

AGENDA
REGULAR MEETING DES MOINES CITY COUNCIL
September 12, 2002 - 7:30 p.m.

CALL TO ORDER - Mayor Wasson

all present

PLEDGE OF ALLEGIANCE

ROLL CALL

CORRESPONDENCE

COMMENTS FROM THE PUBLIC: At this time you are invited to comment on items that you wish to bring to Council's attention. Please sign in prior to the meeting and limit your comments to three minutes or less.

*Joe. Carlo Redondo Traffic
Frank Desjardins - Redondo traffic
Aligher...*

BOARD & COMMITTEE REPORTS

PRESIDING OFFICER'S REPORT

*Tim Styles -
uncle beer garden
@ the
Nihilo
Bob Bonds - Kimp Arms*

ADMINISTRATION REPORTS

CONSENT CALENDAR*

1. Motion is to approve the minutes of August 5 and 22, 2002.
2. Findings: Vouchers audited and certified by the auditing officer as required by RCW 42.24.080, and those expense reimbursement claims certified as required by RCW 42.24.090, have been recorded on a listing which has been made available to the City Council.

Motion: As of this date the Des Moines City Council, by unanimous vote, does approve for payment those vouchers and payroll transfers included in the above list and further described as follows:

Claim checks # through # & electronic fund transfers in the total amount of \$

Payroll fund transfers in the total amount of \$

3. Draft Resolution No. 02-208 - Title: A Resolution of the City Council of the City of Des Moines, Washington, relating to the Redondo Boat Ramp, authorizing application(s) for funding assistance for a Boating Facilities Program (BFP) project to the Interagency Committee for Outdoor Recreation (IAC) as provided in Chapter 79A.25 RCW, Boating Facilities Program.

MOTION is to approve Draft Resolution No. 02-208.

*NOTE: Items on the Consent Calendar are either routine or have been previously discussed.
Any item may be removed by a Councilmember.

PUBLIC HEARING

2003 Community Development Block Grant Projects

SUMMARY: The purpose of the public hearing is to allow for public comment as to how the City Council makes the allocations to the Community Development Block Grant (CDBG) Program for the year 2003. For 2003 the City of Des Moines has \$222,097 to allocated under the rules and regulations of the CDBG program. Staff will review the six applications that were received requesting funding through the CDBG program.

*Passed
70*

937

*passed
70*

OLD BUSINESS

Thomassen

1. Draft Ordinance No. 02-017 Regulations for Secure Community Transition Facilities - 2nd Reading
SUMMARY: The purpose of this agenda item is to continue Council deliberation regarding draft legislation for secure community transition facilities (SCTF). The public hearing for the textual code amendment was opened on August 2, 2002 and was closed on August 22, 2002. If the City does not adopt land use regulations for SCTF's by October 1, 2002, the Department of Social and Health Services (DHS) may preempt all of Des Moines' zoning, permitting and inspection requirements when siting a SCTF. Therefore, Administration strongly encourages the City Council to adopt land use regulations for these facilities, either as written or as amended by the City Council.

1306

*passed
as amended
5-1
NO*

Benjamin abstained

2. Draft Ordinance No. 02-141 Cardroom Regulations - 2nd Reading
SUMMARY: On July 25, 2002, the Council discussed permitting enhanced cardrooms in the City. At that meeting Council requested further information on the incidence of crime related to these facilities. It appears from Commander Tucker's research there is little correlation between enhanced cardrooms and increase of crime. The purpose of this agenda item is for Council to further discuss the issue. Staff is recommending that Council adopt Draft Ordinance 02-141 on a second reading, permitting enhanced cardrooms in the City of Des Moines.

1305

*passed
6-1*

Shekler NO

amended

3. Draft Resolution No. 02-201 Regarding Referendum 51 - Continued Discussion
SUMMARY: The draft resolution would support State Referendum Bill 51, financing transportation improvements through transportation taxes and fees, at the November 5, 2002, State General Election. Council received public comments at the September 5, 2002 Council session and will continue their discussion and deliberation at this meeting.

*tabled
6-1*

amended

4. Draft Resolution No. 02- Reconfiguration of Nibble of Des Moines
SUMMARY: The purpose of this action is to repeal and replace earlier resolutions that granted permission to the Greater Des Moines Chamber of Commerce to conduct the annual "Nibble of Des Moines" Festival in the Des Moines Marina because the Chamber's plans have changed. The Chamber will include a small Carnival in the Festival and they have dropped their plans to have a beer garden.

938

*amended
section
repealed
933 &
935*

passed 4-3 as amended

NEW BUSINESS

1. Discussion: Resolution No. 753 Policies Governing City Council Participation in Public Contracts
SUMMARY: Mayor Wasson has requested that Resolution No. 753, relating to public contract policies, be placed on the agenda for discussion.

*Moved to Table by Mayor
+ tabled*

examples

2. Draft Resolution No. 02-168 Supporting An Amendment to King county Charter Reducing King County Council from 13 to 9 Members

SUMMARY: This draft resolution supports passage of the Charter amendment which would create a smaller county government and reduce taxpayer costs. The proposed Charter amendment would also reduce Council voting requirements related to the proposed size of the Council, require redistricting of the County into nine districts instead of the current thirteen, and would phase in the reduction of Councilmembers with elections and terms of office. The proposed amendment would have to be passed by both the King County Council and the voters of King County.

NEXT MEETING DATE

Regular Meeting September 26, 2002

ADJOURNMENT

Moved
to 9/16

Linda

final on tiegle passed as amended 5-1-1 abstention Benjamin
OLD BUSINESS
Item #3

AGENDA ITEM

SUBJECT: Referendum 51, The
Washington State 10-Year
Transportation Funding Plan

AGENDA OF: September 12, 2002

DEPT. OF ORIGIN: Public Works

DATE SUBMITTED: September 10, 2002

ATTACHMENTS:

- A. Second Draft of Resolution No. 02-201
- B. Referendum 51 Fact Sheet from
Association of Washington Cities

CLEARANCES:

[] Finance

[X] Public Works

[X] Legal

APPROVED BY CITY MANAGER

FOR SUBMITTAL:

Purpose and Recommendation:

The purpose of this report and presentation is as a follow up to the September 5th City Council discussion regarding State Referendum 51. As a result of Council direction, changes have been made to Draft Resolution No. 02-201 so that it relates more clearly to the specific issues and needs of Des Moines.

If the City Council wishes to support the passage of Referendum 51, an appropriate motion would be:

"I move to approve the second draft of Draft Resolution No. 02-201 in support of State Referendum Bill 51."

If Council does not wish to approve the Draft Resolution as submitted, portions may be added, changed, or deleted. Another option would be for the council to decide to not take any action at all regarding Referendum 51.

Background:

In November of this year the citizens of the State will be voting on Referendum 51 which is a 10-year transportation funding plan. The State Legislature passed legislation approving this transportation improvement package and directed the Secretary of State to place the Referendum on the general election ballot in November.

Discussion:

The traffic in Washington State has increased by two million vehicles and the freight and good traveling through the state has doubled in the last twenty years. At the same time, there has been no change in the gas tax since 1991, and the passage of recent initiatives has further

reduced overall transportation funding by 21%. The resultant increase in traffic congestion is particularly evident in the Puget Sound area. This fact negatively affects the citizens and businesses by increasing travel times and reduces the flow of goods and services.

In Des Moines, the direct affect of a restricted transportation system is apparent every morning and evening as regional traffic, which would normally be expected to use the freeway system, is forced to use alternative residential routes through our City because Interstate 5 is so backed up. Des Moines will benefit directly from the construction of State Route 509 around the City which is one of the listed highway projects which will receive a significant amount of funding if the measure passes.

The Association of Washington Cites along with an ever-increasing number of cities, counties, businesses and organizations have voted to endorse Referendum 51. In addition, the South County Area Transportation Board (SCATBd) on which Councilmember Susan White serves as the representative of the City of Des Moines is considering endorsing Referendum 51 as a result of the transportation concerns in South King County. Susan White seeks Council direction on this important vote.

Alternative:

The alternatives are to either 1) support Referendum 51; 2) take no Council action; or 3) take Council action to oppose Referendum 51.

Financial Impact:

If the Referendum passes, the average driver is expected to see an increase in the cost of their fuel of about \$45 per year. If it does not pass, the cost to the City of Des Moines in increased transportation project needs is expected to be \$8.6 million if 509 is not built according to a March 19, 2001 transportation study done by the Transpo Group.

Recommendation/Conclusion:

Due to the fact that Referendum 51 is a ballot measure, staff, according to the State law cannot take a position. However, Council can take a position if it so chooses.

Concurrence:

At the September 12, 2002 meeting, additional information can be provided regarding other agencies' position on Referendum 51.

CITY ATTORNEY'S FIRST DRAFT 8/30/02
PUBLIC WORKS DIRECTOR'S SECOND DRAFT 09/09/02

DRAFT RESOLUTION NO. 02-201

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DES MOINES, WASHINGTON, supporting State Referendum Bill 51, financing transportation improvements through transportation taxes and fees, at the November 5, 2002, State General Election.

WHEREAS, the Legislature passed House Bill 2969 authorizing new taxes and fees for transportation improvements, and

WHEREAS, HB 2969 directs the Secretary of State to place the Referendum on the General Election ballot in November, and

WHEREAS, the past 20 years, two million more vehicles have been added to our roads and the amount of freight and goods traveling throughout the state has doubled, and

WHEREAS, the ability to move people and goods on our transportation system is essential to the livability and economic vitality of our state, and

WHEREAS, the citizens of Des Moines rely on a free flowing transportation system in the Puget Sound Region in particular, and the State of Washington in general for their commutes, shopping, recreational activities, and other needs, and

WHEREAS, the businesses in Des Moines and the State depend on an efficient transportation system for the reliable flow of goods and services they require to operate, and

WHEREAS, healthy businesses in the region which depend on a good transportation system provide jobs for the citizens of Des Moines, and

WHEREAS, there have been no increases in the state gas tax since 1991 to provide funding for major state transportation improvements and the state has realized a reduction of 21% in overall state funding for transportation as a result of initiatives, and

WHEREAS, the unfunded need for transportation improvements in the state has grown to a level of \$150 billion over the next twenty years as determined by the Governor's Blue Ribbon Commission on Transportation, and

WHEREAS, a well-functioning transportation system is essential to retaining and attracting companies that provide economic viability and family-wage jobs to the Puget Sound region and the State of Washington, and

WHEREAS, Referendum 51 will guarantee money for every city and county to help fix potholes, repair dangerous road conditions, and improve the safety of our citizens, and

WHEREAS, Referendum 51 will require that quarterly audits be conducted to ensure all Referendum 51 revenues are spent property and projects are delivered on-time and on-budget, and

WHEREAS, funding from Referendum 51 would contribute to necessary transportation improvements that will provide significant mobility and economic benefits for the citizens, employers, and visitors of the City of Des Moines, including, but not limited to, the funding of (~~a significant portion of the~~) half the estimated cost of the completion of SR-509 project around Des Moines(~~;~~ ~~now, therefore~~), and

WHEREAS, a March 2001 study by the City's consultant for the Updated Des Moines Comprehensive Transportation Plan estimated that without the SR 509 completion, over \$8 million of City improvement would be required in order to handle the increased traffic over the next twenty years, and

WHEREAS, the City of Des Moines already has a very tight Arterial Street budget and thus could not be expected to come up with the extra money required to build the additional street capacity needed without SR 509, and

WHEREAS, the City of Des Moines relies on grants to leverage its Arterial Street funds; and R-51 includes approximately \$55 million of Transportation Improvement Board funding for the City Corridor Program Grants funding for improvements on major congested corridors, and approximately \$15 million of Department of Transportation funds for the School

Resolution No. ____
Page 3 of ____

Safety Grant Program for funding traffic safety improvements
near schools, and

WHEREAS, the City of Des Moines is estimated to receive a
direct distribution of \$771,689.00 for the City's portion of
transportation project costs; now therefore,

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

The City Council of the City of Des Moines hereby declares its support for and encourages approval of State Referendum 51, which will be presented to the voters alt the November 5, 2002 State General Election.

ADOPTED BY the City Council of the City of Des Moines, Washington this ____ day of _____, 2002 and signed in authentication thereof this ____ day of _____, 2002.

M A Y O R

APPROVED AS TO FORM:

City Attorney

ATTEST:

City Clerk

COUNCIL - FYI

from Senator Keiser

Comparison of pre-695 fees versus post-695 fees (Commercial Vehicles Only)

*Example #1 (80,000 lbs)

Pre-695	
Fuel Taxes	\$3,833
Gross Weight	\$1,608
Total Current Fees	\$5,441
MVET	\$2,224
Total pre-695	\$7,665

**Example #2 (66,000 lbs)

Pre-695	
Fuel Taxes	\$2,943
Gross Weight	\$1,005
Total Current Fees	\$3,948
MVET	\$1,626
Total pre-695	\$5,575

Potential New Taxes (fully implemented)

\$0.09 per gallon	
Fuel Tax	\$1,500
30% Increase in Gross Weight	
Fees	\$448
1.0% Sales Tax***	n/a
Annual Increase	\$1,948

Potential New Taxes (fully implemented)

\$0.09 per gallon	
Fuel Tax	\$1,152
30% Increase in Gross Weight	
Fees	\$267
1.0% Sales Tax***	n/a
Annual Increase	\$1,419

➔ **Total Current and New Fees** \$7,389
 ➔ % of Pre-695 Fees 96.4%

Total Current and New Fees \$5,367
 % of Pre-695 Fees 96.3%

* Commercial example #1 is licensed for 80,000 lbs, travels 100,000 miles, gets 6 miles per gallon, and is valued at \$80,000.

** Commercial example #2 is licensed for 66,000 lbs, travels 79,342 miles, gets 6.2 miles per gallon, and is valued at \$58,500.

***Vehicles Registered under the International Registration Plan that conduct at least 25% of their commerce out of state, do not pay sales tax on their vehicle.

*Tony, Please provide this
to your Council members
who are interested -
Sam Jan
253-839-8694*

Senate New-Law Impacts on Drivers (Passenger Vehicles)

Example #1

		FY 2003	Year 1 Cost	Year 2 Cost	Year 3 Cost	First Three
Gas Tax (9 Cents)	Annual Gallons Consumed	760	\$38.00	\$68.40	\$68.40	\$174.80
New/Used Surcharge (1%)	Vehicle Value at \$20,000*	1.00%	<u>\$47.52</u>	<u>\$47.52</u>	<u>\$47.52</u>	<u>\$142.57</u>
Total Cost Under New Plan			\$85.52	\$115.92	\$115.92	\$317.37
Previous MVET @ \$20,000			\$440.00	\$418.00	\$391.60	\$1,249.60

* Assumes a new car at \$20,000 financed over 60 months at 7.0% APR.

Example #2

		FY 2003	Year 1 Cost	Year 2 Cost	Year 3 Cost	First Three
Gas Tax (9 Cents)	Annual Gallons Consumed	760	\$38.00	\$68.40	\$68.40	\$174.80
New/Used Surcharge (1%)	Vehicle Value at \$9,000*	1.00%	<u>\$21.39</u>	<u>\$21.39</u>	<u>\$21.39</u>	<u>\$64.16</u>
Total Cost Under New Plan			\$59.39	\$89.79	\$89.79	\$238.96
Previous MVET @ \$9,000			\$244.20	\$214.50	\$188.10	\$646.80

* Assumes a five year old used car at \$9,000, with an original MSRP of \$15,000, financed over 48 months at 7.0% APR.



Washington State Senate

Senator Karen Keiser
33rd Legislative District

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AGENDA ITEM

BUSINESS OF THE CITY COUNCIL City of Des Moines, WA

SUBJECT: Des Moines Nibble

FOR AGENDA OF: September 12, 2002
DEPT. OF ORIGIN: Marina

ATTACHMENTS:

1. Draft Resolution No. 02-212;
2. Map showing the set-up for the "Nibble of Des Moines"; and
3. Operating Plan.

DATE SUBMITTED: Sept.6, 2002

CLEARANCES:

[X] Marina

[X] Legal

[X] Police

APPROVED BY CITY MANAGER

FOR SUBMITTAL: CR

A. Purpose & Recommendation

The purpose of this action is to repeal and replace earlier resolutions that granted permission to the Greater Des Moines Chamber of Commerce to conduct the annual "Nibble of Des Moines" Festival in the Des Moines Marina because the Chamber's plans have changed. The Chamber will include a small Carnival in the Festival and they have dropped their plans to have a beer garden.

Recommended Motion: "I move that the City Council enact Draft Resolution No. 02-212, granting the Chamber of Commerce permission to conduct the annual "Nibble of Des Moines" festival to include a carnival, with extended days and hours, in the North Lot of the Marina and at the site of the former Quartermaster Store, with the provision that the Chamber provide the City Manager with a map and operating plan that allows for normal Marina operations and includes an appropriate amount of Police patrol."

B. Background

The Greater Des Moines Chamber of Commerce has sponsored the "Nibble of Des Moines" festival for several years. This festival takes place in the Marina after Labor Day and typically has had very little impact on Marina operations. As in past years, the festival will include food booths, some arts & crafts, entertainment and some commercial exhibits. This year the Festival will include a small carnival. The Chamber will donate part of the proceeds from the Carnival to the family that was involved in a vehicle-pedestrian accident on Marine View Drive on August 21st.

C. Discussion

In past years the “Nibble” festival has had very little impact on Marina operations. The Marina staff expects that will be the case this year and all marina services will be open to the public. The addition of the Carnival will require some changes in the layout of the Festival. Usually the Festival sets up in the center parking lot and most of the north lot is reserved for launch customers. Because of the additional space required for the carnival, the Chamber is proposing to move the Festival activities to the north lot, making the central lot available for launch customers. Some launch customers may have to utilize the overflow parking in the South lot. The petting zoo and pony rides will be located at the old Quartermaster site as originally planned.

The Chamber has requested the Nibble also include Friday, September 27, 2002, and that the hours for each day be extended, as follows:

Friday, September 27, 2002	3:00 p.m. to 10:00 p.m.
Saturday, September 28, 2002	11:00 a.m. to 10:00 p.m.
Sunday, September 29, 2002	11:00 a.m. to 9:00 p.m.

The Chamber will submit a detailed map and operating plan, which will include an appropriate amount of Police patrol to be paid by the Chamber, to the City Manager by September 20, 2002. The Chamber feels that Police patrol is not needed because they will not be operating a Beer Garden.

D. Alternatives

Granting permission for the change in location: This alternative will have very little financial or operational impact on the Marina.

No Action – Chamber sets up and operates Festival as originally planned: This alternative will interfere with the normal operation of the public launcher.

E. Recommendation

The Marina Staff recommends that the Chamber of Commerce be given permission to operate a the “Nibble of Des Moines” in the North lot as shown on the attached map.

F. Concurrence

The Police Department concurs with this recommendation with the provision that an appropriate amount of Police patrol is paid for by the Chamber of Commerce.

CITY ATTORNEY'S FIRST DRAFT, 09/05/02

DRAFT RESOLUTION NO. 02-212

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DES MOINES, WASHINGTON, granting permission to the Greater Des Moines Chamber of Commerce to hold the Des Moines Nibble at the Des Moines Marina, to use the North Parking Lot of the Des Moines Marina for an arts & crafts sale and sale of prepared food and non-alcoholic beverages, and the old Quartermaster site for pony rides and a petting zoo; and superseding and repealing Resolution Nos. 933 and 935.

WHEREAS, the Greater Des Moines Chamber of Commerce previously requested permission of the City Council to use property at the Des Moines Marina for the purpose of pony rides, a petting zoo, arts & crafts sale, and sale of prepared food and non-alcoholic beverages during the Des Moines Nibble on September 28 and 29, 2002, and

WHEREAS, the City Council finds that events of this nature tend to publicize the City of Des Moines as the Waterland City, which enhances the quality of life of the City of Des Moines in numerous ways, and

WHEREAS, on July 11, 2002, the City Council adopted Resolution No. 933 authorizing the Chamber of Commerce to use property at the Des Moines Marina for the purpose of pony rides, a petting zoo, arts & crafts sale, and sale of prepared food and non-alcoholic beverages, and

WHEREAS, on August 22, 2002, City Council adopted Resolution No. 935, amending Resolution No. 933, to allow for the sale of alcoholic beverages and a carnival, and

WHEREAS, the Chamber of Commerce no longer has plans to operate a Beer Garden and sell alcoholic beverages, and

WHEREAS, the Chamber of Commerce now requests permission to add an additional day and additional operating hours to the Nibble event, and

WHEREAS, in order to allow the Des Moines Marina Boat Launch to operate at full capacity, the Des Moines Nibble must be confined to the Marina North Parking Lot and to the old Quartermaster site; now therefore:

need
new
section
to
repeal

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

Sec. 1. The Greater Des Moines Chamber of Commerce ("Chamber") is granted permission to use the following areas of the Marina property on Friday, September 27, 2002, Saturday, September 28, 2002, and on Sunday, September 29, 2002:

(1) The North Marina Parking Lot area for the arts & crafts sale, sale of prepared foods and non-alcoholic beverages; and

(2) The old Quartermaster site for the operation of pony rides and petting zoo.

Sec. 2. The normal operations of the Marina shall not be affected by this combined event, with the Nibble event being confined to the North Marina Parking Lot and the old Quartermaster site area.

Sec. 3. (2) The hours of operation of the Nibble festival shall be as follows:

Friday:	3:00 p.m. to 10:00 p.m.
Saturday:	11:00 a.m. to 10:00 p.m.
Sunday:	11:00 a.m. to 9:00 p.m.

Provided a Des Moines Police Department command officer will have the authority to close down the Nibble Festival earlier than the scheduled hours should closure be necessary following assessment of any security issues.

Sec. 4. The Chamber shall have the responsibility of advertising and administering the combined event, subject to the directions of the Harbormaster.

Sec. 5. In order to operate the Nibble Festival, by September 20, 2002, the Chamber must provide the City Manager with a detailed map and with an operating plan, in compliance with this resolution, which includes an appropriate amount of Police patrol.

Sec. 6. The Chamber shall purchase liability insurance in a form acceptable to the City of Des Moines in the amount of two

Resolution No. _____
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million dollars (\$2,000,000) and shall name the City of Des Moines as a named additional insured. Proof of such insurance must be delivered to the City at least thirty (30) days prior to the event.

Sec. 7. The Chamber shall be responsible for securing written authorization and satisfying requirements from the King County Health District for the proposed pony rides and petting zoo in conjunction with the Nibble food services.

Sec. 8. The Chamber shall defend and hold the City of Des Moines harmless from any liability which may result from the conduct of this event or its activities.

Sec. 9. The City Council respectfully requests that the Chamber submit written requests for necessary City authorizations to conduct future events, such as the Nibble, within a reasonable timeframe prior to such events. Absent extenuating circumstances, the City Council suggests that written requests for future authorizations should be submitted to the City Manager at least ninety (90) days prior to the proposed event.

ADOPTED BY the City Council of the City of Des Moines, Washington this ____ day of September, 2002 and signed in authentication thereof this ____ day of September, 2002.

M A Y O R

APPROVED AS TO FORM:

City Attorney

ATTEST:

City Clerk

AGENDA ITEM

BUSINESS OF THE CITY COUNCIL City of Des Moines, WA

SUBJECT: Des Moines Nibble

FOR AGENDA OF: September 12, 2002
DEPT. OF ORIGIN: Marina

ATTACHMENTS:

1. Draft Resolution No. 02-212;
2. Map showing the set-up for the "Nibble of Des Moines"; and
3. Operating Plan.

DATE SUBMITTED: Sept.6, 2002

CLEARANCES:

☒ Marina

☒ Legal

☒ Police

APPROVED BY CITY MANAGER

FOR SUBMITTAL: CR

A. Purpose & Recommendation

The purpose of this action is to repeal and replace earlier resolutions that granted permission to the Greater Des Moines Chamber of Commerce to conduct the annual "Nibble of Des Moines" Festival in the Des Moines Marina because the Chamber's plans have changed. The Chamber will include a small Carnival in the Festival and they have dropped their plans to have a beer garden.

Recommended Motion: "I move that the City Council enact Draft Resolution No. 02-212, granting the Chamber of Commerce permission to conduct the annual "Nibble of Des Moines" festival to include a carnival, with extended days and hours, in the North Lot of the Marina and at the site of the former Quartermaster Store, with the provision that the Chamber provide the City Manager with a map and operating plan that allows for normal Marina operations and includes an appropriate amount of Police patrol."

B. Background

The Greater Des Moines Chamber of Commerce has sponsored the "Nibble of Des Moines" festival for several years. This festival takes place in the Marina after Labor Day and typically has had very little impact on Marina operations. As in past years, the festival will include food booths, some arts & crafts, entertainment and some commercial exhibits. This year the Festival will include a small carnival. The Chamber will donate part of the proceeds from the Carnival to the family that was involved in a vehicle-pedestrian accident on Marine View Drive on August 21st.

C. Discussion

In past years the "Nibble" festival has had very little impact on Marina operations. The Marina staff expects that will be the case this year and all marina services will be open to the public. The addition of the Carnival will require some changes in the layout of the Festival. Usually the Festival sets up in the center parking lot and most of the north lot is reserved for launch customers. Because of the additional space required for the carnival, the Chamber is proposing to move the Festival activities to the north lot, making the central lot available for launch customers. Some launch customers may have to utilize the overflow parking in the South lot. The petting zoo and pony rides will be located at the old Quartermaster site as originally planned.

The Chamber has requested the Nibble also include Friday, September 27, 2002, and that the hours for each day be extended, as follows:

Friday, September 27, 2002	3:00 p.m. to 10:00 p.m.
Saturday, September 28, 2002	11:00 a.m. to 10:00 p.m.
Sunday, September 29, 2002	11:00 a.m. to 9:00 p.m.

The Chamber will submit a detailed map and operating plan, which will include an appropriate amount of Police patrol to be paid by the Chamber, to the City Manager by September 20, 2002. The Chamber feels that Police patrol is not needed because they will not be operating a Beer Garden.

D. Alternatives

Granting permission for the change in location: This alternative will have very little financial or operational impact on the Marina.

No Action – Chamber sets up and operates Festival as originally planned: This alternative will interfere with the normal operation of the public launcher.

E. Recommendation

The Marina Staff recommends that the Chamber of Commerce be given permission to operate a the "Nibble of Des Moines" in the North lot as shown on the attached map.

F. Concurrence

The Police Department concurs with this recommendation with the provision that an appropriate amount of Police patrol is paid for by the Chamber of Commerce.

CITY ATTORNEY'S FIRST DRAFT, 09/05/02

DRAFT RESOLUTION NO. 02-212

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DES MOINES, WASHINGTON, granting permission to the Greater Des Moines Chamber of Commerce to hold the Des Moines Nibble at the Des Moines Marina, to use the North Parking Lot of the Des Moines Marina for an arts & crafts sale and sale of prepared food and non-alcoholic beverages, and the old Quartermaster site for pony rides and a petting zoo; and superseding and repealing Resolution Nos. 933 and 935.

WHEREAS, the Greater Des Moines Chamber of Commerce previously requested permission of the City Council to use property at the Des Moines Marina for the purpose of pony rides, a petting zoo, arts & crafts sale, and sale of prepared food and non-alcoholic beverages during the Des Moines Nibble on September 28 and 29, 2002, and

WHEREAS, the City Council finds that events of this nature tend to publicize the City of Des Moines as the Waterland City, which enhances the quality of life of the City of Des Moines in numerous ways, and

WHEREAS, on July 11, 2002, the City Council adopted Resolution No. 933 authorizing the Chamber of Commerce to use property at the Des Moines Marina for the purpose of pony rides, a petting zoo, arts & crafts sale, and sale of prepared food and non-alcoholic beverages, and

WHEREAS, on August 22, 2002, City Council adopted Resolution No. 935, amending Resolution No. 933, to allow for the sale of alcoholic beverages and a carnival, and

WHEREAS, the Chamber of Commerce no longer has plans to operate a Beer Garden and sell alcoholic beverages, and

WHEREAS, the Chamber of Commerce now requests permission to add an additional day and additional operating hours to the Nibble event, and

WHEREAS, in order to allow the Des Moines Marina Boat Launch to operate at full capacity, the Des Moines Nibble must be confined to the Marina North Parking Lot and to the old Quartermaster site; now therefore:

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

Sec. 1. The Greater Des Moines Chamber of Commerce ("Chamber") is granted permission to use the following areas of the Marina property on Friday, September 27, 2002, Saturday, September 28, 2002, and on Sunday, September 29, 2002:

(1) The North Marina Parking Lot area for the arts & crafts sale, sale of prepared foods and non-alcoholic beverages; and

(2) The old Quartermaster site for the operation of pony rides and petting zoo.

Sec. 2. The normal operations of the Marina shall not be affected by this combined event, with the Nibble event being confined to the North Marina Parking Lot and the old Quartermaster site area.

Sec. 3. (2) The hours of operation of the Nibble festival shall be as follows:

Friday:	3:00 p.m. to 10:00 p.m.
Saturday:	11:00 a.m. to 10:00 p.m.
Sunday:	11:00 a.m. to 9:00 p.m.

Provided a Des Moines Police Department command officer will have the authority to close down the Nibble Festival earlier than the scheduled hours should closure be necessary following assessment of any security issues.

Sec. 4. The Chamber shall have the responsibility of advertising and administering the combined event, subject to the directions of the Harbormaster.

Sec. 5. In order to operate the Nibble Festival, by September 20, 2002, the Chamber must provide the City Manager with a detailed map and with an operating plan, in compliance with this resolution, which includes an appropriate amount of Police patrol.

Sec. 6. The Chamber shall purchase liability insurance in a form acceptable to the City of Des Moines in the amount of two

Resolution No. ____
Page 3 of ____

million dollars (\$2,000,000) and shall name the City of Des Moines as a named additional insured. Proof of such insurance must be delivered to the City at least thirty (30) days prior to the event.

Sec. 7. The Chamber shall be responsible for securing written authorization and satisfying requirements from the King County Health District for the proposed pony rides and petting zoo in conjunction with the Nibble food services.

Sec. 8. The Chamber shall defend and hold the City of Des Moines harmless from any liability which may result from the conduct of this event or its activities.

Sec. 9. The City Council respectfully requests that the Chamber submit written requests for necessary City authorizations to conduct future events, such as the Nibble, within a reasonable timeframe prior to such events. Absent extenuating circumstances, the City Council suggests that written requests for future authorizations should be submitted to the City Manager at least ninety (90) days prior to the proposed event.

ADOPTED BY the City Council of the City of Des Moines, Washington this ____ day of September, 2002 and signed in authentication thereof this ____ day of September, 2002.

M A Y O R

APPROVED AS TO FORM:

City Attorney

ATTEST:

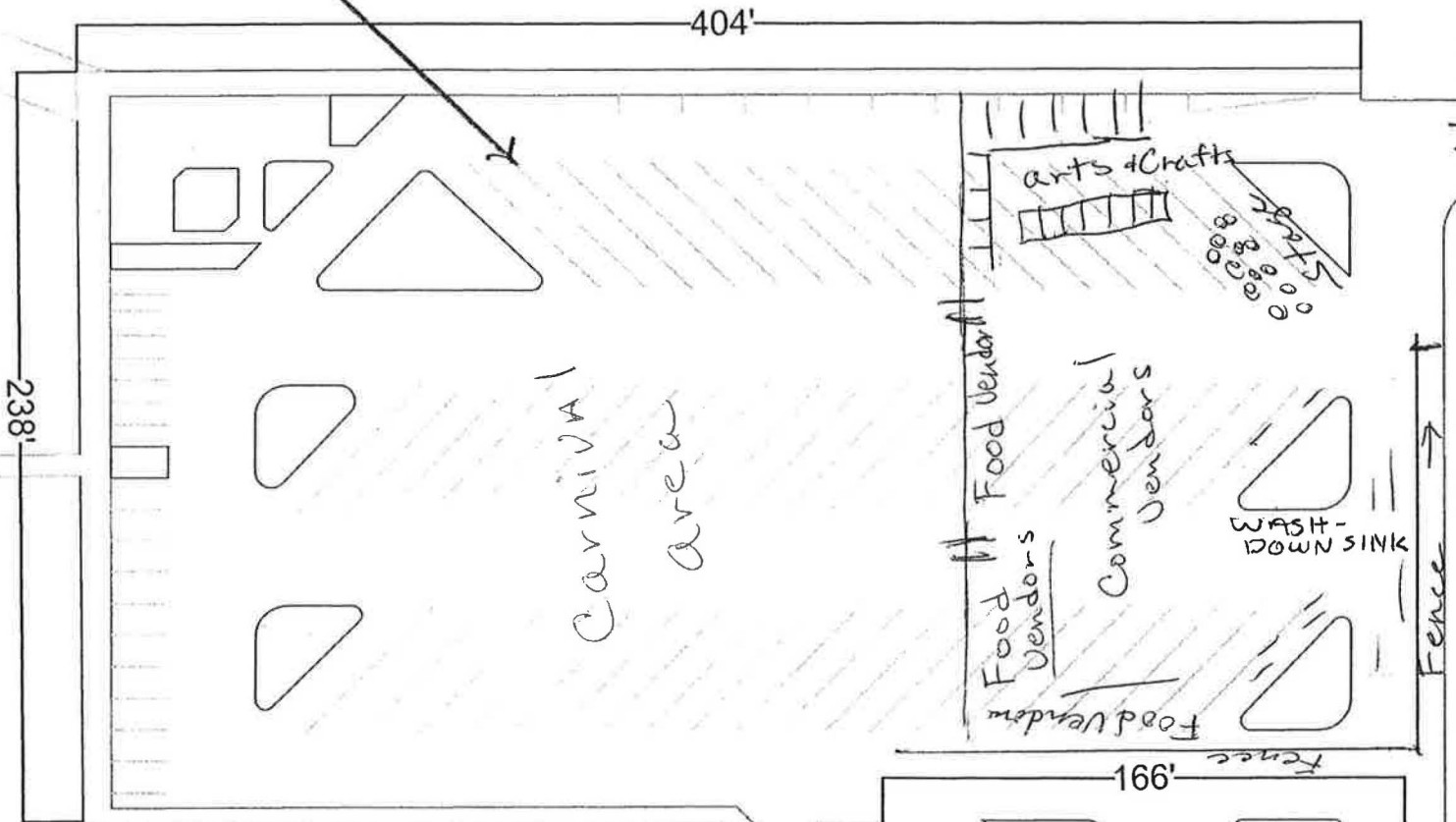
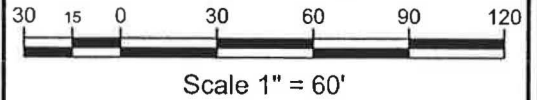
City Clerk



North Parking Lot

238' x 404' = Approx. 96,152 sq. ft

City of Des Moines Marina Layout



Central Parking Lot

166' x 244' = Approx. 40,504 sq. ft.

244'

Boat Launch
Open

166'

Condo owners in Mariner enter exit from South end

AGENDA ITEM

BUSINESS OF THE CITY COUNCIL City of Des Moines, WA

SUBJECT: Des Moines Nibble Beer Garden

FOR AGENDA OF: August 22, 2002

DEPT. OF ORIGIN: Marina

ATTACHMENTS:

1. Draft Resolution No. 02-181;
2. Map showing the set-up for the "Nibble of Des Moines";
3. Resolution No. 933.

DATE SUBMITTED: August 15, 2002

CLEARANCES:

☒ Marina

☒ Legal

☒ Police

APPROVED BY CITY MANAGER

FOR SUBMITTAL: AP

A. Purpose & Recommendation

The Greater Des Moines Chamber of Commerce is seeking City Council approval to operate a Beer Garden at its annual "Nibble of Des Moines" festival that will be held on September 28 and 29, 2002.

Suggested Motion: "I move that Resolution No. 933 be amended to authorize the Chamber of Commerce to operate a Beer Garden at the "Nibble of Des Moines" with the provision that the Chamber provide the City Manager with an operating plan that includes an appropriate amount of Police patrol."

OR:

Alternative Motion: "I move that the Chamber of Commerce conduct the "Nibble of Des Moines" Festival as originally authorized, without a Beer Garden."

B. Background

The Greater Des Moines Chamber of Commerce has sponsored the "Nibble of Des Moines" festival for several years. This festival takes place in the Marina after Labor Day and typically has had very little impact on Marina operations. As in past years, the festival will include food booths, arts & crafts booths, entertainment, and commercial exhibits. The festival will be set up in the center parking lot, just east of the public hoists and in the parking area in front of the Marina office. The festival will also use some of the first row of vehicle-trailer parking in the north parking lot for commercial exhibits and some of the old Quartermaster site for children's activities.

C. Discussion

In past years, the “Nibble” festival has had very little impact on Marina operations. The Marina staff expects that will be the case this year and all Marina services will be open to the public. Some launch customers may have to utilize the overflow parking in the south lot. The addition of a Beer Garden will not adversely affect Marina operations. The Chamber plans to set the Beer Garden up in the Center Parking lot with the other activities so they will not need any additional area.

D. Alternatives

Granting Permission for a Beer Garden: This alternative will have very little financial or operational impact on the Marina.

No Action - Chamber Sets Up And Operates Festival As Originally Planned: This alternative will have very little financial or operational impact on the Marina.

E. Recommendation

The Marina Staff recommends that the Chamber of Commerce be given permission to operate a Beer Garden at the “Nibble of Des Moines”.

F. Concurrence

The Police Department concurs with this recommendation with the provision that an appropriate amount of Police patrol is paid for by the Chamber of Commerce.

CITY ATTORNEY'S FIRST DRAFT, 08/15/02

DRAFT RESOLUTION NO. 02-181

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DES MOINES, WASHINGTON, amending section 1 of Resolution No. 933 by authorizing the Chamber of Commerce to sell alcoholic beverages at the Des Moines Nibble Beer Garden.

WHEREAS, the Greater Des Moines Chamber of Commerce previously requested permission of the City Council to use property at the Des Moines Marina for the purpose of pony rides, a petting zoo, arts & crafts sale, and sale of prepared food and non-alcoholic beverages during the Des Moines Nibble on September 28 and 29, 2002, and

WHEREAS, the City Council finds that events of this nature tend to publicize the City of Des Moines as the Waterland City, which enhances the quality of life of the City of Des Moines in numerous ways, and

WHEREAS, on July 11, 2002, the City Council adopted Resolution No. 933 authorizing the Chamber of Commerce to use property at the Des Moines Marina for the purpose of pony rides, a petting zoo, arts & crafts sale, and sale of prepared food and non-alcoholic beverages, and

WHEREAS, the Chamber of Commerce now requests that the City Council amend Resolution No. 933, to allow for the sale of alcoholic beverages; now therefore,

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

Section 1 of Resolution No. 933 is amended to read as follows:

Sec. 1.

(1) The Greater Des Moines Chamber of Commerce ("Chamber") is granted permission to use the following areas of the Marina on Saturday, September 28, 2002, and on Sunday, September 29, 2002, from 11:00 a.m. to 8:00 p.m. for the purpose of pony rides, a petting zoo, arts & crafts sale,

and sale of prepared food, beverages, and ~~((non-))~~ alcoholic beverages:

~~((1))~~ (a) The parking area east of the launcher; and

~~((2))~~ (b) The parking area east of the Harbormaster's office.

The alcoholic beverages will be sold and consumed only within the confines of the designated Beer Garden.

(2) The hours of operation of the Nibble festival shall be as follows:

Saturday: 11:00 a.m. to 8:00 p.m.

Sunday: 11:00 a.m. to 8:00 p.m.

(3) The hours of operation of the Nibble Beer Garden shall be:

Saturday: 11:00 a.m. to 8:00 p.m.

Sunday: 11:00 a.m. to 8:00 p.m.

Provided a Des Moines Police Department command officer will have the authority to close the Nibble Festival and the Nibble Beer Garden down earlier should it be necessary following assessment of any security issues.

ADOPTED BY the City Council of the City of Des Moines, Washington this ____ day of August, 2002 and signed in authentication thereof this ____ day of August, 2002.

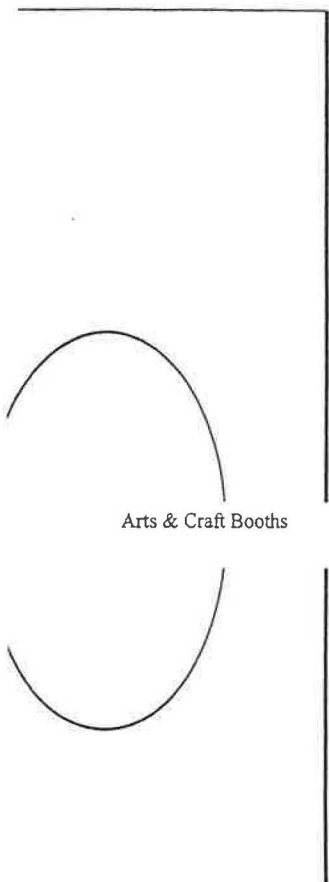
M A Y O R

APPROVED AS TO FORM:

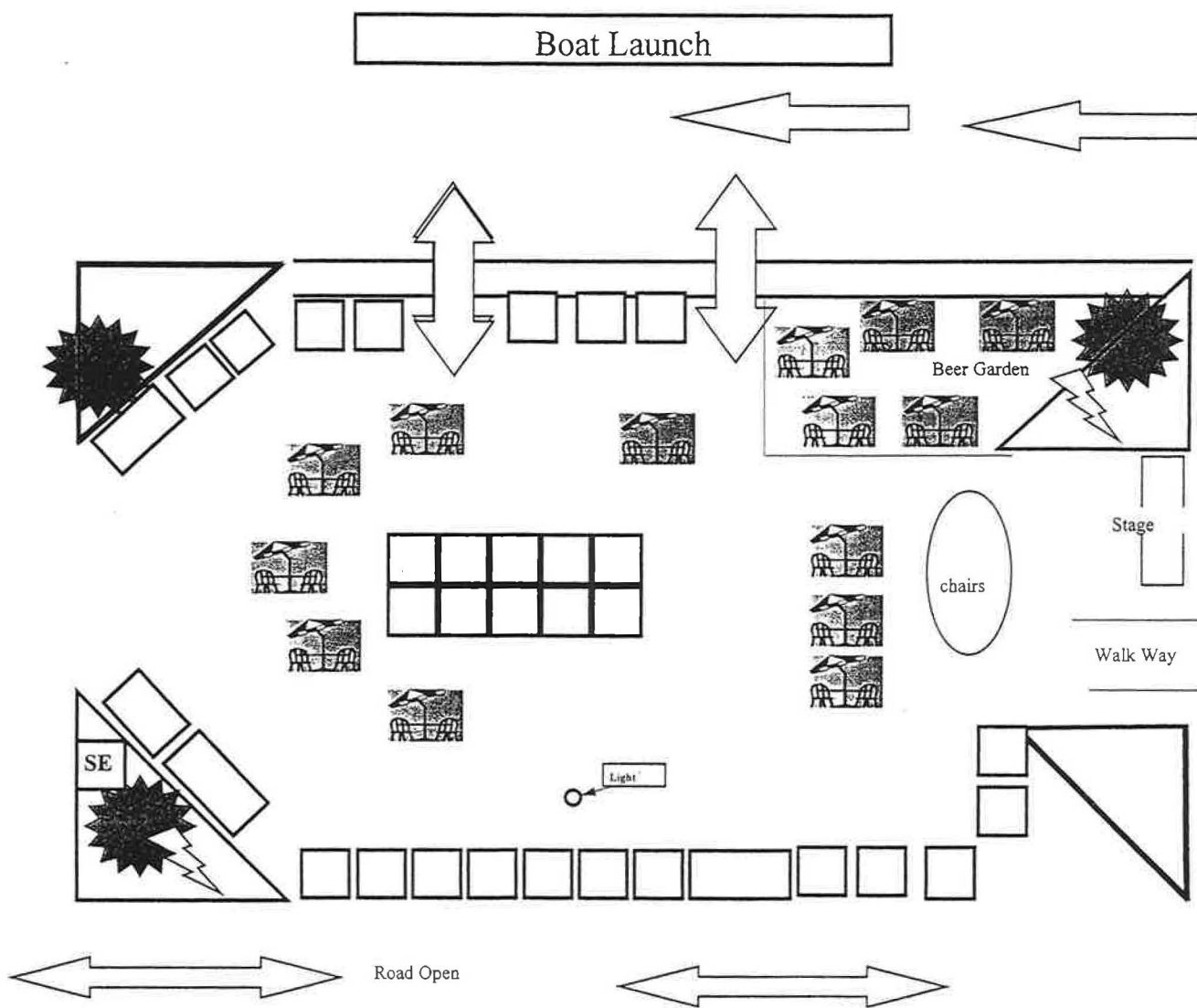
City Attorney

ATTEST:

City Clerk
DRAFTRES/02-181



Arts & Craft Booths



Road Open

May use this area for RV Demos

RESOLUTION NO. 933

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DES MOINES, WASHINGTON, granting permission to the Greater Des Moines Chamber of Commerce to use Marina property and the Des Moines Beach Park (near the water) for pony rides, a petting zoo, arts & crafts sale, and sale of prepared food and non-alcoholic beverages.

WHEREAS, the Greater Des Moines Chamber of Commerce has requested the permission of the City Council to use property at the Des Moines Marina for the purpose of pony rides, a petting zoo, arts & crafts sale, and sale of prepared food and non-alcoholic beverages on September 28 and 29, 2002, and

WHEREAS, the City Council finds that events of this nature tend to publicize the City of Des Moines as the Waterland City, which enhances the quality of life of the City of Des Moines in numerous ways; now therefore,

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

Sec. 1. The Greater Des Moines Chamber of Commerce ("Chamber") is granted permission to use the following areas of the Marina on Saturday, September 28, 2002, and on Sunday, September 29, 2002, for the purpose of pony rides, a petting zoo, arts & crafts sale, and sale of prepared food and non-alcoholic beverages:

- (1) The parking area east of the launcher; and
- (2) The parking area east of the Harbormaster's office.

Sec. 2. The normal operations of the Marina shall not be affected by this combined event.

Sec. 3. The Chamber shall have the responsibility of advertising and administering the combined event, subject to the directions of the Harbormaster.

Sec. 4. The Chamber shall purchase liability insurance in a form acceptable to the City of Des Moines in the amount of two million dollars (\$2,000,000) and shall name the City of Des Moines as a named additional insured. Proof of such insurance must be delivered to the City at least thirty (30) days prior to the event.

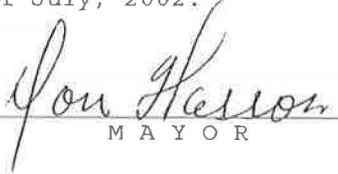
Sec. 5. The Chamber shall be responsible for securing written authorization and satisfying requirements from the King County Health District for the proposed pony rides and petting zoo in conjunction with the "Nibble" food services.

Sec. 6. The Chamber shall defend and hold the City of Des Moines harmless from any liability which may result from the conduct of this event or its activities.

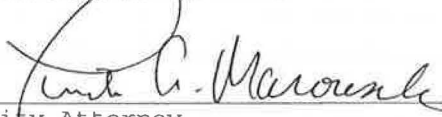
Sec. 7. The City Council respectfully requests that the Chamber submit written requests for necessary City authorizations to conduct future events, such as the "Nibble," within a reasonable timeframe prior to such events. Absent extenuating circumstances, the City Council suggests that

written requests for future authorizations should be submitted to the City Manager at least ninety (90) days prior to the proposed event.

ADOPTED BY the City Council of the City of Des Moines, Washington this 11th day of July, 2002 and signed in authentication thereof this 11th day of July, 2002.


MAYOR

APPROVED AS TO FORM:


City Attorney

ATTEST:


City Clerk

PRELIMINARY
REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES

August 5, 2002

The regular meeting of the Des Moines City Council was called to order at 7:34 p.m. by Mayor Wasson in the City Council Chambers, 21630 11th Avenue South, Suite B.

PLEDGE OF ALLEGIANCE to the Flag was led by Mayor Pro Tem Benjamin.

ROLL CALL - Present: Mayor Don Wasson, Mayor Pro Tem Richard Benjamin, Councilmembers Gary Petersen, Bob Sheckler, Maggie Steenrod and Susan White. Absent: Councilmember Scott Thomasson. Also in attendance were City Manager Tony Piasecki, City Attorney Linda Marousek, Park and Recreation Director Patrice Thorell, Senior Services Manager Sue Padden and Deputy City Clerk Angela Chaufy.

MOTION was made by Councilmember White, seconded by Councilmember Sheckler and passed unanimously to excuse Councilmember Thomasson.

COMMENTS FROM THE PUBLIC

Georgie Nupen, 24816 12th Avenue South

Ms. Nupen asked Council to do something in regard to the Senior Center programs. She said that it would be nice for the seniors to be together again rather than scattered throughout various locations in the City.

John Carroll, 24832 11th Avenue South

As a member of the Senior Services Advisory Committee, Mr. Carroll said that he enthusiastically endorsed the Municipal Facilities Committee's recommendation to renovate the Activity Center for use as the interim Senior Center. He noted that the committee had met seven times to discuss the Senior Center needs and develop a proposal. Mr. Carroll urged Council to support the recommendation.

Kaylene Moon, 24032 9th Place South

Ms. Moon informed Council that she served as a Senior Advisor to the Municipal Facilities Committee on the Interim Senior Center study. She concurred with Mr. Carroll's comments. Ms. Moon said that the senior programs had suffered due to their scattered locations. She felt that the proposed recommendation would enhance the program.

Keith Noess, 21210 4th Place South

As a member of the Senior Services Advisory Committee, Mr. Noess thanked the Municipal Facilities Committee members and their supporters. He asked Council to proceed quickly so that the project could move forward. Mr. Noess suggested that Council also ask Normandy Park, the Chamber of Commerce, local service clubs and local businesses to assist in the funding of the project.

NEW BUSINESS

Proposal to Remodel Activity Center (Annex) to Serve as the Interim Senior Center

Councilmember Steenrod introduced the subject.

Councilmember White thanked the Senior Advisory Committee volunteers for their input and time.

Councilmember Sheckler thanked everyone who worked to educate the public on why the current Senior Center location would not work on a permanent basis.

Park and Recreation Director Thorell explained that the Dining Hall has been closed since November 2001 due to flood damage. She displayed a map of the facilities currently hosting senior programs.

Senior Services Manager Padden said that the Meals on Wheels, nutrition, fitness, and health enhancement programs had been relocated to various locations throughout the City. She then voiced the following safety and security concerns associated with utilizing multiple facilities for the programs:

- Physical safety
 - Medical Emergencies
 - Equipment and Supplies
 - Staff Response Time
 - Volunteers and Instructors Alone in the Buildings
 - Poor Building Conditions
 - Safe Environment
- Equipment and Supply Security
 - Loss and Location

Park and Recreation Director Thorell displayed a chart of the following four alternatives studied by the Municipal Facilities Committee:

1. Continue to utilize City facilities, churches, clubs, retirement center spaces, etc.
2. Repair Beach Park Dining Hall without mitigation of flooding.
3. Renovate City's Activity Center (former Senior Center Annex).
4. Lease building space for use as a temporary senior center.

Park and Recreation Director Thorell explained that the Committee chose to recommend Option No. 3 due to the facility's existing structural quality, size, location, parking facilities, and cost estimates. In order to fund the renovation, the Committee recommended that the following Capital Improvement Plan (CIP) funds be reprogrammed and transferred to the Activity Center Remodel Project:

2002 CIP

Project	Funding Source	Amount
Community Center Construction	Haunted House	\$259,391
Des Moines Open Space Acquisition	MCI	20,000
North Wing Facility Upgrade	MCI	100,000

2003 CIP

Project	Funding Source	Amount
Community Center Construction	MCI	\$277,988
Park in Lieu Fees	MCI	188,892

City Manager Piasecki said the City still intended to build the Community Center but noted that the project would be postponed if Council approved the proposed funding plan.

Park and Recreation Director Thorell displayed a chart of the basic renovation cost estimates.

Councilmember Steenrod thanked the committee members and staff for their work on the project.

MOTION was made by Councilmember Steenrod, seconded by Councilmember White and passed unanimously to approve the Municipal Facilities Committee's request to approve funds in the amount of up to \$205,000, plus 10% contingency for the renovation of the City's Activity Center and to amend the 2002 Capital Improvement Plan to provide for project funding in that amount.

EXECUTIVE SESSION

At 8:20 p.m., Mayor Wasson announced that Council would convene in executive session for approximately thirty minutes to discuss with legal counsel representing the City, litigation or potential litigation to which the City is, or is likely to become, a party and about which public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the City.

No formal action was taken.

ADJOURNMENT

At 8:50 p.m., **MOTION** was made by Mayor Wasson, seconded, and passed unanimously to adjourn the meeting.

Respectfully submitted,

Angela M. Chaufy
Deputy City Clerk

PRELIMINARY
SPECIAL MEETING DES MOINES CITY COUNCIL

MINUTES

August 22, 2002

The special meeting of the Des Moines City Council was called to order by Mayor Wasson at 6:03 p.m. in the City Hall Conference Room, 21630 11th Avenue South.

ROLL CALL - Present: Mayor Don Wasson, Mayor Pro Tem Richard Benjamin, Councilmembers Gary Petersen, Bob Sheckler (arrived at 7:45 p.m.), Maggie Steenrod and Susan White. Absent: Councilmember Scott Thomasson. Also present were City Manager Tony Piasecki, Assistant City Manager Corbitt Loch, City Attorney Linda Marousek, Assistant City Attorney Richard Brown, and Personnel Analyst Angela Chaufy (arrived at 7:10 p.m.). Also present were Outside Counsel Kevin Stock (left at 7:10 p.m.) and Rachael Paschal Osborn (left at 7:10 p.m.), ACC Executive Director Kelly Evans (left at 7:10 p.m.), and Cabot Dow (arrived at 7:10 p.m.).

POTENTIAL LITIGATION

Mayor Wasson announced that the Council would hold an Executive Session for approximately one hour to discuss with legal counsel representing the City, litigation or potential litigation to which the City is, or is likely to become, a party and about which public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the City.

No formal action was taken.

At 7:10 p.m., ACC Executive Director Kelly Evans and Outside Counsel Kevin Stock and Rachael Paschal Osborn left the meeting and Personnel Analyst Chaufy, and Cabot Dow arrived at the meeting.

LABOR RELATIONS

Mayor Wasson announced that Council would hold an Executive Session for approximately twenty minutes for the purpose of planning or adopting strategies or positions as part of an ongoing collective bargaining process as provided by RCW 42.30.140(4)(b).

At 7:29 p.m., City Manager Piasecki announced that Council would continue in executive session for approximately fifteen additional minutes.

At 7:45 p.m., Councilmember Sheckler arrived and City Attorney Marousek announced that Council would continue in executive session for approximately ten additional minutes.

ADJOURNMENT

The special meeting adjourned at 7:57 p.m.

Respectfully submitted,

Linda A. Marousek
City Attorney

A G E N D A I T E M

SUBJECT: 2003 CDBG Allocations

AGENDA OF: September 12, 2002

DEPT. OF ORIGIN: Community Development

DATE SUBMITTED: August 28, 2002

ATTACHMENTS: None

CLEARANCES:

[] LEGAL _____

APPROVED BY THE CITY MANAGER
FOR SUBMITTAL 

Purpose and Recommendation:

The purpose of this agenda item is request City Council to make 2003 allocations to the Community Development Block Grant(CDBG) program. For 2003 the City of Des Moines has \$222,097 to allocate under the rules and regulations of this program.

Suggested Motion:

"I move allocate the 2003 CDBG program funds as recommended and listed by Administration in the City Council agenda item summary prepared for the September 12, 2002 City Council public hearing. Further, I move that any reprogrammed funds or additional 2003 allocations be directed to the housing repair program."

Background:

The City of Des Moines is eligible as a "pass-through" city to receive \$222,097 in 2003 under the Community Development Block Grant program. The federal government provides these funds that serve low and moderate-income persons or neighborhoods.

In April the Council adopted to:

- To accept the federal funds
- Adopted policies to guide the allocation of the funds
- Reserved the maximum possible (\$39,299) to support public service
- Reserved the maximum possible (\$24,810) for planning and administration

Now the Council must choose specific projects to fund by September 30,2002. The Council must hold a public hearing concerning these allocations to allow the public an opportunity to comment on which projects to fund.

Discussion:

In 2003 six applications were received. A summary of each follows:

Senior Center Land Acquisition

Amount requested: \$72,138

Amount recommended: \$72,138

This is the fifth year of a seven-year project. The goal of this project is to buy land for the construction of a new facility to replace the current center at the Beach Park. This project is eligible under the national objective of limited clientele. The total project cost is \$622,945.

Friends of Youth

Amount requested: \$7,500

Amount recommended: \$7,500

These funds would be used to fund a portion of the renovation of McEachern House. McEachern House is a residential treatment facility, located on the 5.5 acre Griffin Home campus in Renton. Griffin House serves youth ages 12 to 18 that are transitioning from juvenile detention back to the community. Griffin House is a regional program that has operated at its current location since 1954. Approximately 2.4 % of their population come from Des Moines. This project is eligible under the national objective of limited clientele. The total project cost is \$1,371,349.

City of Des Moines –Senior Center Support

Amount requested: \$39,299

Amount recommended: \$39,299

These funds are used to pay a portion of the salary of the senior center coordinator. Council reserved these funds in April. This position is eligible for funding under the public service reservation.

City of Des Moines –Planning and Administration

Amount requested: \$24,810

Amount recommended: \$24,810

These funds are used to pay a portion of the Community Development Director's salary. A portion of these funds are allocated for the personnel costs associated with managing and administering this program. A portion is used for personnel costs associated with implementing planning activities such as economic development, comprehensive planning, regional and subregional planning, etc. This position is eligible for funding under the planning and administration reservation.

City of Des Moines- Wesley Home Crosswalk Signal Project

Amount requested: \$75,000

Amount recommended: \$75,000

These funds will be used to reconstruct the failing pedestrian crosswalk signal and controller west of 11th Avenue that connects the Wesley Home retirement centers. Replacement of this equipment will allow a large number of elderly persons the opportunity to safely cross S 216th. This project is eligible under the national objective of limited clientele.

King County- Housing Repair program

Amount requested: \$15,000

Amount recommended: \$15,000

This program provides emergency and critical home repair for low and moderate-income homeowners. These funds will be used to assist homeowners in Des Moines. King County administers the program. This is a highly successful program. A large number of people served by this program are low-income (0-30% of median income)

homeowners. Over 67% are also disabled. This project is eligible under the nation objective of limited clientele.

Alternatives:

The Council may allocate the 2003 CDBG funds to the same projects and in the same amounts as recommended by Administration. Conversely, the Council may allocate these funds in different amounts than recommended, provided these changes meet the rules and regulations of the program and the amount does not exceed \$222,097. For example, the Council could allocate more funds to the Wesley traffic signal project, but could not allocate more funds to the planning and administration position.

Financial Impact:

The positive financial impacts of this program are significant. Through the reservations for public service and planning and administration expenditures to the General Fund are reduced by \$64,109. Also, by using this program for the acquisition of the Senior Center land, the City has saved over \$622,000.

Moreover, the implementation of projects funded by this program has improved the standard of living in the City. The program has funded renovation to Midway Park, the Fieldhouse, a commercial revitalization project in the downtown and many other projects. One of the most important accomplishments of CDBG is the housing repair program. Utilization of this program has allowed low-income homeowners, usually disabled elderly citizens the opportunity to maintain and remain in their homes.

Recommendation/Conclusion:

Administration recommends Council allocate the 2003 CDBG funds to the projects included in this staff report in the amounts listed.

Concurrence:

None

AGENDA ITEM

BUSINESS OF THE CITY COUNCIL
City of Des Moines, WA

SUBJECT: Public Contract Policies

ATTACHMENTS: 1. Resolution No. 753

FOR AGENDA OF: September 12, 2002

DEPT. OF ORIGIN: Executive

DATE SUBMITTED: September 5, 2002

CLEARANCES:
[X] Legal LA

APPROVED BY CITY MANAGER

FOR SUBMITTAL: AT

PURPOSE AND RECOMMENDATION

Mayor Wasson has requested that Resolution No. 753, relating to public contract policies, be placed on the September 12, 2002 agenda for discussion.

tabled

RESOLUTION NO. 753

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DES MOINES, WASHINGTON, revising policies governing city council participation in public contracts and superseding and repealing Resolution No. 665.

WHEREAS, Resolution No. 665 adopted policies governing city council participation in public contracts, and

WHEREAS, at the time of the adoption of Resolution No. 665 the population of the city of Des Moines was less than 20,000, the population of the city of Des Moines now exceeds 20,000, and RCW 35A.40.210 provides different procedures for bidding in cities less than and greater than 20,000 population, and

WHEREAS, the city council has had two years of experience with Resolution No. 665 and wishes to remedy certain deficiencies in Resolution No. 665 in the interest of efficiency; now therefore,

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

Sec. 1. The following policies shall govern city council participation in public contracts:

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

(2) Franchise Agreements. Franchise agreements such as CATV, Puget Power, water, sewer, and the like require city council approval. Franchise agreements should be referred to an Ad Hoc Council Committee for study and recommendation prior to presentation to the city council for approval.

(3) Public Works (Small Works Roster). Under current state law, code cities of a population of 20,000 or greater are required to go to bid on public work projects if the cost of the public work exceeds \$20,000 for a single craft or trade or \$35,000 for a multiple craft or trade. Code cities with a population of 20,000 or greater are permitted to adopt a small works roster for a public work of \$100,000 or less. The city council has adopted a small works roster. All public work contracts between \$35,000 and \$100,000 shall be subject to the approval of the city council and shall be referred to the council committee of origin for study and recommendation, and if there is no committee of origin, shall be considered by the council as a whole.

(4) Public Works (Subject to Bid). Public work projects exceeding \$100,000 are subject to bid laws and shall be processed in accordance with the Revised Code of Washington. After opening of bids, results shall be submitted to the council committee of origin for study and recommendation prior to being presented to the city council for approval and if there is no council committee of origin, shall be considered by the council as a whole. Action taken by the city council in awarding the bid and directing the city manager to sign contracts should include authority

granted to the city manager to expend funds in the amount of the bid award plus ten percent.

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

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

(a) The city manager shall advertise the architectural and engineering requirements;

(b) The city manager shall thereafter enter into discussions with several firms and select the most qualified architect or engineer;

(c) The city manager shall then negotiate the scope of work and price with the architect or engineer selected; and

(d) If the contract amount does not exceed \$20,000 and has been previously budgeted, the city manager shall be authorized to sign a contract for such services without approval by the city council or any committee thereof. If the contract amount exceeds \$20,000, the contract should appear on the consent calendar, subject to removal in accordance with the city council Rules of Procedure.

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

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

(a) The city manager shall research the persons and firms that are available to provide such professional services, taking into consideration recommendations from any source.

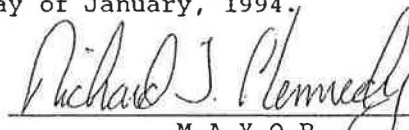
(b) The city manager shall then negotiate a contract with the party selected, including scope of work and price.

(c) If the contract amount does not exceed \$20,000 and has been previously budgeted, the city manager shall be authorized to sign a contract for such services without approval by the city council or any committee thereof. If the contract amount exceeds \$20,000, the contract should appear on the consent calendar, subject to removal in accordance with the city council Rules of Procedure.

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

Sec. 2. Resolution No. 665 is superseded and repealed.

ADOPTED BY the city council of the city of Des Moines, Washington this 27th day of January, 1994 and signed in authentication thereof this 27th day of January, 1994.


M A Y O R

APPROVED AS TO FORM:


City Attorney

ATTEST:


City Clerk

RESOLUTION NO. 753[_____]

A RESOLUTION ~~OF~~ **[OF]** THE CITY COUNCIL OF THE CITY OF DES MOINES, WASHINGTON, revising policies governing ~~city council participation in public~~ **[City Council review and approval of City]** contracts and superseding and repealing Resolution No. 665 **[and]**;

~~WHEREAS, Resolution No. 665~~ **[753.**

WHEREAS, Resolution Nos. 665 and 753] adopted policies governing ~~city council participation in~~ **[City Council review and approval of]** public contracts, and

~~WHEREAS, [the City Council has had eight] at the time of the adoption of Resolution No. 665 the population of the city of Des Moines was less than 20,000, the population of the city of Des Moines now exceeds 20,000, and RCW 35A.40.210 provides different procedures for bidding in cities less than and greater than 20,000 population, and~~

~~WHEREAS, the city council has had two years of experience with Resolution No. 665 [using its current policies] and wishes to [revise said policies to conform with current law,] remedy certain deficiencies in Resolution No. 665 in the interest of efficiency; now therefore,~~

[, and better coordinate contract approvals with budgetary appropriations;

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

Sec. 1. The following policies shall govern ~~city council participation in public contracts:~~ **[City Council review and approval of City contracts, unless the Council adopts special rules applicable to any particular contract. References to the City Manager shall include the relevant Department Head:]**

(1) Interlocal Agreements. Chapter 39.34 RCW requires the governing bodies of participating public agencies to take appropriate action by ordinance, resolution or otherwise before interlocal agreements may enter into force. All **[proposed]** interlocal agreements ~~should appear on the consent calendar, subject to removal in accordance with the city council Rules of Procedure~~ **[shall be presented to the Council by the City Manager for discussion, and shall thereafter be noted on an upcoming Council agenda for action].**

(2) Franchise Agreements. ~~Franchise agreements such as CATV, Puget Power, water, sewer, and the like require city council approval. Franchise agreements should be referred to an Ad Hoc Council Committee~~ **[All franchise agreements, including but not limited to CATV, power, water, gas, and sewer, shall require City Council approval. All proposed franchise agreements shall be presented to the Council by the City Manager for discussion, and may be referred to a Council committee]** ~~for study and recommendation prior to presentation to the city council~~ **[City Council]** ~~for approval~~ **[action].**

(3) Public Works ~~{[(Non-Bid;]~~ Small Works Roster). Under current state law, ~~code cities of a population of 20,000 or greater are required to go to bid on public work projects if the cost of the public work exceeds \$20,000 for a single craft or trade or \$35,000 for a multiple craft or trade. Code cities with a population of 20,000 or greater are permitted to adopt a small works roster for a public work of \$100,000 or less. The city council~~ **[The City Council]** ~~has adopted a small works roster. All public work contracts between \$35,000 and \$100,000 shall be subject to the approval of the city council and shall be referred to the council committee of origin~~ **[pursuant to RCW 35.22.620 and RCW 39.04.155. All public works contracts assigned from the small works roster shall be presented to the Council by the City Manager and may be referred to a Council committee]** ~~for study and recommendation, and if there is no committee of origin, shall be considered by the council as a whole~~ **[prior to presentation to the City Council for action].**

(4) Public Works (Subject to Bid). Public work **[works]** projects ~~exceeding \$100,000 are subject to~~ **[not otherwise exempt from the]** bid laws and shall be **[bid and]** processed in accordance with ~~the Revised Code of Washington~~ **[state law]**. After opening of bids, results shall **[may]** be submitted to the council **[Council]** committee of origin for study and recommendation prior to being presented to the city council for approval and if there is no council committee of origin, shall be considered by the council as a whole **[presentation to the City Council for action]**. Action taken by the city council **[Council]** in awarding the bid and directing the city manager **[City Manager]** to sign contracts **[such contract]** should include authority ~~granted to the city manager~~ **[for the City Manager]** to expend funds in the amount of the bid award plus ~~ten percent~~ **[five percent, if otherwise consistent with the approved budget.]**

(5) Purchase of Supplies, Material, Equipment, and Non-professional Services. ~~For code cities of a population of 20,000 or greater~~

~~there~~ **[Professional Services. There]** are no bidding requirements **[under RCW 35.22.620]** for purchases of supplies, material, equipment, or services which are not purchased in connection with a public work. For ~~such purchases, the city manager~~ **[purchases that fall within the approved budget, the City Manager]** shall adopt written guidelines; ~~subject to city council approval,~~ **[approved by the City Council]** to ensure that purchases are made at the lowest possible price from a **[responsive and]** responsible vendor. **[All other purchases shall be presented to the City Council by the City Manager for discussion prior to Council action.]**

(6) Architectural and Engineering Services. Chapter 39.80 RCW provides that in selecting architect and ~~engineer~~ **[engineering]** consultants the City shall conduct discussions with one or more firms and shall select the firm deemed the most highly qualified to provide the services required for the proposed project. The Attorney General of the State of Washington has issued an ~~an~~ **[a non-binding]** opinion ~~precluding~~ **[advising that]** cities ~~from considering~~ **[should not consider]** price when selecting architects and engineers, except for a final price negotiation after the most qualified architect or engineer has been selected. The following process ~~shall govern awarding of~~ **[will be used to consider and award]** contracts to architects or engineers:

(a) ~~The city manager shall advertise the~~ **[Following approval for such services by the City Council, the City Manager shall advertise for the needed]** architectural and engineering requirements;[.]

(b) ~~The city manager shall thereafter~~ **[Following discussion with the City Council regarding the responsive firms, the City Manager may]** enter into discussions with **[one or more selected firm(s) to identify the most qualified architect(s) or engineer(s). Discussion shall include]** ~~several firms and select the most qualified architect or engineer;~~ ~~The city manager shall then negotiate the scope of work and price with the architect or engineer selected; and~~ **[cost of services.]**

(c) ~~If the~~ **[If the proposed]** contract amount does not exceed \$20,000 and **[\$5,000 or]** has been previously budgeted, the ~~city manager~~ **[City Manager is]** authorized to sign a contract for such services without **[further]** approval by the ~~city council or any committee thereof.~~ **[City Council. If the proposed]** contract amount exceeds \$20,000, the ~~contract should appear on the consent calendar, subject to removal in accordance with the city council Rules of Procedure.~~ **[\$5,000 or has not**

been previously budgeted, the contract shall be presented to the City Council for action.]

(7) ~~Leases~~[(7) Lease, Purchase or Sale] of City Real Property. ~~Leases of City real property are subject to review and approval by the city council. The mayor shall have discretion to submit any such lease to a standing or ad-hoc~~ [The lease, purchase or sale of real property to or by the City shall be reviewed and approved by the City Council. The Council may submit any proposed lease, purchase or sale to a Council] committee for study and recommendation prior to being presented [presentation] to the city council [City Council] for approval [action].

(8) Contracts for General Professional Services. Contracts for general professional services, which do not involve architects or engineers, ~~are not subject to the bid laws of the State of Washington. Examples of such services are~~ [(such as) computer consultants, financial consultants, management consultants, and the like. The process for awarding [outside legal services) are not subject to the state bid laws. The following process will be used to consider and award] general professional services contracts shall be as follows:[:]

(a) ~~The city manager shall research the~~ [The City Manager shall notify the City Council of the need for such services, and shall identify and research qualified] persons and firms that are available to provide such professional services, ~~taking into consideration recommendations from any source. The city manager shall then negotiate a~~ [that have been previously budgeted or otherwise approved by the City Council. The City Manager may consider recommendations for qualified professionals from any source.

(b) Following discussion with the City Council of the identified firm(s) or individual(s), the City Manager shall negotiate a ~~proposed~~ [proposed] contract with the party selected, including scope of work and price. [cost of services.]

(c) If the [proposed] contract amount does not exceed \$20,000 [~~\$5,000~~] and has been previously budgeted, the city manager shall be [City Manager is] authorized to sign a contract for such services without [further] approval by the city council or any committee thereof. If the [City Council. If the proposed] contract amount exceeds \$20,000, the contract should appear on the consent calendar, subject to removal in accordance with the city council Rules of Procedure [~~\$5,000 or has not~~]

been previously budgeted, the contract shall be presented to the City Council for action].

(9) Administrative Contracts. Administrative contracts are [routine or recurring] contracts which do not fall into any other category described in this rule, ~~and are for services~~ [resolution and which have been] previously budgeted by the city council [City Council]. Examples of administrative contracts are agreements with the Sexual Assault Center, VanGo, [D.A.R.E.,] Senior Nutrition, D.A.W.N., and the like. The city manager [City Manager] is authorized to execute [such] administrative contracts, ~~and the same shall not be subject to approval by the city council or any committee thereof.~~ [following presentation to the City Council.]

Sec. 2. Resolution No. 665 is [and No. 753 are] superseded and repealed.

ADOPTED BY the city council [City Council] of the city [City] of Des Moines, Washington this 27th day of January, 1994 and signed [_____] day of _____, 2002 by a vote of _____ for, and _____ against, and signed below] in authentication thereof this 27th day of January, 1994.[.]

MAYOR [City of Des Moines

Mayor Donald Wasson

ATTEST:

City Clerk]

APPROVED AS TO FORM:

City Attorney

ATTEST:

City Clerk

----- COMPARISON OF FOOTERS -----

-FOOTER 1-

~~405558.1/014189.00001~~ [405558.2/014189.00001]

3 [1]

R

AGENDA ITEM

SUBJECT: Discussion: Cardrooms
Second Reading

ATTACHMENTS:

1. Draft Ordinance No. 02-141
2. Minutes of July 25, 2002
3. Memo from Commander Kevin Tucker

AGENDA : September 12, 2002

DEPT. OF ORIGIN: Community Development

DATE SUBMITTED: August 28, 2002

CLEARANCES:

[X] LEGAL

APPROVED BY THE CITY MANAGER
FOR SUBMITTAL

Purpose and Recommendation:

The purpose of this agenda item is for Council to further discuss the issue of cardrooms in the City of Des Moines. It is recommended Council adopt on second reading Ordinance 02-141 permitting enhanced cardrooms in the City of Des Moines.

Suggested Motion:

"I move to adopt on second reading Draft Ordinance 02-141 permitting enhanced cardrooms in the City of Des Moines"

Background:

On July 25, 2002 the City Council discussed permitting enhanced cardrooms in the City. At this meeting City Council requested further information on the incidence of crime related to these facilities. Attachment 3 is a memo from Commander Kevin Tucker on this issue.

Discussion:

It appears from Commander Tucker's research there is little correlation between enhanced cardrooms and increase of crime. There was some concern from Police on regulating the dance hall portions of these facilities. After discussions with the City Attorney on regulations of dance halls included in existing ordinances these concerns have been addressed.

Alternatives:

1. Adopt legislation permitting cardrooms in the city.
2. Maintain the current ban on cardrooms in the city.

Financial Impact:

Cardrooms are subject to a tax up to 20% of gross receipts. For house-backed games, "gross receipts" are defined as the house's win after collecting all losing wagers and paying players with winning hands. The 20% cardroom tax is unusually high and most, if not all cities, tax significantly below this ceiling. Generally, most cities tax between 10% and 15% (Everett taxes at 3.5% and Federal Way at 20%). The revenues received from these taxes are to be used primarily for local gambling enforcement programs. A 1976 Attorney General letter interpreted "primarily" as gambling law enforcement activities have "first call" on these funds. Revenues received in excess of enforcement costs may be used for any other purpose. The draft ordinance includes a 10% tax.

Recommendation/Conclusion:

Approve Draft Ordinance 02-141 on second reading.

Concurrence:

The Police Department has reviewed and concurs with the draft ordinance.

COMMUNITY DEVELOPMENT DEPARTMENT'S FIRST DRAFT 07/12/02
CITY ATTORNEY'S SECOND DRAFT 07/22/02

DRAFT ORDINANCE NO. 02-141

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON relating to the regulation of gambling activities and the imposition of gambling taxes, amending the provisions of DMMC 5.40 and DMMC 9.48, and repealing Ordinance No. 1255. *A repeal* ♀

WHEREAS, the State Legislature and State Gambling Commission have expanded the ability of establishments holding gambling licenses to conduct house-banked social card games as a commercial stimulant, and

WHEREAS, such gambling establishments may operate up to 15 tables of house-banked social card games, and

WHEREAS, in practice these establishments appear to self-regulate in a positive manner regardless of whether they are subject to regulation under the zoning code, and

WHEREAS, other municipal regulations such as signage, parking, and design review, are applicable to these establishments through regulations applying to full service restaurants in which these establishments must be located under state law, and

WHEREAS, the state legislature authorizes cities to impose gambling taxes upon gambling activities conducted in accordance with chapter 9.46 RCW, and

WHEREAS, the City has previously imposed gambling taxes by enacting DMMC 5.40, and

WHEREAS, portions of DMMC 5.40 have not been revised since 1974, and

WHEREAS, Ordinance No. 1255 was adopted by City Council on February 3, 2000 adding a new section to DMMC 9.48 prohibiting the conduct or operation of social card games as a commercial stimulant within the City limits, and

WHEREAS, the City Council finds it is in the best interests of the City to repeal Ordinance No. 1255 and DMMC

9.48.020 to allow the operation of social card games as a commercial stimulant within the City limits, and

WHEREAS, the City Council has determined that it has the authority to tax punchboards and pull-tabs for commercial stimulant operators at either five percent (5%) of the gross receipts or ten percent (10%) of the gross receipts less the amount awarded as cash or merchandise, and

WHEREAS, the City Council has determined that it is in the best interests of the City to exercise the option of five percent (5%) of the gross receipts to simplify accounting for both the City and operators, and

WHEREAS, the City Council has determined that it has the authority to tax social card games up to twenty per cent (20%) of gross revenues, and

WHEREAS, the City Council has determined that most cities tax social card games between five percent (5%) and ten percent (10%) of gross revenues, and

WHEREAS, based on this information the City Council has determined that it is in the best interests of the City to tax social card games at ten percent (10%) of gross revenues, and

WHEREAS, the City Council has determined that its gambling regulations should be updated, and

WHEREAS, the City Council has determined that in order to be consistent with state law, portions of RCW 9.46 should be adopted by reference; now therefore,

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

NEW SECTION. Sec. 1. A new section is added to DMMC 5.40 to read as follows:

Definitions. The state statute definitions that are adopted by reference at DMMC 9.48.010 are applicable to this chapter.

NEW SECTION. Sec. 2. A new section of DMMC 5.40 is added to read as follows:

Activities authorized. Any license issued under the authority of state law, RCW Chapter 9.46, to engage in any legal gambling activity shall be legal authority to engage in the gambling activities for which the license was issued throughout the City. Specifically:

(1) The City authorizes bona fide charitable or nonprofit organizations as defined by Section 501(c)3 of the Internal Revenue Code to conduct bingo games, raffles, fund-raising events, amusement games and punchboards or pull-tabs, and to allow their premises and facilities to be used by only members, their guests, and members of a chapter or unit organized under the same state, regional, or national charter or constitution, to play social card games authorized by the commission, when licensed, conducted or operated pursuant to the provisions of Chapter 9.46 RCW.

(2) The City authorizes public cardrooms operated as a commercial stimulant, when licensed, conducted or operated pursuant to the provisions of Chapter 9.46 RCW.

(3) The City authorizes punchboards and pulltabs, when licensed, conducted or operated pursuant to the provisions of Chapter 9.46 RCW.

NEW SECTION. Sec. 3. A new section is added to DMMC 5.40 to read as follows:

When due - Delinquency.

(1) The tax imposed by this chapter shall be due and payable and remitted with such return, on a form prescribed by the City Clerk, on or before

the last day of the month succeeding the reporting period in which the tax accrued.

(2) For each reporting period, if the tax return or payment is not made by the due date thereof, interest and penalty shall be added as follows:

(a) If filed on or before the fifteenth (15th) day of the second (2nd) month succeeding the reporting period in which the tax accrued, a ten percent (10%) penalty, with a minimum penalty of five dollars (\$5.00).

(b) If filed after the fifteenth (15th) day of the second (2nd) month succeeding the reporting period in which the tax accrued, a fifteen percent (15%) penalty with a minimum penalty of ten dollars (\$10.00).

(c) Interest shall accrue, from the date such tax is due until paid in full, at a rate of twelve percent (12%) per annum, compounded daily, on the principal interest and penalties imposed pursuant to this subsection.

(3) Failure to make payment by the last day of the second (2nd) month succeeding the reporting period in which the tax accrued shall be a violation of this chapter.

Sec. 4. DMMC 5.40.010 and section 1 of Ordinance 361 are each amended to read as follows:

Taxes imposed. In accordance with ~~((Chapter 218², Laws of Washington, 1973 First Extraordinary Session,))~~ RCW Chapter 9.46 as presently constituted or as may be subsequently amended, there is levied upon all persons who have been duly licensed by the Washington State Gambling Commission to conduct or operate:

Deleted

(1) Bingo games, raffles, fund-raising events, amusement games and punchboards or pull-tabs, and social card games within a ((fraternal)) bona fide charitable or nonprofit organization, as defined by Section 501(c)3 of the Internal Revenue Code, a tax of one dollar (\$1.00) per member up to a maximum of one hundred dollars (\$100.00) per organization;

1 (2) Public cardrooms operated as a commercial stimulant, a tax per table of \$250.00 of ten percent (10%) of the gross receipts;

2 (3) Punchboards and pull-tabs, a tax of five percent (5%) of the gross receipts.

Sec. 5. DMMC 5.40.020 and section 2 of Ordinance No. 361 are each amended to read as follows:

Administration and collection. The administration and collection of the tax imposed by this chapter shall be by the City Clerk or designee and pursuant to the rules and regulations of the Washington State Gambling Commission. The City Clerk may adopt and distribute such rules and regulations as may be reasonably necessary to enforce the provisions of this chapter.

Sec. 6. DMMC 5.40.030 and section 3 of Ordinance No. 361 are each amended as follows:

Declaration of intent. For the purpose of identifying who shall be subject to the tax imposed by this chapter, a person intending to conduct or operate any gambling activity authorized by Chapter 218, Laws of Washington, 1973 First Extraordinary Session RCW Chapter 9.46, as presently constituted or as may be subsequently amended, shall, prior to commencement of such activity, file with the City Clerk a sworn

declaration of intent to conduct or operate such activity, together with a copy of the license issued in accordance with ~~Chapter 218~~ RCW Chapter 9.46, as presently constituted or as may be subsequently amended. [Ord. 361 § 3, 1974.]

repealing delete
Sec. 7. DMMC 5.40.040 and sections 4 and 5 of Ordinance No. 361 as amended by section 1(a) of Ordinance No. 366 are amended to read as follows:

Added
Payment - ((Card games and cardrooms)) Bona fide charitable or non-profit organizations. The tax imposed by DMMC 5.40.010(1) ((and (2))) shall be due and payable at the time of filing the sworn declaration of intent with the City Clerk and shall be for the length of the term of the license issued to the applicant by the State Gambling Commission. The tax shall not be prorated if the term of the license is less than one year from the date of application.

Sec. 8. DMMC 5.40.050 and section 5 of Ordinance No. 361 as amended by section 1(b) of Ordinance No. 366 are each amended to read as follows:

correct
Payment - Cardrooms, punchboards and pulltabs. The tax imposed by DMMC 5.40.010 (2) and (3) shall be paid to the City Clerk upon the filing of a report of gambling moneys received by a license holder to the Washington State Gambling Commission, and a duplicate copy of such reports shall be filed simultaneously with the City Clerk along with the payment of the tax thereon.

Sec. 9. Repealer. DMMC 5.40.070 and section 7 of Ordinance No. 361 are each repealed.

Sec. 10. Repealer. DMMC 9.48.020 and Ordinance No. 1255 are each repealed.

Ordinance No. _____
Page 7 of _____

NEW SECTION. Sec. 11. Severability-Construction.

(1) If a section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

(2) If the provisions of this ordinance are found to be inconsistent with other provisions of the Des Moines Municipal Code, this ordinance is deemed to control.

NEW SECTION. Sec. 12. Effective date. This ordinance shall take effect and be in full force five (5) days after its passage, approval, and publication in accordance with law.

PASSED BY the City Council of the City of Des Moines this _____ day of _____, 2002 and signed in authentication thereof this _____ day of _____, 2002.

M A Y O R

APPROVED AS TO FORM:

City Attorney
ATTEST:

City Clerk

Published: _____

Effective Date: _____

EXCERPT

DES MOINES CITY COUNCIL MINUTES

July 25, 2002

Draft Ordinance No. 02-141 Cardroom Regulations - 1st Reading

Community Development Director Kilgore introduced the subject. After researching the issue, Community Development Director Kilgore said that she found that most casinos were self-regulating, created family wage jobs, and did not seem to generate crime. She noted that State law heavily regulated the industry. While the City could not regulate the placement of casinos, she believed that they would gravitate toward acceptable areas in the city due to lot size and visibility requirements. Community Development Director Kilgore explained that casinos must be linked to a full-service restaurant. If Council chose to permit casinos, Community Development Director Kilgore proposed a taxation rate of 10%. She noted that most cities' taxation rates were between 10% and 15%. She explained that the potential revenue of a casino would be dependent upon its location and size.

Councilmember White cautioned Council to not consider casinos to be the answer to the City's budgetary concerns.

Community Development Director Kilgore explained that the State regulated a casino's hours of operation and number of tables. She confirmed that proceeds from gambling taxes were to be used primarily for local gambling enforcement programs.

Councilmember Sheckler noted that Council was considering Draft Ordinance No. 02-141 due to the city's \$1.5 million budget shortfall. He said that city service levels would be cut unless additional revenue sources were found.

Councilmember Steenrod asked staff to inquire whether neighboring police departments had experienced an increase in DUI's since the establishment of casinos in their cities.

Councilmember Sheckler noted that if additional police were required to patrol the casinos, profits would be decreased.

Councilmember Petersen said that most casinos provide their own security.

City Attorney Marousek explained that if the State legislature broadened the definition of allowable gambling activities, the proposed ordinance was written so as to allow Council the opportunity to determine whether a specific activity should be allowed in Des Moines.

Mayor Wasson said that three surrounding cities were currently providing gambling services to Des Moines' residents. He felt that the citizens should be encouraged to spend their money at home.

MOTION was made by Councilmember Sheckler, seconded by Councilmember White and passed unanimously to move Draft Ordinance No. 02-141 on to a second reading at the August 22, 2002 meeting.

MEMORANDUM

Date: July 31, 2002

To: Judith Kilgore
Community Development Director

From: Kevin Tucker
Commander

Subject: Gambling Impacts

In July, when we talked you requested I look into the possible impacts gambling establishments would cause to the services provided by the Des Moines Police Department. You had specifically mentioned the cities of Burien and Sea Tac as possible cities to contact for statistics.

I started my research by contacting Municipal Research & Services Center of Washington (MRSC). I talked with their expert by the name of Mr. Meinig, and he stated that there is no definitive research available, which would show the impact of gambling on police departments. He recommended I contact the cities of Shoreline and Lakewood. He recommended Lakewood because they were in the process of trying to repeal part of their ordinance so they could limit gambling growth.

I contacted Chief Denise Pentony of the City of Shoreline, 206-546-4623. Chief Pentony stated the impact of their gambling establishments were very minimal. She stated that one of their larger venues is Parkers Off-Track Betting. She indicated the revenue to the city was very good.

City of Burien / Sea Tac / Precinct 4 of King County, Chief Scott Sommers 206-439-4712. Scott addressed the issues speaking for all three jurisdictions. Scott indicated that for the City of Sea Tac, casinos generated a 12 % increase in dispatch calls and a 5% increase in overall crimes. Scott indicated the dance areas caused the majority of the problems, music format, alcohol over service and vehicle parking. Scott also indicated that some of the problems were so significant it required 30 plus patrol car responses from multi jurisdictions. Scott said we could limit a lot of our problems by limiting the live music and dance floors as well as creating an ordinance that requires the casinos to be more upscale. Scott stated they had met with most of the problem casinos and laid before them a nuisance issue which required changes in the business in order to get their business licenses renewed. The most problem establishment for Sea Tac was Funsters, which is now closed.

City of Lakewood Chief Larry Saunders 253-798-4200, Cell #253-405-6140
Larry indicated their largest casino is Jimmy Macks. This casino brings in 1 million +/- a year. He stated this casino does not generate much police activity mainly due to the fact a large corporation runs it. The smaller non-professional casinos cause a majority of the problems in the Lakewood area.
Larry also indicated his department has a very good working relationship with the State Gambling Commission agents assigned to Pierce County. He indicated we should work on fostering a good working relationship with this agency and its enforcement officers.

As we have discussed, one of my concerns is to address the overall issues, which would arise from a gambling establishment, which provided entertainment other than gambling. One of the more significant issues surrounding the larger type of gambling establishments pertains to live music and dancing. In most of the City of Des Moines we are covered by ordinances addressing the issues of Cabarets and Dance Halls, however, under the current Pacific Ridge Zoning we would have no enforcement capabilities in the event a open venue dance hall or cabaret came into this area. Sea Tac has had a significant problem with the business called Funsters, as has Federal Way with a business called Café Arizona. Our ordinances are currently under review by Commander O'Leary in the respect of reviewing the requirements placed upon the businesses. The City of Federal Way who has had significant problems has adopted an ordinance relating to dance halls which has made a major impact in reducing problems relating to these types of establishments.

A very common theme expressed by all persons I contacted is who funds or operate the casinos. The least amount of police activity is generated from the larger professionally run gambling establishments. These establishments have well-established security and business practices which promote a better environment for its patrons.

Recommendations

I would recommend adopting the Gambling Ordinance.

I would recommend revising the Pacific Ridge Zoning to amend the section allowing for enforcement of the Dance Hall and Cabaret Ordinances in this area.

I would recommend reviewing Commander O'Leary's recommendations for modification to the City of Des Moines Ordinances Chapter 5.20 CABARET LICENSES, Chapter 5.24 PUBLIC DANCE HALLS, and Chapter 5.26 PUBLIC DANCE HALLS ADMITTING PERSONS UNDER THE AGE OF 18.

I would recommend the Des Moines Police Department keep statistical data on all new gambling establishments to determine impact on police services. This recommendation should also be extended to all city departments.

Items not completed

We are currently gathering data from the Washington State Patrol in the area of DUI arrests, which have stemmed from persons drinking at gambling establishments. Commander O'Leary will have this data available in the very near future.

AGENDA ITEM

BUSINESS OF THE CITY COUNCIL City of Des Moines, WA

SUBJECT: Resolution Supporting an Amendment
To King County Charter, Reducing
The King County Council from 13 to
9 Members.

ATTACHMENTS: 1. Draft Ordinance No. 02-168
2. King Co. Signature Report
(Proposed Ord. 2002-0306.1)
3. Email from King Co.
Councilmember Patterson's
Office Re: Proposed Charter
Amendment

FOR AGENDA OF: September 12, 2002

DEPT. OF ORIGIN: Administration

DATE SUBMITTED: August 14, 2002

CLEARANCES:
[X] Legal Lym

APPROVED BY CITY MANAGER

FOR SUBMITTAL: AT

PURPOSE AND RECOMMENDATION

This resolution gives support for the King County Charter Amendment proposed by King County Councilmembers Pullen and Irons to reduce the number of members of the King County Council.

MOTION: "To adopt Draft Resolution No. 02-168, supporting the proposed King County Charter Amendment reducing the number of King County Councilmembers from thirteen to nine."

Or

ALTERNATE MOTION: "To table a decision on Draft Resolution No. 02-168 to a subsequent meeting to allow for review of additional alternatives and/or recommendations."

BACKGROUND

The King County Council consisted of nine members prior to the merger of King County and Metro governments in 1992. Following the 1992 King County/Metro merger, the Charter created a 13-person King County Council. The size of the Metro King Council has remained unchanged since the 1992 merger.

The attached King County Signature Report (Proposed No. 2002-0306.1) was presented by King County Councilmembers Pullen and Irons. As written, the proposed amendment would require only five affirmative votes to adopt future ordinances, instead of the previous seven. In the event of emergency ordinances, a minimum of six affirmative votes would be required for enactment.

DISCUSSION

Passage of this Charter amendment would create a smaller county government and reduce taxpayer costs. The Charter amendment would also reduce Council voting requirements related to the proposed size of the Council, require redistricting of the county into nine districts instead of the current thirteen, and would phase in the reduction of Councilmembers with elections and terms of office. This proposed amendment would have to be passed by both the King County Council and the voters of King County.

ALTERNATIVES

King County Councilmember Julia Patterson has initiated in-depth and comprehensive work on this issue, along with a committee of bipartisan and regional County representatives. Unfortunately, their packet will not be available until the end of August. An alternative to adopting the resolution at the August 22, 2002 meeting would be to take Draft Resolution No. 02-168 to a subsequent meeting to allow time for review of additional information and recommendations.

MAYOR WASSONS'S FIRST DRAFT 08/14/02

DRAFT RESOLUTION NO. 02-168

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DES MOINES, WASHINGTON, supporting a King County charter amendment to reduce the size of the King County Council from thirteen (13) to nine (9) members.

WHEREAS, in 1992, King County and Metro Governments merged pursuant to a court order, and

WHEREAS, prior to 1992, King County's Council was composed of nine (9) Councilmembers, and

WHEREAS, after the 1992 King County and Metro merger, the newly formed King County government charter created a thirteen (13) member Council, and

WHEREAS, King County Councilmembers Kent Pullen and David Irons have introduced a proposed charter amendment that would reduce the size of the King County Council from thirteen (13) to nine (9) members, and

WHEREAS, it is the opinion of the Des Moines City Council that voters prefer smaller, more efficient government in order to increase efficiency and to reduce taxpayer costs, and

WHEREAS, in order to approve this charter amendment, both the King County Council and the voters of King County must approve the charter proposal, and

WHEREAS, the City Council finds that it is appropriate to support the King County charter amendment proposed by Councilmembers Pullen and Irons; now therefore,

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

Sec. 1. The City Council for the City of Des Moines, by this resolution, supports the King County charter amendment introduced by King County Councilmembers Kent Pullen and David Irons to reduce the size of the King County Council from 13 to 9 members.

Resolution No. ____
Page 2 of ____

Sec. 2. This resolution shall take effect and be in force immediately upon its adoption.

ADOPTED BY the City Council of the City of Des Moines, Washington this ____ day of ____, 2002 and signed in authentication thereof this ____ day of ____, 2002.

M A Y O R

APPROVED AS TO FORM:

City Attorney

ATTEST:

City Clerk

DRAFTRES:02-168

8/14/02 4:28 PM



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

August 6, 2002

Ordinance

Proposed No. 2002-0306.1

Sponsors Pullen and Irons

1 AN ORDINANCE proposing an amendment to the King
2 County Charter reducing in size the King County council
3 from thirteen to nine members; consequently reducing
4 council voting requirements related to the size of the
5 council; phasing in the reduction of council members with
6 elections and terms of office; amending Section 220.10 of
7 the King County Charter, Section 230.10 of the King
8 County Charter, Section 230.20 of the King County
9 Charter, Section 230.30 of the King County Charter,
10 Section 270.30 of the King County Charter, Section 460 of
11 the King County Charter and Section 650.10 of the King
12 County Charter, adding a new Section 650.40.15 to the
13 King County Charter, adding a new Section 650.40.25 to
14 the King County Charter, repealing Sections 650.04.010
15 and 650.40.020 of the King County Charter and submitting
16 the same to the voters of the county for their ratification or
17 rejection at the November 2002 general election.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. There shall be submitted to the qualified voters of King County for their approval and ratification or rejection, at the next general election to be held in this county occurring more than forty-five days after the enactment of this ordinance, an amendment to the King County Charter by amending Section 220.10 of Article 2, Section 230.10 of Article 2, Section 230.20 of Article 2, Section 230.30 of Article 2, Section 270.30 of Article 2, Section 460 of Article 4 and Section 650.10 of Article 6, amending Article 6 by adding new Sections 650.40.15 and 650.40.25 and amending Article 6 by repealing Sections 650.40.10 and 650.40.20, to read as follows:

Section 220.10. Composition and Terms of Office.

The metropolitan county council shall consist of ((~~thirteen~~)) nine members. The county shall be divided into ((~~thirteen~~)) nine districts, and one councilmember shall be nominated and elected by the voters of each district. The term of office of each councilmember shall be four years and until his or her successor is elected and qualified.

Section 230.10. Introduction and Adoption.

Proposed ordinances shall be limited to one subject and may be introduced by any councilmember, by initiative petition or by institutional initiative. At least seven days after the introduction of a proposed ordinance, except an emergency ordinance, and prior to its adoption or enactment, the county council shall hold a public hearing after due notice to consider the proposed ordinance. Except as otherwise provided in this charter, a minimum of ((~~seven~~)) five affirmative votes shall be required to adopt an ordinance.

230.20. Executive Veto.

Except as otherwise provided in this charter, the county executive shall have the right to veto any ordinance or any object of expense of an appropriation ordinance. Every ordinance shall be presented to the county executive within five days after its adoption or enactment by the county council. Within ten days after its presentation, the county executive shall either sign the ordinance and return it to the county council, veto the ordinance and return it to the county council with a written and signed statement of the reasons for his or her veto or sign and partially veto an appropriation ordinance and return it to the county council with a written and signed statement of the reasons for his or her partial veto. If an ordinance is not returned by the county executive within ten days after its presentation it shall be deemed enacted without his or her signature. Within thirty days after an ordinance has been vetoed and returned or partially vetoed and returned, the county council may override the veto or partial veto by enacting the ordinance by a minimum of ~~((nine))~~ six affirmative votes.

230.30. Emergency Ordinances.

Any proposed ordinance may be enacted as an emergency ordinance if the county council finds as a fact, and states in the ordinance, that an emergency exists and that the ordinance is necessary for the immediate preservation of public peace, health or safety or for the support of county government and its existing public institutions. A minimum of ~~((nine))~~ six affirmative votes shall be required to enact an emergency ordinance; and unless it is an emergency appropriation ordinance, it shall not be subject to the veto power of the county executive.

270.30. Powers and Duties.

Each regional committee shall develop, review and recommend ordinances and motions adopting, repealing, or amending county-wide policies and plans relating to the subject matter area for which a regional committee has been established. The regional policies committee may, by majority vote, request that the county council assign to the committee proposed policies and plans concerning other regional issues including but not limited to public health, human services, regional services financial policies, criminal justice and jails, and regional facilities siting.

The metropolitan county council shall assign each such proposed ordinance or motion to a regional committee for review. When a proposed policy or plan is referred to a regional committee for review, a time limit for such review shall be ~~((120))~~ one hundred twenty days or such other time as is jointly established by the metropolitan county council and the committee, which shall be confirmed in the form of a motion by the metropolitan county council. If the committee fails to act upon the proposed policy or plan within the established time limit, the metropolitan county council may adopt the proposed policy or plan upon ~~((eight))~~ six affirmative votes. The committee may request, by motion to the county council, additional time for review.

A proposed policy or plan recommended by a regional committee may be adopted, without amendment, by the metropolitan county council by ~~((seven))~~ five affirmative votes. If the metropolitan county council votes prior to final passage thereof to amend a proposed policy or plan that has been reviewed or recommended by a regional committee, the proposed policy or plan, as amended, shall be referred back to the appropriate committee for further review and recommendation. The committee may concur in, dissent from, or recommend additional amendments to the policy or plan.

87 After the regional committee has had the opportunity to review all metropolitan county
88 council amendments, final action to adopt any proposed policy or plan which differs from
89 the committee recommendation shall require ~~((eight))~~ six affirmative votes of the
90 metropolitan county council.

91 The council shall not call a special election to authorize the performance of an
92 additional metropolitan municipal function under state law unless such additional
93 function is recommended by a regional policy committee, notwithstanding the provisions
94 of Section 230.50.10 of this charter. Such recommendation shall require an affirmative
95 vote of at least two-thirds of the membership of each of: (1) metropolitan
96 councilmembers of the committee; (2) members from the city with the largest population
97 in the county; and (3) other city or town members of the committee. Nothing in this
98 section prohibits the metropolitan county council from calling a special election on the
99 authorization of the performance of one or more additional metropolitan functions after
100 receiving a valid resolution adopted by city councils as permitted by RCW
101 35.58.100(1)(a) and RCW 35.58.100(1)(b), or a duly certified petition as permitted by
102 RCW 35.58.100(2).

103 **Section 460. Consideration and Adoption of Appropriation Ordinances.**

104 Prior to the adoption of any appropriation ordinances for the next fiscal year, the
105 county council shall hold a public hearing to consider the budget presented by the county
106 executive and shall hold any other public hearing on the budget or any part thereof that it
107 deems advisable. The county council in considering the appropriations ordinances
108 proposed by the county executive may delete or add items, may reduce or increase the
109 proposed appropriations and may add provisions restricting the expenditures of certain

110 appropriations; but it shall not change the form of the proposed appropriation ordinances
111 submitted by the county executive. The appropriation ordinances adopted by the county
112 council shall not exceed the estimated revenues of the county for the next fiscal year for
113 each fund including surpluses and reserves, but the county council may increase the
114 amount of the estimated revenues contained in the budget presented by the county
115 executive by reestimating the amount by motion passed by a minimum of ~~((nine))~~ six
116 affirmative votes or by creating additional sources of revenue which were not included in
117 the proposed tax and revenue ordinances presented by the county executive.

118 **650.10. Districts.**

119 The county shall be divided into ~~((thirteen))~~ nine districts numbered one through
120 ~~((thirteen))~~ nine.

121 **Section 650.40.15. Districting in 2004.**

122 Notwithstanding any other provision of this charter, the districting committee
123 called for in Section 650.30 of this charter also shall be appointed and shall perform its
124 duties in 2004 according to the months and days specified in Section 650.30 of this
125 charter to prepare a districting plan for nine council districts.

126 **Section 650.40.25. Elections and terms of office for 2003 and thereafter.**

127 Notwithstanding any other provision of this charter, councilmembers elected in
128 2003 for council districts two, four, six, eight, ten and twelve shall serve a term of two
129 years. Elections for all council districts, as redistricted under Section 650.40.15 of this
130 charter, shall be held in 2005. Councilmembers elected in 2005 to represent districts one,
131 three, five, seven and nine each shall serve four-year terms. Councilmembers elected in
132 2005 to represent districts two, four, six and eight each shall serve an initial term of two

133 years. All subsequent elections shall be held according to the existing provisions of this
134 charter.

135 **Sections 650.40.10 and 650.40.20 repealed.** Sections 650.40.10, "Districting in
136 1993," and 650.40.20, "Initial Elections and Terms of Office for Districts Ten, Eleven,
137 Twelve and Thirteen," of the King County Charter are each hereby repealed.

138 SECTION 2. Effective date. Upon approval by the voters at the November 5,
139 2002, countywide general election of the amendment to Articles 2, 4 and 6 of the charter
140 as provided in this ordinance, the amendment takes effect January 1, 2006, except that

Ordinance

141 new Sections 650.40.15 and 650.40.25 and the repeals of Sections 650.40.10 and
142 650.40.20 take effect January 1, 2003.
143

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

ATTEST:

APPROVED this ____ day of _____, ____.

Attachments None

Email Excerpt

From: Freeman, Karen [Karen.Freeman@METROKC.GOV]

Sent: Thursday, August 15, 2002 4:22 PM

Subject: RE: Proposed Ordinance

Good Afternoon

Thank you for your phone call. Julia is working on a comprehensive ordinance dealing with governance issues at the Council. It will include a review of the Council size, as well as other structural issues related to Council Government. She feels that if we are going to talk about the structure and size of the King County Council, we must have the whole conversation. The County and the Council are dealing with a critical mass of issues that have created an environment and opportunity for a meaningful and thoughtful review of systemic problems. But we have to identify what the problems are and have a thorough discussion, then move forward with positive change. Unfortunately - the proposal is in the drafting process, so we can not meet your current timeline. If the Des Moines City Council is open to considering waiting, they could then consider both proposals. But I know what a bear scheduling can be.

Looking forward to working with you.

Best,

Karen Ann Freeman, Legislative Aide

Councilmember Julia Patterson, District 13

206.296.1013

