

AGENDA

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

February 15, 2018 – 7:00 p.m.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

CORRESPONDENCE

COMMENTS FROM THE PUBLIC

BOARD & COMMITTEE REPORTS – COUNCIL

PRESIDING OFFICER'S REPORT

Item 1: WESLEY HOMES BRAND

Item 2: OUTGOING HUMAN SERVICES COMMITTEE MEMBERS

Item 3: OUTGOING SENIOR SERVICES COMMITTEE MEMBERS

ADMINISTRATION REPORT

Item 1: PUGET SOUND REGIONAL COUNCIL

Item 2: MARINA CAFÉ LEASE

Item 3: REPORTING INFORMATION TO COUNCIL

Item 4: KING COUNTY YOUTH & AMATEUR SPORTS GRANTS AWARDS

CONSENT CALENDAR

Page 1 Item 1: APPROVAL OF MINUTES

Motion is to approve the minutes from the January 11, 2018 Regular Council meeting, the minutes from the January 18, 2018 Executive Session and the January 18, 2018 Regular Council meeting.

Page15 Item 2: NATIONAL SERVICE RECOGNITION DAY

Motion is to approve the Proclamation recognizing April 3, 2018 as National Service Recognition Day.

Page 19 Item 3: CITY OF DES MOINES ARTS COMMISSION APPOINTMENT

Motion is to confirm the Mayoral appointment of Nicholas Fannin to an unexpired three year term on the City of Des Moines Arts Commission effective immediately and expiring on December 31, 2019.

- Page 23 Item 4: ANNUAL MULTI CITY HUMAN SERVICES FUNDING PROGRAM
Motion is to approve Exhibit A for the 2018 Des Moines' planning, funding and implementation of a joint human services application and funding program as provided in the 2003 Memorandum of Understanding for the Joint Human Services Funding Program between the cities of Auburn, Burien, Covington, Des Moines, Federal Way, Renton, SeaTac, and Tukwila, substantially in the form as submitted.
- Page 41 Item 5: 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 \$29,625 for repairs plus \$2,500 personnel costs, for the Minor Home Repair Program substantially in the form as submitted.
- Page 53 Item 6: 2018 CITY COUNCIL VISION, MISSION STATEMENT, GOALS AND STRATEGIC OBJECTIVES
Motion is to approve the City Council's 2018 Vision, Mission Statement, Goals and Strategic Objectives.
- Page 57 Item 7: ADMINISTRATIVE SETTLEMENT POLICIES FOR REAL PROPERTY ACQUISITION
Motion is to approve Draft Resolution No. 17-142 establishing Administrative Settlement Policies and authorize the City Manager or designee to make administrative settlements up to 10% above Fair Market Value not to exceed \$50,000.

NEW BUSINESS

- Page 77 Item 1: DRAFT RESOLUTION 18-005: LONG-TERM AVIATION CAPACITY NEEDS IN WESTERN WASHINGTON
Staff Presentation: City Manager Michael Matthias
- Page 89 Item 2: SEA-TAC AIRPORT SUSTAINABLE AIRPORT MASTER PLAN, ENVIRONMENTAL REVIEW PROCESS AND ANALYSIS
Staff Presentation: City Manager Michael Matthias
- Page 97 Item 3: FIRST READING - CITY COUNCIL RULES OF PROCEDURES UPDATES
Staff Presentation: City Attorney Tim George
- Page 143 Item 4: MICHAEL BUNDY DONATION OF PROPERTY FOR PARKS AND RECREATION PURPOSES.
Staff Presentation: Parks, Recreation & Senior Services Director
Patrice Thorell

EXECUTIVE SESSION

NEXT MEETING DATE:

February 22, 2018 City Council Regular Meeting

ADJOURNMENT

MINUTES

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

January 11, 2018 – 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 Buxton.

ROLL CALL

Council present: Councilmembers Matt Pina, Traci Buxton, Jeremy Nutting, Luisa Bangs, Robert K. Back, Matt Mahoney and Vic Pennington.

Staff present: City Manager Michael Matthias, Chief Operations Officer Dan Brewer, City Attorney Tim George, Assistant City Attorney Matt Hutchins, Assistant Police Chief Bob Bohl, Municipal Court Judge Lisa Leone, Community Development Director Susan Cezar, Parks, Recreation & Senior Services Director Patrice Thorell, Public Works Director Brandon Carver, Transportation & Engineering Services Manager Andrew Merges, Special Transportation Project Manager Len Madsen, Assistant Harbormaster Scott Wilkins, Deputy City Clerk Renee Cameron, and City Clerk/Communications Director Bonnie Wilkins.

SWEARING IN OF COUNCILMEMBERS

City Clerk/Communications Director Wilkins called Councilmember Traci Buxton to the podium to be sworn in by her husband and family, Jim, Cody, Kenia, Wyatt, Jordan, Luke (from Australia) and Brooke.

City Clerk/Communications Director Wilkins called Councilmember Matt Mahoney to the podium to be sworn in by his wife and family, Beverly Mahoney, Miranda Mahoney, Spencer Mahoney, Dave Kaplan, Anmol Bhatia, Andy Shimchuk, Robert Hill, Esther Harris, and Roger and Linda Stull.

City Clerk/Communications Director Wilkins called Councilmember Vic Pennington to the podium to be sworn in by Municipal Court Judge Leone.

City Clerk/Communications Director Wilkins called Councilmember Matt Pina to the podium to be sworn in by his son Derek and wife Michelle.

SELECTION OF MAYOR

City Attorney George provided a PowerPoint presentation to Council regarding the roles of the Mayor and the Deputy Mayor.

City Clerk/Communications Director Wilkins called for nominations for Mayor.

Councilmember Pennington nominated Councilmember Pina to serve as Mayor for 2018 and 2019.

City Clerk/Communications Director Wilkins asked if there were any other nominations. Seeing none City Clerk/Communications Director Wilkins called the vote.

Councilmember Pina was unanimously elected as Mayor.

SELECTION OF DEPUTY MAYOR

Mayor Pina called for nominations for Deputy Mayor.

Councilmember Back nominated Councilmember Pennington to serve as Deputy Mayor for 2018 and 2019.

Mayor Pina asked if there were any other nominations. Seeing none Mayor Pina called the vote.

Councilmember Pennington was unanimously elected as Deputy Mayor.

CORRESPONDENCE

- Kent Youth & Family Services thanked Council for budget decision for support in 2018 and accolades for Senior Services Manager Sue Padden.
- Highline Public School e-mail regarding moving start time.
- Thank you e-mail to the City, staff and Parks, Recreation and Senior Services Director Thorell from the Crawford Family.
- Jeff Wagnitz, Interim President at Highline Community College; Thanked the City for their endorsement of their recent capital funding application.

COMMENTS FROM THE PUBLIC

- Rick Johnson, Des Moines; Air and cargo traffic.
- JC Harris, Des Moines; Congratulated the Council and encouraged Council to become historians of the City of Des Moines.
- Harry Steinmetz, Des Moines; Congratulated the Council on a well ran race and spoke regarding the City's future and quality of life.
- Anthony Auston, Des Moines; Thanked Council for supporting Highline Community College's endorsement of the recent capital funding application.

BOARD AND COMMITTEE REPORTS/COUNCILMEMBER COMMENTS

Deputy Mayor Pennington

- Met with Coast Guard Captain Linda Sturgis regarding the Port's resiliency and emergency management. The meeting included a tour of the Marina.
- Tour of the new FAA building.
- Thanked fellow Councilmembers for all of their support and for their support of him as the Deputy Mayor.
- Congratulated and welcomed fellow Councilmembers.
- Kudos to the entire City staff for all their work.
- Thanked the City's legislative contingents and legislative lobbyist for their support in Olympia.

- Thanked all of the volunteer groups.
- Leadership roles in community groups.
- Working with local government partners.
- Vigilant about long term viability, sustainability and economic growth.

Councilmember Mahoney

- Thanked everyone for support during the campaign.
- Pledge to the community.

Councilmember Back

- Congratulated Councilmembers Buxton and Mahoney.
- Congratulated Mayor Pina and Deputy Mayor Pennington on their re-election as Mayor and Deputy Mayor.

Councilmember Bangs

- Seconded Deputy Mayor Pennington's comments.
- Excited about upcoming years on the Council.

Councilmember Nutting

- Thanked the Council.
- Thanked the Public Works crew who worked during Christmas sanding and plowing the roads.
- Concerns regarding Highline School District's bussing of middle school and high school students.
- City representation on the Highline School District Committee.

Councilmember Buxton

- Thanked the public for support during the campaign and is privileged to represent.
- Public Issues Committee Workshop & Sound Cities Association Meeting addressing 3 legislative priorities:
 - Adjust property tax cap.
 - Invest in public health.
 - Housing homelessness.
- Sound Cities Association Domestic Violence Initiative Regional Task Force Appointment.

PRESIDING OFFICER'S REPORT

- Wished everyone a Happy New Year.
- Thanked Council for their support, stated his commitment as Mayor, working with other neighboring cities, and continuing sense of community.
- Airport Cities Coalition and Highline School District.
- Passing of former Councilmember Jack Kniskern, who served the community and provided 59 years of service to the Des Moines Rotary Club.

At 8:23 p.m. Council took a 10 minute break and resumed the regular meeting at 8:40 p.m.

ADMINISTRATION REPORT

- City Manager Matthias welcomed Councilmembers Buxton and Mahoney, and reminded Council how valuable prior Council, and their knowledge, are a benefit to the City.

Item 1: **TRANSPORTATION CONSULTANT**
City Manager Matthias advised Council that in regard to a large number of transportation elements, former Councilmember Dave Kaplan has expertise, knowledge, history and perspective in City related transportation issues and the City has entered into a Consultant Services Contract with him to advise and support the City on regional transportation issues.

CONSENT CALENDAR

- Item 1: **APPROVAL OF VOUCHERS**
Motion is to approve for payment vouchers and payroll transfer through January 3, 2018 included in the attached list and further described as follows:
- | | | |
|--|----------------|-----------------|
| Total A/P Checks/Vouchers | #152587-152848 | \$ 1,213,747.63 |
| Electronic Wire Transfers | #956-967 | \$ 1,470,496.67 |
| Payroll Checks | #19008-19013 | \$ 20,723.26 |
| Payroll Deposit | #510001-510170 | \$ 322,034.88 |
| Payroll Checks (CORRECTIONS) | #18998 | \$ (5,334.88) |
| Payroll Deposit (CORRECTIONS) | #480152 | \$ (8,282.14) |
| Total Certified Checks, Wires, A/P and Payroll Vouchers: | | \$ 3,013,385.42 |
- Item 2: **APPROVAL OF MINUTES**
Motion is to approve the minutes from the October 26th, November 9th, and the November 30, 2017 Regular Council Meetings.
- Item 3: **SURPLUS PROPERTY – VEHICLES**
Motion is to accept the 2018 Surplus Vehicle List declaring certain vehicles and equipment identified in Attachment 1 as surplus and authorize disposal of said surplus vehicles and equipment by auction or trade-in.
- Item 4: **ILA WITH HIGHLINE WATER DISTRICT FOR SOUTH 223RD STREET - PAVEMENT REHABILITATION PROJECT**
Motion is to approve the Interlocal Agreement between the City of Des Moines and Highline Water District regarding the South 223rd Street – Pavement Rehabilitation Project construction contract, and further authorize the City Manager to sign said Agreement substantially in the form as submitted.
- Item 5: **CONFIRMATION OF CITY MANAGER'S RE-APPOINTMENT OF LISA LEONE TO THE MUNICIPAL COURT JUDGE POSITION**
Motion is to confirm the City Manager's re-appointment of Lisa Leone to the Municipal Court Judge position effective January 1, 2018 through December 31, 2021.

Direction/Action

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

Councilmembers Bangs, Back and Deputy Mayor Pennington commented on Item 5.

Councilmember Mahoney commented on Item 4.

The motion passed 7-0.

PUBLIC HEARING/CONTINUED PUBLIC HEARING

Item 1: SURPLUS PROPERTY–VEHICLES AND EQUIPMENT
Staff Presentation: Public Works Director Brandon Carver

Mayor Pina opened the public hearing at 8:52 p.m.

Public Works Director Brandon Carver provided the Council with a PowerPoint presentation.

As no one signed up to speak, Mayor Pina called 3 times if anyone wished to speak; seeing none Mayor Pina asked Council if they had any questions.

Mayor Pina closed the public hearing at 8:56 p.m.

Direction/Action

Motion made by Councilmember Back to adopt Draft Resolution No. 17-156 declaring certain Surface Water Management vehicles and equipment identified in Attachment 1 as surplus and authorize disposal of said surplus vehicles and equipment by sale, auction, or trade-in as provided in DMMC 3.108.060; seconded by Councilmember Nutting.
The motion passed 7-0.

NEW BUSINESS

Item 1: SOUTH 216TH STREET – SEGMENT 3, 2018-2019 ON CALL KPG
ENGINEERING TASK ASSIGNMENT 2-18-01, RIGHT OF WAY ACQUISITION
SERVICES
Staff Presentation: Public Works Director Brandon Carver
Special Transportation Project Manager Len Madsen

Public Works Director Carver and Special Transportation Project Manager Madsen provided Council with a PowerPoint presentation.

Direction/Action

Motion made by Councilmember Nutting to approve the Right of Way Plan for South 216th Street- Segment 3 Improvements between 11th Avenue South to 20th Avenue South as described and further authorize the Public Works Director to sign and make minor modifications to the Plan as necessary to finalize design and support construction of the project improvements; seconded by Councilmember Back.
The motion passed 7-0.

Direction/Action

Motion made by Councilmember Nutting to approve 2018-2019 On-Call General Civil Engineering Services Agreement; Formal Task Supplement Document, Task Number 2018-01; Task Order 1, with KPG Inc. in the amount of \$78,157.58 to provide right of way acquisition services for South 216th Street - Segment 3 Improvements as described between 11th Avenue South to 20th Avenue South and further authorize the City Manager to sign said Task Order substantially in the form as submitted; seconded by Councilmember Back.
The motion passed 7-0.

NEXT MEETING DATE

January 18, 2018 City Council Regular Meeting

ADJOURNMENT**Direction/Action**

Motion made by Councilmember Mahoney to adjourn; seconded by Deputy Mayor Pennington.
The motion passed 7-0.

The meeting was adjourned at 9:26 p.m.

Respectfully Submitted,
Renee Cameron, CMC
Deputy City Clerk

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

January 18, 2018

CALL MEETING TO ORDER

The Special Meeting was called to order by Mayor Pina at 6:30 p.m. in Council Chambers.

ROLL CALL

Council present: Mayor Matt Pina; Deputy Mayor Vic Pennington; Councilmembers Traci Buxton, Jeremy Nutting, Luisa Bangs, Robert K. Back and Matt Mahoney.

Others present: City Manager Michael Matthias; City Attorney Tim George; 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). The Executive Session was expected to last 20 minutes.

No formal action was taken.

The meeting adjourned at 6:48 p.m. The Executive Session lasted 18 minutes.

Respectfully submitted,
Renee Cameron, CMC
Deputy City Clerk

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MINUTES

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

January 18, 2018 – 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 Mahoney.

ROLL CALL

Council present: Mayor Matt Pina; Deputy Mayor Vic Pennington; Councilmembers Traci Buxton, Jeremy Nutting, Luisa Bangs, Robert K. Back and Matt Mahoney.

Staff present: City Manager Michael Matthias, Chief Operations Officer Dan Brewer, City Attorney Tim George, Assistant City Attorney Matt Hutchins, Police Chief George Delgado, Community Development Director Susan Cezar, Building Official Larry Pickard, Assistant Building Official Rex Christensen, Plans Examiner/Building Inspector Al Biancalana, Building Inspector Jamie Weigand, Planning & Development Services Manager Denise Lathrop, Principal Planner Laura Techico, Land Use Planner II Jason Woycke, Permit Coordinator Tina Hickey, Permit Coordinator Jodi Grager, Building Inspector Dan Hopp, Land Use Planner I Holly Keeton, Civil Engineer II Tommy Owen, Parks, Recreation & Senior Services Director Patrice Thorell, Facility/Events Coordinator Shannon Kirchberg, Public Works Director Brandon Carver, Assistant Harbormaster Scott Wilkins, Deputy City Clerk Renee Cameron, and City Clerk/Communications Director Bonnie Wilkins.

With Council's indulgence Mayor Pina moved Administration Report Item 1 to the beginning of the Agenda to allow recognition and acknowledgements for those in attendance.

ADMINISTRATION REPORT

Item 1: **ACKNOWLEDGMENT**

- Chief Operations Officer Brewer provided a short presentation regarding the General Services Administration (GSA) building and the nearing completion of the project. Mike Nuernberg, P.E., Panattoni Development Company, Inc. and Chris Lee from Abbott Construction both spoke regarding the project and presented a slideshow of photos to the Council through the different phases of the project.
- Chief Operations Officer Brewer recognized City staff for all their work on the FAA Building: Assistant Building Official Rex Christensen, Public Works Director Brandon Carver, Civil Engineer II Tommy Owens, Transportation & Engineering Services Manager Andrew Merges, Surface Water & Environmental Engineering Manager Loren Reinhold, Capital Improvement Project Manager Scott Romano, Construction, Engineering and Right of-Way Inspector Dave Maresh, Water Quality Specialist Tyler Beekley, Stormwater

Management Technician and Drainage Inspector Leon Serechan, Surface Water Management Engineering Aide Tim Kissler, Traffic Control Specialist Anthony Jones, Civil Engineer I Khai Le, and Special Transportation Project Manager Len Madsen.

- Community Development Director Cezar introduced the Community Development staff who worked throughout this project while many other large projects were under review and under construction. Recognized were: Building Official Larry Pickard, Assistant Building Official Rex Christensen, Plans Examiner/Building Inspector Al Biancalana, Building Inspector Jamie Weigand, Planning & Development Services Manager Denise Lathrop, Principal Planner Laura Techico, Land Use Planner II Jason Woycke, Permit Coordinator Tina Hickey, Permit Coordinator Jodi Grager, Building Inspector Dan Hopp, and Land Use Planner I Holly Keeton.
- City Manager Matthias acknowledged and recognized Community Development Director Cezar, and thanked staff for all their hard work.

CORRESPONDENCE

- E-mail from National League of Cities regarding critical infrastructure needs of the future and ways to fund these needs.

COMMENTS FROM THE PUBLIC

- Scott Thomson, Managing Director of Strider Group, LLC, Boise, ID; Text Code Amendment - Woodmont Commercial Zone.

Direction/Action

Motion made by Mayor Pina to remand the review of mixed use at 265th & Pacific Highway to the Economic Development Committee for review; seconded by Councilmember Back.
The motion passed 7-0.

- Rick Johnson, Des Moines; Dog laws and clean up dispensers.
- JC Harris, Des Moines; Airport and industrial park.
- Susan Motis, Des Moines; New business, Balloons and Cupcakes, which is located inside Ocean Bahn Mi Cafe.

BOARD AND COMMITTEE REPORTS/COUNCILMEMBER COMMENTS

Councilmember Mahoney

- SCATBd meeting.
- Sound Cities Association Meet & Greet.
- Mark Van Gasken Memorial Service.
- Destination Des Moines Board Meeting.
- Art & Wine Walk – February 21st.
- Fireworks contributors.
- Participation in Waterland Parade.
- Halloween – City booth.
- King County Water District 54 concerns.

Councilmember Back

- Welcome to Balloons and Cupcakes.

Councilmember Bangs

- Arts Commission meeting.
- SCATBd meeting.
- 2018 Legislative Agenda.
- Regional Transportation Updates.
- Sound Cities Implementation for Metro Connects.
- Puget Sound Gateway Project.
- SR167 Hot Lanes.

Councilmember Nutting

- Assistant Police Chief Bob Bohl's retirement.
- Thanked Planning, Building and Public Works.
- Highline School Board's decisions regarding school time and boundary changes.
- Highline School District's Committee Representation.

Councilmember Buxton

- South Sound Chamber of Commerce Economic Forecast Luncheon.
- Sound Cities Association Networking Dinner.
- State of the Port Annual Breakfast.

Deputy Mayor Pennington

- Mark Van Gasken Memorial Service.
- Assistant Police Chief Bob Bohl's Retirement.

PRESIDING OFFICER'S REPORT

Item 1: ARTS COMMISSION

Former Des Moines Arts Commission (DMAC) Chair Jean Munro provided Council with a report regarding events DMAC held from 2012 through 2017, and recognized all of their sponsors, Council, City staff, and the community.

Current DMAC Chair Verburg thanked everyone for their support to the DMAC, and provided Save the Dates for upcoming events.

Mayor Pina presented Jean Munro with a Certificate of Appreciation for her years of service.

ADMINISTRATION REPORT (CONTINUED)

Item 2: VAN GASKEN PROPERTY LANDSCAPING

City Manager Matthias provided Council with information regarding the landscaping that has, and will be occurring on the Van Gasken property.

Item 3: AVIATION ADVISORY COMMITTEE

City Manager Matthias introduced Aviation Advisory Committee (AAC) member David Clark. Mr. Clark provided Council with a summarized update from the January 8, 2018 AAC meeting.

CONSENT CALENDAR

- Item 1: APPROVAL OF MINUTES
Motion is to approve the minutes from the December 7, 2017 Regular Council Meeting, and the December 14, 2017 Council Study Session.
- Item 2: CHILDREN'S DENTAL HEALTH MONTH PROCLAMATION
Motion is to approve the Proclamation recognizing February as Children's Dental Health Month.
- Item 3: 2018-2019 RECYCLING PROGRAM PROFESSIONAL SERVICES CONTRACT
Motion is to authorize the City Manager to sign the Professional Services Contract for the 2018-2019 Recycling Program between the City of Des Moines and Olympic Environmental Resources substantially in the form as submitted.
- Item 4: SALE OF ABANDONED VESSELS
Motion is to adopt Draft Resolution No. 17-164, authorizing the sale of the abandoned vessels, Flying Free (no identifications number), Spare Time (Washington Registration No. WN 07090 RD), Mud Sharks (Washington Registration No. WN 6841 SK), American (Washington Registration No. WN 7067 SH), Rainier (Federal Documentation No. 285175), and Four Aces (Washington Registration No. WN 0042 NX), by public auction, sale or scrapping.
- Item 5: COLLECTIVE BARGAINING AGREEMENT – POLICE MANAGEMENT ASSOCIATION
Motion is to approve the Collective Bargaining Agreement between the City of Des Moines and the Des Moines Police Management Association effective January 1, 2018, through December 31, 2020, and to authorize the City Manager to execute and sign a clean copy of this Agreement substantially in the form as attached.

Direction/Action

Motion made by Councilmember Nutting to approve the Consent Agenda; seconded by Deputy Mayor Pennington.

Councilmember Bangs pulled Item 3 for clarification.

Councilmember Buxton commented on Item 4.

The motion passed 7-0.

Mayor Pina read the Children's Dental Health Month Proclamation into the record.

NEW BUSINESS

Mayor Pina advised Council that per staff request 2018 Legislative Priorities & Intergovernmental Policies And Procedures was moved up to New Business Item 1.

Item 2: 2018 LEGISLATIVE PRIORITIES & INTERGOVERNMENTAL POLICIES AND PROCEDURES
Staff Presentation: City Manager Michael Matthias

City Manager Matthias introduced the City's Legislative Advocate Conner Councilmember Bangs recused herself from the vote.
Edwards who provided Council with a brief summary regarding the 2018 Legislative Priorities & Intergovernmental Policies and Procedures, the second year of the legislative biennium, and current bills to include the Voting Rights Act Bill, Abatement Zones by the Port of Seattle, and House Bill 2295 regarding Use of Hybrid Electric Aircraft for Regional Air Travel.

Direction/Action

Motion made by Councilmember Nutting to adopt the 2018 Legislative Priorities and Intergovernmental Policies and Positions as submitted and as amended by the City Council; seconded by Councilmember Back.

Amendment made by Councilmember Buxton to support legislation that provides cities with the authority to voluntarily change their election system or take other action if needed to ensure the fairness of elections; seconded by Mayor Pina.

Amendment made by Councilmember Buxton to oppose legislation that limits the cities authority to control their own elections or that creates a potential for increased litigation over election related issues; seconded by Mayor Pina. The amendments passed 7-0.

Councilmember Bangs recused herself from the following items due to her relationship with the Port of Seattle.

Amendment made by Councilmember Nutting to oppose any expansion or increase in operations at SeaTac International Airport until current impacts, including health and noise, are adequately mitigated; seconded by Councilmember Mahoney.

Amendment made by Councilmember Nutting to support legislation that would address the disproportionate health and noise impacts felt by the City of Des Moines due to our close proximity to SeaTac International Airport; seconded by Councilmember Mahoney. The amendments passed 6-0.

The main motion, as amended, passed 6-0.

Item 1: GOVERNMENT 101; LEGAL
Staff Presentation: City Attorney Tim George

City Attorney Tim George provided Council with a PowerPoint presentation regarding Government 101.

Informational purposes only, no formal action taken.

NEXT MEETING DATE

February 1, 2018 City Council Study Session

ADJOURNMENT

Direction/Action

Motion made by Councilmember Nutting to adjourn; seconded by Deputy Mayor Pennington.

The motion passed 7-0.

The meeting was adjourned at 9:15 p.m.

Respectfully Submitted,
Renee Cameron, CMC
Deputy City Clerk

AGENDA ITEM

BUSINESS OF THE CITY COUNCIL City of Des Moines, WA

SUBJECT: National Service Recognition Day

FOR AGENDA OF: February 15, 2018

DEPT. OF ORIGIN: Administration

ATTACHMENTS:

DATE SUBMITTED: January 25, 2018

1. Proclamation

CLEARANCES:

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

CHIEF OPERATIONS OFFICER: _____

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

APPROVED BY CITY MANAGER
FOR SUBMITTAL: 

Purpose and Recommendation

The purpose of this agenda item is to recognize April 3, 2018 as National Service Recognition Day.

Suggested Motion

Motion: "I move to approve the Proclamation recognizing April 3, 2018 as National Service Recognition Day."

Background

National Service Recognition Day is a nationwide effort to recognize the positive impacts of national service, to thank those who serve and have served, and to encourage more citizens to give back to their Communities.

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City of Des Moines

ADMINISTRATION
21630 11TH AVENUE SOUTH, SUITE A
DES MOINES, IOWA 50319-6398
(206) 878-4595 T.D.D.: (206) 824-6024 FAX: (206) 870-6540



Proclamation

WHEREAS, service to others is a hallmark of the American character, and central to how we meet our challenges; and

WHEREAS, AmeriCorps and Senior Corps participants address the most pressing challenges facing our communities, from educating students for the jobs of the 21st century, fighting the opioid epidemic, responding to natural disasters, supporting veterans and military families; and

WHEREAS, national service expands economic opportunity by creating more sustainable, resilient communities and providing education, career skills, and leadership abilities for those who serve; and

WHEREAS, AmeriCorps and Senior Corps participants serve in more than 50,000 locations across the country, bolstering the civic, neighborhood, and faith-based organizations that are so vital to our economic and social well-being; and

WHEREAS, national service represents a unique public-private partnership that invests in community solutions and leverages non-federal resources to strengthen community impact and increase the return on taxpayer dollars; and

WHEREAS, the Corporation for National and Community Service shares a priority with local leaders nationwide to engage citizens, improve lives, and strengthen communities; and is joining with the National League of Cities, the National Association of Counties, Cities of Service, and local leaders across the country; now therefore

THE DES MOINES CITY COUNCIL HEREBY PROCLAIMS

April 3, 2018 as National Service Recognition Day

AND encourages all our residents of our community to join in this special observance.

SIGNED this 15th day of February, 2018.

Matt Pina, Mayor

The Waterland City

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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: City of Des Moines Arts Commission
Appointment

ATTACHMENTS:

1. City of Des Moines Arts Commission
Application- Nicholas Fannin

FOR AGENDA OF: February 15, 2018

DEPT. OF ORIGIN: Parks, Recreation & Senior
Services

DATE SUBMITTED: January 12, 2018

CLEARANCES:

☐ Community Development N/A

☐ Marina N/A

☒ Parks, Recreation & Senior Services

☐ Public Works N/A

CHIEF OPERATIONS OFFICER: _____

☒ Legal 6

☐ Finance N/A

☐ Courts N/A

☐ Police N/A

**APPROVED BY CITY MANAGER
FOR SUBMITTAL:** _____

Purpose and Recommendation

The purpose of this agenda item is to recommend City Council approval of the appointment of Nicholas Fannin to the City of Des Moines Arts Commission.

Suggested Motion

Motion: "I move to confirm the Mayoral appointment of Nicholas Fannin to an unexpired three year term on the City of Des Moines Arts Commission effective immediately 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

Mr. Fannin applied for a position on the City of Des Moines Arts Commission and was invited to attend the Arts Commission meeting on January 9, 2017, the application is included (Attachment 1.). This agenda seeks confirmation of the Mayoral appointment Nicholas Fannin, a Des Moines resident, to the remainder of an unexpired three year term on the City of Des Moines Arts Commission. The appointment would become effective immediately. The candidate is highly qualified to serve on the Commission.

Alternatives

None provided.

Financial Impact

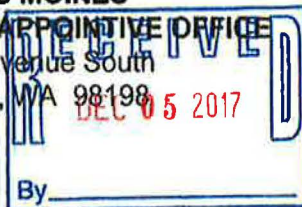
No financial impact.

Recommendation/Concurrence

The City of Des Moines Arts Commission members recommend the Mayoral appointment of Nicholas Fannin.



CITY OF DES MOINES
APPLICATION FOR APPOINTIVE OFFICE
 21630 11th Avenue South
 Des Moines, WA 98198



Recvd. RECEIVED

DEC 5 2017

Please Check **CITY OF DES MOINES**
CITY CLERK

NAME: Nicholas Fannin
 ADDRESS: 22320 10th Ave S.
 CITY/ZIP: Des Moines, WA 98198
 PHONE: Home 206-949-5647 Work _____
 LENGTH OF RESIDENCE AT THE ABOVE ADDRESS 11 years
 REGISTERED VOTER? yes
 E-MAIL ADDRESS: Nicholas.Fannin@Remax.net

- ☐ Civil Service Commission
☐ Planning Agency
☐ Library Board
☐ Human Services
☐ Senior Services
☒ Arts Commission
☐ Marina Beach Park

B&W

EMPLOYMENT SUMMARY LAST FIVE YEARS: Self employed, Real Estate Broker
ReMax All City

Are you related to anyone presently employed by the City or a member of a City Board? NO
 If yes, explain: _____

Do you currently have an owning interest in either real property (other than your primary residence or a business) in the Des Moines planning area? NO if so, please describe: _____

IN ORDER FOR THE APPOINTING AUTHORITY TO FULLY EVALUATE YOUR QUALIFICATIONS FOR THIS POSITION, PLEASE ANSWER THE FOLLOWING QUESTIONS USING A SEPARATE PAPER IF NECESSARY.

1. Why do you wish to serve in this capacity and what can you contribute? See Attached

2. What problems, programs or improvements are you most interest in? Not Sure

3. Please list any Des Moines elective/appointive offices you have run/applied for previously. N/A

12-05-2017

Hi, I am a Des Moines local that is passionate about art, music, and Des Moines. My name is Nicholas Fannin, I have been a resident of Des Moines for the last 13 years. In that time my family and I have attended many of the events the town has to offer. Now it's time to give back. I wish to serve on the Arts Commission to insure that our town continues to provide excellent art and music opportunities for everyone to enjoy. I also hope to show my children the importance of giving back to the community we live in. I have experience in large music event planning, and have studied art and theater extensively. Please choose me as to be part of the Team! I am excited about the opportunity and look forward to participating.

Sincerely, Nicholas Fannin

206-949-5647

Nicholasfannin@remax.net

A G E N D A I T E M

BUSINESS OF THE CITY COUNCIL City of Des Moines, WA

SUBJECT: Annual Multi City Human Services
Funding Program

FOR AGENDA OF: February 15, 2018

DEPT. OF ORIGIN: Parks, Recreation, & Senior
Services

ATTACHMENTS:

1. Exhibit A to Memorandum of
Understanding between the Cities-
Calendar Year 2018
2. 2003 Memorandum of Understanding

DATE SUBMITTED: February 9, 2018

CLEARANCES:

☐ Community Development N/A

☐ Marina N/A

☒ Parks, Recreation & Senior Services 

☐ Public Works N/A

CHIEF OPERATIONS OFFICER: _____

☒ Legal TS

☐ Finance N/A

☐ Courts N/A

☐ Police N/A

APPROVED BY CITY MANAGER

FOR SUBMITTAL: DSBreen

Purpose and Recommendation

The purpose of this agenda item is to seek City Council authorization of the 2018 Joint Human Services Funding Program Agreement between the Cities of Auburn, Burien, Covington, Des Moines, Federal Way, Renton, SeaTac, and Tukwila for planning, funding and continuation of a Joint Human Services Application and Funding Program.

Suggested Motion

Motion 1: "I move to approve Exhibit A for the 2018 Des Moines' planning, funding and implementation of a joint human services application and funding program as provided in the 2003 Memorandum of Understanding for the Joint Human Services Funding Program between the cities of Auburn, Burien, Covington, Des Moines, Federal Way, Renton, SeaTac, and Tukwila, substantially in the form as submitted."

Background

In 2003, the Cities of Auburn, Burien, Covington, Des Moines, Federal Way, Kent, Renton, SeaTac and Tukwila began making the most efficient use of their limited resources by streamlining the funding process with the implementation of the Joint Human Services Funding Program in order to provide services for residents.

The Joint Human Services Funding Program was created by execution of the Memorandum of Understanding in 2003 between the above-listed cities to allow for selected King County human service providers to submit one application for funding, one invoice for payment, and one quarterly report of performance measures and specific city demographics as opposed to completing individual applications, invoice requests and quarterly reports for each city.

Des Moines participates in this process through annual approval of Exhibit A (Attachment 1) to the 2003 MOU (Attachment 2). The City may terminate its participation with 30 days written notice but remains responsible for its funding responsibilities through the end of the calendar year.

Discussion

The 2003 MOU for Joint Human Services Funding Program consolidates the human services funding process. This results in a more efficient use of government resources and human service provider staffing and resources. The processing of fewer annual quarterly payment invoices and quarterly agency performance and demographic report forms saves significant staff time. The 2018 Exhibit A includes eleven human service providers; however, not all of the programs receive Des Moines funds. Based on City of Des Moines' 2018 budget, the programs receiving funds from Des Moines are:

Children's Therapy Center for Children with Special Needs	\$1,000.00
Crisis Clinic (Telephone Referral, 211 & Teen Link)	\$ 7,900.00
DAWN (Transitional Shelter)	\$ 2,600.00
HealthPoint (Medical and Dental)	\$ 10,500.00
King Co. Sexual Assault Resource Center	\$ 4,142.00
Sound Generations (Meals on Wheels & Senior Shuttle)	<u>\$ 4,625.00</u>
Total:	\$30,767.00

Alternatives

City Council can choose to have the Des Moines Senior Services Manager Sue Padden manage all nineteen of the 2018 human services agency contracts and payments which would include the nine agencies identified in the 2018 Exhibit A.

Financial Impact

There is no additional cost for the 2018 Exhibit A to the 2003 MOU for Joint Human Services Funding Program between the Cities of Auburn, Burien, Covington, Des Moines, Federal Way, Renton, SeaTac, and Tukwila. The amounts have been previously budgeted for the 2018 Budget.

Recommendation

Des Moines Administration and the Des Moines Human Services Advisory Committee recommend that the City Council approve the 2018 Exhibit A to the 2003 MOU for Joint Human Services Funding Program with the Cities of Auburn, Burien, Covington, Federal Way, Renton, SeaTac and Tukwila as attached.

25

Final

Calendar Year 2018

Exhibit A to Memorandum of Understanding (MOU) between the Cities for planning, funding, and implementation of a joint human services application and funding program.

Name of Nonprofit Agency & Program	Participating Cities	Funding
Catholic Community Services for Emergency Assistance	Federal Way - Lead City	\$ 13,000
	Auburn	10,000
	Covington	9,350
	Burien	14,000
	Renton	12,000
	SeaTac	14,520
	TOTAL	\$ 72,870
Catholic Community Services for Volunteer Chore Services	Federal Way - Lead City	\$ 9,000
	Auburn	6,000
	Covington	4,000
	Renton	7,500
	SeaTac	7,000
	TOTAL	\$ 33,500
Child Care Resources for Education & Provider Improvements	Burien - Lead City	\$ 5,000
	Auburn	5,000
	Covington	3,115
	Federal Way	5,000
	Renton	7,520
	SeaTac	5,309
	Tukwila	5,000
	TOTAL	\$ 35,944
Children's Therapy Center for Children with Special Needs	Tukwila - Lead City	\$ 6,750
	Auburn	10,800
	Burien	6,400
	Covington	10,800
	Des Moines	1,000
	Federal Way	8,640
	Renton	7,500
	SeaTac	14,040
	TOTAL	\$ 65,930
Crisis Clinic for crisis line and 2-1-1		
	2-1-1 \$5,000; crisis line \$1,000	
	Auburn - Lead City	\$ 6,000
	2-1-1 \$9,000; crisis line None	
	Burien	9,000
	2-1-1 \$5,000; crisis line \$3,500	
	Covington	8,500
	2-1-1 \$2,775; crisis line \$2,750	
	Des Moines	5,525
	2-1-1 \$10,000; crisis line \$5,000	
	Federal Way	15,000
	2-1-1 \$10,000; crisis line \$10,000	
	Renton	20,000
	2-1-1 \$4,500; crisis line \$2,500	
	SeaTac	7,000
	2-1-1 \$1,500; crisis line \$2,620	
	Tukwila	4,120
	TOTAL	\$ 75,145

Calendar Year 2018

Exhibit A to Memorandum of Understanding (MOU) between the Cities for planning, funding, and implementation of a joint human services application and funding program.

Name of Nonprofit Agency & Program	Participating Cities	Funding
Crisis Clinic for Teen Link	Auburn - Lead City	\$ 2,500
	Burien	2,000
	Covington	2,700
	Des Moines	2,375
	Federal Way	4,000
	Renton	7,500
	SeaTac	2,500
	Tukwila	1,500
	TOTAL \$	25,075
Domestic Abuse Women's Network (DAWN) for Community Advocacy Program (CAP)	Renton - Lead City	\$ 8,500
	Auburn	3,000
	Burien	3,500
	Covington	2,000
	Federal Way	5,000
	SeaTac	4,000
	Tukwila	4,000
	TOTAL \$	30,000
Domestic Abuse Women's Network (DAWN) for Transitional Housing (Shelter)	Renton - Lead City	\$ 19,000
	Auburn	10,000
	Burien	8,000
	Covington	6,000
	Des Moines	2,600
	Federal Way	10,000
	SeaTac	9,000
	Tukwila	7,000
	TOTAL \$	71,600
HealthPoint - DENTAL	Covington - Lead City	\$ 5,000
	Burien	5,000
	Des Moines	4,700
	Federal Way	22,000
	Renton	7,500
	SeaTac	14,000
	Tukwila	4,550
	DENTAL TOTAL \$	62,750

Calendar Year 2018

Exhibit A to Memorandum of Understanding (MOU) between the Cities for planning, funding, and implementation of a joint human services application and funding program.

Name of Nonprofit Agency & Program	Participating Cities	Funding
HealthPoint - MEDICAL	Covington - Lead City	\$ 5,000
	Burien	10,000
	Des Moines	5,800
	Federal Way	13,500
	Renton	7,500
	SeaTac	37,000
	Tukwila	5,000
	MEDICAL TOTAL	\$ 83,800
King County Sexual Assault Resource Center (KCSARC) for Comprehensive Sexual Assault Services	Renton - Lead City	\$ 32,000
	Auburn	22,500
	Burien	7,800
	Covington	5,362
	Des Moines	4,142
	Federal Way	21,000
	SeaTac	8,424
	Tukwila	8,300
	TOTAL	\$ 109,528
Multi-Service Center for Emergency Shelter and Transitional Housing	Burien - Lead City	4,500
	Auburn	8,000
	Federal Way	34,000
	Renton	8,000
	SeaTac	8,000
	Tukwila	4,000
	TOTAL	\$ 66,500
Sound Generations for Meals on Wheels (MOW)	Renton - Lead City	\$ 11,000
	Auburn	7,000
	Burien	6,200
	Covington	2,000
	Des Moines	2,500
	Federal Way	10,000
	SeaTac	13,673
	Tukwila	7,999
	TOTAL	\$ 60,372

Calendar Year 2018

Exhibit A to Memorandum of Understanding (MOU) between the Cities for planning, funding, and implementation of a joint human services application and funding program.

Name of Nonprofit Agency & Program	Participating Cities	Funding
Sound Generations for Volunteer Transportation Services and Hyde Shuttles	Renton - Lead City	\$ 21,000
	Auburn	5,000
	Burien (Hyde Shuttle)	5,000
	Des Moines (Hyde Shuttle)	2,125
	Federal Way	10,000
	SeaTac	4,600
	Tukwila	2,860
	TOTAL	\$ 50,585
<u>Summary of Lead Cities:</u> Auburn: Crisis Clinic - 2-1-1 & crisis line Crisis Clinic - Teen Link Burien: Childcare Resources - Education & Provider Multi-Service Center -Emergency Housing Covington: HealthPoint - Dental HealthPoint- Medical Federal Way: CCS - Emergency Assistance CCS - Volunteer Chore Services Renton: DAWN - DV Advocacy/Crisis Line DAWN - Shelter KSCARC Senior Services - Meals on Wheels Senior Services - Volunteer Transportation Tukwila: Children's Therapy Center		

MEMORANDUM OF UNDERSTANDING BETWEEN
THE CITIES OF AUBURN, BURIEEN, DES MOINES,
FEDERAL WAY, KENT, RENTON, SEATAC, AND
TUKWILA FOR PLANNING, FUNDING, AND
IMPLEMENTATION OF A JOINT HUMAN
SERVICES APPLICATION AND FUNDING
PROGRAM.

THIS MEMORANDUM OF UNDERSTANDING ("MOU") is entered into pursuant to Chapter 39.34 RCW by the Cities of Auburn, Burien, Des Moines, Federal Way, Kent, Renton, SeaTac, and Tukwila, Washington hereinafter referred to as "Cities", to provide for planning, funding, and implementation of a joint human services application and funding program.

WHEREAS, the Cities engage in activities which support human service providers in King County; and

WHEREAS, the parties wish to make the most efficient use of their resources by cooperating to provide funding to support human service providers in south King County; and

WHEREAS, through the Interlocal Cooperation Act, the parties have the authority to engage in cooperative efforts which result in more efficient use of Government resources; and

NOW THEREFORE, and in consideration of the terms, conditions and performances made herein, it is agreed as follows:

1. Purpose of MOU: The purpose of the MOU is to set up a cooperative arrangement between the Cities to consolidate the human services application and funding process. Four nonprofit human services agencies, commonly funded by many of the Cities, have been designated by the Cities for calendar year 2003. Nonprofit agencies may be added or deleted each year as determined by the Cities for the cooperative program.

2. Joint Participation.

- a) Lead City. A Lead City will be designated by the Cities for each Nonprofit Agency, as shown in Exhibit A, to act as the fiscal and administrative agent for the Cities for that Nonprofit Agency. A Lead City is usually established by the amount of funding and/or support to the particular Nonprofit Agency. The responsibilities of the Lead City are described in Section 4.
- b) Participating City. A Participating City is a city participating in the cooperative funding of a Nonprofit Agency, who is not a Lead City. Participating Cities for each Nonprofit Agency are identified in Exhibit A. A Participating City shall review quarterly reports from the Nonprofit Agency.

If a Participating City becomes concerned with a Nonprofit Agency's services, it will promptly notify the Lead City. If a Participating City determines that a Nonprofit Agency is not performing satisfactorily for their city, the Participating City reserves the right to request the Lead City to withhold payments to the Nonprofit Agency for their share of funding. In the event that a claim or lawsuit is initiated by a Nonprofit Agency against any City for withholding payment, the City requesting the withholding of payment shall be responsible for settling or defending the claim or lawsuit. In addition, in the event of any settlement of or judgment on the claim or lawsuit, the City requesting that payment be withheld shall be fully responsible for the payment of such settlement of judgment and shall indemnify, defend, and hold harmless the other Cities for such settlement or lawsuit.

- c) Nonprofit Agency. For calendar year 2003, the Cities identified and agreed that they will coordinate to consolidate the human services application and funding process for the following four Nonprofit Agencies: Crisis Clinic, King County Sexual Assault Resource Center, Community Health Center, and the Part-Time Domestic Violence Planner through the King County Coalition Against Domestic Violence. Nonprofit Agencies may be added or deleted each year as determined by the Cities for the cooperative program.

3. Funding Arrangement.

- a) Allocation. Each Participating City shall provide to the Lead City no later than March 31st of each year, the total annual funding allocation approved by their City Councils for the Nonprofit Agency, as described in Exhibit A. No administrative costs shall be imposed by the Lead City to the other Participating Cities. Exhibit A will be updated each year to show the Nonprofit Agencies, Lead Cities, Participating Cities, and funding amounts for that calendar year. *{For City of Des Moines only, the last sentence of this paragraph was changed to read: "Exhibit A will be updated each year by approval of amendment to this agreement to show the Nonprofit Agencies, Lead Cities, Participating Cities, and funding amounts for that calendar year."}*
- b) Return of Unspent Funds. Any monies that the Nonprofit Agency(s) does not spend during the calendar year shall be proportionately returned to each Participating City. On or before March 31st of the next calendar year the Lead City will provide the unspent funds to each Participating City.

4. Responsibilities of Lead City. A Lead City has been designated to act as the fiscal and administrative agent for the Cities for each Nonprofit Agency, as shown in Exhibit A. The responsibilities of the Lead City shall include the following:

- a) Send an invoice to each Participating City by January 30th of each year for their annual approved allocation to the Nonprofit Agency.

- b) Contract with the Nonprofit Agency each year, for the total funding allocated by the Participating Cities, detailing performance measures to be performed by the Nonprofit Agency for each City.
- c) Receive, review, and process the quarterly invoices and reports from the Nonprofit Agency. Quarterly reports shall describe services provided specifically to each City. Disputes regarding billings will be resolved among the Participating Cities.
- d) Provide copies of quarterly reports to the Participating Cities, if the reports are not provided directly by the Nonprofit Agency.
- e) Provide the Nonprofit Agency with a funding application and technical assistance as required.
- f) Perform an annual monitoring visit of the Nonprofit Agency, to include the participation of another Participating City.
- g) Maintain accounts and records which properly reflect transactions related to this MOU.

5. Duration. This MOU shall become effective when it is approved by a majority of the Cities and shall remain in effect through December 31, 2003, with automatic extensions annually, unless terminated as described in section 6.

6. Termination. Any party may terminate its participation in the MOU without cause by giving the other Cities a thirty day written notice. The terminating party shall remain fully responsible for meeting its funding responsibilities and other obligations established by this MOU through the end of the calendar year in which such notice is given.

7. Notices. Notices to the Cities shall be sent to the following persons:

City	Contact
Auburn	Planner, currently Shirley Aird
Burién	Management Analyst, currently Lori Fleming
Des Moines	Senior Services Manager, currently Sue Padden
Federal Way	Human Services Manager, currently Lydia Assefa-Dawson
Kent	Human Services Manager, currently Katherin Johnson
Renton	Contract Specialist, currently Dianne Utecht
SeaTac	Senior Project Coordinator, currently Soraya Lowry
Tukwila	Human Services Manager, currently Evelyn Boykan

8. Indemnification.

Each City agrees to indemnify the other Cities from any claims, damages, losses, and costs, including, but not limited to, attorney's fees and litigation costs, arising out of claims by third parties for property damage and bodily injury, including death, caused solely by the negligence or willful misconduct of such City, the City's employees,

Joint Human Services Application and Funding MOU
Page 4 of 7

affiliated corporations, officers, and lower tier subcontractors in connection with this MOU.

Each City hereby waives its immunity under Title 51 of the Revised Code of Washington for claims of any type brought by any City agent or employee against the other Cities. This waiver is specifically negotiated by the parties and a portion of the City's payment hereunder is expressly made the consideration for this waiver.

9. Insurance. Each City shall procure and maintain in full force throughout the duration of the Agreement comprehensive general liability insurance with a minimum coverage of \$1,000,000.00 per occurrence/aggregate for personal injury and property damage. In the event that a City is a member of a pool of self-insured cities, the City shall provide proof of such membership in lieu of the insurance requirement above. Such self insurance shall provide coverage equal to or greater that required of non-self insurance pool member Cities.

10. Oversight Committee. This Agreement shall be managed by an Oversight Committee made up of one representative of each City. The representative of each City shall be that person designated in section 7 of this Agreement. The Oversight Committee shall meet at least annually to discuss the terms of the Agreement and manage the services provided pursuant to the Agreement.

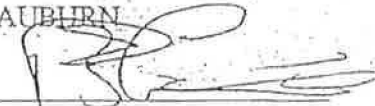
11. Applicable Law; Venue; Attorney's Fees. This Agreement shall be governed by and construed in accordance with the laws of the State of Washington. In the event any suit, arbitration, or other proceeding is instituted to enforce any term of this Agreement, the parties specifically understand and agree that venue shall be exclusively in King County, Washington. The prevailing party in any such action shall be entitled to its attorney's fees and costs of suit.

12. Counterparts. This document may be executed in any number of counterparts, each one which shall be considered an original.

IN WITNESS WHEREOF, the undersigned have entered into this MOU as of this _____ day of _____, 2003.

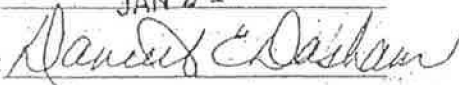
IN WITNESS WHEREOF, the undersigned have entered into this MOU as of this
21st day of January, 2003.

CITY OF AUBURN

By: 

Title: Mayor

Date: JAN 21 2003

Attest: 

Approved As To Form


City Attorney

Joint Human Services Application and Funding MOU
Page 5 of 7

CITY OF BURIEN

By: Dany P. Long

Title: City Manager

Date: 1-21-03

Attest: _____

Approved As To Form:

[Signature]
City Attorney

CITY OF COVINGTON

By: _____

Title: _____

Date: _____

Attest: _____

Approved As To Form:

City Attorney

CITY OF DES MOINES

By: _____

Title: _____

Date: _____

Attest: _____

Approved As To Form:

City Attorney

CITY OF FEDERAL WAY

By: _____

Title: _____

Date: _____

Attest: _____

Approved As To Form:

City Attorney

Joint Human Services Application and Funding MOU
Page 5 of 7

CITY OF BURIEN

By: _____

Title: _____

Date: _____

Attest: _____

Approved As To Form: _____

City Attorney

CITY OF COVINGTON

By: _____

Title: _____

Date: _____

Attest: _____

Approved As To Form: _____

City Attorney

CITY OF DES MOINES

By: [Signature]

Title: City Manager

Date: 1/28/03

Attest: _____

Approved As To Form: _____

[Signature]
City Attorney

CITY OF FEDERAL WAY

By: _____

Title: _____

Date: _____

Attest: _____

Approved As To Form: _____

City Attorney

Joint Human Services Application and Funding MOU
Page 6 of 8

CITY OF FEDERAL WAY

By: [Signature]

Title: CITY MANAGER

Date: 3/26/03

Attest: [Signature]

Approved As To Form:

[Signature]
City Attorney

CITY OF KENT

By: _____

Title: _____

Date: _____

Attest: _____

Approved As To Form:

City Attorney

CITY OF RENTON

By: _____

Title: _____

Date: _____

Attest: _____

Approved As To Form:

City Attorney

CITY OF SEATAC

By: _____

Title: _____

Date: _____

Attest: _____

Approved As To Form:

City Attorney

Joint Human Services Application and Funding MOU
Page 6 of 7

CITY OF KENT

By: Judy Woods

Title: Mayor Pro Tem

Date: 2/4/03

Attest: _____

Approved As To Form: [Signature]

DEPUTY City Attorney

CITY OF RENTON

By: _____

Title: _____

Date: _____

Attest: _____

Approved As To Form: _____

City Attorney

CITY OF SEATAC

By: _____

Title: _____

Date: _____

Attest: _____

Approved As To Form: _____

City Attorney

CITY OF TUKWILA

By: _____

Title: _____

Date: _____

Attest: _____

Approved As To Form: _____

City Attorney

Joint Human Services Application and Funding MOU
Page 4 of 5

Each City hereby waives its immunity under Title 51 of the Revised Code of Washington for claims of any type brought by any City agent or employee against the other Cities. This waiver is specifically negotiated by the parties and a portion of the City's payment hereunder is expressly made the consideration for this waiver.

9. Insurance. Each City shall procure and maintain in full force throughout the duration of the Agreement comprehensive general liability insurance with a minimum coverage of \$1,000,000.00 per occurrence/aggregate for personal injury and property damage. In the event that a City is a member of a pool of self-insured cities, the City shall provide proof of such membership in lieu of the insurance requirement above. Such self insurance shall provide coverage equal to or greater that required of non-self insurance pool member Cities.

10. Oversight Committee. This Agreement shall be managed by an Oversight Committee made up of one representative of each City. The representative of each City shall be that person designated in section 7 of this Agreement. The Oversight Committee shall meet at least annually to discuss the terms of the Agreement and manage the services provided pursuant to the Agreement.

11. Applicable Law; Venue; Attorney's Fees. This Agreement shall be governed by and construed in accordance with the laws of the State of Washington. In the event any suit, arbitration, or other proceeding is instituted to enforce any term of this Agreement, the parties specifically understand and agree that venue shall be exclusively in King County, Washington. The prevailing party in any such action shall be entitled to its attorney's fees and costs of suit.

IN WITNESS WHEREOF, the undersigned have entered into this MOU as of this 3rd day of February, 2003.

CITY OF RENTON

By: Jesse Tanner
Jesse Tanner

Title: Mayor

Date: 2-3-2003

Attest: Bonnie I. Walton
City Clerk, Bonnie I. Walton

Approved As To Form:

Lawrence J. Warner
City Attorney

Joint Human Services Application and Funding MOU
Page 6 of 7

CITY OF KENT

By: _____

Title: _____

Date: _____

Attest: _____

Approved As To Form:

City Attorney

CITY OF RENTON

By: _____

Title: _____

Date: _____

Attest: _____

Approved As To Form:

City Attorney

CITY OF SEATAC

By: Bruce Rayburn
Bruce Rayburn, City Manager

Title: _____

Date: 3/3/03

Attest: _____

Approved As To Form:

John L. McAlam
City Attorney

CITY OF TUKWILA

By: _____

Title: _____

Date: _____

Attest: _____

Approved As To Form:

City Attorney

Joint Human Services Application and Funding MOU
Page 6 of 7

CITY OF KENT

By: _____

Title: _____

Date: _____

Attest: _____

Approved As To Form: _____

City Attorney

CITY OF RENTON

By: _____

Title: _____

Date: _____

Attest: _____

Approved As To Form: _____

City Attorney

CITY OF SEATAC

By: _____

Title: _____

Date: _____

Attest: _____

Approved As To Form: _____

City Attorney

CITY OF TUKWILA

By: Spencer M. Mullet

Title: Mayor

Date: 1/16/03

Attest: Jane E. Cantu

City Clerk

Approved As To Form: _____

[Signature]

City Attorney

A G E N D A I T E M

BUSINESS OF THE CITY COUNCIL City of Des Moines, WA

SUBJECT: Interlocal Agreement Between the Cities of SeaTac, Des Moines, Covington, and Tukwila for Planning, Funding, and Implementation of a Joint Minor Home Repair Program.

ATTACHMENTS:

1. Interlocal Agreement between the Cities of SeaTac, Des Moines, Covington, and Tukwila for Planning, Funding, and Implementation of a Joint Minor Home Repair Program.
2. Revised Exhibit A

FOR AGENDA OF: February 15, 2018

DEPT. OF ORIGIN: Community Development

DATE SUBMITTED: February 2, 2018

CLEARANCES:

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

CHIEF OPERATIONS OFFICER: _____

- ☒ Legal *[Signature]*
☒ Finance *[Signature]*
☐ Courts NA
☐ Police NA

APPROVED BY CITY MANAGER
FOR SUBMITTAL: *[Signature]*

Purpose and Recommendation

The purpose of this item is to seek Council approval of revised Exhibit A (Attachment 2) to the existing Interlocal Agreement (Attachment 1) between the Cities of SeaTac, Des Moines, Covington, and Tukwila for planning, funding and implementation of a Joint Minor Home Repair (MHR) Program. The Agreement shall remain in effect in an ongoing basis so long as funds are available. Des Moines' updated share of the Community Development Block Grant funds provided by King County for the program is \$29,625 which covers repairs, plus \$2,500 for City personnel costs to administer the program. No City funds are used for the Program. The following motion will appear on the consent calendar:

Suggested Motion

Motion: "I move 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 \$29,625 for repairs plus \$2,500 personnel costs, for the Minor Home Repair Program substantially in the form as submitted."

Background

The King County Department of Community and Human Services Community Services Division requested project proposals for consideration by the King County Community Development Block Grant (CDBG) Consortium. Request for Proposal (RFP) applications were available for non-profit organizations and public agencies to request funds for the following types of projects:

- community facilities: acquisition, construction or rehabilitation
- public improvements: acquisition, construction or rehabilitation
- other: minor housing repair, economic development, employment services through a Community Based Development Organization (CBDO) and other activities consistent with the objectives of the King County Consortium Housing and Community Development Plan and federal CDBG regulations at 24 CFR Part 570.

King County annually receives Community Development Block Grant (CDBG) Funds from the United States Department of Housing and Urban Development. The primary objective of the CDBG Program as set forth by Congress is “the development of viable urban communities, by providing decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low and moderate income.” Federal regulations define persons who are considered low and moderate income as households earning under 80% of the area median income, as determined by HUD, adjusted by household size.

King County administers CDBG funds on behalf of the King County CDBG Consortium. The Consortium is established under Interlocal Cooperation Agreements between the County and 34 cities and towns. A Joint Recommendations Committee (JRC) comprised of officials representing local government members of the Consortium is appointed annually by the Suburban Cities Association to advise the County Executive on CDBG funding and policy decisions.

Discussion

The Minor Home Repair program targets minor home repairs for low and moderate income homeowners in the City of Des Moines. The program is intended to assist homeowners who are having a difficult time maintaining their house. The program is a tool that the cities can use to both serve a human service need of maintaining a safe house, as well as address some safety-related code enforcement issues. The service also contributes to a more positive image of Des Moines single family neighborhoods. This program is being coordinated by the Permit Coordinator/Business License Clerk.

The City of Des Moines has been a recipient of these funds since 2006. Throughout that time, staff has met all requirements of King County for the proper expenditure of grant funds. With 2016 funds, the City’s share allowed 19 projects to be completed for 16 low to moderate income families. These projects provided multiple plumbing and electrical repairs, gutter and roof cleaning, grab bars, security lighting, an emergency waterline repair, and other necessary repair and maintenance projects that helped our citizens stay in their homes.

For 2017 funds, the Cities again partnered and submitted a competitive joint application and were awarded \$125,000. The Des Moines’ share is \$29,625 plus \$2,500 for City personnel costs. The program will continue to be administered by the City of Tukwila, who will serve as the fiscal agent for

the four cities, as well as handle the administration with King County. Each city will hire their own contractors, screen their clients, and make referrals. Tukwila will front the money to Des Moines, administer the paperwork, and request reimbursement from King County. The majority of the federal requirements are met by Tukwila as they administer the program and are responsible for the distribution of the funds. There are no changes to the signed 2013 agreement, which will remain in effect on an ongoing basis so long as funds are available.

Alternatives

The Council could choose not to approve revised Exhibit A of the Interlocal Agreement, and withdraw from the partnership. This would eliminate the funding for the minor home repair program, and eligible low to moderate income homeowners in the community would not receive funds for repair of their homes.

Financial Impact

Des Moines share of the Community Development Block Grant funds provided by King County for the program is \$29,625 which covers repairs plus \$2,500 for City personnel costs to administer the program. If the revised Exhibit A of the Interlocal Agreement is accepted, the City will incur administrative staff costs for administering the program, paying invoices, submitting reimbursement requests and receipting reimbursements from Tukwila. Tukwila will front the money to Des Moines, and then collect from King County.

Recommendation

Finance and Legal Departments concur, and recommend approval of revised Exhibit A of the Interlocal Agreement.

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13-195

Council Approval 12/7/13

COPY

**INTERLOCAL AGREEMENT BETWEEN THE CITY OF SEATAC, DES
MOINES, COVINGTON, AND THE CITY OF TUKWILA FOR
PLANNING, FUNDING, AND IMPLEMENTATION OF A JOINT MINOR
HOME REPAIR PROGRAM**

THIS INTERLOCAL AGREEMENT ("Interlocal") is entered into pursuant to Chapter 39.34 RCW, the Interlocal Cooperation Act, by the City of SeaTac ("SeaTac"), the City of Des Moines ("Des Moines"), the City of Covington ("Covington"), and the City of Tukwila ("Tukwila"), hereinafter referred to as "City" or "Cities," to provide for planning, funding, and implementation of a minor home repair program.

WHEREAS, the Cities engage in activities which support human service providers in King County; and

WHEREAS, the Cities wish to make the most efficient use of their resources by cooperating to provide funding to support human service providers in south King County; and

WHEREAS, through the Interlocal Cooperation Act, Chapter 39.34 RCW, the Cities have the authority to engage in cooperative efforts that will result in more efficient use of government resources;

WHEREAS, the Cities are signatories to a preceding interlocal agreement for the planning, funding, and implementation of a joint minor home repair program dated February 29, 2012 (the "Former Agreement"); and

WHEREAS, one of the participants to the Former Agreement has recently terminated its participation in the Former Agreement and the Cities wish to enter into a new interlocal agreement for the planning, funding, and implementation of a joint minor home repair program from this point forward;

NOW, THEREFORE, and in consideration of the terms, conditions, and performances made herein, it is agreed as follows:

1. Purpose. The purpose of this Interlocal is to set up a cooperative arrangement between the Cities to consolidate the funding process and implementation of a minor home repair program. This Interlocal will increase the efficiency of administering the program while decreasing administrative costs.

2. Responsibilities.

A. Tukwila's Duties.

1) Contract and act as the fiscal and administrative agent with King County for the implementation of a Block Grant for a minor home repair program for Des Moines, Tukwila, Covington, and SeaTac.

2) Maintain required documentation and prepare required reports for King County consistent with the County's requirements regarding the use of Community Development Block Grant funds.

3) Maintain accounts and records that properly reflect transactions related to this Interlocal.

4) Responsible for reimbursing participating cities and submitting required paperwork to King County.

5) Responsible for the implementation of the minor home repair program within Tukwila in accordance with terms specified in the Block Grant contract between Tukwila and King County.

6) Review and pay invoices for any services performed in Tukwila pursuant to this Interlocal.

7) Reimburse SeaTac, Covington, and Des Moines on an as received basis for any invoices received pursuant to this Interlocal.

B. SeaTac's Duties

1) Responsible for the implementation of the minor home repair program within SeaTac in accordance with terms specified in the Block Grant contract between Tukwila and King County.

2) Review and pay invoices for any services performed in SeaTac pursuant to this Interlocal.

3) Remit invoices to Tukwila for reimbursement.

C. Des Moines' Duties

1) Responsible for the implementation of the minor home repair program within Des Moines in accordance with terms specified in the Block Grant contract between Tukwila and King County.

2) Review and pay invoices for any services performed in Des Moines pursuant to this Interlocal.

3) Remit invoices to Tukwila for reimbursement.

D. Covington's Duties

1) Responsible for the implementation of the minor home repair program within Covington in accordance with terms specified in the Block Grant contract between Tukwila and King County.

2) Review and pay invoices for any services performed in Covington pursuant to this Interlocal.

3) Remit invoices to Tukwila for reimbursement.

E. Cities' Joint Duties

1) Subcontract with an agency/contractors that will perform qualified home repairs in Tukwila, SeaTac, Covington, and Des Moines in accordance with King County's Block Grant program and applicable city policies.

2) No City shall use more funds than have been annually allocated to it by King County for a minor home repair program. However, if a City is unable to spend its portion of the funds by the 3rd quarter of the year for which the funds were allocated, the Cities may mutually agree to shift those funds to another City that has an on-going demand for minor home repair. Fund allocation shall be as set forth in Exhibit A, which is attached hereto and incorporated herein by this reference. Exhibit A shall be amended annually and all subsequent amended Exhibit As shall automatically supersede the prior Exhibit A and be fully incorporated herein upon distribution of each amended Exhibit A to all of the Cities by the administrative agent.

3) Abide by additional requirements outlined in the agreement between Tukwila and King County for a minor home repair program, which is attached hereto as Exhibit B and incorporated herein by this reference. Exhibit B shall be amended annually and all subsequent amended Exhibit Bs shall automatically supersede the prior Exhibit B and be fully incorporated herein upon distribution of each amended Exhibit B to all of the Cities by the administrative agent.

4) The Cities agree to include the following language verbatim in every subcontract, provider agreement, or purchase agreement for services which relate to the subject matter of this Contract: "Subcontractor shall protect, defend, indemnify, and hold harmless King County, its officers, employees and agents from any and all costs, claims, judgments, and/or awards of damages arising out of, or in any way resulting from the negligent act or omissions of subcontractor, its officers, employees, and/or agents in connection with or in support of this Contract. Subcontractor expressly agrees and understands that King County is a third party beneficiary to this Contract and shall have the right to bring an action against subcontractor to enforce the provisions of this paragraph."

5) Duration. This Interlocal shall become effective when it is approved by the Cities and shall remain in effect on an ongoing basis so long as funds are available for the minor home repair program.

6) Termination. Any City may terminate this Interlocal without cause by giving the other Cities a thirty-day written notice. The terminating City shall remain fully responsible for meeting its funding responsibilities to date up to the point of termination and other obligations established by this Interlocal through the end of the calendar year in which such notice is given. The administrative agent is authorized to terminate the participation of any City that does not fulfill its obligations as set forth in this Agreement. Written notice of such termination shall be mailed to each City and shall become effective upon said mailing.

7) Notices. Notices to the Cities shall be sent to the following persons:

City	Contact
SeaTac	Human Services Manager, currently Colleen Brandt-Schluter 4800 S. 188 th Street, SeaTac, WA 98188 206-973-4815; cbschluter@ci.seatac.wa.us
Des Moines	Tina Hickey 21630 11 th Ave S, Suite D Des Moines, WA 98198-6398 206-870-6558; Thickey@desmoineswa.gov
Covington	Personnel Division/Human Services, currently Victoria Throm 16720 SE 271 st Street, Ste. 100 Covington, WA 98042 253-480-2411; vthrom@covingtonwa.gov
Tukwila	Human Services Manager, currently Evelyn Boykan 6200 Southcenter Blvd, Tukwila, WA 98188 206-433-7180; evie.boykan@tukwilaWA.gov

8) Indemnification. Each City agrees to indemnify the other City from any claims, damages, losses, and costs, including, but not limited to, attorney's fees and litigation costs arising out of claims by third parties for breach of contract, property damage, and bodily injury, including death, caused solely by the negligence or willful misconduct of such City, the City's employees, affiliated corporations, officers, and lower tier subcontractors in connection with this Interlocal.

Each City hereby waives its immunity under Title 51 of the Revised Code of Washington for claims of any type brought by any City agent or employee against the other City. This waiver is specifically negotiated by the parties and a portion of the City's payment hereunder is expressly made the consideration for this waiver.

9) Insurance. Each City shall procure and maintain in full force throughout the duration of the Interlocal comprehensive general liability insurance with a minimum coverage of \$1,000,000.00 per occurrence/aggregate for personal injury and property damage. In the event that a City is a member of a pool of self-insured cities, the City shall provide proof of such membership in lieu of the insurance requirement above. Such self-insurance shall provide coverage equal to or greater than that required of non-self insurance pool member Cities.

10) Applicable Law; Venue; Attorney's Fees. This Interlocal shall be governed by and construed in accordance with the laws of the State of Washington. In the event any suit, arbitration, or other proceeding is instituted to enforce any term of this Interlocal, the parties specifically understand and agree that venue shall be exclusively in King County, Washington. The prevailing party in any such action shall be entitled to its attorney's fees and costs of suit.

11) Counterparts. This document may be executed in any number of counterparts, each of which shall be considered an original.

12) Amendment or Modification. This Interlocal may be amended or modified in writing with the mutual consent of the Cities. Amendments or modifications to this Interlocal shall not require the approval of the Cities' legislative bodies.

13) Former Agreement Terminated and Superseded. The Former Agreement between the Cities is hereby terminated and superseded by this Interlocal.

IN WITNESS WHEREOF, the undersigned have entered into this Interlocal as of this 2nd day of December, 2012.

CITY OF SEATAC

By: Todd Cutts
Todd Cutts, City Manager

Date: 11/14/13

Attest: _____

[Printed Name]

Title: _____

Approved As To Form:

Mark S. Johnson, Sr.
Mark S. Johnson, Sr. Assistant City Attorney

CITY OF TUKWILA

By: Jim Haggerton
Jim Haggerton, Mayor

Date: 12-2-13

Attest: Christy O'Flaherty

[Printed Name]

Title: City Clerk

Approved As To Form:

Shelley M. Kerslake
Shelley M. Kerslake, City Attorney

CITY OF DES MOINES

By: Anthony A. Piasecki
Anthony A. Piasecki, City Manager

Date: 11/1/13

Attest: Pamela Swilkins

[Printed Name]

Title: City Clerk

Approved As To Form:

Tim George
Tim George, Assistant City Attorney

CITY OF COVINGTON

By: Derek Matheson
Derek Matheson, City Manager

Date: 10/31/13

Attest: Sharon Scott

[Printed Name]

Title: City Clerk

Approved As To Form:

Sara Springer
Sara Springer, City Attorney

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EXHIBIT A – 2017 Funds

Interlocal Between the Cities For Planning, Funding, and Implementation of a Joint Minor Home Repair Program

Contract Year 2018 utilizing 2017 funds

Name of Agencies	Participating Cities & Funding
Qualified contractors	Tukwila - Lead City \$29,625
	Des Moines \$29,625
	SeaTac \$29,625
	Covington \$29,625
	HCD Environmental Review and \$4,000
	Personnel & Project Management \$2,500
	TOTAL \$125,000

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AGENDA ITEM

BUSINESS OF THE CITY COUNCIL City of Des Moines, WA

SUBJECT: 2018 City Council Vision, Mission
Statement, Goals and Strategic
Objectives

ATTACHMENTS:

1. 2018 City Council Vision, Mission
Statement, Goals and Strategic Objectives

FOR AGENDA OF: February 15, 2018

DEPT. OF ORIGIN: Administration

DATE SUBMITTED: February 6, 2018

CLEARANCES:

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

CHIEF OPERATIONS OFFICER: _____

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

APPROVED BY CITY MANAGER
FOR SUBMITTAL: 

Purpose and Recommendation

The purpose of this agenda item is for the City Council to approve the 2018 Vision, Mission Statement, Goals and Strategic Objectives.

Suggested Motion

Motion: "I move to approve the City Council's 2018 Vision, Mission Statement, Goals and Strategic Objectives."

Background

During the January 20, 2018 Council Retreat, the City Council reviewed their existing Vision, Mission Statement, Goals and Objectives and made some changes for 2018. A draft document incorporating the City Council's amendments made at the retreat was provided to the City Council for review and further

discussion at the February 1 study session.

Discussion

A few minor amendments were made at the February 1, 2018 study session and the end result is the document labeled as Attachment 1. This document reflects the City Council's 2018 Vision, Mission Statement, Goals and Strategic Objectives as related to staff at various meetings this year.

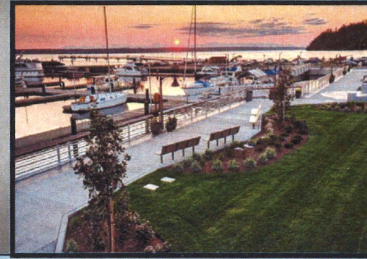
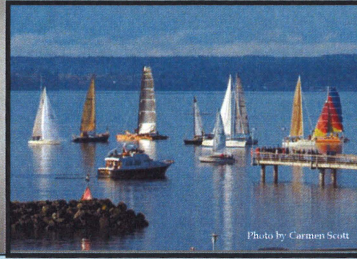
Alternatives

Council may choose to amend their Vision, Mission Statement, Goals and Strategic Objectives prior to adoption.

Financial Impact.

None.

2018 DES MOINES CITY COUNCIL



VISION

Create a vibrant, inviting, livable, safe, and sustainable waterfront community, while embracing change for the future and respecting our history.

MISSION STATEMENT

Encourage growth; and protect, respect, promote, and improve the community by providing leadership and services that reflect the pride of our City and honor our citizens.

GOALS

- Protect people and property.
- Promote economic stability, growth, and vibrancy.
- Improve and enhance the City's transparency through community communications.
- Maintain, and when possible, enhance the City's infrastructure.
- Provide efficient and effective customer-oriented City Services.
- Preserve and celebrate the historic elements of the City.
- Encourage community involvement.
- Preserve livability for all generations.
- Participate in regional and state issues and decisions.
- Protect the natural environment.

STRATEGIC OBJECTIVES

SHORT TERM

- Aggressively remediate nuisance properties.
- Update, implement and practice the City's Emergency Management Plan.
- Adopt and implement a Comprehensive Marina District and Redondo Business Plan.
- Ensure that infrastructure is in place to support development.
- Continue to recognize community members/organizations and City staff.
- Continue to improve and enhance the City's communications plan and strategy.
- Develop and implement an economic development strategic plan.
- Continue to work on developing the best possible transit service.
- Continue to support appropriate development opportunities in Des Moines.
- Enhance public safety through appropriate hiring, staffing and technology; and continued focus on prevention, community engagement, and education.
- Develop a capital replacement program for all the City Facilities.
- Continue opposition of expansion or increase of operations at Sea-Tac International Airport, and encourage siting of additional airport in a location that does not negatively impact the City.
- Adopt policies that further [Council Legislative Priorities](#) and [Intergovernmental Positions](#).
- Partner and collaborate with local, state and federal agencies in working to mitigate negative environmental, financial, and livability impacts.

LONG TERM

- Support on-going programs to improve public safety.
- Aggressively remediate nuisance properties.
- Pursue mass transit and other multi-modal transportation options.
- Maintain the Police Department's accreditation.
- Develop and implement an economic development strategic plan.
- Continue and enhance the City's collaborations with the educational communities.
- Develop a comprehensive replacement and maintenance plan for facilities, infrastructure and technology to include collaboration with other community partners/entities.
- Continue to educate the business and development community to City improvements and innovations.
- Continue to work with the State Department of Transportation in the design and completion of State Route 509.
- Adequately fund and support programs preserving livability for all generations.
- Continue opposition of expansion or increase of operations at Sea-Tac International Airport and encourage siting of additional airport in a location that does not negatively impact the City.
- Adopt policies that further [Council Legislative Priorities](#) and [Intergovernmental Positions](#).

PROCESS

- Educational Communities
- Neighborhood Advisory Committee/Community Engagement
- Communications/Civic Engagement/User Interactions
- Study Sessions (Series): Utilities (needs/process); Community Groups

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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: Administrative Settlement Policies for
Real Property Acquisition

FOR AGENDA OF: February 15, 2018

DEPT. OF ORIGIN: Public Works

DATE SUBMITTED: February 2, 2018

ATTACHMENTS:

1. Draft Resolution 17-142
2. City of Des Moines Administrative Settlement Policies
3. Update of City of Des Moines Certification Acceptance Qualification Agreement & Right-of-Way Acquisition Procedures

CLEARANCES:

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

CHIEF OPERATIONS OFFICER: DJB

- ☒ Legal VG
- ☒ Finance UP
- ☐ Courts _____
- ☐ Police _____

APPROVED BY CITY MANAGER
FOR SUBMITTAL: DJB for MM.

Purpose and Recommendation

The purpose of this agenda item is to seek Council approval of Draft Resolution No. 17-142 which establishes Administrative Settlement Policies for real estate purchases required for public works projects in accordance with the Washington State Department of Transportation Local Agency Guidelines (LAG) manual, section 25.11, Administrative Settlement Guidelines. The following motion will appear on the consent calendar:

Suggested Motion

Motion: "I move to approve Draft Resolution No. 17-142 establishing Administrative Settlement Policies and authorize the City Manager or designee to make administrative settlements up to 10% above Fair Market Value not to exceed \$50,000."

Background

In order to facilitate capital infrastructure improvements undertaken by the City, the need to obtain additional right-of-way is required. This is often due to the necessary improvements (additional travel lanes, bicycle lanes, landscaped planter strip, and/or sidewalks being elements of a capital project). The Washington State Department of Transportation (WSDOT) provides Local Agency Guidelines (LAG) as to the process and steps for municipalities in Washington State to follow in their planning, design, construction, and maintenance of transportation facilities. To assist agencies in accomplishing these goals, the LAG manual describes the processes, documents, and approvals necessary to obtain Federal Highway Administration (FHWA) funds to develop local transportation projects and defray their costs.

The LAG manual is a compilation of information from many sources and is a reference source for administrative and field personnel in any governmental agency. Highways and Local Programs is the division within the Washington State Department of Transportation (WSDOT) which serves local agencies.

Discussion

Chapter 25 of the aforementioned LAG manual is titled “Right of Way Procedures” and outlines the process and procedures to follow when the acquisition of right-of-way is required for a project. An agency must have prior approval from WSDOT for right-of-way acquisition procedures. Acquisition procedures are submitted to the Region Local Programs Engineer for review prior to final execution by the local agency. Highways and Local Programs forwards the procedures through the Region Local Agency Coordinator for approval. The local agency will be approved to acquire right-of-way based on submitted procedures.

The City of Des Moines had previously obtained right-of-way acquisition approval from WSDOT, however, with key staff changes in November/December of 2016, staff submitted updated Right of Way Procedures for concurrence by the City Council on December 8, 2016. The adopted procedures have been included as Attachment 3 for reference.

During WSDOT review of the City’s Right of Way Procedure update, staff was informed and requested to provide an Administrative Settlement Policy as it appeared this had not been written in policy to date. An Administrative settlement is a negotiated settlement of a right-of-way acquisition case in which the agency has administratively approved payment in excess of fair market value as shown on the agency’s approved determination of value. The designated local agency representative may approve an administrative settlement when it is determined that such action is in the public interest. In arriving at a determination to approve an administrative settlement, the designated official must give full consideration to all pertinent information. The settlement justification must include the circumstances of each individual parcel that convince the agency that an administrative settlement is in the agencies’ as well as the public’s best interest.

Staff has prepared Draft Resolution 17-142 (Attachment 1) adopting Administrative Settlement Policies (Attachment 2), which propose to allow the City Manager, or designee to have the authority to make administrative settlements up to 10% above FMV not to exceed \$50,000. Administrative settlements in excess of \$50,000 shall require the approval of the City Council. The \$50,000 amount reflects the contract signature authority for the City Manager.

Alternatives

Council could modify the settlement amount level.

Financial Impact

All future right of way expenditures would be planned and budgeted through the Capital Improvement Budget process for each project as happens currently.

Recommendation

Staff recommends Council approve the suggested motion.

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CITY ATTORNEY'S FIRST DRAFT 10/27/2017**DRAFT RESOLUTION NO. 17-142**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DES MOINES, WASHINGTON, adopting Administrative Settlement Policies in accordance with the Washington State Department of Transportation Local Agency Guidelines (LAG) manual, section 25.11, *Administrative Settlement Guidelines*.

WHEREAS, it is sometimes necessary for the City to acquire real estate property in order to construct or accommodate planned improvements and,

WHEREAS, for a project to be eligible for federal funding on any phase of the project, the project's right-of-way must be acquired in accordance with the requirements of the Washington State Department of Transportation Local Agency Guidelines (LAG) manual and,

WHEREAS, Section 25.09 of the LAG outlines the process for Administrative Settlements which include requiring the local agency to submit for review to the Washington State Department of Transportation (WSDOT) the agency's responsible official with authority to approve administrative settlements, and the procedure for handling administrative settlements, and

WHEREAS; the designated local agency representative may approve an administrative settlement when it is determined that such action is in the public interest, now therefore,

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

The Des Moines City Council adopts the following Administrative Settlement Policies for real estate property purchases required for public works projects in accordance with the Washington State Department of Transportation Local Agency Guidelines (LAG) manual, section 25.11, *Administrative Settlement Guidelines*.

ADMINISTRATIVE SETTLEMENT POLICIES

(1) The City Manager, or the City Manager's designee, shall have the authority to make administrative settlements up to ten percent (10%) above the Fair Market Value (FMV) not to exceed \$50,000.

Resolution No. ____
 Page 2 of ____

(2) Administrative settlements in excess of \$50,000 shall require the approval of the Des Moines City Council.

ADOPTED BY the City Council of the City of Des Moines, Washington this ____ day of _____, 2018 and signed in authentication thereof this ____ day of _____, 2018.

 M A Y O R

APPROVED AS TO FORM:

 City Attorney

ATTEST:

 City Clerk

APPROVED BY:

WASHINGTON STATE DEPARTMENT OF TRANSPORTATION

 Local Programs Right-of-Way Manager
 Dated: _____

2/1/18 2:32 PM

City of Des MoinesADMINISTRATIVE SETTLEMENT POLICIES

Administrative settlements that exceed Fair Market Value (FMV) as established through the appraisal process, and in accordance with LAG manual section 25.11, Administrative Settlement Guidelines, shall be documented and thoroughly justified, and shall be set forth in writing. Administrative Settlements shall be subject to the following levels of approval authority: The City Manager, or designee shall have the authority to make administrative settlements up to 10% above FMV not to exceed \$50,000. Administrative settlements in excess of \$50,000 shall require the approval of the City Council.

Passed and approved by the City of Des Moines Council, this ____ day of _____.

Mayor

Attest:

Approved as to Form:

City Clerk

City Attorney

Washington State Department of Transportation

Approved By:

Local Programs Right-of-Way Manager

Date

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**Washington State
Department of Transportation**

Certification Acceptance Qualification Agreement

Agency City of Des Moines

Agency No. 0325

Address 21630 11th Avenue South
Des Moines WA 98198

The agency agrees to comply with the following requirements when developing all Federal Highway Administration (FHWA) projects under Full CA status.

1. Adherence to the *Local Agency Guidelines* and all policies and procedures promulgated by the Washington State Department of Transportation (WSDOT) which accomplish the policies and objectives set forth in Title 23, U.S. Code, Highways, and the regulations issued pursuant thereto.

2. The overall approval authorities and conditions will be as follows:

a. The project prospectus will be reviewed and approved by the following official.

City Manager

Position Title Only

b. The local agency agreement will be reviewed and approved by the following official or officials.

City Manager or Chief Operations Officer

Position Title or Titles Only

c. The designs and environmental documents will be reviewed and approved by the following state of Washington registered Professional Civil Engineer.

Chief Operations Officer or Public Works Director

Position Title Only

d. The hearing's findings (if required) will be reviewed and approved by the following official or officials.

Chief Operations Officer or Public Works Director

Position Title or Titles Only

e. The contract plans, specifications, and estimate of cost will be reviewed and approved by the following state of Washington registered Professional Engineer.

Chief Operations Officer or Public Works Director

Position Title or Titles Only

f. Agreements will be signed by the following responsible local official:

(1) Railroad

N/A

Position Title Only

(2) Utility

City Manager

Position Title Only

(3) Consultant

City Manager

Position Title Only

(4) Technical Services

City Manager

Position Title Only

g. The award of contract will be signed by the following responsible local official.

City Manager

Position Title Only

h. All projects will be constructed in conformance with the Washington State Department of Transportation/ American Public Works Association (WSDOT/APWA) current *Standard Specifications for Road, Bridge, and Municipal Construction* and such specifications that modify these specifications as appropriate. Multimodal enhancement projects shall be constructed in conformance with applicable state and local codes.

- i. The contract administration will be supervised by the following state of Washington registered Professional Civil Engineer.

Public Works Director

Position Title Only

- j. Construction administration and material sampling and testing will be accomplished in accordance with the *Local Agency Guidelines*.

3. The agency agrees that they have the means to provide adequate expertise and will have support staff available to perform the functions being subdelegated. The support staff may include consultant or state services.
4. The agency agrees that the signature on each project prospectus and local agency agreement will be consistent with section 2 above.
5. All projects under Certification Acceptance shall be available for review by the FHWA and the State at any time and all project documents shall be retained and available for inspection during the plan development and construction stages and for a three year period following acceptance of the project by WSDOT.
6. Approval of the local agency certification by the Director of Local Programs may be rescinded at any time upon local agency request or if, in the opinion of the Director of Local Programs, it is necessary to do so. The rescission may be applied to all or part of the programs or projects approved in the local agency certification.

Mayor or Chairperson

Date

Washington State Department of Transportation

Approved By:

Director, Local Programs

Date

**Attachment to CA Agreement
for
Delegation Authority on Reimbursement Requests**

Background

Federal grant requirements nationwide have now been consolidated and detailed in 2 CFR 200 'SuperCircular.' Changes included in the CFR directly effects the signature authority on reimbursement requests. As part of **2 CFR 200.415(a)**, to assure that expenditures are proper and in accordance with the terms and conditions of the Federal award and approved project budgets, the annual and final fiscal reports or vouchers requesting payment under the agreements must include a certification, **signed by an official who is authorized to legally bind the non-Federal entity**, which reads as follows:

"By signing this report, I certify to the best of my knowledge and belief that the report is true, complete, and accurate, and the expenditures, disbursements, and cash receipts are for the purposes and objectives set forth in the terms and conditions of the Federal award. I am aware that any false, fictitious, or fraudulent information, or the omission of any material fact, may subject me to criminal, civil, or administrative penalties for fraud, false statements, false claims, or otherwise. (US Code Title 18, Section 1001 and Title 31. Sections 3729-3730 and 3801-3812)."

Designation of Authority

In accordance with the City's Certification Acceptance Qualification Agreement, the City Manager has been designated as the Agency Official responsible for reviewing and approving a Project Prospectus, and either the City Manager or the Chief Operations Officer has been designated as the Agency Official(s) responsible for reviewing and approving Local Agency Agreements. Therefore, the City Council designates the City Manager or the Chief Operations Officer as the Agency Officials responsible to review and approve reimbursement requests.

At the Direction of the Des Moines City Council taken at an open public meeting on December 8, 2016.

Michael Matthias, City Manager

Daniel Brewer, Chief Operations Officer

Approved as to form:

City Attorney

Attest:

City Clerk

City of Des Moines, WA

Right of Way Procedures

The City of Des Moines, Washington, hereinafter referred to as "AGENCY", , desiring to acquire Real Property in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act and applicable federal regulations (49 CFR Part 24) and state law (Ch. 8.26 RCW), and state regulations (Ch. 468-100 WAC) hereby adopts the following procedures to implement the above statutes and Washington Administrative Code. The AGENCY is responsible for the real property acquisition and relocation activities on projects administered by the AGENCY. To fulfill the above requirements the AGENCY will acquire right-of-way in accordance with the policies set forth in the Right of Way Manual M 26-01 and Local Agency Guidelines. The AGENCY has the following expertise and personnel capabilities to accomplish these functions:

1. The following relate to the AGENCY's request.

- a. Below is a list of responsible AGENCY positions, for which the AGENCY has qualified staff to perform the specific right-of-way function(s). Attached is a listing of each individual on the AGENCY staff who currently fill those positions below, and a brief summary of their qualifications pertaining to the specific right-of-way function(s) for which they are listed. This list shall be updated whenever staffing changes occur. The AGENCY will be approved to acquire based upon staff qualifications.

i. **PROGRAM ADMINISTRATION :**

Oversee delivery of the R/W Program on federal aid projects for the agency. Ensures R/W functions are carried out in compliance with federal and state laws, regulations, policies and procedures.

Responsibilities/Expectations:

- Ensures agency's approved R/W Procedures are current, including staff qualifications, and provides copies to consultants and agency staff;
- Oversight of R/W consultants;
 - use of consultant contract approved by WSDOT (under construction)
 - management of ROW contracts
 - management of R/W files
 - reviews and approves actions and decisions recommended by consultants
 - Overall responsibility for decisions that are outside the purview of consultant functions
- Sets Just Compensation prior to offers being made;
- Approves administrative offer summaries per policy
- Ensure agency has a relocation appeal process in place prior to starting relocation activities;
- Oversight of Administrative Settlements;
- Obligation authority for their agency;
- Obtain permits (Non-Uniform Relocation Act (URA));
- Ensures there is a separation of functions to avoid conflicts of interest.

Agency Position: Public Works Director

(employee name & qualifications - see Attachment 1)

ii. APPRAISAL

Prepare and deliver appraisals on federal aid projects for the agency. Ensures that appraisals are consistent and in compliance with state and federal laws, regulations, policies and procedures.

Responsibilities/Expectations:

- Use only qualified agency staff approved by WSDOT to perform appraisal work;
- Use appraiser from WSDOT's Approved Appraiser List if agency does not have qualified staff;
- Prepare Project Funding Estimates (PFE) or, when applicable, True Cost Estimates (TCE);
- Prepare Administrative Offer Summaries (AOS or Appraisal Waiver);
- Obtain specialist reports;
- Coordinate with engineering, program administration, acquisition, relocation, and/or property management as necessary.

Agency Position: Qualified Consultant

iii. APPRAISAL REVIEW:

Review appraisals on federal aid projects for the agency to make sure they are adequate, reliable, and have reasonable supporting data, and approve appraisal reports. Ensures appraisals are adequately supported and represent fair market value and applicable costs to cure and are completed in compliance with state and federal laws, regulations, policies and procedures.

Responsibilities/Expectations:

- Use only qualified agency staff approved by WSDOT to perform appraisal review work;
- Use review appraiser from WSDOT's Approved Appraiser List if agency does not have qualified staff;
- Ensures project wide consistency in approaches to value, use of market data and costs to cure;
- Coordinate with engineering, program administration, acquisition, relocation, and/or property management as necessary.

Agency Position: Qualified Consultant

iv. ACQUISITION:

Acquire, through negotiation with property owners, real property or real property interests (rights) on federal aid projects for the agency. Ensures acquisitions are completed in compliance with federal and state laws, regulations, and policies and procedures.

Responsibilities/Expectations:

- Use only qualified staff to perform acquisition activities for real property or real property interests, including donations;
- To avoid a conflict of interest, when the acquisition function prepares an AOS, only acquires property valued at \$10,000 or less;

- Provide and maintain a comprehensive written account of acquisition activities for each parcel;
- Prepare administrative settlement justification and obtain approval;
- Prepare Project Funding Estimates (PFE) or, when applicable, True Cost Estimates (TCE);
- Prepare Administrative Offer Summaries (AOS or Appraisal Waiver);
- Review title, and recommend and obtain approval for acceptance of encumbrances;
- Ensure acquisition documents are consistent with R/W plans, valuation, and title reports;
- Provide a negotiator disclaimer;
- Coordinate with engineering, program administration, appraisal, relocation, and/or property management as necessary;
- Maintain a complete, well organized parcel file for each acquisition.

Agency Position: Qualified Consultant

v. RELOCATION:

Provide relocation assistance to occupants of property considered displaced by a federally funded projects for the agency. Ensures relocations are completed in compliance with federal and state laws, regulations, policies and procedures.

Responsibilities/Expectations:

- Prepare and obtain approval of relocation plan prior to starting relocation activities;
- Confirm relocation appeal procedure is in place;
- Provide required notices and advisory services;
- Make calculations and provide recommendations for agency approving authority prior to making payment;
- Provide and maintain a comprehensive written account of relocation activities for each parcel;
- Coordinate with engineering, program administration, appraisal, acquisition, and/or property management as necessary;
- Maintain a complete, well organized parcel file for each displacement;
- Ensure occupants and personal property is removed from the ROW.

Agency Position: Qualified CONSULTANT

vi. PROPERTY MANAGEMENT:

Establish property management policies and procedures that will assure control and administration of ROW, excess lands, and improvements acquired on federal aid projects for the agency. Ensures property management activities are completed in compliance with federal and state laws, regulations, policies and procedures.

Responsibilities/Expectations:

- Account for use of proceeds from the sale/lease of property acquired with federal funds on other title 23 eligible activities;
- Keep R/W free of encroachments;
- Obtain WSDOT/FHWA approval for change in access control along interstate;

- Maintain property records;
- Coordinate with engineering, program administration, appraisal, acquisition, and/or property management as necessary;
- Maintain a complete, well organized parcel file for each displacement;
- Ensure occupants and personal property is removed from the R/W.

Agency Positions: Finance Director; Chief Operations Officer, Public Works Director; Engineering Services Manager; SWM Utility Manager, City Attorney

(Employee names & qualifications – See Attachment 1)

- b. Any functions for which the AGENCY does not have qualified staff, the Agency will contract with another local agency with approved procedures, an outside contractor, or the Washington State Department of Transportation (WSDOT). An AGENCY that proposes to use outside contractors for any of the above functions will need to work closely with the WSDOT Local Agency Coordinator (LAC) and Local Programs to ensure all requirements are met. When the AGENCY proposes to have a staff person approved to negotiate who is not experienced in negotiation for FHWA funded projects, the LAC must be given a reasonable opportunity to review all offers and supporting data before they are presented to the property owners.
 - c. An AGENCY wishing to take advantage of an Appraisal Waiver (aka Administrative Offer Summary or AOS) procedure on properties valued up to \$25,000 or less should make their proposed waiver procedure a part of these procedures. The procedure outlined in LAG manual has already been approved using form LPA-003. The AGENCY may submit a procedure different than that shown and it will be reviewed and approved if it provides sufficient information to determine value.
 - d. Attachment 2 is a copy of the AGENCY's administrative settlement procedure showing the approving authority(s) and the procedure involved in making administrative settlements.
2. All projects shall be available for review by the FHWA and WSDOT at any time and all project documents shall be retained and available for inspection during the plan development, right-of-way and construction stages, and for a three year period following acceptance of the projects by WSDOT.
 3. Approval of the AGENCY's procedures by WSDOT may be rescinded at any time the AGENCY is found to no longer have qualified staff or is found to be in non-compliance with the regulations. The rescission may be applied to all or part of the functions approved.

Mayor

Date

Washington State Department of Transportation

Approved By:

Local Programs Right of Way Manager

Date

ATTACHMENT 1

AGENCY STAFF POSITIONS & QUALIFICATIONS

City of Des Moines staff will be responsible for the Program Administration and Property Management functions. The following positions and individuals are identified below. Position descriptions and qualifications are available.

Chief Operations Officer: Daniel J. Brewer, P.E., P.T.O.E. - Registered Professional Engineer and Certified Professional Traffic Operations Engineer, Washington State; BS Civil Engineering, University of Washington. Mr. Brewer has over 20 years of experience in the public sector managing transportation programs and projects consistent with WSDOT LAG guidelines. Experience includes Right-of-Way acquisition meeting WSDOT/FHWA certification requirements.

Public Works Director: R. Brandon Carver, P.E., P.T.O.E. - Registered Professional Engineer and Certified Professional Traffic Operations Engineer, Washington State; BS Civil Engineering, University of Washington. Mr. Carver has over 21 years of experience in the public sector managing transportation infrastructure improvements consistent with WSDOT LAG guidelines. Experience includes Right-of-Way acquisition meeting WSDOT/FHWA certification requirements.

Transportation & Engineering Services Manager: Andrew Merges, P.E. - Registered Professional Engineer in the states of Washington, Arizona, and Minnesota; Executive MPA, University of Washington; B.S. Civil Engineering, Michigan Technological University; Mr. Merges has over 13 years of experience in the public and private sector managing and fulfilling Engineer of Record roles for transportation infrastructure projects consistent with the WSDOT LAG manual. Experience includes Right-of-Way acquisition plan development, acquisition management, and project certification.

Surface Water & Environmental Engineering Manager: Loren Reinhold, P.E. - Registered Professional Engineer, Washington State; BS in Civil Engineering and Geology, University of Idaho. Mr. Reinhold has 28 years of engineering experience in the public sector involving stormwater infrastructure projects, road improvements, utility infrastructure, and landslide restoration projects.

Finance Director: Duneyle Mason, CPA, University of Washington. Ms. Mason has finance and accounting experience working for local governments in Washington State over the past 20 years including the Cities of Auburn, Walla Walla, Pasco and Des Moines.

City Attorney: Timothy A. George, - J.D., California Western School of Law. Attorney licensed to practice law in Washington, California, and the United States Western District. Mr. George has been practicing law for 10 years and has extensive civil and criminal law experience including acquisition of public Right-of-Way via use of municipal powers of eminent domain.

ATTACHMENT 2

WAIVER OF APPRAISAL PROCEDURE

The City of Des Moines, Washington, hereinafter referred to as "AGENCY", desiring to acquire Real Property according to 23 CFR, Part 635, Subpart C and State directives, and desiring to take advantage of the \$25,000.00 appraisal waiver process approved by the Federal Highway Administration (FHWA) for Washington State, hereby agrees to follow the procedure approved for the Washington State Department of Transportation (WSDOT) as follows:

Rules

- A. The AGENCY may elect to waive the requirement for an appraisal if the acquisition is simple and the compensation estimate indicated on the Project Funding Estimate (PFE) is \$25,000.00 or less including cost-to cure items. A True Cost Estimate shall not be used with this procedure.
- B. The AGENCY must make the property owner(s) aware that an appraisal has not been completed on the property for offers \$10,000 or less.
- C. The AGENCY must make the property owner(s) aware that an appraisal has not been completed on the property for offers over \$10,000 and up to \$25,000, and that an appraisal will be prepared if requested by the property owner(s).
- D. Special care should be taken in the preparation of the waiver. As no review is mandated, the preparer needs to assure that the compensation is fair and that all the calculations are correct.

Procedures

- A. An Administrative Offer Summary (AOS) is prepared using data from the PFE.
- B. The AOS is submitted to the Planning, Building and Public Works Director for approval.
- C. The Planning, Building and Public Works Director signs the AOS authorizing a first offer to the property owner(s).

AGENCY

WSDOT APPROVED:

By: _____

Mayor, City of Des Moines

Local Programs Right of Way Manager

Dan Brewer

Subject: FW: Reimbursement request requirement
Attachments: Progress Bill Form.xls; FinalSummary2375.xlsx

From: Eric Mandelas
Sent: Wednesday, October 26, 2016 2:16 PM
To: Donyele Mason <DMason@desmoineswa.gov>
Subject: FW: Reimbursement request requirement

From: WSDOT HQ LP Billings [mailto:Hqlpbillings@WSDOT.WA.GOV]
Sent: Wednesday, October 26, 2016 2:15 PM
To: Eric Mandelas <EMandelas@desmoineswa.gov>
Subject: Reimbursement request requirement

Certification Requirement for Reimbursement Requests - NEW

Federal grant requirements nationwide have now been consolidated and detailed in 2 CFR 200 'SuperCircular.' As part of the changes included in the CFR directly effects the signature authority on reimbursement requests.

2 CFR 200.415(a) – *To assure that expenditures are proper and in accordance with the terms and conditions of the Federal award and approved project budgets, the annual and final fiscal reports or vouchers requesting payment under the agreements must include a certification, **signed by an official who is authorized to legally bind the non-Federal entity**, which reads as follows:*

- *"By signing this report, I certify to the best of my knowledge and belief that the report is true, complete, and accurate, and the expenditures, disbursements, and cash receipts are for the purposes and objectives set forth in the terms and conditions of the Federal award. I am aware that any false, fictitious, or fraudulent information, or the omission of any material fact, **may subject me to criminal, civil, or administrative penalties for fraud, false statements, false claims, or otherwise.** (US Code Title 18, Section 1001 and Title 31, Sections 3729-3730 and 3801-3812)."*

To implement this requirement, will depend on the structure of your agency and may include passage of a resolution by the council or commissioners, to delegate this authority to another individual in your agency (e.g., Mayor (official) to City Administrator, Public Works Director or Finance Director). Effective **December 1, 2016**:

- First bills for each project must include the agency's documentation confirming the individual signing the reimbursement request is authorized to legally bind the agency.
- For on-going projects, the first reimbursement package submitted after 12/1/2016, is required to include the agency's documentation confirming the individual signing the reimbursement request is authorized to legally bind the agency.

This information is being included in the October 2016, Local Agency Guidelines (LAG) update. Attached is the updated billing form including the new certification statement.

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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 Resolution No. 18-005: Long-term Aviation Capacity Needs in Western Washington

ATTACHMENTS:

1. Draft Resolution No. 18-005
2. City letter to Managing Director of Aviation (July 27, 2017)
3. City letter to Puget Sound Regional Council (January 30, 2018)

FOR AGENDA OF: February 15, 2018

DEPT. OF ORIGIN: Administration

DATE SUBMITTED: February 6, 2018

CLEARANCES:

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

CHIEF OPERATIONS OFFICER: _____

- ☒ Legal DSB
- ☐ Finance _____
- ☐ Courts _____
- ☐ Police _____

APPROVED BY CITY MANAGER
FOR SUBMITTAL: DSB Feb 14, 2018

Purpose and Recommendation

The purpose of this agenda item is for City Council to adopt Draft Resolution No. 18-005 supporting action to address long-term aviation capacity needs in Western Washington.

Suggested Motion

Motion: “I move to adopt Draft Resolution No. 18-005 requesting appropriate action to be taken by the King County Council, the Puget Sound Regional Council, the State Legislature, and the Governor’s Office to address long-term aviation capacity needs in Western Washington.”

Background

The Des Moines City Council recently formed an Aviation Advisory Committee to examine potential opportunities and impacts associated with Sea-Tac International Airport. At the Committee’s most recent meeting in January, it was their recommendation that the City Council adopt a Resolution requesting action to be taken by the King County Council, the Puget Sound Regional Council, the State Legislature,

and the Governor's Office to address long-term aviation capacity needs in Western Washington and specifically the siting of a second major airport.

Discussion

While the City recognizes that Sea-Tac is an engine for economic growth for the region, it is also evident that Des Moines experiences considerable and disproportionate health and environmental impacts due to our proximity to Sea-Tac International Airport. For that reason, the City has repeatedly taken the position that the existing impacts of growth at the Airport need to be appropriately mitigated prior to any additional growth. Additionally, the City has also publicly supported efforts to site an additional major airport at a location sufficiently far away so as to avoid additional impacts. (Attachments 2 and 3 are provided as examples).

The City has made these positions clear through comment letters, public comments, adopted Policy Positions and other methods and will continue to do so. To stress the importance of these issues, the Aviation Advisory Committee is recommending the Council adopt a formal Resolution stating the City's position and requesting action from various agencies. The Draft Resolution seeks action by the King County Council, the Puget Sound Regional Council, the State Legislature, and the Governor's Office to address long-term aviation capacity needs in Western Washington and to provide the City Council with a written response to this request within 60 days. A similar Resolution was passed recently by the City of Burien.

Alternatives

1. Not pass the resolution.
2. Pass the resolution with amendments.

Financial Impact

None.

Recommendation

Administration and the Aviation Advisory Committee recommend passing the Draft Resolution as submitted.

CITY ATTORNEY'S FIRST DRAFT 01/10/2018**DRAFT RESOLUTION NO. 18-005**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DES MOINES, WASHINGTON, requesting the King County Council, the Puget Sound Regional Council, the State Legislature, and the Governor's Office to take action to address long-term aviation capacity needs in Western Washington.

WHEREAS, the City of Des Moines ("City") is a community adjacent to Sea-Tac Airport, and

WHEREAS, the City has experienced considerable and disproportionate health and environmental impacts due to proximity to Sea-Tac Airport ("Sea-Tac"), and

WHEREAS, the City recognizes that Sea-Tac is an engine for economic growth for the region, and

WHEREAS, the City has formed an Aviation Advisory Committee ("Committee") to examine potential opportunities and impacts associated with Sea-Tac, and

WHEREAS, since 1989, various governmental agencies tasked by state statute with planning and decision-making related to ensuring future aviation and airspace capacity have failed to identify or promote any alternatives, and

WHEREAS, the financial costs and environmental impacts of continued expansion of Sea-Tac are not sustainable, and

WHEREAS, the Sea-Tac footprint, transportation infrastructure, and air space capacity will constrain future growth and compromise safety, and

WHEREAS, various other airports exist within the Greater Puget Sound and Western Washington region that could potentially accommodate some aviation growth, and coordination among these facilities is limited, and

WHEREAS, the City Council and the Aviation Advisory Committee believe that immediate action is needed to coordinate plans for long-term aviation capacity for the Greater Puget Sound and Western Washington region to ensure the ability to accommodate anticipated growth and to minimize further impacts on Des Moines and adjacent communities; now therefore,

Resolution No. ____
Page 2 of 3

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

Sec. 1. Action requested. The Des Moines City Council herein requests that the King County Council, the Puget Sound Regional Council, the State Legislature, and the Governor's Office take deliberate action to fund and implement the means to cooperatively update an existing or, as needed, develop a new plan that will address the region's long-term aviation capacity needs. This effort will serve the purposes of both future economic development and reduction of health-related impacts for communities proximate to airport facilities. To address capacity needs, this effort must be launched as soon as possible.

Sec. 2. Des Moines' cooperation. The Des Moines City Council is willing to assist or participate with the effort outlined in section 1 as necessary.

Sec. 3. Responses requested. The Des Moines City Council requests that the entities named in section 1 respond to the Council of their intended actions no later than sixty (60) days from receipt of this Resolution.

Sec. 4. Effective date. This Resolution shall take effect immediately upon passage by the Des Moines City Council.

ADOPTED BY the City Council of the City of Des Moines, Washington this ____ day of February, 2018 and signed in authentication thereof this ____ day of February, 2018.

M A Y O R

APPROVED AS TO FORM:

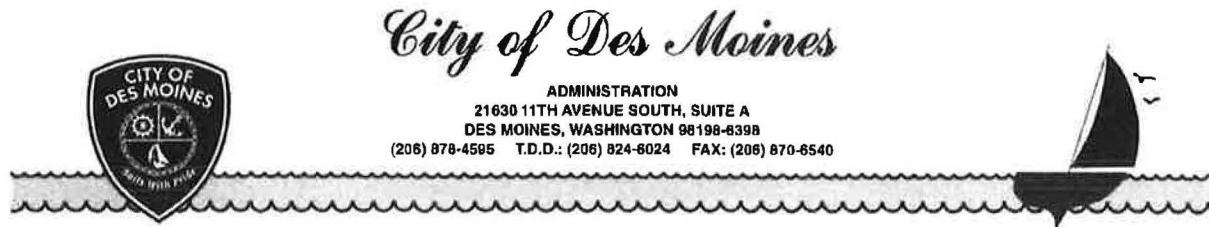
City Attorney

Resolution No. _____
Page 3 of 3

ATTEST:

City Clerk

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July 27, 2017

Mr. Lance Lyttle,
 Managing Director, Aviation
 Seattle Tacoma International Airport
 PO Box 1209
 Seattle WA 98111

Dear Mr. Lyttle,

I am in receipt of your letter of July 26, 2017 in which you state,

"The SAMP environmental review, which is anticipated to be conducted in 2018, will account for all existing and approved gates and passengers loading facilities. This includes the North Satellite, the International Arrivals Facility, and the Concourse D Hardstand Holdroom."

This statement addresses our concerns with this specific capital project: the Concourse D Hardstand Holdroom. However, as I have previously stated in a presentation to the Port of Seattle Commission:

"Our city, as is also the case with Burien, Sea-Tac and Normandy Park and others, experiences disproportionate impacts from aircraft operations because of our proximity to Sea-Tac International airport. We receive the brunt of airport impacts as the human cost of Sea-Tac's economic benefit for the region. Des Moines residents are constantly challenged by noise impacts and health impacts." (Testimony to Port of Seattle/FAA meeting April 25, 2017)."

There are two principal issues I want to communicate to you. First, it is unacceptable for the Airport to wait until the development of the SAMP to address mitigation issues derived from the year over year double digit growth of operations at Sea-Tac Airport. Impacts of growth must be addressed now.

The siting of a second major airport in western Washington State must begin immediately. In this regard, the City of Des Moines has commented on and is in contact with the Washington Aviation System Plan staff, at the State level, to further this process.

I also want to comment on the lack of transparency by the Airport and the failure of the Airport to communicate effectively. The local cities had no knowledge of this proposed Holdroom facility prior to issuance of the Determination of Non-Significance. This is inappropriate and ineffective. The Airport needs to be timely, transparent and proactive in communication with your surrounding communities.

The Waterland City

Mr. Lance Lyttle
Page Two
July 27, 2017

It is for this reason we have encouraged you to form an Airport Advisory Committee, sponsored by the Airport and including representatives from the Federal Aviation Administration, the airlines, local community organizations and local government officials to address the impacts of the Airport on our local communities.

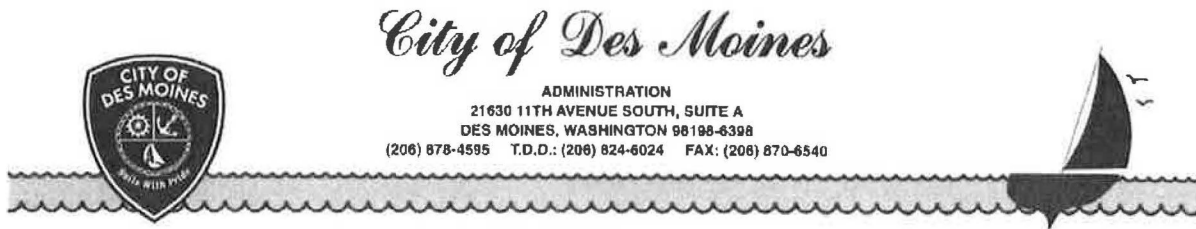
We look forward to ongoing, productive discussion with you on these issues.

Sincerely,

A handwritten signature in black ink, appearing to read "Matt Pina", written in a cursive style.

Matt Pina
Mayor and Councilmember

The Waterland City



January 30, 2018

Puget Sound Regional Council
 1011 Western Avenue, Suite 500
 Seattle, Washington 98104-1035

RE: Regional Transportation Plan Comments on the Regional Transportation Plan

Puget Sound Regional Council,

The City of Des Moines appreciates the important work of the Puget Sound Regional Council and the opportunity to comment on the Draft of the Regional Transportation Plan - 2018.

The draft plan acknowledges the importance of a sustainable regional transportation network moving people and goods in ways that support a healthy environment and a strong economy. The plan also recognizes the opportunity to address past harms to the environment and improve air and water quality. The City of Des Moines is committed to multi-modal options.

The City of Des Moines comments relate primarily to the section of the plan devoted to the regional aviation system and planning for future airport system needs (pg.53-54).

Washington is the most trade dependent state in the nation and Washington airports undeniably have a significant impact on the State's economy. [1] The plan is deficient in the discussion of this critical element of the state's transportation system, devoting a brief half page to this topic.

The primary concern of the City of Des Moines has to do with the asymmetrical relationship between the public benefit of economic activity coming from airport operations (specifically SeaTac International Airport) and the disproportionate negative impacts experienced by our city in proximity to this major airport. We understand the plan addresses the statewide transportation system, nonetheless SeaTac is the largest component in the statewide aviation system.

It is state policy to work with appropriate local and regional authorities to begin the process of siting a second large commercial airport in western Washington.

1. The 2012 Aviation Economic Impact Study estimated that, 'the total impact of airport-related activity included approximately 250,000 jobs, \$15.3 billion in wages and \$51 billion in total economic activity. The study also stated that more than \$790 million in tax revenue came from airport's economic impact, with \$550 million going to the State and \$250 million distributed to local jurisdictions; cities, counties and special purpose districts.'

The Waterland City

Puget Sound Regional Council
 Page Two
 January 30, 2018

We are supportive of the plan's discussion related to the State taking the lead in addressing capacity needs, including by funding a site selection study for the placement of new airports(s), and placing a priority on funding and planning the state's air transportation system (pg. 54).

The plan section related to maximizing aviation capacity within the existing regional airport system before constructing new airports, should be modified to require that the disproportionate impacts experienced by Des Moines residents and surrounding communities are primary considerations in the decision to move toward siting a new international airport within the region (pg. 54).

Additionally, the impacts of SeaTac in terms of mobility, connectivity and multi-modal accessibility to and from the airport is problematic and remains largely unaddressed. The complexity of the regional transportation systems and often ineffective regional planning for transportation is part of the difficulty in addressing transport concerns.

SeaTac is growing rapidly and the plan needs to provide guidance to assure that multi-modal options are the standard for addressing airport growth. Constraints on the capacity of the regional transportation grid to absorb millions of more passengers and tons of cargo must be seen as signaling consideration of new airport facilities that will relieve congestion, not simply add to it. The integration of the state aviation system into regional transportation planning is essential to the accommodation of future demand at SeaTac and elsewhere.

Without adequate access, the economic potential from aviation is constrained and the impacts to local residents become increasingly unfair.

Sustainability must be central to any discussion of the effectiveness and functionality of the state transportation system, including the aviation system. As you know, the classic definition of sustainability comes from the 1987 Brundtland Report, defining sustainable development as, 'development that meets the needs of the present without compromising the ability of future generations to meet their own needs.'

We strongly object to the absence of any discussion related to sustainability and air and water quality related to airport system needs, particularly related to maximizing existing airport capacity before constructing new airports. Sustainability, air, and water quality must be critical considerations in the decision to site new airports. The following policies from Vision 2040 support the inclusion of these considerations related to air system planning:

MPP-T-7: Develop a transportation system that minimizes negative impacts to human health.

MPP-T-5: Foster a less polluting system that reduces the negative effects of transportation infrastructure and operation on the climate and natural environment.

MPP-T-20: Design transportation facilities to fit within the context of the built or natural environments in which they are located.

The Waterland City

Puget Sound Regional Council
Page Three
January 30, 2018

The ability to implement sustainable measures to protect the natural environment, human health, mitigate noise and understand any adverse health impacts of jet fuel emissions, etc. is an essential constraint on future airport capacity and expansion. Without the ability to implement sustainable measures, future SeaTac airport growth in both operations and capacity, should be constrained.

Additionally, the City requests that discussion of the City of Des Moines' potential for a passenger ferry terminal be added to the section related to the ferry system (pg. 50). The City is actively working on potential passenger ferry service to Seattle and Tacoma. The City's proximity to light rail and a fast-growing employment base serve to make passenger ferry service in Des Moines a viable alternative mode of transportation.

Thank you for the opportunity to comment on this planning document, and for serious consideration of the City's comments and concerns. We look forward to the opportunity to continue this discussion on behalf of all of our residents.

Sincerely,

A handwritten signature in black ink, appearing to read "Matt Pina". The signature is fluid and cursive, with a large, stylized "M" and "P".

Matt Pina
Mayor

The Waterland City

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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: Sea-Tac Airport Sustainable Airport Master Plan, Environmental Review Process and Analysis.

ATTACHMENTS:

1. ILA Between Burien, Des Moines, Normandy Park and SeaTac for Environmental Review of Sea-Tac Airport Sustainable Airport Master Plan

FOR AGENDA OF: February 15, 2018

DEPT. OF ORIGIN: Administration

DATE SUBMITTED: January 31, 2018

CLEARANCES:

- ☒ Community Development *DEL for Susan Goss*
- ☐ Marina
- ☐ Parks, Recreation & Senior Services
- ☐ Public Works

CHIEF OPERATIONS OFFICER: _____

- ☒ Legal *6*
- ☐ Finance
- ☐ Courts
- ☐ Police

APPROVED BY CITY MANAGER
FOR SUBMITTAL: DIS for M.A.

Purpose and Recommendation

The purpose of this agenda item is to approve the Interlocal Agreement (ILA) between the Cities of Burien, Des Moines, Normandy Park and SeaTac, to establish a process for coordinated review, analysis, and response to the environment process, impacts and concerns related the Port of Seattle's Sea-Tac Airport Sustainable Airport Master Plan.

Suggested Motion

Motion: "I move to approve the Interlocal Agreement between the Cities of Burien, Des Moines, Normandy Park and SeaTac for environmental review of the Sea-Tac Airport Sustainable Airport Master Plan, and to direct the City Manager to execute the ILA, substantially in the form as attached."

Background

The Port of Seattle (“Port”) operates the Sea-Tac International Airport (“Airport” or “Sea-Tac”). The Port is currently drafting a “Sustainable Airport Master Plan” (“SAMP”) that will plan for airport growth over the next 20 years; growth that could have significant negative impacts on surrounding cities. Pursuant to the National Environmental Policy Act (“NEPA”) and the Washington State Environmental Policy Act (“SEPA”), the Port may prepare, for agency and public review and comment, environmental documents, up to and including an Environmental Impact Statement. The ILA Parties have determined that it is in their best interest to coordinate their review, analysis, and responses concerning the environmental review process and the impacts that are addressed in environmental documents issued by the Port.

Discussion

This ILA establishes a process for the selection and funding of consultants to assist with review and preparation of formal comments regarding the environmental review process and the Sustainable Airport Master Plan (SAMP) environmental impacts.

Alternatives

1. To amend the ILA and submit the amended version to the Cities of Burien, Normandy Park and SeaTac for their approval.
2. To refrain from approving the ILA as presented.

Financial Impact

If consultants are hired by the Parties, the Parties will commit to a level of funding to be provided. Fiscal Management associated with the contractors shall be administered by Burien, to include processing invoices and payments on a monthly basis, invoicing other Parties to the ILA, and periodic fiscal reports to the Parties.

Recommendation

Administration recommends approval of the ILA substantially in the form as attached.

**INTERLOCAL AGREEMENT BETWEEN THE CITIES
OF BURIEN, DES MOINES, NORMANDY PARK AND
SEATAC FOR ENVIRONMENTAL REVIEW OF THE
SEA-TAC AIRPORT
SUSTAINABLE AIRPORT MASTER PLAN**

Pursuant to RCW 39.34, the Interlocal Cooperation Act, this Agreement is entered into between the City of Burien, a municipal corporation, hereinafter referred to as “Burien,” the City of Des Moines, a municipal corporation hereinafter referred to as “Des Moines,” the City of Normandy Park, a municipal corporation hereinafter referred to as “Normandy Park,” and the City of SeaTac, a municipal corporation hereinafter referred to as “SeaTac,” and all four cities collectively referred to as the “Parties” or “Cities”, for the purpose of review and commenting on the environmental review process, analysis and documents prepared for the Port of Seattle’s the Sea-Tac Airport Sustainable Airport Master Plan.

1. **Background.** The Port of Seattle (“Port”) operates the Sea-Tac International Airport (“Airport” or “Sea-Tac”). The Port is currently drafting a “Sustainable Airport Master Plan” (“SAMP”) that will plan for airport growth over the next 20 years; growth that could have significant negative impacts on surrounding cities. Pursuant to the National Environmental Policy Act (“NEPA”) and the Washington State Environmental Policy Act (“SEPA”), the Port may prepare, for agency and public review and comment, environmental documents, up to and including an Environmental Impact Statement. The Parties have determined that it is in their best interest to coordinate their review, analysis, and responses concerning the environmental review process and the impacts that are addressed in environmental documents issued by the Port.
2. **Purpose.** The purpose of this Agreement is for the Parties to establish a process for review, analysis, and responding to the environmental process, impacts and concerns related to the SAMP, including those issues raised during the Port’s SEPA and NEPA processes. By coordinating their efforts, the Parties will be in a better position to evaluate and respond to the Port’s environmental review process. The Parties may jointly hire and fund consultants to assist with review and preparation of formal comments regarding the environmental review process and the SAMP’s environmental impacts. This Agreement establishes a process for the selection and funding of these consultants.
3. **Review and Commenting.** The environmental review process will include opportunities for the Parties to provide formal comments to the Port. This could include commenting on the Port’s selected environmental review process and any documents which may be issued as part of that process. The Parties agree to coordinate their comments at each of these steps

and to issue a single comment letter signed by each Party's designated representative.

4. **Consultant Selection.** It may be in the best interest of the Parties to jointly hire a consultant to assist with review and commenting on the SAMP's environmental review and impacts. If it is agreed to hire a consultant, the Parties will work cooperatively and collaboratively on every aspect of the consultant selection process and shall be in mutual agreement prior to moving to the next step. It is anticipated that only one consultant will be retained, with the understanding that the retained consultant may use sub-consultants to complete specific tasks. Generally, the steps will be as follows:

- a. Determine what consultant expertise is needed;
- b. Determine which Party will be the lead for contract administration;
- c. Determine project budget and contribution amount from each Party;
- d. Drafting a Request for Qualifications (RFQ);
- e. Publish/Circulate Notice Requesting Statement of Qualifications;
- f. Review of statements and selection for interviews;
- g. Conducting interviews, with interested Parties represented;
- h. Final consultant selection;
- i. Developing a final Scope of Work;
- j. Negotiation of consultant contract;
- k. Approval of Consultant Contract by the lead City in accordance with its contract approval procedures.

5. **Consultant Funding.** If consultants are hired as contemplated in Section 4 of this Agreement, the Parties will individually commit to a level of funding to be provided. These funds must be committed prior to requesting Statements of Qualifications as noted above. The management of these funds will be as described in Section 8. Such funding determinations shall be documented in writing.

6. **Joint Roles and Responsibilities.** Each Party shall be responsible for the following:

- a. Each Party shall assign a representative(s) ("Party Representative(s)") to help prepare and/or participate in review of draft work products. The Party

Representative administering any consultant contract will communicate any changes to schedules, budgets, and any other pertinent information in a timely manner so as to keep each jurisdiction apprised of the status of the consultant's work.

- b. Time is of the essence for the review of environmental documents. The Parties shall work expeditiously and in good faith to achieve the smooth progress of review and commenting. This includes allocating adequate staff time and providing all necessary data and other information or materials needed for timely review and commenting.
 - c. The Party Representatives shall receive copies of consultant invoices. All concerns with consultant billing shall be communicated to the contract administrator in a timely manner.
 - d. Should any Party wish to file an appeal of any Port environmental decision, the Party Representatives shall discuss whether such an appeal should be pursued jointly. If an individual jurisdiction appeal is filed, the appeal shall be immediately transmitted to all Parties, so that they can decide whether to intervene in the appeal in order to provide assistance.
 - e. The Parties shall work together in good faith to assure comments are made within the deadlines prescribed by law.
7. **Contract Management.** Contracts for consultant(s) shall be administered by the City of SeaTac. These responsibilities include monitoring of work of the consultant in terms of content and timeliness; coordinating with the City of Burien regarding the consultant invoices and payments; arrangement of meetings to address the comments of the Parties; etc.
8. **Fiscal Management.** Management of fiscal matters associated with this Agreement shall be administered by the City of Burien. These responsibilities include processing consultant invoices and payments on a monthly basis; invoicing other Parties to the agreement; periodic fiscal reports to the Parties; etc.
9. **Additional Consultant Services.** Each Party retains the right to hire their own consultants at their own expense to complete work necessary for the project, so long as the work does not conflict with the Project. In such cases, the results of any consultant work will be shared with the other Parties.

10. **Administration of Agreement.** Supervision and administration of this Agreement shall be the responsibility of each Parties' City Manager or his/her respective designee.
11. **Duration.** This Agreement shall be effective upon execution by each party and shall remain in full force and effect through completion of the SAMP environmental review process or December 31, 2020, whichever comes first. This Agreement may be extended upon mutual agreement of all Parties.
12. **Termination.** Any party may withdraw from this Agreement, effective upon thirty (30) days written notice to the other parties. However, the withdrawing Party shall still be responsible for the payment of any costs in which they have agreed to pay prior to the effective date of withdrawal.
13. **Modification.** This Agreement may be modified by further written agreement upon mutual acceptance by all parties.
14. **Alternative Dispute Resolution.** If a dispute arises from or relates to this Agreement or the breach thereof and if the dispute cannot be resolved through direct discussions, the parties agree to endeavor first to settle the dispute in an amicable manner by mediation administered by a mediator under JAMS Alternative Dispute Resolution service rules or policies before resorting to arbitration. The mediator may be selected by agreement of the parties or through JAMS.
15. **Written Notice.** All communications regarding this Agreement shall be sent to the parties at the addresses listed on the signature page of the Agreement, unless notified to the contrary. Any written notice hereunder shall become effective three (3) business days after the date of transmittal, and shall be deemed sufficiently given if sent to the addressee at the address stated in this Agreement or such other address as may be hereafter specified in writing.
16. **Hold Harmless.** Each party to this Agreement shall defend, indemnify and hold the other party, its appointed and elected officers and employees, harmless from claims, actions, injuries, damages, losses or suits including attorney fees, arising or alleged to have arisen directly or indirectly out of or in consequence of the performance of this Agreement to the extent caused by the fault or negligence of the indemnitor, its appointed or elected officials, employees, officers, agents, assigns, volunteers or representatives.
17. **Non-Discrimination.** The Parties shall not discriminate in any manner related to this Agreement on the basis of race, color, national origin, sex, religion, age, marital status or

disability in employment or the provision of services.

18. **Severability.** If any provision of the Agreement shall be held invalid, the remainder of this Agreement shall not be affected thereby if such remainder would then continue to serve the purposes and objectives of both parties.
19. **Entire Agreement.** This Agreement constitutes the entire agreement between the parties. Any modifications or amendments to this Agreement shall be in writing and shall be signed by each party.

DATED this _____ day of _____ 2018.

CITY OF BURIEN

Brian J. Wilson, City Manager

APPROVED AS TO FORM:

Lisa Marshall
City of Burien City Attorney

CITY OF NORMANDY PARK

Mark E. Hoppen, City Manager

APPROVED AS TO FORM:

Jim Haney, City of Normandy Park
City Attorney

CITY OF DES MOINES

Michael Matthias, City Manager

APPROVED AS TO FORM:

Timothy A. George
City of Des Moines City Attorney

CITY OF SEATAC

Joseph Scorcio, City Manager

APPROVED AS TO FORM:

Mary Mirante Bartolo, City of SeaTac
City Attorney

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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: First Reading - City Council Rules of Procedure Updates

FOR AGENDA OF: February 15, 2018

DEPT. OF ORIGIN: Legal

DATE SUBMITTED: February 7, 2018

ATTACHMENTS:

1. Draft Resolution No. 18-012
2. Rules of Procedure (Updated March 2017)

CLEARANCES:

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

CHIEF OPERATIONS OFFICER: _____

- ☒ Legal 56
- ☐ Finance _____
- ☐ Courts _____
- ☐ Police _____

APPROVED BY CITY MANAGER

FOR SUBMITTAL: DJB for M.A.

Purpose and Recommendation

The purpose of this agenda item is for the City Council to adopt proposed amendments to the *Des Moines City Council Rules of Procedure* pursuant to chapter 4.12 DMMC.

Suggested Motion

Motion: "I move to place Draft Resolution No. 18-012, adopting the proposed amendments to the *Des Moines City Council Rules of Procedure*, on the next available Consent Calendar for a second reading and approval."

Background

The last time the *City Council Rules of Procedure* were updated was 2017. Since that time, the following issues have arisen that need to be addressed:

1. During the annual audit process, the state auditors requested that the notice requirement for a “special meeting” include a provision that states what the duration of the meeting will be. This language has been included to fulfill that request.
2. As a result of the recent election and the need to assign Councilmembers to committees, discussions were held with staff regarding the names and duties of certain committees. Given the importance of being adequately prepared for an emergency as well as the emphasis that the City has recently given to emergency management, it is recommended that the Public Safety and Transportation Committee be changed to the “Public Safety and Emergency Management Committee.” As there are a great deal of important transportation related projects currently being planned, developed, or constructed at this time in and around the City, it is recommended that a “Transportation Committee” be created and devoted solely to these important issues. Finally, since there was very little business related specifically to finance in the Finance and Economic Development Committee, it is recommended that this Committee name be changed to simply the “Economic Development Committee.”
3. The final amendment relates to a requirement that the Mayor read the title of an Ordinance prior to its passage. Historically, the Mayor has read the title after the Ordinance has passed, which is not in alignment with this rule. There is no state law requirement to publicly read the title of an Ordinance before or after passage. It is recommended this language be removed in order to streamline meetings and avoid any potential violation of Council Rules.

Discussion

DMMC 4.12.030 provides that “[a]ny amendment or new rules shall be submitted in resolution form at a regular meeting and shall be placed on the Council agenda under the order of new business. A vote of the Council to adopt such a resolution shall occur at a subsequent regular meeting.” Accordingly, this Draft Resolution cannot pass on first reading but must be set over for a second reading and approval.

Alternatives

The alternative would be to not adopt the proposed amendments, or to revise the proposed amendments and pass the Draft Resolution on to the next available Consent Calendar for approval.

Financial Impact

None.

Recommendation

Staff recommends moving the Draft Resolution to a 2nd reading.

CITY ATTORNEY'S FIRST DRAFT 01/30/2018**DRAFT RESOLUTION NO. 18-012**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DES MOINES, WASHINGTON, amending the *Des Moines City Council Rules of Procedure* ("Rules") last amended on March 9, 2017, to update the notice requirements for special meetings, amend committee names, and streamline ordinance adoption procedures.

WHEREAS, DMMC 4.12.030 provides that the rules "...may be amended or new rules may be adopted by an affirmative vote of at least a majority of the whole membership of the council," and

WHEREAS, DMMC 4.12.030 further provides that "...[a]ny such amendments or new rules shall be submitted in resolution form at a regular meeting and shall be placed on the council agenda under order of new business," and

WHEREAS, a vote of the Council to adopt a resolution amending the Council Rules shall occur at a subsequent regular meeting, and

WHEREAS, a comprehensive review of the Rules was conducted and the City Council finds that the amendments proposed are necessary and appropriate; now therefore,

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

Sec. 1. The *Des Moines City Council Rules of Procedure*, Updated March 9, 2017 by Resolution No. 1356, is hereby amended to read as follows:

SPECIAL COUNCIL MEETINGS

RULE 8. It is the intent of the Des Moines City Council that the procedures of this Council Rule 8 are enforceable to the same extent as RCW 42.30.080, as the City's implementation of the Open Public Meetings Act special meeting requirements set forth at RCW 42.30.080. Procedures for setting a special meeting are as follows:

(a) A special meeting may be called by the Mayor or any four members of the Council.

Resolution No. ____
Page 2 of ____

(b) Notice of the special meeting shall be prepared in writing. The notice shall contain the following information about the meeting: time, place, duration of meeting, and business to be transacted. The notice shall be reviewed by the City Attorney for proper legal form. After the preliminary agenda has been approved by the Presiding Officer, a copy of the agenda and supporting materials shall be prepared for Councilmembers, the City Manager, and the press by close of business Friday prior to the Special Council Meeting, except in case of an emergency.

(c) (1) The notice shall be delivered by mail, by electronic mail to an address designated by the receiver of the email, or personally to each Councilmember, the City Manager, and the business office of each local newspaper and radio and television station which has on file a written request for notice of special meetings. The notice must be delivered at least twenty-four (24) hours prior to the meeting.

(2) When email notice is given to Councilmembers, the City Clerk shall provide confirming follow up of such email notice by making a personal telephone call directly to each Councilmember who has made a standing written advance request to the City Clerk for such follow up telephone call. The City Clerk shall document the date and time of such follow up telephone call.

(d) The notices provided in this section may be dispensed within the circumstances provided by RCW 42.30.080; that is:

(1) As to any member who at, or prior to the time the meeting convenes files with the Clerk a written waiver of notice,

(2) As to any member who was actually present at the meeting at the time it convenes, and

(3) In the event a special meeting is called to deal with an emergency involving injury or damage to persons or property or the likelihood of such injury or damage, when time requirements of such notice would make notice impractical and increase the likelihood of such injury or damage. (Res. 525

Resolution No. ____
 Page 3 of ____

\$1, 1988, amended by Res. 788, 1995, amended by Res. 1011, 2006, amended by Res. 1140, 2011, amended by Res. 1189, 2012, amended by Res. 1356, 2017, Amended by Res. _____, \$1, 2018).

Sec. 2. *The Des Moines City Council Rules of Procedure, Updated March 9, 2017* by Resolution No. 1356, is hereby amended to read as follows:

COMMITTEES

Rule 23. The procedures governing all committees of the Council shall be as follows:

(a) The following standing committees shall consist of three members of the Council appointed by the Mayor in January of each year or at such time as new standing committees are authorized: Environment, Municipal Facilities, Public Safety & Emergency Management, Transportation, and Finance ~~and Economic Development.~~

(b) Council Committees for a particular purpose may be formed by motion of Council and members shall be appointed by the Mayor.

(c) Committees shall make a recommendation on proposed ordinances, resolutions and motions, within their area of responsibility before action is taken by the Council. Minutes shall be kept of each City Council standing and special committee meeting, listing discussion topics, comments made, and any final recommendations.

The Committee Chair shall present the recommendations of the committee to the City Council at a regular City Council meeting during the discussion of the item of business. (Res. 575 \$1, 1989, Amended by Res. 602 1990, Amended by Res. 633 1990, Amended by Res. 664 1991 Amended by Res. 685 1992, Amended by Res. 754 \$3, 1994, Amended by Res. 931, \$1, 2002, Amended by Res. 940, \$1 2002, Amended by Res. 1140, 2011, Amended by Res. _____, \$2 2018).

Resolution No. ____
Page 4 of ____

Sec. 3. The *Des Moines City Council Rules of Procedure, Updated March 9, 2017* by Resolution No. 1356, is hereby amended to read as follows:

ORDINANCES

RULE 26. The procedure for ordinances is as follows:

(a) All ordinances shall have two separate readings. At each reading, ~~the title of an ordinance shall in all cases be read prior to its passage; provided that should if a Councilmember requests that the entire ordinance, or certain of its sections, or the title be read, such requests shall be granted.~~ Printed copies shall be made available upon request to any person attending a Council meeting.

(b) The provision requiring two separate readings of an ordinance may be temporarily suspended at any meeting of the Council by a majority vote of all members present.

(c) If a Motion to pass an ordinance to a second reading fails, the ordinance shall be considered lost.

(Res. 525 S1, 1988, Amended by Res. 1140, 2011, Amended by Res. _____, §3 2018).)

ADOPTED BY the City Council of the City of Des Moines, Washington this _____ day of _____, 2018 and signed in authentication thereof this _____ day of _____, 2018.

M A Y O R

APPROVED AS TO FORM:

City Attorney

Resolution No. ____
Page 5 of ____

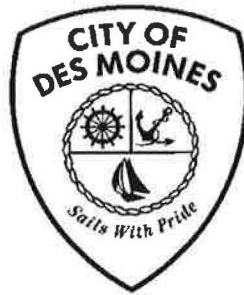
ATTEST:

City Clerk

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DES MOINES CITY COUNCIL

RULES OF PROCEDURE



Adopted Pursuant to DMMC 4.12.010

Updated 7/89
Updated 7/90
Updated 10/90
Updated 11/90
Updated 8/91
Updated 10/91
Updated 12/91

Updated 4/92
Updated 2/94
Updated 3/94
Updated 8/94
Updated 6/95
Updated 9/00
Updated 5/03

Updated 9/03
Updated 8/04
Updated 4/05
Updated 5/06
Updated 1/11, Res. 1140
Updated 4/12, Res. 1189
Updated 2/17, Res. 1356

DES MOINES CITY COUNCIL RULES OF PROCEDURE

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DES MOINES CITY COUNCIL RULES OF PROCEDURE

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SECTION I COUNCIL MEETING - LOCATION

RULE 1. All meetings of the City Council shall be held at the location specified in DMMC 4.04.010. (Ord. 329 §1, 1973).

COUNCIL MEETING - TIME

RULE 2. The regular meetings of the City Council shall be held at the times specified in DMMC 4.04.020. (Ord. 1039 §1, 1993).

COUNCIL MEETINGS - OPEN TO THE PUBLIC

RULE 3. All meetings of the City Council and of committees thereof shall be open to the public, except as provided for in RCW 42.30.110 or RCW 42.30.140. (Res. 525 §1, 1988).

ELECTION OF OFFICERS

RULE 4. Procedures for electing officers are as follows:

(a) Biennially, at the first meeting of the new Council, the members thereof shall choose a Presiding Officer from their number who shall have the title of Mayor. In addition to the powers conferred upon him/her as Mayor, he/she shall continue to have all the rights, privileges and immunities of a member of the Council. If a permanent vacancy occurs in the Office of Mayor, the members of the Council at their next regular meeting shall select a Mayor from their number for the unexpired term. Following the election of the Mayor, there shall be an election for Deputy Mayor. The term of the Deputy Mayor shall run concurrently with that of the Mayor.

(b) The election for Mayor shall be conducted by the City Clerk. The City Clerk shall call for nominations. Each member of the City Council shall be permitted to nominate one (1) person who has previously served on the Council for a minimum of two years, and nominations shall not require a second. A nominee who wishes to decline the nomination shall so state at this time. Nominations are then closed. The election for Deputy Mayor shall be conducted by the newly-elected Mayor, and nominations shall be made in the manner previously described for the election of the Mayor. Candidates for Deputy Mayor shall have previously served on the Council for a minimum of one year. The minimum experience condition for candidacy for Mayor or Deputy Mayor may be waived by the vote of five councilmembers.

(c) Except when there is only one nominee, election shall be by written ballot. Each ballot shall contain the name of the Councilmember who cast it. Each ballot shall include the name of all Councilmembers nominated (unless they have withdrawn). Voting shall continue until a nominee receives a majority of the votes. The City Clerk shall publicly announce the results of the election by reading each ballot into the record, stating the name of each voting Councilmember and the manner in which the Councilmember voted. Thereafter, the City Clerk shall record in the minutes of the meeting the manner in which each voting member of the Council cast his or her ballot.

(d) In the event the Council is unable to agree on a Mayor by majority vote of members present, the Office of Mayor shall be temporarily filled by an Acting Mayor. The Acting Mayor shall be the Councilmember who just previously served as Mayor; or if such person is not a member of the Council, the Councilmember who just previously served as Deputy Mayor; or if such person is not a member of the Council, the Councilmember with the highest seniority as determined by the City Attorney. Ties shall be resolved in a contest by chance. The office of Acting Deputy Mayor shall be filled by the Councilmember who just previously served as Deputy Mayor; or if such person is not a member of the Council, by the Councilmember with the next highest seniority. The Acting Mayor and Acting Deputy Mayor shall continue in office and exercise such authority as is described in Chapter 35A.13 RCW until the members of the Council agree on a Mayor, at which time the Office of Acting Mayor and Acting Deputy Mayor shall cease and terminate. (Res. 525 §1, 1988, amended by Res. 594 §1, 1989, amended by Res. 672, 1991, amended by Res. 754 §1, 1994, amended by Res. 1140, 2011, amended by Res. 1189, 2012, amended by Res. 1356, 2017.)

PRESIDING OFFICER

RULE 5. The Mayor shall preside at meetings of the Council, and be recognized as the head of the City for all ceremonial purposes. The Mayor shall have no regular administrative or executive duties. In case of the Mayor's absence or temporary disability the Deputy Mayor shall act as Mayor during the continuance of the absence. When the Deputy Mayor acts as Mayor by participating in preparation of a Council meeting agenda or study session worksheet, or by presiding at a meeting of the Council, the Deputy Mayor shall have authority only to approve the Council meeting agenda or study session worksheet as to form without introducing or deleting items of business, and to preside at the meeting by following the approved agenda or study session worksheet as written. In case of the absence or temporary disability of the Mayor and the Deputy Mayor, a Deputy Mayor selected by members of the Council shall act as Mayor during the continuance of the absences or disabilities. The Mayor, or Deputy Mayor, is referred to as "Presiding Officer" from time to time in these Rules of Procedure.

(a) The Mayor and the Council have authority to introduce proclamations for a variety of purposes, as approved by the Council. No proclamation shall constitute official City actions unless approved or authorized by a majority of the City Council.

(b) To promote a favorable image of the City and pursue resources that will benefit the community, the Mayor, or another Councilmember designated by the City Council, may take the lead in representing the Des Moines City Council to those from outside the community who are interested in joint ventures and efforts to bring economic development and investments to the City, including other local governments, regional organizations, and federal, state, and international government representatives. Neither the Mayor, nor a Councilmember, can commit the City without authorization of a majority of the City Council.

(c) The Mayor, or another Councilmember designated by the City Council, is the spokesperson on actions taken by the Council. On behalf of the City Council, the Mayor or designated Councilmember may inform the public, media, and staff about issues affecting the community.

(Res. 525 §1, 1988, amended by Res. 961 §1, 2003, Res. 1140, 2011, amended by Res. 1356, 2017).

QUORUM

RULE 6. At all meetings of the Council, four Councilmembers who are present and eligible to vote shall constitute a quorum for the transaction of business. A lesser number may adjourn from time to time, provided that written notice of said adjournment is posted on the exterior Council Chamber doors per RCW 42.30.090. Council meetings adjourned under the previous provision shall be considered a regular meeting for all purposes. (Res. 525 §1, 1988).

ATTENDANCE, EXCUSED ABSENCES

RULE 7. RCW 35A.12.060 provides that a Councilmember shall forfeit his/her office by failing to attend three consecutive regular meetings of the Council without being excused by the Council. Members of the Council may be so excused by complying with this section. The member shall contact the Presiding Officer prior to the meeting and state the reason for his/her inability to attend the meeting. If the member is unable to contact the Presiding Officer, the member shall contact the City Manager or City Clerk, who shall convey the message to the Presiding Officer. Following roll call, the Presiding Officer shall inform the Council of the member's absence, state the reason for such absence, and inquire if there is a motion to excuse the member. This motion shall be non-debatable. Upon passage of such motion by a majority of members present, the absent member shall be considered excused and the Clerk will make an appropriate notation in the minutes. (Res. 525 §1, 1988).

PARTICIPATION BY TELEPHONIC COMMUNICATION

RULE 7.1. A Councilmember may participate telephonically in all or part of a Council meeting under the following conditions:

(1) Prior approval shall be given by the Mayor for good cause, whose approval shall not be unreasonably withheld.

(2) "Good Cause" is defined as:

(a) Medical reasons that prevent a Councilmember from attending the meeting in person.

(b) Family emergency.

(c) Unexpected travel.

(d) Additional unanticipated event that prevents a Councilmember from attending the meeting in person through no fault of the Councilmember.

(3) Telephonic participation for each Councilmember shall be limited to three (3) Council meetings in a calendar year.

(4) Telephonic participation shall be limited to one (1) Councilmember per meeting. Priority will be given to the first Councilmember to request prior approval and who meets the requirements under this Rule.

(5) A Councilmember participating telephonically in the meeting must be able to hear and be heard.

(6) The Councilmember participating telephonically shall have reviewed all of the applicable material and participated in the relevant portion of the Council Meeting related to the topic to which the Councilmember is voting on. Any technical prohibitions or difficulties that prevent all parties present at the Council meeting from adequately communicating with one another will negate any authorization previously given by the Mayor.

(7) The Councilmember attending telephonically shall notify the Council if he or she is about to disconnect from the call.

(8) A Councilmember who is attending telephonically shall be considered to be actually present at the meeting for the period of time he or she is connected, and that presence shall count toward a quorum of the Council for all purposes and shall also entitle the Councilmember to vote. A Councilmember voting telephonically may be polled separately to ensure their vote is tallied correctly.

(9) In the event the Mayor seeks to attend a meeting telephonically, the Mayor shall seek prior approval from the Deputy Mayor. If approval is granted, the Deputy Mayor shall act as the Presiding Officer for the meeting. (Res. 1356, 2017)

SPECIAL COUNCIL MEETINGS

RULE 8. It is the intent of the Des Moines City Council that the procedures of this Council Rule 8 are enforceable to the same extent as RCW 42.30.080, as the City's implementation of the Open Public Meetings Act special meeting requirements set forth at RCW 42.30.080. Procedures for setting a special meeting are as follows:

(a) A special meeting may be called by the Mayor or any four members of the Council.

(b) Notice of the special meeting shall be prepared in writing. The notice shall contain the following information about the meeting: time, place, and business to be transacted. The notice shall be reviewed by the City Attorney for proper legal form. After the preliminary agenda has been approved by the Presiding Officer, a copy of the agenda and supporting materials shall be prepared for Councilmembers, the City Manager, and the press by close of business Friday prior to the Special Council Meeting, except in case of an emergency.

(c) (1) The notice shall be delivered by mail, by electronic mail to an address designated by the receiver of the email, or personally to each Councilmember, the City Manager, and the business office of each local newspaper and radio and television station which has on file a written request for notice of special meetings. The notice must be delivered at least twenty-four (24) hours prior to the meeting.

(2) When email notice is given to Councilmembers, the City Clerk shall provide confirming follow up of such email notice by making a personal telephone call directly to each Councilmember who has made a standing written advance request to the City Clerk for such follow

up telephone call. The City Clerk shall document the date and time of such follow up telephone call.

(d) The notices provided in this section may be dispensed within the circumstances provided by RCW 42.30.080; that is:

(1) As to any member who at, or prior to the time the meeting convenes files with the Clerk a written waiver of notice,

(2) As to any member who was actually present at the meeting at the time it convenes, and

(3) In the event a special meeting is called to deal with an emergency involving injury or damage to persons or property or the likelihood of such injury or damage, when time requirements of such notice would make notice impractical and increase the likelihood of such injury or damage. (Res. 525 §1, 1988, amended by Res. 788, 1995, amended by Res. 1011, 2006, amended by Res. 1140, 2011).

COUNCIL MEETING AGENDA

RULE 9. This rule specifies the method of preparation of a Council meeting agenda for meetings other than study sessions. The Presiding Officer, three (3) Councilmembers, or the City Manager may introduce a new item to the preliminary agenda. The Presiding Officer shall have the option of deleting any item, other than those items introduced by three (3) Councilmembers, from the preliminary agenda until the next regular Council meeting when the full Council shall vote on whether to introduce the item on the agenda for a subsequent Council meeting. The City Clerk, under the direction of the City Manager, shall arrange a list of such matters according to the order of business and prepare a preliminary agenda for the Council. After the preliminary agenda has been approved by the Presiding Officer, a copy of the agenda and supporting materials shall be prepared for Councilmembers, the City Manager, and the press by close of business Friday prior to the Regular Council Meeting, except in case of an emergency. (Res. 525 §1, 1988, amended by Res. 961 §2, 2003, amended by Res. 1140, 2011).

STUDY SESSIONS

RULE 10. Regular Council meetings that are held during the first and third week of each month in accordance with Rule 2, may be designated as Study Sessions by the Presiding Officer. Study Sessions need have no formal agenda and may be conducted informally so long as such informality is not in conflict with these rules. Comments from the public, limited to the items of business on the Study Session agenda, may, at the discretion of the Presiding Officer, be allowed so long as the comments are in accordance with Council Rule 20(f). The purpose of Study Session discussions is to allow Councilmembers to be made aware of impending business and allow informal discussion of issues that might be acted on at a future meeting. These conditions will allow the Councilmembers to communicate informally about these impending issues. No final Council action shall be taken on ordinances and resolutions at Study Sessions. The City Clerk, under the direction of the City Manager, shall arrange a Council Study Session worksheet for the Study Session. The Council Study Session worksheet shall, for each item, contain the Discussion Item, the Discussion Item Moderator, and the Discussion Goal. After the proposed Council Study Session worksheet has been approved by the Presiding Officer, a copy of it along with any supporting materials shall be prepared for Councilmembers, the City Manager, and the press by close of business Friday prior to the Council Study Session, except in an emergency.

During the Council Study Session the Discussion Item Moderator may: 1) introduce the subject and give background information; 2) identify the discussion goal; 3) act as facilitator to keep the discussion focused to the eventual discussion goal; 4) alert the Presiding Officer when it is appropriate to call for a motion or other official direction of the Council. The Presiding Officer retains the option of assuming the function of the Discussion Item Moderator in order to keep the discussion properly focused. (Res. 525 §1, 1988, amended by Res. 659, 1991, amended by Res. 754 §2, 1994, amended by Res. 961 §3, 2003, amended by Res. 1140, 2011).

CITY MANAGER

RULE 11. The City Manager, as the chief executive officer and head of the administrative branch of City government or his/her designee, shall attend all meetings of the City Council, unless excused by the Presiding Officer or Council. The City Manager shall be responsible to the Council for the proper administration of all affairs of the City. The City Manager shall recommend for adoption by the Council such measures as he/she may deem necessary or expedient; prepare and submit to the Council such reports as may be required by that body or as the City Manager deems it advisable to submit; keep the Council fully advised as to the business of the City; and shall take part in the Council's discussion on all matters concerning the welfare of the City. In the event that both the City Manager and Assistant City Manager are unable to attend a Council meeting, the City Manager or Assistant City Manager shall appoint a key staff member to attend the meeting as the representative of City Administration. (Res. 525 §1, 1988, amended by Res. 1189, 2012).

CLERK

RULE 12. The City Clerk shall be ex-officio Clerk of the Council and shall keep minutes as required by the Revised Code of Washington and Robert's Rules of Order, including a specific action item section, and shall perform such other and further duties in the meeting as may be required by the Council, Presiding Officer, or City Manager. In the absence of the City Clerk, the City Manager shall appoint a replacement to act as Clerk of the Council. (Res. 525 §1, 1988, Amended by Res. 949, 2003, amended by Res. 1140, 2011).

SECTION II DUTIES AND PRIVILEGES OF MEMBERS

FORMS OF ADDRESS

RULE 13. The Mayor shall be addressed as "Mayor (surname)" or "Your Honor." The Deputy Mayor shall be address as "Deputy Mayor (surname)." Members of the Council shall be addressed as "Councilmember (surname)." (Res. 525 S1, 1988, amended by Res. 1356, 2017).

SEATING ARRANGEMENT

RULE 14. Councilmembers shall occupy the respective seats in the Council Chamber assigned to them by the Mayor. (Res. 525 S1, 1988).

APPEARANCE OF FAIRNESS DOCTRINE

RULE 15. Appearance of Fairness Doctrine and its Application. (Res. 571 S1, 1989).

(a) Appearance of Fairness Doctrine Defined. "When the law which calls for public hearings gives the public not only the right to attend but the right to be heard as well, the hearings must not only be fair but must *appear* to be so. It is a situation where appearances are quite as important as substance. The test of whether the appearance of fairness doctrine has been violated is as follows: Would a disinterested person, having been apprised of the totality of a boardmember's personal interest in a matter being acted upon, be reasonably justified in thinking that partiality may exist? If answered in the affirmative, such deliberations, and any course of conduct reached thereon, should be voided." Zehring v. Bellevue, 99 Wn.2d 488 (1983).

(b) Types of Hearings to Which Doctrine Applies. The appearance of Fairness Doctrine shall apply only to those actions of the Council which are quasi-judicial in nature. Quasi-judicial actions are defined as actions of the City Council which determine the legal rights, duties, or privileges of specific parties in a hearing or other contested proceeding. Quasi-judicial actions do not include the legislative actions adopting, amending, or revising comprehensive, community, or neighborhood plans or other land use planning documents of the adoption of area-wide zoning ordinances or the adoption of a zoning amendment that is of area-wide significance. RCW 42.36.010. Some examples of quasi-judicial actions which may come before the Council are: rezones or reclassifications of specific parcels of property, appeals from decisions of the Hearing Examiner, substantive appeals of threshold decisions under the State Environmental Protection Act, subdivisions, street vacations, and special land use permits.

(c) Obligations of Councilmembers, Procedure.

(1) Councilmembers should recognize that the Appearance of Fairness Doctrine does not require establishment of a conflict of interest, but whether there is an appearance of conflict of interest to the average person. This may involve the Councilmember or a Councilmember's business associate or a member of the Councilmember's immediate family. It could involve ex parte communications, ownership of property in the vicinity, business dealings with the proponents or opponents before or after the hearing, business dealings of the Councilmember's employer with the proponents or opponents, announced predisposition, and the like.

Prior to any quasi-judicial hearing, each Councilmember should give consideration to whether a potential violation of the Appearance of Fairness Doctrine exists. If the answer is in the affirmative, no matter how remote, the Councilmember should disclose such facts to the City Manager who will seek the opinion of the City Attorney as to whether a potential violation of the Appearance of Fairness Doctrine exists. The City Manager shall communicate such opinion to the Councilmember and to the Presiding Officer.

(2) Anyone seeking to disqualify a Councilmember from participating in a decision on the basis of a violation of the Appearance of Fairness Doctrine must raise the challenge as soon as the basis for disqualification is made known or reasonably should have been made known prior to the issuance of the decision; upon failure to do so, the Doctrine may not be relied upon to invalidate the decision. The party seeking to disqualify the Councilmember shall state with specificity the basis for disqualification; for example: demonstrated bias or prejudice for or against a party to the proceedings, a monetary interest in outcome of the proceedings, prejudgment of the issue prior to hearing the facts on the record, or ex parte contact. Should such challenge be made prior to the hearing, the City Manager shall direct the City Attorney to interview the Councilmember and render an opinion as to the likelihood that an Appearance of Fairness violation would be sustained in superior court. Should such challenge be made in the course of a quasi-judicial hearing, the Presiding Officer shall call a recess to permit the City Attorney to make such interview and render such opinion.

(3) The presiding Officer shall have sole authority to request a Councilmember to excuse himself/herself on the basis of an Appearance of Fairness violation. Further, if two (2) or more Councilmembers believe that an Appearance of Fairness violation exists, such individuals may move to request a Councilmember to excuse himself/herself on the basis of an Appearance of Fairness violation. In arriving at this decision, the Presiding Officer or other Councilmembers shall give due regard to the opinion of the City Attorney.

(4) Notwithstanding the request of the Presiding Officer or other Councilmembers, the Councilmember may participate in any such proceeding.

(d) Specific Statutory Provisions.

(1) Candidates for the City Council may express their opinions about pending or proposed quasi-judicial actions while campaigning. RCW 42.36.040.

(2) A candidate for the City Council who complies with all provisions of applicable public disclosure and ethics laws shall not be limited under the Appearance of Fairness Doctrine from accepting campaign contributions to finance the campaign, including outstanding debts. RCW 42.36.050.

(3) During the pendency of any quasi-judicial proceeding, no Councilmember may engage in ex parte (outside the hearing) communications with proponents or opponents about a proposal involved in the pending proceeding, unless the Councilmember: (a) places on the record the substance of such oral or written communications; and (b) provides that a public announcement of the content of the communication and of the parties' right to rebut the substance of the communication shall be made at each hearing where action is taken or considered on the subject. This does not prohibit correspondence between a citizen and his or her elected official if the correspondence is made a part of the record, when it pertains to the subject matter of a quasi-judicial proceeding. RCW 42.36.060. (Amended Res. 1140, 2011).

DISSENTS AND PROTESTS

RULE 16. Any Councilmember shall have the right to express dissent from or protest against any ordinance or resolution of the Council and have the reason therefore entered in the minutes. (Res. 525 S1, 1988).

ADMINISTRATIVE INTERFERENCE BY COUNCILMEMBERS

RULE 17. Neither the Council, nor any of its committees or members shall direct or request the appointment of any person to, or his/her removal from, any office by the City Manager or any of his/her subordinates. Except for the purpose of inquiry, the Council and its members shall deal with the administrative branch solely through the City Manager and neither the Council nor any committee or member thereof shall give any orders to any subordinate of the City Manager, either publicly or privately; provided, however, that nothing herein shall be construed to prohibit the Council, while in open session, from fully and freely discussing with the City Manager anything pertaining to appointments and removals of City officers and employees and City affairs. (RCW 35A,13.120) (Res. 525 S1, 1988, Amended by Res. 1140, 2011, amended by Res. 1189, 2012).

SECTION III COUNCIL PROCEDURES

RULES OF ORDER

RULE 18. Rules of order not specified by statute, ordinance, or resolution shall be governed by the most recent edition of Robert's Rules of Order.

(a) **Courtesy.** Members of the Council, in the discussion, comments, or debate of any matter or issue, shall be courteous in their language and demeanor and shall not engage in derogatory remarks or insinuations in respect to any other member of the Council, or any member of the staff or the public, but shall at all times confine their remarks to those facts which are germane and relevant, as determined by the Presiding Officer, to the question or matter under discussion.

(b) **Interruption.** No member of the Council shall interrupt or argue with any other member while such member has the floor.

(Res. 525 S1, 1988, Amended by Res. 618 1990, amended by Res. 1140, 2011).

MOTIONS

RULE 19. All items of business placed before the Council that require the expenditure of Council and/or administration resources, shall be in the form of an affirmative motion.

(a) Rule 19(a) – **Speaking to Motion.** No member of the Council shall speak more than twice on the same motion except by consent of the majority of the Council Members present at the time the motion is before the Council. After the motion is put and before the next item is read, a member shall be able to speak briefly to the previous motion. Questions and answers by members of the Council are not considered as speaking to the motion.

(b) Rule 19(b) – **Time Limit.** Each member of the Council shall speak for no more than ten (10) minutes unless granted an exemption by the majority of the Council.

(c) Rule 19(c) – **Donation of Time.** No member of Council may give his allotted time to another member unless there is approval of the majority of the Council.

(Res. 525 S1, 1988, amended by Res. 1140, 2011).

ORDER OF BUSINESS AND PUBLIC COMMENT RULES

RULE 20. The business of all regular meetings of the Council shall be transacted as follows; provided, however that the Presiding Officer may, during a Council meeting, rearrange items on the agenda to conduct the business before the Council more expeditiously. Any ruling by the Presiding Officer relative to rearrangement of items on the agenda may be overruled by a vote of a majority of members present.

- (a) Call to order by the Presiding Officer.
- (b) Pledge of Allegiance.
- (c) Invocation (Presiding Officer's discretion).
- (d) Roll call (See Rule 7 for procedure to excuse an absence).
- (e) Correspondence not previously received by the Council.

(f) Comments from the public (non-public hearing topics). Public comments are encouraged and appreciated. The information and advice received from citizens helps the City Council make the best possible decisions.

(1) Procedure.

(A) Citizens are encouraged to supplement verbal comments through written submittals.

(B) All citizens desiring to address Council during the Public Comment period shall first fill out a sign-in sheet, stating their name, address, and public comment topic, and the sign-in sheet shall be submitted to the City Clerk prior to the start of Public Comments.

(2) Scope of Comments.

(A) Subjects not on the current agenda. Any member of the public may request time to address the Council after first stating their name and City of residence. The Presiding Officer may then allow the comments subject to such time limitations as referenced in Rule 20(f)(3)(A) or as the Presiding Officer deems necessary. Following such comments the Presiding Officer may place the matter on the current agenda or a future agenda, or refer the matter to administration or a Council committee for investigation and report.

(B) Subjects on the current agenda. Any member of the public who wishes to address the Council on an item on the current agenda shall make such request to the Presiding Officer at the time when comments from the public are requested. The Presiding Officer shall rule on the appropriateness of public comments as the agenda item is reached. The Presiding Officer may change the order of speakers so that testimony is heard in the most logical groupings (i.e.) proponents, opponents, adjacent owners, vested interests, etc.).

(C) Subjects of a Public Hearing. Comments made during the Public Comment period on a topic set for a public hearing by the City Council shall be out of order. To ensure a fair hearing to applicants or matters that are subject to a public hearing before the City Council, the Presiding Officer may rule public comments made outside the scope of a public hearing record to be out of order.

(D) Any ruling by the Presiding Officer relative to the preceding two subsections may be overruled by a vote of a majority of members present.

(3) Rules of Conduct. A minimum number of basic rules are established to ensure that all individuals wishing to address the City Council are fairly heard.

(A) Each person addressing the Council shall step up to the indicated speakers table, give his or her name and city of residence, and shall limit comments to three (3) minutes. Groups may be allotted five (5) minutes by the Presiding Officer.

(B) Except where permission is granted by the Presiding Officer, all remarks shall be made only from the designated speaking table and addressed to the Council as a body and not to individual members, the audience or the television cameras.

(C) The Presiding Officer or designee shall notify the individual when the allotted time has expired and the speaker shall promptly conclude his or her remarks. All speakers are encouraged to submit supplemental or detailed written remarks for Council consideration.

(D) Any person making personal, impertinent, or slanderous remarks, or who becomes boisterous, threatening, or personally abusive while addressing the Council, may be ordered to leave the meeting. The Presiding Officer has the authority and duty to preserve order at all meetings of the Council, to cause the removal of any person from any meeting for disorderly conduct and to enforce these rules.

(E) The Presiding Officer may rule "out of order" any comment made with respect to a quasi-judicial matter pending before the Council or its Boards or Commissions. Such comments should be made only at the hearing on a specific matter. If a hearing has been set, persons whose comments are ruled out of order will be notified of the time and place when they can appear at the public hearing on the matter and present their comments.

(F) Any person whose comments have been ruled out of order by the Presiding Officer shall immediately cease and refrain from further improper comments. The refusal of an individual to desist from personal, inappropriate, slanderous or otherwise disruptive remarks after being ruled out of order by the Presiding Officer may subject the individual to removal from the Council Chambers.

(g) Committee and Board reports.

(1) Procedure. Councilmembers and the Presiding Officer may give reports regarding boards or committees to which they have been appointed.

(2) Scope and Time Limits.

(A) The Presiding Officer may rule "out of order" any comments made during this portion of the meeting that do not pertain to the activities of the Councilmembers' boards or committees.

(B) Board and committee reports shall also be limited to three (3) minutes unless extended time is granted by the Presiding Officer for matters of significant importance. The Presiding Officer or designee shall notify the Councilmember when the allotted time has expired and the Councilmember shall promptly conclude his/her report.

(h) Presiding Officer's report. In addition to any special board or committee reports, the Presiding Officer may give a report on any activity participated in as part of the official duties of the Mayor.

(i) Councilmember comments (non-agenda topics).

(1) Procedure. Councilmembers may comment on other subjects of importance and/or respond to citizen comments.

(2) Scope and Time Limits.

(A) Councilmember comments during this portion of the meeting shall be limited to subjects not on the current agenda. The Presiding Officer may rule "out of order" any comment made during this portion of the meeting with respect to any agenda item or quasi-judicial matter pending before the Council or its Boards or Commissions. Such comments should be made only at the hearing on a specific matter and/or during that portion of the meeting for which the agenda item is scheduled.

(B) Councilmember comments during this portion of the meeting shall also be limited to three (3) minutes. The Presiding Officer or designee shall notify the Councilmember when the allotted time has expired and the Councilmember shall promptly conclude his or her remarks.

(j) Administration reports.

(k) Consent Calendar.

(1) The City Manager, in consultation with the Presiding Officer, shall place matters on the Consent Calendar which have been: (a) previously discussed by the Council, or (b) based on the information delivered to members of the Council by administration that can be reviewed by a Councilmember without further explanation, or (c) are so routine or technical in nature that passage is likely, or (d) as directed by the City Council.

(2) The Clerk shall read the subject of each Consent Calendar item.

(3) The proper Council motion on the Consent Calendar is as follows: "I move adoption of the Consent Calendar." This motion shall be non-debatable and will have the effect of moving to adopt all items on the Consent Calendar. Since adoption of any item on the Consent Calendar implies unanimous consent, any member of the Council shall have the right to remove any item from the Consent Calendar. Therefore, prior to the vote on the motion to adopt the Consent Calendar, the Presiding Officer shall inquire if any Councilmember wishes an item to

be withdrawn from the Consent Calendar. If any matter is withdrawn, the item withdrawn from the consent calendar shall be the next business in order following the conclusion of the consent calendar.

- (l) Public Hearings (see Rule 21 for procedural details).
- (m) Old Business.
- (n) New Business.
- (o) Executive Session (as required)
- (p) Next meeting date announced by Presiding Officer.

(q) Adjournment. No meeting shall be permitted to continue beyond 10:00 PM without approval of three-fourths of the Councilmembers who are present and eligible to vote. A new time limit must be established before taking a Council vote to extend the meeting. In the event that a meeting has not been closed or continued by Council vote prior to 10:00 PM, the items not acted on shall be deferred to the next regular Council meeting as old business, unless the Council, by a majority vote of members present, determines otherwise. (Res. 525 §1, 1988, amended by Res. 894 §1, 2000, amended by Res. 961 §4, 2003, amended by Res. 977, 2004, amended by Res. 1189, 2012, amended by Res. 1356, 2017).

ACTIONS FOR A PUBLIC HEARING

RULE 21. The procedures for a public hearing are as follows:

(a) Prior to the start of the "Comments from the Public" portion of the public hearing, the Presiding Officer may require that all persons wishing to be heard shall sign in with the Clerk, giving their names and addresses, the agenda item, and whether they wish to speak as proponent, opponent, or otherwise. Any person who fails to sign in shall not be permitted to speak until all those who signed in have done so. At any public hearing all persons who have signed in and wish to be heard shall be heard. However, the Presiding Officer shall be authorized to establish speaker time limits and otherwise control presentations to avoid repetition. In public hearings that are not of a quasi-judicial nature, the Presiding Officer, subject to concurrence of the majority of the Council, may establish time limits and otherwise control presentations. The Presiding Officer may change the order of speakers so that testimony is heard in the most logical groupings (i.e. proponents, opponents, adjacent owners, vested interests, etc.).

(b) The Presiding Officer introduces the agenda item, opens the public hearing, and provides a summary of the following Rules of Order and/or advises the public that they may have a copy of such rules, which shall be available with other agenda materials regularly made available to the public at each Council meeting.

(1) "All comments by proponents, opponents, or the public shall be made from the speaker's rostrum and any individual making comments shall first give their name and city of

residence. This is required because an official recorded transcript of the public hearing is being made. If there is any appeal to King County Superior Court, the court must make its decision on the basis of what was said here."

(2) "It is not necessary to be a proponent or opponent in order to speak. If you consider yourself neither a proponent nor opponent, please speak during the proponent portion and identify yourself as neither a proponent nor an opponent."

(3) "No comments shall be made from any other location, and anyone making "out of order" comments shall be subject to removal from the meeting."

(4) "There will be no demonstrations during or at the conclusion of anyone's presentation."

(5) "These rules are intended to promote an orderly system of holding a public hearing, to give every person an opportunity to be heard, and to ensure that no individual is embarrassed by exercising their right of free speech."

(c) (1) When Council conducts a hearing to which the Appearance of Fairness Doctrine, (Rule 15) applies, the Presiding Officer, or in the case of a potential Rule 15 violation by that individual, the Deputy Mayor, will ask if any Councilmember knows of any reason which would require such member to excuse themselves pursuant to Rule 15. The suggested form of the announcement is as follows:

"All Councilmembers should now give consideration as to whether they have: (1) a demonstrated bias or prejudice for or against any party to the proceedings; (2) a direct or indirect monetary interest in the outcome of the proceedings; (3) a prejudgment of the issue prior to hearing the facts on the record; or (4) ex parte contact with any individual, excluding Administrative staff, with regard to an issue prior to the hearing. If any Councilmember should answer in the affirmative, then the Councilmember should state the reason for their answer at this time so that the Chair may inquire of Administration as to whether a violation of the Appearance of Fairness Doctrine exists."

(2) When Council conducts a "quasi-judicial" hearing, the Presiding Officer may require that all persons wishing to provide testimony during the course of such hearing provide an oath, on the record, affirming the truth of their testimony. The suggested form and process for such oath is as follows:

The Presiding Officer asks all possible speakers to raise their right hand, asks such individuals to consider the following question and respond "I do", and inquires:

"Do you affirm under penalty of perjury under the laws of the State of Washington that the testimony you are about to provide is true and accurate to the best of your knowledge?"

(d) At the outset of each public hearing or meeting to consider a zoning amendment or zoning reclassification the Presiding Officer will call upon City Administration to describe the matter under consideration, including legal standards for approval of the item before the Council, and ask the parties to limit their presentations to information within the scope of the standards.

(e) The Presiding Officer calls for proponents in quasi-judicial proceedings and for speakers in non-quasi-judicial proceedings.

(f) The proponents or speakers now speak. (Note: If the City of Des Moines is the proponent, a member or members of the administration shall be designated to give proponent and rebuttal testimony).

(g) The Presiding Officer calls for additional proponents or speakers three times.

(h) In non-quasi-judicial proceedings refer to Rules 21(l), otherwise the Presiding Officer calls for opponents by announcing the following:

"At this time the opponents will have an opportunity to speak. Should any opponent have questions to ask of the proponents, ask the questions during your presentation. The proponents shall note the question asked, and answer such questions when the proponent speaks in rebuttal. The proponent shall be required to answer any reasonable question, provided that the Presiding Officer reserves the right to rule any question out of order."

(i) Opponents speak.

(j) The Presiding Officer calls for additional opponents three times.

(k) The Presiding Officer calls for proponents to speak in rebuttal. A proponent speaking in rebuttal shall not introduce new material. If the proponent does, or is allowed to do so, the opponents shall also be allowed to rebut the new elements.

(l) The Presiding Officer announces the following:

"At this time I will inquire of the administration as to whether there have been any mis-statements of fact or whether the administration wishes to introduce any material as to subjects raised by the proponents or opponents or alter in any regard its initial recommendations."

(m) The Presiding Officer inquires as to whether any Councilmembers have any questions to ask the proponents, opponents, speakers, or administration. If any Councilmember has questions, the appropriate individual will be recalled to the podium.

(n) The Presiding Officer closes the public hearing.

(o) The Presiding Officer inquires if there is a motion by any Councilmembers. If a motion is made, it shall be in the form of an affirmative motion. Following the motion and its second, discussion occurs among Councilmembers. The Presiding Officer may call on individual Councilmembers in the discussion.

(p) The Presiding Officer inquires if there is any further discussion by the Councilmembers.

(q) The Presiding Officer inquires if there are any final comments or recommendations from administration.

(r) The Presiding Officer inquires of the Councilmembers as to whether they are ready for the question.

(s) The Clerk shall conduct a roll call vote.

(t) The Presiding Officer directs administration to prepare findings consistent with the action.

(Res. 571 §2, 1989, amended by Res. 894, §2, 2000, amended by Res. 1140, 2011, amended by Res. 1356, 2017).

VOTING

RULE 22. The votes during all meetings of the Council shall be transacted as follows:

(a) Unless otherwise provided for by statute, ordinance, or resolution, all votes shall be taken by voice, except that at the request of any Councilmember, a roll call vote shall be taken by the Clerk. The order of the roll call vote shall be determined by the Presiding Officer.

(b) In case of a tie in votes on any proposal, the proposal shall be considered lost.

(c) Every member who was in the Council chambers when the question was put, shall give their vote unless the Councilmember excuses himself or herself in accordance with Rule 15. If any unexcused Councilmember refuses to vote "aye" or "nay", their vote shall be counted as a "nay" vote.

(d) The passage of any ordinance, grant or revocation of franchise or license, any resolution for the payment of money, any approval of warrants, and any resolution for the removal of the City Manager shall require the affirmative vote of at least a majority of the whole membership of the Council.

(e) The passage of any public emergency ordinance (an ordinance that takes effect immediately), expenditures for any calamity or violence of nature or riot or insurrection or war, and provisions for a lesser emergency such as a budget amendment shall require the affirmative vote of at least a majority plus one of the whole membership of the Council.

(f) The passage of any motion or resolution not subject to the provisions of RCW, DMMC, or this Resolution as amended, shall require the affirmative vote of at least a majority of the membership of the Council who are present and eligible to vote. (Amended by Res. 1140, 2011).

COMMITTEES

RULE 23. The procedures governing all committees of the Council shall be as follows:

(a) The following standing committees shall consist of three members of the Council appointed by the Mayor in January of each year or at such time as new standing committees are authorized: Environment, Municipal Facilities, Public Safety & Transportation, and Finance and Economic Development.

(b) Council Committees for a particular purpose may be formed by motion of Council and members shall be appointed by the Mayor.

(c) Committees shall make a recommendation on proposed ordinances, resolutions and motions, within their area of responsibility before action is taken by the Council. Minutes shall be kept of each City Council standing and special committee meeting, listing discussion topics, comments made, and any final recommendations.

The Committee Chair shall present the recommendations of the committee to the City Council at a regular City Council meeting during the discussion of the item of business. (Res. 575 §1, 1989, Amended by Res. 602 1990, Amended by Res. 633 1990, Amended by Res. 664 1991 Amended by Res. 685 1992, Amended by Res. 754 §3, 1994, Amended by Res. 931, §1, 2002, Amended by Res. 940, §1 2002, Amended by Res. 1140, 2011).

ENACTED ORDINANCES, RESOLUTION AND MOTIONS

RULE 24. An enacted ordinance is a legislative act prescribing general, uniform, and permanent rules of conduct relating to the corporate affairs of the municipality. Council action shall be taken by ordinance when required by law, or to prescribe permanent rules of conduct which continue in force until repealed, or where such conduct is enforced by penalty. An enacted resolution is an administrative act which is a formal statement of policy concerning matters of special or temporary character. Council action shall be taken by resolution when required by law and in those instances where an expression of policy more formal than a motion is desired. An enacted motion is a form of action taken by the Council to direct that a specific action be taken on behalf of the municipality. A motion, once approved and entered into the record, is the equivalent of a resolution in those instances where a resolution is not required by law. (Res. 525 §1, 1988).

RESOLUTIONS

RULE 25. A resolution may be put to its final passage on the same day on which it was introduced. The title of each resolution shall in all cases be read prior to its passage; provided, should a Councilmember request that the entire resolution or certain of its sections be read, such requests shall be granted. Printed copies shall be made available upon request to any person attending a Council meeting. (Res. 525 §1, 1988).

ORDINANCES

RULE 26. The procedure for ordinances is as follows:

(a) All ordinances shall have two separate readings. At each reading the title of an ordinance shall in all cases be read prior to its passage; provided that should a Councilmember request that the entire ordinance or certain of its sections be read, such requests shall be granted. Printed copies shall be made available upon request to any person attending a Council meeting.

(b) The provision requiring two separate readings of an ordinance may be temporarily suspended at any meeting of the Council by a majority vote of all members present.

(c) If a Motion to pass an ordinance to a second reading fails, the ordinance shall be considered lost.

(Res. 525 S1, 1988, Amended by Res. 1140, 2011.)

PERMISSION REQUIRED TO ADDRESS THE COUNCIL

RULE 27. Persons other than Councilmembers and administration shall be permitted to address the Council upon introduction by the Presiding Officer. (Res. 525 S1, 1988, Amended by Res. 1140, 2011).

RECONSIDERATION

RULE 28. Any action of the Council, including final action on applications for changes in land use status; but excluding a reconsideration of any action previously reconsidered, motions to adjourn, motions to suspend the rules, an affirmative vote to lay on the table or to take from the table, or a vote electing to office one who is present and does not decline; shall be subject to a motion to reconsider. Such motions can only be made by a member of the prevailing side on the original action. A motion to reconsider must be made no later than the next succeeding regular Council meeting. A motion to reconsider is debatable only if the action being reconsidered is debatable. Upon passage of a motion to reconsider, the subject matter is returned to the table anew at the next regular Council meeting for any action the Council deems advisable. (Res. 525 S1, 1988).

LEGISLATIVE PROCESS, PREPARATION, INTRODUCTION AND FLOW OF ORDINANCES AND RESOLUTIONS AND MOTIONS

RULE 29. Ordinances and resolutions shall be prepared, introduced, and proceed in the manner described on the flow chart attached hereto as Exhibit "A", and by this reference incorporated herein. Prior to final passage of all ordinances, resolutions or motions, such documents or proposals shall be designated as DRAFTS as follows:

(a) PROPOSED DRAFTS shall contain the name of the group, organization, committee or individual originating, initiating or sponsoring the proposal prior to the first presentation to the City Council where a vote is taken directing some official action or further consideration.

(b) COUNCIL DRAFTS shall be documents or proposals which have been presented in open session and voted on by the City Council when the resultant Council action was other than passage or a vote to cease further consideration. (Res. 525 S1, 1988).

COUNCIL RELATIONS WITH BOARDS, COMMISSIONS AND COUNCIL CITIZEN ADVISORY BODIES

RULE 30. All statutory boards and commissions and Council citizen advisory bodies shall provide the Council with copies of minutes of all meetings. Communications from such boards, commissions and bodies to the City Council shall be made in the form of a motion and recorded in the minutes. Any such communication shall be officially acknowledged by the Council and receipt noted in the minutes. The procedure for acknowledging such receipt shall be as follows. Any member of the Council may bring such communication to the Presiding Officer's attention under the agenda item "Committee and Board Reports." The presiding Officer shall state: "So noted for the record," and thereafter the Clerk shall make an appropriate notation in the minutes. Should any member of the Council determine that any such communication be officially answered by the Council, the Presiding Officer shall place the matter on the agenda under New Business for the current meeting or any subsequent meeting. (Res. 525 S1, 1988).

COMPLAINTS AND SUGGESTIONS TO COUNCIL

RULE 31. When citizen complaints or suggestions are brought before the City Council not on an agenda, the Presiding Officer shall first determine whether the issue is legislative or administrative in nature and then:

(a) If legislative, and a complaint about the letter or intent of legislative acts or suggestions for changes to such acts, and if the Council finds such complaint suggests a change to an ordinance or resolution of the City, the Council may refer the matter to a committee, Administration or the Council of the whole for study and recommendation.

(b) If administrative and a complaint regarding administrative staff performance, administrative execution of legislative policy or administrative policy within the authority of the City Manager, the Presiding Officer should then refer the complaint directly to the City Manager for his/her review if said complaint has not been so reviewed. The City Council may direct that the City Manager brief or report to the Council when his/her response is made. (Res. 525 S1, 1988).

ADMINISTRATIVE COMPLAINTS MADE DIRECTLY TO INDIVIDUAL COUNCILMEMBERS

RULE 32. When administrative policy or administrative performance complaints are made directly to individual Councilmembers, the Councilmember may then refer the matter directly to the City Manager for his/her view and/or action. The individual Councilmember may request to be informed of the action or response made to the complaint. (Res. 525 S1, 1988).

FILLING COUNCIL VACANCIES

RULE 33. If a vacancy occurs in the office of Councilmember, the Council will follow the procedures outlined in RCW 35A.13.020. In order to fill the vacancy with the most qualified person available until an election is held, the Council will widely distribute and publish a notice of the vacancy, the procedure and any application form for applying. The Council will draw up an application form which contains relevant information to answer set questions posed by the Council. The application forms will be used in conjunction with an interview of each candidate to aid the Council's selection of the new Councilmember. (Res. 525 S1, 1988).

**PHOTOGRAPHS, MOTION PICTURES, VIDEO TAPE --
PERMISSION REQUIRED FOR ARTIFICIAL ILLUMINATION**

RULE 34. No photographs, motion pictures, or video tapes that require the use of flash bulbs, electronic flashes, flood lights, or similar artificial illumination shall be made at City Council Meetings without the consent of the Presiding Officer or a majority of the Council. (Res. 525 S1, 1988).

AUDIO RECORDINGS OF MEETINGS

RULE 35. All meetings of the City Council should be recorded by the City Clerk on an audio recording device. (Res. 657, 1991, amended by Res. 1140, 2011).

VIDEO RECORDING AND BROADCAST

RULE 36. All public meetings of a quorum of the City Council not exempt from the Open Public Meetings Act held in the Des Moines City Hall at 21630 11th Avenue South should be video recorded and cablecast within the City. (Res. 772, 1994, amended by Res. 1140, 2011, amended by Res. 1189, 2012, amended by Res. 1356, 2017).

SPIRIT OF DES MOINES AWARD PROGRAM

RULE 37. It is the intent of the Des Moines City Council that a Spirit of Des Moines Awards Program be enacted by the Council to honor the commitment and dedication of its named recipients. Awards will be of two kinds; an annual award or lifetime achievement award. The awards shall be made in accordance with the Spirit of Des Moines Awards Policy and attached to these City Council Rules as Appendix A. (Res. 1140, 2011).

REFERENCES TO DES MOINES MUNICIPAL CODE (DMMC) AND REVISED CODE OF WASHINGTON (RCW)

DMMC 4.04.010 Council Meetings - City Hall Location.

All meetings of the City Council shall be held at 21630 11th Avenue South, which is designated as the location of the City Hall, except that, when necessary, the City Council may hold meetings at other places.

DMMC 4.04.020 Council Meetings - Time.

(1) The regular meetings of the City Council are held every Thursday, with the meetings convening at 7:00 p.m.; except when the regular meeting date falls on a legal holiday the meeting is canceled and the City Council shall not meet.

(2) The Presiding Officer may cancel a regular meeting at the Presiding Officer's discretion as the business of the City Council requires; except the City Council shall meet at least once each month.

RCW 35A.12.050 and 12.060 Forfeiture of Office.

The office of a Mayor or councilmember shall become vacant if the person who is elected or appointed to that position fails to qualify as provided by law, fails to enter upon the duties of that office at the time fixed by law without a justifiable reason, or as provided in RCW 35A.12.060 or 42.12.010. A vacancy in the office of Mayor or in the council shall be filled as provided in chapter 42.12 RCW. An incumbent councilmember is eligible to be appointed to fill a vacancy in the office of Mayor. A Councilmember shall forfeit his office if he fails to attend three consecutive regular meetings of the Council without being excused by the Council.

RCW 35A.13.020 Election of Councilmembers - Eligibility - Terms - Vacancies - Forfeiture of Office - Council Chair.

In council-manager code cities, eligibility for election to the Council, the manner of electing councilmembers, the numbering of council positions, the terms of councilmembers, the occurrence and the filling of vacancies, the grounds for forfeiture of office, and appointment of a Mayor pro tempore shall be governed by the corresponding provisions of RCW 35A.12.030, 35A.12.040, 35A.12.050, 35A.12.060 and 35A.12.065 relating to the council of a code city organized under the Mayor-council plan, except, that in council-manager cities where all council positions are at-large positions, the City Council may, pursuant to RCW 35A.13.033, provide that the person elected to council position one shall be the Council Chair and shall carry out the duties prescribed by RCW 35A.13.030.

RCW 42.30.080 Special Meetings.

A special meeting may be called at any time by the Presiding Officer of the governing body of a public agency or by a majority of the members of the governing body by delivering written notice personally, by mail, by fax, or by electronic mail to each member of the governing body.

Written notice shall be deemed waived in the following circumstances:

(a) A member submits a written waiver of notice with the clerk or secretary of the governing body at or prior to the time the meeting convenes. A written waiver may be given by telegram, fax, or electronic mail; or

(b) A member is actually present at the time the meeting convenes.

(2) Notice of a special meeting called under subsection (1) of this section shall be:

(a) Delivered to each local newspaper of general circulation and local radio or television station that has on file with the governing body a written request to be notified of such special meeting or of all special meetings;

(b) Posted on the agency's web site. An agency is not required to post a special meeting notice on its web site if it (i) does not have a web site; (ii) employs fewer than ten full-time equivalent employees; or (iii) does not employ personnel whose duty, as defined by a job description or existing contract, is to maintain or update the web site; and

(c) Prominently displayed at the main entrance of the agency's principal location and the meeting site if it is not held at the agency's principal location.

Such notice must be delivered or posted, as applicable, at least twenty-four hours before the time of such meeting as specified in the notice.

(3) The call and notices required under subsections (1) and (2) of this section shall specify the time and place of the special meeting and the business to be transacted. Final disposition shall not be taken on any other matter at such meetings by the governing body.

(4) The notices provided in this section may be dispensed with in the event a special meeting is called to deal with an emergency involving injury or damage to persons or property or the likelihood of such injury or damage, when time requirements of such notice would make notice impractical and increase the likelihood of such injury or damage.

RCW 42.30.090 Adjournments.

The governing body of a public agency may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment. Less than a quorum may so adjourn from time to time. If all members are absent from any regular or adjourned regular meeting the clerk or secretary of the governing body may declare the meeting adjourned to a stated time and place. He or she shall cause a written notice of the adjournment to be given in the same manner as provided in RCW 42.030.080 for special meetings, unless such notice is waived as provided for special meetings. Whenever any meeting is adjourned a copy of the order or notice of adjournment shall be conspicuously posted immediately after the time of the adjournment on or near the door of the place where the regular, adjourned regular, special or adjourned special meeting was held. When a regular or adjourned regular meeting is adjourned as provided in this section, the resulting adjourned regular meeting is a regular meeting for all purposes. When an order of adjournment of any meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified for regular meetings by ordinance, resolution, bylaw, or other rule.

RCW 42.30.110 Executive Sessions.

(1) Nothing contained in this chapter may be construed to prevent a governing body from holding an executive session during a regular or special meeting.

(a) To consider matters affecting national security;

(b) To consider the selection of a site or the acquisition of real estate by lease or purchase when public knowledge regarding such consideration would cause a likelihood of increased price;

(c) To consider the minimum price at which real estate will be offered for sale or lease when public knowledge regarding such consideration would cause a likelihood of decreased price. However, final action selling or leasing public property shall be taken in a meeting open to the public;

(d) To review negotiations on the performance of publicly bid contracts when public knowledge regarding such consideration would cause a likelihood increased costs;

(e) To consider, in the case of an export trading company, financial and commercial information supplied by private persons to the export trading company;

(f) To receive and evaluate complaints or charges brought against a public officer or employee. However, upon the request of such officer or employee, a public hearing or a meeting open to the public shall be conducted upon such complaint or charge;

(g) To evaluate the qualifications of an applicant for public employment or to review the performance of a public employee. However, subject to RCW 42.30.140(4), discussion by a governing body of salaries, wages, and other conditions of employment to be generally applied within the agency shall occur in a meeting open to the public, and when the governing body elects to take final action hiring, setting the salary or an individual employee or class of employees, or discharging or disciplining an employee, that action shall be taken in a meeting open to the public;

(h) To evaluate the qualifications of a candidate for appointment to elective office. However, any interview of such candidate and final action appointing a candidate to elective office shall be in a meeting open to the public;

(i) To discuss with legal counsel representing the agency matters relating to agency enforcement actions, or to discuss with legal counsel representing the agency litigation or potential litigation to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency;

This subsection (1)(i) does not permit a governing body to hold an executive session solely because an attorney representing the agency is present. For purposes of this subsection (1)(i), "potential litigation" means matters protected by RPC 1.6 or RCW 5.60.060(2)(a) concerning:

(i) Litigation that has been specifically threatened to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party;

(ii) Litigation that the agency reasonably believes may be commenced by or against the agency, the governing body, or a member acting in an official capacity; or

(iii) Litigation or legal risks of a proposed action or current practice that the agency has identified when public discussion of the litigation or legal risks is likely to result in an adverse legal or financial consequence to the agency;

(j) To consider, in the case of the state library commission or its advisory bodies, western library network prices, products, equipment, and services, when such discussion would be likely to adversely affect the network's ability to conduct business in a competitive economic climate. However, final action on these matters shall be taken in a meeting open to the public.

(k) To consider, in the case of the state investment board, financial and commercial information when the information relates to the investment of public trust or retirement funds and when public knowledge regarding the discussion would result in loss to such funds or in private loss to the providers of this information;

(l) To consider proprietary or confidential nonpublished information related to the development, acquisition, or implementation of state purchased health care services as provided in RCW 41.05.026;

(m) To consider in the case of the life sciences discovery fund authority, the substance of grant applications and grant awards when public knowledge regarding the discussion would reasonably be expected to result in private loss to the providers of this information;

(n) To consider in the case of a health sciences and services authority, the substance of grant applications and grant awards when public knowledge regarding the discussion would reasonably be expected to result in private loss to the providers of this information.

(2) Before convening in executive session, the Presiding Officer of a governing body shall publicly announce the purpose for excluding the public from the meeting place, and the time when the executive session will be concluded. The executive session may be extended to a stated later time by announcement of the Presiding Officer.

RCW 42.30.140 Chapter Controlling - Application. If any provision of this chapter conflicts with the provisions of any other statute, the provisions of this chapter shall control: *Provided*, that this chapter shall not apply to:

(1) The proceedings concerned with the formal issuance of an order granting, suspending, revoking, or denying any license, permit, or certificate to engage in any business, occupation or profession or to any disciplinary proceedings involving a member of such business, occupation or profession, or to receive a license for a sports activity or to operate any mechanical device or motor vehicle where a license or registration is necessary; or

(2) That portion of a meeting of a quasi-judicial body which relates to a quasi-judicial matter between named parties as distinguished from a matter having general effect on the public or on a class or group; or

(3) Matters governed by chapter 34.05 RCW, the Administrative Procedure Act; or

(4)(a) Collective bargaining sessions with employee organizations, including contract negotiations, grievance meetings, and discussions relating to the interpretation or application of a labor agreement; or (b) that portion of a meeting during which the governing body is planning or adopting the strategy or position to be taken by the governing body during the course of any collective bargaining, professional negotiations, or grievance or mediation proceedings, or reviewing the proposals made in the negotiations or proceedings while in progress.

RCW 42.36.010 Local Land Use Decisions.

Application of the appearance of fairness doctrine to local land use decisions shall be limited to the quasi-judicial actions of local decision-making bodies as defined in this section. Quasi-judicial actions of local decision-making bodies are those actions of the legislative body, planning commission, hearing examiner, zoning adjuster, board of adjustment, or boards which determine the legal rights, duties, or privileges of specific parties in a hearing or other contested case proceeding. Quasi-judicial actions do not include the legislative actions adopting, amending, or revising comprehensive, community, or neighborhood plans or other land use planning documents or the adoption of area-wide zoning ordinances or the adoption of a zoning amendment that is of area-wide significance.

RCW 42.36.040 Public Discussion by Candidate for Public Office.

Prior to declaring as a candidate for public office or while campaigning for public office as defined by RCW 42.17A.005 no public discussion by expression of an opinion by a person subsequently elected to a public office, on any pending or proposed quasi-judicial actions, shall be a violation of the appearance of fairness doctrine.

RCW 42.36.050 Campaign Contributions.

A candidate for public office who complies with all provisions of applicable public disclosure and ethics laws shall not be limited from accepting campaign contributions to finance the campaign, including outstanding debts; nor shall it be a violation of the appearance of fairness doctrine to accept such campaign contributions.

RCW 42.36.060 Quasi-judicial Proceedings - Ex Parte Communications Prohibited, Exceptions.

During the pendency of any quasi-judicial proceeding, no member of a decision-making body may engage in ex parte communications with opponents or proponents with respect to the proposal which is the subject of the proceeding unless that person:

(1) Places on the record the substance of any written or oral ex parte communications concerning the decision of action; and

(2) Provides that a public announcement of the content of the communication and of the parties' rights to rebut the substance of the communication shall be made at each hearing where action is considered or taken on the subject to which the communication related. This prohibition does not preclude a member of a decision-making body from seeking in a public hearing specific information or data from such parties relative to the decision if both the request and the results are a part of the record. Nor does such prohibition preclude correspondence between a citizen and his or her elected official if any such correspondence is made a part of the record when it pertains to the subject matter of a quasi-judicial proceeding.

REFERENCES TO RESOLUTION NO. 1118 POLICIES GOVERNING CITY COUNCIL PARTICIPATION IN PUBLIC CONTRACTS

1. Interlocal Agreements. Chapter 39.34 RCW requires the governing bodies of participating public agencies to take appropriate action by ordinance, resolution or otherwise before interlocal agreements may enter into force. All interlocal agreements should appear on the consent calendar, subject to removal in accordance with the City Council Rules of Procedure.

2. Franchise Agreements. Franchise agreements such as Comcast, PSE, water, sewer, and the like require City Council approval. Franchise agreements should be referred to an *Ad Hoc* Council Committee for the study and recommendation prior to presentation to the City Council for approval.

3. Public Works (small works roster).

(a) MRSC rosters. The City wishes to contract with the Municipal Research and Services Center of Washington (MRSC) to adopt for City use those state-wide electronic databases for small works roster and consulting services developed and maintained by MRSC and authorizes the City Manager to sign that contract. In addition, paper and/or electronic rosters may be kept on file by appropriate City departments.

(b) Small works rosters. The following small works roster procedures are established for use by the City pursuant to RCW 39.04.155:

(i) Cost. The City need not comply with formal sealed bidding procedures for the construction, building, renovation, remodeling, alteration, repair or improvement of real property where the estimated cost does not exceed Three Hundred Thousand Dollars (\$300,000.00), which includes the costs of labor, material, equipment, and sales and/or use taxes as applicable. Instead, the City may use the small works roster procedures for public works projects as set forth herein. The breaking of any project into units or accomplishing any projects by phases is prohibited if it is done for the purpose of avoiding the maximum dollar amount of a contract that may be let using the small works roster process.

(ii) Publication. At least once a year, on behalf of the City, MRSC shall publish in a newspaper of general circulation within the jurisdiction a notice of the existence of the roster or rosters and solicit the names of contractors for such roster or rosters. Responsible contractors shall be added to appropriate MRSC roster or rosters at any time that they submit a written request and necessary records. The City may require master contracts to be signed that become effective when a specific award is made using a small works roster.

(iii) Telephone or written quotations. The City shall obtain telephone, written, or electronic quotations for public works contracts from contractors on the appropriate small works roster to assure that a competitive price is established and to award contracts to a contractor who meets the mandatory bidder responsibility criteria in RCW 39.04.350(1) and may establish supplementary bidder criteria under RCW 39.04.350(2).

(A) A contract awarded from a small works roster need not be advertised. Invitations for quotations shall include an estimate of the scope and nature of the work to be performed as well as materials and equipment to be furnished. However, detailed plans and specifications need not be included in the invitation.

(B) Quotations may be invited from all appropriate contractors on the appropriate small works roster. As an alternative, quotations may be invited from at least five (5) contractors on the appropriate small works roster who have indicated the capability of performing the kind of work being contracted, in a manner that will equitably distribute the opportunity among the contractors on the appropriate roster. "Equitably distribute" means that the City may not favor certain contractors on the appropriate small works roster over other contractors on the appropriate small works roster who perform similar services.

If the estimated cost of the work is from One Hundred Fifty Thousand Dollars (\$150,000.00) to Three Hundred Thousand Dollars (\$300,000.00), the City may choose to solicit bids from less than all the appropriate contractors on the appropriate small works roster but must notify the remaining contractors on the appropriate small works roster that quotations on the work are being sought. The City has the sole option of determining whether this notice to the remaining contractors is made by:

- (1) Publishing notice in a legal newspaper in general circulation in the area where the work is to be done;
- (2) Mailing a notice to these contractors; or
- (3) Sending a notice to these contractors by facsimile or email.

(C) At the time bids are solicited, the City representative shall not inform a contractor of the terms or amount of any other contractor's bid for the same project.

(D) A written record shall be made by the City representative of each contractor's bid on the project and of any conditions imposed on the bid. Immediately after an award is made, the bid quotations obtained shall be recorded, open to public inspection, and available by telephone inquiry.

(c) Limited public works process.

(i) If a work, construction, alteration, repair, or improvement project is estimated to cost less than Thirty-Five Thousand Dollars (\$35,000.00), the City may award such a contract using the limited public works process provided under RCW 39.04.155(3). For a limited public works project, the City will solicit electronic or written quotations from a minimum of three (3) contractors from the appropriate small works roster and shall award the contract to the lowest responsible bidder as defined under RCW 39.04.010. After an award is made, the quotations shall be open to public inspection and available by electronic request.

(ii) For limited public works projects, the City may waive the payment and performance bond requirements of chapter 39.08 RCW and the retainage requirements of chapter 60.28 RCW, thereby assuming the liability for the contractor's nonpayment of laborers, mechanics, subcontractors, materialmen, suppliers, and taxes imposed under Title 82 RCW that may be due from the contractor for the limited public works project. However, the City shall have the right of recovery against the contractor for any payments made on the contractor's behalf.

(iii) The City shall maintain a list of the contractors contacted and the contracts awarded during the previous twenty-four (24) months under the limited public works process, including the name of the contractor, the contractor's registration number, the amount of the contract, a brief description of the type of work performed, and the date the contract was awarded.

(iv) Determining the lowest responsible bidder. The City Council shall

award the contract for the public works project to the lowest responsible bidder provided that, whenever there is a reason to believe that the lowest acceptable bid is not the best price obtainable, all bids may be rejected and the City may call for new bids. A responsible bidder shall be a registered and/or licensed contractor who meets the mandatory bidder responsibility criteria established by Chapter 133, Laws of 2007 (SHB 2010) and who meets any supplementary bidder responsibility criteria established by the City.

(v) Award. The City Manager or his designee shall present all telephonic quotations/bids, and recommendation for award of the contract to the lowest responsible bidder to the City Council. However, for public works projects under Fifty Thousand Dollars(\$50,000.00), the City Manager shall have the authority to award public works contracts without City Council approval. For public works projects over Fifty Thousand Dollars (\$50,000.00), the City Council shall award all public works contracts.

(c) Consulting services rosters.

(i) Consulting services. Consulting services are professional services that have a primarily intellectual output or product and include architectural and engineering services as defined in RCW 39.80.020.

(ii) Publication. At least once a year, on behalf of the City, MRSC shall publish in a newspaper of general circulation within the jurisdiction a notice of the existence of the consulting services roster or rosters and solicit statements of qualifications from firms providing consulting services. Such advertisements will include information on how to find the address and telephone number of a representative of the City who can provide further details as to the City's projected needs for consulting services. Firms or persons providing consulting services shall be added to appropriate MRSC roster or rosters at any time that they submit a written request and necessary records. The City may require master contracts to be signed that become effective when a specific award is made using a consulting services roster.

(iii) Professional architectural and engineering services. The MRSC rosters will distinguish between professional architectural and engineering services as defined in RCW 39.80.020 and other consulting services and will announce generally to the public the City's projected requirements for any category or type of professional or other consulting services. The City reserves the right to publish an announcement on each occasion when professional services or other consulting services are required by the agency and to use paper and/or other electronic rosters that may be kept on file by appropriate City documents.

4. Public Works (Subject to Bid). Public work projects exceeding \$200,000 are subject to bid laws and shall be processed in accordance with the Revised Code of Washington. After opening of bids, results shall be submitted to the Council Committee of origin for study and recommendation prior to being presented to the City Council for approval and if there is no Council Committee of origin, shall be considered by the Council as a whole. Action taken by the City Council in awarding the bid and directing the City Manager to sign contracts should include authority granted to the City Manager to expend funds in the amount of the bid award plus ten percent.

5. Purchase of Supplies, Material, Equipment, and Non-Professional Services. For code cities of a population of 20,000 or greater there are no bidding requirements for purchases of supplies, material, equipment, or services which are not purchased in connection with a public work. For such purchases, the City Manager shall adopt written guidelines, subject to City Council approval, to ensure that purchases are made at the lowest possible price from a responsible vendor.

6. Architectural and Engineering Services. Chapter 39.80 RCW provides that in selecting architect and engineer consultants the City shall conduct discussions with one or more firms and shall select the firm deemed the most highly qualified to provide the services required for the proposed project. The Attorney General of the State of Washington has issued an opinion precluding cities from considering price when selecting architects and engineers, except for a final price negotiation after the most qualified architect or engineer has been selected. The following process shall govern awarding of contracts to architects or engineers:

- (a) The City Manager shall advertise the architectural and engineering requirements;
- (b) The City Manager shall thereafter enter into discussion with several firms and select the most qualified architect or engineer;
- (c) The City Manager shall then negotiate the scope of work and price with the architect or engineer selected; and
- (d) If the contract amount does not exceed \$50,000 and has been previously budgeted, the City Manager shall be authorized to sign a contract for such services without approval by the City Council or any committee thereof. If the contract amount exceeds \$50,000, the Contract should appear on the consent calendar, subject to removal in accordance with the City Council Rules of Procedure.
- (e) In case of a disaster, emergency, or immediate City need, including assistance on Capital Improvement Program projects and general engineering services previously approved by the Council, the City Manager shall be authorized to sign Task Order Assignments on multi-year "on-call" civil engineering services consultant contracts, which have been previously approved by the Council for services if the Task Order Assignment does not exceed \$50,000.
- (f) The City Manager shall, as part of the City Manager's monthly report, provide the City Council with a list of contracts with consultants that have been approved by the City Manager pursuant to this resolution.
- (g) The City Manager shall not allow task order assignments for a specific single project that cumulatively add up to an amount greater than \$50,000.00 without being approved by the City Council.

7. Leases of City Real Property. Leases of City real property are subject to review and approval by the City Council. The Mayor shall have discretion to submit any such lease to a standing or ad hoc committee for study and recommendation prior to being presented to the City Council for approval.

8. Contracts for General Professional Services. Contracts for general professional services, which do not involve architects or engineers, are not subject to the bid laws of the State of Washington. Examples of such services are computer consultants, financial consultants, management consultants, and the like. The process for awarding general professional services contracts shall be as follows:

- (a) The City Manager shall research the persons and firms that are available to such professional services, taking into consideration recommendations from any source.
- (b) The City Manager shall then negotiate a contract with the party selected, including scope of work and price.

(c) If the contract amount exceeds \$50,000, the contract should appear on the consent calendar, subject to removal in accordance with the *City Council Rules of Procedure*.

9. Administrative Contracts. Administrative contracts are contracts which do not fall into any other category described in this rule, and are for services previously budgeted by the City Council. Examples of administrative contracts are agreements with the Sexual Assault Center, VanGo, Senior Nutrition, D.A.W.N., and the like. The City Manager is authorized to execute administrative contracts, and the same shall not be subject to approval by the City Council or any committee thereof.

APPENDIX A

THE SPIRIT OF DES MOINES AWARDS PROGRAM POLICY

The spirit of any community is its citizens, community leaders, volunteers and donors. We are all bettered by the commitment and dedication they exhibit in keeping or enhancing those things that make the City of Des Moines special to us. We are remiss if we don't, from time to time, acknowledge those efforts. That is the impetus behind the Spirit of Des Moines Awards.

PURPOSE

The Spirit of Des Moines Award is given to publicly acknowledge the efforts and accomplishments of individuals' civic and community service to the betterment of the community of Des Moines, Washington – both over the course of a year, and over a lifetime.

ELIGIBILITY

Up to two individuals may be acknowledged in both the annual award, and lifetime award categories. Nominees for the award need not be Des Moines residents, but must have shown a consistent commitment and dedication to the betterment of Des Moines. Any person is eligible for the annual Spirit of Des Moines Award. Any person is eligible for the lifetime Spirit of Des Moines Award who has demonstrated at least two decades of civic and community service, or who has performed an extraordinary service to the community with long-lasting implications. An annual award recipient is eligible to be considered for future Spirit of Des Moines awards. A lifetime award recipient is ineligible to be considered for future Spirit of Des Moines awards.

NOMINATIONS

In September of each year, the community shall be solicited for nominees for the annual and lifetime Spirit of Des Moines Awards. Nominations shall be reviewed by a community-based review committee, and finalists will be chosen based on the eligibility criteria and any materials submitted to support the nomination. There will be at least two finalists for each position.

REVIEW COMMITTEE

A community-based review committee shall be established to review nominations from the community for the Spirit of Des Moines Awards. The review committee shall have no more than nine (9) members, and no fewer than five (5) members. The members of the review committee, who must be residents of Des Moines, shall be chosen from a cross-section of the Des Moines community – both geographically and in terms of the activities of the community. The Mayor and one other Des Moines City Councilmember shall serve on the committee, and the Mayor will be entrusted with choosing the remaining committee members. Neither elected official shall chair the review committee. Meeting notes shall be taken by the review committee, and those notes shall be kept and maintained by the City of Des Moines.

REVIEW PROCESS

Nominations are solicited from the community in September each year. The review committee shall meet no later than October 15th, and finalists shall be chosen by the committee no later than November 1st. Recipients shall be chosen by the Council from the group of finalists.

PUBLIC ACKNOWLEDGEMENT

The Spirit of Des Moines Awards shall be given out at a public meeting or event by the Mayor, no later than the middle of November each year. The physical awards reflect the connection of Des Moines, Washington to Puget Sound, and the official City of Des Moines theme of “the Waterland Community.”

CONTRIBUTIONS AND SPONSORSHIPS

Contributions and sponsorships may be solicited to offset the cost of presenting the Spirit of Des Moines Awards. Any funds collected in excess of the direct cost of presenting the awards shall be shared equally among Award recipients, and given as donations in their name to a local charity of their choosing.

ORGANIZATION AWARD

An honorary award may be given each year, at the recommendation of the review committee, to recognize the activities of an organization that has demonstrated a consistent commitment and dedication to the betterment of Des Moines.

(Res. 1140, 2011).

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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: Michael Bundy Donation of Property
for Parks and Recreation Purposes

FOR AGENDA OF: February 15, 2018

DEPT. OF ORIGIN: Parks, Recreation and Senior
Services

ATTACHMENTS:

1. Agreement for Donation of Property
2. Property Site Map
3. Reference to Mary Gay from "One
Hundred Years of the Waterland
Community"

DATE SUBMITTED: February 8, 2018

CLEARANCES:

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

CHIEF OPERATIONS OFFICER: _____

- ☒ Legal JS
- ☐ Finance _____
- ☐ Courts N/A
- ☐ Police N/A

APPROVED BY CITY MANAGER

FOR SUBMITTAL: DJB for M.M.

Purpose and Recommendation

The purpose of this agenda item is for City Council to consider the Agreement for Donation of Property.

Suggested Motions:

Motion 1:

"I move to accept the donation of real property, Property Tax Parcel Nos. 05760000753, 0576000755, and 05760000760 by Michael G. Bundy to the City of Des Moines for public park purposes in perpetuity, and authorize the City Manager to sign and carry out the terms of the Donation Agreement substantially in the form as attached, once title research has been completed."

Motion 2: "I move to approve the designation of the park property donated by Michael G. Bundy as 'Mary Gay Park'."

Background and Discussion

Property owner Michael Bundy wishes to donate his property located at S. 223rd Street to the City of Des Moines for parks and recreation purposes in perpetuity (Attachment 1). The property consists of three tax parcels; Parcel No. 0576000753- 20,000 sq. ft., 0.46 acres, with an assessed value of \$110,000; Parcel No. 0576000755- 37,125 sq. ft., 0.85 acres, with an assessed value of \$349,000; and Parcel No. 0576000760- 21,000 sq. ft., 0.48 acres with an assessed value of \$124,000.

The property sits near the head waters of Barnes Creek and includes a residence, two barns, a pasture and garden area. The site map is provided as Attachment 2. The residence is 1,783 sq. ft. with 2 bedrooms, 1.5 bath, an office and basement. The entry door and windows have true divided single pane glass (similar to the Des Moines Beach Park Dining Hall) and would need some minor work for security and energy savings. The kitchen needs new appliances and counter tops. The bathrooms need updates. The house needs paint and cleaning. The metal roofs are less than 10 years old. There is a 200 amp electrical service. There are two above ground oil tanks, one for the house and barn supplied by Glendale Heating.

There is a septic system on the property and a sewer hook-up at the property line on S. 223rd Street. At some point the property would need to be connected to sanitary sewer. The approximate cost for Midway Sewer District hookup is \$15,000, and a probable cost of \$10,000 for trenching and other materials for line installation.

The two barns located on the property are in reasonably good shape. The oldest and largest barn may require foundation work and hazardous materials removal. The Building Official will need to review the conditions prior to public use.

The cost for park maintenance of the property is estimated at \$20,000 annually for overhead, labor, materials, equipment and utilities.

The agreement designates that the City shall name the property Mary Gay Park in honor of the property's homesteader and long-time Des Moines resident, Mary Beardemphl Gay. An excerpt from the 'One Hundred Years of the Waterland Community' book is provided as Attachment 3.

The 1.81 acre site would add a valuable asset to the City's Parks and Open Space system and help to meet the City's Level of Services goals identified in the Des Moines 2035 Comprehensive Plan, Chapter 6, Parks, Recreation and Open Space Element.

Alternatives

1. Approve of the donation but counter the offer with different terms.
2. Do not approve of the donation.

Financial Impact

As stated above, as some point there would be a cost of up to \$15,000 for sewer hook-up and \$10,000 to connect the sewer line to the residence, and approximately \$20,000 for an initial site clean-up and the work needed to secure the house. The estimated ongoing annual costs for park maintenance, equipment and utilities is \$20,000.

The City could rent the residence on a short term basis to provide park security and a revenue stream until a master plan for the use of the site is completed, similar to what has been done at Sonju Park. A monthly rental amount of \$1,500 to \$2,000 would be expected.

Potential Expenditures:

Sewer Hook-Up	\$25,000
Site & House Clean-Up	\$20,000
Annual Maintenance & Operations	\$20,000

Potential Revenues:

Residential Rental	\$18,000
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Recommendation

Administration and the Parks, Recreation and Senior Services Department recommend acceptance of the property donation.

AGREEMENT FOR DONATION OF PROPERTY

THIS AGREEMENT is entered into between the CITY OF DES MOINES, a Washington Municipal Corporation (hereinafter "CITY") and MICHAEL G. BUNDY (hereinafter "BUNDY") for the purpose of describing the terms and conditions under which Bundy will convey and quit claim to the CITY, for public park purposes, the following described real property situated in the County of King, State of Washington ("PARK PROPERTY"):

Assessor's Property Tax Parcel Nos. 0576000753, 0576000755 and 0576000760.

AGREEMENT

IN CONSIDERATION OF the mutual promises contained herein, the parties agree as follows:

1. BUNDY agrees to convey, dedicate, and quit claim, as a gift to the citizens of the City, the above described real property for public park purposes.
2. BUNDY shall have the right to occupy house located on the Park Property, rent free, for the remainder of his life. During the time that BUNDY occupies the house, he shall pay all utilities.
3. After BUNDY passes away his sister, Patricia Eileen Green, shall have 30 days to remove any personal property located on the Park Property at the time of BUNDY'S passing and thereafter CITY agrees, at its sole expense, to remove and dispose of items left on the property as CITY deems fit.
4. In consideration of BUNDY's conveyance of the PARK PROPERTY to the CITY, the CITY agrees that the PARK PROPERTY will be used solely for park and recreation purposes in perpetuity.
5. The PARK PROPERTY shall be subject to the regulatory provisions of DMMC 19.08 (City Park Use Regulations) as presently constituted or as may be hereafter amended.
6. The CITY shall designate this park the "Mary Gay Park" and erect an appropriate sign so designating the park in compliance with City ordinances.

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IN WITNESS WHEREOF, the parties have affixed their signatures on the dates below written to signify their agreement to the terms and conditions herein.

DATED this 5th day of February, 2018.

CITY OF DES MOINES

By: _____
Michael Matthias
Its City Manager



Michael G. Bundy

Approved as to Form:

Timothy A. George
City Attorney

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

On this date personally appeared before me MICHAEL G. BUNDY to me known to be the individual described herein and who executed the above instrument, and acknowledged that he signed the same as his free and voluntary act and deed for the uses and purposes herein mentioned.

Given under my hand and official seal this 5th day of February, 2018.



Notary Public in and for the State of
Washington, residing at Burien, WA
My commission expires 11/25/2021

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

On this date personally appeared before me MICHAEL MATTHIAS, to me known to be the City Manager of the City of Des Moines, a municipal corporation, who executed the foregoing instrument and acknowledged the instrument to be the free and voluntary act and deed of said municipal corporation, for the uses and purposes herein mentioned, and on oath stated that he is authorized to execute the same.

Given under my hand and official seal this ____ day of _____, 2018.

 Notary Public in and for the State of
 Washington, residing at _____
 My commission expires _____



Michael Bundy Donated Properties

 Michael Bundy Properties

150



Des Moines Women's Basket Ball Team of 1909

Top left to bottom right: Blanche Fields, Myron Young, Josie Beardemphl Latimer, Edna Logan, Gardie Fields, Myrtle Jones Elsey, Lydia Beardemphl Rensch, Mary Beardemphl Gay, Margaret (Minette) Elsey, Rilda Martin Moses, and Hettie Miles.



CITY COUNCIL REGULAR MEETING

Speaker Sign-Up Sheet

February 15, 2018

NAME (PLEASE PRINT)	ADDRESS	TOPIC	PHONE/E-MAIL ADDRESS
✓ LAURIE McEACHERN	601 S. 227 th #408-50	SHORELINE DEVELOPMENT	lmcachel@aol.com
✓ JEANNE Serrill	601 S. 227 th 403	MARINA	206-824-9569
✗ SARA Shore	HNN ASSOCIATES. BELLEVUE WA 98004	new community development	sara.shore@hnnwa.com
⇒ J.J. HESKETH III	P.O. BOX 503 SPANAWAY WA 98357	FLAG	253-212-8760
✓ Ting Rice	22222 Dock Ave	Containers	206-824-5774
✓ JC HARRIS	Des Moines		
✓ SP BRUSH	Des Moines	airport	
Rick Johnson	Des Moines	EIS Study	
Shaundra Mock	Des Moines	Homes for Sale in Des Moines Affected by Airport	

Sea-Tac Airport Impact Mitigation Study



Dear Washington State Elected Officials,

There is a 2018 budget proviso currently proposed by Representatives Mike Pellicciotti and Tina Orwall for an Airport Impact Study, I ask you all to support it.

Sea-Tac International Airport has been the fastest growing airport in the United States for several years and the 6th fastest growing airport in the world. Add Sea-Tac's major expansion plan and the removal of thousands of trees either for "safety" or the Port's own property development, trees that were in fact planted under the FAA's own 1978 "Airport Landscaping for Noise Control". A program which was cancelled by the FAA without reason and more importantly without consideration to the impacts on the surrounding communities, but cancelled nonetheless by the FAA in 2010.

More than 21 years have passed since the last airport impact mitigation study was completed and the airport has more than doubled in traffic since. Yet, an aggressive Century Plan has been released, one that outlines a growth at Sea-Tac International Airport with passenger capacity at 66 million and cargo expansion at approximately 750,000 cubic metric tons. Did you know that this is more passenger traffic than Dallas Fort Worth had in 2016? This is also the same cargo demand as Dallas Fort Worth.

Did you know that Dallas Fort Worth has 7 runways and is over 17,000 acres, bigger than the island of Manhattan? I am sure you all know that Sea-Tac International Airport is on only 2,500 acres, yet the Port of Seattle has plans to grow at an unimaginable rate, an amount of air traffic that undoubtedly will pressurize the communities below in both noise and health impacts.

It is simply illogical to think an airport the size of Sea-Tac at 2,500 acres with 3 runways can accomplish the same amount of air traffic as Dallas Fort Worth with 7 runways and over 17,000 acres. How can this growth plan even be considered without a full impact mitigation study?

As a voter, resident, and community member impacted daily by the airport, I ask that you strongly support Representative Pellicciotti and Representative Orwall's Airport Impact Study budget proviso. It is simply the correct measure for each and every one of you to stand behind.

A link to a draft of the proviso language can be found here:

<https://www.scribd.com/document/370023126/2018-Airport-Study-Budget-Proviso>

This study must be conducted in partnership with the State of Washington and surrounding airport cities, with absolutely no financial support from the Port of Seattle.

A track record of action is an honorable legacy, please do not let this impact study fall through the cracks on your watch. We the surrounding communities need this, our children deserve this.

Thank you.

Quiet Skies Puget Sound@gmail.com



January 30, 2018

Puget Sound Regional Council
1011 Western Avenue, Suite 500
Seattle, Washington 98104-1035

RE: Regional Transportation Plan Comments on the Regional Transportation Plan

Puget Sound Regional Council,

The City of Des Moines appreciates the important work of the Puget Sound Regional Council and the opportunity to comment on the Draft of the Regional Transportation Plan - 2018.

The draft plan acknowledges the importance of a sustainable regional transportation network moving people and goods in ways that support a healthy environment and a strong economy. The plan also recognizes the opportunity to address past harms to the environment and improve air and water quality. The City of Des Moines is committed to multi-modal options.

The City of Des Moines comments relate primarily to the section of the plan devoted to the regional aviation system and planning for future airport system needs (pg.53-54).

Washington is the most trade dependent state in the nation and Washington airports undeniably have a significant impact on the State's economy. [1] The plan is deficient in the discussion of this critical element of the state's transportation system, devoting a brief half page to this topic.

The primary concern of the City of Des Moines has to do with the asymmetrical relationship between the public benefit of economic activity coming from airport operations (specifically SeaTac International Airport) and the disproportionate negative impacts experienced by our city in proximity to this major airport. We understand the plan addresses the statewide transportation system, nonetheless SeaTac is the largest component in the statewide aviation system.

It is state policy to work with appropriate local and regional authorities to begin the process of siting a second large commercial airport in western Washington.

1. The 2012 Aviation Economic Impact Study estimated that, 'the total impact of airport-related activity included approximately 250,000 jobs, \$15.3 billion in wages and \$51 billion in total economic activity. The study also stated that more than \$790 million in tax revenue came from airport's economic impact, with \$550 million going to the State and \$250 million distributed to local jurisdictions; cities, counties and special purpose districts.'

We are supportive of the plan's discussion related to the State taking the lead in addressing capacity needs, including by funding a site selection study for the placement of new airports(s), and placing a priority on funding and planning the state's air transportation system (pg. 54).

The plan section related to maximizing aviation capacity within the existing regional airport system before constructing new airports, should be modified to require that the disproportionate impacts experienced by Des Moines residents and surrounding communities are primary considerations in the decision to move toward siting a new international airport within the region (pg. 54).

Additionally, the impacts of SeaTac in terms of mobility, connectivity and multi-modal accessibility to and from the airport is problematic and remains largely unaddressed. The complexity of the regional transportation systems and often ineffective regional planning for transportation is part of the difficulty in addressing transport concerns.

SeaTac is growing rapidly and the plan needs to provide guidance to assure that multi-modal options are the standard for addressing airport growth. Constraints on the capacity of the regional transportation grid to absorb millions of more passengers and tons of cargo must be seen as signaling consideration of new airport facilities that will relieve congestion, not simply add to it. The integration of the state aviation system into regional transportation planning is essential to the accommodation of future demand at SeaTac and elsewhere.

Without adequate access, the economic potential from aviation is constrained and the impacts to local residents become increasingly unfair.

Sustainability must be central to any discussion of the effectiveness and functionality of the state transportation system, including the aviation system. As you know, the classic definition of sustainability comes from the 1987 Brundtland Report, defining sustainable development as, 'development that meets the needs of the present without compromising the ability of future generations to meet their own needs.'

We strongly object to the absence of any discussion related to sustainability and air and water quality related to airport system needs, particularly related to maximizing existing airport capacity before constructing new airports. Sustainability, air, and water quality must be critical considerations in the decision to site new airports. The following policies from Vision 2040 support the inclusion of these considerations related to air system planning:

MPP-T-7: Develop a transportation system that minimizes negative impacts to human health.

MPP-T-5: Foster a less polluting system that reduces the negative effects of transportation infrastructure and operation on the climate and natural environment.

MPP-T-20: Design transportation facilities to fit within the context of the built or natural environments in which they are located.

The Waterland City

The ability to implement sustainable measures to protect the natural environment, human health, mitigate noise and understand any adverse health impacts of jet fuel emissions, etc. is an essential constraint on future airport capacity and expansion. Without the ability to implement sustainable measures, future SeaTac airport growth in both operations and capacity, should be constrained.

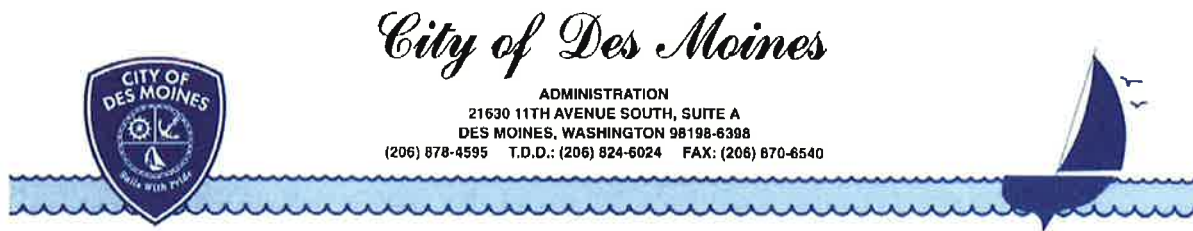
Additionally, the City requests that discussion of the City of Des Moines' potential for a passenger ferry terminal be added to the section related to the ferry system (pg. 50). The City is actively working on potential passenger ferry service to Seattle and Tacoma. The City's proximity to light rail and a fast-growing employment base serve to make passenger ferry service in Des Moines a viable alternative mode of transportation.

Thank you for the opportunity to comment on this planning document, and for serious consideration of the City's comments and concerns. We look forward to the opportunity to continue this discussion on behalf of all of our residents.

Sincerely,

A handwritten signature in blue ink, appearing to read "Matt Pina".

Matt Pina
Mayor



February 14, 2018

Representative Timm Ormsby
Chair, House Appropriations Committee
315 John L. O'Brien Building
Olympia, Washington 98504

Dear Chair Ormsby,

The City of Des Moines wishes to express our support for a budget proviso appropriation of \$500,000 for fiscal year 2019 as a state match for the Department of Commerce to select a consultant to conduct an analysis of current and ongoing community and economic impacts of Sea-Tac International Airport aircraft operations.

The City of Des Moines is one of several cities adjacent to the airport that received disproportionate negative impacts from airport operations. This proviso is a high priority for our cities. As Sea-Tac moves forward with significant planned expansion, it is critical to assess impacts on our cities resulting from that growth. This State effort will help document the issues of noise and volume of air traffic, as well as other community health impacts.

Sea-Tac is the 9th busiest airport in the United States and is the 6th fastest growing airport in the world. Yet Sea-Tac faces spatial constraints to growth resulting in more intense direct impacts to those cities in proximity to the airport. We recognize the economic value to our region of airport operations, at the same time we face disproportionate negative impacts – of noise and air quality.

- The goal of this study is to establish a point-in-time baseline of the Airport's positive and negative impacts to our communities and to help communicate those impacts to our residents and other interested parties.
- It will also help provide objective measurements for all of our communities as we address continued growth at Sea-Tac Airport. Having a valid baseline will allow all parties a greater degree of accountability in future discussions.

The Waterland City

Representative Timm Ormsby
February 14, 2018
Page Two

- The study is not tied to the Sustainable Airport Master Plan (SAMP) or its immediate environmental documents, but will be very important when the project specific analyses are undertaken with future Airport projects (always need a baseline to measure change).
- Having the State conduct this study (as they did in 1997) will provide a neutral and balanced approach and assure greater confidence in the final product and its future use by all parties.

Sincerely,

Matt Pina
Mayor, City of Des Moines

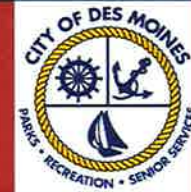
cc: Des Moines City Council
Representative Mike Pellicciotti, 30th Legislative District
Representative Tina L. Orwall, M.S.W. 33rd Legislative District
Representative Mia Gregerson, 33rd Legislative District
Senator Karen Keiser, 33rd Legislative District
Conner Edwards, City of Des Moines Legislative Advocate
City of Des Moines Aviation Advisory Committee
Michael Matthias, City Manager, City of Des Moines
Susan Cezar, Community Development Director and SEPA Official
Mr. Ken Rogers
Joseph Scorcio, City Manager, City of SeaTac

The Waterland City

Every child deserves the chance to play outdoors



No Kids Left Inside



Key Project Successes

- City matching funds in 2017-2022 & 2018-2023 CIPs
- Collaborative funding partnerships and grants
- Engaged citizens, neighborhoods, organizations & businesses
- One Play Area completed in 2017
- Five Play Area Projects to be constructed in 2018-2019



Park Play Area Projects

Park/Playground	Play Equip. Age & Condition	Play Equip. Replacement Status
Parkside Park	Equip. Removed	New 2017
Midway Park	13 years	Repair 2018
Field House Park	21 years	Replace 2018
Steven J Underwood	No Equip.	New 2018-2019
Kiddie Park	31 years- Partially Removed	Replace 2019
Westwood Park	18 years	Replace 2019
Wooton Park	27 years- Partially Removed	Replace 2019-2020
Water Tower Park	19 years	Repair 2020
Beach Park	Equip. Removed	Replace 2019-2020 TBD
Cecil Powell Park	Equip. Removed	Replace 2019 TBD



Steven J Underwood Memorial Park Play for All

\$245,000 King County Youth & Amateur
Sports Grant

\$109,000 City of Des Moines Capital Budget

\$50,000 Des Moines Legacy Foundation
Funding

Midway Park

Summer Fun in the Sun

Free Summer Program - Activities, crafts, lunch and snack provided

\$23,000 King County Youth & Amateur Sports Grant - 2 years

\$5,000 Des Moines Legacy Foundation Funding

No Kids Left Inside Partnerships Update

Des Moines Legacy Foundation Play Area Fund- \$149,500

- ▶ DMLF Play Area Fund \$136,000
- ▶ King County Youth Sports Grant- \$5,000
- ▶ Des Moines Senior Challenge- \$5,000
- ▶ South King Fire & Rescue Foundations- \$1,000
- ▶ Brandie Holmes- \$1,000
- ▶ AGM Fabric Products, Inc.- \$1,000
- ▶ Nadine Byers- \$500

Rotary Club of Des Moines & Normandy Park- \$23,000

- ▶ Midway Park (Cash and In-Kind)

KaBOOM- Play Equipment \$15,000 & In Kind Project Support

Partnership Total \$187,500

Park Play Area Partnerships Secured

Project	Grant/ Organization Partners	Funding Amount	Funds Available Date	Match Required
Parkside Park	CDBG	\$395	Jan 2016	None
Parkside Park	DOE	\$180	Jan 2016	None
Parkside Park	KCYFG	\$25K	Jan 2016	25%
Kiddie Park	CDBG	\$115	Jan 2019	None
Steven J Underwood	KCY&ASG	\$245K	Jan 2018	25%
Steven J Underwood	DMLF	50K	Jan 2018	None
Midway Park	Rotary/ACE	\$23K	Jan 2018	None
Wooton Park	DMLF	\$50K	Jan 2019	None

Park Play Area Partnership In Development

Project	Grant/ Organization Partnership	Funding Amount	Funds Available Date	Match %
Field House Park	KaBOOM	\$15K & volunteers	Spring 2018	\$25K
Field House Park	DMLF	\$25K	Spring 2018	None
Field House Park	Recology	\$20K & volunteers	Spring 2018	None

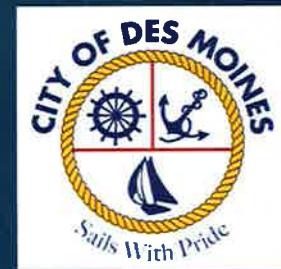
Park/Play Area Next Steps...2018

- ▶ Design Play Area Improvements for Existing and New Play Area Projects
- ▶ Construct Play Areas:
 - Play Equipment Repairs at Midway
 - Play Equipment Replacement at Field House Park
 - New Play For All at Steven J Underwood Park

Celebrate!

Parkside Park Reopening Ceremony

Thursday, May 17, 3:30 p.m.



MICHAEL BUNDY PARK PROPERTY DONATION

CITY OF DES MOINES



THE PARK SITE

**Three Parcels:
1.8 Acres**

Buildings:

- **Residence (1919)**
- **1,783 sq. ft.**
- **1 Barn**
- **1 Garage**
- **Chicken Coop**

Open Space:

- **Barnes Creek**
- **Open Pasture**
- **Garden**
- **Fruit Trees**



Mary Gay Park (Michael Bundy Properties)

 Michael Bundy Properties
 Trans-parcel ROW

THE RESIDENCE



THE BARN AND GARAGE



THE GROUNDS



THE PROPERTY VALUES

Open Space Value		Assessed Property Value
Adds 1.8 Acres to the City's Park Level Of Service		Assessed Value of Three Parcels \$583,000
Provides future programmable park spaces for the community		
Protects a portion of the Barnes Creek corridor		

The Expenditures & Revenues

Probable Expenditures		Probable Revenues
Sewer Hook Up	\$25,000	Residential Rental \$19,000
Site & House Preparation	\$20,000	Other Options TBD
Annual M & O	\$20,000	

MARY GAY PARK



**HONORING
HOMESTEADER
MARY GAY**

SUGGESTED MOTIONS

Motion 1: “I move to accept the donation of real property, property tax parcel nos. 05760000753, 0576000755, and 05760000760 by Michael G. Bundy to the City of Des Moines for public park purposes in perpetuity, and authorize the City Manager to sign and carry out the terms of the donation agreement substantially in the form as attached, once title research has been completed.”

Motion 2: “I move to approve the designation of the park property donated by Michael G. Bundy as ‘Mary Gay Park’.”

Motion 3: “I move to remand discussion of potential uses for the Mary Gay Park to the Municipal Facilities Committee.”

IN GRATITUDE TO
MICHAEL G. BUNDY