

AGENDA

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

April 30, 2015 – 7:00 p.m.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

CORRESPONDENCE

COMMENTS FROM THE PUBLIC

EXECUTIVE SESSION

BOARD AND COMMITTEE REPORTS/COUNCILMEMBER COMMENTS

PRESIDING OFFICER'S REPORT

COUNCIL VACANCY RECRUITMENT PROCESS

ADMINISTRATION REPORT

Page 1 Item 1: WRIA 9 INTERLOCAL AGREEMENT PRESENTATION

CONSENT AGENDA

Page 17 Item 1: CONFIRMATION OF CITY MANAGER'S APPOINTMENT OF LISA LEONE TO
FILL THE UN-EXPIRED TERM OF THE VACANT MUNICIPAL COURT JUDGE
POSITION

Motion is to confirm the City Manager's appointment of Lisa Leone to fill the
unexpired term of the vacant Municipal Court Judge position effective May 11,
2015 through December 31, 2017.

Page 29 Item 2: RESOLUTION SUPPORTING A STATE TRANSPORTATION REVENUE
PACKAGE

Motion is to adopt Draft Resolution 15-077 expressing the City's support for a
State Transportation Revenue Package.

NEW BUSINESS

Item 1: SWEARING IN OF MUNICIPAL COURT JUDGE
Staff Presentation: Mayor Dave Kaplan

Page 37 Item 2: FEDERAL WAY LINK EXTENSION (FWLE) DEIS
Staff Presentation: Sound Transit Staff

NEXT MEETING DATE

May 7, 2015

ADJOURNMENT

WRIA 9 Watershed-Based Restoration and Salmon Recovery in Des Moines



- Local governments working together to restore our watersheds for salmon and people



City of Des Moines City Council
April 30, 2015

Doug Osterman
Watershed Coordinator
Green/Duwamish and Central Puget Sound
Watershed (WRIA 9)



Purpose and Outline

Purpose:

- Update Council on salmon recovery progress at 10-year mark of recovery plan implementation
- Provide context for Des Moines's consideration of renewed 2016-2025 interlocal agreements

- I. Watershed geography
- II. Salmon recovery timeline
- III. Watershed-based recovery plans
- IV. Governance/leadership
- V. Funding
- VI. Accomplishments
- VII. Des Moines priorities
- VIII. Interlocal agreement renewal next steps

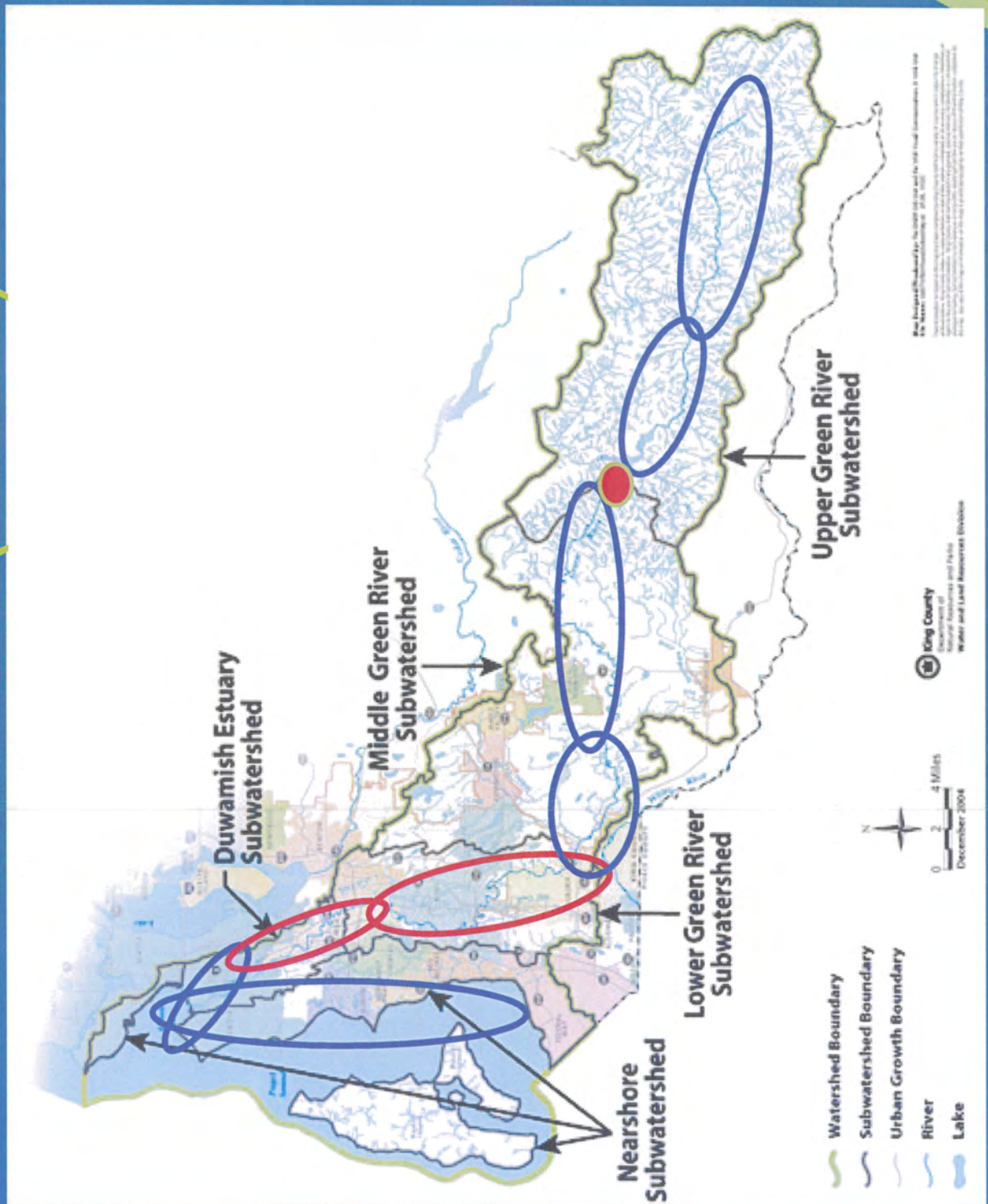


What's a WRIA?

- Water Resource Inventory Area
- WRIA 9 is: Green/Duwamish Central Puget Sound Watershed
- One of the most urban and populated watersheds in the state



Green/Duwamish & Central Puget Sound Watershed (WRIA 9)



The Road to Recovery



- 1999 Chinook salmon listed as threatened
- 2001 Jurisdictions sign interlocal agreement (ILA) to recover salmon
- 2005 Watershed recovery plan completed – chapter of Puget Sound Salmon Recovery Plan
- 2006 Begin first 10 years of implementation
- 2007 Federal adoption of Puget Sound Recovery Plan
ILA renewed
- 2015 First 10 years of implementation
Initial ILA sunsets



Salmon Recovery Plans: Watersheds as Part of Puget Sound



Governance / Leadership: WRIA 9 Watershed Ecosystem Forum

- Stakeholders representing:
 - **17 Local governments**
 - *Community and environmental organizations*
 - *Business*
 - *Port of Seattle*
 - *King Conservation District*
 - *Water and sewer districts*
 - *State and federal agencies*
 - *Citizens*
- Fostering strong regional collaboration and governance
- Leveraging individual jurisdiction dollars for watershed benefits



Role of the WRIA 9 Watershed Ecosystem Forum

- Directing implementation and funding
- Educating and engaging
- Providing policy direction
- Building capacity



Integrating Other Efforts

- Fish passage at Howard Hanson Dam and Tacoma Diversion Dam
- Hatchery & harvest management
- Lower Green River System-Wide Improvement Framework
- Providing education and stewardship services in partnership with Environmental Science Center, King Conservation District, Flood Control District, and community organizations.
- Regional stormwater management
- Riparian area stewardship and noxious weed treatment
- Puget Sound recovery



Funding for Salmon Recovery

WRIA 9 grant rounds allocate \$2.5 million annually

- **State and federal grants:**

- Salmon Recovery Funding Board
- Puget Sound Acquisition and Restoration
- EPA National Estuary Program – Puget Sound recovery

- **Local funding sources:**

- King Conservation District
- Cooperative Watershed Management Grants
(through King County Flood Control District)



Interlocal Agreement Funding

Local government partners share costs of coordination and implementation

Cost share formula: jurisdiction area / population / assessed value

Des Moines cost shares:

- Total WRIA 9 2015 ILA costs = \$411,961
 - Des Moines 2015 cost share = \$11,372



What have we accomplished?

WRIA 9

- 918 acres protected through acquisition or easement
- 80 acres of riparian area planted
- 1.2 miles of levees removed or set back
- 57 acres of floodplain reconnected
- 3,370 feet of marine shoreline restored
- \$137 million in grant funds leveraged by 2015



Des Moines Projects

- McSorley Creek Pocket Estuary Restoration: Creating marine shoreline habitat for juvenile salmon
- WRIA 9 nearshore data incorporated into City of Des Moines Shoreline Master Plan
- Coordination with Mount Rainier High School (MRHS) in developing the school's Environmental Sciences Academy.
- Massey Creek habitat restoration project coordination with the MRHS Environmental Sciences Academy, property owners, King Conservation District, and City of Des Moines.



What's Next?

Renewing Interlocal Agreement and Memorandum of Understanding

- **September 2014 – April/May:** Presentations to partner jurisdictions; ILA partners review and provide feedback on drafts
- **April/May:** Integrate feedback on draft ILA and MOU for approval by Watershed Ecosystem Forum (WEF)
- **May:** WEF-approved ILA distributed to jurisdictions
- **July 14:** The 2015 Yellow Bus Tour – mark your calendar
- **July 31:** Goal for jurisdictions to approve WRIA 9 ILA
- **December 31:** Absolute final ILA approval deadline



Ongoing Recovery

The future of salmon and watershed health is in the hands of every community.

Salmon recovery faces numerous challenges:

- *Public support and political will*
- *Adequate funding*
- *Climate change and ocean conditions*
- *Land use pressures*

Local governments working together do make a difference!



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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: Confirmation of City Manager's Appointment of Lisa Leone to fill the un-expired term of the vacant Municipal Court Judge Position.

ATTACHMENTS:

1. Lisa Leone – application cover letter, resume, and response to supplemental questions

FOR AGENDA OF:

DEPT. OF ORIGIN:

DATE SUBMITTED:

CLEARANCES:

[NA] Legal _____

[NA] Finance _____

[NA] Marina _____

[NA] Parks, Recreation & Senior Services _____

[NA] Planning, Building & Public Works _____

[NA] Police _____

[NA] Courts _____

**APPROVED BY CITY MANAGER
FOR SUBMITTAL:** 

Purpose and Recommendation

The purpose of this report is to seek City Council confirmation of the City Manager's appointment of Lisa Leone to fill the unexpired term of the vacant Municipal Court Judge position.

Suggested Motion

Motion: "I move to confirm the City Manager's appointment of Lisa Leone to fill the unexpired term of the vacant Municipal Court Judge position effective May 11, 2015 through December 31, 2017."

Background

Des Moines previous Municipal Court Judge, Veronica Alicea-Galvan, was appointed by Governor Jay Inslee to fill a vacant King County Superior Judge position. Judge Alicea-Galvan's last day on the Des Moines Municipal Court bench was January 30, 2015.

Upon receiving notice that Judge Alicea-Galvan would be accepting the appointment to the vacant Superior Court position, the City began a recruitment process to fill her position. The City received seventeen applications and eventually pared this number down to six finalists. The finalists were interviewed by four panels:

- Community Panel (Mayor Kaplan, Councilmember Musser, Councilmember Sheckler, Civil Service Commissioner Angie Chaufy, and Community Member Nadya Curtis)
- Department Directors
- Court Employee Panel
- City Manager Panel (including Normandy Park Interim City Manager Bob Jean)

After considering input from all panel members and conducting a comprehensive background check, including numerous discussion with references, the City Manager chose Lisa Leone to appoint to the unexpired Des Moines Municipal Court Judge position.

Discussion

Ms. Leone has over twenty years experience in the criminal justice field, including serving as a Magistrate Judge in Seattle Municipal Court since 2007. She has been part of innovative programs in Seattle, including creation of a Youth Court, serves as president of the William L. Dwyer Inn of Court (a professional organization dedicated to promoting civility, professional excellence, and mentorship within the legal profession), has taught trial advocacy at Seattle University School of Law and the University of Washington School of Law and served as a faculty member of the Washington State Judicial College and the National Institute for Trial Advocacy.

Alternatives

Council may chose not to confirm the appointment of Ms. Leone and ask the City Manager to put forth another candidate for consideration.

Financial Impact

None. Funds are budgeted for this position.

Recommendation or Conclusion

The City Manager recommends confirmation of this appointment.

Concurrence

Ms. Leone impressed all of the members of the interview panels and was at the top or near the top of most panel members' preferences for this appointment.

Lisa M. Leone
P.O. Box 17895
Seattle, WA 98127
206-605-1701

January 19, 2015

City of Des Moines
21630 11th Ave. S., Suite A
Des Moines, WA 98198

RE: Application for Des Moines Municipal Court Judicial Vacancy

Dear Sir or Madam:

I am interested in serving as the Honorable Judge in Municipal Court for the City of Des Moines. I believe that I am uniquely qualified to fulfill the duties of this position for several reasons. First and foremost, I have served the City of Seattle as a Magistrate Judge in Seattle Municipal Court since 2007. As a full-time Magistrate Judge, I routinely preside over high volume calendars—civil and criminal alike. I know how to manage a courtroom, coordinate with court staff and administrators, and work collaboratively with stakeholders outside of the courthouse.

I am particularly proud of a relatively recent achievement in my court. In 2012, I worked with others in my court and community to co-found and co-direct Seattle's first youth traffic court. Teen traffic offenders learn accountability by taking responsibility for their actions and making reparations to the local community for their conduct. Peer jurors hand down sentences which include the requirement that the offender serve as a youth court juror on another case, complete community service hours, and/or write an essay regarding how their conduct endangered public safety. Through this process, offenders and volunteers alike gain first-hand knowledge of our system of justice. In our first year of operation, Seattle Youth Traffic Court was recognized by the Seattle CityClub, earning the prestigious "Colleen Willoughby Youth Education Award".

In addition to my work on the bench, I have devoted time and energy to organizations and causes outside of the courthouse. Currently, I serve as the President of the William L. Dwyer Inn of Court, a local chapter of the American Inns of Court. The Inns of Court is a national, professional organization dedicated to promoting civility, professional excellence, and mentorship within the legal profession. Our membership consists of law students, practicing attorneys, law professors, and judges from local, state, and federal court. We meet monthly to discuss how we can *be* better and *do* better as trusted professionals and leaders in our community. I take great pride in my involvement with this organization as all our members take seriously the Inn's mission, thereby elevating the practice of law throughout our community.

Another passion of mine is legal education. As an adjunct professor, I taught trial advocacy at Seattle University School of Law as well as University of Washington School of Law. I also served as a faculty member of the Washington State Judicial College and the National Institute for Trial Advocacy. In addition to teaching law students and fellow judges, I have also worked with local youth, teaching "Street Law" at Holy Names High School and presiding over mock trials involving high school and elementary school students.

I reach out and engage in all of these ways because I believe that the work of a judge does not end when the docket is finished; rather, as a leader in the local community, judges are called upon to educate and inspire others regarding our system of justice—how it works, why it is important to our democracy, why courts need to be fully funded, and why every citizen should care about who serves on the bench in their city or district.

This brings me to why I am particularly interested in serving in Des Moines Municipal Court. Put simply: I believe that working in a smaller court will permit me to have a greater impact on the lives of those I serve. I am open to new ideas and always interested in exploring what we might do better to achieve our goals. Collaborative by nature, I welcome the opportunity to work with court administrators and staff, as well as the Mayor and City Council, to ensure that our court is functioning in a professional and efficient manner, while continuing to fulfill its fundamental mission to ensure justice for all parties.

In sum, I believe that I am a strong candidate worthy of your consideration. Let me also say that I know and have worked in the past with the Honorable Judge Veronica Alicea-Galvan. I know that she will be missed by those with whom she worked and that hers are big shoes to fill. Her work ethic and dedication to our system of justice is widely known and respected. I share her commitment to public service and would be honored to continue her mission in Des Moines Municipal Court.

Thank you for your consideration. Please let me know if you require further information.

Kind regards,

A handwritten signature in black ink, appearing to read "Lisa M. Leone". The signature is fluid and cursive, with the first name "Lisa" being more prominent.

Lisa M. Leone

Lisa M. Leone²¹

P.O. Box 17895
Seattle, Washington 98127
206-605-1701
lisa.leone@comcast.net

Education

Seattle University School of Law
Seattle, Washington
J.D., *magna cum laude*, May 1995

University of Maryland
College Park, Maryland
B.A., Communications, August 1988

Experience

- **SEATTLE MUNICIPAL COURT**

Seattle, Washington / May 2007 – Present

Magistrate Judge: Manage high-volume civil and criminal court dockets. On civil calendar, adjudicate all civil traffic infractions, including impound and hardship hearings; preside over mitigation and contested infraction hearings. On the criminal calendar, preside over all phases of criminal cases, including: arraignment, bail and release hearings, pre-trial hearings and motions, jury trials, bench trials, sentencing and revocation hearings. In addition, regularly review and rule on law enforcement applications for search warrants. Effectively manage courtroom staff, defendants, and attorneys during high-volume civil and criminal calendars. Developed positive working relationships with fellow judicial officers, court staff and court administration, as well as criminal justice stakeholders outside the court.

Co-Director, Seattle Youth Traffic Court: co-founded and currently co-direct Seattle's first youth court for teen drivers charged with committing traffic offenses. Developed youth court training materials for law school and high school student volunteers.

- **NORTHWEST DEFENDER ASSOCIATION**

Seattle, Washington / June 2006 – April 2007

Staff Attorney, Felony Unit: Managed high volume of felony cases, effectively advocating for indigent clients in King County Superior Court.

- **BLAIR & LEONE, PLLC**

Seattle, Washington / March 2003 – April 2006

Principal, Private Criminal Defense Firm: Managed busy criminal defense practice. Maintain felony caseload consisting of drug, sex, domestic violence, fraud, and strike offenses. Also, represented clients on civil anti-harassment and protection order petitions, worked with DOC and local law enforcement on behalf of clients to protect and advance their interests post-conviction. Represented non-citizen defendants in post-conviction proceedings.

- **NORTHWEST DEFENDER ASSOCIATION**
Seattle, Washington / September 2001 – February 2003
Staff Attorney, Felony Unit: Managed high volume of felony cases, effectively advocating for indigent clients in King County Superior Court, with an emphasis on defending drug offenses.
- **LAW OFFICES OF LISA M. LEONE**
Seattle, Washington / April 1998 – January 2000
Solo Practitioner (General Practice): Managed solo general practice, providing clients with legal counsel and representation in all areas including criminal, employment, and family law.
- **NORTHWEST DEFENDER ASSOCIATION**
Seattle, Washington / February 1996 – March 1998
Staff Attorney, Misdemeanor Unit: Managed high volume of misdemeanor cases in Seattle Municipal Court.
Contract Attorney, RALJ Appeals: Briefed and argued criminal appeals in King County Superior Court.
- **PRESTON, GATES & ELLIS**
Seattle, Washington / September 1995 – February 1996
Contract Attorney, Tax Department: Prepared legal memoranda on a range of corporate tax issues. Developed working knowledge of IRS Tax Code and corporate law generally.
- **NORTHWEST DEFENDER ASSOCIATION**
Seattle, Washington / May 1994 – August 1994
Rule 9 Legal Intern, Misdemeanor Unit: Represented indigent defendants through all stages of criminal proceedings in Seattle Municipal Court.
- **CHALFONT-KERO**
Bellevue, Washington / January 1994 – May 1994
Law Clerk, Family Law: Prepared pleadings for busy family-law practice.
- **SEATTLE UNIVERSITY SCHOOL OF LAW**
Tacoma, Washington / September 1993 – May 1994
Research Assistant to Legal Writing Director: Worked in the Legal Writing Department organizing bi-yearly oral arguments for students' trial advocacy and legal writing classes. Responsible for researching and writing bench memos used by the volunteer judges during oral argument.
- **NORTHWEST DEFENDERS ASSOCIATION**
Seattle, Washington / June 1993 – August 1993
Law Clerk, Felony Unit: Volunteer law clerk, completing comprehensive research project regarding the history and operation of the Washington State Sentencing Guidelines.

Law-related Activities

William L. Dwyer Inn of Court

President, 2014-2015

Chair of Program Development, 2012 – 2014

Master of the Bench, 2009 - Present

University of Washington School of Law

Adjunct Professor, "Trial Advocacy", 2012

Seattle University School of Law

Adjunct Professor, "Criminal Motions Practice", 2008 – 2011

National Institute of Trial Advocacy

Faculty Member, Seattle, August, 2010

Seattle University School of Law

Instructor, "Street Law", Holy Names High School, 2010

Washington State Judicial College

Faculty Member, "Best Practices for Dealing with Non-citizen Defendants", 2009 - 2010

Washington Women Lawyers

Board Member, 2009 – 2010

Co-founder, Criminal Law Section

Voted King County Chapter Member of the Year, 2009

Washington Law & Politics Magazine

Voted "Rising Star," 2005 & 2006.

References

- **The Honorable Judge Linda Portnoy** 206-459-0817
Lake Forest Park Municipal Court Lake Forest Park, WA
- **The Honorable Ed McKenna** 206-909-0392
Seattle Municipal Court Seattle, WA
- **The Honorable Judge John Erlick**
King County Superior Court Seattle, WA
- **Ms. Margaret Fisher, Distinguished Practitioner in Residence** 206-501-7963
Seattle University School of Law Seattle, WA
- **The Honorable Judge Veronica Alicia Galvan** 206-478-6801
King County Superior Court Seattle, WA
- **Ms. Jeanette Brinster, Director, NW Defenders Division** 206-390-1507
King County Office of Public Defense Seattle, WA

Application for Des Moines Municipal Court Judge: Candidate Lisa M. LeoneSupplemental Questions

- 1. Please describe your experience as a pro tem. In addition, describe how your experience as a pro tem will allow you to succeed as being the Judge in Des Moines Municipal Court.**

As a Magistrate Judge, I regularly sit in criminal court, presiding over every stage of criminal proceedings, including in-custody arraignments, pre-trial and review hearings, as well as jury trials and post-conviction proceedings. Moreover, I have extensive experience handling motions, involving everything from probable cause challenges to competency determinations or complex DUI issues. I also review applications for search warrants and adjudicate thousands of civil traffic infractions each year. In sum, I have nearly 8 years of experience as a full-time judicial officer handling precisely the sorts of cases and calendars as those in Des Moines Municipal Court.

In addition to my practical experience as a judicial officer, I also possess the appropriate temperament to serve as the Presiding Judge of Des Moines Municipal Court. Respectful to all parties, I am firm but always calm in my demeanor. I believe that my references and many attorneys who appear before me would describe me as a smart, fair, and thoughtful judge who is adept at handling challenging defendants (or attorneys) during busy dockets.

Lastly, I firmly believe that a judge has the ability to elevate the standard of legal practice within their court. To do so, the judge must lead by example and conduct herself, at all times, in a professional manner. In addition, the judge must communicate her expectations to the attorneys who regularly practice in her court and hold those attorneys to that standard. For me, this means I start my calendars on time, prepare for hearings by reading briefs and reports in advance of the court date, clearly communicate rulings orally and in writing, and hold parties to briefing schedules or other orders issued by the court. These practices enhance the reputation of the court while, at the same time, reducing the number of continuances, thereby reducing the overall time to trial averages.

- 2. Have you ever worked with pro se litigants? If so please describe the challenges you have faced and how you have handled them.**

I have extensive experience working with pro se litigants in both civil and criminal cases. In traffic court, I have handled literally thousands of hearings involving pro se litigants. On this calendar, education is an important component of the adjudication process. It is my job to explain the purpose of the hearing (as well as the law they are charged with violating), allow the defendant to present their case, make a swift ruling, and articulate the reasons for my ruling. Bear in mind that traffic court may be the only experience that many

citizens have with our system of justice; my goal is to ensure that defendants leave my courtroom feeling that they had a fair hearing and understanding why I ruled as I did, even (perhaps, especially) if I do not find in their favor.

The greater challenge, however, is handling pro se defendants in criminal cases. Let me start by stating that ideally, every criminal defendant would be represented by a competent attorney. Having competent representation on both sides of the aisle not only reduces court congestion and time to trial averages, it also promotes finality and preserves the integrity of convictions. Nevertheless, defendants indeed have the right to represent themselves in criminal matters, no matter how misguided it may seem.

As the trial judge, it is my responsibility to determine whether the defendant is knowingly and voluntarily waiving his or her constitutional right to an attorney. In order to make that assessment, the judge must engage in a detailed colloquy with the defendant to understand their reason for proceeding pro se, determine their level of education, and inquire regarding his or her familiarity with criminal procedure and laws. In every instance, I advise against proceeding pro se. I warn the defendant of the perils of proceeding without an attorney experienced in this area of law and remind the defendant that he or she will be held to same standard as a practicing lawyer.

The fact is that hearings and trials involving pro se defendants take more time even under the best of circumstances. To minimize unnecessary delay, the trial judge should set time limits for argument, as well as briefing deadlines and then hold the defendant to those orders. At all times, the judge must be patient but firm with a pro se defendant. The judge must also be careful that he or she does not give advice, or unwittingly comment on the evidence when responding to a pro se defendant. For all of these reasons, it can be useful to appoint stand-by counsel to sit at counsel table and assist the pro se defendant. If the defendant refuses stand-by counsel, the judge still has the authority to revisit the issue of appointed counsel at any time throughout the proceedings if it appears that the defendant is struggling. In sum, cases involving pro se defendants are always challenging but simply part and parcel of presiding in a criminal court.

3. Describe separately, what your relationship would be with the Court Administrator, the City Manager and the City Council.

Court Administrator: It would be difficult, if not impossible, for the Presiding Judge to fulfill her duties under General Rule 29 without the support of the Court Administrator; as such, the Judge relies heavily upon the skill and judgment of this key member of the leadership team. The responsibilities of the Court Administrator are many – everything from supporting and implementing judicial policies and procedures to managing personnel matters and overseeing complex or critical issues within the Court.

Equally important, though less tangible, the Court Administrator and the Presiding Judge are jointly responsible for cultivating and maintaining a positive work environment. This means that staff will have adequate support and training, will be acknowledged for their contributions, and encouraged to offer suggestions regarding how we might improve. By necessity, the Presiding Judge and the Court Administrator work closely with one another; ideally, their working relationship is characterized by open and honest communication, trust, and mutual respect.

City Manager: As a member of the Executive Branch, the role of the City Manager is different than that of the Presiding Judge. However, both are stewards of public trust charged with serving the citizens of Des Moines. As such, there will be many opportunities for the Presiding Judge to partner with the City Manager on a range of issues relating to public safety and criminal justice. I look forward to cultivating an open and on-going dialogue with the City Manager as well as members of the City Council. I believe that members of the Executive and Legislative branches should be proud of the city's Municipal Court and its Presiding Judge. My goal is to ensure this continues to be the case.

City Council: If chosen to serve as Presiding Judge, I look forward to meeting with each City Council member to learn about any issues or concerns they might have regarding the Court and determine whether or how I might address it. I also look forward to providing valuable perspective on any number of public safety initiatives, especially those that might impact court operations. I will attend City Council meetings, when it would be helpful, and welcome all Council Members to come and observe proceedings at the courthouse.

Let me close with this: as a public servant, I believe in transparency and accountability. Guided by these principles, I hope to forge productive working relationships with each and every city leader.

4. What is your ideal vision of the 21st century municipal court?

The 21st century municipal court is efficient, innovative, and flexible.

Efficient: Citizens continue to expect the Court, as well as the other branches of government, to be responsible stewards of public funds. As a result, courts must continue to be pro-active in identifying ways to reduce costs without sacrificing essential services. For example, incarceration costs continue to overburden court budgets. For that reason, it makes sense for the court to have several alternatives to confinement at its disposal. By making use of these alternatives, the judge can reduce incarceration costs while, at the same time, tailor a sentence according to the particular needs or concerns of each defendant.

Innovative: One of the benefits of presiding in a smaller court is that it is often easier to implement change than it is in larger jurisdictions. However, change for the sake of change, is neither innovative nor cost-effective. The increasing use of technology in the courtroom is a good example: while it may be innovative, it can also be quite costly with sometimes questionable returns on investment. The smart use of technology, however, can be useful and cost-saving. For example, providing the public the opportunity to adjudicate traffic tickets on-line can significantly reduce the number of defendants appearing in court and provides access to those citizens for whom it would be a hardship to travel to the courthouse. Another example: where defendants awaiting trial must be transported from area jails, it might make sense to consider the use of video hearings to reduce the cost of transporting those defendants to and from court. In the 21st century municipal court, the needs of the court should drive innovation, not the other way around.

Flexible: The ideal 21st century municipal court is neither stagnant nor rigid; rather, it looks to state- and nation-wide practices, studies and trends to determine where and how the Court might operate more efficiently while fulfilling its fundamental mission to assure the administration of justice for all parties. In this context, flexibility means letting go of practices or procedures that have become obsolete. It means embracing new and increasingly creative ways to address the needs of the Court and its constituency. For example, to reduce the burden on probation departments, smaller courts are partnering with treatment providers and other stakeholders within the community to connect defendants with needed services. By leveraging the services of providers outside of the courthouse, these courts are reducing costs while continuing to hold defendants accountable.

In closing, if I am chosen to serve in Des Moines Municipal Court, I will first listen and learn about existing policies and procedures. I will not come to the Court with any fixed agenda or preconceived notions about what might work best; rather, I will bring with me my work ethic, dedication, and experience. Over time, I will become better qualified to make recommendations. For now, I simply hope to be given the opportunity to serve the Court and the citizens of Des Moines. Thank you for your consideration.

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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: Resolution Supporting a State
Transportation Revenue Package

ATTACHMENTS:

1. Draft Resolution No. 15-077
2. AWC Transportation Package Comparison

FOR AGENDA OF: April 30, 2015

DEPT. OF ORIGIN: PBPW

DATE SUBMITTED: April 23, 2015

CLEARANCES:

- ☒ Legal PB
- ☐ Finance N/A
- ☐ Marina N/A
- ☐ Parks, Recreation & Senior Services N/A
- ☒ Planning, Bldg & Public Works DJB
- ☐ Police N/A
- ☐ Courts N/A

APPROVED BY CITY MANAGER
FOR SUBMITTAL 

Purpose and Recommendation

The purpose of this agenda is for City Council to consider a resolution supporting a State Transportation Revenue Package that would include a proposal for direct distribution of gas tax revenue, increases funds to the Transportation Improvement Board so existing programs can continue, and includes language for more local funding options. The following motion will appear on the Consent Calendar:

Suggested Motion

Motion: “I move to adopt Draft Resolution 15-077 expressing the City’s support for a State Transportation Revenue Package.”

Background and Discussion

The House released their transportation proposal on April 13 and it was passed out of the House Transportation Committee the next day. While there are still outstanding differences between the House and Senate proposals, the chance of a package passing appear to be very promising. Both sides are motivated to pass a transportation package this year.

A chart prepared by Association of Washington Cities (AWC) showing how the two packages address city priorities is provided as Attachment 2.

Both proposals increases the gas tax by 11.7 cents (5 cents in the first year, 4.2 cents the second year and 2.5cents in the third year) and distributes one cent of that to cities and counties (1/2 cent each). If the House proposal is passed, Des Moines would receive \$1,474,202 over 16 years (an average of \$92,138 per year), whereas if the Senate proposal if passed, the distribution would be \$1,000,799 over 16 years (an average of \$62,550 per year).

The House proposal includes 50% more in direct distributions to cities than the Senate. Additionally, the House approach is a direct distribution of the increased gas tax that would be distributed to cities automatically in statute. The Senate includes non-gas tax funds that would need to be appropriated each biennium.

Both the House and Senate failed to provide the Transportation Improvement Board with enough funds to *continue existing programs*. The Legislature needs to dedicate \$80 million (rather than the \$54 million they've included) to continue funding for small and mid-sized city preservation programs and the LED streetlight conversion program.

Both chambers increase the transportation benefit district motor vehicle fee authority – the House up to \$50 and the Senate up to \$40.

Alternatives

Council may decide not to adopt the draft resolution or adopt a revised resolution.

Financial Impact

There will be no direct financial impact of the Council's action adopting the draft resolution.

Recommendation or Conclusion

Staff requests that the Council adopt a resolution in support of a State Transportation Revenue Package.

Concurrence

Administration, Planning, Building, and Public Works, and Legal Departments concur.

CITY ATTORNEY'S FIRST DRAFT 04/23/2015

DRAFT RESOLUTION NO. 15-077

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DES MOINES, WASHINGTON, strongly supporting a State Transportation Revenue Package that includes a direct distribution of gas tax revenue, increases funds to the Transportation Improvement Board so existing programs can continue, and includes language for funding options for local governments.

WHEREAS, a healthy transportation system is a critical foundation of our state and local economies and our quality of life, as well as our global position as the nation's most trade-dependent state; and

WHEREAS, Washington State's transportation system is suffering disrepair, with a backlog of maintenance and preservation needs, and data showing that without any new investments more than half the pavement on our State roads and highways will be in poor condition by 2023; and

WHEREAS, failing roads and bridges, congested highway corridors, and bottlenecked interchanges undermine the mobility of vehicles, buses, and freight carriers to transport people and goods; and

WHEREAS, the Connecting Washington Task Force released a report early in 2012 identifying \$50 billion in unfunded transportation needs and recommending an investment of \$21 billion in State funding during the next ten years for maintenance, preservation, and strategic investments; and

WHEREAS, investing in maintaining and upgrading our transportation system is a positive step the Legislature can take to catalyze construction jobs, enhance freight mobility for our ports, and create a pathway for retaining and growing new jobs for key industry sectors; and

WHEREAS, it is crucial that the transportation package provides critical funding for key highway corridor projects throughout the State, including significant funding to complete improvements to the portion of State Route 509 that runs through the City of Des Moines; and

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WHEREAS, the City of Des Moines has spent approximately \$15 million and plans to spend another \$5 million completing the City's Transportation Gateway Project in anticipation and support of the State Route 509 improvements, and

WHEREAS, the transportation package should provide a direct gas tax distribution that will provide new funding each year for cities and counties to maintain local roadways and arterials and to leverage existing funding; and

WHEREAS, the transportation package should also include local transportation financing options for cities and counties; and

WHEREAS, the transportation package should invest in grant programs that are vital for cities and counties, including the Transportation Investment Board (TIB), the Freight Mobility Strategic Investment Board (FMSIB), "Complete Streets", Safe Routes to Schools, and Bicycle-Pedestrian Safety; and

WHEREAS, the City of Des Moines strongly encourages the Washington State Legislature to enact a balanced transportation investment package to create jobs, relieve congestion, support our businesses, and maintain our quality of life.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DES MOINES RESOLVES AS FOLLOWS:

Sec. 1. The Des Moines City Council takes an official position in strong support of a comprehensive transportation investment package, including direct funding and funding option for local governments.

Sec. 2. The Des Moines City Council strongly encourages lawmakers to approve and enact a Transportation Funding Package that provides direct funding and funding options for local governments.

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Resolution No. 15-077

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ADOPTED BY the City Council of the City of Des Moines,
Washington this ____ day of _____, 2015 and signed in
authentication thereof this ____ day of _____, 2015.

M A Y O R

APPROVED AS TO FORM:

City Attorney

ATTEST:

City Clerk

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Transportation package comparison

	Senate	House
Total size of package	\$13.9 Billion – 16 years	\$15.16 Billion – 16 years
Primary revenue sources	Gas tax – 11.7 ¢/gallon increase over three years (5¢, 4.2¢, 2.5¢) Vehicle weight fee increases	Gas tax – 11.7 ¢/gallon increase over three years (5¢, 4.2¢, 2.5¢) Vehicle weight fee increases
Direct distribution to cities	\$140 million from Multimodal Account (not gas tax revenues). Distributions would be subject to on-going budget appropriations. (Total local distribution of \$375 million split 37% cities /63% counties)	\$216.5 million from gas tax revenues. Distributions in statute, so NOT subject to appropriation. (Total local distribution of \$433 million split 50% cities /50% counties)
Transportation Improvement Board (TIB)	\$54 million	\$54 million
Transportation Benefit District Authority – Vehicle Fee	Raised from \$20 to \$40, but only after \$20 in place for two years	Raised from \$20 to \$50, but only after \$20 in place for two years
Local fish passage barriers	Not addressed	Compensatory mitigation \$\$ for state transportation projects may be spent on city owned fish passage barriers under appropriate circumstances
Bike/ Ped Grant Program	\$50 million	\$75 million
Safe Routes to Schools Grant Program	\$56 million	\$56 million
Complete Streets Grant Program	\$160 million (administered by WSDOT)	\$160 million (administered by TIB)
Freight Mobility Strategic Investment Board (FMSIB)	\$125 million	\$125 million
Sound Transit 3 Authority (Applies only within Sound Transit district)	Provides authority for (upon voter approval): • Increase MVET - 0.3% • Increase sales tax additional 0.4% (up to 1.4%) • Property tax levy \$0.10 per \$1000 Authorizes \$11 billion in revenue	Provides authority for (upon voter approval): • Increase MVET - 0.8% • Increase sales tax additional 0.4% (up to 1.4%) • Property tax levy \$0.25 per \$1000 Authorizes \$15 billion in revenue

Balance sheets: [House](#) [Senate](#)

Project lists: [House](#) [Senate](#)

Notes:

Senate proposal includes state and local sales tax exemption for Connecting Washington projects.

Senate proposal includes \$104 million in transfer from toxics cleanup account (ELSA).

House proposal includes \$533 million for “Future Funding Projects” – unallocated resources reserved “to pay for unanticipated future needs.”

House proposal assumes \$1.293 billion in savings from “practical design.”

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AGENDA ITEM

SUBJECT: Federal Way Link Extension
(FWLE) DEIS Community Open
House and Presentation

AGENDA OF: April 30, 2015
DEPT. OF ORIGIN: Planning, Building &
Public Works

ATTACHMENTS:

DATE SUBMITTED: April 20, 2015

1. Summary of Kent, Federal Way,
Highline College and Des Moines Staff
Review Comments on FWLE DEIS
Administrative Draft, 10/13/14

CLEARANCES:

- ☐ Legal N/A
- ☐ Finance N/A
- ☐ Marina N/A
- ☐ Parks, Recreation & Senior Services N/A
- ☒ Planning, Building & Public Works DJB
- ☐ Police N/A

APPROVED BY CITY MANAGER
FOR SUBMITTAL: 

Purpose and Recommendation:

The purpose of this item is for Sound Transit staff to update the City Council and the community on the Federal Way Link Extension (FWLE) Draft Environmental Impact Statement (DEIS) that was issued on April 10, 2015 with more specific details on specific impacts to Des Moines, and for the City Council to agree on policy areas that staff will carefully analyze as the City prepares to formally comment on the DEIS.

Suggested Motion

None

Background and Discussion:

The FWLE DEIS was released for public comment period on April 10th. The 45-day comment period will close on May 25, 2015.

The DEIS evaluates a range of alternative alignments on SR 99 and I-5 including elevated, at grade, trenched and mixed alignment profiles, and a number of possible station locations at South 216th Street, Kent-Des Moines Road in the vicinity of Highline College, 260th Street, and two Redondo options at the Star Lake and Redondo park-and-rides. The Council received a detailed Sound Transit staff briefing on these alternatives and design options at its March 26th meeting. Similar briefings are being given to each of the other cities on the FWLE corridor.

In September, City staff provided 77 technical review comments as a "Cooperating Agency" on the "Administrative Draft EIS". Twelve of these review comments had potential policy implications, 22 were suggestions to help improve understanding of the DEIS and 43 were technical corrections. The City of

Kent submitted 84 comments, Federal Way 99, and Highline College 13. The City of SeaTac did not submit comments on the Administrative Draft. Sound Transit (ST) staff has incorporated and addressed agency review comments into the DEIS.

This is a summary in table format of Administrative Draft review comments submitted by the cities last September:

Number of City Staff Technical Review Comments

	Total	Comments with Potential Policy Implications	Suggested Additions to Help in City Understanding	Technical Edits
Des Moines	77	12	22	43
Kent	84	22	5	57
Federal Way	99	8	8	83
Highline College	13	9	2	2
SeaTac	None			
Total	273	51	37	185

A more detailed description of the different city comments was requested by and provided to the Mayor in the fall and is included at Attachment 1. Comments attributed to the different cities are Des Moines staff's summary and interpretation of the cities' comments and the summary does not necessarily represent those cities' policy positions or indicate how those cities will necessarily comment in May on the published DEIS.

City staff will be reviewing the published DEIS to ensure that the following impacts are fully described and evaluated:

1. Impacts on future development as envisioned in recent Zoning Code and pending Comprehensive Plan updates (not just existing conditions) with particular attention to views and business impacts.
2. All the negative as well as positive impacts on each parcel and for each business or residence on each alternative alignment and station location in or affecting Des Moines including displacements.
3. Property, retail sales and B&O tax analyses of potentially affected single and multi-family residential, commercial, institutional and public property – full acquisitions, partial acquisitions, temporary construction easements.
4. Impacts to Des Moines' infrastructure, especially its transportation levels of service and utility systems, with particular emphasis on the Pacific Highway South and the South 240th Street corridors, during construction and when fully operational.
5. Impacts associated with Kent-Des Moines station as an interim station area before stations further south can be developed.
6. Construction phasing, impacts and potential economic benefits between 2019 when construction begins and the KDM station opening in 2023 including a mitigation strategy for those impacts.
7. Operational and future development impacts on Highline College, including contiguous student housing and parking.

8. The timing associated with potential transit oriented development (TOD) and its economic upside for Des Moines.
9. The public safety implications including crime spillover impacts near stations, and opportunities associated with conversion of “problem” properties to high capacity transit uses.
10. Gentrification of neighborhoods and displacement of affordable housing inventory near stations.

A final objective in the DEIS analysis will be to begin identifying the mitigation that the City will require of ST by itself and in coordination with other agencies, especially Kent and Highline College, for system improvements, and identify additional planning and investments that the City will need to do with these other partners before the initial phase of the system to Highline College becomes operational in 2023.

Sound Transit will hold two public hearings on the DEIS: May 6th at the Federal Way Community Center and May 7th at the Highline College Student Union Building, from 4:00 p.m. to 7:00 p.m. with public testimony to begin at 5:30 p.m.

The next Council activity on the FWLE is a Council discussion on May 7, 2015 on the City comments on the FWLE DEIS. The City Council may also be asked to consider a resolution to the Sound Transit Board on its recommendations on a preferred alternative alignment and Kent Des Moines Station location.

City comments are due by May 25, 2015. The ST Board is expected to identify a Preferred Alternative in June 2015 followed by the Final EIS with its publication in June 2016. The ST Board would select the project to build in July or August 2016 with an ETA Record of Decision in October 2016. Construction would begin in 2019 and service would begin to the Highline College station in 2023.

Recommendation/Conclusion:

None

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Summary
Kent, Federal Way, Highline College and Des Moines Staff Review Comments on
FWLE DEIS Administrative Draft¹

Number of City Staff Technical Review Comments

	Total	Comments with Potential Policy Implications	Suggested Additions to Help in City Understanding	Technical Edits
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Federal Way	99	8	8	83
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SeaTac	None			
Total	273	51	37	185

Summary of Administrative Draft Review Comments (generally following the organization of the DEIS and not in policy priority order)

Kent's Staff Comments

1. Requested more discussion about the SR 99 West Station Option.
2. Questioned visual impacts on residents west of and below SR 99.
3. Requested matrix showing impacts and mitigation in Executive Summary rather than just text.
4. Requested acknowledgement of benefits to and connections with job centers in South King County such as Kent Downtown, Kent Manufacturing/Industrial Center, Federal Way, SeaTac, Renton, Tukwila, and Renton, not just Seattle, Tacoma and Bellevue.
5. Asked that ridership mode share be expanded to include pedestrian and bikes.
6. Requested that discussion be expanded to include challenges of pedestrians and bicyclists crossing SR 99, and the impact of increased signal timing and congestion to accommodate these increases.
7. Pointed out that station design could mitigate SR 99 crossing challenges, but that mitigation wouldn't necessarily facilitate transit oriented development (TOD) (a Sound Transit Policy).
8. Noted that any access to parking off 30th Avenue would impact existing roads conditions and asked that substantial mitigation measures be more clearly acknowledged.
9. Asked that ¼ mile and ½ mile walking and TOD influence zones be more clearly discussed.
10. Requested more discussion of trench option impacts.
11. *Stated that "The options that cross Kent's Midway area on the east side of SR 99, e.g., the 30th Avenue West and East, the I-5 options and the crossover options would have direct impacts (not indirect) on adopted plans and policies. The options would bifurcate the parcels, create inefficient building parcels, and impact 30th Avenue which is the spine of the TOD." (emphasis added)*
12. Requested a graphically representation of positive and negative impacts on TOD economics, rather than just textual reference.
13. Asked that a mechanism be developed to trigger a re-analysis of the effectiveness of mitigation after light rail is operational.

¹This summary is the author's interpretation of comments submitted by various city staff and do not necessarily represent the policy positions of any of the cities.

14. Challenged the statement that there would be only minor differences in travel patterns, volumes, delay times and roadway speeds when compared to the No Build Alternative, when new traffic accesses stations and parking areas as a terminus station.
15. Challenged the statement: "no indirect impacts on traffic safety are anticipated as a result of the FWLE".
16. Noted that both Critical Area regulations and Stormwater Design standards will be updated and become more stringent before the project is built.
17. Noted that stream crossing and wetland mitigation appears to be under-stated.

Federal Way Staff Comments

1. Suggested that visual impacts, tax revenues, construction impacts be included in the alternatives evaluation table.
2. Questioned whether the local congestion impacts from station areas were being minimized.
3. Requested that ST better explain how TOD potential might impact future ridership.
4. Asked that the potential for increased property tax revenue due to future TOD around stations be identified.
5. Requested that cumulative impact of past/present roadway improvement projects along SR 99 be more thoroughly described.
6. Suggested that city policies in support of affordable housing may be compromised or weakened by rising rents resulting from TOD.
7. Noted that Federal Way does not exempt transit facilities from concurrency.

Highline College Staff Comments

1. Asked for additional analysis of the economic development impact that the FWLE will have on the corridor.
2. Asked that benefits to the intermediate destination between Federal Way and Seattle be acknowledged.
3. Asked for clarification of the analysis of commercial growth along the SR 99 and I-5 corridors.
4. Asked if Highline College's Master Plan was included in the analysis.
5. Asked for clarification on how transit rider figures for the KDM/HC Station were calculated and a reconciliation of the SR 99 and I-5 ridership numbers.
6. Requested an analysis of offsite surrounding street parking impacts and how that would change when the KDM/HC Station is built.
7. Requested more information about classroom noise impacts.
8. Requested additional information on crime spillover effects of transit passengers/transients on nearby college campuses or parks.
9. Asked for more information on mitigation measures during rail and station construction for S. 240th Street and S. 236th Lane, the principal routes into the college.

Des Moines' Staff Comments

1. Impacts assessed were generally of existing conditions (e.g., current businesses, vacant property, non-conforming residential uses) but did not include as thorough an assessment of future development as currently allowed in our Zoning Code or Preferred Land Uses in our Comprehensive Plan.
2. Visual impacts on businesses (or future businesses), particularly in Pacific Ridge, were not sufficiently described or evaluated.
3. Impacts were generally summarized by segment including multiple cities. ST was asked to break down these impacts by city.

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4. The entire S 240th St corridor to Marine View Drive needs to be analyzed.
5. The S 216th station mode of access should be revised to include some auto and transit components, not just non-motorized.
6. It is not easy to determine whether there is a partial or full acquisition, and how these relate to "operational footprint" and "affected parcel" identified in the appendices.
7. ST was asked to acknowledge the Des Moines has completed some visioning and planning for high capacity transit but the land use designations and zoning have not yet been changed along the entire corridor.
8. Des Moines' new Transit Community Zone with its commitment to mixed use has not yet been included in the Draft.
9. Further elaboration on impacts associated with Kent-DM station as an interim station area was requested.
10. There is no mention of view impacts on commercial properties or those expected to develop into commercial high rise in the future (such as the mobile home parks).
11. The Draft incorrectly states that buildings on the west side of SR 99 can be redeveloped to 35-45 feet tall. DMMC 18.135.070 (8)(b) prescribes maximum building heights in PR-C as 55 feet west of SR 99 and 85 feet east of SR 99. Maximum heights in PR-R are 75 feet, except they can go to 200 feet with FAR height bonus on 1 acre size parcels.
12. Inclusion of construction phasing plans (figures) and narration could be helpful for early impact and mitigation identification. Additionally, in project phasing, more detailed figures could illustrate locations where facilities are to be constructed relative to adjacent properties/roads/jurisdictions/etc. to include at grade, elevated, and trench.
13. Magnitude of impacts due to traffic reroutes could help identify traffic and business impacts and mitigation.
14. No mention is made of Highline College's (HC) Master Plan developments here or anywhere else in the DEIS. The significant impact of HC's continued development would be student housing near campus and expansion of traditional hours of operation to accommodate evening and weekend classes potentially affecting ridership levels and timing.
15. Any increase in traffic delay in the comparison should result in mitigation or provide basis that the capacity is adequate and the increase in delay is negligible.
16. Several strategies related to the Land Use, Transportation and Pacific Ridge Elements should be added to fully explain Des Moines policies in its Comprehensive Plan.

Areas for Additional Investigation

1. Property, retail sales and B&O tax analyses of potentially affected property – full takes, sliver takes, temporary construction easements, etc.
2. Upside TOD potential in station areas.
3. Indirect economic project construction benefits.
4. Public safety impacts and opportunities associated with conversion of "problem" properties to high capacity transit uses.
5. Off street parking impacts in the vicinity of Highline College.
6. Crime spillover impacts near stations.
7. Gentrification of neighborhoods and displacement of affordable housing inventory near stations.
8. Better understanding of access to properties and redevelopment of properties with trench across frontage.

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