

PS&T COMMITTEE AGENDA

November 1, 2012 - North Conference Room

21630 11th Avenue South – Des Moines 98198

5:30P – 6:50P

1. Approve minutes 09/06/12 meeting
2. Updating Appeal Procedures & Requirements for Dangerous Dogs
3. Discussion on request to "Freeze" Transportation Impact Fee Rate increase
4. Discussion on Marine View Drive crosswalk recommendations
5. Sound Transit Alignment Alternatives
 - a. Draft Scoping Letter to Sound Transit on Alternatives Analysis
 - b. Topics of discussion for Joint Meeting with SeaTac Meeting
6. Project Updates (Time Permitting)

Des Moines City Council PS&T Committee Minutes – 09/06/12

Meeting called to order: 5:30 PM on September 6, 2012, in North Conference Room @ 21630 11th Avenue So., Des Moines WA 98198

Council Members

Matt Pina - Chairman & Mayor Pro-Tem
Dave Kaplan – Councilmember & Mayor
Jeanette Burrage - Councilmember

Not Present:

City Staff

Tony Piasecki - City Manager
Lorri Ericson – Asst. City Manager
Grant Fredricks – PB&PW Director
Pat Bosmans – City Attorney
Tim George – Assistant City Attorney
Veronica Alicea-Galvan - Judge
Jennefer Johnson – Court Administrator
Matt Hutchins - Prosecutor
Kevin Tucker – Commander
Patti Harris – Acting Commander
Terryann Dell – Office Manager

AGENDA:

1. Approve minutes 08/16/12 meeting
2. Medical Marijuana (dispensaries & collective gardens)
3. Solicitors – follow up questions regarding the City's ability to deny licenses to individuals convicted of crimes against person
4. Public Defender Standards
5. Sky Lanterns

MEETING:

1. Approval of Minutes from 08/16/12 Meeting: The meeting started at 5:30 pm with Chair Pina asking for a motion to approve the minutes from the 08/16/012 meeting. Councilmember Burrage motioned to approve the minutes and Mayor Kaplan 2nd the motion. Motion passed with all in favor.

2. Medical Marijuana (dispensaries & collective gardens): Assistant City Attorney George advised the Committee there is no known dispensaries or community gardens in Des Moines. The Committee briefly discussed Initiative 502 which will be on the November ballots. They discussed the potential zoning changes should the initiative pass. Mayor Kaplan stated he didn't want to trigger a moratorium until after the election. He also stated he wanted to have the most amount of time to work on the matter. The Committee decided to wait and see the outcome of Initiative 502 before making any decisions on this matter.

3. Solicitors – follow up questions regarding the City's ability to deny licenses to individuals convicted of crimes against persons: Assistant City Manager Ericson reported she had researched this issue and found we can't deny someone who is a convicted sex offender. We can enforce the area where they solicit if we can show a nexus. However, if it's been five years since their conviction, we can't even enforce the area restriction. Chairman Pina stated since this is what we have to work with, we need to make our citizens aware. We have an ordinance where citizens can post their property as no solicitation and citizens need to be aware of this. Chairman Pina suggested including a document with signs to explain to our citizens what the sign really encompasses. The Committee discussed several different ways to get the word out regarding the no solicitor

signs. Some suggestions were having it in the Administration report at a Council meeting, putting information in the City Currents, the City's website, and the City's cable channel. It was also suggested the community service officers incorporate the subject into the block watch meetings and crime prevention presentations.

4. Public Defenders Standards: Judge Alicea-Galvan informed the Committee they have placed public defender standards into a court rule. Judges, court staff and city attorneys should not be the ones to write the standards which then leaves it up to the executive who covers the public defenders. Judge Alicea-Galvan explained to the Committee this came about because it was felt public defenders have too high a case load and are unable to provide adequate counsel. If you are a private attorney, you can take on any number of cases. The standards will limit the number of cases to a maximum of 400 misdemeanor cases per year per atty. We also have to create standards that are in line with the state because the public defenders have to certify they're in compliance with the state standards. We could weight cases types and would need to have those weighting standards in place. If we choose to put weighting standards in place, the public defender could have only 300 hard cases. DWLS (Driving While License Suspended) would only count as 1/3 a case. DUI would be weighted as a full case. So far this year, Public Defender Tracy Greenwood has 212 cases and Public Defender Julie Codd has 202 cases. It was also discussed how the County prosecutor's office will be pushing more cases our way and there is the potential of their case load going up. The weighted system brings them down from 400 to 300. With the way it gets weighted, they could potentially have 900 cases. Last year totals were Public Defender Codd with 199 cases and Public Defender Greenwood with 212 cases. City Attorney Bosmans stated we have a vested interest in making sure the prosecutor isn't overwhelmed. Assistant City Attorney George offered to meet with public defenders. Mayor Kaplan asked if we cover Normandy Park's public defender costs? Assistant City Attorney George responded no, and added one of our public defenders is also a public defender for Normandy Park and we'd have to have the same standards as them. During the discussion, the Judge also explained if case is in a bench warrant status or closed, the Court is having them file the necessary paperwork to remove them from the case so it doesn't count against them.

The standards have to be written and in place by 11/1/13, but as of 10/1/12, public defenders need to file certifications they have access to investigators, expert witnesses, and assistance for indigent defendants. We have always had these standards in place, but would need to make sure it's spelled out in writing. Mayor Kaplan asked when we needed to take action and City Manager Piasecki doesn't feel it would be anything the Council would need to take action on unless there's a change to the budget. Feels this could be something handled with our Court and our public defenders. We can watch the numbers and if they start to become too big, make some changes. City Attorney Bosmans also stated Legislature may push us towards diversion also.

5. Sky Lanterns: Assistant City Attorney George explained this issue came up around 7/4. We have amended the Marina rules with specific language to prohibit sky lanterns in the Marina and on the Redondo pier. Multi-lingual signs or signs with the universal language of a sky lantern with a slash through it will be posted in both locations. We have now proposed an ordinance that would prohibit them city wide. Mayor Kaplan felt comfortable with this and Chairman Pina agreed. Councilmember Burrage stated she will vote no. City Manager Piasecki stated he would find a Council calendar to put this on.

Meeting adjourned at 6:14 PM

Terryann Dell
Office Manager

October 31, 2012

Sound Transit
401 S. Jackson Street
Attn: Kent Hale
Seattle, WA 98104

Subject: Early Scoping for the Federal Way Transit Extension

Dear Mr. Hale:

The City of Des Moines is pleased to provide our early scoping comments for the alternatives analysis related to the *Federal Way Transit Extension* (FWTE) for Link Light Rail.

Extending Link Light Rail to Highline Community College will have a profound effect on our community. As such, the Des Moines City Council is committed to working with Sound Transit and our adjacent cities (SeaTac, Kent and Federal Way) to ensure the *Federal Way Transit Extension* meets local and regional interests while maintaining the livability of our community.

We have prepared detailed comments organized by topic area (alignments, station locations and system needs/operations) that are provided as Attachment 1 to this letter. Key considerations for Sound Transit to keep in mind as potential alignments and station locations are developed include:

- The City's long standing and adopted Comprehensive Plan, which calls for light rail alignment along the I-5 corridor.
- The City's willingness to consider an alternative alignment if a light rail stop is provided in the vicinity of South 216th Street, which would serve a major employment and population center in Des Moines.
- The City's commitment to ensure the light rail alignment does not diminish the economic value of prime under-developed commercial properties in Des Moines that are expected to redevelop before 2023.

Some of our Council members have expressed concern about the extended 3+ year process, schedule and associated cost with Sound Transit's extended Alternatives Analysis and EIS process culminating in a Record of Decision in mid-2016. We urge Sound Transit to accelerate that schedule as much as possible by eliminating redundancy and optional steps and relying on the analyses and conclusions of similar extension projects elsewhere in your system that would be applicable to the FWTE.

We look forward to our continued collaboration with Sound Transit. Please feel free to contact me if you have questions about our comments.

Sincerely,

Dave Kaplan, Mayor

C: Matt Pina, Mayor Pro-tem, Jeanette Burrage, Carmen Scott, Dan Caldwell, Melissa Musser, Bob Sheckler

DM #2

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Des Moines, WA 98198
206.870.6553
Fax: 206.870.6872

**OFFICE OF THE
DES MOINES
CITY ATTORNEY**

Memo

Date: November 1, 2012
To: Public Safety & Transportation Committee
From: Tim George, Assistant City Attorney
Re: Dangerous Dog Appeal Procedures and Updates

The City Attorney's Office in conjunction with the Police Department are recommending changes to the Dangerous Dog Ordinance found in DMMC 8.16. The changes consist of the following:

Legal Department Recommended Changes:

*Change the required burden to uphold a dangerous dog/potentially dangerous declaration from "sufficient evidence" to a "preponderance of the evidence". This change is due to the fact that "sufficient evidence" is not a standard of proof but rather is a review standard for appellate courts.

Police Department Recommended Changes

- *Require all dogs found to be potentially dangerous or dangerous to be "neutered/spayed" prior to issuance of a certificate of registration.
- *Require all vet bills to be paid prior to issuance of certificate.
- *Allow for microchip to be used rather than tattoo, and allow vet discretion as to the placement.
- *Increase fees and costs (amounts have not been adjusted since 1992.)

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ATTORNEY WORK PRODUCT AND ATTORNEY-
CLIENT COMMUNICATIONS.

***Allow Animal Control Officer to have discretion as to whether to impound dangerous or potentially dangerous dog. This would remove the mandatory requirement.**

***Require potentially dangerous dogs to wear orange collar (already applies to dangerous dogs).**

***Increase reporting requirements for moving or breeding of a dangerous or potentially dangerous dog.**

CONFIDENTIAL

**THIS DOCUMENT CONTAINS PRIVILEGED
ATTORNEY WORK PRODUCT AND ATTORNEY-
CLIENT COMMUNICATIONS.**

8.16.010 Special license and certificate required.

It is unlawful for an owner or keeper to harbor a potentially dangerous dog or dangerous dog in the city without first having obtained a special license and certificate of registration therefor, that must be obtained within 30 days of the date of declaration as provided in DMMC [8.16.030](#). [Ord. 973 § 1, 1992; Ord. 948 § 2(A), 1992.]

8.16.020 Certificate – Issuance upon compliance.

A certificate of registration shall be issued by the city upon a showing of compliance with the following:

- (1) Placement of a proper enclosure on the owner's or keeper's property to confine the dog and the posting on the premises where the dog is harbored of a clearly visible warning sign that there is a potentially dangerous or dangerous dog on the property; and
- (2) A conspicuously displayed sign on the premises where the dog is harbored with a warning symbol that informs children or adults who cannot read of the presence of a potentially dangerous or dangerous dog; and, either
- (3) For potentially dangerous dogs: A surety bond issued by a surety insurer qualified under chapter 48.28 RCW in a sum of not less than \$100,000 payable to a person injured by the dog(s); or a policy of liability insurance issued by an insurer qualified under Title 48 RCW in an amount not less than \$100,000, insuring the owner or keeper for personal injuries inflicted by the dog(s); or
- (4) For dangerous dogs: A surety bond issued by a surety insurer qualified under chapter 48.28 RCW in a sum of not less than \$250,000 payable to a person injured by the dog(s); or a policy of liability insurance issued by an insurer qualified under Title 48 RCW in an amount not less than \$250,000, insuring the owner or keeper for personal injuries inflicted by the dog(s);
- (5) A certificate issued to satisfy the insurance requirements of this chapter shall provide for written notice to the city within 30 days of cancellation, reduction of limits, or termination of coverage. [Ord. 948 § 2(B), 1992.]

(6) Any unaltered dog may not be redeemed by any person or issued a certificate of registration until the dog is spayed or neutered. In all cases, the veterinarian fee shall be paid prior to the redemption of the dog by the dog's owner or keeper.

8.16.030 Findings and declaration – Probable cause.

The animal control authority may find and declare an animal potentially dangerous or dangerous if it has probable cause to believe that the animal falls within the definition set forth in DMMC [8.04.020](#). For the purposes of this chapter probable cause may include:

- (1) The written complaint of a citizen who is willing to testify that the animal has acted in a manner which causes it to fall within the definition in DMMC [8.04.020](#); or
- (2) Dog bite reports filed with the animal control authority as required by this chapter or state law; or

- (3) Actions of the dog witnessed by any animal control officer or law enforcement officer; or
- (4) A verified report that the animal previously has been found to be either potentially dangerous or dangerous by any animal control authority; or
- (5) Other substantial evidence admissible in a court of law. [Ord. 948 § 2(C), 1992.]

8.16.040 Declaration – Service to owner in writing.

The declaration shall be in writing, and shall be served on the owner or keeper in one of the following methods:

- (1) Certified mail to the owner's or keeper's last known address, if known; or
- (2) Personally; or
- (3) If the owner or keeper cannot be located by one of the first two methods, by publication in a newspaper of general circulation;
- (4) The owner or keeper of any animal found to be a potentially dangerous or dangerous dog under this section shall be assessed all service costs expended under this subsection. [Ord. 948 § 2(D), 1992.]

8.16.050 Declaration – Information required.

The declaration set forth in DMMC 8.16.040 shall state at least:

- (1) A description of the animal;
- (2) The name and address of the owner or keeper of the animal, if known;
- (3) The whereabouts of the animal if it is not in the custody of the owner or keeper;
- (4) The facts upon which the declaration is based;
- (5) The availability of a hearing in case the person objects to the declaration, if a request is made within five days;
- (6) The restrictions placed on the animal as a result of the declaration; and
- (7) The penalties for violation of the restrictions, including the possibility of destruction of the animal, and imprisonment or fining of the owner or keeper. [Ord. 948 § 2(E), 1992.]

8.16.060 Declaration – Appeal – Hearing – Procedure.

If the owner or keeper of the animal wishes to contest the declaration, the following procedures shall apply:

(1) The owner or keeper shall, within five days of receipt of the declaration, or within five days of the publication of the declaration pursuant to DMMC 8.16.040(3), request a hearing before the municipal court of the city. Failure to exhaust this administrative appeal process shall be a bar to further action in superior court. Any appeal taken from the decision of the Des Moines municipal court shall be in accordance with the Rules for Appeal of the Decisions of Courts of Limited Jurisdiction as presently constituted or as may be subsequently amended and designated.

(2) If the Des Moines municipal court finds by a preponderance of the evidence that the animal is dangerous or potentially dangerous, the declaration shall be affirmed. ~~that there is insufficient evidence to support the declaration, it shall be rescinded, and the restrictions imposed thereby annulled.~~

(3) If the Des Moines municipal court does not find by a preponderance of the evidence that the animal is dangerous or potentially dangerous, the declaration shall be rescinded, and the restrictions imposed thereby annulled. ~~finds sufficient evidence to support the declaration then it shall be affirmed.~~

(4) If the Des Moines municipal court finds that the animal is not a potentially dangerous or dangerous dog, no costs shall be assessed against the city or the animal control authority or officer. [Ord. 948 § 2(F), 1992.]

8.16.070 Declaration – Impoundment pending appeal.

Following service of a declaration of potentially dangerous or dangerous dog, and pending appeal under DMMC 8.16.060, the animal control authority may, if circumstances require, impound the animal at the owner's or keeper's expense, pursuant to the provisions of this chapter, until the Des Moines municipal court or a higher court of competent jurisdiction orders either its redemption or destruction. [Ord. 948 § 2(G), 1992.]

8.16.080 Special license requirements – Fees and renewals.

The owner or keeper of a potentially dangerous or dangerous dog shall obtain a special license for such dog from the animal control authority, and shall be required to pay the fee for such license in the amount set forth in this chapter, or as may be subsequently amended. In addition, the owner or keeper of such dog shall pay an annual renewal fee for such license in the amount set forth in this chapter, or as may be subsequently amended. Annual renewal of any special license shall be conditioned on compliance with the requirements of this chapter. The animal control authority shall be authorized to pro rate such fee for the remainder of the first year during which an animal becomes subject to the registration requirements of this chapter, if no question of registration or license avoidance exists. [Ord. 948 § 3(A), 1992.]

8.16.090 Special license requirements – Information required.

The owner or keeper of a dog that is subject to a special license shall furnish the following information along with the appropriate special license fee:

(1) The animal's age, weight, coloring, breed, and any other special identifying characteristics;

(2) Two 3" x 5" color photographs of the animal;

(3) Proof of placement of a tattoo or micro chip, consisting of the owner's or keeper's Social Security number or current contact information, in a location as deemed fit by a licensed veterinarian. ~~either inside the left ear or inside the upper left rear thigh of the dog;~~

(4) Proof of current rabies vaccination for the animal; and, either

(5) For potentially dangerous dogs: a certification under penalty of perjury that the animal has not been previously found to be a potentially dangerous or dangerous dog; or

(6) For dangerous dogs: a certification under penalty of perjury that the animal has not been removed from another jurisdiction to avoid any penalties arising from the animal's previous status. [Ord. 948 § 3(B), 1992.]

8.16.100 Noncompliance with confinement regulation.

An owner or keeper of a potentially dangerous dog or dangerous dog who fails to comply with the requirements of this chapter related to confinement in a proper enclosure, or posting of warning notices shall be guilty of a violation of this chapter. [Ord. 948 § 3(C), 1992.]

8.16.110 Potentially dangerous dog – Failure to obtain license and certificate.

Any owner or keeper of a potentially dangerous dog who fails to obtain a special license and certificate of registration, or renewal, for such dog as required in this section shall be assessed a civil penalty or shall be guilty of a gross misdemeanor in accordance with DMMC 8.16.200; provided, however, that no prosecution shall be commenced until five days have elapsed from the date such owner or keeper is notified by the animal control authority that such license or renewal for such potentially dangerous dog is required, or until any appeal brought under that section has been completed, whichever is later. [Ord. 948 § 3(D), 1992.]

8.16.120 Dangerous dog – Failure to obtain license and certificate.

Any owner or keeper of a dangerous dog who fails to obtain a special license and certificate of registration, or renewal, for such dog as required in this section shall be assessed a civil penalty or shall be guilty of a gross misdemeanor in accordance with DMMC 8.16.200; provided, however, that no prosecution shall be commenced until five days have elapsed from the date such owner or keeper is notified by the animal control authority that such license or renewal for such dangerous dog is required. [Ord. 948 § 3(E), 1992.]

8.16.130 Impoundment for failure to obtain license or certificate.

Any dangerous dog or potentially dangerous dog for which a special license and certificate of registration, or renewal, has not been obtained by its owner or keeper, pursuant to DMMC 8.16.110 and 8.16.120, is subject to being impounded by the animal control authority. In addition to any other civil penalty imposed by this chapter, the owner or keeper of any potentially dangerous dog or dangerous dog so impounded shall be subject to a civil penalty in the amount of ~~\$40~~ 20.00 per day for each day such dog remains impounded with the animal control authority. Any potentially dangerous dog or dangerous dog which is impounded due to the failure of the owner or keeper of such dog to obtain the required license or

certificate of registration, and which remains impounded for a period of at least 20 days due to the failure of the owner or keeper to obtain such license or certificate of registration, or renewal, may be destroyed in an expeditious and humane manner by the animal control authority. [Ord. 948 § 3(F), 1992.]

8.16.140 Immediate impoundment – Conditions warranting.

(1) Any dangerous or potentially dangerous dog ~~shall~~may be immediately impounded by an animal control authority if:

- (a) The dog is not validly registered under this chapter; or
- (b) The owner or keeper does not secure or maintain the liability insurance coverage required under this chapter; or
- (c) The dog is not maintained in a proper enclosure; or
- (d) The dog is outside of the dwelling of the owner or keeper, or outside of the proper enclosure, and not muzzled or under proper physical restraint by the responsible person; or
- (e) The dog is otherwise in violation of registration or licensing provisions of this chapter.

(2) In addition to such impound, the owner or keeper of such animal shall be deemed guilty of a criminal offense and assessed a civil penalty or shall be guilty of a gross misdemeanor in accordance with DMMC 8.16.200; provided, however, that no prosecution shall be commenced until five days have elapsed from the date such owner or keeper is notified by the animal control authority that such license or renewal for such potentially dangerous dog is required, or until any appeal brought under that section has been completed, whichever is later. The owner or keeper of any dog impounded under this subsection may redeem such dog from the animal control authority only upon proof of a valid special license and registration, ~~under this chapter~~ proof that all required conditions under this chapter have been met, and payment of ~~\$40~~20.00 per day for each day such dog has been in the control of the animal control authority; provided, however, that in the event the owner or keeper has not redeemed such dog within 10 days of being notified of the impound, the dog shall be destroyed in an expeditious and humane manner and the owner or keeper shall be assessed an additional civil penalty in the amount of \$50.00 for the cost of destroying such dog. [Ord. 948 § 3(G), 1992.]

8.16.150 Impoundment for biting.

If a dog classified as a dangerous dog bites a person or another domestic animal, such dog shall be immediately impounded by the animal control authority, placed in quarantine for the proper length of time, and thereafter destroyed in an expeditious and humane manner. Any such animal which is deemed uncatchable by the animal control authority may be killed by such official if no other reasonable means of capture is available or such animal continues to be a threat to persons or domestic animals. Reasonable means of capture may include the use of tranquilizers which, depending upon the animal's age, size, and physical condition, may cause death. The owner or keeper of any dangerous dog impounded and destroyed pursuant to this subsection shall be assessed, in addition to the actual costs of the quarantine,

a civil penalty in the amount of \$~~40~~ 20.00 per day for each day such dangerous dog is quarantined by the animal control authority and in the amount of \$50.00 for the cost of destroying such dangerous dog. [Ord. 948 § 3(H), 1992.]

.16.160 Dogs exempted – Effect of trespass or tort.

The requirements of this chapter related to potentially dangerous and dangerous dogs shall not apply to dogs registered for use by law enforcement officials for police work, whether or not such animal is maintained at its handler's residence, or to animals held in quarantine by a licensed veterinarian. Further, dogs shall not be declared potentially dangerous or dangerous if the threat, injury, or damage was sustained by a person who, at the time, was committing a wilful trespass or other tort upon the premises occupied by the owner or keeper of the dog or was tormenting, abusing, or assaulting the dog or has, in the past, been observed or reported to have tormented, abused, or assaulted the dog or was committing or attempting to commit a crime. [Ord. 948 § 3(I), 1992.]

8.16.170 Limitations on ownership of potentially dangerous dogs and dangerous dogs – Reporting requirements.

(1) It is unlawful for an owner or keeper of a potentially dangerous dog or dangerous dog to permit such animal to be outside the proper enclosure, unless the dog is muzzled and restrained by a substantial chain or leash not longer than 48 inches and under the physical control of a person 18 years of age or older who is capable of restraining such animal. The muzzle shall be constructed so that it will not cause injury to the dog or interfere with its vision or respiration. Such muzzle shall be constructed so that it will prevent the dog from biting any person or animal. Such dogs shall not be leashed or otherwise tied or tethered to inanimate objects, such as trees, posts, buildings, mail boxes, newspaper vending machines, and the like. Dangerous dogs and potentially dangerous dogs shall wear a bright orange collar, not less than two inches in width, at all times.

(2) It is unlawful for any person under the age of 18 years to own or keep a potentially dangerous or dangerous dog within the city limits.

(3) It is unlawful for any person to own or keep more than one potentially dangerous or dangerous dog within the city limits.

(4) It is unlawful to transfer ownership of a potentially dangerous or dangerous dog within the city limits unless the recipient has complied with the registration and licensing requirements of this chapter for such animal.

(5) It is unlawful to keep or maintain the offspring of a dangerous dog within the city for more than eight weeks following the birth of such offspring unless the offspring are registered as potentially dangerous dogs under this chapter.

(6) It is unlawful for the owner or keeper of any animal which is subject to any licensing requirements of the city to fail to report any bites or injuries suffered by any person or domestic animal as a result of an

attack incident or other contact with such animal, regardless of the geographical location where such attack, incident or other contact occurs.

(7) It is unlawful for any owner or keeper of any dangerous or potentially dangerous dog to fail to immediately notify the animal control authority in writing of:

(a) The removal from the city or death of any dog registered under this chapter, including the address and contact information for the relocation of the dog outside the city limits; or

(b) The birth of offspring of any ~~dangerous~~-dog licensed under this chapter; or

(c) The new address of the owner or keeper of any dog registered under this chapter should such person move within the city limits.

(8) Failure to Comply. Any person who fails to comply with the mandatory or prohibitory provisions of this section shall be ~~assessed a civil penalty or shall be guilty of a gross misdemeanor~~ subject to the penalties as provided in DMMC 8.16.200. [Ord. 948 § 4, 1992.]

8.16.180 Potentially dangerous dog, dangerous dog, special license fees.

(1) The special license fee for each potentially dangerous dog to be licensed under this chapter is ~~\$100~~ 250.00. The annual renewal fee for each potentially dangerous dog licensed under this section is ~~\$100~~ 50.00.

(2) The special license fee for each dangerous dog to be licensed under this chapter is \$ 250.00. The annual renewal fee for each dangerous dog licensed under this section is ~~\$100~~ 50.00. [Ord. 948 § 5, 1992.]

8.16.190 Immunity.

The city, the animal control authority, and any animal control officer executing the responsibilities set forth in this chapter shall be immune from all civil liability for an action or actions taken pursuant to this chapter, or for failure to take action to enforce the provisions of this chapter. It is not the purpose or intent of this chapter to create on the part of the city, its officers, employees, agents, or volunteers a special duty or relationship toward a specific class of individuals. This chapter has been enacted for the safety and welfare of the public as a whole. [Ord. 948 § 6, 1992.]

8.16.200 Violation – Penalty.

(1) No person shall violate or fail to comply with this chapter.

(2) A first violation of or failure to comply with this chapter within a 12-month period is a class 3 civil infraction.

(3) A second violation of or failure to comply with this chapter within a 12-month period is a class 1 civil infraction.

(4) A third or subsequent violation of or failure to comply with this chapter within a 12-month period is a gross misdemeanor. [Ord. 1009 § 47, 1993; Ord. 948 § 7, 1992.]

55 - 2013
70 - 2014
85 - 2015
100 - 2016

Fact Sheet – Traffic Impact Fees

- Current base rate is = \$2,854.47, scheduled to increase to \$3,373.47 in January 2013
-----> \$519 increase
- Adjusted each January per the "Phase-in" Schedule – 10% each year
- Adjusted each March by the Construction Cost Index (CCI) to reflect increases or decreases in the cost of construction (see attached for past adjustments).
- As of 2012, Des Moines TIF base rate is less than Kent and Auburn. Greater than Federal Way, Burien and Sea-Tac....overall, Des Moines is in the middle of the pack when looking at all fees associated with development/building permits

If rate increase is frozen:

Residential Impact -

2012 YTD single family building permits = **12 homes** (10 within Landmarque development)

Example:

15 homes a year = \$7,785 savings to development if fees remain at 55% level (\$519 savings per permit)

Commercial Impact -

Potential Furney's site traffic impact (190,000 s.f. being studied) = ~470 NEW pm peak hour trips

Example:

If building permit picked up in 2013 = 470 trips x \$3,373 = **\$1,585,310**

If TIF is frozen at 2012 level = 470 trips x \$2,854 = **\$1,341,380 (difference of ~\$244,000)**

- Ono's site?

Background

- TIF was a concept that initiated from the development community – better cost predictability, “pay and go” or “growth pays for growth.”
- TIF’s first collected in 2005 in the City of Des Moines
- **2009 CTP update - 2030 Project List = \$202 Million Total...\$105 Million related to growth/capacity (\$59 million planned from TIF fees...~56% share of \$105M)**
- Rate Study done in 2009 and TIF program updated in 2010. Base Rate = \$6,088 per PM trip
- Council set base rate at \$5,000 with a phase in schedule (50% in 2010 and 2011, 60% in 2012 , 70% in 2013, etc.....) under Ord. 1476
- Last November, Council modified phase in schedule to 55% instead of 60% for 2012 under ordinance 1524 (55% in 2012, 65% in 2013, 75% in 2014 etc.....)
- Pacific Highway Projects vested under the SEPA Pacific Ridge Study (SEPA mitigation fees, not TIF fees).

Transportation Impact Fees

Transportation Impact Fee (TIF) base rate per new PM peak hour trip according to the ITE manual and the Des Moines Municipal Code Section 12.56

Year	TIF	Construction cost index	Adjusted TIF	% TIF assessed	Actual TIF base rate*
2003	\$ 2,615.00				
2004	\$ 2,615.00	3.2% +	\$ 2,698.68		
2005	\$ 2,698.68	3.2% +	\$ 2,785.04	70%	\$ 1,949.53
2006	\$ 2,785.04	3.5% +	\$ 2,882.51	80%	\$ 2,306.01
2007	\$ 2,882.51	2.1% +	\$ 2,943.04	90%	\$ 2,648.75
2008	\$ 2,943.04	0.1%-	\$ 2,940.11	100%	\$ 2,940.11
2009	\$ 2,940.11	1.1% +	\$ 2,972.45	100%	\$ 2,972.45
2010 Jan	\$ 2,972.45		\$ 2,972.45	50%	\$ 2,972.45
2010 Feb	\$ 5,000.00		\$ 5,000.00	50%	\$ 2,500.00
2010 Mar	\$ 5,000.00	0.8%-	\$ 4,960.00	50%	\$ 2,480.00
2011 Jan	\$ 5,000.00		\$ 4,960.00	50%	\$ 2,480.00
2011 Mar	\$ 4,960.00	1%+	\$ 5,009.60	50%	\$ 2,504.80
2012 Jan	\$ 5,009.60		\$ 5,009.60	55%	\$ 2,755.28
2012 Mar	\$ 5,009.60	3.6%+	\$ 5,189.95	55%	\$ 2,854.47
2013 Jan				65%	
2013 Mar				65%	
2014 Jan				75%	
2014 Mar				75%	
2015 Jan				85%	
2015 Mar				85%	
2016 Jan				95%	
2016 Mar				95%	
2017 Mar				100%	

Transportation impact fees were not collected until July 2005. In January 2010 Ord 1476 was passed, and subsequently amended in November of 2011 under Ord 1524, raising the transportation impact fee to \$5000 per new PM peak hour trip. The increase will be implemented in steps, beginning at 50% through 2011 and increased per the above schedule until 2017 when the full impact fee is charged.

Transportation impact fees are adjusted annually based on the construction cost index for the Seattle area as reported in the March issue of the Engineering News Record.

ENR builds the index using: 200 hours of common labor at the 20-city average of common labor rates, plus 25 cwt of standard structural steel shapes at the mill price prior to 1996 and the fabricated 20-city price from 1996, plus 1.128 tons of portland cement at the 20-city price, plus 1,088 board-ft of 2x4 lumber at the 20-city price.

* Refer to TIF Rate Study and Fee Schedule for calculated fees.

Jurisdiction	Base Rate	SFR Rate	Notes:
SeaTac	\$1,020	\$777	Allso collects millions annually in parking tax, no official TIF rate study done
Burien	\$948	\$957	
Federal Way	\$2,729.00	\$3,112	Also collects school impact fees: \$3,068
Des Moines	\$2,854.47	\$3,267.42	
Auburn	\$3,844.17	\$3,882.61	Also collects school impact fees: \$3,500 - \$5,700
Kent	\$4,084.20	\$3,909.31	Also collects school impact fees: \$5,486

Executive Summary Conclusion –

Install “active when present” improvements at each of the 5 unsignalized intersections



Rectangular Rapid Flashing Beacon (RRFB)



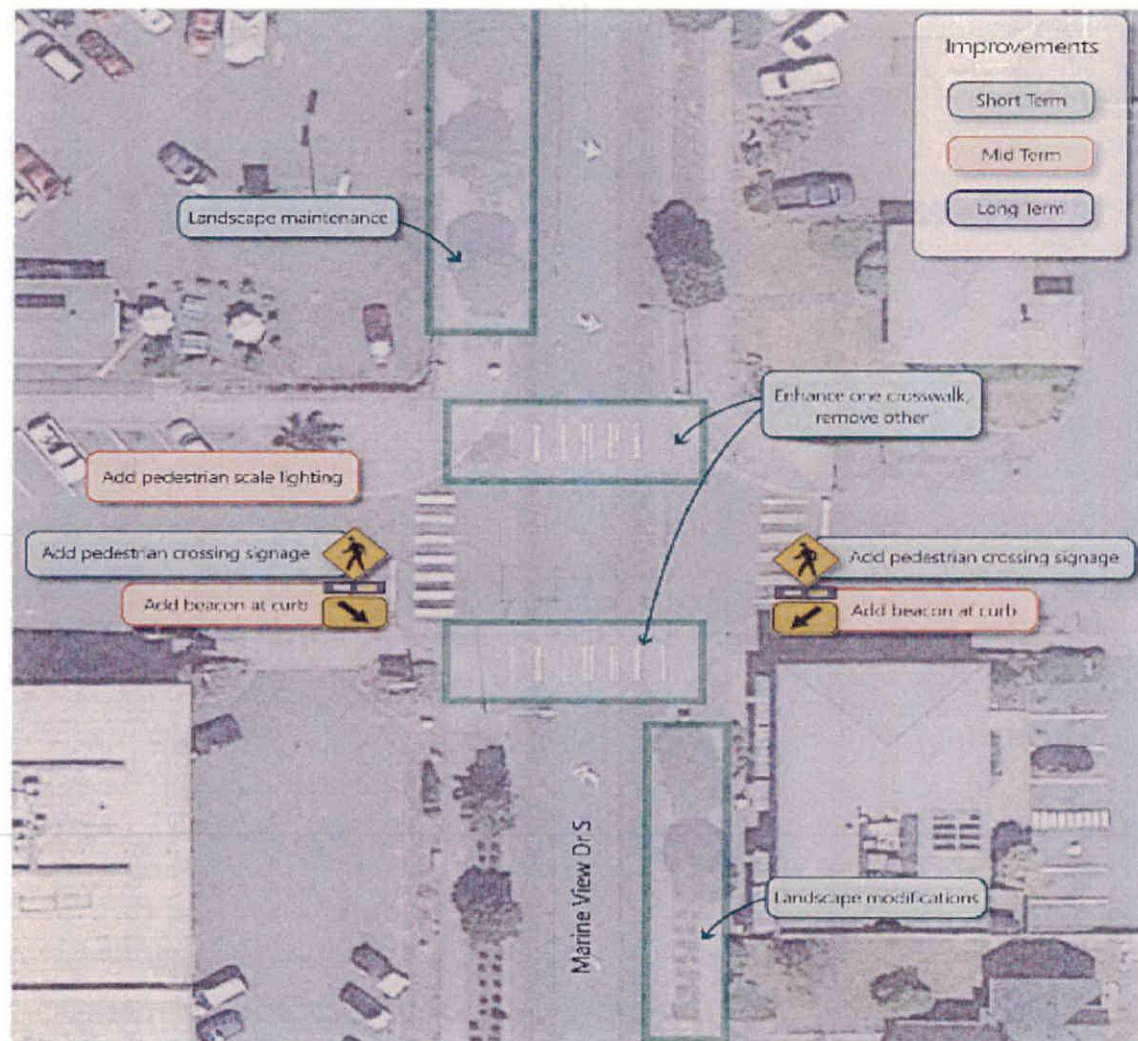
Overhead Flashing Beacon

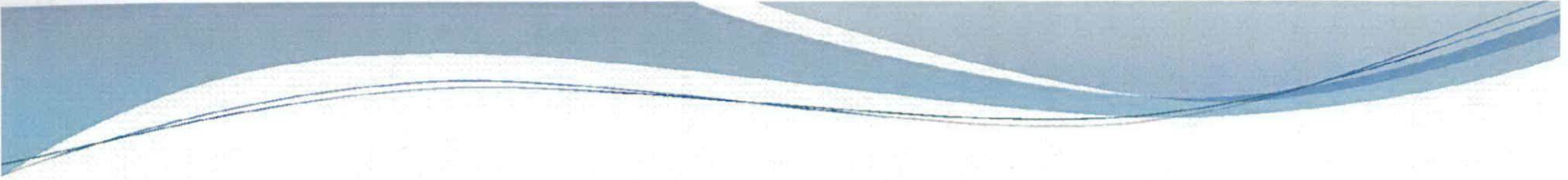


Findings of NCHRP 562 study

- Four Treatment Categories:
 - Level 1 – marked crosswalk
 - Level 2 – enhanced, or “active when present” traffic control device
 - Level 3 – modified red pedestrian signal
 - Level 4 – conventional traffic signal

Recommended Improvements – Short Term





Recommended Improvements

- Short, Mid and Long Term
 - Short Term – improvements by end of 2012
 - Mid Term – improvements in 2013 – 2015*
 - Long Term – unknown, dependent on overlay and or other CIP work

*Could vary based on grant results for other safety improvement projects we are waiting to hear back on. (mid Nov. and Dec)

#5

October 31, 2012

Sound Transit
401 S. Jackson Street
Attn: Kent Hale
Seattle, WA 98104

Subject: *Early Scoping for the Federal Way Transit Extension*

Dear Mr. Hale:

The City of Des Moines is pleased to provide our early scoping comments for the alternatives analysis related to the *Federal Way Transit Extension* (FWTE) for Link Light Rail.

Extending Link Light Rail to Highline Community College will have a profound effect on our community. ~~As such,~~ The Des Moines City Council is committed to working with Sound Transit and our adjacent cities (SeaTac, Kent and Federal Way) to ensure the *Federal Way Transit Extension* meets local and regional interests while maintaining the livability of our community.

We have prepared detailed comments organized by topic area (alignments, station locations and system needs/operations) that are provided as Attachment 1 to this letter. Key considerations for Sound Transit to keep in mind as potential alignments and station locations are developed include:

- The City's long standing and adopted Comprehensive Plan, which calls for light rail alignment along the I-5 corridor.
- The City's willingness to consider an alternative alignment if a light rail stop is provided in the vicinity of South 216th Street, which would serve a major employment and population center in Des Moines.
- The City's commitment to ensure the light rail alignment does not diminish the economic value of prime under-developed commercial properties in Des Moines that are expected to redevelop before 2023.

Some of our Council members have expressed concern about the extended 3+ year process, schedule and associated cost with Sound Transit's extended Alternatives Analysis and EIS process culminating in a Record of Decision in mid-2016. We urge Sound Transit to accelerate that schedule as much as possible by eliminating redundancy and optional steps and relying on the analyses and conclusions of similar extension projects elsewhere in your system that would be applicable to the FWTE.

We look forward to our continued collaboration with Sound Transit. Please feel free to contact me if you have questions about our comments.

Sincerely,

Dave Kaplan, Mayor

C: Matt Pina, Mayor Pro-tem, Jeanette Burrage, Carmen Scott, Dan Caldwell, Melissa Musser, Bob Sheckler

Attachment 1:

The City of Des Moines has identified the following scoping comments for Sound Transit to consider as potential light rail alignments and station locations are developed and evaluated:

Alignment Alternatives

- Need to understand the neighborhood and economic development benefits and costs and preferences for the Cities of Des Moines, SeaTac, Kent, and Federal Way and Highline Community College (HCC):
 - transition from South 200th Street Station to SR 99 or I-5
 - City of SeaTac's preference is for an alignment along the west side of SR 99
 - SR 99 alignment should be assumed to come no further south than South 212th Street
 - transition to and from Kent-Des Moines Road/HCC Station
 - transition to and from South 272nd Street Station
- Practicality of routes based on engineering feasibility, cost and economic impacts
- Physical constraints/opportunities of topography – what can be done with the elevation changes and tightness of curves
- Evaluate economic benefits and disadvantages of alignments:
 - impacts to commercial properties
 - Des Moines' largest commercial properties located north of South 216th Street
 - Smaller parcels and topographic constraints along west side of SR 99 South of South 216th Street
 - cost/benefit of elevated versus at-grade alignment
 - cost to ride and frequency of runs for future system
 - impacts of interim end-of-line at Kent-Des Moines Road/HCC Station
- SR 99 alignment
 - needs to consider recent \$20 million investment in right of way improvements and improvements along S. 216th north of 24th Ave S to 29th/30th expected before 2023
 - a stop at South 216th Street
 - if no stop at South 216th Street – evaluate the impacts of an alignment that does not serve a major population and employment center and underserved residents
 - impacts on the viability of commercial properties
 - premium view blockage
 - noise
- If there is no stop at South 216th Street, an SR 509/I-5 alignment is preferred based on the
 - Des Moines Comprehensive Plan
 - conversations w/ SeaTac, Kent, Federal Way and HCC
 - costs and constraints
- 30th Avenue South alignment
 - provides an alternative between SR 99 and I-5
 - bisects the Pacific Ridge Neighborhood

- depending on profile, could alleviate some issues associated with lining up with Kent-Des Moines Road/Highline Community College station
- transition from SR 99 to 30th could create some advantages for transitioning from an elevated to an at-grade system
- need to determine what the reasonable choices are
- SR 509/I-5 alignment
 - offers opportunities to follow existing alignment and parking
 - disconnected from commercial centers (e.g., getting from Point A to Point B)
 - can be flexible if system can accommodate our needs
- Tunnel alignment
 - Minimizes impacts to views
 - Minimizes noise
 - Minimizes impacts to low income neighborhood
- Kent-Des Moines Road Crossing
 - Do not compromise intersection operations

Station Locations

- South 216th is a major hub – Artemis Hotel, Des Moines Creek Business Park – need to anticipate what this will look like in next 5-10 years
- Stop is warranted at South 216th
 - significant employment and population growth projected for this area
 - serves economically distressed and ethnically diverse neighborhoods where transit is the primary means to access jobs and services
 - impacted by METRO service cuts
 - anything that can help move these people to job centers to the north in SeaTac and Seattle would be helpful
- Highline Community College is also a major hub
- South station areas around Highline Community College and S 272nd also serve diverse populations that rely on transit and access to jobs
- Options for stations near Star Lake and Redondo Park and Rides need to be evaluated

System Needs/Operations

- Evaluate the demand for parking at a stop (e.g., South 216th) versus a full station/hub (e.g., HCC and South 272nd Street)
 - how much parking would be needed, both long term and as interim end of the line
 - where would it be located (land supply)
- Evaluate impacts associated with the interim terminus location at Highline Community College such as rail spur, storage, maintenance and parking demand

- Evaluate transit-only connecting road between SR 99/KDM – cut corner and facilitate east-west connection with the Kent Valley and East Hill
- Evaluate the Park and Ride Lot (Military Road/I-5) as a potential opportunity for parking and improved transit connections
- Evaluate east-west transit connections w/ King County METRO at S 272nd

DRAFT