

TUMWATER CITY COUNCIL WORKSESSION
MINUTES OF VIRTUAL MEETING
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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, and Eileen Swarthout.

Excused: Councilmember Charlie Schneider.

Staff: City Administrator Lisa Parks, City Attorney Karen Kirkpatrick, Community Development Director Michael Matlock, Finance Director Troy Niemeyer, Police Chief Jon Weiks, Water Resources and Sustainability Director Dan Smith, Transportation and Engineering Director Brandon Hicks, Communications Manager Ann Cook, Engineering Services Manager Bill Lindauer, and City Clerk Melody Valiant.

Others: Deb Williams, Community Garden Coordinator, United Methodist Church.

**ISRAEL ROAD AND
LINDERSON WAY
WATER MAIN
PROJECT,
SCHEDULE 74
PROJECT PLAN
AND SCHEDULE 74
UNDERGROUND
CONVERSION
CONSTRUCTION
AGREEMENT WITH
PSE:**

Mayor Sullivan noted the agenda includes several action items because of the cancellation of the Council's July 4, 2023 meeting and the need to proceed with the projects.

Councilmember Cathey commented on the importance of ensuring future action items are not routinely scheduled during a worksession.

Manager Lindauer briefed the Council on the Israel Road and Linderson Way Water Main Project and Schedule 74 Project Plan and Construction Agreement. Schedule 74 establishes rules for converting existing Puget Sound Energy (PSE) overhead distribution system lines to underground within a project's limits. The proposed action is linked directly to the overall water main project. The project will underground 3,115 feet of overhead power lines within the limits of Linderson Way to Capitol Boulevard on Israel Road. The project includes service connection replacements to each affected property served by the distribution line. The PSE agreement consists of two linked agreements. The Schedule 74 Project Plan is the first agreement and includes all the main components of the project such as scope of work, construction plans and specifications, work requirements, operating rights, construction work schedule, and construction cost estimate. The second agreement is the construction agreement between the City of Tumwater and PSE. The construction agreement references the Schedule 74 Project Plan as an attachment.

PSE will provide the conduits and transformers for the project and will install the electrical system, coordinate and complete changeovers and transfers for new services, remove, deactivate, and replace the existing electrical system after the new system is installed, and provide project inspection services during the City's portion of the project when the City installs conduits and other components.

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The City's responsibility for the project is construction of the utility trench, installation of conduits (provided by PSE), and installation of service transformers. PSE will follow up and complete the connections.

The estimated cost of the project is a cost-sharing agreement of 60% by PSE and 40% by the City of Tumwater. The overall total construction cost for undergrounding is \$947,187.00. The City's cost share of \$378,875.00 is funded from the Transportation Capital Facilities Plan.

Manager Lindauer invited questions from the Council.

MOTION:

Councilmember Swarthout moved, seconded by Councilmember Althausser, to approve and authorize the Mayor to sign the Puget Sound Energy (PSE) Schedule 74 Project Plan and Schedule 74 Construction Agreement, to complete utility undergrounding conversion for the Israel Road and Linderson Way Water Main Project. A voice vote unanimously approved the motion.

**ISRAEL ROAD AND
LINDERSON WAY
WATER MAIN
PROJECT,
AUTHORITY TO
SOLICIT BIDS AND
RECOMMEND
AWARD:**

Manager Lindauer reported the Israel Road and Linderson Way Water Main Project replaces an aging water main along Israel Road and Linderson Way. The project is included in the Water Capital Facilities Plan and is supported in the 2021 Comprehensive Water System Plan update. The project is required to replace aging asbestos water mains originally installed in the 1960s. The mains are close to the end of design life and need replacement to provide a safe and reliable water system to the community. The project includes underground existing overhead utilities partly in preparation for future work on Israel Road in 2024.

The project scope of work consists of replacing the water main on Israel Road from Interstate 5 to Capitol Boulevard totaling approximately 3,750 feet and replacement of water main along Linderson Way from Israel Road south to the access point to the Department of Labor and Industries building totaling approximately 950 feet of water main. The project upgrades all water service connections along the project length in addition to City right-of-way and replacement of pavement and sidewalk affected by the trenching operation. The project includes utility underground improvements for PSE underground conversion from Linderson Way to Capitol Boulevard along Israel Road of 3,115 feet, as well as the City's service connection upgrades underground to the property line to different property owners to include City Hall.

Manager Lindauer displayed an aerial view of the project scope.

Staff released the project for bidding and received seven bids with the highest bid of \$3,939,700.50 and the lowest bid of \$3,365,536.16 from Reed Trucking & Excavating Inc. from Puyallup, Washington. The Engineer's estimate for the project was \$2,997,283.28. Staff anticipated bids ranging between \$2.7 million and \$3.2 million because of unknown material costs in

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today's market. The Engineer's estimate was lower than the lowest bid by approximately 12.3%. Typically, Engineer's estimates should be 10% above or below. Subsequently, staff reviewed the bidding documents from the lowest bidder and completed a full evaluation of the bid. Staff believes the cost estimated by the lowest bidder represents the true cost of construction for today's construction market. Staff recommends moving forward with awarding the bid to the lowest bidder.

Water main improvements are funded by the Water Capital Facilities Plan. For undergrounding and the City's cost share, the amount is funded by the Transportation Capital Facilities Plan. Duration of the project is approximately 50 working days or 2.6 months.

Manager Lindauer reported the City received a bid protest, which is a mechanism an aggrieved bidder uses to challenge the execution of a contract with another bidder. In this case, the company registering the bid protest was the second lowest bidder. The company protested the subcontractor form contending that the lowest bidder did not submit a completed subcontractor form for some electrical components of the project. The company claims that the missing information renders the bid non-viable. The company addressed the issue during a specific element of the project, which was evaluated by staff. Staff determined the bid protest is not viable and that no electrician was required for the work for that specific project location. Staff notified the second lowest bidder of the City's evaluation of the claim and that the City will be providing documentation to the company explaining the City's position that the claim lacks merit. Staff understands it is possible to move forward and award the bid during a protest as long as the City has addressed specific steps prior to the actual execution of the project contract.

Councilmember Jefferson inquired about the information staff ascertained when examining and comparing the Engineer's estimate against the lowest bid. Manager Lindauer explained that the process is somewhat complicated but essentially it speaks to how companies bid with respect to higher or lower bids than the Engineer's estimate. The review evaluates costs that are not feasible. The project is complicated in terms of timing because of the short construction duration to complete the project. Construction scheduling is often difficult to estimate because contractors base their costs on the ability to have sufficient workforce available. The evaluation of the lowest bidder did not reflect any incorrect data. Additionally, over the last several years, it has been difficult to estimate project costs accurately because of the uncertainty and volatility of the market ranging from labor, materials, and energy prices.

Councilmember Agabi asked whether substantiation of the bid protest would have resulted in the City awarding the contract to the company as the second lowest bidder. Director Hicks replied that the award of the contract is a decision by the Council; however, staff would have likely recommended awarding the contract to the second lowest bid as it was within \$20,000 of the

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lowest bid.

Councilmember Dahlhoff questioned whether substantiation of the bid protest would have required the City to release a new bid. Director Hicks responded that the City can award the contract to the second lowest bidder. There are specific reasons for rejecting a bid. If staff deems to reject a bid, staff could automatically consider the second lowest bidder.

MOTION:

Councilmember Swarthout moved, seconded by Councilmember Dahlhoff, to award and authorize the Mayor to sign a public works contract with Reed Trucking & Excavating, Inc. of Puyallup Washington, for \$3,365,536.16 for the Israel Road and Linderson Way Water Main project. A voice vote unanimously approved the motion.

**COMMUNITY
GARDEN UPDATE:**

Director Denney updated the Council on the status of community gardens. A budget of \$200,000 was established to invest in community gardens over time as local non-profits, businesses, and groups contacted the City with an interest in creating a community garden.

The first and only community garden to date is at the United Methodist Church. The garden was installed approximately two years ago. Over the last several years, the City invested \$20,000 in Metropolitan Park District funds to assist the church in the construction of garden boxes, purchasing soil, fencing, and other materials and supplies to support the garden. The garden is created and maintained by the church.

Deb Williams, Community Garden Coordinator, provided an update on the status of the garden. Ms. Williams said the garden was an idea she recommended in 2021. Interest in the garden has been phenomenal. The vision for the garden is to connect and meet the needs of the community and practice loving our neighbors by nurturing independent skills, healthy living, and stewardship. A garden area was provided for the community to create community collaboration, raise food for the Thurston County Food Bank, and educate and include people.

Ms. Williams shared a series of photographs depicting the garden beds in 2021 and a crew of seven individuals. Raised beds installed in 2021 were donated by a church member. Last year, seven gardeners tended the garden and this year eight gardeners have joined the program. Space is available to add several more raised beds. Gardeners represent all age groups. The City was able to install a water meter earlier in the year enabling the group to begin preparing the garden for the 2023 growing season.

Ms. Williams displayed photographs of the garden, garden volunteers, gardeners, and the first box of produce.

The garden is surrounded by fencing encompassing 1/16th of an acre. The

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garden includes a variety of vegetables. Some berries will be added as well as some space to grow squash along a sloped bank area. A Boy Scout project was completed for the project comprised of a seeding area and a BBQ for outdoor events. A new Boy Scout project includes installation of a wash station and a rinse station for produce. Youths from Thurston County Juvenile Detention Center assisted the garden last year and this year by moving mulch and dirt to the gardens. Events at the garden included tomato planting demonstrations, an organic pest control and fertilizing seminar, and food preservation events.

The church has completed phase 1 and 2 of the initial plan comprised of the community garden and the food bank garden. The next stage is planting an orchard with a variety of fruit trees along a sloped area. A garden dedication is scheduled on August 27, 2023 at 12 p.m. at the church. The Council is invited to attend. The church plans to fundraise to cover ongoing garden costs.

Ms. Williams acknowledged Director Denney and Councilmember Jefferson for their assistance, as well as the City for providing initial funds to establish the gardens. She encouraged anyone in the community who would like to volunteer to support the garden to contact her at Tumwatergarden@gmail.com.

Councilmember Dahlhoff commented on the issue of food scarcity among some residents, especially those living in manufactured home parks. She inquired about the possibility of the church considering options for establishing small garden plots for seniors at their homes. Ms. Williams cited a project through the Lacey Food Bank that builds gardens for individuals at their home at no cost. It is also possible to build a community garden in a manufactured home park.

Several Councilmembers thanked Ms. Williams and the church for their efforts in supporting the establishment of a community garden. Ms. Williams advised that the church also offers food bank distribution every third Wednesday in the evening. The church accepts community donations for the food bank and the gardens at its website of Tumwaterumc.org.

**PALERMO TRAIL
BRIEFING:**

Director Denney reported the General Government Committee was briefed on the proposal and recommends the Council authorize the Palermo Trail through the Palermo neighborhood to be funded from Park Impact Fees.

The Palermo pocket park is a small park of approximately 10,000 square feet of excess land from the creation of the Palermo Wellfield. Amenities include a small play toy and a basketball court. An existing trail was created by people over time through the wellfield and up to the rear of the Burger King restaurant. The trail is a narrow wildlife trail that has been used consistently over the years creating a well-defined pathway. The proposal is to develop

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the trail into a maintained trail segment as part of the Deschutes Valley Trail system. The trail is included in the design of the Deschutes Valley Trail beginning at Tumwater Historical Park through the golf course and ending at Pioneer Park. The Palermo Trail would be a spur to the Deschutes Valley Trail.

Director Denney displayed an illustration of the future Deschutes Valley Trail through the golf course and the connection to the Palermo Trail. The trail is located within a natural setting with many trees, shrubs, and plants. Near the trail is a wetland containing water between the wellfield and the golf course.

The Engineer's estimate for construction of the trail is \$451,030.50. The request is for authority to expend up to \$500,000 from park impact fees that have been earmarked for the Deschutes Valley Trail. Construction could begin in fall dependent upon staffing capacity. Development of the Palermo Trail is important because the existing pathway has experienced some occurrences of nefarious activities as the trail is overgrown with vegetation and serves as a place to hide. Creating an attractive trail system will increase trail traffic and lower the occurrence of activities not beneficial to the City or to the neighborhood.

Director Denney invited questions.

Councilmember Jefferson asked about the length of the trail. Director Denney said the trail is approximately one-half mile in length.

Councilmember Swarthout asked about any concerns by residents from the Palermo neighborhood. Director Denney said staff has not followed up with the neighborhood for this segment of the trail as the original design of the Deschutes Valley Trail included a trail that would have transversed through the neighborhood. Over several meetings, staff worked with the neighborhood to delete that section of the trail and reroute the trail near the golf course. The neighborhood is aware of the existing trail spur and the final design.

City Attorney Kirkpatrick advised forwarding the request to a regular Council meeting as the topic was listed only as a discussion item.

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

Mayor Sullivan welcomed City Administrator Lisa Parks. The meeting is her first as the new City Administrator.

City Administrator Parks said she has enjoyed her first several weeks as the City Administrator. Her predecessor, City Administrator Doan assisted her during those first several weeks.

City Administrator Parks encouraged everyone to participate in City's July 4th activities planned and supported by the Parks and Recreation Department.

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Additionally, the City is launching its new website. Staff worked hard to ensure the transition is as seamless and perfect as possible. However, staff does expect some issues and is requesting patience as the new site is transitioned and issues are resolved. The transition of 1,800 pages from the old website to 400 pages of the new website will likely create some challenges.

Mayor Sullivan noted the Council meeting on July 4, 2023 was cancelled due the holiday.

Mayor Sullivan reported on her attendance to the Association of Washington Cities (AWC) with Councilmembers Dahlhoff, Swarthout, and Agabi. The conference was held in Spokane with an extensive agenda from 7 a.m. to 10 p.m.

Mayor Sullivan reminded the community that for those residents 55 years or older they are eligible to receive produce through the Tumwater FRESH program at Isabella Bush Park on Wednesdays and Thursdays.

Councilmember Cathey inquired about receiving some of the information learned during the AWC conference. Mayor Sullivan said AWC is publishing materials on all seminars. Staff will forward the links to the Council. Councilmember Dahlhoff noted that AWC's website includes all presentations and handouts for all seminars and sessions.

Councilmember Cathey said her interest is receiving information Councilmembers believe will benefit the entire Council. Mayor Sullivan recommended adding a discussion during a future worksession.

Councilmember Swarthout noted that AWC provides ongoing training via the internet. Membership is not required to participate.

ADJOURNMENT: **With there being no further business, Mayor Sullivan adjourned the meeting at 7:00 p.m.**

Prepared by Valerie L. Gow, Recording Secretary/President
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