



City of Des Moines

ADMINISTRATION
21630 11TH AVENUE SOUTH, SUITE A
DES MOINES, WASHINGTON 98198-6398
(206) 878-4595 T.D.D.: (206) 824-6024 FAX: (206) 870-6540



FRIDAY COUNCIL RECAP

February 11, 2021

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

PRESIDING OFFICER'S REPORT

Item 1: STEVEN J UNDERWOOD MEMORIAL SCHOLARSHIP FUND

Council unanimously agreed to fund a \$1,000 scholarship to a 2020-2021 Des Moines Area Senior who is interested in pursuing law enforcement. The scholarship is administered by Des Moines Dollars for Scholars.

ADMINISTRATION REPORT

Item 1: INTRODUCTION OF DEPUTY FINANCE DIRECTOR, JEFF FRIEND

Finance Director Beth Anne Wroe introduced Jeff Friend, who recently came to the City of Des Moines from the City of Tukwila.

Item 2: DES MOINES MARINA TENANT ASSOCIATION MEETING

City Manager Matthias, Chief Operations Officer Dan Brewer and Harbormaster Scott Wilkins recently met with Ken Rogers, Todd Powell and Bill Linscott, with the Des Moines Marina Tenant Association to talk about plans for Marina Redevelopment. Marina recommendations should be coming out soon as we explore strategically some of the options that are available. The City will engage the public in the process as appropriate relative to decision making. Ken, Todd and Bill were instrumental in connecting the City to Mark Bunzel, who has given recommendations on the redevelopment of the Marina.

Item 3: BLACK HISTORY MONTH PROCLAMATION

City Manager Michael Matthias collaborated with Councilmember Luisa Bangs and Human Resources Coordinator Adrienne Johnson to prepare the final version of the proclamation.

Item 4: PORT OF SEATTLE

City Manager Michael Matthias testified at the Port of Seattle in support of their acquisition of 14 acres of 509 Right-of-Way from Washington State Department of Transportation (WSDOT). This will allow for a 20 acre expansion from the Business Park to the west. The City played a critical role in this process as originally the 509 Right-of-Way would no longer be used and money from the Right-of-Way acquisition would have gone back to WSDOT's General Fund. The Gateway team, who controlled the 509 Right-of-Way, were not happy that they would lose that asset. The City worked with the Port and Olympia to encourage WSDOT to change their administration policy that would allow the value of that Right-of-Way to go back to the Gateway fund. WSDOT made the change and allowed the Port to acquire the property. Most of the property will be used for environmental mitigation. A small portion is commercial and ends up being a development project of approximately 23 acres. Of those 23 acres approximately 9 acres will be used for development activities. The Port will publish a RFP for a development plan. At the point at which the Port makes a selection from the RFP there will be a SEPA review, community input and an opportunity for the public to comment on the development. One final note is that the Port of Seattle has put up \$1.5 million to assist in the 216th Street improvements, which was roughly \$4.5 million in total, to date.

Item 5: COVID UPDATE

Emergency Preparedness Manager Shannon Kirchberg gave a power point presentation to Council. The presentation can be found on the City's website or by following this link: www.desmoineswa.gov/DocumentCenter/View/5432/COVID-19-Update-02-11-2021

Item 6: BANNER PROGRAM AND DOWNTOWN BEAUTIFICATION

Chief Operations Officer Dan Brewer updated Council on the beautification project in the downtown corridor. This year the City is planning to start with the first phase with hanging baskets, primarily on Marine View Drive. As the City discussed installing the hanging baskets, the challenge was what to do with the banners that are currently hanging on Marine View Drive and to also coordinate possible new locations for baskets and banners. The City will also be updating the banners for the Marina District this year and the City will reach out to the Arts Commission to get some ideas what the new banners would look like. The hope is to have a holistic approach to the banners this year and the City will not be adding businesses names to the banners, at this time. The City hopes this change will help small businesses be more vibrant in the downtown. The City could revisit business sponsored banners in the future.

Item 7: SNOW STORM PLANNING AND PREPARATION

Chief Operations Officer Dan Brewer mentioned that staff have been treating the roadways in preparation for the upcoming expected snow. Staff will continue to monitor the situation throughout the weekend and is ready to take all action necessary to keep roads clear and safe.

Item 8: CLUB KHAOS BEFORE & AFTER SCHOOL PROGRAM & ROBYN'S NEST PRESCHOOL

Staff has had extended discussions with Highline School District throughout this pandemic and have decided that the City will not be providing Club KHAOS Before & After School for the remainder of the school year.

The Highline School District is partnering with the YMCA and Right at School to provide fee-based childcare. Scholarships and sliding-fee scales will be available. This includes full-day, as well as before and after school care. The City remains connected with Highline and continue to miss all of the kids and families from the programs.

The City has also made the difficult decision to discontinue the preschool program, Robyn's Nest, at the Field House. The City remains committed to the well-being and learning of children in our region and will continue to provide resources and ideas for activities for children at home. The City will assist in any way in finding quality preschool that will work for families.

Parks, Recreation & Senior Services continue focus their attention on sports and recreation programs.

The following items were approved by Council 7-0
CONSENT CALENDAR.

Item 1: APPROVAL OF MINUTES

January 21, 2021

Item 2: VETS SENIORS AND HUMAN SERVICES LEVY (VSHSL) GRANT

The Des Moines Activity Center (DMAC) has been a fundamental space for gathering and activities in the City of Des Moines. With the space to host programs, activities, meals, and more - DMAC strives to expand our reach and be able to best serve seniors, veterans and the community as a whole.

The City's DMAC, along with the Central Area Senior Center (CASC) jointly applied for VSHSL funding for increased social engagement through the creation of a Cultural Hub. This hub was titled the African Diaspora Hub, with the aim to offer opportunity for seniors in the Des Moines area as well as Central and South Seattle to be socially engaged and connected. The focus was culturally appropriate and diverse programming to highlight and speak to the African Diaspora. African Diaspora refers to African Americans and immigrant African communities. There are a high concentration of these communities in South King County. Another important goal was to increase outreach to socially isolated seniors as well as senior veterans.

King County's goal in this VSHSL funding was to support senior centers in becoming hubs that expand outreach to isolated seniors and support opportunities of engagement for the diversity of seniors.

The partnership: DMAC & CASC's partnership remains focused on promoting cultural programming and activities between our centers. The manner in which this has been accomplished has had to shift, due to the COVID 19 pandemic. Providing meals has proven to not only be an essential function during current quarantine, but remains crucial in engaging with isolated seniors and ensuring they remain connected and supported during these trying times. Our DMAC quickly and seamlessly pivoted to a drive up meal service, and through our African Diaspora Hub, was able to provide African inspired cuisine twice monthly. DMAC was also able to utilize some VSHSL funds in support of the successful EATS program.

We continue the implementation of this grant, and King County has been quite supportive in allowing the necessary shift in services. We participate in regular planning meetings with our CASC partner, and have creative ideas for the remainder of this grant – to include highlighting Des Moines area restaurants, education through a variety of culture's foods, adding cultural outreach services, and virtual engagement through exercise, education, and crafts until we are able to safely gather in person.

All funding for the African Diaspora Hub will be provided through the King County Veteran's, Seniors, and Human Services Levy (VSHSL) and will be managed through the Adult Services Division (ASD) of the King County Department of Community and Human Services (DCHS).

Item 3:

INTERGOVERNMENTAL LAND TRANSFER AGREEMENT BETWEEN KING COUNTY AND THE CITY OF DES MOINES FOR THE TRANSFER OF PROPERTIES, DRAINAGE FACILITIES AND EASEMENTS

In 1984, "South Des Moines" was annexed by King County to the City and within this incorporation exists the Des Moines Trace Plat. Two tracts, an open space tract and a drainage tract, associated with this Plat were not included in the original annexation property transfer to the City and remained under King County ownership.

The North Fork McSorely Creek Diversion project is a Surface Water Management Capitol Improvement Project that is currently in design. A section of the new diversion storm line will need to be installed across these tracts of Des Moines Trace. City staff contacted King County in an effort to transfer these tracts to the City, as they should have been included in the original annexation. King County agreed to the transfer and prepared the attached Intergovernmental Agreement.

In addition to the Des Moines Trace tracts, King County made it known there are three additional properties in the City that missed their transfer during annexations. In 1995, "North Hill III" was annexed to the City and the Forest Meadows drainage tract was missed in the transfer. In addition, in 1997 "Woodmont/Redondo" was annexed to the City and two

road-related tracts along the Redondo Beach Boardwalk were missed as well.

With the use of a Quit Claim Deed, the City would assume full and complete ownership of and responsibility for the operation, maintenance, repairs, and any subsequent improvements to the Transferred Property Interests. The City of Des Moines has maintained these properties since their annexations and both City staff and King County believe that it is in the best interest of the public that King County transfer ownership of these properties. This would ensure public properties and public drainage facilities located within Des Moines boundaries are both owned and managed by the same Jurisdiction.

The properties and tracts will be transferred to the City of Des Moines via Quit Claim Deed at no cost to the City. In addition, because the City has been maintaining and operating these facilities since annexation there would be no additional realized costs after the transfer of ownership.

Item 4: BLACK HISTORY MONTH PROCLAMATION

The roots of Black History Month began with African American scholar Carter Woodson. Throughout his academic studies in the early 20th century, Woodson witnessed how Black people were underrepresented in books and scholarship that shaped the study of American history. To respond to this, Woodson and Jesse E. Moorland founded what would become known as the Association for the Study of African Life and History. Woodson famously asserted that “If a race has no history, it has no worthwhile tradition, it becomes a negligible factor in the thought of the world, and it stands in danger of being exterminated.”

In 1926, Woodson and his organization launched “Negro History Week” to highlight the need to teach Black History. They chose the second week of February since it encompassed the birthdays of both Frederick Douglass and Abraham Lincoln.

Throughout the Civil Rights Movement of the 1960’s, the celebration of the week was adopted by many Freedom Schools in the South, and then that week was adopted and expanded into “Black History Month” on college campuses. President Gerald Ford proclaimed Black History Month a national observance in 1976.

Item 5: WASHINGTON STATE FUTURE CITY REGIONAL COMPETITION PROCLAMATION

Pacific Middle School teams competed in the virtual Washington State Future City Regional Competition on Saturday, January 30, 2021. The competition is a national competition which is part of National Engineering Week held in February of each year. Team Kaskazini won third place in the regional competition. Pacific Middle School has competed in this competition over the past 14 years, and this is the tenth time they have placed in the competition.

Due to the COVID Pandemic students had 25 days to build their models on their own at home, video tape their presentations on Zoom and share it with the judges. Students endured grueling question and answer

sessions each night from 4:00-7:00, Monday-Thursday. Prior to COVID students had 2 ½ months to work together on their model.

Item 6: COMPENSATION FOR NON-REPRESENTED EMPLOYEES

The City's regular non-represented employees fall into three groups; the General Employees, who are eligible for overtime compensation under the Fair Labor Standards Act (FLSA); the Exempt Employees, who are exempt under the FLSA; and the Directors. In December 2016, both the Exempt and General Employee groups formally acknowledged that they are not labor/union units, expressing their preference to work with management in a collaborative, advisory capacity, without being bound by the constraints of RCW 41.56. The City Council sets salary rates and benefits for non-represented employees by resolution and has ordained a policy to treat the General and Exempt employees and Directors equitably in relation to those represented by labor unions, per DMMC 2.12.010.

At the onset of the coronavirus, the City of Des Moines took a number of measures to ensure continuity of services in response to the pandemic. We immediately began to strategically address labor-related expenses in 2020 as a precursor to 2021. Taking actions, such as laying off extra-hire positions, implementing a hiring lag, placing staff on stand-by, along with other measures, did assist with our funding constraints in 2021 and our outlying years. Uncertainty is inherent in any budget preparation, however for 2021; it was much higher than usual because of increased volatility in revenues and expenditure needs.

The 2021 budget was passed in early November with a (0) % cost of living increase (COLA) for non-represented employees. At the end of November, the City was able to fully utilize monies provided by the CARES act. Additionally, we found that our estimates regarding revenues related to taxes and franchise fees were more conservative than the actual amounts collected. This coupled with the “savings” from our discipline in managing program expenditures and salary and benefits from unfilled vacancies has placed the City in a position to be able to offer a COLA to our non-represented employees.

The City Administration is now able to provide the June 2020 Consumer Price Index (CPI-U) for Seattle-Tacoma-Bellevue, which was (0.9)%. Given that this increase will need City Council approval and cannot take effect until February 16, 2021, if approved, the actual amount of the increase will be a (1.0)% wage increase for non-represented employees. This Draft Resolution would also eliminate the 457 Sick Leave Rollover program for the General employees, commensurate with the Teamsters Agreement. The savings from elimination of this program will be reallocated to support the non-represented wage increase for 2021.

Finance has accounted for the proposed increase and has determined that a sustainable budget through 2021 will be maintained with passage of this Draft Resolution.

NEW BUSINESS

New Business Item #1 was approved by Council 6-1; against Councilmember JC Harris

Item 1: WESLEY HOMES PEDESTRIAN BRIDGE AT 216TH STREET

Wesley Homes, 815 South 216th Street, has submitted permits for the construction of phases 3 and 4 which would complete redevelopment of the campus per the Wesley Homes Master Plan. As a part of this final phase, Wesley Homes has proposed a pedestrian sky bridge over South 216th Street that would link the newly constructed the south campus with the existing Terrace Building on the north campus as shown in Attachment 1.

A pedestrian bridge creates a unique opportunity for a visually appealing gateway feature in the City. Staff would plan to address several issues related to the potential pedestrian bridge in a mutually agreeable development agreement. This development agreement would cover the following items but not be limited to:

- Liability and Insurance
- Airspace rights
- Maintenance and Repairs
- Compensation
- Stormwater Management

Staff would anticipate bringing a draft development agreement to the Council later this spring for consideration and discussion.

There were 3 motions for New Business Item #2:

Motion #1 passed 6-1; Against Councilmember Anthony Martinelli

Motion #2 passed 7-0

Motion #3 passed 7-0

Item 2 NORTH MARINA PARKING LOT BULKHEAD AND RESTROOM REPLACEMENT – ENVIRONMENTAL MITIGATION BANKING; EXELTECH CONSULTING DESIGN CONTRACT SUPPLEMENT AGREEMENT #2 & #3

The existing North Marina Bulkhead was constructed in 1979 and consists of timber lagging supported by timber piling anchored to the shore utilizing a timber waler and deadman anchor system which is fronted by a rock slope for wave and tide protection. In the current condition, these timber elements exhibit noticeable degradation, decomposition, and in some instances failure. Such failure includes situations where the deadman anchor system is no longer constrained by timber walers which is intended to restrain lateral earth pressures. Additionally, situations exist where there are apparent visible voids thru the timbers.

In December 2017, the City entered into contract with Exeltech Consulting for design and permitting services in anticipation of full bulkhead, breakwater, and restroom replacements. This design work is nearly complete and has included survey, geotechnical engineering, coastal engineering, civil engineering, structural engineering, urban design, landscape architecture, and architecture. Additionally, extensive local, state, and federal permitting has been part of this process.

Project environmental permitting is complete, with the federal National Environmental Policy Act (NEPA) review lead by the US Army Corps of Engineers (Corps) having been concluded on January 15th, 2021 with issuance of a Corps Nationwide Permit. This permit also provides concurrence that the proposed work complies with the WA Department of Ecology (Ecology) Water Quality Certification (WQC) requirements and Coastal Zone Management (CZM) consistency determination response for the issued Nationwide Permit. No further coordination with Ecology for WQC and CZM are required.

Other significant environmental permits that have been obtained include the State Environmental Policy Act (SEPA) determination, WA Department of Fish and Wildlife (WDFW) Hydraulic Permit Approval (HPA) issuance, and WA Department of Natural Resources (DNR) concurrence among others.

Motion 1:

All project permits issued dictate certain terms and conditions to protect our natural resources at the project site, and more broadly those of Puget Sound. The Corps Nationwide Permit is by far the most comprehensive permit issued under NEPA. One element of this permit is the Endangered Species Act (ESA) Section 7 review in which the Corps is obligated to obtain consultation through the National Marine Fisheries Service (NMFS), and concludes with formal issuance of a Biological Opinion (BO). The Corps then incorporates the BO into the NEPA review and ultimately the Nationwide Permit 3 Issuance (Attachment 2). The BO issued concludes that the North Marina Bulkhead and Restroom Replacement Project will result in 'jeopardy' of species under the ESA and that the project sponsor will be required to offset this impact for implementation of the proposed project. Specific species identified as impacted include the listed Puget Sound Chinook salmon and Southern Resident killer whales and their critical habitat. The BO further defines how much conservation offset is necessary with the following provided general methodology overview.

As a result of the NMFS Habitat Equivalency Analysis (HEA) and Nearshore Habitat Values Model (NHVM), the BO states that this project has (-2043.14) debits of habitat impact to restore (Attachment 3). To determine a universal basic unit of measurement when evaluating value of mitigation efforts to generate a comparable credit value, a discounted-service-acre-year (DSAY) measurement is utilized. In this case, the project requires 20.43 DSAY credits to offset the debit.

NMFS furthermore determined the below Reasonable and Prudent Alternatives (RPA's) that can be utilized by a project sponsor to satisfy the project debit offset required.

- 1.1 Implement on-site habitat improvements that would result in conservation credits.
Current Project Action: Reduced bulkhead footprint, creosote pile removal (credited).
Pros: Site specific action.
Cons: No further ability to significantly reduce debit load; Agency responsible for HEA and NVHM analysis; Schedule delay; Project re-permitting required; Project re-design.

- 1.2 Implement off-site habitat improvements that would result in conservation credits.
Current Project Action: None Taken
Pros: Local action.
Cons: Limited restoration opportunities in Des Moines; Proposals require NMFS approval; Agency responsible for HEA and NVHM analysis; Schedule delay; Project re-permitting required; Additional project design.

- 1.3 Provide funding to a habitat restoration “sponsor” (i.e., a state agency, Regional Organization, designated Lead Entity, Conservation District or Regional Fisheries Enhancement Group) to support a restoration project that will improve nearshore or estuarine habitat.
Current Project Action: None Taken
Pros: Agency discretion to develop project partnerships.
Cons: Limited partners; Proposals require NMFS approval; Agency responsible for HEA and NVHM analysis; Schedule delay.

- 1.4 Purchase conservation credits from a NMFS-approved conservation bank, in-lieu fee program, and/or crediting provider.
Current Project Action: NMFS approved RPA for project; Draft purchase and sales Agreement with Wildlands.
Pros: NMFS approved; No added design or permitting; Immediate.
Cons: Limited partners and action locations; Market based DSAY pricing.

- 1.5 Project modifications that reduces impacts to habitat function impacts.
Current Project Action: Project design efforts factored in appropriate level of modifications.
Pros: Site specific action.
Cons: Project redesign and permitting required; Project outcomes not achievable; Schedule Delay.

The project management team has evaluated each of the five RPA’s available and have made the preliminary request to utilize RPA 1.4 to obtain the appropriate project credits needed for debit offset. This approach is the least expensive, causes the least schedule impact, and does not require redesign and re-permitting efforts to implement. Upon search for available conservation banks in which the City is eligible to participate, only one has been identified that is approved by the NMFS.

The specific bank is the Blue Heron Slough Conservation Bank managed by Wildlands of Washington, LLC and is approved for DSAY credit sales. A brief description of the Blue Heron site includes the following.

- 353-acre site in the Lower Snohomish River Estuary.
- Historic clearing, water flow control for agriculture in the 1800's caused estuary collapse.
- Objective to restore habitats including marsh, mud flat, riparian, and channel habitat.
- Bank identified in 2005 as one key location for Puget Sound Chinook Salmon and Bull Trout Recovery.
- Construction has commenced in 2005 and will resume through the entitlement of credits.

The terms and conditions of the Corps Nationwide Permit 3, as well as project concurrence from the DNR have significant project financial implications for both Phase I and II (Attachment 6). The most significant requirements that are required to be met either need to be fully executed prior to, during, or after construction is completed. They all require additional engineering, direct construction, and construction inspection & reporting costs. The following is a list of the most significant, but not all-inclusive, requirements and estimated costs.

- RPA 1.4 Mitigation Bank Credit Purchase (Corps) - \$344,224 TOTAL for Phase I and Phase II
- Marine Mammal Protection Plan (Corps) - \$26,400 EACH for Phase II
- Suspended Sediment Monitoring Plan & Sediment Control Plan (Corps) - \$56,400 EACH for Phase I and Phase II
- Stormwater Treatment Plan Approval (Corps) - \$32,000 TOTAL for Phase I and Phase II
- Completion Report (Corps) - \$6,000 EACH for Phase I and Phase II
- Sediment Sampling & Analysis Plan (DNR) - \$50,400 EACH for Phase I and Phase II

TOTAL Estimated Corps Permit Compliance - \$489,024
(Phase I) - \$628,224 (Phase I & II)

Motion 2:

The Supplemental Agreement #2 (Attachment 4) with Exeltech Consulting provides additional resources to complete the project Bid Documents for Phase I (Attachment 6) in compliance with the added terms and conditions of the Corps Nationwide Permit 3 as well as the final conditions of the various other permits. This work entails minor engineering design detail changes and most significantly, Contract Provision drafting to incorporate all various permit obligations into the Contract Documents. Proceeding with the completion of the project Bid Documents will allow the City to advertise the project prior to the permitted 2021 fish window for in-water activities. Additionally, obtaining project Bids will help determine final construction resource needs.

Motion 3:

The Supplemental Agreement #3 (Attachment 5) with Exeltech Consulting provides additional resources to complete the project Bid Documents for Phase II (Attachment 6) and incorporate this work as an Additive Bid Schedule of Work within the Phase I Contract Documents. This will allow the City opportunity to obtain project Bids for Phase II, evaluate final construction resources needed, and make a decision to award the Additive Work. The City may also realize cost savings due to economies of scale, more potential bidders interested in the project, shorter duration construction schedules, and less public impacts due to one project versus two. This work will also be completed in compliance with the various project permits.

The Project CIP has adequate resources to fund Motion 1, Motion 2, and Motion 3. Upon Bids received, the City will evaluate project resource need for Council review prior to entering into any contracts for construction.

Next City Council Meeting: February 18, 2021