

AGENDA

REGULAR MEETING
DES MOINES CITY COUNCIL

April 26, 2012 - 7:30 p.m.

CALL TO ORDER - Mayor Kaplan

PLEDGE OF ALLEGIANCE

ROLL CALL

CORRESPONDENCE

COMMENTS FROM THE PUBLIC:

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

BOARD & COMMITTEE REPORTS/ COUNCILMEMBER COMMENTS

PRESIDING OFFICER'S REPORT

ADMINISTRATION REPORTS

Report Update: Aging Your Way Community Projects - Sue Padden
Seattle South Side Annual Report – Katherine Kertzman

CONSENT CALENDAR

Item 1: APPROVAL OF MINUTES

Motion is to approve minutes from the regular meetings of April 5 and 12, 2012

Item 2: APPROVAL OF VOUCHERS

Motion is to approve for payment vouchers and payroll transfers described as follows:

Claim checks that total \$

Payroll fund transfers in the total amount of \$

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

Item 3: DRAFT RESOLUTION NO. 12-050 CONNECTING 24TH/28TH AVENUE SOUTH

Motion is to approve Draft Resolution No. 12-050 affirming a partnership with the City of SeaTac regarding completion of 28th/24th Avenue South corridor improvements and further to authorize the Mayor to sign the Resolution substantially in the form as submitted on behalf of the City of Des Moines.

Item 4: AMENDMENTS TO CITY COUNCIL RULES PROCEDURE DRAFT
ORDINANCE NO. 12-030 AND DRAFT RESOLUTION NO. 12-029

Motion 1 is to adopt Draft Resolution No. 12-029 substantially in the form as attached, amending the *City Council Rules of Procedure*, including the correction of scrivener and

Motion 1 is to adopt Draft Resolution No. 12-029 substantially in the form as attached, amending the *City Council Rules of Procedure*, including the correction of scrivener and typographical errors within the January 2011 *Rules* and the friendly amendments made on April 5, 2012, on second reading.

Motion 2 is to pass Ordinance No. 12-030, amending DMMC 4.04.020 by changing the City Council meeting time from 7:30 p.m. to 7:00 p.m. and limiting the time of each meeting to three hours unless extended by three-fourths of the Councilmembers present, on second reading.

Item 5: STEVEN J. UNDERWOOD FIELD MAINTENANCE NEEDS –
TRACTOR REPLACEMENT

Motion 1 is to approve the trade in purchase of a lighter weight tractor for the Planning, Building & Public Works Department's use in order to facilitate necessary maintenance on the Steven J. Underwood fields at a new cost to the City of \$5,852.21 plus WSST of \$555.96 for a total of \$6,408.17.

Motion 2 is to amend the 2012 adopted budget for the Equipment Rental Replacement Fund by authorizing up to \$6,500 from the Parks equipment replacement reserves to complete funding for the purchase of the Kubota tractor and to include this amendment in the next available budget amendment ordinance.

Item 6: MAYORAL APPOINTMENT TO THE HUMAN SERVICES ADVISORY
COMMITTEE

Motion is to confirm the Mayoral appointment of John Carroll to a two year term on the Human Services Advisory Committee, effective immediately and expiring on December 31, 2013.

OLD BUSINESS

1. Repeal Sound Code
Staff Presentation: Building Official Larry Pickard

NEW BUSINESS

1. INSTITUTIONAL CAMPUS ZONING POLICY DISCUSSION
Staff Presentation: Senior Planner Jason Sullivan

NEXT MEETING DATE April 28, 2012, Beach Park Retreat at the Auditorium
May 17, 2012, City Council Regular Meeting

ADJOURNMENT

MINUTES

**REGULAR MEETING
DES MOINES CITY COUNCIL**

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

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

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

ROLL CALL

Present were Mayor Dave Kaplan; Mayor Pro-Tem Matt Pina; Councilmembers Dan Caldwell, Jeanette Burrage, Bob Sheckler and Carmen Scott.

Councilmember Musser was absent. Councilmember Sheckler moved to excuse Councilmember Musser; Mayor Pro-Tem Matt Pina, second; all the votes were *ayes*.

Staff present were City Manager Tony Piasecki; City Attorney Pat Bosmans; Assistant City Attorney Tim George; Planning Building and Public Works Director Grant Fredricks; Finance Director Paula Henderson; Economic Development Manager Marion Yoshino; City Clerk Sandy Paul

OLD BUSINESS

1. Second Reading of Bond Ordinance – LTGO Refunding Bonds 2012

A short staff presentation was delivered by Finance Director Paula Henderson. She described the sale today, April 5, of the 2002 outstanding bonds at an interest rate of 2.54%. The sale was an action similar to the refinance of a personal residence. Savings over time to the City would be \$216,000.

ACTION/DIRECTION

Councilmember Sheckler moved to enact Ordinance No. 1535 (Draft Ordinance No. 12-034) providing for the sale and issuance of \$2,810,000 Limited Tax General Obligation Refunding Bonds, 2012, to provide funds to advance refund the City's Limited Tax General Obligation and Refunding Bonds, 2002; Mayor Pro-Tem Pina second. The motion passed 6-0.

Mayor Kaplan read the full title of the ordinance.

EXECUTIVE SESSION

The Council recessed at 7:35 p.m. for an Executive Session to discuss pending litigation per RCW 42.30.110 (1)(i) for approximately 20 minutes.

Mayor Kaplan returned at 7:55 to say that the Executive Session would need another 10 minutes.

The City Council meeting reconvened at 8:05 p.m.

BOARD & COMMITTEE REPORTS/ COUNCILMEMBER COMMENTS

Councilmember Scott

- Attended a meeting of the Washington Tourism Alliance held at the SeaTac Conference Center

Councilmember Sheckler

- Read three quotes from his book *The 776 Stupidest Things Ever Said by Politicians*

Mayor Pro-Tem Pina

- Reported on the joint Public Safety and Transportation meeting with the SeaTac City Council

Councilmember Caldwell

- Mentioned the Discount Drug Program card he received through the National League of Cities
- Announced the need for a volunteer from Normandy Park to serve as the Normandy Park representative on the Senior Services Advisory Committee
- Commended Mayor Kaplan on his dedication to the City

PRESIDING OFFICER'S REPORT

- Noted common interests between SeaTac and Des Moines exchanged at the joint Public Safety and Transportation meeting held with the SeaTac City Council
- He was contacted by several Des Moines citizens about the reduction in King County Metro Transit service. Some service restorations will occur due to citizen input

ADMINISTRATION REPORTS

- Dr. Jack Bermingham, President of Highline Community College, Larry Yoke, Vice President of HCC, and Fred Mendoza, Boardmember, were introduced. They talked about Highline's 50th Anniversary and Highline Community College as an economic force in the community.

CONSENT CALENDAR

Item 1: APPROVAL OF MINUTES

Motion is to approve minutes from the regular meeting of March 22, 2012, as amended.

Item 2: MEMORANDUM OF AGREEMENT FOR SOUTHWEST KING COUNTY ECONOMIC DEVELOPMENT INITIATIVE BUSINESS ATTRACTION PROGRAM

Motion is to approve the Memorandum of Agreement concerning the Southwest King County Economic Development Initiative Business Attraction Program with Highline Community College and the cities of Des Moines, Normandy Park, SeaTac, Tukwila, King County and the Port of Seattle for support of the 2012 SKCEDI Business Attraction Program, and authorize the City Manager to sign the agreement substantially in the form as submitted.

Item 3: HCC 50th ANNIVERSARY PROCLAMATION

Motion is to approve the Proclamation recognizing the 50th Anniversary of Highline Community College.

Item 4: JOINT RESOLUTION FORMALLY RECOGNIZING THE HIGHLINE COMMUNITIES COALITION

Motion is to authorize entering into the Joint Resolution to formally recognize the Highline Communities Coalition in collaboration with the Cities of Burien, SeaTac, and Normandy Park and the Highline School District and to authorize Mayor Kaplan to sign said resolution substantially in the form as submitted.

ACTION/DIRECTION

Mayor Pro-Tem Pina moved to adopt the Consent Agenda as amended; Councilmember Sheckler, second. The motion passed, 6-0.

2. Amendments to City Council Rules of Procedure - Draft Resolution No. 12-029 and Draft Ordinance No. 12-030

City Manager Piaseki introduced the City Council discussion on their *City Council Rules of Procedure*.

ACTION/DIRECTION

Councilmember Sheckler moved to place Draft Ordinance No. 12-030 amending DMMC 4.04.020 by changing the City Council meeting time from 7:30 p.m. to 7:00 p.m. and limiting the time of each meeting to three hours unless extended by three-fourths of the Councilmembers present, on the April 26, 2012 Council agenda for a second reading; Mayor Pro-Tem Pina second. The motion passed 6-0.

Councilmember Sheckler moved to place Draft Resolution No. 12-029 amending the *City Council Rules of Procedure*, including the correction of scrivener and typographical errors within the current *Rules* on the April 26, 2011 Council agenda for a second reading; Councilmember Burrage, second.

Councilmembers agreed by consensus to friendly amendments on all proposed changes as listed in two handouts that all Councilmembers received.

- There would be no changes to the provision to extend meetings beyond three hours.
- Remove the word 'succeeding' from Rule 4(c)
- When the public signs up to speak at meetings, the sign in sheet will be submitted to the City Clerk
- When the public speaks, there will be a limit of three minutes or as the presiding officer deems necessary
- No change to the rule language to read (hear and discuss) ordinances at two meetings
- All public meetings consisting of a quorum of the City Council not exempt from the Open Public meeting Act held in City Council Chambers, 21630 11th Avenue South, will be recorded and cablecast within the City
- Change the title of Rule 20 to *Order of Business and Public Comment*
- The City Clerk shall read the subject of each consent agenda item and not its accompanying motion

The motion passed 6-0.

NEXT MEETING DATE – April 12, 2012, City Council Study Session

I

ADJOURNMENT

There being no further business to come before the City Council, Councilmember Sheckler moved to adjourn; Mayor Pro-Tem Pina, second. The meeting was adjourned at 9:15 p.m.

Respectfully submitted,

Sandy Paul CMC
City Clerk

REGULAR MEETING
DES MOINES CITY COUNCIL

April 12, 2012 - 7:30 p.m.

CALL TO ORDER - Mayor Kaplan called the meeting to order at 7:31 p.m.

PLEDGE OF ALLEGIANCE The flag salute was led by Councilmember Musser.

ROLL CALL

Present were Mayor Dave Kaplan; Mayor Pro-Tem Matt Pina; Councilmembers Dan Caldwell, Melissa Musser, Jeanette Burrage, Bob Sheckler and Carmen Scott.

Staff present were City Manager Tony Piasecki; City Attorney Pat Bosmans; Assistant City Manager Lorri Ericson; Assistant City Attorney Tim George; Planning Building and Public Works Director Grant Fredricks; Land Use Planner II Laura Techico; CIP Project Manager Scott Romano; City Clerk Autumn Lingle.

CORRESPONDENCE

City Manager Piasecki discussed a letter received from Anthony Wilson, President of Woodmont-Des Moines Library Advisory Board. In his letter, Mr. Wilson stated the Advisory Board is interested in more interaction with the Council and encouraged them to attend an upcoming meeting.

COMMENTS FROM THE PUBLIC:

Brian Snure 27425 8th Avenue South, Des Moines Rotarian. He is the Chairman of Poverty Bay Blues and Brews Event. He noted the variety of ways the Rotarian Club supports the community.

BOARD & COMMITTEE REPORTS/ COUNCILMEMBER COMMENTS

Councilmember Scott

- Beach park egg hunt
- SKCEDI
- Arts Commission
- Got Talent competition
- Marina mural restoration

Councilmember Sheckler

- Commended Brian Snure on his community service
- Economic Development Meeting
- Read from the book "776 of the Stupidest Things Ever Said by Politicians."

Councilmember Pina

- Finance Economic Development Meeting
- Highline Communities Coalition

Councilmember Musser

- Highline Communities Coalition (determining focus and goals)

Councilmember Caldwell

- Complimented City Staff
- Senior Services Advisory Committee has a vacancy for a Normandy Park representative
- U.S. Congressman Adam Smith – Budget

OLD BUSINESS

1. 2nd Reading Ordinance No. 12-002, Park-In-Lieu Fee

Senior Planner Jason Sullivan presented the staff report.

ACTION/DIRECTION

Councilmember Burrage moved to adopt Draft Ordinance 12-002 amending the City park requirements established by DMMC 17.36.150, seconded by Councilmember Musser. The motion passed 7-0.

Motion was made by Councilmember Burrage to direct staff to draft an amendment to the Comprehensive Plan to allow the use of private parks and private recreation space to satisfy the requirements for park space for subdivisions.

Friendly Amendment was made by Mayor Kaplan to direct staff to research if the use of private parks and private recreation space can be used to satisfy the requirements for park space for subdivisions. It was accepted by the maker.

Motion failed 3-4. Councilmember's Musser, Caldwell, Sheckler and Scott opposed.

NEW BUSINESS

1. Ordinance Decriminalizing Possession & Discharge of Fireworks
Staff Presentation: Police Chief John O'Leary

ACTION/DIRECTION

Councilmember Sheckler moved to suspend Rule 26(a) in order to enact Draft Ordinance 11-142 on first reading, seconded by Councilmember Pina. Passed 7-0.

Councilmember Sheckler moved to enact Draft Ordinance 11-142 classifying violations related to the limited possession or discharge of fireworks as class 1 civil infraction, seconded by Councilmember Pina. Passed 6-1, Councilmember Burrage opposed.

Mayor Kaplan read Draft Ordinance 11-142.

NEXT MEETING DATE – April 26, 2012, City Council Study Session

ADJOURNMENT

There being no further business to come before the City Council, Mayor Pro-Tem Pina moved to adjourn; Councilmember Caldwell, second. The motion passed 7-0.

Respectfully submitted,

Autumn Lingle
Clerk

AGENDA ITEM

BUSINESS OF THE CITY COUNCIL
City of Des Moines, WA

SUBJECT: Draft Resolution 012-050: Connecting
28th/24th Avenue South Corridor –
City of Des Moines and City of
SeaTac

AGENDA OF: April 26, 2012

DEPT. OF ORIGIN: Planning, Building & Public
Works

DATE SUBMITTED: April 11, 2012

ATTACHMENTS:

1. Draft Resolution 012-050
2. Resolution 1043 (2007)
3. Vicinity map and roadway development phases

CLEARANCES:

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

APPROVED BY CITY MANAGER
FOR SUBMITTAL: [Signature]

Purpose and Recommendation:

The purpose of this agenda item is to seek City Council approval of a resolution affirming a partnership with the City of SeaTac to coordinate transportation improvements along the 28th/24th Avenue South Corridor in a collaborative effort to seek Federal, State, and other funding for these improvements. The following motion will appear on the Consent Calendar:

Suggested Motion

“I move to approve Draft Resolution 012-050 affirming a partnership with the City of SeaTac regarding completion of 28th/24th Avenue South corridor improvements and further to authorize the Mayor to sign the Resolution substantially in the form as submitted on behalf of the City of Des Moines.”

Background

The Cities of Des Moines and SeaTac have coordinated comprehensive planning between the two jurisdictions including special emphasis on transportation project planning to complete the 28th/24th Avenue Corridor improvements. In 2007, the Des Moines City Council adopted Resolution 1043 (Attachment 2). The SeaTac City Council subsequently passed a similar resolution. The City of Des Moines Comprehensive Transportation Plan includes the extension of 24th Avenue South north into the City of SeaTac to help complete the City’s long term transportation system needs, and provide a

continuous arterial corridor to support planned growth of the area. This 28th/24th Avenue South arterial extension is also consistent with the City of SeaTac Comprehensive Plan.

Engineering staff and Councilmembers from the two cities met at the April 5, 2012 Public Safety and Transportation Committee meeting. Among other items, the importance of completing this corridor in a cooperative manner was discussed. The corridor has significant regional transportation and economic benefits including completing a freight and mobility corridor connection to Sea-Tac Airport between South 188th Street and South 216th Street. The first phase between South 188th Street and approximately 300' south of South 200th Street was completed approximately 10 years ago. The remaining phases are identified as project #192 in the Puget Sound Regional Council Transportation 2040 Plan.

In addition, Sound Transit has plans to extend the light rail system with a new interim terminal station at South 200th Street. The station will include park and ride facilities that will increase the need for arterial improvements to access the system. This station is scheduled to open in 2016.

Discussion

The City of Des Moines has competed for Federal Highways Administration (FHWA), Federal Economic Development Administration (EDA), and Washington State Transportation Improvement Board (TIB) funding for the 24th Avenue South Improvements over the past few years. So far we have been unsuccessful in our efforts to secure these grant funds. The message heard afterward was that we needed to address the project as a complete corridor, not just our own isolated road segment. The perception was that our segment would end up being a "road to nowhere". In order to increase our chances of being successful with our grant applications, we need to develop a partnership with the City of SeaTac so we can collaboratively work together for the completion of this corridor.

Staff believes that a partnership with City of SeaTac will set a foundation to better secure external funding for part or all of the 28th/24th Avenue South connection. The City of Des Moines completed design and right of way acquisition for Phase 2 of the project (S. 208th Street to S. 216th street) and the City of SeaTac intends to begin design of Phase 3 in 2012 (refer to Attachment 3). It is mutually understood that ideally construction should be complete prior to the opening of the S. 200th Street Station.

Staff intends to focus on upcoming State and Federal grants from the TIB, FHWA and EDA. This year the City of SeaTac was successful in securing \$2.5 million of construction funds from the Freight Mobility Strategic Investment Board.

Alternatives

There are no viable options. The message has been heard loud and clear. If our cities don't work collaboratively together on this corridor project, our odds of getting it completed with State and Federal grants are extremely low.

Financial Impact:

None.

Recommendation/Conclusion:

Staff recommends the Council approve the proposed motion.

Concurrence:

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

ENGINEERING'S FIRST DRAFT, 03/26/2012

DRAFT RESOLUTION NO. 12-050

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DES MOINES, WASHINGTON, supporting a partnership with the City of SeaTac to coordinate transportation improvements and land use efforts along the 28th/24th Avenue South Corridor and seeking financing to fully fund these street improvements.

WHEREAS, the Cities of Des Moines (Des Moines) and SeaTac (SeaTac) recognize the significant regional transportation and economic benefits of completing a freight and mobility corridor connection between S. 188th Street and S. 216th Street within and adjacent to the designated PSRC Regional Growth Center, as well as the evolving King County Aerospace Alliance, a new cluster for the region, and

WHEREAS, this roadway corridor has been identified as a key regional facility within PSRC Transportation 2040 Plan, and

WHEREAS, the Comprehensive Plans of both cities mutually support the completion of the 28th/24th Corridor between S. 188th Street and S. 216th Street as a principal arterial, and

WHEREAS, Sound Transit expects to complete construction of the light rail transit (LRT) extension to South 200th Street, along with a station and park and ride facilities which will be an interim terminal to the Link LRT, with service beginning in 2016, and

WHEREAS, SeaTac completed Phase One of the corridor between South 188th Street and South 200th Street approximately ten (10) years ago, and

WHEREAS, the remaining section of the corridor is split between the two cities, with the portion of the segment between South 200th Street and South 208th Street within SeaTac, and the portion of the segment from South 208th Street to South 216th Street within Des Moines, and

WHEREAS, the portion of the corridor within Des Moines is ready for construction having completed engineering and design, right-of-way acquisition, and permitting, and

WHEREAS, the portion of the corridor within SeaTac is at the preliminary design phase, and SeaTac has adopted a CIP to complete construction, subject to available funding, concurrent with the opening of the LRT extension in 2016, and

WHEREAS, the extension of SR509, including WSDOT requirements, can and will be addressed in the final design of the 28th/24th Corridor Connection, and

WHEREAS, the cities' engineers are coordinating design so that this roadway extension follows a similar alignment, cross-section, and road profile including provisions for sidewalks and bicycle lanes along the corridor, and

WHEREAS, time is of the essence for the cities to coordinate and phase design and construction of this corridor to meet anticipated growth in pedestrian, bicycle, automobile, and freight mobility in this corridor as an alternative to congested SR99; now therefore,

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

Sec. 1. Des Moines shall work with SeaTac in a collaborative partnership to seek state and federal funding of the corridor matched to project phasing as generally depicted in the application for PSRC Regional Competition for FHWA (STP) funds.

Sec. 2. Des Moines shall work collaboratively with SeaTac to seek federal economic development funds to support the creation of businesses and job opportunities in both communities as depicted in the application for PSRC Regional Economic Development funds.

Sec. 3. Des Moines shall continue to work collaboratively with the SeaTac to find other funding sources and partnerships that will allow completion of this important transportation and economic development corridor.

Resolution No. ____
Page 3 of 3

ADOPTED BY the City Council of the City of Des Moines,
Washington this ____ day of _____, 2012 and signed in
authentication thereof this ____ day of _____, 2012.

M A Y O R

APPROVED AS TO FORM:

City Attorney

ATTEST:

City Clerk

DRAFTRES:

RESOLUTION NO. 1043

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DES MOINES, WASHINGTON, expressing the Council's intent for the City staff and City Council to work cooperatively with the City of SeaTac to coordinate transportation and land use planning and development efforts in the 24/28th Avenue South, Des Moines Memorial Drive, South 216th Street and International Boulevard/Pacific Highway South (SR 99) corridors.

WHEREAS, the Cities of Des Moines and SeaTac (Cities) anticipate significant development along SR 99, Des Moines Memorial Drive, South 216th Street as well as the 24th/28th Avenue South corridor that affects land use, zoning and transportation that will significantly affect each City and its residents, and

WHEREAS, significant regional public transportation improvements have been and are expected to be approved in the future, and

WHEREAS, significant commercial property redevelopment is currently and will be occurring in each City necessitating the need for coordinated planning and environmental review, and

WHEREAS, the Cities of Des Moines and SeaTac express their respective intent to work cooperatively to provide for development in a way to meet the development needs and timetables of each City, and

WHEREAS, the 24/28th Avenue South Corridor Project ("Corridor Project") crosses the boundaries of Des Moines and SeaTac and both Cities seek to work cooperatively to provide vehicular access, utilities and aesthetic improvements along the corridor to support these needs when they occur, and

WHEREAS, the Cities may recognize some economies in working cooperatively to provide for a process that is consistent for all property owners in the Corridor Project benefit area, and

WHEREAS, the Cities further agree that to discuss transportation funding including, but not limited to, the option of using one or more Local Improvement District(S) (LID) as a viable funding source, each City agrees to consider requiring a "no protest" LID Agreement from the property owner as development or redevelopment occurs for those properties in the proposed benefit area to facilitate this option should the City elect to form such an LID in the future, and

WHEREAS, the Cities agree to jointly pursue grant opportunities through State and Federal sources as a supplemental funding source, and

WHEREAS, the Cities further agree that should an LID become a part of a funding package to construct the final improvements in the corridor, both Cities agree to consider cooperating to make the construction in the two Cities one construction project, with one City named as the lead agency for the project, and establish a process to mutually select the consulting or management firm for the project in order to avoid unnecessary duplication of costs, and efforts, and

WHEREAS, the Cities also agree to consider the impacts that this Corridor Project may have on future Sound Transit Light Rail Corridor and the impacts to this project in its planning; now therefore,

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

(1) That the City of Des Moines intends to work cooperatively with the City of SeaTac to coordinate transportation and land use planning and development efforts in the 24th/28th Ave South/SR 99 corridors, Des Moines Memorial Drive, and South 216th Street including, but not limited to, consideration of one or more interlocal agreements providing for completion of 24th/28th Avenue South, reciprocal assessment of traffic impact fees, coordination of SEPA actions, redevelopment of commercial and residential properties, redevelopment of South 208th Street, transit-oriented development.

(2) Further, recognizing that time is of the essence, the City commits to working expeditiously on these matters with an aggressive schedule and well defined milestones.

(3) Further, the Council asks for formal quarterly progress updates beginning September 1, 2007.

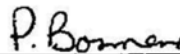
(4) Further, that the City may seek to obtain "no protest" LID agreement from property owners in the mutually agreed upon benefit area.

(5) Further, the City Manager is directed to transmit a copy of this resolution to the City of SeaTac.

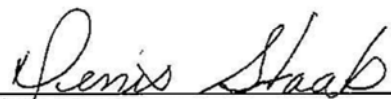
ADOPTED BY the City Council of the City of Des Moines, Washington this 14th day of June, 2007 and signed in authentication thereof this 14th day of June, 2007.

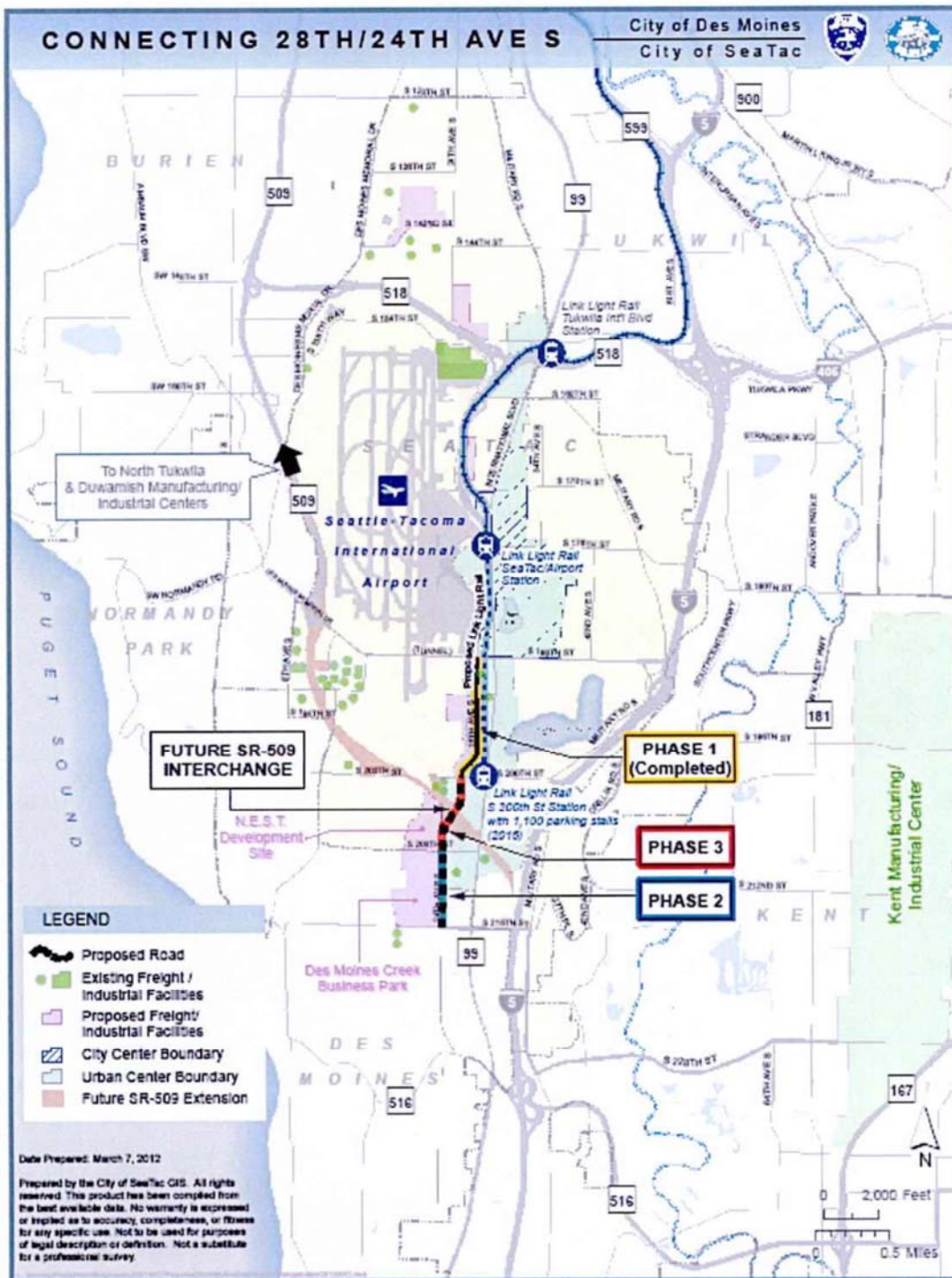

MAYOR

APPROVED AS TO FORM:


City Attorney

ATTEST:


City Clerk



ATTACHMENT #3
Vicinity Map

AGENDA ITEM

BUSINESS OF THE CITY COUNCIL
City of Des Moines, WA

SUBJECT: Amendments to City Council Rules
Procedure

FOR AGENDA OF: April 26, 2012

DEPT. OF ORIGIN: Legal

ATTACHMENTS:

1. Draft Resolution No. 12-029, with
Attached *Rules of Procedure*
2. Draft Ordinance No. 12-030

DATE SUBMITTED: March 28, 2012

CLEARANCES:

- [X] Legal JB
[] 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 AA

Purpose and Recommendation

The purpose of this Agenda Item is to amend the City Council *Rules of Procedure* pursuant to chapter 4.12 DMMC and to amend DMMC 4.04.020.

Suggested Motion

First Motion: "I move to adopt Draft Resolution No. 12-029 substantially in the form as attached, amending the City Council *Rules of Procedure*, including the correction of scrivener and typographical errors within the January 2011 *Rules* and the friendly amendments made on April 5, 2012, on second reading."

Second Motion: "I move to pass Ordinance No. 12-030, amending DMMC 4.04.020 by changing the City Council meeting time from 7:30 p.m. to 7:00 p.m. and limiting the time of each meeting to three hours unless extended by three-fourths of the Councilmembers present, on second reading."

Background

The City Council considered the proposed amendments to the City Council *Rules of Procedure* on first reading on April 5, 2012. These amendments also include as a housekeeping measure the correction of scrivener and typographical errors found in the current version in addition to friendly amendments made at the April 5, 2012 meeting. The Council moved to pass the amended *Rules of Procedure*, Draft Resolution No. 12-029, and Draft Ordinance No. 12-030 on to a second reading.

Discussion

The Council reviewed the proposed amendments to the *Rules* and made several friendly amendments to the motion on the floor. These amendments have been incorporated into the attached version for the 2nd Reading of the Des Moines City Council *Rules of Procedure*.

Alternatives

The alternative would be to not adopt the proposed amendments, eliminating the need to pass both Draft Resolution No. 12-029 and Draft Ordinance No. 12-030.

Financial Impact

None.

Recommendation

It is recommended that Council adopt Draft Resolution No. 12-029 and enact Draft Ordinance No. 12-30 amending City Council *Rules of Procedure* on second reading.

CITY ATTORNEY'S SECOND DRAFT 4/6/2012
CITY ATTORNEY'S FIRST DRAFT 2/14/2012

DRAFT RESOLUTION NO. 12-029

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DES MOINES, WASHINGTON, adopting amendments to the *Des Moines City Council Rules of Procedure*.

WHEREAS, DMMC 4.12.10 provides that "rules of procedure governing and regulating meetings of the City Council shall be adopted in resolution form, and shall have the force of law," and

WHEREAS, DMMC 4.12.030 provides that the rules "...may be amended or new rules may be adopted by an affirmative vote of at least a majority of the whole membership of the Council," and

WHEREAS, DMMC 4.12.030 further provides that "...Any such amendment or new rule shall be submitted in resolution form at a regular meeting and shall be placed on the Council agenda under order of new business;" now therefore,

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

The attached document entitled *Des Moines City Council Rules of Procedure, Updated _____, 2012*, is hereby adopted as the official *City Council Rules of Procedure* substantially in the form as attached and is effective immediately upon adoption.

ADOPTED BY the City Council of the City of Des Moines, Washington this ____ day of _____, 2012 and signed in authentication thereof this ____ day of _____, 2012.

M A Y O R

APPROVED AS TO FORM:

City Attorney

ATTEST:

DES MOINES CITY COUNCIL

RULES OF PROCEDURE



Adopted Pursuant to DMMC 4.12.010

2ND READING
4/26/2012

Updated 7/89
Updated 7/90
Updated 10/90
Updated 11/90
Updated 8/91
Updated 10/91
Updated 12/91
Updated 4/92

Updated 2/94
Updated 3/94
Updated 8/94
Updated 6/95
Updated 9/00
Updated 5/03
Updated 9/03
Updated 8/04

Updated 4/05
Updated 5/06
Updated 1/11, Res. 1140

Updated 4/26/12, Res.

DES MOINES CITY COUNCIL RULES OF PROCEDURE

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DES MOINES CITY COUNCIL RULES OF PROCEDURE

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**SECTION I
COUNCIL MEETING - LOCATION**

RULE 1. All meetings of the City Council shall be held at the location specified in DMMC 4.04.010. (Ord. 329 §1, 1973).

COUNCIL MEETING - TIME

RULE 2. The regular meetings of the City Council shall be held at the times specified in DMMC 4.04.020. (Ord. 1039 §1, 1993).

COUNCIL MEETINGS - OPEN TO THE PUBLIC

RULE 3. All meetings of the City Council and of committees thereof shall be open to the public, except as provided for in RCW 42.30.110 or RCW 42.30.140. (Res. 525 §1, 1988).

ELECTION OF OFFICERS

RULE 4. Procedures for electing officers are as follows:

(a) Biennially, at the first meeting of the new Council, the members thereof shall choose a ~~presiding officer~~Presiding Officer from their number who shall have the title of Mayor. In addition to the powers conferred upon him/her as Mayor, he/she shall continue to have all the rights, privileges and immunities of a member of the Council. If a permanent vacancy occurs in the Office of Mayor, the members of the Council at their next regular meeting shall select a Mayor from their number for the unexpired term. Following the election of the Mayor, there shall be an election for Mayor Pro Tempore. The term of the Mayor Pro Tempore shall run concurrently with that of the Mayor.

(b) The election for Mayor shall be conducted by the City Clerk. The City Clerk shall call for nominations. Each member of the City Council shall be permitted to nominate one (1) person who has previously served on the Council for a minimum of two years, and nominations shall not require a second. A nominee who wishes to decline the nomination shall so state at this time. Nominations are then closed. The election for Mayor Pro Tempore shall be conducted by the ~~Mayor-elect~~newly-elected Mayor, and nominations shall be made in the manner previously described for the election of the Mayor. Candidates for Mayor Pro Tempore shall have previously served on the Council for a minimum of one year. The minimum experience condition for candidacy for Mayor or Mayor Pro Tempore may be waived by the vote of five councilmembers.

(c) Except when there is only one nominee, election shall be by written ballot. Each ballot shall contain the name of the Councilmember who cast it. Each ~~succeeding~~ ballot shall include the name of all Councilmembers nominated (unless they have withdrawn). Voting shall continue until a nominee receives a majority of the votes. The City Clerk shall publicly announce the results of the election by reading each ballot into the record, stating the name of each voting Councilmember and the manner in which the Councilmember voted. Thereafter, the City Clerk shall record in the minutes of the meeting the manner in which each voting member of the Council cast his or her ballot.

(d) In the event the Council is unable to agree on a Mayor by majority vote of members present, the Office of Mayor shall be temporarily filled by an Acting Mayor. The Acting Mayor shall be the Councilmember who just previously served as Mayor; or if such person is not a member of the Council, the Councilmember who just previously served as Mayor Pro Tempore; or if such person is not a member of the Council, the Councilmember with the highest seniority as determined by the City Attorney. Ties shall be resolved in a contest by chance. The office of Acting Mayor Pro Tempore shall be filled by the Councilmember who just previously served as Mayor Pro Tempore; or if such person is not a member of the Council, by the Councilmember with the next highest seniority. The Acting Mayor and Acting Mayor Pro Tempore shall continue in office and exercise such authority as is described in Chapter 35A.13 RCW until the members of the Council agree on a Mayor, at which time the Office of Acting Mayor and Acting Mayor Pro Tempore shall cease and terminate. (Res. 525 §1, 1988, amended by Res. 594 §1, 1989, amended by Res. 672, 1991, amended by Res. 754 §1, 1994, amended by Res. 1140, 2011, amended by Res. _____, 2012.)

PRESIDING OFFICER

RULE 5. The Mayor shall preside at meetings of the Council, and be recognized as the head of the City for all ceremonial purposes. The Mayor shall have no regular administrative or executive duties. In case of the Mayor's absence or temporary disability the Mayor Pro Tempore shall act as Mayor during the continuance of the absence. When the Mayor Pro Tempore acts as Mayor by participating in preparation of a Council meeting agenda or study session worksheet, or by presiding at a meeting of the Council, the Mayor Pro Tempore shall have authority only to approve the Council meeting agenda or study session worksheet as to form without introducing or deleting items of business, and to preside at the meeting by following the approved agenda or study session worksheet as written. In case of the absence or temporary disability of the Mayor and the Mayor Pro Tempore, a Mayor Pro Tempore selected by members of the Council shall act as Mayor during the continuance of the absences or disabilities. The Mayor or Mayor Pro Tempore are referred to as "Presiding Officer" from time to time in these Rules of Procedure.

(a) The Mayor and the Council have authority to introduce proclamations for a variety of purposes, as approved by the Council. No proclamation shall constitute official City actions unless approved or authorized by a majority of the City Council.

(b) To promote a favorable image of the City and pursue resources that will benefit the community, the Mayor, or another Councilmember designated by the City Council, may take the lead in representing the Des Moines City Council to those from outside the community who are interested in joint ventures and efforts to bring economic development and investments to the City, including other local governments, regional organizations, and federal, state, and international government representatives. Neither the Mayor, nor a Councilmember, can commit the City without authorization of a majority of the City Council.

(c) The Mayor, or another Councilmember designated by the City Council, is the spokesperson on actions taken by the Council. On behalf of the City Council, the Mayor or designated Councilmember may inform the public, media, and staff about issues affecting the community.

(Res. 525 §1, 1988, amended by Res. 961 §1, 2003, Res. 1140, 2011).

QUORUM

RULE 6. At all meetings of the Council four Councilmembers, who are present and eligible to vote, shall constitute a quorum for the transaction of business. A less number may adjourn from time to time, provided that written notice of said adjournment be posted on the exterior Council Chamber doors per RCW 42.30.090. Council meetings adjourned under the previous provision shall be considered a regular meeting for all purposes. (Res. 525 §1, 1988).

ATTENDANCE, EXCUSED ABSENCES

RULE 7. RCW 35A.12.060 provides that a Councilmember shall forfeit his/her office by failing to attend three consecutive regular meetings of the Council without being excused by the Council. Members of the Council may be so excused by complying with this section. The member shall contact the Presiding Officer prior to the meeting and state the reason for his/her inability to attend the meeting. If the member is unable to contact the Presiding Officer, the member shall contact the City Manager or City Clerk, who shall convey the message to the Presiding Officer. Following roll call, the Presiding Officer shall inform the Council of the member's absence, state the reason for such absence, and inquire if there is a motion to excuse the member. This motion shall be non-debatable. Upon passage of such motion by a majority of members present, the absent member shall be considered excused and the Clerk will make an appropriate notation in the minutes. (Res. 525 §1, 1988).

SPECIAL COUNCIL MEETINGS

RULE 8. It is the intent of the Des Moines City Council that the procedures of this Council Rule 8 are enforceable to the same extent as RCW 42.30.080, as the City's implementation of the Open Public Meetings Act special meeting requirements set forth at RCW 42.30.080. Procedures for setting a special meeting are as follows:

(a) A special meeting may be called by the Mayor or any four members of the Council.

(b) Notice of the special meeting shall be prepared in writing. The notice shall contain the following information about the meeting: time, place, and business to be transacted. The notice shall be reviewed by the City Attorney for proper legal form. After the preliminary agenda has been approved by the Presiding Officer, a copy of the agenda and supporting materials shall be prepared for Councilmembers, the City Manager, and the press by close of business Friday prior to the Special Council Meeting, except in case of an emergency.

(c) (1) The notice shall be delivered by mail, by electronic mail to an address designated by the receiver of the email, or personally to each Councilmember, the City Manager, and the business office of each local newspaper and radio and television station which has on file a written request for notice of special meetings. The notice must be delivered at least twenty-four (24) hours prior to the meeting.

(2) When email notice is given to Councilmembers, the City Clerk shall provide confirming follow up of such email notice by making a personal telephone call directly to each Councilmember who has made a standing written advance request to the City Clerk for such follow up telephone call. The City Clerk shall document the date and time of such follow up telephone call.

(d) The notices provided in this section may be dispensed with-in the circumstances provided by RCW 42.30.080; that is:

(1) As to any member who at, or prior to the time the meeting convenes files with the Clerk a written waiver of notice,

(2) As to any member who was actually present at the meeting at the time it convenes, and

(3) In the event a special meeting is called to deal with an emergency involving injury or damage to persons or property or the likelihood of such injury or damage, when time requirements of such notice would make notice impractical and increase the likelihood of such injury or damage. (Res. 525 §1, 1988, amended by Res. 788, 1995, amended by Res. 1011, 2006, amended by Res. 1140, 2011).

COUNCIL MEETING AGENDA

RULE 9. This rule specifies the method of preparation of a Council meeting agenda for meetings other than study sessions. The Presiding Officer, three (3) Councilmembers, or the City Manager may introduce a new item to the preliminary agenda. The Presiding Officer shall have the option of deleting any item, other than those items introduced by three (3) Councilmembers, from the preliminary agenda until the next regular Council meeting when the full Council shall vote on whether to introduce the item on the agenda for a subsequent Council meeting. The City Clerk, under the direction of the City Manager, shall arrange a list of such matters according to the order of business and prepare a preliminary agenda for the Council. After the preliminary agenda has been approved by the Presiding Officer, a copy of the agenda and supporting materials shall be prepared for Councilmembers, the City Manager, and the press by close of business Friday prior to the Regular Council Meeting, except in case of an emergency. (Res. 525 §1, 1988, amended by Res. 961 §2, 2003, amended by Res. 1140, 2011).

STUDY SESSIONS

RULE 10. Regular Council meetings that are held during the first and third week of each month in accordance with Rule 2, may be designated as Study Sessions by the Presiding Officer. Study Sessions need have no formal agenda and may be conducted informally so long as such informality is not in conflict with these rules. Comments from the public, limited to the items of business on the Study Session agenda, may, at the discretion of the Presiding Officer, be allowed so long as the comments are in accordance with Council Rule 20(f). The purpose of Study Session discussions is to allow Councilmembers to be made aware of impending business and allow informal discussion of issues that might be acted on at a future meeting. These conditions will allow the Councilmembers to communicate informally about these impending issues. No final Council action shall be taken on ordinances and resolutions at Study Sessions. The City Clerk, under the direction of the City Manager, shall arrange a Council Study Session worksheet for the Study Session. The Council Study Session worksheet shall, for each item, contain the Discussion Item, the Discussion Item Moderator, and the Discussion Goal. After the proposed Council Study Session worksheet has been approved by the Presiding Officer, a copy of it along with any supporting materials shall be prepared for Councilmembers, the City Manager, and the press by close of business Friday prior to the Council Study Session, except in an emergency.

During the Council Study Session the Discussion Item Moderator may: 1) introduce the subject and give background information; 2) identify the discussion goal; 3) act as facilitator to keep the discussion focused to the eventual discussion goal; 4) alert the Presiding Officer when it

is appropriate to call for a motion or other official direction of the Council. The Presiding Officer retains the option of assuming the function of the Discussion Item Moderator in order to keep the discussion properly focused. (Res. 525 §1, 1988, amended by Res. 659, 1991, amended by Res. 754 §2, 1994, amended by Res. 961 §3, 2003, amended by Res. 1140, 2011).

CITY MANAGER

RULE 11. The City Manager, as the chief executive officer and head of the administrative branch of City government or his/her designee, shall attend all meetings of the City Council, unless excused by the Presiding Officer or Council. The City Manager shall be responsible to the Council for the proper administration of all affairs of the City. The City Manager shall recommend for adoption by the Council such measures as he/she may deem necessary or expedient; prepare and submit to the Council such reports as may be required by that body or as the City Manager deems it advisable to submit; keep the Council fully advised as to the business of the City; and shall take part in the Council's discussion on all matters concerning the welfare of the City. In the event that both the City Manager and Assistant City Manager are unable to attend a Council meeting, the City Manager or Assistant City Manager shall appoint a key staff member to attend the meeting as the representative of City Administration. (Res. 525 §1, 1988, amended by Res. _____, 2012).

CLERK

RULE 12. The City Clerk shall be ex-officio Clerk of the Council and shall keep minutes as required by the Revised Code of Washington and Robert's Rules of Order, including a specific action item section, and shall perform such other and further duties in the meeting as may be required by the Council, Presiding Officer, or City Manager. In the absence of the City Clerk, the City Manager shall appoint a replacement to act as Clerk of the Council. (Res. 525 §1, 1988, Amended by Res. 949, 2003, amended by Res. 1140, 2011).

**SECTION II
DUTIES AND PRIVILEGES OF MEMBERS**

FORMS OF ADDRESS

RULE 13. The Mayor shall be addressed as "Mayor (surname)" or "Your Honor". The Mayor Pro Tempore shall be address as "Mayor Pro Tem (surname)". Members of the Council shall be addressed as "Councilmember (surname)". (Res. 525 S1, 1988).

SEATING ARRANGEMENT

RULE 14. Councilmembers shall occupy the respective seats in the Council Chamber assigned to them by the Mayor. (Res. 525 S1, 1988).

APPEARANCE OF FAIRNESS DOCTRINE

RULE 15. Appearance of Fairness Doctrine and its Application. (Res. 571 S1, 1989).

(a) Appearance of Fairness Doctrine Defined. "When the law which calls for public hearings gives the public not only the right to attend but the right to be heard as well, the hearings must not only be fair but must *appear* to be so. It is a situation where appearances are quite as important as substance. The test of whether the appearance of fairness doctrine has been violated is as follows: Would a disinterested person, having been apprised of the totality of a boardmember's personal interest in a matter being acted upon, be reasonably justified in thinking that partiality may exist? If answered in the affirmative, such deliberations, and any course of conduct reached thereon, should be voided." Zehring v. Bellevue, 99 Wn.2d 488 (1983).

(b) Types of Hearings to Which Doctrine Applies. The appearance of Fairness Doctrine shall apply only to those actions of the Council which are quasi-judicial in nature. Quasi-judicial actions are defined as actions of the City Council which determine the legal rights, duties, or privileges of specific parties in a hearing or other contested proceeding. Quasi-judicial actions do not include the legislative actions adopting, amending, or revising comprehensive, community, or neighborhood plans or other land use planning documents of the adoption of area-wide zoning ordinances or the adoption of a zoning amendment that is of area-wide significance. RCW 42.36.010. Some examples of quasi-judicial actions which may come before the Council are: rezones or reclassifications of specific parcels of property, appeals from decisions of the Hearing Examiner, substantive appeals of threshold decisions under the State Environmental Protection Act, subdivisions, street vacations, and special land use permits.

(c) Obligations of Councilmembers, Procedure.

(1) Councilmembers should recognize that the Appearance of Fairness Doctrine does not require establishment of a conflict of interest, but whether there is an appearance of conflict of interest to the average person. This may involve the Councilmember or a Councilmember's business associate or a member of the Councilmember's immediate family. It could involve ex parte communications, ownership of property in the vicinity, business dealings with the proponents or opponents before or after the hearing, business dealings of the Councilmember's employer with the proponents or opponents, announced predisposition, and the like.

Prior to any quasi-judicial hearing, each Councilmember should give consideration to whether a potential violation of the Appearance of Fairness Doctrine exists. –If the answer is in the affirmative, no matter how remote, the Councilmember should disclose such facts to the City Manager who will seek the opinion of the City Attorney as to whether a potential violation of the Appearance of Fairness Doctrine exists. The City Manager shall communicate such opinion to the Councilmember and to the Presiding Officer.

(2) Anyone seeking to disqualify a Councilmember from participating in a decision on the basis of a violation of the Appearance of Fairness Doctrine must raise the challenge as soon as the basis for disqualification is made known or reasonably should have been made known prior to the issuance of the decision; upon failure to do so, the Doctrine may not be relied upon to invalidate the decision. The party seeking to disqualify the Councilmember shall state with specificity the basis for disqualification; for example: demonstrated bias or prejudice for or against a party to the proceedings, a monetary interest in outcome of the proceedings, prejudgment of the issue prior to hearing the facts on the record, or ex parte contact. Should such challenge be made prior to the hearing, the City Manager shall direct the City Attorney to interview the Councilmember and render an opinion as to the likelihood that an Appearance of Fairness violation would be sustained in superior court. Should such challenge be made in the course of a quasi-judicial hearing, the Presiding Officer shall call a recess to permit the City Attorney to make such interview and render such opinion.

(3) The presiding Officer shall have sole authority to request a Councilmember to excuse himself/herself on the basis of an Appearance of Fairness violation. Further, if two (2) or more Councilmembers believe that an Appearance of Fairness violation exists, such individuals may move to request a Councilmember to excuse himself/herself on the basis of an Appearance of Fairness violation. In arriving at this decision, the Presiding Officer or other Councilmembers shall give due regard to the opinion of the City Attorney.

(4) Notwithstanding the request of the Presiding Officer or other Councilmembers, the Councilmember may participate in any such proceeding.

(d) Specific Statutory Provisions.

(1) Candidates for the City Council may express their opinions about pending or proposed quasi-judicial actions while campaigning. RCW 42.36.040.

(2) A candidate for the City Council who complies with all provisions of applicable public disclosure and ethics laws shall not be limited under the Appearance of Fairness Doctrine from accepting campaign contributions to finance the campaign, including outstanding debts. RCW 42.36.050.

(3) During the pendency of any quasi-judicial proceeding, no Councilmember may engage in ex parte (outside the hearing) communications with proponents or opponents about a proposal involved in the pending proceeding, unless the Councilmember: (a) places on the record the substance of such oral or written communications; and (b) provides that a public announcement of the content of the communication and of the parties' right to rebut the substance of the communication shall be made at each hearing where action is taken or considered on the subject. This does not prohibit correspondence between a citizen and his or her elected official if the correspondence is made a part of the record, when it pertains to the subject matter of a quasi-judicial proceeding. RCW 42.36.060. (Amended Res. 1140, 2011).

DISSENTS AND PROTESTS

RULE 16. Any Councilmember shall have the right to express dissent from or protest against any ordinance or resolution of the Council and have the reason therefore entered in the minutes. (Res. 525 S1, 1988).

ADMINISTRATIVE INTERFERENCE BY COUNCILMEMBERS

RULE 17. Neither the Council, nor any of its committees or members shall direct or request the appointment of any person to, or his/her removal from, any office by the City Manager or any of his/her subordinates. Except for the purpose of inquiry, the Council and its members shall deal with the administrative branch solely through the City Manager and neither the Council nor any committee or member thereof shall give any orders to any subordinate of the City Manager, either publicly or privately; provided, however, that nothing herein shall be construed to prohibit the Council, while in open session, from fully and freely discussing with the City Manager anything pertaining to appointments and removals of City officers and employees and City affairs. (RCW 35A,13.120) (Res. 525 S1, 1988, Amended by Res. 1140, 2011, amended by Res. _____, 2012).

SECTION III COUNCIL PROCEDURES

RULES OF ORDER

RULE 18. Rules of order not specified by statute, ordinance, or resolution shall be governed by the most recent edition of Robert's Rules of Order.

(a) **Courtesy.** Members of the Council, in the discussion, comments, or debate of any matter or issue, shall be courteous in their language and demeanor and shall not engage in derogatory remarks or insinuations in respect to any other member of the Council, or any member of the staff or the public, but shall at all times confine their remarks to those facts which are germane and relevant, as determined by the ~~presiding officer~~ Presiding Officer, to the question or matter under discussion.

(b) **Interruption.** No member of the Council shall interrupt or argue with any other member while such member has the floor.

(Res. 525 S1, 1988, Amended by Res. 618 1990, amended by Res. 1140, 2011).

MOTIONS

RULE 19. All items of business placed before the Council that require the expenditure of Council and/or administration resources, shall be in the form of an affirmative motion.

(a) **Rule 19(a) – Speaking to Motion.** No member of the Council shall speak more than twice on the same motion except by consent of the majority of the Council Members present at the time the motion is before the Council. After the motion is put and before the next item is read, a member shall be able to speak briefly to the previous motion. Questions and answers by members of the Council are not considered as speaking to the motion.

(b) **Rule 19(b) – Time Limit.** Each member of the Council shall speak for no more than ten (10) minutes unless granted an exemption by the majority of the Council.

(c) **Rule 19(c) – Donation of Time.** No member of Council may give his allotted time to another member unless there is approval of the majority of the Council.

(Res. 525 S1, 1988, amended by Res. 1140, 2011).

ORDER OF BUSINESS AND PUBLIC COMMENT RULES

RULE 20. The business of all regular meetings of the Council shall be transacted as follows; provided, however that the Presiding Officer may, during a Council meeting, rearrange items on the agenda to conduct the business before the Council more expeditiously. Any ruling by the Presiding Officer relative to rearrangement of items on the agenda may be overruled by a vote of a majority of members present.

(a) **Call to order by the Presiding Officer.**

- (b) Pledge of Allegiance.
- (c) Invocation (Presiding Officer's discretion).
- (d) Roll call (See Rule 7 for procedure to excuse an absence).
- (e) Correspondence not previously received by the Council.

(f) Comments from the public (non-public hearing topics). Public comments are encouraged and appreciated. The information and advice received from citizens helps the City Council make the best possible decisions.

(1) Procedure.

(A) Citizens are encouraged to supplement verbal comments through written submittals.

(B) All citizens desiring to address Council during the Public Comment period shall first fill out a sign-in sheet and ~~submit the form to the City Clerk~~ the sign-in sheet shall be submitted to the City Clerk prior to the start of Public Comments.

(2) Scope of Comments.

(A) Subjects not on the current agenda. Any member of the public may request time to address the Council after first stating their name, address, and the subject of their comments. The Presiding Officer may then allow the comments subject to such time limitations as referenced in Rule 20(f)(3)(A) or as the Presiding Officer deems necessary. Following such comments the Presiding Officer may place the matter on the current agenda or a future agenda, or refer the matter to administration or a Council committee for investigation and report.

(B) Subjects on the current agenda. Any member of the public who wishes to address the Council on an item on the current agenda shall make such request to the Presiding Officer at the time when comments from the public are requested. The Presiding Officer shall rule on the appropriateness of public comments as the agenda item is reached. The Presiding Officer may change the order of speakers so that testimony is heard in the most logical groupings (i.e.) proponents, opponents, adjacent owners, vested interests, etc.).

(C) Subjects of a Public Hearing. Comments made during the Public Comment period on a topic set for a public hearing by the City Council shall be out of order. To ensure a fair hearing to applicants or matters that are subject to a public hearing before the City Council, the ~~presiding officer~~ Presiding Officer may rule public comments made outside the scope of a public hearing record to be out of order.

(D) Any ruling by the Presiding Officer relative to the preceding two subsections may be overruled by a vote of a majority of members present.

(3) Rules of Conduct. A minimum number of basic rules are established to ensure that all individuals wishing to address the City Council are fairly heard.

(A) Each person addressing the Council shall step up to the indicated speakers table, give his or her name and address for the record, and shall limit comments to three (3) minutes. Groups may be allotted five (5) minutes by the ~~presiding officer~~Presiding Officer.

(B) Except where permission is granted by the Presiding Officer, all remarks shall be made only from the designated speaking table and addressed to the Council as a body and not to individual members, the audience or the television cameras.

(C) The ~~presiding officer~~Presiding Officer or designee shall notify the individual when the allotted time has expired and the speaker shall promptly conclude his or her remarks. All speakers are encouraged to submit supplemental or detailed written remarks for Council consideration.

(D) Any person making personal, impertinent, or slanderous remarks, or who becomes boisterous, threatening, or personally abusive while addressing the Council, may be ordered to leave the meeting. The ~~presiding officer~~Presiding Officer has the authority and duty to preserve order at all meetings of the Council, to cause the removal of any person from any meeting for disorderly conduct and to enforce these rules.

(E) The ~~presiding officer~~Presiding Officer may rule "out of order" any comment made with respect to a quasi-judicial matter pending before the Council or its Boards or Commissions. Such comments should be made only at the hearing on a specific matter. If a hearing has been set, persons whose comments are ruled out of order will be notified of the time and place when they can appear at the public hearing on the matter and present their comments.

(F) Any person whose comments have been ruled out of order by the ~~presiding officer~~Presiding Officer shall immediately cease and refrain from further improper comments. The refusal of an individual to desist from personal, inappropriate, slanderous or otherwise disruptive remarks after being ruled out of order by the ~~presiding officer~~Presiding Officer may subject the individual to removal from the Council Chambers.

(g) Committee and ~~B~~board reports.

(1) Procedure. Councilmembers and the ~~presiding officer~~Presiding Officer may give reports regarding boards or committees to which they have been appointed.

(2) Scope and Time Limits.

(A) The ~~presiding officer~~Presiding Officer may rule "out of order" any comments made during this portion of the meeting that do not pertain to the activities of the Councilmembers' boards or committees.

(B) Board and committee reports shall also be limited to three (3) minutes unless extended time is granted by the ~~presiding officer~~ Presiding Officer for matters of significant importance. ~~The presiding officer~~ Presiding Officer or designee shall notify the Councilmember when the allotted time has expired and the Councilmember shall promptly conclude his/~~or~~-her report.

(h) Presiding Officer's report. In addition to any special board or committee reports, the ~~presiding officer~~ Presiding Officer may give a report on any activity participated in as part of the official duties of the Mayor.

(i) Councilmember comments (non-agenda topics).

(1) Procedure. Councilmembers may comment on other subjects of importance and/or respond to citizen comments.

(2) Scope and Time Limits.

(A) Councilmember comments during this portion of the meeting shall be limited to subjects not on the current agenda. The ~~presiding officer~~ Presiding Officer may rule "out of order" any comment made during this portion of the meeting with respect to any agenda item or quasi-judicial matter pending before the Council or its Boards or Commissions. Such comments should be made only at the hearing on a specific matter and/or during that portion of the meeting for which the agenda item is scheduled.

(B) Councilmember comments during this portion of the meeting shall also be limited to three (3) minutes. The ~~presiding officer~~ Presiding Officer or designee shall notify the Councilmember when the allotted time has expired and the Councilmember shall promptly conclude his or her remarks.

(j) Administration reports.

(k) Consent Calendar.

(1) The City Manager, in consultation with the Presiding Officer, shall place matters on the Consent Calendar which have been: (a) previously discussed by the Council, or (b) based on the information delivered to members of the Council by administration that can be reviewed by a Councilmember without further explanation, or (c) are so routine or technical in nature that passage is likely, or (d) as directed by the City Council.

(2) The Clerk shall read the subject of each Consent Calendar item; ~~including the titles of any ordinances or resolutions contained therein.~~

(32) The proper Council motion on the Consent Calendar is as follows: "I move adoption of the Consent Calendar." This motion shall be non-debatable and will have the effect of moving to adopt all items on the Consent Calendar. Since adoption of any item on the Consent Calendar implies unanimous consent, any member of the Council shall have the right to remove any item from the Consent Calendar. Therefore, prior to the vote on the motion to adopt

the Consent Calendar, the Presiding Officer shall inquire if any Councilmember wishes an item to be withdrawn from the Consent Calendar. If any matter is withdrawn, the item withdrawn from the consent calendar shall be the next business in order following the conclusion of the consent calendar.

(l) Public Hearings (see Rule 21 for procedural details).

(m) Old Business.

(n) New Business.

(o) Executive Session (as required)

(p) Next meeting date announced by Presiding Officer.

(q) Adjournment. No meeting shall be permitted to continue beyond ~~10:30~~10:00 PM without approval of three-fourths of the Councilmembers who are present and eligible to vote. A new time limit must be established before taking a Council vote to extend the meeting. In the event that a meeting has not been closed or continued by Council vote prior to ~~10:30~~10:00 PM, the items not acted on shall be deferred to the next regular Council meeting as old business, unless the Council, by a majority vote of members present, determines otherwise. (Res. 525 §1, 1988, amended by Res. 894 §1, 2000, amended by Res. 961 §4, 2003, amended by Res. 977, 2004, amended by Res. _____, 2012).

ACTIONS FOR A PUBLIC HEARING

RULE 21. The procedures for a public hearing are as follows:

(a) Prior to the start of the "Comments from the Public" portion of the public hearing, the Presiding Officer may require that all persons wishing to be heard shall sign in with the Clerk, giving their names and addresses, the agenda item, and whether they wish to speak as proponent, opponent, or otherwise. Any person who fails to sign in shall not be permitted to speak until all those who signed in have done so. At any public hearing all persons who have signed in and wish to be heard shall be heard. However, the Presiding Officer shall be authorized to establish speaker time limits and otherwise control presentations to avoid repetition. In public hearings that are not of a quasi-judicial nature, the Presiding Officer, subject to concurrence of the majority of the Council, may establish time limits and otherwise control presentations. The Presiding Officer may change the order of speakers so that testimony is heard in the most logical groupings (i.e. proponents, opponents, adjacent owners, vested interests, etc.).

(b) The Presiding Officer introduces the agenda item, opens the public hearing, and provides a summary of the following Rules of Order and/or advises the public that they may have a copy of such rules, which shall be available with other agenda materials regularly made available to the public at each Council meeting.

(1) "All comments by proponents, opponents, or the public shall be made from the speaker's rostrum and any individual making comments shall first give their name and address. This is required because an official recorded transcript of the public hearing is being made. If there is any appeal to King County Superior Court, the court must make its decision on the basis of what was said here."

(2) "It is not necessary to be a proponent or opponent in order to speak. If you consider yourself neither a proponent nor opponent, please speak during the proponent portion and identify yourself as neither a proponent nor an opponent."

(3) "No comments shall be made from any other location, and anyone making "out of order" comments shall be subject to removal from the meeting."

(4) "There will be no demonstrations during or at the conclusion of anyone's presentation."

(5) "These rules are intended to promote an orderly system of holding a public hearing, to give every person an opportunity to be heard, and to ensure that no individual is embarrassed by exercising their right of free speech."

(c) (1) When Council conducts a hearing to which the Appearance of Fairness Doctrine, (Rule 15) applies, the Presiding Officer, or in the case of a potential Rule 15 violation by that individual, the Mayor Pro Tem, will ask if any Councilmember knows of any reason which would require such member to excuse themselves pursuant to Rule 15. The suggested form of the announcement is as follows:

"All Councilmembers should now give consideration as to whether they have: (1) a demonstrated bias or prejudice for or against any party to the proceedings; (2) a direct or indirect monetary interest in the outcome of the proceedings; (3) a prejudgment of the issue prior to hearing the facts on the record; or (4) ex parte contact with any individual, excluding Administrative staff, with regard to an issue prior to the hearing. If any Councilmember should answer in the affirmative, then the Councilmember should state the reason for their answer at this time so that the Chair may inquire of Administration as to whether a violation of the Appearance of Fairness Doctrine exists."

(2) When Council conducts a "quasi-judicial" hearing, the Presiding Officer may require that all persons wishing to provide testimony during the course of such hearing provide an oath, on the record, affirming the truth of their testimony. The suggested form and process for such oath is as follows:

The Presiding Officer asks all possible speakers to raise their right hand, asks such individuals to consider the following question and respond "I do", and inquires:

"Do you affirm under penalty of perjury under the laws of the State of Washington that the testimony you are about to provide is true and accurate to the best of your knowledge?"

(d) At the outset of each public hearing or meeting to consider a zoning amendment or zoning reclassification the Presiding Officer will call upon City Administration to describe the matter under consideration, including legal standards for approval of the item before the Council, and ask the parties to limit their presentations to information within the scope of the standards.

(e) The Presiding Officer calls for proponents in quasi-judicial proceedings and for speakers in non-quasi-judicial proceedings.

(f) The proponents or speakers now speak. (Note: If the City of Des Moines is the proponent, a member or members of the administration shall be designated to give proponent and rebuttal testimony).

(g) The Presiding Officer calls for additional proponents or speakers three times.

(h) In non-quasi-judicial proceedings refer to Rules 21(l), otherwise the Presiding Officer calls for opponents by announcing the following:

"At this time the opponents will have an opportunity to speak. Should any opponent have questions to ask of the proponents, ask the questions during your presentation. The proponents shall note the question asked, and answer such questions when the proponent speaks in rebuttal. The proponent shall be required to answer any reasonable question, provided that the Presiding Officer reserves the right to rule any question out of order."

(i) Opponents speak.

(j) The Presiding Officer calls for additional opponents three times.

(k) The Presiding Officer calls for proponents to speak in rebuttal. A proponent speaking in rebuttal shall not introduce new material. If the proponent does, or is allowed to do so, the opponents shall also be allowed to rebut the new elements.

(l) The Presiding Officer announces the following:

"At this time I will inquire of the administration as to whether there have been any mis-statements of fact or whether the administration wishes to introduce any material as to subjects raised by the proponents or opponents or alter in any regard its initial recommendations."

(m) The Presiding Officer inquires as to whether any Councilmembers have any questions to ask the proponents, opponents, speakers, or administration. If any Councilmember has questions, the appropriate individual will be recalled to the podium.

(n) The Presiding Officer closes the public hearing.

(o) The Presiding Officer inquires if there is a motion by any Councilmembers. If a motion is made, it shall be in the form of an affirmative motion. Following the motion and its second, discussion occurs among Councilmembers. The Presiding Officer may call on individual Councilmembers in the discussion.

(p) The Presiding Officer inquires if there is any further discussion by the Councilmembers.

(q) The Presiding Officer inquires if there are any final comments or recommendations from administration.

(r) The Presiding Officer inquires of the Councilmembers as to whether they are ready for the question.

(s) The Clerk shall conduct a roll call vote.

(t) The Presiding Officer directs administration to prepare findings consistent with the action.

(Res. 571 §2, 1989, amended by Res. 894, §2, 2000, amended by Res. 1140, 2011).

VOTING

RULE 22. The votes during all meetings of the Council shall be transacted as follows:

(a) Unless otherwise provided for by statute, ordinance, or resolution, all votes shall be taken by voice, except that at the request of any Councilmember, a roll call vote shall be taken by the Clerk. The order of the roll call vote shall be determined by the Presiding Officer.

(b) In case of a tie in votes on any proposal, the proposal shall be considered lost.

(c) Every member who was in the Council chambers when the question was put, shall give their vote unless the Councilmember excuses himself or herself in accordance with Rule 15. If any unexcused Councilmember refuses to vote "aye" or "nay", their vote shall be counted as a "nay" vote.

(d) The passage of any ordinance, grant or revocation of franchise or license, any resolution for the payment of money, any approval of warrants, and any resolution for the removal of the City Manager shall require the affirmative vote of at least a majority of the whole membership of the Council.

(e) The passage of any public emergency ordinance (an ordinance that takes effect immediately), expenditures for any calamity or violence of nature or riot or insurrection or war, and provisions for a lesser emergency such as a budget amendment shall require the affirmative vote of at least a majority plus one of the whole membership of the Council.

(f) The passage of any motion or resolution not subject to the provisions of RCW, DMMC, or this Resolution as amended, shall require the affirmative vote of at least a majority of the membership of the Council who are present and eligible to vote.

COMMITTEES

RULE 23. The procedures governing all committees of the Council shall be as follows:

(a) The following standing committees shall consist of three members of the Council appointed by the Mayor in January of each year or at such time as new standing committees are authorized: Environment, Municipal Facilities, Public Safety & Transportation, and Finance and Economic Development.

(b) Council Committees for a particular purpose may be formed by motion of Council and members shall be appointed by the Mayor.

(c) Committees shall make a recommendation on proposed ordinances, resolutions and motions, within their area of responsibility before action is taken by the Council. Minutes shall be kept of each City Council standing and special committee meeting, and shall list discussion topics, comments made, and any final recommendations.

The Committee Chair shall present the recommendations of the committee to the City Council at a regular City Council meeting during the discussion of the item of business. (Res. 575 §1, 1989, Amended by Res. 602 1990, Amended by Res. 633 1990, Amended by Res. 664 1991 Amended by Res. 685 1992, Amended by Res. 754 §3, 1994, Amended by Res. 931, §1, 2002, Amended by Res. 940, §1 2002, Amended by Res. 1140, 2011).

ENACTED ORDINANCES, RESOLUTION AND MOTIONS

RULE 24. An enacted ordinance is a legislative act prescribing general, uniform, and permanent rules of conduct relating to the corporate affairs of the municipality. Council action shall be taken by ordinance when required by law, or to prescribe permanent rules of conduct which continue in force until repealed, or where such conduct is enforced by penalty. An enacted resolution is an administrative act which is a formal statement of policy concerning matters of special or temporary character. Council action shall be taken by resolution when required by law and in those instances where an expression of policy more formal than a motion is desired. An enacted motion is a form of action taken by the Council to direct that a specific action be taken on behalf of the municipality. A motion, once approved and entered into the record, is the equivalent of a resolution in those instances where a resolution is not required by law. (Res. 525 §1, 1988).

RESOLUTIONS

RULE 25. A resolution may be put to its final passage on the same day on which it was introduced. The title of each resolution shall in all cases be read prior to its passage; provided, should a Councilmember request that the entire resolution or certain of its sections be read, such requests shall be granted. Printed copies shall be made available upon request to any person attending a Council meeting. (Res. 525 §1, 1988).

ORDINANCES

RULE 26. The procedure for ordinances is as follows:

(a) All ordinances shall have two separate readings. At each reading the title of an ordinance shall in all cases be read prior to its passage; provided that should a Councilmember request that the entire ordinance or certain of its sections be read, such requests shall be granted. Printed copies shall be made available upon request to any person attending a Council meeting.

(b) The provision requiring two separate readings of an ordinance may be temporarily suspended at any meeting of the Council by a majority vote of all members present.

(c) If a Motion to pass an ordinance to a second reading fails, the ordinance shall be considered lost.

(Res. 525 S1, 1988, Amended by Res. 1140, 2011.)

PERMISSION REQUIRED TO ADDRESS THE COUNCIL

RULE 27. Persons other than Councilmembers and administration shall be permitted to address the Council upon introduction by the Presiding Officer. (Res. 525 S1, 1988, Amended by Res. 1140, 2011).

RECONSIDERATION

RULE 28. Any action of the Council, including final action on applications for changes in land use status; but excluding a reconsideration of any action previously reconsidered, motions to adjourn, motions to suspend the rules, an affirmative vote to lay on the table or to take from the table, or a vote electing to office one who is present and does not decline; shall be subject to a motion to reconsider. Such motions can only be made by a member of the prevailing side on the original action. A motion to reconsider must be made no later than the next succeeding regular Council meeting. A motion to reconsider is debatable only if the action being reconsidered is debatable. Upon passage of a motion to reconsider, the subject matter is returned to the table anew at the next regular Council meeting for any action the Council deems advisable. (Res. 525 S1, 1988).

LEGISLATIVE PROCESS, PREPARATION, INTRODUCTION AND FLOW OF ORDINANCES AND RESOLUTIONS AND MOTIONS

RULE 29. Ordinances and resolutions shall be prepared, introduced, and proceed in the manner described on the flow chart attached hereto as Exhibit "A", and by this reference incorporated herein. Prior to final passage of all ordinances, resolutions or motions, such documents or proposals shall be designated as DRAFTS as follows:

(a) PROPOSED DRAFTS shall contain the name of the group, organization, committee or individual originating, initiating or sponsoring the proposal prior to the first presentation to the City Council where a vote is taken directing some official action or further consideration.

(b) COUNCIL DRAFTS shall be documents or proposals which have been presented in open session and voted on by the City Council when the resultant Council action was other than passage or a vote to cease further consideration. (Res. 525 S1, 1988).

COUNCIL RELATIONS WITH BOARDS, COMMISSIONS AND COUNCIL CITIZEN ADVISORY BODIES

RULE 30. All statutory boards and commissions and Council citizen advisory bodies shall provide the Council with copies of minutes of all meetings. Communications from such boards, commissions and bodies to the City Council shall be made in the form of a motion and recorded in the minutes. Any such communication shall be officially acknowledged by the Council and receipt noted in the minutes. The procedure for acknowledging such receipt shall be as follows. Any member of the Council may bring such communication to the Presiding Officer's attention under the agenda item "Committee and Board Reports." The presiding Officer shall state: "So noted for the record," and thereafter the Clerk shall make an appropriate notation in the minutes. Should any member of the Council determine that any such communication be officially answered by the Council, the Presiding Officer shall place the matter on the agenda under New Business for the current meeting or any subsequent meeting. (Res. 525 S1, 1988).

COMPLAINTS AND SUGGESTIONS TO COUNCIL

RULE 31. When citizen complaints or suggestions are brought before the City Council not on an agenda, the Presiding Officer shall first determine whether the issue is legislative or administrative in nature and then:

(a) If legislative, and a complaint about the letter or intent of legislative acts or suggestions for changes to such acts, and if the Council finds such complaint suggests a change to an ordinance or resolution of the City, the Council may refer the matter to a committee, Administration or the Council of the whole for study and recommendation.

(b) If administrative and a complaint regarding administrative staff performance, administrative execution of legislative policy or administrative policy within the authority of the City Manager, the Presiding Officer should then refer the complaint directly to the City Manager for his/her review if said complaint has not been so reviewed. The City Council may direct that the City Manager brief or report to the Council when his/her response is made. (Res. 525 S1, 1988).

ADMINISTRATIVE COMPLAINTS MADE DIRECTLY TO INDIVIDUAL COUNCILMEMBERS

RULE 32. When administrative policy or administrative performance complaints are made directly to individual Councilmembers, the Councilmember may then refer the matter directly to the City Manager for his/her view and/or action. The individual Councilmember may request to be informed of the action or response made to the complaint. (Res. 525 S1, 1988).

FILLING COUNCIL VACANCIES

RULE 33. If a vacancy occurs in the office of Councilmember, the Council will follow the procedures outlined in RCW 35A.13.020. In order to fill the vacancy with the most qualified person available until an election is held, the Council will widely distribute and publish a notice of the vacancy, the procedure and any application form for applying. The Council will draw up an application form which contains relevant information to answer set questions posed by the Council. The application forms will be used in conjunction with an interview of each candidate to aid the Council's selection of the new Councilmember. (Res. 525 S1, 1988).

**PHOTOGRAPHS, MOTION PICTURES, VIDEO TAPE --
PERMISSION REQUIRED FOR ARTIFICIAL ILLUMINATION**

RULE 34. No photographs, motion pictures, or video tapes that require the use of flash bulbs, electronic flashes, flood lights, or similar artificial illumination shall be made at City Council Meetings without the consent of the Presiding Officer or a majority of the Council. (Res. 525 S1, 1988).

AUDIO RECORDINGS OF MEETINGS

RULE 35. All meetings of the City Council should be recorded by the City Clerk on an audio recording device. (Res. 657, 1991, amended by Res. 1140, 2011).

VIDEO RECORDING AND BROADCAST

RULE 36. All public meetings of a quorum of the City Council not exempt from the Open Public Meetings Act held in the Des Moines City Service Center at 21630 11th Avenue South should be video recorded and cablecast within the City. (Res. 772, 1994, amended by Res. 1140, 2011, amended by Res. _____, 2012).

SPIRIT OF DES MOINES AWARD PROGRAM

RULE 37. It is the intent of the Des Moines City Council that a Spirit of Des Moines Awards Program be enacted by the Council to honor the commitment and dedication of its named recipients. Awards will be of two kinds; an annual award or lifetime achievement award. The awards shall be made in accordance with the Spirit of Des Moines Awards Policy and attached to these City Council Rules as Appendix A. (Res. 1140, 2011).

REFERENCES TO DES MOINES MUNICIPAL CODE (DMMC) AND REVISED CODE OF WASHINGTON (RCW)

DMMC 4.04.010 Council Meetings - City Hall Location.

All meetings of the City Council shall be held at 21630 11th Avenue South, which is designated as the location of the City Hall, except that, when necessary, the City Council may hold meetings at other places.

DMMC 4.04.020 Council Meetings - Time.

(1) The regular meetings of the City Council are held every Thursday, with the meetings convening at 7:30 p.m.; except when the regular meeting date falls on a legal holiday the meeting is canceled and the City Council shall not meet.

(2) The ~~presiding officer~~Presiding Officer may cancel a regular meeting at the ~~presiding officer~~Presiding Officer's discretion as the business of the City Council requires; except the City Council shall meet at least once each month.

RCW 35A.12.050 and 12.060 Forfeiture of Office.

The office of a ~~mayor~~Mayor or councilmember shall become vacant if the person who is elected or appointed to that position fails to qualify as provided by law, fails to enter upon the duties of that office at the time fixed by law without a justifiable reason, or as provided in RCW 35A.12.060 or 42.12.010. A vacancy in the office of ~~mayor~~Mayor or in the council shall be filled as provided in chapter 42.12 RCW. An incumbent councilmember is eligible to be appointed to fill a vacancy in the office of ~~mayor~~Mayor. A Councilmember shall forfeit his office if he fails to attend three consecutive regular meetings of the Council without being excused by the Council.

RCW 35A.13.020 Election of Councilmen - Eligibility - Terms - Vacancies - Forfeiture of Office - Council Chairman.

In council-manager code cities, eligibility for election to the Council, the manner of electing councilmen, the numbering of council positions, the terms of councilmen, the occurrence and the filling of vacancies, the grounds for forfeiture of office, and appointment of a ~~mayor~~Mayor pro tempore shall be governed by the corresponding provisions of RCW 35A.12.030, 35A.12.040, 35A.12.050, 35A.12.060 and 35A.12.065 relating to the council of a code city organized under the ~~mayor~~Mayor-council plan, except, that in council-manager cities where all council positions are at-large positions, the ~~city council~~City Council may, pursuant to RCW 35A.13.033, provide that the person elected to council position one shall be the Council chairman and shall carry out the duties prescribed by RCW 35A.13.030.

RCW 42.30.080 Special Meetings.

A special meeting may be called at any time by the ~~presiding officer~~Presiding Officer of the governing body of a public agency or by a majority of the members of the governing body by delivering written notice personally, by mail, by fax, or by electronic mail to each member of the governing body; and to each local newspaper of general circulation and to each local radio or television station which has on file with the governing body a written request to be notified of such special meeting or of all special meetings. Such notice must

be delivered personally, by mail, by fax, or by electronic mail at least twenty-four hours before the time of such meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted. Final disposition shall not be taken on any other matter at such meetings by the governing body. Such written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files with the clerk or secretary of the governing body a written waiver of notice. Such waiver may be given by telegram, by fax, or electronic mail. Such written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes. The notices provided in this section may be dispensed with in the event a special meeting is called to deal with an emergency involving injury or damage to persons or property or the likelihood of such injury or damage, when time requirements of such notice would make notice impractical and increase the likelihood of such injury or damage.

RCW 42.30.090 Adjournments.

The governing body of a public agency may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment. Less than a quorum may so adjourn from time to time. If all members are absent from any regular or adjourned regular meeting the clerk or secretary of the governing body may declare the meeting adjourned to a stated time and place. He/she shall cause a written notice of the adjournment to be given in the same manner as provided in RCW 42.030.080 for special meetings, unless such notice is waived as provided for special meetings. Whenever any meeting is adjourned a copy of the order or notice of adjournment shall be conspicuously posted immediately after the time of the adjournment on or near the door of the place where the regular, adjourned regular, special or adjourned special meeting was held. When a regular or adjourned regular meeting is adjourned as provided in this section, the resulting adjourned regular meeting is a regular meeting for all purposes. When an order of adjournment of any meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified for regular meetings by ordinance, resolution, bylaw, or other rule.

RCW 42.30.110 Executive Sessions.

(1) Nothing contained in this chapter may be construed to prevent a governing body from holding an executive session during a regular or special meeting.

- (a) To consider matters affecting national security;
- (b) To consider the selection of a site or the acquisition of real estate by lease or purchase when public knowledge regarding such consideration would cause a likelihood of increased price;
- (c) To consider the minimum price at which real estate will be offered for sale or lease when public knowledge regarding such consideration would cause a likelihood of decreased price. However, final action selling or leasing public property shall be taken in a meeting open to the public;
- (d) To review negotiations on the performance of publicly bid contracts when public knowledge regarding such consideration would cause a likelihood increased costs;
- (e) To consider, in the case of an export trading company, financial and commercial information supplied by private persons to the export trading company;

(f) To receive and evaluate complaints or charges brought against a public officer or employee. However, upon the request of such officer or employee, a public hearing or a meeting open to the public shall be conducted upon such complaint or charge;

(g) To evaluate the qualifications of an applicant for public employment or to review the performance of a public employee. However, subject to RCW 42.30.140(4), discussion by a governing body of salaries, wages, and other conditions of employment to be generally applied within the agency shall occur in a meeting open to the public, and when the governing body elects to take final action hiring, setting the salary or an individual employee or class of employees, or discharging or disciplining an employee, that action shall be taken in a meeting open to the public;

(h) To evaluate the qualifications of a candidate for appointment to elective office. However, any interview of such candidate and final action appointing a candidate to elective office shall be in a meeting open to the public;

(i) To discuss with legal counsel representing the agency matters relating to agency enforcement actions, or to discuss with legal counsel representing the agency litigation or potential litigation to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency;

(j) To consider, in the case of the state library commission or its advisory bodies, western library network prices, products, equipment, and services, when such discussion would be likely to adversely affect the network's ability to conduct business in a competitive economic climate. However, final action on these matters shall be taken in a meeting open to the public.

(k) To consider, in the case of the state investment board, financial and commercial information when the information relates to the investment of public trust or retirement funds and when public knowledge regarding the discussion would result in loss to such funds or in private loss to the providers of this information;

(l) To consider proprietary or confidential nonpublished information related to the development, acquisition, or implementation of state purchased health care services as provided in RCW 41.05.026;

(m) To consider in the case of the life sciences discovery fund authority, the substance of grant applications and grant awards when public knowledge regarding the discussion would reasonably be expected to result in private loss to the providers of this information

(2) Before convening in executive session, the ~~presiding officer~~ Presiding Officer of a governing body shall publicly announce the purpose for excluding the public from the meeting place, and the time when the executive session will be concluded. The executive session may be extended to a stated later time by announcement of the ~~presiding officer~~ Presiding Officer.

RCW 42.30.140 Chapter Controlling - Application. If any provision of this chapter conflicts with the provisions of any other statute, the provisions of this chapter shall control: *Provided*, that this chapter shall not apply to:

(1) The proceedings concerned with the formal issuance of an order granting, suspending, revoking, or denying any license, permit, or certificate to engage in any business, occupation or profession or to any disciplinary proceedings involving a member of such business, occupation or profession, or to receive a license for a sports activity or to operate any mechanical device or motor vehicle where a license or registration is necessary; or

(2) That portion of a meeting of a quasi-judicial body which relates to a quasi-judicial matter between named parties as distinguished from a matter having general effect on the public or on a class or group; or

(3) Matters governed by Title 35 RCW, the administrative procedure act; or

(4)(a) Collective bargaining sessions with employee organizations, including contract negotiations, grievance meetings, and discussions relating to the interpretation or application of a labor agreement; or (b) that portion of a meeting during which the governing body is planning or adopting the strategy or position to be taken by the governing body during the course of any collective bargaining, professional negotiations, or grievance or mediation proceedings, or reviewing the proposals made in the negotiations or proceedings while in progress.

RCW 42.36.010 Local Land Use Decisions.

Application of the appearance of fairness doctrine to local land use decisions shall be limited to the quasi-judicial actions of local decision-making bodies as defined in this section. Quasi-judicial actions of local decision-making bodies are those actions of the legislative body, planning commission, hearing examiner, zoning adjuster, board of adjustment, or boards which determine the legal rights, duties, or privileges of specific parties in a hearing or other contested case proceeding. Quasi-judicial actions do not include the legislative actions adopting, amending, or revising comprehensive, community, or neighborhood plans or other land use planning documents or the adoption of area-wide zoning ordinances or the adoption of a zoning amendment that is of area-wide significance.

RCW 42.36.040 Public Discussion by Candidate for Public Office.

Prior to declaring as a candidate for public office or while campaigning for public office as defined by RCW 42.17.020 (9) and (41) no public discussion by expression of an opinion by a person subsequently elected to a public office, on any pending or proposed quasi-judicial actions, shall be a violation of the appearance of fairness doctrine.

RCW 42.36.050 Campaign Contributions.

A candidate for public office who complies with all provisions of applicable public disclosure and ethics laws shall not be limited from accepting campaign contributions to finance the campaign, including outstanding debts; nor shall it be a violation of the appearance of fairness doctrine to accept such campaign contributions.

RCW 42.36.060 Quasi-judicial Proceedings - Ex Parte Communications Prohibited, Exceptions. During the pendency of any quasi-judicial proceeding, no member of a decision-making body may engage in ex parte communications with opponents or proponents with respect to the proposal which is the subject of the proceeding unless that person:

(1) Places on the record the substance of any written or oral ex parte communications concerning the decision of action; and

(2) Provides that a public announcement of the content of the communication and of the parties' rights to rebut the substance of the communication shall be made at each hearing

where action is considered or taken on the subject to which the communication related. This prohibition does not preclude a member of a decision-making body from seeking in a public hearing specific information or data from such parties relative to the decision if both the request and the results are a part of the record. Nor does such prohibition preclude correspondence between a citizen and his or her elected official if any such correspondence is made a part of the record when it pertains to the subject matter of a quasi-judicial proceeding.

REFERENCES TO RESOLUTION NO. 1070 POLICIES GOVERNING CITY COUNCIL PARTICIPATION IN PUBLIC CONTRACTS

1. Interlocal Agreements. Chapter 39.34 RCW requires the governing bodies of participating public agencies to take appropriate action by ordinance, resolution or otherwise before interlocal agreements may enter into force. All interlocal agreements should appear on the consent calendar, subject to removal in accordance with the City Council Rules of Procedure.

2. Franchise Agreements. Franchise agreements such as Comcast, PSE, water, sewer, and the like require City Council approval. Franchise agreements should be referred to an *Ad Hoc* Council Committee for the study and recommendation prior to presentation to the City Council for approval.

3. Public Works (small works roster).

(a) MRSC rosters. The City wishes to contract with the Municipal Research and Services Center of Washington (MRSC) to adopt for City use those state-wide electronic databases for small works roster and consulting services developed and maintained by MRSC and authorizes the City Manager to sign that contract. In addition, paper and/or electronic rosters may be kept on file by appropriate City departments.

(b) Small works rosters. The following small works roster procedures are established for use by the City pursuant to RCW 39.04.155:

(i) Cost. The City need not comply with formal sealed bidding procedures for the construction, building, renovation, remodeling, alteration, repair or improvement of real property where the estimated cost does not exceed Two Hundred Thousand Dollars (\$200,000.00), which includes the costs of labor, material, equipment, and sales and/or use taxes as applicable. Instead, the City may use the small works roster procedures for public works projects as set forth herein. The breaking of any project into units or accomplishing any projects by phases is prohibited if it is done for the purpose of avoiding the maximum dollar amount of a contract that may be let using the small works roster process.

(ii) Publication. At least once a year, on behalf of the City, MRSC shall publish in a newspaper of general circulation within the jurisdiction a notice of the existence of the roster or rosters and solicit the names of contractors for such roster or rosters. Responsible contractors shall be added to appropriate MRSC roster or rosters at any time that they submit a written request and necessary records. The City may require master contracts to be signed that become effective when a specific award is made using a small works roster.

(iii) Telephone or written quotations. The City shall obtain telephone, written, or electronic quotations for public works contracts from contractors on the appropriate small works roster to assure that a competitive price is established and to award contracts to a contractor who meets the mandatory bidder responsibility criteria in RCW 39.04.350(1) and may establish supplementary bidder criteria under RCW 39.04.350(2).

(A) A contract awarded from a small works roster need not be advertised. Invitations for quotations shall include an estimate of the scope and nature of the work to be performed as well as materials and equipment to be furnished. However, detailed plans and specifications need not be included in the invitation.

(B) Quotations may be invited from all appropriate contractors on the appropriate small works roster. As an alternative, quotations may be invited from at least five (5) contractors on the appropriate small works roster who have indicated the capability of performing the kind of work being contracted, in a manner that will equitably distribute the opportunity among the contractors on the appropriate roster. "Equitably distribute" means that the City may not favor certain contractors on the appropriate small works roster over other contractors on the appropriate small works roster who perform similar services.

If the estimated cost of the work is from One Hundred Thousand Dollars (\$100,000.00) to Two Hundred Thousand Dollars (\$200,000.00), the City may choose to solicit bids from less than all the appropriate contractors on the appropriate small works roster but must notify the remaining contractors on the appropriate small works roster that quotations on the work are being sought. The City has the sole option of determining whether this notice to the remaining contractors is made by:

- (1) Publishing notice in a legal newspaper in general circulation in the area where the work is to be done;
- (2) Mailing a notice to these contractors; or
- (3) Sending a notice to these contractors by facsimile or email.

(C) At the time bids are solicited, the City representative shall not inform a contractor of the terms or amount of any other contractor's bid for the same project.

(D) A written record shall be made by the City representative of each contractor's bid on the project and of any conditions imposed on the bid. Immediately after an award is made, the bid quotations obtained shall be recorded, open to public inspection, and available by telephone inquiry.

(c) Limited public works process.

(i) If a work, construction, alteration, repair, or improvement project is estimated to cost less than Thirty-Five Thousand Dollars (\$35,000.00), the City may award such a contract using the limited public works process provided under RCW 39.04.155(3). For a limited public works project, the City will solicit electronic or written quotations from a minimum of three (3) contractors from the appropriate small works roster and shall award the contract to the lowest responsible bidder as defined under RCW 39.04.010. After an award is made, the quotations shall be open to public inspection and available by electronic request.

(ii) For limited public works projects, the City may waive the payment and performance bond requirements of chapter 39.08 RCW and the retainage requirements of chapter 60.28 RCW, thereby assuming the liability for the contractor's nonpayment of laborers, mechanics, subcontractors, materialmen, suppliers, and taxes imposed under Title 82 RCW that may be due from the contractor for the limited public works project. However, the City shall have the right of recovery against the contractor for any payments made on the contractor's behalf.

(iii) The City shall maintain a list of the contractors contacted and the contracts awarded during the previous twenty-four (24) months under the limited public works process, including the name of the contractor, the contractor's registration number, the amount of the contract, a brief description of the type of work performed, and the date the contract was awarded.

(iv) Determining the lowest responsible bidder. The City Council shall award the contract for the public works project to the lowest responsible bidder provided that, whenever there is a reason to believe that the lowest acceptable bid is not the best price obtainable, all bids may be rejected and the City may call for new bids. A responsible bidder shall be a registered and/or licensed contractor who meets the mandatory bidder responsibility criteria established by Chapter 133, Laws of 2007 (SHB 2010) and who meets any supplementary bidder responsibility criteria established by the City.

(v) Award. The City Manager or his designee shall present all telephonic quotations/bids, and recommendation for award of the contract to the lowest responsible bidder to the City Council. However, for public works projects under Fifty Thousand Dollars(\$50,000.00), the City Manager shall have the authority to award public works contracts without City Council approval. For public works projects over Fifty Thousand Dollars (\$50,000.00), the City Council shall award all public works contracts.

(c) Consulting services rosters.

(i) Consulting services. Consulting services are professional services that have a primarily intellectual output or product and include architectural and engineering services as defined in RCW 39.80.020.

(ii) Publication. At least once a year, on behalf of the City, MRSC shall publish in a newspaper of general circulation within the jurisdiction a notice of the existence of the consulting services roster or rosters and solicit statements of qualifications from firms providing consulting services. Such advertisements will include information on how to find the address and telephone number of a representative of the City who can provide further details as to the City's projected needs for consulting services. Firms or persons providing consulting services shall be added to appropriate MRSC roster or rosters at any time that they submit a written request and necessary records. The City may require master contracts to be signed that become effective when a specific award is made using a consulting services roster.

(iii) Professional architectural and engineering services. The MSRC rosters will distinguish between professional architectural and engineering services as defined in RCW 39.80.020 and other consulting services and will announce generally to the public the City's projected requirements for any category or type of professional or other consulting services. The City reserves the right to publish an announcement on each occasion when professional services or other consulting services are required by the agency and to use paper and/or other electronic rosters that may be kept on file by appropriate City documents.

4. Public Works (Subject to Bid). -Public work projects exceeding \$200,000 are subject to bid laws and shall be processed in accordance with the Revised Code of Washington. After opening of bids, results shall be submitted to the Council Committee of origin for study and recommendation prior to being presented to the City Council for approval and if there is no Council Committee of origin, shall be considered by the Council as a whole. Action taken by the City Council in awarding the bid and directing the City Manager to sign contracts should include authority granted to the City Manager to expend funds in the amount of the bid award plus ten percent.

5. Purchase of Supplies, Material, Equipment, and Non-Professional Services. For Code cities of a population of 20,000 or greater there are no bidding requirements for purchases of supplies, material, equipment, or services which are not purchased in connection with a public work. For such purchases, the City Manager shall adopt written guidelines, subject to City Council

approval, to ensure that purchases are made at the lowest possible price from a responsible vendor.

6. Architectural and Engineering Services. Chapter 39.80 RCW provides that in selecting architect and engineer consultants the City shall conduct discussions with one or more firms and shall select the firm deemed the most highly qualified to provide the services required for the proposed project. The Attorney General of the State of Washington has issued an opinion precluding cities from considering price when selecting architects and engineers, except for a final price negotiation after the most qualified architect or engineer has been selected. The following process shall govern awarding of contracts to architects or engineers:

- (a) The City Manager shall advertise the architectural and engineering requirements;
- (b) The City Manager shall thereafter enter into discussion with several firms and select the most qualified architect or engineer;
- (c) The City Manager shall then negotiate the scope of work and price with the architect or engineer selected; and
- (d) If the contract amount does not exceed \$20,000 and has been previously budgeted, the City Manager shall be authorized to sign a contract for such services without approval by the City Council or any committee thereof. If the contract amount exceeds \$20,000, the Contract should appear on the consent calendar, subject to removal in accordance with the City Council Rules of Procedure.
- (e) In case of a disaster, emergency, or immediate City need, including assistance on Capital Improvement Program projects and general engineering services previously approved by the Council, the City Manager shall be authorized to sign Task Order Assignments on multi-year "on-call" civil engineering services consultant contracts, which have been previously approved by the Council for services if the Task Order Assignment does not exceed \$50,000.
- (f) The City Manager shall, as part of the City Manager's monthly report, provide the City Council with a list of contracts with consultants that have been approved by the City Manager pursuant to this resolution.
- (g) The City Manager shall not allow task order assignments for a specific single project that cumulatively add up to an amount greater than \$50,000.00 without being approved by the City Council.

7. Leases of City Real Property. Leases of City real property are subject to review and approval by the City Council. The Mayor shall have discretion to submit any such lease to a standing or ad hoc committee for study and recommendation prior to being presented to the City Council for approval.

8. Contracts for General Professional Services. Contracts for general professional services, which do not involve architects or engineers, are not subject to the bid laws of the State of Washington. Examples of such services are computer consultants, financial consultants, management consultants, and the like. The process for awarding general professional services contracts shall be as follows:

- (a) The City Manager shall research the persons and firms that are available to such professional services, taking into consideration recommendations from any source.

(b) The City Manager shall then negotiate a contract with the party selected, including scope of work and price.

(c) If the contract amount does not exceed \$20,000 and has been previously budgeted, the City Manager shall be authorized to sign a contract for such services without the approval by the City Council or any committee thereof. If the contract amount exceeds \$20,000, the contract should appear on the consent calendar, subject to removal in accordance with the City Council Rules of Procedure.

9. Administrative Contracts. Administrative contracts are contracts which do not fall into any other category described in this rule, and are for services previously budgeted by the City Council. Examples of administrative contracts are agreements with the Sexual Assault Center, VanGo, Senior Nutrition, D.A.W.N., and the like. The City Manager is authorized to execute administrative contracts, and the same shall not be subject to approval by the City Council or any committee thereof.

APPENDIX A

THE SPIRIT OF DES MOINES AWARDS PROGRAM POLICY

The spirit of any community is its citizens, community leaders, volunteers and donors. We are all bettered by the commitment and dedication they exhibit in keeping or enhancing those things that make the City of Des Moines special to us. We are remiss if we don't, from time to time, acknowledge those efforts. That is the impetus behind the Spirit of Des Moines Awards.

PURPOSE

The Spirit of Des Moines Award is given to publicly acknowledge the efforts and accomplishments of individuals' civic and community service to the betterment of the community of Des Moines, Washington – both over the course of a year, and over a lifetime.

ELIGIBILITY

Up to two individuals may be acknowledged in both the annual award, and lifetime award categories. Nominees for the award need not be Des Moines residents, but must have shown a consistent commitment and dedication to the betterment of Des Moines. Any person is eligible for the annual Spirit of Des Moines Award. Any person is eligible for the lifetime Spirit of Des Moines Award who has demonstrated at least two decades of civic and community service, or who has performed an extraordinary service to the community with long-lasting implications. An annual award recipient is eligible to be considered for future Spirit of Des Moines awards. A lifetime award recipient is ineligible to be considered for future Spirit of Des Moines awards.

NOMINATIONS

In September of each year, the community shall be solicited for nominees for the annual and lifetime Spirit of Des Moines Awards. Nominations shall be reviewed by a community-based review committee, and finalists will be chosen based on the eligibility criteria and any materials submitted to support the nomination. There will be at least two finalists for each position.
~~finalists for each position.~~

REVIEW COMMITTEE

A community-based review committee shall be established to review nominations from the community for the Spirit of Des Moines Awards. The review committee shall have no more than nine (9) members, and no fewer than five (5) members. The members of the review committee, who must be residents of Des Moines, shall be chosen from a cross-section of the Des Moines community – both geographically and in terms of the activities of the community. The ~~mayer~~Mayor and one other Des Moines ~~city council~~City Council member shall serve on the committee, and the ~~mayer~~Mayor will be entrusted with choosing the remaining committee members. Neither elected official shall chair the review committee. Meeting notes shall be taken by the review committee, and those notes shall be kept and maintained by the City of Des Moines.

REVIEW PROCESS

Nominations are solicited from the community in September each year. The review committee shall meet no later than October 15th, and finalists shall be chosen by the committee no later than November 1st. Recipients shall be chosen by the Council from the group of finalists.

PUBLIC ACKNOWLEDGEMENT

The Spirit of Des Moines Awards shall be given out at a public meeting or event by the ~~mayer~~Mayor, no later than the middle of November each year. The physical awards reflect the connection of Des Moines, Washington to Puget Sound, and the official City of Des Moines theme of “the Waterland Community”.

CONTRIBUTIONS AND SPONSORSHIPS

Contributions and sponsorships may be solicited to offset the cost of presenting the Spirit of Des Moines Awards. Any funds collected in excess of the direct cost of presenting the awards shall be shared equally among Award recipients, and given as donations in their name to a local charity of their choosing.

ORGANIZATION AWARD

An honorary award may be given each year, at the recommendation of the review committee, to recognize the activities of an organization that has demonstrated a consistent commitment and dedication to the betterment of Des Moines.

(Res. 1140, 2011).

CITY ATTORNEY'S FIRST DRAFT 04/06/2012

DRAFT ORDINANCE NO. 12-030

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON relating to the day and time of regular City Council meetings, and amending DMMC 4.04.020.

WHEREAS, DMMC 4.04.020 sets the date and time for regular meetings of the City Council, and

WHEREAS, members of the City Council desire to convene Council meetings at a different time, and

WHEREAS, after due deliberation, the City Council finds that the provisions of DMMC 4.04.020 should be amended as set forth in this Ordinance; now therefore,

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

Sec. 1. DMMC 4.04.020 and section 1 of Ordinance No. 358 as amended by section 1(A) of Ordinance No. 436 as amended by section 1 of Ordinance No. 562 as amended by section 1 of Ordinance No. 641 as amended by section 4 of Ordinance No. 765 as amended by section 1 of Ordinance No. 1039, are amended to read as follows:

Council meetings - Time.

(1) The regular meetings of the City Council are held every Thursday, with the meetings convening at ~~7:30~~ 7:00 p.m.; except when the regular meeting date falls on a legal holiday the meeting is canceled and the City Council shall not meet.

(2) The presiding officer may cancel a regular meeting at the presiding officer's discretion as the business of the City Council requires; except the City Council shall meet at least once each month.

NEW SECTION. Sec. 2. Severability - Construction.

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

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

NEW SECTION. Sec. 3. Effective date. This ordinance shall take effect and be in full force five (5) days after its passage, approval, and publication in accordance with law.

PASSED BY the City Council of the City of Des Moines this _____ day of _____, 2012 and signed in authentication thereof this _____ day of _____, 2012.

M A Y O R

APPROVED AS TO FORM:

City Attorney

ATTEST:

City Clerk

Published: _____

Effective Date: _____

AGENDA ITEM

SUBJECT: Steven J. Underwood Field
Maintenance Needs - Tractor
Replacement

ATTACHMENTS: None

AGENDA OF: April 26, 2012

DEPT. OF ORIGIN: Planning, Building & Public
Works

DATE SUBMITTED: April 16, 2011

CLEARANCES:

[X] Legal PB

[X] Finance pl

[] Marina N/A

[] Parks, Recreation & Senior Services N/A

[X] Planning, Building & Public Works AA

[] Police N/A

[] Courts N/A

APPROVED BY CITY MANAGER
FOR SUBMITTAL: AA

Purpose:

The purpose of this agenda item is to request authorization to immediately replace the Public Works & Parks Maintenance Division Kubota tractor with a lighter John Deere Tractor. This is necessary due to the weight of the Kubota tractor and the damage that is caused while performing necessary maintenance activities.

Suggested Motions

Motion 1: "I move to surplus and trade in the 1998 Kubota tractor (serial number: 57970) for the purchase of a lighter weight John Deere tractor for the Planning, Building & Public Works Department's use in order to facilitate necessary maintenance on the Steven J. Underwood fields at a net cost to the City of \$5,852.21 plus WSST of \$555.96 for a total of: \$6,408.17."

Motion 2: " I move to amend the 2012 adopted budget for the Equipment Rental Replacement Fund by authorizing up to \$6,500 from the Parks equipment replacement reserves to complete funding for the purchase of the John Deere tractor and to include this amendment in the next available budget amendment ordinance."

Background and Discussion:

All four (4) grass fields at Steven J. Underwood Fields are quickly deteriorating due to thatch build up and an inability to perform proper aeration maintenance, and there is an immediate need to replace the City's Kubota tractor with a lighter John Deere tractor in order to facilitate necessary regular turf

maintenance. The grass outfield at Steven J. Underwood Park has been slowly deteriorating due to thatch build up. This causes water to stand on the surface as opposed to passing through to the sand base. This pass through is needed for establishing and maintaining deep healthy roots. The standing water, due to the thatch build-up has caused root deterioration which, if not addressed soon, will ultimately cause failure of all the grass outfields resulting in a substantial replacement cost of \$150,000 to \$200,000. The solution to this problem is to be able to regularly aerate the turf which at this point is not possible with our current equipment. We have used our Kubota tractor in the past for aeration but with the current conditions, damage to the field now occurs due to the weight of the tractor.

The tractor is presently scheduled for replacement in 2013 and over \$25,000 in equipment replacement reserves for this item have already been accumulated, but the replacement cannot wait until next year. Staff has been able to secure a favorable trade-in value of \$10,000 for the City's Kubota tractor to be applied towards the purchase price of the new John Deere tractor with a state contract price of \$15,852.21.

The cost and funding associated with this proposal is as follows:

1. Trade value for the Kubota:	\$10,000.00	
2. Purchase of new John Deere:		<u>\$15,852.21</u>
Sub Total:		\$5,852.21
WSST (9.5%):		<u>\$555.96</u>
Total cost:		\$6,408.17**

** Balance to be paid from existing equipment replacement reserves

Alternative:

Council could choose not to approve the John Deere purchase and the 2012 budget amendment authorizing the transfer of \$6,500, at which time the Department would be required to rent equipment in order to be able to perform the necessary maintenance as described. These rental costs are estimated to be in excess of \$9,000 per year.

Financial Impact:

The financial impact would be an annual cost of approximately \$9,000 for equipment rental fees. Or, if conditions were allowed to continue, the costs for field replacements are estimated to be \$150,000 to \$200,000 plus the cost of equipment necessary for regular maintenance.

Recommendation/Conclusion:

Staff recommends the trade-in of the current Kubota tractor and the purchase of the new lighter weight John Deere tractor. Staff also recommends bringing forward 2013 Parks Equipment Replacement Funds, through a 2012 budget amendment, authorizing the transfer of \$6,500 (of \$25,061) in available funds.

Concurrence:

Planning, Building & Public Works and Finance Departments.

A G E N D A I T E M

SUBJECT:
Mayoral Appointment to the Human Services Advisory Committee

FOR AGENDA OF: April 26, 2012

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

ATTACHMENTS:
Human Services Advisory Committee Application

DATE SUBMITTED: April 19, 2012

CLEARANCES:

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

APPROVED BY THE CITY MANAGER
FOR SUBMITTAL: [Signature]

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 Human Services Advisory Committee.

Suggested Motion

Motion: "I move to confirm the Mayoral appointment of John Carroll to a two year term on the Human Services Advisory Committee, effective immediately and expiring on December 31, 2013.

Background

The City Council adopted Ordinance No. 1047 establishing the Human Services Advisory Committee in February 1993. The ordinance details the powers, duties, membership, and meeting requirements for the Human Services Advisory Committee. The Committee is chartered with evaluating and recommending annual funding for human services agency requests submitted to the City. The Committee consists of seven members. Two of the members of the Committee need not be residents of the City. The Committee terms are for two years and members may be appointed for up to two terms.

Discussion

John Carroll is seeking appointment to the committee to fill one vacancy by a member whose terms expired on December 31, 2011. John previously served on the Des Moines Senior Services Advisory Committee two full terms from 1997 through 2005.

Alternatives

City Council can choose not to appoint the applicant to the Human Services Advisory Committee.

Financial Impact

No financial impact.

Recommendation/Conclusion

It is recommended that the City Council confirm the Mayoral appointment of John Carroll to a two year term on the Human Services Advisory Committee.

Concurrence

City Administration.



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

Recvd. 4/18/12 SD

Please Check

NAME: JOHN CARROLL
ADDRESS: 24832 11th Ave. S.
CITY, ZIP: Des Moines 98198
PHONE: Home 206 870-1512 Work —
LENGTH OF RESIDENCE AT THE ABOVE ADDRESS 22 yrs.
REGISTERED VOTER? yes

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

EMPLOYMENT SUMMARY LAST FIVE YEARS: VOLUNTEER - LEGACY FOUNDATION,
SENIOR SVCS. ADVISORY COMMITTEE, ST. PAULOMERA SCHOOL
VOLUNTEER HIGHLINE WSP GERIATRIC MULTITASKER

Are you related to anyone presently employed by the City of 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? Worked (Volunteered)
WITH SENIOR PROGRAMS SINCE RETIREMENT

COMPLETED UNIV. OF WASHINGTON CERTIFICATE PROGRAM IN
GERIATRIC MENTAL HEALTH SPECIALIST

2. What problems, programs or improvements are you most interest in? What ever contributes
to assisting those in need.

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

email address: EXNYCARROLL@GMAIL.COM

AGENDA ITEM

BUSINESS OF THE CITY COUNCIL
City of Des Moines, WA

SUBJECT: Sound Transmission Control Code
Repeal

FOR AGENDA OF: April 26, 2012

ATTACHMENTS:

1. Draft Ordinance 12-057
2. DMMC 14.08.180, Sound Transmission Control (STC) Requirements
3. 2016 Noise Contour Draft Map

DEPT. OF ORIGIN: Planning, Building & Public Works

DATE SUBMITTED: April 17, 2012

CLEARANCES:

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

APPROVED BY CITY MANAGER
FOR SUBMITTAL: *[Signature]*

Purpose and Recommendation

The purpose of this item is to repeal the City's Sound Transmission Control (STC) ("Sound Code") as directed by the City Council on March 1, 2012.

Suggested Motion

Motion 1: "I move to suspend Rule 26(a) in order to enact Draft Ordinance No. 12-057 on first reading."

Motion 2: "I move to enact Draft Ordinance No. 12-057 repealing the City's Building Sound Code, DMMC 14.08.180 through DMMC 14.08.440."

Background

City staff has been tracking the Port of Seattle's "Part 150 Study" and building "trends" towards more energy efficient materials with relationship to sound attenuation for several years. The Port's study will not be completed until 2016 when official determinations for noise contour delineation lines will be made by the Port and approved by the Federal Aviation Administration. The Port of Seattle's "Part 150" Study, which will not be finalized until 2016 projects significantly smaller noise-impacted zones. The most intense noise-impacted zone extends to just north of Kent-Des Moines Road as shown on Attachment 3.

The current language of DMMC 14.08.180 (Attachment 2) was substantially adopted in 1992 and further revised in 1996. Two sound zones or "Areas" were set up in the City at that time. "Area 1" is the City north of South 252nd Street or its extensions and "Area 2" are those portions of the City south of South 252nd.

Per the DMMC, noise-determined construction requirements are currently required to be applied to new construction except for not normally inhabited portions of commercial buildings as determined by the Building Official. The Cities of Burien and SeaTac have programs similar to ours with regard to sound attenuation with either 2 or 3 sound zones. Since 1992, construction methods and materials have increased the "sound efficiency" in certain types of buildings using particular products. Window installation is a large part of the sound mitigation process as the window assembly is the largest factor in allowing sound into the home or business. Aircraft are also substantially quieter.

Discussion

Des Moines' Sound Code is frequently mentioned by the development community as excessive, not economic or overly burdensome to both home owners who want to upgrade their windows or remodel their homes, or developers looking to provide the lowest cost product to their customers. There are many strong arguments on each side of this issue.

In concluding that the City should repeal its Sound Code in favor of a more consumer oriented approach to making these investment decisions, the Council considered the following 8 questions:

1. Should the Council modify the current Sound Code at this time or wait until later?
2. Should Area 2 (south of S. 252nd) be eliminated?
3. Should the southern boundary of Area 1 be moved north from S. 252nd to Kent-Des Moines Road to more closely correspond to the projected 2016 DNL 65 contour?
4. Should areas of the City outside the projected 2016 DNL 65 contour be eliminated from Area 1 or, alternatively, have lesser sound transmission control requirements?
5. Should the Sound Code apply only to new homes and exclude remodels?
6. Should the Sound Code apply to only windows and not other construction features such as insulation or sheetrock?
7. Should the City's code be "advisory", not mandatory and/or provide for voluntary compliance?
8. Should the Building Official have discretion to waive any of the sound requirements based on "equivalent performance" or other special situations?

Alternatives

Council could elect to retain some portions of the Sound Code, delay action until closer to 2016 when the Port 150 Study will be finalized, or decide to leave the City's Sound Code unchanged.

Financial Impact

There will be a small but indeterminate negative permit fee revenue impact associated with the repeal because extra construction over and above that required by the State will no longer be required to be permitted. Permit and inspection costs, however, will also be reduced and over time staffing will be adjusted to this new baseline condition.

Recommendation or Conclusion

Council adopt Draft Ordinance 12-057.

PLANNING, BUILDING & PUBLIC WORKS FIRST DRAFT 04/16/12

DRAFT ORDINANCE NO. 12-057

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON relating to the City's Building and Construction Code, and repealing the City's Sound Code, DMMC 14.08.180 through DMMC 14.08.440 and the previously codified provisions of sections 43-68 of Ordinance No. 1407.

WHEREAS, the Port of Seattle's ongoing Part 150 Study is concluding that noise impacted areas within the City of Des Moines forecasted for 2016 are substantially smaller than was the case in 1998 because of quieter aircraft and improved flight operations, and

WHEREAS, continuing improvements in State building and energy codes are resulting in quieter homes, and

WHEREAS, the development community frequently cites the City's Sound Code as unnecessary, not economically justified and overly burdensome to both home owners who want to upgrade their windows or remodel their homes, or developers looking to provide the lowest cost product to their customers, and

WHEREAS, the City Council wishes to make the City as attractive to development and friendly to its residents as possible while protecting public health and safety, and

WHEREAS, a decision to repeal the City Sound Code will not affect the eligibility of City homeowners and institutions from receiving Port of Seattle remediation money to sound insulate their homes and institutions, and

WHEREAS, the City Council still desires to help homeowners make the best possible decision regarding sound protection by providing written, web-based and in person consumer information; now therefore,

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

Sec. 1. Repealed.

(1) DMMC 14.08.180 and section 43 of Ordinance No. 1407 are hereby repealed.

(2) DMMC 14.08.190 and section 44 of Ordinance No. 1407 are hereby repealed.

(3) DMMC 14.08.200 and section 45 of Ordinance No. 1407 are hereby repealed.

(4) DMMC 14.08.210 and section 46 of Ordinance No. 1407 are hereby repealed.

(5) DMMC 14.08.220 and section 47 of Ordinance No. 1407 are hereby repealed.

(6) DMMC 14.08.230 and section 48 of Ordinance No. 1407 are hereby repealed.

(7) DMMC 14.08.240 and section 49 of Ordinance No. 1407 are hereby repealed.

(8) DMMC 14.08.250 and section 50 of Ordinance No. 1407 are hereby repealed.

(9) DMMC 14.08.260 and section 51 of Ordinance No. 1407 are hereby repealed.

(10) DMMC 14.08.270 and section 52 of Ordinance No. 1407 are hereby repealed.

(11) DMMC 14.08.290 and section 53 of Ordinance No. 1407 are hereby repealed.

(12) DMMC 14.08.300 and section 55 of Ordinance No. 1407 are hereby repealed.

(13) DMMC 14.08.310 and section 56 of Ordinance No. 1407 are hereby repealed.

(14) DMMC 14.08.320 and section 57 of Ordinance No. 1407 are hereby repealed.

(15) DMMC 14.08.330 and section 58 of Ordinance No. 1407 are hereby repealed.

(16) DMMC 14.08.340 and section 59 of Ordinance No. 1407 are hereby repealed.

(17) DMMC 14.08.350 and section 60 of Ordinance No. 1407 are hereby repealed.

(18) DMMC 14.08.360 and section 61 of Ordinance No. 1407 are hereby repealed.

(19) DMMC 14.08.370 and section 62 of Ordinance No. 1407 are hereby repealed.

(20) DMMC 14.08.380 and section 63 of Ordinance No. 1407 are hereby repealed.

(21) DMMC 14.08.390 and section 64 of Ordinance No. 1407 are hereby repealed.

(22) DMMC 14.08.400 and section 65 of Ordinance No. 1407 are hereby repealed.

(23) DMMC 14.08.410 and section 66 of Ordinance No. 1407 are hereby repealed.

(24) DMMC 14.08.420 and section 66 of Ordinance No. 1407 are hereby repealed.

(25) DMMC 14.08.430 and section 67 of Ordinance No. 1407 are hereby repealed.

(26) DMMC 14.08.440 and section 68 of Ordinance No. 1407 are hereby repealed.

Sec. 2. Savings clause. Sections 43 through 68 of Ordinance No. 1407, which are repealed by this Ordinance, shall remain in force and effect until the effective date of this Ordinance.

Sec. 3. Severability - Construction.

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

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

Sec. 4. Effective date. This Ordinance shall take effect and be in full force thirty (30) days after its passage and approval in accordance with law.

PASSED BY the City Council of the City of Des Moines this ____ day of _____, 2012 and signed in authentication thereof this ____ day of _____, 2012.

M A Y O R

APPROVED AS TO FORM:

City Attorney

ATTEST:

City Clerk

Published: _____

Effective Date: _____

Chapter 14.08 BUILDING CODE

Sections

↑	<u>14.08.010</u>	Short title – IBC adopted.
	<u>14.08.020</u>	Amendments adopted.
	<u>14.08.030</u>	Applications for building permit – Other filings required.
	<u>14.08.040</u>	Optional method of obtaining prior approvals – Agreement regarding vested rights.
	<u>14.08.050</u>	IBC Section 105.5 amended – Expiration of permit.
	<u>14.08.060</u>	IBC Section 105.3.1 and 105.3.2 amended – Action on application and time limit of application.
↑ INCLUDED	<u>14.08.070</u>	Use and occupancy.
	<u>14.08.080</u>	IBC Section 501.2 amended – Premises identification.
	<u>14.08.090</u>	Assurance device for building permit – Requirements.
	<u>14.08.100</u>	IBC Section 903.2.1.1, 903.2.1.3, 903.2.1.4, 903.2.3, 903.2.6, 903.2.8, 903.2.8.1, and 705.1 amended – Fire protection systems.
NOT ↓	<u>14.08.110</u>	IBC Section 705.1 amended – Fire walls.
	<u>14.08.120</u>	IBC Section 3106 amended – Special construction – Marquee.
	<u>14.08.130</u>	Fire protection for multiple townhomes.
	<u>14.08.140</u>	Washington State Indoor Air Quality Code Section 303.4.1.5 amended.
	<u>14.08.150</u>	International Property Maintenance Code (IPMC) amended.
	<u>14.08.160</u>	Manufactured housing.
↓	<u>14.08.170</u>	Modular housing.

ARTICLE I. SOUND CONTROL REQUIREMENTS

<u>14.08.180</u>	Purpose.
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<u>14.08.250</u>	Design requirements.
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<u>14.08.270</u>	Specific construction requirements for Areas 1 and 2.
<u>14.08.280</u>	Air leakage for all buildings.
<u>14.08.290</u>	Compliance – Area 1.
<u>14.08.300</u>	Exterior walls – Area 1.
<u>14.08.310</u>	Exterior windows – Area 1.
<u>14.08.320</u>	Exterior doors – Area 1.
<u>14.08.330</u>	Roofs – Area 1.
<u>14.08.340</u>	Ceilings – Area 1.
<u>14.08.350</u>	Floors – Area 1.
<u>14.08.360</u>	Ventilation – Area 1.

[Ord. 1407 § 40, 2007.]

14.08.160 Manufactured housing.

All manufactured homes, which are newly installed in residentially zoned areas outside of mobile home parks, shall comply with the following requirements:

- (1) Shall be newly constructed and shall not meet the definition of a used mobile home.
- (2) Shall have a permanent perimeter foundation of either concrete, concrete masonry units or other approved concrete product.
- (3) Shall meet the same design standard as the surrounding neighborhood for new construction.
- (4) Shall be thermally equivalent to the State Energy Code.
- (5) Shall be designed to support the local snow load of 25 pounds per square foot of ground snow load.
- (6) Shall be designed to comply with the sound control requirements in this chapter. [Ord. 1407 § 41, 2007.]

14.08.170 Modular housing.

All modular homes, which are newly installed in residentially zoned areas outside of mobile home parks, shall comply with the following requirements:

- (1) Shall be constructed in accordance with the International Residential Code. Factory-built homes are required to have a gold seal.
- (2) Shall have a permanent perimeter foundation of either concrete, concrete masonry units or other approved concrete product.
- (3) Shall meet the design standards of Title 18 DMMC for new construction.
- (4) Shall meet the requirements of the State Energy Code.
- (5) Shall be designed to support the local snow load of 25 pounds per square foot of ground snow load.
- (6) Shall be designed to comply with the sound control requirements in this chapter. [Ord. 1407 § 42, 2007.]

ARTICLE I. SOUND CONTROL REQUIREMENTS

14.08.180 Purpose.

The purpose of this article is to safeguard life, health, property, and public welfare by establishing minimum requirements regulating the design, construction, and/or setting on site of buildings for human occupancy in the vicinity of Seattle-Tacoma International Airport. This article is not intended to abridge any safety or health requirements required under any other applicable codes or ordinances. [Ord. 1407 § 43, 2007.]

14.08.190 Provisions.

The provisions of this chapter shall apply to all buildings or structures, constructed or placed in use for human occupancy on sites within the vicinity of Seattle-Tacoma Airport, except:

- (1) Additions under 500 square feet that are not used as sleeping rooms; and
- (2) Remodels with a building department valuation less than \$20,000 that do not include sleeping rooms.

New glazing in exempted additions and remodels shall conform to the provisions of this title. [Ord. 1407 § 44, 2007.]

14.08.200 Intent.

This article is intended to supplement the provisions of the International Mechanical Code, the Washington State Energy Code, the Washington State Ventilation and Indoor Air Quality Code, and the remainder of the International Building Code. In the case of conflict between this article and other applicable codes the more restrictive requirements, as determined by the building official, shall be met. [Ord. 1407 § 45, 2007.]

14.08.210 Application to existing buildings.

(1) Additions may be made to existing buildings or structures without making the entire building or structure comply with all the requirements of this chapter for new construction. Additions shall be made to comply in the areas being added to the extent that it is deemed practical and effective by the building official in meeting the intent of this article.

Exception: Substantial additions, alterations and remodels.

(2) A change in use in the occupancy or use previously unused for human occupancy to human occupancy use or of one previously unused for sleeping purposes to sleeping use shall not be permitted unless the building, structure, or portion of the building complies with this chapter.

Exception: Substantial additions, alterations and remodels. [Ord. 1407 § 46, 2007.]

14.08.220 Details.

The plans and specifications shall show in sufficient detail all pertinent data and features of the building and the equipment and systems, as herein governed, including, but not limited to: exterior envelope component materials; STC ratings of applicable component assemblies; R-values of applicable insulation materials; size and type of apparatus and equipment; equipment and system controls and other pertinent data to indicate conformance with the requirements herein. [Ord. 1407 § 47, 2007.]

14.08.230 Modifications and alterations.

Residential buildings' modifications and alterations shall be in accordance with IRC Sections 104.10 and 104.11. Nonresidential buildings' modifications and alterations shall be in accordance with IBC Sections 104.10 and 104.11. [Ord. 1407 § 48, 2007.]

14.08.240 Fees.

The building official is authorized to collect fees for administration, plan checking, and inspections. This fee shall be known as the airport noise fee and shall be as established by the city manager. [Ord. 1407 § 49, 2007.]

14.08.250 Design requirements.

The criteria of these sections establish the minimum requirements for acoustic design of the exterior envelope of buildings and for heating, ventilating, and air conditioning systems and its parts. These requirements shall apply to all buildings for human occupancy within the Seattle-Tacoma International Airport Noise Areas. [Ord. 1407 § 50, 2007.]

14.08.260 Seattle-Tacoma International Airport noise areas.

Noise determined construction requirements detailed in this sound transmission control building code shall be applied to new construction except for not normally inhabited portions of warehouses, storage buildings, and similar structures as determined by the building official, within the following areas:

Area 1 – Those portions of the city north of South 252nd Street or its extension.

Area 2 – Those portions of the city not included in Area 1. [Ord. 1407 § 51, 2007.]

14.08.270 Specific construction requirements for Areas 1 and 2.

(1) Area 1. All living and working areas must comply with this article, which is designed to achieve a noise reduction level of 35 dBA except: Owners of commercial occupancies classified as Group A or F may request the building official to reduce the noise reduction requirements to 30 dBA as provided in this article. Such request must be in writing and demonstrate, by approved methods, that the occupancy generates interior noise levels in excess of 70 dBA as a part of normal business.

(2) Area 2. All living and working areas must comply with this article, which is designed to achieve a noise reduction level of 30 dBA. [Ord. 1407 § 52, 2007.]

14.08.280 Air leakage for all buildings.

The requirements of this section shall apply to the design of the exterior envelope of all buildings in Areas 1 or 2 designed for human occupancy. The requirements of this section are not applicable to the separation of interior spaces from each other. The following locations shall be sealed, caulked, gasketed, or weather stripped to limit or eliminate air leakage:

(1) Exterior joints around window and door frames between the window or door frame and the framing.

(2) Openings between walls and foundations.

(3) Between the wall sole plate and the rough flooring.

(4) Openings at penetrations of utility services through walls, floor, and roofs.

(5) Between wall panels at corners.

(6) All other such openings in the building envelope.

(7) Through the wall, floor, or roof/ceiling penetrations not specifically addressed in these sections shall be designed to limit sound transmission and shall have the same average laboratory sound transmission classification as required for doors. [Ord. 1407 § 53, 2007.]

14.08.290 Compliance – Area 1.

Compliance with DMMC 14.08.300 through 14.08.360 shall be deemed to meet requirements for a minimum noise level reduction (NLR) of 35 decibels. [Ord. 1407 § 54, 2007.]

14.08.300 Exterior walls – Area 1.

(1) Exterior walls, other than as described in this section, shall have a laboratory sound transmission class rating of at least STC-40.

(2) Masonry walls having a weight of at least 75 pounds per square foot do not require a furred (stud) interior wall. At least one surface of concrete block walls shall be plastered.

(3) Stud walls shall be at least four inches in nominal depth and shall be finished on the outside with solid sheathing under an approved exterior wall finish.

(4) Interior surface of the exterior walls shall be of gypsum board or plaster at least five-eighths inch thick, installed on the studs. The gypsum board or plaster may be fastened rigidly to the studs if the exterior is brick veneer, stucco or one-quarter-inch cement fiber board siding. If the exterior is siding on sheathing, the interior gypsum board or plaster must be fastened resiliently to the studs or double thickness must be used.

(5) Continuous composition board, plywood or gypsum board sheathing at least one inch thick shall cover the exterior side of the wall studs.

(6) Sheathing panels shall be butted tightly and covered on the exterior with overlapping building paper.

(7) Insulation material of a type approved by the building official and rated not less than R -21 or the current energy code requirement, whichever is the greater, shall be installed continuously throughout the cavity space behind the exterior sheathing and between wall studs. [Ord. 1407 § 55, 2007.]

14.08.310 Exterior windows – Area 1.

(1) Windows other than as described in this section shall have a laboratory sound transmission class rating of at least STC-38.

(2) Windows shall be double glazed with panes at least three-sixteenths inch thick. Panes of glass shall be separated by a minimum one-half-inch airspace and shall not be equal in thickness.

(3) Double-glazed windows shall employ fixed sash or efficiently weatherstripped, operable sash. The sash shall be rigid and weatherstripped with material that is compressed airtight when the window is closed so as to conform to an air infiltration test

not to exceed one-half cubic foot per minute per foot of crack length in accordance with ASTM E-283-65-T.

(4) Glass shall be sealed in an air-tight manner with a nonhardening sealant or a soft elastomer gasket or gasket tape.

(5) The perimeter of window frames shall be sealed airtight to the exterior wall construction with a sealant conforming to one of the following federal specifications: TT-S-00227, TT-S-00230, or TT-S-00153, or other materials approved by the building official. [Ord. 1407 § 56, 2007.]

14.08.320 Exterior doors – Area 1.

(1) Doors other than as described in this section shall have a laboratory sound transmission class rating of at least STC-33.

(2) Double door construction is required for all hinged-door openings to the exterior. Such doors shall be side-hinged and shall be solid core wood or insulated hollow metal at least one and three-fourths inch thick separated by an airspace of at least three inches from another door. Both doors shall be tightly fitted and weather stripped.

(3) The glass of double-glazed sliding doors shall be separated by a minimum one-half-inch airspace. Each sliding frame shall be provided with an efficiently airtight weather stripping material as specified in Section 1228.3.

(4) Glass of all doors shall be at least three-sixteenths inch thick. Glass of double sliding doors shall not be equal in thickness.

(5) The perimeter of door frames shall be sealed airtight to the exterior wall construction with a sealant conforming to one of the following federal specifications: TT-S-00227, TT-S-00230, or TT-S-00153, or other materials approved by the building official.

(6) Glass in doors shall be sealed in an airtight nonhardening sealant or in a soft elastomer gasket or glazing tape. [Ord. 1407 § 57, 2007.]

14.08.330 Roofs – Area 1.

(1) Combined roof and ceiling construction other than described in this section and DMMC 14.08.340 shall have a laboratory sound transmission class rating of at least STC -49.

(2) With an attic or rafter space at least six inches deep, and with a ceiling below, the roof shall consist of one inch composition boards, plywood, or gypsum board sheathing topped by roofing as required.

(3) Open beam roof construction shall follow the energy insulation standard method for batt insulation, except use one inch plywood decking with concrete or clay tiles as roofing material.

(4) Window or dome skylights shall have a laboratory sound transmission class rating of at least STC-38. [Ord. 1407 § 58, 2007.]

14.08.340 Ceilings – Area 1.

(1) Gypsum board or plaster ceilings at least five-eighths inch thick shall be provided where required by DMMC 14.08.330. Ceilings shall be substantially airtight with a minimum of penetrations. The ceiling panels shall be mounted on resilient clips or channels.

(2) Insulation material of a type approved by the building official and rated not less than R -38 or the current energy code requirement, whichever is the greater, shall be provided above the ceiling between joists. [Ord. 1407 § 59, 2007.]

14.08.350 Floors – Area 1.

The floor of the lowest occupied rooms shall be slab on fill or below grade, or over a fully enclosed basement or crawl space. All door and window openings in a fully enclosed basement shall be tightly fitted. [Ord. 1407 § 60, 2007.]

14.08.360 Ventilation – Area 1.

(1) A ventilation system shall be installed that will provide the minimum air circulation and fresh air supply requirements for various uses in occupied rooms without the need to open any windows, doors or other openings to the exterior. The inlet and discharge openings shall be fitted with sheet metal transfer ducts of at least 20 gauge steel, which shall be lined with one-inch-thick coated glass fiber, and shall be at least five feet long with one 90-degree bend.

(2) Gravity vent openings in attics shall be as close to code minimum, in number and size, as practical. The openings shall be fitted with transfer ducts at least six feet in length containing internal one-inch-thick coated fiberglass sound-absorbing duct lining. Each duct shall have a lined 90-degree bend in the duct such that there is no direct line of sight from the exterior through the duct into the attic or be adequately baffled to dissipate any direct sound transfer from the exterior environment.

(3) Source-specific exhaust shall be at least 70 cfm at the outlet.

(4) Bathroom, laundry and similar exhaust ducts connecting the interior space to the outdoors shall be provided with a 90-degree bend in the duct such that there is no direct line of sight through the duct from the venting cross-section to the room-opening cross-section. Duct lining shall be coated glass fiber duct liner at least one inch thick or approved flexible duct material.

(5) Domestic range exhaust ducts connecting the interior space to the outdoors shall contain a self-closing damper across the exterior termination which allows proper ventilation. [Ord. 1407 § 61, 2007.]

14.08.370 Compliance – Area 2.

Compliance with DMMC 14.08.380 through 14.08.440 shall be deemed to meet requirements for a minimum noise level reduction (NLR) of 30 decibels. [Ord. 1407 § 62, 2007.]

14.08.380 Exterior walls – Area 2.

- (1) Exterior walls, other than as described in this section, shall have a laboratory sound transmission class rating of at least STC-35.
- (2) Masonry walls having a weight of at least 40 pounds per square foot do not require a furred (stud) interior wall. At least one surface of concrete block walls shall be plastered.
- (3) Stud walls shall be at least four inches in nominal depth and shall be finished on the outside with solid sheathing under an approved exterior wall finish.
- (4) Interior surface of the exterior walls shall be of gypsum board or plaster at least one-half inch thick, installed on the studs. The gypsum board or plaster may be fastened rigidly to the studs if the exterior is brick veneer or stucco. If the exterior is siding on sheathing, the interior gypsum board or plaster must be fastened resiliently to the studs or double thickness must be used.
- (5) Continuous composition board, plywood or gypsum board sheathing at least three-fourths inch thick shall cover the exterior side of the wall studs.
- (6) Sheathing panels shall be covered on the exterior with overlapping building paper.

Insulation material of a type approved by the building official and rated not less than R-21 or the current energy code requirement, whichever is the greater, shall be installed continuously throughout the cavity space behind the exterior sheathing and between wall studs. [Ord. 1407 § 63, 2007.]

14.08.390 Exterior windows – Area 2.

- (1) Windows other than as described in this section shall have a laboratory sound transmission class rating of at least STC-33.
- (2) Windows shall be double glazed with panes at least one-eighth inch thick.
- (3) Panes of glass shall be separated by a minimum one-half inch airspace.
- (4) Double-glazed windows shall employ fixed sash or efficiently weather stripped, operable sash. The sash shall be rigid and weather stripped with material that is compressed airtight when the window is closed so as to conform to an air infiltration test not to exceed one-half cubic foot per minute per foot of crack length in accordance with ASTM E-283-65-T.
- (5) Glass shall be sealed in an airtight manner with a nonhardening sealant or a soft elastomer gasket or gasket tape.
- (6) The perimeter of window frames shall be sealed airtight to the exterior wall construction with a sealant conforming to one of the following federal specifications: TT-S-00227, TT-S-00230, or TT-S-00153, or other materials approved by the building official. [Ord. 1407 § 64, 2007.]

14.08.400 Exterior doors – Area 2.

- (1) Doors other than as described in this section shall have a laboratory sound transmission class rating of at least STC-33.

(2) Double door construction is required for all hinged-door openings to the exterior. Such doors shall be side-hinged and shall be solid core wood or insulated hollow metal at least one and three-fourths inch thick separated by an airspace of at least three inches from another door, which can be a storm door. Both doors shall be tightly fitted and weather stripped.

(3) The glass of double-glazed sliding doors shall be separated by a minimum one-half-inch airspace. Each sliding frame shall be provided with an efficiently airtight weather stripping material to the exterior wall construction with a sealant conforming to one of the following federal specifications: TT-S-00227, TT-S-00230, or TT-S-00153, or other materials approved by the building official.

(4) Glass, over two square feet in area, of all doors shall be at least three-sixteenths inch thick. Glass of double sliding doors shall not be equal in thickness.

The perimeter of door frames shall be sealed airtight to the exterior wall construction with a sealant conforming to one of the following federal specifications: TT-S-00227, TT-S-00230, or TT-S-00153, or other materials approved by the building official.

(5) Glass in doors shall be sealed in an airtight nonhardening sealant or in a soft elastomer gasket or glazing tape. [Ord. 1407 § 65, 2007.]

14.08.410 Roofs – Area 2.

(1) Combined roof and ceiling construction other than described in this section and DMMC 14.08.420 shall have a laboratory sound transmission class rating of at least STC -44.

(2) With an attic or rafter space at least six inches deep, and with a ceiling below, the roof shall consist of three-fourths-inch composition boards, plywood, or gypsum board sheathing topped by roofing as required.

(3) Open beam roof construction shall follow the energy insulation standard method for batt insulation, except use one-inch plywood decking with shakes or other suitable roofing material.

(4) Window or dome skylights shall have a laboratory sound transmission class rating of at least STC-33. [Ord. 1407 § 66, 2007.]

14.08.420 Ceilings – Area 2.

(1) Gypsum board or plaster ceilings at least five-eighths-inch-thick shall be provided where required by DMMC 14.08.410. Ceilings shall be substantially airtight with a minimum of penetrations.

(2) Insulation material of a type approved by the building official and rated not less than R -38 or the current energy code requirement, whichever is the greater, shall be provided above the ceiling between joists. [Ord. 1407 § 67, 2007.]

14.08.430 Floors – Area 2.

The floor of the lowest occupied rooms shall be slab on fill or below grade, or over a fully enclosed basement or crawl space. All door and window openings in a fully enclosed basement shall be tightly fitted. [Ord. 1407 § 68, 2007.]

14.08.440 Ventilation – Area 2.

(1) A ventilation system shall be installed that will provide the minimum air circulation and fresh air supply requirements for various uses in occupied rooms without the need to open any windows, doors or other openings to the exterior. The inlet and discharge openings shall be fitted with sheet metal transfer ducts of at least 20 gauge steel, which shall be lined with one-inch-thick coated glass fiber, and shall be at least five feet long with one 90-degree bend.

(2) Gravity vent openings in attics shall be as close to code minimum in number and size as practical. The openings shall be fitted with transfer ducts at least three feet in length containing internal one-inch-thick coated fiberglass sound-absorbing duct lining. Each duct shall have a lined 90-degree bend in the duct such that there is no direct line of sight from the exterior through the duct into the attic or be adequately baffled to dissipate any direct sound transfer from the exterior environment.

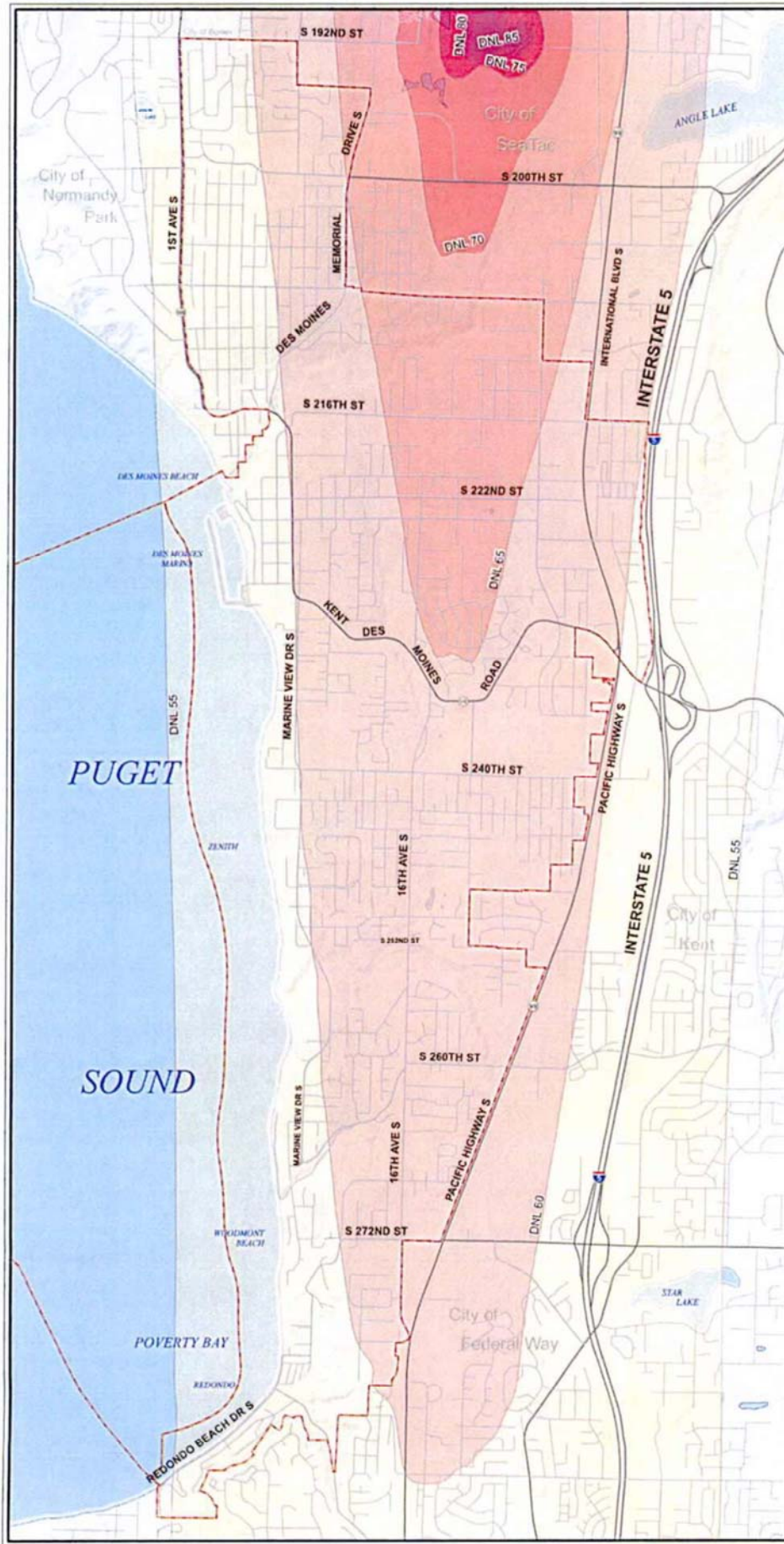
(3) Bathroom, laundry and similar exhaust ducts connecting the interior space to the outdoors shall be provided with a 90-degree bend in the duct such that there is no direct line of sight through the duct from the venting cross-section to the room-opening cross-section. Duct lining shall be coated glass fiber duct liner at least one inch thick and be at least a 70 cfm rated fan at the outlet.

(4) Domestic range exhaust ducts connecting the interior space to the outdoors shall contain a self-closing damper across the exterior termination which allows proper ventilation. [Ord. 1407 § 69, 2007.]

This page of the Des Moines Municipal Code is current through Ordinance 1530, passed December 8, 2011.

Disclaimer: The City Clerk's Office has the official version of the Des Moines Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

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City of Des Moines
Geographic Information System

2016 Noise Contours
DNL "DRAFT"

- 85
- 80
- 75
- 70
- 65
- 60
- 55

Des Moines City Limits



Finance & Information Technology
21650 11th Ave S
Des Moines, WA 98198-6398
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A G E N D A I T E M

BUSINESS OF THE CITY COUNCIL
City of Des Moines, WA

SUBJECT: Institutional – Campus Zoning

FOR AGENDA OF: April 26, 2012

ATTACHMENTS:

- 1. Draft Resolution 12-026
- 2. Draft Ordinance 12-026
- 3. Planning Agency Minutes (Draft)
- 4. Finance and Economic Development Committee Minutes

DEPT. OF ORIGIN: Planning, Building and Public Works

DATE SUBMITTED: April 16, 2012

CLEARANCES:

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

APPROVED BY CITY MANAGER
FOR SUBMITTAL: [Signature]

Purpose and Recommendation

The purpose of this agenda item is to facilitate the City Council’s discussion of the creation of an Institutional – Campus (I-C) Zone. A number of recommendations have been identified for the Council’s consideration as outlined in the Discussion section and provided in Draft Ordinance No. 12-026. The City Council can move forward with the establishment of an I-C zone by passing the following motion:

Suggested Motion

Motion: “I move to adopt Draft Resolution No. 12-026 setting a public hearing on May 24, 2012 to consider Draft Ordinance 12-026 establishing an Institutional Campus Zone in Title 18 DMMC.”

Background

The existing regulations provide no consistency in the regulation of large regional institutional uses like Highline Community College, Wesley Homes, Judson Park or Landmark on the Sound. The requirements are based on a number of different zoning classifications and on what a use is called rather than how big it is or the breadth of its impacts. The impacts from these uses are more closely related to

the number of users, the number of cars and trips, the size of the building, the noise and visual intrusion, and other physical issues. For example a school with 16 students has the same requirements as one with 1600, while the uses are the same; the nature of the impact is vastly different.

In 2012, the City Council took the first step towards addressing these unique uses by amending the *Des Moines Comprehensive Plan* to add Policy 2-03-014 to the Land Use Element which charges Development Services (DS) with the task of working with Highline Community College to establish an Institutional Campus land use designation and overlay zone that supports the uses, services and operations, and facilitates the redevelopment plans as established in their College Master Plan.

In order to implement the policy direction provided by the City Council DS has developed draft zoning regulations for large institutional campus uses. These draft regulations were developed to ensure that large regional institutional uses are planned, designed, and managed in a way that minimizes objectionable impacts on adjacent communities. For the purposes of developing the draft regulations, the term institutional uses includes organizations designed to serve governmental, social and educational needs including: colleges and universities, hospitals, retirement facilities, governmental facilities, and public schools.

Discussion

To prepare the Draft Ordinance, DS staff engaged in data collection comprising a basic catalogue of the City's institutional uses and analysis of other cities' regulatory policies regarding large institutional uses. Combined, this analysis process led to the following recommendations which are incorporated in the draft ordinance:

1. All institutional uses should be located in the same zoning classification and subject to the same regulation structure, separated by size and impact rather than use.
2. A Master Plan process was included to ensure that applicants consistently address the full range of possible cumulative impacts.
3. The Master Plan would be reviewed by the Hearing Examiner instead of the City Council. The decision to approve the Master Plan would be based on enumerated criteria established in the I-C Zone.
4. Properties subject to the Master Plan can file for an Administrative review for minor changes to previously reviewed Master Plan.
5. The maximum building height was established at 65 feet, provided that the building is setback approximately 35 feet from all property lines.
6. Qualitative performance standards were established to reduce impacts associated with light, noise, parking, loading areas, etc.

Both the Planning Agency and Finance and Economic Development Committee have reviewed the Draft Ordinance and have concurred with staff's recommendations above.

The proposed Draft Ordinance is designed for governmental facilities, colleges, universities, educational facilities, convalescent/retirement housing and other institutional uses so that these sites are planned, designed, and managed in a way that minimizes impacts on adjacent areas. While the Draft Ordinance includes a purpose statement, permitted uses, development criteria and review process, it is intended to be a launching point for the City Council's discussion.

As amendments to Title 18 DMMC (Zoning) are considered Type VI Land Use Actions pursuant to DMMC 18.56.080(1) and as such require a public hearing with the City Council pursuant to DMMC 18.56.200 and 18.60.040, the date of the public hearing to consider Draft Ordinance 12-026 is required to be set by motion of the City Council pursuant to DMMC 18.60.120(3). Approval of the resolution setting the hearing date does not obligate the City Council to approve Draft Ordinance 12-026 at the public hearing.

Further, the regulations within the I-C zone are classified as development regulations under the Growth Management Act as defined in RCW 36.70A.030(7); therefore, the Draft Ordinance was required to be provided to the Department of Commerce for review and comment by the Department and other State agencies. This mandatory 60 day review and comment period commenced on April 12, 2012 and will conclude on June 11, 2012. The City Council would be able to hold the public hearing on May 24, 2012, but would not be able to take final action that night. However, the City Council could move the Draft Ordinance to a second reading to a date after June 11, 2012 for final adoption.

Alternatives

The City Council may:

1. Adopt the Draft Resolution as written.
2. Adopt the Draft Resolution with amendments by the City Council establishing a different hearing date.
3. Adopt the Draft Resolution as written and request that the staff make specific changes to the Draft Ordinance prior to the public hearing date.
4. Decline to adopt the Draft Resolution setting the hearing date to consider the proposed amendments to the Zoning Code – Title 18 DMMC.

Financial Impact

Establishment of the I-C Zone will not have a direct financial impact, but could facilitate redevelopment of these campus properties which would have both direct and in-direct beneficial financial impacts on the City.

PLANNING, BUILDING, AND PUBLIC WORKS' FIRST DRAFT
04/09/2012

DRAFT RESOLUTION NO. 12-026

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DES MOINES, WASHINGTON, fixing a time for a public hearing to consider Draft Ordinance No. 12-026 which amends the Zoning Code - Title 18 of the Des Moines Municipal Code by adding a new chapter entitled Institutional-Campus Zone and amending DMMC 18.06.020 and 18.06.030 to add the new Institutional-Campus Zone to the list of existing zoning classifications within the City of Des Moines.

WHEREAS, the City Council is considering amendments to Title 18 DMMC relating to the establishment of a new chapter to establish a zoning classification entitled Institutional-Campus Zone, and

WHEREAS, the City Council will also need to consider amendments DMMC 18.06.020 and 18.06.030 to add the Institutional-Campus Zone to the list of existing zoning classifications, and

WHEREAS, a public hearing is necessary to receive public comment regarding this proposal, and

WHEREAS, a public hearing is required for adoption of an ordinance which amends a portion of the Title 18 DMMC commonly referred to as the Zoning Code; now therefore,

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

The matter of amending to Title 18 DMMC to create a new chapter to establish the Institutional-Campus Zone and the amendments to Chapter 18.06 DMMC *Zones, Maps, and Boundaries* is set for a public hearing before the City Council on Thursday, May 24, 2012, at 7:00 p.m., or as soon thereafter as the matter may be heard, in the City Council Chambers, 21630 11th Avenue South, suite B, Des Moines, Washington.

ADOPTED BY the City Council of the City of Des Moines, Washington this ____ day of _____, 2012 and signed in authentication thereof this ____ day of _____, 2012.

Resolution No. 12-026
Page 2 of 2

M A Y O R

APPROVED AS TO FORM:

City Attorney

ATTEST:

City Clerk

PLANNING AGENCY'S FIRST DRAFT
03/05/2012

DRAFT ORDINANCE NO. 12-026

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON adding a new Chapter to Title 18 DMMC entitled I-C Institutional Campus Zone, establishing new development standards for a new Institutional Campus Zone (I-C) in the City of Des Moines and amending DMMC 18.06.020 18.06.030 to add the new I-C zone to the list of existing zoning categories in the City.

WHEREAS, clear and predictable development regulations to encourage efficient permitting is a planning goal established by the Growth Management Act, Chapter 36.70A RCW, and

WHEREAS, the *Des Moines Comprehensive Plan* Policy 2-03-14 directs the City to establish an Institutional Campus land use designation and zone that supports Highline Community's College Master Plan, and

WHEREAS, there are other large institutional facilities in the City that serve a regional clientele that include Wesley Homes, Judson Park, the South Correctional Entity (SCORE), and the Highline School District that also require the development of a land use designation and zone that supports the uses, services and operations, and facilitates the redevelopment plans as established in agency Master Plans, and

WHEREAS, the Des Moines Planning Agency at its March 5, 2012 meeting recommended that the City Council adopt a zoning classification to accommodate large institutional campus uses that serve regional clientele, and

WHEREAS, the Finance and Economic Development Committee has determined that modifications to the City's development regulations are required to accommodate large institutional campus uses that serve regional clientele, and

WHEREAS, pursuant to DMMC 18.56.080 amendment of the zoning code (Title 18 DMMC) is a legislative (Type VI) land use decision, and

WHEREAS, notice of the public hearing was given to the public in accordance with law and a public hearing was held on _____, 2012, and all persons wishing to be heard were heard

WHEREAS, the textual code amendments proposed by this ordinance have been processed in accordance with the requirements of the State Environmental Policy Act (SEPA), and

WHEREAS, the SEPA review determined that there is adequate water, sewer, utility and transportation capacity to serve the potential growth associated with the proposed zoning amendments as determined by the relevant capital facility plans, and

WHEREAS, a determination of _____ was issued on _____ 2012 by the responsible official, and the applicable SEPA comment period has concluded, and

WHEREAS, the textual code amendments proposed in this ordinance were provided to the Department of Commerce as required by RCW 36.70A.106, and

WHEREAS, the City Council finds that the amendments to Title 18 DMMC contained in this ordinance are appropriate to provide clear and predictable development regulations for institutional campus uses in a manner that promotes the health, safety, and welfare of the citizens of the City; now therefore,

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

Sec. 1. Findings of fact and Conclusions. The findings of fact and conclusions set forth in Exhibit 1, attached hereto and incorporated by this reference, are adopted in full by the City Council in support of its decision to establish an Institutional Campus zoning designation.

Sec. 2. A new chapter is added to Title 18 DMMC entitled "I-C Institutional Campus Zone" to read as follows

1. Purpose of zone.

(a) To provide a zoning district for governmental facilities, colleges, universities, educational facilities, and convalescent/retirement housing.

(b) To ensure that governmental facilities, colleges, universities, educational facilities, and

convalescent/retirement housing that occupy large sites are planned, designed, and managed in a way that minimizes impacts on adjacent areas.

(c) To ensure that the expansion of existing institutional uses does not significantly adversely impact quality of life in adjacent residential areas.

2. Permitted uses. Only those uses listed below, shall be permitted in the I-C Zone. Each use is more fully described in the United States Office of Management and Budget, North American Industry Classification System (2007) or as subsequently revised. The numbers in parentheses following each of the listed uses refer to the North American Industry Classification System (NAICS) code numbers:

(a) Educational Services (61)

(b) Nursing and Residential Care Facilities (623);

(c) Public facilities, including the following:

(i) Public parks (no NAICS code);

(ii) Public Administration (92);

(iii) Public utilities (22);

(c) Religious, Grant-making, Civic, And Professional Organizations (813)

3. Master Plans.

(a) Purpose. The purpose of the master plan is to define the development of property promote compatibility with neighboring areas and benefit the community with flexibility and innovation. With the exception of those uses and standards contained in this section, all other aspects of development, redevelopment or expansion will be regulated as prescribed in this title and other applicable codes.

(b) Master Plan Required. Master plan approval shall be required for all institutional uses with 150,000 square feet of total gross floor area or more. The calculation of the total

gross floor area is calculated by combining the total gross floor area of all the buildings located within a contiguous campus area.

(c) Contents of Master Plan. A master plan shall consist of the following:

(i) Site plans drawn at a maximum scale of 1:40 and illustrating the following:

(A) Boundaries, dimensions, and acreage of the site;

(B) Location of lot lines, rights-of-way, easements, and tracts within the site;

(C) Location and nature of planned improvements to the vehicular and pedestrian circulation system within and abutting the site;

(D) Location of planned buildings, structures, parking areas, and other improvements within the site;

(E) Location of proposed landscaped areas, recreation areas, and areas to be left undisturbed;

(ii) Conceptual landscaping plans for all required landscaping areas, exterior boundaries, internal streets, and common open space areas. The conceptual landscaping plans shall be drawn at a maximum scale of 1:20 and shall be prepared by a Licensed Landscape Architect; and

(iii) Conceptual utilities plan drawn at a maximum scale of 1:20;

(iv) Environmental checklist;

(v) Vicinity map(s) showing existing conditions within and surrounding the site including: land uses, zoning, buildings, vehicular and pedestrian circulation systems, existing topography indicated with five-foot contours, environmentally critical areas, and significant natural vegetation. The Vicinity Map shall be drawn at a maximum scale of 1:100;

(vi) A narrative description of the proposal, including a discussion of how it is consistent with applicable comprehensive plan policies; how any off-site environmental impacts will be mitigated; and a description of planned improvements, including the maximum site coverage, maximum gross square feet of occupiable floor area and the maximum floor area to be occupied by different types of uses, maximum building height for each building location, the nature and extent of off-site improvements, and development phasing; and

(vii) A traffic analysis and report indicating the following: current and future traffic volumes and levels of service on the street system; planned and programmed traffic improvements and their relationship to any adopted state, local, and/or regional transportation plans or programs; anticipated traffic volumes and distribution; impacts generated by the proposal on future traffic volumes and levels of service; measures necessary to mitigate the proposal's effects on traffic and traffic systems, including the proposal's pro rata share of identified traffic improvements; a proposed transportation demand management (TDM) plan to reduce traffic impacts; and such other information as may be required by the City.

(viii) A technical information report containing the elements required by the City's adopted Surface Water Design Manual.

(ix) Covenants, conditions, and restrictions proposed by the applicant to control future development of the area subject to the master plan;

(x) A sign program indicating the general location, dimensions, height, and materials of signs consistent with the requirements for a Comprehensive Sign Review provided in Article III of Chapter 18.42 DMMC.

4. Master Plan Decision Criteria. A master plan shall be granted by the City only if the applicant demonstrates that:

(a) The master development plan includes a general phasing timeline of development and associated mitigation.

(b) The master development plan meets or exceeds the current regulations for critical areas if critical areas are present.

(c) There is either sufficient capacity and infrastructure (e.g., roads, sidewalks, bike lanes) in the transportation system (motorized and nonmotorized) to safely support the development proposed in all future phases or there will be adequate capacity and infrastructure by the time each phase of development is completed. If capacity or infrastructure must be increased to support the proposed master development plan, then the applicant must identify a plan for funding their proportionate share of the improvements.

(d) There is either sufficient capacity within public services such as water, sewer and stormwater to adequately serve the development proposal in all future phases, or there will be adequate capacity available by the time each phase of development is completed. If capacity must be increased to support the proposed master development plan, then the applicant must identify a plan for funding their proportionate share of the improvements.

(e) The master development plan proposal contains architectural design (including but not limited to building setbacks, insets, facade breaks, roofline variations) and site design standards, landscaping, provisions for open space and/or recreation areas, retention of significant trees, parking/traffic management and multimodal transportation standards that minimize conflicts and create transitions between the proposal site and adjacent neighborhoods and between institutional uses and residential uses.

(f) The applicant shall demonstrate that proposed commercial or laboratory uses will be safe for the surrounding neighborhood and for other uses on the campus.

5. Master Plan Amendments. Minor amendments to an approved master development plan may be approved by the City Manager or designee if the amendment meets the development standards and criteria applicable to the zoning and requirements set forth in this section. Minor amendments include any revision or modification of the previously approved master development plan that would result in any one or more of the following:

(a) An increase in the square footage of any proposed building or structure by 10 percent or less; or

(b) A change of 15 percent or less in the number of new parking spaces, parking spaces created by re-striping existing parking areas and/or a combination of both except for an increase in parking spaces for bicycles or electric vehicles; or

(c) A change in the original phasing timeline for mitigation of the master development plan; or

(d) Changes to building placement when located outside of the required setbacks and any required setbacks for critical areas; or

(e) A cumulative increase in impervious surface of 10 percent or less or a cumulative decrease in tree cover of 10 percent or less; or

Major amendments are changes that exceed the thresholds for a minor amendment or were not analyzed as part of an approved master development plan. Major amendments to an approved master development plan shall be processed as a new master plan.

6. Property Development Standards. All properties zoned I-C shall be subject the following development standards:

(a) The maximum building height for master plan sites of 10 acres or more shall be as follows

(i) The maximum building height for multi-unit residential buildings shall be 65 feet as measured from the average finished grade,

(ii) The maximum building height for all other buildings and structures shall be 45 feet as measured from the average finished grade.

(b) The maximum building height for master plan sites of less than 10 acres shall be as follows:

(i) The maximum building height for multi-unit residential buildings shall be 45 feet as measured from the average finished grade,

(ii) The maximum building height for all other buildings and structures shall be 35 feet as measured from the average finished grade.

(c) Buildings with a height of 35 feet or less shall be setback a minimum of 20 feet from all property lines. Buildings with a height above 35 feet shall be setback 20 feet for the first 35 feet plus one foot for every 2 feet of height above 35 feet.

(d) Buildings, parking areas, and other paved surfaces, exclusive of public rights-of-way and recreation areas developed and accessible to the public, shall cover no more than seventy-five (75) percent of the building site.

7. Performance Standards. Every property within the I-C zone shall conform to the following performance standards:

(a) Nuisances. No use, activity, or equipment shall be permitted which creates a nuisance or is offensive, objectionable, or hazardous by reason of creation of odors, noise, sound, vibrations, dust, dirt, smoke, or other pollutants, noxious, toxic, or corrosive fumes or gases, radiation, explosion or fire hazard, or by reason of the generation, disposal, or storage of hazardous or dangerous wastes or materials.

(b) Loading and Parking Areas.

(i) Loading areas shall be set back, recessed and/or screened so as not to be visible from adjacent public rights-of-way or properties designated as Single-Family, Multifamily, or Park by the City of Des Moines Comprehensive Plan.

(ii) Load areas shall only be allowed between the rear lot line and the extension of the front facade of the principal structure, provided no loading areas are allowed between a building and a side street lot line.

(c) All uses shall conform to the off-street parking and loading area requirements as set forth in Chapter 18.44 DMMC, or as hereinafter amended; provided, however, employee parking may be reduced through implementation of a transportation demand management (TDM) program.

(d) Landscaping.

(i) All uses shall conform to the landscaping and buffering requirements as set forth in Chapter 18.41 DMMC.

(ii) Landscaping shall be designed to achieve an aesthetically pleasing park-like setting; integrate landscaping in master plan design; preserve significant trees, particularly tree clusters; reinforce the relationship to its natural setting; soften building masses; provide visual screening from, and provide transition to, adjacent residential areas, and noise and wind buffering; define automobile and pedestrian circulation patterns; maintain and strengthen public vistas; provide screening for on-site parking areas, and refuse and recycling receptacles; create functional and accessible active and passive outdoor activity spaces; and create linkages, where feasible, to City and regional parks and trail systems.

(e) Trash and Recycling Receptacles. Trash and recycling receptacles shall be a minimum of 15 feet from any properties designated as Single-Family, Multifamily, or Park by the City of Des Moines Comprehensive Plan.

(f) Exterior Mechanical Devices. Air conditioners, heating, cooling, ventilating equipment, pumps and heaters and all other mechanical devices shall be screened from surrounding properties and streets and shall comply with the Maximum Environmental Noise Levels established by Chapter 173-60 WAC as presently constituted or as may be subsequently amended.

(g) Exterior Lighting.

(i) Lighting shall comply with the Zone 2 requirements for exterior light established by the 2009 Washington State Energy Code as presently adopted or as subsequently amended;

(ii) Lighting shall be fully shielded in such a manner that the bottom edge of the shield shall be below the light source so no light is emitted above the horizontal plane of the lighting fixture.

(iii) Ground-mounted floodlighting shall only be used to illuminate landscaping areas, accentuate key architectural features or illuminate flag poles.

(iv) Exterior lighting shall provide a minimum of at least 1.5 foot candles for parking lots and walkways.

(v) Exterior Lighting shall be less than 0.2 foot candles at the property lines which abut properties designated as Single-Family, Multifamily, or Park by the Des Moines Comprehensive Plan.

(vi) A Photometric Plan and Exterior Lighting Summary shall be required and shall be submitted as part of the Building Permit application.

Sec. 3. DMMC 18.06.020 and section 1 of Ordinance No. 1397 are each amended to read as follows:

Names of zones. To accomplish the purpose of this title, the following use zones are established and regulations are set forth therein defining the permissible uses, the height and bulk of buildings, the area of yards and other open spaces about buildings, and the density of population; such zones are known as follows:

(1) Residential Zones.

(a) Single-family residential zones:

(i) R-SR Residential: Suburban Residential;

(ii) R-SE Residential: Suburban Estate;

(iii) RS-15,000 Residential: Single-Family
15,000;

(iv) RS-9,600 Residential: Single-Family 9,600;

- (v) RS-8,400 Residential: Single-Family 8,400;
- (vi) RS-7,200 Residential: Single-Family 7,200;
- (vii) RS-4,000 Residential: Single-Family 4,000;

(b) Multifamily residential zones:

- (i) RA-3,600 Residential: Attached Townhouse and Duplex 3,600;
- (ii) RM-2,400 Residential: Multifamily 2,400;
- (iii) RM-1,800 Residential: Multifamily 1,800;
- (iv) RM-900 Residential: Multifamily 900;
- (v) RM-900A Residential: Multifamily 900A;
- (vi) RM-900B Restricted Service Zone.

(2) Commercial Zones.

- (a) N-C Neighborhood Commercial;
- (b) B-C Business Commercial;
- (c) C-C Community Commercial;
- (d) D-C Downtown Commercial;
- (e) C-G General Commercial
- (f) I-C Institutional Campus;
- ~~(g)~~ B-P Business Park;
- ~~(h)~~ H-C Highway Commercial.

Sec. 4. DMMC 18.06.030 and section 2 of Ordinance No. 1397 are each amended to read as follows:

Degree of restrictiveness. In the different major categories of zones established by this title, the residential

zones are considered the most restrictive and other zones are less restrictive. Although the elements of required minimum lot areas and open spaces are involved in varying degrees in determining the position of uses in the scale of restrictiveness, the characteristics of uses as set forth in the various individual zones are the primary criteria. In the commercial zones the uses permitted actually determine the sequence of restrictiveness. To further distinguish the degree of restrictiveness in the various major categories of zones within which there is more than one zone, the sequence is as follows:

(1) In the residential zones, the zone that establishes the lowest population density and requires the highest standards of lot area, yards, and open spaces is considered to be the most restrictive, and the uses permitted in such zone are considered to be the lightest and most restricted. The single-family residential zones and the uses permitted therein are considered to be the lightest and most restrictive, and in this category there is a further distinction in terms of required minimum lot area and open spaces that establish a degree of less restrictiveness in the following sequence: R-SR, R-SE, RS-15,000, RS-9,600, RS-8,400, RS-7,200, and RS-4000, the numeral suffix referring to required minimum lot areas. As greater population density is permitted by zone, the uses permitted are considered to be heavier and less restrictive in the following sequence: RA-3,600, RM-2,400, RM-1,800, RM-900A, RM-900B, and RM-900. In the residential zones the numeral suffix refers to required lot area per dwelling unit.

(2) In the commercial zones the zone that establishes the most stringent performance standards is considered to be the lightest and most restrictive zone, and the uses permitted in such zone are considered to be the lightest and most restrictive commercial uses. In the commercial zones set forth in this title the N-C zone and the uses permitted therein are the lightest and most restricted, and the zones become heavier and less restrictive in the following sequence: B-C, C-C, D-C, C-G I-C, B-P, and H-C.

Sec 5. Codification. Section 2 of this ordinance shall be codified as a new chapter in Title 18 DMMC entitled "I-C Institutional Campus Zone."

Sec. 6. Severability - Construction.

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

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

Sec. 7. Effective date. This ordinance shall take effect and be in full force thirty (30) days after its passage, approval, and publication in accordance with law.

PASSED BY the City Council of the City of Des Moines this ____ day of _____, 2012 and signed in authentication thereof this ____ day of _____, 2012.

M A Y O R

APPROVED AS TO FORM:

City Attorney

ATTEST:

City Clerk

Published: _____

DRAFT
DES MOINES PLANNING AGENCY REGULAR MEETING

7:00 p.m.

March 5, 2012

At 7:00 p.m., Planning Agency Chair Shan Hoel called the Des Moines Planning Agency meeting to order in the City Council Chambers, 21630 11th Avenue South, Suite B, Des Moines, WA.

PLEDGE OF ALLEGIANCE led by Agency Member Scott Evans.

ROLL CALL—Present: Agency Members William Hopp, Christine Hall, Scott Evans, and Shelley Murray, Chair Shannon Hoel and Vice Chair Mel McDonald. Staff attendance included Development Services Manager Robert Ruth, Planning Manager Denise Lathrop, Senior Planner Jason Sullivan and Agency Clerk David Steen. Also present was City Council Liaison, Councilmember Jeannette Burrage.

MOTION by Chair Hoel, second by Vice Chair McDonald, to excuse the absence of Agency Member Cass Prindle, passed unanimously.

MINUTES

Minutes from the February 6, 2012 Planning Agency meeting were available for review. Agency Member Murray suggested she could not have led the Pledge of Allegiance at that meeting since she was not present. The correction will be made to show that Agency Member Hall led the Pledge of Allegiance.

MOTION by Chair Hoel, second by Vice Chair McDonald, to accept the minutes with the noted correction, passed unanimously.

COMMENTS FROM THE PUBLIC

City Council Member Jeanette Burrage (905 S. 209th St., Des Moines) introduced herself as the newly appointed liaison to the Planning Agency from the City Council.

ADMINISTRATION REPORTS

Development Services Manager Ruth briefly discussed four items:

1. 2012-2013 City Council work program
2. Council Goals and Strategic Objectives
3. Information packet from "Boot Camp for Planners," a workshop offered by the Planning Association of Washington, attended recently by Agency Member Hopp and Vice Chair McDonald
4. Staff was recently directed by the Finance and Economic Development Committee of the City Council to work on the Fence Code so that it might be less restrictive for homeowners.

OLD BUSINESS

Continued Discussion: Business Park Land Use and Zoning

MOTION by Chair Hoel, second by Vice Chair McDonald, to return the motion regarding the adoption of Draft Ordinance No. 12-019 back to the table for further discussion, passed unanimously.

Senior Planner Sullivan led discussion and fielded questions from Agency Members regarding the proposed ordinance. A number of changes suggested by Agency Members were noted by Senior Planner Sullivan for inclusion in the final document.

MOTION by Chair Hoel, second by Vice Chair McDonald, to recommend that City Council adopt Draft Ordinance No. 12-019 amending Chapter 18.25 DMMC relating to development standards for the Business Park Zone in the City of Des Moines, including a number of minor amendments suggested through the Planning Agency discussion and consensus, passed unanimously.

NEW BUSINESS

Introduction of Institutional Campus Zoning—Draft Ordinance

Senior Planner Sullivan introduced Draft Ordinance No. 12-026, establishing an Institutional-Campus zoning designation in the City of Des Moines, for consideration by the Planning Agency. He mentioned that the City Council had amended the Des Moines Comprehensive Plan by adding a policy to the Land Use Element which directs the Development Services Division to work with Highline Community College to establish such a zoning designation that would facilitate the redevelopment plans as established in the College's Master Plan. He added that other specific uses to be included in the zone would be government facilities (City Hall, SCORE, fire stations), educational facilities (Highline and Federal Way schools), convalescent/retirement housing (Wesley Homes, Judson Park, Masonic Home), and other institutional uses.

During discussion, consensus was reached to apply many of the same changes to site design guidelines that were just discussed regarding the Business Park Land Use and Zoning. Chair Hoel also secured consensus of the group to delete "and other institutional uses" found in (a) and (b) under "Sec. 1.1. Purpose of zone" as well as changing "these" to "existing" in (c) of the same section.

MOTION by Chair Hoel, seconded by Agency Member Hopp, to recommend that City Council adopt Draft Ordinance No. 12-026 amending Title 18 DMMC by establishing an Institutional - Campus zoning designation in the City of Des Moines, passed unanimously.

NEXT MEETING DATE—June 4, 2012 (Development Services Manager Ruth indicated he would provide at least three weeks' notice if a May meeting is needed.)

ADJOURNMENT

Chair Hoel stated that this meeting was adjourned.

Respectfully Submitted,

David Steen, Agency Clerk

MINUTES – FINANCE AND ECONOMIC DEVELOPMENT COMMITTEE MEETING

February 21, 2012
South Conference Room
21630 11th Avenue South, Des Moines, WA

Council Members

Chair Bob Sheckler-Chair
Matt Pina
Carman Scott

City Staff

Tony Piasecki – City Manager
Grant Fredricks – PBPW Director
Marion Yoshino – Economic Development Mgr
Robert Ruth – Development Services Manager
Paula Henderson – Finance Director
Jason Sullivan – Senior Planner
Joe Dusenbury – Harbormaster

1. Call to Order

Meeting called to order at 5:02 pm by Chair Sheckler.

2. Economic Development Update

ED Manager Yoshino discussed a meeting she had with Mr. Ed Young, a local property owner who hopes to build a hotel on his property on Pacific Highway. Mr. Young indicated that he thought the hotel/motel tax incentive would help with efforts to market projects using the EB-5 program.

3. Institutional Campus Zoning Policy Discussion

Senior Planner Jason Sullivan presented and summarized the draft ordinance for the Committee's consideration. One key policy issue is whether or not to have the hearing examiner approve master plans for either institutional zones or business spark zones. The Committee directed that the ordinance go forward with the hearing examiner having approval authority.

4. Master Builders Association Breakfast 2/16/12 Debrief

Everyone agreed that the Master Builders Association breakfast held on February 16th went very well.

5. Jail Costs

City Manager Tony Piasecki and Finance Director Paula Henderson brief the Committee on the situation with anticipated 2012 jail costs. When putting together the 2012 budget, staff assumed that jail costs would be based on the City's 2011 average daily population (ADP). However, this turns out to be incorrect. According to the SCORE interlocal agreement, costs for 2012 are based on the City's 2007 APD, which was substantially higher than 2011's ADP (17 versus 5). The City's jail costs for 2012 may be more than \$100,000 over budget. SCORE is also not bringing in the anticipated contract revenue it included in its budget so all member city's costs could go even higher. To soften the impact of this, SCORE anticipates budgetary savings for 2011 that may be applied to these higher costs and possibly the use of unexpended fund balance.

6. Committee member comments

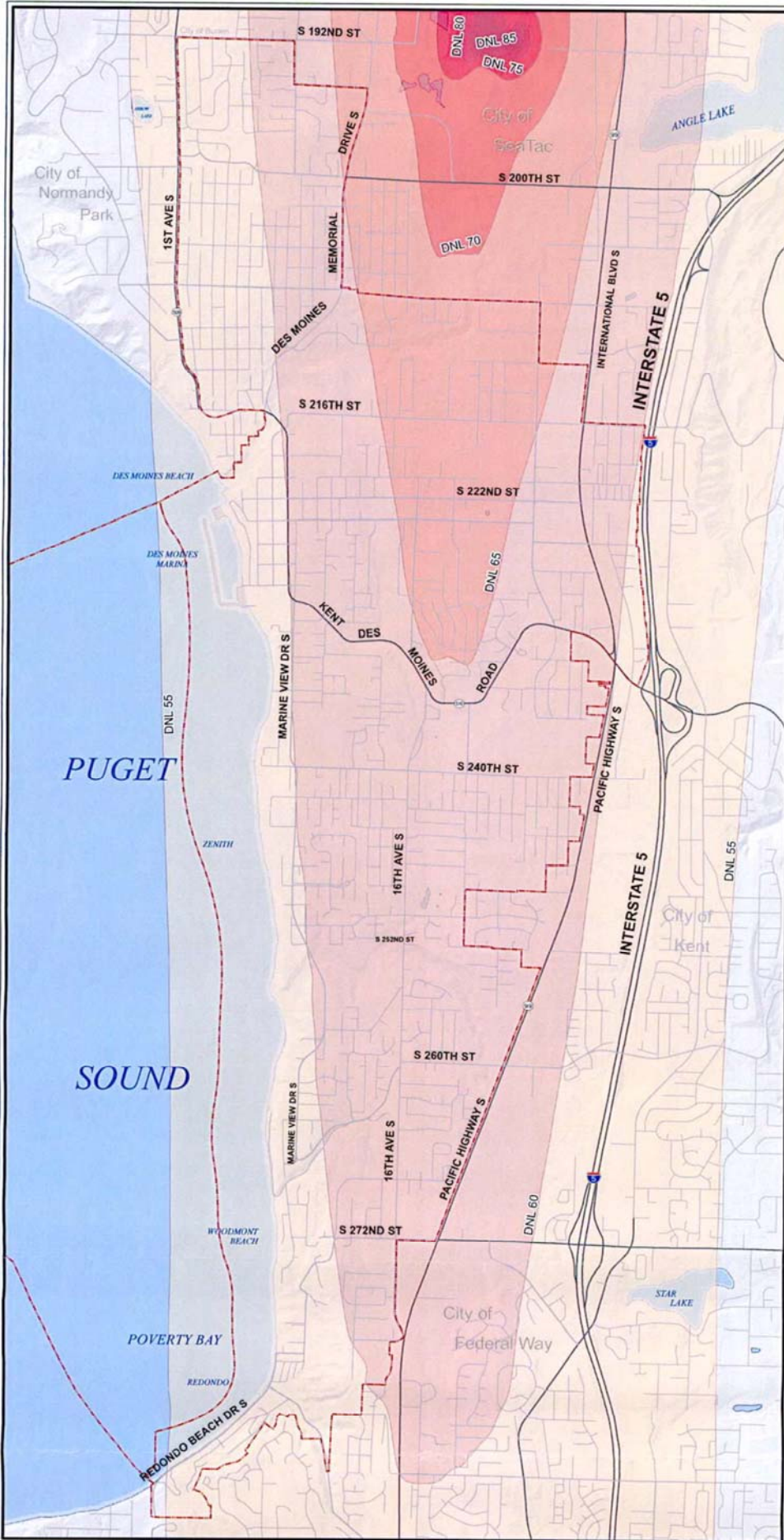
Councilmember Scott commented that she had met with Mr. Young and she reiterated his support for an ordinance that provides relief from the hotel/motel tax for new or remodeled hotels and motels. She also noted that she needs to see an analysis of the revenue impact of such an ordinance before she can vote on whether or not to approve it.

7. Future meetings

The Committee's next meeting is scheduled for Tuesday, March 27th at 5:00 p.m.

Adjourned at 6:20 p.m.

Respectfully submitted by:
Tony Piasecki, City Manager



City of Des Moines
Geographic Information System

- 2016 Noise Contours
DNL *DRAFT*
- 85
 - 80
 - 75
 - 70
 - 65
 - 60
 - 55

Des Moines City Limits



Finance & Information Technology
21650 11th Ave S
Des Moines, WA 98198-6398
PHONE: (206) 470-4322 • FAX: (206) 470-6396
<http://www.desmoineswa.gov>

Map Generated: 08/12/2016 File: P03_SoundNoise.mxd ©2012 City of Des Moines, WA

Trip Report: South King Community On Effective Medical Transitions

From: **Dan Caldwell** (dncaldwell2@msn.com)
Sent: Tue 4/17/12 12:44 PM
To: Sue Padden (spadden@desmoineswa.gov)
Cc: Tony Piasecki City Manager (tpiasecki@desmoineswa.gov); Dave Kaplan (DMCouncil) (desmnsdave@aol.com)

The South King County Community Meeting on Effective Care Transitions was held in the Tukwila Community Center from 8:30 am to 12:30 am. Tuesday April 17, 2012.

While the address 12424 42nd Ave. S was the dickens to find the room was well filled and well sponsored by King County, United Way and City of Seattle. The room acoustics were relatively very good due to the way the presentations were handled. The speakers used a proactive screen and individual hand controllers for instant response to questions presented on the screen.

Sue Padden was taking copious notes therefore I will only summarize key points:

Medical personnel and MD's tend to fail to communicate with each other regarding patients who have had multiple injuries!

Hospitals tend to fail to provide for adequate home care following hospitalization!

Patients are released without provision for other community services!

South King County hospitals rank 4th on readmissions!

A surprise was that ages UNDER 65 had higher readmission rates!

Qualis Health (one of the sponsors) claimed that CTI coaching and project RED checklist interventions reduced readmissions by over 50%!

South King County was picked for Care Transitions as readmission rates are above the State average and secondly High numbers of eligible people have Medicare and Medicaid!

A characteristic of successful communication is that decisions are made with the patient in the room - always!

Dan Caldwell

Hospitalizations are costly. National spending on hospital care reached \$814.0 billion in 2010. Yet many hospitalizations—especially readmissions of recently discharged patients—are entirely preventable.