

AGENDA

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

May 7, 2015 – 7:30 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

Item 1: COMMUNITY CLEAN-UP EVENT

Item 2: SOUTH SOUND YACHT CLUB OPENING DAY

ADMINISTRATION REPORT

Item 1: EMERGING ISSUES

CONSENT AGENDA

Page 1 Item 1: APPROVAL OF MINUTES

Motion is to approve the minutes of the March 12 and March 26, 2015 Regular City Council meetings.

Page 11 Item 2: ARTS COMMISSION APPOINTMENT

Motion is to confirm the Mayoral appointment of Michelle Fawcett to a three year term on the City of Des Moines Arts Commission effective immediately and expiring on December 31, 2017.

Page 15 Item 3: 2015 SUMMER EVENTS-AGREEMENT WITH DESTINATION DES MOINES

Motion 1 is to approve Draft Resolution 15-079 authorizing Destination Des Moines to use City property to conduct two summer events: Community BBQ and Fireworks Over Des Moines on July 1 and 3-4, 2015 and Waterland Festival on July 17-19, 2015.

AND

Motion 2 is to authorize the City Manager to sign the Agreement with Destination Des Moines for summer events specifying the responsibilities assumed by Destination Des Moines and identifying the in-kind services and facilities that will be provided by the City, substantially in the form as attached.

OLD BUSINESS

Page 29 Item 1: FEDERAL WAY LINK EXTENSION (FWLE) DEIS DISCUSSION
Staff Presentation: Management Consultant Grant Fredricks

NEXT MEETING DATE

May 14, 2015

ADJOURNMENT

MINUTES**DES MOINES CITY COUNCIL
REGULAR MEETING
City Council Chambers
21630 11th Avenue South, Des Moines****March 12, 2015 – 7:00 p.m.****CALL TO ORDER**

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

PLEDGE OF ALLEGIANCE

The flag salute was led by Councilmember Sheckler.

ROLL CALL

Council present: Mayor Kaplan; Mayor Pro Tem Matt Pina; Councilmembers Jeremy Nutting, Melissa Musser, Jeanette Burrage, Bob Sheckler and Vic Pennington.

Staff present: City Manager Tony Piasecki; City Attorney Pat Bosmans; Chief of Police George Delgado; Planning, Building and Public Works Director Dan Brewer; Community Development Manager Denise Lathrop; Transportation Manager Brandon Carver; Harbormaster Joe Dusenbury; Marina Maintenance Manager Scott Wilkins; Surface Water Management Utility Manager Loren Reinhold; Finance Manager Dunyele Mason; City Clerk Bonnie Wilkins.

CORRESPONDENCE

There were no correspondences.

COMMENTS FROM THE PUBLIC

There were no comments from the public.

BOARD AND COMMITTEE REPORTS/COUNCILMEMBER COMMENTS

Councilmember Pennington:

- Thanked the public for attending the meeting and is looking forward to tonight's presentation by the Pacific Middle School students.

Councilmember Sheckler:

- Looking forward to Pacific Middle School's presentation.

Councilmember Burrage:

- North Hill Community Club:
 - Fire District presentation.

Mayor Pro Tem Pina:

- Des Moines Arts Commission:
 - Re-visiting budget.
 - Concerts/Shakespeare in the Park.
 - Other programs.
 - Retreat.
- Des Moines Marina Association:
 - Formerly referred to as the Marina Tenants Association.
 - Do not have to be a tenant to be a member.
 - \$25 annual fee.

- Finance & Economic Development Committee:
 - Sound Transit presentation.
 - DEIS out in April.
 - March 26th presentation to Council.
- Business Park Zoning.
- Business and Parking Improvement Options in Marina District:

Direction/Action

Motion made by Mayor Pro Tem Pina that Council remand the Business and Parking Improvement Options in the Marina District to Committee for further evaluation later this year; seconded by Councilmember Burrage. The motion passed 7-0.

Councilmember Musser:

- Thanked the Pacific Middle School kids for presenting their Future City:
 - Looking forward to where they place next year.

Councilmember Nutting:

- Attended the Annual Poverty Bay Wine Festival:
 - Thanked Des Moines Rotary for a great event.
- Des Moines Legacy Foundation Casino Night.

PRESIDING OFFICER'S REPORT

- Attended the Des Moines Marina Association meeting.
- Invited the public to invite Council to attend community groups.
- PACIFIC MIDDLE SCHOOL FUTURE CITIES PRESENTATION:

Pacific Middle School students gave a wonderful presentation of their Future City that won 1st place in the Washington State competition.

Mayor Kaplan read the Washington State Future City Regional Competition Proclamation into the record.

ADMINISTRATION REPORT

- DES MOINES YACHT CLUB PRESENTATION

Des Moines Yacht Club Commodore, Don Masoero, spoke briefly to Council and invited Council, and residents of Des Moines, to the opening day of the South Sound Yachting season.

CONSENT AGENDA

Item 1: APPROVAL OF VOUCHERS

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

Claim Checks: \$1,836,790.17

Payroll Fund Transfers: \$920,847.98

Total Certified Wire Transfers, Voids, A/P and Payroll Vouchers: \$2,757,638.15

Item 2: WASHINGTON STATE FUTURE CITY REGIONAL COMPETITION
PROCLAMATION

Motion is to approve the Proclamation recognizing the achievements of the Pacific Middle School students in the Washington State Future City National Competition.

- Item 3: DRAFT ORDINANCE NO. 15-040; AMEND THE STREET VACATION ORDINANCE NO. 1605 BY EXTENDING THE DATE THE PETITIONER HAS TO PROVIDE RECORDED UTILITY EASEMENTS

Motion 1 is to suspend City Council Rule 26(a) in order to adopt Draft Ordinance No. 15-040 on first reading.

Motion 2 is to enact Draft Ordinance No. 15-040 amending Ordinance No. 1605 by extending the date the petitioner has to provide recorded copies of all utility easements as required in section 2 of Ordinance No. 1605.

- Item 4: SOUTH SOUND YACHTING SEASON OPENING PROCLAMATION
Motion is to approve the Proclamation recognizing the official opening of the South Sound Yachting and Boating season on April 11, 2015.

Direction/Action

Motion made by Councilmember Nutting to approve the consent agenda; seconded by Councilmember Musser.

The motion passed 7-0.

OLD BUSINESS

- Item 1: RECONSIDERATION OF DRAFT ORDINANCE 14-240 (ORDINANCE 1618) RELATED TO ZONING CODE AND DEVELOPMENT REGULATIONS FOR THE COMMUNITY COMMERCIAL (C-C) ZONED PROPERTIES IN THE AREA ALONG PACIFIC HIGHWAY SOUTH BETWEEN SOUTH 252ND STREET AND SOUTH 272ND STREET

Staff Presentation: Planning, Building and Public Works Director
Dan Brewer

Planning, Building and Public Works Director Brewer gave a brief power point presentation to Council.

Direction/Action

Motion 1 made by Councilmember Sheckler to suspend Rule 26(a) in order to enact Substitute Draft Ordinance No. 14-240-A on first reading; seconded by Councilmember Musser.

The motion passed 7-0.

Motion 2 made by Councilmember Sheckler to enact Substitute Draft Ordinance No. 14-240-A, adding a new chapter entitled "W-C Woodmont Commercial Zone" to Title 18 DMMC, adding a new section to chapter 18.195 DMMC, adopting a new zoning map and rezoning all Community Commercial-zoned parcels in the area along Pacific Highway South between South 252nd Street and South 272nd Street into the new Woodmont Commercial Zone, and amending DMMC 18.05.080, 18.10.050, 18.52.010B, 18.195.290, 18.210.090 and 14.05.130; seconded by Councilmember Musser.

The motion passed 7-0.

Mayor Kaplan read Substitute Draft Ordinance No. 14-240-A into the record.

Item 2: DRAFT RESOLUTION NO. 14-154, ADOPTING THE 2015 SURFACE WATER COMPREHENSIVE PLAN

Staff Presentation: Surface Water Management Utility Manager
Loren Reinhold

Surface Water Management Utility Manager Reinhold introduced Austin Fisher, from Parametrix, who gave a power point presentation to Council.

Action/Direction

Motion 1 made by Councilmember Nutting to approve Draft Resolution No. 14-154 adopting the 2015 Surface Water Comprehensive Plan; seconded by Councilmember Pennington.
The motion passed 7-0.

Motion 2 made by Councilmember Nutting to direct staff to prepare a rate ordinance for adjusting the Surface Water Management rates corresponding to Level of Service Scenario 3 of the 2015 Surface Water Comprehensive Plan; seconded by Councilmember Musser.

Motion made by Councilmember Burrage to change the Level of Service Scenario from 3 to 2; motion died for lack of second.

The original motion passed 7-0.

At 8:08 p.m. Councilmember Sheckler left the meeting.

NEW BUSINESS

Item 1: DRAFT RESOLUTION NO. 15-045 RELATED TO THE KING COUNTY COUNTYWIDE PLANNING POLICIES

Staff Presentation: Community Development Manager Denise Lathrop

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

Direction/Action

Motion made by Councilmember Nutting to adopt Draft Resolution No. 15-045 ratifying amendments to the King County Countywide Planning Policies as approved by the Metropolitan King County Council through Ordinance No. 17951; seconded by Mayor Pro Tem Pina.
The motion passed 6-0.

Motion made by Councilmember Nutting to adopt Draft Resolution No. 15-045 disapproving amendments to the King County Countywide Planning Policies as approved by the Metropolitan King County Council through Ordinance No. 17952; seconded by Mayor Kaplan.
The motion passed 6-0.

NEXT MEETING DATE

March 26, 2015

ADJOURNMENT

Motion made by Councilmember Nutting to adjourn; seconded by Councilmember Pennington.
The motion passed 6-0.

The meeting was adjourned at 8:25 p.m.

Respectfully Submitted,
Bonnie Wilkins
City Clerk

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MINUTES

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

March 26, 2015 – 7:00 p.m.

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

The flag salute was led by Councilmember Burrage.

ROLL CALL

Council present: Mayor Kaplan; Mayor Pro Tem Matt Pina; Councilmembers Jeremy Nutting, Melissa Musser, Jeanette Burrage, Bob Sheckler and Vic Pennington.

Staff present: City Manager Tony Piasecki; City Attorney Pat Bosmans; Assistant City Manager Michael Matthias; Chief of Police George Delgado; Assistant City Attorney Tim George; Planning, Building and Public Works Director Dan Brewer; Community Development Manager Denise Lathrop; Senior Planner Laura Techico; Transportation Manager Brandon Carver; Associate Transportation Engineer Andrew Merges; Parks, Recreation & Senior Services Manager Patrice Thorell; Marina Maintenance Manager Scott Wilkins; City Clerk Bonnie Wilkins.

CORRESPONDENCE

There were no correspondences.

COMMENTS FROM THE PUBLIC

Mike Heinisch; Kent Youth and Family Services; Thanked Council for their support and gave an update on the past year.

EXECUTIVE SESSION

At 7:08 p.m. Council went into Executive Session to discuss pending litigation per RCW 42.30.110. The Executive Session was expected to last approximately 10 minutes. In attendance were: Mayor Kaplan; Mayor Pro Tem Pina; Councilmembers Pennington, Sheckler, Burrage, Musser and Nutting; City Manager Piasecki; Assistant City Manager Matthias; City Attorney Bosmans; Assistant City Attorney George; Keating Bucklin & McCormack Attorney Adam Rosenberg.

7:18 p.m. Council resumed the regular meeting.

Direction/Action

Motion made by Councilmember Nutting to approve settlement of the matter of *Mark White, et al, v Des Moines, U.S. District Court for the Western District of WA, Cause No. 2:15-cv-00033-JLR* upon execution of a satisfactory settlement agreement of Plaintiff's claims, with no monetary compensation to Plaintiffs; seconded by Councilmember Musser.
The motion passed 7-0.

BOARD AND COMMITTEE REPORTS/COUNCILMEMBER COMMENTS

Councilmember Pennington:

- Thanked the public for attending the meeting this evening.

Councilmember Sheckler:

- Will not seek re-election for Council.

Councilmember Burrage:

- South County Transportation Board:
 - Presentation made by City of Fife.
 - King County Metro:
 - Long Range Planning.

Mayor Pro Tem Pina:

- Met with Real Estate Group in Burien:
 - Presentation with Q&A afterwards.
- Theater group:
 - Thoughts and ideas.
- Attended the Induction Ceremony for Judge Veronica Alicea-Galvan.

Councilmember Musser:

- Casino Night Auctioneer:
 - Raised over \$6,000 for youth scholarships.
- Municipal Facilities Committee:
 - Activity Center generator has been installed.
 - Park Recreation & Senior Services Master Plan:
 - Survey on the web-site.
 - Marina Presentation:
 - Future of Des Moines Yacht Club.
 - Land use under the jetty.
 - Access through the yacht club.
 - Sustainability Report.

Councilmember Nutting:

- Highline School Foundation Gold Star Bash:
 - Congratulated all the teachers that won awards.
- Senior Services Advisory Committee Meeting:
 - Take Back Meds program.
 - takebackyourmeds.org for a listing of Pharmacies participating in program.
 - Veteran services updates.
 - Veterans coffee hour.
 - Next meeting, May 14th.
- Des Moines Legacy Foundation Eggstravaganza.

PRESIDING OFFICER'S REPORT

- Destination Des Moines Board Meeting.
- Development ideas with the Marina.
 - Multiple interests.
- Meetings on property throughout the town.
- Sound Transit:
 - Ride along and tour of the 4 different alignment options.
 - Draft EIS out April 10th.
- May 9th Second Annual Clean-Up Day

ADMINISTRATION REPORT

- Has not made a decision on the new Municipal Court Judge.
- Meeting with Peter von Reichbauer and Dave Upthegrove to discuss Redondo Boardwalk funding and upgrade options.
- RECOLOGY CLEANSCAPES ANNUAL REPORT
Derek Ruckman, Rob Koppang, Erika Melroy and Megan McCain gave a power point presentation to Council.

CONSENT AGENDA

- Item 1: APPROVAL OF VOUCHERS
Motion is to approve for payment vouchers and payroll transfers included in the attached list and further described as follows:
Claim Checks: \$1,705,918.43
Payroll Fund Transfers: \$300,162.57
Total Certified Wire Transfers, Voids, A/P and Payroll Vouchers: \$2,006,081.00
- Item 2: APPROVAL OF MINUTES
Motion is to approve the minutes from the February 12, 2015 regular City Council meeting.
- Item 3: DES MOINES LODGING TAX ADVISORY COMMITTEE
Motion is to confirm the Mayoral appointments of Jill Andrews and John Kuntz to the Des Moines Lodging Tax Advisory Committee effective immediately.
- Item 4: DRAFT RESOLUTION NO. 15-022, SETTING A DATE FOR PUBLIC HEARING FOR VACATION OF PUBLIC RIGHT-OF-WAY WITHIN CITY OF DES MOINES KNOWN WITHIN THE HISTORICAL SR509 RIGHT-OF-WAY AREA BETWEEN SOUTH 220TH STREET AND SR516 KENT DES MOINES ROAD
Motion is to adopt Draft Resolution No. 15-022 setting a public hearing on April 23, 2015 for a street vacation request relating to public right of way within the City of Des Moines.

Direction/Action

Motion made by Councilmember Pennington to approve the consent agenda; seconded by Councilmember Nutting.
The motion passed 7-0.

OLD BUSINESS

- Item 1: FEDERAL WAY LINK EXTENSION (FWLE) DEIS
Presentation: Sound Transit
- Chelsea Levy and Cathal Ridge, from Sound Transit, gave a power point presentation to Council.
- No formal action was taken.

At 8:25 p.m. Councilmember Sheckler left the meeting.

EXECUTIVE SESSION

At 8:37 p.m. Council went into an Executive Session to discuss labor negotiations under RCW 42.30.140(4)(a), potential litigation under RCW 42.30.110 and the performance of a public employee under RCW 42.30.110(f). In attendance were Mayor Kaplan; Mayor Pro Tem Pina; Councilmembers Nutting, Musser, Burrage and Pennington; City Manager Piasecki; Assistant City Manager Matthias and City Attorney Bosmans.

At 9:11 p.m. Mayor Kaplan extended the meeting an additional 5 minutes.

At 9:16 p.m. Mayor Kaplan extended the meeting an additional 10 minutes.

At 9:28 p.m. Council resumed the regular meeting.

No formal action was taken.

NEXT MEETING DATE

April 2, 2015

ADJOURNMENT

Motion made by Councilmember Nutting to adjourn; seconded by Councilmember Pennington. The motion passed 6-0.

The meeting was adjourned at 9:29 p.m.

Respectfully Submitted,
Bonnie Wilkins
City Clerk

A G E N D A I T E M

BUSINESS OF THE CITY COUNCIL City of Des Moines, WA

SUBJECT: Arts Commission Appointment

FOR AGENDA OF: May 7, 2015

ATTACHMENTS:

1. Application submitted by:
Michelle Fawcett

DEPT. OF ORIGIN: Parks, Recreation & Senior Services

DATE SUBMITTED: April 30, 2015

CLEARANCES:

- ☒ Legal pb
- ☐ Finance NA
- ☐ Marina NA
- ☒ Parks, Recreation & Senior Services NA
- ☐ Planning, Building & Public Works NA
- ☐ Police NA
- ☐ Courts NA

APPROVED BY CITY MANAGER
FOR SUBMITTAL: 

Purpose and Recommendation

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

Suggested Motion

Motion: "I move to confirm the Mayoral appointment of Michelle Fawcett to a three year term on the City of Des Moines Arts Commission effective immediately and expiring on December 31, 2017."

Background

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

The Arts Commission was created to:

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

Discussion

This agenda seeks confirmation of the Mayoral appointment of Des Moines business owner Michelle Fawcett to the Des Moines Arts Commission to become effective immediately. The appointment will serve the remainder of a vacant unexpired three year term that will end on December 31, 2017.

Alternatives

None provided.

Financial Impact

No financial impact.

Recommendation/Concurrence

None provided.



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

RECEIVED

Recvd. DEC 20 2011

Please Check

NAME: Michelle Fawcett
 ADDRESS: 21923 Marine View DR S.
 CITY/ZIP: Des Moines WA
 PHONE: Home 509 931-2662 Work 509 824-3413
 LENGTH OF RESIDENCE AT THE ABOVE ADDRESS 10 year
 REGISTERED VOTER? ☒
 E-MAIL ADDRESS: Michelle.Fawcett@comcast.net

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

EMPLOYMENT SUMMARY LAST FIVE YEARS: Owned and operated Salon Michelle

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? _____ if so, please describe: NO

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? I would love to help the Art Thrive in Des Moines. By helping fundraise for the arts. Also work with our other non profits to make Des Moines a place where we can be proud of. Gain Corporate Sponsorships to increase available funds
2. What problems, programs or improvements are you most interest in? Helping maintain and grow the beach concept series from 6 to 9 over my 3 year term. Through fundraising

3. Please list any Des Moines elective/appointive offices you have run/applied for previously. None

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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: 2015 Summer Events – Agreement
with Destination Des Moines

FOR AGENDA OF: May 7, 2015

ATTACHMENTS:

1. Draft Resolution 15-079
2. Draft Agreement Between the City of Des Moines and Destination Des Moines

DEPT. OF ORIGIN: Parks, Recreation and Senior Services

DATE SUBMITTED: April 25, 2015

CLEARANCES:

☒ Legal PB

☐ Finance N/A

☒ Marina AS

☒ Parks, Recreation & Senior Services AS

☒ Planning, Building & Public Works DSB

☒ Police AS

☐ Courts N/A

APPROVED BY CITY MANAGER
FOR SUBMITTAL: AS

Purpose and Recommendation

Destination Des Moines was selected by City Council to provide the leadership role in planning and staging the Waterland events and parade. Destination Des Moines also provides the leadership role in planning and staging the Fireworks Over Des Moines events. The purpose of this agenda item is to ask for the Council's approval of Draft Resolution No. 15-079 which allows Destination Des Moines to conduct the events on City property, subject to conditions. The staff is also asking the Council to grant the City Manager the authority to sign the agreement between the City and Destination Des Moines which specifies the responsibilities assumed by Destination Des Moines and identifies the in-kind services that will be provided by the City to support the events.

Suggested Motions

Motion 1: "I move to approve Draft Resolution 15-079 authorizing Destination Des Moines to use City property to conduct two summer events: Community BBQ and Fireworks Over Des Moines on July 1 and 3-4, 2015 and Waterland Festival on July 17-19, 2015."

AND:

Motion 2: "I move to authorize the City Manager to sign the Agreement with Destination Des Moines for summer events specifying the responsibilities assumed by Destination Des Moines and identifying the in-kind services and facilities that will be provided by the City, substantially in the form as attached."

Background

Destination Des Moines is a non-profit community based organization that was founded to promote and support community events. Their first order of business was to resurrect the “Waterland Parade”, a community event with a long history. Destination Des Moines was also asked to take on the management of the “Fireworks Over Des Moines” show which had previously been run by the Des Moines Rotary Club and to take over responsibility for the Des Moines Classic Car & Boat Show and the Classic Community Barbeque previously managed by the Des Moines Marina staff.

In December 2013, City Council awarded the management of an expanded Waterland Festival to Destination Des Moines. The 2015 community events will include the Seafair Waterland Parade, Wheels and Keels-Classic Car, Motorcycle and Wooden Boat Show, Waterland 5 K Run and Waterland Children’s Carnival taking place July 17th-19th.

The 2015 Fireworks Over Des Moines will be expanded to a two day event taking place at the Marina on July 3rd and 4th and includes a Community Barbeque prior to the Arts Commission’s opening Summer Concert in Beach Park on July 1st.

Discussion

The mission of Destination Des Moines is to help develop awareness of the City of Des Moines as a great place to hold community events, to open and operate a business and assist other organizations in promoting and marketing events. Destination Des Moines has developed partnerships with the City of Des Moines and its residents, local business and non-profit organizations including Seattle Southside, Southwest Chamber of Commerce, Des Moines Arts Commission, Farmers Market and many others to deliver on this mission. Fireworks Over Des Moines and the Seafair Waterland Parade are high value community events that serve thousands of residents and visitors and depend largely on sponsorships, volunteers and in-kind City services.

Following are brief descriptions of the community events that DDM proposes to produce this summer:

Fireworks over Des Moines Events, July 1 and July 3-4, 2015:

Community Barbeque– The event will take place on Wednesday, July 1, 2015, prior to “Fireworks Over Des Moines” as a dedicated fundraiser for the fireworks show. The BBQ will be held at the Beach Park and will start at 5:30 pm and conclude at 7:00 pm in collaboration with the Arts Commission’s first Beach Park Summer Concert featuring Joey Jewel which will begin at 7:00 p.m.

Fireworks Over Des Moines– This 15th annual community tradition includes food vendors, music, beer & wine garden and special viewing area. The fireworks show will again be provided by Western Fireworks. Activities will be held at the Marina and Beach Park beginning at 10:00 am with the fireworks show starting at 10:15 pm and concluding at 11:00 pm. A Children’s Carnival with family oriented rides will be added at the Marina on July 3-4 with hours on Friday from 4:00 p.m. to dusk and Saturday, from 10:00 a.m.to dusk.

Fireworks Over Des Moines draws over 5,000 spectators to the Marina and Beach Park, with thousands more viewing from the surrounding parks and neighborhoods. Destination Des Moines hires a private special event company to provide event security along with volunteers at event entrances. The Public Works staff provides the barricades and signage needed for road closures for the event and the Police Department provides crowd monitoring during the event and traffic control at the conclusion of the event. South King Fire and Rescue is

present at the event for crowd safety. The Marina and Parks and Recreation Departments provide facility support for the events.

All Fireworks Over Des Moines events sponsorships, ticket sales, attractions and donation proceeds will be used to pay for direct event expenses such as the fireworks show, security, catering, entertainment, volunteer support, fencing, garbage, portable restrooms and marketing.

Waterland Festival Events, July 17-19, 2015:

Des Moines Wheels and Keels- Classic and Modified Car and Wooden Boat Show – July 17 - 19. This event features a wooden boat show on Friday, July 17, from 4:00 p.m. – 9:00 p.m., and Saturday and Sunday, July 18-19, from 10 a.m. to 4 p.m. The Car Show will take place on Sunday, July 19, from 10:00 p.m. – 4:00 p.m. This event also includes live music and beer and wine garden.

Waterland Children's Carnival – July 17-19. Family oriented inflatable toys, mechanical rides and pony rides will be featured at Field House Park, on Friday from 4:00 p.m. – 9:00 p.m., Saturday, from 10:00 a.m. – 9:00 p.m. and Sunday, from 10:00 a.m. – 6:00 p.m.

Waterland 5K – July 18. Family oriented (off street) fun run and walk from the Des Moines Marina to the Des Moines Creek Trail and back beginning at 9:00 a.m.

Waterland Parade – July 18. The parade is a traditional community event that started in the 1950's. The Parade is a Seafair sanctioned event and will travel along the traditional Marine View Drive S. parade route. The Children's Parade begins at 5:45 p.m. and the Grand Parade begins at 6:00 p.m.

The Waterland Parade draws approximately 5,000 citizens to the Des Moines Marina District. The Public Works staff assists with securing permits to close Marine View Drive S. and stages the barricades and signage needed and assists the Police Department with road closures and traffic control. Destination Des Moines also utilizes the expert support of the Seafair Parade Marshalls for the event. The Wheels and Keels, Waterland 5K Run and Waterland Children's Carnival are expected to draw 4,000 to the Marina District.

All Waterland Festival events sponsorships, ticket sales, attractions, and donation proceeds will be used to pay for direct event expenses such as the parade judging and viewing stands, parade entertainment, awards, security, portable restrooms, garbage, volunteer support and event marketing.

Alternatives

- The Council may reject the staff recommendation.
- The Council may direct the staff to make specified changes to Draft Resolution No. 15-079 and/or the draft agreement with Destination Des Moines.
- The Council may accept the staff recommendation and adopt Draft Resolution No.15-079 and authorize the City Manager to sign the Draft Agreement with Destination Des Moines.

Financial Impact

Destination Des Moines is requesting that the City provide in-kind services for all of the above described events up to a value of \$20,000, which may include, services by the Police, Public Works, Parks and Recreation and Marina departments for the purpose of logistics coordination, downtown and Marina area traffic control, road closures and pedestrian safety. Destination Des Moines also requests that the City waive its facility rental fees for the use of City parking lots and buildings up to a value of \$10,000. All event proceeds collected that exceed event costs will be used to fund future Des Moines community events.

In 2014, the City approved \$16,000 for City provided in-kind services and \$10,000 for in-kind use of City parking lots and buildings. The actual cost of City services was approximately \$7,908 for Fireworks Over Des Moines and \$11,282 for the Waterland Parade for a total of \$19,190. Destination Des Moines has asked that the City waive the additional \$3,190 cost for services that exceeded the approved \$16,000. The actual cost of City parking lots and buildings was \$5,285 for Summer Events which was \$4,715 below the approved \$10,000.

Recommendation or Conclusion

The staff recommends that the Council adopt Resolution No. 15-079 which allows Destination Des Moines to conduct the "Summer Events" on City property, subject to conditions and to grant the City Manager the authority to sign the agreement between the City and Destination Des Moines which specifies the responsibilities assumed by Destination Des Moines and identifies the in-kind services that will be provided by the City to support the events.

Concurrence

The City Attorney's office, Finance Department, Parks and Recreation Department, Marina, Police Department and Building, Planning and Public Works Department concur with this recommendation.

CITY ATTORNEY'S FIRST DRAFT 04/25/2015

DRAFT RESOLUTION NO.15-079

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DES MOINES, WASHINGTON, authorizing Destination Des Moines ("Destination Des Moines") to conduct the following community events (hereinafter referred to as "Summer Events"): Fireworks Over Des Moines and Community Barbeque on July 1 and July 3-4, 2015 at the Marina and Beach Park; the Waterland Festival, Parade, Des Moines Wheels and Keels- Classic and Modified Car, Motorcycle and Wooden Boat Show, 5 K Fun Run and Children's Carnival on July 17- 19, 2015 at the Marina, Beach Park, Field House Park and on Marine View Drive South from Kent-Des Moines Road to South 216th; and listing conditions under which such permission is granted.

WHEREAS, the City Council finds that community events enhance the quality of life for residents of the City of Des Moines, and

WHEREAS, Destination Des Moines wishes to sponsor and conduct two Summer Events in Des Moines during the summer of 2015, and

WHEREAS, the City of Des Moines wishes to permit the Summer Events and, at the same time, be held harmless from any liability arising from such activity; now therefore,

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

Sec. 1. Permission to conduct the 2015 Calendar of Summer Events is granted to Destination Des Moines, subject to the following conditions:

(1) Destination Des Moines shall defend and hold the City of Des Moines harmless from liability.

(2) Destination Des Moines, the co-sponsors and promoters of the Summer Events, will provide financial support for the Events and will pay for event expenses such as portable toilets, garbage collection, paid advertising and/or promotional banners associated with the Events.

(3) The prime leadership of all Event activities shall be non-City personnel and it shall be clearly understood that assistance by City personnel is advisory to Destination Des Moines.

Draft Resolution No. 15-079

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(4) Destination Des Moines will secure all permits and shall provide liability insurance in the amount of two million dollars (\$2,000,000) for each Summer Event. The City of Des Moines shall be named as an additional insured. Proof of such insurance must be delivered to the City thirty (30) days prior to each Summer Event.

(5) As promoters of the Summer Events, Destination Des Moines will be permitted to erect such special signage as is appropriate in the thirty (30) days prior to and during each event. All such signage shall be removed within ten (10) days after each Summer Event.

(6) Normal fees for conduct of the Summer Events on City property shall be waived where possible. Fees required by other governmental agencies shall be the responsibility of Destination Des Moines.

(7) An authorized official of Destination Des Moines shall execute a written agreement, on behalf of Destination Des Moines, acknowledging its responsibilities for the conduct of the Summer Events and accepting such limitations as are contained in this resolution in addition to such limitations as may be imposed by the City Council or City Manager, including, but not limited to:

(a) Destination Des Moines agrees to take whatever measures are necessary to prevent damage to City property and to be responsible for any damage that may occur as a result of the Summer Events; and

(b) A Des Moines Police Department Command Officer and/or the Fire Marshall of South King Fire and Rescue will have the authority to close any of the Summer Events down at any time should it be necessary, following assessment of any security issue.

Sec. 2. Upon execution of a written agreement incorporating all the terms and conditions of this Resolution, the City Manager is authorized, at his discretion, to grant permission to Destination Des Moines to use and occupy, for the purpose of the Summer Events, City streets, rights-of-way, and City property.

Sec. 3. The City Manager is authorized, at his discretion, to grant permission to utilize City promotional tools such as the City

Draft Resolution No. 15-079

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Currents, Rec N Roll, City Web Page, Channel 21 and Activity Center Community Reader Board to inform and educate the public about the Summer Events. Destination Des Moines understands that fees to cover City expenses may be charged for this use.

Sec. 4. The City Manager is authorized, at his discretion, to provide City assistance to the 2015 Summer Events up to a total value of \$20,000 which may include, without limitation, services by the Police, Public Works, Parks and Recreation, and Marina Departments for the purpose of logistics coordination, downtown and Marina area traffic control, road closures, parking lot management, and boater and pedestrian safety. The City Manager is authorized, at his discretion, to waive rental fees for the use of City property. The City Manager shall provide a report to the City Council on services provided and costs thereof.

The City Manager is hereby authorized, to waive the additional \$4,190 cost for City services incurred by Destination Des Moines to conduct 2014 community events allowed by Resolution No. 1251.

Sec. 5. A Fireworks Over Des Moines Special Event Application(s) and Operational Plan and a Waterland Festival Special Event Application(s) Events and Operational Plan will be created and approved in writing by the City Manager and Destination Des Moines' promoters prior to the Special Events.

ADOPTED BY the City Council of the City of Des Moines, Washington this 7th day of May, 2015 and signed in authentication thereof this 7th day of May, 2015.

M A Y O R

APPROVED AS TO FORM:

City Attorney

ATTEST:

City Clerk

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AGREEMENT
Between
THE CITY OF DES MOINES
And
DESTINATION DES MOINES
for the
2015 SUMMER EVENTS

THIS AGREEMENT is entered into by and between the CITY OF DES MOINES, WASHINGTON (hereinafter "City"), a municipal corporation of the State of Washington, and DESTINATION DES MOINES (hereinafter "Destination Des Moines") regarding the 2015 calendar of community events (hereinafter "Summer Events").

WHEREAS, the City finds that community events enhance the quality of life for residents of the City of Des Moines, and

WHEREAS, Destination Des Moines is a primary sponsor of 2015 Summer Events, and

WHEREAS, the City of Des Moines wishes to permit the Summer Events and to have Destination Des Moines plan and sponsor the Summer Events pursuant to certain terms and conditions; now therefore,

IN CONSIDERATION of the mutual benefits and conditions listed below, the parties agree as follows:

(1) Destination Des Moines agrees as follows:

Destination Des Moines shall conduct the 2015 Summer Events, which consist of the two community event weekends in July:

- Community Barbeque- July 1, 2015 and Fireworks Over Des Moines- July 3-4, 2015
- Waterland Festival Events, July 17-19, 2015 including: Des Moines Wheels and Keels- Classic and Modified Car, Motorcycle and Wooden Boat Show- July 17-19, Waterland Childrens Carnival- July 17-19, Waterland 5K Run- July 18 and Waterland Parade- July 18.

in compliance with the conditions outlined in City of Des Moines Draft Resolution 15-079, a copy of which is attached hereto and incorporated by this reference, and will comply with all federal, state, and local statutes, ordinances, and regulations. Destination Des Moines further agrees as follows:

(a) Destination Des Moines shall defend, indemnify and hold the City of Des Moines, its officers, officials, employees and volunteers harmless from any and all claims, injuries, damages, losses or suits including attorney fees, arising out of or in connection with the conduct of the Summer Events or its associated activities, except for injuries and damages caused by the sole negligence or intentional conduct of the City its officers, agents and employees. In the event that any suit based upon such claim, injury, damage, or loss is brought

against the City, Destination Des Moines shall defend the same at its sole cost and expense; provided, that the City retains the right to participate in said suit if any principal of governmental or public law is involved; and if final judgment be rendered against the City and its officers, agents, employees, or any of them, or jointly against the City and Destination Des Moines and their respective officers, agents, and employees, or any of them, Destination Des Moines shall satisfy the same.

(b) Destination Des Moines and/or other promoters of the Summer Events will provide financial support for the Summer Events and will pay for Event-related expenses for portable sanitary facilities, garbage collection, paid advertising and/or promotional banners associated with the Summer Events.

(c) Destination Des Moines and/or other promoters of the Summer Events will contract with other companies to provide services to all listed events.

(d) Destination Des Moines and/or other promoters of the Summer Events will secure all permits.

(e) Destination Des Moines and/or other promoters of the Summer Events shall provide general liability insurance in the minimum amount of two million dollars (\$2,000,000) to cover each Summer Event. The City of Des Moines shall be named as additional insured. Insurance is to be placed with insurers with a current A.M. Best rating of not less than A: VII. The City shall be furnished with original certificates evidencing the Summer Events insurance requirements thirty (30) days prior to each Summer Event.

(f) Destination Des Moines and/or other promoters of the Summer Events will be permitted to erect such special signage as is appropriate in the thirty (30) days prior to and during the events. All such signage shall be removed within ten (10) days after each Summer Event.

(g) Destination Des Moines and/or other promoters of the Summer Events will be allowed to have associated retail sales of food or merchandise and will be exempt from the requirements of the City's Mobile and Itinerant Vendor Code, chapter 5.57 DMMC.

(h) Destination Des Moines and/or other promoters of the events will be allowed to solicit donations for all Summer Events. Destination Des Moines and/or other promoters shall bear responsibility for all collection, accounting, and reporting of any funds collected. The City grants this privilege based upon the promoter's agreement that any funds collected in amounts greater than the cost of the event will be held in a special event fund for each individual event account to help pay for the following year's event.

(i) Destination Des Moines agrees to take whatever reasonable measures are necessary to prevent damage to City facilities and to be responsible for any damage that may occur as a result of the any Summer Events.

(j) A Des Moines Police Department Command Officer and/or the Fire Marshall of South King Fire and Rescue will have the authority to close any of the Summer

Events down at any time should it be necessary, following assessment of any safety and security issues.

(l) A Fireworks Over Des Moines Special Event Application and Plan will be created by Destination Des Moines and approved in writing by the City Manager prior to the events.

(m) A Waterland Festival Special Event Application and Plan will be created by Destination Des Moines and approved in writing by the City Manager prior to the events.

(2) The City agrees as follows:

(a) Upon execution of this Agreement, the City Manager is authorized to grant permission to Destination Des Moines to use and occupy, for the purpose of the Summer Events, City facilities, property, streets, roads, and rights-of-way.

(b) Normal City fees shall be waived where possible. Fees required by other governmental agencies shall be the responsibility of Destination Des Moines.

(c) The City Manager is authorized, at his discretion, to grant permission to Destination Des Moines to utilize City promotional tools such as the *City Currents*, Parks, Recreation and Senior Services Brochure, City Web Page and Channel 21 to inform and educate the public about the events. Destination Des Moines understands that fees to cover direct City expenses may be charged for this use.

(d) The City Manager is authorized to provide, at his discretion up to a total value of \$20,000, City assistance to the Summer Events, which may include, without limitation, services by the Police, Public Works, Parks and Recreation, and Marina departments for the purpose of logistics coordination, downtown and Marina area traffic control, road closures and pedestrian safety and the reduction/elimination of rental rates for the use of City property up to a total of \$10,000.

(3) Duration of Agreement. This Agreement will commence upon date of execution and ends upon successful completion of the terms of this Contract, execution of a new Contract, City's written termination of the Contract as described in Section 4 of this Agreement, or Destination Des Moines' decision not to have the Summer Event(s), whichever is sooner, provided, however, all indemnification and hold harmless provisions of this Agreement shall survive the termination of this Agreement.

(4) Termination. This Agreement may be terminated by the City for good cause upon thirty (30) days' written notice to Destination Des Moines of the City's intention to terminate the same. Good cause is defined as either:

(a) Failure of Destination Des Moines to perform any requirement of this contract within ten (10) days after the City makes written demand for such performance; or

(b) Termination required for purposes of public health, safety, welfare or the public interest, as determined by the City Manager.

(5) Discrimination Prohibited. Destination Des Moines shall not discriminate against any employee, applicant, vendor, or any person seeking to participate in the "Summer Events" on the basis of race, color, religion, creed, sex, national origin, marital status, sexual orientation, or presence of any sensory, mental, or physical handicap.

(6) Entire Agreement. This Agreement contains the entire agreement between the parties and no other agreements, oral or otherwise, regarding the subject matter of this Agreement, shall be deemed to exist or bind any of the parties. Either party may request changes in the Agreement. Proposed changes mutually agreed upon will be incorporated by written amendments to this Agreement.

(7) Governing Law. The existence, validity, construction, and enforcement of this Agreement shall be governed in all respects by the laws of the State of Washington.

(8) Mediation/ Arbitration Clause. 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 the American Arbitration Association's Rules before resorting to arbitration. The mediator may be selected by agreement of the parties or through the American Arbitration Association. Following mediation, any unresolved controversy or claim arising from or relating to this Agreement or breach thereof shall be settled through arbitration which shall be conducted under the American Arbitration Association's Arbitration Rules. The arbitrator may be selected by agreement of the parties or through the American Arbitration Association. All fees and expenses for mediation or arbitration shall be borne by the parties equally. However, each party shall bear the expense of its own counsel, experts, witnesses, and preparation and presentation of evidence.

(9) Amendments/ Authorization for Additional Services. This Agreement may be modified or amended and additional conditions may be authorized during the term of this Agreement upon the mutual written consent of the parties.

(10) Severability. If any provision, covenant, or condition of this Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remainder of the provisions hereof shall remain in full force and effect and shall in no way be affected, impaired, or invalidated as a result of such decision.

(11) Waiver. The waiver by either party of any breach of any term, condition, or provision of the Agreement shall not be deemed a waiver of such term, condition, or provision or any subsequent breach of the same or any condition or provision of this Agreement.

(12) Captions. The captions used herein are for convenience only and are not a part of this Agreement and do not in any way limit or amplify the terms and provisions hereof.

(13) Time of Essence. Time is of the essence for each and all of the terms, covenants, and conditions of this Agreement.

(14) Concurrent Originals. This Agreement may be signed in counterpart originals.

(15) Ratification and Confirmation. Any acts consistent with the authority and prior to the effective date of this Agreement are hereby ratified and confirmed.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed on the dates written below.

CITY OF DES MOINES

DESTINATION DES MOINES

 Anthony A. Piasecki
 It's City Manager
 At the direction of the Des Moines City
 Council by Adoption of Resolution No. 1223
 In Open Public Meeting on April 11, 2015

 By _____
 It's President
 Date _____

Date _____

APPROVED AS TO FORM:

 Assistant City Attorney

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AGENDA ITEM

SUBJECT: Federal Way Link Extension
(FWLE) DEIS Discussion

AGENDA OF: May 7, 2015

DEPT. OF ORIGIN: Planning, Building &
Public Works

ATTACHMENTS:

DATE SUBMITTED: April 27, 2015

1. Draft Resolution 15-075 to the Sound Transit Board Recommending a Preferred Alignment and Kent Des Moines Station Location
2. Summaries of Des Moines Impacts from the FWLE DEIS

CLEARANCES:

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

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

Purpose and Recommendation:

The purpose of this item is for City staff to update the City Council on impacts to Des Moines for the Federal Way Link Extension (FWLE) alternative alignments and station location options as summarized in the Draft Environmental Impact Statement (DEIS) that was issued on April 10, 2015. A discussion of these impacts will assist staff in finalizing its technical review comments on the DEIS and inform the City Council as it communicates with other agencies and with the Sound Transit Board on its recommendations for a Preferred Alternative.

Suggested Motions

Motion 1: "I move to pass Draft Resolution No. 15-075 setting forth the formal position of the Des Moines City Council with respect to an SR 509/I-5 preferred alignment and 30th Avenue West station location of the next phase of the Federal Way Link Extension from Angle Lake to Highline College and then on to Federal Way, and proposing to enter into more formal agreements to achieve mutual and respective goals of Des Moines, Kent, Highline College, and Sound Transit as enumerated in the Draft Resolution."

Motion 2: "I move to authorize the Mayor to work with other agencies along the FWLE Corridor to prepare and send a joint letter to the Sound Transit (ST) Board forwarding the coordinated policy positions of Highline College and the cities most impacted by the alignment and station location decisions."

Background

The FWLE DEIS was released for public comment period on April 10th. The 45-day comment period will close on May 26, 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 and held an open house for the public on April 30th.

On April 30th, staff provided the Council the following review check list summarizing the areas being further evaluated by City staff:

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, transit service, and 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. This coordination is proposed to be done as part of a four party agreement between Sound Transit (ST), Kent, Des Moines and Highline College.

Sound Transit held 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 that began at 5:30 p.m.

City comments are due by May 26, 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 FTA Record of Decision in October 2016. Construction would begin in 2019 and service would begin to the Highline College station in 2023.

Discussion

City staff will provide technical review comments on the DEIS to Sound Transit without stating any City policy position. Concurrently, the City Council will express the City's policy position on a preferred alignment and Kent/Des Moines station location by Draft Resolution 15-075 and relay that position to the Sound Transit Board prior to the Board's decision as early as late June 2015.

The Mayor has been working with other mayors, and other elected and agency leaders since mid-2014 to fully understand mutual goals, interests and concerns of the FWLE alignment and station location decisions. That Mayors Working Group will meet again on May 8th to share each agency's policy position and complete a joint letter to the Sound Transit Board with resolutions or other formal policy statements approved by each governing body.

Draft Resolution 15-075 (Attachment 1) has been drafted at the Mayor's direction in consultation with members of the Des Moines City Council and is being proposed for adoption on May 7th (Motion 1). Motion 2 is a proposed delegation of authority by the City Council for the Mayor to work with other agencies to complete and send a letter to the Sound Transit Board communicating the positions of the affected agencies along the FWLE corridor.

City staff has also been working with a Sound Transit-led Interagency Work Group to more fully develop, refine and analyze each alternative and option and the implications of the options on transit oriented development along the corridor.

Major Des Moines implications of different alignment and station location options include the following:

SR 99 Alternative with SR 99 West Station

- Base alternative:
 - Most business displacement (14 versus 1 on I-5)
 - Most commercial parcels impacted (11 versus 0 on I-5)
 - Highest percentage of commercial land acquired (2.2% versus 0% on I-5)
 - Least residential displacements (0 versus 177 on I-5)
 - Highest number of employee displacements (all cities) (580)
 - Highest project cost (\$1.77 Billion)
 - Highest projected daily riders (26,500 – 1,000 more than I-5)
- Station and alignment options
 - 216th station (unfunded) adds 46-53 acres of additional Transit Oriented Development (TOD) potential but adds 12-17 additional businesses displaced.
 - Highline College Station accessed from 216th West station adds 49 residential displacements, and causes 31 business displacements.
 - 260th West station (unfunded) causes 32 business displacements but creates 36 acres of additional TOD development potential
 - Other station options include SR 99 East

I-5 Alternative to KDM Area with I-5 Station

- Base alternative:
 - Only 1 Des Moines business displacement. Least of any alternative or design option.
 - Most residential displacements, but half will occur anyway with SR 509 project.
 - Least property tax impact (\$13,496).
 - Least moderate and severe noise impacts (but all can be mitigated)

- 15 residential properties along I-5 with changes in visual quality
- Greatest impact in terms of additional impervious surface (42 acres of additional impervious area), but the soils are favorable for infiltration which could offset the impacts of both runoff and groundwater recharge.
- Lowest project cost (\$1.42 Billion)
- Lowest projected daily riders (25,500)
- Station and alignment options
 - Other station options include I-5 at grade, 30th Ave East and West and SR 99 East
 - SR 99 East station adds 8 acres of TOD potential but displaces an additional 17 businesses.

SR 99 to I-5 Alternative Transitioning Vic Kent Des Moines Road with 30th Ave East Station

- Base alternative:
 - No Des Moines businesses displaced
 - Most transit oriented development potential (47 acres)
- Station and alignment options
 - Other station options include SR Median and SR West

I-5 to SR 99 Alternative Transitioning Vic Kent Des Moines Road with 30th Ave West Station

- Base alternative:
 - Highest Des Moines Property Tax Impact (\$15,462)
 - Might impact new SeaMar development
 - 2nd most employee displacements (500) (all cities)
- Station and alignment options
 - 260th West station (unfunded) causes 32 business displacements but creates 36 acres of additional TOD development potential

Alternatives

1. Council may adopt the Draft Resolution stating a specific alignment and Kent Des Moines Road station location at 30th Avenue South at South 236th Lane. This alternative is recommended prior to the ST Board's decision in June on a Preferred Alternative.
2. Council may adopt a more general resolution with broader goals and principles such as minimizing impacts to commercial and residential properties, maximizing future development, supporting the current operations and future development of Highline College, optimizing the current and future transportation system investments and safety, and continuing to work with other agencies as planning and design continues. This option, although feasible, does not maximize the opportunity to influence the Board's Preferred Alternative decision.
3. Council may choose not to adopt a resolution. This is not advised if the City Council has a strong preference.
4. Council may delegate to the Mayor the authority to develop a fully coordinated position with the other corridor cities and Highline College and communicate that position directly to the ST Board without further Council review and approval. This alternative is recommended.
5. Council may direct the Mayor to review with the full Council any coordinated communications with the other corridor cities before a letter is sent to the ST Board.
6. Council may direct the Mayor to send its resolution directly to the Board in lieu or in addition to including it in a multi-agency letter.

Financial Impact

None

Recommendation or Conclusion

Administration recommends that Council pass Draft Resolution No. 15-075 and Motion 2 authorizing the Mayor to help develop and communicate a coordinated policy position with the other corridor cities and Highline College with respect to the FWLE Preferred Alternative.

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CITY ATTORNEY'S FIRST DRAFT 04/30/2015**DRAFT RESOLUTION NO. 15-075**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DES MOINES, WASHINGTON, to the Sound Transit Board recommending a Preferred Alignment and Kent-Des Moines Station location for the Federal Way Link Extension (FWLE), and expressing the Council's intent for City staff and City Council to work cooperatively with Sound Transit, the City of Kent, Highline College and other cities (Agencies) along the FWLE corridor to coordinate transportation and land use planning and development efforts to realize the best possible outcomes for all affected parties.

WHEREAS, in 2008 voters authorized Sound Transit to proceed with the expansion of their Link Light Rail System to include service from the South 200th Street Station in SeaTac to South 272nd Street under the Sound Transit 2 Plan, and

WHEREAS, the FWLE project crosses the boundaries of SeaTac, Des Moines, Kent and Federal Way and the City of Des Moines seeks to work cooperatively to minimize disruptions to property owners, businesses and residents, minimize adverse aesthetic, economic and environmental impacts, and provide safe vehicular and pedestrian access, utilities and aesthetic improvements along the corridor and within the station areas to support these goals and the operations of Highline College when they occur, and

WHEREAS, the Cities of Des Moines and Kent (Cities) and Highline College anticipate significant transit oriented development in the Midway area as a result of the Sound Transit FLWE Kent-Des Moines Station that will significantly affect each City's land use, zoning, transportation system, residents, businesses, and Highline College, and

WHEREAS, the City of Des Moines expresses its intent to continue to work cooperatively to provide for development in a way to meet the operational and development needs and timetables of each Agency, and proposes to enter into more formal agreements for planning, design, construction and project mitigation, and

WHEREAS, City of Des Moines proposes that the Agencies agree to jointly pursue grant opportunities through State and Federal sources and supplemental funding sources, now therefore,

Resolution No. ____
 Page 2 of ____

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

Sec. 1. That the City of Des Moines, having evaluated the environmental impacts associated with each of the alignment alternatives and station options in the FWLE Draft Environmental Impact Statement (DEIS), recommends that the Sound Transit Board identify SR 509/I-5 as the Preferred Alternative Alignment to Federal Way with the Kent-Des Moines Station on the west side of 30th Avenue, with the following additional recommendations that:

- (1) The alignment be designed to minimize impacts to commercial and residential properties and maximize future development to the extent possible;
- (2) The guideway alignment serve as an integrating urban design feature to the extent possible, not a structure that creates a visual or functional barrier to either Midway or to Highline College;
- (3) The Kent-Des Moines Station on the west side of 30th Avenue be designed to enhance the development potential of Midway and properties fronting on Pacific Highway South (State Route 99);
- (4) 236th Lane, both east and west of SR 99, be designed and fully developed to serve as a gateway to both the Kent-Des Moines Station and to Highline College;
- (5) Primary pedestrian access from the Kent-Des Moines Station to Highline College be by an elevated pedestrian/bicycle bridge from the Station across SR 99 to the College to make access as safe and convenient as possible, and to minimize vehicular and transit traffic impacts on SR 99;
- (6) Direct public transportation transit access to the College campus not be compromised; and
- (7) Traffic circulation at the I-5/Kent Des Moines (KDM) Road interchange and intersections at SR 99/KDM, 236th Lane/SR 99 and 240th/SR 99 be designed or mitigated in ways to maintain traffic capacity in both Kent and Des Moines and along Kent Des Moines Road, SR 99, South 240th Street, and other impacted transportation corridors.

Sec. 2. That the City of Des Moines, proposes to Sound Transit, the City of Kent and Highline College, that the four

Resolution No. ____
 Page 3 of ____

agencies (and perhaps other agencies) enter into a formal agreement committing to joint planning, design, construction and operations once a Preferred Alternative is identified by the Sound Transit Board to address mutual and respective goals and to ensure (a) the highest levels of urban land use and design are achieved, (b) transit oriented development is maximized, (c) impacts to existing commercial businesses and future commercial development are minimized, and (d) Highline College's current operations and future development, including pedestrian, transit and vehicular access, are enhanced to the extent possible.

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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Option Impacts in Des Moines (DM) or All Cities

SR 99 Alternative		SR 99 Alternative to Redondo Station							Range of Impact Depending on Options
SR 99 Median w/ SR 99 West	SR 99 w/ 216th West	SR 99 w/ 216th East	SR 99 w/ HC Station	SR 99 w/ HC Station from 216th W	SR 99 w/ SR 99 Median	SR 99 w/ SR 99 East	SR 99 w/ 260th West	SR 99 w/ 260th East	
Number of Commercial Parcels Affected (All cities)	38								31-65
Number of Business Displacements (All cities)	104	+13	+2	-7	+9	+2	+18	+21	
Number of Residential Displacements (All cities)	36								
Number of Employee Displacements (All cities)	580	+60	+10	+40	+200	-10	+140	+80	
Number of DM Commercial Parcels Affected (Full Acquisitions)	11	+4	+2	-1	+7	-3	+3	+1	2 - 21
% of total commercial to be acquired	2.2%	+2.2%	+1.4%	-0.3%	+3.1%	-0.3%	+1.0%	+0.1%	
Initial DM Property Tax Impact	\$14,269	+\$8,530	+\$6,549	+\$1,357	+18,104	-\$4,356	+\$5,572	??	\$4,808-\$37,945
% of Budgeted Property Tax Revenue	0.4%	+0.2%	+0.2%	+0.0%	+0.5%	-0.1%	+0.2%	??	0.1%-1.3%
Number of DM Residential Displacements	0				+49				
Number of DM Business Displacements	14	+12	+17	-7	+17	+2	+18*	+21*	
% of DM Commercial Land Acquired for FWLE	2.2%								0.6% - 7.7%
Land with TOD Potential (Acres)	32	+53	+46	-2	-2	+9	+36	+43	
Number of Moderate & Severe Unmitigated Noise Impacts (All Cities)	3,726								2,015-3,786
Number of Unmitigated Vibration Impacts (All Cities)	50								0-271
Number of DM Residences with Change in Visual Quality	None	Reduced	Reduced	Reduced	Reduced				

* Includes Kent

I-5 Alternative	I-5 Alternative to KDM Area					Range of Impact Depending on Options
	I-5 Elevated Station	SR 99 East Station	30th Ave West Station	30th Ave East Station	I-5 At Grade	
Number of Commercial Parcels Affected (All cities)	7					0 - 29
Number of Business Displacements (All cities)	29	+17			-5	
Number of Residential Displacements (All cities)	285					
Number of Employee Displacements (All cities)	260	+130			-40	
Number of DM Commercial Parcels Affected (Full Acquisitions)	0%	+1	unknown	unknown	0	0 - 1
% of total commercial to be acquired		??	unknown	unknown		
Initial DM Property Tax Impact	\$13,496	+\$2,390	unknown	unknown	-\$288	\$13,207-\$15,886
% of Budgeted Property Tax Revenue	0.4%	0.1%	unknown	unknown	0.0%	0.4%-0.5%
Number of DM Residential Displacements	177					
Number of DM Business Displacements	1					
% of DM Commercial Land Acquired for FWLE	0%					0%-0%
Land with TOD Potential (Acres)	31	+8	+8	+16	-3	
Number of Moderate & Severe Unmitigated Noise Impacts (All Cities)	1,450					1,330-1,646
Number of Unmitigated Vibration Impacts (All Cities)	222					202-225
Number of DM Residences with Change in Visual Quality	15					

* Includes Kent

SR 99 to I-5 Alternative	SR 99 to I-5 Alternative Transitioning Vic KDM				Range of Impact Depending on Options
	30th Ave East Station	SR 99 Median	SR 99 w/ 216th West	SR 99 w/ 216th East	
Number of Commercial Parcels Affected (All cities)	16				14-25
Number of Business Displacements (All cities)	43	unknown	+13	+2	
Number of Employee Displacements (All cities)	420	unknown	+60	+10	
Number of DM Commercial Parcels Affected (Full Acquisitions)	7	unknown	+4	+2	1 - 3
% of total commercial to be acquired	1.5%	unknown	+1.2%	+1.4%	
Initial DM Property Tax Impact	\$14,417	unknown	+\$8,530	+\$6,549	\$14,417-\$22,947
% of Budgeted Property Tax Revenue	0.4%	unknown	+0.2%	+0.2%	0.4%-0.6%
Number of DM Residential Displacements			0	+26	
Number of DM Business Displacements			+13	+2	
% of DM Commercial Land Acquired for FWLE	1.5%				1.5%-2.9%
Land with TOD Potential (Acres)	47	-6	+53	+46	
Number of Moderate & Severe Unmitigated Noise Impacts (All Cities)	2,190				1,793-2,210
Number of Unmitigated Vibration Impacts (All Cities)	209				209-227
Number of DM Residences with Change in Visual Quality	None				

* Includes Kent

I-5 to SR 99 Alternative	I-5 to SR 99 Alternative Transitioning Vic KDM & 240th			Range of Impact Depending on Options
	30th Ave West Station	SR 99 w/ 260th West	SR 99 w/ 260th East	
Number of Commercial Parcels Affected (All cities)	34			34 - 53
Number of Business Displacements (All cities)	98	+11	+21	
Number of Employee Displacements (All cities)	500	+50	+80	
Number of DM Commercial Parcels Affected (Full Acquisitions)	1	+2	+1	1 - 3
% of total commercial to be acquired	??	+1.0%	+0.1%	
Initial DM Property Tax Impact	\$15,462	+\$5,572	??	\$15,462-\$21,034
% of Budgeted Property Tax Revenue	0.4%	+0.2%	??	0.4%-0.6%
Number of DM Residential Displacements		0	+3	
Number of DM Business Displacements		+11*	+21*	
% of DM Commercial Land Acquired for FWLE	0%			0%-1.0%
Land with TOD Potential (Acres)	39	+36	+43	
Number of Moderate & Severe Unmitigated Noise Impacts (All Cities)	2,942			2,340-2,986
Number of Unmitigated Vibration Impacts (All Cities)	45			45-238
Number of DM Residences with Change in Visual Quality	15			

* Includes Kent

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