

AMENDED AGENDA

**DES MOINES CITY COUNCIL
REGULAR MEETING
City Council Chambers
21630 11th Avenue S, Des Moines, Washington
Thursday, February 2, 2023 - 6:00 PM**

City Council meeting can be viewed live on the City's website, Comcast Channel 21/321 or on the City's [YouTube](#) channel.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

CORRESPONDENCE

[Correspondence](#)

COMMENTS FROM THE PUBLIC

[Public Comment 02.02.2023](#)

CITY MANAGER REPORT

- Item 1. HUMAN SERVICES - PEDIATRIC INTERIM CARE UPDATE
[Pediatric Interim Care Center](#)

CONSENT CALENDAR

- Item 1. APPROVAL OF VOUCHERS
Motion is to approve for payment vouchers through January 20, 2023 and the payroll transfers through January 20, 2023 in the attached list and further described as follows:

EFT Vendor Payments	#7741-7882	\$1,416,017.90
Wires	#2109-2119	\$ 574,769.36
Accounts Payable Checks	#164585-164672	\$ 444,020.62
Voided Checks	#164277-164277	\$ (14,978.75)
Payroll Checks	#19622-19626	\$ 88,594.38
Payroll Direct Deposit	#4043-4203	\$ 431,902.22

Total Checks and Wires for A/P and Payroll: \$2,940,325.73

[Approval of Vouchers](#)

- Item 2. APPROVAL OF MINUTES
Motion is to approve the November 17, December 01, and the December 08, 2023 Regular City Council meeting minutes.
[Approval of Minutes](#)
- Item 3. BLACK HISTORY MONTH PROCLAMATION
Motion is to approve the Proclamation recognizing February as Black History Month.
[Black History Month Proclamation 2023](#)
- Item 4. DRAFT ORDINANCE 23-003 RELATED TO DESIGNATION OF CITY PARKS
Motion 1 is to suspend Rule 26(a) in order to enact Draft Ordinance No. 23-003 on first reading.

Motion 2 is to enact Draft Ordinance No. 23-003, amending chapter 19.12 DMMC to include the Redondo Boardwalk and adjacent City - controlled tidelands within Redondo Beach Park.
[Draft Ordinance 23-003 related to designation of City parks](#)

OLD BUSINESS

- Item 1. DRAFT RESOLUTION NO. 23-006: CENSURE OF COUNCILMEMBER JC HARRIS
[Draft Resolution No. 23-006 - Censure of Councilmember JC Harris](#)
- Item 2. REALLOCATION OF AMERICAN RESCUE PLAN ACT FUNDS
Staff Presentation by Finance Director Jeff Friend
[Reallocation of American Rescue Plan Act funds](#)
- Item 3. MARINA REDEVELOPMENT DIRECTION FROM CITY COUNCIL
[Marina Redevelopment Direction from City Council](#)

NEW BUSINESS

- Item 1. INTRODUCTION OF ITEMS FOR FUTURE CONSIDERATION – 10 Minutes

BOARD & COMMITTEE REPORTS/ COUNCILMEMBER COMMENTS

(4 minutes per Councilmember) - 30 minutes

PRESIDING OFFICER'S REPORT

EXECUTIVE SESSION

NEXT MEETING DATE

February ~~09-23~~, 2023 City Council Regular Meeting

ADJOURNMENT

From: [CAROL L ELLIS](#)
To: [CityCouncil](#)
Subject: A CONCERN & REQUEST
Date: Thursday, January 26, 2023 9:01:13 PM

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I watched the January 26th, 2023 city council meeting on channel 21 just now.

We, as the public, are asked to be respectful when others are stating their opinions. With that in mind, I have an observation. After the public comments, city councilman Harris spoke. After he was finished and it was councilman Pennington's turn, he said to councilman Harris, "Humph, I'm glad I didn't take your advice on the drill a couple weeks ago." That was snide and disrespectful. Please, city council members, show the same respect to each other that you expect the public to show.

Thank you,

Carol Richards-Ellis
601 S. 227th Street

From: [Alice Dean DiMascio](#)
To: [CityCouncil](#)
Cc: [Alice Dean DiMascio](#)
Subject: Marina Development
Date: Monday, January 30, 2023 2:10:17 PM

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It seems that the misinformation emanates from city council. It is specious reasoning for city manager Mathias to imply that the study of license plates on cars visiting the marina showing that 80% were from outside of Des Moines is evidence of our city being a major tourist destination and therefore could support a hotel. The vast majority of these visitors were no doubt from Kent, Federal Way, Auburn and other nearby communities. And for Mr. Mathias to follow up that remark with the anecdote of a visitor who flew into SeaTac and rented a boat as another example of the support for building a hotel right by the water is irresponsible.

Do the people having sex in their cars at night in the marina parking lot also demonstrate that if only there was a hotel here they would "get a room?" Or that the men recently sleeping for weeks in their cars at the marina were only doing so because there was no hotel available?

Citizens should be provided facts (like the London Study) not anecdotes, innuendo and pie-in-the-SkyLab drawings of a hotel where the new bathrooms were just built.

Nobody disagrees that a hotel has the potential to produce economic growth but a hotel needs guests at 80% occupancy to be viable and there is not enough here to attract such numbers. Even the Beach Park Event Center which Mr. Mathias mentioned would have limited effect due to the fact these facilities offer low cost rental rates which are discounted for Des Moines residents thereby resulting in thrifty, local attendees.

When confronted with actual facts it seems evident that a hotel has no place at the waterfront which is such a publicly enjoyed amenity.

Establish a Marina Planning Commission to create a better plan for development of the marina.

From: [DAVE ELLIOTT](#)
To: [CityCouncil](#)
Subject: City Council Meeting and Marina Development
Date: Thursday, January 26, 2023 9:28:57 PM

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Thank you for streaming the meeting tonight. I was not able to attend in person but was able to watch a good portion of the meeting. While I am in favor of developing our marina to make it more of a destination place I cannot say I am in favor of a hotel as part of that development. I feel strongly that anything developed in the marina should be something that does something that improves life for the community a hotel does not do that. I feel a park and some small businesses (Coffee shop/Restaurant) that will draw more residents and visitors would serve this city better.

As a tenant in the marina I also have strong feelings about how smaller boats will be handled in the future. I understand that larger slips bring more revenue, but the majority of use in the marina comes from the smaller boats, especially during the warmer months. I hear that smaller boats would be stacked and launched when needed. We only have use of a portable launch and that would not be feasible to use especially during fishing season. Having the ability to go out on the boat whenever I want to has been one of the reasons I love living in Des Moines. I pay for my slip year round and if you could make that more feasible with rates you could encourage more people to do the same. You would ruin what has been a part of many people's lives for a long time.

One last thing, please put speed bumps on 4th Ave S in North Hill before it is too late.

Thank you
David Elliott

Sent from [Mail](#) for Windows

From: [Kaylene Moon](#)
To: [_CityCouncil](#)
Cc: [Kaylene Moon](#)
Subject: City Council Support
Date: Tuesday, January 31, 2023 10:41:08 PM

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Dear Mayor, council members and City Manager,

Congratulations on a full house at the Council Meeting on the 26th . That excites me . I say let's keep up the momentum. Citizens are clearly engaged in the Council activities. I am urging you to capitalize on this interest.!!

We are eager to engage and communicate.
Please initiate citizens in the following ways.

- 1. Public Planning Committee
- 2. A Marine Planning Committee
- 3.. A Finance committee

And most of all seek out and find effective ways for Citizens and Councils members to COMMUNICATE.

I URGE you all to act NOW while the interest is strong .

Respectfully, Kaylene Moon Des Moines resident

I URGE you to act NO while the interest in Strong .

From: [ELDON DAVIS](#)
To: [CityCouncil](#)
Subject: Creek along 223rd and Steps to Marina Rev 2
Date: Thursday, February 2, 2023 3:23:05 PM

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Hello again. My name is Eldon Davis. I spoke at the last Council Mtg re Hotel and Retail Spaces at the Marina.

Today I will be expressing thoughts re the proposed Creek along 223rd and Steps going down to the Marina. And sorry, this version has a few different words, but overall content is the same.

A. Creek Along 223rd - Note 223rd being only 1 of 2 ways to reach the Marina by car.

1. Where along 223rd will creek begin and end?
2. What will happen to the creek once it nears the end of 223rd?
3. How will the underground water East of the creek starting point get to the starting point?
4. How wide and deep will the creek be and estimated speed of the flow?
5. Will the creek have some form of covering or be open and if open what will prevent people, animals, and trash from going into the creek?
6. How will the people in the large condo on north side of 223rd and west of 6th, get in and out of their parking area if creek is along that part of 223rd?

B. Marina Steps

1. Why is the concept called steps instead of walkway or better yet, Marina Access Walkway?
2. How much distance between where creek ends and steps/walkway begin?
3. What ADA requirements will be incorporated: slope of 8.33%, a 5'x5' level platform every 30' of length, 5' of width, handrails on both sides, and probably some specified surface mat'l?
4. What will be the underneath support for approx 420' of stairs/ walkway and 70' of level platforms
zig - zagging down: will it be fill dirt or vertical columns or something else?
5. If people come to the steps by car, where will they park as their is essentially no space?
6. How much area (length x width) below the cliff will be needed by the steps/walkway?
7. Estimate of what % of people walking down will not have energy to walk back up?

Concluding thoughts: The area at the top of 223rd and near the cliff seems to be very congested and a negative impact on cars wishing to get to the Marina. Re the steps / walkway, the name of

Marina Access Walkway seems more appropriate and for some this may be a scary venture.

Thank you - Eldon Davis

From: [ELDON DAVIS](#)
To: [_CityCouncil](#)
Cc: [ELDON DAVIS](#)
Subject: Creek Along 223rd and Steps to Marina
Date: Tuesday, January 31, 2023 4:56:47 PM

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Hi Again, my name is Eldon Davis.

I spoke at the last Mtg re Hotel and Retail Spaces at the Marina. In a few words: Not a good idea as it would destroy the openness, the view out to the Sound, and possibly hurt Retail stores already on main street.

What follows are my thoughts and questions based on what I heard at the last Mtg.

A, Creek along 223rd

1. Where along 223rd would the creek begin?
2. How will the underground water in the area East of of the creek starting point be directed to that location?
3. How wide and deep will the creek be and the expected speed?
4. Will the creek be open or have some form of cover and if open, what will prevent people, animals, and trash from going into the creek?
5. What will happen to the creek once it reaches the end of 223rd?
6. What will happen to the street along the new creek in terms of having a street and sidewalk along each side and how will people who live along the street still have access?

B. Marina Steps

1. Why is the concept called steps instead of walkway or better yet **Marina Access Walkway**?
2. What slope are you planning for the Steps/Walkway and is it ADA approved?
3. What other ADA features are to be included i.e. 5' width, having a 5' x5' level spot every 30' of distance, having hand rails, etc?
4. How will the Steps/Walkway be supported as they will drop approx. 35' to the Marina ?
5. If people come by car to use the Steps/Walkway where will they park their car since there is little space?
6. What will be the total length of the Steps/Walkway and is there sufficient lateral space for the zig-zag route?
7. What surface material will be used for the Steps Walkway and how will it work in icy conditions?
8. How much distance between the end of the creek and beginning of Steps/Walkway?
9. Estimate of % of people going down will have the energy to walk back up?

Thank you --- Eldon Davis

From: [Tad Doviak](#)
To: [CityCouncil](#)
Subject: Des Moines Marina beware of unintended consequences
Date: Friday, January 27, 2023 8:33:47 PM

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First, I would like to say that I am in favor of the Des Moines Steps. Building that is a unique opportunity to connect the marina with the downtown core. It is an important feature that will expand the economic core of the city.

Second, a marina development committee needs to be formed right away. It's obvious that this project needs consistent and engaged public input.

Third, please go into this with your eyes wide open. What happens if the marina gets developed and it flops? What if the entrepreneurs and investors don't come? What are the long term maintenance costs for what is being developed? I see cities build fancy new things that everyone is excited about and 10 years later nothing has grown up around it and the novelty has worn off and the city stops taking care of it and it just looks terrible.

Fourth, please take a look at the development done by cities around us. Has the PAEC had a positive economic impact in Federal Way? Have any other cities around the area effected positive economic impact through public development? We the public would like to hear actual examples, positive and negative so we know what we're getting into. What I heard in the study meeting was a lot of what if's and unknowns. We need to know more before we start spending public money so speculatively.

Thanks for all your hard work on this and I pray for wisdom for each of you as you contemplate how to move forward.

Tad Doviak

"Do the right thing. It will gratify some people and astonish the rest." -Mark Twain

From: [kristy787](#)
To: [CityCouncil](#)
Cc: kristy787@proton.me
Subject: Des Moines redevelopment study session
Date: Thursday, January 26, 2023 4:52:55 PM

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Thank you city council members,

I appreciate your service and work you do for Des Moines. I know that you are aware of how important the marina and surrounding area is to Des Moines. This area serves as the primary economic driver and community center for Des Moines and draws people from a wide area. The north parking lot adjacent to the pier enables people of all ages and abilities to enjoy the stunning natural beauty of Puget Sound and connect with the natural environment. For many seniors, the disabled and for those with young children parking availability is a key determinant in their ability to experience this. People protect what they love and people love their marina and pier access and as a result they love Des Moines. For many people in surrounding communities the marina is Des Moines. Doing anything that degrades the marinas appeal to visitors from the local community and surrounding areas should be avoided.

You have received many comments from the community regarding redevelopment of the Des Moines marina. These comments show that most community members do not support plans to build a hotel in the north parking lot adjacent to the fishing pier. Following through with these proposed plans would cause a lot of harm to residents, visitors and local businesses in the hope that there would be some benefit (but many think that benefit is marginal and/or questionable at best) Building a hotel in this location could also open Des Moines up to liability due to potential engineering concerns. If a hotel is to be built I believe better options could be found that would provide a clearly defined benefit to the community while reducing harms.

The comments received show that there is a need for a planning commission to fully investigate development of the marina. A city planning commission could help obtain important information for the city council and work along with community members to help avoid potential pitfalls. The decisions that council makes are only as good as the data they are based on. It is unfair and unwise to expect council to have sole responsibility for investigating planning issues and disseminating this information to community members. I also think it is important to be fully transparent when choosing a developer. There should be a sufficient window of time (as determined by council, the planning commission and community members) for multiple developers to submit proposals. Development and improvement of Des Moines are responsibilities that council must share with community members if those efforts are to be successful.

I am all for continued gated parking to the Des Moines marina, frequent user parking passes and special parking permits for fishermen to park after 10pm. I think these programs make the area safer and provide needed revenue. I would also support more outreach and information on how these revenues are being used to upgrade the marina and possibly an easy pay what you can option if people want to pay more towards these goals. If there was an easy option to donate to a fund with a

tax write off receipt it might help generate additional revenue for fixing the marina fishing pier and dry dock boat launch.

I would like to see the quarterdeck and the marina offices remain at the central marina location. It is important that services are easily accessible to visitors of the pier and north parking lot as well as the marina slip residents. This location is important and serves as a safe presence in the area. These facilities, the foot traffic and the open visibility condo owners have of the area helps deter crime. The quarterdeck is an essential venue for summertime performances and a community hub and should be considered part of the marina waterfront area.

I would like to see more pedestrian friendly small shops and restaurants along and adjacent to marine view drive. The marina provides an ideal location to enjoy local take out. I would like to see this area become the pedestrian centered draw that I know it can be. (It's good now but it could be great.) Development occurring in the downtown core should be pedestrian friendly, provide for everyday needs of local community members and options for entertainment for locals and visitors alike.

I believe that safety will continue to be a primary concern for residents and businesses. The smart cameras along pacific hwy were a great investment. I believe that continued support for these types of projects will encourage new businesses to come to Des Moines and help existing businesses flourish in comparison to areas that don't make these types of investments.

Sincerely,

Kristy

Sent with [Proton Mail](#) secure email.

From: [Em Oly](#)
To: [CityCouncil](#)
Subject: Don't Ruin The Marina
Date: Friday, January 27, 2023 6:29:21 PM

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hi! Im a resident of Des Moines, own property here and Im going to be frank with you guys.

DONT ruin the marina with a tacky, crappy hotel. When we already are surrounded by motels.

Placing a hotel ruined the charm of Des Moines and you're welcoming littering, harming the ecosystem and beautiful landscaping.

If I wanted to live in a city I'd live in Seattle but as most Des Moines residents have explained we are AGAINST this build. Please please please find another Poot it land elsewhere

From: [V.L Andrews](#)
To: [Michael Matthias; _CityCouncil](#)
Subject: Follow-up From 1/26 Study Session: 3 Suggestions
Date: Saturday, January 28, 2023 8:44:27 AM

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Dear Mr. Matthias,

Thank you for providing the insightful history of the marina, much appreciated as I've only lived here since 2009. I also found the architect's presentation extremely interesting, regardless of how much of it is eventually deemed feasible.

I want to offer my impressions on the dynamics of your relationship with the city councilmembers. With 30 years as an Executive Director and 9+ working for city government (Kent), I know what it's like to have obstinate "squeaky wheels" who challenge virtually everything you are passionate about accomplishing. But you *need* them to be there. They will ultimately help the city make decisions that are financially sound, pragmatic and in the best interests of our diverse community.

The animosity I felt at the meeting was palpable, bordering on toxic. Councilmembers Achziger and Harris are deeply frustrated and for good reason. They are not receiving background information PRIOR to critical meetings and are expected to digest and vote based on plans with no financial, environmental, economic* or community impact to back them up. (*Yeah, about that Oxford study, is the Marina Inn driving the economy up?) A feasibility study will reveal all this, of course.

You mentioned the "insanity" quote. Well, here's another: "Good management without good leadership is like rearranging deck chairs on the Titanic." Your councilmembers are the elected leaders and you are the manager. For them to lead, they need to be provided the courtesy and respect they deserve. There was ample opportunity to provide them with the presentation materials in advance (the public, too, via the website), so we all arrived understanding where we were and dispelling the misinformation some have been laboring over. That's my first suggestion.

2. Every councilmember expressed sincere appreciation to us for coming. It is obvious to them that the community cares and will turn out for things that are important to us. Therefore, I ask the city councilmembers as our leaders to insist on a planning commission that will give us a continuing voice in marina development. I would be proud to serve on it and I know many others who would, too. As one speaker put it, reach out and use us. We are educated and invested.

3. Since it appears the city has not been able to buy out the ugly vacant "pit" on Marine View Drive, can you invest a fraction of that money in disguising it by removing the unsightly chain link fence and installing one that could give artists an opportunity to create a mural (or several) to enhance the drive through our business district.

Thank you for reading and considering my thoughts.

Respectfully,
Victoria Andrews

Sent from [Outlook](#)

From: [Tara Reilly](#)
To: [Taria Keane](#)
Subject: FW: Statement for Council Meeting 2/2/23. Please read in Public Comment
Date: Thursday, February 2, 2023 4:38:26 PM

From: christine puzas <cp1action@gmail.com>
Sent: Thursday, February 2, 2023 4:33 PM
To: Bonnie Wilkins <BWilkins@desmoineswa.gov>; Tara Reilly <treilly@desmoineswa.gov>
Subject: Statement for Council Meeting 2/2/23. Please read in Public Comment

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This is from Christine Puzas

Preface: This statement is Not to minimize the indiscretion of Councilmember Harris Nor the resulting trauma from said indiscretion.

As we All know, Councilmember Harris is passionate in getting the facts/answers & getting them to his/your constituents.

Part of that is... Because he has been asked by those constituents to obtain those facts/answers.

Part of it is ... Because he wants/needs to know the facts, before making his decisions.

That being said ... Those 15 minutes with the staff, for him to ask those questions, was of Major Importance to him & those constituents.

I am sure he was feeling that at the time this took place, as well as other times that he felt dismissed, While trying to do his Best for the residents of Des Moines.

Thank You for your time, patience & understanding.

From: [Corliss Samaniego](#)
To: [CityCouncil](#)
Subject: Hotel; in favor
Date: Wednesday, February 1, 2023 5:47:52 PM

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hello and Happy Hump Day DMCC Members!!!

I am a 62 year old Satellite; born and raised in Capitol Hill, Rainier Valley, Northgate, Lake Union, Rainier Beach, Beacon Hill (*neighborhoods*) and lastly your beautiful City of Des Moines.

I moved here in March of 2020, yes at the start of the pandemic! I have been blessed to be working from home and able to take walks to the beautiful Marina from the North Hill neighborhood as often as I am able, at least once a day.

When I heard of the hotel, I thought; "*No way, what are they thinking about?!?!? It will take away a lot of our view!!! WOW!!!!*"

Then I attended the January City Council meeting virtually on January 26, 2023; listening intently to everyone's views and opinions, this is where I changed my mind. I get the people who are against the hotel and have lived here their whole lives or retired here, I really do,

But, change must happen for cities to thrive; there has been **so much change** in Seattle and I am accustomed to it. The ferry was/is a success and I think the hotel will assist the City of Des Moines in prospering.

Lastly, but not least; **Mayor Mahoney**, I think you handled the BIG January 26th meeting (*I viewed it virtually*) GREAT!!!!

Deputy Mayor Buxton; it was a pleasure meeting you the other day, thank you for taking the time to chat with me, it means something.

Thank you for allowing me to give my feedback.

Have a fabulous weekend all!!!!

Best Regards,
Corliss Samaniego (she/her)

From: [JOAN B](#)
To: [CityCouncil](#)
Subject: Marina Development
Date: Saturday, January 28, 2023 3:35:50 PM

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It was nice to see the turnout at the City Council meeting on January 26th. Here are my thoughts.

First and foremost, I am 100% against a hotel being built on the north parking lot. That view needs to remain unobstructed and protected.

Why is the hotel only being discussed for the north lot, what about the south lot?

I would like to see another restaurant at the marina, something with food between the level of Anthony's and the Quarterdeck.

I'd really like to see a big effort on developing business along Marine View Drive and make the city more walkable.

Deputy Mayor Buxton mentioned the emails she received from those under the age of 40 didn't have a problem with the hotel on the north parking lot. Why not do a simple survey online and ask for input, Ask for demographics It's simple enough to do an online survey. I don't believe whether or not someone is for or against the hotel has anything to do with age. I'm actually surprised there hasn't been some type of online survey already regarding the marina development.

Most of the ideas presented are good ones. I look forward to the process moving forward.

Joan Baily

I live in central Des Moines, 226th and 12th So.

Sent from [Mail](#) for Windows

From: [Karen and David McLean](#)
To: [CityCouncil](#)
Cc: [Karen and David McLean](#)
Subject: Marina development - more communication
Date: Thursday, February 2, 2023 6:53:08 AM

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Hello,

As the Council considers marina development, we would urge more communication more often, especially with neighbors in the marina district.

Ideas include:

- Reports from the Citizens Advisory Council - regarding the Marina neighborhood
- Connecting with the condo buildings to set up public forums to review the plans
- More visibility on the Des Moines City Council web pages regarding the marina plans
- Posters with proposed plans at a glance with a website for details - these posters could be posted at the marina, sent to waterfront neighbors and condo buildings and businesses.
- More details in the Des Moines magazine - which we love by the way!

Although we are in favor of overall marina development, even the parts we're excited about raise more questions. Without communication and transparency, we all have a tendency to make assumptions and think the 'worst.'

The visits by the mayor and deputy mayor were a big help for us at South Shores, but we would like to see more visibility more widespread with more details.

Thanks for all you do to help make our city a destination!

Karen and David McLean

From: [Judy Kliskey](#)
To: [CityCouncil](#); mattthais@desmoineswa.gov
Subject: Marina Development comment
Date: Wednesday, February 1, 2023 12:21:11 PM

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I watched the entire meeting last week and have been keeping updated for several years. I live above the Marina at Cliff Ave S. And S 223rd so am directly impacted by your decisions. Thank you for reading this and I suspect hundreds of other comments. mine will be directly related to the effects it will have on me and my home (a huge investment!)

I first would like to say that the City Manager's repeated comment that the beach park is used by 80% of people from out of town did not reflect any data to so that is true. Don't give information like this unless you can support it with fact.

STAIRS:

WHY spend millions of dollars on concrete when accessibility is so limited by lack of parking above? Only the physically able can and will use. Being retired I see the pedestrians go up and down the street to the park and Marina daily either on the sidewalk or in street but rarely is there one with physical issues. Crossing 5th Ave S is not ADA compliant per the city traffic department so why not make it so?

The architects and council did not even mention the impact on the immediate residents including NOISE, PARKING, TRAFFIC. including speeding up and down Cliff Ave and more. I see and hear this daily and I believe you are avoiding this issue to try to "sell" this plan. What about environmental impact? There is already noise issues with the Quarterdeck having music gigs every week when weather permits!) It is a huge issue with affected residents. None of the architects have said they live in this immediate area? You are trying to make this a regional magnet instead of focusing on what is best for Des Moines residents!

HOTEL:

First, there is already a facility within blocks of the Marina and Beach Park. It is not the type of place you are envisioning but it is there! No mention has been of this and what could happen!

There is very little here to attract people to spend money here let alone spend the night!

This should be a city FOR its own residents so focus on building it for them! Put the money and time into building a desirable place to visit in the downtown corridor! Focus on bring small business shops and restaurants in this area and save what open space there is! They are great examples of this done in other suburban communities so explore what they have done. We don't have to be a waterfront Leavenworth but they can you learn from their experience. There are many others, too. I will support them but now I spend money locally only to get my car washed!

THANK YOU!
Judy Kliskey
22226 Cliff Ave S.

From: [Heidi Merrifield](#)
To: [City Council](#); [Heidi Merrifield](#)
Subject: Marina Development
Date: Friday, January 27, 2023 12:46:39 PM

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Dear Des Moines City Council,

I appreciate the opportunity to see the study session with you yesterday. It was very helpful to have a review of the history and planning that has occurred, as well as to learn that the hotel that was presented in November was merely a concept, and by no means a done deal.

As Mayor Mahoney said at the start of the meeting, the definition of insanity is “doing the same thing over and over and expecting different results.” I looked up the term and found it also means “extreme foolishness or irrationality.” Which is how citizens felt about the council’s decision making - when after years of process about preferences for the marina and downtown with politicians assuring us that view corridors would be respected - then to have a sudden switch to putting a hotel by the pier impacting views of 100’s of residents who live next door to the marina, and taking premium public waterfront space.

I support creating more waterfront park space on the north parking lot. The proposed parking structure for Parcel A would net 56 spaces, if 100 parking spaces in the north lot by the pier were turned into more green park space (ground level, not on top of a hotel). Fast ferry commuters would require more parking, so that is a win/win.

When we bought into Waterford Condos in 2015, we quickly learned about the history of city mismanagement of resources and a crisis that politicians wanted to sell off the beach park to a hotel developer. In 2017, the Argosy “dot” project resulted in showing public preferences for a boutique hotel along with most retail business to go up on Marine View Drive and 7th Avenues in the downtown corridor. Those are the most appropriate places from the standpoint of available space, access to other businesses, and to preserve public waterfront community gathering space. In order to become a destination community, we need to keep the marina and waterfront parklike, not full of buildings. My favorite destinations are Cannon Beach and Leavenworth; both have lots of hotels walking distance from a central downtown with shops and restaurants; and are walking distance from the beach or river. **Des Moines has many vacant lots in the downtown corridor between 223 and 227th, so creating a downtown destination is achievable with the right vision and effort to attract developers to that area of the Marina District, without building out the north parking lot section, or other parts of the Marina or beach park.**

After hearing last night’s presentation, I am wondering why the Council decided it would not consider selling off property by existing condos (Parcel A and Marina Steps areas) to a developer to build more condos? That seems to meet the criteria of the Council being charged with adding more housing. During last night’s session a comment by a presenter indicated housing was the sweet spot for development. Residents living next to the marina are in a high density, bedroom community. Our buildings were approved by former city councils to be water view properties. An 1,800 sq ft unit with new construction should sell for over a million and bring in \$11,000 in property taxes, per unit. The footprint of the Parcel A section next to the Cliff and Mariner (in line with Dock Avenue) is ideal for more condos which is consistent with current development and does not impact existing parking spaces, or views.

I loved seeing Skylabs waterfront promenade concepts and wish that was where the energy about marina rejuvenation was, instead of wanting to build the \$3 Billion dollar Marina Steps. It is interesting to see the emphasis about water runoff treatment for 223rd street, and then to see that it is not the only area where ground water in the city runs untreated into the Puget Sound. It seems

odd efforts to treat groundwater runoff would not be consistent across all 6 or 7 creeks/drainage areas.

Thank you for your time,

Heidi Merrifield

From: [shawn dailey](#)
To: [CityCouncil](#)
Subject: marina life
Date: Sunday, January 29, 2023 4:14:28 PM

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

hello council members,

first of all thank you tracy and matt for joining us at our south shores association annual meeting and social hour that followed on january 28th.

here is some marina "food for thought".

hotel

it was wonderful to hear that the hotel is no longer a priority for development at the marina.

NO HOTEL . SUPPORT OPEN SPACES.

marinasteps

it sounds like this would or could be funded by a bond which is wonderful news . please keep the south shores community up to speed as we move forward with the feasibility study as we really will be the only condominium residents that it will directly impact . there are for sure some wonderful upgrades to our property (like dropping the overhead street utilities, shoring up the cliff , and improved marina access)that will happen because of the steps but several privacy and safety issues will also arise because of the foot traffic that will be of utmost concern .

ferry boat

had a great conversation with tracy about this wonderful addition and possible expansion of services to the marina . we all know it's expensive and the \$68,000 per month price tag is not sustainable. it sounds like we are hoping the county might be an option with regard to financial support . please also consider an expanded service that would serve ruston and gig harbor and des moines . i would think those cities would interested too . that service would be about a 20 minute ride to each location and capture some wonderful locations . bump the rate up to \$20 for regular rate. like i said at the study session i'd ride that thing 2 or 3 times a week.

small business

i know we were still just getting , pardon another marina pun, our "feet wet" the first time but we really need to do a better job of promoting small business to the ferry boat riders. a marketing document needs to be shared maybe when in line , or getting on or off the boat , and during the ride by the boat staff . maybe something like the bingo card that was distributed during the holidays that promoted small business . at the very least, a rider providing a boat ticket to a local business could get 10% off a bill or something like that .someone from city staff should reach out to several businesses in the marina district to get them on board with that .it would be an easy sell .a bonus to that would be the city would get more accurate numbers with regard to how well the ferry service is helping with small business revenue .

NO HOTEL . SUPORT OPEN SPACES.

boathouse

thank you mayor mahoney for sharing the literature regarding the boathouse . it was important to see a visual representation which did address some of the HVAC concerns. It was also nice to see what some of the moving parts that support the moving of boats might look like , but still NO BACKUP ALARMS!. something like that literature should be shared with the citizens but maybe not that exact boathouse as it was a "monster" in size i believe like 60 feet in height .what is the maximum allowable height for that structure ? i think it would be a mistake to share that exact literature with the condo and homeowner community in the marina district. what is the footprint

the city is looking at for just the boathouse ? i'm wondering if it makes more sense to build ONLY a boathouse as opposed to an adaptive purpose building (APB).

parcel A

has there been much thought about selling the parcel A land for purpose of developing a 2 or 3 story building now that hotel is not being considered there? this building could support business such as a brewery , restaurant, , kayak shop , etc...with possible office space for non retail busines. it seams like a more ideal location as opposed to putting those type of businesses in the APB .

NO HOTEL. SUPPORT OPEN SPACES.

Parking Lot Gates

we really need to get a system ,whether the same or new, asap. meaning before the summer crowds arrive. it does not seem to be much of a priority for council but it should be. please move it up on the list.

LEAVE the Farmers Market in the current location .

LEAVE the Quarterdeck in current location as it has become the "heart" of the city .

Tree Lighting

please consider moving the tree lighting ceremony to the marina and near the quarterdeck as the current location is an embarrassment .

NO HOTEL. SUPPORT OPEN SPACEES.

stay safe ,
shawn dailey
president
south shore condo association(SSCA)

small business supporter

twenty-five year des moines resident

park runner

Sent from my iPhone

From: [Emily Goldner](#)
To: [CityCouncil](#)
Subject: No hotel
Date: Thursday, January 26, 2023 5:47:42 PM

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

I am a Des Moines homeowner and do not want a hotel in the parking lot at the marina. I don't think Des Moines is going to attract enough visitors and the hotel won't earn revenue. I think it will obstruct views and limit the ability of residents and visitors to enjoy Des Moines and the waterfront.

Please do not build this hotel in this spot.

Thank you.

Emily

Sent from my iPhone

From: [ML Witman](#)
To: [CityCouncil](#)
Subject: No hotel or building on DM marina!!!
Date: Thursday, January 26, 2023 5:57:06 PM

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

- 1) I vote NO to a hotel or any other building on the north end of the Des Moines marina. Currently, the marina is a serene area for the community and families, and we don't want it disrupted.
- 2) A hotel or other building could likely disrupt the environment (e.g., water quality, sealife, birds)!
- 3) Parking will be congested and inadequate to support a hotel.
- 4) The wonderful farmers' market and vendors on the DM marina may be negatively impacted!

Again, NO to a hotel on the Des Moines marina!!!!

- Marjie Witman
601 S. 227th St
Des Moines, WA 98198

From: [Stefanie Schweitzer](#)
To: [CityCouncil](#)
Subject: NO HOTEL!!!!
Date: Sunday, January 29, 2023 10:49:23 PM

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear City Council-

Please reconsider the plans of building a hotel in the Marina District. My husband and I are owners in the Marina District and we do not approve this project. There was a reason we chose to move here. We were attracted to quiet quaint town atmosphere. Please don't ruin this for residents.

Thank you.

--

Stefanie Schweitzer

From: [kay.an](#)
To: [CityCouncil](#)
Subject: re marina redevelopment study session 1/
Date: Thursday, February 2, 2023 3:50:25 PM

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear council members and city manager,

Thank you for holding the study session on marina redevelopment last Thursday 1/26/23. I was especially appreciative that emphasis was placed on all comments and voices being heard equally. It is in the best interest of Des Moines residents and the people who visit Des Moines for work or pleasure that this public input and information sharing continues. It is important that all stakeholders are involved in envisioning a detailed and specific plan. There are many residents very interested and invested in Des Moines continuing to be a great community to live in while continuing to provide economic opportunity. I would love to see robust community involvement and a dedicated planning commission to help further these goals. A planning commission along with the council and community members would help develop a cohesive and specific vision. In the case of the marina this is especially important. Because of the small footprint, everything would need to fit together like a puzzle. Building one puzzle piece before considering how it fits into the whole plan could result in missed opportunities and a less ideal outcome.

Equal opportunity for input is something that needs to happen within the Des Moines city council as well. I have viewed previous meetings over the last year where several council members seemed to be pushing for more public input and information sharing on marina redevelopment but the city manager and major seemed to be in firm opposition to this. I was impressed by the level of restraint of these council members who seemed to be getting pushback because of advocating for the public and the public's right to be informed. I hope that the council and manager will continue to support equal public and council involvement in the future and avoid retaliation in any form.

With the 509 completion project under way and the light rail extension to the Kent/Des Moines station soon to be completed, there will be many changes and opportunities for growth. Robust public and council involvement combined with a planning commission would aid in directing growth and meeting the needs of residents, visitors and the business community.

Sincerely, K.A.

From: [Saundra Mock Homes](#)
To: [CityCouncil](#)
Subject: Regarding the Marina Waterfront Hotel
Date: Thursday, January 26, 2023 5:19:50 PM

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear City Council,

I am against a hotel being built on the Marina Floor. This is property that belongs to all of us and a hotel on this property would NOT serve that purpose. Build it up the hill but not on the Marina floor.

Thank you,

Saundra Mock

Sent from [Mail](#) for Windows

From: [DENISE SAGMOEN](#)
To: [CityCouncil](#)
Subject: Waterfront Development
Date: Saturday, January 28, 2023 7:02:28 AM

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hello City Council,

I live in the South Shores condos as of July 2022.

What brought me here? The view from my deck facing northwest. It makes my day to look out at the beautiful Puget Sound and Olympic mountains.

What didn't bring here? The rundown downtown area.

As as I sat through the Council meeting this past Thursday night, I thought, why would people want to come to Des Moines via the passenger ferry or come to stay at a hotel on the waterfront? Not because of the beautiful downtown area.

Maybe what should be the primary focus to start is to develop the downtown area. Many of the stores need a face lift. It is not an appealing place to come and wander down Marine View Drive and shop/eat. But it can be, and it should be. Let's make this town inviting to visitors from across the state and from around the country. Let's clean up the streets and fill some of these vacant lots/buildings with shops, cafes, boutiques that will generate money for small businesses and the city. Then, when people actually want to visit Des Moines as a destination spot, and stay a couple nights, then maybe a hotel is a possibility. But we do have an Inn....maybe that could use some upgrade and see what happens first?

I oppose a hotel in the north lot. What I paid for and brought me to Des Moines was a view. I do not want my view to be obstructed. The walkway would also be right in front of my deck. This is going to create way more traffic, noise and most likely crime in the area as a whole. The increased congestion and noise with traffic and commercial activities I'll take a pass on. And we do have a walkway right now....maybe that can be developed better and then use the money to update the downtown area.

Please consider the residents opinions that have lived here a long time, and new ones, that are supporting the city right now. I am not opposed to developing the marina, but I also want the openness and grand view of the beautiful Sound, islands and mountains to remain intact. THAT is what draws people here. Period.

Let's get back to focusing on downtown development so people even want to visit Des Moines in the first place.

Thank you for reading and considering.

Denise

From: [nancy O](#)
To: [CityCouncil](#)
Subject: Des Moines is a treasure and should be preserved. Locating a 90 room hotel with parking and other amenities is a travesty. The entire marina facility needs to be preserved for public use!
Date: Friday, January 27, 2023 10:31:00 AM

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

The downtown area has great possibilities for growth, including a hotel, parking and available shopping. A better plan for that area needs to be studied and incorporated into current current usage.

Thank you,
Nancy O'Malley, 206-870-8338
chaznie@aol.com

Sent from [Mail](#) for Windows



CITY COUNCIL REGULAR MEETING

Speaker Sign-Up Sheet

February 02, 2023

NAME (PLEASE PRINT)	CITY YOU LIVE IN	TOPIC	PHONE/E-MAIL ADDRESS
✓ Bill Luscott	Des Moines	Marina Dev	206 445 2099
✓ Victoria Andrews	Des Moines	" "	206-824-3966
✓ Eldan Davis	" "	" "	206-870-4413
✓ Shawn Mouton	Des mo WCC	Safety/parks	253-230-9566
✓ Shawn Dailey	DM	Marina	206 498 1529
✓ Rick Johnson	Redondo Beach	Mr. Harris	253-279-3310
✓ Bill Bishop	Des Moines	Marina Dev	206-715-4222



REMARKS TO DES MOINES CITY COUNCIL MEETING: February 2, 2023

SUBJECTS:

- A. HOW DOCK AVENUE SOUTH IS A FACTOR IN MARINA DEVELOPMENT**
- B. RE-CONSTITUTE THE CITIZEN ADVISORY COMMITTEE/BOARD**
- C. IMPROVE THE MARINA, BUT FIRST DEVELOP DOWNTOWN**

I Dock Avenue South is a major factor in Marina Safety.

It is the only means of back-up emergency vehicular access to the North end of the Marina, the Beach Park, the Harbormaster Building, the Quarterdeck, the boat moorages at the north end of the Marina, and potentially, the condominium buildings along the border of the Marina floor.

If either the Adaptive Purpose Building, the Marina Steps, or the Stormwater Project from South 223rd Street results in blocking off Dock Avenue South, then there will be no secondary emergency access to the Beach Park and their numerous wooden buildings and no access to the north Marina Parking Lot. If an accident or a land slide or a wash out or other catastrophic event results in Cliff Drive becoming inaccessible (all the way from 6th Ave South to the intersection with Dock Avenue), then there is no means of egress or ingress to the Beach Park or the north area of the Marina. I would note that there is also a major sewer pumping station located just within feet of the intersection of Cliff Drive and Dock Avenue. Without Dock Ave., the north Marina Parking lot might not be available to stage emergency services in the case of a Tsunami or other event.

At the very least, Dock Avenue must be kept open all the way from the area of the south Marina entrance to the north Marina entrance and this also means that it should also remain open wherever the Adaptive Purpose Building is located. This is not what the Skylab Representative had in mind

at the Study Session last week, as he proposed butting the Adaptive Purpose Building hard up against the Bank that supports the South Shore Condominium. The Adaptive Purpose Building will be full of boats that carry fuel and other combustibles and both it and any other building in the vicinity should be readily accessible to firefighting resources.

The best route for Dock Avenue is in its present location which would take it between the Adaptive Purpose Building and the South Shore Condominium and takes it along the edge of the existing bank.

- II The Council should re-constitute the Citizens Advisory Committee/Board in order to get input on their varying proposals for Marina Development, for Downtown Development and for development in all other parts of the City. There should be representatives from the Marina District, from the Downtown businesses and from all the outlying neighborhoods in Des Moines. As of now, the only input to the Council that is made public is coming from our Citizen Remarks at the Council Meetings and correspondence to the Council from Citizens. We want to be heard in a public forum where a record is made of everyone's remarks.

- III The City Council should put more emphasis on developing the businesses in down town Des Moines, before trying to develop the Marina as a way to lure the public to the downtown. Remember the remarks last week by the restaurant owner who said that people will come if there is something here that is worth of getting to., but he didn't feel that right now, there are enough businesses that people want to patronize. If we have a more lively and vibrant down town and give our business more visibility, then people will want to make this a destination. We need more projects like the theater renovation. We need the commercial landowners to participate so we can consider putting a hotel in the upland area in one of the many under-utilized parcels of property away from the marina, such as the vacant lot across from Wally's. Also, I think that we need to work with our

commercial landowners to consider how to move the stores and restaurants at the north-end, up to street level so they are more visible. Most people drive by and never see Jack's County Kitchen and All Points Yarn. They should all be up on Marine View Drive where they are readily seen. We probably also need to divert and discourage vehicular traffic on Marine View Drive so that more foot traffic is encouraged. Maybe this will be helped by the 509 bypass. Finally, we need to attract a modest sized super-market at the north-end of town in the vicinity of the old QFC store where it is readily accessible to the Wesley residents and others.

Bill Bishop,
Des Moines, WA



Pediatric Interim Care Center The Newborn Nursery

Transitional Care for Drug-
Exposed Newborns



- Pediatric Interim Care Center answers a crying need in our community -- the danger and distress faced by babies who come into life affected by drugs their mothers took during pregnancy. Located in Kent, PICC's Newborn Nursery is the only facility providing safe shelter and 24-hour nursing care for drug-exposed infants in Washington State.

Drug-Exposed Infants

-
- Infants born suffering the effects of prenatal drug exposures are the forgotten victims of the crisis for drug addiction affecting our community. The Puget Sound Region continues to confront high levels of use of heroin and prescription opiates, now often in combination with methamphetamine and other drugs. Without intervention, these newborns can be at risk for seizures and other complications of withdrawal, malnutrition, dehydration, failure to thrive, abuse, and neglect.



Infants are referred to PICC by hospitals throughout Washington State, but primarily in the Puget Sound Region. PICC provides transportation from the hospital to the center and to any medical appointments during their stay, which averages 37 days. Throughout that time, they receive 24-hour specialized care by PICC's experienced nursing staff.





Medical Supervision

Medical care is supervised by Dr. Peyton Gaunt, a board-certified pediatrician and PICC's Medical Director. Dr. Gaunt examines the babies on arrival, makes regular rounds to check on their progress, and is on call 24/7.

Therapeutic Handling

- A common symptom of prenatal drug exposure is hypersensitivity to stimuli. PICC provides a soothing low stimulus environment and specialized handling techniques that help the babies rest and recover. For example, snug swaddling controls tremors and helps the babies relax.



Narcotic Assisted Withdrawal

- Babies experiencing a difficult withdrawal from heroin and other opiate drugs may need medication to help them through their distress and allow them to eat and sleep. PICC uses small oral doses of neonatal morphine, which are slowly decreased while carefully assessing the baby's symptoms. This can take a month or more.



Feeding Difficulties

Babies exposed to methamphetamine and cocaine often lack the trigger that tells a newborn baby it's time to be hungry. As a result, they don't wake to be fed and will only take a small amount when you try to feed them. It takes a lot of experience and patience to help these little ones overcome their feeding difficulties.



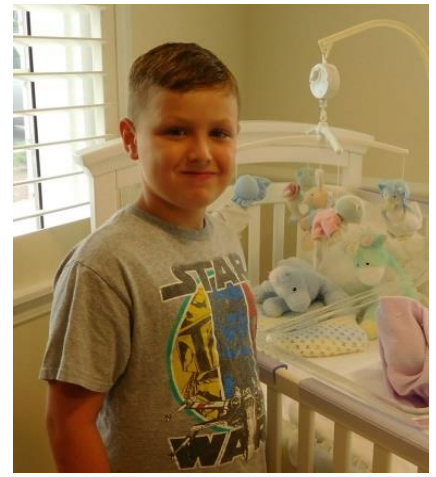


Family Services

- PICC welcomes parents to visit their baby daily and learn how to care for any special needs they may have. When baby is ready to go home, we provide infant supplies, caregiver training, and six months of home follow-up. Placement decisions are made by the state. About half of the babies go home with a parent or relative, and about half go to foster care.

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Since its founding in 1990, PICC



CITY OF DES MOINES
Voucher Certification Approval
February 2, 2023
Auditing Officer Certification

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

As of **February 2, 2023** the Des Moines City Council, by unanimous vote, does approve for payment those vouchers through January 20, 2023 and payroll transfers through January 20, 2023 included in the attached list and further described as follows:

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



 Jeff Friend, Finance Director

		# From	# To	Amounts
Claims Vouchers:				
EFT's		7741	7882	1,416,017.90
Wires		2109	2119	574,769.36
Accounts Payable Checks		164585	164672	444,020.62
Voided Checks		164277	164277	(14,978.75)
Total Vouchers paid				2,419,829.13
Payroll Vouchers				
Payroll Checks		19622	19626	88,594.38
Direct Deposit	1/20/2023	4043	4203	431,902.22
Total Paychecks & Direct Deposits				520,496.60
Total checks and wires for A/P & Payroll				2,940,325.73

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MINUTES

**DES MOINES CITY COUNCIL
REGULAR MEETING
City Council Chambers
21630 11th Avenue S, Des Moines, Washington
Thursday, November 17, 2022 - 6:00 PM**

CALL TO ORDER

Mayor Mahoney called the meeting to order at 6:01 p.m.

PLEDGE OF ALLEGIANCE

The flag salute was led by Councilmember Harry Steinmetz.

ROLL CALL

Council Present:

Mayor Matt Mahoney; Deputy Mayor Traci Buxton; Councilmember JC Harris; Councilmember Jeremy Nutting; Councilmember Vic Pennington; and Councilmember Harry Steinmetz

Council Absent:

Councilmember Gene Achziger

Direction/Action

Motion made by Councilmember Jeremy Nutting to excuse Councilmember Gene Achziger; seconded by Councilmember Harry Steinmetz.

Motion passed 6-0.

Staff Present:

City Manager Michael Matthias; Executive Director of Marina Redevelopment Dan Brewer; Assistant City Attorney Matt Hutchins; Chief Administrative Officer Bonnie Wilkins; Harbormaster Scott Wilkins; Finance Director Beth Anne Wroe; Deputy Finance Director Jeff Friend; Human Resources Director Adrienne Johnson-Newton; Community Development Director Denise Lathrop; Land Use Planner II-Economic Relief & Resource Coordinator Eric Lane; Police Chief Ken Thomas; Judge Lisa Leone; Support Services Manager Melissa Patrick; Director of Parks, Recreation and Senior Services Nicole Nordholm; Legislative Advocate Anthony Hemstad; and City Clerk Taria Keane

CITY MANAGER REPORT

Regular Meeting Minutes
November 17, 2022

Parks, Recreation & Senior Services Director Nicole Nordholm gave Council a PowerPoint Presentation on the 2023-2024 Human Services Funding Recommendations.

[Human Services Committee Funding Recommendations 2023-2024](#)

City Manager Michael Matthias commented on Marina Redevelopment.

CORRESPONDENCE

- There were no correspondence

COMMENTS FROM THE PUBLIC

- Bill Linscott; Marina Development
- Kaylene Moon, Marina
- Mary Gonzalez; Marina - Repeat Meeting
- Bill Bishop; Marina Development
- Kay Vann; Redondo Street Light

PUBLIC HEARING/CONTINUED PUBLIC HEARING

- Item 1: 2023 PROPERTY TAX LEVIES
- Staff Presentation by Deputy Finance Director Jeff Friend

At 6:37 p.m. Mayor Matt Mahoney opened the Public Hearing.

Deputy Finance Director Jeff Friend gave Council a PowerPoint Presentation.

Mayor Mahoney asked 3 times if anyone wished to speak. Seeing none Mayor Matt Mahoney asked Council if they had any questions.

Mayor Matt Mahoney closed the Public Hearing at 6:50 p.m.

Direction/Action

Motion 1a made by Councilmember Jeremy Nutting to suspend rule 26(a) in order to enact Draft Ordinance No. 22-063 on first reading; seconded by Councilmember Vic Pennington.
Motion passed 6-0.

Motion 1b made by Councilmember Jeremy Nutting to enact Draft Ordinance No. 22-063, authorizing the increase in ad valorem taxes for the year 2023 for general expenditures; seconded by Councilmember Vic Pennington.

Regular Meeting Minutes
November 17, 2022

Motion passed 6-0.

Motion 2a made by Councilmember Jeremy Nutting to suspend rule 26(a) in order to enact Draft Ordinance No. 22-062 on first reading; seconded by Councilmember Vic Pennington.
Motion passed 6-0.

Motion 2b made by Councilmember Jeremy Nutting to enact Draft Ordinance No. 22-062, determining the amount of funds to be raised by ad valorem taxes for the year 2023 for general City expenditures; seconded by Councilmember Vic Pennington.
Motion passed 6-0.

[2023 Property Tax Levy](#)

- Item 2: 2023 PRELIMINARY ANNUAL BUDGET, 2nd READING
- Staff Presentation by Finance Director Beth Anne Wroe

At 6:55 p.m. Mayor Matt Mahoney opened the Public Hearing.

Finance Director Beth Anne Wroe gave Council a PowerPoint Presentation.

Mayor Mahoney asked 3 times if anyone wished to speak. Seeing none Mayor Matt Mahoney asked Council if they had any questions.

Mayor Matt Mahoney closed the Public Hearing at 7:05 p.m.

Direction/Action

Motion made by Deputy Mayor Traci Buxton to pass Draft Ordinance No. 22-060, establishing the 2023 Annual Budget for the fiscal year ending December 31, 2023; seconded by Councilmember Jeremy Nutting.
Motion passed 6-0.

[2023 Preliminary Annual Budget](#)

- Item 3: 2022 ANNUAL BUDGET AMENDMENTS
- Staff Presentation by Deputy Finance Director Jeff Friend

At 7:14 p.m. Mayor Matt Mahoney opened the Public Hearing.

Deputy Finance Director Jeff Friend gave Council a PowerPoint Presentation.

Regular Meeting Minutes
November 17, 2022

Mayor Mahoney asked 3 times if anyone wished to speak. Seeing none Mayor Matt Mahoney asked Council if they had any questions.

Mayor Matt Mahoney closed the Public Hearing at 7:21 p.m.

Direction/Action

Motion 1 made by Councilmember Jeremy Nutting to suspend rule 26(a) in order to enact Draft Ordinance No. 22-064 on first reading; seconded by Deputy Mayor Traci Buxton.
Motion passed 5-1.

For: Mayor Matt Mahoney; Deputy Mayor Traci Buxton; Councilmember Jeremy Nutting; Councilmember Vic Pennington; and Councilmember Harry Steinmetz.

Against: Councilmember JC Harris.

Motion 2 made by Councilmember Jeremy Nutting to enact Draft Ordinance No. 22-064 relating to municipal finance, amending the 2022 Annual Budget adopted in Ordinance No. 1753; seconded by Deputy Mayor Traci Buxton.
Motion passed 5-1.

For: Mayor Matt Mahoney; Deputy Mayor Traci Buxton; Councilmember Jeremy Nutting; Councilmember Vic Pennington; and Councilmember Harry Steinmetz.

Against: Councilmember JC Harris.

[2022 Annual Budget Amendments](#)

CONSENT CALENDAR

Item 1: APPROVAL OF VOUCHERS

Motion is to approve for payment vouchers through November 10th, 2022 and the payroll transfers through November 4, 2022 in the attached list and further described as follows:

ACH/EFT Vendor Payments	#	7433 to 7537	\$ 2,314,093.16
Wires	#	2065 to 2076	\$ 838,032.90
Payroll Checks	#	19597 to 19601	\$ 4,235.07
Accounts Payable Checks	#	164427 to 164489	\$ 172,080.06
Voided Checks	#	164428	\$ (210.00)

Regular Meeting Minutes
November 17, 2022

Voided Checks	#	164460	\$	(500.00)
Payroll Direct Deposit	#	3223 to 3387	\$	413,825.92

Total Checks and Wires for A/P and Payroll: \$ 3,741,557.11

Item 2: APPROVAL OF MINUTES

Motion is to approve the October 20 and October 27, 2022 Regular Council meeting minutes.

Item 3: ACCEPTANCE OF WASHINGTON STATE ADMINISTRATIVE OFFICE OF THE COURTS - DES MOINES MUNICIPAL COURT- INTERAGENCY AGREEMENT

Motion is to accept the interagency reimbursement agreement from the Washington State Administrative Office of the Courts in the amount of \$76,611 for the purposes of improving audio/visual technology within the courtroom/chambers of the City of Des Moines and authorize the Judge of the Des Moines Municipal Court to sign the contract substantially in the form as attached.

Item 4: FLOCK CAMERA AGREEMENT

Motion is to approve the Agreement with Flock for the installation and use of license plate reading cameras and authorize the City Manager to sign the Agreement substantially in the form as attached.

Item 5: MARCOTTE CONSULTING CONTRACT AMENDMENT #1

Motion is to approve Amendment #1 to the contract with Marcotte Consulting, expanding the scope of work, extending the time of completion, and authorizing additional compensation for the purpose of providing consultant services to support the Finance department, and authorize the City Manager to sign the Amendment substantially in the form as attached.

Direction/Action

Motion made by Councilmember Jeremy Nutting to approve the Consent Calendar; seconded by Councilmember Vic Pennington.

Councilmember JC Harris pulled Consent Calendar Items #4 and #5.

The remainder of the Consent Calendar passed 6-0.

Council discussed Consent Calendar Item #4.

Motion made by Councilmember Jeremy Nutting to approve the Consent Calendar Item #4 as presented; seconded by Councilmember Vic Pennington.

Regular Meeting Minutes
November 17, 2022

Motion passed 6-0.

Council discussed Consent Calendar Item #5.

Motion made by Councilmember Jeremy Nutting to approve the Consent Calendar Item #5 as presented; seconded by Councilmember Vic Pennington.

Motion passed 6-0.

NEW BUSINESS

Item 1: DRAFT ORDINANCE NO. 22-069 - SUSPENDING RESTRICTION ON USE OF ONE-TIME REVENUE FOR 2023

- Staff Presentation by Finance Director Beth Anne Wroe

Finance Director Beth Anne Wroe gave Council an update on Draft Ordinance No. 22-069 - Suspending Restriction on use of One-Time Revenue for 2023.

Direction/Action

Motion 1 made by Councilmember Jeremy Nutting to suspend Rule 26(a) in order to enact Draft Ordinance No. 22-069 on the first reading; seconded by Deputy Mayor Traci Buxton.

Motion passed 5-1.

For: Mayor Matt Mahoney; Deputy Mayor Traci Buxton; Councilmember Jeremy Nutting; Councilmember Vic Pennington; and Councilmember Harry Steinmetz.

Against: Councilmember JC Harris.

Motion 2 made by Councilmember Jeremy Nutting to enact Draft Ordinance No. 22-069, amending DMMC 3.100.020, and lifting the restriction on the use of one-time revenue in the general fund budget for the year 2023; seconded by Councilmember Vic Pennington.

Motion passed 5-1.

For: Mayor Matt Mahoney; Deputy Mayor Traci Buxton; Councilmember Jeremy Nutting; Councilmember Vic Pennington; and Councilmember Harry Steinmetz.

Against: Councilmember JC Harris.

Item 2: 2023 CITY COUNCIL LEGISLATIVE PRIORITIES

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Staff Presentation by City Manager Michael Matthias and Anthony Hemstad, Legislative Advocate

- Legislative Advocate Anthony Hemstad gave Council a PowerPoint on the 2023 Des Moines Legislative Priorities

Direction/Action

Motion made by Councilmember Jeremy Nutting to approve the 2023 City Council Legislative Priorities as presented; seconded by Councilmember Harry Steinmetz.

Amended Motion made by Mayor Matt Mahoney to adding the banning of the sale and installation of aftermarket mufflers that generate excessive noise and prohibit the sales of vehicles manufactured with the capability to adjust vehicle volume; seconded by Councilmember Jeremy Nutting.

Amended motion passed 6-0.

Amended Motion made by Deputy Mayor Traci Buxton to recommend adding the legislature to clarify and further mitigate the impact of pursuit legislation and also the Blake Ruling, which will help to reign in the ongoing problems of illicit drugs in our community to the agenda; seconded by Harry Steinmetz.

Amended motion passed 6-0.

Motion made by Deputy Mayor Traci Buxton to send a letter to Representative Tina Orwall in support of the sustainability of the Workforce Pipeline, supporting it particularly through programs like Running Start and the Trades and to be signed by the Mayor; seconded by Jeremy Nutting.

Motion passed 6-0.

Motion made by Councilmember Jeremy to approve the 2023 City Council Legislative Priorities as amended; seconded by Councilmember Vic Pennington.

Motion passed 6-0.

[2023 Des Moines Legislative Priorities](#)

Item 3: INTRODUCTION OF ITEMS FOR FUTURE CONSIDERATION – 10 Minutes

- Councilmember JC Harris proposed that flowers be sent to Water District 54 Manager Eric Clarke out of the Council Hearts and Minds Fund; seconded by Mayor Matt Mahoney. Council supported this proposal.

Regular Meeting Minutes
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BOARD & COMMITTEE REPORTS/ COUNCILMEMBER COMMENTS

(4 minutes per Councilmember) - 30 minutes

COUNCILMEMBER HARRY STEINMETZ

- No Report

COUNCILMEMBER JEREMY NUTTING

- Environmental Committee Meeting
- Prop 1 for Highline School District School Bond

COUNCILMEMBER JC HARRIS

- Thanked Public Comments

COUNCILMEMBER VIC PENNINGTON

- Environmental Committee Meeting
- Des Moines Marina Tenants Association Meeting
- Thanked Public Comments

DEPUTY MAYOR TRACI BUXTON

- Thanked Staff for work on the Annual Budget

PRESIDING OFFICER'S REPORT

- Veterans Day Event
- Happy Thanksgiving

Direction/Action

Motion made by Councilmember Jeremy Nutting to extend the Council Meeting to 9:30 p.m.; seconded by Councilmember Harry Steinmetz. Motion passed 6-0.

EXECUTIVE SESSION

The Executive Meeting was called to order by Mayor Matt Mahoney at 8:50 p.m.

ROLL CALL

Council Present:

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November 17, 2022

Mayor Matt Mahoney; Deputy Mayor Traci Buxton; Councilmember JC Harris; Councilmember Jeremy Nutting; Councilmember Vic Pennington; and Councilmember Harry Steinmetz

Others Present:

City Manager Michael Matthias; Assistant City Attorney Matthew Hutchins; Chief Administrative Officer Bonnie Wilkins; Human Resources Director Adrienne Johnson-Newton; and Finance Director Beth Anne Wroe.

PURPOSE

The purpose of the Special Meeting was to hold an Executive Session to discuss Labor Negotiations under RCW 42.30.140(4)(a). The Executive Session was expected to last 30 minutes.

No formal action was taken.

The Executive Session ended at 9:20 p.m.

The Executive Session lasted 30 minutes.

NEXT MEETING DATE

December 01, 2022 City Council Regular Meeting

ADJOURNMENT

The meeting adjourned at 9:20 p.m.

MINUTES

**DES MOINES CITY COUNCIL
REGULAR MEETING
City Council Chambers
21630 11th Avenue S, Des Moines, Washington
Thursday, December 1, 2022 - 6:00 PM**

CALL TO ORDER

Mayor Mahoney called the meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE

The flag salute was led by Deputy Mayor Traci Buxton.

ROLL CALL

Council Present:

Mayor Matt Mahoney; Deputy Mayor Traci Buxton; Councilmember Gene Achziger; Councilmember JC Harris; Councilmember Jeremy Nutting; Councilmember Vic Pennington; and Councilmember Harry Steinmetz

Staff Present:

City Manager Michael Matthias; City Attorney Tim George; Chief Administrative Officer Bonnie Wilkins; Harbormaster Scott Wilkins; Human Resources Director Adrienne Johnson-Newton; Public Works Director Andrew Merges; City Engineer Tommy Owen; and City Clerk Taria Keane

CORRESPONDENCE

There was no addition correspondence outside the emails already received by Council.

COMMENTS FROM THE PUBLIC

- Cheri Halko; Hotel
- Bill Bishop; Marina Development
- Mike Halko; Hotel
- Charlene Baculzo; Hotel
- Deanna Clifford-Schnoedl; Hotel

CITY MANAGER REPORT

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- Harbormaster Scott Wilkins invited the Council to the Marina Tenant Association Holiday Appreciation.
- ~~MARK EVERTON, SEATTLE SOUTHSIDE~~ - moved to December 08, 2022 Council Meeting.
- City Manager Michael Matthias gave Council background on Consent Item #2, Item #3, and Item #4.
- City Manager Michael Matthias updated Council on the Metro Community Shuttle.
- City Manager Michael Matthias gave Council an update on the Communications RFQ.
- City Manager Michael Matthias gave Council an update on the upcoming Senior Staff Retreat.
- City Manager Michael Matthias updated the Council on the Study Session on January 26, 2023 to review Marina Redevelopment.
- Chief Administrative Officer Bonnie Wilkins gave Council an update on Public Comment.
- Consultant Peter Philips gave Council a PowerPoint Presentation update on the Passenger Ferry Service.

Direction/Action

Motion made by Deputy Mayor Traci Buxton to move forward to establish potential terms to continue passenger ferry service pilot, phase II, into a second session; seconded by Councilmember Vic Pennington. Motion passed 5-2.

For: Mayor Matt Mahoney, Deputy Mayor Traci Buxton, Councilmember Jeremy Nutting, Councilmember Harry Steinmetz, and Councilmember Vic Pennington.

Against: Councilmember Gene Achziger and Councilmember JC Harris.

- Finance Director Beth Anne Wroe gave Council an update on the payoff of the 2012 Revenue Bonds.
- ~~CODE ENFORCEMENT UPDATE~~

CONSENT CALENDAR

Item 1: APPROVAL OF VOUCHERS

Regular Meeting Minutes
December 1, 2022

Motion is to approve for payment vouchers through November 17, 2022 and the payroll transfers through November 21, 2022 in the attached list and further described as follows:

Accounts Payable Checks	#164490-164491	\$ 5,170.03
Payroll Checks	# 19602-19604	\$ 3,635.91
Payroll Direct Deposit	# 3388-3548	\$410,441.40
Payroll Direct Deposit	# 3549-3549	\$ 17,160.89

Total Checks and Wires for A/P and Payroll: \$436,408.23

Item 2: CONSULTANT CONTRACT AMENDMENT #12 - GRANT FREDRICKS

Motion is to approve Amendment #12 to the Contract with Grant Fredricks, continuing professional consulting services through December 31, 2023, with an increase of \$5,000 for 2022 and up to \$50,000 in 2023, and authorize the City Manager to sign the contract amendment substantially in the form as submitted.

Item 3: PETER PHILIPS CONSULTING CONTRACT AMENDMENT 3

Motion is to approve Amendment 3 to the contract between the City and Peter Philips, extending the consultant services contract through December 31, 2023.

Item 4: MARINA REDEVELOPMENT CONSULTING CONTRACT AMENDMENT

Motion is to approve the draft Consultant Agreement Amendment 1 with the Holmes Group, LLC, in an amount not to exceed \$80,000, for the purposes of providing consultant services for Marina redevelopment, and authorize the City Manager to sign the Agreement substantially in the form as attached.

Item 5: 2022 SIDEWALK REPLACEMENT PROJECT - PUBLIC WORKS CONSTRUCTION CONTRACT AWARD

Motion is to approve the Public Works Contract with Asphalt Patch System, Inc. for the 2022 Sidewalk Replacement Project, in the amount of \$63,280, authorize a construction contingency in the amount of \$6,400, and further authorize the City Manager to sign said Contract substantially in the form as submitted.

Direction/Action

Motion made by Councilmember Jeremy Nutting to approve the Consent Calendar; seconded by Councilmember Vic Pennington.

Regular Meeting Minutes
December 1, 2022

Councilmember JC Harris pulled Consent Calendar Items #2, #3, and #4.

The remainder of the Consent Calendar passed 7-0.

Council discussed Consent Calendar Item #2

Motion made by Councilmember Jeremy Nutting to approve the Consent Calendar Item #2 as presented; seconded by Councilmember Vic Pennington.

Motion passed 5-2.

For: Mayor Matt Mahoney; Deputy Mayor Traci Buxton; Councilmember Jeremy Nutting, Councilmember Vic Pennington, and Councilmember Harry Steinmetz.

Against: Councilmember Gene Achziger, and Councilmember JC Harris.

Council discussed Consent Calendar Item #3

Motion made by Councilmember Jeremy Nutting to approve the Consent Calendar Item #3 as presented; seconded by Councilmember Vic Pennington.

Motion passed 5-2.

For: Mayor Matt Mahoney; Deputy Mayor Traci Buxton; Councilmember Jeremy Nutting, Councilmember Vic Pennington, and Councilmember Harry Steinmetz.

Against: Councilmember Gene Achziger, and Councilmember JC Harris.

Council discussed Consent Calendar Item #4

Motion made by Councilmember Jeremy Nutting to approve the Consent Calendar Item #4 as presented; seconded by Councilmember Vic Pennington.

Motion passed 5-2.

For: Mayor Matt Mahoney; Deputy Mayor Traci Buxton; Councilmember Jeremy Nutting, Councilmember Vic Pennington, and Councilmember Harry Steinmetz.

Regular Meeting Minutes
December 1, 2022

Against: Councilmember Gene Achziger, and Councilmember JC Harris.

NEW BUSINESS

Item 1: INTRODUCTION OF ITEMS FOR FUTURE CONSIDERATION – 10 Minutes

Councilmember JC Harris proposed to reinstate the Public Comment Form online. Proposal died for the lack of support.

BOARD & COMMITTEE REPORTS/ COUNCILMEMBER COMMENTS

(4 minutes per Councilmember) - 30 minutes

COUNCILMEMBER HARRY STEINMETZ

- No Report

COUNCILMEMBER GENE ACHZIGER

- Destination Des Moines Tree Lighting
- Flu Shot

COUNCILMEMBER JEREMY NUTTING

- Thanked Public Work Staff for keeping road safe

COUNCILMEMBER JC HARRIS

- Port of Seattle Budget Meeting
- Thanked Public Comment

COUNCILMEMBER VIC PENNINGTON

- Thanked Public Comment
- Holiday Safety

DEPUTY MAYOR TRACI BUXTON

- Attended 15 engagements with colleagues, staff, citizens, and board and committees
- Sound Cities Association Annual Meeting

PRESIDING OFFICER'S REPORT

- Maritime High School Tour

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- Destination Des Moines Tree Lighting
- Wesley Garden's Tree Lighting
- Boat Parade
- Des Moines Police Foundation Shop with a Cop

Direction/Action

Motion made by Councilmember Gene Achziger to to limit the Executive Session to only the Council; seconded by Councilmember JC Harris.

Motion failed 2-5.

For: Councilmember Gene Achziger, and Councilmember JC Harris.

Against: Mayor Matt Mahoney; Deputy Mayor Traci Buxton; Councilmember Jeremy Nutting, Councilmember Harry Steinmetz, and Councilmember Vic Pennington.

EXECUTIVE SESSION

The Executive Meeting was called to order by Mayor Matt Mahoney at 8:03 p.m.

ROLL CALL

Council Present:

Mayor Matt Mahoney; Deputy Mayor Traci Buxton; Councilmember Gene Achziger; Councilmember JC Harris; Councilmember Jeremy Nutting; Councilmember Vic Pennington; and Councilmember Harry Steinmetz

Others Present:

City Manager Michael Matthias; City Attorney Tim George; and Chief Administrative Officer Bonnie Wilkins; Human Resources Director Adrienne Johnson-Newton

PURPOSE

The purpose of the Special Meeting was to hold an Executive Session to discuss the Performance of a Public Employee under RCW 42.30.110(1)(g). The Executive Session was expected to last 45 minutes.

At 9:00 p.m. Mayor Matt Mahoney extended the Council Meeting until 9:15 p.m.

No formal action was taken.

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The Executive Session ended at 9:12 p.m.

The Executive Session lasted 69 minutes.

NEXT MEETING DATE

December 08, 2022 City Council Regular Meeting

ADJOURNMENT

The meeting adjourned at 9:12 p.m.

MINUTES

**DES MOINES CITY COUNCIL
REGULAR MEETING
City Council Chambers
21630 11th Avenue S, Des Moines, Washington
Thursday, December 8, 2022 - 6:00 PM**

CALL TO ORDER

Mayor Mahoney called the meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE

The flag salute was led by Mayor Matt Mahoney.

ROLL CALL

Council Present:

Mayor Matt Mahoney; Deputy Mayor Traci Buxton; Councilmember Gene Achziger; Councilmember JC Harris; Councilmember Jeremy Nutting; Councilmember Vic Pennington; and Councilmember Harry Steinmetz

Staff Present:

City Manager Michael Matthias; Executive Director of Marina Redevelopment Dan Brewer; City Attorney Tim George; Chief Administrative Officer Bonnie Wilkins; Human Resources Director Adrienne Johnson-Newton; Harbormaster Scott Wilkins; Judge Lisa Leone; Support Services Manager Melissa Patrick; Finance Director Beth Anne Wroe; Deputy Finance Director Jeff Friend; Community Development Director Denise Lathrop; Public Works Director Andrew Merges; Civil Engineer II Tyler Beekley; Director of Parks, Recreation and Senior Services Nicole Nordholm; Director of Emergency Management and Workplace Safety Shannon Kirchberg; Police Chief Ken Thomas; Assistant Police Chief Patti Richards; Sergeant Eddie Ochart; Officer Johnny Tyler; Officer Chase Ochart; Officer Eric Morris; Police Officer Courtney Duncan; Police Officer Abram English; Police Officer Make Hake; Police Officer Nate Chevallier; and City Clerk Taria Keane

CORRESPONDENCE

There was no addition correspondence outside of the emails already received by Council.

COMMENTS FROM THE PUBLIC

- Charlene Bacalzo; Hotel
- Jim Wilson; Hotel
- Robert Whelon; Pacific Highway Crime and Vagrancy
- Christine Tollefson; Hotel and Public Spaces

CITY MANAGER REPORT

COMMUNITY EMERGENCY RESPONSE TEAM (CERT) GRADUATES

- Director of Emergency Management and Workplace Safety Shannon Kirchberg gave Council a PowerPoint and introduced the CERT Graduates.
 - Kay Fletcher
 - Mark Duncan
 - Natasha Sokolan
 - Alda Vavra
 - Kelleen Silveira
- Police Chief Ken Thomas presented Luisa Bangs with the Chief's Award.
- Police Chief Ken Thomas informed Council about creating a program to support local businesses in our community who fall victim to property crime.

City Manager commented on the Collective Bargaining Agreement with the Des Moines Police Guild

MARK EVERTON, SEATTLE SOUTHSIDE

- CEO of Seattle Southside Regional Tourism Authority Mark Everton gave a PowerPoint Presentation to Council.

DES MOINES FARMERS MARKET

- Des Moines Farmers Market President Kim Richmond and Des Moines Farmer Market Manager Susie Novak gave Council an update on the Des Moines Farmers Market.

CONSENT CALENDAR

Item 1: APPROVAL OF VOUCHERS

Motion is to approve for payment vouchers through November 23, 2022 in the attached list and further described as follows:

EFT's Vendor Payments	#7538-7573	\$842,373.58
Wires	#2077-2091	\$721,650.23

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Accounts Payable	#164492-164520	\$ 64,328.69
Checks		

Total Checks and Wires for A/P and Payroll: \$1,628,352.50

- Item 2: CITY MANAGER 2022 PERFORMANCE REVIEW
Motion is to approve a 5% pay increase for the City Manager effective January 1, 2023.
- Item 3: 2023-2028 STREET SWEEPING SERVICES
Motion is to award McDonough and Sons Inc. the 2023-2028 Street Sweeping Services Contract in an amount not to exceed \$695,926.08, and authorize the City Manager to sign substantially in the form as submitted.
- Item 4: CONSULTANT CONTRACT AMENDMENT #4 FOR SERVICES BETWEEN THE CITY OF DES MOINES AND JOSEPH DUSENBURY
Motion is to approve Contract Amendment #4 with Joseph Dusenbury to continue to provide consulting services to the City through 2023 in an amount not to exceed \$30,000, and authorize the City Manager to sign the Amendment substantially in the form as attached.
- Item 5: COMMERCE GMA UPDATE GRANT AGREEMENT FOR THE CITY OF DES MOINES
Motion is to authorize the City Manager to sign the GMA Update Grant Agreement (Contract No. 23-63210-010) between the City of Des Moines and the Washington State Department of Commerce, substantially in the form as attached, and to sign subsequent contract amendments for the remaining grant funds.
- Item 6: S. 223rd STREET GREEN STREET PLANNING PROJECT
Motion 1 is to approve the 2022-2023 On-Call General Civil Engineering Task Assignment W5 with KPG PSOMAS that will provide design services for the S. 223rd Street Green Street Planning Project in the amount of \$299,812.00 and authorize the City Manager to sign said Formal Task Assignment substantially in the form as submitted.

Motion 2 is to authorize the acceptance of the Washington State Department of Commerce 2022 Supplemental State Capital Budget Appropriation in the amount of \$299,730.00 and further authorize the City Manager to sign the Washington State Department of Commerce Local Government Division General Grant Contract 22-96515-036 substantially in the form as submitted.
- Item 7: MASSEY CREEK POCKET ESTUARY PROJECT: ENGINEERING SERVICES AGREEMENT

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Motion is to approve the 2022-2023 On-Call General Civil Engineering Task Assignment 2022-06 with Parametrix, Inc., to provide preliminary engineering and permitting services for the Massey Creek Pocket Estuary Project in the amount of \$201,816.84, and further authorize the City Manager to sign said Task Assignment substantially in the form as submitted.

Item 8: CONTRACT WITH JAYMARC AV FOR COURT ROOM AUDIO SYSTEM

Motion is to approve the contract with Jaymarc AV in the amount of \$67,070.26 for the purposes of improving the audio system within the courtroom of the City of Des Moines Municipal Court and authorize the City Manager to sign the Contract substantially in the form as attached.

Item 9: COLLECTIVE BARGAINING AGREEMENT - DES MOINES POLICE GUILD

Motion is to approve the attached Collective Bargaining Agreement between the City of Des Moines and the Des Moines Police Guild and to authorize the City Manager to sign the Agreement substantially in the form as attached.

Direction/Action

Motion made by Councilmember Jeremy Nutting to approve the Consent Calendar; seconded by Deputy Mayor Traci Buxton.

Councilmember JC Harris pulled Consent Calendar Item #2, and #3.

Councilmember Gene Achziger pulled Consent Calendar Item #4.

The remainder of the Consent Calendar passed 7-0.

Council discussed Consent Calendar Item #2.

Motion made by Councilmember Jeremy Nutting to approve the Consent Calendar Item #2 as presented; seconded by Deputy Mayor Traci Buxton.

Motion passed 5-2.

For: Mayor Matt Mahoney; Deputy Mayor Traci Buxton; Councilmember Jeremy Nutting, Councilmember Vic Pennington, and Councilmember Harry Steinmetz.

Against: Councilmember Gene Achziger, and Councilmember JC Harris.

Regular Meeting Minutes
December 8, 2022

Council discussed Consent Calendar Item #3.

Motion made by Councilmember Jeremy Nutting to approve the Consent Calendar Item #3 as presented; seconded by Deputy Mayor Traci Buxton.

Motion passed 7-0.

Council discussed Consent Calendar Item #4.

Councilmember Gene Achziger recused himself as he sits on the Des Moines Pool Metropolitan Park District Board.

Motion made by Councilmember Jeremy Nutting to approve the Consent Calendar Item #4 as presented; seconded by Deputy Mayor Traci Buxton.

Motion passed 6-0.

At 8:11 p.m. Council took a 9 minute break and resumed the meeting at 8:20 p.m.

PUBLIC HEARING/CONTINUED PUBLIC HEARING

DRAFT ORDINANCE NO: 22-070: PUBLIC HEARING ON CONTINUING MORATORIUM FOR NEW DEVELOPMENT IN THE BUSINESS PARK AREA AND ADOPTING FINDINGS OF FACT
Staff Presentation by Community Development Director Denise Lathrop

At 7:33 p.m. Mayor Matt Mahoney opened the Public Hearing.

Community Development Director Denise Lathrop gave Council a PowerPoint Presentation.

Mayor Matt Mahoney called for those that wished to speak:
Robert Bonds; Des Moines
Gary Malcolm; Des Moines

Mayor Matt Mahoney asked 3 times if anyone else wished the speak.

Seeing none, Mayor Matt Mahoney asked Council if they had any questions.

At 7:59 p.m. Mayor Matt Mahoney closed the Public Hearing.

Regular Meeting Minutes
December 8, 2022

Direction/Action

Motion 1 made by Deputy Mayor Traci Buxton to suspend Rule 26(a) in order to enact Draft Ordinance No. 22-070 on first reading; seconded by Councilmember Jeremy Nutting.
Motion passed 6-1.

For: Mayor Matt Mahoney; Deputy Mayor Traci Buxton; Councilmember Gene Achziger; Councilmember Jeremy Nutting, Councilmember Vic Pennington, and Councilmember Harry Steinmetz.

Against: Councilmember JC Harris.

Motion 2 made by Deputy Mayor Traci Buxton to enact Draft Ordinance No. 22-070 adopting findings of fact to support the moratorium instituted through Ordinance 1761.
Motion passed 6-1.

For: Mayor Matt Mahoney; Deputy Mayor Traci Buxton; Councilmember Gene Achziger; Councilmember Jeremy Nutting, Councilmember Vic Pennington, and Councilmember Harry Steinmetz.

Against: Councilmember JC Harris.

At 8:11 p.m. Council took a 9 minute break and resumed the meeting at 8:20 p.m.

NEW BUSINESS

Item 1: **2022 ANNUAL BUDGET AMENDMENTS**
Staff Presentation by Finance Director Beth Anne Wroe

Finance Director Beth Anne Wroe gave an update to Council on the 2022 Annual Budget Amendments.

Direction/Action

Motion made by Councilmember Jeremy Nutting to suspend Rule 26(a) in order to enact Draft Ordinance No. 22-074 of first reading; seconded by Councilmember Harry Steinmetz.
Motion passed 7-0.

Motion made by Councilmember Jeremy Nutting to enact Draft Ordinance No. 22-074 relating to municipal finance, amending the 2022 Annual Budget adopted in Ordinance No. 1753 and amended in Ordinance No. 1765; seconded by Councilmember Harry Steinmetz.

Regular Meeting Minutes
December 8, 2022

Motion passed 7-0.

Item 2: INTRODUCTION OF ITEMS FOR FUTURE CONSIDERATION – 10
Minutes

- There was no new items for future consideration introduced.

BOARD & COMMITTEE REPORTS/ COUNCILMEMBER COMMENTS

(4 minutes per Councilmember) - 30 minutes

COUNCILMEMBER GENE ACHZIGER

- Commented on 1st year on Council

COUNCILMEMBER JEREMY NUTTING

- Thanked Public and Staff
- Wished Everyone Happy Holidays

COUNCILMEMBER JC HARRIS

- Wished Everyone Happy Holidays
- Thanked Engineering Staff
- Santa at North Hill Espresso
- Thanked Public Comments
- MRSC Workshop on Land Use

COUNCILMEMBER VIC PENNINGTON

- Thanked Community and Staff

COUNCILMEMBER HARRY STEINMETZ

- Des Moines Marina Tenants Appreciation Party
- Wished Everyone Happy Holidays
- Marina Redevelopment

DEPUTY MAYOR TRACI BUXTON

- Community Holiday Gatherings
- Legislative Breakfast
- Merry Christmas

PRESIDING OFFICER'S REPORT

- Commented on 1st year as Mayor

Regular Meeting Minutes
December 8, 2022

- Have a safe Holiday

NEXT MEETING DATE

January 12, 2023 City Council Regular Meeting

ADJOURNMENT

Direction/Action

Motion made by Councilmember Vic Pennington to adjourn; seconded by Councilmember Harry Steinmetz.
Motion passed 7-0.

The meeting adjourned at 8:42 p.m.

A G E N D A I T E M

BUSINESS OF THE CITY COUNCIL
City of Des Moines, WA

SUBJECT: Black History Month Proclamation

FOR AGENDA OF: February 02, 2023

ATTACHMENTS:
1. Proclamation

DEPT. OF ORIGIN: Administration

DATE SUBMITTED: January 25, 2023

- CLEARANCES:
- City Clerk *SC*
 - Community Development _____
 - Courts _____
 - Director of Marina Redevelopment _____
 - Emergency Management _____
 - Finance _____
 - Human Resources _____
 - Legal _____
 - Marina _____
 - Police _____
 - Parks, Recreation & Senior Services _____
 - Public Works _____

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

Purpose and Recommendation

The purpose of this item is for the Council to approve a proclamation recognizing February as Black History Month,

Suggested Motion

Motion: "I move to approve the Proclamation recognizing February as Black History Month."

Background

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

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

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



City of Des Moines

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



Proclamation

PREAMBLE

“History, despite its wrenching pain, cannot be un-lived; but if faced with courage, need not be lived again.” [Maya Angelou, author]. One’s history is a fundamental aspect of one’s cultural experience. To deny one’s history, or to have others deny one’s history creates a falsehood as to the nature of one’s experience. “Defining myself, as opposed to being defined by others, is one of the most difficult challenges I face.” [Carol Moseley-Braun, first black female U.S. Senator].

The celebration of Black History Month is a recognition across this country of the experience and events occurring in the lives of African Americans and those whose roots run deep through the African Diaspora. “For I am my mother’s daughter, and the drums of Africa still beat in my heart.” [Mary McLeod Bethune, educator]. Acknowledgement of Black History points out that no one culture, no one race, possesses claims to be the dominant history of our nation. It is a shared history, seen through many different eyes.

In these days that have presented the challenge of America accepting the truth that Black Lives Matter, it is all the more important to honor Black History and the innumerable contributions made by African Americans. History, seen through the eyes of people of color, reveals an America that engenders hope for justice, but also retains strong currents of endemic racism.

WHEREAS, Black History Month is celebrated in recognition of achievements and contributions made by African Americans and all people of African descent in the United States; and

WHEREAS, Black History Month affords special opportunity to become more knowledgeable about black heritage, and to honor the many black leaders who have contributed to the progress of our nation; and

WHEREAS, such knowledge can strengthen the insight of all our citizens regarding the issues of human rights, the strides that have been made in the crusade to eliminate barriers of equality, and the continuing struggle against racial discrimination, injustice and poverty; and

WHEREAS, the City of Des Moines embraces its diversity and acknowledges the invaluable contributions of its African American residents and visitors as we celebrate Black History Month; and

NOW THEREFORE, THE DES MOINES COUNCIL HEREBY PROCLAIMS and recognizes the month of February as **BLACK HISTORY MONTH** and urges our citizens to join together in making this period of rededication to the principles of justice and equality for all people.

SIGNED this day 2nd of February, 2023

Matt Mahoney, Mayor

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AGENDA ITEM

BUSINESS OF THE CITY COUNCIL
City of Des Moines, WA

SUBJECT: Draft Ordinance 23-003 related to designation of City parks

FOR AGENDA OF: February 2, 2023

ATTACHMENTS:

- 1. Draft Ordinance no. 23-003

DEPT. OF ORIGIN:

DATE SUBMITTED: January 26, 2023

CLEARANCES:

- City Clerk _____
- Community Development _____
- Courts _____
- Director of Marina Redevelopment _____
- Emergency Management _____
- Finance _____
- Human Resources _____
- Legal /s/ TG
- Marina Sue
- Police _____
- Parks, Recreation, & Senior Services William
- Public Works Richard

APPROVED BY CITY MANAGER

FOR SUBMITTAL: [Signature]

Purpose and Recommendation

The purpose of this agenda item is for the City Council to consider Draft Ordinance 23-003 which would amend chapter 19.12 DMMC to add the Redondo Boardwalk and adjacent City-owned tidelands to the area that encompasses Redondo Beach Park. The following motion will appear on the consent calendar:

Suggested Motion

Motion 1: "I move to suspend Rule 26(a) in order to enact Draft Ordinance No. 23-003 on first reading."

Motion 2: "I move to enact Draft Ordinance 23-003, amending chapter 19.12 DMMC to include the Redondo Boardwalk and adjacent City-controlled tidelands within Redondo Beach Park."

Background

The City of Des Moines Parks, Recreation, and Senior Services Master Plan identifies over 40 parks and open spaces within the City spread over 162 acres throughout the City held for the public for recreational purposes. Since its annexation in 1997, an important piece of the system is Redondo Beach Park, located in the heart of the Redondo neighborhood on the shores of Puget Sound. The park includes a boat launch ramp, a public fishing pier, beach access, restrooms, public art, and parking for users of the park and the boat ramp.

Extending south from Redondo Beach Park, located along the west side of Redondo Beach Drive South, the Redondo Boardwalk is a pedestrian walkway constructed on a seawall to replace the prior boardwalk that was critically damaged by a winter storm in fall 2014. Due to its location overlooking the beach with stunning views of Puget Sound running much of the length of the Redondo waterfront, the Boardwalk is an integral part of recreational activities centered on Redondo Beach Park and a host of recreational activities of its own. The Boardwalk also contains multiple points of access to the tidelands lying just west of the Boardwalk.

Discussion

The proposed Draft Ordinance will codify what is already perception – that the Boardwalk is a recreational facility that is functionally a part of the City’s waterfront park at Redondo. It is an ideal area for exercise, dog walking, beach access, viewing Puget Sound, and other forms of recreation. The City also owns and/or controls tidelands currently outside Redondo Beach Park that are dedicated for public use. The proposed Draft Ordinance would bring these parcels within the park as well.

Reconstruction of the Boardwalk following the 2014 storm event was funded in part through transportation grant funding, so the proposed Draft Ordinance recognizes that the Boardwalk is primarily a transportation facility and ensures that designation as part of Redondo Beach Park will not interfere with its use as such.

Alternatives

The City Council may:

1. Enact the proposed Draft Ordinance as written.
2. Enact the proposed Draft Ordinance with modifications
3. Decline to enact the proposed Draft Ordinance.

Financial Impact

Staff believes the financial impact of the proposed Draft Ordinance is negligible.

Recommendation

Staff recommends that the City Council enact Draft Ordinance 23-003 as written.

Council Committee Review

This matter was previously discussed with the Public Safety and Emergency Management Committee.

CITY ATTORNEY'S FIRST DRAFT 1/26/2023

DRAFT ORDINANCE NO. 23-003

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON relating to Parks and Recreation, designating the Redondo Boardwalk and adjacent tidelands under the control of the City as part of Redondo Beach Park and amending DMMC 19.12.010 and 19.12.020.

WHEREAS, the City Council has designated certain City owned or controlled real property as City parks for use by the public for recreation, listed in the Parks, Recreation, and Senior Services Master Plan, and

WHEREAS, one such City park is Redondo Beach Park located on the shore of Puget Sound in the Redondo neighborhood, and

WHEREAS, the Redondo Boardwalk lies along the west side of Redondo Beach Drive South, contiguous to Redondo Beach Park, and

WHEREAS, in addition to its use as a transportation facility for pedestrians, the Boardwalk is commonly used for such uses as recreational walking, viewing Puget Sound, dog walking, accessing Redondo Beach Park, jogging, and accessing the public tidelands adjacent to the Boardwalk, and

WHEREAS, as the Boardwalk and adjacent City-controlled tidelands are lands held open to the public that are utilized for recreational purposes contiguous and complementary to Redondo Beach Park, it makes sense to formally recognize these areas as part of Redondo Beach Park, and

WHEREAS, the City Council recognizes that the primary purpose of the Redondo Boardwalk is as a pedestrian transportation facility, integral to Redondo Beach Drive South Federal Aid Route 1007, and wishes to preserve the Boardwalk as such, and

WHEREAS, the provisions of this Ordinance are necessary and proper to promote public safety, health, and welfare; now therefore,

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

Sec. 1. DMMC 19.12.010 and section 1 of Ordinance No. 1676 are each amended to read as follows:

Park designation.

The areas listed in this chapter or identified as existing City recreation resources in the Parks, Recreation and Senior Services Master Plan as presently constituted or as may be subsequently amended are designated as City parks.

Sec. 2. DMMC 19.12.020 and section 2 of Ordinance No. 1676 are each amended to read as follows:

Redondo Park.

(1) Consistent with the City's harbor code (chapter 15.04 DMMC), Redondo Park shall be considered part of the marina as it constitutes City property adjacent to Puget Sound. Accordingly, the Harbormaster shall be responsible for management and enforcement actions to govern the use and enjoyment of Redondo Park. The Harbormaster's authority in Redondo Park shall include all powers granted under the City's harbor code as well as the power to enforce City park use regulations adopted under chapter 19.08 DMMC.

(2) Redondo Park shall include the Redondo Boardwalk and all tidelands adjacent to the Redondo Boardwalk owned or controlled by the City of Des Moines.

(3) City Park Use Regulations shall not apply on the Redondo Boardwalk to the extent they conflict with the use of the Boardwalk as a transportation facility or with any condition related to funds received for construction, repair, or maintenance of the Boardwalk. Maintenance of the Redondo Boardwalk shall be the responsibility of the Public Works Department.

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.

Ordinance No. ____
Page 3 of 3

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 _____, 2023 and signed in authentication thereof this ____ day of _____, 2023.

M A Y O R

APPROVED AS TO FORM:

City Attorney

ATTEST:

City Clerk

Published:

Effective Date:

AGENDA ITEM

BUSINESS OF THE CITY COUNCIL
City of Des Moines, WA

SUBJECT: Draft Resolution No. 23-006: Censure
of Councilmember JC Harris

FOR AGENDA OF: February 2, 2023

DEPT. OF ORIGIN: Legislative

ATTACHMENTS:

DATE SUBMITTED: January 25, 2023

- 1. Draft Resolution No. 23-006 and attachments

CLEARANCES:

- Community Development _____
- Marina _____
- Parks, Recreation & Senior Services _____
- Public Works _____

CHIEF OPERATIONS OFFICER: _____

- Legal _____
- Finance _____
- Courts _____
- Police _____

APPROVED BY CITY MANAGER
FOR SUBMITTAL: _____

Purpose and Recommendation

The purpose of this agenda item is for the Council to consider a formal censure for Councilmember JC Harris.

Motion

Motion 1: "I move to adopt Draft Resolution No. 23-006 to formally censure Councilmember JC Harris."

Background

On December 9, 2022, the City received a complaint from an employee regarding Councilmember JC Harris. Based on the complaint received, the City retained a third party to investigate.

An executive session was held on January 12, 2023 for the Council to discuss a complaint made against a public official.

The completed investigation and the City's Human Resources summary are included as attachments to this packet in a redacted format.

Discussion

A censure is a formal statement that expresses severe disapproval of someone or something.

Approval of the censure as written will remove Councilmember Harris from his appointed Council Committee positions until the end of this term, which is December 31, 2023.

CITY COUNCIL'S FIRST DRAFT 1/25/2023

DRAFT RESOLUTION NO. 23-006

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DES MOINES, WASHINGTON, CENSURING COUNCILMEMBER JC HARRIS FOR ACTING IN A MANNER UNBECOMING OF A COUNCILMEMBER.

WHEREAS, elected officials hold a public trust and are expected to adhere to a standard of behavior that does not violate or appear to violate that trust, and

WHEREAS, RCW 42.17A.001(2) states "that the people have the right to expect from their elected representatives at all levels of government the utmost of integrity, honesty and fairness in their dealings," and

WHEREAS, the City of Des Moines is committed to providing a safe workplace for its employees, guests, contractors, vendors and the public, and

WHEREAS, the City strictly prohibits threatened or actual workplace violence, this includes using obscene or abusive language or gestures in a threatening manner, and

WHEREAS, Councilmember JC Harris has been a member of the Des Moines City Council since January 1, 2020, and

WHEREAS, during his tenure, there have been numerous complaints from City staff regarding his demeanor and negative treatment of them, and

WHEREAS, as a result, City administration has been forced to put in place unprecedented protocols to ensure City staff is protected from offensive or uncomfortable interactions with Councilmember Harris, and

WHEREAS, despite the implementation of these protocols, Councilmember Harris has routinely disregarded them and continues to engage in behavior that places City staff in uncomfortable and inappropriate situations, and

WHEREAS, on December 9, 2022, a staff member sent an email informing Human Resources and her supervisor that the previous

night she had been confronted by Councilmember Harris and that she felt intimidated by this encounter, and

WHEREAS, this encounter occurred at night after a Council meeting while the staff member was alone in the small entryway to City Hall, and

WHEREAS, the staff member reported Councilmember Harris used profanity while angrily accusing her of failing to do something that was not even within her job responsibilities, and

WHEREAS, due to the seriousness of this complaint, as well as the repeat nature of this type of incident, the City retained an outside attorney to conduct a third party investigation, attached to this resolution as Attachments 1 and 2, and

WHEREAS, the result of the investigation confirmed the interaction occurred as reported, however, Councilmember Harris merely dismissed the confrontation as "unremarkable," and

WHEREAS, the verbal abuse of a staff member is inappropriate in any work setting, and characterizing this type of behavior as "unremarkable" provides further evidence of Councilmember Harris' use of bullying behavior towards City staff, and

WHEREAS, as an elected official, Councilmember Harris is not subject to discipline like a staff member would be if they engaged in this type of inappropriate behavior, and

WHEREAS, the City Council as a body does have the ability to declare that this type of treatment of City staff by a Councilmember is unacceptable and that it is unbecoming of the office that holds a position of power and trust, and

WHEREAS, Councilmember Harris has been advised multiple times by both City Administration and well as members of the City Council that his treatment of City staff is unacceptable, however these admonitions have failed to correct his behavior, and

WHEREAS, as a result, the City Council is now making a public statement of our disapproval of Councilmember Harris' actions and reaffirming our commitment to prevent hostile and intimidating treatment of staff members, and

WHEREAS, a censure motion is made for the purpose of publicly denouncing inappropriate interactions or behavior, and

WHEREAS, the City Council approves this motion to state unequivocally that bullying, hostile or intimidating behavior has no place in the City of Des Moines; now therefore,

**THE CITY COUNCIL OF THE CITY OF DES MOINES, WASHINGTON, RESOLVES
AS FOLLOWS:**

Sec. 1. Councilmember JC Harris is hereby censured for acting in a manner unbecoming of a Councilmember.

Sec. 2. The City Council approves of the removal of Councilmember JC Harris from all committee assignments for the remainder of his appointments.

Sec. 3. Notice of this Resolution of Censure shall be sent to all media outlets to whom the City of Des Moines sends official notices of public hearing.

Sec. 4. Notice of this Resolution of Censure shall be sent to all elected officials that represent the City of Des Moines.

Sec. 5. Notice of this Resolution of Censure shall be posted for a period of sixty days on the public notice bulletin board outside City Hall.

ADOPTED BY the City Council of the City of Des Moines, Washington this ___ day of _____, 2023 and signed in authentication thereof this ___ day of _____, 2023.

M A Y O R

APPROVED AS TO FORM:

City Attorney

ATTEST:

City Clerk

MEMORANDUM

DATE: January 11, 2023
TO: Michael Matthias, City Manager
FROM: Shawna Thomas, HR Analyst
Adrienne Johnson-Newton, HR Director



SUBJECT: SUMMARY OF FINDINGS- [REDACTED] AND JC HARRIS INTERACTION

Background

On November 29, 2022 Bonnie Wilkins, Chief Administrative Officer (CAO) sent an email to City of Des Moines councilmembers, inviting them to participate in the City's Senior Staff Leadership retreat, on December 12, 2022. She explained that each councilmember would be able to speak to staff directly about their perspective on various topics as it relates to their vision for the City of Des Moines.

They were provided fifteen (15) minute timeslots from which they could choose to schedule their appearance at the retreat. Councilmember JC Harris received the email invite and responded but she believed his responses were unclear and it was not apparent to Ms. Wilkins that he had selected a specific time or that he was planning on attending. On December 2, 2022, Ms. Wilkins emailed Mr. Harris specific timeslots in an effort to determine if one of those slots worked and to confirm his attendance. He did not respond. Ultimately, Mr. Harris did not attend the Senior Leadership Staff retreat.

After the council meeting on December 8, 2022, Mr. Harris met with City Clerk [REDACTED] while she was alone in the foyer of the Council Chamber about not being confirmed for a timeslot for the Senior Staff retreat.

The following day, Ms. [REDACTED] sent an email to you (City Manager Matthias), Ms. Wilkins, Tim George, City Attorney and myself detailing her interaction with Mr. Harris. She stated that she felt like he had tried to intimidate her, that he was upset and angry and had used profanity when speaking to her. She also explained that she found his behavior to be "unprofessional and disrespectful." She then requested to have another staff member present in the future when she was locking up the facility due to her discomfort with his behavior.

After reviewing her complaint, the decision was made to retain a third party investigator to conduct a preliminary inquiry into her allegations regarding Mr. Harris' behavior. It is important to note, that councilmembers are not bound by City policy, however, Ms. [REDACTED] is subject to and protected by our personnel policies.

The City initiated our inquiry pursuant to **Section 2. General Policies and Practices, Discrimination and Harassment Complaint Procedure.** The third-party investigator, Ms. Kathleen Haggard with Haggard & Ganson LLP, interviewed Ms. [REDACTED] on December 19, 2022 and Mr. Harris on January 3, 2023. The final report was provided to Human Resources on January 6, 2023.

Summary of Findings_ [REDACTED] and Harris, JC

Summary of Finding(s)

Excerpt from final report:

1. [REDACTED] and Harris generally agree on the substance of their December 8 interaction.
2. Despite their general agreement on the substance, [REDACTED] and Harris did not perceive the interaction the same way.
3. Harris admitted he was frustrated that he had not been given a timeslot.
4. He admitted stating words to the effect of, "I never know if people are fucking with me or not."
5. Harris denied he was trying to intimidate [REDACTED]. He said he was frustrated with not receiving a timeslot but was not angry with [REDACTED] specifically.
6. He said he frequently uses profanity as a part of his normal speech, and it is not an indication of his mood or frustration level. He said if he learns someone is offended by profanity, he stops using it around them.
7. Harris said he is very sorry [REDACTED] was hurt by the interaction; however, to him it was unremarkable.

Policy Violation(s)

Section 2: General Policies and Procedures, F. Workplace Violence, 1. Workplace Violence Prohibition:

The City of Des Moines is committed to providing a safe workplace for its employees, guests, contractors, vendors and the public. Therefore, in an effort to help prevent or reduce the possibility of physical or emotional violence here in our workplace, the City of Des Moines has implemented this policy on workplace violence for our employees.

1. WORKPLACE VIOLENCE PROHIBITION

The City strictly prohibits threatened or actual workplace violence. This includes, but is not limited to, any of the following conduct associated in or around the workplace or otherwise related to employment:

- f. Using obscene or abusive language or gestures in a threatening manner;

Section 8. A. Rules and Conduct, 1. Immediate Discharge:

IMMEDIATE DISCHARGE

There are certain kinds of actions that cannot be permitted to occur because of their impact on other employees and the City. Such offenses may result in discharge on the first occurrence. The following list contains examples of such offenses. This list of examples is not all-inclusive. Before a final decision is made regarding a discharge, the City will convene a pre-termination meeting as provided for in the section on discharge.

- g. Threatening, intimidating, coercing or interfering with supervisors or other employees.

Summary of Findings_ [REDACTED] and Harris, JC

Conclusion

As indicated in Ms. Haggard's final report, there is a general agreement about the "substance" of the conversation but a difference in perception of the event. Mr. Harris admits that he was "frustrated" though not specifically "angry" with Ms. [REDACTED]. He also stated that he uses profanity as part of his regular communications and will only stop if told someone is offended. He also stated that he was "sorry if Ms. [REDACTED] was hurt" by the interaction but to him it was "unremarkable."

Mr. Harris is an elected official and Ms. [REDACTED] is the City Clerk for the City of Des Moines. A major function of the role of City Clerk is to provide administrative support to the Councilmembers as requested- guided by any relevant laws, guidelines, regulations and established City practices and procedures. Due to the nature of this relationship, e.g., work direction can be provided from the Council, there is a perceived perception of power that a councilmember has inherent authority within their position, particularly as it relates to the City Clerk's role. It is also important to mention that Ms. [REDACTED] has served as the Deputy City Clerk for approximately four (4) years and was only recently promoted to the City Clerk role on July 1, 2022. She is still learning her role, the dynamics of Council and the various personalities of Councilmembers.

Mr. Harris' behavior, whether intended or not, created a situation where Ms. [REDACTED] felt intimidated in the work environment. Additionally, his behavior led to a request by her to avoid future encounters with Mr. Harris unless others are present. Mr. Harris' behavior towards Ms. [REDACTED] has unreasonably interfered with her work performance, where even the most mundane task of simply opening the door to let a Councilmember out after a council meeting, now needs two (2) staff members to perform to ensure Ms. [REDACTED] feels comfortable in Mr. Harris' presence.

Though Mr. Harris stated that he was "sorry" if Ms. [REDACTED] was offended; he also said that he felt the interaction was "unremarkable." This statement is concerning in that Mr. Harris was or should have been aware that Ms. [REDACTED] was not involved with the scheduling of Councilmembers for the Senior Leadership Staff retreat. He also stated that while he was not "angry" with Ms. [REDACTED] specifically, he admitted he was frustrated during the interaction. He also admitted to using profanity during their exchange.

Unremarkable is defined as *"not worth of note or attention...ordinary."* Mr. Harris admitted he was frustrated and used profanity in his interaction with Ms. [REDACTED]. This interaction occurred- away from Council Chambers or other staff in a small confined space, and was initiated by Mr. Harris regarding his frustration for not being given a timeslot at the retreat. For Mr. Harris to find this sort of interaction "unremarkable" is concerning because there are elements of this interaction, such as his using profanity to express frustration, that are considered unacceptable per City policy and current standards. In sum, what Mr. Harris described as unremarkable would warrant disciplinary action as unbecoming or gross misconduct if it were a City employee with authority over Ms. [REDACTED] who engaged in the same conduct.

Mr. Harris also stated that he uses profanity as part of his normal conversation but will stop if informed that someone finds it offensive. Mr. Harris' position that he understands that the use of profanity can be offensive for others in the workplace and is willing to not use it but puts the onus on someone to tell him its offensive is misguided. Rather, the adverse position of not using profanity in the workplace unless and until you know the other person is comfortable with it would be a more acceptable position, though the most prudent course of action is not to use profanity at all.

Summary of Findings_ [REDACTED] and Harris, JC

It is unclear if Mr. Harris believes the use of profanity belongs in professional communication and interactions. Notable, however, is that Mr. Harris does not customarily use profanity at the dais during Council meetings so there appears to be some recognition by him that certain circumstances require a heightened awareness or sensitivity to adjusting communication styles based on the environment and whom you are talking to.

In addition, neither Ms. [REDACTED] nor Mr. Harris indicated that they have a relationship where he could have comfortably assumed that his use of profanity, when couched in frustration and anger, could not be perceived as intimidating.

It would seem that Mr. Harris, as an elected official, should understand his responsibility to conduct himself in a professional and respectful manner towards City staff. Additionally it is concerning that, Mr. Harris did not take full responsibility for the interaction, his behavior and subsequent impact to Ms. [REDACTED] without minimizing it later by recounting his perception of the event as “unremarkable” and only apologizing that Ms. [REDACTED] felt hurt, but not apologizing for his actions.

This suggests that Mr. Harris views his unprofessional interaction and communication with Ms. [REDACTED] as the norm, which is unacceptable.

Next Steps

The City does not have the ability to enforce our personnel policies as it relates to the conduct of Councilmembers. However, this does not negate our responsibility to ensure that Ms. [REDACTED] is able to perform her expected duties in the workplace free from this sort of behavior.

As a result, the following is recommended:

- Reinforce the appropriate communication protocol for Councilmembers to City staff.
- Reiterate the need for professional and respectful communication for Councilmembers to city staff.
- Ensure (as requested) that Ms. [REDACTED] is not alone with Mr. Harris to the best of our ability.
- Empower Ms. [REDACTED] with the ability to remove herself from any one on one interaction/communication with Councilmembers that involves anger, intimidation, profanity or is unprofessional and defer to Ms. Wilkins and/or the City Manager to address on her behalf.

¹ Ms. [REDACTED] did not report remembering seeing anyone else around during her interaction with Mr. Harris. The video reveals that a person did enter the foyer while they are present, but the person does not approach the area of the room where they were interacting.

HAGGARD & GANSON LLP

Municipal Law • Investigations • Neutral Services

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haggardganson.com • 425.329.2611

January 12, 2023

Mr. Mike Bolasina
Summit Law Group
315 Fifth Avenue South, Ste 1000
Seattle, WA 98104

Re: City of Des Moines, [REDACTED] complaint

Dear Mr. Bolasina:

At your request, I conducted intake interviews with [REDACTED], Des Moines City Clerk, and JC Harris, a Des Moines City Councilmember. On December 9, 2022, [REDACTED] sent an email expressing concern about an interaction she had with Harris following the December 8 council meeting. I spoke with [REDACTED] on December 21, 2022, and Harris on January 3, 2023. This report constitutes a summary of the interviews and factual background.

On December 9, 2022, [REDACTED] emailed City Manager Michael Matthias as follows:

When leaving the Council Chambers after the 12/08/2022 meeting, Councilmember [REDACTED] stopped me in the Court lobby. He was very upset/angry and stated to me that he didn't appreciate that I didn't schedule him 15 minutes. I told him I didn't know what he was talking about. He said all he has ever asked for was 15 minutes with staff and that I didn't schedule him that. I then asked if he was talking about that Staff Retreat and he said yes. He said he asked to be scheduled a time slot before noon. I told him I wasn't in charge of his event and that "I" didn't schedule anyone for this event. I told him this event was planned by other staff and that I was invited to come. I told him I would let the staff who planned the event know he was upset about not being scheduled. He then said that he doesn't know who does what, that sometimes Bonnie does clerk stuff and then sometimes I do. He then went on to say he does know when people are "Fucking" with him or not. I then told him I would never do that!

I was confused as to why he chose to wait until I was alone to confront me. I felt like he was trying to intimidate me. I also don't appreciate the use of profanity when he was speaking at me. His lack of professionalism and respect was very disrespectful. Because I was very uncomfortable in this situation I am asking that I am not alone when locking up the facility after a Council meeting in the future.

Mr. Mike Bolasina
January 12, 2023
Page 2

Chief Administrative Officer Bonnie Wilkins had emailed the councilmembers on November 29 to invite them to speak, in fifteen-minute individual timeslots, at the staff retreat on December 12. Harris did not initially respond to Wilkins' invitation.

On December 2, Wilkins emailed Harris, stating, "Circling back to see if you are available/interested in attending the Staff Retreat on December 12th. If so, I do need to know as soon as possible....by next Monday. Time slots already taken are 10:30, 11:45 and Noon." Harris responded that he had not forgotten and asked if a list of suggested topics had been proposed.

Wilkins responded, "We're still working out details, but for logistics I need to know who is coming and what time. We may have to restructure depending on how many and at what times." Harris replied, "My preference(s) would be: start w 12:00 and work backwards." Harris told me he was trying to communicate that his schedule was flexible. He thought Wilkins would understand that she should schedule everyone else first then put him in an empty timeslot.

This was not clear to Wilkins, who responded, "12:00, 11:45, 11:15 and 10:30 are taken. 10:45, 11:00 and 11:30 are available." Harris did not reply, so Wilkins did not reserve him a timeslot. Five of the seven councilmembers reserved speaking times and three of those five showed up to the retreat.

██████ and Harris generally agree on the substance of their December 8 interaction. Harris admitted he was frustrated that he had not been given a timeslot. He admitted telling ██████ that staff needed to communicate better in the future. He admitted stating words to the effect of, "I never know if people are fucking with me or not."

Despite their general agreement on the substance, ██████ and Harris did not perceive the interaction the same way. ██████ perceived Harris as angry and thought he was attempting to intimidate her. She said Harris could have spoken to her and Wilkins together in the council chambers rather than confronting her alone in the hallway. ██████ said Harris's face was red, he spoke in a harsh tone of voice, and he was waving his hands around. She was offended by his use of profanity. ██████ said she was so fixated on Harris's apparently hostile demeanor that she could not see anything else going on around her, including other people in the room.

Harris denied he was trying to intimidate ██████. He said he was frustrated with not receiving a timeslot but was not angry with ██████ specifically. He said the conversation lasted only about a minute, during which time other people were nearby. He denied raising his voice or intentionally gesticulating with his hands. He said he uses profanity as a part of his normal speech, and it is not an indication of his mood or frustration level. He said if he learns

Mr. Mike Bolasina
January 12, 2023
Page 3

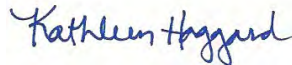
someone is offended by profanity, he stops using it around them. Harris said he is very sorry [REDACTED] was hurt by the interaction; however, to him it was unremarkable.

The City Hall security video shows the interaction, which lasted about 90 seconds, but does not contain audio. [REDACTED] told me that if I watched the video, I would see Harris looking animated and gesticulating with his hands. However, to an objective observer, that is not readily apparent. The footage is choppy, as if a motion-activated camera was used, but it does not show Harris acting in an obviously inappropriate manner. The footage does confirm that two other people were in the lobby during the interaction.

As noted, this letter is limited to a factual summary of the intake interviews and background. If you have any questions or need additional information, please let me know.

Sincerely,

HAGGARD & GANSON LLP



Kathleen Haggard

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AGENDA ITEM

BUSINESS OF THE CITY COUNCIL
City of Des Moines, WA

SUBJECT: Reallocation of American Rescue Plan Act funds

FOR AGENDA OF: February 02, 2023

DEPT. OF ORIGIN: Administration

ATTACHMENTS:

- 1. ARPA allocation summary

DATE SUBMITTED: January 25, 2023

CLEARANCES:

- City Clerk _____
- Community Development _____
- Courts _____
- Director of Marina Redevelopment _____
- Emergency Management _____
- Finance *ML 2/1*
- Human Resources _____
- Legal */s/ TG*
- Marina _____
- Police _____
- Parks, Recreation & Senior Services _____
- Public Works _____

APPROVED BY CITY MANAGER

FOR SUBMITTAL: *[Signature]*

Purpose and Recommendation

The purpose of this Agenda Item is for the City Council to consider Administration recommendations to reallocate \$565,000 of unspent American Rescue Plan Act funds.

Suggested Motion

FIRST MOTION: "I move to approve the recommended reallocation and expenditure of unspent American Rescue Plan Act funds."

SECOND MOTION: "I move to direct administration to prepare a budget amendment to incorporate the approved reallocation and expenditure of ARPA funds, and include such amendment in the next available budget amendment ordinance."

Background

In 2021, the City of Des Moines was awarded \$9,029,879 in funds from the American Rescue Plan Act (ARPA). In September of 2021, the City Council approved allocating these funds for 34 various projects. The City Council also approved creation of a fund in the City’s general ledger to track expenditures of ARPA funds. It is a requirement of the ARPA grant that all funds must be obligated by December 31, 2024 and expended by December 31, 2026.

Discussion

At the end of 2022, through monitoring the balances of the ARPA projects, the City recognized that some projects had been completed, leaving a remaining balance, while others required fewer funds than anticipated. On January 12th, the following balances totaling \$565,548 were presented to the City Council as being available for reallocation:

PROJECT	
Emergency Assistance Takeout for Seniors (E.A.T.S.)	\$129,529
Utility Assistance	178,256
Marina/Beach Park People Movers	7,763
Airport Issues Support	200,000
ARPA Administrative Support	50,000
TOTAL	\$565,548

Recommendations for the reallocation of these funds were also presented to the City Council for consideration. They were as follow:

PROJECT	
Passenger Ferry Service	\$400,000
Marina Infrastructure	115,000
Arts Commission	50,000
TOTAL	\$565,000

Financial Impact

ARPA funds would be expended in compliance with the grant agreement’s directive to expend all funds by December 31, 2026.

Recommendation

Staff recommends approval of the proposed motions.

<p>AMERICAN RESCUE PLAN - PROGRAM Program Period - March 3, 2021 through December 31, 2026 City of Des Moines Allocation = \$9,029,879</p>

<u>PROGRAM EXPENDITURES:</u>	<u>AMOUNT</u>
PARKS PROGRAM SUPPORT	868,000
Includes additional for park security (new FTE) to enhance safe access	132,000
	<u>1,000,000</u>
POLICE DEPARTMENT:	
Evidence Van (SUV -Ford Explorer)	60,000
Body Cams and Program Consultant	250,000
Police Vehicles (3)/ Social worker vehicles (2) Nissan Rogue , Ford Escape	335,000
New Police Officers (2)	830,000
Lease of Redondo Square space for integrated police agencies	63,000
MENTAL HEALTH SUPPORT/WITH POLICE PROGRAM (NONPROFIT) includes 2 social worker contract positions	250,000
HEALTH CARE SUPPORT	200,000
Field House play equipment project	100,000
MUNICIPAL COURT	550,000
SCORE	250,000
E.A.T.S.	210,000
SMALL BUSINESS GRANTS	500,000
METRO	250,000
Additional traffic calming (permanent radar feedback signs).	100,000
ADA Compliance program...trip hazard removal, panel replacement, ramp upgrades	100,000

<p>AMERICAN RESCUE PLAN - PROGRAM Program Period - March 3, 2021 through December 31, 2026 City of Des Moines Allocation = \$9,029,879</p>

Enhance Human Services Committee budget - 1% of General Fund	75,000
TENANT EVICTION RESOURCES	250,000
UTILITY ASSISTANCE RESOURCES	250,000
EMERGENCY TRANSITIONAL HOUSING	300,000
FOOD TRUCKS - LIMITED TERM	60,000
MARINA INFRASTRUCTURE	1,750,000
SR3	75,000
TENANT RESTROOM	400,000
Marina/Beach Park people movers	50,000
BUDGET PUBLISHING SOFTWARE	35,000
Emergency Management Comprehensive Plan	8,000
Cool air misters	15,000
Human Resources recruitment and Engagement Videos	14,400
Establish a Non-Profit Foundation	100,000
ARPA Administration support to implement approved proposals	150,000
Workforce Training Grants	125,000
Airport issues support	300,000
Marina Redevelopment Community Presentation Materials	20,000
Unobligated	4,479
TOTAL	<u>\$9,029,879</u>

AGENDA ITEM

BUSINESS OF THE CITY COUNCIL
City of Des Moines, WA

SUBJECT: Marina Redevelopment Direction
from City Council

FOR AGENDA OF: February 2, 2023

DEPT. OF ORIGIN: Administration

ATTACHMENTS:
1.

DATE SUBMITTED: January 27, 2023

CLEARANCES:

- City Clerk _____
- Community Development _____
- Courts _____
- Director of Marina Redevelopment [Signature]
- Emergency Management _____
- Finance [Signature]
- Human Resources _____
- Legal /s/ TG
- Marina [Signature]
- Police _____
- Parks, Recreation & Senior Services _____
- Public Works [Signature]

APPROVED BY CITY MANAGER
FOR SUBMITTAL: [Signature]

Purpose and Recommendation

The purpose of this agenda item is to consider the presentations, discussion and citizen input received at the January 26, 2023 City Council Study Session regarding potential Marina Redevelopment options and to obtain direction from the City Council on next steps.

Motion

Recommended Motion: "I move to direct Administration to move forward with conducting feasibility studies for the public works projects for landside Marina Redevelopment."

Background

On January 26, 2023, the City Council held a study session solely devoted to potential Marina Redevelopment options and strategies. At that meeting staff and consultants made presentations, the Council asked questions and discussed the matter, and the public was given the opportunity to comment. Additional comments were received via email before the January 26 meeting as well as after.

Discussion

During the January 26, 2023 City Council study session, the Administration provided a recommended strategy for future Marina Redevelopment. This recommendation is to continue to pursue capital and infrastructure projects through public investment, and not to seek a private partner at this time.

However, in an effort to seek additional public input, the Council elected to delay any decisions until the February 2 regular Council meeting. The purpose of this item is to allow the Council to consider all options and make a recommendation for action.

Alternatives

1. Move forward with feasibility reviews of public infrastructure projects.
2. Move forward with feasibility reviews of public infrastructure projects while also seeking private partner for additional development.
3. Do nothing.

Financial Impact

Providing direction to pursue feasibility analysis will not result in significant expenditures outside of existing budgeted funds. Future council action would be required to approve design/construction contracts associated with Marina Redevelopment and project financing options. These potential projects are either in the existing capital improvement plan or will need to be added. City Council reviews, possibly amends, and approves the CIP annually as part of the budget process.