



City of Des Moines

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FRIDAY COUNCIL RECAP

March 22, 2021

The following items were approved and/or discussed at last Thursday's meeting.

ADMINISTRATION REPORT

ITEM 1: MARITIME HIGH SCHOOL

Tremain Holloway, Inaugural Principal of Highline Public Schools and Stephanie Burns, Northwest Maritime Center, Project Manager for the Maritime High School gave a power point presentation to Council.

ITEM 2: PORT OF SEATTLE SOUTH KING COUNTY FUND

Port of Seattle Staff, Ilays Aden, Alison Beason and Andy Gregory, gave a power point presentation to Council.

ITEM 3: SOUND TRANSIT OPERATIONS & MAINTENANCE FACILITY SOUTH DRAFT ENVIRONMENTAL IMPACT STATEMENT

Sound Transit Staff, Andy Austin, Curvie Hawkins & Chelsea Leavy, gave a power point presentation to Council.

ITEM 4: ILA WITH WATER DISTRICT 54 FOR 8TH AVE S WATER MAIN REPLACEMENT INSTALLATION (SOUTH 227TH STREET TO SOUTH 223RD STREET) & ILA WITH LAKEHAVEN WATER AND SEWER DISTRICT FOR S 272ND ST. AND VICINITY WATER MAIN REPLACEMENT PROJECT

Public Works Director, Brandon Carver, provided information to Council on Consent Calendar Items #8 and #9

ITEM 5: AMERICAN RELIEF FUND

City Manager, Michael Matthias, gave a brief update to Council that he and Legislative Advocate, Anthony Hemstad are reading through the American Relief Fund Bill to understand the full breadth of possibility for the City of Des Moines.

ITEM 6: RECOGNITION OF HARBORMASTER, SCOTT WILKINS ON 25 YEARS OF SERVICE TO THE CITY OF DES MOINES

The following items were approved by Council 5-0. Councilmember Nutting was absent and Councilmember Bangs left the meeting prior to the Consent Calendar.

CONSENT CALENDAR

ITEM 1: APPROVAL OF VOUCHERS

Total A/P Checks/Vouchers	#162142-162198	\$ 210,829.62
Voided Check	#161887-161887	\$ (1,500.00)
Electronic Wire Transfers	# 1625-1655	\$2,006,849.25
Payroll Checks	# 19400-19401	\$ 2,003.50
Payroll Direct Deposit	# 90001-90144	\$ 375,345.49
Total Checks and Wires for A/P and Payroll:		\$2,593,527.86

ITEM 2: PROPERTY ACQUISITION FOR MIDWAY PARK EXPANSION IN PACIFIC RIDGE (22128 AND 22120 28TH AVE. S)

As a result of a competitive grant process, the City was awarded King County Conservation Futures funds to acquire multiple parcels adjacent to Midway Park. King County also granted a match waiver, so that no City matching funds were required. Providing additional park and open spaces in the City is in accordance with the City’s Comprehensive Plan, and the Parks, Recreation and Senior Services Master Plan.

In September 2019, the property located at 22104 28th Ave S in Des Moines was purchased and the structure was demolished, beginning the Midway Park expansion. This property abuts Midway Park and expands the usable open space of the park. The adjacent parcel, 22106 28th Ave S, was also successfully purchased and has been cleared.

Most recently, the City was awarded additional Conservation Futures funds in the amount of 1.89 M, to acquire two additional adjoining parcels for Midway Park expansion. The property located at 22128 28th Ave S is the first to be purchased, with a closing date of April 6, 2021. The property located at 22120 28th Ave S will be purchased in October, 2021. Structures will be demolished as a condition of the grant award.

Additional funds are available to assist tenants with relocation. The City has allocated \$5,000 per unit to assist tenants with relocation. At the property that is scheduled to close in April, the tenants received the first \$2,500 payment March 5, 2021 and they will receive the additional \$2,500 once they have moved. This same process will be used for tenants at 22120. These funds are also eligible for reimbursement from King County.

King County’s Conservation Futures tax levy (CFT) is a dedicated portion of property taxes collected throughout King County. CFT funds are used to purchase open space lands and conservation easements in unincorporated King County and in King County’s cities.

Midway Park is a small neighborhood park with play equipment, a sports court, picnic tables, and walking paths. It is the only open space in the Pacific Ridge neighborhood, and has incredible community support

behind it. The park enjoys the community garden, which affords neighbors the opportunity to learn about growing healthy food. There is also a longstanding relationship with the Des Moines Area Food Bank, and summer meal programs. The health opportunities for physical activity are tremendous and providing more open space for this is critical to this neighborhood.

The Des Moines Parks and Recreation Master Plan cites priorities for land acquisition, with expansion of Midway Park being a land acquisition priority. Expanding Midway Park is a goal in the City of Des Moines 2035 Comprehensive Plan, Chapter 6 – The Parks, Recreation and Open Space Element. Chapter 11 is devoted to the Pacific Ridge neighborhood, and expanding open space in the area. Chapter 12 – Healthy Des Moines Element establishes goals aimed at improving access to physical activity and healthy foods, and facilitating the long-term implementation of the Healthy Des Moines Initiative.

Expansion of the park to 28th Ave. S. will have additional benefits and result in better view corridors into Midway Park. This will also assist our Police Department in keeping Midway Park a safe environment for residents.

Acquiring the properties at 22120 29th Ave S and 22128 28th Ave S. is a critical next step in expanding this neighborhood park.

The purchase price of the 22128 28th Ave S property and the 22120 28th Ave S property is \$900,000 each and the relocation payments will total \$40,000. The City received the King County Conservation Futures Tax (CFT) grant award of \$1.89 M with no requirement for a match – as a result this project is grant funded in its entirety. The City will be responsible for the cost of demolition of the buildings.

ITEM 3: PUBLIC DEFENDER SERVICE CONTRACT 2021-2023

The City's prior contract for indigent criminal defense services expired February 28, 2021. The City initiated a Request for Proposals process and sought competitive responses from interested attorneys and firms for a two year contract to provide criminal defense services to qualifying defendants.

The City received a number of diverse proposals. A committee was formed consisting of court staff, probation, and administration as well as the City Manager from Normandy Park. The City Attorney's Office is prohibited by law from engaging in the selection process and therefore did not participate. After review of the proposals, the committee selected the law firm of Stewart MacNichols Harmell, Inc. P.S. to provide criminal defense services.

The selected firm and attorneys offer extensive experience in indigent criminal defense. The attorneys have proven they can work with a variety of people from all backgrounds and are familiar with the myriad of issues that indigent clients face within the City of Des Moines. The attorneys are aware of all legal requirements of this contract as well as the specific expectations that the Des Moines Municipal Court has, such as

specialized training in computer software as well therapeutic court training (DUI Court).

The selection of Stewart MacNichols Harmell, Inc. P.S. should provide a seamless transition for the next two years of public defense services in Des Moines.

The contract calls for a flat fee of \$350 per case. The total cost of the contract will depend heavily on the volume of cases filed, which is difficult to predict. There are additional “other” costs that are billed if they occur. These events, such as appeals and special set trials, rarely occur and will not likely effect the contract amount to an appreciable degree.

ITEM 4: WOMEN’S HISTORY MONTH PROCLAMATION

Women’s History Month had its origins as a national celebration in 1981 when Congress passed Pub. L. 97-28 which authorized and requested the President to proclaim the week beginning March 7, 1982 as “Women’s History Week.”

Throughout the next five years, Congress continued to pass joint resolutions designating a week in March as “Women’s History Week.” In 1987 after being petitioned by the National Women’s History Project, Congress passed Pub. L. 100-9 which designated the month of March 1987 as “Women’s History Month.” Between 1988 and 1994, Congress passed additional resolutions requesting and authorizing the President to proclaim March of each year as Women’s History Month.

Since 1995, presidents have issued a series of annual proclamations designating the month of March as “Women’s History Month.” These proclamations celebrate the contributions women have made to the United States and recognize the specific achievements women have made over the course of American history in a variety of fields.

Some notable Washington State Women’s history facts:

- 1912 – The first women were elected to the Washington State Legislature (Frances C. Axtell of Bellingham, and Nena J. Croake of Tacoma).
- 1923 – Reba Hurn of Spokane was the first woman elected to the Washington State Senate. An attorney, Hurn was also one of the first women admitted to the Washington State Bar.
- 1924 - Seattle’s Bertha Knight Landes was the first woman Mayor of a major U.S. city, appointed in 1924 and elected in 1926. It would be nearly 100 years before the second woman Mayor was elected in Seattle, in 2017. Knight Landes was also one of the first two women elected to the Seattle City Council (along with Kathryn Miracle) in 1924.
- 1965 – Marjorie Edwina Pitter King of Seattle was appointed by the King County Council to the Washington State Legislature, the first African-American woman to serve in the Washington State Legislature.
- 1977 – Dixie Lee Ray became Washington State’s first woman Governor.

- 1981 – Justice Carolyn Dimmick became the first woman to serve on the Washington State Supreme Court. Later that year, Justice Sandra Day O'Connor became the first woman appointed to the United States Supreme Court.
- 1992 – Washington State elected its first United States Senator, Patty Murray.

ITEM 5: SEE BELOW

ITEM 6: ARTS COMMISSION APPOINTMENT

The City Council adopted Ordinance No. 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.

This agenda seeks confirmation of the Mayoral appointment of Des Moines resident Alex Cunningham to the Des Moines Arts Commission effective immediately and expiring on December 31, 2024.

ITEM 7: DISPOSAL OF ABANDONED VESSELS WITHIN THE CITY OF DES MOINES MARINA

Derelict and abandoned vessels grounded or anchored upon publicly and privately owned submerged lands in the State of Washington have long been a logistical and environmental problem, for operators of public and private marinas in particular. In course of operation over the years, the Des Moines Marina has seen countless boats whose owners have stopped paying moorage fees and/or boats that have been abandoned in the Marina. In the past, the number of cases of non-payment or abandonment averaged less than one per year but for numerous reasons there has been a continued rise in cases thru 2020 and 2021.

The State Legislature has created a framework for addressing these derelict and abandoned vessels, codified at chapter 79.100. Under this framework, a vessel that has been left moored in the Marina for thirty days after being given notice that their moorage has been terminated for non-payment of moorage fees whose owner is cannot be located or is unwilling to take control of the vessel can be deemed abandoned. Once a vessel is determined to be abandoned, an authorized public entity such as the Marina may take custody of the vessel following statutory notice and the failure of the owner to contest the taking custody within the required time period.

Upon taking custody of the vessel, the public entity may use or dispose of the vessel in any appropriate and environmentally sound manner but must give preference to uses that derive some monetary benefit from the vessel, either in whole or in scrap. If the vessel is sold for value, the proceeds first go to the public entity to recoup its costs and fees owed. If no value can be derived from the vessel, the authorized public entity must give preference to the least costly, environmentally sound, reasonable disposal option. While some abandoned vessels are able to be successfully auctioned, abandoned vessels commonly have scrap value at or less than the cost of hauling the vessel.

At this time, two vessel in the Marina have been deemed abandoned, and notice has been provided as required by law. Staff expects that the appeal period will expire without response shortly and the Marina will take custody of the vessels. Both of the listed vessels have “accrued back moorage.” These vessels that have been deemed, abandoned or derelict, are removed from permanent and guest moorage docks and placed in storage allowing slips to be re-rented minimizing financial impact.

The following vessels have either been abandoned or deemed abandoned for non-payment of moorage fees:

- Sea Moana – a 34 ft. steel hull sailboat. (No identification numbers available.) This boat was brought into the Marina in early November 2020. The customer paid for a couple days of moorage stating they would be moving the boat elsewhere and never returned. Staff has had no contact since that time. Staff sent notice of intent to take custody to the Department of Natural Resources (DNR) on January 14, 2021 and followed required notice procedures. At the time of this item was submitted, it was anticipated that the City would take custody on March 15, 2021. The accrued moorage is approximately \$4,000.
- Nordic Lady – a 30 ft. fiberglass hull motor yacht, Washington Registration Number WN1263W, Hull Identification number TLY300290174. This boat first moored in the Marina in April 2019. Moorage fees were frequently in arrears and no payment has been made since November 2020. Once staff implemented the process for non-payment, the owner disappeared and no longer retained interest in the vessel despite frequent attempts to contact. This vessel has been posted, declared abandoned, and chained to the dock as permitted by the Marina Rules. Staff sent notice of intent to take custody to the Department of Natural Resources (DNR) on December 1, 2020 and followed required

notice procedures. The City took custody of the vessel on February 1, 2021 upon expiration of the period to contest taking custody. The accrued moorage is over \$8,000.

Staff will seek the method of disposal that will result in the least financial impact to the City. It is unlikely that sale or salvage of the vessels will recoup the full cost of disposal. In that case, Staff will seek arrangements to dispose of the vessels at no or little cost. These options may include transferring a vessel to an interested third party on payment of accrued moorage fees or utilizing a licensed boat dealer to liquidate the vessels at little to no net cost.

If there are no more favorable options, Staff has located a Company in South Park that will haul and dispose of these vessels. Estimated cost is about \$7,000 for staff/administrative fees, towing & hauling of the boat.

There is an opportunity to regain lost revenue with the disposal of an abandoned vessel as the Marina. The Marina has made provisions for storing abandoned boats in otherwise non-rentable spaces, so impacts on permanent or guest moorage revenues have not been as significant. However, the Marina does incur costs for staff time needed to move and maintain the vessels, ensure the vessels do not become an environmental hazard, and do the documentation for the seizure and sale process.

Some or all of City's costs in disposal may be recouped from the State's Derelict and Abandoned Vessel program administered by DNR. Staff tracks expenses in hopes to recover actual costs along with back moorage fees owed whether by sale or by the derelict vessel reimbursement program.

ITEM 8: ILA WITH WATER DISTRICT 54 FOR 8TH AVE S WATER MAIN REPLACEMENT INSTALLATION (SOUTH 227TH STREET TO SOUTH 223RD STREET)

The City currently has an annual arterial street paving program solely focused on roadway preservation. In efforts to maximize program resources, City staff has been seeking partnership opportunities with the various franchise utilities within the City. Many situations arise where partial roadway restoration is required by a franchise utility for project related work, and where the City has identified the long-term benefit of achieving full roadway restoration.

Located within downtown, Water District 54 proposes to replace approximately 1,700 linear feet of asbestos concrete water main as part of their 8th Ave S Water Main Installation (South 227th Street to South 223rd Street) Project. As part of this project, Water District 54 is responsible for half-street overlay restoration within their respective project limits.

Upon engineering review of the pavement condition where the franchise utility half-street overlay will occur, it is recommended that the remaining half-street overlay be completed by the City. The existing pavements are most likely 20-30 years old and have exceeded their expected life span. The proposed full-street overlay will ensure a uniform pavement lifecycle

and higher quality of paving. Due to the scale of the District's project and included pavement restoration, it is further recommended that all paving operations occur within 8th Ave S Water Main Installation (South 227th Street to South 223rd Street) Project.

Project design is almost complete and Water District 54 expects to publically advertise the project in April/May 2021.

By combining the City's roadway work with Water District 54's utility work into a single contract as proposed in the Interlocal Agreement, staff believes there will be significant benefits, specifically:

- Economy of Scale - Soliciting for bids under a single contract will generate more competition due to larger contract.
- Community Impact - Reduction in impacts to the public and project schedule by combining two projects into one.
- Material Quality Control – A single contract will ensure consistent construction materials and methods are utilized for the entire roadway width vs half-street operations.

Included within the Interlocal Agreement are obligations of the City that provide mutual benefit to the project. In summary, these include:

- Design Engineering Costs – The City shall reimburse the District \$12,750 for Consultant design and engineering services associated with the pavement overlay.
- Construction Costs – The City shall reimburse the District for quantities identified in Schedule B Bid Items/Work, estimated at \$178,420 for costs associated with pavement overlay.
- Construction Management – The City shall reimburse the District \$24,000 for costs associated with the construction and contract management of the City's items of work per WSDOT Standard Specifications.

Acceptance of the bids and award of a construction contract will be subject to approval by the City and Water District 54. It is possible that one or both parties may reject bids.

The City's CIP Budget Worksheet includes revenues to accommodate this Interlocal Agreement.

ITEM 9: ILA WITH LAKEHAVEN WATER AND SEWER DISTRICT FOR S 272ND ST. AND VICINITY WATER MAIN REPLACEMENT PROJECT

The City currently has an annual arterial street paving program solely focused on roadway preservation. In efforts to maximize program resources, City staff has been seeking partnership opportunities with the various franchise utilities within the City. Many situations arise where partial roadway restoration is required by a franchise utility for project related work, and where the City has identified the long-term benefit of achieving full roadway restoration.

Located within the Lower Woodmont Neighborhood, Lakehaven Water and Sewer District proposes to replace approximately 3,020 linear feet of asbestos concrete water main as part of their S. 272nd St. and Vicinity

Water Main Replacement Project. As part of this project, Lakehaven Water and Sewer District are responsible for half-street overlay restoration within their respective project limits.

Upon engineering review of the pavement condition where the franchise utility half-street overlay will occur, it is recommended that the remaining half-street overlay be completed by the City. The existing pavements are most likely 20-30 years old and have exceeded their expected life span. The proposed full-street overlay will ensure a uniform pavement lifecycle and higher quality of paving. Due to the scale of Lakehaven Water and Sewer District's project and included pavement restoration, it is further recommended that all paving operations occur within S. 272nd St. and Vicinity Water Main Replacement Project.

Project design is almost complete and Lakehaven Water and Sewer District expects to publically advertise the project in April/May 2021.

By combining the City's roadway work with Lakehaven Water and Sewer District's utility work into a single contract as proposed in the Interlocal Agreement, staff believes there will be significant benefits, specifically:

- Economy of Scale - Soliciting for bids under a single contract will generate more competition due to larger contract.
- Community Impact - Reduction in impacts to the public and project schedule by combining two projects into one.
- Material Quality Control – A single contract will ensure consistent construction materials and methods are utilized for the entire roadway width vs half-street operations.

Included within the Interlocal Agreement are obligations of the City that provide mutual benefit to the project. In summary, these include:

- Construction Costs – The City shall reimburse the District for quantities identified in Schedule B Bid Items/Work, estimated at \$166,700 for costs associated with pavement overlay.
- Construction Management – The City shall reimburse the District \$21,000 for costs associated with the construction and contract management of the City's items of work per WSDOT Standard Specifications.

Acceptance of the bids and award of a construction contract will be subject to approval by the City and Lakehaven Water and Sewer District. It is possible that one or both parties may reject bids.

The City's CIP Budget Worksheet includes revenues to accommodate this Interlocal Agreement.

The following Consent Calendar Item was approved by Council 4-1; against Councilmember Martinelli

ITEM 5: SOLE-SOURCE CONTRACT FOR THE PURCHASE OF THREE (3) GILBARCO LEGACY FUEL DISPENSERS FOR THE CITY OF DES MOINES MARINA'S FUEL DOCK

In 1998, in response to new federal and state regulations, the Marina planned and executed a project that replaced the fuel delivery system. The project included replacing the existing underground fuel tanks, underground piping, installation of new fuel dispensers and an electronic inventory control system. The prime contractor, Marcor, Inc., engaged a sub-contractor, Northwest Pump and Equipment Co. to supply and install new Gilbarco legacy model fuel dispensers. Installation of the new dispensers included cast-in-place concrete pedestals with imbedded sumps, and mounting hardware specifically used with the Gilbarco Legacy model fuel dispensers.

Typically, fuel dispensers include proprietary software and firmware that interfaces with a proprietary point-of-sale program supplied by the manufacturer. The Marina could not use the Gilbarco point-of-sale software because the fuel sales needed to incorporate into the Marina's point-of-sale and accounting software. To use the new dispensers with the Marina's programs, the Marina needed to purchase software and firmware from a third party that created the needed compatibility. The compatibility firmware is proprietary to the Gilbarco Legacy model.

Subsequent software and firmware upgrades over the last 20 years have consolidated the point-of sale and credit card processes and improved the electronic fuel inventory and leak detection systems. Some of the functions rely on the interface between the Gilbarco dispensers, and would need to be replaced or reprogrammed if dispensers from another source were used as replacements to the Gilbarco's. That process would involve additional costs in addition to the purchase of the dispensers.

At this time, the Marina is replacing the last of the fuel delivery pipe installed in 1988. As part of the project, the Marina is replacing the Gilbarco dispensers installed in 1998. At twenty plus years, the Marina's fuel dispensers are nearing the end of their useful life both physically, and functionally. New models now include electronic metering of the fuel volume in place of mechanical meters. Accurate "total volume" records are an assured way to maintain control of fuel inventory. Newer dispensers will also allow staff to dispense both types of fuel products at the same time from each dispenser, thus decreasing wait times at the fuel dock.

There are three main manufacturers of fuel dispensers in North America and their pricing is similar, mostly dependent on the features desired by the operator. Because of the inherent risks involved with fuel spills and other accidents, "self-service" is not allowed and staff is always present during fuel sales. Since payment does not take place at the dispenser, the Marina can use a "basic" model with a minimum of internal electronics. When comparing features between the three main manufacturers, the staff found that switching from Gilbarco to another brand would mean demolishing and replacing the concrete mounting pedestals and replacing the firmware along with, re-configuring software needed to create the compatibility between the dispenser and the Marina's point-of-sale and accounting software.

Staff has determined that any savings that may occur from switching brands would be more than offset by the changes necessary to accommodate another manufacturer.

The three new Gilbarco Legacy dispensers will cost \$53,189.29 including sales tax and delivery. New Tokheim or Wayne-Dressler dispensers will cost approximately the same amount but demolishing and replacing the concrete mounting pedestals to adapt to a new brand will cost approximately \$5,000 to \$6,000 and replacing the firmware to accommodate another brand will cost an additional \$2,500.

Next City Council Meeting: April 8, 2021