

AGENDA

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

June 26, 2014 – 7:00 p.m.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

CORRESPONDENCE

COMMENTS FROM THE PUBLIC

BOARD AND COMMITTEE REPORTS/COUNCILMEMBER COMMENTS

PRESIDING OFFICER'S REPORT

ADMINISTRATION REPORT

CONSENT AGENDA

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

Motion is to approve the minutes from the May 22, June 5 and June 12, 2014 Regular City Council Meetings and the minutes from the June 12, 2014 Executive Session.

Page 17 Item 2: **APPROVAL OF VOUCHERS**

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

Claim Checks: \$882,756.46

Payroll Fund Transfers: \$464,923.63

Total Certified Wire Transfers, Voids, A/P and Payroll Vouchers: \$1,347,680.09

Page 19 Item 3: **NATIONAL PARKS AND RECREATION MONTH PROCLAMATION**

Motion is to approve the Proclamation recognizing July as Parks and Recreation Month in Des Moines.

Page 23 Item 4: **2014-2018 STREET SWEEPING SERVICES**

Motion is to award McDonough and Sons Inc. the 2014-2018 Street Sweeping Services Contract in an amount not to exceed \$239,525.96, and authorize the City Manager to sign substantially in the form as submitted.

- Page 57 Item 5: CONSULTANT CONTRACT AMENDMENT: TRANSPORTATION PROJECT MANAGER LEONARD D. MADSEN
Motion is to approve Amendment 7 to the Contract with Leonard D. Madsen, continuing professional project management services for the Transportation Gateway Project from July 1, 2014 through December 31, 2014 not to exceed \$38,000 (bringing the total contract amount for 2014 to \$76,000), and authorize the City Manager to sign the contract amendment substantially in the form submitted.
- Page 71 Item 6: DRAFT ORDINANCE NO. 14-121 AMENDING DMMC 14.05.130 ENTITLED *FIVE-STORY WOOD FRAM BUILDINGS* AND DMMC 14.05.190 ENTITLED *HEIGHTS*
First Motion is to suspend Rule 26(a) in order to enact Draft Ordinance No. 14-121 on first reading.

Second Motion is to enact Draft Ordinance No. 14-121, amending DMMC 14.05.130 entitled *Five-Story Wood Frame Buildings*, and DMMC 14.05.90 entitled *Height*.
- Page 79 Item 7: DRAFT ORDINANCE 14-133: MODIFICATIONS TO UTILITY UNDERGROUNDING REQUIREMENTS
First Motion is to suspend Rule 26(a) in order to enact Draft Ordinance No. 14-133 on first reading.

Second Motion is to enact Draft Ordinance No. 14-133, amending Chapter 12.25.060 DMMC allowing for new or additional electric or communication facilities to be installed aerially where there are existing aerial facilities.
- Page 91 Item 8: SOUTH 251ST STREET SLIDE: FINAL DESIGN
Motion 1 is to approve the Task Order Assignment 2014-03 with TetraTech for the South 251st Street Slide Final Design in the amount of \$60,703.39, bringing the total design authorization to \$93,159.58, authorize a contingency in the amount of \$5,000, and further authorize the City Manager to sign said Task Order substantially in the form as submitted.

Motion 2 is to direct Administration to propose a CIP budget amendment reallocating funds between approved project budgets to cover the cost of this project.
- Page 119 Item 9: REQUEST TO SET DATE FOR PUBLIC HEARING FOR VACATION OF PUBLIC RIGHT-OF-WAY WITHIN CITY OF DES MOINES KNOWN AS 5TH PLACE SOUTH, SOUTH OF 287TH STREET
Motion is to adopt Draft Resolution No. 14-137 setting a public hearing on August 14, 2014, for a street vacation request relating to public right of way within the City of Des Moines.
- Page 127 Item 10: HIGHLINE SCHOOL FOUNDATION – BACK TO SCHOOL FAIR PROCLAMATION
Motion is to approve the Proclamation acknowledging the Highline Schools Foundation for providing community resources to help Highline Schools succeed.
- Page 131 Item 11: ARTS COMMISSION APPOINTMENT
Motion is to confirm the Mayoral appointment of M. Luisa Bangs to an unexpired term on the City of Des Moines Arts Commission effective immediately and expiring on December 31, 2014.

Page 135 Item 12: BACK TO SCHOOL RESOURCE FAIR
Motion 1 is to approve the Draft Resolution 14-135 authorizing City of Des Moines co-sponsorship with Highline Schools Foundation of the 2014 Back to School Resource Fair at Steven J. Underwood Memorial Park on August 7, 2014.

Motion 2 is to authorize the City Manager to sign the Agreement with Highline Schools Foundation for the 2014 Back to School Resource Fair specifying the responsibilities assumed by Highline Schools Foundation and identifying the responsibilities assumed by the City of Des Moines, substantially in the form as attached.

PUBLIC HEARING

Page 145 Item 1: TRANSPORTATION IMPROVEMENT PLAN (2015-2034)
Staff Presentation: Engineering Services Manager Brandon Carver

OLD BUSINESS

Page 165 Item 1: DRAFT ORDINANCE NO. 14-035 TRANSIT COMMUNITY ZONE
Staff Presentation: Community Development Manager
Denise Lathrop

NEW BUSINESS

Page 245 Item 1: 2013 YEAR-END FINANCIAL REPORT
Staff Presentation: Finance Director Paula Henderson

NEXT MEETING DATE

July 24, 2014 Regular City Council Meeting

ADJOURNMENT

¹ MINUTES

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

May 22, 2014 – 7:00 p.m.

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

The flag salute was led by Councilmember Nutting.

ROLL CALL

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

Staff present: City Manager Tony Piasecki; City Attorney Pat Bosmans; Community Development Manager Denise Lathrop; City Clerk Bonnie Wilkins.

CORRESPONDENCE

There were no correspondences.

COMMENTS FROM THE PUBLIC

Terry Suzuki, Washington Poison Center, thanked Council for funding 2013-2014 and gave an update on the past years successes.

Rikki Marohl, Farmers Market, presented Council with framed market posters from inception to current and spoke about all the activities happening at the market this year.

Mayor Kaplan asked Council to move the Consent Agenda before the Board and Committee Reports/Councilmember Comments.

CONSENT AGENDA

Item 1: APPROVAL OF VOUCHERS

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

Claim Checks: \$716,955.73

Payroll Fund Transfers: \$433,767.69

Total Certified Wire Transfers, Voids, A/P and Payroll Vouchers: \$1,150,723.42

Item 2: APPROVAL OF MINUTES

Motion is to approve the minutes from the April 24, May 1 and May 8, 2014 Regular City Council meetings.

Item 3: NATIONAL RECOVERY MONTH PROCLAMATION

Motion is to approve the Proclamation supporting National Recovery Month.

Item 4: MT. RAINIER HIGH SCHOOL GIRL'S BASKETBALL PROCLAMATION

Motion is to approve the Proclamation recognizing the achievements of the Mt. Rainier High School Girls Basketball team in the Washington State Championship game held March 7, 2014.

- Item 5: GOODS AND SERVICES CONTRACT WITH BELFOR PROPERTY RESTORATION FOR GROUNDWATER INTRUSION REMEDIATION AND PERMANENT REPAIR AND RESTORATION SERVICES FOR THE DES MOINES FIELD HOUSE
First Motion is to approve the Goods and Services Contract with Belfor Property Restoration for groundwater intrusion remediation and permanent repair and restoration services for the Des Moines Field House for a total amount not to exceed \$100,000.00, and additionally to authorize the City Manager to sign the Goods and Services Contract substantially in the form as submitted.
- Second Motion is to direct staff to bring forward a budget amendment to include this project in the 2014 Budget.
- Item 6: HIGHLINE COMMUNITY COLLEGE MEN'S BASKETBALL PROCLAMATION
Motion is to approve the Proclamation recognizing the achievements of the Highline Community College Men's Basketball team at the NWAACC Playoffs March 1-3, 2014.
- Item 7: DRAFT ORDINANCE NO. 14-088, AUTHORITY FOR EMINENT DOMAIN FOR TRANSPORTATION PROJECT ON 216TH AND PACIFIC HIGHWAY, CONTINUED TO JUNE 5, 2014 FOR FINAL ACTION
Motion is to continue final action on Draft Ordinance No. 14-088 to a second reading for enactment on June 5, 2014.
- Direction/Action**
Motion made by Councilmember Nutting to approve the Consent Agenda; seconded by Councilmember Musser.
The motion passed 7-0.

BOARD AND COMMITTEE REPORTS/COUNCILMEMBER COMMENTS

Councilmember Pennington:

- No Report.

Councilmember Sheckler:

- Congratulated Mt. Rainier Girls Basketball team and Highline Community College Men's Basketball team on a job well done.

Councilmember Burrage:

- South County Transportation Meeting:
 - Burlington Northern Railroad and safety.
 - Joint meeting with RAM (Regional Access Mobility Partnership).
 - Information on Proposition 1; how it passed or failed by area and Council district.
 - PIC Meeting:
 - Puget Sound Air Quality Agency.
 - Agenda on climate change/emissions targets:
 - Reduce emissions by 25% in 5 years and by 80% by 2050.

Mayor Pro Tem Pina:

- No Report.

Councilmember Musser:

- Congratulated Mount Rainier Girls Fast-Pitch players.
- Congratulated Mount Rainier Men's Baseball players.

Councilmember Nutting:

- Sweet & Shabby Vintage Market to be held on May 31st 10:00 to 5:00 p.m. at the Des Moines Field House.

PRESIDING OFFICER'S REPORT

Mayor Kaplan read the Proclamations for the Mount Rainier Girl's Basketball Team and the Highline Community College Men's Basketball team into the record.

King Conservation District presenting two workshops during the month of June.

Spoke at the Dedication of the Recology CleanScapes Material Reclamation Facility.

City Manager Piasecki and Mayor Kaplan met with Mayor's and City Managers from SeaTac, Kent & Federal Way to talk about Sound Transit and Link Light Rail alignment.

ADMINISTRATION REPORT

Item 1: **Motion** made by Mayor Kaplan to authorize the City Manager to submit a 2015 CDBG Capital Application for grant funding in the amount of \$395,000 for the Parkside Park Project and that a resolution confirming this action be placed June 5, 2014 City Council meeting agenda for approval; seconded by Councilmember Musser.
The motion passed 7-0.

City Manager Piasecki thanked Assistant City Manager Lorri Ericson for her years of service to the City.

Assistant City Manager interview process will be held next week.

Introduced the new Human Resources Manager, Maureen Murphy, who was in the audience.

PUBLIC HEARING/CONTINUED PUBLIC HEARING

Item 1: DRAFT ORDINANCE NO. 14-043, TREE TRIMMING
Staff Presentation: Community Development Manager
Denise Lathrop

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

At 7:50 p.m. Mayor Kaplan opened the Public Hearing.

Mayor Kaplan called those that signed up to speak:

- Karl Vogel, 20612 9th Avenue S, had questions on the proposed Ordinance.
- David Elliott, 21405 4th Avenue S, President of North Hill Community Club, strongly opposes the proposed Ordinance.
- Mac McGlynn, 20615 10th Avenue S, opposes the proposed Ordinance.
- Carl Scott, 20904 5th Avenue S, opposes the proposed Ordinance.
- Bonnie Komar, 21876 Soundview Drive, supports the proposed Ordinance.

- Bud Bohrer, 908 S Marine Hills Way, commented on the proposed Ordinance.

Mayor Kaplan asked if anyone else wished to speak. The following came to the podium and spoke:

- Ray Fairbank, 21213 6th Avenue S, does not believe in clear cutting and is against the proposed Ordinance.
- Keith Noess, 21210 4th Place S, suggested making the proposed Ordinance clearer.
- Nadia Curtis, 27319 10th Place S, concerned about property taxes when/if homeowner no longer has a view.
- Mike Merryfield, 28529 10th Avenue S, Federal Way resident, opposes the proposed Ordinance.

Staff answered questions on key points directed from the speakers.

Mayor Kaplan asked Council if they had any questions.

Mayor Kaplan closed the Public Hearing at 8:41 p.m.

Direction/Action

Motion made by Councilmember Musser to suspend City Council Rule 26(a) to consider Draft Ordinance No. 14-043 on first reading; seconded by Councilmember Sheckler.
The motion passed 4-3.

For: Mayor Kaplan; Councilmembers Nutting, Musser and Sheckler.

Against: Mayor Pro Tem Pina; Councilmembers Burrage and Pennington.

Motion 2 made by Councilmember Musser to enact Draft Ordinance No. 14-043 relating to the cutting and removal of trees on private developed sites, private undeveloped sites, public properties, City-owned property and right-of-way, and environmentally critical areas; amending chapters 12.05, 14.20, 16.01, 17.01, 17.35, 18.01 and 18.95 of the Des Moines Municipal Code and repealing DMMC 18.95.130 and section 424 of Ordinance No. 1591; seconded by Councilmember Sheckler.

Due to the proposed amendments brought to Council and the omissions/errors found in the Draft Ordinance, Mayor Kaplan requested the motion be retracted and referred back to the Environment Committee; Councilmembers Musser and Sheckler both withdrew Motion #2.

Motion made by Mayor Kaplan to refer motion #2 back to the Environment Committee; seconded by Mayor Pro Tem Pina.
The motion passed 5-2.

For: Mayor Kaplan; Mayor Pro Tem Pina; Councilmembers Nutting, Sheckler and Pennington.

Against: Councilmembers Musser and Burrage.

NEXT MEETING DATE

June 5, 2014 Regular City Council Meeting

ADJOURNMENT

Motion made by Mayor Pro Tem Pina to adjourn; seconded by Councilmember Musser.

The motion passed 7-0.

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

Respectfully Submitted,
Bonnie Wilkins
City Clerk

7
MINUTES

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

June 5, 2014 – 7:00 p.m.

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

The flag salute was led by Councilmember Nutting.

ROLL CALL

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

Mayor Kaplan was absent. Motion made by Councilmember Nutting to excuse Mayor Kaplan; seconded by Councilmember Musser.
The motion passed 6-0.

Staff present: City Manager Tony Piasecki; City Attorney Pat Bosmans; Chief of Police George Delgado; Community Development Manager Denise Lathrop; Planning, Building and Public Works Director Dan Brewer; Harbormaster Joe Dusenbury; City Clerk Bonnie Wilkins.

CORRESPONDENCE

There were no correspondences.

COMMENTS FROM THE PUBLIC

Dylan DeVito, Zayo Group, spoke before council on possible changes to the City Code, Underground Utility Requirements.

Direction/Action

Motion made by Councilmember Pennington that staff make the appropriate changes to the ordinance for chapter 12.25, Utility Undergrounding Requirements; seconded by Councilmember Burrage.

The motion passed 6-0.

BOARD AND COMMITTEE REPORTS/COUNCILMEMBER COMMENTS

Councilmember Pennington:

- Public Safety & Transportation Committee:
 - Undergrounding of overhead utilities.
 - Police Department Accreditation Program.
 - Sound Transit.

Councilmember Sheckler:

- No Report.

Councilmember Burrage:

- No Report.

Councilmember Musser:

- No Report.

Councilmember Nutting:

- June 7, 2014 Opening Day of Farmers Market:
 - Sounders Women's Soccer.
 - Fresh fruits and vegetables.

PRESIDING OFFICER'S REPORT

Attended the Highline Communities Coalition meeting with Highline School District 401, SeaTac, Burien & Normandy Park:

- Healthy Eating/Active Living Coops between Cities.

Item 1: RECOGNITION OF AWC SCHOLARSHIP APPLICANT CLARA McMICHAEL
Mayor Pro Tem Pina awarded a plaque to AWC Scholarship Applicant Clara McMichael.

ADMINISTRATION REPORT

Item 1: EMERGING ISSUES:

- Pictures submitted for the Association of Washington Cities Conference.
- Court of Appeals case Wenatchee v Chelan PUD.
- Dog Walker Watch Program:
 - Chief Delgado introduced the "Take Me Home Program" which aids in helping to locate the elderly & missing children.

CONSENT AGENDA

Item 1: CHEFS APPRECIATION DAY PROCLAMATION

Motion is to approve the Proclamation supporting Chefs Appreciation Day.

Item 2: DRAFT ORDINANCE NO. 14-088, AUTHORITY FOR EMINENT DOMAIN FOR TRANSPORTATION PROJECT ON 216TH & PACIFIC HIGHWAY, FINAL
Motion is to enact Draft Ordinance No. 14-088, relating to the acquisition by eminent domain of certain property in the City of Des Moines; describing the public convenience, use and necessity of such property; providing for the condemnation, appropriation, and taking of such land, including the mode of payment of cost of acquisition; and directing the City Attorney to prosecute such action in King County Superior Court.

Item 3: DRAFT RESOLUTION NO. 14-120, CDBG GRANT AUTHORIZATION
Motion is to adopt the Draft Resolution No. 14-120 to ratify City Council's unanimous decision made at the May 22, 2014 Council meeting to authorize the submittal by the City Manager of a 2015 King County Community Development Block Grant Application to King County in the amount of \$395,000 for federal funds to make improvements to Parkside Park.

Item 4: DRAFT RESOLUTION NO. 14-123 ACCEPTING FINDINGS OF FACT THAT AN EMERGENCY EXISTED FOR THE DES MOINES FIELD HOUSE
Motion is to adopt Draft Resolution No. 14-123 accepting findings that an emergency existed on March 11, 2014 at the Des Moines Field House which justified the City's entering into an emergency contract to provide the necessary groundwater intrusion remediation and repair and restoration services.

Direction/Action

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

PUBLIC HEARING/CONTINUED PUBLIC HEARING

Item 1: DRAFT ORDINANCE NO. 14-035 TRANSIT COMMUNITY ZONE
Staff Presentation: Community Development Manager
Denise Lathrop

Mayor Pro Tem Pina opened the Public Hearing at 7:22 p.m.

Community Development Manager Denise Lathrop gave a power point presentation on the T-C Zone.

Mayor Pro Tem Pina called that have signed up to speak:

- Delores Hodgkin, 23456 28th Avenue S, does not support the proposed Ordinance.
- Shannon Ashurst, 23620 28th Avenue S, does not support the proposed Ordinance.

Mayor Pro Tem Pina asked 3 times if anyone else wished to speak. Seeing none Community Development Manager Lathrop addressed questions asked during public comment.

Planning, Building & Public Works Director Brewer spoke to Council on street access off Pacific Highway South in the Transit Community Zone.

Seeing none Mayor Pro Tem Pina asked Council if they had any questions.

Mayor Pro Tem Pina closed the Public Hearing at 8:14 p.m.

Direction/Action

Motion made by Councilmember Sheckler to pass Draft Ordinance 14-035 to a second reading, to a date to be determined by the Mayor, adding a new chapter entitled "T-C Transit Community Zone" to Title 18 DMMC, adding a new section to Chapter 18.195 DMMC, adopting a new zoning map including all highway commercial zone parcels south of Kent Des Moines Road, amending DMMC 18.05.080, 18.10.050, 18.52.005, 18.52.010(b), 18.210.090, 18.250.060, 18.250.070, and 14.05.130, re-adopting the Findings of Fact in Ordinance No. 1457 establishing the Multifamily Tax Exemption (Exhibit 1 to Attachment 2) and extending the Residential Target Area for the Multifamily Tax Exemption in DMMC 3.96 to the new T-C Zone, and codifying a new chapter in Title 18 DMMC; seconded by Councilmember Musser.
The motion passed 6-0.

NEW BUSINESS

Item 1: J DOCK CONTRACT AWARD
Staff Presentation: Harbormaster Joe Dusenbury

Harbormaster Joe Dusenbury showed a slide of the bid tabulations to Council.

Direction/Action

Motion made by Councilmember Sheckler to award the contract for construction services for the J-Dock Fire Damage Rehabilitation Project to Marine Floats Corporation in the amount of \$554,388.78, which includes Bid Schedules A and B, and to authorize the City Manager to sign said contract substantially in the form as attached, and to further authorize a contingency for the J-Dock Fire Damage Rehabilitation Project not to exceed \$55,000 to cover unforeseen conditions and change orders as determined necessary by the City Manager; seconded by Councilmember Musser.

The motion passed 6-0.

NEXT MEETING DATE

June 12, 2014 Regular City Council Meeting

ADJOURNMENT

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

The meeting was adjourned at 8:37 p.m.

Respectfully Submitted,
Bonnie Wilkins
City Clerk

MINUTES¹¹

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

June 12, 2014 – 7:00 p.m.

CALL TO ORDER

Mayor Kaplan called the meeting to order at 7:01pm

PLEDGE OF ALLEGIANCE

The flag salute was led by Mayor Kaplan

ROLL CALL

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

Staff present: City Manager Tony Piasecki; City Attorney Pat Bosmans; Assistant City Attorney Tim George; Planning, Building and Public Works Director Dan Brewer; Human Resources Manager Maureen Murphy; Police Commander Barry Sellers; Acting City Clerk Autumn Lingle.

CORRESPONDENCE

There was no correspondence.

COMMENTS FROM THE PUBLIC

Zak Eskenazi, Angle Lake Family Resource Center, 4040 S 188th St, Ste 100, SeaTac, 98188 Expressed to Council gratitude for their support and he apprised them of the services that Angle Lake Family Resource Center provides. ALFRC is a program of Lutheran Community Services.

BOARD AND COMMITTEE REPORTS/COUNCILMEMBER COMMENTS

Councilmember Pennington:

- No report.

Councilmember Sheckler:

- No report.

Councilmember Burrage:

- No report.

Mayor pro tem Pina

- The Farmers Market opening day

Councilmember Musser:

- No report.

Councilmember Nutting:

- Highline School board approved a bond package for November 4 ballot.
- June 22, 2014; Des Moines Day at the Sounder's Women's Soccer Game:
 - o Starfire Sports Complex, 2:00 p.m.
 - o Admission is \$15 for Des Moines residents; children with a paying parent are free.
 - o A portion of proceeds will go to the Des Moines Legacy Foundation for youth scholarships.

PRESIDING OFFICER'S REPORT

- Farmers Market opening day
- Attended a Port of Seattle Commission meeting with City Manager Piasecki, where the Port approved the lease agreement with Panattoni Development Corporation plus the second development agreement that the Council had previously passed. He thanked the Port for their dedication and work. In addition, he acknowledged Councilmember Sheckler for his valuable participation.

ADMINISTRATION REPORT

- No report

CONSENT AGENDA

Item 1: APPROVAL OF VOUCHERS

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

Claim Checks: 1,463,254.62

Payroll Fund Transfers: \$419,862.35

Total Certified Wire Transfers, Voids, A/P and Payroll Vouchers: \$1,883,116.97

Item 2: DES MOINES MEMORIAL DRIVE PIPELINE & SOUTH 216TH PLACE CULVERT REPLACEMENT PROJECTS – CONTRACT AWARD

Motion 1 is to award the construction contract for the Des Moines Memorial Drive Pipeline & South 216th Place Culvert Replacement Projects to Northwest Cascade, Inc., in the amount of \$433,398.50, and authorize the City Manager to sign said contract substantially in the form as submitted. I further authorize a contingency for the construction project of up to \$44,000 (10%) to cover unforeseen conditions and change orders as determined necessary by the Planning, Building and Public Works Director.

Motion 2 is to direct Administration to propose a CIP budget amendment reallocating funds between approved project budgets to cover the cost of these projects.

Item 3: SETTING A PUBLIC HEARING FOR AMENDMENTS TO THE SIGN CODE THAT WERE INADVERTENTLY OMITTED IN ORDINANCE NO. 1591

Motion is to adopt Draft Resolution No. 14-114 setting a public hearing for July 24, 2014 to consider Draft Ordinance No. 14-114, amending chapter 18.200 DMMC.

Direction/Action

Motion made by Councilmember Musser to approve the consent agenda; seconded by Mayor Pro Tem Pina.
The motion passed 7-0

NEW BUSINESS

Item 1: DRAFT ORDINANCE, TITLE 8, ANIMALS

Staff Presentation: Assistant City Attorney Tim George

Assistant City Attorney George made a short presentation to council regarding the ordinance.

Direction/Action

Motion made by Councilmember Sheckler to suspend Rule 26(a) in order to enact Draft Ordinance No. 13-243 on first reading; seconded by Councilmember Nutting. The motion passed 7-0.

Motion made by Councilmember Sheckler to enact Draft Ordinance No. 13-243, repealing and replacing Title 8 DMMC, entitled "*Animals*"; seconded by Councilmember Nutting. The motion passed 7-0.

Mayor Kaplan read Draft Ordinance No. 13-243 into the record.

EXECUTIVE SESSION

At 7:18pm, Council went into Executive Session. The purpose of the Executive Session is to discuss labor negotiations under RCW 42.30.140(4)(a) and potential litigation under RCW 42.30.110(1)(i). The Executive Session lasted 1 hour and 52 minutes.

NEXT MEETING DATE

June 26, 2014 Regular City Council Meeting.

ADJOURNMENT

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

The meeting was adjourned at 9:00pm.

Respectfully Submitted,
Autumn Lingle
Acting City Clerk

**MINUTES
SPECIAL MEETING TO HOLD EXECUTIVE SESSION
June 12, 2014**

CALL MEETING TO ORDER

The Special Meeting was called to order at 7:18 p.m. by Mayor Kaplan in Council Chambers.

ROLL CALL

Present were Mayor Dave Kaplan; Mayor Pro Tem Matt Pina; Councilmembers Jeremy Nutting, Melissa Musser, Jeanette Burrage, and Vic Pennington. Also, present were City Manager Tony Piasecki, City Attorney Pat Bosmans, Assistant City Attorney Tim George, Human Resources Manager Maureen Murphy and outside Counsel Bruce Schroeder.

At 8:02pm, there was a 5 minute break. At this time, Assistant City Attorney George, City Manager Piasecki, Human Resources Murphy, and Counsel Schroeder, left the meeting.

At 8:35pm, Assistant City Attorney George and Human Resources Manager Murphy re-enter the meeting.

At 8:50pm, the meeting is extended for 10 minutes to 9:00pm.

PURPOSE

The purpose of the special meeting was to hold an Executive Session to discuss labor negotiations under RCW 42.30.140(4)(a) and potential litigation per RCW 42.30.110(1)(i).

No formal action was taken.

ADJOURNMENT

The Special Meeting was adjourned at 9:00 p.m.

Respectfully submitted,
Tony Piasecki
City Manager

CITY OF DES MOINES
Voucher Certification Approval

26-Jun-14

Auditing Officer Certification

Vouchers and Payroll transfers audited and certified by the auditing officer as required by RCW 42.24.080, and those expense reimbursement claims certified as required by RCW 42.24.090, have been recorded on a listing, which has been made available to the City Council.

As of **June 26, 2014** the Des Moines City Council, by unanimous vote, does approve for payment those vouchers and payroll transfers included in the attached list and further described as follows:

The vouchers below have been reviewed and certified by individual departments and the City of Des Moines Auditing Officer.

Claims Vouchers:		Numbers				Amounts
Total A/P Checks/Vouchers		139694	-	139868	175	882,340.46
Electronic Wire Transfers	1					666.00
Subtotal for this Council Packet						883,006.46
Voided Claim Checks this check run:						0.00
Voided Claim Checks from previous check runs		139160/139653			2	(250.00)
Total Claims/Wire Transfers/Voids						882,756.46
Payroll Vouchers:		DISBURSED 06/05/14				Amounts
Payroll Checks		18477	-	18484	= 8	9,449.57
Direct Deposit		230001	-	230151	= 151	294,640.06
Payroll Taxes						72,107.70
Wage/Garnishments						1,066.91
Voids					0	0.00
Electronic Wire Transfers						87,659.39
ICMA 401 Forfeitures						0.00
Total Claims						464,923.63
Total certified Wire Transfers,Voids, A/P & Payroll vouchers for June 26, 2014						1,347,680.09

A G E N D A I T E M

SUBJECT:
National Parks and Recreation Month
Proclamation

ATTACHMENT:
Proclamation

FOR AGENDA OF: June 26, 2014

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

DATE SUBMITTED: June 17, 2014

CLEARANCES:

[NA] Legal _____

[NA] Finance _____

[NA] Marina _____

[X] Parks, Recreation & Senior Services 

[NA] Planning, Building & Public Works _____

[NA] Police _____

[NA] Courts _____

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

Purpose and Recommendation

The purpose of this Agenda Item is to request a Proclamation recognizing July as Parks and Recreation Month.

Motion: "I move to approve the Proclamation recognizing July as Parks and Recreation Month in Des Moines."

Background

Since 1985, America has celebrated July as the nation's official Parks and Recreation Month.

The Nation's House of Representatives has declared July as Parks and Recreation Month to recognize the great societal value of parks and recreation facilities and their importance in local communities across the United States; recognize and honor the vital contributions of employees and volunteers in park and recreation facilities; and support the designation of a "National Parks and Recreation Month".

Discussion

The Des Moines Parks, Recreation and Senior Services Department Vision is: Building Community Together

The Department's Mission is:

To provide opportunities and encourage the diverse population of the Greater Des Moines area to participate in life enhancing activities through developed and well maintained park land and facilities, professional programming and services, and the optimum utilization of community resources.

The City of Des Moines has implemented policies that support a healthy Des Moines through healthy eating and active living, encouraging children to participate in 60 minutes of physical activities daily and to eat nutritious snacks in city recreation programs.

Des Moines parks and recreation facilities foster a variety of activities and services that contribute to a healthier City such as working together with our community partners to use chronic disease prevention practices, working with our food bank, health and social services providers and school districts and pool district and community groups to educate children on nutrition and activity, connecting children with nature, and combating obesity in youth. Our recreation programs also provide children with a safe refuge and a place to play, which helps to reduce at-risk behavior such as drug use and gang involvement.

Des Moines parks and recreation activities, and leisure experiences provide diverse opportunities for our children and families to grow, engage and develop for the betterment of our community; create lifelines and continuous life experience for older members of the community; generate opportunities for our citizens to come together and experience a sense of community; and pay dividends to communities by attracting businesses, jobs, increasing housing values and increased tourism.

Our parks and recreation department is dedicated to enhancing the quality of life for our residents through recreation and wellness programming, life-long learning, civic engagement and volunteerism, and conservation efforts and the provision of parks and facilities that honor Des Moines' history and traditions.

Alternatives

None provided.

Financial Impact

None provided

Recommendation/Concurrence

Administration supports the passage of the Proclamation recognizing July as Parks and Recreation Month in Des Moines.

Proclamation

Designation of July as *Park and Recreation Month*

WHEREAS, parks and recreation programs are an integral part of communities throughout this country, including the City of Des Moines, and

WHEREAS, our parks and recreation are vitally important to establishing and maintaining the quality of life in our communities, ensuring the health of all citizens, and contributing to the economic and environmental well-being of a community and region, and

WHEREAS, parks and recreation programs build healthy, active communities that aid in the prevention of chronic disease, provide therapeutic recreation services for those who are mentally or physically disabled, and also improve the mental and emotional health of all citizens, and

WHEREAS, parks and recreation programs increase a community's economic prosperity through increased property values, expansion of the local tax base, increased tourism, the attraction and retention of businesses, and crime reduction, and

WHEREAS, parks and recreation areas are fundamental to the environmental well-being of our community, and

WHEREAS, parks and natural recreation areas improve water quality, protect groundwater, prevent flooding, improve the quality of the air we breathe, provide vegetative buffers to development, and produce habitat for wildlife, and

WHEREAS, our parks and natural recreation areas ensure the ecological beauty of our community and provide a place for children and adults to connect with nature and recreate outdoors, and

WHEREAS, the U.S. House of Representatives has designated July as *Park and Recreation Month*, and

WHEREAS, the City of Des Moines recognizes the benefits derived from parks and recreation resources, now therefore;

THE DES MOINES CITY COUNCIL HEREBY PROCLAIMS that July is recognized as *Park and Recreation Month* in the City of Des Moines, Washington.

SIGNED this _____ day of _____, 2014.

[City Seal]

MAYOR

A G E N D A I T E M

BUSINESS OF THE CITY COUNCIL City of Des Moines, WA

SUBJECT: 2014-2018 Street Sweeping Services

FOR AGENDA OF: June 26, 2014

ATTACHMENTS:

1. 2014-2018 Street Sweeping Goods and Services Contract
2. Street Sweeping Services Bid Tabulation
3. Adopted 2014 SWM Maintenance Budget

DEPT. OF ORIGIN: Planning, Building and Public Works

DATE SUBMITTED: June 11, 2014

CLEARANCES:

- ☒ Legal TS
☒ Finance ph
☐ Marina _____
☐ Parks, Recreation & Senior Services _____
☒ Planning, Building & Public Works DJB
☐ Police _____

APPROVED BY CITY MANAGER
FOR SUBMITTAL: AS

Purpose and Recommendation

The purpose of this agenda is to award the 2014 – 2018 Street Sweeping Services Contract (refer to Attachment 1), fifty-three (53) months in duration, to McDonough and Sons Inc. in an amount not to exceed \$239,525.96.

Suggested Motion

Motion: “I move to award McDonough and Sons Inc. the 2014-2018 Street Sweeping Services Contract in an amount not to exceed \$239,525.96, and authorize the City Manager to sign substantially in the form as submitted.”

Background

The current street sweeping contract expires on July 31, 2014.

On May 1, 2014, the invitation for bids was placed via e-mail utilizing the MRSC Roster process. The invitation for bids was also advertised in the Seattle Daily Journal of Commerce on May 1 and May 8, 2014. Bids were opened and publicly read aloud on May 22, 2014. We received a total of 2 bids, with McDonough and Sons Inc. being the apparent lowest responsive bidder. A Bid summary is provided as Attachment 2.

The new contract begins on August 1, 2014 and ends on December 31, 2018 [fifty-three (53) months]; and includes a 2-year extension provision based upon satisfactory performance (at no additional bid pricing increase to the City).

The Surface Water Management (SWM) Utility pays all the costs of this service because the street sweeping helps clean up pollution before it gets into the storm system and streams.

Discussion

The scope of work for this contract is a bit different than that of past contracts. Staff researched other jurisdictions and found a trend existing in the sweeping industry to sweep areas prone to fallen leaves more frequently during the fall period, and less frequently during the rest of the year. Staff also discovered that you receive better accountability of servicing when you make minimum equipment requirements, and require GPS mapping documentation to accompany monthly pay requests.

This new contract scope of work incorporates these features and several others in hopes of obtaining a better sweeping product.

Zone 8 is the sweeping of Huntington Park, and Huntington Park has reviewed the bid submitted by McDonough and Sons Inc. and has given staff their approval of the pricing for their zone. The contract language also allows the addition of other private streets should there be interest.

Alternatives

The City could reduce or eliminate street sweeping services. Appearance of City streets would deteriorate, as would emergency sweeping responses and special event sweeping. Increased amounts of roadway pollution would be washed into the storm system and into salmon bearing streams.

Financial Impact

The SWM Utility has sufficient funds budgeted for these important sweeping services. A copy of the SWM budget is provided as Attachment 3.

Recommendation or Conclusion

Staff recommends awarding the 2014 – 2018 Street Sweeping Services Contract to McDonough and Sons Inc.

Concurrence

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



GOODS & SERVICES CONTRACT between the City of Des Moines and McDonough and Sons Inc.

THIS CONTRACT is made by and between the City of Des Moines, a Washington municipal corporation (hereinafter the "City"), and McDonough and Sons Inc. organized under the laws of the State of Washington, King County, located and doing business at 27218 SE Kent Kangley Rd., Ravensdale, WA. 98051, (425) 432-1054, Pam Meitmann (hereinafter the "Vendor").

CONTRACT

I DESCRIPTION OF WORK.

Vendor shall provide the following goods and materials and/or perform the following services for the City:

2014 – 2018 Street Sweeping Services" as described in Exhibit "A" and depicted in Exhibit "B" (both incorporated into, and attached). The duration of this contract shall be fifty-three (53) months, commencing on August 1, 2014 and ending on December 31, 2018.

Vendor acknowledges and understands that it is not the City's exclusive provider of these goods, materials, or services and that the City maintains its unqualified right to obtain these goods, materials, and services through other sources.

II. TIME OF COMPLETION. Upon the effective date of this Contract, Vendor shall commence work on August 1, 2014, and complete the work and provide all goods, materials, and services by December 31, 2018. This Contract shall include a satisfactory performance extension (at no additional bid pricing increase to the City) of twenty-four (24) months. The City will notify the Vendor in writing a minimum of thirty (30) days in advance of the contract termination date of the intent to extend the contract twenty-four (24) months based upon satisfactory performance.

III. COMPENSATION. The City shall pay the Vendor an annual amount not to exceed \$239,525.96, which includes all applicable Washington State Sales Tax, for the goods, materials, and services contemplated in this Contract. The City shall pay the Vendor the following amounts according to the following schedule:

The Vendor shall invoice the City monthly for the services rendered per Exhibit "A".

If the City objects to all or any portion of an invoice, it shall notify Vendor and reserves the option to only pay that portion of the invoice not in dispute. In that event, the parties will immediately make every effort to settle the disputed portion.

- A. Defective or Unauthorized Work. The City reserves its right to withhold payment from Vendor for any defective or unauthorized goods, materials or services. If Vendor is unable, for any reason, to complete any part of this Contract, the City may obtain the goods, materials or services from other sources, and Vendor shall be liable to the City for any additional costs incurred by the City. "Additional costs" shall mean all reasonable costs, including legal costs and attorney fees, incurred by the City beyond the maximum Contract price specified above. The City further reserves its right to deduct these additional costs incurred to complete this Contract with other sources, from any and all amounts due or to become due the Vendor.
- B. Final Payment: Waiver of Claims. VENDOR'S ACCEPTANCE OF FINAL PAYMENT SHALL CONSTITUTE A WAIVER OF CLAIMS, EXCEPT THOSE PREVIOUSLY AND PROPERLY MADE AND IDENTIFIED BY VENDOR AS UNSETTLED AT THE TIME REQUEST FOR FINAL PAYMENT IS MADE.

IV. PREVAILING WAGES. Vendor shall file a "Statement of Intent to Pay Prevailing Wages," with the State of Washington Department of Labor & Industries prior to commencing the Contract work and an Affidavit of prevailing wages paid after completion of the work. The Statement of Intent to Pay Prevailing Wages," shall include Vendor's registration certificate number and the prevailing rate of wage for each classification of workers entitled to prevailing wages under RCW 39.12.020, and the estimated number of workers in each classification. Vendor shall pay prevailing wages in effect on the date the bid is accepted or executed by Vendor, and comply with Chapter 39.12 of the Revised Code of Washington, as well as any other applicable prevailing wage rate provisions. The latest prevailing wage rate revision issued by the Department of Labor and Industries must be submitted to the City by Vendor. It shall be the responsibility of Vendor to require all subcontractors to comply with Chapter 39.12 RCW and this section of the Contract.

The State of Washington prevailing wage rates applicable for this goods and services project, which is located in King County, may be found at the following website address of the Department of Labor and Industries: <https://fortress.wa.gov/lni/wagelookup/prvWagelookup.aspx>. Based on the bid submittal deadline for this project, the applicable effective date for prevailing wages for this project is 04/16/2014. A copy of the applicable prevailing wage rates are also available at the office of

the Owner, located at 21650 11th Avenue South, Des Moines, WA, 98198.

V. INDEPENDENT CONTRACTOR. The parties intend that an Independent Contractor-Employer Relationship will be created by this Contract and that the Vendor has the ability to control and direct the performance and details of its work; however, the City shall have authority to ensure that the terms of the Contract are performed in the appropriate manner.

VI. TERMINATION. Either party may terminate this Contract, with or without cause, upon providing the other party thirty (30) days written notice at its address set forth on the signature block of this Contract.

VII. CHANGES. The City may issue a written amendment for any change in the goods, materials or services to be provided during the performance of this Contract. If the Vendor determines, for any reason, that an amendment is necessary, Vendor must submit a written amendment request to the person listed in the notice provision section of this Contract, section XVI(C), within fourteen (14) calendar days of the date Vendor knew or should have known of the facts and events giving rise to the requested change. If the City determines that the change increases or decreases the Vendor's costs or time for performance, the City will make an equitable adjustment. The City will attempt, in good faith, to reach agreement with the Vendor on all equitable adjustments. However, if the parties are unable to agree, the City will determine the equitable adjustment as it deems appropriate. The Vendor shall proceed with the amended work upon receiving either a written amendment from the City or an oral order from the City before actually receiving the written amendment. If the Vendor fails to require an amendment within the time allowed, the Vendor waives its right to make any claim or submit subsequent amendment requests for that portion of the contract work. If the Vendor disagrees with the equitable adjustment, the Vendor must complete the amended work; however, the Vendor may elect to protest the adjustment as provided in subsections A through E of Section VIII, Claims, below.

The Vendor accepts all requirements of an amendment by: (1) endorsing it, (2) writing a separate acceptance, or (3) not protesting in the way this section provides. An amendment that is accepted by Vendor as provided in this section shall constitute full payment and final settlement of all claims for contract time and for direct, indirect and consequential costs, including costs of delays related to any work, either covered or affected by the change.

VIII. CLAIMS. If the Vendor disagrees with anything required by an amendment, another written order, or an oral order from the City, including any direction, instruction, interpretation, or determination by the City, the Vendor may file a claim as provided in this section. The Vendor shall give written notice to the City of all claims within fourteen (14) calendar days of the occurrence of the events giving rise to the claims, or within fourteen (14) calendar days of the date the Vendor knew or should have known of the facts or events giving rise to the claim, whichever occurs first. Any claim for damages, additional payment for any reason, or extension of time, whether under this Contract or otherwise, shall be conclusively deemed to have been waived by the Vendor unless a timely written claim is made in strict accordance with the applicable provisions of this Contract.

At a minimum, a Vendor's written claim shall include the information set forth in

subsections A, items 1 through 5 below.

FAILURE TO PROVIDE A COMPLETE, WRITTEN NOTIFICATION OF CLAIM WITHIN THE TIME ALLOWED SHALL BE AN ABSOLUTE WAIVER OF ANY CLAIMS ARISING IN ANY WAY FROM THE FACTS OR EVENTS SURROUNDING THAT CLAIM OR CAUSED BY THAT DELAY.

A. Notice of Claim. Provide a signed written notice of claim that provides the following information:

1. The date of the Vendor's claim;
2. The nature and circumstances that caused the claim;
3. The provisions in this Contract that support the claim;
4. The estimated dollar cost, if any, of the claimed work and how that estimate was determined; and
5. An analysis of the progress schedule showing the schedule change or disruption if the Vendor is asserting a schedule change or disruption.

B. Records. The Vendor shall keep complete records of extra costs and time incurred as a result of the asserted events giving rise to the claim. The City shall have access to any of the Vendor's records needed for evaluating the protest.

The City will evaluate all claims, provided the procedures in this section are followed. If the City determines that a claim is valid, the City will adjust payment for work or time by an equitable adjustment. No adjustment will be made for an invalid protest.

C. Vendor's Duty to Complete Protested Work. In spite of any claim, the Vendor shall proceed promptly to provide the goods, materials and services required by the City under this Contract.

D. Failure to Protest Constitutes Waiver. By not protesting as this section provides, the Vendor also waives any additional entitlement and accepts from the City any written or oral order (including directions, instructions, interpretations, and determination).

E. Failure to Follow Procedures Constitutes Waiver. By failing to follow the procedures of this section, the Vendor completely waives any claims for protested work and accepts from the City any written or oral order (including directions, instructions, interpretations, and determination).

IX. LIMITATION OF ACTIONS. VENDOR MUST, IN ANY EVENT, FILE ANY LAWSUIT ARISING FROM OR CONNECTED WITH THIS CONTRACT WITHIN 120 CALENDAR DAYS FROM THE DATE THE CONTRACT WORK IS COMPLETE OR VENDOR'S ABILITY TO FILE THAT SUIT SHALL BE FOREVER BARRED. THIS SECTION FURTHER LIMITS ANY APPLICABLE STATUTORY LIMITATIONS PERIOD.

X WARRANTY. This Contract is subject to all warranty provisions established under the Uniform Commercial Code, Title 62A, Revised Code of Washington. Vendor warrants goods are merchantable, are fit for the particular purpose for which they were obtained, and will

perform in accordance with their specifications and Vendor's representations to City. The Vendor shall correct all defects in workmanship and materials within one (1) year from the date of the City's acceptance of the Contract work. In the event any part of the goods are repaired, only original replacement parts shall be used—rebuilt or used parts will not be acceptable. When defects are corrected, the warranty for that portion of the work shall extend for one (1) year from the date such correction is completed and accepted by the City. The Vendor shall begin to correct any defects within seven (7) calendar days of its receipt of notice from the City of the defect. If the Vendor does not accomplish the corrections within a reasonable time as determined by the City, the City may complete the corrections and the Vendor shall pay all costs incurred by the City in order to accomplish the correction.

XI. DISCRIMINATION. In the hiring of employees for the performance of work under this Contract or any sub-contract, the Vendor, its sub-contractors, or any person acting on behalf of the Vendor or sub-contractor shall not, by reason of race, religion, color, sex, age, sexual orientation, national origin, or the presence of any sensory, mental, or physical disability, discriminate against any person who is qualified and available to perform the work to which the employment relates.

XII. INDEMNIFICATION. The Vendor shall defend, indemnify and hold the City, its officers, officials, employees and volunteers harmless from any and all claims, injuries, damages, losses or suits including attorney fees, arising out of or in connection with the performance of this Agreement, except for injuries and damages caused by the sole negligence of the City.

XIII. INSURANCE. The Vendor shall procure and maintain for the duration of the Contract, insurance against claims for injuries to persons or damage to property which may arise from or in connection with products and materials supplied to the City. Vendor shall obtain insurance of the type described below:

No Limitation. Vendor's maintenance of insurance as required by the agreement shall not be construed to limit the liability of the Vendor to the coverage provided by such insurance, or otherwise limit the City's recourse to any remedy available at law or in equity.

A. Minimum Scope of Insurance

Vendor shall obtain insurance of the type described below:

Commercial General Liability insurance shall be written on Insurance Services Office (ISO) occurrence form CG 00 01 and shall cover products liability. The City shall be named as an insured under the Vendor's Commercial General Liability insurance policy using ISO Additional Insured-Vendors Endorsement CG 20 15 or a substitute endorsement providing equivalent coverage.

B. Minimum Amounts of Insurance

Vendor shall maintain the following insurance limits:

Commercial General Liability insurance shall be written with limits no less than \$1,000,000 each occurrence, \$1,000,000 general aggregate and a \$2,000,000 products liability aggregate limit.

C. Other Insurance Provisions. The Vendor's Commercial General Liability insurance policy or policies are to contain, or be endorsed to contain that they shall be primary insurance as respect the City. Any Insurance, self-insurance, or insurance pool coverage maintained by the City shall be excess of the Vendor's insurance and shall not contribute with it.

D. Acceptability of Insurers

Insurance is to be placed with insurers with a current A.M. Best rating of not less than A:VII.

E. Verification of Coverage

Vendor shall furnish the City with original certificates and a copy of the amendatory endorsements, including but not necessarily limited to the additional insured endorsement, evidencing the insurance requirements of the Vendor before goods, materials or supplies will be accepted by the City.

F. Notice of Cancellation. The Vendor shall provide the city with written notice of any policy cancellation, within two business days of their receipt of such notice.

G. Failure to Maintain Insurance. Failure on the part of the Vendor to maintain the insurance as required shall constitute a material breach of contract, upon which the City may, after giving five business days notice to the Vendor to correct the breach, immediately terminate the contract or, at its discretion, procure or renew such insurance and pay any and all premiums in connection therewith, with any sums so expended to be repaid to the City on demand, or at the sole discretion of the City, offset against funds due the Vendor from the City.

XIV. WORK PERFORMED AT VENDOR'S RISK. Vendor shall take all necessary precautions and shall be responsible for the safety of its employees, agents, and subcontractors in the performance of the contract work and shall utilize all protection necessary for that purpose. All work shall be done at Vendor's own risk, and Vendor shall be responsible for any loss of or damage to materials, tools, or other articles used or held for use in connection with the work.

XV. CITY'S RIGHT OF INSPECTION. Even though Consultant is an independent contractor with the authority to control and direct the performance and details of the work authorized under this Contract, the work must meet the approval of the City and shall be subject to the City's general right of inspection to secure satisfactory completion.

XVI. MISCELLANEOUS PROVISIONS.

A. Non-Waiver of Breach. The failure of the City to insist upon strict performance of any of the covenants and agreements contained in this Contract, or to exercise any option conferred by this Contract in one or more instances shall not be construed to be a waiver or relinquishment of those covenants, agreements or options, and the same shall be and remain in

full force and effect.

B. Resolution of Disputes and Governing Law. This Contract shall be governed by and construed in accordance with the laws of the State of Washington, If the parties are unable to settle any dispute, difference or claim arising from the parties' performance of this Contract, then the following shall be the means for resolving the dispute:

1. Alternative Dispute Resolution. If a dispute arises from or relates to this Contract or the breach thereof and if the dispute cannot be resolved through direct discussions, the parties agree to endeavor first to settle the dispute in an amicable manner by mediation administered by a mediator under JAMS Alternative Dispute Resolution service rules or policies before resorting to arbitration. The mediator may be selected by agreement of the parties or through JAMS. Following mediation, or upon written Contract of the parties to waive mediation, any unresolved controversy or claim arising from or relating to this Contract or breach thereof shall be settled through arbitration which shall be conducted under JAMS rules or policies. The arbitrator may be selected by agreement of the parties or through JAMS. All fees and expenses for mediation or arbitration shall be borne by the parties equally. However, each party shall bear the expense of its own counsel, experts, witnesses, and preparation and presentation of evidence.
2. Applicable Law and Jurisdiction. This Contract shall be governed by the laws of the State of Washington. Although the agreed to and designated primary dispute resolution method as set forth above, in the event any claim, dispute or action arising from or relating to this Contract cannot be submitted to arbitration, then it shall be commenced exclusively in the King County Superior Court or the United States District Court, Western District of Washington as appropriate. In any claim or lawsuit for damages arising from the parties' performance of this Agreement, each party shall pay all its legal costs and attorney's fees incurred in defending or bringing such claim or lawsuit, in addition to any other recovery or award provided by law; provided, however, nothing in this paragraph shall be construed to limit the City's right to indemnification under Section XII of this Contract.

C. Written Notice. All communications regarding this Contract shall be sent to the parties at the addresses listed on the signature page of the Contract, unless notified to the contrary. Any written notice hereunder shall become effective three (3) business days after the date of mailing by registered or certified mail, and shall be deemed sufficiently given if sent to the addressee at the address stated in this Contract or such other address as may be hereafter specified in writing.

D. Assignment. Any assignment of this Contract by either party without the written consent of the non-assigning party shall be void. If the non-assigning party gives its consent to

any assignment, the terms of this Contract shall continue in full force and effect and no further assignment shall be made without additional written consent.

E. Modification. No waiver, alteration, or modification of any of the provisions of this Contract shall be binding unless in writing and signed by a duly authorized representative of the City and Vendor.

F. Entire Contract. The written provisions and terms of this Contract, together with any Exhibits attached hereto, shall supersede all prior verbal statements of any officer or other representative of the City, and such statements shall not be effective or be construed as entering into or forming a part of or altering in any manner this Contract. All of the above documents are hereby made a part of this Contract. However, should any language in any of the Exhibits to this Contract conflict with any language contained in this Contract, the terms of this Contract shall prevail.

G. Compliance with Laws. The Vendor agrees to comply with all federal, state, and municipal laws, rules, and regulations that are now effective or in the future become applicable to Vendor's business, equipment, and personnel engaged in operations covered by this Contract or accruing out of the performance of those operations.

H. Business License. Contractor shall comply with the provisions of Title 5 Chapter 5.04 of the Des Moines Municipal Code.

I. Counterparts. This Contract may be executed in any number of counterparts, each of which shall constitute an original, and all of which will together constitute this one Contract.

J. Records Retention and Audit. During the progress of the Work and for a period not less than three (3) years from the date of completion of the Work or for the retention period required by law, whichever is greater, records and accounts pertaining to the Work and accounting therefore are to be kept available by the Parties for inspection and audit by representatives of the Parties and copies of all records, accounts, documents, or other data pertaining to the Work shall be furnished upon request. Records and accounts shall be maintained in accordance with applicable state law and regulations.

IN WITNESS, the parties below execute this Contract, which shall become effective on the last date entered below.

VENDOR: By: _____ <i>(signature)</i> Print Name: _____ Its _____ <i>(Title)</i> DATE: _____	CITY OF DES MOINES: By: _____ <i>(signature)</i> Print Name: <u>Anthony A. Piasecki</u> Its <u>City Manager</u> <i>(Title)</i> DATE: _____ Approved as to form: _____ City Attorney DATE: _____
NOTICES TO BE SENT TO: VENDOR: Pam Meitmann McDonough and Sons Inc. 27218 SE Kent Kangley Rd. Ravensdale, WA. 98051 (425) 432-1054 (telephone) (425) 432-3155 (facsimile)	NOTICES TO BE SENT TO: CITY OF DES MOINES: Scott J. Romano City of Des Moines 21650 11th Ave. S. Des Moines, WA. 98198 (206) 870-6539 (telephone) (206) 870-6596 (facsimile)

At the direction of the Des Moines
City Council taken at an open public
Meeting on _____.

EXHIBIT “A” – SCOPE AND SCHEDULE OF WORK

EXHIBIT "A" SCOPE AND SCHEDULE OF WORK

2014 – 2018 STREET SWEEPING SERVICES

1. TERM AND PAYMENT

- 1.1 **Term.** The contract for service shall be in effect for a term of fifty-three (53) months and shall commence on August 1, 2014, and shall end on December 31, 2018. The contract shall also include a satisfactory performance extension (at no additional bid pricing increase to the City) of twenty-four (24) months. The City will notify the Vendor in writing a minimum of thirty (30) days in advance of the contract termination date of the intent to extend the contract twenty-four (24) months based upon satisfactory performance.
- 1.2 **Payment.** Vendor shall be paid monthly (inclusive of all applicable sales tax) for complete sweeping of the streets listed within Exhibit "B" according to the schedule stated within the Exhibit and for any Extra or Emergency Callout Sweeping performed in compliance with all terms and conditions of this contract, for each month of services rendered.
- 1.3 **Payment for Change Orders consistent with Scope of Contract.** If the City executes change orders consistent with the scope of this contract increasing or decreasing the total linear curb footage beyond that originally set forth in this contract (whether it be public streets or approved private streets), the city shall pay Vendor for the additional footage at rates calculated as follows:
 - 1.3.1 Establish the street sweeping frequency schedule for the added or deleted street(s);
 - 1.3.2 Determine the total additional footage per sweeping schedule for the added street(s), or the total subtracted footage per sweeping schedule for the deleted street(s);
 - 1.3.3 Determine the Vendor's price per foot for each affected street schedule from the costs, linear curb footage, and schedules established in this contract;
 - 1.3.4 Multiply the total additional footage (or subtracted footage) per sweeping schedule by the contract price per foot for that schedule.
- 1.4 **Missed Streets.** In the event streets are missed during the sweeping cycle defined in this contract, the City may, at its sole option, elect to require the Vendor to sweep the missed streets at no extra charge to the City, **OR** may elect to reduce the payment owed to the Vendor. If the City elects to reduce the payment owed to the Vendor, the reduction shall be calculated as follows:
 - 1.4.1 Determine the Vendor's contract price per linear curb foot swept from the costs, linear curb footage, and schedules established in this contract;
 - 1.4.2 Multiply the contract price per linear curb foot swept by the total number of linear curb feet that the Vendor failed to sweep in a given month;
 - 1.4.3 Reduce the next monthly payment due to the Vendor by the total reduction calculated in 1.4(b).
- 1.5 **Invoice and Payment Schedule.** Invoices shall be submitted to the City by the second business day of each month. Payment for services rendered during each month will be

paid as soon as possible under the City's standard schedule for processing invoices. The estimated time for payment shall be thirty (30) calendar days from the date of proper receipt of Vendor's invoices. Invoices shall certify that all applicable zones were swept and shall include dates, operators, odometer readings, zones completed, and plotted GPS maps.

2. DEFINITIONS

- 2.1 **Alley.** The entire width between the boundary lines of right-of-way, publicly maintained.
- 2.2 **Auxiliary Lane.** The portion of the street adjoining the traveled way for parking, speed change, turning, storage for turning, weaving, truck climbing, or for other purposes supplementary to through traffic movement.
- 2.3 **City.** City of Des Moines, a Washington Municipal Corporation, whose mailing address is 21630 11th Avenue South, Des Moines, Washington, 98198.
- 2.4 **Curb.** A vertical or sloping member generally along and defining the edge of street, or median.
- 2.5 **Emergency Callout.** A condition of imminent work need as determined by the City of Des Moines including but not limited to wind or rain storms, vehicle accidents, discharge of materials from vehicles, earthquakes, or riots.
- 2.6 **Extra Sweeping.** Extra sweeping may include things like parade route cleaning, parking lot cleaning in preparation for City-sanctioned community events, and fun run or jogging route cleaning; or other situations as determined by the City.
- 2.7 **Intersection.** The area embraced within the prolongation or connection of the lateral curb lines, or if none, then the lateral boundary lines of two streets which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different streets joining at any other angle may come in conflict. The junction of an alley with a street shall also be known as an intersection.
- 2.8 **Street.** Referred to as in this contract shall be defined as the entire surface from curb to curb OR edge of pavement to edge of pavement including island, traffic curbs, intersection areas, auxiliary lanes, and those paved areas between curbs that exist where alleys intersect streets.
- 2.9 **Sweeping Material.** The material, debris, or waste that is swept from the street or traveled way.
- 2.10 **Vendor.** The individual, firm, joint venture, co-partnership or corporation, and its heirs, executors, administrators, successors, and assigns, or the lawful agent of any such individual, firm, partnership, covenantor or corporation, or its surety under the contract bonds, constituting one of the principles to the contract and undertaking to perform the work herein specified. Where any pronoun is used as referring to the word "Vendor", it shall mean the Vendor as defined above.
- 2.11 **Work.** Work shall mean the furnishing of all labor, materials, equipment, and other incidentals necessary or convenient to the successful completion of the service and carrying out of the duties and obligations imposed by the contract.

3. SCOPE OF SERVICES

- 3.1 **General Obligations.** The Vendor shall do all work and furnish all tools, materials, and equipment for street sweeping in accordance with and as described in this contract, including all attached exhibits and forms. The Vendor shall be responsible to obtain and pay for any permits or licenses required by the City or any other local, State, or Federal Government authority that are necessary to perform the contract.
- 3.2 **Schedule to be Submitted.** Within seven (7) days of the effective date of this contract, the Vendor shall submit for the City's approval, a monthly sweeping schedule together with a planned route outline on GPS maps furnished by the Vendor. Vendor shall designate which holidays it will observe and indicate all schedule modifications if the holiday falls on a regular sweeping day. Should the Vendor need to modify the schedule as submitted, the Vendor shall give not less than seven (7) calendar days written notice to the City of any changes.
- 3.3 **Independent Vendor.** Vendor is and shall be at all times acting as an independent Vendor and not as an employee of the City. The Vendor shall secure at its expense, and shall be responsible for all payments of income tax, social security, state disability insurance compensation, unemployment compensation, and all other payroll deductions for the Vendor, officers, agents, employees and subVendors. The Vendor shall also secure all applicable business licenses in connection with the contract services, including all required licenses for Vendor's officers, agents, employees, and subVendors.
- 3.4 **Vendor Employee Requirements.** Vendor shall comply with the following employee requirements:
- 3.4.1 All workers shall be **competent and skilled** in the performance of the work to which they may be assigned. Failure or delay in the performance of this contract due to the Vendor's inability to obtain workers of the **number and skill required** shall constitute a material breach of this contract. **Payment of Prevailing Wages is REQUIRED for this contract pursuant to RCW 39.04.010.**
- 3.4.2 Vendor shall require that all operators of its street sweeping equipment maintain current, valid appropriate Washington State Driver's Licenses and any other pertinent requirements thereof, including Washington State Commercial Driver's Licenses.
- 3.4.3 The Vendor shall require all employees to be courteous at all times, to abstain from the use of loud or profane language, and to perform their work as quietly as possible. All employees shall be neat in appearance. The City reserves its absolute right to determine whether Vendor is in compliance with this subsection.
- 3.5 **Sweeping Frequency Schedule.** The following street sweeping frequency schedule shall be adhered to for the duration of this contract:
- 3.5.1 Public Streets (12 sweeps total per year)
- 3.5.1.1 Peak → October through January → every 2 weeks → 8 sweeps
- 3.5.1.2 Off Peak → February through September → every other month → 4 sweeps
- 3.5.2 High Priority Streets (16 sweeps total per year)
- 3.5.2.1 Peak → October through January → every 2 weeks → 8 sweeps
- 3.5.2.2 Off Peak → February through September → every month → 8 sweeps
- 3.5.3 High Debris Area (20 sweeps total per year)

- 3.5.3.1 Peak → October through January → every week → 16 sweeps
- 3.5.3.2 Off Peak → February through September → every other month → 4 sweeps
- 3.5.4 Both High Priority and High Debris Area (24 sweeps total per year)
- 3.5.4.1 Peak → October through January → every week → 16 sweeps
- 3.5.4.2 Off Peak → February through September → every month → 8 sweeps
- 3.5.5 Approved Private Streets:
- 3.5.5.1 Zone 8 – Huntington Park (12 sweeps total per year)
- 3.5.5.2 Peak → October through January → every 2 weeks → 8 sweeps
- 3.5.5.3 Off Peak → February through September → every other month → 4 sweeps
- 3.6 **Emergency Callout Priority.** In any emergency, the City reserves the right to hire any street sweeping service provider to perform any amount of work for any length of time at such rates as the City determines to be in the City's best interests during the time of that emergency. However, the City will use its best efforts to utilize Vendor for these emergency services whenever practicable. When called out for this work, Vendor shall be onsite within two (2) hours of receipt of notification of need.
- 3.7 **Route Restrictions.**
- 3.7.1 **Coordination with Garbage Collection.** Sweeping operations shall be coordinated with the City's garbage collection provider, so that curb lines and pavement edges are not obstructed by garbage containers, recycling containers, and/or yard waste containers. Vendor shall coordinate its sweeping schedule based upon the City's Garbage Collection Provider pick-up schedule. Currently, Cleanscapes provides garbage services for the City. Cleanscapes can be reached via phone at (206) 793-7683.
- 3.7.2 **Protection of Traffic Counter Hoses.** The Vendor shall lift their sweeping brushes, etc. when traveling over traffic counter hoses, or reschedule the sweeping of those streets with traffic counter hoses installed on them. The City will provide a list of traffic counter hose locations to the Vendor one week prior to the traffic hoses being set. The City will reduce payment to the Vendor equal to the traffic counter hose and/or traffic counter damage for failure to take due care in these locations.
- 3.8 **Work Quality Standards.** The following work quality standards shall be in-place for the duration of this contract:
 - 3.8.1 Streets shall be swept clean and no piles of debris shall be left anywhere within any street or right-of-way.
 - 3.8.2 Intersections shall be swept clean and Vendor shall hand sweep areas skipped by the sweeping machines.
 - 3.8.3 Water shall be used as required by the City to control dust.
 - 3.8.4 The Vendor shall be responsible for the cleaning of all debris spilled or tracked on any street, alley, or public place by any of its equipment. If the Vendor fails to clean the same within twenty-four (24) hours of being given notice by the City Manager or his designee, the City Manager or his designee may cause such streets to be cleaned and

charge the costs to the Vendor. The City is authorized to deduct such cost from any payments due to the Vendor.

- 3.9 **Unforeseen Conditions.** The Vendor assumes the risk of all conditions foreseen and unforeseen and agrees to continue to perform the work described in this contract without additional compensation under its regular weekly schedule as provided to the City. Specifically, additional debris on streets caused by excessive rainfall or caused by street sanding operations during or after snowfall shall not give rise to claim for additional compensation or allow substantial variance on the weekly schedule.
- 3.10 **Emergency Callout.** When called out for this work, Vendor shall be onsite within two (2) hours of receipt of notification of need. Vendor shall be paid a minimum of two (2) hours per each notification of the need for *Emergency Callout* work. Payment for said work shall be in accordance with the Bid Proposal. This work will be paid as *Emergency Callout*. **NOTE: This is only an estimated annual amount that may or may not be fulfilled, and NOT a guarantee of services.**
- 3.11 **Extra Sweeping.** Vendor shall commence sweeping of said streets within seven (7) days of receiving notice from the City; City will provide a minimum of seven (7) days advance notice of this need. Payment for said work shall be in accordance with the Bid Proposal. This work will be paid as *Extra Sweeping*. **NOTE: This is only an estimated annual amount that may or may not be fulfilled, and NOT a guarantee of services.**

4 SPECIAL PROVISIONS

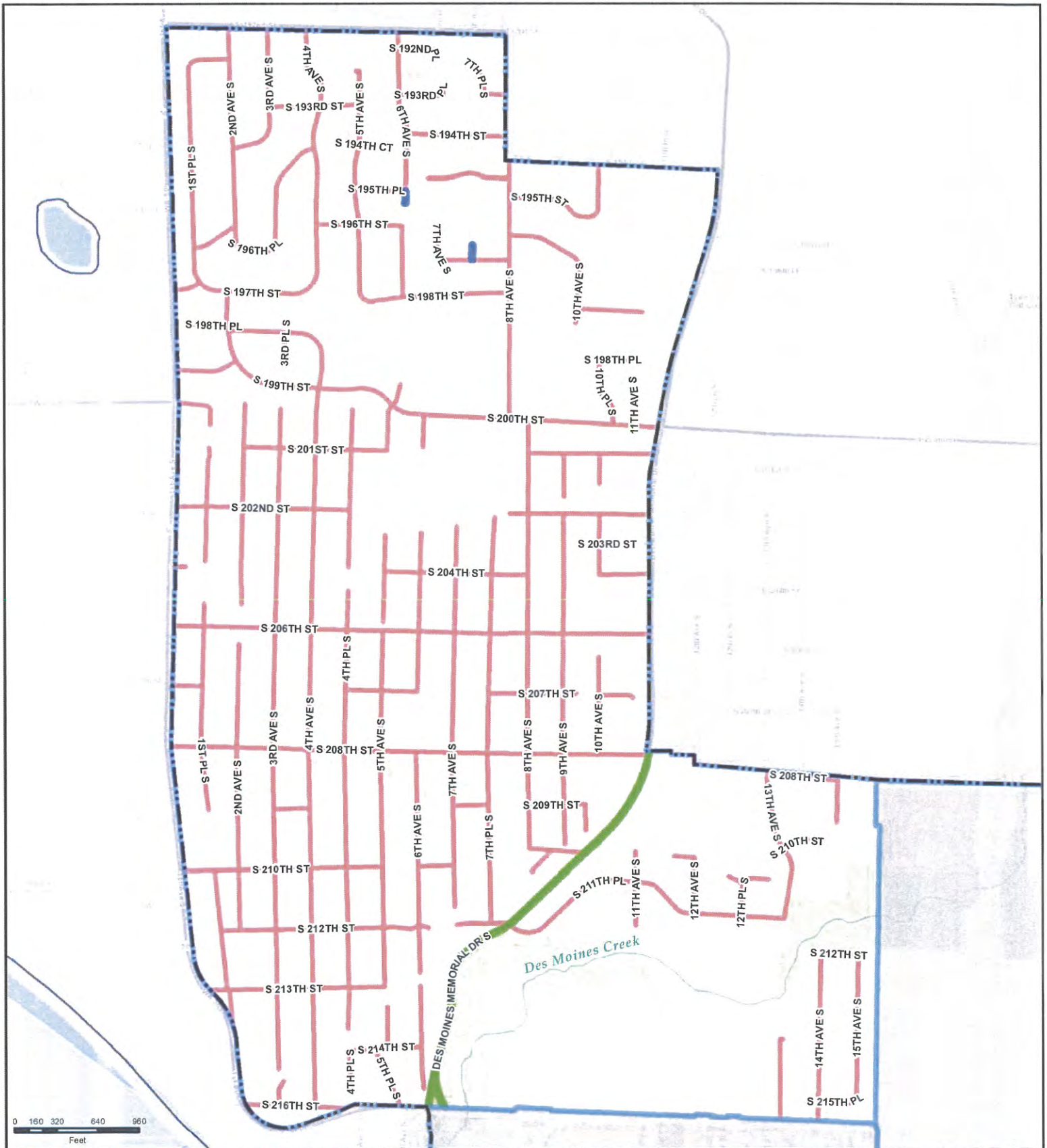
- 4.1 **Equipment Requirements.** The Vendor shall comply with the following equipment requirements:
- 4.1.1 A minimum of two (2) full size sweepers shall be dedicated to the performance of the contract work in the City, and these two sweepers shall be not more than ten (10) years old at any time during the life of this contract. The sweepers shall be equipped with regenerative air/broom assist, and shall have a minimum six (6) yard holding capacity. However, vacuum sweepers may be used for leaf and small debris pickup as needed.
- 4.1.2 Vendor shall submit a list of sweeping equipment that he/she currently owns. The Vendor also must illustrate the equipment listed primarily for the purpose of performing this contract.
- 4.1.3 Should Vendor intend to add, acquire, purchase, lease, or replace any equipment in order to qualify for consideration, Vendor shall state so and show proof of such commitment and timing of the availability of equipment, which must be in Vendor's exclusive control no later than July 18, 2014. Additionally, during the course of the contract, the Vendor shall notify the City of its intention to replace any of the equipment listed and obtain the City's approval prior to any replacement.
- 4.1.4 The acceptability of Vendor's street sweepers for the City's needs under this contract shall be subject to the approval or disapproval of the City's Planning, Building and Public Works Director or his designee; however, such approval shall not be unreasonably withheld.

- 4.1.5 Street sweepers required for performance shall be maintained in good working condition, equipped with proper warning lights, and operated and equipped in accordance with Chapter 46.37 RCW as it applies to slow moving and/or maintenance vehicles.
- 4.1.6 At any time street sweepers are found to be in need of repair (or found to be creating excessive dust clouds) as observed by the City, Vendor shall make said repair within 24 hours of notification by the City. In the event additional time is required to repair street sweeper, the Vendor shall notify the City of the anticipated repair duration. During the term of this contract, extended repair durations shall not cause a decline in the service standards.
- 4.1.7 Each of Vendor's sweepers, dedicated to the performance of this contract work stated herein, shall be equipped with a functioning Global Positioning System (GPS) mobile unit. The GPS mobile unit shall be capable of tracking the sweepers' position, direction, speed and time when operating within the City limits in any weather. Vendor shall maintain daily electronic files of the said GPS tracking information. Further, the Vendor shall use the GPS electronic files to produce a plotted map (or maps), on a monthly basis, reflecting the Vendor's sweeping activities of the previous month. Said map(s) shall be produced in an electronic format. Hand drawn maps will not be accepted. The plotted map(s) shall be submitted each month with the Vendor's monthly sweeping invoice. Invoices submitted without the required map(s) will not be processed for payment until such time that the required map(s) have been received. Each map shall include a title and/or legend that describes the work shown on the map. The Vendor shall retain, for the duration of this contract, copies of all electronic data stated herein. The Vendor shall, upon request, provide the City with any electronic files or maps requested. The Vendor shall notify the City immediately via e-mail or facsimile if a GPS unit is not operating. Vendor shall identify equipment number and anticipated length of time the GPS unit will be inoperable.
- 4.1.8 Sweeping vehicles shall be numbered and shall have the Vendor's name and vehicle number painted in letters and numbers of contrasting color at least four (4) inches high on each side and on the rear of each vehicle. No advertising shall be permitted other than the name of the Vendor. All vehicles shall be kept in a clean and sanitary condition, and all sweeping vehicles shall be cleaned at least once a week. Repainting of all vehicles shall be done as needed to maintain an acceptable appearance, or within thirty (30) days after the written notification by the Planning, Building and Public Works Director or his designee.
- 4.2 **Work Familiarity.** The Vendor acknowledges that it has made its own examination, investigation, and research regarding the proper method of doing the work, all conditions affecting the work to be done, the labor, equipment and materials needed and the quantity of the work to be performed. The Vendor is satisfied with its own investigation and research regarding all of these conditions and the Vendor's decision to enter into the contract is based upon such investigation and research. The Vendor further assumes full responsibility for any estimates, statements, or interpretations made by any officer or agent of the City whether or not all or part of any of those estimates, statements, or interpretations may prove to be in any respect erroneous.
- 4.3 **Use of City Name or Logo.** The Vendor shall not use a firm name containing the words "City", "Des Moines", or any words implying Municipal ownership. The Vendor shall not place the City logo upon its equipment.

- 4.4 **Water Acquisition.** It will be the Vendor's sole responsibility to obtain and pay for any water used in the sweeping operation. Vendor shall obtain an up-to-date hydrant permit from Water District #54 (206) 878-7210, and a copy of this permit shall be carried on sweepers at all times while working within the city limits of Des Moines. Care must be taken in order to protect the water system from damage or contamination. Water District #54 will need to inspect and approve **ALL** sweepers that will obtain water from them, to ensure their water system is duly protected.
- 4.5 **Protection of Utilities.** The Vendor shall protect all public and private utilities from damages by its operation. If these utilities are damaged by reason of the Vendor's operations, Vendor shall, at its own expense, promptly repair or replace same to the original and/or better conditions. In the event Vendor fails to promptly make the repairs, the City shall make the repair or replacement, and the cost of doing so shall be billed to Vendor, or alternately, the City may deduct that cost from any payments due the Vendor. The Vendor shall be responsible for all consequences and hold the City harmless caused by the damage or interruption of such Utilities services.
- 4.6 **Handling of Sweeping Material.** The Vendor agrees to the following process for handling the material generated from the sweeping operation:
- 4.6.1 Vendor recognizes that the debris or material collected by its street sweepers could contain dangerous or potentially hazardous wastes. Vendor agrees to collect, handle, and transport the debris or material specifically in accordance with all standards, rules and regulations now in effect or hereafter amended or enacted by the Washington State Department of Ecology and the United States Environmental Protection Agency to the City Public Works Service Center properly designated "Sweepings" storage bunker at 2255 South 223rd Street. Vendor further assumes full responsibility and holds the City harmless for complete compliance with all other applicable local, State, or Federal laws, rules or regulations that apply to the services provided in this contract as they affect the collection, handling, transportation, or disposal of hazardous wastes collected by its street sweepers.
- 4.6.2 Extra care shall be taken in the loading and transportation of street sweeping spoils and other waste so that none of the material to be collected is left either on private property or on the streets or alleys. All wastes shall be taken to the City Public Works Service Center at 2255 South 223rd Street and delivered into the properly designated "Sweepings" storage bunker. The City will properly dispose of the wastes from the Service Center facility. Any waste left on private property or on streets or alleys by the Vendor shall immediately be removed upon notice from the City.
- 4.7 **Progress Monitoring.** Responsible management or supervisory personnel shall be accessible at or through the office during regular business hours to assure the required contractual performance. Vendor shall maintain a telephone message system to receive messages when the office is closed. Vendor shall further provide the City a valid 24/7 Emergency Callout telephone number.
- 4.8 **Contact Person.** The parties agree that they will establish acceptable procedures for communication of necessary information. Each party agrees to designate a key

employee who will be the responsible contact person for that party with respect to implementation of the contract and communication of information necessary for the performance of the contract. Each party agrees to follow the procedures established between the parties for regular, effective communication of information between the parties.

EXHIBIT “B” – STREET SWEEPING ROUTE MAPS

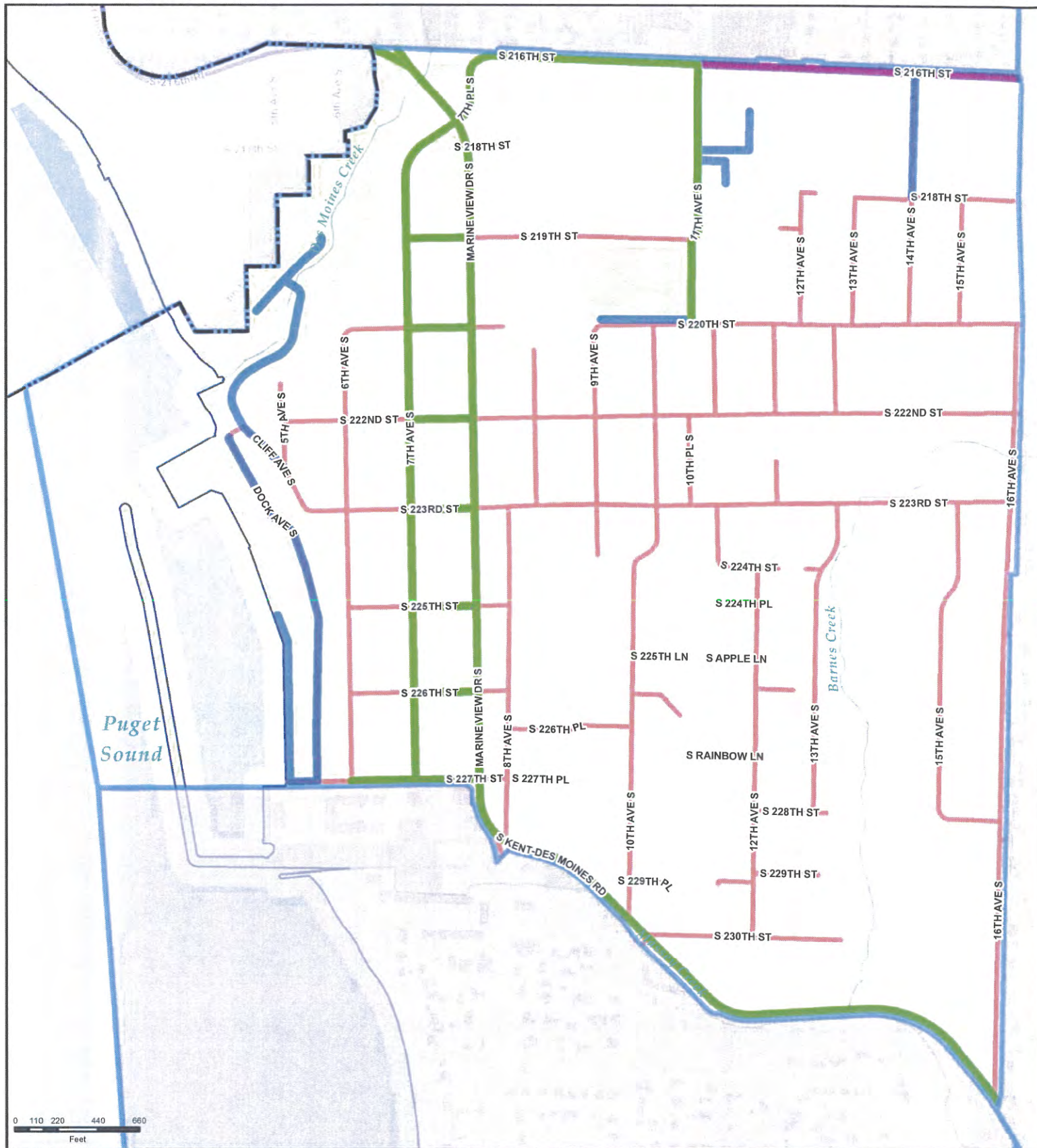


Peak (October through January) - Street swept every 2 weeks
Off Peak (February through September) - Street swept every other month, except High Priority Streets, which are swept once per month
High Debris Areas - Swept every week during peak period

- Public Street To Be Swept
- High Priority Street
- High Debris Area

- Des Moines City Limits
- Maintenance Zone Boundary

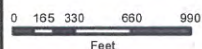




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- Public Street To Be Swept
- High Priority Street
- High Debris Area
- Both High Priority and High Debris Area
- Des Moines City Limits
- Maintenance Zone Boundary

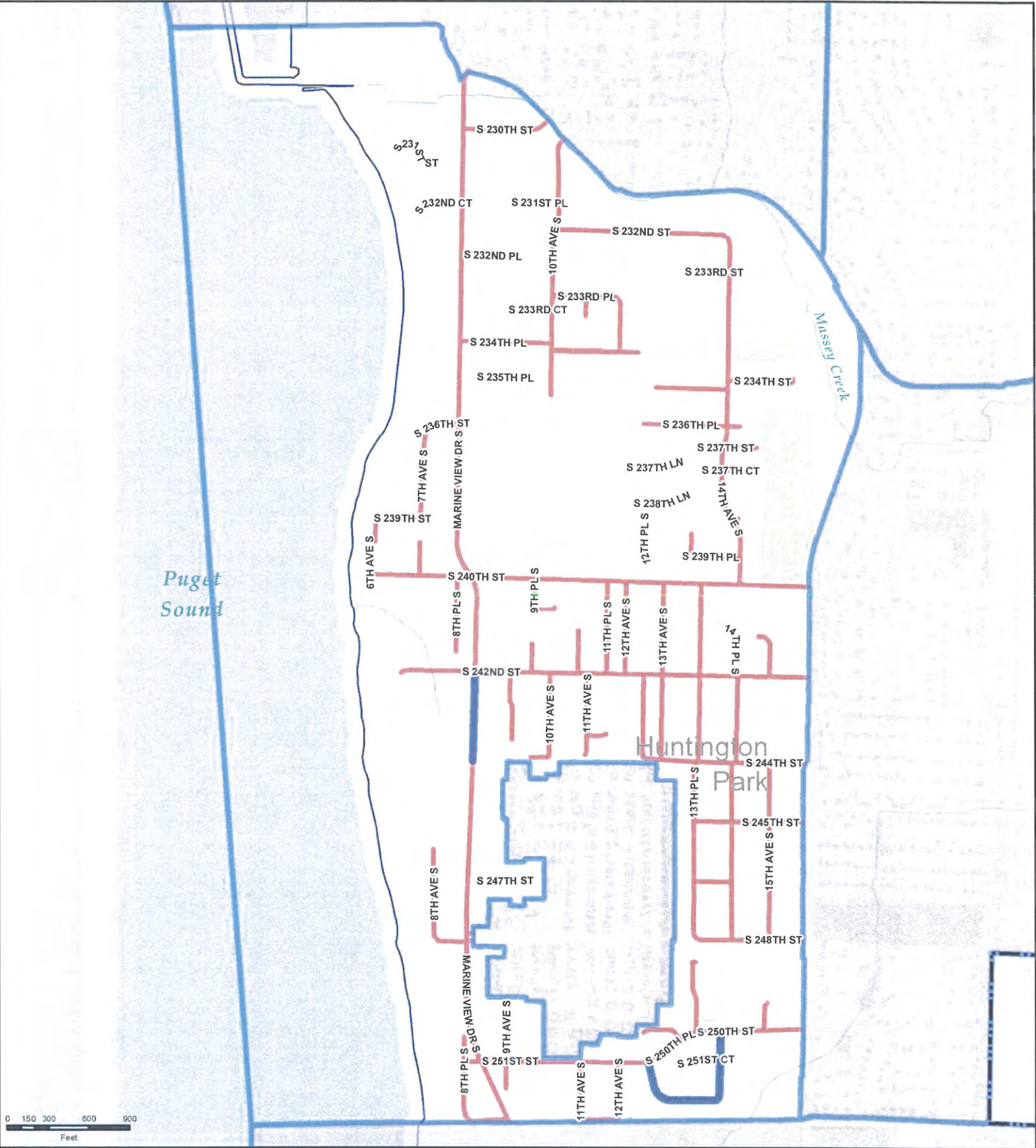




 Public Street To Be Swept
 High Priority Street
 High Debris Area
 Both High Priority and High Debris Area

 Des Moines City Limits
 Maintenance Zone Boundary





Peak (October through January) - Street swept every 2 weeks
Off Peak (February through September) - Street swept every other month, except High Priority Streets, which are swept once per month
High Debris Areas - Swept every week during peak period

Public Street To Be Swept
High Debris Area

Des Moines City Limits
Maintenance Zone Boundary



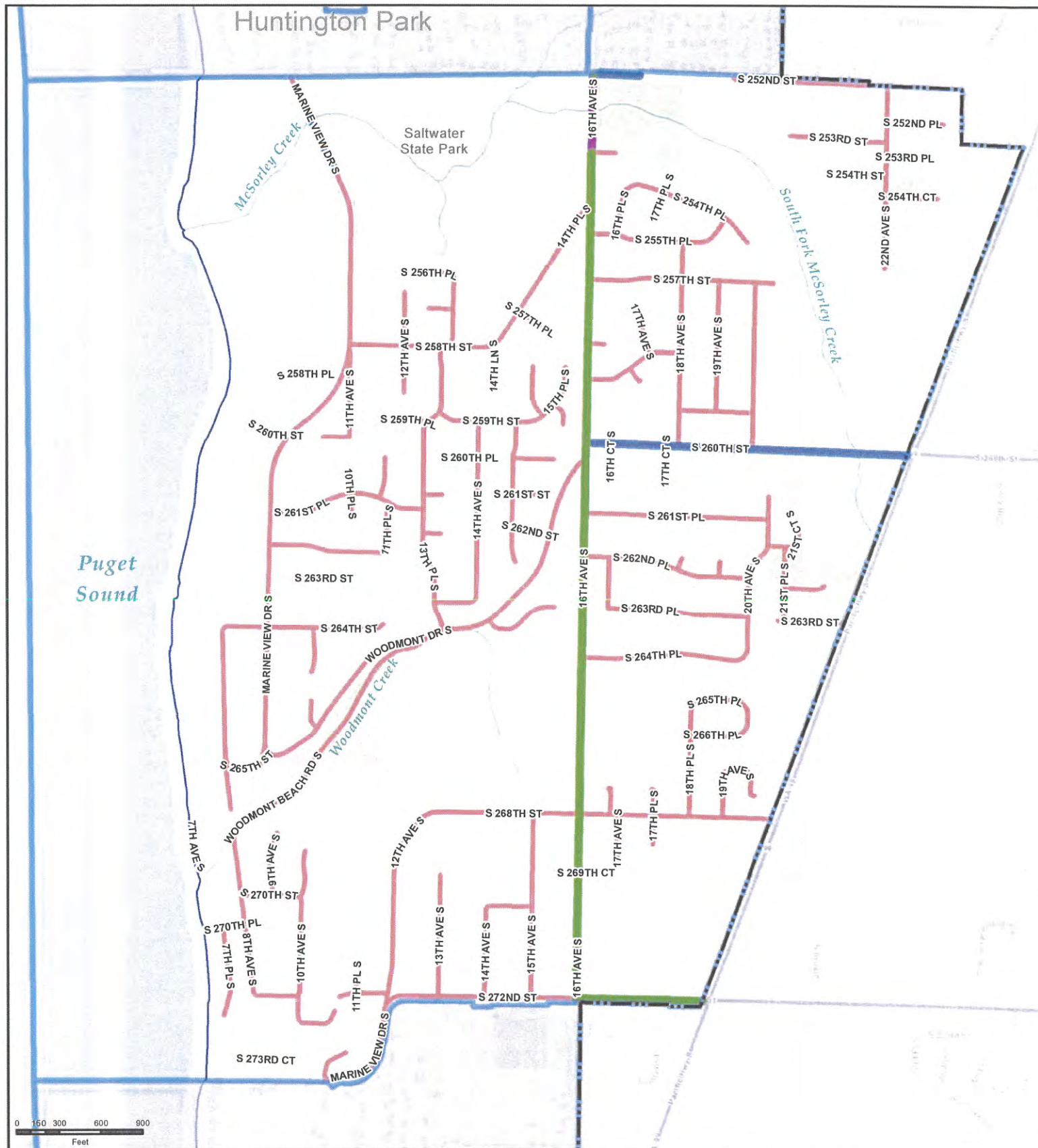


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High Debris Areas - Swept every week during peak period

- Public Street To Be Swept
- High Priority Street

- Des Moines City Limits
- Maintenance Zone Boundary

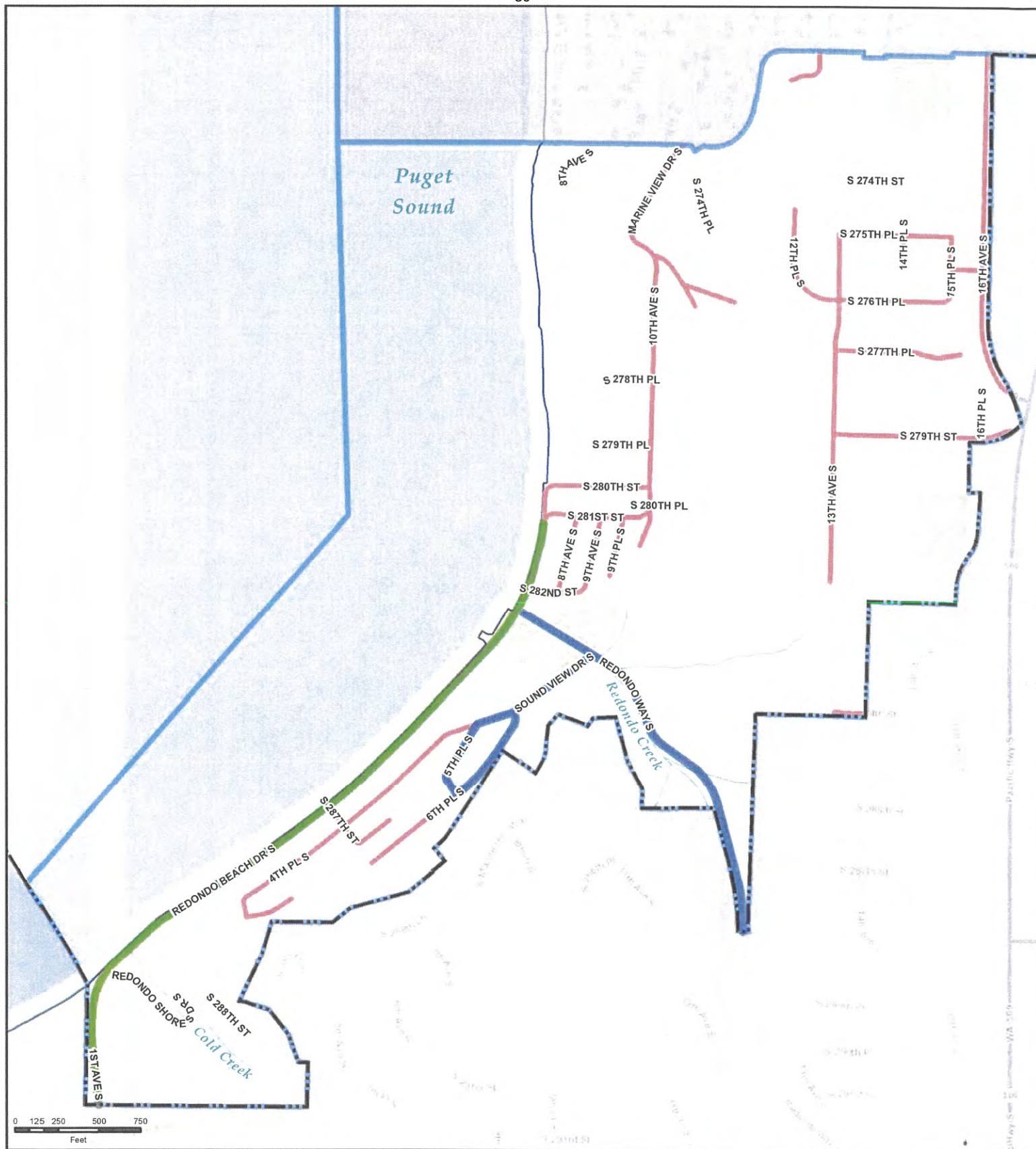




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High Debris Areas - Swept every week during peak period

- Public Street To Be Swept
- High Priority Street
- High Debris Area
- Both High Priority and High Debris Area
- Des Moines City Limits
- Maintenance Zone Boundary



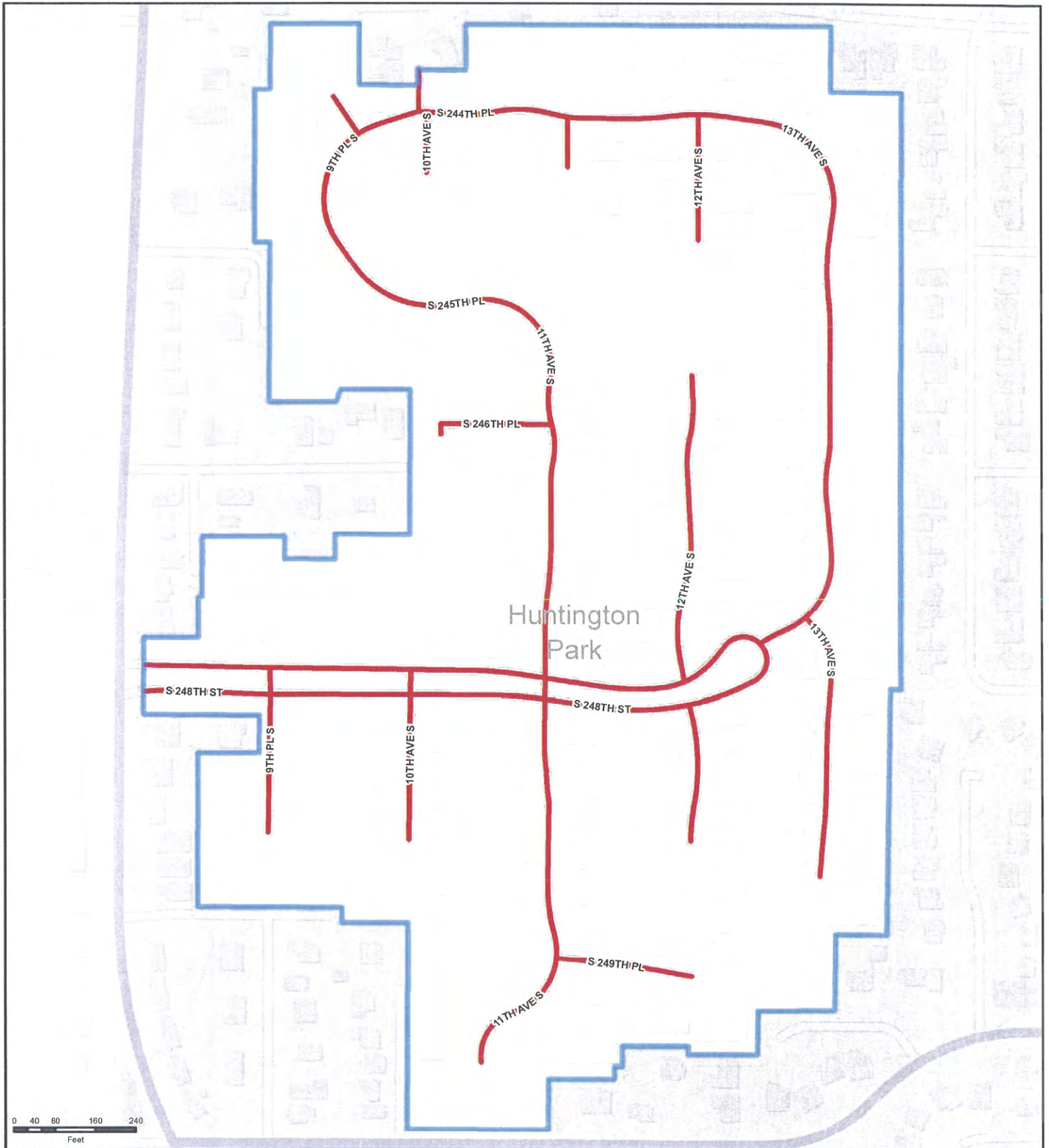


Peak (October through January) - Street swept every 2 weeks
Off Peak (February through September) - Street swept every other month, except High Priority Streets, which are swept once per month
High Debris Areas - Swept every week during peak period

- Public Street To Be Swept
- High Priority Street
- High Debris Area

- Des Moines City Limits
- Maintenance Zone Boundary





Peak (October through January) - Street swept every 2 weeks
Off Peak (February through September) - Street swept every other month.

 Approved Private Street To Be Swept

 Des Moines City Limits
 Maintenance Zone Boundary



CITY OF DES MOINES
PUBLIC WORKS DEPARTMENT
2014-2018 Street Sweeping Services
Bid Tabulation

May 22, 2014 Bid Opening @ 2:00 PM
2014 Annual Budget \$53,000
15-'18 Estimated Annual Budget \$53,000

No.	Item	Quantity (Centerline Miles)	Sweepings Per Year	McDonough & Sons		Action Services Corp	
				Unit Price	Annual Subtotal	Unit Price	Annual Subtotal
	REMAINDER OF 2014 (5 MONTHS)						
1	Zones 1-7 -- Public Streets	74.00	7	\$ 37.00	\$ 19,166.00	\$ 42.00	\$ 21,756.00
2	Zones 1-7 -- High Priority Streets	10.54	8	\$ 37.00	\$ 3,119.84	\$ 42.00	\$ 3,541.44
3	Zones 1-7 -- High Debris Area	4.00	13	\$ 37.00	\$ 1,924.00	\$ 42.00	\$ 2,184.00
4	Zones 1-7 -- Both High Priority & High Debris Area	0.68	14	\$ 37.00	\$ 352.24	\$ 42.00	\$ 399.84
5	Zone 8 -- Huntington Park	1.88	7	\$ 37.00	\$ 486.92	\$ 42.00	\$ 552.72
6	Extra Sweeping	100.00	N/A	\$ 30.00	\$ 3,000.00	\$ 42.00	\$ 4,200.00
7	Emergency Callout	50.00	N/A	\$ 30.00	\$ 1,500.00	\$ 42.00	\$ 2,100.00
	Zones 1-8 Sweeping Remainder of 2014 Bid [Item 1]				\$ 29,549.00		\$ 34,734.00
	YEARS 2015 -- 2018 (48 MONTHS)						
1	Zones 1-7 -- Public Streets	74.00	12	\$ 37.00	\$ 32,856.00	\$ 42.00	\$ 37,296.00
2	Zones 1-7 -- High Priority Streets	10.54	16	\$ 37.00	\$ 6,239.68	\$ 42.00	\$ 7,082.88
3	Zones 1-7 -- High Debris Area	4.00	20	\$ 37.00	\$ 2,960.00	\$ 42.00	\$ 3,360.00
4	Zones 1-7 -- Both High Priority & High Debris Area	0.68	24	\$ 37.00	\$ 603.84	\$ 42.00	\$ 685.44
5	Zone 8 -- Huntington Park	1.88	12	\$ 37.00	\$ 834.72	\$ 42.00	\$ 947.52
6	Extra Sweeping	200.00	N/A	\$ 30.00	\$ 6,000.00	\$ 42.00	\$ 8,400.00
7	Emergency Callout	100.00	N/A	\$ 30.00	\$ 3,000.00	\$ 42.00	\$ 4,200.00
	Zones 1-8 Sweeping Annual Bid [Item 2]				\$ 52,494.24		\$ 61,971.84
Total Contract Bid 2014 -- 2018 (Item 1 + Item 2)					\$ 82,043.24		\$ 96,705.84
Total Contract Amount 2014 -- 2018 (53 MONTHS)					\$ 239,525.96		\$ 282,621.36

CITY OF DES MOINES

2014 BUDGET REQUEST

PLANNING, BUILDING, AND PUBLIC WORKS
SURFACE WATER MANAGEMENT
MAINTENANCE

450,200,040	MAINTENANCE	2012 ACTUAL	2013 ADOPTED	2013 AMEND	2013 ACTUAL Jan-June	2013 EST YR TOTAL	2014 DEPT REQ	2014 EXEC AMEND	2014 ADOPTED
531.20.10.00	SALARIES & WAGES	347,627	394,941	394,941	190,864	391,912	372,757	370,368	370,368
531.20.11.00	OVERTIME	13,289	8,100	8,100	1,930	7,293	8,100	8,100	8,100
531.20.19.00	COMP ABSENCE ACCRUAL (GASB 16)	89	-	-	-	-	-	-	-
531.20.10	SUB TOTAL	361,005	403,041	403,041	192,795	399,206	380,857	378,468	378,468
531.20.20.00	PERSONNEL BENEFITS	125,654	159,361	159,361	71,236	142,619	170,404	162,948	162,948
531.20.20.90	EMPLOYEE MED. CONTRIBUTION	(1,484)	(2,356)	(2,356)	(806)	(1,613)	(2,955)	(2,810)	(2,810)
531.20.21.00	UNIFORMS	1,415	1,600	1,600	2,096	2,425	1,600	-	-
531.20.20	SUB TOTAL	125,586	158,605	158,605	72,525	143,431	169,049	160,138	160,138
531.20.31.00	OFFICE SUPPLIES	1,872	2,000	2,000	939	2,000	2,000	2,000	2,000
531.20.31.21	REPAIR SUPPLIES	22,891	43,000	43,000	13,699	27,398	43,000	43,000	43,000
531.20.32.01	UNLEADED FUEL (ISF)	9,348	8,749	8,749	4,855	9,710	10,389	10,389	10,389
531.20.32.02	DIESEL FUEL (ISF)	21,737	23,390	23,390	13,504	27,008	26,406	26,406	26,406
531.20.35.00	SM TOOLS & EQUIPMENT	819	2,000	2,000	547	2,000	2,000	2,000	2,000
531.20.35.90	SMALL EQP >\$1,000 <\$5,000	-	5,000	5,000	-	-	5,000	5,000	5,000
531.20.30	SUB TOTAL	56,668	84,139	84,139	33,544	68,116	88,795	88,795	88,795
531.20.41.00	PROFESSIONAL SERVICES	62,331	87,500	87,500	66,167	87,500	90,600	90,600	90,600
531.20.41.32	JANITORIAL SERVICES	1,804	1,850	1,850	738	1,476	1,850	1,850	1,850
531.20.41.45	ADVERTISING	-	500	500	-	500	500	500	500
531.20.42.00	COMMUNICATIONS	2,003	2,050	2,050	1,481	2,959	3,048	3,048	3,048
531.20.43.00	TRAVEL EXPENSES	-	500	500	-	500	500	500	500
531.20.45.00	OPERATING RENTALS & LEASES	1,619	6,000	6,000	115	3,506	6,000	6,000	6,000
531.20.45.02	COPIER LEASE	55	75	75	129	56	260	260	260
531.20.47.00	UTILITIES	24,362	31,549	31,549	17,654	30,992	31,921	31,921	31,921
531.20.47.12	STREET SWEEPING DISPOSAL	12,609	22,500	22,500	1,568	14,168	22,500	22,500	22,500
531.20.48.00	REPAIRS & MTC (Vehicles & Equipment)	754	25,000	25,000	-	17,000	17,000	17,000	17,000
531.20.48.20	STREET SWEEPING	48,591	53,000	53,000	19,436	45,351	53,000	53,000	53,000
531.20.48.22	CONTRACTED DRAINAGE REPAIR	7,004	50,000	50,000	3,745	50,000	50,000	50,000	50,000
531.20.48.23	WEST NILE VIRUS MOSQUITO CONTROL	453	25,000	25,000	-	-	25,000	25,000	25,000
531.20.49.00	MISCELLANEOUS	133	3,800	3,800	133	500	500	500	500
531.20.49.20	LAUNDRY	1,737	3,100	3,100	441	1,111	1,500	1,500	1,500
531.20.49.22	DUES, SCHOOLS, & CONF	524	700	700	33	700	700	700	700
531.20.40	SUB TOTAL	163,978	313,124	313,124	111,639	256,318	304,879	304,879	304,879

CITY OF DES MOINES

2014 BUDGET REQUEST

PLANNING, BUILDING, AND PUBLIC WORKS
SURFACE WATER MANAGEMENT
MAINTENANCE

450.200.040	MAINTENANCE	2012 ACTUAL	2013 ADOPTED	2013 AMEND	2013 ACTUAL Jan-June	2013 EST YR TOTAL	2014 DEPT REQ	2014 EXEC AMEND	2014 ADOPTED
531.20.99.01	COMPUTER MAINTENANCE	4,520	4,522	4,522	2,261	4,520	3,350	3,350	3,350
531.20.99.02	COMPUTER REPLACEMENT	1,111	1,115	1,115	558	1,111	1,118	1,118	1,118
531.20.99.03	EQUIPMENT RENTAL MAINTENANCE	32,944	42,120	42,120	21,060	32,944	38,120	38,120	38,120
531.20.99.04	EQUIPMENT RENTAL REPLACEMENT	35,262	49,094	49,094	24,547	35,262	79,500	79,500	79,500
531.20.99.05	INTERFUND INSURANCE	21,110	22,107	22,107	22,107	21,110	23,781	23,781	23,781
531.20.99.06	FAC REP AND REPLACEMENT	1,362	1,362	1,362	681	1,362	1,362	1,362	1,362
531.20.90	SUB TOTAL	96,309	120,320	120,320	71,214	96,309	147,231	147,231	147,231
594.31.64.00	EQUIPMENT - Ford F450 Super Duty Truck	46,754	-	-	-	-	-	-	-
594.31.60	SUB TOTAL	46,754	-	-	-	-	-	-	-
	TOTAL SWM MAINTENANCE	850,300	1,079,229	1,079,229	481,717	963,380	1,090,811	1,079,511	1,079,511

A G E N D A I T E M

BUSINESS OF THE CITY COUNCIL City of Des Moines, WA

SUBJECT: Consultant Contract Amendment:
Transportation Project Manager – Leonard D.
Madsen

FOR AGENDA OF: June 26, 2014

DEPT. OF ORIGIN: Planning, Building & Public
Works

ATTACHMENTS:

DATE SUBMITTED: June 5, 2014

1. Proposed Amendment 7: Madsen Contract (2014)
2. Contract for Project Management Services between the City of Des Moines and Leonard D. Madsen, January 12, 2009
3. Amendment #6: Madsen Contract (2014)

CLEARANCES:

- [X] Legal PG
 [X] Finance pl
 [] Marina N/A
 [] Parks, Recreation & Senior Services N/A
 [X] Planning, Building & Public Works DJB
 [] Police N/A
 [] Courts N/A

APPROVED BY CITY MANAGER
FOR SUBMITTAL: 

Purpose and Recommendation

The purpose of this agenda item is to request Council's approval of a contract amendment (refer to Attachment 1) with Leonard D. Madsen for professional transportation management services thru December 31, 2014. The following motion will appear on the consent calendar.

Suggested Motion

Motion: "I move to approve Amendment 7 to the Contract with Leonard D. Madsen, continuing professional project management services for the Transportation Gateway Project from July 1, 2014 through December 31, 2014 not to exceed \$38,000 (bringing the total contract amount for 2014 to \$76,000), and authorize the City Manager to sign the contract amendment substantially in the form submitted."

Background

Mr. Madsen has assisted the City in implementing specific transportation improvements since 2005. Recently he serves as the transportation project manager for the three major capital improvements collectively referred to as Transportation Gateway Project. The original contract (refer to attachment 2) was approved in 2009. Since that time, he has been assisting the City in design, right-of-way acquisition and construction of improvements for the three project phases. The term of that contract, via Amendment #6 (refer to Attachment 3), ends on June 30, 2014. Acting as the Project Manager, he has

intimate knowledge of the project, including finalizing the design process, clearing title to right-of-way, developing agreements with property owners, coordinating with local utilities and securing funding with the Puget Sound Regional Council, the Washington State Transportation Improvement Board, the Washington State Public Works Trust Board and the Port of Seattle and the Federal Highway Administration (FHWA) and the Washington State Freight Mobility Strategic Investment Board. He coordinates design work for the City including the engineering contract with KPG to finalize design and construction of the project.

The contract with Mr. Madsen manages the Transportation Gateway Project comprised of three (3) CIP elements: S. 216th Street Segment 1-A, S. 216th Street Segment 2 and 24th Avenue South Improvements. Coordination includes oversight of a construction and construction engineering contracts for S. 216th Street, Segment 2 and 24th Avenue South. He is assisting the city to implement the Right-of-Way Plan for S. 216th Street, Segment 1-A.

As construction of S. 216th Street, Segment #2 nears completion, close out activities will be required including adherence to contract requirements as well as utility agreement reimbursements. 24th Avenue South construction and construction engineering contracts were approved last summer and construction will continue through 2014. Coordination with the Port of Seattle developer and City of SeaTac regarding the project's transition at S. 208th Street is required. Underground utility agreements and the agreement with Highline Water District to replace the 12" water main will require oversight and administration.

Discussion

Mr. Madsen will continue to assist the City to complete the Transportation Gateway improvements under construction as well as advancing right-of-way acquisition on the S. 216th Street, Segment 1-A corridor. He assisted the City in preparation of grant and loan applications to secure funding for right of way and construction. He is overseeing consultant work to manage acquisition of right of way as funding permits. He also will be assisting the Council in shifting the project limits of Segment 1-A to contain the costs, expedite ROW acquisition, and ready the project for competitive construction funding.

This work is exclusively funded by CIP monies dedicated for transportation improvements including obligated funds from the Port of Seattle Second Development agreement, the Washington State Transportation Improvement Board and the Federal Highway Administration. Mr. Madsen will continue to assist in the application for, and management of, grant and contract funds.

Mr. Madsen's work has been exemplary including coordination of work with staff, the community, technical agencies and the City Council to advance these capital projects through design, right-of-way acquisition, construction engineering and construction. Broad public and agency involvement is required to design and construct these improvements. The City Council modified the engineering services agreement with KPG to proceed with ROW acquisition. Modification of plans for S. 216th St Segment 1-A is underway and will be completed this year. Madsen will concurrently coordinate this work with the consultant, utilities, technical review agencies, and landowners to expedite project implementation.

The level of effort is estimated to be approximately 20 hours per week to perform this work.

Financial Impact

The costs for this contract extension and continued project management of the Transportation Gateway project can be accommodated from the current capital budgets for S. 216th Street, Segment 1-A; S. 216th Street Segment 2; the 24th Avenue South Improvements.

Recommendation

Staff requests that Council approve the proposed motion.

Concurrence

Legal, Finance and Planning, Building and Public Works Departments are in agreement.

**AMENDMENT #7 TO THE CONTRACT FOR PROFESSIONAL
TRANSPORTATION MANAGEMENT SERVICES**

This is an addendum/amendment to the Contract for Professional Transportation Management Services executed between the CITY OF DES MOINES, hereinafter referred to as the "City" and LEONARD D. MADSEN (Mr. Madsen) on January 12, 2009, as last amended on January, 10, 2014. This addendum/amendment will amend the Compensation for the term of the current phase of the Contract.

Paragraph 5 of said Contract is amended to add the following:

4. Compensation.

Compensation for extension of this contract for the period described in paragraph 5 shall not exceed \$38,000, payable at a rate of \$73.00 per hour for direct and indirect costs.

Paragraph 5 of said Contract is amended to read, in pertinent part as follows:

5. Term.

The term of this Contract shall be from July 1, 2014 through December 31, 2014.

Except as modified hereby, all terms and conditions of said contract shall remain in full force and effect.

IN WITNESS WHEREOF, four (4) identical counterparts of this Contract Addendum/Amendment, each of which shall be deemed an original, have been executed by the parties this _____ day of _____, 2014.

CITY OF DES MOINES

LEONARD D. MADSEN

By _____
Anthony A. Piasecki, City Manager

By _____

Dated _____

Dated _____

By Direction of the Des Moines City Council in Open Public Meeting on June 26, 2014.

APPROVED AS TO FORM:

City Attorney

CONTRACT FOR PROFESSIONAL TRANSPORTATION MANAGEMENT SERVICES
Between
THE CITY OF DES MOINES
and
LEONARD D. MADSEN

THIS CONTRACT is made and entered into between the CITY OF DES MOINES, a Washington Municipal Corporation ("the City") and Leonard D. Madsen ("Mr. Madsen").

WHEREAS, the City has adopted the 2009 Capital Improvement Program and desires to advance engineering and eventually construction of improvements commonly known as the City of Des Moines Transportation Gateway Project including S. 216th Street Improvements (Segments 1 and 2) as well as improvements to 24th Avenue South north of South 216th Street;

WHEREAS, it is necessary for the City to secure project management services to assist in overseeing potential professional services for planning, pre-design, engineering, right of way, construction and construction management;

WHEREAS, Mr. Madsen, has adequately demonstrated the ability to provide management services functioning in the recent past as the interim City Transportation Engineer and 16th Avenue South Project Manager;

THEREFORE, in consideration of the mutual promises and covenants herein contained, to be kept, performed, and fulfilled by the parties, and other good and valuable consideration, it is mutually agreed as follows:

I. Scope of Service. Mr. Madsen shall serve as Special Transportation Project Manager for the Des Moines Gateway Project. Coordination of ongoing work related to the Gateway capital improvement projects and agreements including work of staff and consulting engineers. The project may be phased dependent upon the outcome Council approval of the following tasks:

- Draft a request for qualifications and assist the City in selection of professional engineering services for all phases of the project including design, PS&E, right of way plans and construction management. It is intended that this work proceed incrementally to scope and manage the work consistent with Council contract approval.
- Pending approval of a design contract, oversee work of consulting engineers to develop a design report, including a physical survey of the right of way. The design report shall be presented to the City Council including recommendations for phased design and/or construction of the Gateway project. Said work will include technical coordination with agencies and a community meeting during predesign process culminating in a recommended plan for approval the City Council.

Professional Services Contract
 Leonard D. Madsen
 Page 2 of 5

- o Manage ongoing design work consistent with the Design Report recommendations and direction of the City's Assistant Planning, Building, and Public Works Director.
- b. Assist the City in drafting and managing agreements with property owners, funding partners and utilities to advance the project as necessary during design and construction phases.
- c. Assist the City in drafting and managing a communications strategy for the project.
- d. Assist the City in forming and managing a technical stakeholders advisory group to provide input on the design report prepared for the project.
- e. Provide recommendations for payment of invoices in excess of the signing authority provided herein.
- f. Provide monthly updates on the status of the project.
- g. Obligate City funds and reimburse expenditures not to exceed \$5,000 as provided above and consistent with the adopted 2009 budget.
- h. Coordinate work under the direction of Dan Brewer, PE, Assistant Public Works Director.

2. Contractor's Obligations. All labor, materials, tools, software, equipment, utilities, services, and all other things necessary or required in the satisfactory performance of the work shall be furnished by the Mr. Madsen. The Contract will be performed and completed under the supervision of and subject to the approval of the City or its authorized representatives, except that the City shall provide Mr. Madsen with access to the City's computer systems, support staff including, but not limited to a civil engineer, engineering technician, right of way inspector and clerical assistance and office/work space when appropriate; and certain resources such as a City code book, files pertaining to the projects listed in Section 1 of this agreement, and a "door fob" for after hours access to City Hall, all of which shall be returned to the City at the end of the Contract term noted in Section 5, unless extended by mutual written agreement.

3. Records and Documents. All data, documents, and files created by Contractor under this Agreement may be stored at City facilities, or at Mr. Madsen's residence until such time as this contract expires or is terminated, at which time they will be turned over to the City. Mr. Madsen shall make such data, documents, and files available to the City upon its request at all reasonable times for the purpose of editing, modifying, and updating as necessary. Duplicate copies of this information shall be provided to the City upon its request, and at reasonable cost.

4. Compensation. In consideration for the complete and faithful performance of the Contract, Mr. Madsen shall be paid as follows: Excepting changes and modifications agreed upon, Contractor shall be paid sixty five dollars (\$65.00) per hour for direct and indirect costs

Professional Services Contract
Leonard D. Madsen
Page 3 of 5

and fees. The consultant is expected to work on average about 26 hours per week, although it is recognized that the work effort may fluctuate, unless modified by mutual agreement with the Assistant Planning, Building, and Public Works Director. The total compensation paid under this contract shall not exceed \$90,000.00 without prior written approval. Mr. Madsen shall submit monthly detailed invoices in a timely manner, in a form acceptable to the City's authorized representative(s), describing dates of service, services performed, and time expended. Invoices shall be paid within thirty (30) days of receipt.

5. **Term.** The term of this Contract shall be from January 9, 2009 to December 31, 2009. . This Contract may be extended upon written agreement of both parties. Performance of the consulting services under this contract may be terminated for any cause deemed sufficient by either the City or Mr. Madsen, in whole or in part, at any time, by either party giving the other written notice of such termination, specifying the extent and effective date thereof, but not sooner than fourteen (14) days from date of such notice, providing that the Mr. Madsen shall complete and be compensated for any projects or duties previously assigned and accepted, and shall be compensated for all expenses incurred or committed to, that cannot be canceled.

6. **Performance Standards.** The services, and all duties incidental or necessary thereto, shall be conducted and performed diligently and competently and in accordance with professional standards of conduct and performance.

7. **Record Keeping.** All records or papers of any sort relating to the City and the project will at all times be the property of the City and shall be surrendered to the City upon request. All information concerning the City and said services, which is not otherwise a matter of public record or required by law to be made public, is confidential, and Mr. Madsen will not, in whole or in part, now or at any time, disclose that information without the express written consent of the City Attorney.

8. **Assignment.** Mr. Madsen shall not assign this contract or any interest herein, nor any money due or to become due hereunder without first obtaining the written consent of the City, nor shall Mr. Madsen subcontract any part of the consulting services to be performed hereunder, without first obtaining the consent of the City.

9. **Modification.** No change, alteration, modification, or addition to this Contract will be effective unless it is in writing and properly signed by both parties.

10. **Independent Contractor.** The services provided by Mr. Madsen under this Contract are provided as an independent Contractor. Nothing in this Contract shall be considered to create the relationship of employer and employee between the parties. Neither Mr. Madsen nor any employee of Mr. Madsen shall be entitled to any benefits accorded City employees by virtue of the services provided under this Contract. The City will not be responsible for withholding or otherwise deducting federal income tax or social security payments, or contributing to the State Industrial Insurance Program, or otherwise assuming the duties of an employer with respect to the Contractor.

Professional Services Contract
 Leonard D. Madsen
 Page 4 of 5

11. Indemnification. The City releases and agrees to indemnify, defend, and hold harmless Mr. Madsen from any and all actions, errors or omissions, claims, damages, or injuries to persons or property, penalties, obligations or liabilities arising out of or related to services performed by Mr. Madsen that are within the course and scope of work performed for the City under this contract. Mr. Madsen releases and agrees to indemnify, defend, and hold harmless the City, its officers, employees, and consultants, from any and all actions, claims damages or injuries arising out of or related to the acts or omissions of Mr. Madsen, up to \$1 million, that are not under control of the City and are not within the scope of this contract.

12. Liability Insurance. Mr. Madsen shall procure and maintain for the duration of the Agreement, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the Contractor, their agents, representatives, employees or subcontractors as follows:

- a) Automobile Liability insurance with limits no less than \$500,000 combined single limit per accident for bodily injury, and property damage \$100,000 each accident, with the City added an additional insured for all driving that is required to perform the services outlined in Section 1. of this agreement. Mr. Madsen shall provide proof of such insurance prior to performing; and
- b) Mr. Madsen will be responsible for paying for Workers' Compensation coverage required by the Industrial Insurance laws of the State of Washington.

13. Dispute Resolution Procedures.

a) **Mediation/Arbitration.** If a dispute arises from or relates to this Contract or the breach thereof and if the dispute cannot be resolved through direct discussions, the parties agree to endeavor first to settle the dispute in an amicable manner by mediation administered by a mediator under the American Arbitration Association's Rules before resorting to arbitration. The mediator may be selected by agreement of the parties or through the American Arbitration Association. Following mediation, any unresolved controversy or claim arising from or relating to this Contract or breach thereof shall be settled through arbitration which shall be conducted under the American Arbitration Association's Arbitration Rules. The arbitrator may be selected by agreement of the parties or through the American Arbitration Association. All fees and expenses for mediation or arbitration shall be borne by the parties equally. However, each party shall bear the expense of its own counsel, experts, witnesses, and preparation and presentation of evidence.

b) **Venue, Applicable Law and Personal Jurisdiction.** All questions related to this Contract shall be resolved under the laws of the State of Washington. In the event that either party deems it necessary to institute legal action arising from this Contract, such action shall be instituted in the King County Superior Court. The parties each consent to the personal jurisdiction of such court. Except as otherwise provided by law, it is expressly understood that

Professional Services Contract
 Leonard D. Madsen
 Page 5 of 5

neither party can institute any legal action against the other based on this Contract until the parties have exhausted the mediation procedures required by the previous paragraph.

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

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

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

17. Time of Essence. Time is of the essence for each and all of the terms, covenants, and conditions of this Contract.

18. Concurrent Originals. This Contract may be signed in counterpart originals.

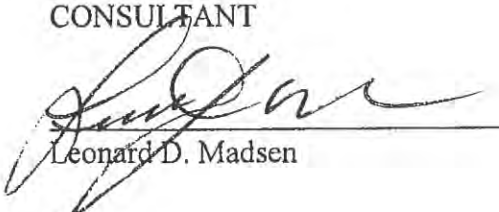
19. Ratification and Confirmation. Any acts consistent with the authority and prior to the effective date of this Contract are hereby ratified and confirmed.

IN WITNESS THEREOF, three (3) identical counterparts of this Contract, each of which shall be deemed an original thereof, have been duly executed by the parties herein named, on the day and year first above written.

CITY OF DES MOINES

By 
 Anthony A. Piasecki
 Its City Manager
 As authorized by the Des Moines City Council
 in open public session on January 8, 2009

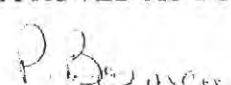
CONSULTANT


 Leonard D. Madsen

Dated 1/12/09

Dated 1/12/09

APPROVED AS TO FORM:


 City Attorney

**AMENDMENT #6 TO THE CONTRACT FOR PROFESSIONAL
TRANSPORTATION MANAGEMENT SERVICES**

This is an addendum/amendment to the Contract for Professional Transportation Management Services executed between the CITY OF DES MOINES, hereinafter referred to as the "City" and LEONARD D. MADSEN (Mr. Madsen) on January 12, 2009, as last amended on July 30, 2013. This addendum/amendment will amend the Compensation for the term of the current phase of the Contract.

Paragraph 4 of said Contract is amended to add the following:

4. Compensation.

Compensation for extension of this contract for the period described in paragraph 5 shall not exceed \$38,000, payable at a rate of \$73.00 per hour for direct and indirect costs.

Paragraph 5 of said Contract is amended to read, in pertinent part as follows:

5. Term.

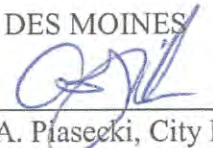
The term of this Contract shall be June 30, 2014.

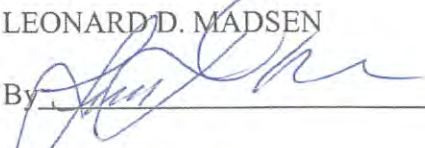
Except as modified hereby, all terms and conditions of said contract shall remain in full force and effect.

IN WITNESS WHEREOF, four (4) identical counterparts of this Contract Addendum/Amendment, each of which shall be deemed an original, have been executed by the parties this 10th day of January, 2014.

CITY OF DES MOINES

LEONARD D. MADSEN

By 
Anthony A. Piasecki, City Manager

By 

Dated 1/10/14

Dated 1/9/14

By Direction of the Des Moines City Council in Open Public Meeting on January 9, 2014

APPROVED AS TO FORM:


City Attorney

A G E N D A I T E M

BUSINESS OF THE CITY COUNCIL City of Des Moines, WA

SUBJECT: Draft Ordinance No. 14-121 amending DMMC 14.05.130 entitled *Five-Story Wood Frame Buildings*, and DMMC 14.05.190 entitled *Heights*

ATTACHMENTS:

1. Draft Ordinance No. 14-121 Amending Title 14 – Building Code.

FOR AGENDA OF: June 26, 2014

DEPT. OF ORIGIN: Planning, Building and Public Works

DATE SUBMITTED: June 12, 2014

CLEARANCES:

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

APPROVED BY CITY MANAGER
FOR SUBMITTAL: 

Purpose and Recommendation

The purpose of this agenda item is for the City Council to consider changes to Title 14, the City Building Code, authorizing alternative methods of design and construction of mixed use buildings in the Downtown Commercial and Institutional Campus Zones. The following motion will appear on the consent calendar:

Suggested Motions:

Motion 1: “I move to suspend Rule 26(a) in order to enact Draft Ordinance No. 14-121 on first reading.”

Motion 2: “I move to enact Draft Ordinance No. 14-121, amending DMMC 14.05.130 entitled *Five-Story Wood Frame Buildings*, and DMMC 14.05.190 entitled *Heights*.”

Background

On June 17, 2005, the City received the final report from Ravenhurst Development, Inc. entitled “City of Des Moines: Economic Development Strategy Final Report.” This report laid out a basic economic

redevelopment strategy for the City and suggested recommended changes to facilitate redevelopment and implementation of the City's economic development vision.

On June 1, 2006, the City Council began discussions of the Pacific Ridge Vision and what, if anything, more should be done to achieve it. The discussion continued on July 31, 2006 resulting in direction to the Finance and Economic Development (F&ED) Committee to more fully explore ways to facilitate redevelopment of the Pacific Ridge Neighborhood.

To that end, the Mayor sent letters to 24 prominent developers on October 27, 2006 and the Mayor and staff followed up by telephone in early March 2007 inviting available developers or their representatives to the March 22nd City Council Study Session to share ideas on Pacific Ridge redevelopment.

During the March 22nd Study Session, the Council received comments from developers, contractors, planners, and real estate professional regarding proposed changes to the Pacific Ridge Zone as well as Downtown Commercial Zone needed to facilitate the redevelopment. Since that date, City staff has continued to receive suggestions from the development community to facilitate the redevelopment potential of both Pacific Ridge and Marina District.

At that time, staff had reviewed various methods of providing high density uses such as those used in the cities of Seattle, Tacoma, Bellevue, Federal Way, Shoreline, Olympia and Everett, Washington, and the cities of Portland and Beaverton, Oregon.

- The International Building Code allows for the approval of alternate material, methods of design, and methods of construction.
- Staff solicited input from local technical professionals who recommended adoption of alternate methods and materials to allow an additional story of wood frame construction for mixed-use and multi-family buildings, provided specific design and inspection standards are met.
- This alternate method of construction would provide an incentive for the construction of economically viable mixed-use and residential occupancies which is consistent with the City's Comprehensive Plan land use element policies.
- Policy 11-03-02 of the Pacific Ridge Element of the Comprehensive Plan states that the City should encourage increased building heights in this neighborhood to enhance land value, promote redevelopment, expand view opportunities, and to accommodate household growth targets specified by the Countywide Planning Policies for King County.
- Policy 11-03-07 of the Pacific Ridge Element of the Comprehensive Plan states that the City should "promote redevelopment of Pacific Ridge properties to attract new or expanded businesses and commercial development to Pacific Ridge."

On September 27, 2007, the City Council enacted Ordinance 1411, which authorized alternative methods of design and construction of mixed use buildings in the areas zoned Pacific Ridge Commercial, Pacific Ridge Residential, and Business Park. The Ordinance added a new chapter to Title 14 DMMC entitled *Five-story Wood Frame Buildings*.

Discussion

On June 5th, 2014, the City Council considered the First Draft Ordinance 14-035, which also proposes to amended Chapter 14.05.130, to allow these alternative construction methods within the new Transit Community Zone. This draft ordinance was passed to a second reading on June 26, 2014.

At the June 12, 2014 Finance and Economic Development Committee, there was discussion about allowing these alternative methods in the Downtown Commercial and Institutional Campus Zones. The proposed textual code amendment is intended to make changes that would support the economic redevelopment of the Downtown Commercial and potentially the Institutional Campus Zones.

Amendments are proposed to DMMC 14.05.190 to address any potential concern about how this change to the Building Code would affect Zoning Code-permitted heights, in particular in the Marina District, where height limits vary between 35 and 55 feet. As proposed, the maximum building heights permitted in the Zoning Code would govern, except that the maximum height of any five-story building would be limited to 75 feet.

SEPA Compliance

Pursuant to WAC 197-11-800(19) and DMMC 16.05.330, adoption of building codes is categorically exempt from State Environmental Policy Act (SEPA).

Review Procedures

Consistent with the provisions of DMMC § 18.20.080A, amendment of the building code (Title 14 DMMC) is a legislative (Type VI) land use decision. Type VI land use actions for textual code amendments require only a public meeting in front of the City Council. Final approval of the textual code amendments requires approval by a majority vote of the City Council.

Alternatives

The City Council may:

1. Enact the proposed Draft Ordinance.
2. Enact the proposed Draft Ordinance with changes.
3. Decline to enact the Draft Ordinance as this time.

Financial Impact

New development would add additional sales tax revenue and property tax revenue to the City's budget.

Recommendation or Conclusion

Staff recommends that the City Council approve the proposed textual amendments since the amendments are consistent with the goals and policy's for the Downtown Commercial and Institutional Campus Zones.

Concurrence:

The Finance & Economic Development Committee met on June 12, 2014 to discuss proposed textual amendments. The F&ED Committee recommended that the proposed textual amendment on 5-story buildings be brought to the City Council.

CITY ATTORNEY'S FIRST DRAFT 06/12/2014

DRAFT ORDINANCE NO. 14-121

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON relating to alternative methods of design and construction of mixed use buildings in the areas zoned Downtown Commercial, and Institutional Campus, amending chapter 14.05.130 DMMC entitled *Five-story Wood Frame Buildings*, and 14.05.190 DMMC entitled *Heights*.

WHEREAS, the City Council finds that it is the City's desire to provide additional tools to build economically viable mixed-use and multi-family buildings, and

WHEREAS, the City Council finds the International Building Code allows for the approval of alternate material, methods of design, and methods of construction, and

WHEREAS, in 2007 the City Council enacted Ordinance 1411 first establishing alternative methods of design and construction of mixed use buildings in Pacific Ridge Commercial, Pacific Ridge Residential, and Business Park Zones, and

WHEREAS, at that time the City solicited input from local technical professionals who recommended adoption of alternate methods and materials to allow an additional story of wood frame construction for mixed-use and multi-family buildings, provided that specific design and inspection standards are met, and

WHEREAS, the City Council finds that providing this alternate method of construction would provide an incentive for the construction of economically viable mixed-use and residential occupancies which is consistent with the City's Comprehensive Plan land use element policies, and

WHEREAS, on July 28, 2012 the City Council adopted Ordinance No. 1544 establishing the Institutional Campus zone which permits building heights up to 75 feet within the zone, and

Ordinance No. ____
 Page 2 of 4

WHEREAS, on July 11, 2011 the City Council adopted Ordinance No. 1415 that increased building heights in some areas of the Marina District to 55 feet, and

WHEREAS, Policy 2-03-06(2) of the Land Use Element states "multifamily dwellings should also be permitted in conjunction with commercial developments within the Marina District, provided that such dwellings are designed to provide a quality residential environment while enhancing the appearance and commercial function of the business district," and

WHEREAS, Policy 2-03-08(2) of the Land Use Element states that the City should require that new construction in the Marina District "contain and exhibit high-quality design elements and building materials as outlined by the *Marina District Design Guidelines*," and

WHEREAS, Strategy 10-04-10 of the Marina District Element states that the City should "ensure that new development or redevelopment in the Marina District exhibits design excellence by paying particular attention to site design, building form, architecture and public space as described in the *Marina District Design Guidelines* (2009)," and

WHEREAS, on June 26, 2014 the City Council will consider Second Draft Ordinance 14-035, which is proposing to allow alternative methods of design and construction of mixed use buildings the Transit Community Zone, and

WHEREAS, pursuant to the Project Review Chart in 18.20.080 text code amendments to the building code (Title 14 DMMC) is a legislative (Type VI) land use decision, and

WHEREAS, pursuant to WAC 197-11-800(19) and DMMC 16.05.330 adoption of building codes is categorically exempt from State Environmental Policy Act (SEPA), and

WHEREAS, notice of the public meeting was given to the public in accordance with law and a public meeting was held on June 26, 2014, and all persons wishing to be heard were heard, and

Ordinance No. ____
Page 3 of 4

WHEREAS, the City Council finds that the amendments contained in this ordinance are appropriate and necessary; now therefore,

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

Sec. 1. DMMC 14.05.130, section 23 of Ordinance No. 1581, and section 19 of Draft Ordinance 14-035 are amended to read as follows:

Five-story wood frame buildings. The following sections, DMMC 14.05.140 through 14.05.220, shall be applicable to the following zoning classifications:

Pacific Ridge Commercial, Pacific Ridge Residential, Business Park, ~~and Transit Community~~, Downtown Commercial, and Institutional Campus Zones.

Sec. 2. DMMC 14.05.190, and section 39 of Ordinance No. 1581 are amended to read as follows:

Height. The maximum height of five story buildings designed and constructed shall be 75 feet, unless limited otherwise in the Title 18, Zoning Code. The height shall be measured as provided in the IBC.

NEW SECTION. Sec. 3. 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.

Ordinance No. ____
 Page 4 of 4

NEW SECTION. **Sec. 4. Effective date.** This ordinance shall take effect and be in full force five (5) days after its passage and approval in accordance with law.

PASSED BY the City Council of the City of Des Moines this ____ day of ____, 2014 and signed in authentication thereof this ____ day of ____, 2014.

 M A Y O R

APPROVED AS TO FORM:

 City Attorney

ATTEST:

 City Clerk

Published: _____

Effective Date: _____

A G E N D A I T E M

BUSINESS OF THE CITY COUNCIL City of Des Moines, WA

SUBJECT: Draft Ordinance 14-133:
Modifications to Utility Undergrounding
Requirements

FOR AGENDA OF: June 26, 2014

DEPT. OF ORIGIN: Planning, Building & Public
Works

ATTACHMENTS:

DATE SUBMITTED: June 12, 2014

1. Draft Ordinance No. 14-133
2. Photos showing with and without aerial fiber
installation
3. Notification letter to utilities

CLEARANCES:

[X] Legal PB
 [X] Finance TE
 [] Marina N/A
 [] Parks, Recreation & Senior Services N/A
 [X] Planning, Building & Public Works DSB
 [] Police N/A
 [] Courts N/A

APPROVED BY CITY MANAGER
FOR SUBMITTAL: AT

Purpose and Recommendation

The purpose of this agenda item is for the City Council to consider Draft Ordinance 14-133 (refer to Attachment 1) which amends Chapter 12.25.060 of the Des Moines Municipal Code (DMMC). The following motions will appear on the consent calendar.

Suggested Motion

First Motion: "I move to suspend Rule 26(a) in order to enact Draft Ordinance No. 14-133 on first reading."

Second Motion: "I move to enact Draft Ordinance No. 14-133, amending Chapter 12.25.060 DMMC allowing for new or additional electric or communication facilities to be installed aerially where there are existing aerial facilities."

Background

The City currently has Code language and a policy to require utility companies (electric and communication) to install new facilities underground. The one exception is 115 Kilo-volt transmission lines, which cannot be placed underground. As a first class City, the visual clutter of overhead utilities and increased outage risk due to tree limb damage during storms have been undesirable as the City grows through re-development and infrastructure investments.

Currently, there is a provision in the undergrounding code that provides for a variance procedure through the Hearing Examiner. A variance to undergrounding may be granted if the applicant can demonstrate that it would be an undue hardship to place the facilities underground. An undue hardship is intended to mean a technological or environmental difficulty associated with the particular facility or with the particular real property involved. Cost is typically not a factor for the Hearing Examiner to consider.

Generally, when the City constructs roadway infrastructure improvements through a capital improvement project, such as the Pacific Highway South Corridor, the recent Transportation Gateway improvements on South 216th Street and 24th Avenue South, and the South 216th Street improvements between marine view Drive and 11th Avenue South, the overhead utilities (power, communication, and cable) are placed underground in a joint utility trench, with cost sharing by all of the utilities involved, including the City, which often times has street lighting conduit and City communication cables (fiber optic) installed in these joint trenches as well. By co-locating all these facilities in a joint trench along with the City's conduit, there is an overall savings and benefit due to the cost sharing of the construction.

Discussion

In late April of 2013, the City Council approved a Franchise Agreement with the Zayo Group, LLC. The underground requirements were outlined in the Franchise Agreement with Zayo consistent with similar franchise agreements the City has with other electrical and communication utilities.

In early May of 2014, Zayo approached the City with a Right-of-Way permit application to install a 288 strand fiber optic cable through Des Moines. At the same time Zayo inquired with City staff if there was any flexibility in the variance process similar to neighboring cities, such as the City of SeaTac and the City of Tukwila, who currently allow aerial installation of communication cables - provided there are existing utility poles to attach to. Additionally, when City capital projects are eventually constructed, the overhead utilities are required to move their facilities underground.

While staff understands the existing policy is largely driven to reduce the aerial clutter caused by overhead installations, limit exposure to potential damage from tree limbs during storms, and reduce the number of rigid obstacles in the Right-of-Way, the incremental increase with additional cables is relatively minimal when the aerial facilities are already in place. A set of photos depicting an example of this are provided in Attachment 2.

It is important to note that the existing policy of not allowing any additional utility poles to be installed is not changed with this proposed Ordinance, nor would new aerial utilities be permitted to be installed where there are no existing aerial utilities.

In terms of construction impacts to the public, aerial installations on existing utility poles are far less intrusive to local residences and the traveling public due to the shorter construction time needed in the Right-of-Way. Typical aerial installations use an existing or new steel messenger cable that is lashed to the communication cable. Installation of underground facilities involve conduit placed underground by either an open cut trench or "boring" method. The "boring" method requires "pits" at each end of the bore for drilling equipment.

Financial Impact

From a cost perspective, this is a win-win; both for the City and for Franchised Utilities.

The costs for new underground or overhead utility installations are born by the utilities. Overhead installations are far less expensive as compared to underground installations.

When the City makes capital improvements to roadway infrastructure, there is usually a required co-located joint trench for the electrical, communication, and cable utilities. As mentioned previously, the costs of joint trench installation are shared by the utilities and the City. With each additional partner in the joint trench, the costs to the City are reduced during construction.

Allowing aerial installations on existing utility poles would also benefit the City as it would provide some flexibility to extend the current City fiber infrastructure to outlying City facilities such as the Public Works Service Center and the Marina. Currently, the City is using leased T-1 connections costing nearly \$6,000 a year, not to mention additional remote server and modem hardware which is necessary with the T-1 connection versus a direct fiber connection. Additionally, the data transmission speed difference between T-1 and fiber is enormous, 1.5 mb versus 2,048 mb with fiber. The City would realize long term operating budget savings, and added efficiencies by extending City fiber communications to these outlying facilities.

The City does receive Right-of-Way Use permit fees for utility work within the right-of-way. These permit fees are based on a percentage of the construction costs. Aerial installations are less expensive than underground installations, and therefore staff would anticipate lower Right-of-Way Use permit fee revenue. Conversely, there may be new aerial installation requests by utilities that would not have otherwise pursued underground installations for additions to their system (due to cost), thereby offsetting potential lower Right-of-Way permit fee revenues.

Alternatives

The City Council may:

1. Enact the proposed Draft Ordinance.
2. Enact the proposed Draft Ordinance with additional changes.
3. Decline to enact the Draft Ordinance as this time.

Recommendation

Staff requests that Council approve the proposed motions.

Concurrence

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

CITY ATTORNEY'S FIRST DRAFT 06/11/2014

DRAFT ORDINANCE NO. 14-133

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON relating to Underground Utilities Requirements and amending DMMC 12.25.060 to allow new aerial installations where there are existing aerial facilities.

WHEREAS, there is a request that the City Council consider a modification to the undergrounding utility requirements for new secondary electrical or communication facilities, and

WHEREAS, the Public Safety and Transportation Committee met and discussed the potential amendment on June 5, 2014, and

WHEREAS; the City Council provided direction to staff to prepare said amendment on June 5, 2014; now therefore,

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

Sec. 1. DMMC 12.25.060 and section 78 of Ordinance No. 1578 are amended to read as follows:

~~Minor~~ a Additions, rebuilds, and replacements.
~~Minor~~ a Additions, rebuilds, and replacements may be constructed aerially in accordance with this section:

(1) ~~Minor~~ a Additions of new secondary electrical or communication facilities may be constructed aerially where existing facilities are aerial except at locations where, with the exception of 115 kv transition lines, utilities have already been undergrounded.

~~(2) A minor rebuild, replacement, or relocation of existing aerial facilities that does not alter the essential system configuration may be constructed aerially.~~

Ordinance No. ____
 Page 2 of 3

(23) When there is casualty damage to an overhead service system, the facilities may be restored aurally.

(34) Installation of additional conductors to provide one three-phase circuit is allowed on existing aerial facilities.

(45) Reconductoring for routine maintenance which does not constitute a major rebuild is allowed on existing aerial facilities. Routine maintenance is also allowed on existing aerial facilities for pole replacements and replacement of miscellaneous hardware.

(56) No work permitted by this subsection shall result in an increase in the number of utility poles.

NEW SECTION. Sec. 2. Severability - Construction.

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

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

Ordinance No. ____
 Page 3 of 3

NEW SECTION. Sec. 3. **Effective date.** This Ordinance shall take effect and be in full force thirty (30) days after its passage and approval in accordance with law.

PASSED BY the City Council of the City of Des Moines this ____ day of ____, 2014 and signed in authentication thereof this ____ day of ____, 2014.

 M A Y O R

APPROVED AS TO FORM:

 City Attorney

ATTEST:

 City Clerk

Published: _____

Effective Date: _____

05/13/2014 14:48

FIBER



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05/13/2014 14:48

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June 9, 2014

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Century Link
23315 66th Ave S, 115 P4A09
Kent WA 98032-0000

James Crooker
Zayo Group, LLC
400 Centennial Pkwy Suite 200
Louisville, CO 80027

RE: Underground Utilities Requirements

Dear Utility Purveyor:

This letter is accompanied by a potential ordinance modification to essentially allow new aerial installations/additions only on existing aerial facilities within the Right-of-Way. Aerial installations are required to go underground and participate in co-located joint utility trenches as those improvements occur. The City of Des Moines City Council is considering taking action on this code modification at their June 26th, 2014 meeting. At this time the item is on the consent calendar.

If you have significant comments/concerns on this matter, please notify me no later than June 17th, 2014. If comments are not received by this date, it will be assumed that you have none.

Thank you in advance for your comments, and if you have questions or need further information, please feel free to call me at (206) 870-6543 or email at bcarver@desmoineswa.gov.

Sincerely,

R. Brandon Carver, P.E., P.T.O.E.
Engineering Services Manager

AGENDA ITEM

BUSINESS OF THE CITY COUNCIL City of Des Moines, WA

SUBJECT: South 251st Street Slide:
Final Design

AGENDA OF: June 26, 2014

ATTACHMENTS:

1. Tetra Tech Task Order Assignment/Scope of Work
2. Slide Stabilization Measures
3. Project Concept Design Report
4. Current Condition Pictures

DEPT. OF ORIGIN: Planning, Building & Public Works

DATE SUBMITTED: June 16, 2014

CLEARANCES:

[X] Legal PB
 [X] Finance ph
 [] Marina N/A
 [] Parks, Recreation & Senior Services N/A
 [X] Planning, Building & Public Works DJB
 [] Police N/A

APPROVED BY CITY MANAGER
FOR SUBMITTAL: [Signature]

Purpose and Recommendation:

The purpose of this agenda item is to seek City Council approval of the Task Order Assignment (Attachment 1) with TetraTech for the South 251st Street Slide Final Design. This assignment will be administered as a task order under the 2014-2015 On-Call Engineering Services Agreement. The following motions will appear on the consent calendar.

Suggested Motions

Motion 1: "I move to approve the Task Order Assignment 2014-03 with TetraTech for the South 251st Street Slide Final Design in the amount of \$60,703.39, bringing the total design authorization to \$93,159.58, authorize a contingency in the amount of \$5,000, and further authorize the City Manager to sign said Task Order substantially in the form as submitted."

Motion 2: "I move to direct Administration to propose a CIP budget amendment reallocating funds between approved project budgets to cover the cost of this project."

Background:

On or around March 24th, 2014, a landslide occurred on the south edge of South 251st Street near 10th Avenue South. Within the Rights-of-Way, the slide impacted existing drainage facilities, guardrail, and roadway shoulder. Additionally, a 4-inch gas main owned by PSE is located within 2-feet of the slide face. Due to these impacts, the City's Public Works Department established temporary re-channelization of the roadway lane markings, ultimately shifting two-way traffic to the north providing separation from the slide.

Since the landslide occurred, City staff monitors the site continually in order to observe and document any continued displacement. Representatives from PSE supplement the City's observation efforts by also conducting daily monitoring. Currently, there appears to be relative stability of the immediate slide area with superficial sloughing during rain events.

Mitigation efforts thus far have consisted of two main efforts:

- PSE – Planned relocation of gas main from south side of roadway to the north.
- City/Consultant – Completed geotechnical investigation and a project concept design report.

Engineering consultants are needed in order to supplement and expand the capability of City staff for the final design and permitting for the South 251st Street project.

Discussion:

The task order with TetraTech will focus on the preparation of Bid Documents and permitting efforts to allow for the future construction of landslide mitigation improvements on South 251st Street.

The completed project concept design report prepared by TetraTech (refer to Attachment 3) reviews the findings of the geotechnical investigation as well as potential slope stabilization measures for mitigation. In summary the following are the (3) three stabilization measures recommended, examples of which are illustrated in Attachment 2. The report recommends pursuing Option 2:

Option 1: Soldier Pile wall with Tieback Anchors

Advantage – No private property impacts anticipated; Permanent; Routine construction methods.

Disadvantage – High cost; Potential sanitary sewer conflict.

Option 2: Mechanically Reinforced Earth Buttress (Recommended)

Advantage – No/Limited private property impacts; Permanent.

Disadvantage - Moderate cost; Increased construction impacts.

Option 3: Rock Fill Slope

Advantage – Low/Moderate Cost; Simple construction methods.

Disadvantage – Significant private property impact; Large construction impacts; Non-permanent.

Alternatives:

A repair must be made to stabilize the road and utility infrastructure. The City Council could select a different alternative.

Financial Impact:

The City's 2014-2019 Capital Improvement Plan did not include funding or expenditures for this project.

It is anticipated that the total project cost, selecting slope stabilization Measure 2, will consist of the following:

\$ 32,456.19	Geotechnical & Project Concept Design Report
\$ 60,703.39	Final Design and Permitting (Suggested Motion)
\$250,000.00	Construction & Administration
\$ 36,840.42	Project Contingency
\$380,000.00	TOTAL PROJECT COST

Funding sources for this project will be realized through fund reallocations within Transportation and Surface Water Management budget. An estimated breakdown of funding consists of the following:

\$ 75,000	South 216 th Street Improvement Project – Segment 3
\$ 75,000	South 216 th Street Improvement Project – Segment 1A
\$115,000	Pavement Management Program
\$ 70,000	Saltwater State Park Bridge Seismic Retrofit
\$ 45,000	SWM CIP
\$380,000	TOTAL PROJECT FUNDING

Staff will bring forward a 2014-2019 Capital Improvement Plan Budget Amendment later this year with specific project funding details.

Recommendation/Conclusion:

Staff recommends that Council approve the suggested motion.

Concurrence:

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

Formal Task Assignment DocumentTask Number 3

The general provisions and clauses of Agreement dated 1/31/14 shall be in full force and effect for this Task Assignment

Location of Project: Des Moines 251st Street (between 10th Ave S & 11th Ave S)

Project Title: South 251st Street Slide Final Design

Maximum Amount Payable Per Task Assignment: \$60,703.39

Completion Date: October 31st, 2014

Description of Work:

(Note attachments and give brief description)

Perform final engineering design for mitigation of the recent landslide that occurred on or around March 24th, 2014 on the south edge of South 251st Street near 10th Avenue South. This task assignment will provide bid documents, permitting, and advertisement assistance to ultimately construct a permanent stabilization solution.

See "Attachment 1" for specific scope associated with this Task Assignment.

Agency Project Manager Signature: _____ Date: _____

Oral Authorization Date: _____ See Letter Dated: _____

Consultant Signature: _____ Date: _____

Agency Approving Authority: _____ Date: _____

ATTACHMENT 1
ATTACHMENT A

SCOPE OF SERVICES

S 251st Street
Slide Mitigation Final Design

PROJECT INFORMATION

A small landslide occurred on or around March 24, 2014 on the south edge of South 251st Street near 10th Ave S in the City of Des Moines, WA. The road is owned and maintained by the City and temporary safety measures are in place to protect the public and to monitor the slope until more permanent measures are in place.

The scope of this Task Assignment is to provide final design, environmental documentation, permit support, and bid support services based on the Conceptual Design provided by Tetra Tech and Aspect Consulting on a separate Task Assignment completed in May 2014. The proposed construction will need to be completed prior to the 2014 wet weather season (November 2014).

Specifically, this Task Assignment will conduct the following primary activities:

- Develop final design and bid documents for the permanent slope stabilization of this section of S 251st Street as defined in the Conceptual Design Report by Tetra Tech Inc. and the Geotechnical Report provided by Aspect Consulting for this landslide area.
- Provide environmental documentation and permitting support for the project.
- Conduct a thorough topographic survey of the slope area and a portion of S 251st Street in order to complete the design.

Assumptions for this Task Assignment:

- Additional geotechnical design perimeter verification will be necessary as part of the final design process since a thorough topographic survey was not completed as part of the conceptual design. This is simply a review and verification of conceptual level design parameters to inform the final design and contract specifications. All geotechnical field investigation work is complete as part of the Conceptual Design Task Assignment completed in May 2014.
- All design decisions are complete in the determination of the design concept to be constructed for both the slope stability mitigation as well as the revised stormwater conveyance system design.
- All stormwater flow information will be provided by the City in order for Tetra Tech to ensure that the existing system is sized accordingly. There are no expectations to change the outflow pipe size.

SCOPE OF SERVICES

TASK 1 – Task Management (Tetra Tech lead)

Tetra Tech will provide project administration and coordination with the City to facilitate efficient progress and timely completion of this final design Task Assignment.

A brief project work plan will be developed that includes this Task Assignment scope of work, project deliverables schedule, team communications protocol, and QA/QC protocol.

Standards, Guidelines, and Criteria

- City of Des Moines Standard Plans and General Specifications
- City of Des Moines Community Development Standards (as needed)
- National CADD Standards (incorporating City of Des Moines input as needed)
- WSDOT Standard Plans as needed
- WSDOT Standard Specifications, 2014
- Manual of Uniform Traffic Control Devices (MUTCD)
- WSDOT Geotechnical Design Manual (GDM)

It is assumed that there will be up to two (2) project coordination meetings with the City during this Task Assignment.

Deliverables

- Project Work plan

TASK 2 – Topographic Survey and Basemapping (Tetra Tech lead)

Provide a full topographic survey for the slope mitigation area from the existing S 251st centerline to approximately 80 feet south of the existing south edge of pavement and from approximately 40 feet east of 10th Ave S to 110 feet east for an area of approximately 8,000 sf. The area to be mapped beyond the slope stability mitigation construction area is mainly to simply catch the bottom of the slope point and/or assist in delineating any potential sensitive areas. This total mapping area will be confirmed by a field visit with the survey field crew prior to setting control and conducting the survey. In addition, any sensitive area that is found and identified by SWCA as part of Task 3, will be surveyed for inclusion in the mapping.

The topographic mapping of the slide area will then be used to develop the base mapping in order to develop a detailed full design for the project.

Assumptions

- Horizontal datum will be NAD 83/91 based upon available control along Marine View Drive.
- Vertical datum will be NAVD88 based upon existing bench marks along Marine View Drive.
- The private property information will come from County Assessor recorded information in order to clearly indicate the roadway right of way limits to assist in developing temporary construction easements for work on this project. No property boundary survey will be conducted.

- The City has previously secured a right of entry for the private property south of S 251st Street and it is still in effect.

Standards, Guidelines, and Criteria

- Washington State Plane Coordinate System
- AutoCAD Release 2014

Deliverables

- 1"=20', 2-foot Contour Interval Design Mapping for use in the project design

TASK 3 – Environment Documentation and Permit Support (SWCA lead)

The following environmental reviews or approvals are expected to be necessary to implement the project:

Permit Responsibility Table 1.

Lead Agency	Permits/Approvals/Reviews	Application/Documentation	Consultant Team Lead
City of Des Moines	Environmental Review	Land Use Permit Master Application	SWCA
	SEPA	Draft SEPA and Final Environmental Checklist	SWCA
	SEPA Signage	Sign Design	City
	Environmentally Critical Areas Review	Critical Areas Study	SWCA
	16.10.40/160 – Limited exemptions	Compensatory Mitigation Plan	SWCA
	Clearing, Grading and Filling Permit	Land Clearing Application	Tt
	Tree Retention Plan (if necessary)	Tree survey, preparation of tree protection and replacement plan	Tt

Task 3.1 Environmental Documentation and Permit Applications

3.1.1 SEPA Checklist

SWCA will rely on previously completed environmental documentation from other local projects as well as technical information provided by Tetra Tech and others on the consultant team for this project. At this time it is assumed that previous studies and information developed as part of this scope of work will be sufficient to complete the Checklist and that no additional studies will be necessary (traffic studies, groundwater studies, air quality, noise, etc).

3.1.2 City of Des Moines Development and Land Use Permit Applications

SWCA shall complete applications for the City development and land use permits identified in Table 1. SWCA will prepare narrative project descriptions required for each application. All site plans, survey maps, design drawings, and other technical reports required to complete the applications will be provided by the Tetra Tech design team. SWCA will assemble and deliver land use applications to the City for signature and submittal.

3.1.3 Environmentally Critical Areas

SWCA biologists will conduct a brief field investigation to document site conditions for the project area. During the site investigations, SWCA biologists will review the proposed limits of construction to determine if regulated wetland or stream areas (or buffers) occur within or near the limits of construction. If wetlands, streams, and/or their respective buffers are determined, SWCA biologists will flag the limits of these areas as required by City of Des Moines Municipal code and prepare a sketch map to assist with the survey of these areas. SWCA shall prepare a *Critical Areas Study* for use during project permitting for the project area. The critical areas study will include a field delineation of wetlands and streams in the project area and prepare a special study per Des Moines Municipal Code 16.10.070. SWCA's scope of work for this task includes wetlands and streams delineations. Survey and mapping of these delineations will be provided by Tetra Tech as part of Task 2.

3.1.4 Conceptual and Final Mitigation Plan (Optional Service)

SWCA shall prepare a conceptual mitigation plan based on the level of environmental impacts associated with disturbance of any critical or sensitive area as a result of the slide stabilization mitigation. The impacts will not be known until the design progresses and a determination is made that this project is in, or not in, a sensitive area. The immediate area below the slope stability mitigation area was disturbed by the slide. This area is now void of major vegetation. At a minimum, a vegetation restoration plan will need to be part of the project and that is included as part of Task 4, Final Design. The amount of vegetation restoration will be determined after a thorough environmental site review is completed as part of Task 3.1.3 and Task 3.2 coordination.

The mitigation plan will describe approximately 50%-level mitigation site design. The mitigation memorandum report shall include identification of site-specific performance criteria and standards for success and a proposed monitoring and maintenance plan per Des Moines Municipal Code 16.10.150. Additional in-channel stream mitigation (if necessary) may be required to comply with the mitigation requirements per Des Moines Municipal Code 16.10.190. The mitigation plan memorandum report will include a description of more substantial potential landscape restoration design work. Actual plan sheets will be provided by Tetra Tech as part of the Final Design package in Task 4. The final mitigation plan will be completed based on the 90% Final Design package and will be the document of record for the environmental permits for this project.

Task 3.2 Agency Coordination

SWCA shall prepare for and attend agency coordination meetings (up to 2) with the City and other environmental agencies during the permit process. The following agencies have been identified as requiring coordination:

- Washington Department of Fish and Wildlife (consultation as needed, assuming no JARPA)
- City of Des Moines Planning

Deliverables

- Draft and Final SEPA Checklist.
- Draft and Final City of Des Moines Land Use Permit Master Application
- Draft and Final Development Exception Application
- Draft and Final Critical Areas Study

- Draft and Final Compensatory Mitigation Plan (Optional Service)

Assumptions

- The City of Des Moines will be the SEPA lead agency and that the City will issue a SEPA determination consistent with their SEPA rules. Should cooperating agencies be determined to be the SEPA lead agency or co-lead agencies for this project, additional coordination and document preparation may be required and will be negotiated separately.
- Unless specifically stated in this scope of work, SWCA will rely solely on work prepared by others to complete the environmental documentation and permit applications. This scope of work does not include fieldwork or site-specific investigations or any field sampling not specifically identified herein.
- The design of the project can be completed to avoid impacts to wetlands and streams and that a formal JARPA application or permits from any agency except the City of Des Moines will not be required.
- The design of the project can be completed to avoid excavation outside the recently disturbed slide area and/or existing road prism. If excavation or disturbance in native material is required, an additional cultural resources investigation may be required. This is not included in this scope of work.
- No construction drawings are included in Task 3.
- SWCA shall submit the number of copies of applications and supporting documentation identified on the application forms, plus two additional copies for the project files. The City shall be responsible for additional copies. The City shall be responsible for distributing permit materials and the publication of any required notifications.
- The City shall produce and install the SEPA notice sign.
- The City shall be responsible for all permit fees or third-party review fees.
- The City will be the sole SEPA lead agency.
- The City is the sole funding agency. No state or federal funds will be used for this project.

TASK 4 – Final Design and Bid Documents

Task 4.1 – Final Design

The Consultant shall prepare three final design phases (60%, 90%, and AD Ready) of Final Plans, Specifications (90% and final only) and Estimates for review and approval by the City. Plans shall be formatted to provide sufficient detail for convenient field layout of all proposed facilities. City standard details and WSDOT standard plans will be supplemented with project specific details as required. Final bid documents will be signed by a licensed professional engineer in the State of Washington.

Tetra Tech will develop the technical specifications and assist the City in assembling the entire contract specifications packaged based on the City's standard contract specification boiler plate.

It is expected that there will be up to 8 (eight) plan sheets for this project to include the wall design plan and details, stormwater plan and details, temporary erosion and sediment control (TESC) plan (supported by standard plan details), title sheet with vicinity map and schedule of drawings, and temporary traffic control / staging plans.

Deliverables

- 60% design plans and engineers estimate of construction (both electronic pdf submittal) for one round of review
- 90% plans, contract specifications, and engineers estimate of construction (electronic submittal in pdf format) for final review
- Final plans, contract specifications, and engineers estimate of construction (electronic and paper submittals)

Assumptions

- The design concept was chosen based on the Conceptual design completed under a previous Task Assignment by Tetra Tech and Aspect Consulting. No additional design options will be provided as part of this final design.

Task 4.2 – Geotechnical Design Support (Aspect Consulting)

The final design will be supported by additional geotechnical verification as needed to support the Mechanically Reinforced Earth wall concept design as documented in the May 2014 final Geotechnical Report completed by Aspect Consulting and the final June 2014 Conceptual Design Report by Tetra Tech. The additional verification is necessary since the conceptual design was not based on a thorough topographic survey. A short design memorandum will be produced to document the verification and design parameters for the new wall system. The memorandum is not a formal deliverable, but intended to inform the design process and the wall details and specifications.

Aspect will also review all plans and contract specifications developed by the design team to ensure that the contract documents to ensure that the wall design meets parameters to permanently mitigate the slope stability.

Deliverables

- Geotechnical design parameters verification design memorandum (internal, not formal deliverable)

Assumptions

- The conceptual design wall option will not be changed. The geotechnical exploration and analysis is complete. Only a verification of the design parameters, supported by some stability calculations will be made based on new topographic field information.

TASK 5 – Bid Support

Provide assistance to the City to coordinate with Builders Exchange to post the contract package, addenda, and responses to bidder inquiries, develop up to two (2) addenda (plans and/or contract specifications), and assist the City in responding to questions from construction contract bidders.

Attend the pre-bid meeting to answer any potential design related questions and assist the City in evaluating contractor bids in order to get to a selected contractor.

Deliverables

- Up to Two Addenda (three (3) copies, half-sized Plans and electronic submittals)
- Requests for Information Written Responses.

City of Des Moines
S 251st Street Slide Final Design
Task Assignment 3
Top Task Summary

Task Description	Teta Tech	Aspect Consulting	SWCA	TOTAL
1.0 Task Management	\$ 4,331.16	\$ -	\$ -	\$ 4,331.16
2.0 Topographic Survey and Basemapping	\$ 4,226.40	\$ -	\$ -	\$ 4,226.40
3.0 Environmental Documentation and Permit Support	\$ 803.67	\$ -	\$ 11,486.99	\$ 12,290.66
4.0 Final Design	\$ 17,198.93	\$ 8,729.36	\$ -	\$ 25,928.29
5.0 Bid Support	\$ 3,229.66	\$ 767.96	\$ -	\$ 3,997.62
Reimbursable Expenses	\$200.00	\$100.00	\$150.00	\$450.00
Totals	\$ 29,989.82	\$ 9,597.32		\$ 51,224.13
Optional Services	\$ 4,520.48	\$ -	\$ 4,958.78	\$9,479.26

Total w/ Optional Services: \$ 60,703.39

Exhibit E-1

Tetra Tech, Inc.

Exhibit E-1 Consultant Fee Determination

Aspect Consulting
City of Des Moines
S 251st Street Slide Final Design
2014-2015 On-Call Civil Engineering Services
Task Assignment 3

FEE ESTIMATE		Aspect Consulting									
		60.10	50.09	32.70	24.19	31.38	22.32				
MAJOR TASK DESCRIPTION	HH Principal Geo. Engineer	DM Associate Engineer Geologist	NS Project Geo. Engineer	MV Sr Staff Geol	SC Senior GIS/ CADD	MR Project Assistant	TOTAL	DSC	189.45% OH	30% FEE	TOTAL
1.0 Task Management							0	\$ -	\$ -	\$ -	\$ -
2.0 Topographic Survey and Basemapping							0	\$ -	\$ -	\$ -	\$ -
3.0 Environmental Documentation and Permit Support							0	\$ -	\$ -	\$ -	\$ -
4.0 Final Design	30	2	24	0	0	2	58	\$ 2,732.62	\$ 5,176.95	\$ 819.79	\$ 8,729.36
4.1 Final Design	30	2	24			2					
4.2 Geotechnical Design Support	4						4	\$ 240.40	\$ 455.44	\$ 72.12	\$ 767.96
5.0 Bid Support											
	34	2	24	0	0	2	62	\$ 2,973.02	\$ 5,632.39	\$ 891.91	\$ 9,497.32
	REIMBURSABLE EXPENSES (REIMB):										
	Mileage										
	Total:										
	TOTAL										\$ 9,597.32

SWCA
City of Des Moines
S 251st Street Slide Final Design
2014-2015 On-Call Civil Engineering Services
Task Assignment 3

FEE ESTIMATE		SWCA									
		56.49	30.05	29.50	27.46	22.04					
MAJOR TASK DESCRIPTION		PM Specialist XI	Biologists/CR Specialist VI	Graphics/CAD Specialist V	Staff Planner Specialist IV	Admin Specialist II	TOTAL	DSC	170.55% OH	30% FEE	TOTAL
1.0 Task Management							0	\$ -	\$ -	\$ -	\$ -
2.0 Topographic Survey and Basemapping							0	\$ -	\$ -	\$ -	\$ -
3.0 Environmental Documentation and Permit Support		17	42	14	40	4	117	\$ 3,821.99	\$ 6,518.40	\$ 1,146.60	\$ 11,486.99
3.1 Environmental Documentation and Permits											
3.1.1 SEPA Checklist		4	16	4	32	2					
3.1.2 Land Use Applications		1	2	2	8	1					
3.1.3 Critical Areas Report		4	24	8		1					
3.2 Agency Coordination		8									
4.0 Final Design							0	\$ -	\$ -	\$ -	\$ -
5.0 Bid Support							0	\$ -	\$ -	\$ -	\$ -
		17	42	14	40	4	117	\$ 3,821.99	\$ 6,518.40	\$ 1,146.60	\$ 11,486.99
		REIMBURSABLE EXPENSES (REIMB):									
		Mileage									\$ 150.00
		Total:									\$150.00
		TOTAL									\$ 11,636.99

Fee Total w/ Optional Services: \$16,595.77

ATTACHMENT 2

South 251st Street

Landslide Slope Stabilization Measures



Measure 2: Mechanically Reinforced Earth Buttress



Measure 1: Soldier Pile Wall with Tieback Anchors



Measure 3: Rock Fill Slope

ATTACHMENT 3



PROJECT CONCEPT DESIGN

(FINAL Report)

S 251st Street Slide Mitigation

June 2014





June 2, 2014

Attention: Brandon Carver, P.E., P.T.O.E.
Engineering Services Manager

Subject: Conceptual Design Report
S 251st Slide Mitigation
Des Moines, WA

Dear Brandon,

Tetra Tech Inc. and Aspect Consulting have completed the final conceptual design report for the subject project. This document presents conceptual design options in conjunction with the Final Geotechnical Report developed by Aspect Consulting as part of this project. The result is a recommended option for permanent slope mitigation at this site. The purpose of this report is to present the design decision that will support the preliminary and final design.

Sincerely,

Tetra Tech Inc.

Steven D. Olling, PE, PMP
Senior Project Manager



S 251st Street Slide Mitigation
Concept Design Report

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S 251st Street Slide Mitigation Concept Design Report

Introduction

A small landslide occurred on or around March 24, 2014 on the south edge of South 251st Street near 10th Ave S in the City of Des Moines, WA. The road is owned and maintained by the City and temporary safety measures are in place to protect the public and to monitor the slope until more permanent measures are in place.



Figure 1 – Temporary Protection Measures

The purpose of this report is to document conceptual design options and provide a recommended option for permanent slope stability mitigation. This report is intended to be a narrative which also describes the evaluation assumptions and identifies the next steps in the design process.

The Tetra Tech team conducted this preliminary assessment in consultation with the City of Des Moines in the development of this report and ultimately the recommended design decision. This report is supported by the Geotechnical Report also developed as part of this project by Aspect Consulting. All of this will support the preliminary and final design for permanent slope stabilization at this site.

Conceptual Design Documentation

Slope Mitigation

Description

The existing slope needs to be stabilized to reduce the potential for further slides and damage to the existing roadway and to protect the traveling public. The City hired Tetra Tech, Inc. to complete an initial investigation of the slope and provide a recommendation to serve as the basis of design for the stabilization of the slope.

Assumptions

The following were assumed during this investigation and the development of the concepts for the slope stabilization:

- The concept is to provide a permanent solution for slope stabilization
- The work is to be completed within the existing City right-of-way, if possible
- Construction work needs to be completed prior to the next rainy season (November 2014)
- Minimal disruption of the existing utilities
- Minimal disruption to the local traffic
- Minimize disruption to the local residents
- Provide a cost effective solution

Geotechnical Investigation Results

Between March and May of 2014 a geotechnical investigation and analysis of the current conditions of the slide area was conducted. The final geotechnical report conducted as part of this project by Aspect Consulting (previously submitted to the City) provides 3 concepts to stabilize the area. These are listed below (see the Final Geotechnical Report for plan and section views of each concept).

Stabilization Concept 1 – Soldier Pile Wall with Tieback Anchor

The general concept of a soldier pile wall consists of drilling a shaft in the subsurface, lowering a steel wide-flanged beam into the shaft, and backfilling the annular space of the shaft with concrete or lean-mix cement. This process is repeated typically on a 6-foot to 8-foot center-to-center spacing creating a row (similar to soldiers in formation) of embedded vertical steel beams. Timber or concrete panel lagging is fit into the web space of two adjacent soldier piles to create a structural span between adjacent piles capable of retaining either cut or fill soils, thereby creating an exposed wall height. The soldier piles must be adequately embedded below the exposed wall height so they do not overturn or deflect excessively.

Soldier pile walls can typically be cantilevered up to about 15 feet in exposed wall height, beyond which point it typically becomes cost-effective to incorporate tieback anchors. Steel-tendon tieback anchors can be drilled at an angle from horizontal into the soil behind the wall and grouted into place. The tieback anchor is tensioned to apply a horizontal load component to

S 251st Street Slide Mitigation Concept Design Report

the wall, which allows the allowable exposed height of the soldier pile wall to be increased, while maintaining stability.

As described above, a soldier pile wall can be cantilevered up to a certain height without the need to add tieback anchors. This would remove some of the issues with the tiebacks including potential conflicts with existing utilities and would result in a cost reduction.

The concept of a cantilevered wall in this location was thoroughly discussed with the structural design group at Tetra Tech Inc. The discussion focused on the type of soils available and the height of the exposed face of the wall. As the height of the exposed wall increases not only does the embedment depth increase but so does the section required for the pile. The opinion from Tetra Tech structural engineers enforce Aspect Consulting's decision to present the most cost effective wall option with a 15 foot exposed face that would include tieback anchors.

Stabilization Concept 2 – Mechanically Reinforced Earth Buttress

The general concept of a mechanically reinforced earth (MRE) buttress consists of excavation and removal of the landslide mass and replacement with a layered vertical sequence of compacted structural fill and horizontal-laying reinforcement grid, allowing the buttress to be built taller and at a steeper angle than a soil buttress with no reinforcement. The reinforcement grid is attached to the buttress facing and provides resistance to lateral earth pressures developed from friction between the reinforcement grid and the compacted structural fill underlying, and overlying it. The reinforcement grid and facing connection selected must have adequate strength and durability to resist tension, tearing, rupture, and material creep. The interface friction between the structural fill material and the reinforcement grid, and reinforcement grid length behind the buttress facing must also be large enough to resist pullout. Areas of the MRE buttress not founded on glacial till will need to be improved by compacting crushed rock or quarry spalls into the loose, landslide deposits or fill to a firm condition (compacted subgrade).

Stabilization Concept 3 – Rock Fill Slope

The general concept of a rock fill slope consists of excavation and removal of the landslide mass and replacement with a mass fill consisting of machine placed and compacted, angular, crushed, large rock, similar to riprap or ballast material. Because the rock fill slope is not reinforced, it must be built at a shallower slope (approximately 1.3H:1V) than the MRE Buttress concept. Because of this, the base and toe of the rock fill slope will "catch" further downslope than the MRE Buttress and is estimated to extend over the ROW limit by approximately 15 to 20 feet.

Areas of rock fill slope base not founded on glacial till or dense soils will need to be improved by compacting crushed rock or quarry spalls into the loose, landslide deposits or fill to a firm condition (compacted subgrade) to create a stable base. The long-term stability of the base is questionable as the landslide deposits below the improved base may still be prone to movement or creep over time.

S 251st Street Slide Mitigation Concept Design Report

Slope Stability Recommendation

A review of the concepts provided by Aspect Consulting, Inc. to stabilize the slope has been completed by Tetra Tech Inc. Considering the assumptions listed above it is recommended that Concept 2 – Mechanically Reinforced Earth Buttress, be implemented.

Concept 2 provides a permanent repair to the slope and maintains a factor of safety for seismic conditions. Construction can be accomplished from the existing roadway with minimal impact to the slope below and maintain local traffic.

Stormwater Mitigation

Description

In general, the project site is relatively flat atop S 251st Street and shoulder area. The site then slopes down to a ravine approximately 60 feet below and outside of the City's right-of-way. The southern right-of-way limit is approximately 20 ft. from the existing fog line (not surveyed and is based on King County Assessor information). The slope is typically heavily vegetated with young to mature evergreen, maple, and alder trees, shrubs and ivy, except for the headscarp area of the recent landslide, which is mostly bare soil. The existing forested slope varies in steepness from 20 to 45 degrees.

The site slope serves as a stormwater discharge area for a 24-inch-diameter corrugated metal pipe (CMP) located on the west end of the landslide area (west drainage discharge point), and a 12-inch-diameter CMP located on the east end of the landslide area (east drainage discharge point). The contributing drainage area includes runoff from the neighborhoods north of S 251st Street as well as along S 251st Street within the slide area. Runoff discharging from the discharge points makes its way downstream into the ravine reaching McSorley Creek and eventually to Puget Sound.

Assumptions

During this conceptual design phase, concepts were based on the GIS data and topographic information which were provided by the City. Also, no stormwater analysis was completed as there will be no changes to the amount of stormwater conveyed through the site as part of this project. Pipe flow and sizing analysis may be needed in the future design phase to determine if the existing system is adequate. Field reconnaissance was used in locating existing utilities and no positive and surveyed locations were made on these utilities.

Existing underground utilities along the project site include sewer and gas utilities located beneath the southern lane and shoulder area of S 251st Street. Overhead power lines are present on the north side of S 251st Street. A buried water line was not identified in the south (eastbound) lane. The location of a water main beneath S 251st Street appears to be on the north side (westbound lane) as water valves and fire hydrants are present.

S 251st Street Slide Mitigation Concept Design Report

Stormwater Concept 1 - Conveyance along North and South side of S 251st

The first stormwater concept for collecting runoff involves installing a collection system along the south shoulder of the S 251st Street. The system would run east approximately 50 ft. where it intersects the existing system coming from the east end of the site. At this intersection point, the new storm drain system would then cross S 251st Street to tie into the existing storm drain system along the north shoulder of S 251st. This system flows to the west eventually connecting to the upstream portion of the 24-inch culvert crossing.

In this concept, the system along the north side may need to be replaced in order to collect stormwater from the system east of the site. There may also be potential utility conflicts with the proposed pipe crossing. With the new collection system along the top of the slope, an asphalt thickened edge or extruded curbing would be placed on the back of shoulder to collect sheet flow.

See Exhibit 1 in Appendix B for conceptual layout of this concept.

Stormwater Concept 2 - Conveyance along south side of S 251st

A second stormwater concept also involves installing a new 12-inch system along the south shoulder of S 251st Street. Similar to the first option, this new system would also convey drainage from the existing system east of the site. However, the conveyance system would instead travel directly west to a new manhole placed at the location of the existing 24-inch CMP pipe. From the manhole, a new culvert outfall would be placed. Runoff parallel to the slide would continue to sheet flow off the road. See Exhibit 2 in Appendix B for conceptual layout.

Culvert Outfall

The outfall for the 24-inch culvert could involve a gabion mattress energy dissipater. Depending on velocity of the system, the gabion mattress may need to extend beyond the City's right of way. However, this will depend on the exact location of the wall face and right of way verification by survey. This is shown in the following in Figure 2.

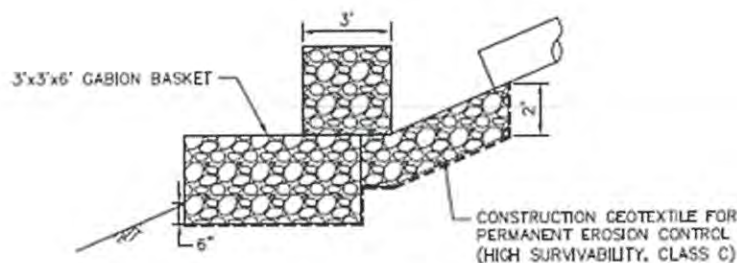


Figure 2– Gabion Basket

Another alternative would be a diffusion tee placed at the end of the new 24-inch outfall. The diffusion tee would also use a gabion mattress to prevent erosion where runoff from the culvert

S 251st Street Slide Mitigation
Concept Design Report

would disperse and then sheet flow down to the ravine. Maintenance for the diffusion tee would simply require removing end caps to conduct cleanout. This is shown in Figure 3.

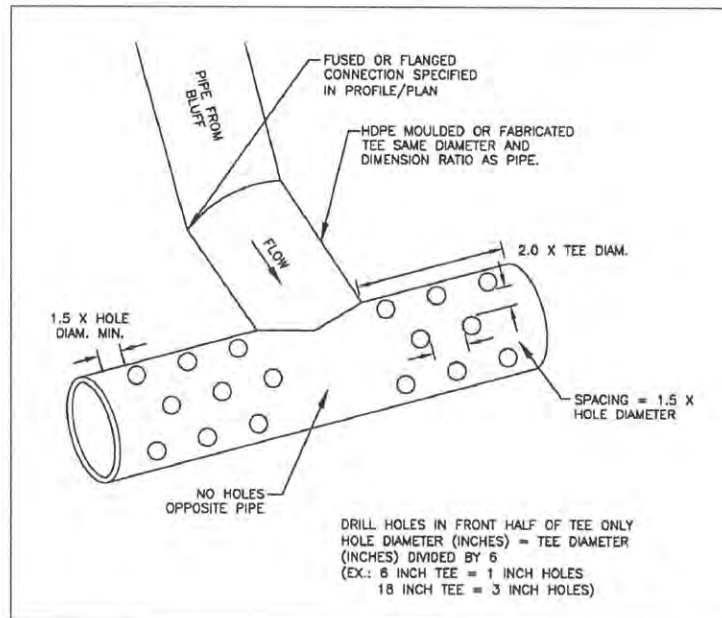


Figure 3— Diffuser Tee

As stated in the Geotechnical report by Aspect Consulting, we observed significant erosion has occurred on the slope below the west drainage discharge point, at the location of where the 24" CMP used to release. There is a deep erosional cut channel below that point that appears to have existed for some time that should be mitigated with this project (see stormwater exhibits for approximate location). We recommend backfilling the eroded channel at this location with open-graded, angular, drain rock for some distance down the slope to a point that the channel has less steep side slopes (estimated approximately 20 feet beyond the existing west drainage discharge point). This mitigation will locally improve stability of the existing eroded area. This work will occur outside the existing City right of way, but would not require a permanent easement as no permanent structure will be installed and no future maintenance should be required.

The specific design of this mitigation measure, as well as how the dissipation option will be implemented with this measure, can't be detailed until a thorough topographic survey of the area is accomplished. However, it is both Tetra Tech and Aspect's opinion that these can be accomplished with minimal impacts to the slope area outside the existing City right of way. One large stump may have to be removed and the deep cut channel may need to be excavated slightly to provide a good stable base so the drain rock will remain in place. With the dissipation design, there will be no further impact to this cut channel area.

All of this will be constructed along with the wall. The area will already be disturbed due to the wall excavation, so constructability challenges are more associated with the wall construction and careful placement of the drain rock in the channel can be accomplished by a portable gravel chute and hand placement.

S 251st Street Slide Mitigation Concept Design Report

Stormwater Improvement Recommendations

The conveyance system in Stormwater Concept 2 would be recommended in avoiding crossing S 251st Street. By not crossing the roadway, a potential utility conflict with the existing sanitary sewer line is avoided. Reconfiguring the existing storm drain system on the north side would also not be needed.

With the additional system from the east being tied into the 24-inch culvert, an analysis should be done to verify that the drainage system has adequate capacity for additional drainage being collected. The outfall system would also need to be sized once the discharge velocity is determined. Based on the velocity, the footprint for either outfall could potentially be outside of the existing ROW. However the diffuser tee may have a higher chance of fitting within the right of way.

Engineers Estimate of Construction Costs

The estimated conceptual cost for construction for the various mitigation concepts has been estimated based on recent WSDOT bid prices and other sources. The conceptual design, construction costs and percentage placeholders for items such as traffic control, erosion control, site preparation and restoration and mobilization are not based on detailed quantity take-offs. Due to this being a concept design level, a 40% design allowance is included as part of the estimate. Items not listed in the estimate, but covered by the 40% design allowance, include fees associated with additional site mitigation such as the eroded channel fill and vegetation restoration, purchase of additional right of way (easement or fee) if required; permitting; ; and other related project costs that would be identified during the final design process.

The estimate summary of all options is presented in Appendix B.

Conclusion - Recommended Project Option

The recommended option is a combination of Slope Stabilization Concept 2 and Stormwater Concept 2 (Option 2.2 – see the conceptual design estimate summary in Appendix B). This option provides the best combination of economics, lower ground disturbance, higher probability to keep within the existing right of way, and lower potential utility impacts. The specific reasons for recommending the stormwater and slope stability options are presented in the above sections.

The combination of these concepts will provide the city with a permanent repair of the site with minimal impact to the existing site. Additional right of way should also not be necessary, but this will need to be verified with right of way documentation research and potential field survey.

S 251st Street Slide Mitigation
Concept Design Report

Once funding for preliminary and final design is available, the next steps are:

- Conduct further geotechnical verification analysis,
- Conduct a thorough topographic survey of the project site,
- Conduct a drainage analysis to verify pipe sizing,
- Develop the environmental documentation and gain approval,
- Develop and secure construction permits,
- Develop the construction bid documents.

Environmental Documentation and Permits

Based on the recommended conceptual design concept and a review of the City of Des Moines Critical Area Map Series: Wetlands and Surface Water, and current aerial photography, the following is an opinion of potential environmental documentation and permit requirements.

A site-specific on-site environmental investigation was not scoped or conducted during the alternative development process. Our permit opinions are based on the following assumptions:

1. Work will generally be limited to the existing right of way.
2. The recommended concept can be designed to avoid direct impacts to designated critical areas.
3. The project will be implemented without outside federal or state funding.
4. The project could impact designated critical areas buffer.
5. The project will not increase effective impervious surface.

Anticipated Environmental Documentation and Permitting*

Lead Agency	Permits/Approvals/Reviews	Application/Documentation	Timeline within Design Process
City of Des Moines	Environmental Review	Land Use Permit Master Application	30% Design Detail
	SEPA	Draft SEPA and Final Environmental Checklist	30% Design Detail
	Environmentally Critical Areas Development Exception	Development Exception Application	60% Design Detail
	Environmentally Critical Areas Review	Critical Areas Study	60% Design Detail
	18.86.120/160 – Limited exemptions	Compensatory Mitigation Plan	60% Design Detail
	Clearing, Grading and Filling Permit	Land Clearing Application	90% Design Detail
	Tree Retention Plan	Tree survey, preparation of tree protection and replacement plan	90% Design Detail

*This evaluation does not include building and construction permitting typically prepared by the contractor that may be required to implement the recommended concept

S 251st Street Slide Mitigation Concept Design Report

As this is a process that is managed by the City Planning Department, the timeline is assumed flexible and prioritized based on internal City communications between departments. The SEPA package will be submitted at the time of the 60% design submittal, but started much earlier once the topographic survey is complete and the conceptual design is advanced to approximately the 30% design level, which should be within 4 weeks of the start of final design. A preliminary review can be conducted by the City at this early stage to help expedite the process time in the City.

The environmental process will be on the critical path for this project in order to get construction completed before the wet weather season in late 2014.

Appendices

- Appendix A – Stormwater Concept Exhibits
- Appendix B – Conceptual Design Estimate Summary

S 251st Street Slide Mitigation
Concept Design Report

Appendix A – Stormwater Concept Exhibits



TETRA TECH

www.tetrattech.com

S 251st STREET SLIDE MITIGATION
Stormwater Concept 1

EXHIBIT

1

Graphic Scale 1 inch



TETRA TECH

www.tetratech.com

S 251st STREET SLIDE MITIGATION
Stormwater Concept 2

EXHIBIT

2

Bar Measures 1 inch

ATTACHMENT 4

South 251st Street Landslide - Existing Conditions



A G E N D A I T E M

BUSINESS OF THE CITY COUNCIL City of Des Moines, WA

SUBJECT: Request to Set Date for Public Hearing for Vacation of Public Right-of-Way within City of Des Moines known as 5th Place South, south of South 287th Street

ATTACHMENTS:

1. Draft Resolution No. 14-137
2. Ortho image of the area to be vacated

FOR AGENDA OF: June 26, 2014

DEPT. OF ORIGIN: Planning, Building & Public Works

DATE SUBMITTED: June 13, 2014

CLEARANCES

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

APPROVED BY CITY MANAGER
FOR SUBMITTAL _____

Purpose and Recommendation

The purpose of this item is to set a public hearing date in compliance with DMMC 12.10.040 and RCW 35.79.010 to consider a street vacation application request involving public right of way within the City of Des Moines. Administration recommends the City Council approve Draft Resolution 14-137 which sets a public hearing on August 14, 2014, for the subject street vacation request. The following motion will appear on the consent calendar:

Suggested Motion

Motion: "I move to adopt Draft Resolution No. 14-137 setting a public hearing on August 14, 2014, for a street vacation request relating to public right of way within the City of Des Moines."

Background

Deborah L. Millard filed application materials with the City requesting vacation of portions of public right of way within an area known as 5th Place South, south of South 287th Street. The area to be vacated is identified in the Exhibit to Attachment 1, and can also be seen in the ortho image provided as Attachment 2.

The area requested to be vacated is currently public right of way. There are public utilities within the right of way including Lakehaven Utility District, CenturyLink, Puget Sound Energy, and City of Des Moines Surface Water. Utilities that were contacted and are not affected are: Water District #54, Highline Water District, Midway Sewer District, AT&T, Comcast, and Southwest Suburban Sewer District.

Alternatives

The City Council may:

1. Adopt the draft resolution as written.
2. Adopt the draft resolution with amendments by the City Council.

Financial Impact

This agenda item establishes a hearing date and time for consideration of the Millard petition for a public right-of-way vacation. No financial impact is foreseen by setting the public hearing.

Recommendation or Conclusion

It is recommended that the City Council set a hearing date by approving the recommended motion as part of the consent calendar.

Concurrence

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

DRAFT RESOLUTION NO. 14-137

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DES MOINES, WASHINGTON, fixing a time for a public hearing to consider vacation of a segment of public rights-of-way in the City of Des Moines.

WHEREAS, the City Council is considering vacation of a portion of public rights-of-way known as 5th Place South, south of South 287th Street, located in the City of Des Moines as shown on Exhibit "A", attached hereto and incorporated by reference, by the petition method, and

WHEREAS, the provisions of RCW 35.79.010 authorize the City Council to fix a time for a public hearing in order to receive public comment regarding this proposal; now therefore,

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

The matter of the vacation of the following described portions of public rights-of-way in the City of Des Moines is set for a public hearing before the City Council on Thursday, August 14, 2014 at 7:00 p.m., or as soon thereafter as the matter may be heard, in the City Council Chambers, 21630 11th Avenue So., Suite B, Des Moines, Washington:

5th Place South, south of South 287th Street,
located in the City of Des Moines as shown on
Exhibit "A", attached hereto.

ADOPTED BY the City Council of the City of Des Moines, Washington this 26th day of June, 2014 and signed in authentication thereof this 26th day of June, 2014.

M A Y O R

APPROVED AS TO FORM:

Draft Resolution No. 07-223
Page 2 of 2

City Attorney

ATTEST:

City Clerk

EXHIBIT DRAWING FOR STREET VACATION

KING COUNTY, WASHINGTON

SW 1/4 of the SW 1/4 of Section 32, Township 22 North, Range 4 East, W.M.

S. 287TH ST.



EXHIBIT A



Surveyed for:		DEBBIE MILLARD 28726 SOUNDVIEW DRIVE SOUTH DES MOINES, WA 98198	
Scale: 1"=30'	Drawn: DO		
Date: 6/9/14	Approved: D.O.		
Surveyed by:	SADLER/BARNARD & ASSOC. INC.		
	717 W. STEWART PUYALLUP, WA 98371		
Phone (253) 848-5770		Dwg. No. 10-045	

Page 1 of 1

EXHIBIT B



AGENDA ITEM

BUSINESS OF THE CITY COUNCIL City of Des Moines, WA

SUBJECT: HIGHLINE SCHOOLS
FOUNDATION PROCLAMATION

ATTACHMENTS:
1. Proclamation

AGENDA OF: June 26, 2014

DEPT. OF ORIGIN: Legislative

DATE SUBMITTED: June 29, 2014

CLEARANCES:

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

APPROVED BY CITY MANAGER
FOR SUBMITTAL: 

Purpose and Recommendation:

The Highline Schools Foundation was founded in 1999 by a group of parents and community members with the foresight to ensure that the quality education that their children were receiving would be sustained. The Highline Schools foundation is the only nonprofit organization serving all students in Highline Public Schools. The Foundation strives to bridge the gap between what the State of Washington provides the District and what our public schools need to provide our students with a well-rounded quality education.

In 2012, the Foundation surpassed the \$2 million mark in funding to the district. The money raised will go directly to our district and the students in our community for critical areas of need – classroom enrichment, technology, arts, athletics, college scholarships and outreach to our neediest of students and their families.

During these difficult economic times, when local, state and federal government budgets are stressed, supporting our public school district and investing in the future of our children is more important than ever. The Foundation plays a special role in supporting public education by enabling our school district and its teachers to get what is needed to help our students learn to their highest capability. The communities' generous support enables the Foundation to make a positive impact on every child's education here in our community.

Suggested Motion

MOTION: "I move to approve the Proclamation acknowledging the Highline Schools Foundations for providing community resources to help Highline Public Schools succeed"

Proclamation

WHEREAS, the Highline Schools Foundation was founded in 1999 by a group of parents and community members with the foresight to ensure that the quality education that their children were receiving would be sustained, and

WHEREAS, the Highline Schools Foundation is the only nonprofit organization serving all students in Highline Public Schools, and

WHEREAS, the Highline Schools Foundation believes that by helping to enrich the classroom and school experiences, they can engage students to reach a higher level of learning, and the entire community will benefit, and

WHEREAS, The Foundation is governed by a dedicated group of volunteers and Trustees and is the only 501(c)(3) organization supporting all Highline Public Schools, and

WHEREAS, The Foundation strives to be the single point of contact for community members, local and national business, service organizations and other foundations to connect their philanthropic efforts with a single school or the entire district, and

WHEREAS, The Highline Schools Foundation funding priorities focus on:

- Programs to improve academic achievement
- Supporting college and career readiness
- Grants to teachers for engaging classroom projects
- The Arts
- Athletics
- Programs that keep students in school and productive

THE DES MOINES CITY COUNCIL HEREBY PROCLAIMS and acknowledges the Highline Schools Foundation for providing community resources to help Highline Public Schools succeed.

SIGNED this 26th day of June, 2014

Dave Kaplan, Mayor

A G E N D A I T E M

BUSINESS OF THE CITY COUNCIL City of Des Moines, WA

SUBJECT: Arts Commission Appointment

FOR AGENDA OF: June 26, 2014

ATTACHMENTS:

Arts Commission Application: M. Luisa Bangs

DEPT. OF ORIGIN: Parks, Recreation & Senior Services

DATE SUBMITTED: June 17, 2014

CLEARANCES:

☒ Legal 

☐ Finance NA

☐ Marina NA

☒ Parks, Recreation & Senior Services 

☐ Planning, Building & Public Works NA

☐ Police NA

☐ Courts NA

APPROVED BY CITY MANAGER
FOR SUBMITTAL: 

Purpose and Recommendation

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

Suggested Motion

Motion: "I move to confirm the Mayoral appointment of M. Luisa Bangs to an unexpired term on the City of Des Moines Arts Commission effective immediately and expiring on December 31, 2014."

Background

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

The Arts Commission was created to:

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

Discussion

This agenda seeks confirmation of the Mayoral appointment of applicant M. Luisa Bangs to the Des Moines Arts Commission effective immediately and expiring on December 31, 2014. Ms. Bangs was formerly on the Arts Commission filling an unexpired term of less than one year and one full 3 year term. She qualifies to fill a second three year term, if approved, but has asked to fill the remainder of an unexpired term ending in December 2014.

Alternatives

None provided.

Financial Impact

No financial impact.

Recommendation/Concurrence

None provided.



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

Recvd. _____

Please Check

NAME: M. Luisa Bongas
 ADDRESS: 22605 12th Ave N
 CITY, ZIP: Des Moines WA 98198
 PHONE: Home 2068221760 Work 206 7874661
 LENGTH OF RESIDENCE AT THE ABOVE ADDRESS 6 years
 REGISTERED VOTER? yes
 EMPLOYMENT SUMMARY LAST FIVE YEARS: Aviation Maintenance

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

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

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

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

1. Why do you wish to serve in this capacity and what can you contribute? Arts is my passion
Innovative Ideas
Constructive Problem Solving
2. What problems, programs or improvements are you most interest in? Am interested in a Des Moines Vitalization bringing some new perspective to bring on new programs to draw revenue
3. Please list any Des Moines elective/appointive offices you have run/applied for previously.
None

A G E N D A I T E M

BUSINESS OF THE CITY COUNCIL City of Des Moines, WA

SUBJECT: Back to School Resource Fair

FOR AGENDA OF: June 26, 2014

ATTACHMENTS:

1. Draft Resolution 14-135
2. Draft Agreement Between the City of Des Moines and Highline Schools Foundation

DEPT. OF ORIGIN: Parks, Recreation and Senior Services

DATE SUBMITTED: June 17, 2014

CLEARANCES:

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

APPROVED BY CITY MANAGER
FOR SUBMITTAL: 

Purpose and Recommendation

The purpose of this agenda is to request City Council approval for entering into a collaborative agreement with the Highline Schools Foundation to provide the inaugural 2014 Back to School Resource Fair for Des Moines elementary school age children and their families at Steven J. Underwood Memorial Park.

Suggested Motions

Motion 1: "I move to approve Draft Resolution 14-135 authorizing City of Des Moines co-sponsorship with Highline Schools Foundation of the 2014 Back to School Resource Fair at Steven J. Underwood Memorial Park on August 7, 2014."

AND:

Motion 2: "I move to authorize the City Manager to sign the Agreement with Highline Schools Foundation for the 2014 Back to School Resource Fair specifying the responsibilities assumed by Highline Schools Foundation and identifying the responsibilities assumed by the City of Des Moines, substantially in the form as attached."

Background

Ashley Fosberg Executive Director of Highline Schools Foundation and Highline Schools Foundation Board Members approached the City of Des Moines to co-sponsor the inaugural 2014 Back to School Resource Fair in Des Moines. The co-sponsors will work with numerous other local human services, health and civic

organizations and businesses to implement the Fair. The Fair will provide back to school backpacks and school supplies to Des Moines elementary school age students selected from North Hill, Des Moines and Parkside Elementary Schools. Midway Elementary School students will not be asked to participate at this event because a Back to School Resource Fair will held specifically for their school.

The Fair will take place at Steven J Underwood Memorial Park on Thursday, August 7, 2014 between the hours of 10am and 1pm. Businesses such as Comcast, Granger and PSE have already committed \$25,000 in funds to fill the 1,000 backpacks with school supplies that are needed to give our Des Moines students a good start to their school year.

Discussion

The Highline Schools Foundation has established Back to School Resource Fair committees with representation by the City, businesses and human services organizations to create a safe and memorable inaugural event. Up to 1,000 low income students attending Des Moines' elementary schools will receive a special invitation to participate at the Back to School Resource Fair. In addition to receiving a backpack filled with school supplies, the students and their families will enjoy local cultural activities and entertainment, food and beverages and free haircuts. Students and their families will also have an opportunity to receive information about our Parks, Recreation, Senior Services, youth recreation scholarships, free summer lunch programs, Arts Commission events and Police Department services. Multiple other civic, educational and human services agencies such as Health Point, SeaMar, DSHS, King County Library System, Highline School District, Des Moines Area Food Bank, and South King Fire and Rescue will be present at the Fair to share information and resources. The Rotary Club of Des Moines will recruit volunteers to help fill the backpacks to be distributed at the Fair.

A Back to School Resource Fair such as this has been held with great success in SeaTac for the last 8 years. The intent of the collaborators working on the Des Moines Fair is to create an annual Back to School Resource Fair for Des Moines children.

Alternatives

None provided.

Financial Impact

Highline Schools Foundation is requesting that the City, as a Back to School Resource Fair co-sponsor, provide the use of Steven J. Underwood Memorial Park on August 7, 2014 for the event. The city's insurance would cover the use of the facility. The in-kind cost to the City for the use of the park would not exceed the daily Steven J. Underwood Memorial Park field rental fee of \$1,000. All services provided by the Back to School Resource Fair's vendors will be made free of charge to benefit the attendees and their families.

Recommendation/Concurrence

Staff recommends that the Council adopt Resolution No. 14-135 and grant the City Manager the authority to sign the agreement between the City and Highline Schools Foundation.

CITY ATTORNEY'S FIRST DRAFT 6/17/2014

DRAFT RESOLUTION NO. 14-135

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DES MOINES, WASHINGTON, authorizing the Highline Schools Foundation ("Foundation") to provide activities for its 2014 Back to School Resource Fair "Fair") at the Steven J Underwood Memorial Park listing conditions under which such permission is granted.

WHEREAS, the Highline Schools Foundation wishes to provide the first annual Back to School Resource Fair on August 7, 2014 at the Steven J Underwood Memorial Park, and

WHEREAS, the Fair will enhance the quality of life for residents of the City of Des Moines, and

WHEREAS, the Highline Schools Foundation has designed the Fair to provide back to school backpacks and supplies and other needed community and human services information and activities for up to 1,000 Des Moines children and their families, and

WHEREAS, the City of Des Moines wishes to co-sponsor the first annual Back to School Resource Fair on August 7, 2014 at the Steven J Underwood Memorial Park with the Highline Schools Foundation and other community organizations to provide these services;
now therefore,

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

Sec. 1. Permission to utilize City facilities and marketing opportunities to conduct the 2014 Back to School Resource Fair ("Fair") August 7, 2014 is granted to the Highline Schools Foundation, subject to the following conditions:

(a) The Highline Schools Foundation acknowledges its responsibilities for the conduct of Fair activities and accepts such limitations as are contained herein, in addition to such limitations as may be imposed by the City Council or City Manager.

Draft Resolution No. 14-135
Page 2 of 3

(b) The Highline Schools Foundation agrees to take whatever measures are necessary to prevent damage to Steven J Underwood Memorial Park and to be responsible for any damage that may occur as a result of the Fair.

(c) The hours of Fair set up and operations at Steven J Underwood Memorial Park shall be:

Thursday, August 7, 2014 from 6:00 a.m. to 4:00 p.m.

(d) The Highline Schools Foundation acknowledges the Des Moines Parks, Recreation and Senior Services Department's authority over event layout, uses, safety and security at Steven J Underwood Memorial Park. The City reserves the right to close the Fair down at any time should it be necessary, following assessment of any safety and security issues.

(e) An authorized official of the Highline Schools Foundation shall execute a written agreement, on behalf of the Highline Foundation, acknowledging its responsibilities for the conduct of Fair activities and accepting such limitations as are contained in this resolution, in addition to such limitations as may be imposed by the City Council or City Manager.

Sec. 2. The City Manager is authorized, at his discretion, to grant permission to the Highline Schools Foundation to use and occupy for the 2014 Back to School Resource Fair, Steven J Underwood Memorial Park.

Sec. 3. The City Manager is authorized, at his discretion, to provide City assistance to the Back to School Resource Fair which may include the waiving of Steven J Underwood Memorial Park rental fees and services by Parks and Recreation, Public Works and the Police, for the purpose of Fair planning, providing informational booths, site preparation, logistics coordination and facility management.

ADOPTED BY the City Council of the City of Des Moines, Washington this ____ day of June, 2014 and signed in authentication thereof this ____ day of June, 2014.

Draft Resolution No. 14-135
Page 3 of 3

M A Y O R

APPROVED AS TO FORM:

City Attorney

ATTEST:

City Clerk

**AGREEMENT BETWEEN THE CITY OF DES MOINES AND THE HIGHLINE
SCHOOLS FOUNDATION
2014 BACK TO SCHOOL RESOURCE FAIR**

THIS AGREEMENT is entered into by and between the CITY OF DES MOINES, WASHINGTON (hereinafter “City”), a municipal corporation of the State of Washington, and the Highline Schools Foundation (hereinafter “Highline Schools Foundation”) for the 2014 Back to School Resource Fair.

WHEREAS, the City finds that the 2014 Back to School Resource Fair enhances the quality of life for residents of the City of Des Moines, and

WHEREAS, the Highline Schools Foundation, as a co-sponsor of the 2014 Back to School Resource Fair, carries out the organizational activities as a Highline Schools Foundation function, and

WHEREAS, the City, as a co-sponsor of the 2014 Back to School Resource Fair, carries out the Steven J Underwood Memorial Park facility management activities as a City function, and

WHEREAS, the City of Des Moines wishes to permit the 2014 Back to School Resource Fair activities to take place at Steven J Underwood Park and to collaborate with the Highline Schools Foundation co-sponsor the 2014 Back to School Resource Fair pursuant to certain terms and conditions; now therefore,

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

(1) The Highline Schools Foundation agrees as follows:

(a) The Highline Schools Foundation shall conduct the activities of the 2014 Back to School Resource Fair in compliance with all federal, state, and local statutes, ordinances, and regulations. The Highline Schools Foundation further agrees as follows:

(b) The Highline Schools Foundation acknowledges its responsibilities for the conduct of Fair activities and accepts such limitations as are contained herein, in addition to such limitations as may be imposed by the City Council or City Manager.

(c) The Highline Schools Foundation agrees to take whatever measures are necessary to prevent damage to Steven J Underwood Memorial Park and to be responsible for any damage that may occur as a result of the Fair.

(d) The hours of Fair set up and operations at Steven J Underwood Memorial Park shall be:

Thursday, August 7, 2014 from 6:00 a.m. to 4:00 p.m.

(e) The Highline Schools Foundation acknowledges the Des Moines Parks, Recreation and Senior Services Department's authority over event layout, uses, safety and security at Steven J Underwood Memorial Park. The City reserves the right to close the Fair down at any time should it be necessary, following assessment of any safety and security issues.

(2) The City agrees as follows:

(a) Upon execution of this Agreement, the City grants permission to the Highline Schools Foundation to use and occupy, for the purpose of the 2014 Back to School Resource Fair, Steven J Underwood Memorial Park.

(b) The City Manager is authorized, at his discretion, to provide City assistance to the Back to School Resource Fair which may include the waiving of Steven J Underwood Memorial Park rental fees and services by Parks and Recreation, Public Works and the Police, for the purpose of Fair planning, providing informational booths, site preparation, logistics coordination and facility management.

(c) The City Manager is authorized, at his discretion, to provide informational booths to promote the City's services during the Back to School Resource Fair, without limitation.

(3) Duration of Agreement. This Agreement will commence upon date of execution and ends upon renewal of this Contract, execution of a new Contract, City's written termination of the Contract as described in Section 4 of this Agreement, or the Highline Schools Foundation's decision not to have the Fair, whichever is sooner. Provided, however all indemnification and hold harmless provisions of this Agreement shall survive the termination of this Agreement.

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

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

(b) Termination required for purposes of public health, safety, welfare or the public interest, as determined by a majority of the Des Moines City Council in open public meeting.

(5) Discrimination Prohibited. The Highline Schools Foundation shall not discriminate against any employee, applicant, vendor, or any person seeking to participate in

Festival festivities on the basis of race, color, religion, creed, sex, national origin, marital status, sexual orientation, or presence of any sensory, mental, or physical handicap.

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

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

(8) Mediation/Arbitration Clause. If a dispute arises from or relates to this Agreement or the breach thereof and if the dispute cannot be resolved through direct discussions, the parties agree to endeavor first to settle the dispute in an amicable manner by mediation administered by a mediator under the American Arbitration Association's Rules before resorting to arbitration. The mediator may be selected by agreement of the parties or through the American Arbitration Association. Following mediation, any unresolved controversy or claim arising from or relating to this Agreement or breach thereof shall be settled through arbitration which shall be conducted under the American Arbitration Association's Arbitration Rules. The arbitrator may be selected by agreement of the parties or through the American Arbitration Association. All fees and expenses for mediation or arbitration shall be borne by the parties equally. However, each party shall bear the expense of its own counsel, experts, witnesses, and preparation and presentation of evidence.

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

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

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

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

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

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

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

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

CITY OF DES MOINES

HIGHLINE SCHOOLS
FOUNDATION

By: Anthony A. Piasecki
Its City Manager

By _____
Its _____

At the direction of the Des Moines City
Council In Open Public Meeting on
June __, 2014

Date: _____

Date _____

APPROVED AS TO FORM:

City Attorney

AGENDA ITEM

BUSINESS OF THE CITY COUNCIL City of Des Moines, WA

SUBJECT: Public Hearing
Transportation Improvement Plan
(2015-2034)

AGENDA OF: June 26, 2014

DEPT. OF ORIGIN: Planning, Building & Public
Works

DATE SUBMITTED: June 12, 2014

ATTACHMENTS:

1. Draft Resolution No. 14-138
2. Draft Transportation Improvement
Program (2015-2034)
3. Criteria for Prioritizing Projects

CLEARANCES:

- [X] Legal PB
 [X] Finance pl
 [] Marina N/A
 [] Parks, Recreation & Senior Services N/A
 [X] Planning, Building & Public Works DJB
 [] Police N/A

APPROVED BY CITY MANAGER
FOR SUBMITTAL: AX

Purpose and Recommendation:

The purpose of this agenda item and public hearing is provide an update to the City's Transportation Improvement Program (TIP) and for the Council to approve Draft Resolution No. 14-138 (Attachment 1) adopting the proposed Transportation Improvement Program for the City of Des Moines for the years 2015-2034.

Suggested Motion:

Motion: "I move to approve Draft Resolution No. 14-138 adopting the 2015-2034 Transportation Improvement Plan for the City of Des Moines."

Background:

Each year the City of Des Moines, and all cities and counties in Washington, submit a Transportation Improvement Program (TIP) to the State. This document is useful for agencies to plan and prioritize transportation system improvements. The purpose of these plans is to provide a planning tool for the individual agencies, and to also provide a consistent method of coordinating interagency needs and funding requirements on a regional and state wide basis.

The Transportation Improvement Plan is provided as Attachment 2. The format is similar to the State form on which the projects are listed along with a brief description of the proposed improvements. In

the middle of the form is an estimated project schedule along with preliminary planning level cost estimates for the projects. The costs are broken down into three categories, engineering (PE), right-of-way (RW) and construction (CN). The proposed year in which each phase is planned to occur is also shown.

The completed TIP is sent to utility companies as well as adjacent cities for their information, and for project coordination planning. Some cities choose to list high priority projects that are not within their city limits, or projects that will be managed by other agencies. The City of Des Moines Comprehensive Transportation Plan (CTP) lists projects that are outside of its boundaries.

Discussion:

Staff updated the previous TIP with the most current project funding information and expenditure schedule, and is forwarding this Draft 2015-2034 TIP (Attachment 2) to the full Council for public hearing and approval.

The PS&T Committee was furnished a copy of the proposed TIP on May 8, 2014, and discussed the Draft TIP on June 5, 2014.

Criteria that is helpful when considering the prioritization of projects can be found in the City's Comprehensive Transportation Plan. This is provided as Attachment 3.

Alternatives:

Proposed projects can be moved to different years or taken off the Plan. Other proposed projects can be added to the Plan. Priority numbers can be changed. The City is required to file an adopted plan with the Secretary of Transportation no later than July 31, 2014.

Financial Impact:

Although this plan does not commit the City to any expenditures, it does allow the City to make application for many types of grants or other funds. Frequently, project loans or grants require that the project be on a plan adopted by the City. Furthermore, projects using Federal funds are specifically required to be identified on the City's TIP.

Recommendation/Conclusion:

Staff recommends that the City Council approve Draft Resolution No. 14-138 (refer to Attachment 1) which covers the Transportation Improvement Program for the City of Des Moines for the years 2015-2034.

Concurrence:

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

ENGINEERING'S FIRST DRAFT 06/12/20143**DRAFT RESOLUTION NO. 14-138**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DES MOINES, WASHINGTON, adopting a Transportation Improvement Plan for the City of Des Moines for the years 2015 through 2034.

WHEREAS, in accordance with the provisions of RCW 35.77.010, a public hearing was held on June 26, 2014 by the Des Moines City Council to consider the adoption of a Transportation Improvement Plan, and all persons wishing to be heard were heard, and

WHEREAS, based on the information presented at such public hearing the City Council finds it to be in the public interest to adopt the Transportation Improvement Plan attached to this Resolution; now therefore,

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

Sec. 1. The City Council adopts the Transportation Improvement Plan for the City of Des Moines for the years 2015 through 2034, which is attached to this Resolution as Attachment "1" and by this reference incorporated herein.

Sec. 2. The program adopted by this Resolution shall be reviewed annually at a public hearing, at which time such program may be amended, revised, or extended.

Sec. 3. The City Clerk is directed to file two certified copies of this Resolution and Exhibit with the Washington State Department of Transportation (WSDOT), Olympia, Washington, within thirty (30) days of the date of adoption of this Resolution.

ADOPTED BY the City Council of the City of Des Moines, Washington this 26th day of June, 2014 and signed in authentication thereof this 26th day of June, 2014.

M A Y O R

APPROVED AS TO FORM:

City Attorney

ATTEST:

City Clerk

Functional Classification	Current Priority No.	Proposed Priority No.	City Project Number	Project Identification	Coordination with other City Project (Numbers)	Improvement Type(s)	Status	Total Length	Utility Codes	Project Phase	Project Cost in Thousands of Dollars						Local Agency Expenditure Schedule (Year)						Federally Funded Projects Only	
											Fund Source Information			Total Funds	2015	2016	2017	2018-2020	2021-2024	2025-2034	Envir. Type	R/W Required Date (mm/yy)		
											Federal Funding	State Funding	Federal Cost by Phase										State Fund Code	State Funds
						Phase Start (mm/dd/yyyy)	12	13	14	15	16	17	18	19	20	21	22	23	24	25				
1		2	3	4	5	6	7	8	9	10	11													
00	1	1	PRES-1.0	Pavement Preservation Program Citywide Maintain and preserve the City's roadway surfaces through pavement rehabilitation measures such as overlays/patching, crack sealing and other preventative maintenance measures.	PRES-5.0 TRAF-3.0 TRAF-4.0	07	S		C S G W O P T	PE RW CN	8/1/2012 4/1/2013				240 1200	240 1200	240 1200	720 3600	960 4800	2400 12000				
00	2	2	TRAF-2.0	Traffic Signal Program Citywide Replace and upgrade the City's Traffic Signal Systems to be compliant with MUTCD updates. This program is primarily funded through the City's Street Fund.	TRAF-5.1	12	S		S W T C G P	PE RW CN	1/1/2010				1 10	1 10	1 10	3 30	4 40	10 100				
00	3	3	TRAF-1.0	Sign Changeout Program Citywide Replace and upgrade the City traffic signs to be compliant with MUTCD updates. This program is primarily funded through the City's Street Fund.	TRAF-5.1	12	S		PE RW CN	PE RW CN	1/1/2007				5 5	5 5	5 5	6 6						
14	4	-	TIF-1.2	S. 216th Street Improvement (Segment 2) Transportation Gateway Project (1 of 4 projects) South 216th Street from: 24 Ave. S. to: 18th Ave. S. Widen to provide additional travel lanes, bike lanes, curb, gutter & sidewalks. Partially funded through development. Signal rebuild @ 24th Ave. S. & S. 216th.	TIF-1.1 TIF-1.3 TIF-2.0 TIF-3.0 ITS-3.0	06 12 04 32 03	P S G T W	0.34	C S G C T W P	PE RW CN	1/1/2009 1/1/2010 6/1/2011				100 500	100 500				CE Yes 7/12				
14	5	4	TIF-2.0	24th Ave. S. Improvement (Segment 2) Transportation Gateway Project (1 of 4 projects) 24th Avenue South from: S. 208th St. to: S. 216th St. Widen to provide additional travel lanes, bike lanes, curb, gutter & sidewalks. Partially funded through development.	TIF-1.1 TIF-1.2 TIF-3.0 ITS-3.0	04 06 12 32 03	P S G P T	0.53	C S G P T W	PE RW CN	1/1/2009 1/1/2011 8/1/2013				4500					CE Yes 3/12				
14	6	5	TIF-1.1a	S. 216th Street Improvement (Segment 1a) Transportation Gateway Project (1 of 4 projects) South 216th Street from: SR-99 to: 24th Ave. S. Widen to provide additional travel lanes, bike lanes, curb, gutter & sidewalks. Signal rebuild @ S.216th & Pac Hwy S. Partially funded through development.	TIF-1.1b TIF-1.2 TIF-2.0 TIF-3.0 ITS-3.0	12 06 04 32 03	P S G P T	0.50	C S G P T W	PE RW CN	1/1/2009 1/1/2010 5/1/2014				200 1700	200 1700	300 3000	100 100		CE Yes 12/15				
14	7	6	TIF-10.0	Des Moines Memorial Drive & S. 200th St. Intersection Improvements from: DMMD to: S. 200th St. Widen to provide left turn lanes on all legs, and right turn lane on east leg. Rebuild traffic signal and provide channelization improvements. The improvements would be done in partnership with Sea Tac.	S-3.0	05 12 06	P S G T W		C S G T W P	PE RW CN	1/1/2016 1/1/2017 1/1/2017					1900 2200	3300 3300	100 100	500 1220	CE Yes				

Agency: City of Des Moines, WA
County No.: 17
City No.: 0325
County Name: King County
MPO/RTPO: PSRC

Transportation Improvement Plan

Hearing Date: 06/26/14
Adoption Date: 06/26/14
Resolution Number: 2034

Functional Classification	Current Priority No.	Proposed Priority No.	City Project Number	Project Identification	Coordination with other City Project (Numbers)	Improvement Type(s)	Status	Total Length	Utility Codes	Project Cost in Thousands of Dollars					Local Agency Expenditure Schedule					Federally Funded Projects Only				
										Project Phase	Fund Source Information				2015	2016	2017	2018-2020	2021-2024	2025-2034	Envir. Type	R/W Required Date (mm/yy)		
											Phase Start (mm/dd/yyyy)	Federal Funding		State Funding									Total Funds	
												Federal Fund Code	Federal Cost by Phase	State Fund Code										State Funds
16	8	7	S-26.0	24th Ave. S./28th Ave. S. Road Improvement 24th Avenue South from: S. 208th St. to: S. 200th St. Coordinate with City of SeaTac on the construction of a new Principal Arterial roadway.	TIF-2.0 (SeaTac ST-131) (SeaTac Priority 2)	01 P 05 P 06 P 12 T 32 W			C S G P CN T	1/1/2012 1/1/2013 1/1/2016 TOTALS					0 0 100 100				CE	SeaTac				
00	9	8	TRAF-5.1	Citywide Arterial Street Improvements Improve arterial street safety through 4 main focus areas. 1) upgrade Arterial intersection street name signs with 6" text and retroreflective sheeting, 2) upgrade signal heads with backplates and reflective yellow tape, 3) replace arterial pavement markings (arrows, stop bars, and crosswalks) thermoplastic that is more retroreflective.	TRAF-5.0	03 P 06 P 12 T			C G P S CN T	1/1/2011 5/1/2013 TOTALS	HSIP HSIP	15 235			15 0 235									
00	10	9	TRAF-5.0	Traffic Safety Improvement Program Citywide Respond to capital needs associated with traffic and pedestrian safety. These funds would be primarily focused on capital projects near existing schools and other traffic safety related concerns.	TRAF-5.1	03 P 06 P 12 T			C G P S CN T	1/1/2011 3/1/2011 TOTALS					125 20 200	95 10 210	30 8 100	0 18 75	0 24 100	0 60 250				
17	11	10	PRES-3.0	Saltwater Bridge Repairs & Seismic Retrofit Marine View Drive from: Seismic retrofit; patch and repair spalling areas; replace pin and hanger connection detail. to: Seismic retrofit; patch and repair spalling areas; replace pin and hanger connection detail.	N/A	10 P	0.30		C G W P S T	8/1/2013 11/1/2014 TOTALS	BR BR	650 2300	OTHER OTHER	600 2750	1700 5300						CE	No		
00	12	11	PRES-5.0	Sidewalk and Curb Ramp Program Citywide Installation of pedestrian improvements.	PRES-1.0	12 P 32 T			C G S P CN T	1/1/2011 7/1/2014 TOTALS					2 18 20		2 18 20	4 36 40	40 200 240	100 500 600				
00	13	12	TRAF-4.0	Guardrail Program Citywide Install new guardrail and upgrade existing installations.	PRES-1.0	03 P 12 P 06 T			C G P S CN T	1/1/2011 6/1/2014 TOTALS					2 33 35		2 33 0							
00	14	13	S-25.0	Sound Transit - Link Light Rail from: S. 216th St. to: S. 272nd St. Coordination on Link Light Rail Alignment		23 P				PE RW CN	1/1/2011 TOTALS				300 0 0	110 0 0	110 0 0	50 0 0			ST			

Agency: City of Des Moines, WA
County No.: 17
City No.: 0325
County Name: King County
MPO/RTPO: PSRC

Transportation Improvement Plan

Hearing Date: 06/26/14
Adoption Date: 2015
Resolution Number: 2034

Functional Classification	City Project Number	Project Identification	Coordination with other City Project (Numbers)	Improvement Type(s)	Status	Total Length	Utility Codes	Project Phase	Project Cost in Thousands of Dollars					Local Agency Expenditure Schedule (Year)					Federally Funded Projects Only																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																		
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Agency: City of Des Moines, WA
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MPO/RTPO: PSRC

Transportation Improvement Plan
Hearing Date: 06/28/14
Adoption Date: 06/28/14
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To: 2034

Functional Classification	City Project Number	Project Identification	Coordination with other City Project (Numbers)	Improvement Type(s)	Status	Total Length	Utility Codes	Project Cost in Thousands of Dollars					Local Agency Expenditure Schedule (Year)					Federally Funded Projects Only			
								Project Phase	Fund Source Information				2015	2016	2017	2018-2020	2021-2024	2025-2034	Envir. Type	R/W Required Date (mm/yy)	
									Federal Funding	Federal Fund Code	Federal Cost by Phase	State Fund Code									State Funds
00	22	TRAF -6.0	N/A	06 P 12	P			PE RW CN	1/1/2012	OTHER	20	10	30	15							
		Install wayfinding signing throughout the City.		10/1/2014					10/1/2014	OTHER	100	20	120	60							
									TOTALS		0	120	30	150	0	75	75	0	0	0	
17	23	PRES-4.0	N/A	32 P 06	P	2250 feet	C G P S T W	PE RW CN	1/1/2011			180	180		40	20	40				
		from: Redondo Beach Drive							8/1/2011			1000	1000		200	200	400				
		to: Corrective action to repair/replace piling that has lost protective epoxy coating; corrosion of galvanized brackets & hardware; restore brackets & piling supporting sidewalk decking.							TOTALS		0	0	1180	1180	280	240	220	440	0	0	
00	24	PL-4.0	PL-1.0 PL-3.0	12 P 31	P			PE RW CN	1/1/2013			100	100			50	50				
		from: Develop a parking management plan strategy and apply program and actions.							TOTALS		0	0	100	100	0	0	50	50	0	0	
14	25	TIF-7.1	TIF-7.2	05 P 06 12 32	P	0.50	C G P S T W	PE RW CN	1/1/2010 8/1/2011 1/1/2014	OTHER OTHER OTHER	160 60 1200	150 30 600	310 90 1800	135		40 90	1800			CE	Yes 12/13
		from: S. 272nd St. to: S. 276th Street Widen to provide 3-land roadway w/curbs, gutters, bike lanes & sidewalks. Provide new alignment to Pacific Hwy. S. if feasible. Joint project w/City of Federal Way. Also coordinate w/City of Kent and King County Metro.							TOTALS		0	1420	780	2200	135	135	130	1800	0	0	
14	26	TIF-5.2	TIF-5.1	05 P 06 12 32	P	0.32	C G P S T W	PE RW CN	1/1/2015	OTHER	300	1300	1600				300		1300	CE	Yes 12/20
		from: 24th Ave. S. to: Pacific Highway South Widen roadway to provide pedestrian facilities and additional turn lanes. Joint with City of Kent.							TOTALS	STP(E)	2000	2000	5700	0		0	0	300	8700	0	
16	27	TIF-14.0	S-21.2	12 P 03 32	P	0.05	C G P S T W	PE RW CN		OTHER	80	80	160						160		
		from: Reconstruct roadway to improve horizontal alignment. Provide pedestrian facilities, and widen approaches. Install traffic signal if warranted.							TOTALS	OTHER	50	50	100	0					100		
										OTHER	400	400	800	0		0	0	300	8700	0	
14	28	INT-7.0	S-21.1 (KENT)	05 P 06 12	P		S W P C G	PE RW CN						0		0	0	0	1060	0	
		from: Intersection Improvements							TOTALS	OTHER	500	100	600						600		
		to: Widen to provide dual left turn pocket for eastbound approach, revise signal timing. Coordinate with the City of Kent.								OTHER	500		500	3000					3000		
									TOTALS	OTHER	3000		3000	0		0	0	0	4100	0	

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16	29	S-21.1	South 240th St. Improvements (Segment 1) South 240th Street from: East City Limits to: 16th Ave. S. Reconstruct roadway including two travel lanes, bicycle lanes, curb, gutter and sidewalks.	TIF-4.3 TIF-4.5 TIF-19.0 S-21.2	05 P 06 12 32	1.02	C S G P T W	PE RW CN																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																			

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									Fund Source Information				Expenditure Schedule (Year)					Envir. Type	R/W Required Date (mm/yy)			
									Phase Start (mm/dd/yyyy)	Federal Fund Code	Federal Cost by Phase	State Fund Code	State Funds	Local Funds	Total Funds	2015	2016			2017	2018-2020	2021-2024
14	37	37	S-1.0	Des Moines Memorial Drive Improvement Des Moines Memorial Drive from: S. 208th St. to: Marine View Drive Install bike lanes, curb, gutter, drainage & sidewalks. Add a lane to approach to Marine View Dr. & left turn pockets where feasible.	INT-3.0 INT-4.0 TIF-11.0	05 P 12 06 32	0.91	G C P S T W														
				TOTALS					0	3550	1450	5000	0	0	0	0	0	5000	0			
14	38	38	TIF-11.0	Des Moines Memorial Drive and Marine View Dr. Intersection Improvements from: to: Lengthen approach lanes, coordinate signal with MVD and 7th/216th. Consider possibility of a Round-About.	TIF-18.0 TIF-20.0 S-1.0	03 P 12		S W T C CN														
				TOTALS					0	1760	740	2500	0	0	0	0	0	2500	0			
14	39	39	TIF-18.0	Marine View Dr. and 7th/216th Street Intersection Improvements from: to: Optimize signal timing, and coordinate signal with DMMD and MVD intersection.	TIF-11.0 TIF-20.0	03 P 12		S W T C CN														
				TOTALS					0	0	300	300	0	0	0	0	0	300	0			
16	40	40	S-2.1	8th Ave. S. Improvement Project (Segment 1) 8th Avenue South (North Hill) from: North City Limits to: S. 200th Street Reconstruct to Minor Arterial standards including bike lanes, curbs, gutters, and sidewalks.	S-2.2 S-3.0 TIF-17.0	05 P 12 06 32	1.00	C G S P CN														
				TOTALS					0	0	3200	3200	0	0	0	0	200	3000	0			
14	41	41	TIF-5.3	Kent-Des Moines Road (Segment 3) (SR 516) from: Marine View Drive to: 16th Ave. South Widen roadway to provide pedestrian facilities and additional lanes where warranted.	TIF-5.1 TIF-13.0	05 P 12 06 32	0.78	C S P G CN													CE	Yes 12/20
				TOTALS					2000	2500	4500	9000	0	0	0	0	400	8600	0			
14	42	42	TIF-13.0	Marine View Drive and Kent-Des Moines Road Intersection Improvements from: to: Add a second eastbound through lane through the intersection.	TIF-5.3 TIF-12.0	32 P 05 12 06		S W T C CN													CE	Yes 12/20
				TOTALS					600	1900	500	3000	0	0	0	0	0	3000	0			
14	43	43	TIF-12.0	Marine View Drive and S. 227th St. Intersection Improvements from: to: Revise lane configuration to single eastbound right with overlap signal phase. Add second southbound through lane at intersection.	TIF-13.0	32 P 05 06 12		S W T C CN														
				TOTALS					0	600	100	700	0	0	0	0	0	700	0			
14	44	44	TIF-5.1	Kent-Des Moines Road (Segment 1) (SR 516) from: 16th Ave. S. to: 24th Ave. S. Widen roadway to provide pedestrian facilities and center 2-way turn lane where warranted	TIF-5.2 TIF-5.3	05 P 12 06 32	0.64	C G O P S T W													CE	Yes 12/20
				TOTALS					500	2500	3000	6000	0	0	0	0	0	6000	0			

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											Phase Start (mm/dd/yyyy)	Fund Source Information			2015	2016	2017	2018-2020	2021-2024	2025-2034	Envir. Type	R/W Required Date (mm/yy)
												Federal Funding	Federal Fund Code	Federal Cost by Phase								
00	45	45	PL-1.0	CTP Update from:																		

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									Federal Funding	Federal Fund Code	Federal Cost by Phase	State Funding	State Fund Code	Local Funds	Total Funds	2015	2016			2017	2018-2020
14	53	TIF-4.2	16th Ave. S. Improvement Project (Segment 2)	S-7.0 TIF-4.4 INT-2.0	05 06 12 32	P	0.80	C G S R W T C N P													
			16th Avenue South																		
			from: S. 260th St. to: S. 250th Street																		
			Install curbs, gutters and sidewalks and bike lanes. Provide 2-way left turn lane.																		
17	54	S-12.0	S. 208th St. Sidewalk Project	INT-3.0	32 05 06 12	P		S W T C C N G P													
			South 208th Street																		
			from: 1st Ave. S. to: DMMD																		
			Install sidewalk and make pedestrian improvements.																		
17	55	TIF-8.0	20th Ave. S. Improvement Project (Segment 2)	S-6.0	01 06 12 32	P	0.10	C S G R W P C N T W													
			20th Avenue South																		
			from: S. 240th St. to: S. 243rd Street																		
			Reconstruct and extend neighborhood collector street with curb, gutter and sidewalks.																		
17	56	S-6.0	20th Ave. S. Improvement Project (Segment 1)	TIF-8.0	04 06 12	P	0.45	C S G R W P C N T W													
			20th Avenue South																		
			from: S. 243rd St. to: S. 250th Street																		
			Reconstruct to Neighborhood Collector standards and provide curb, gutter and sidewalks.																		
17	57	S-7.0	South 250th/251st Street Improvement	INT-2.0	05 32 12 06	P	0.47	C S G R W P C N T W													
			South 250th/251st Street																		
			from: Marine View Drive to: 16th Ave. S.																		
			Construct bike lanes and curb, gutter and sidewalk on both sides.																		
17	58	INT-2.0	S. 250th Street and 16th Ave. S.	TIF-4.2 TIF-4.4 S-7.0	05 12	P		S W T C C G P													
			Intersection Improvements																		
			from: to:																		
			Add eastbound right turn pocket.																		
14	59	S-9.0	S. 272nd Street / Marine View Drive	S-19.0	03 12	P	0.20	C G P S R W P C N T W													
			from: to:																		
			Reconstruct roadway to improve horizontal and vertical alignment.																		
14	60	INT-6.0	Pacific Highway S. and S. 260th St.	(KENT)	12	P		S W T C C G P													
			Intersection Improvements																		
			from: to:																		
			Revise signal timing. Coordinate with the City of Kent.																		

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14	61	61	TIF-4.4	16th Ave. S. Improvement Project (Segment 4) 16th Avenue South from: S. 240th St. to: S. 250th St. Widen to three lane minor arterial with curbs, gutters, bike lanes and sidewalks.	TIF-4.2 TIF-4.3 S-7.0	05 P 06 S 32 RW 12 CN	P	0.90	C	PE					800								800																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																							

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								Project Phase	Fund Source Information				Expenditure Schedule (Year)					Envir. Type	R/W Required Date (mm/yy)			
									Federal Funding	Federal Fund Code	Federal Cost by Phase	State Fund Code	State Funding	Local Funds	Total Funds	2015	2016			2017	2018-2020	2021-2024
17	68	INT-5.0	S-8.0	12 P			S W T C D															
		from: to: Install traffic signal, or consider other intersection treatments to enhance capacity.																				
17	69	PRNIP-N2.0	S. 220th St. Improvements	32 P			S W T C D															
		from: Pacific Highway South to: 30th Ave. S. Reconstruct roadway																				
17	70	TIF-9.0	S. 220th St. and Pacific Highway S.	32 P			S W T C D															
		from: to: Widen for left turn pockets, adjust roadway profile and approach grades, and revise signal phasing to remove split phasing																				
19	71	PRNIP-S4.0	PRNIP-S5.0	01 P			S W T C D															
		from: Pacific Highway South to: 30th Ave. S. Construct new roadway																				
19	72	PRNIP-N4.0	S. 222nd Pl. Connection Improvement	01 P			S W T C D															
		from: 28th Ave. S. to: 30th Ave. S. Construct new roadway																				
17	73	S-22.0	PRNIP-S3.0	03 P	0.44		C S G P W															
		from: West City Limits to: Marine View Dr. Reconstruct roadway to improve bicycle connection between Marina and Marine View Drive and pedestrian gateway treatments																				
17	73	S-22.0	PRNIP-S3.0	03 P	0.44		C S G P W															
		from: East City Limits to: 24th Ave. S. Reconstruct to Neighborhood Collector standards including two travel lanes, bicycle lanes, curb, gutter and sidewalks.																				
17	74	PRNIP-N1.0	30th Ave. S. Improvements	32 P			S W T C D															
		from: S. 216th St. to: S. 220th St. Reconstruct roadway																				

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17	75		PRNIP-N5.0	30th Ave. S. Improvements Pacific Ridge NIP N5 from: S. 222nd Pl. Reconstruct roadway to: n/o S. 224th St.	PRNIP-S1.0	32 P 05 03 12			S W T C CN P																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																										

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Functional Classification	Current Priority No.	Proposed Priority No.	City Project Number	Project Identification	Coordination with other City Project (Numbers)	Improvement (Type/s)	Status	Total Length	Utility Codes	Project Phase	Project Cost in Thousands of Dollars					Local Agency Expenditure Schedule					Federally Funded Projects Only				
											Phase Start (mm/dd/yyyy)	Fund Source Information				Expenditure Schedule (Year)					Envir. Type	RW Required Date (mm/yy)			
												Federal Fund Code	Federal Cost by Phase	State Fund Code	State Funding	Local Funds	Total Funds	2015	2016	2017			2018-2020	2021-2024	2025-2034
16	83	83	INT-1.0	24th Ave. S. and S. 222nd Street Intersection Improvements from: to: Install traffic signal, or consider other intersection treatments to enhance capacity.	TIF-3.0 S-10.0	05 P 06 12	P		S W T C CN D						80 50 420							80 50 420			
										TOTALS	0		0		550	0	0	0	0	0	0	550			
16	84	84	TIF-19.0	20th Ave. S. and S. 240th St. Improvement Project Intersection Improvements from: to: Widen to provide left turn pockets. Install traffic signal at 20th and 240th if warranted.	TIF-8.0 S-21.1	05 P 06 12	P	0.10	C S PE G RW T CN P T W			OTHER OTHER OTHER	125 25 700		250 50 1400							250 50 1400			
										TOTALS	0		850		850	0	0	0	0	0	0	1700			
14	85	85	INT-3.0	Des Moines Memorial Drive and S. 208th St. Intersection Improvements from: to: Widen DMMD to add left turn pockets at S. 208th Street.	S-1.0 S-12.0	05 P 06 12	P		S W T C CN G					50 0 200		50 0 200						50 0 200			
										TOTALS	0		100		100	0	0	0	0	0	0	250			
14	86	86	INT-4.0	Des Moines Memorial Drive and S. 212th St. Intersection Improvements from: to: Widen DMMD to add left turn pockets at S. 208th Street.	S-1.0	05 P 06 12	P		S W T C CN G			OTHER	50 100		50 200		50 0 200						50 0 200		
										TOTALS	0		100		100	0	0	0	0	0	0	250			
17	87	87	S-19.0	S. 272nd Street/10th Ave. S. South 272nd Street / 10th Avenue South from: 16th Ave. S. to: Redondo beach Drive Install sidewalk and make pedestrian improvements.	S-9.0	05 P 32	P	1.09	S W T C CN G P			OTHER OTHER OTHER	700 800 2250		1400 1600 4500							1400 1600 4500			
										TOTALS	0		3750		3750	0	0	0	0	0	0	7500			
17	88	88	S-2.2	8th Ave. S. Improvement Project (Segment 2) 8th Avenue South (North Hill) from: S. 200th Street to: S. 208th Street Reconstruct to Minor Arterial standards including bike lanes, curbs, gutters, and sidewalks.	S-2.1 S-3.0 TIF-17.0	05 P 12 06 32	P	1.00	C S PE G RW T CN P T W					500 0 1500		500 0 1500						500 0 1500			
										TOTALS	0		0		2000	0	0	0	0	0	0	2000			
17	89	89	S-17.0	Marine View Drive Sidewalk Project Marine View Drive from: S. 250th Street to: Woodmont Dr. S. Install sidewalk and make pedestrian improvements.	S-18.0	32 P 05	P	1.05	S W T C CN G P					300 50 2150		300 50 2150						300 50 2150			
										TOTALS	0		0		2500	0	0	0	0	0	0	2500			
17	90	90	S-18.0	Woodmont Drive South Sidewalk Project Woodmont Drive South from: Marine View Drive to: 16th Ave. S. Install sidewalk and make pedestrian improvements.	S-17.0	32 P 05	P	0.65	S W T C CN G P					350 50 2600		350 50 2600						350 50 2600			
										TOTALS	0		0		3000	0	0	0	0	0	0	3000			

Functional Classification	Current Priority No.	Proposed Priority No.	City Project Number	Project Identification	Coordination with other City Project (Numbers)	Improvement Type(s)	Status	Total Length	Utility Codes	Project Cost in Thousands of Dollars					Local Agency Expenditure Schedule (Year)					Federally Funded Projects Only								
										Project Phase	Fund Source Information				Total Funds	Local Funds	2015	2016	2017	2018-2020	2021-2024	2025-2034	Envir. Type	R/W Required Date (mm/yy)				
											Phase Start (mm/dd/yyyy)	Federal Fund Code	Federal Cost by Phase	State Funding														
														State Fund Code											State Funds			
17	91	91	S-16.0	16th Ave. S. Sidewalk Project 16th Avenue South from: S. 220th Street to: Kent-Des Moines Road Install sidewalk and make pedestrian improvements.	TIF-6.0	32 05	P	0.78	S W T C G	PE RW CN									200 50 1650	200 50 1650								
TOTALS											0	0	0	0	0	0	0	0	1900	1900	0	0	0	0	0	1900		
17	92	92	S-13.0	S. 220th St. Sidewalk Project South 220th Street from: 11th Ave. S. to: 16th Ave. S. Install sidewalk and make pedestrian improvements.		32 05	P	0.48	S W T C G	PE RW CN									160 40 900	160 40 900							160 40 900	
TOTALS											0	0	0	0	0	0	0	0	1100	1100	0	0	0	0	0	1100		
17	93	93	S-14.0	9th Ave. S. Sidewalk Project 9th Avenue South from: S. 220th Street to: S. 223rd Street Install sidewalk and make pedestrian improvements.		32 05	P	0.23	S W T C G	PE RW CN									80 20 400	80 20 400							80 20 400	
TOTALS											0	0	0	0	0	0	0	0	500	500	0	0	0	0	0	500		
17	94	94	S-15.0	10th Ave. S. Sidewalk Project 10th Avenue South from: S. 220th Street to: Kent-Des Moines Road Install sidewalk and make pedestrian improvements.		32 05	P	0.61	S W T C G	PE RW CN									200 50 1250	200 50 1250							200 50 1250	
TOTALS											0	0	0	0	0	0	0	0	1500	1500	0	0	0	0	0	1500		
Grand Totals											\$13,900	\$69,797	\$165,344	\$249,041	\$13,896	\$5,076	\$9,394	\$15,947	\$73,913	\$120,840	\$239,066							
											Math check totals																	

CRITERIA FOR PRIORITIZING PROJECTS

In developing the annual six-year Transportation Improvement Plan (TIP) for the City, project prioritization is needed to help identify when best to fund and implement the projects since funding is limited. Criteria were established to help prioritize the projects and implementation based on several goals for the Des Moines transportation system, as noted in **Table 8-2**.

Table 8-2. Criteria for Project Prioritization

Criteria	Measurement
Mobility	
Traffic Mobility	Improves corridor and signal LOS operation
Regional Mobility	Vehicle capacity improvements on major regional routes
System Preservation	Improves existing or substandard roadways
Safety	
Traffic Safety	Improvements that address HAL (based on collision history) location
Emergency Response	Reduces travel time to fire demand zones based on percent response in <= 7 minutes
Environment	
Environmental Preservation	Protects open spaces and minimizes increases to paved areas
Neighborhood Protection	Supports protection of residential areas and neighborhood streets
Multimodal	
Transit Mobility	Supports transit operation on primary transit corridors
Pedestrian Mobility	Improvements that benefit pedestrians based on Accessibility
Bicycle Mobility	Improvements that provide bicycle facilities
Connectedness-Accessibility	Completes missing links to improve access
Implementation	
Cost Effectiveness	Maximizes PM peak usage per 1000 dollar of investment
Funding	Level of funding commitment for project
Project Readiness	Degree the project is ready to be implemented
Economic Development	Supports Land Use Vision

Using these criteria, the recommended projects will need to be evaluated and ranked based on how well each could meet the criteria. High priority projects for Des Moines are those that meet multiple criteria in enhancing travel, mobility for all modes of travel and that will meet the near-term requirements of development and growth. Opportunities for funding can help to boost the priority of a project - allowing the City to take advantage of funding sources and development contributions to the completion of a key project.



A G E N D A I T E M

BUSINESS OF THE CITY COUNCIL City of Des Moines, WA

SUBJECT: Second Reading of Draft Ordinance No. 14-035 Adding A New Transit Community Zone to Title 18, Zoning Code and Extending Other Development Regulations and Tax Exemptions to that Zone

FOR AGENDA OF: June 26, 2014

DEPT. OF ORIGIN: Planning, Building and Public Works

DATE SUBMITTED: June 17, 2014

ATTACHMENTS:

1. Second Draft Ordinance No. 14-035 Adding a New Chapter entitled "T-C Transit Community Zone" and Making Other Amendments to Titles 3, 14 and 18 of the DMMC, *Second Draft*.
2. Ordinance No. 1457 Adopted March 26, 2009 Establishing Multifamily Tax Exemption Program
3. Proposed Zoning Map - Excerpt
4. Rear Yard Setback alternatives
5. May 20, 2014 Email Response to Ms. Shannon Ashurst re: LUA2014-0011 – Hwy 99 Re-Zoning Proposal Concerns
6. June 4, 2014 letter from Dolores Hodgkin
7. June 10, 2014 letter from Shannon Ashurst.

CLEARANCES:

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

APPROVED BY CITY MANAGER
FOR SUBMITTAL: SA

Purpose and Recommendation

The purpose of this agenda item is for City Council to consider Second Draft Ordinance No. 14-035 relating to the City's Zoning Code and development regulations for the area along Pacific Highway South in the vicinity of South 240th Street, Highline Community and the planned Federal Way Link Extension station, adding a new chapter entitled "T-C Transit Community Zone" to Title 18 DMMC, adding a new section to chapter 18.195 DMMC, adopting a new zoning map that rezones Highway Commercial-zoned parcels south of Kent-Des Moines Road to the new Transit Community Zone, amending DMMC 18.05.080, 18.10.050, 18.52.005, 18.52.010B, 18.210.090, 18.250.060, 18.250.070, 14.05.130, and extending the Residential Target Area for the Multifamily Tax Exemption in DMMC 3.96.

Suggested Motion:

Motion: “I move to enact Second Draft Ordinance No. 14-035, adding and codifying a new chapter entitled “T-C Transit Community Zone” to Title 18 DMMC, adding a new section to chapter 18.195 DMMC, adopting a new zoning map that rezones all Highway Commercial-zoned properties south of Kent-Des Moines Road to the new Transit Community Zone, amending DMMC 18.05.080, 18.10.050, 18.52.005, 18.52.010B, 18.210.090, 18.250.060, 18.250.070, and 14.05.130, re-adopting the Findings of Fact in Ordinance No. 1457 establishing the Multifamily Tax Exemption (Exhibit 1 to Attachment 2) and extending the Residential Target Area for the Multifamily Tax Exemption in DMMC 3.96 to the new T-C Zone.”

Background

The Pacific Highway South Corridor is a key commercial area where significant private and public investment have been, are being, and will be made in the near future that support the City of Des Moines goals of fostering economic development, creating jobs, and increasing revenues. This commercial corridor includes Midway (Kent-Des Moines Road to South 272nd Street).

Midway is influenced by planning and development efforts underway by Sound Transit, King County Metro, Highline Community College (HCC), the Cities of Des Moines, SeaTac, Kent and Federal Way, the Washington State Department of Transportation, Healthpoint, Sea Mar, and Growing Transit Communities. As such, Des Moines has an opportunity to influence decisions that will be made in the near future by having the planning, policy and regulatory framework in place that best represents the City’s vision as to how it wants this area to develop to support the City economically and support the following significant transportation improvements in these areas:

- Sound Transit’s Federal Way Link Extension
- Metro’s RapidRide
- WSDOT’s SR509/I-5 Freight Mobility Project
- Metro’s HCC Transit Center at HCC

The proposed development regulations and changes build upon the 18 months of work already completed with the community during the ‘*Envision Midway*’ planning project with the City of Kent that was funded through a state grant. ‘*Envision Midway*’ was formed by the Cities of Kent and Des Moines to work collectively to address inconsistent land use patterns along our shared “zig-zag border” and consider land use changes in anticipation of significant transportation improvements along SR-99 through Des Moines’ Pacific Ridge, South Des Moines, and Woodmont neighborhoods and the Midway area in Kent. With the input from residents, property and business owners and other stakeholders, draft subarea plans, design guidelines, and coordinated development regulations for Kent and Des Moines were developed to undergo further refinement by our respective cities. The City of Kent completed their planning with the adoption of the Midway Subarea Plan, Design Guidelines and development regulations (Ordinance No. 4009, adopted December 13, 2011 and codified in Kent Municipal Code 15.04 and 15.05 with the formation of new Midway Transit Community 1 and 2, and Midway Commercial/Residential Districts).

The Finance & Economic Development Committee met in January, February, April and May 2014 to review and provide policy direction in the development of First Draft Ordinance 14-035 included in the June 5, 2014 Council packet.

At the June 5, 2014 Public Hearing the City Council heard testimony from two residents in the single family subdivision abutting the proposed Transit Community Zone north of Highline Community College. Testimony focused on the proposed building heights and setbacks, and access to the new T-C zoned properties. Staff was asked to propose changes to further mitigate the effects of commercial development on the single family neighborhood to the west.

The Council also confirmed six of the seven open policy questions that the Finance & Economic Development Committee asked to be raised to the full Council in considering the Draft Ordinance:

1. The proposed zone should be called “Transit Community (T-C) Zone” as proposed by staff.
2. The proposed 75 and 100 feet maximum building heights were okay.
4. The proposed delegated authority to approve uses similar to but not specifically enumerated in Table 18.52.010B as recommended by the Committee was confirmed.
5. Stand alone surface and paid parking for the next 10 years as recommended by the Committee was approved.
6. The T-C Zone should extend south of South 240th Street to include Ryder Truck and Sea Mar Community Health Center (under construction).

Note: The Council may allow the Ryder Truck site to become non-conforming, or direct staff to add language in the Commercial Use Chart in 18.52.010B similar to Note 43 on page 27 accompanying the Pacific Ridge Commercial permitted uses to allow this as continuing conforming use. The advantage of making this permitted use explicit is if there is a catastrophic event, the business can rebuild.

7. The Multifamily Tax Exemption (MFTE), now available to qualifying projects in Pacific Ridge until March 26, 2019, was extended to the T-C Zone approved under the conditions set forth in DMMC 3.96 (pages 19-28 of Attachment 4 on the June 5, 2014 Council Packet).

Discussion

Policy Question 3 dealt with rear yard setbacks as a means to mitigate the impact of buildings constructed in the Transit Community Zone on single family homes to the west. The First Draft proposed a 10 foot setback with building heights limited to 35 feet within 20 feet of the rear property line to provide appropriate privacy to adjoining single family homes. The Second Draft Ordinance No. 14-035 proposes to increase the rear yard setback from 10 feet to 15 feet, to be consistent with rear yard setbacks in the Pacific Ridge Zone, and limit maximum height to 35 feet within 20 feet and 45 feet within 40 feet.

A series of rear yard setback alternatives is provided as Attachment 4.

To address the concern raised about access, a new section has been added to the Second Draft Ordinance Ordinance No. 14-035 to ensure that access to the Transit Community Zone will be only from Pacific Highway South, or South 236th Lane. No access to or from property zoned single family residential shall be permitted.

Additionally, the Second Draft Ordinance also corrects the technical error in Section 12 of the Second Draft Ordinance No. 14-035 on page 29, adds a new section in the Landscaping Code (18.195 DMMC) inadvertently omitted in the First Draft, and adds the Highway Commercial properties south of South 240th Street per the Council's direction.

If Second Draft Ordinance 14-035 is adopted, it will facilitate the following:

1. Completion of the planning area for the commercial properties that front Pacific Highway South near Highline College - work effort that began in 2009.
2. This fall after the City completes subarea planning work for the area south of S. 240th Street and west of Pacific Highway South, the Council will be able to assess the opportunity to expand the commercial and multi-family uses and create more economic development potential around light rail station areas. A Council briefing of potential land use options is tentatively scheduled for August 14th, to be followed by the second community open house in September. Staff anticipates that this second phase of the work effort will be completed and brought to the Council in late fall of 2014, which coincides with the anticipated publication of Sound Transit's Federal Way Link Extension Draft EIS.
3. *In the future*, planning efforts can be extended along the Pacific Highway South corridor to South 272nd Street and update the Community Commercial zoning regulations to reflect FWLE alignment and station possibilities, particularly around the Redondo shopping center.
4. Development of design standards for high capacity transit facilities and the station area in conjunction with our Pacific Highway South planning work. These design standards for high capacity transit (HCT) facilities and other developments in the station area are intended to encourage facilities and stations that are well designed and provide distinctive community focal points; connections between the transit network, adjacent development, and community vehicular, pedestrian and bicycle routes; incorporation of pedestrian-oriented furnishings and a variety of public spaces; adequate buffers between different types of land uses; and use of alternative travel modes to single occupant vehicles. For example, design standards could relate to station design, architectural expression, site furnishings, lighting, platform landscaping and associated open space, restroom facilities, bicycle parking areas, etc. These standards might not be applicable if the Sound Transit Board ultimately identifies a station location in the City of Kent when that decision is made in July 2016, but such standards will best position Des Moines in commenting on the DEIS alternatives in January 2015 and negotiating mitigation in conjunction of the preferred alternative in conjunction with the publication of the Final EIS in April 2016.

Alternatives

The City Council may:

1. Enact the proposed Second Draft Ordinance No. 14-035.
2. Enact the proposed Second Draft Ordinance No. 14-035 with additional changes.
3. Decline to enact the Second Draft Ordinance No. 14-035 as this time.

Financial Impact

Planning for the Midway Area builds upon the recent efforts completed for Pacific Ridge and will help foster a stronger economic environment for the City by creating new jobs, a stronger tax base, and tax revenues for the City of Des Moines. Some potential projects will benefit from the proposed modifications. It will also help the Cities of Des Moines and Kent, Highline Community College, Sound Transit and King County METRO strategically plan for capital improvements and investments in conjunction with growth and development, and will position the City competitively for grant funding.

The MFTE program will help facilitate the construction of new multifamily and student housing by reducing risk, lowering carry cost, helping developer's achieve financing, and attracting future buyers and renters. It is important to note that a MFTE is only a partial tax exemption that exempts the property owner from paying property taxes on the value of the new residential portion of buildings. The property owner is still required to pay all other required taxes such as property taxes on the value of the land and commercial portions of structures, sales tax, real estate excise tax (REET), B&O tax, and utility taxes.

Since the exemption does not take effect until the City Council approves a project-specific application and the units are complete, the majority of the benefits associated with the exemption period are enjoyed by the future resident/owner. Thus it assists the average family wage earner or college student by allowing them to afford housing in the same the City in which they work or attend school. Other jurisdictions have found that stimulating the construction of new multifamily housing will stimulate overall tax revenues.

It is not possible at this time to develop even a hypothetical estimate of the effect on City or other taxing agency revenues if the Highline Place or other projects proposed in the new T-C Zone if they were to apply for MFTE under the City's program, because these projects are still in early feasibility analysis. But staff did conclude that such an exemption would provide a net positive benefit to the City for a project proposed for the now-abandoned Waterview Crossing development in Pacific Ridge.

Recommendation or Conclusion

Administration recommends that City Council adopt Second Draft Ordinance No. 14-035.

CITY ATTORNEY'S ~~FIRST~~SECOND DRAFT 0506/2717/2014

DRAFT ORDINANCE NO. 14-035

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON relating to the City's Zoning Code and development regulations for the area along Pacific Highway South in the vicinity of S 240th Street, Highline Community and the planned Federal Way Link Extension station, adding and codifying a new chapter entitled "T-C Transit Community Zone" to Title 18 DMMC, adding a new section to chapter 18.195 DMMC, adopting a new zoning map and rezoning all Highway Commercial-zoned parcels south of Kent-Des Moines Road into the new Transit Community Zone, amending DMMC 18.05.080, 18.10.050, 18.52.005, 18.52.010B, 18.210.090, 18.250.060, 18.250.070, 14.05.130, expanding the residential target eligibility area to the Transit Community Zone for multifamily tax exemption in DMMC 3.96.010 and 3.96.040.

WHEREAS, Des Moines Comprehensive Plan Strategy 2-04-12 directs the City to prepare subarea area plans, zoning amendments and design guidelines for this area considering joint planning with the City of Kent on the Midway area, and

WHEREAS, Transportation and Land Use Goal 3-03-01 requires the design and construction of a transportation system to serve the land use patterns established for the Midway area, and

WHEREAS, Transportation Public Transit Goal 3-03-04 encourages the expansion of public transit services including Link Light Rail, and

WHEREAS, Transportation Parking Goal 3-03-06 directs that parking strategies be developed that support economic activity, transportation, circulation, and for existing and future uses around Highline Community College, and

WHEREAS, Transportation Funding Goal 3-03-07 (7) supports the Sound Transit light rail (LRT) station in the Pacific Ridge, Midway and Woodmont areas on Pacific Highway South, (10) directs the City to work with Sound Transit on station area planning for the Midway station, and (11) directs the City to coordinate with the City of Kent for the Midway subarea, and

Transit Community Zone_061714

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WHEREAS, Parks, Recreation and Open Space Strategy 6-02-04 identifies the Pacific Highway Business Districts in Midway as an opportunity for interconnections between economic and recreational expansion and for the establishment of other recreational facilities for Des Moines citizens, and

WHEREAS, the City Council supports higher density redevelopment of the Pacific Highway South area in the vicinity of the planned Federal Way Link Extension station near Highline Community College as transit oriented, and

WHEREAS, many Highway Commercial zoned properties are not improved to support transit oriented development, and

WHEREAS, the City Council directed City staff to prepare an ordinance for its consideration which creates more appropriate development regulations for this commercial area along Pacific Highway South, and

WHEREAS, the current Highway Commercial zoning was designed to capitalize on the 33,000 cars per day which use Pacific Highway South, but fails to anticipate the extension of Link Light Rail to this area in the next ten years, and

WHEREAS, in 2012 the Legislature expanded the purpose of RCW 84.14.007 that provides for multi-family tax exemptions to stimulate housing opportunities near college campuses to promote dense, transit-oriented walkable college communities, and

WHEREAS, the purpose of the Multifamily Tax Exemption as established by RCW 84.14.007 is to encourage and stimulate the construction of new multifamily housing opportunities in cities that are required to plan under the Growth Management Act where the governing authority of the affected city has found that there are insufficient housing opportunities, and

WHEREAS, the City of Des Moines adopted Ordinance Nos. 1457, 1540 and 1550 first creating and then amending Chapter 3.96 DMMC providing a tax exemption as an incentive to facilitate the development of market rate multiple-unit dwellings in the City of Des Moines and identifying the Pacific Ridge Neighborhood as the area to provide the majority of the

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new housing necessary to achieve the City's mandated 2020 growth targets, and

WHEREAS, extending the Multifamily Tax Exemption to include the proposed T-C Zone would provide further incentive to facilitate the development of market rate multiple-unit dwellings in the City of Des Moines, and

WHEREAS, the *Des Moines Comprehensive Plan* Policy 7-03-06 of the Housing Element states that the City should "[P]romote compatible residential development that is affordable to all economic segments of the Des Moines community", and

WHEREAS, the Planning, Building and Public Works Director acting as the SEPA responsible official reviewed this proposed non-project action and determined that the proposed textual code amendments are within the scope of the existing environmental documents and fulfilled the SEPA requirements established by chapter 197-11 WAC and chapter 165.04 DMMC pursuant to WAC 197-11-600 and DMMC 16.04.108, and

WHEREAS, pursuant to DMMC 18.20.080A, amendment of the Zoning Code (Title 18 DMMC) is a legislative (Type VI) land use decision, and

WHEREAS, pursuant to DMMC 18.20.210 amendments to the Zoning Code (Title 18 DMMC) require the City Council to conduct a public hearing to receive public comment regarding this proposal, and

WHEREAS, DMMC 18.30.100(3) requires that the date of the public hearing to consider amendments to Title 18 DMMC be set by motion of the City Council, and

WHEREAS, the City Council set the date for the public hearing by Resolution No. 1263, fixing the public hearing for June 5, 2014 as required, and

WHEREAS, RCW 84.14.040 (3) requires that notice of a hearing held under this chapter by publication of the notice once each week for two consecutive weeks, not less than seven days, nor more than thirty days before the date of the

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hearing generally identifying the area proposed to be designated as a residential targeted area, and

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

WHEREAS, notice of the public hearing was issued on May 12, 22 and 29, 2014 in accordance with the DMMC and RCW 84.14, and

WHEREAS, a public hearing was held on June 5, 2014 where all persons wishing to be heard were heard, and

WHEREAS, the City Council passed the Draft Ordinance to a second reading on June 26, 2014 and asked that several changes be incorporated to respond to public comment and Council questions, and

WHEREAS, the City Council finds that the amendments contained in this Draft Ordinance are appropriate and necessary; now therefore,

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

A new chapter shall be added to Title 18 DMMC to read as follows in sections 1 through 11 of this Ordinance:

NEW SECTION. **Sec. 1. Title.** This chapter shall be entitled "T-C Transit Community Zone".

NEW SECTION. **Sec. 2. Application.** This chapter shall apply to all areas zoned T-C Transit Community.

NEW SECTION. **Sec. 3. Purpose.** The T-C Transit Community Zone is intended to encourage a mixture of residential, commercial, and employment opportunities within identified light rail and transit station areas. The zone allows for a more intense and efficient use of land at increased densities for the mutual support of public investments and private development, while acknowledging the existing businesses along the State Route 99 corridor that serve a broader, regional

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clientele. Uses and development are regulated to create a moderately dense built-up environment, oriented to pedestrians, and ensuring a density and intensity that is transit supportive. The development standards of the zone also are designed to encourage a safe and pleasant pedestrian environment near transit stations by encouraging areas with shops, activities, and amenities such as benches, kiosks, and outdoor cafes.

NEW SECTION. **Sec. 4. Authority.** This chapter is adopted pursuant to the provisions of chapters 35.63, 35A.63 and 36.70A RCW and other applicable laws.

NEW SECTION. **Sec. 5. Environmental performance standards and general limitations.** Every permitted use within the T-C Transit Community Zone shall be subject to the following standards and limitations:

(1) All uses shall be primarily contained within an enclosed structure except the following:

- (a) Outdoor seating and dining;
- (b) Signs;
- (c) Loading areas;
- (d) Incidental outdoor display areas for merchandise sold on site as approved through the design review process; and
- (e) Play/recreation areas.

(2) If a building site has a boundary line which is a common property line with residential property, then on such common line a wall or view-obscuring fence or hedge not less than six feet in height shall be installed and maintained for screening purposes and controlling access.

(3) High capacity transit facilities shall be developed in accordance with section 9 to standards intended to achieve good design, provide a distinctive and safe community focal point, integrate and accommodate multiple transportation modes,

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and provide adequate buffers between different types of land uses.

NEW SECTION. Sec. 6. Dimensional standards.

(1) Lot area. Every lot shall have a minimum area of 7,500 square feet.

(2) Lot width. Every lot shall have a minimum width of 75 feet.

(3) Front yard. No front yard setback is required.

(4) Side yard. A 10-foot minimum setback is required from single family zoned property.

(5) Rear yard. Every lot shall have a rear yard of not less than 1015 feet when abutting single family zoned properties, except as otherwise permitted in section 6(11) of this Ordinance. No rear yard setback is required when abutting I-C zoned properties.

(6) Measurement of building height. Building height shall be measured from mean sidewalk grade on Pacific Highway South.

(7) Minimum building height.

(a) Except for buildings containing only a full-service restaurant, and other instances specifically authorized by the City Manager or the City Manager's designee in writing, no building shall be less than the height specified below:

(i) No minimum building height for commercial projects and 55 feet for residential or mixed use projects.

(ii) For the purposes of this subsection, minimum building height shall not include decorative towers or appurtenances, roof slopes out of character with the building's architecture, or other contrivances provided solely for achievement of the required minimum building height. In calculating minimum building height, the City Manager or the

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City Manager's designee shall include regular architectural features enclosing functional, occupiable building areas.

(8) Maximum building height. Buildings and structures may be built to 75 feet, except that buildings abutting the I-C zone may be built to 100 feet.

(9) Building height limitation adjacent to single-family. When an abutting property is zoned single-family residential, building height shall be limited as follows:

(a) Every lot shall have a rear yard setback of not less than 1015 feet when abutting single family zoned properties, except as otherwise permitted in section 6(11) of this Ordinance.

(b) Within 20 feet of the abutting single-family residential zone, maximum building height shall be 35 feet.

(c) Within 40 feet of the abutting single-family residential zone, maximum building height shall be 45 feet.

(ed) During the design review and environmental review, the City Manager or the City Manager's designee may impose other conditions of approval in order to mitigate potential height, bulk, and scale impacts upon adjacent single-family residents not sufficiently mitigated by existing regulations.

(10) Height allowance for enhanced design of distinctive rooflines. A portion of a building may exceed the maximum building height; provided that the following provisions are met:

(a) The purpose of the additional height for the building is to provide a roofline that is of distinctive form through the use of design elements such as pitched roofs, sloped roofs, vertical offsets or other similar roof features that achieve the goals of the design guidelines in section 7 of this Ordinance.

(b) The maximum building height established in sections 6(8) and 6(9) of this Ordinance shall only be increased by a maximum of 10 percent.

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(c) Architectural features associated with the distinctive roofline shall be used to emphasize significant architectural elements of the building such as the main entrance of the building or the building's orientation to a corner, or to provide for pitched or sloped roofs for the building.

(d) Height allowed for distinctive rooflines under this section shall not be used to determine the building height for the purposes of establishing the maximum gross floor area under section 7(3).

(e) The building area or amount of building structure extending above the maximum height established in section 6(9) of this Ordinance shall be limited to 30 percent of the building roof deck area. When multiple building rooflines exist at different building levels or stories, the 30 percent requirement shall only apply to the area of the roof deck of the tallest portion of a building.

(11) Adjustment of required yards. The required rear yard area shall be reduced to a minimum of 5 feet provided that:

(a) A development site or potential project area is planned or may be planned for multiple buildings together as one development or in different development phases either under common ownership or separate ownership; and

(b) Building on a site or potential project area are served by a private, joint-use access or street which separates the rear yard area of one development site or project area from another development site or project area; and

(c) A physical separation of not less than 30 feet is provided between buildings which shall include the space or distance located within any such shared, joint-use access or street together with the yard areas adjoining and abutting buildings and said shared streets.

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NEW SECTION. **Sec. 7. General building design requirements.** All development proposals shall demonstrate substantial compliance, as determined by the City Manager or the City Manager's designee, with the following design guidelines.

(1) General design guidelines.

(a) Building design shall be compatible with the site and with adjoining buildings. Building modulation and other design techniques to add architectural interest and minimize building mass shall be used. Variety in detail, form, and siting shall be used to provide visual interest.

(b) Building components such as windows, doors, eaves, and parapets shall be in proportion to each other.

(c) Colors shall be harmonious, with intense colors used only for accent.

(d) Mechanical equipment shall be integrated into building design or screened from on-site and off-site views.

(e) Exterior lighting fixtures and standards shall be part of the architectural concept and harmonious with building design.

(2) Minimum floor-to-ceiling height for dwellings. Dwellings shall have a minimum floor-to-ceiling height of eight feet, six inches.

(3) Maximum gross floor area.

(a) The maximum gross floor area for buildings within Transit Community Zone shall be determined by multiplying the lot area of the site by the floor area ratio (FAR) number established in the following table:

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Building Height	T-C FAR
35 Feet or Less	2.8
35 - 50	3.5
50 - 60	4
60 - 70	4.5
70 - 80	5
80 - 90	5.5
90 - 100	6.5

(b) Gross floor area shall include the total square footage of the enclosed building; provided, that:

(i) For properties located adjacent to Pacific Highway South, the area of parking garages constructed below the adjacent sidewalk grade on Pacific Highway South shall not be included in the calculation of gross floor area.

(ii) For all other properties in the Transit Community Zone, the area of parking garages constructed below the lowest sidewalk grade adjacent to the property line shall not be included in the calculation of gross floor area.

(4) Encroachments. Within the Transit Community Zone, structural encroachments into the right-of-way, such as cornices, signs, eaves, sills, awnings, bay windows, balconies, facade treatment, marquees, etc., shall conform to the provisions set forth by Titles 12 and 14 DMMC, and the following provisions:

(a) Structural encroachments into the right-of-way shall be capable of being removed without impact upon the structural integrity of the primary building;

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(b) Structural encroachments into the right-of-way shall not result in additional building floor area than would otherwise be allowed;

(c) Except for awnings, signs, and marquees, the maximum horizontal encroachment into the right-of-way shall be two feet;

(d) The maximum horizontal encroachment in the right-of-way by signs shall be four feet;

(e) The maximum horizontal encroachment in the right-of-way by awnings and marquees shall be six feet;

(f) The minimum horizontal distance between the structural encroachment and the curbline shall be two feet;

(g) Except for awnings over the public sidewalk which may be continuous, the maximum length of each balcony, bay window, or similar feature that encroaches the right-of-way shall be 12 feet;

(h) Structural encroachments into the right-of-way shall maintain adequate distance away from utility, transportation, or other facilities as determined by the City Manager or the City Manager's designee in consultation with the Planning, Building and Public Works Director;

(i) The applicant shall demonstrate proof of public liability insurance and consent to a public place indemnity agreement;

(j) Owners of structural encroachments into the right-of-way must clear the public right-of-way when ordered to do so by City authorities for reasons of public health or safety; and

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(k) In reviewing a proposed structural encroachment into the public right-of-way, the City Manager or the City Manager's designee may include conditions as may be reasonably needed to ensure that the structure is consistent with the purpose of the T-C Zone, and to minimize the likelihood of adverse impacts. The City Manager or the City Manager's designee shall deny the request if it is determined that adverse impacts cannot be mitigated satisfactorily.

NEW SECTION. Sec. 8. Access

Access to and from property zoned Transit Community shall only be from Pacific Highway South, or South 236th Lane. No access to or from property zoned single family residential shall be permitted.

NEW SECTION. Sec. 89. Required right-of-way improvements.

In the T-C Transit Community Zone, all new construction, additions, or alterations which exceed 50 percent of the value of the existing structure or, in the case of a series of addition or alteration projects, when in a five-year period the cumulative value of additions or alterations exceeds 50 percent of the value of the structure at the time such additions or alterations are commenced, shall include construction of curb, gutters, and sidewalks in accordance with the City's Street Development Standards.

NEW SECTION. Sec. 910. Design standards for high capacity transit facilities and station area development.
(Reserved for future use)

Sec. 1011. DMMC 18.52.005 and section 131 of Ordinance No. 1591 is amended to read as follows:

18.52.05 Permitted uses.

(1) Uses within the zones identified in DMMC 18.05.080 shall be permitted, not permitted or allowed by conditional use permit or unclassified use permit as is set forth in DMMC 18.52.010A Residential Use Chart and 18.52.010B Commercial Use Chart below. Uses shall also be subject to the specific provisions of the chapter applicable to

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that zoning classification and applicable provisions of this Title.

(2) The City Manager may approve additional uses not explicitly set forth in DMMC 18.52.010A Residential Use Chart and 18.52.010B Commercial Use Chart below, provided that such additional uses are consistent with and meet the intent of the specific provisions of the chapter applicable to that zoning classification, the Comprehensive Plan and applicable provisions of the Title.

Sec. 1112. DMMC 18.52.010B —and Section 133 of Ordinance No. 1591 is amended to read as follows:

18.52.010B. Commercial use chart.

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TABLE 18.52-010B
COMMERCIAL ZONE PRIMARY USES

Use is: P: Permitted P/L: Permitted, but with special limitations CUP: Conditional use review required UUP: Unclassified use review required	N-C	I-C	B-P	C-C	D-C	H-C	PR-C	T-C
Accessory buildings and uses (as described in the applicable zone)	P	P	P	P	P	P	P	<u>P</u>
Admin, support services	P/L[3]		P	P/L[16]	P/L[22]		P	<u>P</u>
Adult family homes				P	P		P	<u>P</u>
Adult entertainment facilities							P/L[46] [536]	
Adult theaters						P/L[35]	P/L[46] [536]	
Amusement and recreational services				P/L[16]	P/L[22]			
Amusement parks	CUP	CUP	CUP	CUP		CUP	CUP	<u>CUP</u>
Animal or veterinary services			P	P	P	P	P	<u>P</u>
Antenna system (one)	P/L[6]							
Animal grooming	P/L[3]		P	P	P		P	<u>P</u>
Antenna systems (not accessory)	CUP	CUP	CUP	CUP	CUP	CUP	CUP	<u>CUP</u>
Apparel and accessories stores	P/L[1]		P	P	P	P	P	<u>P</u>
Arrangement of passenger transportation	P/L[3]			P	P		P	<u>P</u>
Art galleries	P			P	P		P	<u>P</u>
Art, glassware manufacturing			P	P	P			
Art, ornamental ware				P	P			
Arts, entertainment, and recreation facilities				P/L[16]	P/L[22]		P	<u>P</u>
Auction houses or stores				P	P	P/L[41]	P	
Automobile, body, paint, interior and/or glass repair				P/L[18]	P/L[25]		P/L[48]	
Automobile, detail shop				P/L[18]	P/L[25]		P/L[48]	
Automobile, maintenance and repair				P/L[18]	P/L[25]	P	P/L[48]	
Automobile, parking	P/L[5]		P	P/L[16] [20]	P/L[22]	P	P	<u>P/L[53]</u>
Automobile, sales						P	P/L[43]	
Automobile, service stations				P/L[18]	P/L[25]	P/L[36]	P/L[48]	
Automobile, trailer sales						P	P	
Automotive equipment, rental and leasing				P	P	P	P	
Bakeries, manufacturing and retail sales	P/L[1]		P			P		<u>P/L[54]</u>
Ballparks	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Banks				P	P		P	<u>P</u>
Barber, beauty and hairstyling shops	P/L[3]			P	P		P	<u>P</u>
Bed and breakfast facilities				P	P		P	<u>P</u>
Boats, building and repairing (less than 48 feet)						P	P	
Boats, repair/ sale						P	P	
Boat moorage	P/L[3]					P/L[42]		
Botanical and zoological gardens				P	P		P	
Bookbinding			P			P		<u>P</u>
Boosting stations	UUP	UUP	UUP	UUP		UUP	UUP	<u>UUP</u>
Boxing and wrestling arenas	CUP	CUP	CUP	CUP		CUP	CUP	<u>CUP</u>
Building materials and garden equipment supply	P/L[1]		P	P	P	P/L[28]	P	
Business offices	P/L[3]		P	P/L[16]	P/L[22]		P	<u>P</u>

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TABLE 18.52-010B
COMMERCIAL ZONE PRIMARY USES

Use is: P: Permitted P/L: Permitted, but with special limitations CUP: Conditional use review required UUP: Unclassified use review required	N-C	I-C	B-P	C-C	D-C	H-C	PR-C	T-C
Car washes				P/L[18]	P/L[25]	P		
Carpentry and cabinet shops	P/L[1] [2]		P	P	P	P	P	
Casino hotels and motels				P	P		P	<u>P</u>
Cemeteries	CUP	CUP	CUP	CUP		CUP	CUP	
Ceramics, manufacture						P/L[29]		
Columbariums, crematories, mausoleums with permitted cemeteries	CUP	CUP	CUP	CUP		CUP	CUP	
Commercial and industrial machinery and equipment, rental and leasing			P			P	P	
Community care facilities				P	P		P	<u>P</u>
Community gardens				P	P			
Community housing services				P/L[5668]	P/L[5668]			
Confectionery, manufacture			P			P		P/L[55]
Contractors, general	P/L[3]		P/L[14]			P	P	<u>P</u>
Convention facilities			P	P	P	P		<u>P</u>
Correctional institutions								
Couriers and messengers	P/L[3]		P				P	<u>P</u>
Data processing, business and record storage	P/L[3]		P	P	P	P	P	<u>P</u>
Day care centers and mini day care providers	CUP	CUP	CUP	CUP	CUP		CUP	<u>CUP</u>
Death care services	P/L[3]		P	P	P	P/L[42]	P	
Distribution Centers, home deliveries			P			P		
Drive-in or drive-through facilities	P			P/L[18]	P/L[25]		P	
Dry cleaning and laundering services	P/L[3]		P	P	P	P	P	<u>P</u>
Educational services		P	P/L[7]	P	P/L[27]	P/L[37]	P	<u>P</u>
Electric power generation, biomass			P/L[12]					
Electrical appliances and supplies, retail sales, wholesale trade and repairs						P		
Equipment rental and leasing			P	P/L[16]	P/L[22]	P	P	
Fairgrounds and rodeos	CUP	CUP	CUP	CUP		CUP	CUP	
Family day care providers					P/L[5568]		P/L[5568]	P/L[5568]
Financial and insurance services			P	P	P		P	<u>P</u>
Fish hatcheries and preserves					P			
Fix-it shops			P	P	P	P	P	
Food, frozen or cold storage lockers			P	P	P	P		
Food stores	P/L[1]		P	P	P		P	<u>P</u>
Footwear and leather goods repair	P		P	P	P	P	P	<u>P</u>
Foreign trade			P/L[13]					
Fraterpal organizations/societies		P	P/L[7]	P	P		P	<u>P</u>
Fuel dealers, other							P	
Furniture, home furnishings and equipment, sales	P/L[1] [2]		P	P	P	P	P	<u>P</u>
Furniture, repair	P/L[2] [3]		P	P	P	P	P	<u>P</u>
Gambling, amusement, and recreation industries			P/L[7]	P/L[16]	P/L[22]		P	<u>P</u>
Garages, public						P/L[30]		
General merchandise stores	P/L[1]		P/L[9]	P/L[15]	P/L[21]		P	<u>P</u>
Glass, edging, beveling, silvering			P			P/L[31]		

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TABLE 18.52-010B
COMMERCIAL ZONE PRIMARY USES

Use is: P: Permitted P/L: Permitted, but with special limitations CUP: Conditional use review required UUP: Unclassified use review required	N-C	I-C	B-P	C-C	D-C	H-C	PR-C	T-C
Glass, stained glass studios	P					P		
Golf courses, with accessory driving ranges, club houses and pitch & putt				P	P	CUP	P	
Golf driving ranges	CUP	CUP	CUP	CUP		CUP	CUP	
Hardware Store	P/L[1]		P	P		P	P	P
Health care and social services			P/L[5669]	P/L[5669]	P		P/L[5669]	P/L[5669]
Heating oil dealers							P	
Horticultural and landscaping, services			P	P	P			
Horticultural nurseries	UUP	UUP	UUP	UUP		P	UUP	
Hospitals [except mental and alcoholic]				P	P	P	P	P
Hospitals [mental and alcoholic]	CUP	CUP	CUP	CUP		CUP	CUP	CUP
Hotels				P	P	P/L[40]	P/L[47]	P
Information establishments						P	P	P
Internet, service providers			P				P	P
Job printing, newspapers, lithography, and publishing						P		P
Kennels, commercial			P	P	P		P	P/L[56]
Labor camps (transient)	CUP	CUP	CUP	CUP		CUP	CUP	
Laboratories			P	P	P	CUP	P	P
Laboratories (incl. medical, dental, or photographic)			P/L	P	P	P	P	P
Laundry, industrial			P				P	
Legal services	P/L[3]		P	P	P	P	P	P
Libraries (public)	P			P	P		P	P
Light Manufacturing, Fabrication, and Assembly			P/L[8]					
Limousine/Taxi service							P	
Machine shop			P			P/L[32]		
Management of companies and enterprises	P/L[3]		P	P	P		P	P
Manufactured home sales							P	
Marijuana Producer/Processor, Recreational			P/L[[67]54]	P/L[67]		P/L[[67]54]		P/L[67]
Marijuana Retailer, Recreational				P/L[[67]54]		P/L[[67]54]		P/L[67]
Marinas					P/L[24]			
Mixed Use	UUP	UUP	UUP	UUP	P/L[26]	UUP	P/L[50]	P/L[57]
Motels				P	P	P/L[40]	P/L[47]	
Motion picture services	P/L[3]			P	P		P	P
Museums	P		P/L[7]	P	P		P	P
Nursing homes (PR-R-Nursing care facility; IC-Nursing and Residential Care Facility)				P	P		P	
Offices, business and professional						P	P	P
Open air theaters	CUP	CUP	CUP	CUP		CUP	CUP	
Parcel service delivery	P/L[3]		P			P	P/L[51]	
Parole or probation offices			P	P	P		P	
Pawnshop			P	P	P	P	P	
Personal and business services	P/L[3]		P/L[7]	P/L[16]	P/L[22]		P	P
Pet boarding			P	P	P		P	P/L[58]
Pet shop	P/L[1]			P	P	P/L[33]	P	P

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TABLE 18.52-010B
COMMERCIAL ZONE PRIMARY USES

Use is: P: Permitted P/L: Permitted, but with special limitations CUP: Conditional use review required UUP: Unclassified use review required	N-C	I-C	B-P	C-C	D-C	H-C	PR-C	T-C
Photocopying and duplicating services	P/L[1][3]		P	P	P		P	<u>P</u>
Photo finishing	P/L[1]		P	P	P	P	P	<u>P</u>
Planned unit development	P							
Postal service	P		P	P	P		P	
Professional, scientific, technical services	P/L[3]		P	P	P		P	<u>P</u>
Professional offices, medical, dental	P/L[3]		P	P	P		P	<u>P</u>
Public administration facilities	P		P	P/L[17]	P/L[25][23]		P/L[49]	P/L[59]
Public facilities	P		P/L[10]	P	P/L[25]		P	<u>P</u>
Public utility facilities	P/L[4]		P/L[10]	P/L[17]	P	P/L[34]	P/L[52]	P/L[60]
Publishing, telecommunications, internet service providers, data processing services	P/L[3]		P	P	P	P	P	<u>P</u>
Race tracks, drag strips, motorcycles hills and Go-Kart tracks	CUP	CUP	CUP	CUP		CUP	CUP	
Real estate renting and leasing	P/L[3]		P	P	P	P	P	<u>P</u>
Recreational facilities - commercial	CUP	CUP	CUP	CUP	CUP	P	CUP	
Recreational vehicles, sales and storage						P	P	
Religious grant writing, civic and professional organizations	P/L[3]	P	P/L[7]	P	P	P	P	<u>P</u>
Repair services	P/L[2][3]		P/L[7]	P/L[16][18]	P/L[22][25]		P	
Repossession services	P/L[3]		P	P	P			
Restaurants	P		P/L[9]	P	P	P	P	<u>P</u>
Retail services and trade	P/L[1]		P/L[7]	P/L[15][19]	P/L[21]	P	P/L[43]	<u>P</u>
Retirement housing		P		P	P		P	<u>P</u>
Reupholster	P		P	P/L[19]	P	P	P	<u>P</u>
Saws and filing shops			P			P		
Sewage treatment plants	UUP	UUP	UUP	UUP		UUP	UUP	
Signs, manufacturing						P		
Self-storage/ mini-warehouse leasing			P				P/L[44]	
Services to buildings and dwellings	P/L[3]		P	P	P		P	
Services, miscellaneous	P/L[3]		P/L[7]	P/L[16][18]	P/L[22]		P/L[45][48]	P/L[61]
Spectator sports	CUP		CUP	P	P		P	
Stadiums	CUP	CUP	CUP	CUP		CUP	CUP	
Supermarkets	P/L[1]		P	P	P		P	<u>P</u>
Taverns and cocktail lounges	P/L[1]		P	P	P	P/L[38]	P	<u>P</u>
Telecommunication facilities	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Telephone exchanges						P		
Tire sales and service	P/L[3]						P	
Theaters				P	P	P/L[35]	P	P/L[63]
Towing operations						UUP		
Transportation and wholesale trade			P/L[11]					
Water transportation					CUP			
Welding repair	P/L[2][3][570]		P	P/L[16][570]	P/L[570]	P	P	
Wholesale business			P			P		P/L[64]

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**TABLE 18.52-010B
COMMERCIAL ZONE PRIMARY USES**

Use is:	N-C	I-C	B-P	C-C	D-C	H-C	PR-C	T-C
P: Permitted P/L: Permitted, but with special limitations CUP: Conditional use review required UUP: Unclassified use review required								
Wholesale trade and distribution of groceries				CUP				
Notes: - Limitations that correspond to the bracketed numbers [] are set forth below. - Uses and developments are also subject to the specific standards for each zone. - Conditional and Unclassified Use Permit requirements may be found in DMMC chapter 18.140.								

Neighborhood Commercial Zone

Every use locating in the N-C Zone is subject to the standards of chapter 18.90 DMMC. The paragraphs listed below contain specific limitations and correspond with the bracketed [] footnote numbers from Table 18.52.010B.

1. On-Premises Retail Enterprise Dispensing Food or Commodities. This regulation applies to all parts of Table 18.52.010B that have a [1]. Not including automobiles, boats, trailers, and heavy-duty equipment and which may involve only incidental and limited fabrication or assembly of commodities.

2. Repair, Incidental. This regulation applies to all parts of Table 18.52.010B that have a [2]. Any repairing done on the premises shall be incidental only and limited to custom repairing of the types of merchandise sold on the premises at retail; the floor area devoted to such repairing shall not exceed 20 percent of the total floor area occupied by the particular enterprise of which it is a part, except that the limitations of this paragraph shall not apply to shoe, radio, television, or other small household appliance repair service.

3. Business Offices, Professional Services or Personal Services to the Individual. This regulation applies to all parts of Table 18.52.010B that have a [3].

Business offices and any type of use rendering professional services or personal services to the individual shall be permitted; provided:

(a) The service does not involve keeping the person receiving the service overnight on the premises;

(b) The service does not include selling alcoholic beverages for on-premises consumption unless accessory to restaurant;

(c) The service does not involve in whole or in part the providing of recreation, recreational facilities, or entertainment other than moorage for private pleasure craft; and

(d) The professional service does not include kennels or small animal hospitals or clinics.

4. Public Utility Installation. This regulation applies to all parts of Table 18.52.010B that have a [4]. Public utility installation shall be permitted in the N-C Zone when relating directly to local distribution of services including switching and transmission stations, but not including warehouses, service yards, or the like unless otherwise permitted by this Title.

5. Public Off-Street Parking Facilities (Publicly or Privately Owned and Operated). This regulation applies to all parts of Table 18.52.010B that have a [5].

Any area so used shall not be used for a vehicle, trailer, or boat sales area or for the accessory storage of such vehicles.

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6. One Antenna System (Which Exceeds the Maximum Building Height Specified for the Commercial Zone). This regulation applies to all parts of Table 18.52.010B that have a [6].

(a) Does not exceed 15 feet in height above the building height limitation for the applicable zone;

(b) Is set back at least the vertical height of the antenna system measured from the center point of the base of the mast horizontally to the nearest property line;

(c) Has a maximum horizontal cross-sectional area for that part of the mast which is above building height limitation for the zone such that an imaginary four-inch diameter circle would encompass all points of the horizontal cross-section;

(d) Has a maximum allowable three-dimensional space intrusion of 1,200 cubic feet for single ground plane antennas with a single driven element, and 200 cubic feet for beams, quads, and other multi-element antennas; provided, that these limitations on three-dimensional space intrusion shall not be applicable to single long-wire antennas, single whip antennas, and single coaxial antennas. In this paragraph, "three-dimensional space intrusion" means the space within an imaginary rectangular prism which contains all extremities of an antenna;

(e) Does not encroach into any required setback for the zone; a guy wire and anchor point for an antenna system is prohibited in any required setback or within three feet of the side or rear property lines; provided, if any alley abuts a rear property line, a guy wire and anchor point may extend to the rear property line;

(f) Provided, that a variation from the above limitations not to exceed 10 percent may be granted by City administrative officials; such variation shall be granted when it will not significantly increase the hazard factor, the aesthetic impact, or the economic consequences of such antenna system; and

(g) Further provided, that all antenna systems exceeding the above limitations and legally in place on November 5, 1978, the effective date of the ordinance codified in this subsection (6), shall have one year within which to satisfy the requirements for and receive a conditional use permit which authorizes the continued placement of such antenna system.

Institutional Campus Zone

Every use locating in the I-C Zone is subject to the standards of chapter 18.95 DMMC.

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Business Park Zone

Every use locating in the B-P Zone is subject to the standards of chapter 18.105 DMMC. The paragraphs listed below contain specific limitations and correspond with the bracketed [] footnote numbers from Table 18.52.010B.

7. Services. This regulation applies to all parts of Table 18.52.010B that have a [7].

Services in the B-P Zone are limited to the following:

- (a) Administrative support services (561);
- (b) Professional, scientific, and technical services (54);
- (c) Management of companies and enterprises (55);
- (d) Health care services (621); provided, that this use is prohibited north of South 200th Street;
- (e) Repair services (8112, 8113 and 8114);
- (f) Personal services (812);
- (g) Recreation services (711310, 712110, 712120, 712190, 713940, and 713990); provided, that these uses are prohibited north of South 200th Street;
- (h) Real estate institutions and rental services (53);
- (i) Publishing, telecommunications, Internet service providers, and data processing services (51);
- (j) Educational services (6114, 6115, 6116 and 6117); and
- (k) Religious, business and professional associations (813); provided, that these uses are prohibited north of South 216th Street.

8. Light Manufacturing, Fabrication, and Assembly. This regulation applies to all parts of Table 18.52.010B that have an [8].

Light manufacturing, fabrication, and assembly of the following and closely related products is limited to the following:

- (a) Food products (3114, 3117, 3118, 3119, and 3121);
- (b) Apparel manufacturing (315);
- (c) Wood products manufacturing (3219);
- (d) Furniture and related products manufacturing (337);
- (e) Pharmaceutical and medicine manufacturing (3254);
- (f) Computer and electronic product manufacturing (334);
- (g) Electrical equipment and components manufacturing (335);
- (h) Fabricated metal products manufacturing (3321, 3322, 3323, 3325, 3326, and 3327);
- (i) Medical equipment and supplies manufacturing (3391);
- (j) Printing and related support activities (323);
- (k) Stone, clay, glass, ceramics, pottery, china manufacturing (3271 and 3272); and
- (l) Toys, jewelry, and other miscellaneous manufacturing (3399).

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9. Retail Trade. This regulation applies to all parts of Table 18.52.010B that have a [9].

Retail trade in the B-P Zone is limited to the following:

- (a) Restaurants (722);
- (b) Building material and garden equipment and supplies dealers (444);
- (c) General merchandise stores (452 and 445); provided, that these uses are prohibited north of South 200th Street;
- (d) Furniture and home furnishing stores (442); and
- (e) Electronic and appliance stores (443).

10. Public Facilities. This regulation applies to all parts of Table 18.52.010B that have a [10]. Public Facilities in the B-P Zone are limited to the following:

- (a) Public parks (no NAICS code);
- (b) Public administration (92); and
- (c) Public utilities (221121, 221122, and 221210).

11. Transportation and Wholesale Trade. This regulation applies to all parts of Table 18.52.010B that have an [11].

Transportation and wholesale trade is limited to the following:

- (a) Wholesale trade (42); provided, that 4235 is prohibited;
- (b) Motor freight transportation (484);
- (c) Support activities for freight transportation (4884, 4885, and 4889); and
- (d) Courier and postal services (492 and 493).

12. Electric Power Generation, Biomass. This regulation applies to all parts of Table 18.52.010B that have a [12].

Electric Power Generation, Biomass (221119), is prohibited south of South 216th Street and north of South 208th Street.

13. Foreign Trade. This regulation applies to all parts of Table 18.52.010B that have a [13]. Operation of foreign trade zones is limited to the permitted uses allowed in the B-P Zone.

14. Contractors. This regulation applies to all parts of Table 18.52.010B that have a [14].

Contractors in the B-P Zone shall be limited to building and special trade.

Community Commercial Zone

Every use locating in the C-C Zone is subject to the standards of chapter 18.110 DMMC. The paragraphs listed below contain specific limitations and correspond with the bracketed [] footnote numbers from Table 18.52.010B.

15. Retail Trade (with ancillary wholesale trade). This regulation applies to all parts of Table 18.52.010B that have a [15].

Retail trade, with ancillary wholesale trade in the C-C Zone is limited to the following:

- (a) Building materials, hardware, and garden supply, except mobile home dealers (52);
- (b) General merchandise stores (53);

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- (c) Food stores (54);
- (d) Gasoline service stations, and other alternative motor vehicle fuels (5541);
- (e) Apparel and accessory stores (56);
- (f) Home furniture, furnishings, and equipment stores (57);
- (g) Eating and drinking places (58); and
- (h) Miscellaneous retail (59), except fuel dealers (598).

16. Services. This regulation applies to all parts of Table 18.52.010B that have a [16]. Services in the C-C Zone are limited to the following:

- (a) Hotels and motels (701);
- (b) Personal and business services, with ancillary wholesale trade (72-73), except the following:
 - (i) Industrial launderers (7218);
 - (ii) Billboard advertising (7312);
 - (iii) Heavy construction equipment rental and leasing (7353);
 - (iv) Industrial truck rental and leasing (7359); and
 - (v) Oil extraction equipment rental and leasing (7359).
- (c) Automobile parking (7521) limited to properties that are municipally owned or operated or controlled by a City-sanctioned business neighborhood association; and provided, that facilities for parking are constructed and maintained to meet minimum required parking improvements specified in chapter 18.210 DMMC within three years of the commencement of such use.
- (d) General automotive repair shops (7538);
- (e) Car washes (7542);
- (f) Miscellaneous repair services (76), except the following:
 - (i) Tank and boiler cleaning service (7699); and
 - (ii) Tank truck cleaning service (7699).
- (g) Motion picture services (78);
- (h) Amusement and recreation services (79), except the following:
 - (i) Adult entertainment facilities and adult motion picture theaters (no SIC); and
 - (ii) Racing, including track operation (7948).
- (i) Health services (80);
- (j) Legal services (81);
- (k) Educational services (82);
- (l) Social services (83);
- (m) Museums, art galleries, and botanical and zoological gardens (84);
- (n) Membership organizations (86);

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- (o) Engineering, accounting, research, management, and related services (87); and
- (p) Services, not elsewhere classified (89).

17. Public Administration Facilities. This regulation applies to all parts of Table 18.52.010B that have a [17].

Public administration facilities (91-97) are permitted in the C-C Zone with the exception of correctional institutions (9223).

18. Automobile Repair, Carwashes, Automobile Service Stations, and Uses with Drive-Through Facilities. This regulation applies to all parts of Table 18.52.010B that have a [18].

Automobile repair, carwashes, automobile service stations, uses with drive-through facilities, and similar uses shall conform to the following limitations and standards in the C-C Zone:

- (a) Automobile repair and the installation of automobile parts and accessories shall be primarily contained within an enclosed structure;
- (b) Unless specifically authorized by the Planning, Building and Public Works Director, vehicular access shall be limited to one driveway per street frontage;
- (c) Motor vehicle fuel pump islands shall be set back a minimum of 15 feet from property lines;
- (d) A six-foot-high, 100 percent sight-obscuring fence shall be provided along property lines that abut residentially zoned properties, unless waived by the residential property owner prior to building permit issuance; and
- (e) Vehicle storage shall be limited to those vehicles contracted for repair or service.

19. On-Site Retail. This regulation applies to all parts of Table 18.52.010B that have a [19].

All products which are manufactured, processed, or treated on the premises must also be sold at retail to the general public on-site.

20. Public Automobile Parking. This regulation applies to all parts of Table 18.52.010B that have a [20].

Public automobile parking (7521) shall not be permitted in the C-C Zone.

Downtown Commercial Zone

Every use locating in the D-C Zone is subject to the standards of chapter 18.115 DMMC. The paragraphs listed below contain specific limitations and correspond with the bracketed [] footnote numbers from Table 18.52.010B

21. Retail Trade (with ancillary wholesale trade). This regulation applies to all parts of Table 18.52.010B that have a [21].

Retail trade, with ancillary wholesale trade in the D-C Zone is limited to the following:

- (a) Building materials, hardware, and garden supply, except mobile home dealers (52);
- (b) General merchandise stores (53);
- (c) Food stores (54);
- (d) Gasoline service stations, and other alternative motor vehicle fuels (5541);
- (e) Apparel and accessory stores (56);
- (f) Home furniture, furnishings, and equipment stores (57);

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(g) Eating and drinking places (58); and

(h) Miscellaneous retail (59), except fuel dealers (598).

22. Services. This regulation applies to all parts of Table 18.52.010B that have a [22].

Services in the D-C Zone are limited to the following:

(a) Hotels and motels (701);

(b) Personal and business services, with ancillary wholesale trade (72-73), except the following:

(i) Industrial launderers (7218);

(ii) Billboard advertising (7312);

(iii) Heavy construction equipment rental and leasing (7353);

(iv) Industrial truck rental and leasing (7359); and

(v) Oil extraction equipment rental and leasing (7359).

(c) Automobile parking (7521) limited to properties that are municipally owned or operated or controlled by a City-sanctioned business neighborhood association; and provided, that facilities for parking are constructed and maintained to meet minimum required parking improvements specified in chapter 18.210 DMMC within three years of the commencement of such use.

(d) General automotive repair shops (7538);

(e) Car washes (7542);

(f) Miscellaneous repair services (76), except the following:

(i) Tank and boiler cleaning service (7699); and

(ii) Tank truck cleaning service (7699).

(g) Motion picture services (78);

(h) Amusement and recreation services (79), except the following:

(i) Adult entertainment facilities and adult motion picture theaters (no SIC); and

(ii) Racing, including track operation (7948).

(i) Health services (80);

(j) Legal services (81);

(k) Educational services (82);

(l) Social services (83);

(m) Museums, art galleries, and botanical and zoological gardens (84);

(n) Membership organizations (86);

(o) Engineering, accounting, research, management, and related services (87); and

(p) Services, not elsewhere classified (89).

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23. Public Administration Facilities. This regulation applies to all parts of Table 18.52.010B that have a [23]. Public administration facilities (91-97) are permitted in the D-C Zone with the exception of correctional institutions (9223).

24. Boat Storage. This regulation applies to all parts of Table 18.52.010B that have a [24].

Boat storage and repair shall be permitted only as an accessory use on property principally permitted for marina use and shall conform to the following additional limitations and standards:

(a) The size and location of all boat storage facilities shall be consistent with the Council-adopted marina master plan;

(b) All out-of-water boat repair shall be within a fully secured and fenced area not accessible by the general public;

(c) All boat repair work shall have containment areas and employ disposal methods for pollutants and toxic substances consistent with Puget Sound Clean Air Agency and NPDES standards;

(d) Only those boats and similar vessels that will be immediately and actively under repair shall be moved to or placed within a designated boat repair facility.

25. Automobile Repair, Carwashes, Automobile Service Stations, and Uses with Drive-Through Facilities. This regulation applies to all parts of Table 18.52.010B that have a [25].

Automobile repair, carwashes, automobile service stations, uses with drive-through facilities, and similar uses shall conform to the following limitations and standards in the D-C Zone:

(a) Automobile repair and the installation of automobile parts and accessories shall be wholly performed within an enclosed structure approved by the building official for such occupancy;

(b) Each automotive and service repair facility shall be limited to a maximum of one service bay for each 7,500 square feet of land area per business site;

(c) Service bays shall be fully utilized to store and park vehicles contracted for repair or service;

(d) The number of vehicles stored or parked outside for repair or service shall not be greater than the minimum number of required parking stalls serving the auto repair facility pursuant to chapter 18.210 DMMC;

(e) No outside parking or storage of employee vehicles, customer vehicles, or vehicles contracted for service shall occur in any area that is not designated and approved by the City as an on-site parking stall;

(f) Motor vehicle fuel pump islands shall be set back a minimum of 15 feet from property lines; and

(g) A six-foot-high, 100 percent sight-obscuring fence shall be provided along property lines that abut residentially zoned properties, unless waived by the residential property owner prior to building permit issuance.

26. Mixed Use. This regulation applies to all parts of Table 18.52.010B that have a [26]. Mixed use development in the D-C Zone shall conform to the following limitations and standards:

(a) Mixed use structures shall contain area for retail trade or personal and business services, at street level as follows:

(i) Pedestrian access from the public sidewalk to the retail trade or personal and business services shall be provided;

(ii) A minimum of 60 percent of the street level floor area shall be occupied by retail trade or personal and business services;

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(iii) A minimum of 75 percent of the street level building frontage adjacent to public right(s)-of-way shall contain floor area for retail trade or personal and business services uses; and

(iv) Building space allocated for retail trade or personal and business service uses at the street level shall have a minimum gross interior depth dimension of 55 feet measured perpendicular to the property line abutting the public street(s) serving the site.

(b) The City Manager or designee is authorized to consider and approve up to a 20 percent reduction of the bulk requirements specified in subsection (26)(a) of this section when a development proposal incorporates on-site parking substantially at street floor level for retail trade or personal and business service uses and the City Manager or designee determines that the proposed reduction(s) does not compromise, interrupt, or interfere with the desired functionality of the building or the continuity of City pedestrian-oriented design goals in the general area and pedestrian access to the site from the public sidewalk or right-of-way.

(c) Mixed use developments shall comply with all the requirements of chapter 18.155 DMMC, except for private recreational requirements established by DMMC 18.155.050(2).

(d) A detached structure that contains residential uses and does not meet the requirements for mixed use structures is prohibited.

27. Educational Services, Colleges and Professional Schools. This regulation applies to all parts of Table 18.52.010B that have a [27].

Educational services (82) are permitted in the D-C Zone; however, colleges, universities, junior colleges, and professional schools (822) require an Unclassified Use Permit (UUP). See chapter 18.140 DMMC.

Highway Commercial Zone

Every use locating in the H-C Zone is subject to the standards of chapter 18.125 DMMC. The paragraphs listed below contain specific limitations and correspond with the bracketed [] footnote numbers from Table 18.52.010B.

28. Building Materials Stores and Yards, Retail Only. This regulation applies to all parts of Table 18.52.010B that have a [28].

Building materials stores and yards (retail only) are permitted in the H-C Zone; provided, that any required wall on a property line common with residential property shall be not less than eight feet in height.

29. Ceramic Products. This regulation applies to all parts of Table 18.52.010B that have a [29].

The manufacture of ceramic products, including figurines (but not including bricks, drain, building, or conduit tile), shall be permitted in the H-C Zone using only previously pulverized clay and batch kilns as distinguished from shuttle, tunnel, or beehive kilns, and such batch kilns shall not exceed a total capacity of 130 cubic feet.

30. Garages, Public. This regulation applies to all parts of Table 18.52.010B that have a [30].

Public garages, including repair, when entirely in an enclosed building.

31. Glass Edging, Beveling, and Silvering. This regulation applies to all parts of Table 18.52.010B that have a [31].

Glass edging, beveling, and silvering shall be permitted in the H-C Zone in connection with the sales of mirrors and glass-decorated furniture.

32. Machine Shop. This regulation applies to all parts of Table 18.52.010B that have a [32]. No automatic screw machines or punch press over five tons.

33. Pet Shops. This regulation applies to all parts of Table 18.52.010B that have a [33].

Pet shops shall be permitted in the H-C Zone if entirely within a building.

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34. Public Utility Installations. This regulation applies to all parts of Table 18.52.010B that have a [34]. Public utility installations shall be permitted in the H-C Zone if relating directly to the distribution of services.

35. Adult Motion Picture Theaters. This regulation applies to all parts of Table 18.52.010B that have a [35]. Adult motion picture theaters are prohibited within 500 feet of the property lines of churches, schools, preschool through high school, public facilities, adult entertainment facilities, or other adult motion picture theaters.

36. Automobile Service Stations. This regulation applies to all parts of Table 18.52.010B that have a [36]. Buildings, structures, and the leading edge of pump islands shall not be closer than 20 feet to any street property line, except that service station canopies and marquees may project 10 feet into the required setback.

37. Educational Services. This regulation applies to all parts of Table 18.52.010B that have a [37]. Education services in the H-C Zone are limited to business or commercial schools.

38. Cocktail Lounges. This regulation applies to all parts of Table 18.52.010B that have a [38]. Cocktail lounges shall be permitted in the H-C Zone when located within a restaurant.

39. Death Care Services. This regulation applies to all parts of Table 18.52.010B that have a [39]. Death care services in the H-C Zone shall be limited to mortuaries.

40. Hotels/Motels. This regulation applies to all parts of Table 18.52.010B that have a [40]. Hotels and motels in the H-C Zone shall not include apartment hotels.

41. Auction House. This regulation applies to all parts of Table 18.52.010B that have a [41]. Auction houses or stores in the H-C Zone shall not include vehicles or livestock.

42. Boat Moorage. This regulation applies to all parts of Table 18.52.010B that have a [42]. Boat Moorage in the H-C Zone shall be permitted for private pleasure craft.

Pacific Ridge Commercial Zone

Every use locating in the PR-C Zone is subject to the standards of chapter 18.135 DMMC. The paragraphs listed below contain specific limitations and correspond with the bracketed [] footnote numbers from Table 18.52.010B.

43. Retail Trade, Used Car Dealers. This regulation applies to all parts of Table 18.52.010B that have a [43]. Retail trade (44-45) is permitted in the PR-C Zone, but no more than two exclusive used car dealers (441120) shall be allowed.

44. Real Estate Rental and Leasing. This regulation applies to all parts of Table 18.52.010B that have a [44].

Mini-warehouses and self storage units (53113) may not front on Pacific Highway South.

45. Administrative and Support Services. This regulation applies to all parts of Table 18.52.010B that have a [45]. Limited to NAICS codes 561110 (administrative) and 561210 (support services).

46. Arts, Entertainment, and Recreation. This regulation applies to all parts of Table 18.52.010B that have a [46]. Adult entertainment facilities and adult motion picture theaters are prohibited north of South 216th Street and within 500 feet of the property lines of churches, common schools, day care centers, public facilities, or other adult entertainment facilities or adult motion picture theaters.

47. Accommodation and Food Services. This regulation applies to all parts of Table 18.52.010B that have a [47].

Accommodation and food services (72) in the PR-C Zone is limited to the following:

(a) Hotels (except casino hotels) and motels (72111), except that these must contain a minimum of 75 guest rooms;

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(b) Casino hotels (721120); and

(c) Food services (722310 - 7223515); however, mobile food services (722330) are also regulated by chapter 5.57 DMMC.

48. Automobile Repair, Automobile Service Stations, and Similar Uses. This regulation applies to all parts of Table 18.52.010B that have a [48]. General automotive repair (811111), automotive exhaust system repair (811112), automotive transmission repair (811113), automotive body, paint, and interior repair and maintenance (811121), automotive glass replacement shops (811122), automotive oil change and lubrication shops (811191), and similar uses shall be allowed in the PR-C Zone; provided, that all of the following requirements shall be met:

(a) Repair and the installation of automobile parts and accessories shall be primarily contained within an enclosed structure;

(b) Any business owner proposing to use a building or structure that the proposed use is located or proposed to be located within shall demonstrate to the City of Des Moines, South King Fire and Rescue, and Puget Sound Clean Air Agency that quantities, storage, and transport of hazardous materials are properly managed, work areas provide adequate containment to avoid pollution runoff, and facilities are equipped with proper pretreatment devices to avoid discharge of pollutants to the air or public drainage systems;

(c) Unless specifically authorized by the City Manager or the City Manager's designee, views into automobile service bays from Pacific Highway shall be diminished by building orientation, screening, or other means;

(d) Vehicular access shall be consistent with the City's street development and construction standards;

(e) Motor vehicle fuel pump islands shall be set back a minimum of 15 feet from property lines;

(f) A six-foot-high, 100 percent sight-obscuring fence shall be provided along property lines that abut residential properties as designated by the Des Moines Comprehensive Plan; and

(g) Vehicle storage shall be limited to those vehicles contracted for repair or service.

49. Public Administration. This regulation applies to all parts of Table 18.52.010B that have a [49]. Public administration (92) uses shall be permitted in the PR-C Zone, except correctional institutions (92214).

50. Mixed Use. This regulation applies to all parts of Table 18.52.010B that have a [50]. Mixed use shall be permitted in the PR-C Zone, except:

(a) In that part of PR-C fronting on Pacific Highway South and/or South 216th Street, dwellings may be located on the ground floor; provided, that they are accessed from the rear of the property; and provided, that the commercial uses in that portion of the building must front and be accessed from Pacific Highway South or South 216th Street;

(b) When a project fronting Pacific Highway South or South 216th Street contains more than one building, those buildings not fronting on Pacific Highway South or South 216th Street may be single purpose multifamily residential buildings; and

(c) No residential use is permitted north of South 216th Street.

51. Parcel Service Delivery. This regulation applies to all parts of Table 18.52.010B that have a [51]. Parcel service delivery in the PR-C Zone shall be limited to the postal service (491110).

52. Public Utility Facilities. This regulation applies to all parts of Table 18.52.010B that have a [52]. Public utility facilities and appurtenances shall be permitted in the PR-C Zone when necessary for the distribution of utility services to final customers within the immediate area.

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Transit Commercial Zone

Every use locating in the T-C Zone is subject to the standards of DMMC 18.125 Sections 1-10 of this ordinance. The paragraphs listed below contain specific limitations and correspond with the bracketed [] footnote numbers from Table 18.52.010B

53. Automobile, Parking. This regulation applies to all parts of Table 18.52.010B that have a [53]. Paid and stand alone surface parking shall not be permitted in the T-C Zone after June 30, 2024 except that existing on June 30, 2014.

54. Bakeries, manufacturing and retail sales. This regulation applies to all parts of Table 18.52.010B that have a [54]. Bakeries shall be permitted in the T-C zone provided:

- (a) At least 25% of the gross floor area is dedicated to retail sales; and
- (b) All storage, display, and manufacturing occur within enclosed buildings.

55. Confectionery, manufacture. This regulation applies to all parts of Table 18.52.010B that have a [55]. Confectionaries shall be permitted in the T-C zone provided:

- (a) At least 25% of the gross floor area is dedicated to retail sales; and
- (b) All storage, display, and manufacturing occur within enclosed buildings.

56. Kennels, commercial. This regulation applies to all parts of Table 18.52.010B that have a [56]. Kennels shall be allowed in the T-C Zone when accessory to a permitted use.

57. Mixed use. This regulation applies to all parts of Table 18.52.010B that have a [57]. Mixed use development shall conform to the following limitations and standards in the T-C Zone:

(a) Mixed use structures shall contain area for retail trade or personal and business services, at street level as follows:

(i) Pedestrian access from the public sidewalk to the retail trade or personal and business services shall be provided;

(ii) A minimum of 60 percent of the street level floor area shall be occupied by retail trade or personal and business services;

(iii) A minimum of 75 percent of the street level building frontage adjacent to public right(s)-of-way shall contain floor area for retail trade or personal and business services uses; and

(iv) Building space allocated for retail trade or personal and business service uses at the street level shall have a minimum gross interior depth dimension of 55 feet measured perpendicular to the property line abutting the public street(s) serving the site.

(b) The City Manager or the City Manager's designee is authorized to consider and approve up to a 20 percent reduction of the bulk requirements specified in subsection (9)(a) of this section when a development proposal incorporates on-site parking substantially at street floor level for retail trade or personal and business service uses and the city manager or designee determines that the proposed reduction(s) does not compromise, interrupt, or interfere with the desired functionality of the building or the continuity of city pedestrian-oriented design goals in the general area and pedestrian access to the site from the public sidewalk or right-of-way.

(c) Mixed use developments shall comply with all the requirements of chapter 18.45 DMMC, except for private recreational requirements established by DMMC 18.45.020(2).

(d) A detached structure that contains residential uses and does not meet the requirements for mixed use structures is prohibited.

58. Pet boarding. This regulation applies to all parts of Table 18.52.010B that have a [58]. Pet Boarding shall be allowed in the T-C Zone when accessory to a permitted use.

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59. Public Administration Facilities. This regulation applies to all parts of Table 18.52.010B that have a [59]. Public administration (92) uses shall be permitted in the T-C Zone, except correctional institutions (92214).

60. Public Utility Installations. This regulation applies to all parts of Table 18.52.010B that have a [60]. Public utility installations shall be permitted in the T-C Zone if relating directly to the distribution of services.

61. Services, Miscellaneous. This regulation applies to all parts of Table 18.52.010B that have a [61]. Limited to NAICS codes 561110 (administrative) and 561210 (support services).

62. Taverns and Cocktail Lounges. This regulation applies to all parts of Table 18.52.010B that have a [62]. Cocktail lounges shall be permitted in the T-C Zone when located within a restaurant.

63. Theaters. This regulation applies to all parts of Table 18.52.010B that have a [63]. Adult motion picture theaters are prohibited within the T-C Zone.

64. Wholesale business. This regulation applies to all parts of Table 18.52.010B that have a [64]. Wholesale business shall be permitted in the T-C Zone when accessory to a permitted retail use.

65. Self-storage/ mini-warehouse leasing. This regulation applies to all parts of Table 18.52.010B that have a [53]. Only public storage existing on June 30, 2014 shall be permitted.

All Zones

66. Adult Entertainment Facilities. This regulation applies to all parts of Table 18.52.010B that have a [5366]. Adult entertainment facilities are subject to the additional standards of chapter 18.16 DMMC and chapter 5.48 DMMC.

67. Recreational Marijuana. This regulation applies to all parts of Table 18.52.010B that have a [6754]. State licensed marijuana producers, processors, and retailers may locate in the City of Des Moines pursuant to chapter 18.250 DMMC.

68. Family Day Care Providers. This regulation applies to all parts of Table 18.52.010B that have a [6855]. A family day care provider home facility is a permitted use in all zones, subject to the conditions in chapter 18.180 DMMC.

69. Social Service Facilities. This regulation applies to all parts of Table 18.52.010B that have a [6956]. Social service facilities shall conform to the following limitations and standards:

(a) Outdoor play/recreation areas for children shall be set back a minimum of five feet from property lines; and

(b) Unless specifically authorized by the City Manager or designee, passenger loading and unloading areas shall be provided on site.

70. Welding Repair. This regulation applies to all parts of Table 18.52.010B that have a [7057]. Welding repair in shall only be permitted in an enclosed structure.

Sec. 1213. DMMC 18.10.050 and section 1 of Ordinance No. 179 as amended by section 1 of Ordinance No. 1235 as amended by section 8 of Ordinance No. 1237 as amended by section 1 of Ordinance No. 1261 as amended by section 1 of Ordinance No. 1267 as amended by section 1 of Ordinance No. 1289 as amended by section 1 of Ordinance No. 1372 as amended by section 5 of Ordinance No. 1397 as amended by section 1 of Ordinance No. 1420 as amended by section 2 of Ordinance No. 1431 as amended by

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section 2 of Ordinance No. 1520 as amended by section 3 of Ordinance No. 1546 as amended by Section 13 of Ordinance No. 1576 as amended by Section 35 of Ordinance No. 1591 are each amended to read as follows:

18.10.050 Adoption of official zoning map.

The map filed in the City Clerk's office and marked Exhibit "A" to Ordinance No. ____ and adopted ~~September 12, 2013~~, 2014, constitutes the zoning map for the City. The map referenced herein supersedes all previously adopted maps. If the designations of the map are found to be in conflict with other land use designations, the map is deemed to control.

Sec. 1314. DMMC 18.05.080(2) and subsection 22(2) of Ordinance No. 1591 are amended to read as follows:

18.05.080. Names of zones. To accomplish the purpose of this Title, the following use zones are established and regulations are set forth therein defining the permissible uses, the height and bulk of buildings, the area of yards and other open spaces about buildings, and the density of population; such zones are known as follows:

(2) Commercial Zones.

- (a) N-C Neighborhood Commercial;
- (b) I-C Institutional Campus;
- (c) B-C Business Commercial;
- (d) B-P Business Park;
- (e) C-C Community Commercial;
- (f) D-C Downtown Commercial;

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- (g) C-G General Commercial;
- (h) H-C Highway Commercial;
- (i) PR-C Pacific Ridge Commercial; and
- (j) T-C Transit Community.

NEW SECTION. Sec. 15. DMMC 18.195, Landscaping and Screening, is amended to add the following section in Article III, Landscaping Regulations by Zone: **Transit Community, T-C**

(1) The perimeter of properties abutting a Single-Family Residential Zone shall provide a Type I landscaping strip with a minimum depth of 10 feet and six (6) foot solid fence.

(2) The perimeter of properties abutting a Multifamily Residential Zone shall provide a Type II landscaping strip with a minimum depth of five feet.

(3) A Type III landscaping strip, an average of five feet in depth, shall be provided along all property lines abutting a public right-of-way excluding alleys. When the building setback from a public right-of-way is not more than 10 feet, or when such setback is utilized as a public open space plaza not accompanying parking, no perimeter landscaping strip shall be permitted, but street trees as set forth in DMMC 18.195.400 shall be provided within tree planters. Such tree planters shall have a minimum interior dimension of three and one-half feet and shall be protected by a cast iron grate. The Planning, Building and Public Works Director may waive or modify this requirement when no adverse impact would result.

(4) Parking facilities landscaping as set forth in DMMC 18.195.360.

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Sec. 1416. DMMC 18.210.090(12), (15), (17), and subsections 513(12), (15), and (17) of Ordinance No. 1591 are amended to read as follows:

18.210.090. Required number of off-street parking spaces. The minimum number of off-street parking spaces required of each use shall be provided as follows:

(12) Personal Services.

(a) C-C Zone: one parking space per 300 square feet of gross floor area.

(b) D-C, ~~and~~ PR and T-C Zones: one parking space per 350 square feet of gross floor area.

(c) H-C Zone: one parking space per 200 square feet of gross floor area.

(15) Residences.

(a) Single-family: two parking spaces per dwelling unit.

(b) Duplex and townhouse: two parking spaces per dwelling unit and one parking space for every five dwellings for use as visitor parking. A minimum of one visitor parking space shall be provided.

(c) Multifamily.

(i) Two parking spaces per dwelling.

(ii) One guest parking space shall be provided per each 10 dwellings.

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(iii) For one-bedroom dwellings within the PR Zone: one and one-half parking spaces per dwelling.

(d) Multifamily (as part of a mixed use development) in the T-C Zone.

(i) For a studio dwelling: one parking space.

(ii) For one-bedroom dwellings: one parking space.

(iii) For 2 bedroom or more dwellings: 1.75 parking spaces.

(iv) One guest parking space shall be provided per each 10 dwellings.

(17) Retail, Other..

(a) C-C Zone: one parking space per 300 square feet of gross floor area.

(b) D-C and PR Zones: one parking space per 350 square feet of gross floor area.

(c) H-C Zone: one parking space per 250 square feet of gross floor area, except there are a minimum of six spaces.

(d) T-C Zone: one parking space per 400 square feet of gross floor area, except there shall be a minimum of six spaces.

Sec. 1517. DMMC 18.250.060 and Section 650 of Ordinance No. 1591 is amended to read as follows:

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18.250.060. Recreational marijuana regulations for producers and processors. State-licensed marijuana producers and marijuana processors may locate in the City of Des Moines pursuant to the following restrictions:

(1) Marijuana producers and marijuana processors must comply with all requirements of chapter 69.50 RCW, chapter 314-55 WAC, and other applicable Washington laws.

(2) Persons may conduct business within the City of Des Moines as a state-licensed marijuana producer and/or marijuana processor if located within the Business Park (B-P) Zone located north of South 216th Street and south of South 208th Street, and within the Highway Commercial (H-C), Transit Community (T-C), and Community Commercial (C-C) Zones generally located along Pacific Highway South south of Kent-Des Moines Road.

Sec. 1618. DMMC 18.250.070 and section 651 of Ordinance No. 1591 is amended to read as follows:

18.250.070 Recreational marijuana regulations for retailers. State-licensed marijuana retailers may locate in the City pursuant to the following restrictions:

(1) Marijuana retailers must comply with all requirements of chapter 69.50 RCW, chapter 314-55 WAC, and other applicable Washington laws.

(2) Persons may conduct business within the City as a state-licensed marijuana retailer if located within the Transit Community (T-C), Highway Commercial (H-C) and Community Commercial (C-C) Zones generally located along Pacific Highway South south of Kent-Des Moines Road.

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(3) Marijuana retailers shall not locate in a building in which nonconforming retail uses have been established in any location or Zone other than those referenced in ~~subsection (2) of this section~~ section 16(2) of this ordinance.

(4) Marijuana retailers shall not operate as an accessory to a primary use or as a home occupation.

Sec. 1719. DMMC 14.05.130 and section 23 of Ordinance No. 1581 is amended to read as follows:

14.05.130 Five-story wood frame buildings. The following sections, DMMC 14.05.140 through 14.05.220, shall be applicable to the following zoning classifications:

Pacific Ridge Commercial, Pacific Ridge Residential, ~~and~~ Business Park, Zones and Transit Community Zones.

Sec. 1820. DMMC 3.96.010 and Section 1 of Ordinance No. 1457 and Section 1 of Ordinance No. 1540 are amended to read as follows:

3.96.010 Findings of fact.

This chapter shall be known as the multifamily tax exemption ordinance (hereinafter MFTE). The findings of fact set forth in Exhibit 1, attached to the ordinance codified in this chapter and incorporated by this reference, are ~~re-~~adopted in full by the city council in support of its decision to designate areas of the Pacific Ridge neighborhood and Transit Community Zone as illustrated in DMMC 3.96.040, Figure 1, as a residential target area as required by chapter 84.14 RCW.

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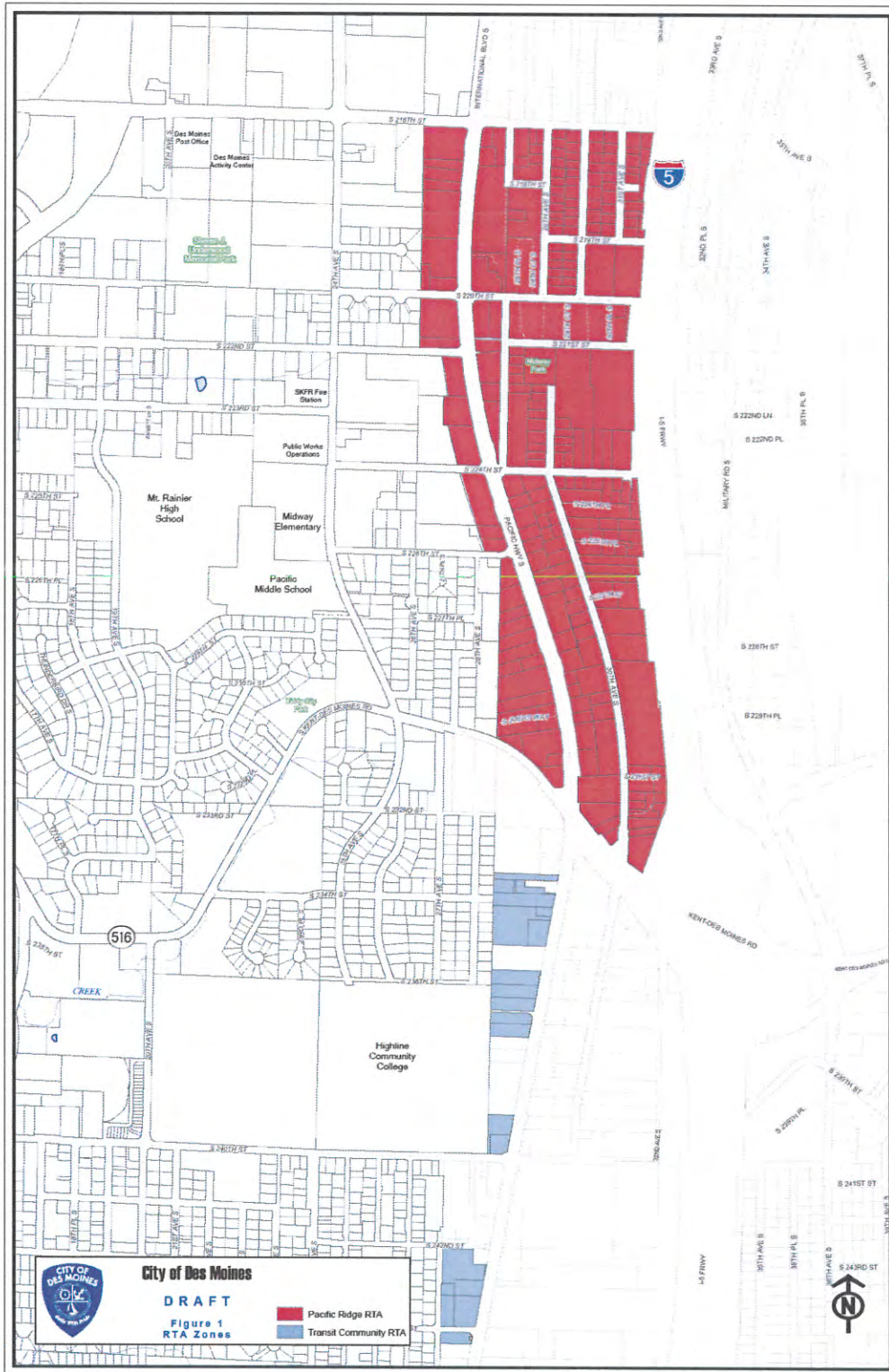
| **Sec. 1921.** DMMC 3.96.040 and Section 4 of Ordinance No. 1457, Section 2 of Ordinance No. 1540, and Section 1 of Ordinance No. 1550 are amended to read as follows:

3.96.040 Project eligibility.

To be eligible for the MFTE the property sought to be exempted shall satisfy all of the following requirements:

- | (1) The property shall be located within the RTA area, which is the area within the Pacific Ridge neighborhood south of South 216th Street and the area of Pacific Highway South within the Transit Community (T-C) Zone, as illustrated below on Figure 1:

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- (2) The MFTE shall only be available for a maximum of 3,000 residential units or 10 years after the approval date of Ordinance No. 1457 (March 26, 2009), whichever occurs first.
- (3) The property sought to be exempted shall be developed in a manner that furthers the city's goals and objectives for the Pacific Ridge neighborhood and Transit Community Zone in the Des Moines comprehensive plan, the Pacific Ridge neighborhood improvement plan and integrated draft environmental impact statement, and DMMC ~~18.31.010~~ 18.135.030 and section 3 of this ordinance as adopted or subsequently amended.
- (4) The project sought to be exempted must be multifamily housing within a residential structure or as part of a mixed use development consistent with the following requirements:
 - (a) Building(s) shall be a minimum of 50 feet in height as calculated by DMMC ~~18.31.090(7)~~ 18.135.070(6), 18.190.070 and section 6(6), (7) and (10) of this ordinance.
 - (b) Building(s) shall contain a minimum of 60 residential units.
 - (c) A minimum of 50 percent of the space within such residential structure or mixed use building shall be for permanent residential occupancy.
- (5) The property owner(s) shall be required to have 24-hours-a-day/seven-days-a-week on-site property management by a professional management company with a minimum of five

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years of experience in providing property management for large-scale residential projects. The property owner(s) shall also be required to provide 24-hours-a-day/seven-days-a-week private security on site, to include on-site security offices, office space for public safety use, and video camera monitoring.

- (6) The property sought to be exempted shall be developed in a manner that increases or preserves property valuation, and the development of the property must represent an increased investment in the property that results in an increase in the overall property values in the area.
- (7) The taxes collected during the MFTE period shall be sufficient to cover the city's costs required to provide necessary services to the residents of the property sought to be exempted. If the city determines that taxes collected do not cover the city's costs required to provide necessary services to the residents of the property sought to be exempted, the property owner(s) shall make an annual payment in lieu of taxes to cover the estimated difference.
- (8) The project shall comply with all applicable Des Moines Zoning Code, land use regulations, and other requirements, including those contained in Titles 12, 14, 16, 17, and 18 DMMC.
- (9) Construction of any project approved with an MFTE shall be completed within three years from the date of approval of the MFTE by city council as provided in DMMC 3.96.060. [Ord.

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1550 § 1, 2012: Ord. 1540 § 2, 2012: Ord. 1457
§ 4, 2009.]

<u>NEW SECTION.</u>	Sec. 2022.	Codification.
Sections 1 through 910 of this Ordinance shall be codified as a new chapter in Title 18 DMMC entitled "T-C Transit Community Zone".		

<u>NEW SECTION.</u>	Sec. 2123.	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.

<u>NEW SECTION.</u>	Sec. 2224.	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 _____, 2014 and signed in authentication thereof this ____ day of _____, 2014.

M A Y O R

APPROVED AS TO FORM:

City Attorney

ATTEST:

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City Clerk

Published: _____

ORDINANCE NO. 1457

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON creating a new chapter in Title 3 of the DMMC providing a tax exemption as an incentive to facilitate the development of market rate multiple-unit dwellings in the City of Des Moines.

WHEREAS, the State Legislature amended chapter 84.14 RCW to provide incentives for cities with a population of 15,000 or more to promote construction of multiple-unit dwellings to provide housing, and

WHEREAS, the goal of chapter 84.14 RCW is to stimulate new multifamily housing in targeted "residentially deficient" areas in order to meet the goals established by the Growth Management Act, and

WHEREAS, the purpose of the Multifamily Tax Exemption as established by RCW 84.14.007 is to encourage and stimulate the construction of new multifamily housing opportunities in cities that are required to plan under the Growth Management Act where the governing authority of the affected city has found there is insufficient housing opportunities, and

WHEREAS, the City seeks to accomplish the planning goals required under the Growth Management Act, chapter 36.70A RCW, as implemented by the City's Comprehensive Plan, and

WHEREAS, the City has identified the Pacific Ridge Neighborhood, as established in the Des Moines Comprehensive Plan, as the area to provide the majority of the new housing necessary to achieve the City's mandated 2020 growth targets, and

WHEREAS, the City seeks to encourage and promote new multifamily developments, and,

WHEREAS, the City seeks to stimulate the construction of new multifamily housing, and

WHEREAS, the City seeks to increase the supply of multifamily housing opportunities within the City, and

WHEREAS, Strategy 2-04-08 of Land Use Element of the Des Moines Comprehensive Plan states that the City should "[E]ncourage improvement of the ... Pacific Ridge Neighborhood by working with the business community and other representative organizations to achieve the goals of the City of Des Moines Comprehensive Plan", and

WHEREAS, Policy 7-03-06 of the Housing Element of the Des Moines Comprehensive Plan states that the City should, "[P]romote compatible residential development that is affordable to all economic segments of the Des Moines community", and

WHEREAS, the intent of the Pacific Ridge Neighborhood as established by Goal 11-01-01 of the Pacific Ridge Element of the Des Moines Comprehensive Plan is "to transform Pacific Ridge into a new urban community that takes advantage of its geographic location, local and regional transportation linkages, stable soils, and view potential. The transformation of Pacific Ridge will include replacement of lower-scale, existing buildings with new structures that will dramatically enhance the

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appearance, character, economics, and safety of the area. Pacific Ridge will contain buildings and open spaces designed for pedestrians as well as the motorist. Pacific Ridge will be an area of businesses and residences. New buildings may be five to eight stories in height along Pacific Highway emphasizing retail and office uses. Between the development along Pacific Highway and Interstate 5, buildings may be eight (8) or more stories in height emphasizing residential high-rise home ownership with green open spaces and view corridors. This new community will exhibit superior design features that make Pacific Ridge inviting to residents and businesses, complement other areas of Des Moines, and foster community pride," and

WHEREAS, Policy 11-03-07 of the Pacific Ridge Element of the Des Moines Comprehensive Plan provides that the City should "promote redevelopment of Pacific Ridge properties to attract new or expanded businesses and commercial development to Pacific Ridge," and

WHEREAS, Strategy 11-04-02 of the Pacific Ridge Element of the Des Moines Comprehensive Plan provides that the City should "[E]ncourage land assemblage ... so that larger-scale development proposals can be considered ...", and

WHEREAS, Strategy 11-04-04 of the Pacific Ridge Element of the Des Moines Comprehensive Plan states that the City should "Encourage new residential development to offer owner-occupied dwellings," and

WHEREAS, DMMC 18.31.010, et seq., was enacted by the City to implement the Des Moines Comprehensive Plan, Pacific Ridge Neighborhood Improvement Plan, and other adopted policies for the commercial and residential areas of Pacific Ridge, and

WHEREAS, other objectives and purposes of DMMC 18.31.010, et. seq., are to, inter alia, provide development regulations to promote redevelopment of properties within Pacific Ridge to create attractive, safe, and desirable areas to work and reside; to establish higher density development to meet or exceed the City's population and employment growth targets specified by the countywide planning policies for King County; and to reduce the social problems caused by the existing structures and land uses such as high crime rates (especially major felony crimes), declining property values, unsafe and undesirable housing conditions, insufficient building and property maintenance, absentee property ownership/management, violation of zoning, construction, and health codes, transient residency, and marginal businesses, and

WHEREAS, the SEPA Planned Action evaluated a build out scenario for Pacific Ridge which assumed the development of 5,541 residential units and was adopted by Des Moines Ordinance 1298 as required by WAC 197-11-168, and

WHEREAS, Pacific Highway South (SR-99) is considered a regional transit corridor by King County METRO and Sound Transit, and

WHEREAS, both agencies have plans to expand service into and through the Pacific Ridge Neighborhood, i.e., King County

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Executive's 'Rapid Ride' program will bring high speed bus transit through the Pacific Ridge along Pacific Highway South and Phase II Sound Transit would extend light rail from SeaTac Airport through the Pacific Ridge Neighborhood, and

WHEREAS, the City supports the development of high density multifamily housing that will complement and support high intensity mass transit, and

WHEREAS, the area identified as the Pacific Ridge Neighborhood meets the standard of a blighted area as defined in RCW 35.81.015, and

WHEREAS, the City Council finds that this ordinance is appropriate and necessary; now therefore,

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

Sec. 1. Findings of fact. This chapter shall be known as the Multi Family Tax Exemption Ordinance (hereinafter MFTE). The findings of fact set forth in Exhibit 1, attached hereto and incorporated by this reference, are adopted in full by the City Council in support of its decision to designate areas of the Pacific Ridge Neighborhood as illustrated in Exhibit 2 to this ordinance as a residential target area as required by chapter 84.14 RCW.

Sec. 2. Purpose. The purpose of this chapter is to establish the criteria for allowing an MFTE and to achieve the following purposes:

(1) To achieve the purposes and goals established by RCW 84.14.007;

(2) To accomplish the planning goals required under the Growth Management Act, chapter 36.70A RCW, as implemented by Des Moines' Comprehensive Plan;

(3) To encourage additional housing in certain areas to support investment in public transit projects.

Sec. 3. Definitions. In construing the provisions of this chapter, the definitions set forth in RCW 84.14.010, now or hereafter amended, shall apply, unless modified by this section. The following definitions shall also apply:

(1) "Assessor" means the King County Assessor.

(2) The Multi Family Tax Exemption (hereinafter "MFTE") shall refer to the tax exemption allowed pursuant to this chapter.

(3) Project is the development that will occur on property where the MFTE is sought.

(4) Residential Target Area (hereinafter "RTA") means the area within the identified urban center that has been designated by the City Council as a targeted area in accordance with chapter 84.14 RCW

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Sec. 4. Project eligibility. To be eligible for the MFTE the property sought to be exempted shall satisfy all of the following requirements:

(1) The property shall be located within the RTA area which is the area within the Pacific Ridge Neighborhood South of South 216th Street and North of South 221st Street as extended westerly to Pacific Highway South, east of Pacific Highway and west of Interstate 5. The RTA is illustrated on Exhibit 2 to Ordinance No. 1457:

(a) The RTA consists of two subareas identified as Zone 1 and Zone 2 on Exhibit 2.

(b) If there is a conflict between the above narrative description of the boundaries and Exhibit 2, Exhibit 2 controls.

(c) If a part of any legal lot is within the RTA as shown on Exhibit 2 then the entire lot shall be deemed to lie within the RTA.

(d) The MFTE shall only be available for a maximum of 3,000 residential units or 10 years after the approval date of Ordinance No. 1457, whichever occurs first.

(2) The property sought to be exempted shall be developed in a manner that furthers the City's goals and objectives for the Pacific Ridge Neighborhood in the Des Moines Comprehensive Plan, the Pacific Ridge Neighborhood Improvement Plan and Integrated Draft Environmental Impact Statement, and DMMC 18.31.010 as adopted or subsequently amended.

(3) The project sought to be exempted must be multifamily housing within a residential structure or as part of a mixed use development consistent with the following requirements:

(a) Zone 1 Standards:

(i) Building(s) shall be a minimum of fifty (50) feet in height as calculated by DMMC 18.31.090(7)(b).

(ii) Building(s) shall contain a minimum of eighty (80) residential units.

(iii) A minimum of fifty (50) percent of the space within such residential structure or mixed use building shall be for permanent residential occupancy.

(b) Zone 2 Standards:

(i) Building(s) shall be a minimum of one hundred (100) feet in height as calculated by DMMC 18.31.090(7)(a).

(ii) Building(s) shall contain a minimum of one hundred sixty (160) residential units.

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(iii) A minimum of fifty (50) percent of the space within such residential structure or mixed use building shall be for permanent residential occupancy.

(iv) Building(s) shall be constructed as condominiums for individual ownership.

(4) The property owner(s) shall be required to have twenty-four (24) hour a day/seven (7) days a week onsite property management by a professional management company with a minimum of five (5) years of experience in providing property management for large scale residential projects. The property owner(s) shall also be required to provide twenty-four (24) hour a day/seven (7) days a week private security onsite to include onsite security offices, office space for public safety use, and video camera monitoring.

(5) The property sought to be exempted shall be developed in a manner that increases or preserves property valuation, and the development of the property must represent an increased investment in the property that results in an increase in the over-all property values in the area.

(6) The taxes collected during the MFTE period shall be sufficient to cover the City's costs required to provide necessary services to the residents of the property sought to be exempted. If taxes collected do not cover the City's costs required to provide necessary services to the residents of the property sought to be exempted, the property owner(s) shall make an annual payment in-lieu of taxes to cover the estimated difference.

(7) The project shall comply with all applicable Des Moines Zoning Code, land use regulations, and other requirements, including those contained in Titles 12, 14, 16, 17, and 18 of the Des Moines Municipal Code.

(8) Construction of any project approved with a MFTE shall be completed within three years from the date of approval of the MFTE by City Council as provided in section 6 of this ordinance.

Sec. 5. Application procedure.

(1) The owner(s) of property seeking a MFTE under this chapter shall submit an application to the City, on a form provided by the City Manager. The property owner(s) shall verify the information contained in the application by oath or affirmation. The application shall contain such information as the City Manager may deem necessary or useful, and shall include:

(a) A brief written description of the project and preliminary schematic site and floor plans of the multifamily units and the structure(s) in which they are proposed to be located.

(b) A statement from the property owner(s) acknowledging the potential tax liability for the property when the MFTE ends.

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(c) The property owner(s) shall also provide the City with a declaration as to the owners interest in the property and identify any other parties with an ownership interest. If someone other than the property owner(s) is developing the property then the owner shall declare that the developer has authority to speak on behalf of the property owner(s) and to bind the property owner(s) by any representations made by that developer.

(2) At the time of application, the property owner(s) shall pay to the City an initial application fee as established by the City Manager to cover the cost of the City's review of the application and the cost to hire an independent consultant to complete a financial analysis of the economic impacts if the application is approved by the City Council. In addition, at the time of application, the property owner(s) shall pay to the City the fee required to cover the County Assessor's administrative costs. If the City Council approves the application pursuant to section 9, the City shall forward the fee for the County Assessor's administrative costs to the County Assessor. If the City Council denies the application pursuant to section 9, the City shall refund the fee for the Assessor's administrative costs to the property owner(s).

(3) The City Manager or designee shall notify the property owner(s) within twenty-eight days of the application being filed if the application is not complete and shall identify what additional information is required before the application will be deemed complete. Within fourteen days of receiving additional information, the City Manager or designee shall notify the property owner(s) in writing if the application is incomplete, and what additional information is necessary. An application shall be deemed to be complete if the City Manager or designee does not notify the property owner(s) in writing by the deadlines in this section that the application is incomplete; however, a determination of completeness does not preclude the City Manager or designee from requiring additional information during the review process if more information is needed to evaluate the application according to the criteria in this chapter. Failure to complete the application will be deemed to be an abandonment of the application.

(4) The application shall be approved before, but no later than, the date the building or other construction permit is issued under Title 14 DMMC.

Sec. 6. Application review - Issuance of Conditional Certificate - Denial - Appeal.

(1) The City Council shall approve or deny an application under this chapter. If the application is approved, the applicant shall enter into a MFTE Agreement with the City, subject to approval by resolution of the City Council, regarding the terms and conditions of the project and eligibility for the MFTE. The City Council's resolution to approve the applicant's contract with the City shall take place within ninety days of the City Manager's or designee's receipt of the completed application. Upon City Council approval of the contract, the City Manager or designee shall execute the contract as approved

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by the City Council, and shall issue a conditional certificate of acceptance of tax exemption. The conditional certificate shall expire three years from the date of approval unless an extension is granted as provided in section 8.

(2) If the application is denied, the City Council shall state in writing the reasons for the denial and send notice of denial to the applicant's last known address within ten days of the denial.

(3) An applicant may ask for reconsideration if the City Council denies the application by filing a request for reconsideration with the City Clerk along with the fee as established by City Manager within thirty calendar days of the date of the denial. The reconsideration before the City Council shall be based upon the existing record developed during the consideration of the application; provided that the person requesting reconsideration may enter previously unavailable information that is more likely than not to effect the outcome of the decision. Except as provided in this chapter, the request for reconsideration shall otherwise be processed in conformance with chapter 4.12 DMMC. The City Council's decision on the reconsideration is final.

Sec. 7. Amendment of the MFTE Agreement.

(1) Any property owner(s) seeking amendment(s) to the MFTE Agreement approved by the City Council may do so by submitting a request in writing to the City Manager at any time within three years of the date of the City Council's approval of the MFTE Agreement.

(2) Amendments to the approved MFTE Agreement shall be submitted to the City Council for approval by resolution.

(3) Any property owner(s) seeking amendments to the approved MFTE Agreement shall pay to the City an amendment application fee as established by the City Manager.

(4) The date for expiration of the Conditional Certificate shall not be extended unless all the conditions for extension set forth in section 8(1) and (2) are met and the City Council specifically approves the extension.

Sec. 8. Extension of conditional certificate. The conditional certificate may be extended for a period not to exceed twenty-four consecutive months. The applicant shall submit a written request stating the grounds for the extension together with a fee as established by the City Manager. The City may grant an extension if the City Council determines that:

(1) The anticipated failure to complete construction within the required time period is due to circumstances beyond the control of the applicant;

(2) The applicant has been acting and could reasonably be expected to continue to act in good faith and with due diligence;

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(3) All the conditions of the MFTE Agreement between the applicant and the City will be satisfied upon completion of the project; and

(4) Construction of the building(s) that received the exemption is significantly underway.

Sec. 9. Final Certificate - Application - Issuance - Denial - Appeal.

(1) Upon completion of the construction as provided in the contract between the applicant and the City, and upon issuance of a Certificate of Occupancy, the applicant may request a Final Certificate of Tax Exemption. The applicant shall file with the City Manager or designee such information as the City Manager or designee may deem necessary or useful to evaluate eligibility for the Final Certificate, and shall include:

(a) A statement of expenditures made with respect to each multifamily housing unit and the total expenditures made with respect to the entire property.

(b) A description of the completed work and a statement of qualification for the MFTE.

(c) A statement that the work was completed within the required three-year period or any approved extension.

(2) Within thirty days of receipt of all materials required for the Final Certificate, the City Manager or designee shall determine whether the work completed is consistent with the application and MFTE Agreement approved by the City Council and is qualified for the MFTE pursuant to chapter 84.14 RCW, and which specific improvements completed meet the requirements of this chapter and the required findings of RCW 84.14.060.

(3) If the City Manager determines that the project has been completed in accordance with subsection (1) of this section, the City shall file a Final Certificate of Tax Exemption with the King County Assessor within ten days of the expiration of the thirty-day period provided under subsection (2) of this section.

(4) The City Manager or designee is authorized to cause to be recorded, or to require the property owner(s) or owner to record, in the real property records of the King County Department of Records and Elections, the MFTE Agreement which the City required under section 6(1), and such other document(s) as will identify such terms and conditions of eligibility for the MFTE as the City Manager or designee deems appropriate.

(5) The City Manager or designee shall notify the property owner(s) in writing that the City will not file a Final Certificate if the City Manager determines that the project was not completed within the required time limitations as set forth in this chapter; or if the City Manager determines that the owner's property is not otherwise qualified under this chapter or if the owner and the City Manager cannot agree on the allocation of the value of the improvements allocated to the

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exempt portion of the new construction in mixed use new construction.

(6) Within thirty days of the date of notice of denial of Final Certificate, the property owner(s) may file a notice of appeal with the City Clerk along with the appeal fee as established by the City Manager specifying the factual and legal basis for the appeal. The appeal shall be heard by the City's Hearing Examiner pursuant to section 12.

Sec. 10. Exemption - Duration - Limitations.

(1) The value of new housing construction qualifying under this chapter shall be exempt from ad valorem property taxation for eight successive years as provided in RCW 84.14.020(1)(a)(ii)(A).

(2) The exemption established in subsection 1 of this section does not apply to:

(a) The value of land and non-housing related improvements constructed as part of a mixed use structure.

(b) To increases in assessed valuation of land and non-qualifying improvements.

(c) To increases made by lawful order of the King County Board of Equalization, the Washington State Department of Revenue, the State Board of Tax Appeals, or King County, to a class of property throughout King County or a specific area of King County to achieve uniformity of assessment or appraisal as required by law.

Sec. 11. Annual certification - Cancellation of exemption.

(1) A property that receives the MFTE under this chapter is obligated to continue to comply with the MFTE Agreement and the requirements of this chapter in order to retain its MFTE.

(2) Within thirty days after the first anniversary of the date the City filed the Final Certificate of Tax Exemption and each year thereafter, for a period of eight years, the property owner(s) shall file a certification with the City Manager, verified upon oath or affirmation, which shall contain such information as the City Manager may deem necessary or useful, and shall include the following information:

(a) A statement of occupancy and vacancy of the multifamily units during the previous year.

(b) A certification that the property has not changed use and that the property has been in compliance with the requirements set forth in chapter 84.14 RCW since the date of filing of the final certificate of tax exemption, and continues to be in compliance with the contract with the city and the requirements of this chapter.

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(c) A description of any improvements or changes to the property made after the filing of the Final Certificate or last declaration, as applicable.

(d) Any additional information requested by the City Manager or designee in regards to the units receiving the MFTE.

(3) Failure to submit the annual declaration may result in cancellation of the MFTE.

(4) For the duration of the MFTE, the property shall have no violation of applicable DM Zoning Codes, land use regulations, and other requirements contained in Titles 14 and 18 DMMC for which the designated City Department shall have issued a notice of violation or notice of civil infraction that is not resolved by a certificate of compliance, certificate of release, or withdrawal within the time period for compliance provided in such notice of violation or notice of civil infraction and any extension of the time period for compliance granted by the City Manager or designee.

(5) If the owner intends to convert the multifamily housing to another use, the owner shall notify the City Manager or designee and the County Assessor within sixty days of the change in use or noncompliance with this chapter. Upon such change in use, the MFTE shall be canceled and additional taxes, interest and penalty imposed pursuant to state law.

(6) The City Manager shall cancel the MFTE for any property that no longer complies with the terms of the MFTE Agreement or with the requirements of this chapter. Upon cancellation, additional taxes, interest and penalties may be imposed pursuant to State Law. Upon determining that a MFTE shall be canceled, the City Manager shall notify the property owner(s) by certified mail, return receipt requested. The property owner(s) may appeal the determination by filing a notice of appeal with the City Clerk along with the appeal fee established by the City Manager within thirty days of the date of notice of cancellation, specifying the factual and legal basis for the appeal. The appeal shall be heard by the City's Hearing Examiner pursuant to section 12.

Sec. 12. Appeals to the Hearing Examiner.

(1) The City's Hearing Examiner is provided jurisdiction to hear appeals of the decisions of the City Manager on the Final Certificate of tax exemption and cancellation thereof.

(2) The Hearing Examiner procedures established by chapter 18.94 DMMC shall apply to hearings under this chapter to the extent they are consistent with the requirement of this chapter and chapter 84.14 RCW. The Hearing Examiner shall give substantial weight to the City Manager's decision, and the burden of proof shall be on the appellant to demonstrate that the City Manager abused his/her discretion in denying the Final Certificate. The decision of the Hearing Examiner shall constitute the final decision of the City. An aggrieved party may appeal the decision to King County Superior Court under RCW 34.05.510 through 34.05.598 if the appeal is properly filed

Ordinance No. 1457
Page 11 of 12

within thirty days of the date of the notification by the City to the appellant of that decision.

Sec. 13. Annual reporting.

(1) Annually by December 31st of each year the City shall report to the Department of Community, Trade, and Economic Development information required pursuant to RCW 84.14.100(2)

(2) The City Manager or designee shall review the program established by this chapter and provide a report to the City Council outlining development activity, types and numbers of units produced and their locations, rent and sales prices, and other appropriate factors. These reports may include recommendations on whether any neighborhoods should be added or removed and will analyze any issues related to the use of the program for homeownership units. The annual report shall be submitted to the City Council no later than March 30th of each year the program is in effect, starting in 2010; each report shall include information for the previous year

Sec. 14. Codification. Sections 2 through 13 of this ordinance shall constitute a new chapter 3.96 DMMC entitled "Multifamily Tax Exemption."

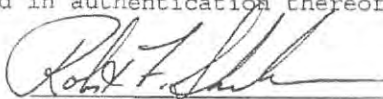
Sec. 15. Severability - Construction.

(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.

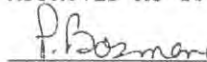
(2) If the provisions of this ordinance are found to be inconsistent with other provisions of the Des Moines Municipal Code, this ordinance is deemed to control.

Sec. 16. Effective Date. This ordinance shall be in full force and effect thirty (30) days after its passage and approval in accordance with law.

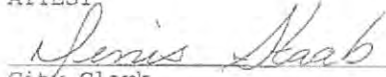
PASSED BY the City Council of the City of Des Moines this 26th day of March, 2009 and signed in authentication thereof this 26th day of March, 2009.


MAYOR

APPROVED AS TO FORM:


City Attorney

ATTEST:


City Clerk

Effective Date: April 25, 2009

Published: April 2, 2009

LEGAL NOTICE
SUMMARY OF ADOPTED ORDINANCE
CITY OF DES MOINES

ORDINANCE NO. 1457, Adopted March 26, 2009.

DESCRIPTION OF MAIN POINTS OF THE ORDINANCE:

This ordinance creates a new chapter in Title 3 of the DMMC providing a tax exemption as an incentive to facilitate the development of market rate multiple-unit dwellings in the City of Des Moines.

The full text of the ordinance will be mailed without cost upon request.

Denis Staab
City Clerk

Published: April 2, 2009

EXHIBIT 1

ORDINANCE NO. 1457

FINDINGS OF FACT

MARCH 26, 2009

The Des Moines City Council, in support of its decision to designate areas of the Pacific Ridge Neighborhood as geographically illustrated in Exhibit 2 of this Ordinance as a residential target area as required by Chapter 84.14 RCW and in consideration of information communicated during a public hearing hereby finds:

1. Strategy 2-04-08 of Land Use Element of the Des Moines Comprehensive Plan states that the City should "[E]ncourage improvement of the ... Pacific Ridge Neighborhood by working with the business community and other representative organizations to achieve the goals of the City of Des Moines Comprehensive Plan
2. Policy 7-03-06 of Housing Element of the Des Moines Comprehensive Plan states that the City should, "[P]romote compatible residential development that is affordable to all economic segments of the Des Moines community"
3. The intent of the Pacific Ridge Neighborhood as established by Goal 11-01-01 of Pacific Ridge Element, of the Des Moines Comprehensive Plan is "to transform Pacific Ridge into a new urban community that takes advantage of its geographic location, local and regional transportation linkages, stable soils, and view potential. The transformation of Pacific Ridge will include replacement of lower-scale, existing buildings with new structures that will dramatically enhance the appearance, character, economics, and safety of the area. Pacific Ridge will contain buildings and open spaces designed for pedestrians as well as the motorist. Pacific Ridge will be an area of businesses and residences. New buildings may be five to eight stories in height along Pacific Highway emphasizing retail and office uses. Between the development along Pacific Highway and Interstate 5, buildings may be eight (8) or more stories in height emphasizing residential high-rise home ownership with green open spaces and view corridors. This new community will exhibit superior design features that make Pacific Ridge inviting to residents and businesses, complement other areas of Des Moines, and foster community pride."
4. Policy 11-03-07 of the Pacific Ridge Element of the Des Moines Comprehensive Plan provides that the City should "promote redevelopment of Pacific Ridge properties to attract new or expanded businesses and commercial development to Pacific Ridge."
5. Strategy 11-04-02 of the Pacific Ridge Element of the Des Moines Comprehensive Plan provides that the City should "[E]ncourage land assemblage ... so that larger-scale development proposals can be considered ...".
6. Strategy 11-04-04 of the Pacific Ridge Element of the Des Moines Comprehensive Plan states that the City should "Encourage new residential development to offer owner-occupied dwellings."

Ordinance No. 1457
Page 2 of 4

7. DMMC 18.31.010, et seq. was enacted by the City to implement the Des Moines Comprehensive Plan, Pacific Ridge Neighborhood Improvement Plan, and other adopted policies for the commercial and residential areas of Pacific Ridge, including, inter alia, the transformation of Pacific Ridge into a new urban community that takes advantage of its geographic location, local and regional transportation linkages, and view potential; the replacement of lower-scale, existing buildings with new larger scale and higher structures that will dramatically enhance the appearance, character, economics, and safety of the area; and exhibit superior design features that makes Pacific Ridge inviting to residents and businesses, complements other areas of Des Moines, and fosters community pride.
8. Other objectives and purposes of DMMC 18.31.010, et. seq., are to, inter alia, provide development regulations to promote redevelopment of properties within Pacific Ridge to create attractive, safe, and desirable areas to work and reside; to establish higher density development to meet or exceed the City's population and employment growth targets specified by the countywide planning policies for King County; and to reduce the social problems caused by the existing structures and land uses such as high crime rates (especially major felony crimes), declining property values, unsafe and undesirable housing conditions, insufficient building and property maintenance, absentee property ownership/management, violation of zoning, construction, and health codes, transient residency, and marginal businesses; and
9. The Pacific Ridge Neighborhoods is within an urban center as defined by RCW 84.14.010(16).
10. RCW 84.14.010(16) defines "Urban center" as a compact identifiable district where urban residents may obtain a variety of products and services. An urban center must contain: (a) Several existing or previous, or both, business establishments that may include but are not limited to shops, offices, banks, restaurants, governmental agencies (b) Adequate public facilities including streets, sidewalks, lighting, transit, domestic water, and sanitary sewer systems; and (c) A mixture of uses and activities that may include housing, recreation, and cultural activities in association with either commercial or office, or both, use.
11. The City has identified the Pacific Ridge Neighborhood as established in the Des Moines Comprehensive Plan as the area to provide the majority of the new housing necessary to achieve the City's mandated 2020 growth targets
12. The Pacific Ridge Neighborhood lacks sufficient available, desirable and convenient residential housing to meet the needs of the public who would be likely to live in the area if, desirable, attractive and livable residences were available.
13. Providing additional housing opportunity in the Pacific Ridge Neighborhood will assist in achieving the following purposes:

Ordinance No. 1457
Page 3 of 4

- a. Encourage increased residential opportunities within the city.
 - b. Stimulate the construction of new multifamily housing.
- 14. Additional housing in the Pacific Ridge Neighborhood will attract and maintain an increase in the number of permanent residents.
- 15. Increasing permanent residential population in the Pacific Ridge Neighborhood is critical to achieving the planning goals mandated by the Growth Management Act under Chapter 36.70A RCW, as implemented through the City's Comprehensive Plan.
- 16. Encouraging additional housing in the Pacific Ridge Neighborhood supports plans for significant public investment provided for in Sound Transit's ST2 plan and Metro Transit's Bus Rapid Transit (BRT) program.
- 17. Encouraging additional housing in the Pacific Ridge Neighborhood supports the City's goal of achieving a better jobs and housing balance.
- 18. The area identified as the Pacific Ridge Neighborhood meets the standard of a blighted area as defined RCW 35.81.015(2).
- 19. RCW 35.81.015(2) defines "Blighted area" as an area which, by reason of the substantial physical dilapidation, deterioration, defective construction, material, and arrangement and/or age or obsolescence of buildings or improvements, whether residential or nonresidential, inadequate provision for ventilation, light, proper sanitary facilities, or open spaces as determined by competent appraisers on the basis of an examination of the building standards of the municipality; inappropriate uses of land or buildings; existence of overcrowding of buildings or structures; defective or inadequate street layout; faulty lot layout in relation to size, adequacy, accessibility or usefulness; excessive land coverage; insanitary or unsafe conditions; deterioration of site; existence of hazardous soils, substances, or materials; diversity of ownership; tax or special assessment delinquency exceeding the fair value of the land; defective or unusual conditions of title; improper subdivision or obsolete platting; existence of persistent and high levels of unemployment or poverty within the area; or the existence of conditions that endanger life or property by fire or other causes, or any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency or crime; substantially impairs or arrests the sound growth of the municipality or its environs, or retards the provision of housing accommodations; constitutes an economic or social liability; and/or is detrimental, or constitutes a menace, to the public health, safety, welfare, or morals in its present condition and use.

Ordinance No. 1457
Page 4 of 4

20. The tax exemption is necessary to facilitate and encourage re-development within a blighted area.
21. The tax exemption is necessary to facilitate the transforming the Pacific Ridge Neighborhood into a new urban community taking advantage of its geographic location, local and regional transportation linkages, and view potential.
22. The tax exemption is necessary to replace lower-scale, existing buildings with new larger scale and higher structures that will dramatically enhance the appearance, character, economics, and safety of the area; and exhibit superior design features making Pacific Ridge inviting to residents and businesses.
23. The existing pattern of land use and building size represents low-scale, suburban, automobile-oriented activities that do not contribute to realization of the City Council's vision for Pacific Ridge.
24. Many of the properties and buildings within Pacific Ridge, by reason of substantial physical dilapidation, age, obsolescence of buildings or improvements, unsanitary or unsafe conditions, absentee ownership, high rates of transience, or the existence of conditions which endanger life or property by fire or other causes, or any combination of such factors, is conducive to ill health, juvenile delinquency, and criminal activity including gang violence, drug possession and distribution, domestic violence, prostitution, assault, battery, and theft
25. The conditions within Pacific Ridge substantially impair the sound growth of the City, retard the provision of safe and desirable housing conditions, decrease property values, discourage financial investment, and are detrimental to the public health, safety, welfare, and morals, and

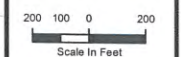


DRAFT
Exhibit A
Zoning



Enacting Ordinances		
<u>Ordinance</u>	<u>Ordinance</u>	<u>Effective Date</u>
Adoption of Capitalizing map	12/15	March 1, 1999
Reversing of action	12/17	May 17, 1998
Business Plan (B) income	12/18	June 21, 2000
Partial Ridge note	12/17	July 26, 2008
Rational Revenue amendment	12/15	December 1, 2000
Adoption of GIS action	12/16	October 11, 1991
Mixed Commercial nature	1/12	January 11, 2008
Rational note	1/17	March 7, 2007
Ordinance of Plan	1/23	December 8, 2003
Capital note	1/31	June 28, 2008
New Plan note	1/31	October 13, 2011
Partial note	1/31	July 21, 02
Additional of C - zone	1/31	March 28, 2011
Partial Commercial note	1/31	September 12, 2011

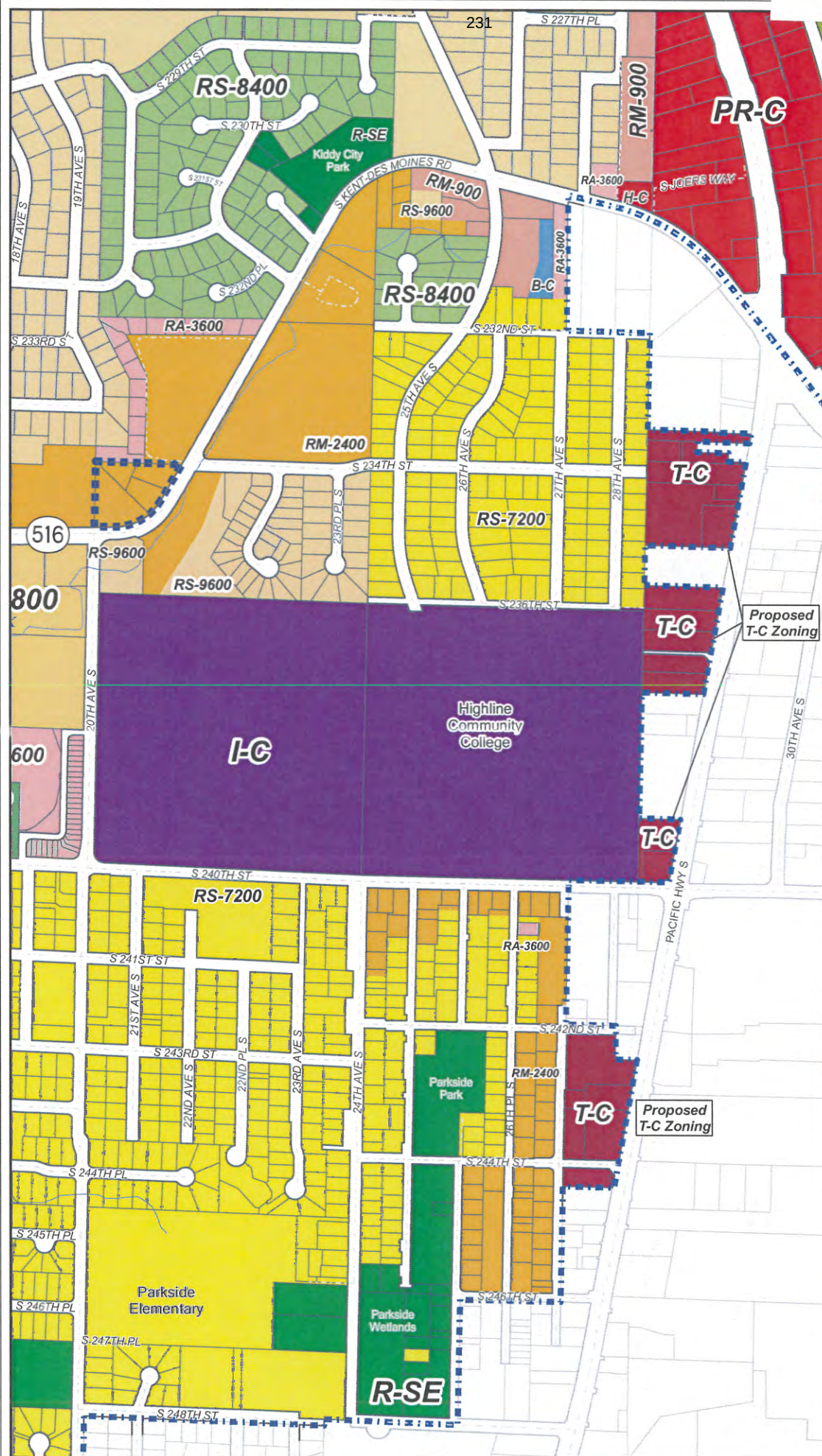
IN PROVIDING THIS MAP, THE CITY MAKES NO WARRANTY OF ANY KIND, expressed or implied, including but not limited to any warranties as to its fitness for a particular purpose or use. To the fullest extent permitted by law, the City shall not be liable for any damages to persons or property, whether direct, indirect, special or consequential, arising from the distribution or use of this map, including without limitation claims for damages based upon inaccuracies or erroneous information presented on this document. The user should not rely upon this document as a complete, current or accurate depiction of existing City zoning, definitions, or other regulations and in USING THIS DOCUMENT, THE USER ASSUMES ALL RISK OF INJURY OR DAMAGE THAT MIGHT FLOW THEREFROM.



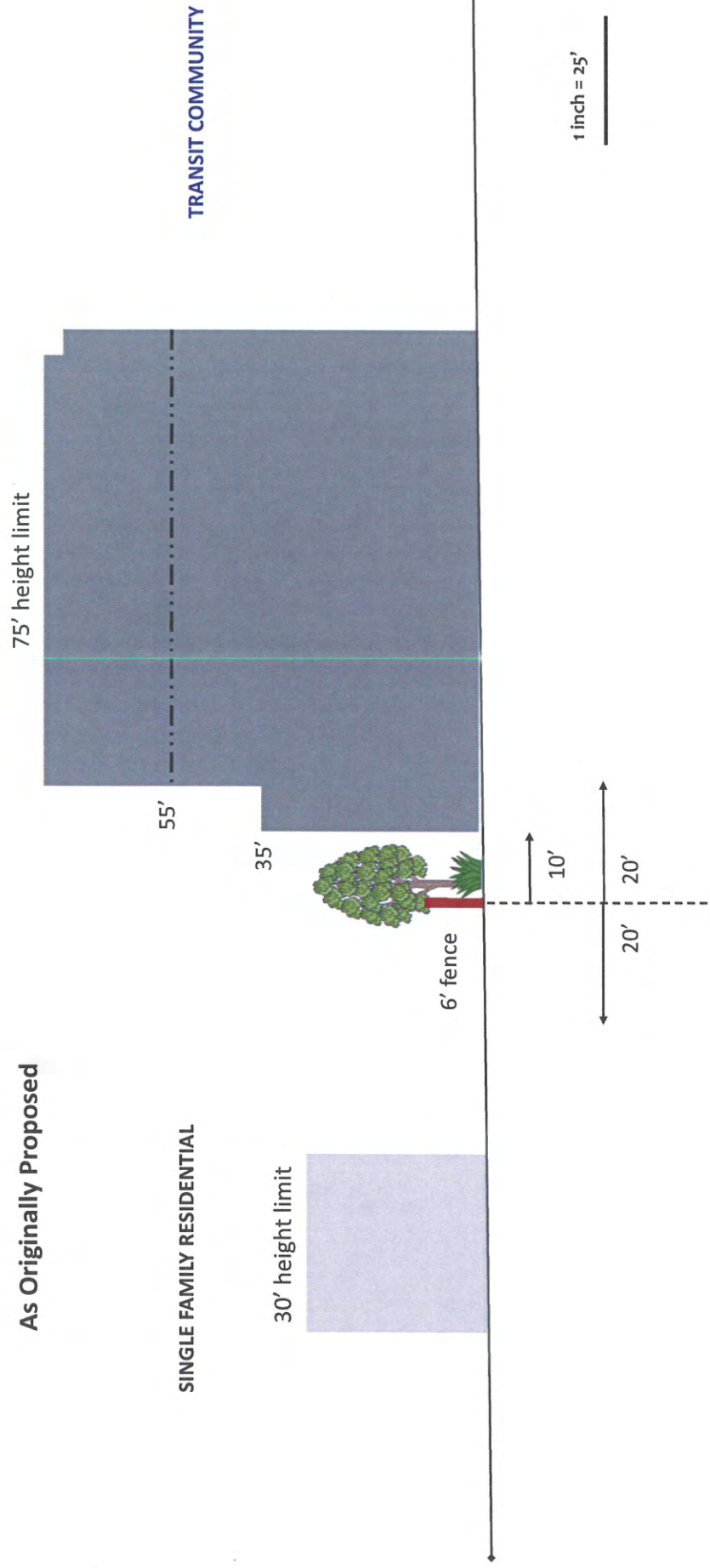
Planning, Building & Public Works

21630 11th Ave S, Suite D
Des Moines, WA 98198-6398
PHONE: (206) 870-7576 * FAX: (206) 870-6544
WEB: <http://www.desmoineswa.gov>

Map Name: Proposed TTX Looping Project
Map Generated: April 2014
©2014 City of San Jose, CA

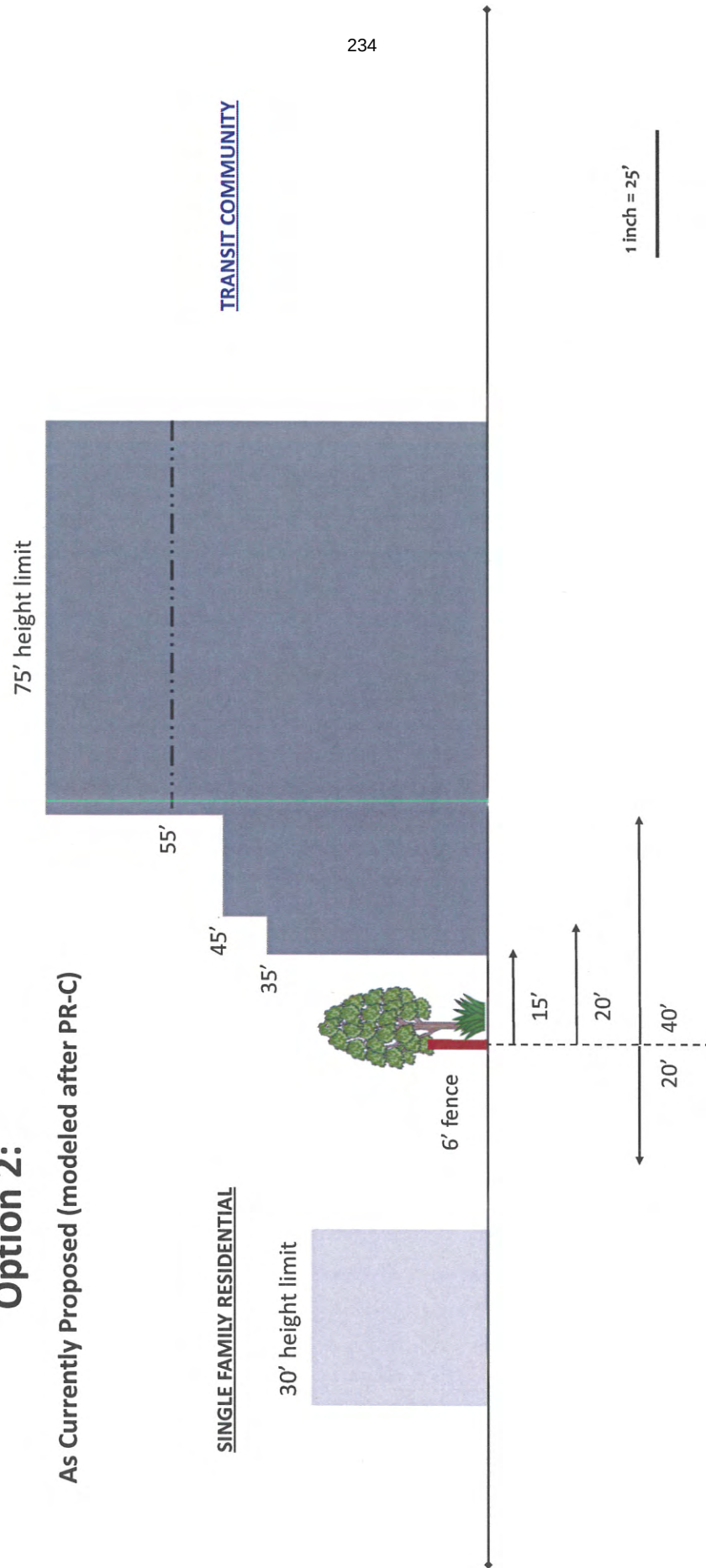


Option 1:
As Originally Proposed



Option 2:

As Currently Proposed (modeled after PR-C)



Option 3:

Modeled after MTC-1 (KENT)

SINGLE FAMILY RESIDENTIAL

30' height limit



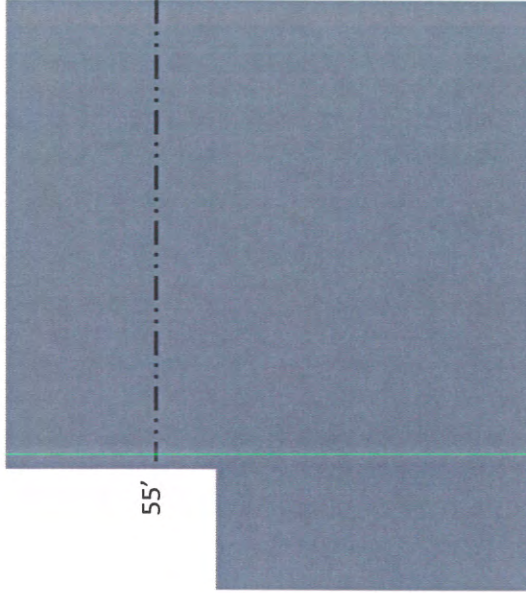
6' fence



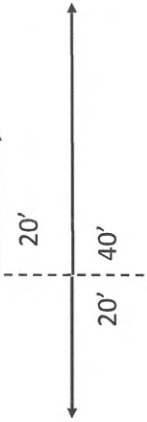
45'

55'

75' height limit



TRANSIT COMMUNITY



1 inch = 25'

Grant Fredricks

From: Denise Lathrop
 Sent: Tuesday, May 20, 2014 9:30 AM
 To: 'S.A.'
 Cc: Nikole Coleman-Porter; Dan Brewer; Grant Fredricks
 Subject: RE: concerns re: LUA2014-0011 - Hwy 99 re-zoning proposal

Greetings Mr./Ms. Ashurst,

Please see my responses to your questions below in the red typeface. I would be happy to speak with you further on the telephone if you still have questions.

Regards,

Denise E. Lathrop, AICP
Community Development Manager
City of Des Moines Planning, Building and Public Works Department
 21630 11th Avenue S, Suite D
 Des Moines, WA 98198-6398
 Phone: 206-870-6563
 Fax: 206-870-6544

From: S.A. [mailto:ashurss@yahoo.com]
 Sent: Thursday, May 15, 2014 7:33 AM
 To: Denise Lathrop
 Cc: Nikole Coleman-Porter
 Subject: concerns re: LUA2014-0011 - Hwy 99 re-zoning proposal

Hello! We recently received a Notice of Determination of Nonsignificance and Public Hearing for Permit # LUA2014-0011. I have several concerns about this project, and you are listed as the point of contact.

I went to the My Permits webpage indicated in the Notice letter to do additional research. This brought up several issues

1. The link for the DNS and Checklist file leads to an incomplete document - all even-numbered pages are missing. This makes it hard to review. I would like to be notified when the problem is corrected.

The DNS and Checklist document as well as the draft ordinance has all of the pages now.

2. From what is available online of this document, I notice that the whole first portion of it defers any discussion of potential impact: *"The proposal is a non-project action. No development activity is directly associated with this proposal. Site-specific development regulations would be imposed as new development occurs."* While on the one hand, I understand this (a zoning change doesn't directly do anything), but the whole point of changing the zoning designation is to promote new development (in this case pertaining to Sound Transit Light Link). So on the other hand, this is smoke and mirrors, really. You know there will be impacts and can make reasonable approximations of what those will be and are choosing to defer addressing them... The last portion of the DNS and Checklist doc appears to be more direct in this regard (i.e., acknowledges that the zoning change will affect transportation and potentially housing, etc.), but again - the document is incomplete.

The proposal relates to changing the zoning; therefore, there is no specific development action that is currently proposed. Our checklist form is one that is standard for the Department of Ecology who is the SEPA administrator at the State level, and it is used for both programmatic and project specific actions. You are correct that Section D on page 18 of the checklist evaluated the potential impacts associated with the proposed rezone. If the zoning is ultimately changed, development projects that are proposed in the future would need to complete an environmental evaluation to determine the specific impacts (including benefits) associated with their project such as traffic, noise, and demand for public services.

3. The Draft Ordinance 14-035 indicates that the City wants to make the stretch of Hwy 99 between Midway and Highline Community College more transit-friendly. This is generally in keeping with information that Sound Transit has been presenting on its website and in open houses pertaining to the extension of the light rail southward. The Draft Ordinance goes on to say that this Transit Community Zone encourages mixed residential, commercial, and employment opportunities by allowing for "more intense and efficient use of land at increased densities..." (emphasis added). However, from the documents available on the My Permits webpage, I don't have a good sense of what these newly re-zoned areas are apt to be used for - parking? apartments? footprints for the supports for a potentially elevated rail line? a new station? Where are the planning documents? The areas called out for re-zoning are discontinuous (per the proposed amended zoning map), so there must be something in mind for each of them other than a general "promoting transit" idea. Where can I find this information?

To provide some planning context, during 2008-2009 we did an extensive community outreach effort with the City of Kent called "Envision Midway" where we held numerous meetings with residents, businesses and property owners as well as other stakeholders such as Highline Community College to create a vision for this area that is characterized by an irregular saw-toothed border with the City of Kent. Our shared vision with Kent is to transform the Midway area from a lower density, auto-oriented strip development to a mixed use employment/activity center that capitalizes on the opportunities provided by Highline Community College and the multi-million dollar public transportation investments that will be made in this corridor over the next decade in order to foster economic development, increase revenues and job opportunities, and provide more housing choices. The City of Kent has since rezoned the properties in their City to reflect the vision. Des Moines is now ready to rezone our properties discussed during the Envision Midway planning effort as proposed by Draft Ordinance No. 14-035.

The permitted uses chart starting on page 12 of Draft Ordinance No. 14-035 indicates what uses and under what conditions those uses would be permitted in the T-C zone (far right column). The proposed T-C zone would allow for a mix of uses such as apartments with commercial space on the ground floor or single purpose commercial development. The hope is that the area would develop at higher density and provide opportunities for people to live and work closer to transit (both RapidRide and Sound Transit's Link Light Rail). Our intent is that the proposed T-C zone would support the siting of a light rail station in the area if that is decided by Sound Transit.

One of the proposed new T-C zones is directly behind my house, and is where the Goodwill and other small business are located in a strip mall along the highway near the SR 516-Hwy 99 junction. Currently, the strip mall acts as a noise block between our property and Hwy 99. Further, there is no truck access behind the mall. This means that our back yard is quiet and private - big selling points when we bought the place 5 years ago. I'm concerned that the rezoning will ultimately spell the demise of that strip mall (or at least the portion behind my house) - which would remove the noise block and diminish privacy (potentially significantly if either an elevated rail and/or station or a high-rise apartment complex is constructed in its place).

The majority of the La Plaza shopping complex is located within the City of Kent. The City of Kent's zoning allows for higher density mixed use and building heights of 55 feet. Any properties within the proposed T-C zone are intended to compliment Kent's zoning by allowing similar uses but with building heights at 75 feet. The exception are for the parcels on the east side of Highline Community College where the proposed building height is 100 feet.

Please direct me to where I can find additional planning documents pertaining to this re-zoning proposal.

You can access more information about the proposed rezone and the Envision Midway background information, as well as the subarea planning work that is underway for the Pacific Highway S/S 240th Street node at: www.desmoineswa.gov/PacHwyPlanning

In addition, is the June 5 Hearing focuses solely on the DNS/SEPA, or will additional information regarding the overall planning be presented?

The public hearing on June 5th relates to the T-C rezone. You can provide written comments by 4:30 pm 5/27/14 or testify at the public hearing. I will include your e-mail in the comments received to date.

Thank you!

Dolores Hodgkin
23456 28th Ave. S.
Des Moines, Washington 98198

June 4, 2014

Des Moines City Council

RE: Proposed Ordinance No. 14-035 – Transit Community Zone

Dear Council Members:

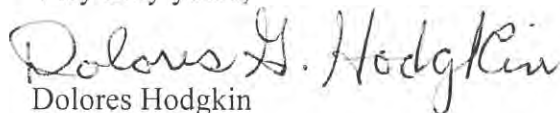
I own my home at 23456 28th Ave. S. I purchased the home in 1958, so I have lived there for 56 years. I have seen many changes in my neighborhood over the years. My neighbor to the south, Highline Community College was started long after I bought my home. When Highline was developed, they provided a buffer between the campus and the homes to the north. Most of that buffer has now been eliminated, damaging the way of life, and property values of the homes to the north. The proposed zoning change before you will further damage my home and way of life.

My house immediately abuts one of the parcels proposed for the change to the T-C zone. Currently, the zoning of that parcel limits the height of any buildings to 35 feet. With the proposed zoning, as I understand it, the high of new buildings could be up to 100 feet. Buildings of such height would be looming over my home.

I am also very concerned about the parking problems that will result from any development as would be allowed with the new T-C zone. There are currently parking problems throughout my neighborhood from the community college, and this will just get worse with new development, in particular if access is allowed from the proposed T-C zoned properties into my neighborhood.

I strongly urge you to deny this rezoning proposal, as it will further destroy my neighborhood, and further damage the value of my home. If you decide to permit the zoning change, I request that you require a 50 foot buffer of trees along the common property line with homes such as mine. There is currently such a buffer, and I am concerned that it will be eliminated with any new development under the proposed T-C Zone. I also request that no access be allowed from the T-C zoned properties to the West toward my neighborhood.

Very truly yours,


Dolores Hodgkin

June 10, 2014

To: Mayor Dave Kaplan
c/o City of Des Moines
21630 11th Ave. S.
Des Moines, WA 98198

From: Shannon Ashurst
23260 28th Ave S, Des Moines, WA 98198
(King County Parcel No. 1953400335)

Re: Draft Ordinance No. 14-035 Transit Community Zone

Dear Mayor Kaplan,

I recently attended the Public Hearing regarding Draft Ordinance No. 14-035, which was conducted as part of the regular June 5, 2014, Des Moines City Council meeting. After seeing the presentation given by Ms. Denise Lathrop, Community Development Manager, regarding the proposed zoning amendments to the area of Highway 99 between Hwy 516 and S 240th St., the 3 minute window afforded me to speak during the public comment period of the hearing was utterly insufficient to cover my concerns over the proposed development projected for the re-zoned areas (shown in the LUA2014-0011 Proposed Amended Zoning Map¹). As the property owners most impacted by this change were not directly notified by the City of Des Moines (City), I feel compelled to provide detailed input for your consideration.

Synopsis of Proposed Development within the Draft Revised City Code (Chapter 18)

Per Ms. Lathrop's presentation, the City is planning to allow the following within the proposed Transit-Community (T-C) zone directly behind my property and along the eastern boundary of my neighborhood:

- Buildings constructed within 10 ft of my property boundary. Building heights may be 35' within 10' of the boundary, and up to 75' within 20' of the boundary.
- Type I vegetative screen (required to grow up to 10' within 2 years of planting)
- As of the presentation, there were no limitations on the creation of direct access between my neighborhood and Highway 99, which currently does not exist.

Property Values and Aesthetics

My home is located directly behind the Goodwill. The strip mall is an ideal neighbor – there is no alley traffic behind the building, and the mall structure, retaining wall, and fence block noise from Highway 99. There is also a buffer area with some trees. The net effect of all this is a quiet, private back yard. Current zoning restricts building heights in the parcels immediately east of my house to 35', the same height restriction present in the neighborhood itself.

Under the new proposed zoning, buildings twice as high would be allowed to be constructed within 10' to 20' of my property boundary. This will result in the following adverse impacts to my property, which will in turn significantly harm my property value:

¹ Available in the City of Des Moines online permit information for File No. LUA2014-0011.

- Elimination of the quiet and privacy with the introduction of a high density of neighbors in extremely close proximity, and elimination/reduction of the current buffer zone/green belt.
- Blockage of eastward views and daylight throughout the morning hours due to the high rise buildings.
- Introduction of crime and traffic hazards if the barrier between Highway 99 and the neighborhood is not maintained (there is currently no pedestrian or vehicular connection between the neighborhood and the highway). Pedestrian access has been available in the past, according to neighbors, some of whom have lived here since the neighborhood was established in the 1950s. Crime significantly increased after the access was installed, and declined following removal of that access.

Property Damage from Construction

Pulling from the experience of the neighbors adjacent to large construction projects (e.g., the SCORE jail), it's likely that people with houses adjacent to new construction will be subject to:

- Dust and dirt on and inside their homes
- Persistent and pervasive loud noise for extended periods
- Property damage (e.g., cracks in the walls) due to vibrations caused by heavy machinery used in the construction process.

What steps is the City planning to take to mitigate and compensate for impacts and damage?

Stresses on Community Resources

Documentation available to date does not address the following issues:

- School-age children of new residents will attend the schools located along 24th Ave S. While the Determination of Nonsignificance document specifies the existing capacity of these schools, it does not:
 - indicate how close to capacity each of these schools already is
 - estimate how many new students could be added to the student bodies
 - indicate how the students can safely walk to school (e.g, Kent-Des Moines Road lacks sidewalks).
- Police / Fire
 - Are the public safety services adequate to accommodate the projected surge in population? Bear in mind that high-density housing areas are often correlated to increased crime. In addition, if any of this housing near Highline Community College is marketed as student housing, be aware that off-campus student-dominated housing developments are also known for causing community disturbance.
- Kent-Des Moines Road west of Highway 99:
 - Kent-Des Moines Road backs up west of the intersection at 24th Ave S at certain times of day consistently throughout the week. If the current volume of traffic is already sufficient to overwhelm this road, what improvements are planned to address an increase in need due to all the new high-density housing proposed?

- Kent-Des Moines Road is not pedestrian friendly. What improvements are planned to make the roadway consistent with the City's vision of a pedestrian-friendly corridor?
- Impacts to businesses
 - The commercial stretch of Highway 99 between Highway 516 and S 240th has among the lowest vacancy rates of any of the commercial Kent and Des Moines stretches of Highway 99. Moreover, many of these businesses have been in operation at their current location for extended periods. Once these businesses are forced to relocate (or close) due to new construction, what is the City's plan for attracting not only new business, but a sufficiently diverse array of businesses to sustain the desired pedestrian-friendly community? It is extremely unlikely, given the current array of area businesses, that residents will be able to meet all their needs within the City limits (i.e., they will still need cars and will be commuting to neighboring cities to do some/much of their shopping).
 - Is the proposed parking for the new high-density corridor sufficient for residents, guests, and retail customers? Initial specs (e.g., page 128, "Aerial View of Proposal," of the June 5, 2014, City Council Packet) strongly suggest the answer is no. This, in turn, is apt to put additional parking pressure on the surrounding neighborhoods.
 - The stretch of Highway 99 north of 516 is significantly under-utilized along the commercial stretch, and already has high density housing. Why is this more suitable area not being considered for this new high-density development?
 - Most of Des Moines is down the hill toward the Marina District. How does the City propose to encourage new residents on the ridge to drive into the city proper to spend their money locally?

To put it bluntly, these new high-density high rise buildings will tower over the houses adjacent (particularly given that the neighborhood is topographically lower than the areas targeted for re-zoning), and the Type I vegetation screen will be ineffective at shielding our properties given the height of the new high rises. This, in turn, will negatively affect quality of life for the residents and significantly harm property values. If construction of these new high-density high rise buildings proceeds, the City needs to offer to acquire all properties on the east side of 28th Ave S, offering at a minimum the following compensations for displaced residents²:

- Buying out existing mortgages or, for properties currently paid off, paying pre-zoning change/construction fair market value
- Providing moving assistance
- Making new mortgages whole (i.e., covering the difference between the current and new mortgages for residents displaced by the zoning change)
- Other items as negotiated.

This new construction will completely eliminate the quality of life for those residing immediately adjacent, and the City needs to offer fair compensation as a result. During the June 5th hearing, several council

² Based on compensations for those displaced by the future connection of 509 to I-5.

members (e.g., Mr. Sheckler and Ms. Musser) expressed an interest in coming to the neighborhood to better gauge potential impacts. I happily invite the entire City Council to come to my home on Saturday 6/14, Friday 6/20, or Saturday 6/21 to see current conditions and gauge future conditions; I have no doubt that such a visit will make my concerns (and those of my neighbors) very plain. Please let me know which of these dates (or a proposed alternate) will work best for Council members (my contact info is below).

In addition, since no community meeting has been held with the neighborhood that will be affected, I expect the City will arrange such a meeting to solicit our input prior to any further discussion of this proposed zoning revision.

Sincerely,



Shannon Ashurst

(206) 878-2557

Cc: Matt Pina, Mayor Pro Tem
Jeanette Burrage, Council Member
Vic Pennington, Council Member
Jeremy Nutting, Council Member
Melissa Musser, Council Member
Bob Sheckler, Council Member

A G E N D A I T E M

BUSINESS OF THE CITY COUNCIL City of Des Moines, WA

SUBJECT:
2013 Year End Financial Report

ATTACHMENTS:
1. Yearend 2013 Financial Report

FOR AGENDA OF: June 26, 2014

DEPT. OF ORIGIN: Finance

DATE SUBMITTED: June 16, 2014

CLEARANCES:

☒ Finance pr

☐ Legal N/A

☐ Marina N/A

☐ Parks, Recreation & Senior Services N/A

☐ Planning, Building & Public Works N/A

☐ Police N/A

☐ Court N/A

APPROVED BY CITY MANAGER
FOR SUBMITTAL: 

Purpose and Recommendation

The purpose of this agenda item is to provide the City Council with a financial update of the City's operating and reserve funds for the year ending 2013.

Background

The general governmental operating funds for the City include the General, Street and Police Services Restoration funds or more commonly identified as the Levy Lid Lift fund. The Levy Lid Lift operational activity ended in 2012. In 2013, residual fund balance of the Levy Lid Lift Fund was transferred to the General Fund. These three funds are supported by general taxes, licenses, fees, permits, intergovernmental revenues, and other miscellaneous revenues. The General and Street funds include expenditures for general governmental purposes: legislative, executive, judicial, legal, finance, police, planning, building and public works, parks, recreation, senior services and programs. The Levy Lid Lift Fund only includes expenditures for police. Therefore, the financial results of the three funds are presented combined when the report provides 2012 activity.

The financial results for real estate excise taxes from 2009 through 2013 are presented in this report.

A brief overview of the Internal Service Funds are included in this report, as well as, the financial results of the Marina and the Surface Water Management Utility operating funds.

The citywide investment activity and outstanding debt as of yearend 2013 are included in this report, as well as, detail of the City's fund balances including the Des Moines Transportation Benefit District.



City of Des Moines, WA Yearend 2013 Financial Report

June 26, 2014

Report Highlights:

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Outstanding Debt	9
Fund Balances	10

City Funds:

General Gov't	Special Revenue	Debt Service
General Street Levy Lid Lift	Drug Seizure Trans Impact Fee Hotel-Motel Tax	1995 GO/Police Bldg Local Imprv District (LID) 2008 GO & Ref Misc Debt
Capital Imprv	Enterprise	Internal Service
MCI Trans CIP	Marina Marina CIP SWM SWM CP	Eqp Rental Ops & Repl Facility Major Repair/Repl Computer Eqp Ops & Repl Self Insurance Unemployment

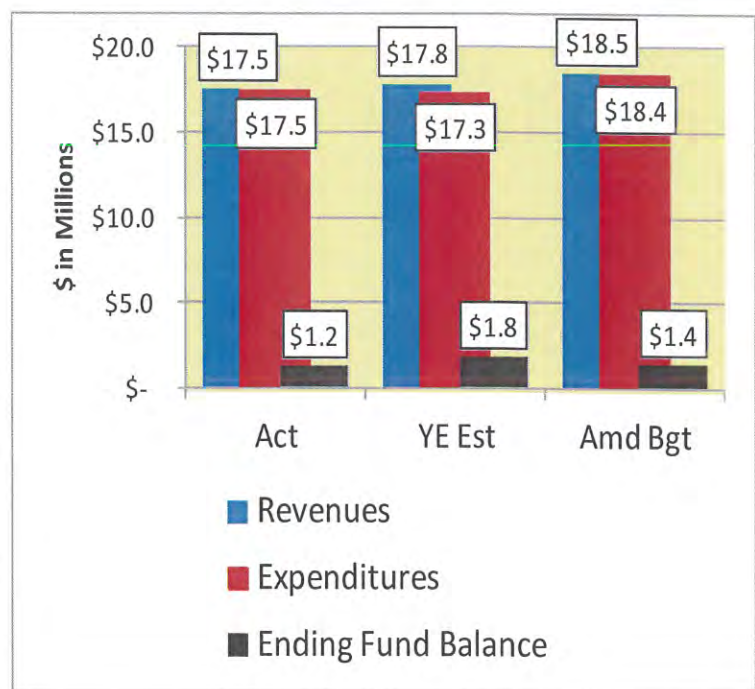
General Governmental Operating Funds Overview

The general governmental operating funds in 2013 include the general and street funds. The levy lid lift fund operational activity ended in 2012. These funds support general governmental operations including legislative, administration, municipal court, law enforcement, facility maintenance, transportation engineering planning and review services, building inspection services, planning and development review services, street maintenance, park maintenance and operations, human services, recreation programs and facility rentals, and senior services and programs.

General governmental revenues totaled \$17,470,790 for the year ended 2013, 94.4% of the 2013 amended budget. Expenditures for the year ended 2013 totaled \$17,477,526, or 95.1% of the 2013 amended budget.

The 2013 actual ending fund balance for the general governmental funds totaled \$1,244,223, or \$567,439 below the 2013 yearend estimate of \$1,811,662. Contributing factors for the variance include lower than expected building permits and fines and forfeits, and increased expenditures of \$209,907.

In comparison, the 2013 financial results for the general, street and levy lid lift funds was not significantly different from the 2012 financial results, except for the use of beginning fund balance. Fund balance of \$316,367 was utilized in 2012 to cover the revenue shortfall, while \$6,736 was used in 2013.



Item	2013 Actual	% Bgt	2012 Actual	% Bgt	\$ Chg over 2012	% Chg over 2012
Begin Fund Balance	\$ 1,250,959	100.0%	\$ 1,567,326	100.0%	\$ (316,367)	-20.2%
Revenues	17,470,790	94.4%	17,297,884	96.4%	172,906	1.0%
Expenditures	17,477,526	95.1%	17,614,251	94.8%	(136,725)	-0.8%
Ending Fund Balance	\$ 1,244,223	90.8%	\$ 1,250,959	136.3%	\$ (6,736)	-0.5%
Rev Stabilization Account	\$805,175		\$805,175		-	0.0%
Net Ending Fund Balance	\$ 439,048		\$ 445,784		\$ (6,736)	-1.5%

General Governmental Revenues - All Sources

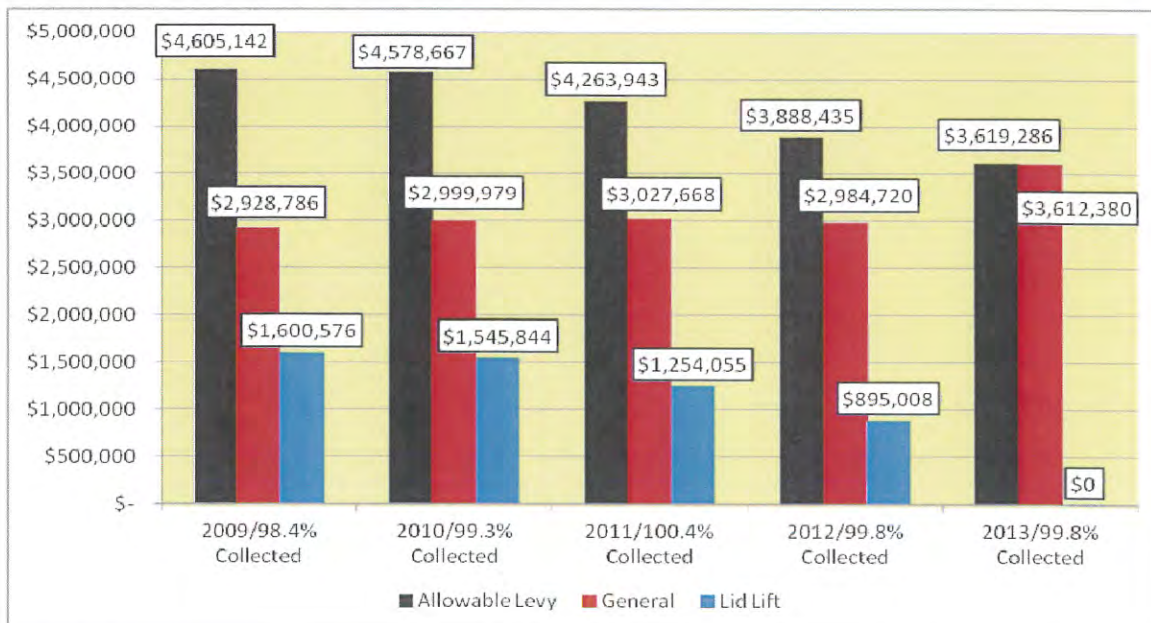
The following table provides the 2013 actual revenues by major revenue source compared to the 2013 amended budget and the 2013 yearend estimates. Taxes represent 56.7% of the total general governmental revenues. Actual 2013 revenues were below yearend estimates by \$357,562, or 2.0%.

Revenue Source	2013 Actual	2013 Amd Bgt	% Bgt	2013 YE Est	\$ Chg over YE	% Chg Over YE
Property Tax	\$ 3,612,380	\$ 3,618,175	99.8%	\$ 3,630,246	\$ (17,866)	-0.5%
Sales/Use Tax	1,746,733	1,733,629	100.8%	1,715,233	31,500	1.8%
Criminal Justice	659,291	590,000	111.7%	654,596	4,695	0.7%
B&O Taxes	596,834	616,599	96.8%	581,304	15,530	2.7%
Utility Taxes	3,131,602	3,268,747	95.8%	3,074,838	56,764	1.8%
Other Taxes	160,210	149,000	107.5%	136,203	24,007	17.6%
Total Taxes	\$ 9,907,050	\$ 9,976,150	99.3%	\$ 9,792,420	\$ 114,630	1.2%
Licenses/Permits	\$ 1,027,205	\$ 1,073,942	95.6%	\$ 1,188,359	\$ (161,154)	-13.6%
Franchise Fees	915,733	880,800	104.0%	911,537	4,196	0.5%
Intergovernmental	1,205,606	1,240,983	97.1%	1,224,421	(18,815)	-1.5%
Charges for Svc	2,339,680	2,643,439	88.5%	2,442,603	(102,923)	-4.2%
Fines/Forfeits	750,282	1,094,550	68.5%	852,015	(101,733)	-11.9%
Interest Earnings	28,131	26,350	106.8%	22,081	6,050	27.4%
Interfund Revenues	1,137,476	1,294,144	87.9%	1,138,082	(606)	-0.1%
Misc Revenue	243,274	258,030	94.3%	242,472	802	0.3%
Prior Period Adj*	(98,008)	-	N/A	-	(98,008)	N/A
Operating Transfers-In	14,361	14,362	100.0%	14,362	(1)	0.0%
TOTAL REVENUES	\$ 17,470,790	\$ 18,502,750	94.4%	\$ 17,828,352	\$ (357,562)	-2.0%

*Accounts Receivable Bad Debt Write-off

General Governmental Revenues - Property Taxes

The City's property tax levy rate for 2013 was \$1.60 per \$1,000 of assessed valuation. The City's 2013 final assessed valuation totaled \$2,262,054,010 with an allowable levy of \$3,619,286. The 2013 assessed valuation declined 6.9% from 2012's certified assessed valuation of \$2,430,272,096. Actual property tax collections for 2013 decreased \$267,348, or 6.9% from 2012's results. The six-year voted levy lid lift ballot measure for restoring police services enacted in 2006 ended in 2012. The decline in property values due to the recession from 2009 has resulted in the City's property tax levy rate reaching its maximum statutory rate of \$1.60 for the last four years.



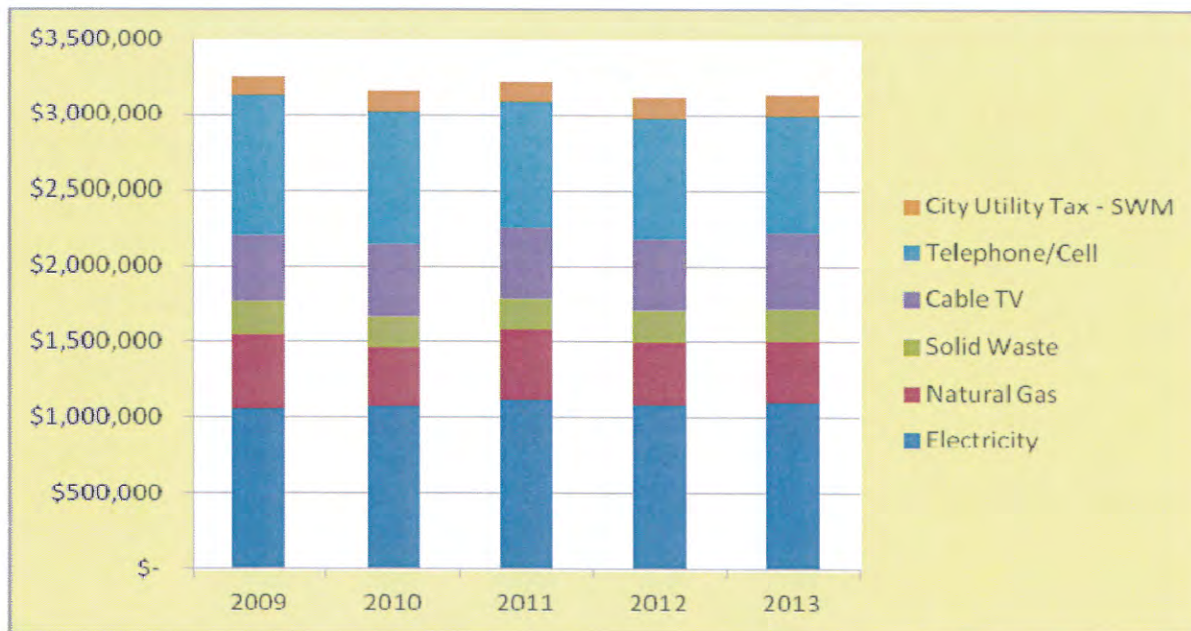
General Governmental Revenues - Sales Taxes

Sales taxes for the year ended 2013 totaled \$2,406,024, or 103.5% of the 2013 amended budget, and \$82,395 above 2012's actual results. The 2013 one-time sales tax revenues relates to construction costs for the Artemis Hotel project, and for 2012, the one-time sales taxes relates to the SCORE jail facility. King County levies an optional 0.1% criminal justice sales tax. Ninety percent of these funds are distributed to cities based on population. Major sources of sales tax revenues for the City come from construction activity, retail and restaurants.

Item	2013 Actual	2013 % Bgt	2012 Actual	2012 % Bgt	\$ Chg over 2012	% Chg over 2012
Sales Taxes - Base	\$ 1,732,514	111.5%	\$ 1,563,963	98.4%	\$ 168,551	10.8%
Sales Taxes - One-Time	14,219	7.9%	5,145	100.0%	9,074	176.4%
Criminal Justice Sales Taxes	659,291	111.7%	613,646	104.2%	45,645	7.4%
Total Sales Taxes	\$ 2,406,024	103.5%	\$ 2,323,629	106.4%	\$ 82,395	3.5%

General Governmental Revenues - Utility Taxes

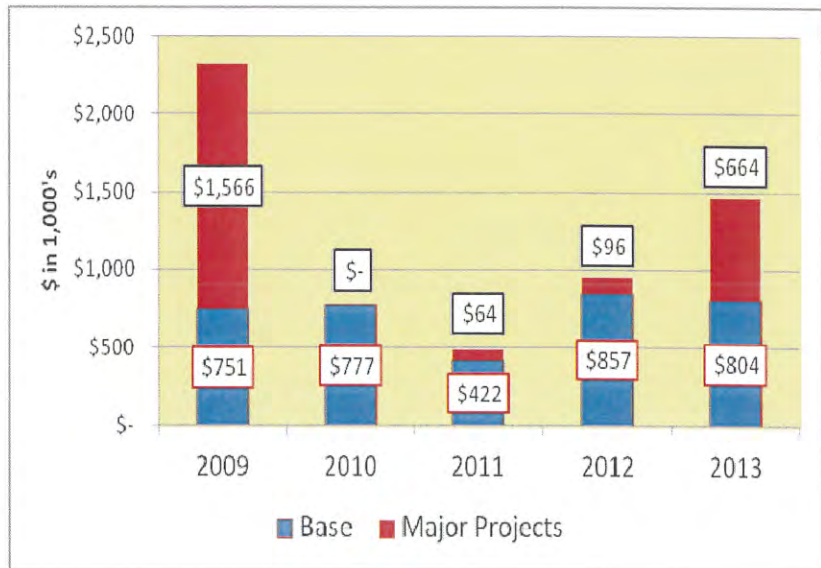
The City imposes a 6% utility tax on electricity, natural gas, solid waste collection, cable TV services, telephone and mobile communication services, and surface water management fees. For the year ended 2013, utility taxes totaled \$3,131,602, or 95.8% of the 2013 amended budget. Actual utility taxes were \$56,764 above the yearend estimates. Estimating utility tax revenues is based on historical trends and proposed rate increases, but unknown factors such as weather and usage are difficult to forecast, as provided in the following graph.



Source	2013 Actual	2013 YE Est	2013 Budget	2013 % Bgt	2012 Actual	2012 % Bgt	\$ Chg over 2012	% Chg over 2012
Electricity	\$ 1,108,521	\$ 1,094,902	\$ 1,146,500	96.7%	\$ 1,090,383	92.9%	\$ 18,138	1.7%
Natural Gas	400,871	386,937	441,650	90.8%	411,812	90.4%	(10,941)	-2.7%
Solid Waste	209,634	205,251	210,400	99.6%	207,339	95.6%	2,295	1.1%
Cable TV	501,993	504,094	468,300	107.2%	474,342	95.2%	27,651	5.8%
Telephone/Cell	768,929	742,063	860,000	89.4%	796,932	92.8%	(28,003)	-3.5%
City Utility Tax - SWM	141,654	141,591	141,897	99.8%	137,803	100.9%	3,851	2.8%
Total Utility Taxes	\$ 3,131,602	\$ 3,074,838	\$ 3,268,747	95.8%	\$ 3,118,611	93.4%	\$ 12,991	0.4%

General Governmental Revenues - Building Permits, Plan Review Fees, Zoning Fees

The City has received significant fees for major construction projects in prior years. Fees for building permits and development plan reviews are set to cover direct and indirect costs including administration overhead. In prior years, the Highline School District renovated a number of elementaries and Mt. Rainier High School. In 2009, a new jail facility was constructed. In 2011, zoning fees were received for the Artemis Hotel project. In 2012, the City received land clearing permit fees and zoning fees for the Des Moines Creek Business Park project, and in 2013, the City received building permits and development fees of \$639,051 for the Artemis Hotel project and \$25,000 for the revised Des Moines Creek Business Park project. The adjacent graph depicts total annual base fees and major project permits and fees for the years 2009 through 2013.



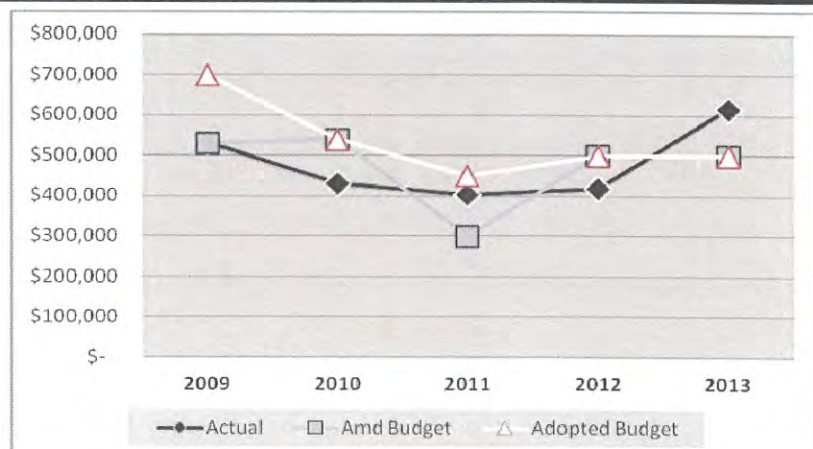
General Governmental Revenues - Franchise Fees

Franchise fees are charges levied on private utilities to recoup city costs of administering the franchise and for the right to use city streets, alleys, and other public properties. The City has franchise agreements with the television cable operator and solid waste operator for the City. The City assesses a 5% fee on the gross revenues of the television cable operator and 13% on the gross revenues of the solid waste operator. In addition, the City has negotiated franchise agreements with local water and sewer utility districts for a one-time franchise fee. Actual results for 2013 exceeded the 2013 amended budget by \$34,933, or 104%, and exceeded 2012 actual results by \$12,353, or 1.4%.

Item	2013 Actual	2013 % Bgt	2012 Actual	2012 % Bgt	\$ Chg over 2012	% Chg over 2012
Cable TV	\$ 418,207	103.3%	\$ 407,716	100.0%	\$ 10,491	2.6%
Solid Waste	497,526	105.7%	485,664	137.4%	11,862	2.4%
Water District #54	-	N/A	5,000	100.0%	(5,000)	-100.0%
Lakehaven	-	N/A	5,000	N/A	(5,000)	-100.0%
Highline Water District	-	0.0%	-	0.0%	-	N/A
Total Franchise Fees	\$ 915,733	104.0%	\$ 903,380	117.1%	\$ 12,353	1.4%

General Governmental Revenues for Capital Purposes - Real Estate Excise Taxes

Real estate excise taxes ended the year \$115,625 above the 2013 budget of \$500,000. Real estate excise taxes 2010 through 2012 followed a consistent pattern that averaged approximately \$417,000 in annual real estate excise taxes. Increasing the budget for this revenue source will be gradual until evidence of a normal market returns. The 2014 budget totals \$550,000.



General Governmental Revenues - Charges for Services

Charges for services is a significant revenue source representing 13.4% of total revenues in 2013. General government charges for services include court fees, Normandy Park court and prosecutor fees, administrative fees provided to the Pool District and the Des Moines Transportation Benefit District, fees to provide a school resource officer to the Highline School District, false alarm fees, right-of-way permits, Transportation Benefit District vehicle license fees, and cultural and recreation fees from the Arts Commission, Recreation and Senior Services programs. Development fees are also included in this revenue source. The 2013 revenues exceeded 2012's actual results by \$395,554, or 20.3% primarily due to development fees.

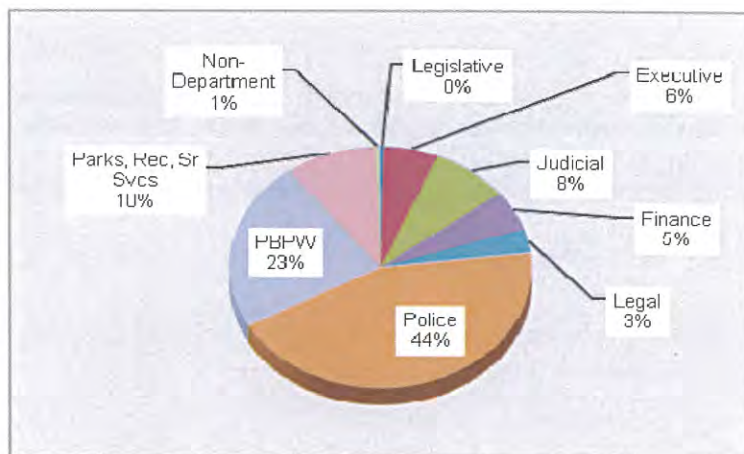
Source	2013 Actual	2013 YE Est	2013 Budget	2013 % Bgt	2012 Actual	2012 Budget	2012 % Bgt	\$ Chg over 2012	% Chg over 2012
General Government	\$ 518,728	\$ 517,722	\$ 476,428	108.9%	\$ 459,817	\$ 415,773	110.6%	\$ 58,911	12.8%
Development Fees*	651,367	690,460	834,224	78.1%	386,087	423,499	91.2%	265,280	68.7%
TBD License Fees	414,811	436,673	451,847	91.8%	374,293	401,000	93.3%	40,518	10.8%
Arts Commission	7,520	8,200	15,500	48.5%	6,505	12,500	52.0%	1,015	15.6%
Recreation Programs	669,464	708,072	771,250	86.8%	633,868	752,055	84.3%	35,596	5.6%
Senior Programs	77,790	81,476	94,190	82.6%	83,556	73,555	113.6%	(5,766)	-6.9%
Total Charges for Services	\$ 2,339,680	\$ 2,442,603	\$ 2,643,439	88.5%	\$ 1,944,126	\$ 2,078,382	93.5%	\$ 395,554	20.3%

*Engineering Plan Review, Zoning, Plan Check Fees

General Governmental Expenditures

General governmental expenditures ended the year at 95.1 % of budget totaling \$17,477,526, and \$209,907, or 101.2% above the yearend estimates of \$17,267,619. The City's largest departments include Police at 44%, Planning, Building, and Public Works at 23%, and Parks, Recreation and Senior Services at 10%. Non-Department expenditures include citywide memberships, fire protection, and Puget Sound Clean Energy Agency per capita assessment.

Department	Actual	% Bgt	% YE Est
Legislative	\$ 70,018	75.3%	92.5%
Executive	1,022,245	95.7%	106.5%
Judicial	1,437,690	104.3%	101.6%
Finance	948,023	101.1%	107.2%
Legal	552,875	97.8%	98.3%
Law Enforcement	7,672,251	94.4%	99.4%
Plng/Building/PW	3,972,723	92.7%	101.5%
Parks, Rec, Sr Svcs	1,707,288	93.0%	103.9%
Non-Department	94,412	98.3%	99.9%
Total	\$ 17,477,526	95.1%	101.2%



The following table provides general governmental expenditures by category in comparison with 2012. Overall the 2013 actual results were 0.8% below 2012 actual results.

Item	2013 Actual	2013 Budget	% Bgt	2012 Actual	2012 Budget	% Bgt	\$ Chg over 2012	% Chg over 2012
Salaries and Wages	\$ 8,475,107	\$ 8,984,228	94.3%	\$ 8,722,222	\$ 9,139,388	95.4%	\$ (247,115)	-2.8%
Personnel Benefits	3,158,465	3,321,682	95.1%	3,057,052	3,330,830	91.8%	101,413	3.3%
Supplies	502,903	619,059	81.2%	501,676	541,032	92.7%	1,227	0.2%
Other Services	3,010,820	3,167,163	95.1%	2,652,688	2,907,577	91.2%	358,132	13.5%
Intergovernmental	815,498	774,243	105.3%	976,896	967,776	100.9%	(161,399)	-16.5%
Capital Outlay	93,521	60,404	154.8%	24,755	18,700	132.4%	68,766	277.8%
Interfund Payments	1,241,129	1,243,129	99.8%	1,176,221	1,176,221	100.0%	64,908	5.5%
Operating Transfers-Out	180,084	214,129	84.1%	502,742	502,778	100.0%	(322,658)	-64.2%
TOTAL	\$ 17,477,526	\$ 18,384,037	95.1%	\$ 17,614,251	\$ 18,584,302	94.8%	\$ (136,726)	-0.8%

Marina Operations

The Marina ended the year with a net loss of \$89,921, \$20,973 greater than the budgeted loss for 2013. The 2013 revenues came in at 98% of budget and exceeded 2012 actual results by 151,804 excluding the 2012 bond issuance. The 2013 expenses came in at 98.5% of budget and exceeded 2012 actual results by \$33,161 excluding the 2012 bond issuance.

Item	2013 Actual	2013 Budget	% Bgt	2012 Actual	2012 Budget	% Bgt
Begin Fund Balance	\$ 1,271,540	\$ 1,271,540	100.0%	\$ 1,457,760	\$ 1,457,760	100.0%
Revenues:						
Monthly Moorage	\$ 2,285,524	\$ 2,383,135	95.9%	\$ 2,308,832	\$ 2,340,775	98.6%
Fuel Sales	1,292,821	1,274,740	101.4%	1,137,320	1,205,392	94.4%
Leases	90,481	94,860	95.4%	99,030	90,000	110.0%
Electricity Sales	96,732	113,400	85.3%	97,197	90,000	108.0%
Parking Fees/Fines	89,383	99,290	90.0%	87,730	64,750	135.5%
Overnight Moorage	71,315	79,593	89.6%	81,801	67,500	121.2%
Winter Moorage	12,495	23,108	54.1%	21,585	27,000	79.9%
Storage Fees	23,581	24,990	94.4%	25,170	27,500	91.5%
Moorage Late Fees	12,795	13,260	96.5%	14,957	13,000	115.1%
Lockers	9,733	9,435	103.2%	9,440	9,000	104.9%
Special Event Fees	1,287	8,282	15.5%	6,119	10,000	61.2%
Wait List Admin Fees	4,920	4,896	100.5%	6,205	4,500	137.9%
Sub-Lease Revenues*	66,432	5,100	1302.6%	5,519	9,000	61.3%
Launching Fees	6,800	4,590	148.1%	5,750	5,750	100.0%
Interfund Revenues	-	22,500	0.0%	11,735	100,440	11.7%
Interest Earnings	4,145	7,140	58.1%	7,180	7,250	99.0%
Other Revenues	46,285	31,596	146.5%	38,075	33,765	112.8%
Bond Proceeds	-	-	N/A	2,987,154	2,987,154	100.0%
Total Revenues	\$ 4,114,729	\$ 4,199,915	98.0%	\$ 6,950,799	\$ 7,092,776	98.0%
Expenses:						
Administration	\$ 658,900	\$ 677,683	97.2%	\$ 778,365	\$ 713,590	109.1%
Admin Tsf to General Fund	635,200	635,200	100.0%	618,500	618,500	100.0%
Service	1,629,066	1,583,919	102.9%	1,572,116	1,660,887	94.7%
Maintenance	470,843	519,170	90.7%	426,933	431,803	98.9%
Special Events	13,593	55,324	24.6%	14,016	-	N/A
Refunding Bond Issuance	-	-	N/A	2,965,530	2,965,531	100.0%
Debt Service	797,048	797,567	99.9%	761,559	759,358	100.3%
Transfer to Capital	-	-	N/A	-	165,000	0.0%
Total Expenses	\$ 4,204,650	\$ 4,268,863	98.5%	\$ 7,137,019	\$ 7,314,669	97.6%
Net Income (Loss)	\$ (89,921)	\$ (68,948)	130.4%	\$ (186,220)	\$ (221,893)	83.9%
Ending Fund Balance	\$ 1,181,619	\$ 1,202,592	98.3%	\$ 1,271,540	\$ 1,235,867	102.9%
Reserve for Debt Service	768,816	768,816		768,816	768,816	
Available Fund Balance	\$ 412,803	\$ 433,776	95.2%	\$ 502,724	\$ 467,051	107.6%

*Miscoded Liveaboard moorage for 2013

Surface Water Management Utility Operations

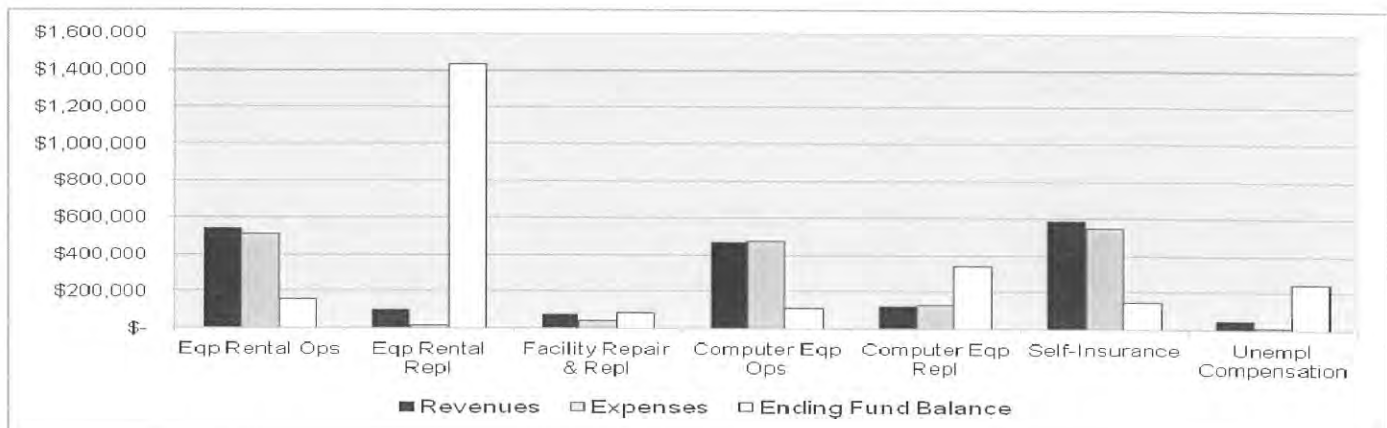
The Surface Water Management Utility Operations 2013 revenues came in at budget at 100.0% and exceeded 2012 actual results by \$18,918, or 0.7%. The 2013 expenses exceeded 2012 actual results by \$26,594, or 1%. Net loss from operations was significantly less than budget due to lower than expected expenses providing for additional fund balance of \$303,253 in line with results from 2012.

Item	2013 Actual	2013 Budget	% Bgt	2012 Actual	2012 Budget	% Bgt
Begin Fund Balance	\$ 1,256,487	\$ 1,256,487	100.0%	\$ 1,291,423	\$ 1,291,423	100.0%
Revenues:						
Storm Drainage Fees	\$ 2,531,710	\$ 2,511,842	100.8%	\$ 2,461,414	\$ 2,417,809	101.8%
Grant Revenues	-	-	N/A	58,542	56,763	103.1%
Installation Fees	9,710	-	N/A	4,188	-	N/A
Engineering Plan Review	48,814	45,836	106.5%	10,599	47,388	22.4%
Interfund Revenues	10,724	30,000	35.7%	36,305	30,000	121.0%
Interest Earnings	2,795	3,500	79.9%	3,737	3,500	106.8%
Miscellaneous Revenues	3,260	13,000	25.1%	11,642	10,000	116.4%
Prior Period Adjustments*	(1,668)	-	N/A	-	-	N/A
Total Revenues	\$ 2,605,345	\$ 2,604,178	100.0%	\$ 2,586,427	\$ 2,565,460	100.8%
Expenses:						
Engineering	\$ 619,078	\$ 629,371	98.4%	\$ 552,689	\$ 664,071	83.2%
Admin Tsf to General Fund	190,000	190,000	100.0%	185,000	185,000	100.0%
Maintenance	898,255	1,079,229	83.2%	850,300	1,025,106	82.9%
NPDES	229,068	340,282	67.3%	348,826	403,581	86.4%
Debt Service	1,020	1,020	100.0%	1,020	1,020	100.0%
Operating Tsf-out	1,052	657	160.1%	657	678	96.9%
Transfer to Capital	709,484	709,484	100.0%	682,871	682,871	100.0%
Total Expenses	\$ 2,647,957	\$ 2,950,043	89.8%	\$ 2,621,363	\$ 2,962,327	88.5%
Net Income (Loss)	\$ (42,612)	\$ (345,865)	12.3%	\$ (34,936)	\$ (396,867)	8.8%
Ending Fund Balance	\$ 1,213,875	\$ 910,622	133.3%	\$ 1,256,487	\$ 894,556	140.5%

*Accounts Receivable Bad Debt Write-off

Internal Service Funds

The Internal Service Funds provide services to all departments. Moody's Investor Services considers the fund balances of these funds to be additional reserves available to the City. At yearend 2013, the fund balances of these funds totaled \$2,521,125.



Citywide Cash and Investments

The 2013 cash and investment balances at yearend totaled \$14,260,439, a 45% increase over 2012's yearend totals. Contributing to the increase was the \$6 million received from the Port of Seattle for in-lieu fees for the 24th Avenue South and South 216th Street transportation improvements.

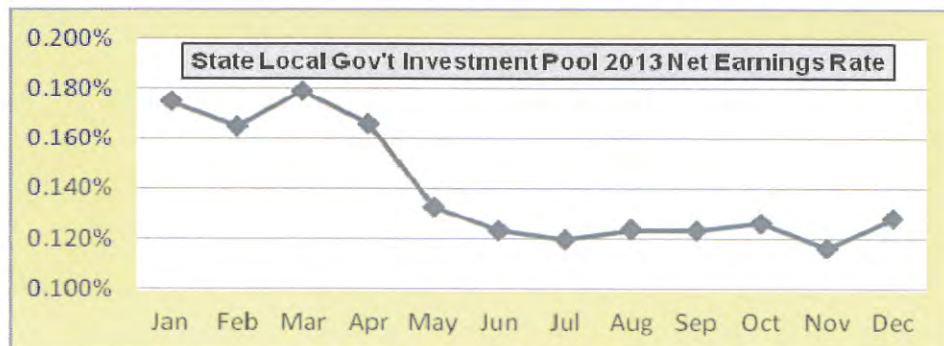
	<u>2013</u>	<u>2012</u>
Total Cash held in Bank	\$ 2,178,789	\$ 1,709,306
Total Yearend Invested Balance:		
State Investment Pool	8,027,687	5,149,308
Federal Agencies*	4,053,963	2,000,722
US Treasury	<u>-</u>	<u>1,000,000</u>
Total Cash and Investments	<u>\$ 14,260,439</u>	<u>\$ 9,859,336</u>

*Includes unamortized premium

Interest Earnings

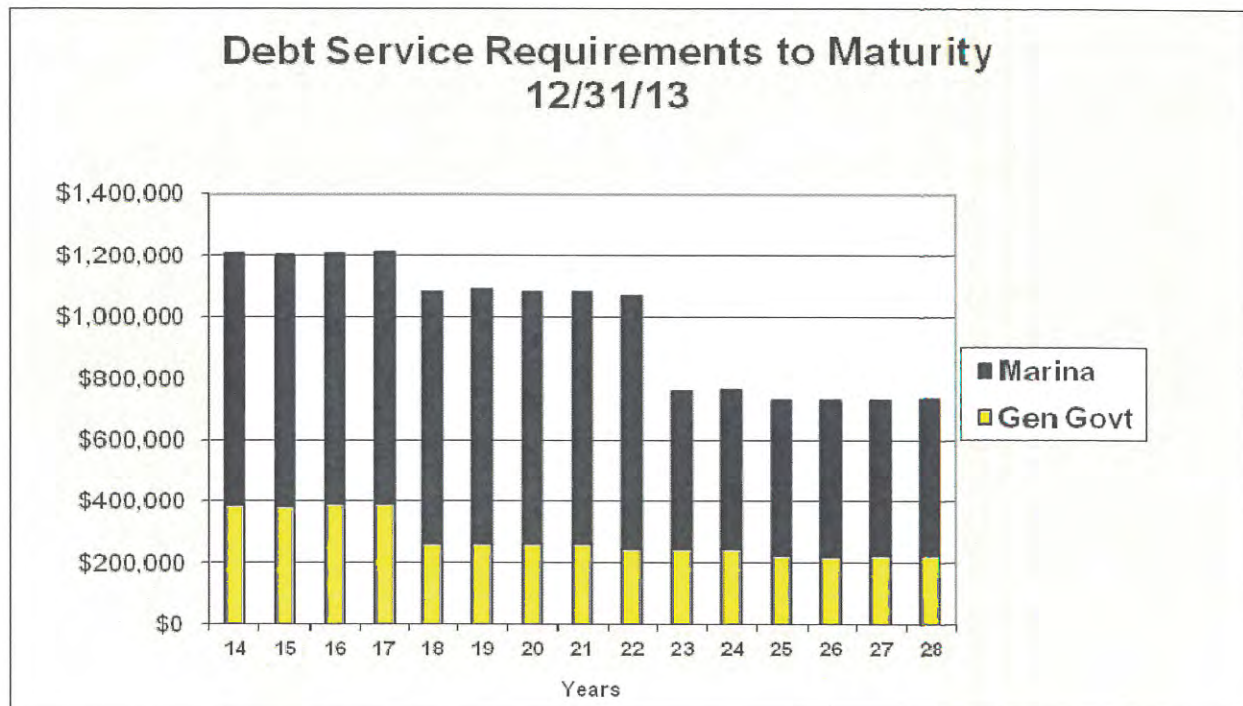
Interest earnings for 2013 totaled \$52,384 for the year, a decrease of 3.6% from 2012's actual results. Interest rate yields continue to decline due to current monetary policy to maintain the federal funds rate close to zero.

Item	2009	2010	2011	2012	2013
Total Investment Interest	\$ 241,824	\$ 118,586	\$ 67,095	\$ 54,340	\$ 52,384
Total Budget	\$ 287,463	\$ 94,154	\$ 91,840	\$ 65,157	\$ 57,618
% BGT	84.1%	125.9%	73.1%	83.4%	90.9%
Average Invested Balances	\$17,877,034	\$12,855,311	\$ 9,975,896	\$ 8,347,309	\$12,327,079
Average Yield	1.35%	0.92%	0.67%	0.65%	0.42%
Federal Funds Rate	0% - 0.25%	0% - 0.25%	0% - 0.25%	0% - 0.25%	0% - 0.25%



Outstanding Debt

		<u>2013</u>	<u>2012</u>
<u>General Obligation Bonds - Total</u>		\$ 10,280,000	\$ 10,930,000
	<u>Maturity</u>		
2008 Marina	12/1/2028	\$ 5,455,000	\$ 5,680,000
2008 Transportation	12/1/2028	2,065,000	2,160,000
2008 Refunding (1997 GO)	12/1/2017	445,000	545,000
2012 Refunding (Marina 2002 GO)	12/1/2022	2,315,000	2,545,000
<u>Public Works Trust Fund Loans - Total</u>		\$ 737,742	\$ 793,224
Pacific Highway	7/1/2024	\$ 259,801	\$ 283,420
Des Moines Gateway	7/1/2028	477,941	509,804
<u>Washington State COPs - Total</u>		\$ 87,963	\$ 97,382
Energy Efficiency Upgrades	12/1/2021		
TOTAL OUTSTANDING DEBT		\$ 11,105,705	\$ 11,820,606
ANNUAL DEBT SERVICE - General Gov't		\$ 386,808	\$ 400,086
ANNUAL DEBT SERVICE - MARINA		795,016	758,736
TOTAL ANNUAL DEBT SERVICE		\$ 1,181,824	\$ 1,158,822



Fund Balances 12/31/13

Fund Balances (Budgetary Basis)
 December 31, 2013

	General & Street Funds	Other Operating Funds	Reserve Funds	Capital Funds	Total
Cash & Investments	\$ 1,764,942	\$ 3,039,934	\$ 2,613,648	\$ 6,841,915	\$ 14,260,439
Receivables	1,731,393	297,645	73,760	227,444	2,330,242
Due from Other Governments	64,524	10,295	-	1,450,794	1,525,613
Other Assets	1,437	103,808	-	-	105,245
Total Assets	\$ 3,562,296	\$ 3,451,682	\$ 2,687,408	\$ 8,520,153	\$ 18,221,539
Accounts Payable	\$ 484,563	\$ 195,428	\$ 85,551	\$ 1,201,206	\$ 1,966,748
Due to Other Governments	71,184	-	(29)	-	71,155
Payroll Payable	481,187	86,796	-	-	567,983
Other Payables	148,301	34,366	68	248,766	431,501
Bond & Customer Deposits	134,107	161,912	-	-	296,019
Unearned Revenues	216,077	219,646	-	-	435,723
Deferred Inflows of Resources*	782,654	-	18,321	570,737	1,371,712
Total Liabilities	\$ 2,318,073	\$ 698,148	\$ 103,911	\$ 2,020,709	\$ 5,140,841
Fund Balances	\$ 1,244,223	\$ 2,753,534	\$ 2,583,497	\$ 6,499,444	\$ 13,080,698

*Receivables not received within 60 days of yearend