

**TUMWATER PUBLIC WORKS COMMITTEE
MINUTES OF VIRTUAL MEETING
December 7, 2023 Page 1**

CONVENE: 8:00 a.m.

PRESENT: Chair Eileen Swarthout and Councilmembers Michael Althausser and Charlie Schneider.

Staff: City Administrator Lisa Parks, City Attorney Karen Kirkpatrick, Water Resources and Sustainability Director Dan Smith, Transportation and Engineering Director Brandon Hicks, Assistant Transportation and Engineering Director Mary Heather Ames, Engineering Services Manager Bill Lindauer, Capital Projects Manager Don Carney, Communications Manager Ann Cook, Transportation Engineer 1 Bernie Gertje, and Administrative Assistant Cathy Nielsen.

**APPROVAL OF
MINUTES:
PUBLIC WORKS
COMMITTEE,
OCTOBER 19, 2023 &
NOVEMBER 9, 2023:**

MOTION: **Councilmember Althausser moved, seconded by Councilmember Schneider, to approve the minutes of October 19, 2023 and November 9, 2023 as presented. A voice vote approved the motion unanimously.**

**ORDINANCE NO.
O2023-011, MASTER
PERMIT WITH ZIPLY
FIBER PACIFIC, LLC:** Assistant Director Ames reported the Revised Code of Washington (RCW) Chapter 35.99 and RCW 35A.47.040 grants authority to City Council to issue master permits for use of Tumwater streets and other public properties. Tumwater Municipal Code 11.06 provides the framework for telecommunications master permits. The regulations cover cities and towns for telecommunications, cable television service, use of right-of way, and permits, relocation, and the ability to require additional ducts or conduit.

ZiPLY Fiber Pacific, LLC requested the right to install, operate, and maintain a noncable telecommunications system within the rights-of-way of the City previously held by another company that was installed in the 1990s. ZiPLY's current facilities only serve a small number of enterprise customers, but it plans to expand service to cover all residents and businesses in Tumwater. The proposal is the first step for the company to utilize the acquired facilities.

The company submitted an application and fee for a telecommunications master permit. Staff worked with company officials to produce an agreement applicable within the legal framework and acceptable to both the City and ZiPLY. A public hearing is scheduled in January 2024, with the proposed ordinance presented to the Council at its following meeting for consideration. The master permit would allow ZiPLY to have facilities (conduit, fiber, wires) within City rights-of-way. The permit does not allow construction of new

**TUMWATER PUBLIC WORKS COMMITTEE
MINUTES OF VIRTUAL MEETING
December 7, 2023 Page 2**

facilities but details the permitting required for construction of new facilities, as well as for the City to install additional conduit to help the City build its networks.

Councilmember Althauser inquired about future services offered to residents and businesses. Assistant Director Ames said the company has indicated it plans to expand service to include residential and business customers. Ziplly currently offers services only to several large businesses. Additionally, the City has previously installed conduit in various locations throughout the City. The City pursues expansion of conduit when opportunities arise. The framework within the RCW enables the City to install City conduit for the City's eventual use at the City's cost.

**BARCLIFT PARK
AND TUMWATER
HILL PARK
RESTROOM
IMPROVEMENTS,
ACCEPTANCE OF
WORK:**

Manager Carney presented the request for acceptance of work for Barclift Park and Tumwater Hill Park Restroom Improvements.

The project was installation of two pre-fabricated concrete restrooms with utilities, drinking fountains, and installation of a bike rack and updated ADA parking ramp at Tumwater Hill Park and Barclift Park. The restrooms are similar to the restroom at the T Street Park. The Tumwater Hill Park project included a bike ramp and improvements to an ADA parking ramp going to the ball field and the restroom.

Manager Carney shared several photographs of the construction process for the two prefabricated restrooms shipped from Idaho. Staff completed the design and managed construction of the project. The project was funded from park impact fees and funds from the general government fund. KBH Construction Company of Olympia was awarded the contract in May 2022 for \$215,900. Work on the project has been completed. The final contract total is \$205,655, which is under the contractor bid by \$10,245.

Councilmember Schneider cited some prior issues at Barclift Park and asked whether staff is satisfied the issues have been resolved. Manager Carney said staff encountered some issues with water. The site experienced water pressure issues due in part to the new type of toilet, which required some additional work to ensure proper operation. With some additional infrastructure, staff was able to solve the problem.

Chair Swarthout asked whether a restroom has been installed at Kindred Park as well. Manager Carney advised that a restroom has not been installed at the new park. Councilmember Schneider added that when the park was under design, surrounding homeowners did not request a restroom because it would consume too much park space.

MOTION:

Councilmember Schneider moved, seconded by Councilmember Althauser, to recommend the City Council accept the Barclift Park and

**TUMWATER PUBLIC WORKS COMMITTEE
MINUTES OF VIRTUAL MEETING
December 7, 2023 Page 3**

Tumwater Hill Park Restroom Improvements project as complete and authorize the release of the performance bond as soon as the laws of the state of Washington allow. A voice vote approved the motion unanimously.

CONSTRUCTION PROJECT WITH TAPANI, INC., FOR THE KINDRED PARK PROJECT, ACCEPTANCE OF WORK:

Manager Carney reported the project was initially designed by a local design firm with staff assuming and completing the design. The park is located north of 93rd Avenue within The Preserve housing development. The neighborhood park includes a 24 foot by 24 foot covered shelter with lighting, electricity and four picnic benches; one large youth play structure; one triple-wide concrete embankment slide; one 100-foot long zip line; a half-court basketball court; several seating benches; and landscaping and irrigation. Manager Carney shared before and after photographs of the park site.

The contract was awarded to Tapani, Inc, of Battle Ground, Washington in November 2022 in the amount of \$579,794. The park has been completed with a final contract of \$584,281, which was over the contractor bid by \$4,487.

Chair Swarthout cited the requested action.

MOTION:

Councilmember Schneider moved, seconded by Councilmember Althausser, to recommend the City Council accept the Kindred Park Construction project as complete and authorize the Mayor to release the performance bond as soon as the laws of the state of Washington allow. A voice vote approved the motion unanimously.

SERVICE PROVIDER AGREEMENT WITH KENYON DISEND, PLLC, FOR RIGHT-OF-WAY LEGAL SERVICES, AMENDMENT NO. 4:

Manager Lindauer advised that the briefing covers five proposed amendments to existing service provider agreements with separate actions requested for each amendment.

Kenyon Disend, PLLC has been providing legal services for acquisition of right-of-way required for the I-5/Trosper Rd/ Capitol Blvd Reconfiguration project. The amendment extends the term until December 31, 2024, and increases the hourly rate of compensation, beginning January 1, 2024. Staff does not anticipate further need for right-of-way legal services for the project; however, the amendment enables additional work should the need arise.

SERVICE PROVIDER AGREEMENT WITH CARDINAL ARCHITECTURE P.C. FOR HISTORIC BREWERY TOWER RENOVATION, AMENDMENT NO. 5:

Manager Lindauer reported previous amendments for the Cardinal Architecture agreement were for completion of the Historic Brewery Tower Protection and Renovation Report. Phase 1 covered roof and masonry improvements followed by a second phase for seismic improvements. The proposed amendment extends the term of the service provider agreement to December 31, 2024, for completion of the seismic work.

**TUMWATER PUBLIC WORKS COMMITTEE
MINUTES OF VIRTUAL MEETING
December 7, 2023 Page 4**

**SERVICE PROVIDER
AGREEMENT WITH
MATERIALS
TESTING &
CONSULTING, INC.
FOR ON-CALL
MATERIAL
TESTING:**

Manager Lindauer said the City's utilizes the services of Materials Testing & Consulting (MTC) often for material testing work. The amendment proposes to extend the service provider agreement to December 31, 2024, and increases the total amount of the contract to \$195,000. MTC is supporting the City's I-5/Trosper Road/Capitol Boulevard Reconfiguration project as well as material testing for a majority of the projects scheduled for construction next year.

**AMENDMENT NO. 2
SERVICE PROVIDER
AGREEMENT WITH
PACIFIC TESTING &
INSPECTION, INC.
FOR ON-CALL
MATERIAL
TESTING,
AMENDMENT NO. 2:**

Manager Lindauer said the amendment to the current service provider agreement is for an increase in the amount to \$195,000 to provide material testing for ongoing construction projects throughout the City during 2024.

Councilmember Althaus requested clarification as to whether the on-call status essentially means the contractors are working on a retainer basis to the extent of the contract amount. Manager Lindauer said the on-call agreements are a not-to-exceed amount. The companies are utilized as projects progress. The contractor is only reimbursed for the services provided.

**FIBER OPTIC
AGREEMENT WITH
WASHINGTON
STATE
DEPARTMENT OF
TRANSPORTATION,
AMENDMENTS 14
AND
15:**

Manager Lindauer reported the City of Tumwater and the Washington State Department of Transportation (WSDOT) executed an interlocal agreement in July 2005 to provide services to maintain and operate fiber optic cabling within the City. The agreement outlines the day-to-day operations of the fiber optic system. The fiber system is used by WSDOT, fire, police, and Emergency Management Services, and it is connected directly to the golf course facility. Proposed Amendment 14 is a repair to a damaged section of the fiber optic cabling that occurred during the City roundabout project at Trosper Road and Capitol Boulevard. Amendment 15 is for rerouting of the fiber optic system as an element of the I-5/Trosper Road/Capitol Boulevard Reconfiguration project.

Amendment 14 is for the emergency repair to the fiber optic cabling during construction early in the construction of the roundabout project. The contractor accidentally cut through a 144 strand of fiber optic cable, shutting down the golf course. The accident occurred because the conduit was installed within the sidewalk, which is unusual and was unknown to the contractor. As the repair was necessary for the completion of the project, the City coordinated with WSDOT to complete the repair. WSDOT has an agreement with a firm that specializes in fiber optics. WSDOT moved forward and completed the repair under its contract. The total repair cost was \$27,679,000. The fee for the repair will be paid from the City's fiber fund.

Chair Swarthout asked whether the contractor would be responsible for the cost. Manager Lindauer explained that the fiber line should not have been located under the sidewalk, which is why the City is paying for the repair.

**TUMWATER PUBLIC WORKS COMMITTEE
MINUTES OF VIRTUAL MEETING
December 7, 2023 Page 5**

Amendment 15 is related to the first strike to the fiber optic line, because following the initial cut, the contractor investigated the existing fiber line to determine where the cut was located because in some locations the fiber optic had been buried at the proper depth and at other locations, it was buried improperly. The investigation revealed the fiber optic line was not buried in the proper location throughout the project site, which required rerouting of the fiber to a better location to avoid conflicts with all roadway improvements. Staff worked with WSDOT on the rerouting component to reroute 1,200 feet of conduit and fiber.

Manager Lindauer shared an illustration of the installation area and explained the details of the project completed over a period of nearly two days at a depth that will not be impacted by other projects in the future. The repair work was completed by INSI through WSDOT's Contract No. K1588. The City's portion of the cost is \$63,472.78 with WSDOT assuming \$60,000 of the cost. The repair cost would be from the City's fiber fund.

Councilmember Schneider asked whether the amendment for the Historic Brewery Tower project also includes an increase of \$11,000. Manager Lindauer replied that the amendment only extends the length of the agreement to December 31, 2024. Manager Carney noted that the additional amount of \$11,000 was approved as part of Amendment 4. Amendment 5 increases the term for another year.

Chair Swarthout inquired about the status of work on the project. Manager Carney advised that a report on options for a seismic retrofit was submitted to the City. Pending direction from the City, staff is reviewing building permit documentation with no construction work underway at this time. The purpose of the amendment is to retain Cardinal Architecture while the City processes the building permit next year. Next steps with the architect will include discussions on future work and construction and documentation necessary for construction.

Chair Swarthout reviewed the five requests for consideration.

MOTION:

Councilmember Althauser moved, seconded by Councilmember Schneider, to recommend the City Council approve and authorize the Mayor to sign the Fourth Amendment to Professional Services Agreement for Right of Way Legal Services – Capitol Blvd/Trosper Rd Improvements Project with Kenyon Disend, PLLC, for a total compensation not to exceed \$150,000. A voice vote approved the motion unanimously.

MOTION:

Councilmember Althauser moved, seconded by Councilmember Schneider, to recommend the City Council approve and authorize the Mayor to sign the Fifth Amendment to Service Provider Agreement for Historic Brewery Tower Renovation with Cardinal Architecture P.C., for

**TUMWATER PUBLIC WORKS COMMITTEE
MINUTES OF VIRTUAL MEETING
December 7, 2023 Page 6**

a total compensation not to exceed \$323,315. A voice vote approved the motion unanimously.

MOTION: Councilmember Althauser moved, seconded by Councilmember Schneider, to recommend the City Council approve and authorize the Mayor to sign the Second Amendment to Service Provider Agreement for On-Call Material Testing. A voice vote approved the motion unanimously.

MOTION: Councilmember Althauser moved, seconded by Councilmember Schneider, to recommend the City Council approve and authorize the Mayor to sign the Second Amendment with Pacific Testing & Inspection, Inc. for On-Call Material Testing. A voice vote approved the motion unanimously.

MOTION: Councilmember Althauser moved, seconded by Councilmember Schneider, to recommend the City Council approve and authorize the Mayor to sign the Fiber Optic Agreement Amendments No. 14 and No. 15, which allows the continued operation of shared fiber optic services. A voice vote approved the motion unanimously.

OTHER BUSINESS: Councilmember Schneider conveyed his thanks to his fellow committee members and staff for the opportunity to work with and serve on the committee. The work is important for the City and community and because he learned so much he does not intend to take for granted the City's transportation network or infrastructure.

Chair Swarthout commented on the incredible amount of work accomplished over the last year and wished everyone a happy holiday season.

ADJOURNMENT: With there being no further business, Chair Swarthout adjourned the meeting at 8:52 a.m.