

TUMWATER CITY COUNCIL WORKSESSION
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CONVENE: 6:00 p.m.

PRESENT: Mayor Debbie Sullivan and Councilmembers Peter Agabi, Michael Althausen, Joan Cathey, Leatta Dahlhoff, Angela Jefferson, Charlie Schneider, and Eileen Swarthout.

Staff: City Administrator John Doan, Community Development Director Michael Matlock, Economic Development Manager Austin Ramirez, Planning Manager Brad Medrud, and Communications Manager Ann Cook.

SAFEPLACE UPDATE: City Administrator Doan introduced SafePlace Executive Director Matthew Solomon. Mr. Solomon briefed the Council on the status of services provided by SafePlace.

Mr. Solomon reported SafePlace serves as the region's certified domestic violence and sexual assault response organization. SafePlace is located in the City of Olympia near Olympia City Hall. The organization hosts a business office and a confidential shelter site. The organization was established in 1981 and is one of the oldest sexual assault response programs in the nation.

SafePlace services include:

- Domestic violence response services for survivors
- Sexual assault response services for survivors
- SafePlace works for societal change to prevent sexual assault and domestic violence while offering crisis intervention, education, and long-term advocacy services
- SafePlace works with advocates and caseworkers
- SafePlace informs and educates survivors on their rights, options, and available services and resources
- SafePlace offers a 24-hour response hotline for both domestic violence and sexual assault
- SafePlace offers 24-hour sexual assault response in partnership with St. Peter's Hospital
- Response to non-fatal strangulation incidents at hospitals
- First-come, first-serve shelter services up to 90 days (since January 2022 through December 2022, the shelter turned away an average of 94 survivors every month as the shelter lacked space)
- Respond to prison sexual assaults
- Provide community training and partner with TOGETHER! to provide education services at middle and high schools on healthy relationships, healthy body image, red flags of abusive relationships, and other prevention information

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- All employees and volunteers receive Advocate Core Training quarterly
- SPEAK peer education – teens from local schools meet weekly to learn about healthy body image, healthy relationships, flags and issues in abusive relationships, learning leadership skills, and building trust
- Custom-designed training for workplace and community groups
- SafePlace Housing Program for survivors
- Partnership with Homes First for housing placements
- Support group for domestic violence and sexual assault survivors
- Free legal advocacy
- Legal clinics twice monthly in partnership with Thurston County Legal Services
- Drop-in services during business hours
- Resources for survivors, such as gift cards for food, fuel, supplies
- Move-in kits for survivors for home placements
- Right-of-way outreach along I-5 corridor in partnership with Thurston County and Department of Commerce
- Partnerships with community-based organizations

SafePlace employs 32 individuals and supported by approximately 22 volunteers.

Mr. Solomon responded to questions from the Council. SafePlace has offered training to the Tumwater Police Department. SafePlace is contacted by St. Peter's Hospital when survivors need assistance. SafePlace has addressed housing concerns to Thurston County for assistance in seeking additional shelter space. The organization is seeking different opportunities to expand shelter space. Funding is typically easier to obtain for constructing space but is more difficult to locate for operations. The organization receives over a million dollars a year from a HUD grant for rental assistance. Survivors who contact SafePlace receive a list of other shelters in the region if space is unavailable at SafePlace. SafePlace also offers a relocation service moving survivors from any location in the country to safe housing. SafePlace practices strict confidentiality rules with names redacted in documents. Most of the organization's funding is from the Department of Health and Services for shelter services and the Department of Commerce for sexual assault services.

MAZAMA POCKET
GOPHER
MITIGATION
CREDITS:

City Administrator Doan briefed the Council on the request to acquire mitigation credits as part of the Bush Prairie Habitat Conservation Plan (HCP) for the Olympia pocket gopher as an interim measure until the City launches a land acquisition program and develops suitable permanent

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mitigation sites. The pocket gopher was listed as an endangered species approximately 10 years ago and is a species with the widest distribution in the county. In addition to listing the gopher, the streaked horned lark, Oregon spotted frog, and Oregon Vesper Sparrow (listed as threatened) were listed. The Endangered Species Act (ESA) listing protects the species and their habitat. The range of the pocket gopher overlaps with the City of Tumwater's urban growth area. The streaked horned lark is located in and around the airport and in other areas with few buildings.

The HCP serves as one way to meet federal permit requirements to enable development of land by both private and public property owners. The HCP allows for higher quality and more efficient long-term species protection, reduces uncertainty, costs, and delays for new development and redevelopment, allows development envisioned by the City to be built, and allows continued and ongoing maintenance of City facilities.

Director Matlock addressed questions on the amount of habitat necessary to protect all four species. The lark is the most challenging of the species. The frog is covered by the City's Critical Areas Ordinance with some augmentation. The sparrow is not as problematic as the lark because of the much larger plan area required for the lark.

City Administrator Doan added that the City's focus has been on the gopher found on City property, school district property, Port property, and private property. The other species with the exception of the frog affects only the Port.

Director Matlock said the Port's future development plan will need to account for mitigation for the lark. Some of the parcels around the airport would likely be reduced in height to accommodate the needs of the lark.

The HCP is under development by the City and the Port of Olympia to serve as the basis for an application for an incidental take permit from the U.S. Fish and Wildlife Service (FWS). The incidental take permit covers effects on the four covered species from urban development and operations and maintenance activities within the City, as well as on Port-owned properties in the City.

Councilmember Cathey said that although she understands the need for development, during the HCP discussions, there were never any conversations that spoke to the balance of protecting and conserving existing species habitat, as well as factoring climate change. She urged more conversations about the balance of development and conservation.

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City Administrator Doan replied that unfortunately, the ESA is not designed to seek a balance but rather is a narrow tool specific to endangered species to strike a balance between preserving land with the species and finding another solution that might be more beneficial for the species.

Director Matlock noted that the current habitat for pocket gophers is not in optimal condition as the prairies are degraded. Once prairie land is designated, the land will be optimized for gophers and planted with prairie species to support gophers.

City Administrator Doan displayed an aerial map of land currently occupied by pocket gophers. The City has researched sites for potential acquisition for permanent gopher mitigation. The HCP estimates the availability of 1,500 acres of conservation land to create protected habitat for gophers.

The primary responsibility for implanting the HCP is the City as the HCP affords the ability for FWS to transfer the responsibility of compliance with the ESA to the City of Tumwater. However, in order to approve the HCP, the Department wants mitigation land identified for the species by the City, which speaks to the request for funding to start the process. Some federal funding may be available but only if the HCP has been approved to allow the City to apply for funding. One way is purchasing mitigation credits creating a scenario where the HCP could be approved with credits available for an entity to purchase for development. The City would be responsible for acquiring land for conservation habitat.

Staff anticipates issuing the draft HCP for public review in March 2023 followed by a public process and stakeholders meeting through March and April. The environmental review is scheduled for completion on the HCP by the end of 2023. The final HCP and permit approvals would occur in early 2024.

Director Matlock addressed questions on the land quality required for conservation land. Land should include good soils and not be less than 100-200 acres in size. In some instances, significant prairie restoration would be necessary. Mitigation sites should house pocket gophers, if possible. The City is required to submit an annual report to the FWS documenting the City's efforts. The City would likely contract with land management professionals for prairie restoration and maintenance.

City Administrator Doan reported the proposal is to purchase mitigation credits. Puget Western, a division of Puget Sound Energy, developed 67.5 acres for mitigation located on the west side of Interstate 5. The parcel had been identified for development but because Puget Western required a

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mitigation site, the company converted the large parcel for mitigation. The company received 171 credits for 67.5 acres because FWS believed the site was suitable and would serve as excellent gopher habitat. Gophers were living on the parcel. Puget Western utilized 60 credits in conjunction with its development leaving 111 credits to sell on the market. Generally an acre of impact requires one credit.

Over the next 30 years, the City requires mitigation to account for future development of utilities, facilities, streets, and parks. Other public entities requiring mitigation include the Port of Olympia and the Tumwater School District. The proposal is to purchase 111 credits from Puget Western reserving 20 credits for the school district. Puget Western prefers a single transaction. Additionally, the City would reserve up to 10 credits for the Secretary of State for its new building, 30 credits would be reserved for the Port of Olympia for mitigation of port activities, 30 credits would be designated for the City, and 21 credits would be offered to the market on a first-come, first-serve basis excluding the aforementioned public agencies. The proposal includes a 45-day purchase option to the entities to reduce City carrying costs. The total transaction to purchase 111 credits (acres) would be nearly \$10 million. Purchasing entities would also pay a share of the original transaction cost and secondary transaction costs to the City for selling the credits to the entity for transactions occurring in the first 45 days. If the purchase occurs beyond the first 45 days, the entity would pay interest costs to the City and a handling charge of \$4,500 per credit per year for any purchase over the first 45 days. Tumwater School District is geared to purchase the credits within 45 days. There is uncertainty as to the timing of the purchase of credits by the Port of Olympia. Follow-up is necessary with the Secretary of the State. The remaining 21 credits are uncertain at this time, as no purchaser has been identified.

Discussion ensued on how mitigation could serve as a deterrent for developers because of the additional cost for mitigation. However, another deterrent is the lack of a HCP because it would lead to less predictability. Adoption of a HCP affords the City with a responsible regulatory framework.

City Administrator Doan addressed questions regarding required mitigation for the City's new maintenance and operations facility on the City's Trails End property and potential impacts to the City's sewer and facilities plans by utilizing funds from the sewer fund for purchasing the credits.

City Administrator Doan described next steps involving financing of approximately \$5 to \$8 million from the sewer utility with the City's credits ultimately sold to City Utilities and City capital projects. A policy would

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need to be developed to assign the credit allocations and a purchase and sale agreement would need to be developed with Puget Western, as well as accompanying agreements with the Tumwater School District and Port of Olympia for future purchase of credits (especially if purchased within 45 days). The documents would be presented at one time to move the process forward. An interfund ordinance would be necessary as well. Some risks include a delay in completion of the HCP or the ESA is no longer enforced (unlikely) and mitigation is no longer required.

Tumwater School District representatives have verbally committed to purchase the credits with strong interest conveyed by the Port with the caveat of either purchasing within the 45 days or later undetermined at this time. The Port needs mitigation credits for development of its properties. Staff has not had conversations with the Secretary of State but proposes contacting the Secretary of State if the Council supports the proposal.

City Administrator Doan responded to questions about the proposal. The City previously purchased 10 credits for the Trails End property from Kaufman Construction at a cost of \$70,000 per acre. The cost of mitigation credits increase as land increases in value. Puget Western agreed to honor its original offer to the City.

City Administrator Doan addressed concerns surrounding the risk to the City in purchasing the credits. The purchase of the credits with a loan serves as tool to encourage FWS to approve the HCP on a faster track as it speaks to the City's commitment.

The Council conveyed support for staff to continue moving forward with the proposal.

**MAYOR/CITY
ADMINISTRATOR'S
REPORT:**

City Administrator Doan explained that historically, an item for consideration by the Council is either vetted by a Council committee, reviewed during a Council worksession, or included as a Council Consideration on the regular meeting agenda for review and discussion by the Council. Most actions are vetted through that process and are not typically presented for a decision without a previous review. Over the last three months, a list of items comprised of minor amendments, consultant contracts, interlocal agreements, or extensions or renewals of existing agreements have moved forward to the Council's consent calendar without vetting or review. The purpose was to avoid adding too many items to Council and committee agendas on routine business matters. He asked for feedback on continuing that process.

Councilmember Dahlhoff agreed with the intent of the change but pointed

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out that she retains more information on items vetted through a committee or worksession rather than reading the information as part of the consent calendar. Her concern is the connection to long-term projects. She prefers vetting items either during a worksession or by a committee.

Councilmember Althaus supported the process over the last several months and has no concerns as the Council has the option of pulling an item from the consent calendar for additional review.

Councilmember Jefferson offered that routine items are a non-issue especially if it increases productivity for the Council. An option is for staff to highlight or communicate information, which would be acceptable as well.

Councilmember Cathey said the issue involves trust and the need to know. As long as the working relationship is based on trust, the process is acceptable.

Councilmember Swarthout agreed with the comments.

City Administrator Doan encouraged the Council to contact him or staff if they have questions about a particular item. Any item on the consent calendar can be pulled from the calendar for additional discussion by the Council or referral to a committee.

City Administrator Doan affirmed the Council's concurrence to proceed with the current practice.

Manager Cook presented the City's new logo and shared information on the design process. The new logo was designed specifically to feature two of Tumwater's most recognizable features. The design strives to achieve a clean, bold, and elegant design that does not age or appear dated quickly. The simplified rendering of the brew tower speaks to the architecture of the area, the history of the City's economic growth around the river, and the commitment to preservation of historic structures. Tumwater Falls is incorporated within the logo because it remains a top visitor attraction to the area and makes the City a destination. The colors are natural and versatile and work well in print or digital media.

For the benefit of Councilmembers Jefferson and Cathey, who did not have an opportunity to review the logo earlier, Councilmembers shared their respective reasons for supporting the new logo design. Manager Cook explained that the color palette will change dependent upon the use of the logo. One important design feature is ensuring the logo is as attractive in

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black and white as it is in color.

Councilmember Cathey said she does not prefer the new logo especially the depiction of the building and water that resemble waves. The logo also lacks any trees. She did, however, agree it was time to replace the current logo.

Manager Cook conveyed appreciation for the feedback. The logo will be introduced slowly beginning with some product orders.

ADJOURNMENT: Mayor Sullivan adjourned the meeting at 8:18 p.m.

Prepared by Valerie L. Gow, Recording Secretary/President
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