

AGENDA

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

May 8, 2014 – 7:00 p.m.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

CORRESPONDENCE

COMMENTS FROM THE PUBLIC

BOARD AND COMMITTEE REPORTS/COUNCILMEMBER COMMENTS

PRESIDING OFFICER'S REPORT

ADMINISTRATION REPORT

Item 1: SCORE UPDATE

CONSENT AGENDA

Page 1 Item 1: APPROVAL OF VOUCHERS

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

Claim Checks: \$1,356,685.25

Payroll Fund Transfers: \$422,517.20

Total Certified Wire Transfers, Voids, A/P and Payroll Vouchers: \$1,779,202.45

Page 3 Item 2: DRAFT ORDINANCE NO. 13-242 (TITLE 7) REPEALING AND REPLACING CHAPTER 7.20 DMMC

First Motion is to suspend Rule 26(a) in order to enact Draft Ordinance No. 13-242 on first reading.

Second Motion is to enact Draft Ordinance No. 13-242, updating references in Title 7 and repealing and replacing chapter 7.20 DMMC entitled "Smoking" to be consistent with state law.

Page 13 Item 3: DRAFT ORDINANCE NO. 13-236 (TITLE 1) AMENDS PENALTY PROVISIONS, CODE REFERENCES AND FORMATTING

First Motion is to suspend Rule 26(a) in order to enact Draft Ordinance No. 13-236 on first reading.

Second Motion is to enact Draft Ordinance No. 13-236, updating references in Title 1 to correspond to recent code changes and amending DMMC 1.24.190, creating uniform classifications for civil infractions.

- Page 27 Item 4: WASHINGTON STATE PUBLIC WORKS TRUST FUND LOAN APPLICATION: TRANSPORTATION GATEWAY PROJECT – S 216TH STREET SEGMENT 1-A
Motion is to adopt Draft Resolution 14-071 regarding maintenance of revenue stream for repayment of a potential loan from the Washington State Public Works Trust Fund for construction of the S 216th Street improvements between 24th Avenue South and Pacific Highway South, and authorize the City Manager to submit a loan application on behalf of the City of Des Moines.
- Page 59 Item 5: ACCEPTANCE OF EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) AWARD #2011-DJ-BX-3261
Motion is to ratify the acceptance of the \$14,600 award from Edward Byrne Memorial Justice Grant award #2011-DJ-BX-3261 under the terms and conditions listed within the JAG grant.
- Page 73 Item 6: MAYORAL APPOINTMENT TO THE SENIOR SERVICES ADVISORY COMMITTEE
Motion is to confirm the Mayoral appointment of Dr. Barbara Reid to a two-year term on the City of Des Moines Senior Services Advisory Committee effective May 9, 2014 and expiring on December 31, 2015.
- Page 77 Item 7: MAYORAL APPOINTMENT TO THE ARTS COMMISSION
Motion is to confirm the Mayoral appointment of Ekkarath Sisavatdy to an unexpired three year term on the City of Des Moines Arts Commission effective immediately and expiring on December 31, 2016.

EXECUTIVE SESSION

The purpose of the Executive Session is to discuss labor negotiations under RCW 42.30.140(4)(a). The Executive Session is expected to last 45 minutes.

NEXT MEETING DATE

May 22, 2014 Regular City Council Meeting

ADJOURNMENT

CITY OF DES MOINES
Voucher Certification Approval
8-May-14
Auditing Officer Certification

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

As of **May 8, 2014** the Des Moines City Council, by unanimous vote, does approve for payment those vouchers and payroll transfers included in the attached list and further described as follows:

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

Claims Vouchers:	Numbers				Amounts
Total A/P Checks/Vouchers	139127	-	139361	235	1,309,363.50
Electronic Wire Transfers	4		WA DEPT OF REV, WA DEPT OF LICNS FIREARMS, BOA VISA		49,396.99
Subtotal for this Council Packet					1,358,760.49
Voided Claim Checks this check run:					0.00
Voided Claim Checks from previous check runs	139028			1	(2,075.24)
Total Claims/Wire Transfers/Voids					1,356,685.25
<hr/>					
Payroll Vouchers:	DISBURSED 04/21/14				Amounts
Payroll Checks	18456	-	18463	= 8	11,523.99
Direct Deposit	160001	-	160144	= 144	267,926.38
Payroll Taxes					57,467.73
Wage/Garnishments					1,066.91
Voids				0	0.00
Electronic Wire Transfers					84,532.19
ICMA 401 Forfeitures					0.00
Total Claims					422,517.20
Total certified Wire Transfers, Voids, A/P & Payroll vouchers for May 8, 2014					1,779,202.45

AGENDA ITEM

BUSINESS OF THE CITY COUNCIL
City of Des Moines, WA

SUBJECT: Updating Title 7 and Repealing and Replacing Chapter 7.20 DMMC

ATTACHMENTS:

- 1. Draft Ordinance No. 13-242

FOR AGENDA OF: May 8, 2014

DEPT. OF ORIGIN: Legal

DATE SUBMITTED: April 28, 2014

CLEARANCES:

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

APPROVED BY CITY MANAGER
FOR SUBMITTAL 

Purpose and Recommendation

The purpose of this agenda item is to provide to Council for consideration Draft Ordinance No. 13-242 which updates references in Title 7 to correspond to recent code changes and repeals and replaces chapter 7.20 DMMC entitled "Smoking".

Suggested Motion

FIRST MOTION: "I move to suspend Rule 26(a) in order to enact Draft Ordinance No. 13-242 on first reading."

SECOND MOTION: "I move to enact Draft Ordinance No. 13-242, updating references in Title 7 and repealing and replacing chapter 7.20 DMMC entitled "Smoking" to be consistent with state law."

Background

During the recent updates to DMMC, the Legal Department found that chapter 7.20 DMMC needed to be repealed and replaced to be consistent with state law. The current chapter 7.20 DMMC was adopted in 1988 and has not been amended since the passage of Initiative Measure No. 901 which preempts the DMMC and prohibits smoking in public places and places of employment in the state.

Additionally, given the recent updates to Title 18, references in Title 7 needed to be updated to reflect the Code as it is currently written.

Discussion

Chapter 7.20 DMMC is obsolete and has been preempted by state law, specifically chapter 70.160 RCW. Adoption by reference of the state statute is recommended to allow for enforcement of the statute in the Des Moines Municipal Court.

Alternatives

Take no action.

Financial Impact

None.

Recommendation or Conclusion

Draft Ordinance No. 13-242 should be enacted to adopt chapter 70.160 RCW by reference.

Concurrence

Legal Department concurs.

CITY ATTORNEY'S FIRST DRAFT 02/20/2014

DRAFT ORDINANCE NO. 13-242

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON relating to Health and Sanitation, amending DMMC 7.08.010 and 7.08.110, and repealing and replacing chapter 7.20 DMMC, "Smoking in Public Spaces" to be consistent with state law.

WHEREAS, following the amendments made to Titles 12, 13, 14, 16, 17, and 18 DMMC, additional chapters were found to need updating to coincide with the DMMC renumbering and referenced RCW chapters, and

WHEREAS, chapter 7.20 DMMC was enacted in 1988 by Ordinance No. 755, prohibiting smoking in public places, work places, and City vehicles, and

WHEREAS, Des Moines Ordinance No. 1009, enacted in 1993, amended the penalties section associated with violations of chapter 7.20 DMMC, and

WHEREAS, this Ordinance repeals chapter 7.20 DMMC to adopt by reference chapter 70.160 RCW, and

WHEREAS, the state of Washington recognizes that exposure to secondhand smoke is a known cause of diseases, including cancer, pneumonia, asthma, bronchitis, and heart disease, and

WHEREAS, in order to protect the health and welfare of all citizens, including workers in their places of employment, it is necessary to continue to prohibit smoking in public places and workplaces; now therefore,

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

Sec. 1. DMMC 7.08.010 and section 1 of Ordinance No. 74 as amended by section 1 of Ordinance No. 663 as amended by section 1 of Ordinance No. 923 as amended by section 14 of Ordinance No. 993 are amended to read as follows:

Draft Ordinance No. 13-242.1
10/29/2013

Ordinance No. ____
Page 2 of 8

Definitions. — (1) Use of words and phrases. As used in this chapter, unless the context or subject matter clearly requires otherwise, the words or phrases defined in this section shall have the indicated meanings.

~~(2)~~ ____ "Garbage" includes:

____(a) All accumulation of putrescible and nonputrescible waste matter that has been discarded by the owner thereof, including, but not limited to: ashes, cinders, trade waste, rags, bottles, papers, broken household furniture, dead animals not more than 20 pounds in weight, boxes, barrels, scraps of boards and lumber, hollow material or ware, rubbish in general; and

____(b) All organic wastes except yard waste or extremely hazardous wastes, hazardous substance, or hazardous waste, as defined in chapter 18-04.01.050 DMMC; and

____(c) Every accumulation of animal, fruit, or vegetable matter that attends the preparation, use, cooking, storage, or handling of food, including swill; except the definition of garbage specifically excludes manure, sewage, dead animals of more than 20 pounds in weight, automobile bodies, trees and limbs more than four inches in diameter, slaughterhouse waste, cleanings from public and private catchbasins, building materials, construction waste, landscaping waste, and the like, only in those instances where transportation of waste is effected by the property owner or property owner's designee, and the transporting party is not an organization licensed by the Washington Utilities and Transportation Commission.

Ordinance No. ____
Page 3 of 8

~~(3)~~ ____ "Recyclable materials" means those products or materials that have useful physical or chemical properties after their intended use and can be diverted from the City's solid waste stream for reuse, remanufacture, or use as a raw material in the manufacture of another product.

~~(4)~~ ____ "Solid waste" means all putrescible and nonputrescible solid and semisolid wastes including, but not limited to, garbage, rubbish, ashes, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof, yard waste, and recyclable materials.

~~(5)~~ ____ "Unattended container" means a temporary, semipermanent, or permanent container or receptacle for the collection of recyclable materials. Unattended containers are available for use by the general public and are not under the direct and continuous supervision of an on-site attendant. This definition shall not include receptacles for recyclable materials located on public property by a government agency for use by the public.

~~(6)~~ ____ "Yard waste" means grass clippings, leaves, weeds, prunings, and similar plant materials from yards and gardens. Yard waste does not include food waste, plastics and synthetic fibers, lumber, any wood or tree limbs more than four inches in diameter, or soil contaminated with extremely hazardous or hazardous waste.

Sec. 2. DMMC 7.08.110 and section 12 of Ordinance No. __-923 are amended to read as follows:

Ordinance No. ____
Page 4 of 8

Unattended containers. No person shall place, display, or maintain any unattended container for collection of recyclable materials or donated items in any exterior location within the city except in conformance with all of the following provisions:

(1) Such unattended containers shall be located only within the parking area of private property lawfully zoned, developed, and used for commercial or industrial purposes or at schools, churches, or charitable organizations which have similar parking facilities. Such unattended containers shall not occupy on-site parking spaces required by Title 18 DMMC, or be located within the required front yard area of any property. Furthermore, such unattended containers shall not be located within any public right-of-way.

(2) Such unattended containers shall be located only with the permission of the property owner, his/her agent, or the person in possession of the property. The container owner's name and current telephone number, the benefitting organization's name and current telephone number, and the type of recyclable material or donation solicited shall be displayed thereon in a conspicuous location.

_____(3) Such unattended containers shall be located only with the permission of the ~~community development director~~ Planning, Building and Public Works Director, who shall provide necessary application forms to requesting persons. Such unattended containers shall be screened as specified by DMMC ~~18.41.500~~ 18.195.500 through ~~18.41.550~~ 18.195.530. The ~~community development director~~ Planning, Building and Public Works Director may waive all or portions of the requirements of DMMC ~~18.41.500~~ 18.195.500 through

Ordinance No. _____

Page 5 of 8

~~18.41.550~~ 18.195.530 when such screening is determined to be unnecessary.

(4) Such unattended containers shall be inspected no less frequently than at two-week intervals by the container owner. All containers filled to capacity shall be promptly emptied. Container owners shall ensure that the vicinity of the container is free of litter. The placement of any material in or around the unattended container other than the material or materials intended by the container owner shall be deemed a violation of DMMC 7.08.020 and chapter 9.56 DMMC.

(5) Both the property owner and the container owner shall be responsible for compliance with the provisions of this section. Violations of the provisions of this section shall constitute a civil offense with penalties as set forth in this chapter.

Sec. 3. Chapter 7.20 DMMC and all underlying Ordinances are repealed and replaced as follows:

CHAPTER 7.20

Smoking in Public Places

~~7.20.010 Definitions.~~

~~(1) Use of Words and Phrases. As used in this chapter, unless the context or subject matter clearly requires otherwise, the words or phrases defined in this section shall have the indicated meanings.~~

~~(2) "City building" means a building or portion thereof, owned, leased, or rented by the city for public purposes, and includes all areas of a building owned, leased, or rented in its entirety, including but not limited to elevators, restrooms, waiting areas, hallways, lobbies, reception areas, council chambers, lunchrooms, offices, and employee work areas.~~

Ordinance No. ____
Page 6 of 8

~~(3) "City vehicle" means an automobile or truck, owned, leased, or rented by the city.~~

~~(4) "Smoke" or "smoking" means inhaling, exhaling, or carrying a burning tobacco or other plant material including but not limited to cigarettes, cigars, or pipes. [Ord. 755 § 1, 1988.]~~

~~7.20.020 Signs.~~

~~The city shall post signs clearly prohibiting smoking conspicuously at each city building entrance, in prominent locations throughout such buildings, and in city vehicles. [Ord. 755 § 2, 1988.]~~

~~7.20.030 Prohibitions.~~

~~(1) No person shall smoke in a city building or city vehicle.~~

~~(2) Smoking is permitted in outdoor areas adjacent to city buildings unless smoke would be drawn into a city building.~~

~~(3) No person shall remove, deface, or destroy a sign required by this chapter. [Ord. 755 § 3, 1988.]~~

~~7.20.040 Violation -- Penalty.~~

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

~~(2) A violation of or failure to comply with this section is a class 6 civil infraction. [Ord. 1009 § 44, 1993; Ord. 755 § 4, 1988.]~~

~~7.20.050 Failure to respond, appear, or pay penalty. Repealed by Ord. 1009. [Ord. 755 § 5, 1988.]~~

Adopted by reference. The following state statutes are adopted by reference and are applicable within the City:

RCW:

Ordinance No. _____
Page 7 of 8

<u>70.160.011</u>	<u>Findings -- Intent -- 2006 c 2 (Initiative Measure No. 901).</u>
<u>70.160.020</u>	<u>Definitions.</u>
<u>70.160.030</u>	<u>Smoking prohibited in public places or places of employment.</u>
<u>70.160.050</u>	<u>Owners, lessees to post signs prohibiting smoking.</u>
<u>70.160.060</u>	<u>Intent of chapter as applied to certain private workplaces.</u>
<u>70.160.070</u>	<u>Intentional violation of chapter -- Removing, defacing, or destroying required sign -- Fine -- Notice of infraction -- Exceptions -- Violations of RCW 70.160.050 -- Fine -- Enforcement.</u>
<u>70.160.075</u>	<u>Smoking prohibited within twenty-five feet of public places or places of employment -- Application to modify presumptively reasonable minimum distance.</u>
<u>70.160.080</u>	<u>Local regulations authorized.</u>
<u>70.160.100</u>	<u>Penalty assessed under this chapter paid to jurisdiction bringing action.</u>

NEW SECTION. Sec. 4. Severability - Construction.

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

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

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

Ordinance No. ____
Page 8 of 8

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

M A Y O R

APPROVED AS TO FORM:

City Attorney

ATTEST:

City Clerk

Published: _____

Effective Date: _____

AGENDA ITEM

BUSINESS OF THE CITY COUNCIL
City of Des Moines, WA

SUBJECT: Amendments to Title 1 DMMC

ATTACHMENTS:

- 1. Draft Ordinance No. 13-236

FOR AGENDA OF: May 8, 2014

DEPT. OF ORIGIN: Legal

DATE SUBMITTED: May 1, 2014

CLEARANCES:

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

APPROVED BY CITY MANAGER
FOR SUBMITTAL [Signature]

Purpose and Recommendation

The purpose of this agenda item is to provide to Council for consideration Draft Ordinance No. 13-236 which updates references in Title 1 to correspond to recent code changes and amends DMMC 1.24.190 to create a uniform classification for civil infractions.

Suggested Motions

FIRST MOTION: "I move to suspend Rule 26(a) in order to enact Draft Ordinance No. 13-236 on first reading."

SECOND MOTION: "To enact Draft Ordinance No. 13-236, updating references in Title 1 to correspond to recent code changes and amending DMMC 1.24.190, creating uniform classifications for civil infractions."

Background

Following Council adoption of Titles 12 – 18, the Legal Department has been reviewing the remainder of the code for necessary amendments. Draft Ordinance No. 12-236 amends Title 1 to be consistent with recent Code rewrites. Other Titles will be addressed in additional Draft Ordinances that will be presented to Council on future dates.

Additionally, during the re-writes and adoptions of Title 12-18, language classifying civil infractions as “Class 1 civil infractions” was omitted. By amending DMMC 1.24.190, each individual Title will not need to be amended and repetitive language will not need to be added to each Title.

Discussion

Prior to the rewrites of Titles 12 – 18, failure to comply with the provisions of Titles 12 – 18 were classified as a class 1 civil infraction. For example, the previous language in DMMC 18.72.090 stated:

(2) Civil Infraction. A violation of or failure to comply with any chapter or section of this title is ***a class 1 civil infraction*** and the city may enforce any chapter or section of this title and seek fines and penalties in accordance with the provisions of chapter 1.24 DMMC. (emphasis added).

Each Title contained similar language.

After the rewrite of Title 18, the penalty section drops the “Class 1” designation and refers back to chapter 1.24 DMMC for the designation:

(2) Civil Infraction. A violation or a failure to comply with the provisions of this Title is a civil infraction and a violator may be penalized as is more specifically set forth in chapter 1.24 DMMC, Civil Infractions.

Amending DMMC 1.24.190 to add the Class 1 designation to all Titles of the code will complete the amendments to Title 12 -18. This amendment will not change any other infraction designations as the other Titles that contain enforcement provisions (Titles 5 – 10) already address this issue. For example, Title 5 (Business Licenses) states:

(1) Civil Infraction. Except as otherwise provided in this title, no person shall violate or fail to comply with this title. A violation of or failure to comply with this section is a class 1 civil infraction.

Additionally, all infractions that are not Class 1 contain their specific designation in their chapter. For example, the penalty provision for Graffiti in chapter 7.40 DMMC states:

(2) Civil Infraction. A violation of or failure to comply with this chapter is a ***class 6 civil infraction*** and the city may enforce this chapter and seek fines and penalties in accordance with the provisions of chapter 1.24 DMMC. (emphasis added).

Alternatives

Amend Titles 12 -18 individually to clarify penalty provision.

Financial Impact

None.

Recommendation or Conclusion

It is recommended that the City Council enact Draft Ordinance No. 13-236 as written.

Concurrence

Legal Department concurs.

CITY ATTORNEY'S FIRST DRAFT 03/07/2014

DRAFT ORDINANCE NO. 13-236

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON relating to General Provisions, amending DMMC 1.24.190, 1.28.040, and 1.28.050.

WHEREAS, during the process of amending Titles 12, 13, 14, 16, 17, and 18, additional chapters of the DMMC were found to need updating to correspond to the recent amendments, and

WHEREAS, the monetary penalties adopted in DMMC 1.24.190 need to be amended to create a uniform classification for civil infractions, and

WHEREAS, the City Council finds that it is in the best interest of the public health, safety, and general welfare to establish comprehensive, uniform, and current provisions for Title 1 DMMC; now therefore,

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

Sec. 1. DMMC 1.24.190 and section 19 of Ordinance No. 1009 as amended by section 1 of Ordinance No. 1325 as amended by section 1 of Ordinance No. 1402 as amended by section 1 of Ordinance No. 1505 are each amended to read as follows:

Monetary penalties - Amounts. Unless specifically stated elsewhere in the DMMC, the violation or failure to comply with any provision of the DMMC is a Class 1 civil infraction. A person found to have committed a civil infraction is assessed a monetary penalty:

(1) The maximum penalty and the default amount for a eClass 1 civil infraction is \$250.00, not including statutory assessments;

Ordinance No. ____
Page 2 of 10

(2) The maximum penalty and the default amount for a eClass 2 civil infraction is \$125.00, not including statutory assessments;

(3) The maximum penalty and the default amount for a eClass 3 civil infraction is \$50.00, not including statutory assessments;

(4) The maximum penalty and the default amount for a eClass 4 civil infraction is \$25.00, not including statutory assessments;

(5) The maximum penalty and the default amount for a eClass 5 civil infraction is \$25.00, not including statutory assessments; and

(6) The maximum penalty and the default amount for a eClass 6 civil infraction is \$25.00, not including statutory assessments.

Sec. 2. DMMC 1.28.040 and section 4 of Ordinance No. 1236 as amended by section 3 of Ordinance No. 1321 are amended to read as follows:

Notice of civil violation.

(1) Issuance. When the eCity mManager or designee determines that a violation has occurred or is occurring, the eCity mManager or the City Manager's designee may issue a notice of civil violation without having attempted to secure voluntary correction as provided in DMMC 1.28.030 under the following circumstances:

- (a) When an emergency exists; or
- (b) When a repeat violation occurs; or

Ordinance No. ____
Page 3 of 10

(c) When the violation creates a situation or condition which cannot be corrected; or

(d) When the person knows or reasonably should have known that the action is in violation of a eCity regulation.

(2) Content. The notice of civil violation shall include the following:

(a) The name and address of the person responsible for that violation; and

(b) The street address or description sufficient for identification of the building, structure, premises, or land upon or within which the violation has occurred or is occurring; and

(c) A description of the violation and a reference to the provision(s) of the eCity regulation which has been violated; and

(d) The required corrective action and a date and time by which the correction must be completed after which the eCity may abate the unlawful condition in accordance with this chapter or other applicable law; and

(e) The date, time and location by which an affected party may file an appeal before the ~~H~~Hearing eExaminer; and

(f) A statement indicating that the hearing will be canceled and no monetary penalty will be assessed if the city manager or designee approves the completed, required corrective action at least 48 hours prior to the

Ordinance No. _____
Page 4 of 10

hearing, except that this statement need not be included where the violation constitutes a repeat violation or the violation creates a situation or condition which cannot be corrected; and

(g) A statement that the costs and expenses of abatement incurred by the city pursuant to this chapter and a monetary penalty in an amount per day for each violation as specified in this chapter may be assessed against the person to whom the notice of civil violation is directed.

(3) Service of ~~N~~notice. The ~~e~~City ~~M~~anager or the City Manager's designee shall serve the notice of civil violation upon the person to whom it is directed, either personally or by mailing a copy of the notice of civil violation to such person at their last known address. If the person to whom it is directed cannot after due diligence be personally served within King County and if an address for mailed service cannot after due diligence be ascertained, notice shall be served by posting a copy of the notice of civil violation conspicuously on the affected property or structure. Proof of service shall be made by a written declaration under penalty of perjury executed by the person effecting the service, declaring the time and date of service, the manner by which the service was made, and if by posting the facts showing that due diligence was used in attempting to serve the person personally or by mail.

(4) Extension. No extension of the time specified in the notice of civil violation for correction of the violation may be granted, except by order of the hearing examiner, or by written

Ordinance No. ____
Page 5 of 10

agreement of the city manager or designee and the person responsible for the violation.

(5) Monetary Ppenalty. The monetary penalty for each violation per day or portion thereof shall be as follows:

(a) First day of each violation,
\$100.00;

(b) Second day of each violation,
\$200.00;

(c) Third day of each violation,
\$300.00;

(d) Fourth day of each violation,
\$400.00;

(e) Each additional day of each violation beyond four days, \$500.00 per day.

(6) Continued Dduty to Correct. Payment of a monetary penalty pursuant to this chapter does not relieve the person to whom the notice of civil violation was issued of the duty to correct the violation.

(7) Collection of Monetary Ppenalty.

(a) The monetary penalty constitutes a personal obligation of the person to whom the notice of civil violation is directed. Any monetary penalty assessed must be paid to the city within 10 calendar days from the date of service of the notice of violation. Service by mail shall be deemed complete upon the third day following the day upon which notice is placed in the mail, unless the third day falls on a Saturday, Sunday, or legal holiday, in which event service shall be deemed

Ordinance No. ____
Page 6 of 10

complete on the first day other than a Saturday, Sunday, or legal holiday following the third day.

(b) The eCity aAttorney is authorized to take appropriate action to collect the monetary penalty.

Sec. 3. DMMC 1.28.050 and section 5 of Ordinance No. 1236 as amended by section 4 of Ordinance No. 1321 are amended to read as follows:

Hearing before the hHearing eExaminer.

(1) Notice. A person to whom a notice of civil violation is issued may appeal such notice to the hHearing eExaminer within 10 calendar days after the notice of civil violation is issued.

(2) Prior eCorrection of vViolation. Except in the case of a repeat violation or a violation which creates a situation or condition which cannot be corrected, the hearing will be canceled and no monetary penalty will be assessed if the eCity mManager or designee approves the completed required corrective action at least 48 hours prior to the scheduled hearing or agrees to extend the time for correction of the violation as provided in DMMC 1.28.040.

(3) Procedure. The hHearing eExaminer shall conduct a hearing on the civil violation pursuant to the Des Moines hHearing eExaminer eCode, chapter 18.94240 DMMC. The applicable department director and the person to whom the notice of civil violation was directed may participate as parties in the hearing and each party may call witnesses. The determination of the applicable department director as to the need for

Ordinance No. ____
 Page 7 of 10

the required corrective action shall be accorded substantial weight by the hearing examiner in determining the reasonableness of the required corrective action.

(4) Decision of the Hearing Examiner.

(a) The ~~h~~Hearing ~~e~~Examiner shall determine whether the ~~e~~City has established by a preponderance of the evidence that a violation has occurred and that the required correction is reasonable and shall affirm, vacate, or modify the ~~e~~City's decisions regarding the alleged violation and/or the required corrective action, with or without written conditions.

(b) The ~~h~~Hearing ~~e~~Examiner shall issue an order to the person responsible for the violation which contains the following information:

(i) The decision regarding the alleged violation including findings of fact and conclusions based thereon in support of the decision;

(ii) The required corrective action;

(iii) The date and time by which the correction must be completed;

(iv) The monetary penalties assessed based on the provisions of this chapter;

(v) The date and time after which the city may proceed with abatement of the unlawful condition if the required correction is not completed.

Ordinance No. _____
Page 8 of 10

(c) Assessment of Monetary Penalty. Monetary penalties assessed by the hearing examiner shall be in accordance with the monetary penalty schedule in DMMC 1.28.040(5).

(i) The ~~h~~Hearing ~~e~~Examiner shall have the following options in assessing monetary penalties:

(A) Assess monetary penalties beginning on the date the notice of civil violation was issued and thereafter; or

(B) Assess monetary penalties beginning on the correction date set by the applicable department director or an alternate correction date set by the hearing examiner and thereafter; or

(C) Assess no monetary penalties.

(ii) In determining the monetary penalty assessment, the ~~h~~Hearing ~~e~~Examiner shall consider the following factors:

(A) Whether the person responded to staff attempts to contact the person and cooperated with efforts to correct the violation;

(B) Whether the person failed to appear at the hearing;

(C) Whether the violation was a repeat violation;

(D) Whether the person showed due diligence or substantial progress in correcting the violation;

Ordinance No. _____
 Page 9 of 10

(E) Whether a genuine code interpretation issue exists; and

(F) Any other relevant factors.

(iii) The Hearing Examiner may double the monetary penalty schedule if the violation was a repeat violation.

(d) Notice of Decision. The Hearing Examiner shall mail a copy of the decision to the appellant and to the applicable department director within 15 working days of the hearing.

(5) Failure to Appear. If the person to whom the notice of civil violation was issued fails to appear at the scheduled hearing, the Hearing Examiner may enter an order finding that the violation occurred and assessing the appropriate monetary penalty. The City will carry out the hearing examiner's order and recover all related expenses, plus the cost of the hearing and any monetary penalty from that person.

(6) Monetary Penalty. The monetary penalty for a violation does not accrue pending the appeal; however, the hearing examiner may impose a daily monetary penalty from the date of service of the notice of civil violation if the Hearing Examiner finds that the appeal is frivolous or intended solely to delay compliance.

(7) Appeal to Superior Court - Land Use Decision. Judicial review of a land use decision, as defined in RCW 36.70C.020, made by the Hearing Examiner must be made pursuant to the provisions of the Land Use Petition Act, chapter 36.70C RCW.

Ordinance No. ____
Page 10 of 10

NEW SECTION. Sec. 4. Severability - Construction.

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

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

NEW SECTION. Sec. 5. Effective date. This Ordinance shall take effect and be in full force thirty (30) days after its passage and approval in accordance with law

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

M A Y O R

APPROVED AS TO FORM:

City Attorney

ATTEST:

City Clerk

Published: _____

Effective Date: _____

Background

The Des Moines City Council requested staff to pursue funding options to complete construction of the Transportation Gateway Project improvements inclusive of the remaining South 216th Street Segment 1-A improvements between 24th Avenue South and Pacific Highway South (SR99). The Public Works Trust Fund (PWTF) is a potential source of said funding using low interest construction loans requiring repayment. The terms of the loan would be repayment of up to \$3 million at an interest rate of approximately 2.55%, over the 20 year life of the loan. The total project cost is estimated at \$8,149,100 and is dependent on other sources of uncommitted federal and state funds prior to Council acceptance of the loan. In the past, the City has relied on similar loans for design and construction, including the Transportation Gateway Project and the Pacific Highway South Corridor Improvements.

Discussion

Attachment 2 is the draft loan application package including a budget (page 9) that illustrates planned sources of funding. Included are other state and federal funds that are planned or are in the application process. The City has the bonding authority to secure said funding, but the repayment options are dependent upon securing sources of funds sought therein. Prior to Council acceptance of the loan, these or other funding sources would need to be secured. Staff will come back to the Council in 2015 to seek authorization to accept the loan should the funds become available.

Availability of the PWTF loan funds is uncertain. Washington State is recovering from a recession and the legislature has swept this funding source in the past to finance other priorities. In addition, the Public Works Board has increased the rate of the loans from 1% to an estimated maximum of 2.55%. The Public Works Trust Board (PWTB) and staff are aggressively seeking FY2016 appropriation of this revolving loan fund during the 2015 legislative session. If authorized by the Washington State Legislature, it is anticipated that the PWTB will make \$175 million available for public works projects statewide. If authorized, the funds would be available in July 1, 2015.

Alternatives

The alternative is to not adopt the resolution and not submit the application. This will limit available financing options to construct the project.

Financial Impact

Attachment 3 is a copy of the CIP project worksheet showing a breakdown in project costs and potential revenue sources. If said funding is secured, the budget will need be amended to reflect these revenue sources. In addition, the PWTF is a potential mechanism to secure low interest funding without having to issue City general obligation bonds.

Recommendation or Conclusion

Staff recommends that the Council give the City Manager authority to apply for these funds including the Council resolution for loan repayment dependent upon a secure a revenue stream as outlined in the application.

CITY ATTORNEY'S FIRST DRAFT 05/01/2014

DRAFT RESOLUTION NO. 14-071

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DES MOINES, WASHINGTON, related to South 216th Street, Segment 1-A (Pacific Highway S. to 24th Avenue S.), one of three CIP project segments collectively referred to as the Transportation Gateway Project.

WHEREAS, The City of Des Moines is pursuing a Public Works Board 2016 Construction Loan to improve S. 216th Street, Segment 1-A deemed necessary to support implementation of the City of Des Moines Comprehensive Plan, 2009, as amended, and the City of Des Moines 2014-2019 Capital Improvement Plan Project #319.332, and

WHEREAS, the repayment of the Public Works Board 2016 Construction loan requires adequate revenue to meet debt service; and

WHEREAS, the City Council supports completion of the Transportation Gateway Project; and

WHEREAS, the Public Safety and Transportation Committee was briefed in March of 2014 supporting the loan request; now therefore,

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

The City of Des Moines shall maintain adequate revenue streams sufficient to provide funds to pay all system operating expenses and debt repayments during the term of Public Works Board 2016 Construction Loan for the improvements to S. 216th Street, Segment 1-A.

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

M A Y O R

APPROVED AS TO FORM:

Resolution No. ____
Page 2 of ____

City Attorney

ATTEST:

City Clerk

5/1/14 3:27 PM

Washington State Public Works Board Construction Loan Application



**FUNDS AVAILABLE ONLY UPON GOVERNOR AND
2015 LEGISLATURE APPROVAL FOR THE 2016
FISCAL YEAR STARTING:**

JULY 1, 2015

Eligible Jurisdictions	<ul style="list-style-type: none"> ▪ Counties, Cities, and Towns ▪ Water Districts ▪ Sewer Districts ▪ Public Utility Districts ▪ Other Districts (excluding Tribes, Ports, and School Districts)
Eligible Systems	<ul style="list-style-type: none"> ▪ Domestic Water ▪ Sanitary Sewer ▪ Storm Water ▪ Solid Waste and Recycling ▪ Roads and Streets ▪ Bridges
How to Apply	<ul style="list-style-type: none"> ▪ Hardcopy application (this Word file) – submit this form, also found at www.pwb.wa.gov/

	Due Date: Postmarked or Delivered on or before	Maximum Amount per Jurisdiction per Biennium	Hardcopy Application Submittals
Construction	May 16, 2014 6PM PST	\$7,000,000	Submit one signed original and a CD with the application in Microsoft Word format

Mail/Ship/Hand Deliver to:
Public Works Board
1011 Plum Street South East
PO Box 42525
Olympia WA 98504-2525
360.725.3153

For more information on the Public Works Board's loan programs and for the **Construction Loan Application Guidelines**, please visit the Public Works Board's website at www.pwb.wa.gov.

32 APPLICATION REQUIREMENTS/CHECKLIST

Items that will cause the application to be rejected

Questions? – Contact your Regional Service Coordinator (RSC) http://www.pwb.wa.gov/public-works-board/board-staff/Pages/default.aspx	
<input checked="" type="checkbox"/> <input type="checkbox"/> Yes No	Counties, cities, and towns, must have imposed the one-quarter of one-percent REET as allowed by RCW 82.46.010(2). Full list: http://dor.wa.gov/Docs/forms/RealEstExcsTx/RealEstExTxRates.pdf
<input checked="" type="checkbox"/> <input type="checkbox"/> Yes No	Has the Applicant Certification Form been read and <i>signed</i> by the appropriate authority? Attach original signed document to the application materials due May 16, 2014. This must be signed in order for the application to be accepted for review.
<input checked="" type="checkbox"/> <input type="checkbox"/> Yes No	Has the applicant adopted a policy to reduce greenhouse gas emissions? If NO, attach a copy of the policy with the application materials. Title of Policy: <u>Resolution #1199: Environmental Stewardship</u> Adoption Date: <u>07/12/12</u> If submitted to the Public Works Board in prior years, this requirement <i>has been met</i> . Submitted in prior years? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<input checked="" type="checkbox"/> <input type="checkbox"/> Yes No	Is a copy of the resolution whereby your governing body acknowledges the need to maintain adequate revenue streams sufficient to provide funds to pay all system operating expenses and debt repayments during the term of the loan attached? See page 21 for an example. Attach a copy of the resolution to application materials. ATTACH THE POLICY: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Items/Actions to ensure a complete application

<input type="checkbox"/>	Have you read the Application Guidelines? This document contains all the necessary information to assist you in applying for a construction loan. To download the current Application Guidelines go to www.pwb.wa.gov .
<input type="checkbox"/>	Have all questions applicable to your type of system been answered? Unanswered questions receive no points. Submitted information will be verified by Public Works Board staff.
<input type="checkbox"/>	Have you verified the accuracy of the Project Cost <u>sum</u> and the Project Funding <u>sum</u> ? These figures must match and accurately reflect the sum of the costs and the sum of the funding.
<input type="checkbox"/>	Is all relevant documentation (i.e., proof of other funding sources, regulatory orders, moratoriums, etc.) attached?
<input type="checkbox"/>	Have you made a copy, including all attachments, of the final, signed application package <u>for your records</u> ?
<input type="checkbox"/>	Applications and modifications (additions, removals, and substitutions) are allowed until: <div style="text-align: center;"><u>6PM PST, May 16, 2014.</u></div> After that time, no further changes will be accepted.

SECTION 1: GENERAL APPLICANT INFORMATION 1

- PRIMARY SYSTEM AFFECTED BY THIS PROJECT (check only one) 1
- GENERAL APPLICANT INFORMATION 1
- LEGISLATIVELY REQUIRED INFORMATION:..... 1
- GPS COORDINATES – Project Site (<http://www.gps-coordinates.net>)..... 2
- MEASURES OF FISCAL CAPACITY 2
- NON-RATE BASED SYSTEMS 3

SECTION 2: PROJECT INFORMATION..... 4

- PROJECT DESCRIPTION 4
- PROJECT’S SCOPE OF WORK..... 5
- REQUIRED PERMITS (LOCAL, STATE, AND FEDERAL) 7
- PROJECT SCHEDULE 8
- PROJECT COSTS 8
- PROJECT FUNDING 9

SECTION 3: PROJECT NEED AND SOLUTION 12

- PROJECT CATEGORY 13
- GENERAL PROJECT NEED QUESTIONS..... 13
- SYSTEM-SPECIFIC QUESTIONS..... 15
- NEED AND SOLUTION NARRATIVE STATEMENT 16

SECTION 4: LOCAL MANAGEMENT EFFORT 18

- LOCAL MANAGEMENT EFFORT (In the last 5 years)..... 18
- STEWARDSHIP OF WASHINGTON’S NATURAL RESOURCES (RCW 70.235.070) (In last 12 months) 19

APPLICANT CERTIFICATION 21

CERTIFICATION BY PREPARER OF APPLICATION 22

SAMPLE DRAFT RESOLUTION Error! Bookmark not defined.

SECTION 1: GENERAL APPLICANT INFORMATION

Public Works Board Construction Loan Application

PRIMARY SYSTEM AFFECTED BY THIS PROJECT (check only one)

Roads, Streets

GENERAL APPLICANT INFORMATION

1.1	Applicant (Legal Name)	City of Des Moines, Washington											
1.2	Federal Tax ID #	9	1	-	6	0	1	6	4	9	6		
1.3	Statewide Vendor Number and Suffix	S	W	V								-	
1.4	Administrative office – Street Address	21630 11th Avenue South, Suite A											
	Mailing Address – (if different from street)												
	City	Des Moines											
	State	WA	Zip	9	8	1	9	8	-	6	3	1	7
1.5	County												
1.6	Legislative District of Project Area http://app.leg.wa.gov/districtfinder/	33rd				Congressional District of Project Area http://app.leg.wa.gov/districtfinder/				9th			
	Applicant's Contact Person	Brandon Carver											
1.7	Title	Engineering Services Manager											
	Mailing Address –	21650 11 th Avenue South											
	City	Des Moines											
	State	WA	Zip	9	8	1	9	8	-	6	3	1	7
	Telephone	(206) 870-6543											
	Email	bcarver@desmoineswa.gov											
1.8	Project Title	S. 216 th Street; Segment 1-A											
1.9	Loan Request	\$3,000,000											
1.10	Total Project Cost	\$8,149,100											

LEGISLATIVELY REQUIRED INFORMATION:

1.11	Does applicant jurisdiction (cities and counties only) have guidelines to process development permit requests? AND Does applicant jurisdiction abide by the guidelines set for processing permits? The guidelines should include:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<ul style="list-style-type: none"> The length of time between permit application submission and permit decision The information necessary to make a complete permit application A written explanation for denying a permit application, if applicable 	Yes	No	N/A
Review section 1(2), Chapter 231, 2007 Laws of 2007 See page 960 of the PDF (or page 952 of paper document): http://www.leg.wa.gov/CodeReviser/documents/sessionlaw/2007pam1.pdf				

GPS COORDINATES – Project Site (<http://www.gps-coordinates.net>)

1.12	Latitude (decimal degrees):			<u>47.40845737841777</u>	Longitude (decimal degrees):			<u>-122.30066299438476</u>	
N	<input checked="" type="checkbox"/>	Degrees:	Minutes:	Seconds:	N	<input type="checkbox"/>	Degrees:	Minutes:	Seconds:
S	<input type="checkbox"/>	<u>47</u> °	<u>24</u> ‘	<u>30.447</u> “	S	<input type="checkbox"/>	<u>122</u> °	<u>18</u> ‘	<u>2.386</u> “

MEASURES OF FISCAL CAPACITY

The next series of questions is intended to establish the level of the applicant’s fiscal capacity to incur debt.

1.13	Has the applicant experienced severe fiscal distress resulting from a natural disaster (e.g., Governor declared emergency) or emergency public works need in the past 12 months? If Yes, describe below.		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	<i>(Not a scored question, but the Board may take this into consideration during deliberation of the construction loan list as a balancing factor.)</i>			
	The event(s):			
	When occurred:			
Fiscal distress caused:				

NON-RATE BASED SYSTEMS

THE RESPONSE MUST ADDRESS THE PRIMARY SYSTEM IDENTIFIED AT THE TOP OF THE APPLICATION. This information will assist the Board in evaluating the applicant system’s financial capacity to incur debt. Please use system specific financial data to complete this section. The data will be used to calculate the debt service capacity ratio. (Max 4 points)

1.18	Number of people in jurisdiction: 30,000	Number of people served by the system in 2013: 7,139,000	Percentage of people in the system affected by this project: 100%		
	Applicant’s 2013 net operating revenues (General & Street Funds)		\$17,630,980		
	Applicants 2013 net operating expenses (General & Street Funds)		\$17,455,837		
	Applicant’s non-enterprise funds’ debt service obligations:				
	2013 – Actual	2014 – Estimated	2015 – Estimated	2016 – Estimated	2017 – Estimated
\$386,808	\$388,731	\$385,253	\$391,051	\$391,211	

THE RESPONSE MUST ADDRESS THE PRIMARY SYSTEM IDENTIFIED AT THE TOP OF THE APPLICATION. The data will be used to evaluate the impact of system costs on the applicant system’s population. (Max 10 points)

1.19	How much of the applicant’s General & Street Funds has been budgeted for the maintenance and operation of the system?	Year	\$ Amount	%	
		2013	\$1,591,688	%	
		2012	\$1,628,940	%	
		2011	\$1,685,730	%	
		2010	\$1,753,868	%	
		2009	\$1,720,696	%	
1.19	If a road/street is added (including the extension of an existing road/street), what mechanism is used to “connect” customers to the new road/street and at what cost? (e.g., impact fees, system development charges)?	Mechanism		Cost	
				\$	
		Total Impact Fees received in 2013 (\$)	Median Household Income (MHI)	Yearly Impact Fee (or monthly fee x 12) Divided by MHI	
		\$288,751	\$60,989 http://factfinder2.census.gov/faces/nav/jsf/pages/index.xhtml	4.73%	

1.20 Describe short- and long- term fiscal management strategies, which the applicant jurisdiction uses to maximize its ability to finance the system described in this application.
If there have been no increases in the system’s revenues over the last five (5) years, explain how the fiscal management strategies make it possible for the system to maintain service without increased revenues. (Max 1 point)

Phasing: S. 216th Street, Segment 1-A, is the last³⁷ of three phases of the Des Moines Transportation Gateway Project roadway improvements to be constructed. The PWTB funded design for the three phases via preconstruction loan 2009. Status of the three phases having a similar widening:

1. South 216th St, Segment 2 (24th Avenue S to 18th Avenue S) is substantially complete, 2013
2. 24th Avenue South (S. 208th Street to S. 216th Street) is under construction with scheduled 2014 completion; and
3. S. 216th St Segment 1-A (SR99 to 24th Avenue S) is in the right of way acquisition phase. (The City council authorized limiting the scope of improvements...deferring lane transitions east of SR99 to Segment 1-B)

The City of SeaTac, Connecting 28th/24th Avenue S" (S. 208th to S. 200th St) is scheduled for completion in 2016 to provide a continuous 5 lane arterial, parallel to SR99, from Sea-Tac International Airport south access to S. 216th Street.

Widening of S. 216th Street, Segment 1-B, (SR99 to I-5) has been deferred given uncertainties regarding SR509 construction and unscheduled replacement of the I-5 overcrossing with a 5 lane bridge.

Right of Way negotiations: Right of way plans are approved and right of way has been secured from two commercial/multifamily properties. Appraisals and negotiations are underway for the remaining parcels.

Fees and Regulations: Des Moines adopted traffic impact fees as a long term budget strategy, outlined in the Des Moines Municipal Code 12.40.

Frontage Improvements are required with development (DMMC 12.20) and SEPA evaluation for concurrency and mitigation for offsite improvements is another strategy to fund and implement roadway improvements associated with development and growth.

Other Financing Strategies: Requirements to underground utilities (DMMC 12.25) and assessment reimbursement contracts will be used, if applicable, to distribute costs to implement roadway improvements among development (DMMC 12.35).

Funding: Gas tax revenues support the CIP. Real Estate Excise Tax (REET) is another source of funding for transportation projects used by the City. The City continues to apply for various grants.

Operations and Maintenance: The City created a Transportation Benefit District (DMMC 12.30) in 2008 to make improvements that preserve and maintain the transportation infrastructure of the city. These funds augment the transportation funding sources to maintain improvements.

Overall, Des Moines has implemented multiple strategies to assemble funds in contribution to the construction and maintenance of roadway improvements associated with the planned development of this area. The City has the debt service capacity to meet the obligations of this PWTF loan.

SECTION 2: PROJECT INFORMATION

PROJECT DESCRIPTION

2.1 In 150 words or less, please describe the project to be completed. (Not scored)

S. 216th Street Segment 1-A, between 24th Avenue S. and SR99, will be widened to create a 5 lane "complete street" and principal arterial serving motorized and non motorized travel modes. This is the last ¼ mile Transportation Gateway project segment has been fully designed, reviewed and environmentally cleared for right of way acquisition. It will match the 5 lane profiles of 24th/28th Avenue South and S. 216th St, Segment 2, 24th Avenue S. to 18th Avenue S. The project will provide roadway capacity to support infilling and economic redevelopment of underutilized urban properties, provide congestion relief by matching lane capacity parallel to SR99, and formalize a Gateway entrance to the City's downtown. It will serve as a new south access connection to Sea-Tac International Airport, as well as support the new S. 200th St Link rail station within the sphere of the SeaTac Regional Growth Center. (PSRC Vision 2040).

- 2.2 Describe in detail all the activities required to complete this project. This should include only the contract deliverables, e.g., number of feet and size of pipe to be laid, etc. The activities listed here will be incorporated into the loan contract should this project be selected for funding. Do not use this section to explain the problem.
- The activities listed here must correspond with the 1) project schedule, 2) project costs, and 3) project funding.** (Maximum of 4,000 characters including letters, spaces, and punctuation – 1 page with 1 inch margins and 61 lines is approximately 4,000 characters. SEE GUIDELINES) (Not scored. Used as reference material in conjunction with schedule, costs, funding, and permitting.)

S. 216th Street Segment 1-A, between SR99 and 24th Avenue South, will be widened to provide an additional travel lane in each direction, bicycle lanes, underground utilities and storm drainage improvements, street trees and landscaping, improved LED street and pedestrian lighting, wider 9' sidewalks, ADA access improvements and other urban design features that are context sensitive to this emerging commercial area and gateway to the city. The project will include an EB to WB U-turn pocket and channelization at the SR99 I/C, addressing left turn commercial driveway conflicts within close proximity to the intersection.

This project supports the City's economic development centerpiece associated with redevelopment of Port of Seattle and adjoining properties. The City of SeaTac plans to advertise their connecting 28th/24th Avenue South project for construction in 2015 which matches the proposed S. 216th Street, Segment 1-A road profile and will provide an alternative south access to SeaTac Airport as well as the emerging PSRC SeaTac Regional Growth Center centered on a new ST Link light rail station.

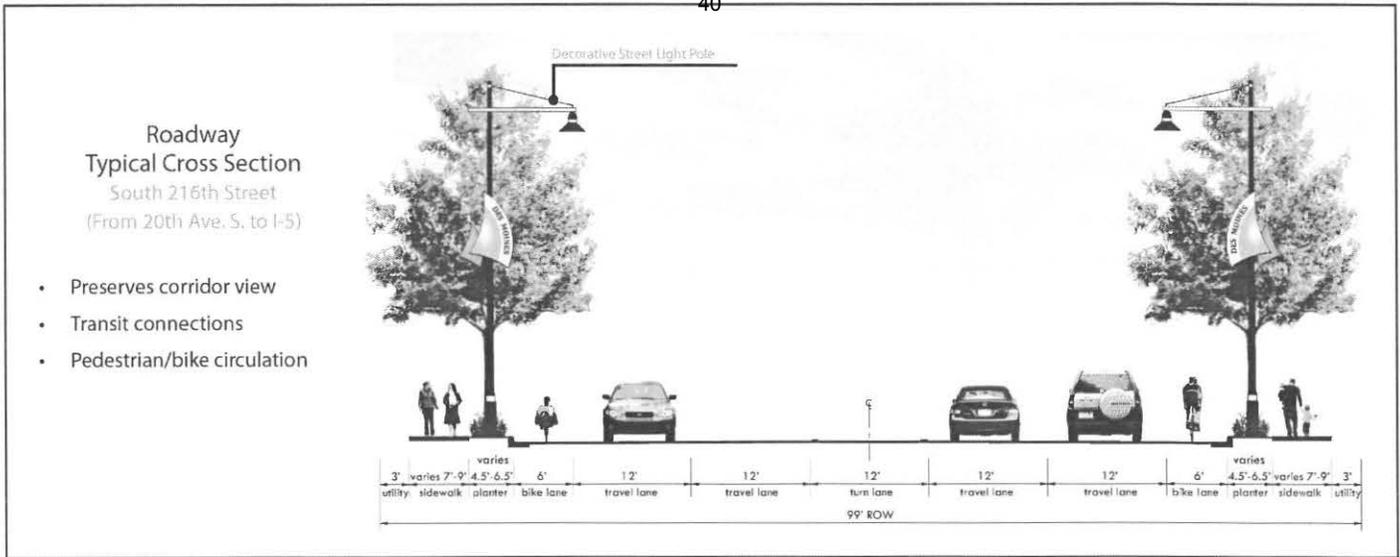
Major S. 216th Street construction bid Items include, but are not limited to:

1. Construction Surveying
2. Temporary Traffic Control
3. Mobilization
4. Removal of Structures and Obstructions
5. Roadway Excavation –
6. Import Roadway Fill Material
7. Import Roadway Base Material
8. Hot Mix Asphalt
9. Catch Basins
10. Temporary Water Pollution and Erosion Control
11. Irrigation and Street Trees
12. Landscaping & Urban Design Features
13. Curb and Gutter
14. Cement Concrete Sidewalk
15. ADA Sidewalk Ramps
16. Traffic Signal System Modifications (S 216th St & SR99)
17. Interconnect System Complete
18. LED Illumination System Complete
19. Pavement Markings & Permanent Signing
20. Utility Undergrounding

Construction inspection will consist of the following major elements:

1. Project Management
2. On-Call Construction Surveying
3. Preconstruction Services
4. Community Outreach
5. Construction Services – Field and Office
6. Change Orders





REQUIRED PERMITS (LOCAL, STATE, AND FEDERAL)

2.3 List permits required for the proposed project and indicate status of each permit (e.g., applied for, pending, issued, etc.) If no permits are required, explain why not. Needs to correspond with Question 4.1 Readiness-to-Proceed. Attach additional pages if more than five (5) permits are needed for the project. For assistance with permitting requirements, contact the Office of Regulatory Assistance or go to <http://www.ora.wa.gov>. (This section is not scored, but will be cross-referenced with Readiness-to-Proceed section and may impact scoring associated with Readiness-to-Proceed.)

Permit	Expected Date Submitted	Expected Date Issued or Received	Status
1. SHPO Approval *		5/5/09	Complete
2. NEPA Documented CE *		10/13/10	Complete
3. SEPA DNS *		11/18/10	Complete
4. WSDOT Channelization Approval *		2/25/11	Complete
5.			
If no permits are required, please explain why not.			

* Attached

PROJECT SCHEDULE

2.4 Indicate the month and year when the activities were or will be completed. Schedule should clearly correspond to Question 4.1 Readiness-to-Proceed in the Local Management Effort section. (Project Schedule is not scored, but will be cross-referenced with Readiness-to-Proceed and may impact scoring associated with Readiness-to-Proceed.)

Activity	Current Status	% Complete	Completion Date (Mo/Yr)
Engineering Report		100%	12/09
Cultural and Historical Resources Review (Section 106 or Executive Order 05-05) ¹		100%	5/09
Environmental Review		100%	11/10
Land/Right-of-Way Acquisition		50%	4/15
Permits		100%	2/11
Public Involvement/Information		95%	12/16
Bid Documents		85%	7/15
Award Construction Contract		0	10/15
Construction Start		0	12/15
Construction Complete		0	12/16
Project in Use		0	12/16
Investment Grade Efficiency Audit (if applicable):			
Other:			
Other:			

PROJECT COSTS

2.5 The Total Estimated Project Cost must equal the Total Project Funding in Question 2.6. The Project Costs table will become a part of the loan contract, should this project be approved for funding. (This section is not scored, but will be cross-referenced with the Readiness-to-Proceed section and may impact scoring associated with Readiness-to-Proceed.)

Cost Category	Amount
Engineering Report	\$ 195,000
Cultural and Historical Resources Review (Section 106 or Executive Order 05-05) ¹	\$ 32,000
Environmental Review	\$ 51,000
Land/Right-of-Way Acquisition	\$ 1,746,500
Permits	\$ 20,000
Public Involvement/Information	\$ 60,000
Bid Documents	\$ 450,000
Construction	\$ 4,344,800
Contingency (9%)	\$ 740,000
Investment Grade Efficiency Audit (if applicable):	\$
Other: Admin	\$ 342,900
Other: Utilities/ PSE undergrounding/	\$ 166,900

¹ The EO 05-05 requires recipients of state funds to consult with interested parties (i.e., Department of Archaeology and Historic Preservation, and Tribes) prior to starting project construction. For Construction loans, this consultation should take place as early as possible, in order to avoid delays in starting the project construction. If you have questions regarding this process, please contact Heather Youckton at (360) 725-2744 or email her at Heather.Youckton@commerce.wa.gov.

PROJECT FUNDING

2.6 The Total Project Funding must equal the Total Estimated Project Cost in Question 2.5.

Please state the status of the project's funding sources as follows:

- Funds are **Planned** for if they are found in a formally adopted Capital Facilities Plan.
- Funds are **Applied** for if a formal application has been submitted to a funding source, and the funding source considers that application or funding request as having been submitted (attach notification from funder that application has been received).
- Funds are considered **Awarded** if a formal notice of approval for the funds is in place from the funding source (attach letter from funder or contract number). Local revenue must be in an approved budget to be considered in-hand.

(This section is not scored but will be checked for accuracy and cross-referenced with the Readiness-to-Proceed section.)

Type of Funding	Identify Source ²	Amount	Status (Planned, Applied, Awarded, etc.)	Contract/Reference Number
Grants (State/Federal Agency or Organization) – Non Match				
Grant #1	FMSIB	\$1,000,000	Applied	
Grant #2	Federal STP	\$1,000,000	Applied	
Grant #3	Federal STP	\$1,150,000	Planned	
Total Grants		\$		
Prior Pre-Construction Loans from the Public Works Board – Non Match				
Non-Match Loan #1	PWTF PRO RATED	\$ 325,000	Confirmed	PR 08-951-112
Non-Match Loan #2		\$		
Total Prior Pre-Construction Loans		\$ 325,000		
Loans (State, Federal, Private Agency or Organization)				
This Construction Loan Request	Public Works Board	\$3,000,000	Proposed	
Other Loan #1		\$		
Other Loan #2		\$		
Total Loans		\$		
Local Revenue (Rates, General Fund, Levies, Reserves, Assessments, ULID, LID, etc.)				
Local Revenue #1	Traffic Impact Fees	\$ 800,000	Confirmed	CIP: 2014 –19
Local Revenue #2	Transportation CIP	\$ 684,600	Confirmed	CIP: 2014 –19
Local Revenue #3				
Total Local Revenue		\$		
Other Funds				
Other Funds #1	Highline Water district	\$ 39,500	Planned	
Other Funds #2	Utility Undergrounding	\$150,000	Confirmed	
Total Other Funds		\$		
TOTAL PROJECT FUNDING		\$8,149,100		

² If federal funds are included in the project-funding package, the project is subject to the federal Section 106 Cultural Historic Requirements. If you have questions regarding this process, please contact Heather Youckton at (360) 725-2744 or email her at Heather.Youckton@commerce.wa.gov.

2.7 Are there any constraints on the identified funding sources in Question 2.6 Project Funding?
If yes, please explain. *(Not scored)* Yes No

Traffic Impact fees are associated with contributions from development that must be spent to increase roadway capacity. In lieu fees are directly tied to the timing of project improvements fronting the roadway. Project development is scaled to construction funding and project phasing. Federal funds are subject to Section 106, of the National Historic Preservation Act. As well FHWA requirements related to Buy America, DBE, and minority training.

2.8 Indicate with a Y/N below which of the following financing options have been attempted for this project and provide dates of those attempts.
Please describe whether the attempt was successful, and if not, why not. If an option has not been attempted, please explain why. *(Not scored)*

Bond issuance		Local improvement district		Applications for federal or state funding		Applications for private funding	
Attempted?	N	Attempted?	N	Attempted?	Y	Attempted?	y
Date(s) of attempts:		Date(s) of attempts:		Date(s) of attempts:		Date(s) of attempts:	
				PWTF 4/16/12		Port of Seattle, 6/15/12; 2/20/14	
				Federal STP 05/07/14			
Successful?	N	Successful?	N	Successful?	N	Successful?	Y
If not attempted, why was this option not feasible?		If not attempted, why was this option not feasible?		If not attempted, why was this option not feasible?		If not attempted, why was this option not feasible?	

<p>Pursuit of PWTF Loan is more manageable, feasible and cost effective for the City</p>	<p>Benefits of the project are system wide, beyond the responsibility of the adjoining property owners.</p>	<p>44</p> <p>A pre-construction loan from the PWTF was secured to design the Transportation Gateway Project (PR08-951-112). Applications for FMSIB and Federal STP funds are pending. A 2012 application for a PWTF construction loan (24th Ave S) was approved, but not appropriated. Locally Gateway project and Federal funds were secured to advance this segment into construction. This application requests reallocation of the 24th Ave S funding authorization to this remaining Segment 1-A of the Transportation Gateway Project:</p>	<p>Private funding (\$6M) from the Port of Seattle has been secured and are carried forward in the City's Transportation CIP fund. Contingency funds remaining from the other two project segments under construction are intended to be redirected to this project consistent with the agreements with the Port of Seattle.</p>
--	---	--	--

SECTION 3: PROJECT NEED AND SOLUTION

This section includes a series of questions related to the need for the project and the proposed solution to the problem. Have thorough and complete responses.

Attach any verifying information if necessary to clarify the degree of the problem (i.e., regulatory orders, negotiated letters of agreement, etc.).

This is the applicant's opportunity to state the problem and its impact on the community.

The information below states the Program's priorities, which are used to recommend projects for funding.

- The program priority in which the project falls,
- Need assessment,
- How well the situation is documented, and
- How well the proposed solution addresses the problem.

Program Priorities:	<ol style="list-style-type: none"> 1. Public health and safety 2. Environmental health 3. Economic Development/ Smart Growth 						
Assessing Need:	<table border="1"> <tbody> <tr> <td data-bbox="493 730 732 919">SEVERE SITUATION – or – CHANCE OPPORTUNITY</td> <td data-bbox="732 730 1518 919"> <ul style="list-style-type: none"> • Project is to fix systems that have failed, are in imminent danger of failing, and/or are currently out of regulatory compliance (under an active regulatory order). • An economic opportunity has presented itself provided that the local government improves infrastructure to take advantage of the opportunity. </td> </tr> <tr> <td data-bbox="493 919 732 1108">MODERATE</td> <td data-bbox="732 919 1518 1108"> <ul style="list-style-type: none"> • The project is being done to meet emerging regulatory requirements and/or the project is being done to bring a non-compliant (but not under regulatory order) system up to existing standards. • Local government is improving the local business climate for future business expansion. </td> </tr> <tr> <td data-bbox="493 1108 732 1268">POTENTIAL/ PREVENTATIVE</td> <td data-bbox="732 1108 1518 1268"> <ul style="list-style-type: none"> • Project is necessary for the repair or replacement (end of lifecycle). • Project is being done to enable potential opportunities for growth and/or economic development and/or smart growth principles. </td> </tr> </tbody> </table>	SEVERE SITUATION – or – CHANCE OPPORTUNITY	<ul style="list-style-type: none"> • Project is to fix systems that have failed, are in imminent danger of failing, and/or are currently out of regulatory compliance (under an active regulatory order). • An economic opportunity has presented itself provided that the local government improves infrastructure to take advantage of the opportunity. 	MODERATE	<ul style="list-style-type: none"> • The project is being done to meet emerging regulatory requirements and/or the project is being done to bring a non-compliant (but not under regulatory order) system up to existing standards. • Local government is improving the local business climate for future business expansion. 	POTENTIAL/ PREVENTATIVE	<ul style="list-style-type: none"> • Project is necessary for the repair or replacement (end of lifecycle). • Project is being done to enable potential opportunities for growth and/or economic development and/or smart growth principles.
SEVERE SITUATION – or – CHANCE OPPORTUNITY	<ul style="list-style-type: none"> • Project is to fix systems that have failed, are in imminent danger of failing, and/or are currently out of regulatory compliance (under an active regulatory order). • An economic opportunity has presented itself provided that the local government improves infrastructure to take advantage of the opportunity. 						
MODERATE	<ul style="list-style-type: none"> • The project is being done to meet emerging regulatory requirements and/or the project is being done to bring a non-compliant (but not under regulatory order) system up to existing standards. • Local government is improving the local business climate for future business expansion. 						
POTENTIAL/ PREVENTATIVE	<ul style="list-style-type: none"> • Project is necessary for the repair or replacement (end of lifecycle). • Project is being done to enable potential opportunities for growth and/or economic development and/or smart growth principles. 						
Supporting Documentation:	<table border="1"> <tbody> <tr> <td data-bbox="493 1283 732 1440">SEVERE SITUATION – or – CHANCE OPPORTUNITY</td> <td data-bbox="732 1283 1518 1440"> <ul style="list-style-type: none"> • Court orders • Official regulatory orders • Negotiated agreement with an external agency • A letter of commitment/intent from a business </td> </tr> <tr> <td data-bbox="493 1440 732 1566">MODERATE</td> <td data-bbox="732 1440 1518 1566"> <ul style="list-style-type: none"> • External agency is driving the project/timeline • Project specific formal studies and/or reports (either from an internal or external source) • A letter of interest from a business </td> </tr> <tr> <td data-bbox="493 1566 732 1640">POTENTIAL/ PREVENTATIVE</td> <td data-bbox="732 1566 1518 1640"> <ul style="list-style-type: none"> • Internal monitoring • Awareness of a problem </td> </tr> </tbody> </table>	SEVERE SITUATION – or – CHANCE OPPORTUNITY	<ul style="list-style-type: none"> • Court orders • Official regulatory orders • Negotiated agreement with an external agency • A letter of commitment/intent from a business 	MODERATE	<ul style="list-style-type: none"> • External agency is driving the project/timeline • Project specific formal studies and/or reports (either from an internal or external source) • A letter of interest from a business 	POTENTIAL/ PREVENTATIVE	<ul style="list-style-type: none"> • Internal monitoring • Awareness of a problem
SEVERE SITUATION – or – CHANCE OPPORTUNITY	<ul style="list-style-type: none"> • Court orders • Official regulatory orders • Negotiated agreement with an external agency • A letter of commitment/intent from a business 						
MODERATE	<ul style="list-style-type: none"> • External agency is driving the project/timeline • Project specific formal studies and/or reports (either from an internal or external source) • A letter of interest from a business 						
POTENTIAL/ PREVENTATIVE	<ul style="list-style-type: none"> • Internal monitoring • Awareness of a problem 						
Proposed Solution:	<table border="1"> <tbody> <tr> <td data-bbox="493 1654 732 1812">SEVERE SITUATION – or – CHANCE OPPORTUNITY</td> <td data-bbox="732 1654 1518 1812"> <ul style="list-style-type: none"> • Solution clearly solves the problem • Solution clearly maximizes the opportunity </td> </tr> <tr> <td data-bbox="493 1812 732 1885">MODERATE</td> <td data-bbox="732 1812 1518 1885"> <ul style="list-style-type: none"> • Solution does not solve the entire problem or fully leverage the opportunity </td> </tr> <tr> <td data-bbox="493 1885 732 1944">POTENTIAL/ PREVENTATIVE</td> <td data-bbox="732 1885 1518 1944"> <ul style="list-style-type: none"> • Solution does not directly address the problem or take advantage of the opportunity </td> </tr> </tbody> </table>	SEVERE SITUATION – or – CHANCE OPPORTUNITY	<ul style="list-style-type: none"> • Solution clearly solves the problem • Solution clearly maximizes the opportunity 	MODERATE	<ul style="list-style-type: none"> • Solution does not solve the entire problem or fully leverage the opportunity 	POTENTIAL/ PREVENTATIVE	<ul style="list-style-type: none"> • Solution does not directly address the problem or take advantage of the opportunity
SEVERE SITUATION – or – CHANCE OPPORTUNITY	<ul style="list-style-type: none"> • Solution clearly solves the problem • Solution clearly maximizes the opportunity 						
MODERATE	<ul style="list-style-type: none"> • Solution does not solve the entire problem or fully leverage the opportunity 						
POTENTIAL/ PREVENTATIVE	<ul style="list-style-type: none"> • Solution does not directly address the problem or take advantage of the opportunity 						

PROJECT CATEGORY

<p>3.1 For the applicant's primary system, as selected at the top of this application, identify the sub-category that is most affected by the proposed project. Check only one. (Max 8 points; the Board may take this into consideration during deliberation of the construction loan list as a balancing factor.)</p>					
	8 points	6 points	4 points	2 points	1 point
Road/Street	<input checked="" type="checkbox"/> Principal Arterial or bridge designed for trucks weighing 36 tons or more	<input type="checkbox"/> Minor Arterial or bridge designed for trucks weighing between 27 to 35 tons	<input type="checkbox"/> Major Collector or bridge designed for trucks weighing between 21 to 26 tons	<input type="checkbox"/> Minor Collector or bridge designed for trucks weighing 20 tons or less	<input type="checkbox"/> Local/Other

GENERAL PROJECT NEED QUESTIONS

The answers to Questions 3.2 through 3.7 must relate to the **primary system** as identified at the top of the application. Be thorough and complete when responding.
 (Max 52 points; scoring will be derived from the responses to Questions 3.2-3.28)

3.2	How old are the components being corrected by the project? <i>Example: 40 years old</i> 30 years old	What are the component materials and what are they made of? <i>Example: asbestos cement pipes</i> Asphalt	What is the condition of the system components, which are being corrected by the project? <i>Example: Deteriorating: they crumble when flushed for routine maintenance.</i> PCI rating of 42 out of 100.
3.3	What are the impacts the existing situation has, or will have, on the system's operation and expenses, if this project is not completed? The existing roadway does not provide adequate capacity to serve anticipated traffic from pending development, or completion of the Connecting 28th/24th Avenue S. project linking S. 216th Street/SR99 to SeaTac Airport in 2016.		
3.4	What are the impacts the existing situation has, or will have, on the environment and/or endangered species, if this project is not completed? The City of Des Moines, Port of Seattle and City of SeaTac's infill economic development and transportation objectives will be compromised without S. 216th Street Segment 1-A improvements. SR99 congestion relief target related to Connecting 28th/24th Avenue S. between Sea-Tac Airport and S. 216th Street will not be realized without the additional roadway capacity that this principal arterial link will provide. Access to the Link light rail station at S. 200th St will be constrained. Narrow sidewalks and bicycle lanes, substandard ADA facilities, lack of pedestrian street lighting, and other context sensitive streetscape features will not enhance pedestrian and transit connections to evolving businesses such as the Des Moines Creek Business Park from the SR99 bus rapid transit (BRT) stations to 24th Avenue South (¼ mile walk). The current sidewalk configuration is not ADA compliant and the pedestrian/bicycle facilities are not conducive to support a transit mode shift or incentives to reduce motor vehicle dependency and greenhouse gases. Without the project, storm water from this street segment will not be treated or detained to protect the Des Moines Creek drainage system.		

3.5	<p>Is this project being done in partnership with any other organizations/agencies? If Yes, please identify the partner(s) and describe the roles of each partner. See Guidelines for details. (The Board may take this into consideration during deliberation of the construction loan list as a balancing factor.)</p>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No										
<table border="1"> <thead> <tr> <th data-bbox="170 220 625 252">PARTNER</th> <th data-bbox="625 220 1120 252">ROLE</th> </tr> </thead> <tbody> <tr> <td data-bbox="170 252 625 399">Port of Seattle</td> <td data-bbox="625 252 1120 399">Des Moines Creek Business Park (DMCBP) Development Agreement #2, as revised, provides funding for frontage improvements for the Transportation Gateway Project and other concurrent development commitments</td> </tr> <tr> <td data-bbox="170 399 625 514">King County Metro</td> <td data-bbox="625 399 1120 514">Provider of BRT and local transit service an supporter of S. 216th Street, Segment 1-A as a transit/ADA pedestrian corridor</td> </tr> <tr> <td data-bbox="170 514 625 619">Private Utilities</td> <td data-bbox="625 514 1120 619">PSE, Comcast and Centurylink franchised utilities have partnered to relocate underground utilities and remove conflicts.</td> </tr> <tr> <td data-bbox="170 619 625 735">City of SeaTac</td> <td data-bbox="625 619 1120 735">Dependent upon the S. 216th Street connection between SR99 and 28th/24th Avenue S for freight mobility and SR99 congestion relief</td> </tr> </tbody> </table>		PARTNER	ROLE	Port of Seattle	Des Moines Creek Business Park (DMCBP) Development Agreement #2, as revised, provides funding for frontage improvements for the Transportation Gateway Project and other concurrent development commitments	King County Metro	Provider of BRT and local transit service an supporter of S. 216 th Street, Segment 1-A as a transit/ADA pedestrian corridor	Private Utilities	PSE, Comcast and Centurylink franchised utilities have partnered to relocate underground utilities and remove conflicts.	City of SeaTac	Dependent upon the S. 216 th Street connection between SR99 and 28 th /24 th Avenue S for freight mobility and SR99 congestion relief		
PARTNER	ROLE												
Port of Seattle	Des Moines Creek Business Park (DMCBP) Development Agreement #2, as revised, provides funding for frontage improvements for the Transportation Gateway Project and other concurrent development commitments												
King County Metro	Provider of BRT and local transit service an supporter of S. 216 th Street, Segment 1-A as a transit/ADA pedestrian corridor												
Private Utilities	PSE, Comcast and Centurylink franchised utilities have partnered to relocate underground utilities and remove conflicts.												
City of SeaTac	Dependent upon the S. 216 th Street connection between SR99 and 28 th /24 th Avenue S for freight mobility and SR99 congestion relief												
3.6	<p>Is this project being done to comply with emerging/maintaining/anticipating regulatory requirements or economic opportunities? If yes, please describe.</p>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No										
<p>As part of the Port of Seattle’s Century Agenda to triple the volume of Sea-Tac Airport air cargo and expand local business opportunities, Panattoni Development Company, Inc. (Pannatoni) was selected by the Port of Seattle from four prospective firms to develop the 89 acre Des Moines Creek Business Park. Under an agreement between the City of Des Moines and the Port of Seattle, Panantoni applied for a permit to begin first phase construction of 1 million sq ft of warehouse facilities. This phase is scheduled to development to be completed in the Spring of 2015.</p> <p>Panattoni is one of the largest commercial real estate development companies in the world having developed 175 million square feet of space globally. Panattoni’s vision is to create a Class A business park including up to 2,000,000 square feet of flexible-use, manufacturing, office, distribution and industrial business park buildings to accommodate tenants that desire immediate proximity to Sea-Tac Airport (such as freight, avionics manufacturers, air cargo company offices). The Connecting 28th/24th Avenue S arterial project and ST2 rail/park & ride station (under construction) will be complete by 2016. There is an urgent need to provide additional vehicle capacity on S. 216th St, Segment 1-A to support local and regional growth plans for this area as well as relieve SR 99 congestion.</p>													
3.7	<p>Have any other measures/activities been undertaken to address the problem/situation/opportunity? If Yes, please describe. If No, explain why not?</p>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No										
<ol style="list-style-type: none"> 1. Port of Seattle, Des Moines Creek Business Park, 2nd Development Agreement, 6/15/12, revised 2/20/14 2. Des Moines City Council Resolution 1188, 4/26/2012, 24th/28th Avenue Corridor 3. Puget Sound Energy, “Schedule 74 Agreement,” 11.30.09 (cost sharing for undergrounding vaults, conduit, and right of way 4. PSRC Concurrence, Federal Functional Re-Classification, S. 216th St, Principal Arterial, 2/3/14 5. Des Moines City Council Motion – S. 216th Street Segment 1-A Right of Way Acquisition 3/13/14 													

Road/Street or Bridge Projects ONLY (in the last five years)							
3.24	What is the project area's current Level of Service (LOS). Please mark the appropriate LOS. http://www.wsdot.wa.gov/maintenance/mgmt/ser vice.htm	LOS A	LOS B	LOS C	LOS D	LOS E	LOS F
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	What is the project area's adopted LOS? Please mark the appropriate LOS. http://www.wsdot.wa.gov/maintenance/mgmt/ser vice.htm	LOS A	LOS B	LOS C	LOS D	LOS E	LOS F
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Upon project completion, what is the project area's anticipated LOS? Please mark the appropriate LOS. http://www.wsdot.wa.gov/maintenance/mgmt/ser vice.htm	LOS A	LOS B	LOS C	LOS D	LOS E	LOS F
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
If the proposed project will not achieve the minimum locally adopted LOS, please explain why not.							
The intersection of S. 216th Street at SR99 is a three (3) lane configuration with 13,000 ADT (2014), including narrow bicycle lanes and right turn lane pockets. The maximum capacity, 18,000 ADT will be exceeded with planned development and concurrent extension of the 24th/28th Avenue S. Corridor. This project is necessary to maintain the locally adopted LOS>							
3.25	Describe existing hazard(s) within the project limits and how this project mitigates the hazard(s), or why the project will not resolve the hazard(s).						
	A major retail shopping center driveway is located on S. 216th Street within 150' of the intersection of SR99. This is the 2ND highest accident intersection in the City of Des Moines as well as the 3rd highest accident midblock location. Left turn conflicts from this driveway will be eliminated by construction a median barrier and a EB to WB U-turn pocket on S. 216th Street at SR99 as proposed with the S. 216th St, Segment 1-A project.						
3.26	Provide the project area's vehicle accident history (in percent of events per vehicular mile).	% of property damage accidents per vehicular mile	% of injury accidents per vehicular mile	% of fatality accidents per vehicular mile	Total number of accidents		
		.08	.04	0	9		
3.27	Does the project area have any officially imposed weight limits or road/street restrictions? If Yes, list the restrictions and attach supporting documentation (resolution, moratorium, etc.).						
	<input checked="" type="checkbox"/> Yes			<input type="checkbox"/> No			
S. 208th Street, a parallel e-w street linking SR99 to 24th Avenue S. has a 7,000 lb weight limit by the City of SeaTac precluding truck and freight use. These vehicles rely on S. 216th Street to access this corridor							
3.28	For road/street projects only: What is the project area's current pavement rating using the Pavement Condition Index scale of 0-100? http://training.ce.washington.edu/WSDOT/state_information/11_pavement_management/wsdot_pms.htm						
	PCI RATING: 42						

3.29 Please include a Problem-Solution-Result narrative about the problem being solved.

This is the applicant's opportunity to state the problem or possibility, its impact on the community, and the benefits to be achieved through this project.

Attach relevant documents (i.e., regulatory orders, negotiated letter of agreements, resolutions, moratoriums, etc.) to clarify the degree of the problem or opportunity.

The project need will be evaluated on:

- Clarity of the need, including whether it is substantiated by data and documentation
- A comparison of the relative hardship or possibility and the frequency of the identified need
- The level of urgency required to address the need.

Please use a maximum of 4,000 characters in each response box: Problem, Solution, and Result (including letters, spaces, and punctuation). 1 page with 1-inch margins and 61 lines is approximately 4,000 characters.

SEE GUIDELINES

Problem/Opportunity: Please describe the problem, or opportunity, facing the community.

Near term (2014-2016): the Transportation Gateway Project exemplifies a smart growth initiative for the City of Des Moines where properties condemned by SeaTac International Airport noise mitigation nearly 30 years ago are being transformed and in-filled with aviation support and freight oriented businesses including in the 89 acre Des Moines Creek Business Park (DMCBP). Supported during design by a loan from the PWTF, the frontage roadways on S. 216th Street (Segment #2) and 24th Avenue S. are under construction contracts and will be completed by 2014. Employment and economic development activities in and around the DMCBP are estimated to provide an additional 1,200 to 2,100 direct, family wage paying jobs.

Widening of S. 216th St, Segment 1-A, is the last ¼ mile arterial segment needed serve this growth. A complete street will be created with multi modal pedestrian, bicycle and automobile improvements, including LED lighting and street furniture. A development agreement with the Port of Seattle for the DMCBP has been reached and a major national and international developer, Panattoni Development Company and the City expects to grant approval to begin grading of the property by May, 2014 with construction of about 1 million sq ft of warehouse buildings to be completed by April 2015. A pedestrian/bicycle corridor connecting Bus Rapid Transit (BRT) service on SR99 with local service on 24th Avenue South is incorporated within the S. 216th Street Segment 1-A improvements including context sensitive urban design features that will serve future employees.

Mid term (2016-2020): The Transportation Gateway project intertwines with the SeaTac Regional Growth Center when the fully funded 28th/24th Avenue S. connection is complete in 2016 by the City of SeaTac. Plans for aviation support businesses as well as transit oriented development associated with the S. 200th Street Link Light Rail Station (2016) will result in a robust urban community and more infilling of urban lands consistent with the State of Washington Growth Management Plan. The Transportation Gateway S. 216th Street/24th Avenue S. principal arterial segments will then become critically important as an interim solution for the long sought SeaTac Airport South Access road, connecting S. 188th Street to S. 216th Street.

Long Term (2020-2040): Infilling of the SeaTac Regional Growth Center is expected to create XXXX new jobs supported by the new roadway infrastructure. SR509 is planned to connect with I-5 with a new interchange on the 28th/24th Avenue South Corridor. Much of the SR509 project right of way has been acquired and project funding is being sought for construction including additional south access improvements to SeaTac International Airport. All of the near term and mid-term improvements are forward compatible with this mega project.

In conclusion, the 24th Avenue S. and S. 216th Street frontages have been widened to provide

immediate capacity to for this infill development. ⁵⁰ S. 216th Street, Segment 1-A is the remaining link to be funded and widened and will provide the needed future capacity not only for infilling of the City of Des Moines, but for infilling and development of the SeaTac Regional Growth Center.

Solution: Please describe the solution proposed to address the **Problem** or develop the **Opportunity**.

The solution is widening the roadway and creation of a complete street five lane street serving all modes of travel and the needed transportation infrastructure to serve near term and long term urban infilling and economic redevelopment of this area. Major left turn conflicts will be controlled by creation of a WB to EB u-turn pocket at the SR99 intersection. The roadway drainage system, with storm water treatment and detention facilities, will be improved. Wider sidewalks and bicycle lanes, ADA accessibility improvements, new pedestrian/street LED lighting, street trees and other context sensitive urban design features will benefit non motorized travel to businesses. S. 216th Street, Segment 1-A improvements will be particularly important to transit and ADA disabled customers who need a better pedestrian connection to SR99 BRT service.

Result: Please describe the results or benefits anticipated with the proposed **Solution**.

Roadway capacity will be expanded to support the City's economic centerpiece of the DMCBP and surrounding underutilized commercial properties. Combined with the 28th/24thA Avenue S. connection, the roadway will provide congestion relief for the SR99 corridor as well as improve safety and minimize conflicts related to left turn movements. Pedestrians, disabled citizens and bicycles will benefit by driveways, curb ramps, signals and other improvements are made ADA accessible. Storm water will be treated and retained to control runoff and mitigate downstream Des Moines Creek surface water contamination.

SECTION 4: LOCAL MANAGEMENT EFFORT

Local Management Effort responses are system specific and should be based on the primary system identified at the top of the application.

READINESS-TO-PROCEED

4.1	All responses are based on "at the time of application." If the applicant is not required to do a particular task, list N/A in "% completed at time of application" box <u>and</u> explain why the task is not required. In order to receive points for a task marked "N/A," an explanation must be included in the box below.	% completed at time of application (or N/A)
	Applicant certifies that the status of engineering and design is complete (Max 4 points) Name and license number of certified engineer <u>assigned</u> to the project: Name: Nelson Davis, KPG License #: 33070	100%
	Applicant certifies that all applicable permits are in hand (Max 3 points)	100%
	Applicant certifies that bid documents are ready (Max 4 points)	85%
	Applicant certifies that right-of-way/easement for project is acquired (Max 4 points)	50%
	Applicant certifies that cultural and historic consultation and environmental reviews are complete. (Max 4 points)	100%
	<i>If claiming 100% completion, attach verification that consultation with both Department of Archaeological and Historic Preservation (DAHP) and concerned tribe(s) has been complete.</i>	
	If "N/A" is listed for any of the above tasks explain why the activity is not required.	

LOCAL MANAGEMENT EFFORT (In the last 5 years)

4.2	<ul style="list-style-type: none"> What is the applicant's process for establishing the project system's maintenance schedule? How frequently is the system's maintenance schedule reviewed and updated? 	
	Give two specific examples of maintenance or operations activities performed on this system. If unable to give two examples from the prior five years, please explain why not. (Max 1 point)	
	The City of Des Moines created a Transportation Benefit District (DMMC 12.30) to fund and maintain the roadway infrastructure. The City also created and funded a surface water management program to protect the water quality of the City	
	Maintenance/ Operations Activity Example 1:	The City funds a street maintenance crew with responsibility for daily repair, maintenance and preservation of the City street system. Priorities for street maintenance set annually with concurrent with the adoption of the City budget. A specific example includes inventory and upgrade of all street signage in 2013 to meet MUTCD requirements.
	Maintenance/ Operations Activity Example 2:	The City funds a Surface Water Management Division with responsibility for repair, maintenance and operation of the City's storm water system including protection surface water quality. The City is managing the system in accordance with a NPDES permit issued 8/1/12 including inventory and maintenance of all facilities. The City has nearly completed updating a GIS mapping and work order system to regularly inspect (annually – large facilities or biannually – catch basins) and repair drainage control facilities.

4.3	List two distinct and separate capital improvements, other than <u>this</u> project, made to the system. If unable to give two examples from the prior five years, please explain why not. (Max 1 point)

Capital Improvements Example 1:	<p style="text-align: center;">52</p> <p>S. 216th Street Segment 2: 24th Avenue S to 18th Avenue S. (2012) –Improvements scoped to match profile of S. 216th Street Segment 1-A including the 24th Avenue S. intersection. Includes a 5 lane road profile, bicycle lanes, led street and pedestrian lighting, ADA and transit stop improvements including solar shelter lighting, landscaping and context sensitive urban design features, underground utilities, storm water treatment and retention, a new traffic signal at S. 20th Street and widening/signal modifications at 24th Avenue S.</p>
Capital Improvements Example 2:	<p>24th Avenue South Improvements: S. 216th Street to S. 208th Street – Improvements match planned profiles of S. 216th Street Segment 1-A, Segment 2 as well as the Connecting 28th/24th Avenue South project in the City of SeaTac. The contract was awarded 8/9/13 and construction is scheduled to be complete in the fall of 2014. Included is widening (2 lane roadway to 5 lanes) including left turn lane, bicycle lanes, curb/gutter, sidewalks, landscaping, LED street lighting, underground utilities, and storm drainage improvements. The design is context sensitive to future use as a commercial freight corridor linked to SeaTac Airport.</p>

4.4	<ul style="list-style-type: none"> Describe the planning and public involvement activities performed that identify and/or prioritize local public works maintenance and capital needs for the applicant system. Give two specific examples of planning activities performed on this system in the last five years. If unable to do so, please explain why not. (Max 1 point)
<p>City of Des Moines Transportation Improvement Program; Transportation Gateway Project (on-going)</p>	
Planning Activity Example 1:	<p>2013: The 2014-2033 Transportation Program, 7/11/13, is updated annually after public hearing.</p>
Planning Activity Example 2:	<p>2009-2014: The Transportation Gateway Project has a citizen participation component with extensive public involvement during the preliminary, final design, right of way and construction phases.</p>

STEWARDSHIP OF WASHINGTON'S NATURAL RESOURCES (RCW 70.235.070) (In last 12 months)

4.5	<p>During the last 12 month period, what activities have been done on the:</p> <ol style="list-style-type: none"> Jurisdiction level to conserve Washington's natural resources? System level to conserve Washington's natural resources? <p>If nothing has been done, please explain why not. SEE GUIDELINES FOR EXAMPLES (Max 3 points)</p> <p>What aspect of this project will result in the conservation of Washington's natural resources? (e.g., metering the system; reusing methane gas for energy creation; planting trees to offset carbon emissions, etc.)</p>
Jurisdiction level conservation activity Example 1:	<p>Implementation of a Western Washington Phase II Municipal Storm Water Permit, 8/1/12 meeting the terms of the National Pollutant Discharge Elimination System for the City's storm water management system.</p>

System level conservation activity Example 2:	Citywide implementation⁵³ of a streetlight system conversion: 1021 High Pressure Sodium (HPS) fixtures to energy efficient LED lighting fixtures, 2013- 2015.
Project level conservation activity Example 3:	Greenroad Foundation: Bronze Certification, S. 216th Street, Segment 2, 24th Avenue S to 18th Avenue S. Awarded under a ranking system for outstanding sustainable environmental design and construction practices (pending – May, 2014).
<p>NOTE! In order to receive the point for the Project level conservation activity, applicant must be willing to have that response included in the 2016 Construction Loan Contract as a contractually obligated requirement. <i>See guidelines for details.</i></p> <p>Do you agree to this requirement: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	

APPLICANT CERTIFICATION

WHEREAS, **The City of Des Moines, WA** is applying to the Washington State Public Works Board Construction Loan program for a loan for an eligible project; and

WHEREAS, RCW 43.155.070 requires that applicants planning under RCW 36.70A.040 must have adopted comprehensive plans in conformance with the requirements of chapter 36.70A RCW, and must have adopted development regulations in conformance with the requirements of chapter 36.70A RCW; and

WHEREAS, RCW 70.95 requires a comprehensive Solid Waste Management plan be adopted by the city or county; and

WHEREAS, RCW 43.155.070(10) requires that solid waste or recycling facility is consistent with and necessary to implement the comprehensive solid waste management plan adopted by the city or county under chapter 70.95 RCW.

WHEREAS, the applicant certifies that it has a currently adopted plan for each and every one of the systems it owns and operates and that these plans fully conform to the specifics within this application; and

WHEREAS, RCW 43.155.070 requires that county and city applicants must have adopted the local optional one-quarter of one percent Real Estate Excise Tax, as described in Chapter 82.46 RCW; and

WHEREAS, the applicant states that their Capital Facility Plan is consistent with the Comprehensive Land Use Plan of the jurisdiction in which they provide service; and

WHEREAS, the local governing body has approved submission of this application for a Public Works Board Construction Fund loan; and

WHEREAS the applicant certifies that if they have permitting authority (Counties and Cities) that they have developed and are adhering to guidelines regarding their permitting process for those applying for development permits consistent with section 1(2) of Chapter 31, 2007 laws.

WHEREAS the applicant certifies that it has adopted, and that this project adheres to policies to reduce greenhouse gas emissions in accordance with RCW 70.235.070.

WHEREAS the applicant certifies that, there is currently no litigation in existence seeking to enjoin the commencement or completion of the above-described public facilities project or to enjoin the applicant from repaying the Public Works Board Construction loan extended by the Public Works Board with respect to such project. The applicant is not a party to litigation, which will materially affect its ability to repay such loan on the terms contained in the loan agreement.

WHEREAS, the applicant recognizes and acknowledges that the information in the application forms is the only information, which will be considered in the evaluation and/or rating process. Incomplete responses will result in a reduced chance of funding. In order to ensure fairness to all, the Public Works Board does not accept any additional written materials or permit applicants to make presentations before the Board; and

WHEREAS, it is necessary that certain conditions be met as part of the application process; and

WHEREAS, RCW 43.155.060 requires that the project will be advertised for competitive bids and administered according to standard local procedure; and

WHEREAS, the loan will not exceed the maximum amount allowed by the Board of eligible costs incurred for the project; and

WHEREAS, the applicant certifies that the improvement has a minimum life expectancy of at least the number of years of the loan term for which they are applying; and

WHEREAS, any loan arising from this application constitutes a debt to be repaid, and **Paula Henderson, Finance Director** has reviewed and concluded it has the necessary capacity to repay such a loan; and

WHEREAS, the information provided in this application is true and correct to the best of the government's belief and knowledge and it is understood that the state may verify information, and that untruthful or misleading information may be cause for rejection of this application or termination of any subsequent loan agreement(s); and

NOW THEREFORE, **the City of Des Moines, WA** certifies that it meets these requirements, and further that it intends to enter into a loan agreement with the Public Works Board, provided that the terms and conditions for a Public Works Board Construction loan are satisfactory to both parties.

Signed:

Name: Anthony Piasecki

Title: Des Moines City Manager

Phone Number: (206) 870-6541

Date: _____

Attest: _____

Bonnie Wilkins, Des Moines City Clerk

CERTIFICATION BY PREPARER OF APPLICATION

To Be Completed by Staff Member or Consultant

WHEREAS, **Brandon Carver, PE**, has prepared this application for a Washington State Public Works Board Construction loan; and

WHEREAS, the preparer recognizes and acknowledges that the information in this application is the only information that will be considered in the evaluation and/or rating process. Incomplete responses will result in a reduced chance of funding, and that in order to ensure fairness for all, the Public Works Board does not accept any additional written materials or permit applicants to make presentations before the Board; and

WHEREAS, the information provided in this application is true and correct to the best of the preparer's belief and knowledge; and

NOW THEREFORE, **Brandon Carver** recognizes and acknowledges the above declarations and certifies that this application meets the above requirements.

Signed: _____

Name: Brandon Carver, PE

Title: City of Des Moines Engineering Services Manager

Phone Number: 206.870.6543

Date: _____

Attest: _____

_____ Date

**Public Works Trust Fund Construction Loan
Transportation Gateway Project
S. 216th Street, Segment 1-A
DRAFT RESOLUTION NO. 14-071**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DES MOINES, WASHINGTON, related to South 216th Street, Segment 1-A (Pacific Highway S. to 24th Avenue S.), one of three CIP project segments collectively referred to as the Transportation Gateway Project.

WHEREAS, The City of Des Moines is pursuing a Public Works Board 2016 Construction Loan to improve S. 216th Street, Segment 1-A deemed necessary to support implementation of the City of Des Moines Comprehensive Plan, 2009, as amended, and the City of Des Moines 2014-2019 Capital Improvement Plan Project #319.332; and

WHEREAS, the repayment of the Public Works Board 2016 Construction loan requires adequate revenue to meet debt service.

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

Sec. 1. The City of Des Moines will maintain adequate revenue streams sufficient to provide funds to pay all system operating expenses and debt repayments during the term of the loan,

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

M A Y O R

APPROVED AS TO FORM:

City Attorney

ATTEST:



**2014 - 2019 CAPITAL IMPROVEMENT PLAN
Transportation CIP Fund**

**CAPITAL IMPROVEMENT PLAN
REQUEST FORM**

CATEGORY Transportation
PROGRAM Des Moines Transportation Gateway
PROJECT South 216th Street Improvement - Segment 1-A (SR99 to 24th)

PROJECT NO. 319.332
Project Type: Capacity
Council Goals met: 1, 2, 3
Council Objectives met:
Project Status Adopted

LOCATION S. 216th St - SR99 to 24th Avenue South

DESCRIPTION: Widen roadway to 5 lanes with a continuous left turn lane, bicycle lanes, sidewalks planter strips and U-turn pocket at Pacific Highway S. Formerly S. 216th St, Segment 1 (I-5 to 24th Avenue S), this project is the first of two stages.

EXPENDITURE SCHEDULE

COST ELEMENTS	TOTAL*	FY 09 Act	FY 10 Act	FY 11 Act	FY 12 Act	FY 13 Est	FY 13 Amend	FY 14	FY 15	FY 16	FY 17	FY 18	FY 19
ADMIN (CITY STAFF)	\$ 292,851	\$ 16,235	\$ 17,939	\$ 10,529	\$ 3,148	\$ 10,000	\$ 10,000	\$ 30,000	\$ 30,000	\$ 35,000	\$ 40,000	\$ 50,000	\$ 50,000
CIP PROJ MANAGEMENT	50,000		-								15,000	20,000	15,000
DESIGN / ENGINEERING	808,115	296,604	190,890	138,354	8,150	84,117	84,117	15,000	15,000	15,000	15,000	15,000	15,000
LAND	1,282,500					132,500	132,500	150,000	250,000	200,000	350,000	200,000	
ROW SERVICES	463,952				19,822	39,130	39,130	80,000	90,000	85,000	100,000	50,000	
IMPROVEMENTS	3,927,530											2,353,000	1,574,530
INSPECTION	417,224										-	208,612	208,612
CONTINGENCY	740,000						10,000	50,000	70,000	65,000	85,000	300,000	170,000
Utility Undergrounding	127,400											127,400	57
Highline Water District	39,500											39,500	
OTHER	-												
TOTAL	\$ 8,149,072	\$ 312,839	\$ 208,829	\$ 148,883	\$ 31,120	\$ 265,747	\$ 275,747	\$ 325,000	\$ 455,000	\$ 400,000	\$ 605,000	\$ 3,363,512	\$ 2,033,142

FUNDING SOURCES	TOTAL*	FY 09 Act	FY 10 Act	FY 11 Act	FY 12 Act	FY 13 Est	FY 13 Amend	FY 14	FY 15	FY 16	FY 17	FY 18	FY 19
PWTF Loan (confirmed)	\$ 325,000	\$ 243,750	\$ 67,500	\$ 13,750	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Federal STP (Unconfirmed)	2,500,000											1,500,000	1,000,000
Federal Grant (Unconfirmed)	-												
TRAFFIC IMPACT FEES	800,000							50,000	150,000	250,000	150,000	100,000	100,000
IN-LIEU FEES (unconfirmed) 1/4	1,300,000								250,000	350,000	275,000	225,000	200,000
TIB (Unconfirmed)	2,500,000										250,000	1,500,000	750,000
Highline Water District	39,500											39,500	
2008 Bond Proceeds	-		13,750	(13,750)									
Transportation CIP Fund	684,572	69,089	127,579	148,883	31,120	265,747	275,747	275,000	55,000	(200,000)	(70,000)	(988)	(16,858)
TOTAL	\$ 8,149,072	\$ 312,839	\$ 208,829	\$ 148,883	\$ 31,120	\$ 265,747	\$ 275,747	\$ 325,000	\$ 455,000	\$ 400,000	\$ 605,000	\$ 3,363,512	\$ 2,033,142

*Excludes FY 13 Amd



**2014 - 2019 CAPITAL IMPROVEMENT PLAN
Transportation CIP Fund**

**CAPITAL IMPROVEMENT PLAN
REQUEST FORM**

CATEGORY	Transportation	PROJECT NO.	319.332
PROGRAM	Des Moines Transportation Gateway	Project Type:	Capacity
PROJECT	South 216th Street Improvement - Segment 1-A (SR99 to 24th)	Council Goals met:	1, 2, 3
		Council Objectives met:	
		Project Status	Adopted

LOCATION S. 216th St - SR99 to 24th Avenue South

JUSTIFICATION: The need for capacity increases, pedestrian, bicycle and transit facilities along South 216th Street is identified in the City's Comprehensive Transportation Plan and the Six Year Transportation Improvement Plan. South 216th Street has numerous retail and multi-family developments that generate pedestrian and bicycle traffic along the shoulder of the road. Pedestrians use this route to access bus stops, city buildings, and the Pacific Highway Corridor. Given the eventual development of the Des Moines Creek Business Park and other potential developments, additional capacity improvements will be needed to maintain concurrency and support development activity. With pending development in the immediate area, planning and design for the South 216th Street corridor cannot be delayed. Design is funded by a PWTF loan. The City will need to secure "outside" funding sources for right of way acquisition and construction.

A 30% design report (Transportation Gateway Project) was completed in December 2009. The report includes design recommendations for Segment 1, I-5 to 24th Avenue S., described in the 2009 capital budget. Given the lack of foreseeable funding to replace and expand the I-5 overcrossing to 4 lanes, staging is recommended to transition the S. 216th St roadway, bicycle lanes and sidewalk back to the current 3 lane configuration east of SR99. Segment 1-B, I-5 to Pacific Highway S., will remain a capital improvement in the long range plan awaiting SR509 funding to replace and widen the I-5 bridge overpass.

SCOPE OF WORK: An 85% design level estimate of probable right-of-way and construction costs are included herein for Segment 1A. The project includes the following improvements: installation of curbs, gutters and sidewalks on both sides of the street, bicycle lanes, transit stop improvements, planters, widening the road with asphalt pavement to four lanes with a center left turn lane and U-turn pockets at Pacific Highway S., improvements to the existing closed drainage system, pedestrian and street lighting, and undergrounding of overhead communication and electrical distribution wires. The scope includes engineering, environmental analysis, permit documents, and preparation of final plans, specifications and cost estimates by a consultant scheduled to be completed by March, 2011. A right of way plan will be adopted, however, right of way acquisition procedures and construction will not be initiated until outside sources of funding can be secured.

A G E N D A I T E M

BUSINESS OF THE CITY COUNCIL City of Des Moines, WA

SUBJECT: Justice Assistance Grant

ATTACHMENTS:

1. Byrne Grant Award #2011-DJ-BX-3261

FOR AGENDA OF: May 8, 2014

DEPT. OF ORIGIN: Municipal Court

DATE SUBMITTED: April 25, 2014

CLEARANCES:

- [X] Legal TS
 [X] Finance ph
 [] Marina NA
 [] Parks, Recreation & Senior Services NA
 [] Planning, Building & Public Works NA
 [] Police NA
 [X] Courts ph

APPROVED BY CITY MANAGER
 FOR SUBMITTAL: AA

Purpose and Recommendation

The purpose of this report is to request the City Council to ratify and approve the acceptance of the Justice Assistance Grant in order to effectuate the purchase of our document management system with video court functions

Suggested Motion

First Motion: I move to ratify the acceptance of the \$14,600 award from Edward Byrne Memorial Justice Grant award #2011-DJ-BX-3261 under the terms and conditions listed within the JAG grant.

Background

The City of Des Moines was awarded the Justice Assistance Grant in 2011. This award would allow the court to purchase software and hardware to assist the court in its video court functions.

Discussion

This matter was originally brought to the council through an Administration Report on October 10, 2013 wherein the council authorized the project of a document sharing system be purchased and the 2011 Byrne Grant received for this project be used. At the request of the Grantor, this motion is to formalize the council's original decision, as indicated in the minutes of October 10, 2013.

Financial Impact

The total cost for the software is \$30,252, the Byrne Grant would cover \$14,600 of the project.

Recommendation or Conclusion

Formally approve acceptance of the grant and adoption of the document sharing project which will assist with video court functions.



Department of Justice
Office of Justice Programs

Bureau of Justice Assistance

Office of Justice Programs

Washington, D.C. 20531

September 6, 2011

The Honorable Veronica Alicea
City of Des Moines
21630 11th Avenue South
Des Moines, WA 98198

Dear Judge Alicea:

On behalf of Attorney General Eric Holder, it is my pleasure to inform you that the Office of Justice Programs has approved your application for funding under the FY 11 Edward Byrne Memorial Justice Assistance Grant (JAG) Program Local Solicitation in the amount of \$14,600 for City of Des Moines.

Enclosed you will find the Grant Award and Special Conditions documents. This award is subject to all administrative and financial requirements, including the timely submission of all financial and programmatic reports, resolution of all interim audit findings, and the maintenance of a minimum level of cash-on-hand. Should you not adhere to these requirements, you will be in violation of the terms of this agreement and the award will be subject to termination for cause or other administrative action as appropriate.

If you have questions regarding this award, please contact:

- Program Questions, Linda L. Hill, Program Manager at (202) 353-9196; and
- Financial Questions, the Office of the Chief Financial Officer, Customer Service Center (CSC) at (800) 458-0786, or you may contact the CSC at ask.ocfo@usdoj.gov.

Congratulations, and we look forward to working with you.

Sincerely,

Denise O'Donnell

Denise O'Donnell
Director

Enclosures



Department of Justice
Office of Justice Programs
Office for Civil Rights

Washington, D.C. 20531

September 6, 2011

The Honorable Veronica Alicea
City of Des Moines
21630 11th Avenue South
Des Moines, WA 98198

Dear Judge Alicea:

Congratulations on your recent award. In establishing financial assistance programs, Congress linked the receipt of Federal funding to compliance with Federal civil rights laws. The Office for Civil Rights (OCR), Office of Justice Programs (OJP), U.S. Department of Justice is responsible for ensuring that recipients of financial aid from OJP, its component offices and bureaus, the Office on Violence Against Women (OVW), and the Office of Community Oriented Policing Services (COPS) comply with applicable Federal civil rights statutes and regulations. We at OCR are available to help you and your organization meet the civil rights requirements that come with Justice Department funding.

Ensuring Access to Federally Assisted Programs

As you know, Federal laws prohibit recipients of financial assistance from discriminating on the basis of race, color, national origin, religion, sex, or disability in funded programs or activities, not only in respect to employment practices but also in the delivery of services or benefits. Federal law also prohibits funded programs or activities from discriminating on the basis of age in the delivery of services or benefits.

Providing Services to Limited English Proficiency (LEP) Individuals

In accordance with Department of Justice Guidance pertaining to Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, recipients of Federal financial assistance must take reasonable steps to provide meaningful access to their programs and activities for persons with limited English proficiency (LEP). For more information on the civil rights responsibilities that recipients have in providing language services to LEP individuals, please see the website at <http://www.lep.gov>.

Ensuring Equal Treatment for Faith-Based Organizations

The Department of Justice has published a regulation specifically pertaining to the funding of faith-based organizations. In general, the regulation, Participation in Justice Department Programs by Religious Organizations; Providing for Equal Treatment of all Justice Department Program Participants, and known as the Equal Treatment Regulation 28 C.F.R. part 38, requires State Administering Agencies to treat these organizations the same as any other applicant or recipient. The regulation prohibits State Administering Agencies from making award or grant administration decisions on the basis of an organization's religious character or affiliation, religious name, or the religious composition of its board of directors.

The regulation also prohibits faith-based organizations from using financial assistance from the Department of Justice to fund inherently religious activities. While faith-based organizations can engage in non-funded inherently religious activities, they must be held separately from the Department of Justice funded program, and customers or beneficiaries cannot be compelled to participate in them. The Equal Treatment Regulation also makes clear that organizations participating in programs funded by the Department of Justice are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion. For more information on the regulation, please see OCR's website at <http://www.ojp.usdoj.gov/ocr/etfbo.htm>.

State Administering Agencies and faith-based organizations should also note that the Safe Streets Act, as amended; the Victims of Crime Act, as amended; and the Juvenile Justice and Delinquency Prevention Act, as amended, contain prohibitions against discrimination on the basis of religion in employment. Despite these nondiscrimination provisions, the Justice Department has concluded that the Religious Freedom Restoration Act (RFRA) is reasonably construed, on a case-by-case basis, to require that its funding agencies permit faith-based organizations applying for funding under the applicable program statutes both to receive DOJ funds and to continue considering religion when hiring staff, even if the statute that authorizes the funding program generally forbids considering of religion in employment decisions by grantees.

Questions about the regulation or the application of RFRA to the statutes that prohibit discrimination in employment may be directed to this Office.

Enforcing Civil Rights Laws

All recipients of Federal financial assistance, regardless of the particular funding source, the amount of the grant award, or the number of employees in the workforce, are subject to the prohibitions against unlawful discrimination. Accordingly, OCR investigates recipients that are the subject of discrimination complaints from both individuals and groups. In addition, based on regulatory criteria, OCR selects a number of recipients each year for compliance reviews, audits that require recipients to submit data showing that they are providing services equitably to all segments of their service population and that their employment practices meet equal employment opportunity standards.

Complying with the Safe Streets Act or Program Requirements

In addition to these general prohibitions, an organization which is a recipient of financial assistance subject to the nondiscrimination provisions of the Omnibus Crime Control and Safe Streets Act (Safe Streets Act) of 1968, 42 U.S.C. § 3789d(c), or other Federal grant program requirements, must meet two additional requirements: (1) complying with Federal regulations pertaining to the development of an Equal Employment Opportunity Plan (EEOP), 28 C.F.R. § 42.301-.308, and (2) submitting to OCR Findings of Discrimination (see 28 C.F.R. §§ 42.205(5) or 31.202(5)).

1) Meeting the EEOP Requirement

In accordance with Federal regulations, Assurance No. 6 in the Standard Assurances, COPS Assurance No. 8.B, or certain Federal grant program requirements, your organization must comply with the following EEOP reporting requirements:

If your organization has received an award for \$500,000 or more and has 50 or more employees (counting both full- and part-time employees but excluding political appointees), then it has to prepare an EEOP and submit it to OCR for review **within 60 days from the date of this letter**. For assistance in developing an EEOP, please consult OCR's website at <http://www.ojp.usdoj.gov/ocr/eeop.htm>. You may also request technical assistance from an EEOP specialist at OCR by dialing (202) 616-3208.

If your organization received an award between \$25,000 and \$500,000 and has 50 or more employees, your organization still has to prepare an EEOP, but it does not have to submit the EEOP to OCR for review. Instead, your organization has to maintain the EEOP on file and make it available for review on request. In addition, your organization has to complete Section B of the Certification Form and return it to OCR. The Certification Form can be found at <http://www.ojp.usdoj.gov/ocr/eeop.htm>.

If your organization received an award for less than \$25,000; or if your organization has less than 50 employees, regardless of the amount of the award; or if your organization is a medical institution, educational institution, nonprofit organization or Indian tribe, then your organization is exempt from the EEOP requirement. However, your organization must complete Section A of the Certification Form and return it to OCR. The Certification Form can be found at <http://www.ojp.usdoj.gov/ocr/eeop.htm>.

2) Submitting Findings of Discrimination

In the event a Federal or State court or Federal or State administrative agency makes an adverse finding of discrimination against your organization after a due process hearing, on the ground of race, color, religion, national origin, or sex, your organization must submit a copy of the finding to OCR for review.

Ensuring the Compliance of Subrecipients

If your organization makes subawards to other agencies, you are responsible for assuring that subrecipients also comply with all of the applicable Federal civil rights laws, including the requirements pertaining to developing and submitting an EEOP, reporting Findings of Discrimination, and providing language services to LEP persons. State agencies that make subawards must have in place standard grant assurances and review procedures to demonstrate that they are effectively monitoring the civil rights compliance of subrecipients.

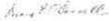
If we can assist you in any way in fulfilling your civil rights responsibilities as a recipient of Federal funding, please call OCR at (202) 307-0690 or visit our website at <http://www.ojp.usdoj.gov/ocr/>.

Sincerely,



Michael L. Alston
Director

cc: Grant Manager
Financial Analyst

 <p>Department of Justice Office of Justice Programs Bureau of Justice Assistance</p>	Grant	PAGE 1 OF 6																
1. RECIPIENT NAME AND ADDRESS (Including Zip Code) City of Des Moines 21630 11th Avenue South Des Moines, WA 98198	4. AWARD NUMBER: 2011-DJ-BX-3261																	
1A. GRANTEE IRS/VENDOR NO. 916016497	5. PROJECT PERIOD: FROM 10/01/2010 TO 09/30/2014 BUDGET PERIOD: FROM 10/01/2010 TO 09/30/2014	6. AWARD DATE 09/06/2011																
3. PROJECT TITLE Video Court Processing System Project	7. ACTION Initial	8. SUPPLEMENT NUMBER 00																
12. SPECIAL CONDITIONS THE ABOVE GRANT PROJECT IS APPROVED SUBJECT TO SUCH CONDITIONS OR LIMITATIONS AS ARE SET FORTH ON THE ATTACHED PAGE(S).	9. PREVIOUS AWARD AMOUNT \$ 0																	
13. STATUTORY AUTHORITY FOR GRANT This project is supported under FY11(BJA - JAG) 42 USC 3750, et seq.	10. AMOUNT OF THIS AWARD \$ 14,600																	
15. METHOD OF PAYMENT GPRS	11. TOTAL AWARD \$ 14,600																	
AGENCY APPROVAL																		
16. TYPED NAME AND TITLE OF APPROVING OFFICIAL Denise O'Donnell Director	GRANTEE ACCEPTANCE																	
17. SIGNATURE OF APPROVING OFFICIAL 	18. TYPED NAME AND TITLE OF AUTHORIZED GRANTEE OFFICIAL Veronica Alicea Judge	19A. DATE																
AGENCY USE ONLY																		
20. ACCOUNTING CLASSIFICATION CODES <table border="1" data-bbox="105 1543 651 1627"> <thead> <tr> <th>FISCAL YEAR</th> <th>FUND CODE</th> <th>BUD. ACT.</th> <th>DIV. OFC.</th> <th>DIV. REG.</th> <th>SUB.</th> <th>POMS</th> <th>AMOUNT</th> </tr> </thead> <tbody> <tr> <td>X</td> <td>B</td> <td>DJ</td> <td>80</td> <td>00</td> <td>00</td> <td></td> <td>14600</td> </tr> </tbody> </table>	FISCAL YEAR	FUND CODE	BUD. ACT.	DIV. OFC.	DIV. REG.	SUB.	POMS	AMOUNT	X	B	DJ	80	00	00		14600	21. KDJUGT1779	
FISCAL YEAR	FUND CODE	BUD. ACT.	DIV. OFC.	DIV. REG.	SUB.	POMS	AMOUNT											
X	B	DJ	80	00	00		14600											

OJP FORM 4000/2 (REV. 5-87) PREVIOUS EDITIONS ARE OBSOLETE.

OJP FORM 4000/2 (REV. 4-88)



Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

**AWARD CONTINUATION
SHEET**
Grant

PAGE 2 OF 6

PROJECT NUMBER 2011-DJ-BX-3261

AWARD DATE 09/06/2011

SPECIAL CONDITIONS

1. The recipient agrees to comply with the financial and administrative requirements set forth in the current edition of the Office of Justice Programs (OJP) Financial Guide.
2. The recipient acknowledges that failure to submit an acceptable Equal Employment Opportunity Plan (if recipient is required to submit one pursuant to 28 C.F.R. Section 42.302), that is approved by the Office for Civil Rights, is a violation of its Certified Assurances and may result in suspension or termination of funding, until such time as the recipient is in compliance.
3. The recipient agrees to comply with the organizational audit requirements of OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations, and further understands and agrees that funds may be withheld, or other related requirements may be imposed, if outstanding audit issues (if any) from OMB Circular A-133 audits (and any other audits of OJP grant funds) are not satisfactorily and promptly addressed, as further described in the current edition of the OJP Financial Guide.
4. Recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government, without the express prior written approval of OJP.
5. The recipient must promptly refer to the DOJ OIG any credible evidence that a principal, employee, agent, contractor, subgrantee, subcontractor, or other person has either 1) submitted a false claim for grant funds under the False Claims Act; or 2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving grant funds. This condition also applies to any subrecipients. Potential fraud, waste, abuse, or misconduct should be reported to the OIG by -

mail:

Office of the Inspector General
U.S. Department of Justice
Investigations Division
950 Pennsylvania Avenue, N.W.
Room 4706
Washington, DC 20530

e-mail: oig.hotline@usdoj.gov

hotline: (contact information in English and Spanish): (800) 869-4499

or hotline fax: (202) 616-9881

Additional information is available from the DOJ OIG website at www.usdoj.gov/oig.

6. Recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of any contract or subaward to either the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries, without the express prior written approval of OJP.
7. The recipient agrees to comply with any additional requirements that may be imposed during the grant performance period if the agency determines that the recipient is a high-risk grantee. Cf. 28 C.F.R. parts 66, 70.



Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

**AWARD CONTINUATION
SHEET**
Grant

PAGE 3 OF 6

PROJECT NUMBER 2011-DJ-BX-3261

AWARD DATE 09/06/2011

SPECIAL CONDITIONS

8. Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), the Department encourages recipients and sub recipients to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this grant, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.
9. The recipient agrees to comply with applicable requirements regarding Central Contractor Registration (CCR) and applicable restrictions on subawards to first-tier subrecipients that do not acquire and provide a Data Universal Numbering System (DUNS) number. The details of recipient obligations are posted on the Office of Justice Programs web site at <http://www.ojp.gov/funding/ccr.htm> (Award condition: Central Contractor Registration and Universal Identifier Requirements), and are incorporated by reference here. This special condition does not apply to an award to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).
10. The recipient is required to establish a trust fund account. (The trust fund may or may not be an interest-bearing account.) The fund, including any interest, may not be used to pay debts or expenses incurred by other activities beyond the scope of the Edward Byrne Memorial Justice Assistance Grant Program (JAG). The recipient also agrees to obligate and expend the grant funds in the trust fund (including any interest earned) during the period of the grant. Grant funds (including any interest earned) not expended by the end of the grant period must be returned to the Bureau of Justice Assistance no later than 90 days after the end of the grant period, along with the final submission of the Federal Financial Report (SF-425).
11. To avoid duplicating existing networks or IT systems in any initiatives funded by BJA for law enforcement information sharing systems which involve interstate connectivity between jurisdictions, such systems shall employ, to the extent possible, existing networks as the communication backbone to achieve interstate connectivity, unless the grantee can demonstrate to the satisfaction of BJA that this requirement would not be cost effective or would impair the functionality of an existing or proposed IT system.
12. To support public safety and justice information sharing, OJP requires the grantee to use the National Information Exchange Model (NIEM) specifications and guidelines for this particular grant. Grantee shall publish and make available without restriction all schemas generated as a result of this grant to the component registry as specified in the guidelines. For more information on compliance with this special condition, visit <http://www.niem.gov/implementationguide.php>.



Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

**AWARD CONTINUATION
SHEET
Grant**

PAGE 4 OF 6

PROJECT NUMBER 2011-DJ-BX-3261

AWARD DATE 09/06/2011

SPECIAL CONDITIONS

13. The grantee agrees to assist BJA in complying with the National Environmental Policy Act (NEPA), the National Historic Preservation Act, and other related federal environmental impact analyses requirements in the use of these grant funds, either directly by the grantee or by a subgrantee. Accordingly, the grantee agrees to first determine if any of the following activities will be funded by the grant, prior to obligating funds for any of these purposes. If it is determined that any of the following activities will be funded by the grant, the grantee agrees to contact BJA.

The grantee understands that this special condition applies to its following new activities whether or not they are being specifically funded with these grant funds. That is, as long as the activity is being conducted by the grantee, a subgrantee, or any third party and the activity needs to be undertaken in order to use these grant funds, this special condition must first be met. The activities covered by this special condition are:

- a. New construction;
- b. Minor renovation or remodeling of a property located in an environmentally or historically sensitive area, including properties located within a 100-year flood plain, a wetland, or habitat for endangered species, or a property listed on or eligible for listing on the National Register of Historic Places;
- c. A renovation, lease, or any proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size;
- d. Implementation of a new program involving the use of chemicals other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or education environments; and
- e. Implementation of a program relating to clandestine methamphetamine laboratory operations, including the identification, seizure, or closure of clandestine methamphetamine laboratories.

The grantee understands and agrees that complying with NEPA may require the preparation of an Environmental Assessment and/or an Environmental Impact Statement, as directed by BJA. The grantee further understands and agrees to the requirements for implementation of a Mitigation Plan, as detailed at <http://www.ojp.usdoj.gov/BJA/resource/nepa.html>, for programs relating to methamphetamine laboratory operations.

Application of This Special Condition to Grantee's Existing Programs or Activities: For any of the grantee's or its subgrantees' existing programs or activities that will be funded by these grant funds, the grantee, upon specific request from BJA, agrees to cooperate with BJA in any preparation by BJA of a national or program environmental assessment of that funded program or activity.

14. The recipient agrees that any information technology system funded or supported by OJP funds will comply with 28 C.F.R. Part 23, Criminal Intelligence Systems Operating Policies, if OJP determines this regulation to be applicable. Should OJP determine 28 C.F.R. Part 23 to be applicable, OJP may, at its discretion, perform audits of the system, as per the regulation. Should any violation of 28 C.F.R. Part 23 occur, the recipient may be fined as per 42 U.S.C. 3789g(c)-(d). Recipient may not satisfy such a fine with federal funds.
15. The recipient agrees to ensure that the State Information Technology Point of Contact receives written notification regarding any information technology project funded by this grant during the obligation and expenditure period. This is to facilitate communication among local and state governmental entities regarding various information technology projects being conducted with these grant funds. In addition, the recipient agrees to maintain an administrative file documenting the meeting of this requirement. For a list of State Information Technology Points of Contact, go to <http://www.it.ojp.gov/default.aspx?area=policyAndPractice&page=1046>.



Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

**AWARD CONTINUATION
SHEET
Grant**

PAGE 5 OF 6

PROJECT NUMBER 2011-DJ-BX-3261

AWARD DATE 09/06/2011

SPECIAL CONDITIONS

16. The grantee agrees to comply with the applicable requirements of 28 C.F.R. Part 38, the Department of Justice regulation governing "Equal Treatment for Faith Based Organizations" (the "Equal Treatment Regulation"). The Equal Treatment Regulation provides in part that Department of Justice grant awards of direct funding may not be used to fund any inherently religious activities, such as worship, religious instruction, or proselytization. Recipients of direct grants may still engage in inherently religious activities, but such activities must be separate in time or place from the Department of Justice funded program, and participation in such activities by individuals receiving services from the grantee or a sub-grantee must be voluntary. The Equal Treatment Regulation also makes clear that organizations participating in programs directly funded by the Department of Justice are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion. Notwithstanding any other special condition of this award, faith-based organizations may, in some circumstances, consider religion as a basis for employment. See http://www.ojp.gov/about/ocr/equal_fbo.htm.
17. The recipient acknowledges that all programs funded through subawards, whether at the state or local levels, must conform to the grant program requirements as stated in BJA program guidance.
18. Grantee agrees to comply with the requirements of 28 C.F.R. Part 46 and all Office of Justice Programs policies and procedures regarding the protection of human research subjects, including obtainment of Institutional Review Board approval, if appropriate, and subject informed consent.
19. Grantee agrees to comply with all confidentiality requirements of 42 U.S.C. section 3789g and 28 C.F.R. Part 22 that are applicable to collection, use, and revelation of data or information. Grantee further agrees, as a condition of grant approval, to submit a Privacy Certificate that is in accord with requirements of 28 C.F.R. Part 22 and, in particular, section 22.23.
20. The recipient agrees that funds received under this award will not be used to supplant State or local funds, but will be used to increase the amounts of such funds that would, in the absence of Federal funds, be made available for law enforcement activities.
21. Award recipients must submit quarterly a Federal Financial Report (SF-425) and annual performance reports through GMS (<https://grants.ojp.usdoj.gov>). Consistent with the Department's responsibilities under the Government Performance and Results Act (GPR), P.L. 103-62, applicants who receive funding under this solicitation must provide data that measure the results of their work. Therefore, quarterly performance metrics reports must be submitted through BJA's Performance Measurement Tool (PMT) website (www.bjaperformancetools.org). For more detailed information on reporting and other JAG requirements, refer to the JAG reporting requirements webpage. Failure to submit required JAG reports by established deadlines may result in the freezing of grant funds and future High Risk designation.
22. The recipient agrees to monitor subawards under this JAG award in accordance with all applicable statutes, regulations, OMB circulars, and guidelines, including the OJP Financial Guide, and to include the applicable conditions of this award in any subaward. The recipient is responsible for oversight of subrecipient spending and monitoring of specific outcomes and benefits attributable to use of JAG funds by subrecipients. The recipient agrees to submit, upon request, documentation of its policies and procedures for monitoring of subawards under this award.
23. Award recipients must verify Point of Contact (POC), Financial Point of Contact (FPOC), and Authorized Representative contact information in GMS, including telephone number and e-mail address. If any information is incorrect or has changed, a Grant Adjustment Notice (GAN) must be submitted via the Grants Management System (GMS) to document changes.



Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

**AWARD CONTINUATION
SHEET**
Grant

PAGE 6 OF 6

PROJECT NUMBER 2011-DJ-BX-3261

AWARD DATE 09/06/2011

SPECIAL CONDITIONS

24. The grantee agrees that within 120 days of award acceptance, each member of a law enforcement task force funded with these funds who is a task force commander, agency executive, task force officer, or other task force member of equivalent rank, will complete required online (internet-based) task force training. The training is provided free of charge online through BJA's Center for Task Force Integrity and Leadership (www.ctfli.org). All current and new task force members are required to complete this training once during the life of the award, or once every four years if multiple awards include this requirement. This training addresses task force effectiveness as well as other key issues including privacy and civil liberties/rights, task force performance measurement, personnel selection, and task force oversight and accountability. Additional information is available regarding this required training and access methods via BJA's web site and the Center for Task Force Integrity and Leadership (www.ctfli.org).
25. Recipient may not expend or drawdown funds until the Bureau of Justice Assistance, Office of Justice Programs has received documentation demonstrating that the state or local governing body review and/or community notification requirements have been met and has issued a Grant Adjustment Notice (GAN) releasing this special condition.
26. Recipient may not expend or drawdown funds until the Bureau of Justice Assistance, Office of Justice Programs has reviewed and approved the Abstract portion of the application and has issued a Grant Adjustment Notice (GAN) informing the recipient of the approval.
27. Recipient may not expend, or drawdown funds until the Bureau of Justice Assistance, Office of Justice Programs has reviewed and approved the Budget Narrative portion of the application and has issued a Grant Adjustment Notice (GAN) informing the recipient of the approval.
28. Recipient may not expend or drawdown funds until the Bureau of Justice Assistance, Office of Justice Programs has reviewed and approved the Program Narrative portion of the application and has issued a Grant Adjustment Notice (GAN) informing the recipient of the approval.



Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

Washington, D.C. 20531

Memorandum To: Official Grant File

From: Orbin Terry, NEPA Coordinator

Subject: Incorporates NEPA Compliance in Further Developmental Stages for City of Des Moines

The Edward Byrne Memorial Justice Assistance Grant Program (JAG) allows states and local governments to support a broad range of activities to prevent and control crime and to improve the criminal justice system, some of which could have environmental impacts. All recipients of JAG funding must assist BJA in complying with NEPA and other related federal environmental impact analyses requirements in the use of grant funds, whether the funds are used directly by the grantee or by a subgrantee or third party. Accordingly, prior to obligating funds for any of the specified activities, the grantee must first determine if any of the specified activities will be funded by the grant.

The specified activities requiring environmental analysis are:

- a. New construction;
- b. Any renovation or remodeling of a property located in an environmentally or historically sensitive area, including properties located within a 100-year flood plain, a wetland, or habitat for endangered species, or a property listed on or eligible for listing on the National Register of Historic Places;
- c. A renovation, lease, or any proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size;
- d. Implementation of a new program involving the use of chemicals other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or education environments; and
- e. Implementation of a program relating to clandestine methamphetamine laboratory operations, including the identification, seizure, or closure of clandestine methamphetamine laboratories.

Complying with NEPA may require the preparation of an Environmental Assessment and/or an Environmental Impact Statement, as directed by BJA. Further, for programs relating to methamphetamine laboratory operations, the preparation of a detailed Mitigation Plan will be required. For more information about Mitigation Plan requirements, please see <http://www.ojp.usdoj.gov/BJA/resource/nepa.html>.

Please be sure to carefully review the grant conditions on your award document, as it may contain more specific information about environmental compliance.

 <p>Department of Justice Office of Justice Programs Bureau of Justice Assistance</p>	GRANT MANAGER'S MEMORANDUM, PT. I: PROJECT SUMMARY	
	Grant	
	PROJECT NUMBER 2011-DJ-BX-3261	PAGE 1 OF 1
This project is supported under FY11(BJA - JAG) 42 USC 3750, et seq.		
1. STAFF CONTACT (Name & telephone number) Linda L. Hill (202) 353-9196	2. PROJECT DIRECTOR (Name, address & telephone number) Veronica Alicea Judge 21630 11th Avenue South Des Moines, WA 98198-6398 (206) 870-6590	
3a. TITLE OF THE PROGRAM FY 2011 Justice Assistance Grant Program	3b. POMS CODE (SEE INSTRUCTIONS ON REVERSE)	
4. TITLE OF PROJECT Video Court Processing System Project		
5. NAME & ADDRESS OF GRANTEE City of Des Moines 21630 11th Avenue South Des Moines, WA 98198	6. NAME & ADDRESS OF SUBGRANTEE	
7. PROGRAM PERIOD FROM: 10/01/2010 TO: 09/30/2014	8. BUDGET PERIOD FROM: 10/01/2010 TO: 09/30/2014	
9. AMOUNT OF AWARD \$ 14,600	10. DATE OF AWARD 09/06/2011	
11. SECOND YEAR'S BUDGET	12. SECOND YEAR'S BUDGET AMOUNT	
13. THIRD YEAR'S BUDGET PERIOD	14. THIRD YEAR'S BUDGET AMOUNT	
15. SUMMARY DESCRIPTION OF PROJECT (See instruction on reverse) The Edward Byrne Memorial Justice Assistance Grant Program (JAG) allows states and units of local government, including tribes, to support a broad range of activities to prevent and control crime based on their own state and local needs and conditions. Grant funds can be used for state and local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support, and information systems for criminal justice, including for any one or more of the following purpose areas: 1) law enforcement programs; 2) prosecution and court programs; 3) prevention and education programs; 4) corrections and community corrections programs; 5) drug treatment and enforcement programs; 6) planning, evaluation, and technology improvement programs; and 7) crime victim and witness programs (other than compensation). The grantee will use this award to support one or more of the above purpose areas. NCA/NCF		

A G E N D A I T E M

SUBJECT:
Mayoral Appointment to the Senior
Services Advisory Committee

ATTACHMENTS:
Senior Services Advisory Committee
Application

AGENDA OF: May 8, 2014

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

DATE SUBMITTED: April 21, 2014

CLEARANCES:

Legal VB

Finance _____

Marina _____

Parks, Recreation & Senior Services BJ

Planning, Building & Public Works _____

Police _____

Courts _____

APPROVED BY THE CITY MANAGER
FOR SUBMITTAL AA

Purpose and Recommendation

The purpose of this agenda item is to recommend City Council confirmation of one Mayoral appointment to the City of Des Moines Senior Services Advisory Committee.

Suggested Motion

MOTION: "I move to confirm the Mayoral appointment of Dr. Barbara Reid to a two-year term on the City of Des Moines Senior Services Advisory Committee effective May 9, 2014 and expiring on December 31, 2015."

Background

The Senior Services Advisory Committee was created by chapter 4.44 DMMC, which details the powers and duties of the Committee, ex-officio members, terms, meetings, reports to City Council, and scope of duties for the Senior Services Advisory Committee. The Committee advises the City Council on policy and budgetary subjects related to senior services, current and future facilities relating to senior services, review of federal, state and county laws and regulations, proposed laws and regulations and the impact of such laws and regulations on delivery of senior services, and to perform such other tasks as are assigned by the City Council.

The Committee consists of seven members, one of whom is a member of the City Council. One member of the Committee need not be a resident of the City and up to two members of the Committee may reside outside the City limits but work or volunteer within the City limits. Committee members are appointed to four year terms.

Discussion

Dr. Barbara Reid is seeking to fill a vacant two year term.

Alternatives

None provided.

Financial Impact

No financial impact.

Recommendation/Concurrence

It is recommended that the Council confirm the Mayoral appointment of Dr. Barbara Reid to the Senior Services Advisory Committee.



⁷⁵
CITY OF DES MOINES
APPLICATION FOR APPOINTIVE OFFICE
21630 11th Avenue South
Des Moines, WA 98198

Recvd. 4/16/14

RECEIVED

APR 18 2014 *AW*

CITY OF DES MOINES
CITY CLERK

Please Check

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

NAME: Barbara R. Reid
 ADDRESS: 23600 Marine View Drive South
 CITY, ZIP: Des Moines, WA 98198
 PHONE: Home 563-542-4648 (cell) Work 206-867-6676
 LENGTH OF RESIDENCE AT THE ABOVE ADDRESS 1 mo
 Email address: breid@abhwa.com

REGISTERED VOTER? In IA
 EMPLOYMENT SUMMARY LAST FIVE YEARS:

Judson Park Retirement Community 2/26/14 Chaplain
University of Dubuque, Dubuque, IA Assist. Head, Nursing Dept 8/05 - 2/14

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 form.

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

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

Rev. Dr. Barbara R. Reid Judson Park Retirement Community Chaplain

1. Why do you wish to serve in this capacity and what can you contribute?

As the Chaplain for Judson Park Retirement Community, I have a strong interest in ensuring the holistic care of seniors in the community. Seniors face many challenges as they age and they often bring many strengths to those challenges as well as resources for helping others. I believe we can better serve and engage seniors when we work together.

As an ordained minister and an experienced Registered Nurse, I believe I can advocate effectively for the needs of seniors and their families and assist with education in the community as time constraints allow.

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

I am most interested in providing for health concerns and safety needs of seniors in the community. But I also believe there is a need for adult children of seniors to be educated on community resources, levels of senior care, etc. as they face caring for their older parents.

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

None

AGENDA ITEM

BUSINESS OF THE CITY COUNCIL
City of Des Moines, WA

SUBJECT: Arts Commission Appointment

FOR AGENDA OF: May 8, 2014

ATTACHMENTS:

Arts Commission Application: Ekkarath
Sisavatdy

DEPT. OF ORIGIN: Parks, Recreation & Senior
Services

DATE SUBMITTED: April 28, 2014

CLEARANCES:

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

APPROVED BY CITY MANAGER
FOR SUBMITTAL: [Signature]

Purpose and Recommendation

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

Suggested Motion

Motion: "I move to confirm the Mayoral appointment of Ekkarath Sisavatdy to an unexpired three year term on the City of Des Moines Arts Commission effective immediately and expiring on December 31, 2016."

Background

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

The Arts Commission was created to:

- (1) Represent the interest of the city in matters of the arts, to be a spokes group for the arts in the city and to keep the city council informed on all such related matters.

(2) Evaluate, prioritize, and make recommendations on funding for cultural arts needs within the city.

(3) Review and recommend works of art for the city, especially works to be acquired through appropriations set aside from municipal construction projects. Local artists will be encouraged and given equal consideration for these projects.

(4) Inform, assist, sponsor or coordinate with arts organizations, artists, or others interested in the cultural advancement of the community.

(5) Encourage and aid programs for the cultural enrichment of the citizens of Des Moines and encourage more public visibility of the arts.

(6) Develop cooperation with schools, local, regional, state and national arts organizations.

(7) Obtain private, local, regional, state or federal funds to promote arts projects within the Des Moines community.

Discussion

This agenda seeks confirmation of the Mayoral appointment of applicant Ekkarath Sisavatdy to the Des Moines Arts Commission effective immediately and expiring on December 31, 2016. Ekkarath Sisavatdy lives in Des Moines and has been a volunteer for the last five years with the Arts Commission's Performing Arts Committee. Mr. Sisavatdy currently works as a Program Manager for Highline Community College.

Alternatives

None provided.

Financial Impact

No financial impact.

Recommendation/Concurrence

None provided.



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

RECEIVED
Recvd. FEB 12 2014
BY: _____

Please Check

NAME: Ekkarath Sisavatdy
ADDRESS: 2123 S. 254th Street
CITY, ZIP: Des Moines, WA 98198
PHONE: Home (206) 852-0581 Work (206) 592-3678
LENGTH OF RESIDENCE AT THE ABOVE ADDRESS over 5 yrs
REGISTERED VOTER? Yes
EMPLOYMENT SUMMARY LAST FIVE YEARS: Highline Community College as a Program Manager for Retention and Advising

- 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? 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 volunteering for the Des Moines Art Commission - Performing Arts since 2009 and love it! I would also like to see an increase in diversity (ethnic) throughout various programs in our city.

2. What problems, programs or improvements are you most interest in? Outreaching to the various diverse communities living in Des Moines to be part of this wonderful city and its Arts and Business.

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

