of the replacement vehicles and the remainder used to reduce future contributions to the fund

Recommendation

Staff recommends that Council approve the suggested motion.

Concurrence:

The Finance, Legal, and Public Works Departments concur.

CITY ATTORNEY'S FIRST DRAFT 12/19/16**DRAFT RESOLUTION NO. 16-206**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DES MOINES, WASHINGTON, declaring certain City vehicles and equipment surplus, authorizing disposal of surplus vehicles and equipment by auction or trade-in, and retaining certain City vehicles previously authorized for surplus.

WHEREAS, during regular business the City accumulates vehicles and equipment, and

WHEREAS, the City intends to dispose of unneeded vehicles and equipment as allowed by law as surplus, and

WHEREAS, the City of Des Moines typically sells surplus vehicles and equipment at public auction to the highest bidder or trades-in surplus vehicles and equipment at reputable dealerships, and

WHEREAS, the City desires to surplus the vehicles and equipment identified in Exhibit "A" attached to this Resolution; and

WHEREAS, the City desires to retain the vehicles and equipment identified in Exhibit "B" attached to this Resolution; now therefore,

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

Sec. 1. The vehicles and equipment identified by Exhibit "A" are hereby declared by this Resolution to be surplus vehicles and equipment.

Sec. 2. The City Manager is authorized to dispose of the items identified by Exhibit "A" by auction, or trade-in.

Sec. 3. The City Manager is authorized to establish a minimum bid/sale amount for the property identified in Exhibit "A" as deemed to protect the City's interests.

Sec. 4. The City Manager is authorized to contract for professional auction services where the cost of such services does

not exceed twenty-five percent (25%) of the amount bid, plus reasonable advertising fees.

Sec. 5. All net proceeds from the disposal of the surplus property identified in Exhibit "A" shall be deposited into the Equipment Rental Fund.

Sec. 6. The vehicles and equipment identified in Exhibit "B", which were previously declared by Resolution 1326 to be surplus vehicles and equipment, are hereby declared by this Resolution to be retained.

ADOPTED BY the City Council of the City of Des Moines, Washington this ____ day of _____, 2017 and signed in authentication thereof this ____ day of _____, 2017.

M A Y O R

APPROVED AS TO FORM:

City Attorney

ATTEST:

City Clerk

EXHIBIT "A"
Resolution No. 16-206

Number	Description	Approximate Value
522	2011 Ford Crown Victoria, License 52821D, VIN # 2FABP7BV08X182735 (Surplused 12-13-2016)	\$2,683.51
529	2007 Chevrolet Tahoe, License 44170D, Vin # 1GNFK030X7R354248 (Surplused 12-13-2016)	\$7,622.55
512	Blue 2011 Ford Crown Victoria, License 52822D, VIN # 2FABP7BV2BX182736	\$2,500
524	Blue 2011 Ford Crown Victoria, License 52136D, VIN # 2FABP7BV1BX116582	\$2,500
525	Blue 2008 Ford Crown Victoria, License 47420D, VIN # 2FAHP71V08X146001 (Previously Authorized by Res. 1326)	\$2,500
528	Blue 2011 Ford Crown Victoria, License 52134D, VIN # 2FABP7BV8BX116579	\$2,500
538	Blue 2011 Ford Crown Victoria, License 52135D, VIN # 2FABP7BV8BX116580	\$2,500
542	Blue 2011 Ford Crown Victoria, License 52824D, VIN # 2FABP7BV4BX182737	\$2,500
P-219	1995 Volvo L50C Front Loader License 25158D, Vin # L50CP10184	\$16,000
P-220	White 2006 Ford F-350 Service Body, License 42057D, VIN # 1FTWX30546ED10764	\$4,000
R-244	Blue 1992 GMC Van, License 37607D, VIN# 2GDGG35K7N4525701	\$3,000

EXHIBIT "B"
Resolution No. 16-206

Description
Blue 2007 Chevrolet Tahoe, License 541351D, VIN # 1GNFK03087R354149 This vehicle, previously declared surplus by Resolution 1326, is retained. (This vehicle, which was identified previously as vehicle 516, was reassigned to vehicle 541 in 2016, and is now identified as vehicle 529 - currently assigned to Kory Batterman)

**CITY OF DES MOINES
Voucher Certification Approval**

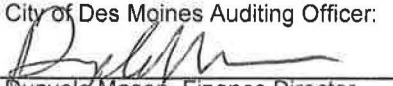
5-Jan-17

Auditing Officer Certification

Vouchers and Payroll 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 Jan. 05, 2017 the Des Moines City Council, by unanimous vote, does approve for payment those vouchers and payroll transfers through Dec. 23, 2016 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:


Dunyela Mason, Finance Director

	# From	# To	Amounts	
Claims Vouchers:				
Total A/P Checks/Vouchers	✓ 148876 ✓	149152 ✓	1,799,875.96	✓
Electronic Wire Transfers	✓ 798 ✓	811 ✓	1,321,222.35	✓
Total claims paid			3,121,098.31	
Payroll Vouchers				
Payroll Checks	18876	18879	5,651.39	✓
Direct Deposit	480001	480154	324,235.81	
Payroll Checks	18880	- 18890	7,863.66	✓
Direct Deposit	500001	- 500156	296,536.70	
Total Paychecks/Direct Deposits paid			634,287.56	
Total checks and wires for A/P & Payroll			3,755,385.87	

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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: Public Hearing: Code amendments
supporting Low Impact Development

ATTACHMENTS:

1. Draft Ordinance No. 16-173
2. PowerPoint presentation by Parametrix
3. Draft Ordinance with comments

FOR AGENDA OF: January 5, 2017

DEPT. OF ORIGIN:

DATE SUBMITTED: December 27, 2016

CLEARANCES:

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

CHIEF OPERATIONS OFFICER: DJB

- ☒ Legal MH
- ☐ 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 for City Council to consider Draft Ordinance (Attachment 1) concerning code changes necessary in order to be compliant with City's National Pollutant Discharge Elimination System (NPDES) permit. Pursuant to Department of Ecology requirements, DMMC Titles 11, 12, 14, 16, 17 and 18 have been reviewed, and revisions are proposed to the code that are focused on removing any barriers to implementing Low Impact Development (LID) principles and LID Best Management Practices (BMPs). A PowerPoint presentation (Attachment 2) at the public hearing will summarize the proposed code changes. Staff recommends approval of the following suggested motions:

Suggested Motions

Motion 1: “I move to suspend Rule 26(a) in order to enact Draft Ordinance No. 16-173 on the first reading.”

Motion 2: “I move to enact Draft Ordinance No. 16-173 amending portions of DMMC Titles 11, 12, 14, 16, 17 and 18 for implementing Low Impact Development (LID) principles and LID Best Management Practices as required by the Department of Ecology and for the City to be in compliance with its municipal stormwater NPDES permit.”

Background

The Phase II 2013-2018 National Pollution Discharge Elimination System (NPDES) municipal stormwater permit requires all permittees to “review, revise and make effective their local development-related codes, rules, standards, or other enforceable documents to incorporate and require Low Impact Development (LID) principles and LID Best Management Practices (BMPs)” no later than December 31, 2016. The intent of the review “shall be to make LID the preferred and commonly-used approach to site development.”

Pursuant to the permit, the City’s municipal code has been reviewed and proposed revisions prepared that supports the minimization of impervious surfaces, retention of native vegetation, and reduction of stormwater runoff in all types of development situations. DMMC Titles 11, 12, 14, 16, 17 and 18 were included in the review with the revisions focused on removing any barriers to implementing LID. Attachment 3 includes explanation for each of the proposed code revisions.

Discussion

Per the NPDES permit, this ordinance is required to be adopted and made effective no later than December 31, 2016. Staff has been in contact with the Department of Ecology and alerted them of the missed deadline and the City will be providing a formal non-compliance notice as required by the permit.

It should be noted that while this Draft Ordinance 16-173 addresses the removal of any barriers to implementing LID, the City has already adopted by reference the 2016 King County Surface Design Manual, which includes the LID BMPs as required to be implemented by the permit by December 31, 2016. Prior to this date, the City allowed LID BMPs for private development where the use was demonstrated as feasible and practical, but the use of LID BMPs was not mandated on development. All permit applications for development received after January 1, 2017 must now evaluate and implement LID to the maximum extent practicable. City will be required to inspect and enforce maintenance standards for all LID BMPs approved after January 1, 2017.

In addition to updating the information provided to developers, over the next several months staff will also be updating the 1996 Street Standards in part to incorporate LID BMPs in a manner that compliments the stormwater standards. Staff is also developing procedures, guidelines, and materials for documentation that are needed to ensure that such LID BMPs are properly designed, inspected during construction, and maintained by private property owners following construction.

Alternatives

The City Council may:

1. Enact the proposed Draft Ordinance as written.
2. Enact the proposed Draft Ordinance with amendments.
3. Pass the Draft Ordinance to a second reading.
4. Decline to adopt the Draft Ordinance.

However, it should be noted that the December 31, 2016 permit deadline has passed and the effective date of the proposed ordinance if enacted on January 5, 2017 would be February 5, 2017.

Financial Impact

There are no direct financial impact by these code changes. However, there is a financial impact to both development and the City from additional evaluation costs needed to determine the feasibility and application of LID (to the maximum extent practicable), to construct the LID BMPs, and to ensure that such LID BMPs are properly maintained following construction.

Recommendation

Staff recommends Council to enact Draft Ordinance 16-173 on the first reading.

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CITY ATTORNEY'S FIRST DRAFT 12/27/2016**DRAFT ORDINANCE NO. 16-173**

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON relating to low impact development stormwater regulations for site development as required by federal Clean Water Act and amending DMMC 11.08.060, 11.08.070, and 11.12.010; DMMC 12.01.050, 12.05.250, 12.15.050, and 12.20.080; DMMC 14.05.120, 14.20.030, and 14.20.080; DMMC 16.05.310 and 16.10.090; DMMC 17.35.130, and 17.35.190; and DMMC 18.01.050 and 18.195.200.

WHEREAS, the Federal Clean Water Act sets a national goal to "restore and maintain the chemical, physical, and biological integrity of the nation's water" and prohibits the discharge of pollutants from any point source, and

WHEREAS, the U.S. Environmental Protection Agency delegates administration of the National Pollutant Discharge Elimination System (NPDES) Permit to the state Department of Ecology under the federal Clean Water Act, and

WHEREAS, the Washington Department of Ecology, as authorized by chapter 90.48 RCW (Washington State Water Pollution Control Act), also takes action through the Phase II Permit to control impacts of stormwater discharges to all waters of Washington State, including ground waters, unless the discharges are authorized by another regulatory program, and

WHEREAS, the Phase II Permit requires permittees to "review, revise and make effective their local development-related codes, rules, standards, or other enforceable documents to incorporate and require Low Impact Development (LID) principles and LID BMPs" no later than December 31, 2016, and

WHEREAS, the intent of that review "shall be to make LID the preferred and commonly-used approach to site development", and

WHEREAS, the City of Des Moines has adopted the 2016 King County Surface Water Design Manual that is consistent with the Department of Ecology's 2012 Stormwater Management Manual for Western Washington, as amended in December 2014, and

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WHEREAS, a public hearing is required for enacting an Ordinance to amend Title 18 DMMC commonly referred to as the Zoning Code, and

WHEREAS, the textual code amendments proposed in this Ordinance were provided to the Department of Commerce as required by RCW 36.70A.106, and

WHEREAS, an expedited review was granted by the Washington State Department of Commerce on November 29, 2016, and

WHEREAS, the City Council set the date for the public hearing on Draft Ordinance No. 16-173 by Resolution No. 1350, fixing the public hearing for January 5, 2017, and

WHEREAS, notice of the public hearing was issued on December 6, 2016 in accordance with the DMMC, and

WHEREAS, a public hearing was held on January 5, 2017, where all persons wishing to be heard were heard, and

WHEREAS, the City Council finds that the amendments contained in this Ordinance are appropriate and necessary for the preservation of the public health, safety and general welfare; now therefore,

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

Sec. 1. DMMC 11.08.060 and section 1 of Ordinance No. 1593 are amended to read as follows:

Stormwater ~~Pollution Prevention~~ Manuals - Adopted by reference.

(1) The King County Stormwater Pollution Prevention Manual is adopted by reference pursuant to RCW 35A.12.140 as though fully set forth in this chapter, as presently constituted or as it may be subsequently amended. Not less than one copy of this manual, suitably marked to indicate amendments and additions, is filed in the office of the Des Moines City Clerk for public inspection.

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(2) The King County Surface Water Design Manual is adopted by reference pursuant to RCW 35.21.180 as though fully set forth in this chapter, as presently constituted or as it may be subsequently amended. Not less than one copy of this manual, suitably marked to indicate amendments and additions, is filed in the office of the Des Moines City Clerk for public inspection.

Sec. 2. DMMC 11.08.070 and section 2 of Ordinance No. 1593 are amended to read as follows:

(1) Purpose. The purpose of this chapter is to supplement the King County Surface Water Design Manual, adopted by reference in DMMC 16.10.350, as the City storm water standards.

~~————— (2) ——— Impervious ——— Surface ——— Percentage Exemption. Under Core Requirement No. 3 for Flow Control of the King County Surface Water Design Manual, the impervious surface percentage exemption exempting threshold drainage areas that result in no more than four percent total impervious surface and no more than 15 percent pervious surface is not allowed. [REMOVED]~~

(32) Soil Quality Preservation. Reference 4-A of the King County Surface Water Design Manual as previously adopted in DMMC 16.10.350 requires that any areas that have been cleared and graded shall have the soil moisture-holding capacity restored to the original undisturbed soil condition to the maximum extent practicable. This reference shall be applicable to the standards of performance for land grading under DMMC 14.20.150(3).

(43) Drainage Review. A person who clears, grades or otherwise disturbs a site shall provide erosion and sediment control that prevents, to the maximum extent practicable, the transport of sediment from the site to drainage facilities, water resources, and adjacent properties. Erosion and

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sediment controls shall be applied as specified by the erosion and sediment control measures and performance criteria in the King County Surface Water Design Manual. Drainage review will be made for erosion and sedimentation control for all land filling, clearing and grading permits required under chapter 14.20 DMMC.

(54) Storm Water Discharges to Wetlands.

(a) Applicability. The requirements below apply only to projects whose storm water discharges into a wetland, either directly or indirectly through a conveyance system using the thresholds as applied by the King County Surface Water Design Manual.

(b) Discharges to wetlands shall maintain the hydrologic conditions, hydrophytic vegetation, and substrate characteristics necessary to support existing and designated uses. The hydrologic analysis shall use the existing land cover condition to determine the existing hydrologic conditions unless directed other-wise by a regulatory agency with jurisdiction. A wetland can be considered for hydrologic modification and/or storm water treatment in accordance with Guide Sheets 1B and 2B in Appendix I-D of the Department of Ecology Stormwater Management Manual for Western Washington ~~(2005)~~. Guide Sheets 1B and 2B of Appendix I-D of the Department of Ecology Stormwater Management Manual for Western Washington ~~(2005)~~ are adopted by reference in subsection (6) of this section and are for wet-land protection in accordance to this chapter. (6) Department of Ecology Stormwater Management Manual for Western Washington Guide Sheets 1B and 2B - Adopted by reference. (a) The Department of Ecology Stormwater Management Manual for Western Washington ~~(2005)~~ Guide Sheets 1B and 2B are adopted by reference pursuant to RCW 35A.12.140 as though fully set forth in this chapter, and as presently constituted or as may be subsequently amended. (b) Not less than one

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copy of each such regulation as written, and suitably marked to indicate amendments and additions, is filed in the office of the Des Moines City Clerk and is available for use and examination by the public.

(65) Department of Ecology Stormwater Management Manual for Western Washington Guide Sheets 1B and 2B - Adopted by reference.

(a) The Department of Ecology Stormwater Management Manual for Western Washington (2005) Guide Sheets 1B and 2B are adopted by reference pursuant to RCW 35A.12.140 as though fully set forth in this chapter, and as presently constituted or as may be subsequently amended.

(b) Not less than one copy of each such regulation as written, and suitably marked to indicate amendments and additions, is filed in the office of the Des Moines City Clerk and is available for use and examination by the public.

Sec. 3. DMMC 11.12.010 and section 1 of Ordinance No. 860 as amended by section 1 of Ordinance No. 1000 as amended by section 2 of Ordinance No. 1211 as amended by section 1 of Ordinance No. 1246 as amended by section 3 of Ordinance No. 1574 are amended to read as follows:

Definitions. ~~(1) Use of Words and Phrases.~~ As used in this chapter, unless the context or subject matter clearly requires otherwise, the words or phrases defined in this section shall have the indicated meanings.

~~(2)~~ "Commercial property" means: (a) all property in the City, private or public, used for a purpose other than single-family, multifamily, or nonprofit uses; and (b) for the purposes of this chapter, "mixed uses" as defined in the zoning code of the City and nonprofit homes for the aging as that expression is used in chapter 84.36 RCW.

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(3)——“Development permit charge” means a one-time payment made at the time of development or redevelopment of a property to compensate the City for the costs previously incurred by the City in providing the surface water system serving the property at the time of development.

(4)——“Developed property” means a property that has been changed from the natural state, resulting in 500 square feet or more of impervious area occurring on the property.

(5)——“Development permit” means, for the purposes of this chapter, a required permit leading to a project that will result in 500 square feet or more of new impervious area on previously undeveloped or developed property.

(6)——“Disabled person” means a person who has been granted special parking privileges for disabled persons under RCW 46.16.381 as presently constituted or as may be subsequently amended.

(7)——“Equivalent billing unit (EBU)” means a measure of the impact of commercial/multifamily properties on the surface water system. It is equal to each 3,450 square feet of impervious area that has been determined to be the average amount of impervious area on single-family properties in the City.

(8)——“Impervious surface” or “area” means a hard surface area ~~which that~~ either prevents or retards the entry of water into the soil mantle as it entered under natural conditions prior to development, ~~and/or a hard surface area which that~~ causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roofs, walkways, patios, driveways, parking lots, storage areas, areas which are paved, graveled or made of packed or oiled

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earthen materials, or other surfaces which similarly impede the natural infiltration of surface and storm water. For the purposes of applying impervious surface thresholds and exemptions contained in this surface water design manual, permeable pavement, vegetated roofs, and pervious surfaces with underdrains designed to collect stormwater runoff are considered impervious surface while open, ~~Open,~~ uncovered retention/detention facilities ~~shall~~ are not ~~be considered as impervious surfaces for the purpose of this chapter.~~ However, for the purposes of computing runoff, uncovered flow control or water quality facilities shall be modeled as impervious surfaces as specified in the surface water design manual.

~~(9)~~—"Multifamily property" means all property zoned and/or used for purposes of multifamily housing. For the purposes of this chapter, trailer parks are considered multi-family property, and "mixed uses" are not considered multifamily property.

~~(10)~~—"Nonprofit property" means property upon which a facility exists that is owned and operated by a governmental agency or by an organization that has been granted nonprofit status under the rules of the Internal Revenue Code of the United States.

~~(11)~~—"Nonprofit residential property" means multifamily residential developments or nonprofit homes for the aging, owned and operated by a governmental agency or by an organization that has been granted nonprofit status under the rules of the Internal Revenue Code of the United States.

"Permeable pavement" means pervious concrete, porous asphalt, permeable pavers, or other forms of pervious or porous paving material intended to allow passage of water through the pavement section. Permeable pavement includes an aggregate base or natural soil base that provides structural

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support and acts as a stormwater reservoir. Surfaces referred to as "paved" shall include those covered by permeable pavement.

~~(12)~~—"Private streets" means tracts of land, not publicly owned, that are generally open to the public in the same manner as public rights-of-way and that serve residential developments, but shall not include driveways or paved surfaces providing vehicle access within a multifamily or commercial development.

~~(13)~~—"Rate structure study" means the rate study identified in DMMC 11.12.007.

~~(14)~~—"Single-family unit" means those properties on which one dwelling unit is established, and that unit is used for dwelling purposes and not commercial activity, except for approved home occupations. "Single-family unit" also means an individually owned dwelling unit in planned unit developments (hereinafter "PUD" or "PUDs"), except for condominiums therein.

~~(15)~~—"Surface water system" means the surface water utility system of the City.

Sec. 4. DMMC 12.01.050 (part) (definitions of "Nonconforming paved street surface", "Street system improvements," and "Surface water drainage facilities") and section 5 of Ordinance No 1578 are each amended to read as follows:

Definitions.

...

"Nonconforming paved street surface" means asphaltic concrete, ~~or~~ cement concrete, or permeable pavement street surface (as defined in DMMC 11.12.010) that does not conform with the current "City of Des Moines Street Development Standards," but that the Planning, Building and Public Works Director finds to be adequate for projected vehicular traffic.

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...

"Street system improvements" include a half street section of street pavement (including appropriate subpaving preparation), ~~surface water~~ storm water drainage facilities, sidewalks where required, curbs, and gutters if used, street lighting, right-of-way landscaping (including street trees where required), and other similar improvements as required by the "City of Des Moines Street Development Standards."

...

~~"SurfaceStorm water drainage facilities~~ facility"
~~means piped and covered surface water drainage, including catch basins, and such detention, retention, and biofiltration as the Planning, Building and Public Works Director shall require in accordance with sound engineering principles and the adopted ordinances and policies of the City. is as defined in Title 11 DMMC.~~

...

Sec. 5. DMMC 12.05.250 and section 40 of Ordinance No. 1578 are amended to read as follows:

Duty to maintain clean rights-of-way. No person shall willfully or negligently cause or allow dirt, mud, rocks, vegetation, grease, oil, or other foreign material or substance to be deposited, stored, abandoned, discharged, or spread on a public street, alley, sidewalk, walkway, trail, shoulder, or ~~drainage~~ storm water ditch facility; ~~provided, however, nothing contained in this chapter shall require an adjacent property owner to maintain any drainage ditch.~~

Sec. 6. DMMC 12.15.050 and section 58 of Ordinance No. 1578 are amended to read as follows:

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Street development standards.

(1) Streets and sidewalks in the City shall be constructed in accordance with the provisions of a document entitled "City of Des Moines Street Development Standards." ~~The — Planning, Building and Public Works Director shall prepare and as necessary shall update the City of Des Moines Street Development Standards for compliance with laws, regulations and standard engineering practices. The Street Development Standards shall be approved by the City Council and amended as is necessary by approval of the City Council.~~

(2) Until such a time that the City has the necessary equipment and properly trained staff that is required for the maintenance of pervious pavement; pervious pavement shall not be used within travel lanes or shoulders of public streets and roads unless otherwise approved by the Public Works Director.

Sec. 7. DMMC 12.20.080 and section 67 of Ordinance No. 1578 are amended to read as follows:

Development sites fronting paved street surface. If the development site fronts a paved street surface, the developer shall construct street system improvements along the right-of-way frontage of the development site in accordance with this section.

(1) The developer shall construct ~~surface storm~~ water ~~drainage~~ facilities.

(2) The developer shall construct sidewalks if the development site fronts a sidewalk route.

(3) The developer shall construct curb, gutter, and right-of-way landscaping.

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(4) If the developer is required to construct either curb, gutter, and sidewalk or solely curb and gutter, the developer is required to construct such street pavement as is necessary to provide continuity between the sidewalk, curb, and gutter or curb and gutter and the paved street surface.

Sec. 8. DMMC 14.05.120(4) and section 32 of Ordinance No. 1581 are amended to read as follows:

...

(4) The IPMC shall read as follows: All premises and exterior property shall be maintained free from weeds or plant growth in excess of twelve (12") inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs, provided; however, this term shall not include cultivated flowers, and gardens, or vegetation within storm water facilities.

...

Sec. 9. DMMC 14.20.030(1)(g) and section 55 of Ordinance No. 1581 as amended by section 14 of Ordinance 1611 are amended to read as follows:

...

(g) To acknowledge that trees and ground cover reduce air pollution by producing pure oxygen from carbon dioxide; and reduce stormwater runoff by intercepting, evapotranspiring, and retaining rainwater in the soils surrounding their root systems;

...

Sec. 10. DMMC 14.20.080(2)(d) and section 60 of Ordinance No. 1581 are amended to read as follows:

Ordinance No. _____
 Page 12 of 16

...

(d) The location of all existing ~~drainage~~ storm water facilities, natural and manmade, which transport surface water onto the site, into site soils through infiltration, across the site, or from the site; ~~including: streams and surface waters, artificial channels, drainpipe, or culverts;~~

...

Sec. 11. DMMC 16.05.310(4)(d)(~~iv~~~~ix~~vii) and section 42 of Ordinance No. 1583 as amended by section 2 of Ordinance 1649 are amended to read as follows:

...

(4) The City designates and adopts by reference the following policies as the basis for the City's exercise of authority pursuant to this section:

...

(d) The City formally designates the following regulations, plans, studies, reports or codes as possible bases for the exercise of authority pursuant to the State Environmental Policy Act of 1971 as amended:

...

(xvii) King County Stormwater Pollution Control Manual, Best Management Practices for Businesses, ~~July 1995;~~

...

Sec. 12. DMMC 16.10.090 and section 57 of Ordinance No 1583 are amended to read as follows:

Best management practices required. All allowed activities under this chapter shall be conducted using the best management practices, adopted pursuant to the King County Surface Water Design Manual which is adopted by this provision and implemented herein as set forth in DMMC 16.10.050,

Ordinance No. _____

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that result in the least amount of impact to the critical areas. Best management practices shall be used for tree, soil, and vegetation protection, construction management, erosion and sedimentation control, water quality protection, and regulation of chemical applications. The City shall observe the use of best management practices to ensure that the activity does not result in degradation to the critical area. Any incidental damage to, or alteration of, a critical area shall be restored, rehabilitated, or replaced at the responsible party's expense.

Sec. 13. DMMC 17.35.130 and section 108 of Ordinance No. 1585 are amended to read as follows:

Utilities and related improvements - Surface water.

(1) General. The subdivision shall be served by a permanent ~~surface water control drainage~~ storm water facility system designed to accommodate runoff from all land within the subdivision and collect, convey, treat, detain, or infiltrate any runoff which ~~passes through~~ from the subdivision in accordance with the surface water management program requirements of Titles 11, 14, 16, and 18 DMMC.

(2) Tracts Required. All publicly owned surface water detention and above-ground conveyance improvements shall be located in separate tracts which provide for surface water functions. The area dedicated under this section shall become the property of the City, which shall thereafter assume all maintenance and other ownership responsibilities.

(3) Lot Area. The area of surface water tracts shall not be included in the compilation of lot area for any lot.

Sec. 14. DMMC 17.35.190 and section 114 of Ordinance No. 1585 as amended by section 1 of Ordinance 1606 are amended to read as follows:

Ordinance No. _____
 Page 14 of 16

(1) General. The proposed subdivision shall demonstrate sensitivity to the natural features of the property including, but not limited to, topography, streams, lakes, wetlands, habitat, soils and other geologic features, and vegetation. Any division of land shall be designed to preserve and enhance as many of these valuable features as possible. In addition to the specific provisions of this chapter, the subdivision shall comply with all applicable provisions of Titles 11, 14, 16, and 18 DMMC and other specific requirements regarding development restrictions due to natural features.

(2) Tracts Rrequired. All wetlands, streams, and required buffers, pursuant to chapter 16.10 DMMC, shall be located in separate tracts which limit development activity. The area dedicated under this section shall become the property of the City, or any political subdivision designated by the City, and the City or the political subdivision shall thereafter assume all maintenance and other ownership responsibilities.

(3) Lot Aarea. The area of the open space tracts shall not be included in the computation of lot area for any lot area.

Sec. 15. DMMC 18.01.050 (parts) and section 5 of Ordinance No. 1591 as amended by section 1 of Ordinance No. 1628 as amended by section 1 of Ordinance No. 1655 are amended to read as follows:

....

"Public utility" means a private business organization such as a public service corporation performing some public service and subject to special governmental regulations, or a governmental agency performing similar public services, the services by either of which are paid for directly by the recipients thereof. Such services shall include, but are not limited to, stormwater management, water

Ordinance No. _____

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supply, electric power, gas, and transportation for persons and freight.

...

"Public utility facilities" means a building, ~~or~~ complex, ~~or installation~~ that facilitates an action or process associated with a public utility which can be a private business or governmental agency performing some public service, such as, but not limited to, stormwater management, water supply, electric power, gas, sewer, or transportation.

...

"Required open space" means a portion of the area of a lot or building site, other than required yards, which area is required by this Title, as set forth in the different zones contained in this Title, to be maintained between buildings, between wings of a building, and between buildings and any portion of a property boundary line not contiguous to a required front or side yard. Such open spaces, as in the case of required yards, are required to be free and clear of buildings and structures ~~and to remain open and unobstructed from the ground to the sky, but may contain vegetation preservation areas and drainage~~ storm water facilities.

...

Sec. 16. DMMC 18.195.200 and section 431 of Ordinance No 1591 are amended to read as follows:

Curbing. In order to protect the landscaping materials planted and to ensure proper growth, all planter areas shall be separated from parking areas and streets by vertical curbing. Curbing shall be ~~of Portland cement~~ continuous Portland cement concrete; provided, however that Portland cement concrete with vertical curb cuts are allowed for drainage into low impact development

Ordinance No. _____
 Page 16 of 16

storm water facilities; or as approved by the
~~Planning, Building and~~ Public Works Director.

NEW SECTION. **Sec. 17. 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.

NEW SECTION. **Sec. 18. Effective date.** This Ordinance shall take effect and be in full force thirty (30) days after its final passage by the Des Moines City Council in accordance to law.

PASSED BY the City Council of the City of Des Moines this _____ day of _____, 2017 and signed in authentication thereof this _____ day of _____, 2017.

 M A Y O R

APPROVED AS TO FORM:

 City Attorney

ATTEST:

 City Clerk

Published: _____

Effective Date: _____



Incorporating Low Impact Development into the Des Moines Municipal Code

Public Hearing

January 05, 2017



Parametrix

ENGINEERING · PLANNING · ENVIRONMENTAL SCIENCES

WHY ARE WE HERE?

The City of Des Moines is integrating low impact development (LID) into their local development-related codes, rules, standards, and other enforceable documents pursuant to the 2013-2018 Western Washington Phase II Municipal Stormwater Permit (Permit), Section S5.C4 (f).

According to the Permit directive, the code and policies will be updated with language that supports the:

- minimization of impervious surfaces;
- retention of native vegetation, and;
- The reduction of stormwater runoff in all types of development situations

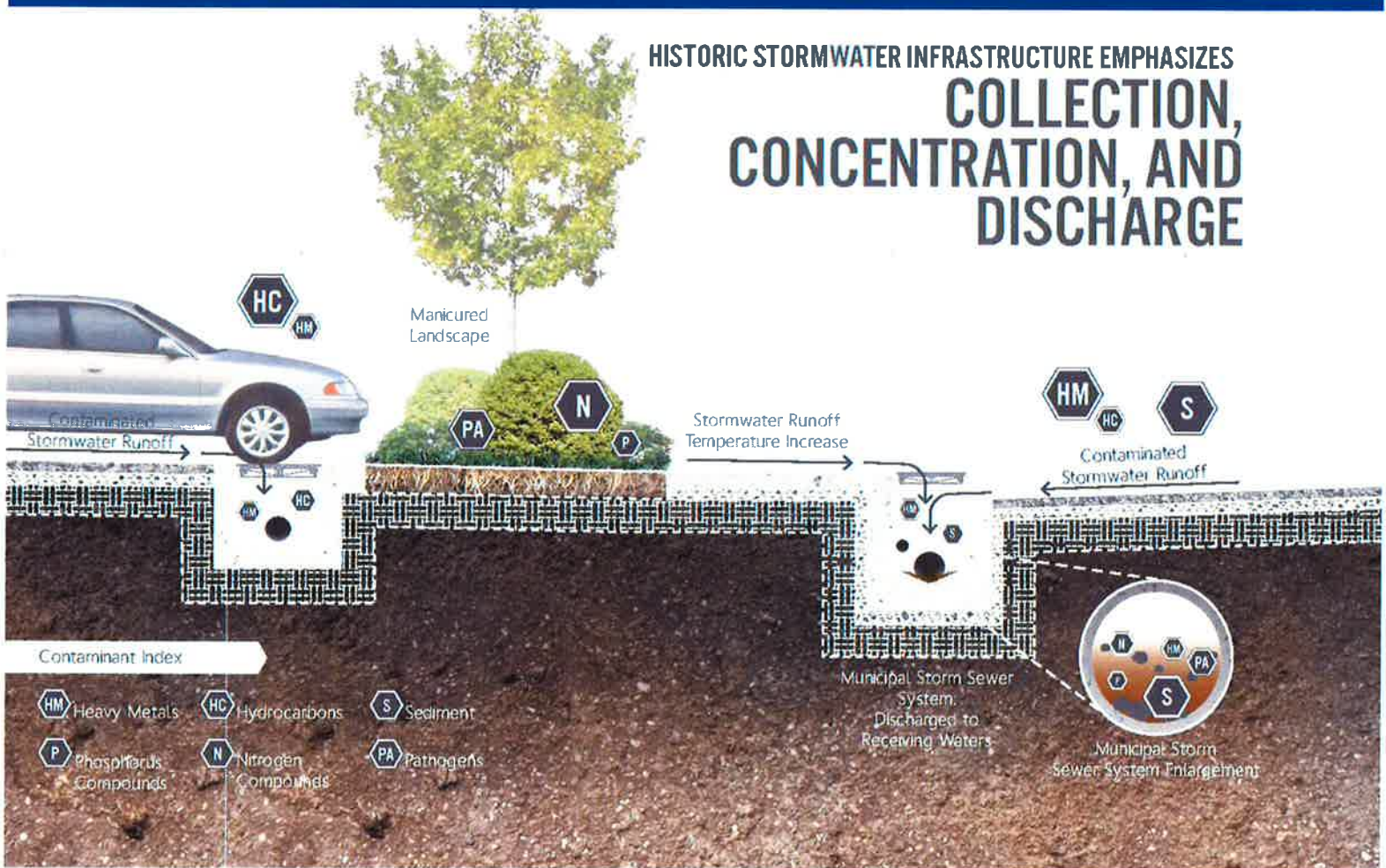
REMOVING BARRIERS TO LID

- *2016 King County Surface Water Design Manual*– requires LID BMPs unless infeasible for consistency with Ecology Permit
- LID code updates (removes barriers to LID BMPs)
- Forthcoming update to Street Development Standards (for consistency with LID BMPs)

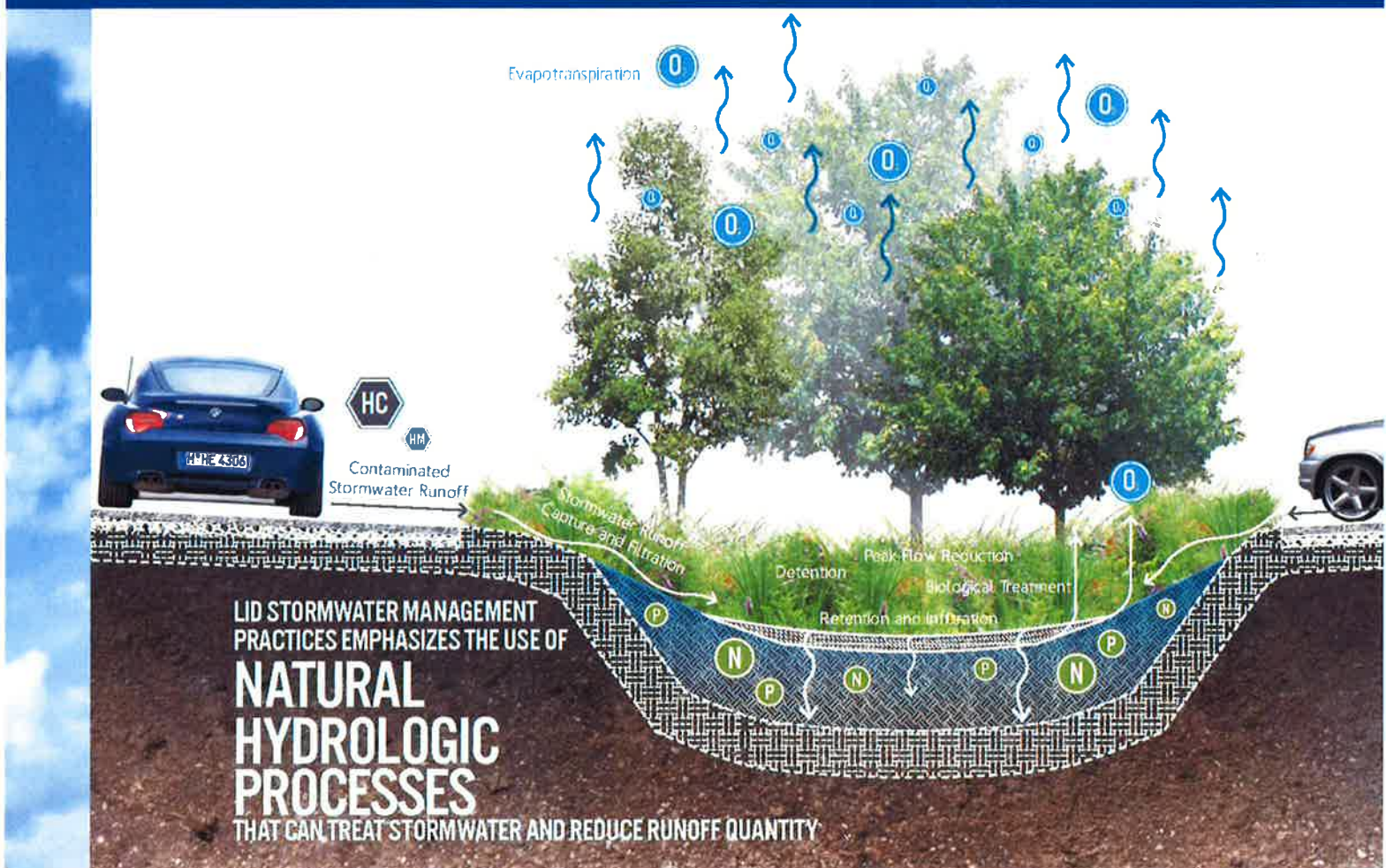
INCORPORATING LID – THE PROCESS

- Preliminary Assessment – identify barriers to LID
- Stakeholder Input –
 - Environment Committee (3 meetings)
 - Public Meeting (1 meeting)
 - Stakeholder Outreach (AGC)
- Solicited Input from other Phase 2 Cities
- Department Review – City Departments (incl. Legal)
- Department of Commerce Review
- Ecology Review
- SEPA – determination of non-significance – 11/14/2016

WHAT IS LID?



WHAT IS LID?



MAXIMIZE PERVIOUS SURFACES



RESIDENTIAL LID PRACTICES

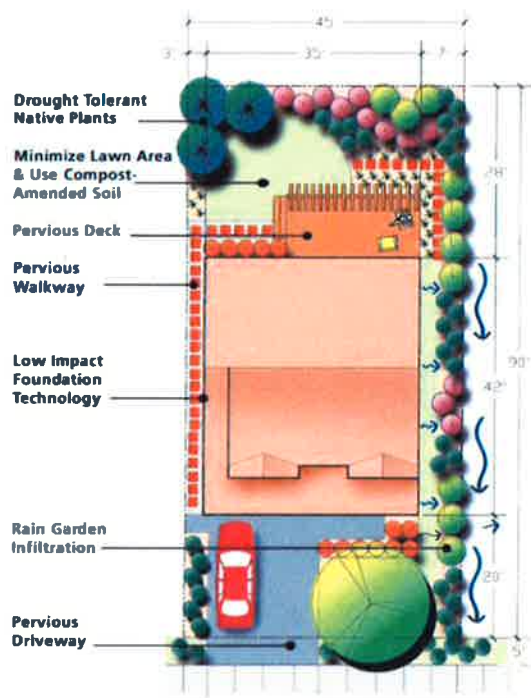


Figure 3.21 Example of medium- to high-density lot using low impact development practices.

Graphic by AHBL Engineering



figure 6.1.3

Rain garden on an individual lot.
Source: Rain Dog Designs

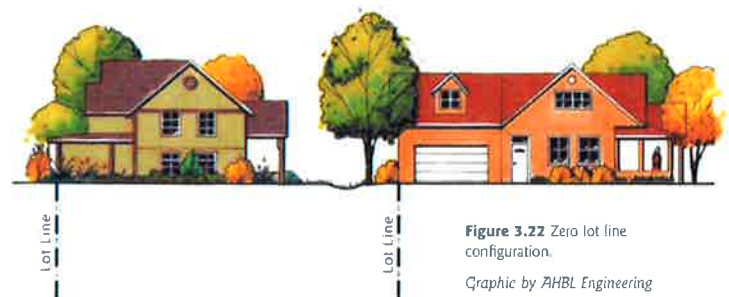


Figure 3.22 Zero lot line configuration.

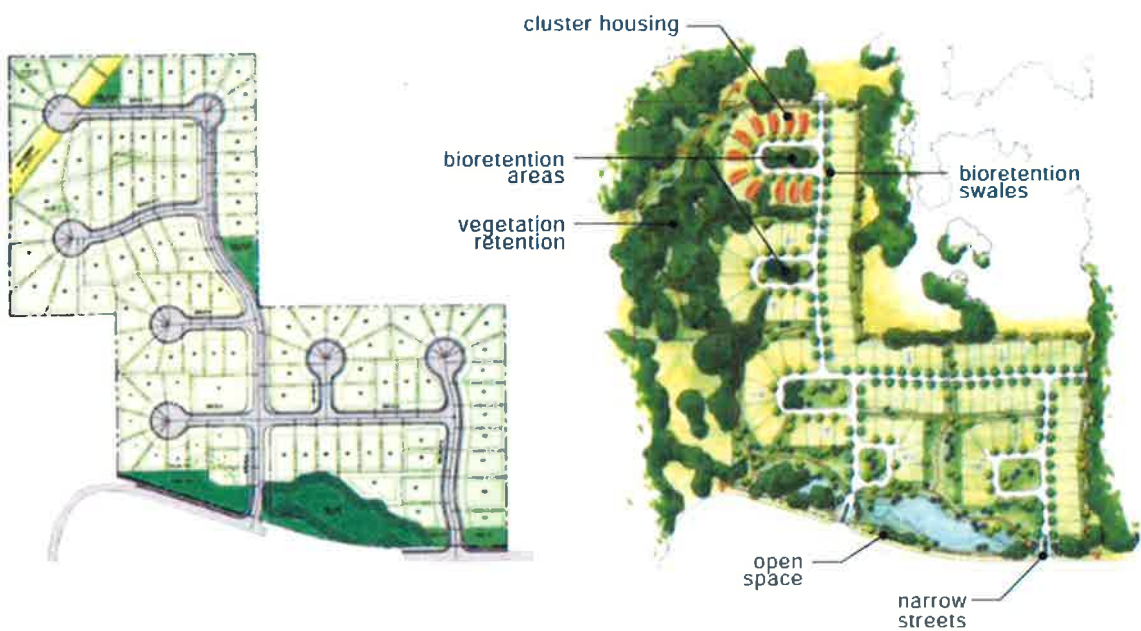
Graphic by AHBL Engineering

RESIDENTIAL PLAT EXAMPLE

The following examines three prevalent development strategies applied in a low impact development context: Medium to high-density cluster, rural cluster, and large lot development.

figure 3.27

Conventional vs LID lot layout.
Source: AHEI



site planning & layout **59**

COMMERCIAL APPLICATIONS



- CITY ATTORNEY'S FIRST DRAFT 12/02/2016
DRAFT ORDINANCE NO. 16-173
AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON
WHEREAS,
WHEREAS,
WHEREAS,
WHEREAS,
WHEREAS,
WHEREAS,
WHEREAS,

QUESTIONS?

Austin Fisher
Project Manager

253.604.6747
afisher@parametrix.com
www.parametrix.com

CITY ATTORNEY'S FIRST DRAFT 12/02/2016**DRAFT ORDINANCE NO. 16-173**

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON relating to low impact development stormwater regulations for site development as required by federal Clean Water Act and amending DMMC 11.08.060, 11.08.070, and 11.12.010; DMMC 12.01.050, 12.05.250, 12.15.050, and 12.20.080; DMMC 14.05.120, 14.20.030, and 14.20.080; DMMC 16.05.310 and 16.10.090; DMMC 17.35.130, and 17.35.190; and DMMC 18.01.050 and 18.195.200.

WHEREAS, the Federal Clean Water Act sets a national goal to "restore and maintain the chemical, physical, and biological integrity of the nation's water" and prohibits the discharge of pollutants from any point source, and

WHEREAS, the U.S. Environmental Protection Agency delegates administration of the National Pollutant Discharge Elimination System (NPDES) Permit to the state Department of Ecology under the federal Clean Water Act, and

WHEREAS, the Washington Department of Ecology, as authorized by chapter 90.48 RCW (Washington State Water Pollution Control Act), also takes action through the Phase II Permit to control impacts of stormwater discharges to all waters of Washington State, including ground waters, unless the discharges are authorized by another regulatory program, and

WHEREAS, the Phase II Permit requires permittees to "review, revise and make effective their local development-related codes, rules, standards, or other enforceable documents to incorporate and require Low Impact Development (LID) principles and LID BMPs" no later than December 31, 2016, and

WHEREAS, the intent of that review "shall be to make LID the preferred and commonly-used approach to site development", and

WHEREAS, the City of Des Moines has adopted the 2016 King County Surface Water Design Manual that is consistent with the Department of Ecology's 2012 Stormwater Management Manual for Western Washington, as amended in December 2014, and

Ordinance No. ____
Page 2 of 16

WHEREAS, a public hearing is required for enacting an Ordinance to amend Title 18 DMMC commonly referred to as the Zoning Code, and

WHEREAS, the textual code amendments proposed in this Ordinance were provided to the Department of Commerce as required by RCW 36.70A.106, and

WHEREAS, an expedited review was granted by the Washington State Department of Commerce on November 29, 2016, and

WHEREAS, the City Council set the date for the public hearing on Draft Ordinance No. 16-173 by Resolution No. 1350, fixing the public hearing for January 5, 2017, and

WHEREAS, notice of the public hearing was issued on December 6, 2016 in accordance with the DMMC, and

WHEREAS, a public hearing was held on January 5, 2017, where all persons wishing to be heard were heard, and

WHEREAS, the City Council finds that the amendments contained in this Ordinance are appropriate and necessary for the preservation of the public health, safety and general welfare; now therefore,

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

Sec. 1. DMMC 11.08.060 and section 1 of Ordinance No. 1593 are amended to read as follows:

~~Stormwater Pollution Prevention Manuals~~s - Adopted by reference.

(1) The King County Stormwater Pollution Prevention Manual is adopted by reference pursuant to RCW 35A.12.140 as though fully set forth in this chapter, as presently constituted or as it may be subsequently amended. Not less than one copy of this manual, suitably marked to indicate amendments and additions, is filed in the office of the Des Moines City Clerk for public inspection.

Improve Clarity
because there are
two manuals that
are referenced
here

Ordinance No. ____
Page 3 of 16

(2) The King County Surface Water Design Manual is adopted by reference pursuant to RCW 35.21.180 as though fully set forth in this chapter, as presently constituted or as it may be subsequently amended. Not less than one copy of this manual, suitably marked to indicate amendments and additions, is filed in the office of the Des Moines City Clerk for public inspection.

Locate the surface water design manual reference to this section for clarity and update/clarify RCW reference
Adopting current KCSWDM is consistent with current permit requirements

Sec. 2. DMMC 11.08.070 and section 2 of Ordinance No. 1593 are amended to read as follows:

(1) Purpose. The purpose of this chapter is to supplement the King County Surface Water Design Manual, adopted by reference in DMMC 16.10.350, as the City storm water standards.

~~(2) Impervious Surface Percentage Exemption. Under Core Requirement No. 3 for Flow Control of the King County Surface Water Design Manual, the impervious surface percentage exemption exempting threshold drainage areas that result in no more than four percent total impervious surface and no more than 15 percent pervious surface is not allowed. [REMOVED]~~

This exemption is no longer included in the King County Surface Water Design Manual

(32) Soil Quality Preservation. Reference 4-A of the King County Surface Water Design Manual as previously adopted in DMMC 16.10.350 requires that any areas that have been cleared and graded shall have the soil moisture-holding capacity restored to the original undisturbed soil condition to the maximum extent practicable. This reference shall be applicable to the standards of performance for land grading under DMMC 14.20.150(3).

(43) Drainage Review. A person who clears, grades or otherwise disturbs a site shall provide erosion and sediment control that prevents, to the maximum extent practicable, the transport of sediment from the site to drainage facilities, water resources, and adjacent properties. Erosion and

Ordinance No. ____
 Page 4 of 16

sediment controls shall be applied as specified by the erosion and sediment control measures and performance criteria in the King County Surface Water Design Manual. Drainage review will be made for erosion and sedimentation control for all land filling, clearing and grading permits required under chapter 14.20 DMMC.

(54) Storm Water Discharges to Wetlands.

(a) Applicability. The requirements below apply only to projects whose storm water discharges into a wetland, either directly or indirectly through a conveyance system using the thresholds as applied by the King County Surface Water Design Manual.

(b) Discharges to wetlands shall maintain the hydrologic conditions, hydrophytic vegetation, and substrate characteristics necessary to support existing and designated uses. The hydrologic analysis shall use the existing land cover condition to determine the existing hydrologic conditions unless directed other-wise by a regulatory agency with jurisdiction. A wetland can be considered for hydrologic modification and/or storm water treatment in accordance with Guide Sheets 1B and 2B in Appendix I-D of the Department of Ecology Stormwater Management Manual for Western Washington ~~(2005)~~. Guide Sheets 1B and 2B of Appendix I-D of the Department of Ecology Stormwater Management Manual for Western Washington ~~(2005)~~ are adopted by reference in subsection (6) of this section and are for wet-land protection in accordance to this chapter. (6) Department of Ecology Stormwater Management Manual for Western Washington Guide Sheets 1B and 2B - Adopted by reference. (a) The Department of Ecology Stormwater Management Manual for Western Washington ~~(2005)~~ Guide Sheets 1B and 2B are adopted by reference pursuant to RCW 35A.12.140 as though fully set forth in this chapter, and as presently constituted or as may be subsequently amended. (b) Not less than one

Removing dates ensure that the code is referring to the latest Ecology Manual that includes the most recent guidance

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Formatting only this page

copy of each such regulation as written, and suitably marked to indicate amendments and additions, is filed in the office of the Des Moines City Clerk and is available for use and examination by the public.

(65) Department of Ecology Stormwater Management Manual for Western Washington Guide Sheets 1B and 2B - Adopted by reference.

(a) The Department of Ecology Stormwater Management Manual for Western Washington (2005) Guide Sheets 1B and 2B are adopted by reference pursuant to RCW 35A.12.140 as though fully set forth in this chapter, and as presently constituted or as may be subsequently amended.

(b) Not less than one copy of each such regulation as written, and suitably marked to indicate amendments and additions, is filed in the office of the Des Moines City Clerk and is available for use and examination by the public.

Sec. 3. DMMC 11.12.010 and section 1 of Ordinance No. 860 as amended by section 1 of Ordinance No. 1000 as amended by section 2 of Ordinance No. 1211 as amended by section 1 of Ordinance No. 1246 as amended by section 3 of Ordinance No. 1574 are amended to read as follows:

Definitions. ~~(1) Use of Words and~~
~~Phrases.~~ As used in this chapter, unless the context or subject matter clearly requires otherwise, the words or phrases defined in this section shall have the indicated meanings.

~~(2)~~ "Commercial property" means: (a) all property in the City, private or public, used for a purpose other than single-family, multifamily, or nonprofit uses; and (b) for the purposes of this chapter, "mixed uses" as defined in the zoning code of the City and nonprofit homes for the aging as that expression is used in chapter 84.36 RCW.

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~~(3)~~ — “Development permit charge” means a one-time payment made at the time of development or redevelopment of a property to compensate the City for the costs previously incurred by the City in providing the surface water system serving the property at the time of development.

~~(4)~~ — “Developed property” means a property that has been changed from the natural state, resulting in 500 square feet or more of impervious area occurring on the property.

~~(5)~~ — “Development permit” means, for the purposes of this chapter, a required permit leading to a project that will result in 500 square feet or more of new impervious area on previously undeveloped or developed property.

~~(6)~~ — “Disabled person” means a person who has been granted special parking privileges for disabled persons under RCW 46.16.381 as presently constituted or as may be subsequently amended.

~~(7)~~ — “Equivalent billing unit (EBU)” means a measure of the impact of commercial/multifamily properties on the surface water system. It is equal to each 3,450 square feet of impervious area that has been determined to be the average amount of impervious area on single-family properties in the City.

~~(8)~~ — “Impervious surface” or “area” means a hard surface area ~~which~~ that either prevents or retards the entry of water into the soil mantle as it entered under natural conditions prior to development, ~~and/or a hard surface area which~~ that causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roofs, walkways, patios, driveways, parking lots, storage areas, areas which are paved, graveled or made of packed or oiled

Updated language
for consistency with
new stormwater
manual

Ordinance No. ____

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earthen materials, or other surfaces which similarly impede the natural infiltration of surface and storm water. For the purposes of applying impervious surface thresholds and exemptions contained in this surface water design manual, permeable pavement vegetated roofs, and pervious surfaces with underdrains designed to collect stormwater runoff are considered impervious surface while open, Open, uncovered retention/detention facilities shall are not be considered as impervious surfaces for the purpose of this chapter. However, for the purposes of computing runoff, uncovered flow control or water quality facilities shall be modeled as impervious surfaces as specified in the surface water design manual.

Updated language
for consistency with
new stormwater
manual

(9)—"Multifamily property" means all property zoned and/or used for purposes of multifamily housing. For the purposes of this chapter, trailer parks are considered multi-family property, and "mixed uses" are not considered multifamily property.

(10)—"Nonprofit property" means property upon which a facility exists that is owned and operated by a governmental agency or by an organization that has been granted nonprofit status under the rules of the Internal Revenue Code of the United States.

(11)—"Nonprofit residential property" means multifamily residential developments or nonprofit homes for the aging, owned and operated by a governmental agency or by an organization that has been granted nonprofit status under the rules of the Internal Revenue Code of the United States.

"Permeable pavement" means pervious concrete, porous asphalt, permeable pavers, or other forms of pervious or porous paving material intended to allow passage of water through the pavement section. Permeable pavement includes an aggregate base or natural soil base that provides structural

Adding definition
for consistency with
new stormwater
manual

Ordinance No. ____

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support and acts as a stormwater reservoir. Surfaces referred to as "paved" shall include those covered by permeable pavement.

~~(12)~~—"Private streets" means tracts of land, not publicly owned, that are generally open to the public in the same manner as public rights-of-way and that serve residential developments, but shall not include driveways or paved surfaces providing vehicle access within a multifamily or commercial development.

~~(13)~~—"Rate structure study" means the rate study identified in DMMC 11.12.007.

~~(14)~~—"Single-family unit" means those properties on which one dwelling unit is established, and that unit is used for dwelling purposes and not commercial activity, except for approved home occupations. "Single-family unit" also means an individually owned dwelling unit in planned unit developments (hereinafter "PUD" or "PUDs"), except for condominiums therein.

~~(15)~~—"Surface water system" means the surface water utility system of the City.

Sec. 4. DMMC 12.01.050 (part) (definitions of "Nonconforming paved street surface", "Street system improvements," and "Surface water drainage facilities") and section 5 of Ordinance No 1578 are each amended to read as follows:

Definitions.

...

"Nonconforming paved street surface" means asphaltic concrete, ~~or cement concrete,~~ or permeable pavement street surface (as defined in DMMC 11.12.010) that does not conform with the current "City of Des Moines Street Development Standards," but that the Planning, Building and Public Works Director finds to be adequate for projected vehicular traffic.

Removing barrier to LID

Ordinance No. ____
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...

"Street system improvements" include a half street section of street pavement (including appropriate subpaving preparation), ~~surface water~~ storm water drainage facilities, sidewalks where required, curbs, and gutters if used, street lighting, right-of-way landscaping (including street trees where required), and other similar improvements as required by the "City of Des Moines Street Development Standards."

Removing barrier to LID

...

~~"SurfaceStorm water drainage facilities~~ facility" means ~~pip~~ed and ~~covered surface water drainage, including catch basins, and such detention, retention, and biofiltration as the Planning, Building and Public Works Director shall require in accordance with sound engineering principles and the adopted ordinances and policies of the City.~~ is as defined in Title 11 DMMC.

Revised to match definition exactly in Title 11

...

Sec. 5. DMMC 12.05.250 and section 40 of Ordinance No. 1578 are amended to read as follows:

Duty to maintain clean rights-of-way. No person shall willfully or negligently cause or allow dirt, mud, rocks, vegetation, grease, oil, or other foreign material or substance to be deposited, stored, abandoned, discharged, or spread on a public street, alley, sidewalk, walkway, trail, shoulder, or ~~drainage~~ storm water ditch facility; ~~provided, however, nothing contained in this chapter shall require an adjacent property owner to maintain any drainage ditch.~~

Revised to match definition exactly in Title 11

Sec. 6. DMMC 12.15.050 and section 58 of Ordinance No. 1578 are amended to read as follows:

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Street development standards.

(1) Streets and sidewalks in the City shall be constructed in accordance with the provisions of a document entitled "City of Des Moines Street Development Standards." The Public Works Director shall prepare and as necessary shall update the City of Des Moines Street Development Standards for compliance with laws, regulations and standard engineering practices. The Street Development Standards shall be approved by the City Council and amended as is necessary by approval of the City Council.

This change will allow the Public Works Director to revise, update and maintain the Street Development Standards for consistency with the new code and to update and maintain the standards over time for consistency with regulations and the standard of care of the industry

(2) Until such a time that the City has the necessary equipment and properly trained staff that is required for the maintenance of pervious pavement; pervious pavement shall not be used within travel lanes or shoulders of public streets and roads unless otherwise approved by the Public Works Director.

Allows for the use of pervious pavement within the travel lanes and shoulders of public streets only with approval of the Public Works Director

Sec. 7. DMMC 12.20.080 and section 67 of Ordinance No. 1578 are amended to read as follows:

Development sites fronting paved street surface. If the development site fronts a paved street surface, the developer shall construct street system improvements along the right-of-way frontage of the development site in accordance with this section.

(1) The developer shall construct surface storm water ~~drainage~~ facilities.

Revised to match definition exactly in Title 11

(2) The developer shall construct sidewalks if the development site fronts a sidewalk route.

(3) The developer shall construct curb, gutter, and right-of-way landscaping.

Ordinance No. ____
Page 11 of 16

(4) If the developer is required to construct either curb, gutter, and sidewalk or solely curb and gutter, the developer is required to construct such street pavement as is necessary to provide continuity between the sidewalk, curb, and gutter or curb and gutter and the paved street surface.

Sec. 8. DMMC 14.05.120(4) and section 32 of Ordinance No. 1581 are amended to read as follows:

...

(4) The IPMC shall read as follows: All premises and exterior property shall be maintained free from weeds or plant growth in excess of twelve (12") inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs, provided; however, this term shall not include cultivated flowers, ~~and~~ gardens, or vegetation within storm water facilities.

Revised to match definition exactly in Title 11

...

Sec. 9. DMMC 14.20.030(1)(g) and section 55 of Ordinance No. 1581 as amended by section 14 of Ordinance 1611 are amended to read as follows:

...

(g) To acknowledge that trees and ground cover reduce air pollution by producing pure oxygen from carbon dioxide; and reduce stormwater runoff by intercepting, evapotranspiring, and retaining rainwater in the soils surrounding their root systems;

Revised to minimize stormwater runoff and vegetation loss

...

Sec. 10. DMMC 14.20.080(2)(d) and section 60 of Ordinance No. 1581 are amended to read as follows:

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...

Revised to match
 definition exactly in
 Title 11

(d) The location of all existing ~~drainage~~ storm water facilities, natural and manmade, which transport surface water onto the site, into site soils through infiltration, across the site, or from the site; ~~including: streams and surface waters, artificial channels, drainpipe, or culverts;~~

Revised to remove
 barriers to LID and
 broaden definitions
 to encompass
 more LID BMPs

...

Sec. 11. DMMC 16.05.310(4)(d)(xvii) and section 42 of Ordinance No. 1583 as amended by section 2 of Ordinance 1649 are amended to read as follows:

...

(4) The City designates and adopts by reference the following policies as the basis for the City's exercise of authority pursuant to this section:

...

(d) The City formally designates the following regulations, plans, studies, reports or codes as possible bases for the exercise of authority pursuant to the State Environmental Policy Act of 1971 as amended:

...

(xvii) King County Stormwater Pollution Control Manual, Best Management Practices for Businesses, ~~July 1995;~~

Removed date so that
 most current manual
 would apply

...

Sec. 12. DMMC 16.10.090 and section 57 of Ordinance No 1583 are amended to read as follows:

Best management practices required. All allowed activities under this chapter shall be conducted using the best management practices, adopted pursuant to the King County Surface Water Design Manual which is adopted by this provision and implemented herein as set forth in DMMC 16.10.050,

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Allows the use of LID
by protecting soils

that result in the least amount of impact to the critical areas. Best management practices shall be used for tree, soil, and vegetation protection, construction management, erosion and sedimentation control, water quality protection, and regulation of chemical applications. The City shall observe the use of best management practices to ensure that the activity does not result in degradation to the critical area. Any incidental damage to, or alteration of, a critical area shall be restored, rehabilitated, or replaced at the responsible party's expense.

Sec. 13. DMMC 17.35.130 and section 108 of Ordinance No. 1585 are amended to read as follows:

Utilities and related improvements - Surface water.

(1) General. The subdivision shall be served by a permanent ~~surface water control~~drainage storm water facility system designed to accommodate runoff from all land within the subdivision and collect, convey, treat, detain, or infiltrate any runoff ~~which passes through~~from the subdivision in accordance with the surface water management program requirements of Titles 11, 14, 16, and 18 DMMC.

Revised to match
definition exactly in
Title 11

Revision removes
barriers to LID

Updated to include
Titles 14 and 16

(2) Tracts Required. All publicly owned surface water detention and above-ground conveyance improvements shall be located in separate tracts which provide for surface water functions. The area dedicated under this section shall become the property of the City, which shall thereafter assume all maintenance and other ownership responsibilities.

Clarifying that
publicly owned
conventional
facilities need to
be within a
separate tract

(3) Lot Area. The area of surface water tracts shall not be included in the compilation of lot area for any lot.

Sec. 14. DMMC 17.35.190 and section 114 of Ordinance No. 1585 as amended by section 1 of Ordinance 1606 are amended to read as follows:

Ordinance No. _____
 Page 14 of 16

Allows the use of
 LID by preserving
 soils

(1) General. The proposed subdivision shall demonstrate sensitivity to the natural features of the property including, but not limited to, topography, streams, lakes, wetlands, habitat, soils and other geologic features, and vegetation. Any division of land shall be designed to preserve and enhance as many of these valuable features as possible. In addition to the specific provisions of this chapter, the subdivision shall comply with all applicable provisions of Titles s 11, 14, 16, and 18 DMMC and other specific requirements ~~regarding~~ development restrictions due to natural features.

Updated to include
 Titles 14 and 16

(2) Tracts Required. All wetlands, streams, and required buffers, pursuant to chapter 16.10 DMMC, shall be located in separate tracts which limit development activity. The area dedicated under this section shall become the property of the City, or any political subdivision designated by the City, and the City or the political subdivision shall thereafter assume all maintenance and other ownership responsibilities.

(3) Lot Area. The area of the open space tracts shall not be included in the computation of lot area for any lot area.

Sec. 15. DMMC 18.01.050 (parts) and section 5 of Ordinance No. 1591 as amended by section 1 of Ordinance No. 1628 as amended by section 1 of Ordinance No. 1655 are amended to read as follows:

...

"Public utility" means a private business organization such as a public service corporation performing some public service and subject to special governmental regulations, or a governmental agency performing similar public services, the services by either of which are paid for directly by the recipients thereof. Such services shall ~~include~~, but are not limited to, stormwater management, water

Revised to remove
 barriers to LID and
 broaden definitions
 to encompass
 more LID BMPs

Ordinance No. _____
Page 15 of 16

supply, electric power, gas, and transportation for persons and freight.

...

"Public utility facilities" means a building, ~~or~~ complex, or installation that facilitates an action or process associated with a public utility which can be a private business or governmental agency performing some public service, such as, but not limited to, stormwater management, water supply, electric power, gas, sewer, or transportation.

Revised to remove barriers to LID and broaden definitions to encompass more LID BMPs

...

"Required open space" means a portion of the area of a lot or building site, other than required yards, which area is required by this Title, as set forth in the different zones contained in this Title, to be maintained between buildings, between wings of a building, and between buildings and any portion of a property boundary line not contiguous to a required front or side yard. Such open spaces, as in the case of required yards, are required to be free and clear of buildings and structures ~~and to remain open and unobstructed from the ground to the sky, but may contain vegetation preservation areas and drainage~~ storm water facilities.

Revised to remove barriers to LID and broaden definitions to encompass more LID BMPs

Allows LID BMPs to be within open areas and was revised to match the definition in Title 11

...

Sec. 16. DMMC 18.195.200 and section 431 of Ordinance No 1591 are amended to read as follows:

Curbing. In order to protect the landscaping materials planted and to ensure proper growth, all planter areas shall be separated from parking areas and streets by vertical curbing. Curbing shall be ~~of Portland cement~~ continuous Portland cement concrete; provided, however that Portland cement concrete with vertical curb cuts are allowed for drainage into low impact development

Updated to clarify that continuous PCC curbing shall be used unless vertical curb cuts are necessary to allow drainage into LID storm water facilities

Ordinance No. _____
 Page 16 of 16 _____

storm water facilities; or as approved by the
Planning, Building and Public Works Director.

NEW SECTION. Sec. 17. 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.

NEW SECTION. Sec. 18. Effective date. This Ordinance shall take effect and be in full force thirty (30) days after its final passage by the Des Moines City Council in accordance to law.

PASSED BY the City Council of the City of Des Moines this _____ day of _____, 2017 and signed in authentication thereof this _____ day of _____, 2017.

 M A Y O R

APPROVED AS TO FORM:

 City Attorney

ATTEST:

 City Clerk

Published: _____

Effective Date: _____

CITY COUNCIL REGULAR MEETING



Speaker Sign-Up Sheet

January 5, 2017

NAME (PLEASE PRINT)	ADDRESS	TOPIC	PHONE/E-MAIL ADDRESS
✓ Bob Pond	23116 30 th Av	30 th Commercial Rezone	
✓ MRHS ASB		ASB + MRHS mms	
✓ Mary Eun	806 S 27 th St Des Moines	Next Gen Resolution	mrymeun@gmail.com
✓ Rick Johnson	Reclanda Beach	vision values	
✓ Matt Mahoney	Des Moines	Crime	



CITY COUNCIL

PUBLIC HEARING Speaker Sign-Up Sheet

Draft Ordinance No. 16-173; Code Amendments Supporting Low Impact Development

January 5, 2017

NAME (PLEASE PRINT)	ADDRESS	PHONE/E-MAIL ADDRESS

Marina District Neighborhood Update – January 5, 2017

Bill Linscott Comments

The Marina District Neighborhood has two items of focus as we begin 2017.

Paid Parking Mitigation Action Plan. As a recap, there were 13 specific mitigation actions requested:

- Four and one-half (4 ½) are **supported** for action. (#1, 2, 4, 7, and half of 9).
- Five and one-half (5 ½) are **deferred** for further study or monitoring. (#3, 8, half of 9, 10, 11, and 12). Any action plan is yet to be determined.
- Three (3) are **not accepted** or deemed necessary. (#5, 6, and 13).

In November, we asked for reconsideration of three of the Staff positions regarding these actions for implementation with paid parking in the Marina and Beach Park.

Two actions deal with consistency of speed limits once you cross 6th Avenue and enter the Marina and Beach Park areas. We are asking all speed limits be posted at 15 mph, with the yellow caution for pedestrians sign. This addresses pedestrian/vehicle safety concerns.

The third action deals with placement of residential parking signs to preserve the residential area adjacent to the Marina. This approach treats us consistently with other areas in the City where significant parking changes threaten residential streets in the adjacent neighborhood. In our case, there is also an additional City benefit: Ensuring the revenue stream expected in the Marina is not eroded by visitors finding free parking in the adjacent neighborhood.

These fundamental changes should also be supported for implementation on Day One. This would public confusion from a series of migrating rules over the months following implementation of Paid Parking. Let's set these once – at the implementation point.

We are hopeful about this reconsideration request. We have given a drive-around to many (including Brandon, Vic and Michael) in an effort to show the common sense nature of these requested actions. We are happy to provide this quick tour to any other Council members who wish to do so.

Neighborhood Input for Defining the Future State of the Marina:

Our comments were provided in the December 1, 2016 Council meeting. We were hoping to find the scope of the consultant study to include engagement with residents and neighborhoods for input. I have since had an opportunity to talk with Michael, and to better understand results the City needs from consultants. The study is not intended to be a collection and analysis of residential views. There was a concerted effort to do that back in 2012. That said, and accepted, we still believe there is a need for a collection of thoughts and views from residents to refresh the inputs. We have seen a lot of changes since 2012. There is a need to offer participation from residents into this year's efforts to develop a vetted view of the future state of the Marina and Marina District. Possibly an effort not so dissimilar to the survey/questionnaire the Parks and Recreation Department used with their masterplan development. In addition, City communications about the process for developing this "future state" vision and plan need explanation so we all can see the path forward and the decision points. We are encouraged by the momentum on this whole topic. We are supportive of the effort and glad to see it as a topic on tonight's agenda.

Summary of City Staff Position on Paid Parking Mitigation Actions

(Response number matches Staff listing)

- (1) 227th – Add three-way stop sign at intersection of 227th and 6th Avenue South.
Response: Support action. Implementation concurrent with Paid Parking
- (2) 227th and 6th Avenue South – Add signage: Add the "Welcome to Marina" signage; identify controlled parking areas (parking fee required in Marina): "Welcome to Anthony's Restaurant" signage noting *customer parking validated*. Marina businesses provide validation for customers and suppliers only.
Response: Support action. Staff will work to implement.
- (3) 6th Avenue South – Add signage: "No Parking This Side – Residents Only:" Add signage along both sides of 6th Avenue from 227th at the south end – to – 221st at the north end. (This is similar to what was done around the Highline College neighborhoods.)
Response: Defer until there is confirmation of actual problem. If yes – implement signs.

- (4) 6th Avenue South: Add four-way stop to intersection at 223rd. Add four-way stop at 222nd.

Response: **Support this action.** Implement concurrent with Paid Parking.

- (5) Establish consistency of speed limits:

Response: **No to this Action.** Speed limit change unnecessary. Consistent with Traffic Regulations.

- (6) Parking lots at the Marina and Beach Park – Reduce speed limit to 10 mph.

(Currently there is inconsistency – at 20 mph, 15 mph and 10 mph.)

Response: **No to this action.** Speed limit change unnecessary. Consistent with Traffic Regulations.

- (7) Paint new arrows and speed limit on parking lot fairways.

Response: **Support Action.** Modifications to include changing travel direction is expected.

- (8) 6th and 7th Avenue Safety Concerns: With the paid parking plan, there will be two separate entrances to the waterfront area: A south entrance primarily serving Marina tenants, Anthony's restaurant, and the Marina's boating businesses; and a north entrance which services the Marina public docks, pier and the Beach Park. Dock Avenue, which connects the south and north lots, will be closed. This will cause 6th Avenue and 7th Avenue to become replacement corridors for north to south traffic. 7th Avenue is a finished street (curbs, sidewalks, crosswalks), and will have an influx of pedestrians in the coming year. The speed limit is 30 mph. 6th Avenue has a few curbs and sidewalks, but no painted sidewalks. It is clearly unfinished at this point in time. 6th Avenue has no posted speed; therefore, assumed to be 25 mph. The same is true with connecting streets between 6th and 7th Avenues.

The following would improve safety in this area:

7th Avenue: Reduce speed to 25 mph. Install "blinking" crosswalk lights at crosswalks.

Response: **Defer.** Perform speed and volume studies.

- (9) 6th Avenue: Reduce speed to 20 mph; Paint crosswalks at corners of 227th, 226th and 222nd.

Response: **Defer.** Perform speed limit study. **Support Action.** Painted crosswalks.

- (10) 5th Avenue and Cliff Avenue Intersection: Add *No Right Turn* sign from 5th Avenue to Cliff Avenue (going down); and *No Left Turn* sign from Cliff Avenue to 5th Avenue (going up). An alternative to this is closing off 5th Avenue as a dead end just before Cliff Avenue. Something we understand was previously considered some time ago.

Response: **Defer.** Staff will look at a signage solution.

- (11) Alley Ways: Add 10 mph speed limit signs and *No Parking Any Time* signs to both sides of alley ways.

Response: **Defer.** Will look at adding signage for speed and parking.

(12) Speed Bumps or Small Roundabouts: Consider speed bumps or roundabouts as a method to reduce speed on 6th Avenue and 227th.

Response: Defer.

(13) Add Turn Lane on 227th: Add turn lane on 227th to enable large vehicle service and delivery access to Mariner Manor Condominiums.

Response: No to this Action. There is a “grace” period function in the Paid Parking system to enable delivery vehicle staging/waiting area.