

AGENDA

REGULAR MEETING DES MOINES CITY COUNCIL

January 5, 2012 - 7:30 p.m.

CALL TO ORDER - Mayor Sheckler

PLEDGE OF ALLEGIANCE

ROLL CALL

CORRESPONDENCE

COMMENTS FROM THE PUBLIC:

At this time the audience is invited to comment on any topic to bring it to Council's attention. Please sign in prior to the meeting and limit comments to three minutes or less.

BOARD & COMMITTEE REPORTS/ COUNCILMEMBER COMMENTS

PRESIDING OFFICER'S REPORT

ADMINISTRATION REPORTS

CONSENT CALENDAR

Item 1: APPROVAL OF MINUTES

Motion is to approve minutes from the regular meetings of December 1, 8, and 13, 2011, and the Special Meeting to hold an Executive Session of December 8, 2011.

Item 2: Supplement to AMEC Consultant Contract for Public Works Yard Remediation
Monitoring

Motion is to approve contract Supplement No. 3 for professional services with AMEC Earth and Environmental, Inc. for the groundwater remediation at the Public Works Yard in the amount of \$129,730.00, bringing the total amount for the contract to \$296,440.00, authorize the City Manager to approve additional supplements as necessary up to \$25,000.00 for the entire contract, and to authorize the City Manager to sign said supplement substantially in the form as submitted.

Item 3: Transportation Gateway Project: 24th Avenue South right-of-way acquisition: Swezea-Parcel #13.

Motion is to purchase 823 square feet of land from Bradford and Cynthia Swezea in the amount of \$7950.18; improvements at \$500.00 for *Just Compensation*; and an administrative settlement in the amount of \$790.00 for a grand total of \$9,240.00 (rounded to the nearest dollar) plus closing costs, and further to authorize the City Manager to sign the Statutory Warranty Deed, Construction Easement, and Real Property Voucher substantially in the form as submitted and accept the right-of-way on behalf of the City of Des Moines.

Item 4: Transportation Gateway Project: 24th Avenue South right-of-way acquisition: Prologis – Tax Parcel 092204-9059, Project Parcel #58; Tax Parcel 092204-9159, Project Parcel #59; Tax Parcel 092204-9412, Project Parcel #60.

Motion is to approve and accept three Construction Easements/Rights of Entry for Project Parcels Nos. 58, 59, and 60 granting permission from Prologis at no direct cost and further to authorize the City Manager to sign said documents substantially in the form as submitted on behalf of the City of Des Moines.

Item 5: Surplus of Property – Vehicles

Motion is to surplus the following 4 Police Crown Victoria vehicles, all of which are near or over 100,000 miles and further to authorize disposal of the equipment to FCI, Inc., for trade of services of setting up four new Police vehicles: 2007, 2FAHP71W77X148142; 2006, 2FAHP71W86X144485; 2005, 2FAHP71W15X147792; and another 2007, 2FAHP71W57X148141.

Item 6: Arts Commission Appointments

Motion is to confirm the Mayoral appointments of Jean Munro and Kathy Isaac to the Des Moines Arts Commission effective immediately, to fill two vacant three-year terms which will expire on December 31, 2014.

OLD BUSINESS

1. Draft Resolution No. 11-150 Public Records Indexing and Records Management Policy Pursuant to Chapter 42.56.RCW
Staff Presentation: City Attorney Pat Bosmans
2. Reconsideration of Comprehensive Plan Amendments Ordinance No. 1528
Staff Presentation: Planning Manager Denise Lathrop

NEW BUSINESS

1. Marina Development Process
Staff Presentation Harbormaster Joe Dusenbury

NEXT MEETING DATE – January 12, 2011

ADJOURNMENT

MINUTES
REGULAR MEETING
DES MOINES CITY COUNCIL
December 1, 2011 - 7:30 p.m.

CALL TO ORDER - Mayor Sheckler called the meeting to order at 7:30 p.m.

PLEDGE OF ALLEGIANCE – The flag salute was let by Councilmember Scott.

ROLL CALL

Present were Mayor Sheckler; Mayor Pro-Tem Kaplan; Councilmembers Scott Thomasson, Dan Sherman, Matt Pina, Melissa Musser and Carmen Scott.

Staff present were City Manager Tony Piasecki; City Attorney Pat Bosmans; Assistant City Manager Lorri Ericson; Assistant City Attorney Tim George; Planning Building and Public Works Director Grant Fredricks; Interim Police Chief John O'Leary; Finance Director Paula Henderson; Finance Operations Manager Cecilia Pollock; Harbormaster Joe Dusenbury; Parks Recreation and Senior Services Director Patrice Thorell; Planning Manager Denise Lathrop; Senior Planner Jason Sullivan; Policy Analyst Sue Anderson; City Clerk Sandy Paul

COMMENTS FROM THE PUBLIC

Kim Konopaski, 22072 7th Avenue South, thanked the City for help she received getting her business, *Suhka*, up and running. She mentioned Dave Steen, Barbara Wagner, Rex Christianson, and Marion Yoshino, among others, as going above and beyond helping her with details. She is holding an Open House on December 14, 2011, from 6:00-9:00 p.m.

David Wilson, 1232 South 235th place, asked about a potential rezone west of Des Moines Memorial Drive, north of 200th Street. City Manager Piasecki referred to Comprehensive Plan changes that would be discussed later at this meeting. He was invited to say to hear the proceedings.

BOARD & COMMITTEE REPORTS/ COUNCILMEMBER COMMENTS

Councilmember Scott

- Christmas lights are on at the Marina
- Tree lighting at Big Catch Plaza December 2, at 6:00 p.m.
- Saturday, the decorated boat parade will take place
- Wednesday, December 7, Wild Birds Unlimited will sponsor a bird walk. There is no fee but registration is required at Wild Birds Unlimited
- The Argosy Christmas ships are in Des Moines at 7:00 p.m. on December 8 and 15

Mayor Pro-Tem Kaplan

- Reported that School Zone Speed Cameras went *live* today and tickets for speeding will be issued beginning today
- Public defenders standards have changed. Those changes may dictate the hiring of more public defenders. He asked for support in a letter opposing those changes.
- A meeting will be held at the Activities Center December 6 at 6:30 p.m. regarding the downwind Asarco Smelter clean up
- Sound Transit will meet at Highline Community College regarding transportation projects in this area and in conjunction with the Envision Midway project

Councilmember Musser

- The Aging Your Way Forum at the Senior Center was one of the best attended events in the community. One suggestion out of that meeting: safer sidewalks and cross walks in the downtown area

- Thursday mornings organized safe walks to schools take place.
- Some dedicated Sonju Garden volunteers were on the cover of the *Journal of Agriculture and Community Development*

PRESIDING OFFICER'S REPORT

Mayor Sheckler read a letter from King County Elections regarding the machine recount of the vote between candidates Sheckler and King. The recount will begin December 2 at 9 a.m. The public may attend and watch. Results will be published at the end of the day.

ADMINISTRATION REPORTS

Next week, budget amendments will be presented. The Marina exceeded its fuel appropriation and an adjustment is required. The Fieldhouse project exceeded its scope and city staff and equipment were used on the project. The ordinance will need to be heard twice, 5 days apart, according to state law, once tonight and again on December 13 at 6:30 (date and time reached by Council consensus).

CONSENT CALENDAR ITEMS

Item 1. APPROVAL OF MINUTES

Motion is to approve the meeting minutes of November 10, 2011.

Item 2. Consultant Contract –Special Transportation Project Manager

Motion is to authorize the City Manager to sign the contract amendment, substantially in the form submitted, with Leonard D. Madsen to continue professional special project management services for the Transportation Gateway Project through December 31, 2012 at a value not to exceed \$66,000."

Item 3. Transportation Gateway Project: S. 216th Street Right of Way Acquisition: Gabino Mendez, Jr. and Gabino and Angelina Mendez – Tax Parcel 092204-922 and Project Parcel #10

Motion is to purchase 430 square feet of land from Gabino Mendez, Jr. and Gabino and Angelina Mendez in the amount of \$1,844.70, a 235 square foot Slope Easement in the amount of \$252.04, and compensation for improvements of \$250 for a grand total of \$2,347. (*rounded to nearest dollar*), plus closing costs, and further to authorize the City Manager to sign the Statutory Warranty Deed, Slope Easement, Construction Easement & Right of Entry and Real Voucher Property Agreement substantially in the form as submitted and accept the right of way on behalf of the City of Des Moines

Item 4. Contract for Public Defender/Video Court

Motion is to approve the contract with Julie Codd and Tracy Greenwood to provide public defender attorney services for qualifying individuals in an amount not to exceed \$110,000 per year and to authorize the City Manager to sign the agreement substantially in the form as submitted

Item 5. Contract Supplement Transportation Gateway Project - KPG

Motion is to authorize the City Manager to sign the no-cost contract supplement substantially in the form as submitted, with KPG to continue to finalize design, specifications and right-of-way support for the Transportation Gateway Project through December 31, 2012.

Item 6. 2011 Assignment of Intergovernmental Agreement Amendment Number 1

First Motion is to approve the Finance Director to sign the 2010 State of Washington Intergovernmental Cooperative Purchasing Agreement for Public Agencies substantially in the form as submitted.

Second Motion is to authorize the City Manager to sign the 2011 Assignment of Intergovernmental Agreement Amendment Number 1 assigning the Interlocal Agreement to the Washington State Department of Enterprise Services and extending the term through December 21, 2012.

Item 7. Agreement by and between the City of Des Moines Washington and Des Moines

Police Guild January 1, 2012 – December 31, 2014

Motion is to approve the Agreement by and between the City of Des Moines Washington and Des Moines Police Guild January 1, 2012 – December 31, 2014, and authorize the city manager to sign the agreement substantially in the form as submitted.

ACTION/DIRECTION

Councilmember Sherman noted that his affirmative vote would not include Item 7. He has routinely excluded himself from Police Contract negotiations.

Mayor Pro-Tem Kaplan moved to adopt the Consent Agenda; Councilmember Pina, second. The motion passed 7-0.

NEW BUSINESS

1. Briefing on Marina Development Process

Harbormaster Joe Dusenbury spoke about the pre-development strategy for the Des Moines Marina and Beach Park, which is divided into a series of six tasks. He then introduced Heber Kennedy who talked about revitalizing the city waterfront to attract citizens and tourists for economic renewal of an underused facility and enrich the surrounding area. He recommended a plan not to exceed 6 months which includes a volunteer Advisory Committee of 13 citizens, from four community pools.

ACTION/DIRECTION

Motion 1: Councilmember Sherman moved to direct staff to continue working on the Marina and Beach Park Business and Development Plan as set forth in this presentation; Councilmember Scott, second. The motion passed 7-0.

Motion 2: Councilmember Sherman moved to approve the plan to create a 'Marina and Beach Park Development Stakeholders Committee' composed of 13 people that meet the requirements set forth by the Council, with seven of the members nominated by Council Members and with all 13 members approved by Council action at a meeting in early 2012; Councilmember Scott, second. The motion passed 7-0.

CONTINUED PUBLIC HEARING

Mayor Sheckler reopened the Public Hearing at 8:20 p.m..

1. Continued Public Hearing on the Comp Plan Amendments

Planning Manager Denise Lathrop discussed answers to questions raised by the City Council on the Comprehensive Plan update at the Public Hearing on October 27, 2011.

Mayor Sheckler closed the public hearing at 8:35 p.m.

ACTION/DIRECTION

Mayor Pro-Tem Kaplan moved to suspend Council Rule 26(a) in order to adopt Ordinance No. 11-121 on first reading; Councilmember Musser, second. The motion passed 7-0.

Mayor Pro-Tem Kaplan moved to adopt substitute Draft Ordinance No. 11-121 dated November 28, 2011, amending the 2009 Des Moines Comprehensive Plan; Councilmember Pina, second.

Discussion followed.

Councilmember Musser offered a friendly amendment to keep Lots #75-80, 87 and 88 residential; the amendment was accepted by the maker and seconder of the motion.

Councilmember Sherman moved to further amend the motion in order to remove all language entirely that refers to the HEAL Grant; second by Mayor Pro-Tem Kaplan for discussion. The motion passed 4-3. Mayor Sheckler and Councilmembers Musser and Pina voted *no*.

Councilmember Sherman moved to delete text in the Comprehensive Plan (section 7.03.12) that would locate low income housing in a specific place; Councilmember Thomasson, second. The motion passed 4-3, Mayor Sheckler and Councilmembers Musser and Pina voted *no*.

Councilmember Thomasson made a motion that the map be corrected to show vacated land in right of ways; Mayor Pro-Tem Kaplan, second. The motion passed unanimously.

The vote on the main motion as amended was 7-0 and the motion was approved unanimously.

Mayor Sheckler read the amended ordinance.

BREAK

The City Council took a ten minute break at 9:00 p.m. The meeting resumed at 9:10 p.m.

OLD BUSINESS

1. Adopt 2012 Budget

Finance Director Paula Henderson highlighted the updated revisions to the budget recap.

ACTION/DIRECTION

Councilmember Pina moved to enact Draft Ordinance No. 11-222 adopting the final budget for the City of Des Moines, Washington, for the fiscal year ending December 31, 2012. The motion was seconded by Mayor Sheckler. The motion passed, 4-3, Mayor Pro-Tem Kaplan and Councilmembers Tomlinson and Sherman voting *no* following their comments that the budget process requires changes in 2012.

Mayor Sheckler read the ordinance in entirety.

2. DNR Aquatic Lands Lease

Harbormaster Joe Dusenbury presented information about new lease requirements with the Department of Natural Resources for the Marina aquatic lands.

ACTION/DIRECTION

Councilmember Thomasson moved to direct staff to continue to explore property issues related to Tract B and bring a recommendation to the City Council to be scheduled for a meeting in January 2012; second by Councilmember Pina. The motion passed 7-0.

NEXT MEETING DATE – December 8, 2011 City Council Regular Meeting

ADJOURNMENT

There being no further business to come before the City Council, Councilmember Sherman moved to adjourn; Councilmember Musser, second. The motion passed 7-0. The meeting was adjourned at 10:10 p.m.

Respectfully submitted,

Sandy Paul CMC
City Clerk

MINUTES
SPECIAL MEETING TO HOLD EXECUTIVE SESSION
December 8, 2011

CALL MEETING TO ORDER – The Special Meeting was called to order at 6:33 p.m. by Mayor Sheckler in City Council Chambers.

ROLL CALL – Present were Mayor Bob Sheckler; Mayor Pro-Tem Dave Kaplan and Councilmembers Scott Thomasson, Melissa Musser, Dan Sherman and Carmen Scott. Also in attendance was City Manager Tony Piasecki.

PURPOSE - The purpose of the special meeting was to hold an Executive Session for the purpose of continued discussion of the City Manager Performance Evaluation per RCW 42.30.110(g). The Executive Session is expected to last approximately 60 minutes.

No formal action was taken.

ADJOURNMENT

The Special Meeting was adjourned at 7:25 p.m.

Respectfully submitted,

Tony Piasecki
City Manager

AGENDA
REGULAR MEETING
DES MOINES CITY COUNCIL
December 8, 2011 - 7:30 p.m.

CALL TO ORDER - Mayor Sheckler called the meeting to order at 7:36 p.m.

PLEDGE OF ALLEGIANCE – The flag salute was led by Mayor Pro-Tem Kaplan.

ROLL CALL Present were Mayor Bob Sheckler; Mayor Pro-Tem Dave Kaplan; Councilmember's Scott Thomasson, Dan Sherman, Matt Pina, Melissa Musser and Carmen Scott.

Staff present were City Manager Tony Piasecki; Assistant City Attorney Tim George; Planning Building and Public Works Director Grant Fredricks; Interim Police Chief John O'Leary; Finance Director Paula Henderson; Parks and Recreation Director Patrice Thorell; Senior Planner Jason Sullivan; Clerk Autumn Lingle.

CORRESPONDENCE

There was no correspondence.

COMMENTS FROM THE PUBLIC:

Susan White, 28742 Redondo Beach Dr. S.

Ms. White thanked and complimented vacating Councilmember's Dan Sherman and Scott Thomasson for all their hard work and dedication.

Ben Stark, 1310 S. 230th St.

Mr. Stark seconded Ms. White's kind words regarding Councilmember's Sherman and Thomasson.

BOARD & COMMITTEE REPORTS/ COUNCILMEMBER COMMENTS

Councilmember Scott

- o Farmers Market
 - Board meeting
 - Chili Cook-off
 - Holiday Market
- o Sonju Park work party
- o Des Moines Theater change of ownership and venue
- o Two hour parking in downtown
- o Recognized Councilmember Thomasson for his time on the Council

Mayor Pro-Tem Kaplan

- o Police capture of Jayme Thomas murder suspect
- o South King County Summit on Transportation Meeting
- o Comprehensive Plan Amendments

ACTION/DIRECTION

Mayor Pro-Tem Kaplan moved that the Council reconsider Ordinance 1528 concerning 2011 amendments to the City's Comprehensive plan, at the next Regular City Council meeting on January 5, 2012; Seconded by Councilmember Musser. Vote was 5 to 2, Councilmember's Sherman and Thomasson opposed.

Councilmember Musser

- o Recognized Councilmember's Sherman and Thomasson for their contributions and commitment to the Council.

Councilmember Pina

- o Thanked his colleagues that are stepping down.

Councilmember Sherman

- o Expressed gratitude to former Councilmember Susan White and her husband Gene.
- o Thanked his neighbors and the public.
- o Promoted government transparency and investigative reporting.

Councilmember Thomasson

- o Reminisced about his 24 years on the Council and thanked the community and colleagues.

Mayor Pro-Tem Kaplan

- o Thanked Councilmember Sherman and Thomasson for their efforts and commitment to the Council.

PRESIDING OFFICER'S REPORT

Mayor Sheckler presented Arts Commission Appreciation Certificates to Dennis Steussy, Jeanne Serrill, and Shaw Dixon.

In addition he recognized Councilmember's Sherman and Thomasson for their time on the City Council. He presented Councilmember Thomasson with a plaque. Councilmember Sherman requested that instead of a plaque for himself that the cost incurred for the plaque be donated to the food bank.

The Mayor displayed a beautiful vase that was a gift from Des Moines' sister city in Changle, China.

ADMINISTRATION REPORTS

City Manager Piasecki announced the Transportation Improvement Board has decided to grant 4 million dollars to the City for a portion of the Gateway Project, specifically on 216th Street, between 18th to 24th.

Kent City Council will be hearing up to 5 ordinances regarding the Envision Midway project at their next meeting.

City Council is encouraging people to apply to be part of the Marina Beach Park Stakeholders Committee. Deadline for applications is December 31, 2011.

CONSENT CALENDAR ITEMS

Item 1. APPROVAL OF MINUTES

Motion is to approve the meeting minutes of November 17, 2011.

Item 2. APPROVAL OF VOUCHERS

Motion is to approve vouchers audited and certified by the auditing officer as required by RCW 42.24.080, and those expense reimbursement claims certified as required by RCW 42.24.090, which have been recorded on a listing and made available to the City Council:

Claim checks are \$ 1,454,599.71

Payroll fund transfers total \$ 878,808.72

Total certified Wire Transfers, Voids, A/P & Payroll vouchers are \$ 2,333,408.43

Item 3. 2011 FIELD HOUSE RESTROOM RENOVATION PROJECT

First Motion is to authorize the transfer of \$3,944.59 from Fund 506, Facility Repair and Replacement to the 2011 Field House Restroom Renovation Project.

Second Motion is to increase the construction services contract for the Field House Restroom Renovation Project awarded to Design Air, Ltd., from \$85,400 (\$77,700 plus contingency of \$7,700) to \$103,864.83 (\$77,700 plus contingency of \$26,164.83) to fund additional plumbing work in the amount of \$19,368.36 and to authorize the City Manager to sign change order requests up to this amount.

Item 4. APPROVAL OF RESIDENTIAL RENTAL AGREEMENT FOR HOUSE AT SONJU PARK

Motion is to approve a Residential Lease Agreement of the residence located at Sonju Park in the amount of \$1,000 per month between City of Des Moines Parks, Recreation and Senior Services

Department and Robin and Leslie Wall and to have the Residential Lease Agreement signed by City Manager substantially in the form as submitted.

- Item 5. TRANSPORTATION GATEWAY PROJECT: S. 24TH AVENUE SOUTH RIGHT OF WAY ACQUISITION: HESS – TAX PARCEL 092204-9166– PROJECT PARCEL #70

Motion is to purchase 280 square feet of land from Douglas and Lynette Hess in the amount of \$1201.20, a 275 square foot Slope Easement in the amount of \$294.94 for a grand total of \$1,496.00 (rounded to nearest dollar) plus closing costs, and further to authorize the City Manager to sign the Statutory Warranty Deed, Slope Easement, Construction Easement, and Real Property Voucher substantially in the form as submitted and accept the right of way on behalf of the City of Des Moines.

- Item 6. RESOLUTION NO. 11-233 AMENDING PAYMENT SCHEDULE OF INTERFUND LOAN

Motion is to adopt draft Resolution No. 11-233 amending the payment schedule provided in Resolution No. 1167 to on or before April 30, 2012.

- Item 7. DES MOINES POLICE MANAGEMENT ASSOCIATION/CITY OF DES MOINES LABOR AGREEMENT JANUARY 1, 2012 THROUGH DECEMBER 31, 2013

Motion is to approve the Des Moines Police Management Association and City of Des Moines Labor Agreement for the time period January 1, 2012 through December 31, 2013, and authorize the City Manager to sign the agreement substantially in the form as submitted.

ACTION/DIRECTION

Councilmember Musser moved to pass the Consent Calendar in its entirety; Seconded by Mayor Pro-Tem Kaplan. Passed unanimously.

OLD BUSINESS

1. Draft Ordinance No. 11-200 Amendments to DMMC 18.44.060 - Downtown Parking Waiver
A brief presentation was given by Senior Planner Jason Sullivan

ACTION/DIRECTION

Councilmember Musser moved to adopt Draft Ordinance 11-200 extending the expiration date of the parking exemption established for commercial uses in the Marina District from December 31, 2011 to December 31, 2013; Seconded by Councilmember Pina. The vote was 5 to 2, Councilmember's Sherman and Thomasson opposed, stating there is currently not adequate parking.

2. Police Department Response to Matrix Study
Police Chief John O'Leary commented on the Matrix Study with additional information and observations.

ACTION/DIRECTION

Mayor Sheckler moved that the City Manager immediately begin the recruitment process to appoint a new Chief of Police before June 30, 2012; Councilmember Pina seconded the motion. Passed unanimously.

Councilmember Sherman recused himself from Consent Calendar Item #7.

Mayor Sheckler announced a 5-minute break. The meeting reconvened at 9:16 p.m.

NEW BUSINESS

1. Budget Amendments
A brief presentation was given by Finance Director Paula Henderson.

ACTION/DIRECTION

Councilmember Kaplan moved to pass Draft Ordinance No. 11-231, relating to municipal finance, amending the 2011 budget adopted in Ordinance No. 1501, as amended by Ordinance No. 1519, to a second reading for enactment on December 13, 2011; Seconded by Councilmember Pina. The motion passed unanimously.

NEXT MEETING DATE – December 13, 2011 Special Meeting 6:30 p.m.

ADJOURNMENT

There being no further business to come before the City Council, Councilmember Thomasson moved to adjourn. Councilmember Sherman seconded the motion. The motion passed 7-0. The meeting was adjourned at 9:18 p.m.

Respectfully submitted,

Autumn Lingle
Clerk

AGENDA
SPECIAL MEETING
DES MOINES CITY COUNCIL
December 13, 2011 - 6:30 p.m.

CALL TO ORDER - Mayor Sheckler called the meeting to order at 6:32 p.m.

PLEDGE OF ALLEGIANCE – The flag salute was let by Mayor Sheckler.

ROLL CALL

Present were Mayor Sheckler; Mayor Pro-Tem Dave Kaplan; Councilmembers Scott Thomasson, Matt Pina, Melissa Musser and Carmen Scott.

Councilmember Dan Sherman was absent. Councilmember Musser moved to excuse Councilmember Sherman; Councilmember Pina, second; all the votes were ayes.

Staff present were City Manager Tony Piasecki; City Attorney Pat Bosmans; Assistant City Manager Lorri Ericson; City Clerk Sandy Paul.

COMMENTS FROM THE PUBLIC

There were no comments from the public.

CONSENT CALENDAR ITEMS

Item 1. 2011 Budget Amendments Draft Ordinance No. 11-231

Motion is to enact Draft Ordinance No. 11-231, relating to municipal finance, amending the 2011 budget adopted in Ordinance No. 1501, as amended by Ordinance No. 1519.

Item 2. MOU with Teamsters and General Employees for health insurance changes

Motion (a) is to approve the memorandum of understanding regarding health insurance with the City of Des Moines General Employees for the time period January 1, 2012 through December 31, 2012 and to authorize the City Manager to sign it substantially in the form as submitted.

Motion (b) is to approve the memorandum of understanding regarding health insurance with the Public, Professional Office-Clerical Employees and Drivers Local Union No. 763 (Teamsters) for the time period January 1, 2012 through December 31, 2012 and to authorize the City Manager to sign it substantially in the form as submitted.

Item 3. City Manager salary increase.

Motion is to approve a combined cost of living adjustment and merit increase of five percent to the City Manager's salary to be implemented by increasing the steps in the City Manager pay scale by five percent.

Councilmember Thomasson stated that his yes vote for the consent agenda would be for Item 2 only. He said he could not support an amendment to a budget that he did not support. He added that he would also abstain from Item 3 in order to avoid the appearance that he was supporting an increase followed by his departure from the City Council.

Councilmember Musser moved to approve the Consent agenda; Councilmember Pina, second. The motion passed, 6-0.

NEXT MEETING DATE – January 5, 2012 City Council Regular Meeting

ADJOURNMENT

There being no further business to come before the City Council, Councilmember Musser moved to adjourn; Councilmember Pina, second. The motion passed 6-0.

The meeting was adjourned at 6:40 p.m.

Respectfully submitted,

Sandy Paul CMC
City Clerk

A G E N D A I T E M

BUSINESS OF THE CITY COUNCIL
City of Des Moines, WA

SUBJECT: AMEC Contract Supplement – Public Works Yard Groundwater Remediation Work

FOR AGENDA OF: January 5, 2012

ATTACHMENTS:

- 1. AMEC Addendum to Services (Supplement No.3)

DEPT. OF ORIGIN: Planning, Building & Public Works

DATE SUBMITTED: December 19, 2011

CLEARANCES:

- Legal DB
- Finance pl
- Marina N/A
- Parks, Recreation & Senior Services N/A
- Planning, Building & Public Works AA
- Police N/A
- Courts N/A

APPROVED BY CITY MANAGER
FOR SUBMITTAL: AA

Purpose and Recommendation

The purpose of this agenda is to seek City Council approval of Supplement #3 of the contract with AMEC Earth & Environment for extending for another two years the groundwater remediation work being done at the Public Works Yard (21650 11th Avenue South). Staff recommends approval of the contract supplement.

Suggested Motion

Motion: "I move to approve contract Supplement No. 3 for professional services with AMEC Earth and Environmental, Inc. for the groundwater remediation at Public Works Yard in the amount of \$129,730.00, bringing the total amount for the contract to \$296,440, authorize the City Manager to approve additional supplements as necessary up to \$25,000 for the entire contract, and to authorize the City Manager to sign said supplement substantially in the form as submitted."

Background

In 1992, following a mandatory site characterization study, contaminated soil and groundwater was discovered in the vicinity of the gasoline fuel tank located east of the Public Works Building (21650 11th

Avenue South) and the adjoining property line. Subsequently, all of the tanks and fuel dispensers were removed.

In 1994, remediation of the contaminated soil and groundwater began using a soil vapor extraction system for the soil and a pump and treat system for the groundwater. Fifteen monitoring wells have been installed at the site with four of the wells being used as groundwater extraction wells before being treated in an air sparging tank and discharged to the Midway Sewer District system. In 1996, soil confirmation borings were made indicating that the soil contamination was below cleanup levels.

To speed up the groundwater remediation process that had been ongoing since 1994, the pump and treat system was modified in 2010 to pump/diffuse air into the groundwater to promote natural biodegradation of the contamination plume. Two additional extraction wells were also installed to increase the amount of pumping and to draw diffused air through the impacted groundwater. An estimated 65,000 gallons are now being pumped and treated per year, which is more than double what was being treated before the system modification. Since operation of the groundwater treatment system, monitoring tests show that contamination levels of gasoline have dropped from 200,000 parts per billion (ppb) in 1994 to 91,000 ppb in 2008. Since the system was modified, the latest monitoring tests show gasoline levels have dropped to 7,400 ppb (November 11, 2011 tests).

Discussion

Since the system was modified in 2010, rapid progress has been made in cleaning the groundwater. The contamination plume has shrunk with two additional monitoring wells now reading below cleanup levels leaving just the four recovery wells above cleanup levels. At the current pace of readings dropping by half every year, it is expected that within 2-3 years all of the wells will be below cleanup levels for all contaminants (gasoline, benzene, toluene, ethyl benzene and xylene). Once all readings are below cleanup levels for one year (four quarters) the remediation system is turned off and the site monitored for one year. Then, if the test readings remain below cleanup the site is considered clean and all wells are to be properly abandoned (filled).

The attached Addendum to Services (contract supplement No. 3) provides for two years of work (2012 through 2013) and includes:

1. Routine operation and system maintenance \$42,924
2. Quarterly sampling and required reports - sewer discharge report and groundwater monitoring report \$75,069
3. Vapor intrusion assessment \$11,736

The vapor intrusion assessment is required by Ecology to be conducted on Water District No. 54's workshop building for concern that fuel vapors are entering the workshop.

Given the age of the system, a \$25,000 contingency is being requested to cover unforeseen expenses such as equipment replacement or major repairs.

Alternatives

Because work needs to be done in order to meet Department of Ecology compliance no alternative is suggested for the proposal of work for 2012 and 2013.

Financial Impact

Annual cost for the remedial work is approximately \$75,500. This includes the services provided by AMEC (\$65,000 annually), the discharge permit fee by Ecology (\$4,500), review charges by Ecology (\$2,500), and discharge costs to the Midway Sewer District System (\$3,500 annually). \$107,500 has been budgeted in the Self Insurance Fund to cover these expenses plus provide approximately \$35,000 as contingency for unanticipated costs (system repairs or equipment replacement).

Recommendation or Conclusion

Substantial progress is finally being made to reduce the levels of groundwater contamination at the Public Works Yard site and staff anticipates that within 2-3 years using the current remediation system the site will reach cleanup levels and can begin the process of closure. Staff recommends approving the contract supplement with AMEC Earth & Environmental for continuing the site work for another two years (2012 and 2013).

Concurrence

The Finance Department has review the contract proposal and concurs that adequate funding is available and budgeted in the Self Insurance Fund for the work.

ADDENDUM TO SERVICES



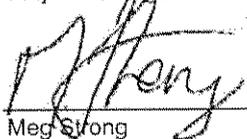
TO	City of Des Moines Department of Public Works 21650 11th Avenue South Des Moines, WA 98198 Attn: Loren Reinhold	DATE	PROPOSAL NO.	PAGE
		12-13-2011	91P-21627 COR #3	1 of 3
FROM	AMEC 600 University Street, Suite 600 Seattle, WA 98101 Attn: Leah R. Vigoren	PROPOSAL NAME		
		Groundwater Remediation Action Plan		
		LOCATION		
		Des Moines, WA		
		SUBJECT		

ITEM	SCOPE OF WORK	ESTIMATED COST
0	<p>Based on the existing scope of groundwater remediation, Change Order #3 for two years of work (2012 through 2013) includes:</p> <p>Task 1</p> <ol style="list-style-type: none"> <u>Routine operation and maintenance</u> will cover change-out of hoses on pumps, system winterization, upkeep of discharge meter, disposal of granular activated carbon (GAC) and liquid GAC, and a few emergency site visits. If work other than general maintenance is required additional funds may be necessary. <p><i>It is assumed that the City will continue to record daily groundwater treatment discharge and system readings.</i></p> <p>Task 2</p> <ol style="list-style-type: none"> <u>Eight quarterly sampling events (February 2012 to November 2013)</u>. Water samples will be collected from groundwater monitoring wells MW-3, MW-6, MW-12, MW-13, MW-14, and MW-15, with a duplicate. Influent, effluent, and air system samples will be collected at discharge points. Groundwater samples will be analyzed for gas and benzene, toluene, ethylbenzene, and xylene (BTEX), the treatment system samples will be analyzed for gas, BTEX, pH and lead, and air sample will be analyzed for gas and BTEX. <u>Eight quarterly groundwater reports</u>. The reports will be submitted to the Washington State Department of Ecology (Ecology) Voluntary Cleanup Division in Lacey, Washington. <u>Eight discharge monitoring reports</u>. The reports will be submitted to Ecology's Water Quality Division in Bellevue, Washington. <u>Two groundwater quality annual evaluation reports</u>. The reports will be submitted to Ecology Water Quality Division in Bellevue, WA. 	

AMEC Earth & Environmental, Inc.
600 University Street, Suite 600
Seattle, Washington 98101
(206) 342-1760 Phone
(206) 342-1761 Facsimile
www.amec.com

Attachment 1

Task 3		
1. <u>Vapor intrusion assessment</u> . The budget covers six air samples using Suma canisters and a memo discussing the results. If Ecology requires a different method of sampling the cost will need to be re-evaluated at that time.		
Any funds remaining in the 2011 budget will be transferred to the Change Order # 3 budget.		
CHANGE ORDER #3 Task Breakdown		
Task 1	Operation and Maintenance	\$42,924
Task 2	Quarterly sampling and reports	\$75,069
Task 3	Vapor intrusion assessment	\$11,736
CHANGE ORDER #3 TOTAL		\$129,730.
CHANGE ORDER #2 Task Breakdown		
1a.	Quarterly operation and maintenance	\$9,642.
1b.	Equipment and maintenance budget	\$10,595.
2	Quarterly sampling and reporting	\$22,937.
3	Vapor intrusion assessment and report	-\$10,595.
Total proposed work using existing budget		\$43,174.
CHANGE ORDER #2		\$0.
CHANGE ORDER #1 (approved 2-19-10)		\$15,150.
ORIGINAL BUDGET (approved 9-11-08)		\$151,559
TOTAL BUDGET		\$296,440.
All services will be performed with our current AMEC Earth & Environmental, Inc. Standard Terms & Conditions (US-07 Rev 05/04), a copy of which is attached. To authorize our proposed scope of work, please have an appropriate authority sign this form and return a copy to us. Thank you!		

SUBMITTED BY	AUTHORIZED BY
 Leah R. Vigoren Project Manager	ORGANIZATION <hr/> SIGNATURE AND DATE <hr/> NAME AND TITLE <hr/>
 Meg Strong Senior Associate	



AMEC EARTH & ENVIRONMENTAL, INC. STANDARD TERMS AND CONDITIONS

- 1) **ENTIRE AGREEMENT.** Upon authorization by the CLIENT and commencement of performance hereunder, these terms and AMEC's Proposal constitute the entire agreement between the parties concerning its subject matter. Any changes or additional conditions proposed by CLIENT are hereby rejected, unless expressly stated in this Agreement or incorporated by a change order.
- 2) **CHANGES.** Upon receipt of notice from CLIENT of a change in the scope of the work hereunder, AMEC will promptly notify the CLIENT if there is an impact on the schedule, price, or terms of the agreement. Thereafter, an estimate of any impact on the contract will be prepared and submitted to the CLIENT. The parties agree to promptly negotiate and implement changes to the Agreement. CLIENT acknowledges and agrees that its use of any purchase order or other form to procure services is solely for administrative purposes and in no event shall AMEC be bound to any terms and conditions on such form regardless of reference to or signature. CLIENT shall endeavor to reference this Agreement on any purchase order (or any other form), but CLIENT's failure to do so shall not operate to modify this Agreement.
- 3) **SITE INFORMATION AND ACCESS.** The CLIENT shall make available to AMEC all relevant information and documents under his control regarding past, present and proposed conditions of the site. The information shall include, but not be limited to, plot plans, topographic surveys, hydrologic data and previous soil and geologic data including borings, field, or laboratory tests and written reports. The CLIENT shall immediately transmit to AMEC any new information that becomes available or any change in plans. The CLIENT shall also ensure uninterrupted site access for AMEC throughout performance of this Agreement.
- 4) **PERMITS AND UTILITIES.** Unless otherwise stated in the Proposal, the CLIENT shall apply for and obtain all required permits and licenses and shall make all necessary arrangements for right of entry to provide AMEC access to the site for all equipment and personnel at no charge to AMEC. The CLIENT shall also provide AMEC with the location of all underground utilities and structures in the exploration area. AMEC is not responsible for location or identification of utilities.
- 5) **PAYMENT.** Unless otherwise stated in the Proposal, invoices will be submitted by AMEC either at the completion of the work or on a monthly basis and will be due and payable on the invoice date. Invoices not paid within thirty (30) days of the invoice date shall be subject to a late fee of one and one-half percent (1.5%) per month computed at 31 days from the date of invoice. In addition, any collection fees, attorney's fees, court costs, and other related expenses incurred by AMEC in the collection of delinquent invoice amounts shall be paid by CLIENT.
- 6) **OWNERSHIP RIGHTS.** Any documents produced by AMEC shall be the sole property of AMEC. At the request and expense of the CLIENT, AMEC shall provide the CLIENT with copies of any or all drawings, specifications and other documents prepared by AMEC.
- 7) **ATTORNEY'S FEES.** In the event either party makes a claim or brings an action against the other for any act arising out of the performance or interpretation of this Agreement, including the payment of professional fees, the unsuccessful party shall pay all reasonable attorney's fees and legal costs incurred by the prevailing party in such claim or action.
- 8) **STANDARD OF CARE.** In the performance of professional services, AMEC will use that degree of care and skill ordinarily exercised under similar circumstances by reputable members of its profession practicing in the same or similar localities. No warranty, either expressed or implied, is made or intended by this Agreement or by furnishing oral or written reports of the findings. AMEC is to be liable only for damage proximately caused by the negligence of AMEC. The CLIENT recognizes that subsurface conditions may vary from those encountered at the location where borings, surveys, or explorations are made by AMEC and that the data, interpretations and recommendation of AMEC are based solely on the information available to him. AMEC will not be responsible for the interpretation by others of the information developed.
- 9) **INSURANCE.** AMEC will maintain insurance for this Agreement in the following types: 1) worker's compensation insurance at statutorily required levels; 2) comprehensive general liability (CGL) insurance; and 3) automotive insurance.
- 10) **ENVIRONMENTAL LIABILITY.** Because CLIENT owns and/or operates the site where work is being performed, CLIENT has and shall retain all responsibility and liability associated with the environmental conditions at the site. Unless specifically identified in AMEC's Proposal, CLIENT'S responsibility and liability includes the handling and disposal of any samples or hazardous materials generated on the site as a result of AMEC's performance hereunder.
- 11) **CONSEQUENTIAL DAMAGES.** AMEC shall NOT be responsible for any consequential, incidental, or indirect damages.
- 12) **LIMITATION OF LIABILITY.** Notwithstanding any other provision of this Agreement, the total liability of AMEC, its officers, directors and employees for liabilities, claims, judgments, demands and causes of action arising under or related to this Agreement, whether based in contract or tort, shall be limited to the total compensation actually paid to AMEC for the Services or \$50,000, whichever is less. All claims by CLIENT shall be deemed relinquished unless filed within one (1) year after substantial completion of the Services.
- 13) **DISPUTES.** Any dispute arising hereunder shall first be resolved by taking the following steps, where a successive step is taken if the issue is not resolved at the preceding step: 1) by the technical and contractual personnel for each party performing this Agreement, 2) by executive management of each party, 3) by mediation, 4) by arbitration if both parties agree or 5) through the court system of the jurisdiction of the AMEC office that entered this Agreement. CLIENT hereby waives the right to trial by jury for any disputes arising out of this Agreement.
- 14) **WARRANTY OR AUTHORIZATION TO SIGN.** The person signing this Agreement warrants that he has authority to sign as, or on behalf of, the CLIENT for whom or for whose benefit AMEC's services are rendered. If such a person does not have such authority, he agrees that he is personally liable for all breaches of this Agreement, and that in any such action against him for breach of such warranty, reasonable attorney's fees and legal costs shall be included in a judgment rendered.
- 15) **ASSIGNMENT.** Neither the CLIENT nor AMEC may delegate, assign, sublet, or transfer his duties or interest in this Agreement without the written consent of the other party.
- 16) **CHOICE OF LAWS.** This Agreement shall be governed by the laws of the state of the AMEC office that entered into this Agreement.

AGENDA ITEM

BUSINESS OF THE CITY COUNCIL
City of Des Moines, WA

SUBJECT: Transportation Gateway Project: S.
24th Avenue South Right of Way
Acquisition: Swezea – Tax Parcel
092204-9207– Project Parcel #13

AGENDA OF: January 5, 2012

DEPT. OF ORIGIN: Planning, Building & Public
Works

DATE SUBMITTED: December 20, 2011

ATTACHMENTS:

1. Statutory Warranty Deed
2. Construction Easement/Right Entry
3. Administrative Settlement
4. Real Property Voucher
5. Project Map

CLEARANCES:

- Legal PO
- Finance JA
- Marina NA
- Parks, Recreation & Senior
Services NA
- Planning, Building & Public
Works MA
- Police NA

APPROVED BY CITY MANAGER
FOR SUBMITTAL: JA

Purpose and Recommendation:

The purpose of this agenda item is to seek City Council acceptance of right of way and easements required to widen 24th Avenue South, consistent with the City's adopted right of way plan for CIP project #319.131. The following motion will appear on the Consent Calendar:

Suggested Motion

Motion: "I move to purchase 823 square feet of land from Bradford and Cynthia Swezea in the amount of \$7,950.18; improvements at \$500.00 for Just Compensation; and an administrative settlement in the amount of \$790.00 for a grand total of \$9,240.00 (*rounded to nearest dollar*) plus closing costs, and further to authorize the City Manager to sign the Statutory Warranty Deed, Construction Easement, and Real Property Voucher substantially in the form as submitted and accept the right of way on behalf of the City of Des Moines."

Background:

Widening and improvement 24th Avenue S. to 18th Avenue S. is an element of the City of Des Moines Comprehensive Plan and an adopted element of the 2011 Capital Improvement Program, Project #319.131. This arterial segment is of one of the three roadway segments referred collectively as the

Transportation Gateway Project. The City Council passed a motion on April 7, 2011, to begin the right of way acquisition phase for S. 216th Street Segment 2 and 24th Avenue S. from S. 208th Street to S. 216th Street including roadway transitions. The negotiated right of way is consistent with the June 2, 2011 Council direction to extend and match the sidewalk with developer improvements adjacent to and south of the project.

Discussion:

Design of this project is complete including all environmental documentation under NEPA and SEPA.

The adopted right of way plan requires this 823 sq. ft. right of way take for future sidewalk, road and intersection improvements fronting this property. Also included is \$500 for grass sod improvement. *(According to the State and Federal guidelines, any improvements (grass, mulch, shrubs, trees, pavement, gravel, etc.) within the fee acquisition area are given contributory value and owners are compensated for as part of the acquisition. This value determined from a book called "The Guide-Building, Construction and Material Prices". Prices contained in the Guide are from local supplier and contractor prices, and are representative of current market conditions.* In addition, there is a \$790.00 Administrative Settlement to cover mitigation of additional travel lane by reimbursing the owner for installation of a low-maintenance hedge at \$700 plus two shrubs at \$90 that were not included in the original estimate. This amount is negotiated with the owner when they dispute the original offer and a reasonable settlement is reached.

There is no money exchanged for the Construction Easement/Right of Entry as this agreement is considered mutually beneficial to restore the property during construction.

Alternatives:

The final design and alignment for the roadway is based upon an offset alignment which minimizes impacts to developed properties. Alternatives were considered during predesign (symmetrical verses an offset alignment) resulting in settling on a right of way plan supported by final design. No other alternatives are currently available.

Financial Impact:

Funds for acquisition of this right of way were approved as part of the City of Des Moines budget.

Recommendation/Conclusion:

Staff recommends the Council approve the proposed motion.

Concurrence:

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

After Recording, Return to:

CITY OF DES MOINES
ATTN: CITY ATTORNEY
21630 11th Avenue South, Suite C
Des Moines, WA 98198-6398

STATUTORY WARRANTY DEED

Grantor: Bradford and Cynthia Swezea, husband and wife
Grantee: City of Des Moines, a municipal corporation of the State of Washington
Abbr. Legal Desc.: Ptn. of Sec. 9, Twn. 22N, Rng. 4E, NE Qtr., W.M., King County
Tax Parcel No.: 092204-9207
Project Parcel No: 13

Re: Transportation Gateway Project

THE GRANTORS, *Bradford and Cynthia Swezea, husband and wife*, for and in consideration of sum of Ten Dollars (\$10.00) and other good and valuable consideration, receipt of which is hereby acknowledged, hereby convey and warrant to the City of Des Moines, a Washington municipal corporation of the State of Washington, its successor and assigns, under the imminent threat of the Grantee's exercise of its rights of Eminent Domain per Chapter 8.12 RCW, for the use of the public, the real property described and attached hereto as Exhibit A and illustrated and attached hereto as Exhibit A-1, situated in City of Des Moines, in King County, Washington.

Also, the Grantors request the Assessor and Treasurer of said County to set over to the remainder of Tax Parcel No.092204-9207, the lien of all unpaid taxes, if any, affecting the real estate herein conveyed, as provided by RCW 84.60.070

DATED this 5th day of December, 2011.

EXHIBIT A
PARCEL NUMBER 092204-9207
RIGHT OF WAY ACQUISITION

THAT PORTION OF THE HEREINAFTER DESCRIBED PARCEL "A", DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID PARCEL "A", ALSO BEING ON THE SOUTHERLY MARGIN OF SOUTH 216TH STREET;

THENCE SOUTH 88° 15' 56" EAST ALONG SAID SOUTHERLY MARGIN, 85.01 FEET;

THENCE SOUTH 39° 13' 58" EAST ALONG SAID SOUTHERLY MARGIN AND ALONG THE WESTERLY MARGIN OF 24TH AVENUE SOUTH, 31.02 FEET;

THENCE NORTH 53° 36' 04" WEST, 31.51 FEET TO A LINE THAT IS 5.50 FEET SOUTH OF AND PARALLEL WITH SAID SOUTHERLY MARGIN;

THENCE NORTH 88° 15' 56" WEST ALONG SAID PARALLEL LINE, 79.36 FEET TO THE WEST LINE OF SAID PARCEL "A";

THENCE NORTH 01° 05' 58" EAST ALONG SAID WEST LINE, 5.50 FEET TO THE POINT OF BEGINNING.

CONTAINING 573 SQUARE FEET, MORE OR LESS.

TOGETHER WITH THE EAST 6.00 FEET OF THE HEREINAFTER DESCRIBED PARCEL "A":

CONTAINING 250 SQUARE FEET, MORE OR LESS.

TOTAL RIGHT OF WAY ACQUISITION AREA CONTAINING 823 SQUARE FEET, MORE OR LESS.

PARCEL "A"

(PER PACIFIC NORTHWEST TITLE COMPANY ORDER NO. 1114088, DATED APRIL 6, 2010)

THE WESTERLY 115 FEET OF THE EASTERLY 145 FEET OF THE NORTH HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 22 NORTH, RANGE 4 EAST, W.M., IN KING COUNTY, WASHINGTON,

EXCEPT THE NORTHERLY 30 FEET FOR ROAD,

AND EXCEPT THE SOUTHERLY 229 FEET THEREOF

EXCEPT THE PORTION CONVEYED TO CITY OF DES MOINES FOR ROAD PURPOSES RECORDED IN DEED UNDER RECORDING NO. 20040903000548.

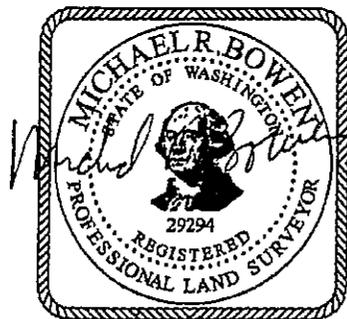
SURVEYOR'S NOTE:

THE CENTERLINE OF SOUTH 216TH STREET AND 24TH AVENUE SOUTH IS BASED ON THE RIGHT OF WAY PLANS FOR THE GATEWAY PROJECT, 24TH AVENUE SOUTH, ON FILE WITH THE CITY OF DES MOINES PUBLIC WORKS.

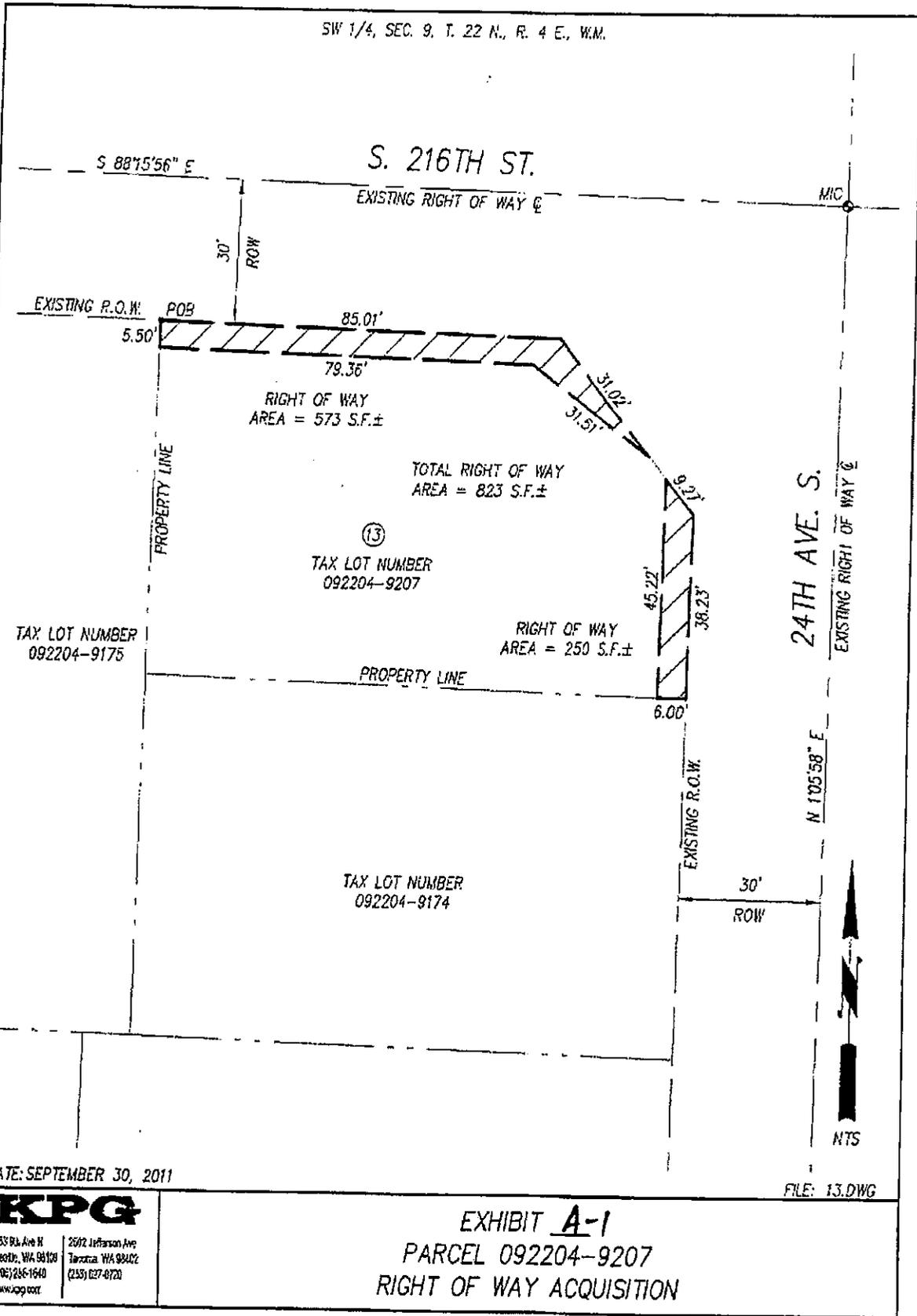
13-0922049207 row.doc

Page 1 of 1

KPG
TACOMA · SEATTLE



SW 1/4, SEC. 9, T. 22 N., R. 4 E., W.M.



DATE: SEPTEMBER 30, 2011

FILE: 13.DWG

KPG

733 9th Ave N Seattle, WA 98108 (206) 246-1640 www.kpg.com	2672 Jefferson Ave Tacoma, WA 98402 (253) 827-8720
---	--

EXHIBIT A-1
 PARCEL 092204-9207
 RIGHT OF WAY ACQUISITION

Return Address:
City of Des Moines
Attn: City Attorney
21630 11th Avenue So., Suite C
Des Moines, WA 98198-6398

**CONSTRUCTION EASEMENT
AND RIGHT OF ENTRY**

ROW Plan #	
Grantors:	<i>Bradford and Cynthia Swezea, husband & wife</i>
Grantee:	<i>City of Des Moines, a municipal corporation of the State of Washington</i>
Legal Description/STR:	<i>Ptn. of Sec. 9, Twn. 22N, Rng. 4E, SW Qtr., NE Qtr., W.M., King County</i>
Assessor's Tax Parcel ID#:	<i>092204-9207</i>
Property Address:	<i>2259 South 216th St. Des Moines, WA</i>
Mailing Address:	<i>PO Box 4235, Federal Way WA 98063</i>
Phone Contact #:	

TRANSPORTATION GATEWAY PROJECT

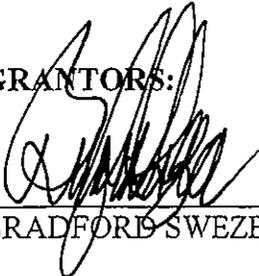
THIS EASEMENT AGREEMENT, made this 5th day of December, 2011, by and between Bradford and Cynthia Swezea, husband & wife ("Grantors" herein), and the CITY OF DES MOINES, a municipal corporation of the State of Washington, ("Grantee" herein),

In consideration of the transportation, sidewalk, utility and general improvements planned to occur immediately on or adjacent to property that is subject to this easement as a result of the above S. 216th Street and/or 24th Avenue S. Improvements, the Grantor(s) hereby grants to the Grantee, its contractors, employees, agents, successors and assigns, for mutual benefit and other valuable consideration, the right to enter upon land known as King County Assessor's Parcel Number(s) 092204-9207 located at the intersection of 24th Avenue South and South 216th Street, Des Moines, WA 98198, as required for the purpose of placing personnel and equipment on said premises to re-construct driveway access, restore fences, utility services, mailboxes, plantings, walls and/or walkways to match newly constructed roadway and sidewalk grades within right of way as shown in the plans and specifications found on file with the City Engineer of the Grantee.

SPECIAL STIPULATIONS

1. This license shall remain in force until such time as the construction of street improvements has been accepted for operation and maintenance by the Grantee. Specific details concerning the public street improvements may be found on maps, plans, and specifications on file with Grantee's City Engineer.
2. Grantee, its agents and assigns, will notify Grantor their agents, successors, and assigns, of its construction schedule, and will, to the greatest extent practicable, schedule the construction activity so as to minimize any inconvenience to the property.
3. The Grantee agrees, to the extent practicable, to leave the property in as good condition as existed on the day construction commenced. This shall include the timely removal of any and all debris, rubbish or combustible material resulting from construction activities.
4. The Grantee plans to underground overhead electrical and communication lines adjacent to the Grantor's property as part of the Grantee's construction contract. Secondary conversions to connect overhead utilities to the Grantor's property will likely be required. ~~According to RCW 35.96, and DMMC 12.48, the Grantor is responsible for all costs associated with said secondary conversions of undergrounding utilities on private property.~~ In consideration of the disruption associated with this construction easement, and the need for timely execution of a construction contract, if and when awarded by the Grantee, the Grantee agrees to require its contractor to schedule and coordinate with the Grantor to underground secondary overhead utilities on the Grantor's property via digging a utility trench and installing said communications and electrical wiring directly between the point of primary connection to the existing secondary exterior terminal connections owned by the utility servicing the property.
5. Compensation: Grantors acknowledge that the property and/or property rights conveyed herein are in consideration for benefits to be derived by matching the roadway improvements with the Grantors' property. The Grantors agree the expenses of the Grantee for conversion and under-grounding of said secondary utilities cited in Section 4 above, if necessary, is good and valuable consideration.
6. Grantors authorize and appoint Grantee as its agent and attorney-in-fact to make application for any and all permits required to complete the project.
7. The rights herein granted shall include all incidental rights, including but not limited to, rights of ingress and egress necessary to properly perform the work indicated for construction of the project. Grantee and those entitled to exercise the rights granted herein shall exercise all due diligence in their activities upon the property. Grantee hereby agrees to indemnify and hold harmless Grantors against and from any and all liability for losses, damages and expenses on account of damage to property or injury to persons resulting from or arising out of the rights herein granted to Grantee and/or its contractors, employees, agents, successors or assigns.

GRANTORS:



BRADFORD SWEZEA

12/5/11
Date:



CYNTHIA SWEZEA

12/5/11
Date:

GRANTEE:

CITY OF DES MOINES,
a Washington municipal corporation

By: Anthony A. Piasecki, City Manager

Date:

At the direction of the Des Moines City Council taken at open public meeting the _____ day of _____, 2011.

APPROVED as to form only:

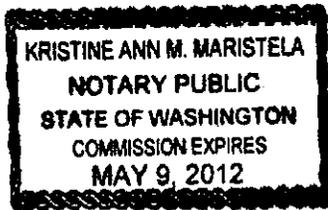
Pat Bosmans, City Attorney

Date

STATE OF Washington)
COUNTY OF King) ss

I certify that I know or have satisfactory evidence that BRADFORD AND CYNTHIA SWEZEA, husband and wife, is/ are the person/s who appeared before me, and said person/s acknowledged that he/she/they signed this instrument, on oath stated that he/she/they was/were authorized to execute the instrument and acknowledged it to be his/her/their free and voluntary, act for the uses and purposes mentioned in this instrument.

Dated Dec. 5, 2011



Kristine Maristela
Notary Public in and for the State of WA
residing at Renton
My appointment expires May 9, 2012

STATE OF)
COUNTY OF) ss

This instrument was acknowledged before me on _____ (date of acknowledgment) by Anthony Piasecki as City Manager, City of Des Moines, a State of Washington municipal corporation, on behalf of said corporation.

Notary Public in and for the State of _____
residing at _____
My appointment expires _____

C E R T I F I E D

L A N D S E R V I C E S C O R P O R A T I O N

December 5, 2011

City of Des Moines
Public Works Department
Attention: Leonard Madsen, P.E.

Via Email to: Len Madsen [LMadsen@desmoineswa.gov]

RE: City of Des Moines- Transportation Gateway Project (24th Ave S Improvements)
Administrative Settlement Request
Owners: Bradford and Cynthia Swezea
Tax Parcel No: 092204-9207 Project Parcel: 13

Dear Mr. Madsen:

I hereby request an administrative settlement for the above referenced property as follows:

Total Just Compensation:	\$8,450.00
<u>Proposed Administrative Settlement:</u>	<u>\$ 790.00</u>
Final Settlement Amount:	\$9,240.00

Explanation:

1. The City's offer of \$8,450, per an Administrative Offer Summary (AOS), was presented to the Owners on November 15, 2011.

Land in Fee Simple:	823 SF @ \$9.66/ SF	\$ 7,950.18
Improvements:	Grass sod	\$ 500.00
Construction Easement/Right of Entry: Mutual Benefit		\$ 0.00
Total Just Compensation		\$ 8,450.00 (r)

2. Negotiations ensued. Owner expressed concern regarding exposure of frontage along 216th Street due to the proposed project's additional travel lanes; requested to mitigate with either a chainlink fence or landscaping buffer. City proposed option for a low-maintenance hedge which was valued at about \$700.00.
3. In addition, City's offer did not include value of 2 existing shrubs; an additional \$90.00 was agreed upon with the owner.

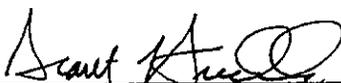
The approval of the total administrative settlement request for **\$790.00** will allow the City to proceed with the partial acquisition of the property and is considered a prudent use of public funds.

Sincerely,



Kristine Maristela
Acquisition Agent

Approved: CITY OF DES MOINES


By: Grant Fredricks, Public Works Director

12/5/11
Date:

4 6 1 9 3 7 th A v e n u e S W • S e a t
Phone: 206.287.9858 Fax: 206.938-6717 e-mail: customer@

ATTACHMENT 3

REAL PROPERTY VOUCHER AGREEMENT

<p style="text-align: center;">AGENCY NAME</p> <p>City of Des Moines Public Works Engineering 21650 11th Avenue South Des Moines, WA 98198</p>	<p>I hereby agree to the terms and conditions listed below and hereby certify under penalty of perjury that the items and amounts listed herein are proper charges, that the same or any part thereof has not been paid, and that I am authorized to sign for the Claimant: (Sign in Ink)</p> <p style="text-align: center;"><i>[Signature]</i></p>	
<p style="text-align: center;">GRANTOR or CLAIMANT</p> <p>Bradford and Cynthia Swezea PO Box 4235 Federal Way WA 98063</p>	<p>By: <u><i>[Signature]</i></u></p> <p>Date: <u>12/5/11</u></p> <p>SSN/Tax ID: <u>537-64-3774</u></p>	
<p>TRANSPORTATION GATEWAY PROJECT PROJECT NUMBER: CIP#319.333 or # 319.131 TITLE 24th Avenue S. Improvements (S. 216th St- S. 208 St)</p>	<p>TAX PARCEL NUMBER: 092204-9207 PROJECT PARCEL NUMBER: 13</p>	
<p>In Full, Complete and Final Payment and Settlement for the Title or Interest Conveyed or Released, as Fully Set Forth In Attached Documents:</p> <p>Statutory Warranty Deed Date: <u>12/5/11</u></p> <p>Construction Easement/Right of Entry Date: <u>12/5/11</u></p>		
<p>For All Lands Convey: 823 SF in Fee Simple @ \$9.66 per SF Construction Easement/Right of Entry</p> <p>For All Improvements: Landscaping and gravel driveway</p> <p>For All Damages: n/a</p> <p>Less Special Benefits: n/a</p> <p>Statutory Evaluation Allowance:</p>	<p>AMOUNT</p> <p>+ \$ 7,950.18</p> <p>+ \$</p> <p>+ \$ 500.00</p> <p>+ \$</p> <p>+ \$</p> <p>+ \$</p>	
JUST COMPENSATION		\$ 8,450.00 (r)
<p>Legal / Administrative: Administrative Settlement</p> <p>Other Items:</p> <p>Deductions:</p>		<p>+ \$ 790.00</p>
FINAL SETTLEMENT		\$ 9,240.00 (r)
SUBTOTAL		\$ 9,240.00 (r)
TOTAL AMOUNT TO BE PAID:		\$ 9,240.00 (r)
<p>Acquisition Agent: KRISTINE MARISTELA CERTIFIED Land Services Corporation 4619 37th Ave SW, Seattle, WA 98126 Phone: (206) 287-9858</p> <p><i>Kristine Maristela</i></p> <p>AGENT <u>12/5/11</u></p> <p>Date _____</p>	<p>The City of Des Moines agrees to the terms and conditions listed above, by direction of the Des Moines City Council on _____.</p> <p>_____ Anthony A. Piasecki, City Manager</p> <p>Date _____</p>	

Original – Public Works

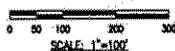


**ROW & EASEMENT ACQUISITIONS
TRANSPORTATION GATEWAY PROJECT
JANUARY, 2012**

NOTES:

-  ROW ACQUISITION COMPLETE
-  ROW ACQUISITION PENDING

ATTACHMENT 5



AGENDA ITEM

BUSINESS OF THE CITY COUNCIL
City of Des Moines, WA

SUBJECT: Transportation Gateway Project: S.
24th Avenue South Right of Way
Acquisition: Prologis – Tax Parcels:
092204-9059 – Project Parcel #58
092204-9159 – Project Parcel #59
092204-9412 – Project Parcel #60

AGENDA OF: January 5, 2012

DEPT. OF ORIGIN: Planning, Building & Public Works

DATE SUBMITTED: December 22, 2011

ATTACHMENTS:

1. Construction Easement/Right Entry (#58)
2. Construction Easement/Right Entry (#59)
3. Construction Easement/Right Entry (#60)
4. Project Map (all 3)

CLEARANCES: *PB*

- Legal *PB*
- Finance *pk*
- Marina *N/A*
- Parks, Recreation & Senior Services *N/A*
- Planning, Building & Public Works *JA*
- Police *N/A*

APPROVED BY CITY MANAGER
FOR SUBMITTAL: *JA*

Purpose and Recommendation:

The purpose of this agenda item is to seek City Council acceptance of construction easements/rights of entry required to widen 24th Avenue South, consistent with the City’s adopted right of way plan for CIP project #319.131. The following motion will appear on the Consent Calendar:

Suggested Motion

Motion: “I move to approve and accept three Construction Easements/Rights of Entry for Project Parcels Nos. 58, 59 and 60 granting permission from Prologis at no direct cost and further to authorize the City Manager to sign said documents substantially in the form as submitted on behalf of the City of Des Moines.”

Background:

Widening and improvement 24th Avenue South from South 216th Street to South 208th Street is an element of the City of Des Moines Comprehensive Plan and an adopted element of the 2012 Capital Improvement Program, Project #319.131. This arterial segment is of one of the three roadway segments referred collectively as the Transportation Gateway Project. The City Council passed a motion on April 7, 2011, to begin the right of way acquisition phase for S. 216th Street Segment 2 and 24th Avenue S. from S. 208th Street to S. 216th Street including roadway transitions.

Discussion:

Design of this project is complete including all environmental documentation under NEPA and SEPA.

The adopted right of way plan requires three Construction Easements/Rights of Entry for properties belonging to Prologis. There is no money exchanged as these agreements are considered mutually beneficial to restore the properties during construction.

Alternatives:

The final design and alignment for the roadway is based upon an offset alignment which minimizes impacts to developed properties. Alternatives were considered during predesign (symmetrical verses an offset alignment) resulting in settling on a right of way plan supported by final design. No other alternatives are currently available.

Financial Impact:

Funds for acquisition of these rights of way were approved as part of the City of Des Moines budget.

Recommendation/Conclusion:

Staff recommends the Council approve the proposed motion.

Concurrence:

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

Return Address:
City of Des Moines
Attn: City Attorney
21630 11th Avenue So., Suite C
Des Moines, WA 98198-6398

**CONSTRUCTION EASEMENT/
RIGHT OF ENTRY**

ROW Plan #	58
Grantor:	PROLOGIS
Grantee:	City of Des Moines, a municipal corporation of the State of Washington
Legal Description/STR:	PORTION OF NW QTR NE QTR STR 09-22-04
Assessor's Tax Parcel ID#:	092204-9059
Property Address:	21086 24TH AVE S; 21024 24TH AVE S
Mailing Address:	2235 FARADAY AVE STE O
Phone Contact #:	CARLSBAD CA 92008

**Transportation Gateway Project
24th Avenue South Improvements**

THIS EASEMENT AGREEMENT, made this _____ day of _____, 2011, by and between PROLOGIS ("Grantor" herein), and the CITY OF DES MOINES, a municipal corporation of the State of Washington, ("Grantee" herein),

In consideration of the transportation, sidewalk, utility and general improvements planned to occur immediately on or adjacent to property that is subject to this easement as a result of the above 24th Avenue S. Improvements, the Grantor(s) hereby grants to the Grantee, its contractors, employees, agents, successors and assigns the right to enter upon land known as King County Assessor's Parcel Number(s) 0922049059; 0922049159 and 0922049412 located adjacent to 24th Avenue S., Des Moines, WA 98198, as required for the purpose of placing personnel and equipment on said premises to re-construct driveway access, restore fences, utility services, mailboxes, plantings, walls and/or walkways to match newly constructed roadway and sidewalk grades within right of way as shown in the plans and specifications found on file with the City Engineer of the Grantee.

SPECIAL STIPULATIONS

1. This license shall remain in force until such time as the construction of street improvements has been accepted for operation and maintenance by the Grantee. Specific details concerning the public street improvements may be found on maps, plans, and specifications on file with Grantee's City Engineer.
2. Grantee, its agents and assigns, will notify Grantor their agents, successors, and assigns, of its construction schedule, and will, to the greatest extent practicable, schedule the construction activity so as to minimize any inconvenience to the property and business operations. The Grantee agrees to require that the Contractor implement a City approved traffic control plan that maintains 24 hour business access to 24th Avenue South.
3. The Grantee agrees, to the extent practicable, to leave the property in as good condition as existed on the day construction commenced. This shall include the timely removal of any and all debris, rubbish or combustible material resulting from construction activities.
4. Compensation: Grantor acknowledges that the property and/or property rights conveyed herein are in consideration for benefits to be derived by matching the roadway improvements with the Grantor's property.
5. Grantor authorizes and appoints Grantee as its agent and attorney-in-fact to make application for any and all permits required to complete the project.
6. The rights herein granted shall include all incidental rights, including but not limited to, rights of ingress and egress necessary to properly perform the work indicated for construction of the project. Grantee and those entitled to exercise the rights granted herein shall exercise all due diligence in their activities upon the property. Grantee hereby agrees to indemnify and hold harmless Grantor against and from any and all liability for losses, damages and expenses on account of damage to property or injury to persons resulting from or arising out of the rights herein granted to Grantee and/or its contractors, employees, agents, successors or assigns.

7. The termination date for this easement shall be December 31, 2015 or by the completion date of the project whichever occurs earlier.

DATED this _____ day of _____, 2011.

GRANTOR: PROLOGIS

Name:

By:

Date:

GRANTEE:

CITY OF DES MOINES,
a Washington municipal corporation

By: Anthony A. Piasecki, City Manager

Date:

At the direction of the Des Moines City Council taken at open public meeting the ___ day of _____, 2011.

APPROVED as to form only:

Pat Bosmans, City Attorney

Date

STATE OF)
) ss
COUNTY OF)

I certify that I know or have satisfactory evidence that _____ is/ are the person/s who appeared before me, and said person/s acknowledged that he/she/they signed this instrument, on oath stated that he/she/they was/were authorized to execute the instrument and acknowledged it to be his/her/their free and voluntary, act for the uses and purposes mentioned in this instrument.

Dated _____

Notary Public in and for the State of _____
residing at _____
My appointment expires _____

STATE OF WASHINGTON)
) ss
COUNTY OF KING)

This instrument was acknowledged before me on _____ (date of acknowledgment) by Anthony Piasecki as City Manager, City of Des Moines, a State of Washington municipal corporation, on behalf of said corporation.

Notary Public in and for the State of _____
residing at _____
My appointment expires _____

Return Address:
City of Des Moines
Attn: City Attorney
21630 11th Avenue So., Suite C
Des Moines, WA 98198-6398

**CONSTRUCTION EASEMENT/
RIGHT OF ENTRY**

ROW Plan #	59
Grantor:	PROLOGIS
Grantee:	City of Des Moines, a municipal corporation of the State of Washington
Legal Description/STR:	PORTION OF NW QTR NE QTR STR 09-22-04
Assessor's Tax Parcel ID#:	0922049159
Property Address:	21024 24TH AVE S
Mailing Address:	2235 FARADAY AVE STE O
Phone Contact #:	CARLSBAD CA 92008

**Transportation Gateway Project
24th Avenue South Improvements**

THIS EASEMENT AGREEMENT, made this _____ day of _____, 2011, by and between PROLOGIS ("Grantor" herein), and the CITY OF DES MOINES, a municipal corporation of the State of Washington, ("Grantee" herein),

In consideration of the transportation, sidewalk, utility and general improvements planned to occur immediately on or adjacent to property that is subject to this easement as a result of the above 24th Avenue S. Improvements, the Grantor(s) hereby grants to the Grantee, its contractors, employees, agents, successors and assigns the right to enter upon land known as King County Assessor's Parcel Number(s) 0922049159; located adjacent to 24th Avenue S., Des Moines, WA 98198, as required for the purpose of placing personnel and equipment on said premises to re-construct driveway access, restore fences, utility services, mailboxes, plantings, walls and/or walkways to match newly constructed roadway and sidewalk grades within right of way as shown in the plans and specifications found on file with the City Engineer of the Grantee.

SPECIAL STIPULATIONS

1. This license shall remain in force until such time as the construction of street improvements has been accepted for operation and maintenance by the Grantee. Specific details concerning the public street improvements may be found on maps, plans, and specifications on file with Grantee's City Engineer.
2. Grantee, its agents and assigns, will notify Grantor their agents, successors, and assigns, of its construction schedule, and will, to the greatest extent practicable, schedule the construction activity so as to minimize any inconvenience to the property and business operations. The Grantee agrees to require that the Contractor implement a City approved traffic control plan that maintains 24 hour business access to 24th Avenue South.
3. The Grantee agrees, to the extent practicable, to leave the property in as good condition as existed on the day construction commenced. This shall include the timely removal of any and all debris, rubbish or combustible material resulting from construction activities.
4. Compensation: Grantor acknowledges that the property and/or property rights conveyed herein are in consideration for benefits to be derived by matching the roadway improvements with the Grantor's property.
5. Grantor authorizes and appoints Grantee as its agent and attorney-in-fact to make application for any and all permits required to complete the project.
6. The rights herein granted shall include all incidental rights, including but not limited to, rights of ingress and egress necessary to properly perform the work indicated for construction of the project. Grantee and those entitled to exercise the rights granted herein shall exercise all due diligence in their activities upon the property. Grantee hereby agrees to indemnify and hold harmless Grantor against and from any and all liability for losses, damages and expenses on account of damage to property or injury to persons resulting from or arising out of the rights herein granted to Grantee and/or its contractors, employees, agents, successors or assigns.

7. The termination date for this easement shall be December 31, 2015 or by the completion date of the project whichever occurs earlier.

DATED this _____ day of _____, 2011.

GRANTOR: PROLOGIS

Name:

By:

Date:

GRANTEE:

CITY OF DES MOINES,
a Washington municipal corporation

By: Anthony A. Piasecki, City Manager

Date:

At the direction of the Des Moines City Council taken at open public meeting the ___ day of _____, 2011.

APPROVED as to form only:

Pat Bosmans, City Attorney

Date

STATE OF)
COUNTY OF) ss
)

I certify that I know or have satisfactory evidence that _____ is/ are the person/s who appeared before me, and said person/s acknowledged that he/she/they signed this instrument, on oath stated that he/she/they was/were authorized to execute the instrument and acknowledged it to be his/her/their free and voluntary, act for the uses and purposes mentioned in this instrument.

Dated _____

Notary Public in and for the State of _____
residing at _____
My appointment expires _____

STATE OF WASHINGTON)
COUNTY OF KING) ss
)

This instrument was acknowledged before me on _____ (date of acknowledgment) by Anthony Piasecki as City Manager, City of Des Moines, a State of Washington municipal corporation, on behalf of said corporation.

Notary Public in and for the State of _____
residing at _____
My appointment expires _____

Return Address:
City of Des Moines
Attn: City Attorney
21630 11th Avenue So., Suite C
Des Moines, WA 98198-6398

**CONSTRUCTION EASEMENT/
RIGHT OF ENTRY**

ROW Plan #	60
Grantor:	PROLOGIS
Grantee:	City of Des Moines, a municipal corporation of the State of Washington
Legal Description/STR:	PORTION OF NW QTR NE QTR STR 09-22-04
Assessor's Tax Parcel ID#:	0922049412
Property Address:	21024 24TH AVE S
Mailing Address:	2235 FARADAY AVE STE O
Phone Contact #:	CARLSBAD CA 92008

**Transportation Gateway Project
24th Avenue South Improvements**

THIS EASEMENT AGREEMENT, made this _____ day of _____, 2011,
by and between PROLOGIS ("Grantor" herein), and the CITY OF DES MOINES, a municipal
corporation of the State of Washington, ("Grantee" herein),

In consideration of the transportation, sidewalk, utility and general improvements planned to
occur immediately on or adjacent to property that is subject to this easement as a result of the
above 24th Avenue S. Improvements, the Grantor(s) hereby grants to the Grantee, its contractors,
employees, agents, successors and assigns the right to enter upon land known as King County
Assessor's Parcel Number(s) 0922049412; located adjacent to 24th Avenue S., Des Moines, WA
98198, as required for the purpose of placing personnel and equipment on said premises to re-
construct driveway access, restore fences, utility services, mailboxes, plantings, walls and/or
walkways to match newly constructed roadway and sidewalk grades within right of way as
shown in the plans and specifications found on file with the City Engineer of the Grantee.

SPECIAL STIPULATIONS

1. This license shall remain in force until such time as the construction of street improvements has been accepted for operation and maintenance by the Grantee. Specific details concerning the public street improvements may be found on maps, plans, and specifications on file with Grantee's City Engineer.
2. Grantee, its agents and assigns, will notify Grantor their agents, successors, and assigns, of its construction schedule, and will, to the greatest extent practicable, schedule the construction activity so as to minimize any inconvenience to the property and business operations. The Grantee agrees to require that the Contractor implement a City approved traffic control plan that maintains 24 hour business access to 24th Avenue South..
3. The Grantee agrees, to the extent practicable, to leave the property in as good condition as existed on the day construction commenced. This shall include the timely removal of any and all debris, rubbish or combustible material resulting from construction activities.
4. Compensation: Grantor acknowledges that the property and/or property rights conveyed herein are in consideration for benefits to be derived by matching the roadway improvements with the Grantor's property.
5. Grantor authorizes and appoints Grantee as its agent and attorney-in-fact to make application for any and all permits required to complete the project.
6. The rights herein granted shall include all incidental rights, including but not limited to, rights of ingress and egress necessary to properly perform the work indicated for construction of the project. Grantee and those entitled to exercise the rights granted herein shall exercise all due diligence in their activities upon the property. Grantee hereby agrees to indemnify and hold harmless Grantor against and from any and all liability for losses, damages and expenses on account of damage to property or injury to persons resulting from or arising out of the rights herein granted to Grantee and/or its contractors, employees, agents, successors or assigns.

7. The termination date for this easement shall be December 31, 2015 or by the completion date of the project whichever occurs earlier.

DATED this _____ day of _____, 2011.

GRANTOR: PROLOGIS

Name:

By:

Date:

Name:

By:

Date:

GRANTEE:

CITY OF DES MOINES,
a Washington municipal corporation

By: Anthony A. Piasecki, City Manager

Date:

At the direction of the Des Moines City Council taken at open public meeting the ___ day of _____, 2011.

APPROVED as to form only:

Pat Bosmans, City Attorney

Date

STATE OF)
COUNTY OF) ss
)

I certify that I know or have satisfactory evidence that _____ is/ are the person/s who appeared before me, and said person/s acknowledged that he/she/they signed this instrument, on oath stated that he/she/they was/were authorized to execute the instrument and acknowledged it to be his/her/their free and voluntary, act for the uses and purposes mentioned in this instrument.

Dated _____

Notary Public in and for the State of _____
residing at _____
My appointment expires _____

STATE OF WASHINGTON)
COUNTY OF KING) ss
)

This instrument was acknowledged before me on _____ (date of acknowledgment) by Anthony Piasecki as City Manager, City of Des Moines, a State of Washington municipal corporation, on behalf of said corporation.

Notary Public in and for the State of _____
residing at _____
My appointment expires _____

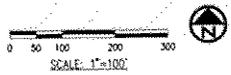


**ROW & EASEMENT ACQUISITIONS
TRANSPORTATION GATEWAY PROJECT
JANUARY, 2012**

NOTES:

- ROW ACQUISITION COMPLETE
- ROW ACQUISITION PENDING

ATTACHMENT 4



A G E N D A I T E M

BUSINESS OF THE CITY COUNCIL
City of Des Moines, WA

SUBJECT: Surplus Property - Vehicles

AGENDA OF: January 5, 2012

ATTACHMENTS:
None

DEPT. OF ORIGIN: Planning, Building & Public Works

DATE SUBMITTED: December 16, 2011

CLEARANCES:

- Legal PB
- Finance pk
- Marina N/A
- Parks, Recreation & Senior Services N/A
- Planning, Building & Public Works AK
- Police _____
- Courts N/A

APPROVED BY CITY MANAGER
FOR SUBMITTAL: AK

Purpose and Recommendation:

The Planning, Building and Public Works Department recommends that the following four vehicles be declared surplus and disposed of as per motion listed below.

Suggested Motion

Motion: "I move to surplus the following 4 Police Department Crown Victoria vehicles, all of which are near or over 100,000 miles and further to authorize disposal of said equipment to FCI, Inc. for trade of services setting up four new Police Department vehicles:

<u>Veh.No.</u>	<u>Year</u>	<u>License</u>	<u>Vin #</u>
512	2007	45143D	2FAHP71W77X148142
522	2006	42059D	2FAHP71W86X144485
539	2005	40522D	2FAHP71W15X147792
542	2007	45142D	2FAHP71W57X148141

Background:

Earlier this year, Council authorized the early purchase of four new Police Department 2011 model year vehicles at a reduced cost to save money.

Discussion:

The Police Department has declared four vehicles to be surplus after replacement. FCI, Inc. (who normally sets up/equips our Police Department vehicles) has proposed to set up the four (4) new PD vehicles for \$9,000 with costs offset by the values of the four surplus vehicles. Set up includes installation of radio, video, computer and light bars.

FCI, Inc. charges \$2250 to set up a new vehicle. Each surplus vehicle is valued based on its age and condition. Previously auctioned vehicles have brought an average of approximately \$2120 each, but we would expect to net relatively more from FCI since we will avoid auction-related costs. If our overall trade-in value exceeds \$9,000 we will receive a check for the balance; if less, we will pay the difference. Agreeing to trade services for the aforementioned four surplus vehicles will also eliminate considerable paperwork and staff time (including transporting of vehicles) if the vehicles were to be auctioned instead.

Alternatives:

Sell the four PD vehicles to be surplus to the highest bidder(s) at auction and then hire FCI, Inc. to set up the four new PD vehicles. There is no assurance as to the amount received from auction but the set up and processing will still be a cost to the City.

Financial Impact:

Staff believes the City will save time and money to have FCI, Inc. purchase the old vehicles and set up the new.

Recommendation/Conclusion:

Staff recommends surplus the aforementioned items.

Concurrence:

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

A G E N D A I T E M

BUSINESS OF THE CITY COUNCIL
City of Des Moines, WA

SUBJECT: Arts Commission Appointments

ATTACHMENTS:

1. Arts Commission Applications

FOR AGENDA OF: January 5, 2012

DEPT. OF ORIGIN: Parks, Recreation & Senior Services

DATE SUBMITTED: December 29, 2011

CLEARANCES:

- Legal NA
- 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 two appointments to the City of Des Moines Arts Commission.

Motion: "I move to confirm the Mayoral appointments of Jean Munro and Kathy Isaac to the Des Moines Arts Commission effective immediately, to fill two vacant three-year-terms which will expire 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.

Discussion

This agenda seeks confirmation of the Mayoral appointments of applicants Jean Munro and Kathy Isaac to the Des Moines Arts Commission, effective immediately, to expire on December 31, 2014.

Alternatives

None provided.

Financial Impact

No financial impact.

Recommendation/Concurrence

The Des Moines Arts Commission members and the Parks, Recreation and Senior Services Director support the appointment of Jean Munro and Kathy Isaac to three year terms on the Arts Commission.

Mayor Sheckler reviewed the applications and is in agreement with the recommendation made by the Arts Commission and staff to appoint the two candidates.



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

Recvd. _____

Please Check

NAME: Kathleen A. Isaac _____

Civil Service Commission _____

ADDRESS: 22226 Cliff Ave. S. #204 _____

Planning Agency _____

CITY, ZIP: Des Moines, WA 98198 _____

Library Board _____

PHONE: Home 206-878-8554 _____ Work _____ Human

Services _____ Senior Services

LENGTH OF RESIDENCE AT THE ABOVE ADDRESS 7 years _____ Arts Commission

REGISTERED VOTER? yes _____

EMPLOYMENT SUMMARY LAST FIVE YEARS:

Retired.

TAUGHT ENGLISH AS AS SECOND LANGUAGE

Are you related to anyone presently employed by the City or a member of a City Board?

Yes

If yes, explain: At Isaac - Member DM Legacy

Foundation _____

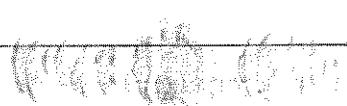
Do you currently have an owning interest in either real property (other than your primary residence or a business) in the Des Moines planning area? No _____ If so, please describe:

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? I am very interested in activities in our community and participate as often as Possible. I will contribute enthusiasm and energy to activities the commission undertakes.

2. What problems, programs or improvements are you most interest in? _____

Improving the downtown area through artwork, landscaping or painting. Live theater, music, family activities.



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

p:\users\denis:apoffice.doc

1000 1000 1000



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

RECEIVED
 Recvd. DEC 12 2011
 CITY OF DES MOINES
 CITY CLERK

Please Check

NAME: Jean Munro
 ADDRESS: 21925 7th Ave S. #123
 CITY, ZIP: Des Moines WA 98198
 PHONE: Home 206 579 6035 Work 206 878 3710 x336
 LENGTH OF RESIDENCE AT THE ABOVE ADDRESS 1983
 REGISTERED VOTER? YES
 EMPLOYMENT SUMMARY LAST FIVE YEARS: HIGHLINE COLLEGE

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

EDUCATIONAL ADVISOR / Program Women's Programs
Coordinator + Refention Specialist and
WorkFirst Services

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? The Arts are very dear to me, growing up with an artist + museum director father & getting early exposure to the arts made me who I am today and gave me an appreciation of the arts & how the arts allows for growth and balance in peoples lives. It has been proven that the arts helps with stress management, mood, creativity & helps in the workplace.

2. What problems, programs or improvements are you most interest in?
The arts in general, but a passion is to get the community more involved w/ the activities + increase diversity in who attends & if they are not attending why? what types arts/groups do they want to hear to get them to attend.

3. Please list any Des Moines elective/appointive offices you have run/applied for previously.
Currently
Volunteered for Arts Commission Committees
& on Human Services Committee ends Dec 31, 2011

JM

AGENDA ITEM

BUSINESS OF THE CITY COUNCIL
City of Des Moines, WA

SUBJECT: Public Records, Indexing, and
Records Management Policy

FOR AGENDA OF: January 5, 2012

DEPT. OF ORIGIN: Legal

DATE SUBMITTED: October 4, 2011

ATTACHMENTS:

- 1. Draft Ordinance No. 11-135
- 2. Amended Draft
Resolution No. 11-150
- 3. PowerPoint Presentation
- 4. Proposed Polices

CLEARANCES:

- Legal PB
- Finance N/A
- Marina N/A
- Parks, Rec., Sr. Services N/A
- Planning, Bldg. & Publ. Works N/A
- Police N/A
- Court N/A

APPROVED BY CITY MANAGER
FOR SUBMITTAL: [Signature]

PURPOSE AND RECOMMENDATION

It is recommended that the City Council discuss and pass Draft Ordinance No. 11-135 and subsequently adopt Draft Resolution No. 11-150.

FIRST MOTION: "To enact Draft Ordinance No. 11-135 repealing chapter 1.20 DMMC, *Public Records.*"

SECOND MOTION: "To adopt Draft Resolution No. 11-150, as amended, establishing the City's Public Records Policy to include indexing and a records management policy, and designating the City Clerk as the Acceptance Agent for Public Records Requests."

BACKGROUND

On September 8, 2011, we presented Draft Ordinance No. 11-135 calling for the repeal of chapter 1.20 DMMC, and Draft Resolution No. 11-150 designating an Acceptance Agent for Public Records Requests along with adopting the proposed *City of Des Moines Public Records Policy.*

DISCUSSION

At the Council meeting of September 8, 2011, Councilmembers sought some important additions to the Draft Resolution that we have incorporated into that document. Specifically we have added a title to Section 3 and removed the City Manager's authority language in Section 4 and placed it in Section 3. We have also added a new Section 5 to establish a date whereby documents are maintained electronically allowing for public records requests to be made electronically. We understand that the implementation of this policy is important but that progress towards this goal will be incremental as staff and resources become available. We have also cleaned up some language in the introductory paragraph and in Section 2.

We will incorporate the subject of records retention into the ongoing staff training. We will also be moving to consolidate the logging in of public records requests into a single formatted document available via the City's intranet or a public folder. We have reviewed software used by other cities such as Mill Creek, Brier, Kenmore, Lake Forest Park, Marysville, Ocean Shores, Westport and King County Sheriff's Department and will be recommending a contract with iCompass for their Civic Web Program.

We are also pursuing the destruction of records pursuant to the Records Retention Schedules for various documents. This is an ongoing effort by the City Clerk. This effort is not simply the obligation of the City Clerk, we will work citywide to ensure that all departments are storing documents with the proper records retention schedules on boxes and that they follow through with destruction of the documents as they meet applicable dates. This is also an ongoing effort and again subject to staff resources.

RECOMMENDATION

Adopt Draft Ordinance No. 11-135 and Amended Draft Resolution No 11-150.

CITY ATTORNEY'S FIRST DRAFT 6/28/2011

DRAFT ORDINANCE NO. 11-135

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON relating to public records, and repealing chapter 1.20 DMMC entitled *Public Records* in order to adopt an updated Public Records Management Policy by Executive Order.

WHEREAS, chapter 42.56 RCW, the state's Public Records Act, requires local agencies to publish public records policies and make public records available for inspection and copying at the central office of such local agency, and

WHEREAS, Des Moines Ordinance No. 1008, passed by the City Council on February 11, 1993, established the City's policies for the handling of public records requests, and

WHEREAS, because the state's amendments to Title 42 RCW, along with chapters referenced in Title 42 RCW, are numerous, the City finds it would be more efficient to amend the City's public disclosure policies if contained in an Executive Order rather than amending chapter 1.20 DMMC for each annual legislative amendment, and

WHEREAS, the Executive Order, along with all relative documents, forms, and exemption lists, would be readily available on the City website for public use, and

WHEREAS, WCIA, the City's insurance authority, encourages and recommends following this procedure, and

WHEREAS, the City Council finds that updating procedures for the indexing and accessing of non-exempt public records is in the public interest; now therefore,

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

Sec. 1. Repealed. The previously codified provisions of chapter 1.20 DMMC and sections 1 through 21 of Ordinance No. 1008 are each repealed.

Sec. 2. Savings clause. Ordinance No. 1008, which is repealed by this Ordinance, shall remain in force and effect until the effective date of this ordinance.

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.

Sec. 4. 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 _____, 2011 and signed in authentication thereof this ____ day of _____, 2011.

M A Y O R

APPROVED AS TO FORM:

City Attorney

ATTEST:

City Clerk

Published: _____

DRAFT RESOLUTION NO. 11-150

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DES MOINES, WASHINGTON, relating to public records, adopting the City's Public Records Policy ~~as an Executive Order~~ to include indexing and a records management policy; and designating an Acceptance Agent for Public Record Requests pursuant to chapter 42.56 RCW.

WHEREAS, the Washington State legislature passes several amendments to the Public Disclosure Act (chapter 42.17 RCW) at each legislative session including recodifying the Act as chapter 42.56 RCW entitled the Public Records Act, and

WHEREAS, the City of Des Moines is a municipal corporation of the State of Washington which provides general municipal services to its residents and others, and

WHEREAS, new provisions of chapter 42.56 RCW require that municipalities publish a policy outlining the procedures for making public record inquiries, appoint a Public Records Officer and maintain an index of all public records, and

WHEREAS, the City Clerk is the Records Officer for the City and appointing the City Clerk to be the Public Records Officer will be consistent with local policy and state law, and

WHEREAS, chapter 42.56 RCW requires all cities and public agencies to maintain and make available a current index of various public records, and

WHEREAS, RCW 42.56.070(4) provides that if maintaining such an index would be unduly burdensome, a city need not maintain such an index but it must issue and publish a formal order specifying the reasons why and the extent to which compliance would be unduly burdensome, and

WHEREAS, the City of Des Moines is comprised of numerous departments, divisions, and subdivisions, which maintain separate databases and/or record keeping systems and which makes it extremely difficult, if not physically impossible, and would interfere with City operations, to compile an index, and

WHEREAS, the City produces or receives an uncountable number of records each day and maintains an uncountable number of records in numerous City files, and

WHEREAS, the development and maintenance of a City index would be extremely costly and would provide little benefit to the public compared to the expense in maintaining the index, and

WHEREAS, the City's operations do not allow for the addition, revision, or reassignment of duties of existing personnel so that an index may be developed and maintained, and

WHEREAS, anticipated City revenues do not allow for additional staff for the purpose of creating and maintaining such an index, and

WHEREAS, the City has a long standing and recognized policy of assisting people who request public information and of providing public records upon request and does not plan to deviate from that policy; now therefore,

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

Sec. 1. Findings.

(1) RCW 42.56.040 requires all cities and public agencies to publish a policy outlining the procedures for making public record inquiries.

(2) RCW 42.56.070(1) requires all cities and public agencies to maintain and make available a current index of various public records.

(3) RCW 42.56.070(4) provides that if maintaining such an index would be unduly burdensome, a city need not maintain such an index but it must issue and publish a formal order specifying the reasons why and the extent to which compliance would be unduly burdensome.

(4) The City of Des Moines is comprised of numerous departments, and their divisions and subdivisions, which

maintain separate databases and/or record keeping systems and which makes it extremely difficult, if not physically impossible, and would interfere with City operations, to compile an index.

(5) Because the City has records which are diverse, complex and stored in multiple locations and in multiple computer systems and databases, it is unduly burdensome, if not physically impossible, to maintain a central index of records.

(6) The City produces or receives an uncountable number of records each day and maintains an uncountable number of records in numerous City files.

(7) The development and maintenance of a City index would be extremely costly and would provide little benefit to the public compared to the expense in maintaining the index.

(8) The City's operations do not allow for the addition, revision, or reassignment of duties of existing personnel so that an index may be developed and maintained.

(9) Anticipated City revenues do not allow for additional staff for the purpose of creating and maintaining such an index.

Sec. 2. Public records index - Order - Maintenance not required. The City Council hereby resolves that this Resolution supersedes City of Des Moines Executive Order No. 09-001 - Regarding Indexes Of City Records and pursuant to RCW 42.56.070(4), the City Council resolves as follows:

(1) The City of Des Moines is not required to maintain a current index of public records due to findings of the City Council that the requirement to do so is unduly burdensome and would interfere with City operations and such a list is nearly impossible to create and/or maintain; and

(2) Pursuant to chapter 42.56 RCW, the City of Des Moines shall disclose all public records and any indexes of public records maintained by the City to the extent not exempt

from disclosure pursuant to chapter 42.56 RCW or other applicable laws.

Sec. 3. Authority to establish Public Records Policy.

This Resolution provides the City Manager with ~~executive~~ authority to amend the City's Public Records Policy by Executive Order, including indexing and records management. The City Manager is authorized to establish and implement policies and procedures for responding to requests for public records to be consistent with those set forth in the City's Public Record Policy.

Sec. 4. Designation of Public Records Officer.

(1) In accordance with the provisions of RCW 42.56.580, the City Clerk, who is the Records Management Officer for the City, is hereby designated as the City's Public Records Officer. ~~The City Manager is authorized to establish and implement policies and procedures for responding to requests for public records to be consistent with those set forth in the City's Public Record Policy.~~

(2) Any person requesting public records of the City should consult section 6.1 of the City's Public Record Policy or contact the Public Records Officer at:

City Clerk
21630 11th Avenue So., Suite A
Des Moines, WA 98198
Phone: 206-870-6519
Fax: 206-870-6540

Information is also available at the City's website at www.desmoineswa.gov/.

(3) The City Clerk shall record a certified copy of this Resolution with the King County Recorder's Office.

Sec. 5. Established electronic goal date.

December 31, 2016 has been established as the date the City will have public records available to the public electronically.

Resolution No. _____
Page 5 of 5

ADOPTED BY the City Council of the City of Des Moines,
Washington this ____ day of _____, 2011 and signed in
authentication thereof this ____ day of _____, 2011.

M A Y O R

APPROVED AS TO FORM:

City Attorney

ATTEST:

City Clerk

PUBLIC RECORDS ACT COMPLIANCE

OUR OBLIGATIONS TO REQUESTORS AND TO
STAFF

Presented By:
Pat Bosmans
City Attorney
Sept. 8, 2011

Attachment 3

Why this is important

- One of the biggest challenges cities face is compliance with the Public Records Act –
- Why – because this city like others is the repository of thousands upon thousands of documents and often times the requests for records are vague –

RCW 42.56.010 (2)

(2) "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.

RCW 42.56.010 (3)

(3) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation including, but not limited to, letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated.

WHAT HAPPENS IF WE DON'T GET
IT RIGHT?

Penalties for Withholding Records

The Seattle Times

Mercer Island to pay \$90K for withholding records

A federal judge has ordered the city of Mercer Island to pay \$90,560 plus attorneys fees for withholding documents requested by a former city official under the state Public Records Act.

thenewstribune.com
THE NEWS TRIBUNE

MESA — The small town of Mesa's financial future appears dismal as it faces penalties from an eight-year-old public records lawsuit that's still plodding through the courts.

A recent preliminary state audit of Mesa has confirmed what city officials already knew -- that the city is at risk of not being able to meet its financial obligations because of the lawsuit where the court made an award of \$245,940.

the new tribune.com
THE NEWS TRIBUNE

\$541,000 says: Don't withhold public records

THE NEWS TRIBUNE

Washington's Department of Corrections has a well-earned reputation for not being forthcoming with information.

On Friday, its secretiveness backfired to the tune of \$541,000.

the new tribune.com
THE NEWS TRIBUNE

Price of public records delay: \$525,001

Failing to disclose public records can get expensive, as the state keeps finding out.

The Department of Social and Health Services recently agreed to pay \$525,001 to three girls who'd been abused for years by their state-licensed foster father, who was convicted of sex crimes two years ago and sentenced to four years in prison. The money wasn't compensation for the abuse; it was for the agency's violations of the state's Public Records Act.

- **Federal Way man has won thousands in public records lawsuits**
- • Buckley paid him and his attorney, William Crittenden, about \$22,700. The case, resolved last year, involved records pertaining to the actions of a King County sheriff's deputy while off duty in Buckley.
- • Tukwila paid them \$27,000. Koenig had requested records in connection with a Tukwila police officer who kicked a man in the groin during the World Trade Organization protests in Seattle in 1999. This case also was resolved last year.
- • The case involving Koenig's daughter reached the state Supreme Court and resulted in the City of Des Moines paying him and his attorney \$83,500.

RCW 42.56 Requires Cities to Adopt Public Records Policy – The City's Records Policy will be on the Website

Newly Adopted Public Records Policy Contains:

Purpose Statement

References

Policy

Responsibility/Authority

Definitions

Guidelines for Requests, Production, and Response

Appendix (Exemptions and Org. Chart)

THE REQUEST

A simple request for “all records about a capital project” could include the bid documents, the federal grant application or state application if state money was used – all the Finance Department documents relating to the actual project and potentially the budget documents from the capital project. If the project is complete, the request could be for all payments made and correspondence with Labor & Industries and the Department of Revenue regarding the closing our projects, all the council packets, the audio from the meeting and minutes. That is just the start – the electronic records – the emails also involve thousands more documents. Department records could include documents from the staff working on the project to the inspectors – all of whom leave some record behind- memos – emails- construction journals, etc..

Limiting the search

We try working with the requestor to limit the documents – we try to agree on search terms for the emails – and otherwise hone in on what they are really looking for – we did this recently on an objection to a change order – the request came in for all documents relating to the project. We called to try to discern what the requestor really wanted – he didn't want Finance Documents nor did he want Council documents – we ended up making a number of documents available for review and agreed on search terms for email – we forwarded 1,285 emails. In one case in litigation we have located 17,237 emails and in the Rosie Case we are at 1985 emails.

Dealing with 146 Exemptions

Finding documents and emails are only the beginning of our obligation. We have to review each document to ensure they are not exempt from disclosure – the list of exemptions are at pp. 11 – 14 of the Draft Policy. Within the PRA there are 26 exemptions – outside the PRA state law provides an additional 107 exemptions and also 13 federal exemptions.

Exemption Logs

DATE	DOCUMENT	PAGES	RCW	EXPLANATION
8/5/10	Email from Attorney to Director RE: Planning Opinion	1	42.56.290	Attorney-Client Privilege
9/15/10	Harbor View Medical Report (Victim)	8	42.56.360	Medical Report Exemption

Tracking what we have collected

Once the documents are collected we need to ensure that we track every record sent out – we do this by creating CDs, scanning documents, etc. but importantly each page – particularly if we anticipate litigation – has to be accounted for – you can provide 10,000 documents but if you can't prove that any one was sent the daily rate for penalties may attach.

Training

All employees need to be aware of our obligations and are willing and able to help identify documents. Emails can be tracked at the system level assuming a key word is included in the email. The harder part is getting employees to identify all documents in their possession - the files on their desk or in the back of a drawer - or the ones in ARCHIVES and electronic records - Word, Excel and all the other programs we use in the City.

Add in the fact that when we ask for records there will be employees on vacation or sick or files, records etc. may have been kept by employees who have left City employment - these are some of the logistical problems we face with each request.

More on Training

In the last few years we have trained a number of employees regarding our public records obligations. If the Council adopts the proposed policy we will continue that training with the newly adopted policies and the forms and instructions we have added to the intranet and the updates on the new and amended statutes as well as new case law.

The Legal Department's Obligation

The rules with regards to the PRA change with each legislative session and with court decisions rendered weekly – it is very much an evolving area of law with a lot of unanswered questions – one of which we have pending in the superior court.

We – the Legal Department – track the legislation and court opinions weekly to stay on top of this area of law – we will train staff accordingly.

Providing Staff with Forms and Instruction

Table of Contents

1. Introduction to Public Records Forms
2. Request for Access to Public Records
3. Acknowledging Receipt of Request and Estimate of Time to Respond
4. Denial and Partial Denial of Request
5. Clarification Requested
6. Deposit Required
7. Providing Records
8. Third Party Notification
9. Appointment of City Official as Public Records Officer of the City
10. Resolution Specifying Reasons Why Unduly Burdensome to Index Records

Sample Form

Public Records
City of Des Moines
21630 11th Ave. So., Suite A
Des Moines, WA 98198
Attn: City Clerk
206-870-6519

THIRD PARTY NOTIFICATION

Date:

Dear _____:

This message is to notify you that a public records request has been made for a record that contains information naming you or in which you may have an interest. The City has reviewed this request and determined that the information being requested is a public record that must be disclosed pursuant to state law. Even so, you are entitled to seek court protection for information contained in this record if you choose to do so, pursuant to the provisions of RCW 42.56.540.

We have notified the requestor that we estimate responding to the request by _____, 20__. If you intend to seek an injunction prohibiting the release of the document or portions of the document, we strongly urge that you do so prior to that date. We also recommend that you name the requestor of the public records as a party to any action to enjoin disclosure.

Under RCW 42.56.520, we must release the requested documents to the requestor within a reasonable time. If you intend to file suit, but cannot do so by the date above, we will be able to delay the release for only such additional time thereafter as is reasonably necessary to enable you to obtain an order prohibiting the release. If we do not hear from you in writing by 4:00 PM on _____, 20__, we will deem that you do not intend to seek an injunction and we will release the requested material at that time.

Please let me know if you have any questions about this process.

Sincerely,

CITY OF DES MOINES

Sample Instructions

City of Des Moines
21630 11th Ave. So., Suite A
Des Moines, WA 98198
Attn: City Clerk
Third Party Notification

User Notes:

Many times an agency has a public record that contains a reference to another person or may affect the interests of that third party. If the agency determines that the record is a public record that must be released, the agency has the option to notify the third party of the request and allow them an opportunity to obtain a court order to block release. This is not mandatory but may be done at the discretion of the agency. The notice should inform the third party that release will occur on a stated date unless he or she obtains a court order from a court enjoining release. The notice should inform the third party that he or she should name the requestor as a party to any action to enjoin disclosure.

The standard notice time is ten days for the third party to obtain a court order. The agency should include the notice period in the "reasonable estimate" of time it provides to the requestor.

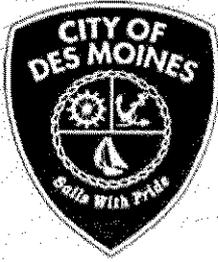
Comments:

RCW 42.56.540 authorize an agency to notify third parties named in a record or to whom a record pertains that release of the record has been requested and allows the third party time to obtain a court order to block release. This course of action is outlined in more detail in the Model Rules for Public Records in WAC 44-14-040 and WAC 44-14-04003.

Motions

- **FIRST MOTION:** “To suspend Rule 26(a) in order to enact Draft Ordinance No. 11-135 on first reading.”
- **SECOND MOTION:** “To enact Draft Ordinance No. 11-135 repealing chapter 1.20 DMMC, *Public Records*.”

- **THIRD MOTION:** “To adopt Draft Resolution No. 11-150, establishing the City’s Public Records Policy to include indexing and a records management policy, and designating the City Clerk as the Acceptance Agent for Public Records Requests.”



City of Des Moines

Public Records Policy

SECTION INDEX: Public Records Policy

1. Purpose
 - 1.1. Public Records Act
 - 1.2. City Policy and Procedure
2. Reference
3. Policy
4. Responsibility/Authority
 - 4.1. Public Records Officer
 - 4.2. City Staff
 - 4.3. Requesters
5. Definitions
6. Guidelines
 - 6.1. Municipal Services and Central Office
 - 6.2. Availability of Public Records
 - 6.3. Making a Request for Public Records
 - 6.4. Processing Public Records Requests
 - 6.5. Inspection of Records
 - 6.6. Providing Copies of Records
 - 6.7. Providing Records in Installments
 - 6.8. Completion of Response to Inspect Records
 - 6.9. Closing Withdrawn or Abandoned Requests
 - 6.10. Later Discovered Documents
 - 6.11. Completion of Request
 - 6.12. No Duty to Create New Records
 - 6.13. Processing of Public Records Requests — Electronic Records
 - 6.14. Exemptions
 - 6.15. Costs of Providing Copies of Public Records
 - 6.16. Review of Denials of Public Records
7. Appendix
 - 7.1. List of Exemptions
 - 7.2. Organizational Chart

Public Records Policy

Policy

1. PURPOSE:

1.1 Public Records Act: The purpose of the Public Records Act is to provide the public with full access to information concerning the conduct of government, mindful of individuals' privacy rights and the desirability of efficient administration of government. The Public Records Act provides a statutory framework by which to administer access to public records.

1.2 City Policy and Procedure: The purpose of establishing the following policy and procedure is to provide a method by which City staff will review and respond to requests for public records within the Public Records Act framework. The information contained in this document is designed to aid both those requesting public records and those responding to records requests. The policy and procedure should assist in guiding expectations of requesters and providing notice of a mechanism by which to appeal a records decision, if necessary.

2. REFERENCE:

RCW 42.56, Public Records
Act Chapter 44-14 WAC
Public Records Act — Model Rules

3. **POLICY:** The City shall provide for inspection and copying of requested public records as provided in this policy and procedure, unless such records are exempt from disclosure under RCW 42.56 or other law under which disclosure is regulated. City staff shall provide assistance to requesters in obtaining the public records they seek.

4. RESPONSIBILITY/AUTHORITY

4.1 Public Records Officer: The City Clerk is the designated public records officer. The City's public records officer will oversee compliance with the Public Records Act and these procedures. The City's public records officer may delegate the responsibilities of processing requests to other staff. Departments may also designate records coordinators within specific departments to facilitate access to public records within that department, so long as each coordinator is identified to the public records officer.

4.2 City Staff: City staff will provide assistance to requesters, reasonably ensure that public records are protected from damage or disorganization, and prevent fulfilling public records requests from causing excessive interference with essential functions of the City of Des Moines. Assigned City staff will be responsible and held accountable to meet the City's responsibilities of this policy. Failure to do so will result in disciplinary actions.

Public Records Policy

4.3 Requesters: While requesters are not required to specifically name the Public Records Act, they must give reasonable notice that the request is being made pursuant to the act. Requesters must request identifiable records or classes of records that the City can reasonably locate even though they are not required to specifically state the exact record sought. For example, using inexact phrases such as "relating to" a topic (such as "all records relating to the property tax increase") will need clarification from the requestor to determine what records fairly and directly address the topic.

5. DEFINITIONS

Active Record: An active record is used in an office on a routine basis and accessed at least several times per year. Active records are usually kept on-site.

Archival (Appraisal Required) Record: Public records with archival (appraisal required) designation are records which may possess enduring legal and/or historic value and must be appraised by Washington State Archives on an individual basis. Records not selected for retention by Washington State Archives may be disposed of after appraisal.

Archival (Permanent Retention) Record: Public records with archival (permanent retention) designation are records which possess enduring legal and/or historic value and must not be destroyed. These records need to either be transferred to Washington State Archives or retained and preserved according to archival best practices until such time as they are transferred to Washington State Archives.

Essential Record: Essential records are those the City must have in order to maintain or resume business continuity following a disaster. While the retention requirements for essential records may range from very short-term to archival, these records are necessary to resume core functions following a disaster. Security backup of these public records should be created and may be deposited with Washington State Archives.

Inactive Record: An inactive record is used or accessed in an office infrequently or no longer used in the conduct of current business, but is still required to be kept by the retention schedule for legal or historical purposes. Inactive records are usually stored off-site.

Public Record: RCW 40.14.010 defines public record as "...The term "public records" shall include any paper, correspondence, completed form, bound record book, photograph, film, sound recording, map drawing, machine-readable material, compact disc meeting current industry ISO specifications, or other document, regardless of physical form or characteristics, and including such copies thereof, that have been made by or received by any agency of the state of Washington in connection with the transaction of public business..."

RCW 42.56.020 defines a public record as "...any writing containing information relating to the conduct of government or the performance of any governmental or

Public Records Policy

proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics..."

If there is a conflict in the two definitions the City, subject to legal review, will apply the broadest definition.

Reasonable Use: The use of copying machines to copy public record documents that does not unreasonably interfere with City staff's use for other City business.

Records Disposition: Actions taken with records when they are no longer required to be retained by the agency. Possible disposition actions include transfer to archives and destruction.

Retention Schedule: A table setting out requirements adopted by the Washington State Local Records Committee which specifies the length of time each record series will be retained by the agency, whether the record is designated essential, archival, or potentially archival, and final disposition of the record.

Writing: RCW 42.56.010 (3) states: "Writing means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation including, but not limited to, letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated."

6. GUIDELINES

6.1 MUNICIPAL SERVICES AND CENTRAL OFFICE: The City of Des Moines is a Washington municipal corporation that provides a full range of traditional municipal services to its citizens through various departments. City Hall, the central office, is located at 21630 11th Avenue S., Suite A, Des Moines, WA 98198 and several field offices exist throughout the City. A City organizational chart is attached as Appendix 7.2.

Any person wishing to request access to public records from any City department, except for the Police Department, shall make the request to the Public Records Officer.

Public Records Officer
City of Des Moines
21630 11th Avenue S., Suite A
Des Moines, WA 98198
Phone: 206-870-6519
Fax: 206-870-6540
spaul@desmoineswa.gov

Requests for public records from the Police Department shall be made to:

Public Records Policy

Des Moines Police Department
Attn: Office Manager
City of Des Moines
21900 11th Avenue S.
Des Moines, WA 98198
Phone: 206-878-3301
Fax: 206-870-7626
tdell@desmoineswa.gov

Information is also available at the City of Des Moines web site at www.desmoineswa.gov.

6.2 AVAILABILITY OF PUBLIC RECORDS

- a. **Index.** The City of Des Moines adopted by Resolution No. _____ that maintaining an index is unduly burdensome, costly, and would interfere with agency operations due to the number and complexity of records generated as a result of the wide range of City activities and office locations.
- b. **City Website.** Many records are available on the City's web site at www.desmoineswa.gov. Requesters are encouraged to view the documents available on the web site prior to submitting a records request.
- c. **Protocol for Inspection/Copying.** Public records are generally available for inspection and copying during normal business hours of Monday through Friday, 8 a.m. to 4:30 p.m., excluding legal holidays. Records must be inspected at an office of the City of Des Moines. Requesters are prohibited from removing records from City offices.
- d. **Maintenance/Order of Records.** The City will maintain its records in a reasonably organized manner. The City will take reasonable actions to protect records from damage and disorganization.

6.3 MAKING A REQUEST FOR PUBLIC RECORDS:

- a. In order to track and promptly respond to all requests for public records, such requests shall be made in writing and delivered in person, fax or by mail. Requests delivered by telephone or orally will not be accepted as valid public record requests.
- b. Any person wishing to inspect or copy public records of the City shall enter the request using the City's online request form at <http://www.desmoineswa.gov/forms/forms.html> or make the request in writing on the City's request form in person, by regular mail, or fax to the designated individual set forth in 6.1. Email requests must be addressed to the City Clerk, sent to spaul@desmoineswa.gov, and must include the following information:

1. Name of requester;

Public Records Policy

2. Date of request;
 3. Phone, email, and/or address or other contact information of requester;
 4. Identification of the public records adequate for the public records officer or designee to locate the records (title and date, if known);
 5. Location (department) of the requested records, if known;
 6. Whether the requester intends to inspect the records or obtain a photocopy of the records, at the cost set forth in Section 6.15 of these guidelines; and
 7. Method by which the City should contact requester.
- c. The Public Records Request Form is available on the City's web site. City staff will request that a Public Records Request Form be completed. However, if the requestor is in need of assistance, responding staff will assist in completing the form.
- d. If the record(s) requested is/are not easily identified, may be kept by multiple departments, or the requester is unsure of where to file the request, the requester should direct the request to the City's Record Officer.
- e. Affected staff will be advised by the records officer to retain possession of records covered by public records requests, including any records that may be scheduled for destruction. City staff may not destroy or otherwise delete covered records until the request is fulfilled.
- f. A requester is not typically required to state the purpose of the request. However, in instances where additional information is required by law or in an effort to clarify or prioritize a request and provide responsive records, the public records officer or designee may inquire about the nature or scope of the request.

6.4 PROCESSING PUBLIC RECORDS REQUESTS:

- a. The public records officer or designee will process requests in the order allowing the most requests to be processed in the most efficient manner.
- b. Within five business days of receipt of the request (day one is the first working day after the request is received), the public records officer or designee will do one or more of the following:
 1. Make the records available for inspection or copying; or
 2. Identify an internet location where the record can be accessed. Requesters who cannot access the internet may be provided hard copies or access to a City terminal to access the record; or
 3. If copies are requested and payment of a deposit for the copies, if any, is made or terms of payment are agreed upon, send the copies to the requester; or
 4. Provide a reasonable estimate of when records will be available; or
 5. If the request is unclear or does not sufficiently identify the requested records, request clarification from the requester. Such clarification may be requested and

Public Records Policy

provided by telephone. The public records officer or designee may revise the estimate of when records will be available; or

6. Deny the request.
- c. If the City of Des Moines does not respond in writing within five business days of receipt of the request for disclosure, the requester should consider contacting the public records officer to determine the reason for the failure to respond.
- d. In the event that the requested records contain information that may affect rights of others and/or may be exempt from disclosure, the public records officer may, prior to providing the records, give notice to those persons. Such notice should be given to make it possible for those receiving the notice to seek an order from a court to prevent or limit the disclosure. The notice to the affected persons will typically include a copy of the request.
- e. Some records are exempt from disclosure, in whole or in part. If the City of Des Moines believes that a record or portion of a record is exempt from disclosure and should be withheld, the public records officer or designee will state the specific exemption and provide a brief explanation of why the record or a portion of the record is being withheld.

6.5 INSPECTION OF RECORDS:

- a. The City of Des Moines will provide a space for persons to inspect public records. No member of the public may remove a document from the viewing area or disassemble or alter any document. The requester shall indicate which documents he or she wishes the agency to copy.
- b. Parties wishing to inspect electronic records may be provided copies of the records on a CD or other storage device, may be directed to an internet address where the records can be accessed, or may receive records by email. If a requester cannot access records in these ways, the City may provide hard copies or allow a requester to view copies on an agency computer.
- c. The requester must make arrangements to claim or review the assembled records within thirty days of notification that the records are available for inspection or copying.
- d. If the requester fails to claim or review the records within the thirty-day period or make other arrangements, the City may close the request and re-file the assembled records. In the event the requester submits a new request for the same or almost identical records, the process will begin anew.

6.6 PROVIDING COPIES OF RECORDS: After inspection is complete, the public records officer or designee shall make the requested copies, arrange for copying or allow the requestor under staff's supervision to make copies. For the last option, reasonable use of copying machines for copying documents will be made available. The requester shall pay any applicable deposit prior to copies being made. Full payment for copies must be received prior to delivery of the requested copies.

6.7 PROVIDING RECORDS IN INSTALLMENTS:

Public Records Policy

- a. When the request is for a large number of records or when a portion of responsive records is more readily available than others, the public records officer or designee may provide access for inspection and copying in installments if he or she reasonably determines that it would be practical to provide the records in that way.
- b. If, within thirty days, the requester fails to inspect the available installments, the public records officer may discontinue his/her search for the remaining records and close the request.

6.8 COMPLETION OF RESPONSE TO INSPECT RECORDS: When the search for requested records is complete and all requested records are provided for inspection, the public records officer or designee will indicate that the City has completed a reasonable search for the requested records and made any located, nonexempt records available for inspection.

6.9 CLOSING WITHDRAWN OR ABANDONED REQUESTS: When the requester either withdraws the request or fails to fulfill his or her obligation to timely inspect the records or fails to pay the required amount due for requested copies, the public records officer will close the request and indicate to the requester that the City has closed the request.

6.10 LATER DISCOVERED DOCUMENTS: If, after the City has informed the requester that it has provided responsive records, the City becomes aware of additional responsive documents existing at the time of the request, it will promptly inform the requester of the additional documents and provide them as soon as possible. However, a public records request is not continuing in nature. If a requester desires additional records created or obtained by the City after the date of the original request, the requester must submit a new request.

6.11 COMPLETION OF REQUEST: The City's response to a request shall be deemed completed upon the requester's inspection of the records or upon notification that copies of all the requested records are available for payment and delivery or pick up, or that no responsive records exist.

6.12 NO DUTY TO CREATE NEW RECORDS: The City is not obligated to create new records to satisfy a records request; however, the City may, at its discretion, create such new records to fulfill the request where the City deems that method of response more expedient.

6.13 PROCESSING OF PUBLIC RECORDS REQUESTS--ELECTRONIC RECORDS: The process for requesting electronic records is the same as for requesting public records in hard copy.

- a. When a requester seeks records in an electronic format, the public records officer will provide the nonexempt records or portions of such records that are reasonably locatable in an electronic format that is used by the agency and is generally commercially available, or in a format that is reasonably translatable from the format in which the agency keeps the record.
- b. The cost of providing electronic records is addressed in WAC 44-14-07003. It provides, in part,

Public Records Policy

"... As with charges for paper copies, "actual cost" is the primary factor in charging for electronic records. In many cases, the "actual cost" of providing an existing electronic record is de minimis. However, if the agency has a paper-only copy of a record and the requester requests an Adobe Acrobat PDF copy, the agency incurs an actual cost in scanning the record (if the agency has a scanner at its offices).

- c. With the consent of the requester, the City may provide customized access if the record is not reasonably translatable into the format requested. The City may charge a fee consistent with RCW 43.105.280, which states in part, ". . . Fees for staff time to respond to requests and other direct costs may be included in costs of providing customized access."
- d. Electronic mail (e-mail) is an informational transfer system which uses computers for sending and receiving messages. Email messages are public records when they are prepared, owned, used, or retained by the City and relate to the conduct of government or performance of any governmental or proprietary function. Use of any other e-mail system to conduct City related correspondence is not advised due to public records laws. Any City related e-mail correspondence that is received on a non-City e-mail system should be forwarded to the City e-mail system for preservation. Managing individual e-mail storage and retention is the responsibility of each individual, consistent with the City's document and records-retention guidelines and Section 8-J of the City of Des Moines Personnel Manual.

6.14 EXEMPTIONS:

- a. The Public Records Act provides that a number of types of documents are exempt from public inspection and copying. In addition, documents are exempt from disclosure if any "other statute" exempts or prohibits disclosure. Requesters should take note that there are many exemptions contained outside of the Public Records Act that may restrict the availability for inspection or release of some documents. Many such exemptions are listed in Section 7.1 of this policy. This list is for informational purposes only and failure to list an exemption shall not affect the efficacy of any exemption.
- b. The City is prohibited by statute from disclosing lists of individuals for commercial purposes.

6.15 COSTS OF PROVIDING COPIES OF PUBLIC RECORDS:

- a. Costs for paper copies: There is no fee for inspecting public records, and a requester may obtain standard black and white photocopies of up to ten pages at no charge. Fifteen cents (\$.15) per page will be charged if the request exceeds ten (10) pages. For example, a request for eleven (11) pages will cost \$1.65. If, at the City's discretion, materials need to be copied by an outside source either due

Public Records Policy

to volume, current workload of City staff, or any other reason, the requester will be charged the actual amount invoiced to the City by the copying vendor.

- b. Envelopes and/or packaging are charged at the actual costs of those supplies.
- c. Postage is charged at the actual postage costs of such postage.
- d. Costs for electronic copies: The cost of electronic copies shall be the actual cost of materials (such as a CD) and the cost to scan the records if scanning is necessary. There will be no charge for e-mailing electronic records to a requester, except where another cost applies. Ten cents (\$.10) per page scan fee will be charged for hard copy records that are scanned into electronic format if the request exceeds ten (10) pages to cover the cost of producing them in electronic format.
- e. In the event a request is estimated to exceed \$25, the City may require the requester to deposit an amount not to exceed 10% of the estimated cost prior to the duplication of record(s).
- f. Payment may be made by cash, check, or money order payable to the City of Des Moines.

6.16 REVIEW OF DENIALS OF PUBLIC RECORDS:

- a. Any person who objects to the initial denial or partial denial of a records request may petition in writing to the public records officer for a review of that decision. The petition must include a copy of or shall reasonably identify the written statement by the public records officer or designee denying the request.
- b. The public records officer or designee will immediately consider the petition and either affirm or reverse the denial within two business days following the public records officer's receipt of the petition, or within such time as the City and the requester mutually agree.
- c. Any person may obtain court review of denials of public records requests pursuant to RCW 42.56.550.

7. APPENDIX

7.1 List of Exemptions:

WARNING: Reference must be made to the statute to insure it has not been superseded or changed

<u>RCW</u>	<u>Title</u>
42.56.230	Personal Information
42.56.240	Investigative, law enforcement, and crime victims
42.56.250	Employment and licensing
42.56.260	Real estate appraisals

Public Records Policy

42.56.270	Financial, commercial, and proprietary information
42.56.280	Preliminary drafts, notes, recommendations, intra-agency memorandums
42.56.290	Agency party to controversy
42.56.300	Archeological sites
42.56.310	Library records
42.56.320	Educational information
42.56.330	Public utilities and transportation
42.56.340	Timeshare, condominium, etc. owner lists
42.56.350	Health professionals
42.56.360	Health care
42.56.370	Domestic Violence Program, rape crisis center clients
42.56.380	Agriculture and livestock
42.56.390	Emergency or transitional housing
42.56.400	Insurance and financial institutions
42.56.410	Employment security department records
42.56.420	Security
42.56.430	Fish and wildlife
42.56.440	Veterans' discharge papers--Exceptions
42.56.450	Check cashers and sellers licensing applications
42.56.460	Fireworks
42.56.470	Correctional industries workers
42.56.480	Inactive programs

Exemptions Outside the Public Records Act

RCW 2.64.111	Documents regarding discipline/retirement of judges
RCW 2.64.113	Confidentiality - violations
RCW 4.24.550	Information on sex offenders to public
RCW 5.60.060	Privileged communications
RCW 5.60.070	Court-ordered mediation records
RCW 7.68.140	Victims' compensation claims
RCW 7.69A.030(4)	Child victims and witnesses - protection of identity
RCW 7.69A.050	Rights of child victims and witnesses - addresses
RCW 7.75.050	Records of Dispute Resolution Centers
RCW 9.51.050	Disclosing transaction of grand jury
RCW 9.51.060	Disclosure of grand jury deposition
RCW 9.02.100	Reproductive privacy
RCW 9A.82.170	Financial institution records - wrongful disclosure
RCW 10.27.090	Grand jury testimony/evidence
RCW 10.27.160	Grand jury reports - release to public only by judicial order
RCW 10.29.030	Organized crime special inquiry judge
RCW 10.29.090	Records of special inquiry judge proceedings
RCW 10.52.100	Records identifying child victim of sexual assault
RCW 10.77.210	Records of persons committed for criminal insanity
RCW 10.97.040	Criminal history information released must include disposition
RCW 10.97.050	Conviction and criminal history information
RCW 10.97.060	Deletion of certain criminal history record information, conditions

Public Records Policy

RCW 10.97.070	.....	Disclosure of identity of suspect to victim
RCW 10.97.080	.....	Inspection of criminal record by subject
RCW 13.32A.090	.....	Crisis residential centers notice to parent about child
RCW 13.34.115	.....	Court dependency proceedings
RCW 13.40.217	.....	Juveniles adjudicated of sex offenses - release of information
RCW 13.50.010	.....	Maintenance of and access to juvenile records
RCW 13.50.050	.....	Juvenile offenders
RCW 13.50.100	.....	Juvenile/children records not relating to offenses
RCW 13.60.020	.....	Missing children information
RCW 13.70.090	.....	Citizen juvenile review board - confidentiality
RCW 18.04.405	.....	Confidentiality of information gained by CPA
RCW 18.19.060	.....	Notification to clients by counselors
RCW 18.19.180	.....	Confidential communications with counselors
RCW 19.215.020	.....	Destruction of personal health and financial information
RCW 19.34.240(3)	.....	Private digital signature keys
RCW 19.215.030	.....	Compliance with federal rules
RCW 26.04.175	.....	Name and address of domestic violence victim in marriage records
RCW 26.12.170	.....	Reports of child abuse/neglect with courts
RCW 26.23.050	.....	Child support orders
RCW 26.23.120	.....	Child support records
RCW 26.26.041	.....	Uniform Parentage Act - protection of participants
RCW 26.26.450	.....	Confidentiality of genetic testing
RCW 26.33.330	.....	Sealed court adoption records
RCW 26.33.340	.....	Agency adoption records
RCW 26.33.343	.....	Access to adoption records by confidential intermediary
RCW 26.33.345	.....	Release of name of court for adoption or relinquishment
RCW 26.33.380	.....	Adoption - identity of birth parents confidential
RCW 26.44.010	.....	Privacy of reports on child abuse and neglect
RCW 26.44.020(19)	.....	Unfounded allegations of child abuse or neglect
RCW 26.44.030	.....	Reports of child abuse/neglect
RCW 26.44.125	.....	Right to review and amend abuse finding - confidentiality
RCW 27.53.070	.....	Records identifying the location of archaeological sites
RCW 29A.08.720	.....	Voter registration records - place of registration confidential
RCW 29A.08.710	.....	Voter registration records - certain information exempt
Chapter 40.14 RCW	.....	Preservation and destruction of public records
RCW 42.23.070(4)	.....	Municipal officer disclosure of confidential information prohibited
RCW 42.41.030(7)	.....	Identity of local government whistleblower
RCW 42.41.045	.....	Non-disclosure of protected information (whistleblower)
RCW 46.52.080	.....	Traffic accident reports - confidentiality
RCW 46.52.083	.....	Traffic accident reports - available to interested parties
RCW 46.52.120	.....	Traffic crimes and infractions - confidential use by police and courts
RCW 46.52.130(2)	.....	Abstract of driving record
RCW 48.62.101	.....	Local government insurance transactions - access to information
RCW 50.13.060	.....	Access to employment security records by local government agencies
RCW 50.13.100	.....	Disclosure of non-identifiable information or with consent
RCW 51.28.070	.....	Workers' compensation records
RCW 51.36.060	.....	Physician information on injured workers
RCW 60.70.040	.....	No duty to disclose record of common law lien

Public Records Policy

- 42 USC 405(c)(2)(vii)(I).....Limits on Use and Disclosure of Social Security Numbers
- 42 USC 654(26).....State Plans for Child Support
- 42 USC 671 (a)(8)State Plans for Foster Care and Adoption Assistance
- 42 USC 1396a(7)State Plans for Medical Assistance
- 7 CFR 272.1 (c)Food Stamp Applicants and Recipients
- 34 CFR 361.38.....State Vocational Rehabilitation Services Programs
- 42 CFR Part 2 (2.1 - 2.67)Confidentiality of Alcohol and Drug Abuse Patient Records
Safeguarding Information on Applicants and Recipients of
- 42 CFR 431.300 - 307Medical Assistance

- 42 CFR 483.420.....Client Protections for Intermediate Care Facilities for the
Mentally Retarded

- 42 CFR 51 06a(b)(2)(A)Grants to States for Child Abuse and Neglect Prevention
and Treatment Programs

- 45 CFR 160-164HIPAA Privacy Rule

Public Records Policy

7.2 Organizational Chart:

AGENDA ITEM

BUSINESS OF THE CITY COUNCIL
City of Des Moines, WA

SUBJECT: Continued Public Hearing on the 2011
Comprehensive Plan Amendments

FOR AGENDA OF: January 5, 2012

ATTACHMENTS:

1. Ordinance No. 1528
2. Draft Ordinance No. 12-001
3. Staff Presentation

DEPT. OF ORIGIN: Planning, Building and
Public Works

DATE SUBMITTED: December 21, 2011

CLEARANCES:

- Legal PB
- Finance N/A
- Marina N/A
- Parks, Recreation & Senior Services
- Planning, Building & Public Works DJB for G.F.
- Police N/A
- Courts N/A

APPROVED BY CITY MANAGER
FOR SUBMITTAL: [Signature]

Purpose and Recommendation

The purpose of the agenda item is to allow City Council to reconsider Ordinance No. 1528 (Attachment 1) per its action on December 8, 2011 and proposed amendments to the 2009 *Des Moines Comprehensive Plan* as described in Draft Ordinance No. 12-001 (Attachment 2) by passing the following motion:

Suggested Motion

First Motion: I move to suspend Council Rule 26(a).

Second Motion: "I move to amend Ordinance No. 1528 by adopting the amendment language offered in Draft Ordinance No. 12-001.

Background

The 1990 Growth Management Act (GMA) is codified in RCW 36.70A. It requires, among other things, that “cities ... take action to review and, if needed, revise their *comprehensive plans* and development regulations (*emphasis added*) to ensure the plan and regulations comply with the requirements of this chapter . . . Any amendment of or revision to development regulations shall be consistent with and implement the comprehensive plan.”

Chapter 18.84 Comprehensive Plan, of the Des Moines Municipal Code sets forth the process and standards of review that must be used by staff, the Planning Agency and the City Council in analyzing proposed amendments to the Comprehensive Plan and associated maps, including initiation of amendments, schedule for initiation and review of amendments, contents for application for amendment and decision criteria.

Applications for amendment of the City of Des Moines Comprehensive Plan may be submitted to the Planning, Building and Public Works Department between January 1st and June 30th of each calendar year (DMMC 18.84.060(1)). Two public requests for amendment to the Des Moines Comprehensive Plan were received during this period in 2011.

June 9, July 28, and September 1, 2011: Staff briefed City Council on the proposed 2011 amendments to the Des Moines Comprehensive Plan to provide an opportunity for Council input. Several of the proposed amendments related to the Marina District, SEPA infill, Upfront SEPA, buildable lands, and expansion of the BP-Business Park designation in the North Central Neighborhood were deferred to the 2012 amendment process to allow time for more detailed analysis and consideration by Council.

Two (2) citizen requested amendments and four (4) City-initiated amendments were carried forward for Council consideration. Proposed amendments related to changes to the official land use map in the North Hill and Central Des Moines neighborhood planning areas; incorporation of goals, policies and strategies related to the Healthy Eating and Active Living; updates to the Land Use Element to add policies and strategies that recognize Highline Community College (HCC) as an institutional campus in the City of Des Moines; and updates to the Housing Element related to the provision for affordable housing.

The proposed 2011 Comprehensive Plan amendments are considered non-project actions. The SEPA Official concluded that the proposal will not cause significant adverse environmental impact and subsequently issued the final threshold determination of a “Determination of Nonsignificance” on September 16, 2011. This decision was made after review of a completed SEPA Checklist and review and adoption of previous environmental documentation related to the proposed amendments. The comment period concluded on October 3, 2011 and the appeal period concluded on October 13, 2011. Two comment letters related to proposed changes in the Comp Plan Land Use Maps to change the land use designation from SF-Single Family to BP-Business Park for property located in North Hill adjacent to Des Moines Memorial Drive were received.

Consistent with the provisions of DMMC § 18.56.080, the Comprehensive Plan amendments are considered Type VI land use actions and require a public hearing with the Planning Agency and the City Council.

October 3, 2011: A public hearing before the Des Moines Planning Agency was held. Three citizens provided public testimony about the North Hill Land Use Map changes. Upon review and discussion, the Planning Agency recommended that City Council adopt the proposed 2011 Comprehensive Plan Amendments.

October 27, 2011: City Council held a public hearing on the proposed 2011 Comprehensive Plan Amendments. Public testimony focused on the proximity of the proposed business park area to adjacent North Hill residential neighborhoods to the west. The public hearing was closed and the Council question/answer period was in progress when the matter was continued to December 1, 2011.

Council questions and comments at the October 27th public hearing focused around proposed the North Hill Land Use Map amendments (2011-1, 2011-2) and 2011-4. Council requested that staff simplify the language for the HEAL goals, policies and strategies and reduce the level of detail in the introduction to Chapter 12. Council was asked to forward any detailed comments for planning staff to incorporate into the HEAL components of the amendments. One Council member provided comments which were incorporated into the draft ordinance.

December 1, 2011: City Council adopted Ordinance No. 1528 thereby adopting Amendments 2011-1, 2011-2, 2011-3 and 2011-5 as provided in Exhibit A and B to Ordinance No. 1528. Amendments 2011-1, 2011-2 amended the official land use map to change the land use designation from SF-Single Family to BP-Business Park for select properties in the North Hill Neighborhood and Amendment 2011-3 changed the land use designation for the SCORE property from PARK-Park and SF – Single Family to PF-Public Facility. Amendment 2011-5 amended *Chapter 2: Land Use Element* to add a policy to establish an Institutional Campus I-C designation for Highline Community College.

Discussion

On December 8, 2011, in accordance with Council Rule 28, Council passed a motion to reconsider Ordinance No. 1528. The intent is to reconsider amendments related to the HEAL grant and the proposed policy language in *Chapter 7: Housing Element* that establishes an area for locating low income housing in mixed use developments in the South Des Moines Neighborhood as described in Exhibit A to Draft Ordinance No. 12-001 (Attachment 2).

Proposed language related to the HEAL grant has been refined to focus on the key issues and outcomes and ensure we are not committing the City to any financial obligations that cannot be met. Chapter 12 Healthy Des Moines Initiative has been reduced from 7 pages to 3 pages but maintains the framework for the steps we as a City can take to address important health inequities in our community.

The proposed Chapter 7 language meets the criteria for loans from the Washington State Housing Finance Commission (HFC). Without the 5 scoring points for being located in a “targeted area”, Sea Mar has indicated to us that HFC financing is not possible and the \$4.7 million multi-family apartment building is financially infeasible. The language is also consistent with existing Comprehensive Plan goals, policies and strategies:

- **Goal 7-01-01** Encourage the development, preservation, or replacement of housing stock that is affordable to all economic segments of the community.
- **Policy 7-03-01** Continue to assist regional, multi-jurisdictional efforts to address the region’s need for low and moderate income housing, and special-needs housing. Assist the private sector,

non-profit agencies, and public entities in the planning and development of affordable and special-needs housing within and near Des Moines.

- **Strategy 7-04-03** Assist social service organizations that provide housing for low income and special needs populations, operate emergency shelters, or provide other housing-related services available to Des Moines residents.
- **Strategy 7-04-04** Review the appropriateness of techniques for providing housing affordable to all income groups, such as regional, state and federal housing programs, housing trust fund, inclusionary zoning, development incentives, fee waivers, fast-track processing or assistance to housing agencies.

Alternatives

City Council has the option to amend or reject any of the proposed amendments described in Draft Ordinance No. 12-001. Taking no action would probably limit the full development of the Sea Mar Project. Without the 5 scoring points for being located in a "targeted area", Sea Mar has indicated that HFC financing is not possible and the \$4.7 million multi-family apartment building is financially infeasible. Taking no action may also affect the City's ability to use or receive additional HEAL Grant funds.

Financial Impact

Amended goals, policies and strategies proposed for the Comprehensive Plan help promote a healthy economic environment for the City and strategically plan for capital improvements and investments in conjunction with growth and development. Proposed language in the Housing Element would support the Sea Mar Community Health Center in securing financing to develop the \$4.7 million apartment building in the South Des Moines Neighborhood.

Recommendation or Conclusion

City staff recommends that the City Council adopt Draft Ordinance No. 12-001 thereby amending Ordinance No. 1528.

Concurrence

Des Moines Planning Agency held a public hearing on October 3, 2011 to consider the proposed 2011 amendments to the 2009 Des Moines Comprehensive Plan. Upon review and discussion, the Planning Agency voted to recommend that City Council adopt the proposed 2011 Comprehensive Plan amendments incorporating recommendations from the HEAL Grant process and in support of low income housing in mixed use development in the South Des Moines Neighborhood.

ORDINANCE NO. 1528

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON adopting 2011 amendments to the Des Moines 2009 Comprehensive Plan and amending DMMC 18.84.090 and 18.84.100.

WHEREAS, the 1990 Growth Management Act is codified in RCW 36.70A and requires that each jurisdiction produce a Comprehensive Plan that contains, at a minimum, elements pertaining to land use, transportation, capital facilities, housing, and utilities, and

WHEREAS, the Des Moines Comprehensive Plan was adopted by the City Council on November 12, 2009 by enactment of Ordinance No. 1469, and

WHEREAS, there have been subsequent amendments to the Des Moines Comprehensive Plan, and

WHEREAS, each amendment of the Comprehensive Plan was processed in accordance with the requirements of the State Environmental Policy act and public hearings were conducted in accordance with law, and

WHEREAS, the Growth Management Act requires, among other things, that "cities ... take action to review and, if needed, revise their **comprehensive plans** and development regulations (*emphasis added*) to ensure the plan and regulations comply with the requirements of this chapter . . . Any amendment of or revision to development regulations shall be consistent with and implement the comprehensive plan," and

WHEREAS, the goals and policies for growth and the provision of services are guided by GMA requirements and are based in part upon state and regional goals, and reflect the vision and goals of elected officials, community advisory groups and citizens, and

WHEREAS, notice of the public hearing before the Planning Agency was given to the public in accordance with law and a public hearing was held on the 3rd day of October 2011, and all persons wishing to be heard were heard, and

WHEREAS, notice of the public hearing before the City Council was given to the public in accordance with law and a

amended as described in Exhibit "A" to Ordinance No. 1499.

(b) 2011 Amendment: Selective portions of this element of the Comprehensive Plan are amended as described in Exhibit "A" to Ordinance No. 1528.

(3) Chapter 3: Transportation Element

(a) 2010 Amendment: Selective portions of this element of the Comprehensive Plan are amended as described in Exhibit "A" to Ordinance No. 1499.

(4) Chapter 4: Conservation Element

(a) 2010 Amendment: Selective portions of this element of the Comprehensive Plan are amended as described in Exhibit "A" to Ordinance No. 1499.

(5) Chapter 5: Capital Facilities, Utilities, and Public Services Element

(a) 2010 Amendment: Selective portions of this element of the Comprehensive Plan are amended as described in Exhibit "A" to Ordinance No. 1499.

(6) Chapter 6: Parks, Recreation, and Open Space Element

(a) 2010 Amendment: Selective portions of this element of the Comprehensive Plan are amended as described in Exhibit "A" to Ordinance No. 1499.

(7) Chapter 7: Housing Element

(a) 2010 Amendment: Selective portions of this element of the Comprehensive Plan are

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.

Sec. 4. 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 1st day of December, 2011 and signed in authentication thereof this 1st day of December, 2011.


MAYOR

APPROVED AS TO FORM:


City Attorney

ATTEST:


City Clerk

Published: December 26, 2011

LEGAL NOTICE
SUMMARY OF ADOPTED ORDINANCE
CITY OF DES MOINES

ORDINANCE NO. 1528, Adopted December 1, 2011.

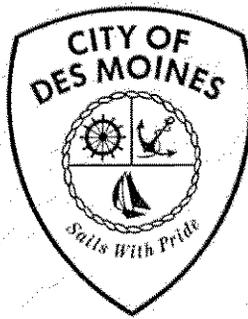
DESCRIPTION OF MAIN POINTS OF THE ORDINANCE:

This ordinance adopts the 2011 amendments to the Des Moines 2009 Comprehensive Plan and amends DMMC 18.84.090 and 18.84.100.

The full text of the ordinance will be mailed without cost upon request.

Sandy Paul, CMC
City Clerk

Published: December 26, 2011



CITY OF DES MOINES COMPREHENSIVE PLAN

MAYOR

Bob Sheckler

CITY COUNCIL

Dan Sherman, Mayor Pro Tem

Scott Thomasson

Ed Pina

Carmen Scott

Dave Kaplan

Susan White

CITY MANAGER

Tony Piasecki

PLANNING, BUILDING AND PUBLIC WORKS DEPARTMENT

Grant L. Fredricks, P.E., Director

Adopted November 12, 2009 by Ordinance No. 1469

Amended November 18, 2010 by Ordinance No. 1499

Amended December 1, 2011 by Ordinance No. 1528

Printed on recycled paper with a minimum 20% post-consumer content

Comprehensive Plan Legislative History

Ordinance No. 1128	Adopting revisions to the Conservation Element	4/95
Ordinance No. 1131	Adopting a Housing Element	5/95
Ordinance No. 1160	Adopting the Comprehensive Plan	12/95
Ordinance No. 1176	Adding the Woodmont Redondo Community	12/96
Ordinance No. 1204	Mandates from the Hearings Board	12/97
Ordinance No. 1220	Mandates from the Hearings Board	10/98
Ordinance No. 1238	Map Changes	5/99
Ordinance No. 1265	Adopting the Pacific Ridge Neighborhood Element	7/00
Ordinance No. 1332	Amending the Parks Element	12/03
Ordinance No. 1376	Amending the City of Des Moines Comprehensive Plan	01/06
Ordinance No. 1425	Amending the land use map and Environmental Element	01/08
Ordinance No. 1469	Amending the land use map and the Chapter 2 Land Use Element, Chapter 3 Transportation Element, Chapter 5 Capital Facilities Element, Chapter 6 Parks, Recreation and Open Space Element, Chapter 10 Downtown Element and Chapter 11 Pacific Ridge Element.	11/09
Ordinance No. 1499	Amending Chapter 1 General Planning Element, Chapter 2 Land Use Element, Chapter 3 Transportation Element, Chapter 4 Conservation Element, Chapter 5 Capital Facilities Element, Chapter 6 Parks, Recreation and Open Space Element, Chapter 7 Housing Element, Chapter 10 Marina District Element and Chapter 11 Pacific Ridge Element.	11/10
Ordinance No. 1528	Amending the land use map and Chapter 2 Land Use Element.	12/11



Figure 2-07



City of Des Moines
Comprehensive Plan
North Hill
Planning Area

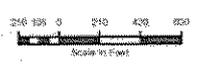
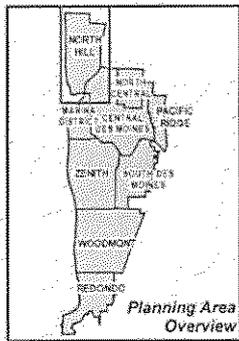
Comprehensive Plan Designations

- RESIDENTIAL
 - SF - Single Family
 - MF - Multifamily
 - T - Townhome
 - RF - Retirement Facility
 - PR-R - Pacific Ridge Residential
- COMMERCIAL
 - COM - Commercial
 - BP - Business Park
 - PF - Public Facility
 - PR-C - Pacific Ridge Commercial
 - PR-M - Pacific Ridge Mixed
 - PARK - Park
- Des Moines City Limits
- Streams
- Mixed Use Overlay
- Planning Area Boundary
- Public/Exempt Parcels (DM Only)
- PUD - See Plan For Density

CITY OF DES MOINES
COMPREHENSIVE PLAN MAP SERIES
This map series is intended for general planning purposes related to the City of Des Moines Comprehensive Plan.

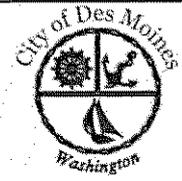
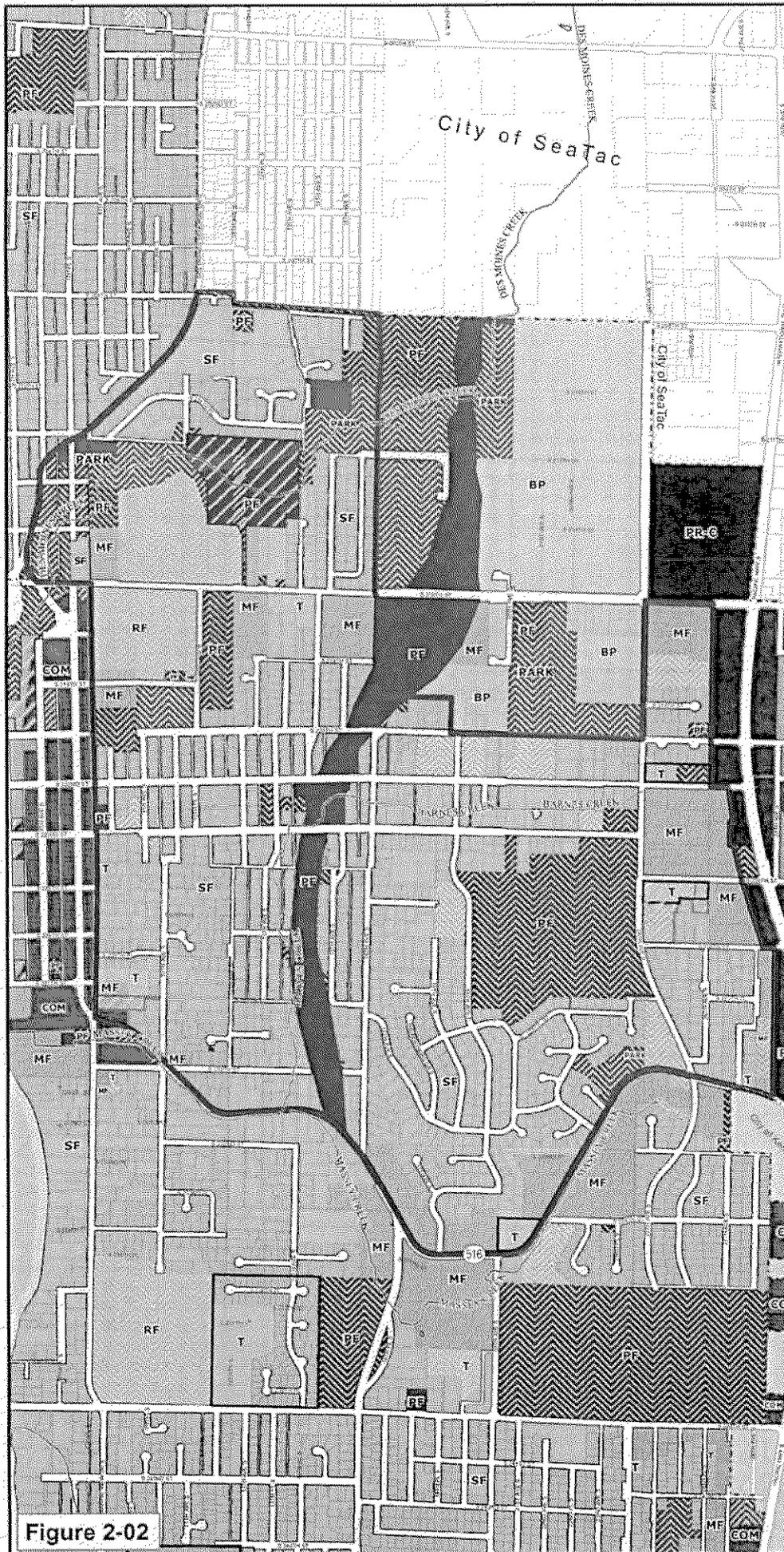
Enacting Ordinances

- Ord. 1528, 2011
- Ord. 1499, 2010
- Ord. 1469, 2009
- Ord. 1425, 2008
- Ord. 1376, 2006
- Ord. 1232, 2003
- Ord. 1266, 2000
- Ord. 1238, 1999
- Ord. 1176, 1996
- Ord. 1160, 1995



Planning, Building & Public Works
21610 14th Ave S, Suite D
Des Moines, WA 98198-8398
PHONE: (206) 879-7576 * FAX: (206) 879-6544
WEB: <http://www.desmoineswa.gov>

File: Preferred Land Use Map/Map 007
Date: 05/20/11
©2011 City of Des Moines GIS

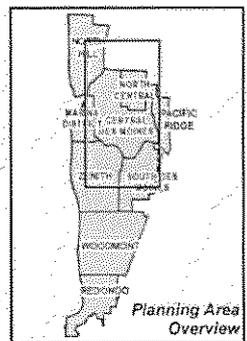


City of Des Moines
 Comprehensive Plan
 Central Des Moines
 Planning Area

- Comprehensive Plan Designations**
- RESIDENTIAL**
- SF - Single Family
 - MF - Multifamily
 - T - Townhome
 - RF - Retirement Facility
 - PR-R - Pacific Ridge Residential
- COMMERCIAL**
- COM - Commercial
 - BP - Business Park
 - PF - Public Facility
 - PR-C - Pacific Ridge Commercial
 - PR-M - Pacific Ridge Mixed
 - PARK - Park
- Des Moines City Limits
 - Streams
 - Mixed Use Overlay
 - Planning Area Boundary
 - Public/Exempt Parcels (DM Only)
 - PUD - See Plan For Details

CITY OF DES MOINES
COMPREHENSIVE PLAN MAP SERIES
 This map series is intended for general planning purposes related to the City of Des Moines Comprehensive Plan.

- Enacting Ordinances**
- Ord. 1528, 2011
 - Ord. 1499, 2010
 - Ord. 1489, 2009
 - Ord. 1425, 2008
 - Ord. 1376, 2006
 - Ord. 1232, 2003
 - Ord. 1265, 2000
 - Ord. 1238, 1999
 - Ord. 1176, 1996
 - Ord. 1160, 1995



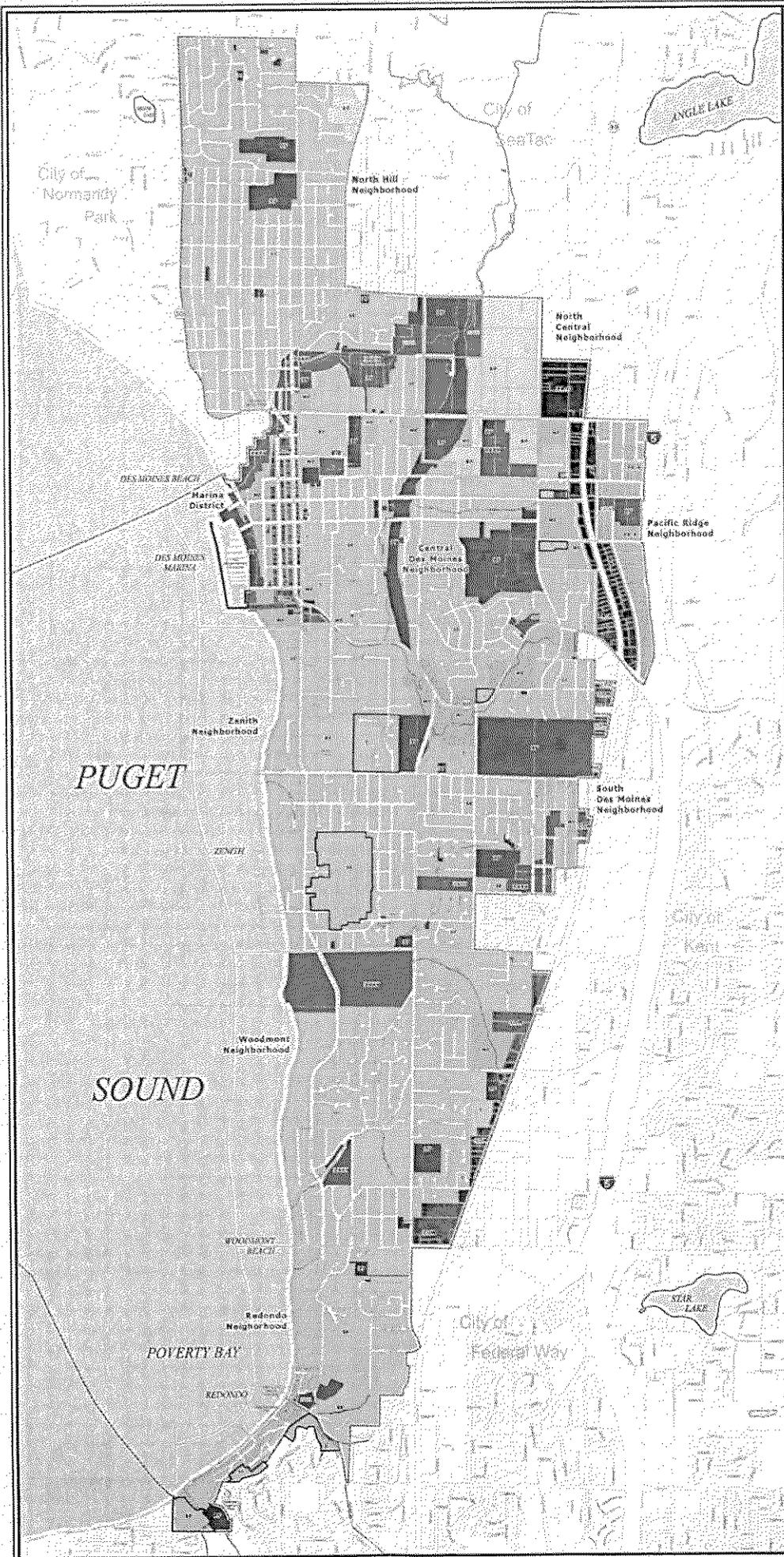
Planning, Building & Public Works
 21630 11th Ave S, Suite D
 Des Moines, WA 98198-6398
 PHONE: (206) 870-7575 * FAX: (206) 870-6544
 WEB: <http://www.desmoineswa.gov>

Figure 2-02

the City of Des Moines Zoning Map as the official zoning map. Undertake all planning activities to implement and support the designated land use pattern.

2-03-13 Recognize that the existence of concomitant agreements, contract rezones, development agreements and similar restrictions may limit the degree to which properties may be developed. Such restrictions established by the City shall be given substantial weight during consideration of requested amendments.

2-03-14 Work with Highline Community College to establish an Institutional Campus land use designation and overlay zone that supports the uses, services and operations, and facilitates the redevelopment plans as established in HCC's campus Master Plan.



City of Des Moines
Comprehensive Plan
Preferred
Land Use

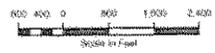
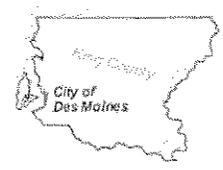
Comprehensive Plan Designations

- RESIDENTIAL**
- MF - Multifamily
 - PR-R - Pacific Ridge Residential
 - RF - Retirement Facility
 - SF - Single Family
 - T - Townhome
- COMMERCIAL/NON RES**
- BP - Business Park
 - CCM - Commercial
 - PARK - Park
 - PF - Public Facility
 - PR-C - Pacific Ridge Commercial
 - PR-M - Pacific Ridge Mixed
- Des Moines City Limits
Neighborhood Planning Areas
North Central Subareas
PUD - See Plan For Density

**CITY OF DES MOINES
COMPREHENSIVE PLAN MAP SERIES**
This map series is intended for general planning purposes related to the City of Des Moines Comprehensive Plan.

Enacting Ordinances

- ORDINANCE, YEAR**
- Ord. 1160, 1985
 - Ord. 1178, 1996
 - Ord. 1238, 1999
 - Ord. 1285, 2000
 - Ord. 1232, 2003
 - Ord. 1376, 2006
 - Ord. 1425, 2008
 - Ord. 1469, 2009
 - Ord. 1499, 2010
 - Ord. 1528, 2011



Planning, Building & Public Works
21630 11th Ave. S., Suite D
Des Moines, WA 98198-6398
PHONE: (206) 870-7575 * FAX: (206) 870-0544
WEB: <http://www.desmoineswa.gov>

ATTACHMENT 2
CITY ATTORNEY'S FIRST DRAFT 12/27/11

DRAFT ORDINANCE NO. 12-001

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON amending Ordinance 1528 adopting 2011 amendments to the Des Moines 2009 Comprehensive Plan and amending DMMC 18.84.090.

WHEREAS, the 1990 Growth Management Act is codified in RCW 36.70A and requires that each jurisdiction produce a Comprehensive Plan that contains, at a minimum, elements pertaining to land use, transportation, capital facilities, housing, and utilities, and

WHEREAS, the Des Moines Comprehensive Plan was adopted by the City Council on November 12, 2009 by enactment of Ordinance No. 1469, and

WHEREAS, there have been subsequent amendments to the Des Moines Comprehensive Plan, and

WHEREAS, each amendment of the Comprehensive Plan was processed in accordance with the requirements of the State Environmental Policy act and public hearings were conducted in accordance with law, and

WHEREAS, the Growth Management Act requires, among other things, that "cities ... take action to review and, if needed, revise their **comprehensive plans** and development regulations (*emphasis added*) to ensure the plan and regulations comply with the requirements of this chapter . . . Any amendment of or revision to development regulations shall be consistent with and implement the comprehensive plan," and

WHEREAS, the goals and policies for growth and the provision of services are guided by GMA requirements and are based in part upon state and regional goals, and reflect the vision and goals of elected officials, community advisory groups and citizens, and

WHEREAS, notice of the public hearing before the Planning Agency was given to the public in accordance with law and a public hearing was held on the 3rd day of October 2011, and all persons wishing to be heard were heard, and

Attachment 2

WHEREAS, notice of the public hearing before the City Council was given to the public in accordance with law and a public hearing was held on the 27th day of October, and all persons wishing to be heard were heard, and

WHEREAS, the Des Moines Planning, Building and Public Works Director acting as the SEPA responsible official issued a determination of nonsignificance (DNS) on the 16th day of September and the accompanying comment and appeal periods have lapsed, and

WHEREAS, proper and timely notice was given to the Washington State Department of Commerce of these amendments as required by RCW 36.70A, and

WHEREAS, the City Council took final action adopting Ordinance 1528 amending the Comprehensive Plan on December 1, 2011, and

WHEREAS, the City Council on December 8, 2011 voted to reconsider Ordinance 1528 at its next regularly scheduled meeting, and

WHEREAS, the City Council finds that the amendments contained in this ordinance are appropriate and necessary for the preservation of the public health, safety and welfare; now therefore,

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

Sec. 1. DMMC 18.84.090 and section 2 of Ordinance No. 1469, as amended by Section 1 of Ordinance No. 1499, as amended by Section 1 of Ordinance No. 1528 are amended to read as follows:

Comprehensive Plan amendments. The adopted Comprehensive Plan as identified in DMMC 18.84.010, which is on file with the City Clerk, is amended pursuant to the provisions in this title, as identified below.

(1) Chapter 1: General Planning Element

(a) 2010 Amendment: Selective portions of this element of the Comprehensive Plan are amended as described in Exhibit "A" to Ordinance No. 1499.

(2) Chapter 2: Land Use Element

(a) 2010 Amendment: Selective portions of this element of the Comprehensive Plan are amended as described in Exhibit "A" to Ordinance No. 1499.

(b) 2011 Amendment: Selective portions of this element of the Comprehensive Plan are amended as described in Exhibit "A" to Ordinance No. 1528.

(c) 2011 Amendment: Selective portions of this element of the Comprehensive Plan are amended as described in Exhibit "A" to Draft Ordinance No. 12-001.

(3) Chapter 3: Transportation Element

(a) 2010 Amendment: Selective portions of this element of the Comprehensive Plan are amended as described in Exhibit "A" to Ordinance No. 1499.

(b) 2011 Amendment: Selective portions of this element of the Comprehensive Plan are amended as described in Exhibit "A" to Draft Ordinance No. 12-001.

(4) Chapter 4: Conservation Element

(a) 2010 Amendment: Selective portions of this element of the Comprehensive Plan are amended as described in Exhibit "A" to Ordinance No. 1499.

(5) Chapter 5: Capital Facilities,
Utilities, and Public Services Element

(a) 2010 Amendment: Selective portions of this element of the Comprehensive Plan are amended as described in Exhibit "A" to Ordinance No. 1499.

(6) Chapter 6: Parks, Recreation, and Open Space Element

(a) 2010 Amendment: Selective portions of this element of the Comprehensive Plan are amended as described in Exhibit "A" to Ordinance No. 1499.

(b) 2011 Amendment: Selective portions of this element of the Comprehensive Plan are amended as described in Exhibit "A" to Draft Ordinance No. 12-001.

(7) Chapter 7: Housing Element

(a) 2010 Amendment: Selective portions of this element of the Comprehensive Plan are amended as described in Exhibit "A" to Ordinance No. 1499.

(b) 2011 Amendment: Selective portions of this element of the Comprehensive Plan are amended as described in Exhibit "A" to Draft Ordinance No. 12-001.

(8) Chapter 8: Community Character Element

(9) Chapter 9: North Central Neighborhood Element

(10) Chapter 10: Marina District Element

(a) 2010 Amendment: Selective portions of this element of the Comprehensive Plan are

amended as described in Exhibit "A" to Ordinance No. 1499.

(11) Chapter 11: Pacific Ridge Element

(a) 2010 Amendment: Selective portions of this element of the Comprehensive Plan are amended as described in Exhibit "A" to Ordinance No. 1499.

(12) 2011 Amendment: Add a new chapter entitled "Chapter 12: Healthy Des Moines Element" as described in Exhibit "A" to Draft Ordinance No. 12-001.

~~(12)13~~ Appendix A: Des Moines Housing and Population Data

~~(13)14~~ Appendix B: City of Des Moines Buildable Lands Report (2002 - 2012) and Household Growth Targets (2002 - 2022)

~~(14)15~~ Appendix C: Proposed Comprehensive Plan Review Schedule

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.

Sec. 3. 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 5th day of January, 2012 and signed in authentication thereof this 5th day of January, 2012.

M A Y O R

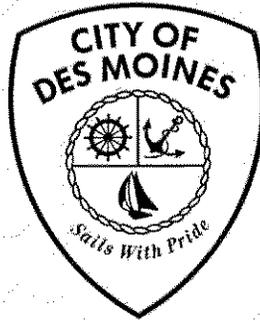
APPROVED AS TO FORM:

Assistant City Attorney

ATTEST:

City Clerk

Published: December 26, 2011



CITY OF DES MOINES COMPREHENSIVE PLAN

MAYOR

Bob Sheckler

CITY COUNCIL

Dan Sherman, Mayor Pro Tem

Scott Thomasson

Ed Pina

Carmen Scott

Dave Kaplan

Susan White

CITY MANAGER

Tony Piasecki

PLANNING, BUILDING AND PUBLIC WORKS DEPARTMENT

Grant L. Fredricks, P.E., Director

Adopted November 12, 2009 by Ordinance No. 1469

Amended November 18, 2010 by Ordinance No. 1499

Amended December 1, 2011 by Ordinance No. 1528

Amended _____ by Ordinance No. _____

Printed on recycled paper with a minimum 20% post-consumer content

Comprehensive Plan Legislative History

Ordinance No. 1128	Adopting revisions to the Conservation Element	4/95
Ordinance No. 1131	Adopting a Housing Element	5/95
Ordinance No. 1160	Adopting the Comprehensive Plan	12/95
Ordinance No. 1176	Adding the Woodmont Redondo Community	12/96
Ordinance No. 1204	Mandates from the Hearings Board	12/97
Ordinance No. 1220	Mandates from the Hearings Board	10/98
Ordinance No. 1238	Map Changes	5/99
Ordinance No. 1265	Adopting the Pacific Ridge Neighborhood Element	7/00
Ordinance No. 1332	Amending the Parks Element	12/03
Ordinance No. 1376	Amending the City of Des Moines Comprehensive Plan	01/06
Ordinance No. 1425	Amending the land use map and Environmental Element	01/08
Ordinance No. 1469	Amending the land use map and Chapter 2 Land Use Element, Chapter 3 Transportation Element, Chapter 5 Capital Facilities Element, Chapter 6 Parks, Recreation and Open Space Element, Chapter 10 Downtown Element and Chapter 11 Pacific Ridge Element	11/09
Ordinance No. 1499	Amending Chapter 1 General Planning Element, Chapter 2 Land Use Element, Chapter 3 Transportation Element, Chapter 4 Conservation Element, Chapter 5 Capital Facilities Element, Chapter 6 Parks, Recreation and Open Space Element, Chapter 7 Housing Element, Chapter 10 Marina District Element and Chapter 11 Pacific Ridge Element	11/10
Ordinance No. 1528	Amending the land use map and Chapter 2 Land Use Element	12/11

Ordinance No.	<u>Amending Ordinance No. 1528, thereby amending Chapter 2 Land Use Element, Chapter 3 Transportation Element, Chapter 6 Parks, Recreation and Open Space Element, and Chapter 7 Housing Element, and adding a new element entitled "Chapter 12 Healthy Des Moines Element"</u>
---------------	---

Adopted Nov. 12, 2009 by Ordinance No. 1469
Amended November 18, 2010 by Ordinance No. 1499
Amended December 1, 2011 by Ordinance No. 1528
Amended _____ by Ordinance No. _____

Chapter 12: Healthy Des Moines Element	12-1
<i>12-01 Goals.....</i>	<i>12-1</i>
<i>12-02 Background and Context.....</i>	<i>12-1</i>
<i>12-03 Policies.....</i>	<i>12-2</i>
<i>12-04 Strategies.....</i>	<i>12-2</i>

CHAPTER 2: LAND USE ELEMENT

2-01 **GOALS**

2-01-01 Preserve and enhance the diverse residential neighborhoods of the community and serve them with vibrant business districts, open space, recreational facilities, affordable housing, and other supportive land uses; protect environmentally critical areas, and promote economic development.

2-01-02 Remove physical and regulatory barriers to healthy food access in support of improved nutritional eating, reduced incidence of hunger and increased opportunities for physical activity.

2-02 **BACKGROUND AND CONTEXT**

2-02-01 The City of Des Moines is highly developed and has well-established patterns of land use. The City is predominantly developed as a single family residential community, with multifamily and commercial development located in the Marina District, and along Pacific Highway, Interstate-5, and arterial streets, such as Kent-Des Moines Road.

2-02-02 The City of Des Moines currently has a diversity of housing types. Slightly more than half of the housing units are single family. Apartments, condominiums, retirement homes, mobile homes and group homes comprise slightly less than half of the housing units. Details of population and housing types in the City of Des Moines are provided in Appendix A.

2-02-03 The City of Des Moines has more than adequate capacity to meet its GMA residential growth target. The City also has surplus capacity for jobs over its GMA target. Details of the residential, commercial, and industrial land capacity, as well as housing densities and targets are provided in Appendix B.

02-02-04 Generally, the City of Des Moines meets the residential density requirement of 4 units per acre by neighborhood.

2-02-05 Much of the area that has developed as single family has a mixture of single family zone classifications.

2-02-06 The City of Des Moines Zoning Map, as authorized by chapter 18.06 DMMC, serves as the City's official zoning map.

2-02-07 The policies and strategies listed in this section are meant to promote land use decisions and zoning to create future development opportunities in suitable locations for the next 20 years. The policies and strategies are based on land use assumptions developed with the most current Washington State Office of Financial Management (OFM) housing and population data, shown in Appendix A, and the City of Des Moines Buildable Lands Report and current growth targets, shown in Appendix B. The amount of developed, underdeveloped and vacant land within the City of Des Moines is also reported in Appendix B.

2-02-08 Goals, policies and strategies relating to land use, food access and the transportation system have been shown to influence the health of our local economy as well as the health of our citizens. The City of Des Moines supports land use arrangements and mixes that promote complete communities with access to employment, shopping and leisure activities in a safe, inviting, and walkable environment.

the City of Des Moines Zoning Map as the official zoning map. Undertake all planning activities to implement and support the designated land use pattern.

2-03-13 Recognize that the existence of concomitant agreements, contract rezones, development agreements and similar restrictions may limit the degree to which properties may be developed. Such restrictions established by the City shall be given substantial weight during consideration of requested amendments.

2-03-14 Work with Highline Community College to establish an Institutional Campus land use designation and overlay zone that supports the uses, services and operations, and facilitates the redevelopment plans as established in their College Master Plan.

2-03-15 **Healthy Community**

- (1) Support fresh food distribution through farmers markets, urban farm stands, urban agriculture, community gardens and Community Supported Agriculture programs.
- (2) Encourage mixed-use, pedestrian, and transit-oriented development along major transit corridors and near transit nodes to enable residents to be physically active through daily activity, such as walking to school, work, and shopping.
- (3) Support concentrations of neighborhood, community, and retail amenities and services in close proximity to residential neighborhoods.

- 2-04-10** Seek to abate existing incompatible uses in all neighborhoods when such abatement is consistent with public health, safety and welfare.
- 2-04-11** Negotiate with Sound Transit and the Cities of Kent, SeaTac and Federal Way on the extension of light rail through Des Moines.
- 2-04-12** Prepare a subarea plan/s, prepare zoning amendments and prepare design guidelines for the light rail station areas to be located within the South Des Moines and Woodmont Neighborhoods, considering the joint planning with the City of Kent on the Midway area.
- 2-04-13** Permit home occupations in residential neighborhoods if they comply with standards that ensure compatibility with the neighborhood as defined by DMMC and state law.
- 2-04-14** Allow lot averaging in residential zones as regulated by the DMMC and state law.
- 2-04-15** Recognize the need for public and quasi-public facilities (parks, schools, churches, day care facilities) which play an important role in maintaining viable neighborhoods. Provide standards for these uses to ensure compatibility with neighborhoods.)
- 2-04-16** Require that new development maintain and enhance on-site open spaces, and provide on-site recreation facilities in new subdivisions and multifamily developments or pay appropriate in-lieu fees as required by the DMMC.
- 2-04-17** Seek to minimize negative impacts of new development on neighborhoods by providing uniform standards at the interface of incompatible land uses which address, but are not limited to, the following: site access and circulation; structure height, bulk, and scale; preservation of views; separation of buildings; landscaping; density; and noise buffering.
- 2-04-18** Establish standards for new development to provide on- and off-site roadways, utilities and other public facilities as necessary to serve the additional demand generated by the development.

2-04-19 Healthy Community

- (1) Consider development regulations that allow farmers markets, urban farm stands, Community Supported Agriculture distribution locations and community gardens as permitted uses and provide for the on-site sale and delivery of healthy food and beverages.
- (2) Support joint-use agreements for potential sites, such as publicly-owned, school or church properties, to allow community gardens and operation of mini farmers markets, farm stands or Community Supported Agriculture distribution to increase access to fresh produce.

DISCUSSION:

The goals of TDM and the CTR Program are to reduce traffic congestion, air pollution, and fuel consumption by working with major employers to reduce drive-alone commuting. Since the passage of the CTR Act in 1991 (incorporated into the Clean Air Act), Washington State has required cities like Des Moines to work on reducing trips by encouraging large employers to develop plans that motivate employees to commute in ways other than driving alone. The state and City goal is to obtain a 10 percent reduction of drive alone trips by 2011. By encouraging people to ride the bus, vanpool, carpool, walk, bike, work from home, or compress their workweek, the CTR program helps to make the transportation system work more efficiently. A higher proportion of trips made in high-occupancy vehicles, or by walking or bicycling, or avoided altogether during the morning commute means reduced delay for everyone traveling on the system. Both the City and Highline Community College have developed programs to reduce the number of drive alone trips and these are reported in the City's CTR Plan adopted by the City in November 2008.

CROSS REFERENCE:

Many of the other Goals support this one. Strategies to reduce the number of trips made by SOVs are more effective when supported by land uses that provide the density to support efficient transit services (See Goal TR1); pedestrian friendly neighborhoods and street design standards that support pedestrians (See Goal TR5); and parking management strategies that encourage shared parking and limit on-street parking (See Goal TR6). The City will need to work closely with adjacent jurisdictions and regional transit agencies to ensure that adequate and appropriately located transit service is provided (See Goal TR 4).

3-04 POLICIES

3-04-01 Transportation and Land Use

To serve the land use pattern set forth by the Land Use Element of the Comprehensive Plan (Goal TR 1):

- (1) Build a street network that connects to the regional transportation system and to the local street networks in adjacent communities. (CTP TR 1.1)
- (2) Ensure consistency between land use and the transportation plan so that transportation facilities are compatible with the type and intensity of land uses (CTP TR 1.2)
- (3) Transportation system design shall be based on the most current City of Des Moines Transportation data and analysis as compiled in the CTP. Transportation assumptions in the CTP shall reflect the most recent land use assumptions and shall be updated at intervals between five and ten years.
- (4) Consider multi-modal transportation options by providing enhancements to the roadside (widened shoulders and sidewalk where feasible) with connections to civic facilities, recreation areas, education institutions, employment centers, and shopping.

3-04-02 Street System

To provide a street network that serves the needs of Des Moines residents, businesses, emergency services, and visitors (Goal TR 2):

- (1) Establish a functional classification system for the street network, consisting of a hierarchy of street functions that generally describes their intended use. *(CTP TR 2.1)*
- (2) Provide convenient access to business districts and centers including management of traffic congestion. *(CTP TR 2.2)*
- (3) Provide a connected street network or grid pattern that distributes traffic over more streets providing people with more travel routes. *(CTP TR 2.3)*
- (4) Protect residential neighborhoods from overflow and cut through traffic through the City's Neighborhood Traffic Calming Program. *(CTP TR 2.4)*
- (5) Provide opportunities for residents and business owners to give comments on Des Moines' transportation system. *(CTP TR 2.5)*
- (6) Preserve and maintain the existing streets and other transportation infrastructure. *(CTP TR 2.15)*
- (7) The planned extension of State Route 509 to Interstate 5 is a key transportation facility for the City of Des Moines and its construction should be completed as soon as possible.

3-04-03 Concurrency

To support new growth and achieve adopted level of service standards on the City's transportation network (Goal TR 3):

- (1) Maintain level of service (LOS) standards that provide for growth and maintain mobility on the existing transportation system. *(CTP TR 3.1)*
- (2) Deny approval if a proposed development will cause the LOS to fall below the City's adopted LOS standards, unless the developer makes improvements to mitigate the impacts, concurrent with the development. *(CTP TR 3.2)*

3-04-04 Public Transit

To provide convenient and affordable transportation alternatives for all residents and employees (Goal TR 4):

- (1) Promote transit use and support programs that improve transit coverage and service within Des Moines. *(CTP TR 4.1)*

3-04-05 Pedestrian and Bicycle Facilities

To provide access to local and regional destinations, and support a healthy lifestyle (Goal TR 5):

- (1) Build a non-motorized transportation network to provide safe pedestrian and bicycle movement. *(CTP TR 5.1)*
- (2) Prioritize pedestrian and bicycle improvements that provide access to schools, parks and other public buildings. Provide bicycle racks at schools, parks, and other public buildings. *(CTP TR 5.10)*

- (3) Support “Safe Routes to School” programs and education campaigns on traffic, bicycle and pedestrian safety in consultation with school districts.

- (11) Require new development to dedicate and improve abutting right-of-way as necessary to meet street design and construction standards. (CTP TR 2.12)
- (12) Consolidate access to properties along principal, minor, and collector arterials, where practical, to maximize the capacity of the street and reduce potential safety conflicts. (CTP TR 2.13)
- (13) Use Intelligent Transportation System (ITS) strategies to optimize the existing street network. (CTP TR 2.14)
- (14) Conduct public meetings and hearings prior to and during the design of major transportation facilities, to inform the public and to gather public input.
- (15) Coordinate the construction of roadways and utilities to avoid the need for road repairs resulting from utility construction after road construction.
- (16) Prepare and maintain a database and inventory of transportation system assets including pavement, traffic signals, street lighting, traffic signs, pavement markings, channelization, guardrails and other system devices.
- (17) Coordinate with other agencies to encourage and facilitate the construction of State Route 509 to Interstate 5.
- (18) Develop multimodal LOS standards as a way to measure, select, and rank transportation projects by mode during the next CTP update.

3-02-03 Concurrency

- (1) Develop and adopt concurrency ordinances in support of the GMA.
- (2) Periodically monitor intersection level of service to verify assumptions within the CTP.
- (3) Using the transportation model and the CTP, identify and prioritize improvements to the street network so that the adopted LOS standard is met.
- (4) Establish procedures and standards for Traffic Impact Studies.
- (5) Require developers to analyze traffic impacts associated with development proposals, and require improvements as necessary to mitigate impacts, concurrent with the development.
- (6) Maintain level of service (LOS) standards that provide for growth and maintain mobility on the existing transportation system. (CTP TR 3.1)

3-02-04 Public Transit

- (1) Encourage King County Metro and Sound Transit to expand the number of transit routes serving Des Moines and to increase the frequency and span of service on existing routes. (CTP TR 4.2)

- (7) Require new developments to maintain landscaping when required as part of the development.
- (8) Use traffic data and transportation system databases to prioritize system preservation and maintenance needs so that the use of resources is maximized.

3-02-08 Environmental

- (1) Construct roads and other transportation facilities to minimize adverse impacts upon surface water runoff, drainage patterns, and environmentally critical areas.
- (2) Incorporate appropriate landscaping in the design of transportation facilities. *(CTP TR 8.2)*
- (3) Provide transportation facilities that fit the character of the neighborhoods through which they pass. *(CTP TR 8.3)*
- (4) Where determined necessary, incorporate sound absorption devices, landscaping, earthen berms and other natural or artificial features that help mitigate adverse noise, light and glare impacts generated by surface transportation facilities. *(CTP TR 8.5)*
- (5) Operate the traffic system to minimize congestion and air quality impacts. *(CTP TR 8.6)*
- (6) Phase construction of roadway and other transportation facilities to minimize any inconvenience to and negative impact upon adjacent property owners.

3-02-09 Transportation Strategies for Sustainability

- (1) Work with employers to provide commute trip reduction (CTR) measures in the work place that promote alternatives to driving alone. Encourage businesses to minimize peak hour commuting through the use of strategies such as flextime and telecommuting. *(CTP TR 9.2)*
- (2) Encourage new commercial development to implement measures that promote greater use of transit, carpools, van pools, and bicycles, and increase opportunities for physical activity. *(CTP TR 9.3)*
- (3) Coordinate and optimize traffic signal systems to minimize delay and congestion, and maximize the use of existing transportation system capacity.

3-06 CONCLUSION

These goals, policies, and strategies together with the recently adopted Comprehensive Transportation Plan will help the City leaders who want to make the inevitable changes work for Des Moines, while protecting the best of what we have and recognizing who and what Des Moines will become by preserving a sense of the community, our identity, and pride.

3-07 FIGURES

Figure 3-1 Growth in Employment (2008-2030)

- (3) Establish maintenance service programs that encourage sustainability to: protect natural resources, reduce waste and recycle resources, minimize dependence on water and fertilizers, and include integrated pest management.
- (4) Develop and maintain the appropriate park rules and regulations that serve the continuing need to ensure access, safety, law enforcement, environmental protection and protection of park sites and recreational resources as public assets.

6-03-07 Economic Development

- (1) Identify and increase opportunities for public access to the public shoreline of Puget Sound and the number and variety of recreational opportunities provided at waterfront parks and the Marina.
- (2) Identify and participate in growth management related public services fees, Hotel/Motel tax and tourist related revenues and/or voted levy assessments in order to fund projects that are identified by the public as needed. Both public and private revenue sources will be employed to achieve a balance of equity and cost to the taxpayer through increased private and non-profit participation in recreation service activity.
- (3) Identify alternative funding programs administered by local, state and federal agencies or other public or private sources which are in the form of grants, loans or other funding mechanism.
- (4) Make pedestrian-friendly improvements to downtown, Pacific Ridge, Midway, East Woodmont and Redondo for all citizens regardless of ability. Enhance business district rights-of-way with enhanced landscaping, way finding directional signs, and pedestrian pathways and areas in a manner that encourages pedestrian interaction between neighborhoods, recreation facilities, schools, business areas, waterfront parks, and the Marina and transportation links.

6-03-08 Healthy Community

- (1) Provide fresh food and beverage options in City-sponsored meetings and recreational programs to promote healthy eating habits.
- (2) Identify City park lands as possible locations for community gardens, fruit/vegetable stands, mini farmers markets, and Community Supported Agricultural (CSA) distribution sites to improve access to fresh food.
- (3) Support joint-use agreements for publicly-owned property, schools or church properties, to increase opportunities for active living.

7-03-08 Allow the siting of mobile/manufactured homes within mobile home parks when all applicable regulations can be satisfied.

7-03-09 Accessory living quarters can provide low-cost housing opportunities when potential adverse impacts can be mitigated satisfactorily.

7-03-10 Continue to require on-site recreation areas within new single family subdivisions and multifamily developments.

7-03-11 Continue to allow home occupations as specified by the DMMC.

7-03-12 To take advantage of financial incentives that may be available from the federal government, the City of Des Moines targets the development of housing affordable to households with incomes no greater than 80% of the King County Area Median income, adjusted for family size, to mixed use zones along Pacific Highway South within the South Des Moines Neighborhood.

7-04 **STRATEGIES**

7-04-01 Work cooperatively with other King County cities/agencies to address regional housing issues.

7-04-02 Evaluate the formation of a South County organization such as ARCH (A Regional Coalition for Housing) to address housing and other social service issues related to housing.

7-04-03 Assist social service organizations that provide housing for low income and special needs populations, operate emergency shelters, or provide other housing-related services available to Des Moines residents.

7-04-04 Review the appropriateness of techniques for providing housing affordable to all income groups, such as regional, state and federal housing programs, housing trust fund, inclusionary zoning, development incentives, fee waivers, fast-track processing or assistance to housing agencies.

7-04-05 Continue to implement the residential policies of the Land Use Element regarding dispersion of housing types, unit mix, future population, etc.

7-04-06 Protect existing and planned residential areas from unmitigated adverse impacts that may be generated by nearby incompatible land uses or transportation facilities or activities.

7-04-07 Coordinate with neighborhood-based groups and other organizations to promote preservation and rehabilitation of existing residential areas.

7-04-08 Ensure that the Port of Seattle (POS) and the Federal Aviation Administration (FAA) mitigate the impacts of environmental noise upon Des Moines' residential areas.

CHAPTER 12: HEALTHY DES MOINES ELEMENT

12-01 GOALS

12-01-01. Participate in the Healthy Highline Communities Coalition to coordinate with surrounding communities to improve access to physical activity and healthy foods, and facilitate the long-term implementation of the Healthy Des Moines Initiative.

12-01-02. Develop public, private and non-profit partnerships to support the goals of and sustain the Healthy Des Moines Initiative.

12-02 BACKGROUND AND CONTEXT

In the past decade, there has been an overall increase of obesity and chronic diseases in King County. Data show that people living in South King County bear a disproportionate burden of poor health and poverty compared to other parts of the County.¹

In 2010, the City of Des Moines partnered with Public Health Seattle and King County; the cities of Burien, SeaTac and Normandy Park; and the Highline School District, to form the Healthy Highline Communities Coalition (HHCC). The HHCC is working to coordinate healthy resources available in our communities and to help our citizens take the necessary steps to become healthier by consuming more nutritious foods and engaging in more physical activity.

12-02-02 Des Moines' Healthy Community Gaps

Poor nutrition and lack of physical activity are primary risk factors for obesity and chronic diseases like diabetes, heart disease and certain cancers. While people's health is influenced by personal decisions, it is also shaped by how our community is designed and built, such as land use, the transportation systems, and the location of parks, recreation facilities, public buildings, and other services. National research has shown that in communities where healthy food options like fresh fruits and vegetables are available, residents have better diets and lower rates of obesity and diet-related chronic disease. Similarly, people tend to be more active when they can easily access key destinations such as parks, schools, workplaces, and shops by walking and biking.

Assessment data show that Des Moines has an "unbalanced food environment" – that is, there are far more opportunities to buy junk food and fast food than "healthy food." From a public health perspective, this means that Des Moines residents have a higher exposure to unhealthy foods than to nutritious foods.² In addition, there are low income areas that are not within reasonable walking distance (i.e., > one-half mile) of a grocery store or market that provides fresh food.

A current conditions assessment for Safe Routes to School near Des Moines' elementary schools (Midway, Des Moines, North Hill, Woodmont, and Parkside) shows that some improvements

¹Public Health – Seattle & King County website, Burien/Des Moines Health Planning Area data and maps available at: <http://www.kingcounty.gov/healthservices/health/partnerships/cppw/kcprofile.aspx> (last accessed 8/22/11)

²Martin, Kara E., et al. *The Food Landscape in Des Moines, Washington*. September 2011.

along the roadside, such as sidewalks or even widened shoulders are needed to make it easier and more comfortable for children and their families to safely walk and bike to school.³

12-02-03 Bridging the Gaps through Policy, Systems and Environment Changes

The City of Des Moines' policies relating to land use, food access and the transportation system have a strong influence on people's lifestyles and in promoting a healthy community. Goals, policies and strategies within the Healthy Des Moines Element as well as those within Chapter 2 – Land Use Element, Chapter 3 – Transportation Element, and Chapter 6 – Parks, Recreation, and Open Space Element provide a framework and identify the actions for making the necessary changes to build a healthy, vibrant Des Moines that fosters an environment for healthy eating and active living within our community.

12-03 POLICIES

12-03-01 Support policy, systems, and environmental changes that result in increased access to healthy foods, with an emphasis on school-age children.

12-03-02 Provide healthy food and beverages in City-sponsored meetings and programs and at City facilities to promote balanced food choices.

12-03-03 Continue to support the Des Moines Food Bank, Farmers Market and other organizations that help provide food assistance to low-income residents so that all families, seniors, schools, and community-based organizations are able to access, purchase, and increase intake of fresh fruits, vegetables, and other non-processed food.

12-04 STRATEGIES

12-04-01 Adopt a Healthy Food Resolution and create a long-term action plan.

12-04-02 Implement nutritional standards and healthy food procurement policies in City owned and operated facilities and across departments.

³ SVR Design Company and Alta Planning and Design, *Safe Routes to School Project Lists/Communities Putting Prevention to Work* August 2011.

Reconsideration of Ordinance No. 1528

Des Moines City Council

Denise Lathrop, Planning Manager

January 5, 2012

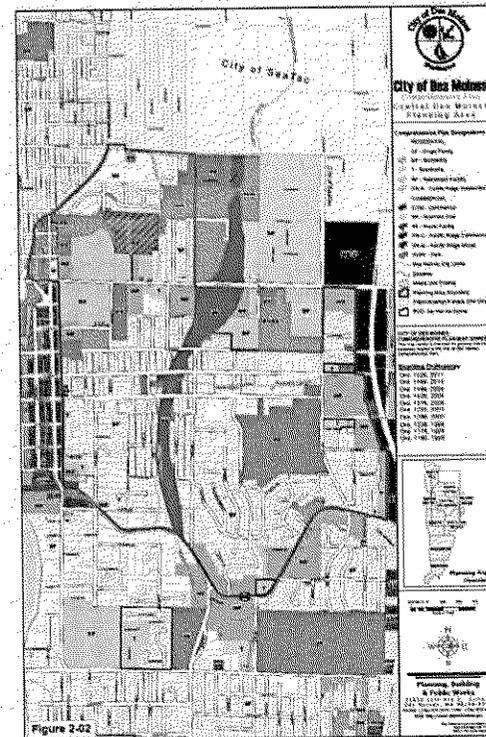
+ Purpose

- Allow City Council to reconsider Ordinance No. 1528 per its action on 12/8/11
- Review of Ordinance No. 1528 adopted on 12/1/11
- Consider Draft Ordinance No. 12-001 and proposed amendments related to:
 - HEAL grant
 - Policy language in Chapter 7: Housing Element related to low income housing
- Council deliberation

+ Ordinance No. 1528: 2011 Comp Plan Amendments



Amendment 2011-1 & 2011-2:
Changed the land use designation from SF-Single Family to BP- Business Park



Amendment 2011-3: Changed the land use designation from SF-Single Family and PARK – Park to PF- Public Facility

Amendment 2011-5: Added a policy to Chapter 2 Land Use Element to establish a Institutional Campus land use designation and zoning for the Highline Community College campus. Supports HCC's ongoing uses, operations and redevelopment plans.

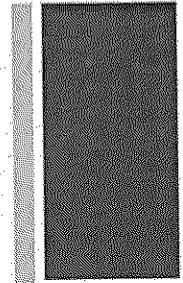
+ Draft Ordinance No. 12-001

HEAL Grant

- Focuses on key issues and outcomes and ensures we are not committing the City to financial obligations that cannot be met
- Weaves goals, policies and strategies into Land Use, Transportation and Parks, Recreation and Open Space Elements
- Adds Chapter 12 Healthy Des Moines Initiative that provides the framework for the steps the City can take to address important health inequities in our community
- Consistent with Growth Management Act:
 - RCW 36.70A.070(1) "...Wherever possible, the land use element should consider utilizing urban planning approaches that promote physical activity. ..."
 - RCW 36.70A.070(6)(a)(vii) "Pedestrian and bicycle component to include collaborative efforts to identify and designate planned improvements for pedestrian and bicycle facilities and corridors that address and encourage enhanced community access and promote healthy lifestyles."



Draft Ordinance No. 12-001 (cont.)



Sea Mar Community Health Center

- Adds policy language to Chapter 7 Housing Element
- Meets the criteria for loans from the Washington State Housing Finance Commission (HFC)
- Without the 5 scoring points for being located in a “targeted area”, HFC financing is not possible and the \$4.7 million multi-family apartment building is financially infeasible
- Consistent with existing Comprehensive Plan goals, policies and strategies (Goal 7-01-01, Policy 7-03-01, and Strategies 7-04-03 and 7-04-04)

+

Suggested Motions

6

First Motion: I move to suspend Rule 26(a).

Second Motion: “I move to amend Ordinance No. 1528 by adopting the amendment language offered in Draft Ordinance No. 12-001.”

AGENDA ITEM

BUSINESS OF THE CITY COUNCIL
City of Des Moines, WA

SUBJECT: Council Confirmation of the Proposed
"Stakeholders Committee for the Marina/Beach
Park Business and Development Plan Public
Process.

FOR AGENDA OF: January 5, 2012

DEPT. OF ORIGIN: Marina

DATE SUBMITTED: December 28, 2011

ATTACHMENTS:

CLEARANCES:

1. Agenda Form for the Council Meeting on Dec.
1, 2011 titled Council Presentation on the
Proposed Public Process for the Marina/Beach
Park Business and Development Plan.

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

2. Applicant List and Individual Applications.

APPROVED BY CITY MANAGER
FOR SUBMITTAL: SAH

Purpose and Recommendation

The purpose of this Council action is to complete the process for selecting the Stakeholders Committee for the Marina/Beach Park Business and Development Plan Public Process and to secure the Council's confirmation of the entire slate of nominees for the Committee.

Suggested Motions

Generic Nomination No. 1: "I nominate (insert name) for the position of (insert one: Council Member Representative, Marina Tenant Representative, Condo Representative, Marina Business District Representative) on the Stakeholders Committee for the Marina/Beach Park Business and Development Plan public process."

Generic Motion No. 2: "I nominate (insert name) as my choice for an "at large" member of the Stakeholders Committee for the Marina/Beach Park Business and Development Plan public process."

Recommended Motion No. 1: "I move that the Council confirm the slate of nominees for the Stakeholders Committee for the Marina/Beach Park Business and Development Plan public process, as submitted."

Background

At the City Council meeting on December 1, 2011, the Council heard the staff's presentation on the progress made to-date on the Marina/Beach Park Business and Development Plan. The creation of this plan is Objective No. 3 in the Council's 2011 Strategic Goals/Objectives/Strategies/Performance Measures Document that was created at a Council Retreat and planning meeting early in 2011. At that meeting the Council directed the staff, by motion, to continue working on the "...Development Plan as set forth in this presentation." Also at that meeting the Council approved a plan presented by the staff to create a "Marina & Beach Park Development Stakeholders Committee". As approved, this committee would have 13 members, one of which will be a Council Member, two of which will be City administrative staff members, one member who will represent Marina tenants, one member who will represent the neighboring condo units, one member who will represent the Marina District business community and seven at-large members, one appointed by each Council Member. (Please see the Agenda Item for the staff presentation on Dec. 1, 2011 which is included in this packet as "Attachment No. 1".)

Discussion

After the Council meeting on December 1st, the staff advertised for volunteers to serve on the Stakeholders Committee. Persons interested in serving on the Committee were directed to fill out the City's "Application for Appointive Office." Applications received prior to the packet due date are included in the packet. Those received after the packet has been distributed will be distributed at the council meeting. The staff expects that some Council Members will bring a nominee to the process also.

The Applicants list and their individual applications are attached as "Attachment No. 2". The applicants are sorted by their eligibility for the different categories of representation. Some applicants are listed in more than one category. Any applicant can be selected by a Council Member as an "at-large" member of the Committee.

The staff recommends that the Council nominate and approve a committee member for each class of representation except the City staff members, and then announce their nomination for the at-large positions. Once the slate of applicants is complete, the staff recommends that the Council confirm the entire slate.

Alternatives

The Council has the prerogative to accept the staff's recommendation for the selection process as presented or modify it as they see fit.

Financial Impact

Minimal – informational materials only.

Recommendation or Conclusion

The staff recommends that Council confirm the nomination of Grant Fredericks, PBPW Director and Lorri Ericson, Assistant City Manager as the staff representatives to the Stakeholders Committee and that the Council nominate and confirm applicants for the other classes of representation and the at-large members.

Concurrence

N/A

ATTACHMENT 1

AGENDA ITEM

BUSINESS OF THE CITY COUNCIL City of Des Moines, WA

SUBJECT: Council Presentation on the Proposed
Public Process for the Marina/Beach Park
Business and Development Plan

ATTACHMENTS:

1. Proposed Public Process for Commercial
Development in the Des Moines Marina and Beach
Park.
2. Timeline for Public Planning Process.

FOR AGENDA OF:

DEPT. OF ORIGIN:

DATE SUBMITTED:

CLEARANCES:

Legal _____

Finance _____

Marina _____

Parks, Recreation & Senior Services _____

Planning, Building & Public Works _____

Police _____

Courts _____

APPROVED BY CITY MANAGER
FOR SUBMITTAL: _____

Purpose and Recommendation

The purpose of this report is to bring the City Council up-to-date on the progress of the Marina and Beach Park Business and Development Plan. The creation of this plan is Objective No. 3 in the Council's 2011 Strategic Goals/Objectives/Strategies/Performance Measures document that was created at a Council retreat and planning meeting early in the year. The staff is also seeking the Council's approval for the creation of a "Marina & Beach Park Development Stakeholders Committee". This Committee would have 13 members, all approved and/or nominated by the Council.

Suggested Motions

Motion No. 1: "I move that the City Council direct the staff to continue working on the Marina and Beach Park Business and Development Plan as set forth in this presentation."

Motion No. 2: "I move to approve the plan to create a "Marina & Beach Park Development Stakeholders Committee" composed of 13 people that meet the requirements set forth by the Council, with seven of the members nominated by Council Members and with all 13 members approved by Council action at a meeting in early 2012."

Background

Early in 2011 the City Council met at a retreat to develop goals and strategies for the coming year. The result of that meeting was a list of strategic goals, objectives, strategies and performance measures. The third goal on that list is to “Establish an Integrated Marina and Beach Park Business and Finance Plan”.

The Council also established five strategies to accomplish this goal. They are:

1. Complete a pre-development strategy for the Marina and Beach Park.
2. Hire a consultant to assist the City in deciding upon preferred uses on the Marina floor.
3. Create and implement a process (RFI/RFQ/RFP) to select development/business partner(s) for selected parts of the Marina & Beach Park.
4. Select development/business partners(s).
5. Complete development agreement(s).

For the last several months the staff has been working with the Municipal Facilities Committee to accomplish this goal and a consultant, Heber Kennedy, with GeoMetrics, LLC, has been retained.

Discussion

Recently, the staff, consultant and the Municipal Facilities Committee have been working on the public involvement aspect of the Business and Development Plan. The Marina staff has been meeting with the Planning Department staff that worked on the Marina District Rezone Project to go over lessons learned and to see if the process followed in that project could be adapted to the Marina and Beach Park Development Plan. The staff has recommended a process to the Municipal Facilities Committee that is similar to the Downtown Rezone Project in that it involves several meetings with a committee of “stakeholders” and some open houses for the general public. Details about the “Stakeholders Committee” and the public meeting are below, under Task 7 – Public Involvement.

Efforts early in the year focused on completing a pre-development strategy. At this point there is a fully developed plan that has been reviewed by the Municipal Facilities Committee, (**see Attachment No. 1**), and progress has been made on some of the first elements of the plan. The plan consists of seven tasks. They are;

Task 1 - Site Analysis

The purpose of the site analysis is to gain an understanding of the physical and regulatory environment of the project area. The review and analysis will include technical and physical analyses of existing site conditions needed for the plan and regulatory review and permitting processes. The physical analyses will focus on those key areas that will ultimately determine land use, building organization, vehicular and circulation patterns and development densities. Likely environmental, regulatory and community issues will also be identified.

The staff will also assess and identify the conditions, capacities and points of connection of utility systems in relationship to existing demands, codes and forecast requirements for redevelopment of the entire area.

Outputs from the site analysis will produce a series of maps, diagrams, illustrative sketches and photographic images that will clearly describe choices to be made in the area's evolving physical character and relationship to the adjacent neighbors. This deliverable will be included in Section 5 of the Integrated Business and Development Plan for the Des Moines Marina and the Des Moines Beach Park

Task 2 – Market Analysis

The market analysis will evaluate the potential demand for candidate land uses for the Marina development. Demand will be evaluated in sufficient detail to:

- Identify most promising market segments
- Estimate overall supportable levels of development and mix of uses
- Provide input to financial feasibility analysis.

The market analysis will provide projections of total supportable development, likely absorption rates and rents/prices for each of the following potential land uses.

- Retail and entertainment
- Hospitality
- Marine-Related Industry

Task 3– Vehicular Circulation/Parking Analysis

The vehicular and circulation analysis will include:

- Review existing planning and transportation documents related to the Marina, the Des Moines Beach Park, and other relevant downtown development projects, and determine baseline traffic flows and parking requirements.
- Estimate future travel demand and analyze traffic flow, vehicular access and circulation alternatives based on potential uses identified in the Market analysis.
- Prepare alternative traffic and parking plans.

The deliverable for this task will be the Transportation and Parking element of the Integrated Business and Development Plan and it will also be included in Section 5 of that plan.

Task 4 – Alternatives Development and Analysis

The purpose of this task is to identify and comparatively evaluate alternative development concepts for the Marina floor. The team will compile alternative development concepts for the area. The alternative concepts will be defined and described in part by the results of the market demand forecasts. The results of the transportation, parking, and infrastructure needs analyses will similarly be a major input to the identification of development concepts for the Marina floor.

The staff will analyze the benefits and constraints of the different development scenarios to determine the mix of uses that accomplishes the City's goals while remaining compatible with the on-going operations of the Marina and the Beach Park.

Task 5 –Financial Evaluation of Concepts

- Any required changes in land use plans or regulations, including the process and timing for completing these changes. This could include changes in zoning, development standards and/or design guidelines if necessary, additional requirements for SEPA, etc.
- Phasing plan for the site, which will identify zones for near-term development and areas that are likely to be developed in later phases.
- Framework for completing development and land lease agreements between the City and potential lessees.

The development plan for the project will include a detailed plan for implementation that lays out the tasks needed to move from plan to design and development of the property. The implementation plan will cover the following areas:

The comparative evaluation of each concept completed in Tasks 4 and 5 will be the subject of Work Session #2. Comment and feedback from this work session will be used to refine the concepts and identify the most appropriate and cost-effective alternative. This final alternative, which could be a reflection of one of the concepts or represent a composite of two or more of the initial concepts, will become the basis of the final development plan for the site.

The objective of this task is to develop a final plan for the area that incorporates stakeholder input and reflects a realistic timeframe for completion, including appropriate phasing. The implementation plan will identify the steps needed to transition from planning to design and development, including the completion of formal development and lease agreements between the City of Des Moines and the prospective tenants.

Task 6 – Implementation Plan

The comparative evaluation will be initially completed by the planning team and externalized for review by the City and other key stakeholder groups. The goal is to provide the evaluation results in a simple and clear way that facilitates the understanding of advantages, disadvantages and trade-offs among the alternatives.

- Financial Performance
- Economic benefits to the City and region in terms of jobs, visitor spending, etc.
- Degree to which the project achieves the City's vision for its waterfront.
- Ease and timeliness of development, including hurdles and obstacles associated with each alternative.
- Flexibility and adaptability to change
- Impacts on the surrounding community.

The purpose of this task is to estimate the costs, determine financial feasibility and identify non-cost advantages and disadvantages for each of the concepts developed in Task 4. Considered will be:

Task 7 - Public Involvement

Holding work sessions at key points in the study effort to both communicate ideas and findings, and receive input from stakeholder groups will be critical to the project's success. These workshops should include a brief presentation of the planning work completed, but the majority of the sessions should be devoted to receiving ideas and input.

The typical workshop structure is to invite all stakeholder groups to each session. The benefit of this approach is that all ideas and opinions are heard by all groups and individuals. The disadvantage is that it sometimes inhibits all voices from being heard. An alternative workshop structure is to provide major stakeholder groups with separate sessions. The most appropriate workshop structure should be determined in the initial strategy meeting between City staff and the planning team.

Council and Committee Over-site

The Municipal Facilities will review the staff's and consultant's progress at their regular monthly meetings. The project time-line calls for:

- Committee review of Task No. 1, Site Analysis on Jan. 26, 2012
- Committee review of Tasks No. 2 & 3, Market Analysis and Vehicular Circulation & Parking on Feb. 23, 2012
- Committee review of Task No. 4, Alternatives Development and Analysis on April 28, 2012.
- Committee review of Tasks No. 5 & 6, Financial Analysis of Concepts, Implementation Plan on May 24, 2012.

Likewise, the process schedule has several opportunities for Council review and ratification. The project time line calls for:

- Council confirmation of Stakeholder Committee appointments on Jan. 12, 2012.
- Council review of Tasks No. 2 & 3, Market Analysis & Vehicular Circulation & Parking on March 23, 2012.
- Council ratification of the "Preferred Alternative" on May 5, 2012.
- Council approval of the "Final Recommendation and Implementation Plan"

Community Involvement/Public Process

The Municipal Facilities Committee and the staff recommend that the Council authorize the formation of a "Stakeholders Committee" with thirteen members that would meet with the staff and consultants as they worked on the Development Plan. The purpose of these meetings would be to gather public input on the options for development as they emerge from the process. The Committee would also act as a source of information for the citizens of the Des Moines as the process on. The recommendation for the Committee's membership is as follows:

One Council Member.

Two staff members.

One member who is a Marina Tenant.

One member who is a resident of the Condo's that border the Marina.

One member from the Marina District business community.

Seven at-large members, one nominated by each Council Member.

The Committee and staff envision a public process that involves at least four meetings with the Stakeholders Committee and possibly one or two "Open Houses" for the entire community. The Stakeholder Committee meetings would be structured as follows:

- Committee Work Session No. 1

Work Session #1 brings together the planning team, and Stakeholders Committee. The goal is to extract a greater understanding of and sensitivity to the history, intent, and expectations of the project. The kickoff session will be used to acquaint everyone with the mission, vision, and goals that have been set through past planning efforts.

The kickoff session will help create a communication plan for the project, compile a work plan that fits the organization and the needs of the planning team and establish the basis for the planning dialogue that will follow through the course of the project. The session will review the agenda, verify session logistics, and provide a time to build a mutual and deeper understanding of one another and of the project. It may be fitting to walk the site together and listen to the representatives speak about their concerns. The work sessions will also pursue the information necessary to identify the unknowns, potential conflicts, or constraints that must be addressed. Meeting notes will be taken, published promptly, and distributed among all planning team members and designated representatives.

- Committee Work Session No. 2

Work Session #2 is proposed to be held after the completion of Task 4 so that all work to-date can be presented including the alternative development concepts. The primary purpose of this work session is to receive feedback from the public about the different alternatives. The result of the session will be the identification of the preferred direction for the project.

- Committee Work Session No. 3

After completion of Task 5, a third work session will be held. The comparative evaluation of the alternatives will be clearly presented, illustrating the differences, both qualitative and quantitative, of each alternative. The result of this session will be identification of the preferred alternative.

- Committee Work Session No. 4

After the completion of Task 6, the final work session will present the preferred alternative to the Committee, with a specific intent for the area.

The Municipal Facilities Committee and the staff believe that at least one "Open House" for the general public would be in order, but it would be better to get further into the process before that meeting was scheduled.

Alternatives

The Municipal Facilities Committee and staff tried to build upon the lessons learned in the "Marina District Rezone" process to put this plan together. At this point the Council has the prerogative to accept the Committee's and staff's recommendation as presented or modify it to accomplish the Council's Strategic Goal in a different manner, or reject the recommendation entirely with further direction to the staff.

Financial Impact

At this point the City has an agreement with GeoMetrics, LLC for project support services. The agreement has a not-to-exceed figure of \$9,280 and the scope-of-work is mainly for Task No. 2, the Market Analysis. The staff has planned for this budget to go up by 50% to cover additions to the scope during the process. The total is not expected to exceed \$15,000.

The staff has also established a budget of \$3,000 for a part-time contract employee who would create plan and three-dimensional renderings of the alternatives that emerge from the process.

Some funding will be needed for Task No. 5 – Evaluation of Concepts. Ideally, the process would yield one alternative that was obviously better than the rest, but even that result would have to be carefully evaluated for financial performance and the cost/benefit trade-off for the City. It is also possible that the result will be more than one alternative and the financial evaluation of all the alternatives will be necessary in order to make a final decision. The staff will be discussing the budget for this task with the Municipal Facilities Committee and the full Council as the scope becomes more defined.

Recommendation or Conclusion

The staff and Municipal Facilities Committee recommend Council approval of the scope of work for the development of the Marina and Beach Park Business Development Plan and that the Council authorize the formation of a "Steering Committee" to assist in the project.

Concurrence

The Harbormaster, the Director of the Parks, Recreation and Senior Services Department and the Director of the Planning, Building and Public Works Department concur with this recommendation.

APPLICANTS FOR APPOINTIVE OFFICE

For the

Marina & Beach Park Business and Development Plan Stakeholders Committee

The following list of names is sorted by eligibility for the different categories of appointees. **Note!** Applicants may be listed in more than one category.

Council Member – (1)

(Any Council Member)

City Staff – (2)

Lorri Ericson, Assistant City Manager

Grant Fredericks, Director - Planning, Building and Public Works

Marina Tenant Representative – (1)

Del Rivero – 23412 Marine View Dr. South, Des Moines

Duane Quande – 14926 Ambaum Blvd. SW, Buriem

Condo Representative – (1)

Stan Wilkes – 22222 Dock St. #2B, Des Moines

Wayne Corey – 22218 5th S #101, Des Moines

Steve Henderson – 22222 Dock St. #3B, Des Moines

Marina Business District Representative – (1)

Tony Hettler – 235 SW 185th St, Normandy Park – Owner John L Scott Des Moines Office.

Stan Wilkes – 22222 Dock St. #2B, Des Moines – Owner Classic Yachts, Inc.

Dave Markwell – 20703 4th Ave. S., Des Moines – Agent at John L Scott Realty, Owner Waterland CrossFit.

Scott Anderson, 330 NW Puget Drive, Seattle – Owner, CSR Marine

At-Large Members

Jim Melia – 1321 S. 263rd St, Des Moines

Scott Evans – 1127 423rd Ct., Des Moines, (Member of Planning Agency)

Carrienne Litowitz – 602 S 242nd St. Des Moines

Shannon Hoel – 201 S. 216th St. – Des Moines, (Chair of Planning Agency)

Donna Longwell Sully – 1010 S. 244th Pl, Des Moines

At-Large Members – (con't)

Cass Prindle – 24411 15th Ave So, Des Moines, (Member of Planning Agency)

Paula E. Joneli – 24054 13 Ave. So., Des Moines

Robert Allen, - 21925 7th Ave. South, Des Moines



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

Recvd. **RECEIVED**
DEC 22 2011

CITY OF DES MOINES
CITY CLERK
Please Check

NAME: Jim Melia
ADDRESS: 1321 S. 263rd St.
CITY, ZIP: Des Moines, WA 98198
PHONE: Home (253) 839-3645 Work (206) 870-6722
LENGTH OF RESIDENCE AT THE ABOVE ADDRESS 36 years
REGISTERED VOTER? Yes

- Civil Service Commission
- Planning Agency
- Library Board
- Human Services
- Senior Services
- Arts Commission
- Marina Beach Park Cmte.

EMPLOYMENT SUMMARY LAST FIVE YEARS: Retired in 2010.
1993-2010 Regional Manager, Business Development, Travel Leaders Franchise Group
2010-present: Private Marketing Consultant and Community Volunteer.
11/11 to present: Volunteer in Economic Development Department for the City of Des Moines.

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

Do you currently have an owning interest in either real property (other than your primary residence or a business) in the Des Moines planning area? 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? _____
See Attached

2. What problems, programs or improvements are you most interest in? _____
See Attached

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

Jim Melia

1321 S. 263rd St

Des Moines, WA 98198

Response to Questions on Application for Marina and Beach Park Development Advisory Committee:

- 1. Why do you wish to serve in this capacity and what can you contribute?** For the past 20+ years I have traveled throughout the USA helping small business owners grow their businesses in communities of all sizes. In order to help each of these clients I needed to have a strong understanding of the demographics and personality of their respective markets. My background is in sales and marketing but I also have considerable experience in sales promotion, team building, public relations and event planning, among others. All of these skills have prepared me to better assist the continued growth of our Marina and the City of Des Moines. Given my travel schedule, I unfortunately, have spent more time working in other cities than I have been able to in my own home town. Now that I have retired I plan to take a more active role in helping to further develop Des Moines into the commercial and tourist magnet that it has the potential to be.
- 2. What problems, programs or improvements are you most interested in?** I see the Marina and the Beach Park as captivating, colorful paintings that can become much more in demand if we upgrade the frame that surrounds them. By the "frame" I mean creating an aura of fun and excitement that will attract more visitors to these important components of our community. We need to promote the beauty of our area, increase shopping and eating elements at the Marina and the multi-use opportunities of the facilities at the Beach Park. It won't happen overnight and we certainly need a more positive buy-in from our long-time residents, but it is very doable. I have seen this work in many other communities with less to offer than Des Moines. It takes teamwork, vision and a proactive plan for the growth of the City. It concerns me that too many vocal residents seem to propose that "it is what it is" should be the City's motto. I don't buy that and am willing to help move us along a much more positive path.

Jim Melia
12-22-11



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

Recvd. _____

Please Check

NAME: Wayne Corey
 ADDRE 22218 5th S #101
 CITY, ZIP: Des Moines 98198
 PHONE: Home 206-824-1066 Work N/A
 LENGTH OF RESIDENCE AT THE ABOVE ADDRESS 15 yr
 REGISTERED VOTER? Yes
 EMPLOYMENT SUMMARY LAST FIVE YEARS: Retired

- Marina/Beach Park Comm
-
- 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? No
 If yes, explain: _____

Do you currently have an owning interest in either real property (other than your primary residence or a business) in the Des Moines planning area? 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? _____
 I serve on the board for The Legacy Foundation and am President of the Des Moines Farmers Market Board of Directors as well as a condo home owner at the Marina and feel that that i can contribute in helping formulate a positive redevelopment direction for the Marina and the Beach Park.

2. What problems, programs or improvements are you most interest in? _____
 Looking for ways to promote sustainable economic development and tourism to the Marina District

3. Please list any Des Moines elective/appointive offices you have run/applied for previously. _____

APPOINTIVE OFFICES

The following appointive committees have been established per Des Moines Municipal Code Title 4. Members are appointed by the Mayor and confirmed by a majority of the City Council. All members of appointive committees serve without compensation.

HUMAN SERVICES ADVISORY BOARD

Advises the City Council on the following issues:

- Determination of priorities of human service needs within the City in accordance with the current human services plan.
- Evaluation and recommendation on funding human service requests submitted to the City.
- Evaluation and review of the performance of individual human service organizations and agencies.

The Board consists of seven members, two members need not be residents of the City and the term of office is two years.

LIBRARY BOARD

Advises the City Council and the King County library system regarding planning, promotion, construction and development of public library facilities and programs; makes recommendations for the development of future library resources; and perform such other services and studies as may be requested.

The Board consists of five members, two members need not be residents of the City and the term of office is for 3 years.

PLANNING AGENCY

The Agency has all the powers and performs each and all of the duties specified by chapter 35A.63 RCW , together with any other duties or authority which may be conferred upon it by an ordinance of the City Council. All plats or plans of subdivisions of land within the City shall first be submitted to the Agency for its recommendation and report. The City Council may refer to the Agency a report, an ordinance or resolution, or other proposal, and ask for recommendations for Council's consideration.

The Planning Agency consists of seven members with staggered four year terms.

SENIOR SERVICES ADVISORY COMMITTEE

The Senior Services Advisory Committee advises the City Council on policy and budgetary subjects related to senior services.

The Committee consists of seven members, one of whom shall be a member of the City Council, and one of whom may reside outside the City limits. Members serve for four year terms

CIVIL SERVICE COMMISSION

Pursuant to the provisions of chapter 41.12 RCW there is created a Civil Service Commission to exercise the powers and perform the duties established by law for the selection, appointment, and employment of police, excluding the Chief of Police, for the City.

The Commission is composed of three members appointed by the City Manager. No person shall be appointed who is not a citizen of the United States, a resident of the City of Des Moines for at least three years immediately preceding such appointment, and an elector of the county. The term of office shall be for six years.

APPLICATION

Interested citizens are encouraged to fill out an Application for Appointive Office. This form may be copied and mailed, faxed or returned to the City Clerk's office. Should a vacancy occur in an area you have expressed interest in, you will be contacted to ensure you would be willing to consider such an appointment.



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

RECEIVED

Recvd. DEC 30 2011

CITY OF DES MOINES
 CITY CLERK

Please Check

NAME: Duane Quanda
 ADDRESS: 2611 - SW 170th
 CITY, ZIP: Burien Wash 98146
 PHONE: Home 206-241-5799 Work 206-242-1700
 LENGTH OF RESIDENCE AT THE ABOVE ADDRESS 15 years
 REGISTERED VOTER? yes

- Civil Service Commission
- Planning Agency
- Library Board
- Human Services
- Senior Services
- Arts Commission
- Marina Beach Park Cmte.

EMPLOYMENT SUMMARY LAST FIVE YEARS: BURIEN CITY Garage since 1975

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?
To help the community and business districts understand the need to update the Marina

2. What problems, programs or improvements are you most interest in?
To help the community in the planning of the Marina updates, to help the Marina raise more revenue without raising the Marina Rate?

3. Please list any Des Moines elective/appointive offices you have run/applied for previously. _____



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

RECEIVED
Recvd. _____
DEC 30 2011

CITY OF DES MOINES
CITY CLERK
Please Check

NAME: Scott E Anderson
ADDRESS: 330 N W Puget Drive
CITY, ZIP: Sea. 98177
PHONE: Home (206) 363-4111 Work (206) 632-2001
LENGTH OF RESIDENCE AT THE ABOVE ADDRESS 8 years
REGISTERED VOTER? Yes

- Civil Service Commission
- Planning Agency
- Library Board
- Human Services
- Senior Services
- Arts Commission
- Marina Beach Park Cmte.

EMPLOYMENT SUMMARY LAST FIVE YEARS: Owner of CSR Marine South. Located in Des Moines.

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

Do you currently have an owning interest in either real property (other than your primary residence or a business) in the Des Moines planning area? Yes if so, please describe: _____
CSR Marine South

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? _____
Bussiness owner in Des Moines. Interested in protecting water quality. Finding new ways to protect water quality

2. What problems, programs or improvements are you most interest in? _____
Storm water run off. Keeping boat yard copper bottom paint dust out of Puget Sound.

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



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

Recvd. _____

Please Check

NAME: Carrienne Litowitz
ADDRESS: 602 S 242nd St
CITY, ZIP: Des Moines
PHONE: Home (206) 878-1747 Work (253) 927-6116
LENGTH OF RESIDENCE AT THE ABOVE ADDRESS 6 years
REGISTERED VOTER? yes

- Civil Service Commission
- Planning Agency
- Library Board
- Human Services
- Senior Services
- Arts Commission
- Marina Beach Park Cmte.

EMPLOYMENT SUMMARY LAST FIVE YEARS: Landmark Homes, owner, construction company
prior employment, Stewart Title, Escrow officer for 15 years

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

Do you currently have an owning interest in either real property (other than your primary residence or a business) in the Des Moines planning area? 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? _____
I am very much interested in the city as demonstrated by running for City Council in 2011. Our company has survived the last five years of economic downturn because we are able to think outside the box and make hard decisions that has kept us sustainable. I can bring new ideas and be real about expectations in this market.

2. What problems, programs or improvements are you most interest in? _____
We desperately need economic growth in our city to obtain a sustainable income. I am interested in helping and/or serving on any committee that I can bring value to the table with my knowledge and contacts. As a business owner and serving on 3 building industry association boards (local, state and national); I am very aware of the economic problems that exist at all levels.

3. Please list any Des Moines elective/appointive offices you have run/applied for previously. _____
I ran for City Council in 2011



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

RECEIVED
 Recvd. DEC 29 2011
 BY:

Please Check

NAME: Joan Marie
 ADDRESS: 22032 10th Avenue South
 CITY, ZIP: Des Moines, 98198
 PHONE: Home (206) 755-7648 Work _____
 LENGTH OF RESIDENCE AT THE ABOVE ADDRESS _____
 REGISTERED VOTER? Yes _____

- Civil Service Commission
- Planning Agency
- Library Board
- Human Services
- Senior Services
- Arts Commission
- Marina Beach Park Cmte.

EMPLOYMENT SUMMARY LAST FIVE YEARS: Revenue Officer for the State of Washington's
Department of Social and Health Services, Economic Services Administration

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

Do you currently have an owning interest in either real property (other than your primary residence or a business) in the Des Moines planning area? 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? _____
For the past two years I have been delighted to moor my boat at the Des Moines Marina! I will bring my skills as a negotiator and cheerful committee member to the Marina and Beach Park Development Advisory Committee.

2. What problems, programs or improvements are you most interest in? _____
The continuing guided development of the Marina and Beach Park are my interests. The I love the Marina neighborhood and support a concentrated group effort to maintain and improve the vibrancy and viability of the Marina neighborhood.

3. Please list any Des Moines elective/appointive offices you have run/applied for previously. _____
None, however, presently I serve as a member of the Des Moines Marina/Des Moines Parks Department Youth Sailing Program Committee. It is big fun!



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

RECEIVED

Recvd DEC 29 2011

CITY OF DES MOINES
CITY CLERK

Please Check

NAME: Shannon (Shan) Hoel
 ADDRESS: 201 S. 216th St.
 CITY, ZIP: Des Moines 98198
 PHONE: Home (206) 824-3347 Work (206) 999-1361
 LENGTH OF RESIDENCE AT THE ABOVE ADDRESS 5++ Years
 REGISTERED VOTER? Yes

- Civil Service Commission
- Planning Agency
- Library Board
- Human Services
- Senior Services
- Arts Commission
- Marina Beach Park Cmte.

EMPLOYMENT SUMMARY LAST FIVE YEARS: I have been with TransGroup Worldwide Logistics since October of 1995. I work at our Corporate office located at 18850 8th Ave. S., SeaTac, WA 98148

Are you related to anyone presently employed by the City or a member of a City Board? Yes
 If yes, explain: I am a member of the Des Moines Planning Agency and currently serve as Agency Chairman.

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? _____
I wish to assist in the ongoing improvements and development to/of the infrastructure and livability of our unique waterfront city. I believe I can contribute significantly to this committee, based on my Planning Agency experience and strong desire to make a positive impact in my community. I have also lived in Dana Point, CA, which gives me insight into what an incredible resource a marina-park can be to a city and it's community.

2. What problems, programs or improvements are you most interest in? _____
I am most interested in developing the marina floor in a manner that attracts visitors and residents year-round. I also believe that there is a perceived and real disconnect between the marina floor and the Marina District. Eliminating this disconnection through proper development on the marina floor will have dramatically positive long-term impacts to the economic viability and vitality of the Marina District as a whole.

3. Please list any Des Moines elective/appointive offices you have run/applied for previously. _____
I am a member of the Des Moines Planning Agency and currently serve as Agency Chairman.



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

RECEIVED

Recvd DEC 28 2011

CITY OF DES MOINES
CITY CLERK

Please Check

NAME: Dave Markwell
ADDRESS: 20703 4th Ave. S.
CITY, ZIP: Des Moines 98198
PHONE: Home (206) 271-8100 Work (206) 271-8100
LENGTH OF RESIDENCE AT THE ABOVE ADDRESS 1 year
REGISTERED VOTER? yes

- Civil Service Commission
- Planning Agency
- Library Board
- Human Services
- Senior Services
- Arts Commission
- Marina Beach Park Cmte.

EMPLOYMENT SUMMARY LAST FIVE YEARS: Real estate agent with John L. Scott/Des Moines. Also, own and coach at a local fitness company, Waterland CrossFit, in downtown Des Moines.

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

Do you currently have an owning interest in either real property (other than your primary residence or a business) in the Des Moines planning area? 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? _____
I believe my deep understanding of the Des Moines community and commitment to helping it achieve the vast potential it holds can serve this committee in many ways.

2. What problems, programs or improvements are you most interest in? _____
I am interested in finding creative and interesting ways to develop the Marina and Beach Park that will truly showcase the tremendous assets they are.

3. Please list any Des Moines elective/appointive offices you have run/applied for previously. _____
I ran for Des Moines City Council for 2012-2016 term....I lost....



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

Recvd. **RECEIVED**
 DEC 23 2011
 BY: _____

Please Check

NAME: Cass Prindle
 ADDRESS: 24411 15th Ave So
 CITY, ZIP: Des Moines, 98198
 PHONE: Home (206) 403-6869 Work (206) 375-0041
 LENGTH OF RESIDENCE AT THE ABOVE ADDRESS 35 years
 REGISTERED VOTER? yes

- Civil Service Commission
- Planning Agency
- Library Board
- Human Services
- Senior Services
- Arts Commission
- Marina Beach Park Cmte.

EMPLOYMENT SUMMARY LAST FIVE YEARS: I have been Employed for the last 5 years by the Pacific Northwest Regional Council of Carpenters at 25120 Pacific Hwy So in Kent as an administrator.

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

Do you currently have an owning interest in either real property (other than your primary residence or a business) in the Des Moines planning area? 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? _____
I want to be involved in my community and I think my 30 years of experience as a construction supervisor will help the group. I am presently on the Planning Agency.

2. What problems, programs or improvements are you most interest in? _____
I am interested in helping with planning the future of our community so it can grow and prosper.

3. Please list any Des Moines elective/appointive offices you have run/applied for previously. _____
Planning Agency. Vision Midway Stakeholder.



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

RECEIVED

Rec'd DEC 29 2011

CITY OF DES MOINES
 CITY CLERK

Please Check

NAME: Donna Longwell Sully
 ADDRESS: 1010 S. ~~44th~~ 24th Place
 CITY, ZIP: Des Moines, WA 98198
 PHONE: Home (206) 870-4366 Work (206) 870-3777
 LENGTH OF RESIDENCE AT THE ABOVE ADDRESS 6 months*
 REGISTERED VOTER? Yes

- Civil Service Commission
- Planning Agency
- Library Board
- Human Services
- Senior Services
- Arts Commission
- Marina Beach Park Cmte.

EMPLOYMENT SUMMARY LAST FIVE YEARS: I have lived and worked in Des Moines for the last six years. I work at Highline Community College

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

Do you currently have an owning interest in either real property (other than your primary residence or a business) in the Des Moines planning area? 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? It is important to me to take part in the decision making in my community. I have done this type of work in one capacity or another for 30+ years. I was on the original VCB in Kitsap County and owned a business when Poulsbo was in the same position as Des Moines and is now a profitable small town.

2. What problems, programs or improvements are you most interest in? Economic Development and Tourism

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



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

RECEIVED

Recvd. DEC 28 2011

CITY OF DES MOINES
CITY CLERK

Please Check

NAME: Paula E Joneli
 ADDRESS: 24054 13 Ave So
 CITY, ZIP: Des Moines 98198-7801
 PHONE: Home (206) 878-2171 Work (206) 878-2171
 LENGTH OF RESIDENCE AT THE ABOVE ADDRESS 5+ years
 REGISTERED VOTER? Yes

- Civil Service Commission
- Planning Agency
- Library Board
- Human Services
- Senior Services
- Arts Commission
- Marina Beach Park Cmte.

EMPLOYMENT SUMMARY LAST FIVE YEARS: I retired in 2005 after 38 years in banking, at which time I returned to Des Moines to purchase my father's home as my primary residence. Since then, I have updated the home and become active in local politics; using my corporate training, marketing, and sales management experience to promote causes.

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

Do you currently have an owning interest in either real property (other than your primary residence or a business) in the Des Moines planning area? 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? _____
Since returning to Des Moines in 2006, I have been dismayed at the appearance of decline along Marine View Drive (vacant lots), and the lack of activity at the Marina; especially during the summer. I love that Des Moines now owns the old Covenant Beach Camp and has developed the Des Moines Creek Trail. I want to see that resource become a destination for Des Moines residents and non-residents, as well. (continued on att'd page)

2. What problems, programs or improvements are you most interest in? _____
I have brainstormed ideas with visiting friends and locals about how to make our Marina more welcoming and generate more retail sales. In the 70's, we would put our boat in the water at the sling and go to Gig Harbor for the afternoon (shopping, lunch, etc). My vision is for Gig Harbor boaters to consider Des Moines a destination. In the 60's I watched Leavenworth transform itself from a dying RR town into a tourist mecca. (cont on att'd pg)

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

Continuation of Question #1

I can contribute energy, creative ideas, management, training, marketing, and sales skills to this important Committee. In my experience as a corporate trainer, I taught and practiced group facilitation skills; always valuable to a committee of diverse people.

I have been a part of Des Moines since 1966, when my parents built their home here (our address was Kent then). I used to beach comb on the beach where the Marina now stands. My first husband and I owned a home on Covenant Creek (now Des Moines Creek). At the time, our address was in Seattle. We were frequent boaters out of the then-new Marina. This long-time connection to Des Moines gives me a sense of the City's past development and the exciting possibilities for our future!

Continuation of Question #2

I believe that Des Moines can achieve a similar transformation into a true destination; by land or by sea!

I am most interested in making Des Moines more welcoming to people who will want to shop, dine, and stay overnight in our city. To accomplish this, I believe we need to:

- A. Be more "walkable" and "shoppable" on Marine View Drive and 7th Avenue from Red Robin to QFC.
- B. Enhance the Marina with (initially) seasonal retail and dining opportunities for visiting boaters close to the new Guest Dock to make the Marina more welcoming (Think: Portland's Saturday Market).
- C. Establish a more pedestrian-friendly access between the Marina, Beach Park, and the new "walkable, shoppable" Marine View Drive & 7th Avenue. In Charlotte-Amalie, USVI, they have open buses like very large golf carts to transport cruise ship passengers (free) to the historic old town shops. In Mazatlan, they use regular golf carts (for a fee).
- D. Keep the "View" in Marine View Drive as much as possible. It enhances our quaintness.
- E. Establish a uniform "look" for businesses and commercial buildings; perhaps Cape Cod styles, a European seaport style, or something reflecting the "Mosquito Fleet" days of Sunday ferry rides on the Sound; an affordable facade that will make us uniquely identifiable. Perhaps designate street levels as retail-only.
- F. Enhance our city name; perhaps Des Moines-on-the-Sound (think: Carmel-by-the Sea).
- G. Outline and implement an annual schedule of events to draw shoppers, diners, and overnight guests to our city; ie, Locally-produced arts and crafts for Christmas shoppers, "Sweetheart Specials" for February, Spring Renewal events, Hill-climb runs up Des Moines Creek Trail, Summer Art-at-the Marina/Park, Fall wine/beer-tastings, etc.

H. Develop B&B's in local (maybe historic) homes. As demand increases, a boutique hotel or two might make sense.

~~These are just the ideas I have brainstormed. More heads will generate more (and better) ideas~~ to enhance our "welcome mat", and subsequent retail sales. The most important thing is to have a vision and a plan to achieve that vision, sell it to all citizens, and keep it on track through the ups and downs of political, economic, and social changes.

A handwritten signature in cursive script, reading "Paula Spach". The signature is written in black ink and is centered on the page.



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

RECEIVED
Recvd. _____

DEC 15 2011

CITY OF DES MOINES
CITY CLERK

Advisory Committee

NAME: Steve Henderson Marina & Beach Park Development
ADDRESS: 22222 Dock Ave 3B (Neighboring Condo Resident)
CITY, ZIP: Des Moines, WA 98198
PHONE: Home (206) 878-5208 Work NA
LENGTH OF RESIDENCE AT THE ABOVE ADDRESS 10 years
REGISTERED VOTER? Yes
EMPLOYMENT SUMMARY LAST FIVE YEARS: Retired. Previously was the Manager of
Cargo Services for Northwest Airlines responsible for a 13.5 million dollar budget.

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

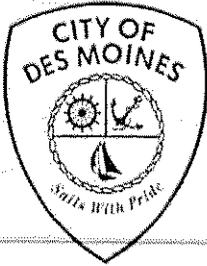
Do you currently have an owning interest in either real property (other than your primary residence or a business) in the Des Moines planning area? No If so, please describe: _____

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? For the last eight years I
have been the Des Moines Mariner Condominium's designated liaison with Joe Dusenbury. My wife and
I attended most of the Facilities Committee Meetings involving the planning of the Marina improvements
and worked closely with Doreen Torseth to resolve issues during construction. I feel that I can represent
the interests of the condominium residents in a reasonable and constructive way.

2. What problems, programs or improvements are you most interest in? The development of the
Marina and the Beach Park.

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



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

RECEIVED

Recvd. DEC 12 2011

CITY OF DES MOINES
CITY CLERK

Please Check

NAME: Tony Hettler
ADDRESS: 235 SW 185th St
CITY, ZIP: Normandy Park, WA 98166
PHONE: Home - 206-650-6730 Work 206-870-8800
LENGTH OF RESIDENCE AT THE ABOVE ADDRESS: 24 Years
REGISTERED VOTER? YES

- Civil Service Commission
- Planning Agency
- Library Board
- Human Services
- Senior Services
- Arts Commission
- Marina Beach Park Cmte.

EMPLOYMENT SUMMARY LAST FIVE YEARS: I have owned and operated the John L Scott Des Moines office in Des Moines since May 2006.

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

Do you currently have an owning interest in either real property (other than your primary residence or a business) in the Des Moines planning area? 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? My desire to serve on this committee is based on my belief that the city has 2 under utilized assets in the Marina and Beach Park. My business and marketing background can add value and perspective to the group in developing a viable plan for these areas. As well, as a Board member of Destination Des Moines I am able to share the vision and mission of Destination Des Moines to the committee and why it is necessary to create a positive and robust image of the City of Des Moines.
2. What problems, programs or improvements are you most interest in? I am interested in developing a plan that would bring new businesses and vendors to both the Marina and Beach Park to attract more visitors from within and outside the city limits.
3. Please list any Des Moines elective/appointive offices you have run/applied for previously. None

p:\users\denis:apoffice.doc



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

Recvd. DEC 07 2011

BY: _____

325

Please Check

NAME: Del Rivero
ADDRESS: 23412 Marine View Dr So
CITY, ZIP: Des Moines Wa, 98148
PHONE: Home 206 427-8333 Work _____
LENGTH OF RESIDENCE AT THE ABOVE ADDRESS 1 yr
REGISTERED VOTER? No

- Civil Service Commission
- Planning Agency
- Library Board
- Human Services
- Senior Services
- Arts Commission
- Marina Beach Park Cmte.

EMPLOYMENT SUMMARY LAST FIVE YEARS: Contractor- Dels Custom tile
33 yrs

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

Do you currently have an owning interest in either real property (other than your primary residence or a business) in the Des Moines planning area? 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? I have been a Des Moines resident for 35 years. I have had a boat in the marina for 20 years. I am a well known active volunteer in Des Moines. I can speak for the fisherman and lots of the boaters. I run the fishing derby and swim of the sound from the marina.
2. What problems, programs or improvements are you most interest in? Best use for the marina and beach park facilities. Find a way to get fisherman and boaters in and out of the water without great expense. Find the best place for our successful farmers market were I am a director. Best use for beach park buildings.
3. Please list any Des Moines elective/appointive offices you have run/applied for previously. _____



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

Recvd. _____

Please Check

NAME: STEVE WILKES
ADDRESS: 22222 ROCK ST #25
CITY, ZIP: DES MOINES WA 98198
PHONE: Home 206 724 1200 Work 206 255 3469
LENGTH OF RESIDENCE AT THE ABOVE ADDRESS _____
REGISTERED VOTER? YES
EMPLOYMENT SUMMARY LAST FIVE YEARS: SELF

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

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? YES If so, please describe: _____
CLASSIC YACHTS INC -

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? _____
IMPROVEMENT OF DES MOINES MARINA

2. What problems, programs or improvements are you most interest in? _____
MARINA AND NEARBY PROPERTIES

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



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

RECEIVED
 Recvd. _____
 DEC 12 2011

CITY OF DES MOINES
 CITY CLERK

Please Check

NAME: Scott Evans
 ADDRESS: 1127 S 423rd Ct
 CITY, ZIP: Des Moines, 98198
 PHONE: Home (206) 878-1066 Work (206) 890-2949
 LENGTH OF RESIDENCE AT THE ABOVE ADDRESS 12
 REGISTERED VOTER? Yes

- Civil Service Commission
- Planning Agency
- Library Board
- Human Services
- Senior Services
- Arts Commission
- Marina Beach Park Cmte.

EMPLOYMENT SUMMARY LAST FIVE YEARS: _____
1990 - Present Thomas Rengstorf Associates - Landscape Architects

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

Do you currently have an owning interest in either real property (other than your primary residence or a business) in the Des Moines planning area? 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? _____
I wish to utilize the experience I have attained over the past twenty years of professional practice to help Des Moines grow and flourish.

2. What problems, programs or improvements are you most interest in? _____
I am anxious to see the growth of our city and the potential for new development.

3. Please list any Des Moines elective/appointive offices you have run/applied for previously. _____
I am a current member of the Planning Agency. Submitted application for a position on a proposed Park Board.

To Whom It May concern,

I am interested in the Mauldin
& Beach Park development advisory
Committee. Please find the
attached Application. Call me at
206-427-8354 with any questions.

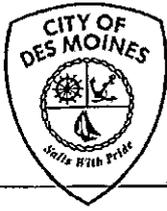
Thanks

Robert Allen

Spyglass Condo HOA Board President

2125 7th Aves. #118

DCS Moines, WA 98198



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

RECEIVED

Recvd. DEC 14 2011

CITY OF DES MOINES
CITY CLERK

Please Check

NAME: Robert Allen
ADDRESS: 21925 7th Aves #118
CITY, ZIP: Des Moines, WA 98198
PHONE: Home 206-427-8354 Work 206-876-4662
LENGTH OF RESIDENCE AT THE ABOVE ADDRESS 5 1/2 years
REGISTERED VOTER? Yes
EMPLOYMENT SUMMARY LAST FIVE YEARS: Online advertising + Social media
for the past 2 years. Technical Recruiting for the
3 prior years

- 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? I am interested in improving the community I live in and feel the City of Des Moines is at a crossroads. I am the current Board president of the Spyglass H.O.A. And feel I have a "pulse" on what is going on in my community
2. What problems, programs or improvements are you most interest in? Development of the Downtown Des Moines corridor
3. Please list any Des Moines elective/appointive offices you have run/applied for previously. N/A

COUNCIL PRESENTATION

**MARINA & BEACH PARK BUSINESS AND DEVELOPMENT PLAN
STAKEHOLDERS COMMITTEE**

Thursday, January 05, 2012

- **INTRODUCTION**
- **REVIEW OF COUNCIL ACTION ON DECEMBER 1, 2011 RE: COMMITTEE**
- **REVIEW OF PACKET MATERIALS**
- **QUESTIONS**
- **TURN OVER TO MAYOR/CITY MANAGER FOR COMMITTEE SELECTION PROCESS**

MARINA & BEACHPARK BUSINESS AND DEVELOPMENT PLAN
STAKEHOLDERS COMMITTEE

Thursday, January 05, 2012

Council Member Representative

Melissa Musser

Marina Tenant Representative

Del Rivero - avoid fishermen
no other nominations - selected by consensus

Condo Representative

BS - Wayne Carey - 2nd by MM
selected by consensus

Marina Business District Representative

MM - Tony Hettler
BS - Char Shultz lives in Redondo + owns bus prop
Fogarty, Brady, lot of things also lives in DM

City Staff Representative No. 1

Lorri Ericson, Assistant City Manager

City Staff Representative No. 2

Grant Fredricks, PBPW Director

At Large

Council Member Burrage Appointment

Nessie ^{pay} Vorge (like Jorge)

Council Member Caldwell Appointment

Cari Litowitz

Council Member Kaplan Appointment

Tony Hettler

Council Member Musser Appointment

Dave Mackwell

Council Member Pina Appointment

Patricio Mendoya

Council Member Scott Appointment

Jim Melia

Council Member Sheckler Appointment

Shen Hoel



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

Recvd **RECEIVED**

JAN 03 2012

CITY OF DES MOINES
Please Check

NAME: Charleen A. Schulz
ADDRESS: PO Box 98688/28456 Soundview Dr S
CITY, ZIP: Des Moines 98198
PHONE: Home (253) 839-5466 Work (206) 878-2520
LENGTH OF RESIDENCE AT THE ABOVE ADDRESS 12
REGISTERED VOTER? yes

- Civil Service Commission
- Planning Agency
- Library Board
- Human Services
- Senior Services
- Arts Commission
- Marina Beach Park Cmte.

EMPLOYMENT SUMMARY LAST FIVE YEARS: State farm Ins. Agent. Business in downtown Des Moines for 31 years

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

Do you currently have an owning interest in either real property (other than your primary residence or a business) in the Des Moines planning area? yes if so, please describe: _____
I own the building my business is in at 22206 7th Ave S

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? _____
See Attached

2. What problems, programs or improvements are you most interest in? _____
I'm interested in working with a group of people to form an intregated plan for the Beach Park, Marine, and Business District for the Economic Development of the whole Des Moines community

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

I have had a business in Des Moines for 31 years, and have been active in the community. I am currently on the Des Moines Legacy Foundation Board (raises money for Parks, Rec. and Senior Services) Farmers Market Board, and a member of the Rotary Club. In the past I have been involved in the Waterland Festival, Chamber Board, Merchants Association, Old Fashion Christmas Days (promoting Business in downtown). I can help to try and bring all concerned parties to reach some agreement on the Development and Use of the Beach Park and Marine.



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

RECEIVED

Recvd. DEC 30 2011

CITY OF DES MOINES
CITY CLERK

Please Check

NAME: SHELLEY MURRAY SHELLEYMURRAYRYAN00.COM
 ADDRESS: 22319 MARINE VIEW DR S. #B
 CITY, ZIP: DES MOINES WA 98198
 PHONE: Home 2063877177 Work 253688981
 LENGTH OF RESIDENCE AT THE ABOVE ADDRESS 5 YRS
 REGISTERED VOTER? Y

- Civil Service Commission
- Planning Agency
- Library Board
- Human Services
- Senior Services
- Arts Commission
- Marina Beach Park Cmte.

EMPLOYMENT SUMMARY LAST FIVE YEARS: WINDERMERE PROP. MGMT / WPM SOUTH
COMMUNITY ASSOC MGR. CONDO & HOMEOWNER ASSOCIATIONS, LICENSED REAL ESTATE
BROKER, NOTARY, COMMUNITY VOLUNTEER

Are you related to anyone presently employed by the City or a member of a City Board? YES
 If yes, explain: PLANNING AGENCY APPOINTED 11, 2011

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? N 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?
PRESERVE THE UNIQUE CHARACTER OF DES MOINES AND CREATE
A VITAL AND VIBRANT BUSINESS COMMUNITY AND PLACE
TO LIVE

2. What problems, programs or improvements are you most interest in?
BALANCING PROGRESS AND PRESERVATION

3. Please list any Des Moines elective/appointive offices you have run/applied for previously.
VOLUNTEERED AT CITY OFFICE UNDER THE DIRECTION OF KENDRA ALLEN 2007
SERVED ON PARKS REC & SR SERVICES MASTER PLAN ADVISORY COMMITTEE 2008
APPOINTED TO PLANNING AGENCY 11, 2011