



City of Des Moines

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FRIDAY COUNCIL RECAP

September 25, 2020

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

RUTH BADER GINSBURG & JOHN LEWIS

City Manager Michael Matthias, Municipal Judge Lisa Leone and Councilmember Luisa Bangs gave tribute to the recent passing of Justice Ruth Bader Ginsburg and Congressman John Lewis, and offered a moment of silence in their honor.

ADMINISTRATION REPORT

Item 1: PASSENGER ONLY FERRY STUDY UPDATE

City Manager Michael Matthias reported that Diedrichrpm has completed the demand study and widespread ferry questionnaire and received more than 329 responses, primarily from Des Moines and South King County. The study was done partly because a private sector partner wanted to know what the demand was, and at the same time Puget Sound Regional Center (PSRC) was involved in doing a ferry study. At first the City was going to do a "plug and play," our study was going to fit perfectly into PSRC's study but then they decided not to include ours. At the same time the Legislature will be including money for a ferry study and we will be included in that route. Watch the full Council meeting for more information: www.desmoineswa.gov

Item 2: SOUND TRANSIT UPDATE

Chief Operations Officer Dan Brewer gave a brief update on the Sound Transit project from the Angle Lake station to the Highline College station. The project is going very smoothly. On 216th, North and South, there is quite a bit of excavation work, both in SeaTac and Des Moines. The contractors are working to get the initial grade established for the alignment before the rain starts. They hope to get the earth winterized and Sound Transit plans to do work during the winter months. Noise wall panel installation will be starting soon. Watch the full Council meeting for more information: www.desmoineswa.gov

Item 3: BUSINESS ASSISTANCE PROGRAM UPDATE

Aggregate Demand – Local Business

Outdoor Research

- ✓ \$20,040
- ✓ Mass ordering of high-quality reusable masks for staff, businesses, and public.
 - 150 mask kits for staff
 - 3,750 masks for businesses and public
 - 450 masks for youth

Partners Crackers

- ✓ \$4,800

Food Bank

- ✓ \$72,290
 - \$23,309 – Refrigeration Trailer and Power
 - Face Coverings, Staffing, General Assistance
 - More detail provided on table attached.

EATS Program

- ✓ \$60,000
- ✓ Extended through the end of the year
- ✓ Initially funded by KC Senior & Veterans Levy
- ✓ Now provided by the City

Housing & Utility Assistance

- ✓ \$25,000
- ✓ Partnering with African Community and Housing Development (ACHD)
- ✓ Relief intended for residents of Des Moines facing difficulties paying rent and their utilities

Grant Relief Opportunity (GRO) Program

- ✓ Adaptation/Remodel
 - Two (2) Qualified Applicants
 - \$15,028 Total Requested
- ✓ General Relief
 - Twenty-Six (26) Qualified Applicants
 - \$420,000 Total Amount Requested

Food Bank Detail

Date	Item	Cost Each	TOTAL
January 2020	Annual Award	\$39,000.00	\$39,000.00
March 2020	3,000 Face Covering	\$ 0.79	\$ 2,396.94
March - July 2020	4 Staff Thurs Delivery Truck	2 hours every Thursday 13 wks.	\$ 3,985.96
September 2020	Refrigeration Trailer and Power	\$21,489.00 \$1,820.00	\$23,309.00
September 2020	Crackers		\$ 3,600.00
TOTAL			\$72,291.90

Watch the full Council meeting for more information: www.desmoineswa.gov

Item 4: MIDWAY PARK UPDATE
NEW INVESTMENTS IN MIDWAY PARK

Mini-pitch - complete (RAVE Foundation)

- Accommodates both soccer and basketball
- Artwork on goals/hoops by Midway Elementary students
- Virtual soccer/basketball clinic held this summer – balls and shirts delivered by recreation staff
- Facelift - new park furnishings installed, wall given a new coat of paint
- Virtual opening event held on September 3, 2020 (Deputy Mayor Matt Mahoney participated on behalf of the City Council)
- Free “balls for life” and continued programming
- Increased activity and community ownership in the park
- Arts Commission - working on art for the wall



CONSENT CALENDAR

The following items were approved by Council 6-0 (Councilmember Martinelli was absent):

Item 1: NATIONAL PREPAREDNESS MONTH PROCLAMATION

This is the 1st year that Council has proclaimed September as National Preparedness Month. Mayor Pina read the summary of this proclamation into the record.

Go to <https://www.ready.gov/september> to make your plan today.

Basic Disaster Supply Kit:

To assemble your kit store items in airtight plastic bags and put your entire disaster supplies kit in one or two easy-to-carry containers such as plastic bins or a duffel bag.

A basic emergency supply kit could include the following recommended items:

- Water (one gallon per person per day for at least three days, for drinking and sanitation)
- Food (at least a three-day supply of non-perishable food)
- Battery-powered or hand crank radio and a NOAA Weather Radio with tone alert
- Flashlight, First aid kit and extra batteries
- Whistle (to signal for help)
- Plastic sheeting and duct tape (to shelter in place)
- Moist towelettes, garbage bags and plastic ties (for personal sanitation)
- Wrench or pliers (to turn off utilities)
- Manual can opener (for food)
- Local maps
- Cell phone with chargers and a backup battery

Item 2: DES MOINES FIELD HOUSE PARK – FIELD RENOVATION PROJECT CONTRACT

The Field House Park is a staple for recreation in the City of Des Moines. With areas for softball, baseball, soccer, tennis courts, play area and a skate park, it has heavy usage on a daily basis. There are few other fields for baseball, softball and soccer in Des Moines, leaving limited options when these fields are unavailable for use.

Poor drainage limits the usability of the fields and regularly leads to field closures and game cancellations. To address these needed improvements, the City submitted successful applications for two grants, one the Washington State Recreation and Conservation Office (\$107,202) and one from King County Youth and Amateur Sports Program (\$100,000). The City Council previously approved acceptance of these grants, and the improvements will be entirely grant funded. The grant funds must be expended by June 30, 2021.

Staff solicited bids for the drainage improvement project to be submitted between June and August, 2020. Staff evaluated the responsive bids and selected the bid from Pacific Sports Turf.

In addition to the drainage improvements, the City has contracted with MOCON Fence Contractors for the Des Moines Field House Park Field Backstop Replacement Project. This Project is also being funded by the grants listed above. Field #2 has a backstop and fencing that is need of replacement due to safety concerns. The replacement of the Field #2 backstop and fencing is key to keeping users of the park safe. The total cost of the contract for the fence and backstop replacement is approximately \$30,000.

The cost under the contract with Pacific Sports Turf is not to exceed \$129,251.00. The cost of the project will be funded entirely through grant funds received from Washington State Recreation and Conservation Office and the King County Youth and Amateur Sports Program. There is no net impact to the City's general fund.

Item 3: DOMESTIC VIOLENCE AWARENESS MONTH

This is the 2nd year that Council has proclaimed October as Domestic Violence Awareness Month. Mayor Pina read the summary of this proclamation into the record.

Community Services Directory:

<http://www.desmoineswa.gov/DocumentCenter/View/4/Community-Services-Directory?bidId=>

For more information visit <https://nomore.org/campaigns/dvam/>

The following items were approved by Council 6-0:

NEW BUSINESS

Item 1: DRAFT ORDINANCE 20-049: COMCAST FRANCHISE AGREEMENT – FIRST READING

A franchise agreement authorizes an entity to make use of the city streets for the purpose of carrying on the business in which it is generally engaged, that is, of furnishing service to members of the public. The grant of a franchise is a special privilege that allows particular individuals to profit from the use of the city streets in a manner not generally available to the public as a common right. The state legislature has granted authority to cities to grant a nonexclusive franchise. RCW 35A.47.040. Once granted, a franchise is a contract which is binding on both the grantor and the grantee.

The City's existing franchise agreement with Comcast was approved in 2003 and expired in 2009. Although the agreement has expired, the parties have continued to operate under the terms of the franchise. However, many of the terms and conditions are outdated and in need of updates.

Since expiration of the franchise in 2009, previous negotiations had stalled. However, in 2018, the City and Comcast began seriously negotiating a new agreement. This draft ordinance is the result of those negotiations. This draft ordinance has been reviewed by the City Council's Ad Hoc Franchise Committee and approved for submission to the City Council.

There are a number of federal laws and rules that apply to cable franchise agreements which place limitations on a City's authority. Although cities are limited in what they can regulate, this Agreement addresses the areas where regulation is possible in order to effectively protect the interests of the citizens as well as to allow Comcast to provide residents of Des Moines with essential cable, internet and telephone services.

In general, many of the franchise provisions remain the same as the previous franchise. The key terms are detailed below.

- 1. Franchise Term:** The term of the Franchise is for 10 years.
- 2. Franchise fees:** Comcast will pay to the City 5% of gross revenues. This is consistent with the current fee and the maximum allowed under federal law.
- 3. Performance and customer service:** City can hold performance evaluation session in a public meeting to consider compliance with federal laws and franchise. Additionally, Comcast will provide annual written report showing customer complaints and resolutions. Comcast has also provide a customer service phone number for the City to place on our website as well as on their billing documents.
- 4. Indemnification/Insurance:** Franchise is consistent with prior agreement and sufficient to cover foreseeable events.
- 5. Relocation, Undergrounding and Right of Way Management:** The Franchise reflects current City practice and is consistent with state law and prior franchise. Comcast is required to follow City permitting

processes prior to installation of facilities or any work in the right-of-way. Comcast is also required to pay City permit fees as applicable.

6. **Taxes:** Under DMMC 3.68.060(5) the City imposes a 10% utility tax on cable providers.
7. **Abandonment:** The Franchise requires that Comcast inform the City of any equipment in the right of way that is no longer in use. The City can then decide whether to require it to be removed or to allow it to remain in place. Any removal would be at the sole expense of Comcast.
8. **Additional Terms** – The majority of the remainder of the Agreement is boilerplate legal language. All language and terms have been thoroughly reviewed and negotiated and the City's interests are protected throughout these Agreements.

New Provisions: The following items are new or are significantly updated from the prior franchise.

1. HD Channel - As a result of this new agreement, the City will be receiving a high definition (HD) channel for the City's government access channel 21. The channel will be channel 321 and will be available for all customers who have HD services.
2. Increased PEG Fees - Public Access, Educational Access, and Government Access fees (PEG) provide funding for the City to purchase the equipment needed to broadcast on Channel 21 and now Channel 321. In the previous franchise, Comcast paid the City \$140,000 for equipment costs upon execution of the Agreement but did not call for additional payments over the remaining term. As a result, the City has not received any PEG fees since 2003. In this proposed draft, the City is seeking monthly payments of \$0.12 per customer per month in order to cover anticipated capital improvements over the first five years of the agreement. There is re-opener language in the agreement for a potential increase to \$0.15 after five years if the cost of improvements increases.
3. New federal actions: There has been some new federal laws and orders issued since the last franchise agreement that will affect this agreement. One specifically relates to complimentary service (free cable to public facilities). It is likely that under federal law this will soon be considered a form of franchise payment and Comcast would be able to subtract the cost of those services from their franchise payment. Once this order goes into effect, Comcast will notify the City and the City will need to consider if cable tv is needed at City facilities and other public facilities.

Non-Franchise Comcast Issue:

The City has previously expressed an interest in installing cable service at the City Activity/Senior Center. Outside of this agreement, pursuant to attachment 2 (side letter) Comcast has proposed to cover roughly \$2,500 of the cost of that installation. The remaining cost would be borne by the City (estimated cost \$13,000). Approval of this Franchise does not bind the City to move forward with this project.

Although this project was previously identified as a priority, it will need to be reassessed given COVID 19 and in coordination with the Senior Services Committee.

The bulk of the taxes and fees that the City collects from Comcast will not change. The City will begin to receive additional PEG fees in the amount of

\$0.12 per month per subscriber (\$8,000-\$10,000 per year). Residents of Des Moines who are Comcast customers will not see a rate increase due to this Agreement other than the \$0.12 per month.

A second reading of this item is scheduled for October 8, 2020.

Item 2:

RESOLUTION TO SOUTH KING HOUSING AND HOMELESSNESS PARTNERS (SKHHP) 2021 BUDGET AND 2020-2021 WORK PLAN

In 2019, the Cities of Auburn, Burien, Covington, Des Moines, Federal Way, Kent, Normandy Park, Renton, Tukwila, and King County entered into an Inter-local Agreement (ILA) creating South King Housing and Homelessness Partners ("SKHHP"). The goal of this partnership is to work toward ensuring the availability of housing that meets the needs of all income levels in South King County. This also includes providing a sound base of housing policies and programs in South King County to complement the efforts of existing public and private organizations to address housing needs.

All Parties to the Agreement have a responsibility for local and regional planning for the provision of housing affordable to residents that work and/or live in South King County. Through the ILA, the Parties agreed to act cooperatively to formulate affordable housing policies that address housing stability and to foster efforts to preserve and provide affordable housing by combining public funding with private-sector resources.

The ILA serves as a framework for all participating municipalities within the SKHHP jurisdictions. The SKHHP Executive Board has a number of powers and duties including to (1) develop and approve an annual budget and annual work plan for SKHHP; (2) adopt procedures for the administration of SKHHP; (3) and to make recommendations to the Parties concerning planning, policy, programs and the funding of affordable housing projects. Ultimate decision making remains with the elected officials of the Parties to the ILA, as the annual budget and work plans are subject to approval by each Party's legislative authority.

The 2021 SKHHP budget maintains current contribution rates for each participating jurisdiction. The jurisdiction contributions are based on population size. The City of Des Moines' 2021 contribution is \$7,500.

Item 3:**DISCUSSION OF 2021-2026 CAPITAL IMPROVEMENTS PLAN**

During the August 6, 2020 Budget Retreat, Chief Operating Officer Dan Brewer provided an overview of the CIP process and projects to the Council. Normally, the capital improvement plan would have been completed and taken to the various committees in July and to City Council for approval in August. However, COVID-19 has caused unavoidable delays to the 2021-2026 Capital Improvements Plan process this year. Part of this delay was related to determining the impacts to funding sources available for capital projects. Our main funding sources for capital are one-time sales taxes, real estate excise taxes, park levy funds, traffic impact fees and park in-lieu fees. For the 2020 budget, an ordinance was brought to City Council in April and was approved. This ordinance suspended the restriction on the use of one-time sales and B&O tax revenue for capital projects and retains it in the general fund to help fund operating costs. This reduces the amount of funding available for capital projects.

The 2021-2026 Capital Improvements Plan includes projects that are predominantly grant funded. The City will use our limited amount of local funding as a match for these projects. The plan also includes 2020 projects that have not been completed as they have been rolled over into 2021. As well as, projects that are included for strategic purposes to ensure there are shovel ready projects available in order to seek future grant funding.

The 2021-2026 Capital Improvements Plan was sent to City Council on September 14, 2020. The CIP was discussed with the following council committees: Environmental Committee on September 17, 2020, the Transportation Committee on September 17, 2020, and the Municipal Facilities Committee on September 24, 2020.

Next City Council Meeting: October 8, 2020