

**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**

**COMMENTS FROM THE PUBLIC**

**CITY MANAGER REPORT**

- Item 1. HUMAN SERVICES - PEDIATRIC INTERIM CARE UPDATE

**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**

**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
<b>Claims Vouchers:</b>				
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)
<b>Total Vouchers paid</b>				<b>2,419,829.13</b>
<b>Payroll Vouchers</b>				
Payroll Checks		19622	19626	88,594.38
Direct Deposit	1/20/2023	4043	4203	431,902.22
<b>Total Paychecks &amp; Direct Deposits</b>				<b>520,496.60</b>
<b>Total checks and wires for A/P &amp; Payroll</b>				<b>2,940,325.73</b>

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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**

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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.

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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.

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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)



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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.

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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.

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November 17, 2022

## **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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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.



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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.

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**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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December 1, 2022

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

Regular Meeting Minutes  
December 8, 2022

**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.



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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  
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**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  
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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 20<sup>th</sup> 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 2<sup>nd</sup> 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:

**A G E N D A   I T E M**

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.

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<sup>1</sup> 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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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  
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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 12<sup>th</sup>. 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  
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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 *[Signature]*
- 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 12<sup>th</sup>, the following balances totaling \$565,548 were presented to the City Council as being available for reallocation:

<b>PROJECT</b>	
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
<b>TOTAL</b>	<b>\$565,548</b>

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

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

**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><b>AMERICAN RESCUE PLAN - PROGRAM</b>                  Program Period - March 3, 2021 through December 31, 2026                  City of Des Moines Allocation = \$9,029,879</p>
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<u>PROGRAM EXPENDITURES:</u>	<u>AMOUNT</u>
<b>PARKS PROGRAM SUPPORT</b>	868,000
Includes additional for park security (new FTE) to enhance safe access	132,000
	<u>1,000,000</u>
<b>POLICE DEPARTMENT:</b>	
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
<b>MENTAL HEALTH SUPPORT/WITH POLICE PROGRAM (NONPROFIT) includes 2 social worker contract positions</b>	<b>250,000</b>
<b>HEALTH CARE SUPPORT</b>	<b>200,000</b>
Field House play equipment project	100,000
<b>MUNICIPAL COURT</b>	<b>550,000</b>
<b>SCORE</b>	<b>250,000</b>
<b>E.A.T.S.</b>	<b>210,000</b>
<b>SMALL BUSINESS GRANTS</b>	<b>500,000</b>
<b>METRO</b>	<b>250,000</b>
Additional traffic calming (permanent radar feedback signs).	100,000
ADA Compliance program...trip hazard removal, panel replacement, ramp upgrades	100,000

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

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
<b>TOTAL</b>	<b><u>\$9,029,879</u></b>

**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.