PUBLIC WORKS COMMITTEE
AGENDA

Online via Zoom and In Person at Tumwater City Hall, Council Conference Room, 555 Israel Rd. SW, Tumwater, WA 98501

Thursday, September 22, 2022
8:00 AM

1. Call to Order
2. Roll Call
3. Approval of Minutes: Public Works Committee, August 4, 2022
4. Percival Creek Fish Passage Barrier Replacement Scope Amendment #1 (Dan Smith)
5. Somerset Stormwater Project Briefing (Dan Smith)
6. Ordinance No. O2022-021, Removal of Properties from Hopkins Drainage District (Dan Smith)
7. Additional Items
8. Adjourn

Meeting Information
All committee members will be attending remotely. The public are welcome to attend in person, by telephone or online via Zoom.

Watch Online
https://us02web.zoom.us/j/89550843403?pwd=MTQzaW1SS3lxQmdVQmNUYWsvQVFJQT09

Listen by Telephone
Call (253) 215-8782, listen for the prompts and enter the Webinar ID 895 5084 3403 and Passcode 046898.

Public Comment
The public may submit comments by sending an email to council@ci.tumwater.wa.us, no later than 5:00 p.m. the day before the meeting. Comments are submitted directly to the Committee members and will not be read individually into the record of the meeting.

Post Meeting
Audio of the meeting will be recorded and later available by request, please email CityClerk@ci.tumwater.wa.us

Accommodations
The City of Tumwater takes pride in ensuring that people with disabilities are able to take part in, and benefit from, the range of public programs, services, and activities offered by the City. To request an

accommodation or alternate format of communication, please contact the City Clerk by calling (360) 252-5488 or email CityClerk@ci.tumwater.wa.us. For vision or hearing impaired services, please contact the Washington State Relay Services at 7-1-1 or 1-(800)-833-6384. To contact the City's ADA Coordinator directly, call (360) 754-4128 or email ADACoordinator@ci.tumwater.wa.us.

TUMWATER PUBLIC WORKS COMMITTEE
MINUTES OF VIRTUAL MEETING
August 4, 2022 Page 1

CONVENE: 8:00 a.m.

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

Staff: Water Resources & Sustainability Director Dan Smith, City Attorney Karen Kirkpatrick, Capital Projects Manager Don Carney, Water Resources Specialist David Kangiser, Administrative Assistant Cathy Nielsen, and Department Assistant II Bonnie Hale.

Others: Meridith Greer, Greer Environmental Consulting.

CHANGES TO AGENDA: There were no changes to the agenda.

APPROVAL OF MINUTES: PUBLIC WORKS COMMITTEE, MAY 19, 2022, JUNE 9, 2022, JULY 7, 2022 & JULY 21, 2022

MOTION: **Councilmember Schneider moved, seconded by Councilmember Althauser, to approve the minutes of May 19, 2022, June 9, 2022, July 7, 2022, and July 21, 2022 as published. A voice vote approved the motion unanimously.**

BRIEFING/ACTION:

PRESERVE PARK: Manager Carney reported the request is for authority to solicit construction bids and recommend approval a contract award to the City Council. The park is located within the Preserve subdivision. The park includes a play structure, basketball court, picnic shelter, zipline, and site furnishings. The Council previously approved the purchase and installation of play structures, picnic shelter, and site furnishings totaling $323,000 because of the extended timeline to receive materials. The engineer's estimate for construction is $700,000 to include a 20% project contingency. Once the park is completed, the total cost would exceed $1 million.

The scope of work for the project includes site grading, preparation of planting areas, installation of water and electrical utilities for a water fountain, bottle filling station, picnic shelter, and irrigation. Part of the scope includes irrigation of the drainage pond designed by the contractor. The basketball court and picnic areas will be concrete with ADA accessibility to the zipline area in addition to concrete steps. Plantings include trees, shrubs, grass, and artificial turf on the hillside to prevent erosion from traffic to the zipline area. A new electrical

transformer will be installed.

Based on the committee's authority, staff plans to complete design by early September with an invitation to bid released in September and contract award during October/November. The contract should be executed in November with notice to proceed issued in December. Construction activities are scheduled to begin in December with most of the park completed by January 2023.

Councilmember Schneider asked whether the plantings would be native plants. Manager Carney advised that many of the plants are used by the City for right-of-way landscaping, as well as some of the same species of trees planted along Littlerock Road.

Councilmember Schneider asked about the timing for completion of the project. Manager Carney explained that as materials are received, different components of the park would be installed in conjunction with foundation work. The benches have been received and will be installed by the bench company. Some items will be delayed and are not anticipated to arrive until January. The majority of the park elements will be installed earlier as infrastructure is installed.

Councilmember Schneider asked to receive a copy of the presentation so he can share the information with Preserve neighbors. Manager Carney confirmed the request.

Manager Carney explained that a majority of the equipment would be installed by the equipment companies as part of the purchase agreement. The construction contract is for preparation of the land and installation of infrastructure. In response to questions concerning a restroom, Manager Carney explained that the design includes no restroom because the park is designed to serve the surrounding neighborhood.

Councilmember Schneider added that the community has met several times with the City and residents elected not to include a restroom because of space limitation and the desire to include play equipment. Residents also elected not to include swings because of safety issues and additional spacing requirements.

MOTION: **Councilmember Schneider moved, seconded by Councilmember Althauser, to authorize staff to solicit bids for the Preserve Park construction project and recommend the City Council award and authorize the Mayor to sign a public works contract with the lowest responsible bidder. A voice vote approved the motion unanimously.**

BRIEFING/ACTION:

DESCHUTES RIVER FLOOD REDUCTION STUDY SERVICE PROVIDER AGREEMENT:

Consultant Meridith Greer briefed members on the proposed Deschutes River Flood Reduction Study Service Provider Agreement. The project location is along the Deschutes River between Henderson Boulevard and Tumwater Falls at Brewery Park at Tumwater Falls. The area encompasses Pioneer Park, the golf course, and brewery facilities. The goal is to develop a better understanding of the flooding conditions in the area and potential ways to mitigate those impacts.

Ms. Greer displayed a photograph highlighting areas FEMA has identified as flood zones in the Tumwater Valley area. The Deschutes River is the most flood-prone river in Thurston County with emergency declarations issued 17 times for flooding since 1965. The area typically experiences flooding once a year dependent on annual rainfall. One recent example was flooding earlier in the spring of the golf course, Pioneer Park, and the brewery property.

The study's goals are to identify flooding, erosion risks, and potential measures to help reduce and to determine how those measures would impact the study area. Staff is working with Stantec to complete the study. The ultimate goal is restoring some old wetlands to hold water to alleviate flooding in areas adjacent to the river.

The City of Tumwater received a Washington State Legislature budget proviso of $250,000 to complete the work. The City's Stormwater Utility is contributing another $50,000 to help fund the study. The contract with Stantec will complete the study. The contract is for $275,000. Stantec is one of the foremost leading companies completing similar work throughout the region. The company is also working on the Pioneer Park Riparian Restoration project. The project timeline according to the budget proviso provides the remaining balance of the year to complete the study. Funding became available on July 1, 2022, with staff undertaking grant negotiations with the Department of Ecology and negotiations on the service provider agreement with Stantec. The Public Works Committee is requested to recommend approval of the service provider agreement to the City Council and authorize the Mayor to sign the agreement in September. The kick-off meeting with Stantec representatives is scheduled in mid-September to begin implementation of the study with completion by June 30, 2023.

Councilmember Althauser asked whether the study analysis would include recommendations or an outline of actions rather than enabling a better understanding of the flood zones to afford future decision-making. Ms. Greer said the goal of the study would satisfy several objectives. One goal is to gain a better understanding of the study area and identify the type of mitigation that might be possible as the intent is to understand what might be possible if a development proposal was submitted to the City within the old brewery area. The study could serve to inform the developer of current flood risks and what type of development might be possible, as well as potential mitigation measures

the developer would be required to pursue. It is also important for the City to have the information as the City pursues other public projects throughout the watershed.

Director Smith added that it is also important to provide more information to potential developers interested in developing the brewery areas in terms of costs, timelines, and permitting requirements.

Chair Swarthout asked whether one of the measures includes creating a large water storage area to reduce flooding. Ms. Greer explained that the study will evaluate all measures. When flooding occurs downstream, mitigation identifies upstream storage areas to retain some water during high flows. Staff is working with Stantec representatives to explore storage options northeast of Henderson Boulevard in wetland complexes enabling the metering of water slowly following large storm events to help reduce flooding.

Councilmember Schneider recalled the extensive damage along the shoreline after the recent flooding. He asked whether shoring up the shoreline is part of the study. Ms. Greer said the study includes erosion and identifying areas of severe erosion. The City has identified areas of severe erosion along the river through Pioneer Park and along the golf course. High flows tend to erode riverbanks. The modeling component of the study would identify outcomes if flooding and high flows can be reduced in those areas. The site is not specifically identified in the scope of work for bank armoring; however, much is dependent upon the results of the study and how the City plans to implement any projects or measures.

MOTION: **Councilmember Althauser moved, seconded by Councilmember Schneider, to recommend the City Council approve and authorize the Mayor to sign the Deschutes River Flood Reduction Study Service Provider Agreement. A voice vote approved the motion unanimously.**

DISCUSSION:

EAST LINWOOD BASIN STORMWATER RETROFIT: Ms. Greer reported the update is on recent efforts by staff on the project. Staff desires feedback from the committee on the project. The project is the City's East Linwood Basin, a 92-acre basin receiving runoff from the Linwood area prior to discharging to the Deschutes River. All stormwater entering the basin currently receives no treatment prior to discharging to the river. The City received some funds in 2013 and completed 90% designs for end of pipe treatment from the stormwater facility. The potential exists to treat all stormwater and discharge treated stormwater within a facility abutting a walking path along Tumwater Valley Drive.

Because the City was unsuccessful in securing construction funding or permitting, the City elected to examine other alternatives in the area.

Additionally, the Department of Ecology was reluctant to fund projects that impact wetlands and wetland buffers and requested the City explore upper basin alternatives for the area. The City received a grant split in two phases with the first phase studying different alternatives in the basin followed by the second phase of moving forward with design on a selected alternative.

After reviewing alternatives analysis with the consultant, JSA Civil, LLC, and after conferring with the Water Resources and the Transportation and Engineering teams, four different project approaches were identified. The first option is 90% design for end of pipe comprised of constructing two stormwater ponds below the existing outfall serving as one settling pond and the one treatment pond. Since 90% of the design has been completed, the option is the only alternative that would treat runoff from Capitol Boulevard and Interstate 5, especially as more is learned about the impacts of tire particles in stormwater causing a quick die-off of Coho salmon. Coho salmon are endangered species within the Deschutes watershed. Another benefit is ownership of the land by the City of Tumwater. The drawback is the inability to receive grants by the Department of Ecology, as it would affect wetland buffers downstream. Construction funding would need to come from another source. Additionally, the option impacts wetlands that would require mitigation requiring extra work the other options did not include.

The second option is constructing a bio-retention basin at Linwood Avenue and Second Avenue on a site that could also include a future multifamily residential development. The site could accommodate 9-10 townhomes with parking affording a site with multi-benefit uses. The option is cost effective in terms of the amount of stormwater treated versus the construction cost. Drawbacks include land acquisition for the project and treatment of only 50% of basin runoff.

The third option is located at Linwood Avenue and Second Avenue on the side of the Fire Station. The proposal includes construction of two bio-retention facilities. One benefit of the project is the view of the facility to the public and an opportunity to install educational signage. One of the drawbacks is the type of an existing stormwater structure in the area, as the bio-retention facility would need to be at least eight feet deep and could potentially create safety issues and require fencing around the facility. The facility would only treat approximately 12% of runoff from the basin and would require negotiations for use of the land in the future.

The last option is installation of mechanical treatment devices in two locations within the basin. The first location is along Barnes Boulevard and H Street with several more installed near H Street and 4th Street. The benefit of the system is easy maintenance as the devices are cartridges and can be replaced easily by maintenance staff in areas along City rights-of-way with no need for property acquisition. However, maintenance costs would be higher as the systems are

proprietary requiring specific filters purchased from a specific company. The filters would only treat approximately 11% of basin stormwater. Installation of the filter systems along the roadways would increase costs because of construction and would equate to the highest treatment cost per acre treated.

Ms. Greer reviewed the costs of each option. Option 1 end of pipe along the walking trail is the preferred alternative by staff and requires the City to seek funding outside of the Department of Ecology. The option enables treatment of most stormwater from the basin cost effectively. Staff is also interested in pursuing the second option because it would enable using the Department of Ecology grant to complete project design at 90%. Staff could begin working on property acquisition and pursuing other sources of funds for construction. Both approaches enable the City to provide more treatment to the basin and size facilities appropriately to handle the increase in rain events caused by climate change. Staff proposes the first two options moving forward. Ms. Greer invited questions and feedback from members.

Councilmember Althauser referred to a vacant lot on 5th Avenue and H Street. The lot has been sold several times over the last several years and none of the owners have managed to submit an affordable development plan. The lot is approximately .3 acres in size. He asked about consideration of the lot as a different location for option 3 as the recent sale of the lot was approximately $50,000. Because of an existing grade, the lot is essentially undevelopable because of a requirement to add a higher height retaining wall. He asked whether the lot was considered as a possible option rather than the property for option 3 because the facility would need to be deeper because of the narrowness of the parcel. Ms. Greer responded that stormwater treatment in the area is a gravity process and the options tie into the system to enable gravity transmission of water for treatment prior to discharging to the river. The grade of the site might make the option too cost prohibitive for installing a system.

Councilmember Althauser asked whether staff is seeking a response from the committee in terms of a preferred option. Ms. Greer advised that briefing is both informative and to seek support for staff moving forward with the Department of Ecology to pursue option 2 design.

Councilmember Althauser said he supports option 2 as it incorporates an affordable housing component. Acquisition of the property by a developer would be a missed opportunity for the City from a housing perspective. The site serves as an ideal location for low- to middle-income housing because of its location to services and transit. He also supports the first option as it treats most of the stormwater. He asked about the possibility of pursuing both options. Ms. Greer advised that both projects combined would be effective. Option 1 treats 91% of the basin based on modeling completed in 2015. With the increase in rainfall and as more is learned about future impacts caused by climate change, treatment would likely be less than 91%. With an additional 50% treatment

higher in the basin, more capacity would be created in lower areas. Staff proposes moving forward with both options working in tandem within the basin understanding that in areas that are built-out it might require multiple options of treatment to achieve improvements in water quality.

Director Smith noted that option 2 located at the corner of Second Avenue and Linwood Avenue is an option that could include the addition of housing in addition to a stormwater treatment facility. Staff is considering ways to improve the facility as a community attraction through artistic stormwater design. Many other parks have been developed around stormwater facilities in the state with different types of amenities and park features. As the location is highly visible within the City it would be important to design a creative facility to support a neighborhood amenity, as well as a functional stormwater facility. Option 1 increases the capacity to treat stormwater. Staff is considering both solutions as potential options to move forward.

Councilmember Schneider supported the first two options. However, for option 1, his concern is securing funding. He supports the option as it treats more stormwater and incorporates walking trails. Option 2 costs are mostly covered and the option affords a park area and housing. He supports both options or either of the options.

Chair Swarthout asked whether the City would be required to acquire the land for option 2. Director Smith explained that as staff begins to move toward with that option, staff plans to engage in discussions with the property owner to learn whether the sale could include a portion or the entire property. Staff will evaluate all options for potential acquisition by the City.

Chair Swarthout commented that it would be intriguing to have a multi-functional use on the property. She questioned whether pursuing options 1 and 2 would result in the ability to treat at least 91% of stormwater. Ms. Greer responded that staff believes with both options, it would be possible to meet water quality goals for the basin. Chair Swarthout inquired about the process of determining costs for each option. Ms. Greer said acquisition costs have not been identified at this time for any of the options that require property.

Director Smith said the cost is based on conceptual designs and as the process proceeds through design, more accurate costs will be calculated for acquisition and construction. Staff will also pursue construction funding for option 2 through the Department of Ecology and an alternative funding source for option 1.

Ms. Greer outlined next steps moving forward with options 1 and 2. Staff plans schedule meetings with Department of Ecology representatives to pursue the current grant to fund phase 2 of the design process. Design work would begin and end by April 2023. At that point, the goal is to achieve 90% designs

followed by permitting, land acquisition, and construction funding identified in 2023. The outfall process follows a similar timeline with mitigation property identified to address wetland buffer impacts. Both projects would be packaged to seek other funding sources for construction. No timeline has been established at this time; however, staff is moving forward on work on the wetlands and seeking construction funds for both projects.

DISCUSSION & ACTION:

FY 2021-2023 WATER QUALITY STORMWATER CAPACITY AGREEMENT:

Director Smith reported the state provides funds to assist communities with implementation of comprehensive stormwater programs, as required by the City's stormwater permit to help improve water quality by reducing stormwater pollutants discharged to state water bodies. The grant requires no matching funds by the City. The funds are intended to fund implementation of National Pollution Discharge Elimination System (NPDES) programs, such as equipment purchases, implementation of programs, public outreach, and supporting incentives. The grant funds $50,000 of the City's stormwater program, from July 1, 2021 through March 31, 2023. An additional $25,000 has been authorized by the state and will be available shortly after an amendment is executed. He reviewed a list of expenditures to date and future expenditures during the current biennium effective July 1, 2021 through March 31, 2023.

To date, staff has worked on the stormwater management action planning process to delineate subbasins within the City's service area. That work has been completed with assistance from Herrera, a consulting firm. Staff is working on the implementation components of that process to include public outreach and surveying to determine baseline understanding by residents of the basin. Another project is the Equity Index spearheaded by Ms. Greer to develop a tool to help identify over-burdened areas that might have various environmental impacts that need further examination or identifying locations for future projects. The ongoing projects are funded by state grant funds. Next year, staff will explore acquiring additional education materials to help update information, explore available training courses for stormwater staff, and began exploring development of a source control inspection program. Future equipment purchases will support field operations. Technology enhancements include mapping, inspecting, and documenting issues in the field. Over the last decade, the City's capacity to evaluate surface water quality has decreased as the county's program has reduced areas to evaluate. Staff is seeking to fill the gap by developing a base water quality monitoring program to evaluate trends and track stormwater projects to determine how outcomes are affected. Staff plans to work with the Department of Ecology and a consultant to develop a quality assurance plan for water quality monitoring to identify the parameters, locations, and schedule of the monitoring program to include the acquisition of additional equipment for collecting water quality samples.

Staff requests the committee recommend the City Council approve and authorize the Mayor to sign the Water Quality Stormwater Capacity Agreement, in substantially similar form as approved by the City Attorney, with the Washington Department of Ecology for $50,000, for stormwater program implementation, and a forthcoming amendment for $25,000 when available from the state.

MOTION: **Councilmember Schneider moved, seconded by Councilmember Althauser, to recommend the City Council approve and authorize the Mayor to sign the Water Quality Stormwater Capacity Agreement, in substantially similar form as approved by the City Attorney, with the Washington Department of Ecology for $50,000, for stormwater program implementation, and a forthcoming amendment for $25,000 when available from the State. A voice vote approved the motion unanimously.**

OTHER BUSINESS: Chair Swarthout inquired as to the increased stress the City' water system might be experiencing because of increased temperatures. Director Smith advised of a recent staff meeting to review water system capacity and additional stress the system is experiencing because of high temperatures. The City typically experiences a demand in water during hot periods of weather. The system has maintained pumping of 6 million gallons of water each day over the last several days. The City's reservoirs are able to recover in late morning following the previous day's water use. The water system experiences the greatest demand from 4 a.m. to 9 a.m. because of irrigation systems and people preparing for work. Peak demands add some stress to the system; however, the operations team is able to manage well pumping and ensure the maximum amount of water is pumped from each system. The City is also prepared with additional parts in stock should a well experience problems. Well 17 in the Palermo Wellfield recently experienced operational issues creating the necessity to remove the well from pumping. The well produces approximately 300 gallons of water per minute. The well should be repaired within the next several days to test pumping capacity and complete a decontamination process. Because of current market pipeline problems, staff has experienced longer delays in receiving equipment and supplies, which is why the City has purchased and added equipment to the inventory to avoid any delays in well productivity.

Chair Swarthout asked whether Well 17 is being considered for conversion to solar. Director Smith affirmed ongoing evaluation of all well facilities for solar conversion. Well 17 is not considered at this time for solar conversion because pumping demands are too high. However, there could be other opportunities in the water system, such as fill stations that have lower power demands that could be offset with solar. No projects for conversion have been identified at this time. Staff evaluated the City's sanitary sewer system for opportunities for pump stations. However, most pump stations are located within valleys with surrounding trees limiting solar abilities.

Chair Swarthout asked about the possibility of the City establishing a water schedule for residents and businesses to preserve water. Director Smith said that at this point, no water scheduling has been considered as the City has sufficient capacity at this time to meet demand. However, the option is included in the water shortage response plan if the City was ever required to implement a watering schedule.

ADJOURNMENT: **With there being no further business, Chair Swarthout adjourned the meeting at 9:00 a.m.**

Prepared by Valerie Gow, Recording Secretary/President
Puget Sound Meeting Services, psmsoly@earthlink.net

TO: Public Works Committee

FROM: Dan Smith, Director, Water Resources and Sustainability

DATE: September 8, 2022

SUBJECT: Percival Creek Fish Passage Barrier Replacement Scope Amendment #1

---

1) Recommended Action:

Staff requests Public Works Committee recommend the City Council approve and authorize the Mayor to sign the Percival Creek Fish Passage Barrier Replacement Scope Amendment #1 with PBS Engineering and Environmental.

---

2) Background:

The culvert conveying Percival Creek under Sapp Road has been identified as a fish passage barrier due to slope. The City plans to replace the culvert with a larger one to allow fish to pass under the road unobstructed. The project received funding to complete final design and initiate permitting from the Washington State Recreation and Conservation Office's Salmon Recovery Funding Board on July 1, 2021. The City completed a Request for Qualifications process and selected to work with PBS to complete this work.

This amendment covers additional work not previously anticipated, including the requirement to provide stormwater treatment and additional design efforts for the retaining walls on either side of the culvert. This project is being managed for The City by Greer Environmental Consulting.

---

3) Policy Support:

Strategic Priority F - Be a Leader in Environmental Sustainability, specifically

- Enhance salmon runs

---

4) Alternatives:

❑ Request changes to the proposed scope amendment.

---

5) Fiscal Notes:

The initial scope of work anticipated that design and permitting costs would be $143,000. The scope amendment #1 is for $80,753, for a total contract cost of $223,753. The City received $79,600 from the Salmon Recovery Funding Board and the Storm Drain Fund will pay for the remainder of this work. An amount of $1,175,000 has been allocated to this project, identified as SD-12 Sapp Road Culver Replacement, in the 2020-2026 Capital Facilities Plan.

---

6) Attachments:

A. Percival Creek Fish Passage Barrier Removal PBS Engineering SPA - Amendment 1

FIRST AMENDMENT
TO
SERVICE PROVIDER AGREEMENT
FOR
PERCIVAL CREEK FISH PASSAGE BARRIER REMOVAL

This First Amendment ("Amendment") is dated effective this _____day of_____, 20_____, and is entered into by and between the CITY OF TUMWATER, a Washington municipal corporation ("CITY"), and PBS Engineering and Environmental Inc., an Oregon profit organization ("SERVICE PROVIDER").

A. The CITY and the SERVICE PROVIDER entered into a Service Provider Agreement dated effective November 23, 2021, whereby the SERVICE PROVIDER agreed to provide design and permitting services ("Agreement").

B. Section 14 of the Agreement provided that the Agreement may only be amended by written agreement signed by the parties.

C. The CITY and the SERVICE PROVIDER desire to amend the scope of services of the Agreement and increase the compensation paid to the SERVICE PROVIDER for providing the additional services during the term.

NOW, THEREFORE, the parties agree to the following terms and conditions:

1. SCOPE OF SERVICES.

Section 1 of the Agreement is amended to provide for additional services as more particularly described and detailed in Exhibit "A-1," attached hereto and incorporated herein.

2. COMPENSATION.

In consideration of the SERVICE PROVIDER continuing to provide the services described in Section 1 of the Agreement and providing the additional services described in Exhibit "A-1" during the term of the Agreement, Section 4.C. shall be amended to increase the compensation paid to the SERVICE PROVIDER by an additional amount not to exceed EIGHTY THOUSAND SEVEN HUNDRED FIFTY THREE and 00/100 DOLLARS ($80,753.00). The total amount payable to the SERVICE PROVIDER pursuant to the original Agreement and this First Amendment shall be an amount not to exceed TWO HUNDRED TWENTY THREE THOUSAND SEVEN HUNDRED FIFTY THREE and 00/100 DOLLARS ($223,753.00).

3. FULL FORCE AND EFFECT.

All other terms and conditions of the Agreement not modified by this Amendment shall remain in full force and effect.

DATED the effective date set forth above.

CITY:	SERVICE PROVIDER:
CITY OF TUMWATER	PBS Engineering and Environmental Inc.
555 Israel Road SW	4412 SW Cornett Ave
Tumwater, WA 98501	Portland, OR 97239
_____	_____
Debbie Sullivan, Mayor	Signature (Notarized – see below)
	Printed Name:_____
	Title:_____

ATTEST:

_____
Melody Valiant, City Clerk

APPROVED AS TO FORM:

_____
Karen Kirkpatrick, City Attorney

State of Oregon)
) ss
County of _____)

I certify that I know or have satisfactory evidence that _____ is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument, on oath stated that (he/she) was authorized to execute the instrument and acknowledged it as the _____ of _____ to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated:_____

_____
(Signature)
Notary Public in and for the State of Washington
My appointment expires _____

EXHIBIT "A-1"

Scope of Services – Supplement No. 1

Percival Creek Fish Passage Barrier Removal Development Services

Between the City of Tumwater and PBS Engineering and Environmental Inc.

PBS Engineering and Environmental Inc. (CONSULTANT) will provide services outlined below as requested by the City of Tumwater (CITY) Water Resources and Sustainability Department pertaining to the design, permitting, and PS&E necessary for the Percival Creek Fish Passage Barrier Removal Project.

A. SCOPE OF WORK

The Consultant proposes the following supplemental scope of work for the Percival Creek Fish Passage Barrier Removal Project.

Th is supplemental scope and budget primarily respond to three changes in design parameters from the project understanding on which the original contract scope of design effort was based:

1. Wider street section design that increased the area of impervious surfaces, resulting in stormwater management and flow control facility design and reporting tasks.
2. The 60% design package progressed the retaining wall design further than anticipated to assure feasibility, constructability, and cost-effectiveness.
3. Coordination with utility providers to relocate, protect, or disrupt services has been identified as more involved than expected. A separate supplement will be provided to describe the effort beyond what was originally scoped for Task 700.

TASK 100. PROJECT MANAGEMENT

This task supplement will additional project management needs.

Task 100. Assumptions

- This supplement covers a total number of four additional project management meetings (once per month) starting in July 2022 and ending November 15, 2022.
- The project engineer will attend all project management and design check-in meetings to streamline implementation of topics discussed.

Task 100. Deliverables

No change.

TASK 200. SURVEY

The original contract scope provided for one legal description and exhibit document for a single anticipated easement but did not include this documentation in the deliverables.

The current plans require two temporary construction easements and one permanent easement to accommodate construction activity and proposed permanent retaining walls. Separate documentation is required for each of the three easements anticipated.

This task supplement includes additional effort for the Consultant to prepare two legal description and exhibit documents for the proposed temporary and permanent easements.

Task 200. Assumptions

- One additional temporary construction easement will be required.
- One permanent grading/access easement will be required.
- The City will provide one round of review and comment on the legal exhibits.
- The City will coordinate all easement negotiation, acquisition, and execution efforts.

Task 200. Deliverables

- Three legal exhibit documents in PDF format (8.5" x 11" size) for each proposed easement.

TASK 300. GEOTECHNICAL ENGINEERING

The original contract only included scope and budget for preparation of a draft and a final geotechnical report to provide parameters for engineering design. Due to stormwater reporting requirements discussed in Task 900, the Final Geotechnical Engineering Report will be updated to characterize the site's infiltration capacity for storm management design.

Field Testing, Analysis, and Reporting for Stormwater Design

Unanticipated stormwater management reporting and design, described in Task 900, will require geotechnical data collection and analysis.

This task supplement provides scope and budget for geotechnical staff support during preparation of stormwater management facility design documentation and plans, as discussed further in Task 900. The Consultant currently understands the City of Tumwater Drainage Design and Erosion Control Manual (DDECM) requires completion of two pilot infiltration tests (PIT) at depths of approximately 3 feet below the existing ground surface (bgs) at the approximate location of the planned infiltration facility.

Infiltration testing will be completed in general accordance with the procedure outlined in the Western Washington Stormwater Management Manual and City of Tumwater requirements. Testing will require the use of a subcontracted excavator. Explorations will be extended to a depth of 10.5 feet bgs following testing.

Revised Final Geotechnical Engineering Report

The results of the geotechnical infiltration testing and analysis will be incorporated into a Geotechnical Engineering Report Revision #1 and will incorporate changes related to comments provided by the City on March 25, 2022. A draft will be submitted to the City during the 90% design process City for one round of comment and response. These comments will be incorporated for a Final Geotechnical Engineering Report Revision #1 and provided to the City.

Task 300. Assumptions

- The City will provide a permit to use a nearby hydrant at no additional cost to PBS.
- The City will obtain access for PIT testing, which may include removing vegetation to access test locations. PBS can subcontract clearing vegetation for access for an additional fee.
- Soil samples collected during exploration and infiltration testing will be stored for a minimum of 60 days after completion of subsurface exploration. Additional storage time may be requested for a monthly fee.
- PBS will complete a "one call" public utility notification prior to beginning infiltration testing. All reasonable efforts will be made not to damage any existing slabs, asphalt, landscaping, or

underground utilities or sprinklers, etc.; however, PBS will not be responsible for repair costs associated with any damage to such improvements. Test pits required to complete PIT testing will result in disturbance to the ground surface within an approximate 10- to 15-foot radius. Test pits are backfilled with excavated soil, which will settle over time. Our scope and fee does not include restoring the ground surface to the original conditions (for example, compaction, topsoil, seeding, etc.).

- Environmental services are not included in this current geotechnical scope of work. In the event contaminated media is encountered during fieldwork, the Client will be notified immediately. PBS can provide environmental services, if requested, for an additional fee.
- The Final Geotechnical Engineering Report Revision #1 will not provide direction to the future contractor on construction means and methods.
- The Final Geotechnical Engineering Report Revision #1 will include the results of infiltration testing, analysis of laboratory results, and responses to comments provided by the City.
- The City will provide one round of comments (in Word or Excel format) on the Draft Geotechnical Engineering Report Revision #1.

Task 300. Deliverables

- One (1) Draft Geotechnical Engineering Report Revision #1 in PDF format and responses in MS Word, Excel, or PDF format to City comments on the geotechnical report, submitted on 2/25/22.
- One (1) Final Geotechnical Engineering Report Revision #1 in PDF format, and responses in MS Word, Excel, or PDF format to City comments on the Draft Geotechnical Engineering Report Revision #1.

TASK 400. NATURAL RESOURCES

No Change.

TASK 500. HYDRAULICS AND HYDROLOGY – NHC

No Change.

TASK 600. 60% PLANS AND ESTIMATE

The original contract was developed to accommodate the January 2022 deadline for the Brian Abbott Fish Barrier Removal Board grant submittal for final construction funding. This schedule milestone resulted in the original scope developing the 60% design directly from initial survey and skipping an intermediate design milestone (typically 30%). To minimize the design budget while accommodating this project workplan and schedule, the following assumptions were made:

- Per the preliminary design provided to the Consultant in the City's Request for Proposals (RFP), no curb, sidewalk, or bike lane was intended. Based on the illustrated topography, overall site grading was expected to require minimal to moderate effort.
- Per the original contract, "It is not anticipated that any structures will be designed that require structural engineering, as the intention is to use precast concrete structures for the culvert replacement and structural earth walls (SEW) to replace the existing concrete block walls and steep slopes along the roadway."
- All walls and most grading would be contained within the Sapp Road SW right-of-way, resulting in minimal construction easement layout effort.

- Per the preliminary design provided in the City's RFP, the street restoration approach would have tapered from the existing width of 20-feet to the 34-foot asphalt width for the section of the road directly above the culvert. This preliminary approach led to the following assumptions:
    - No curbs, sidewalks, or bike lanes would be required.
    - New plus improved pollution generating impervious surface area would not exceed the threshold for submitting a short form Stormwater and Pollution Prevention Plan.

Throughout the progression of the 60% design, the following events modified the Consultant's basic understanding of project constraints and design objectives:

- Completion of the topographic survey indicated a taller embankment height of Sapp Road SW, resulting in unanticipated level of site grading effort.
- A "Value Engineering Workshop" was held on January 5, 2022, to coordinate design parameters and City requirements in lieu of preparing the 30% intermediate design. Pertinent meeting outcomes included the following:
    - Multiple utility lines were identified as being critical with limited ability to be disrupted during construction. This is anticipated to result in unexpected level of consulting and coordination effort. See Supplement No. 1 language below in Task 700.
    - The extent of asphalt replacement was increased to the east and the west along Sapp Road SW.
    - The City provided a typical street section that resulted in a substantially wider area of hard surface, as well as requiring substantially more design and drafting effort.
- An "Engineering Coordination" meeting was held on February 22, 2022, prior to submittal of the Draft 60% deliverable package. Pertinent meeting outcomes included the following:
    - The Consultant was to provide a grading plan and cross-sections for the proposed wall alignment, as well as a grading plan and cross-sections for the scenario that graded to existing without walls.
- A "Comment Resolution" meeting was held on March 29, 2022, after the Consultant received and processed the City's comments on the Draft 60% deliverable package. Pertinent meeting outcomes included the following:
    - Retaining wall type, size, and location coordination meeting with the City, including evaluation of wall alignment as provided by the City in their comments to the Draft 60% plans.
    - The desired wall alignment encroached into the private property to the south of the roadway.
    - City expressed initial preference for Redi-Rock system of walls.

This supplement authorizes additional scope and budget for the Consultant to perform the following:

- Site Grading and Retaining Wall Design
    - Progress the retaining wall design and drafting to 90% level to ensure a feasible site grading plan, as well as layout temporary and permanent easements. This effort also included research of manufacturer and wall type alternatives.
    - Additional structural engineering to determine design implications of the required 20-foot-tall walls and assist in the evaluation of alternate types, sizes, and layouts.
- Stormwater Conveyance and Management

  - Evaluation of the City's DDECM for stormwater management requirements and thresholds.
  - Calculations, design, and drafting of stormwater collection facilities and conveyance piping.
  - Initial siting for the stormwater management facility.
  - Effort for preliminary assessment of applicable storm sewer design and reporting per the City's DDECM. Additional work to complete stormwater management facility design and reporting is detailed below in Task 900.
- Additional meetings as discussed above for City coordination and comment response streamlining.
  - An "Engineering Coordination" meeting to resolve outstanding questions regarding City expectations of the 60% design.
  - A "Comment Resolution" meeting (CRM) to clarify comments from the City on the Draft 60% design package and coordinate the Consultant's responses.
- Additional sheets required for the 60% design plans include the following:

Plan Sheets	Number of Sheets
General Notes	1
Wall Plan and Profile Sheet, 10 scale	1
Wall Sections Sheet	1
Previous Total Number of Sheets	18
New Total	21

Task 600. Assumptions

- The effort included in this task was completed and the deliverable provided to the City on April 16, 2022, which reflected the additional sheets discussed above.
- One engineering coordination meeting was held with the Consultant's project manager, project engineer, and project geotechnical engineer, as well as the relevant City staff.
- One CRM was held with the Consultant's project manager and project engineer, as well as the relevant City staff.
- The City does not want SEW geotextile fabric interfering with storm lines or any structures.
- The City will address ADA compliance of the pedestrian facilities at a later date and separate from this project.

Task 600. Deliverables

- One (1) no-wall exhibit, showing plan view and street cross-sections, in PDF format.
- One (1) comment response document in Word format.

TASK 700. UTILITIES COORDINATION

The original contract provided scope and budget for 20 hours of project engineer coordination effort in the form of conference calls, emails, and transmittal of design drawings (60% and 90%) with the following utilities.

To date, the Consultant has utilized approximately seven (7) hours to initiate contact with Puget Sound Energy (PSE), Comcast, and Lumen to distribute the 60% plans and begin coordination, as well as consider design options to address water and sewer utilities, which are operated by the City of Tumwater

Task 700. Assumptions

- The project engineer will provide up to three (3) hours of comment resolution effort to the utility's 60% comments.
- Concurrent with the CRM meeting described in Task 800 to address general 60% design deliverable comments, an additional half-hour will be provided for the project engineer to review water and sewer utility comment responses with the utility owners. The project engineer will provide up to one (1) hour of agenda preparation and meeting follow-up documentation. The City will provide any appropriate staff.
- The project engineer will attend one (1) meeting with the natural gas and underground/overhead electrical and telecommunication utility providers, one (1) hour duration, to discuss comments regarding the proposed 60% plans, as well as and coordinate utility protection, adjustment, and/or disconnection during construction. The project engineer will provide up to one (1) hour of agenda preparation and meeting follow-up documentation. The City will provide appropriate staff.
- The remaining project engineer effort will be utilized for utility coordination effort as described by the original contract scope of work.
- The City will provide water and sanitary sewer utility adjustment and/or temporary relocation design.
- PSE (power and natural gas), and all telecommunication utility purveyors will provide utility adjustment and/or temporary relocation design.
- The City and other utility purveyors will provide one (1) round of comments on the 60% design.

Task 700. Deliverables

- Meeting Agendas for both meetings in electronic PDF format.
- Meeting follow up documentation for both meetings in electronic PDF format

TASK 800. 90% PLANS, SPECIFICATIONS, AND ESTIMATE

The original contract scoped 90% design efforts based on an understanding of a narrower street cross-section, shorter walls, no stormwater conveyance or management facilities, or significant utility coordination.

As discussed in the previous tasks, as well as in Task 900 below, the following design parameters have changed, requiring additional effort to progress design to 90% level:

- Additional site grading effort to address the dual effects of a wider street section and taller retaining walls than expected, resulting in more design and drafting effort
- The wall design and structural engineering calculations will be provided by a manufacturer, but structural engineering design review will be required to bring wall design to a full 90% level.
- Updating plans to reflect utility adjustment, relocation, or temporary removal design, as provided by Others.

- Updating plans to reflect the proposed stormwater collection and conveyance facilities as developed in Task 900 below.

This task supplement includes additional scope and budget for the following efforts:

- Site Grading and Retaining Wall Evaluation and Design
  - Additional coordination with potential wall manufacturers, including guidance on estimated design requirements.
  - Wall design review by a structural engineer.
- Stormwater Conveyance and Management
  - Design and drafting on all sheets to accommodate the stormwater collection and conveyance facilities prepared under Task 900.
- Additional Meetings:
  - One (1) "Engineering Coordination" meeting, described below.
  - One (1) CRM as described below.
- Additional sheets required for the 90% design plans include the following:

Plan Sheets	Number of Sheets
Stormwater Facility Plan and Profile, 20 scale*	1
Stormwater Utility Details Sheet*	1
Stormwater Facility Detail Sheet*	1
Miscellaneous Wall Details	1
Previous Total Number of Sheets	21
New Total	25

*Described in Task 900 below.

Task 800. Assumptions

- The City will not require a sole-source manufacturer for the retaining wall.
- Structural engineering services provided by the Consultant for utility adjustment review is limited to due diligence evaluation work only.
- Up to one wall design meeting of up to 1-hour duration with the Consultant's project manager, project engineer, and one (1) senior engineer, as well as the relevant representatives from the City. If the City elects to hold this meeting, it would be to confirm and finalize specific wall design aesthetic, engineering, and constructability components.
- All utility adjustment verification and design reviews are covered under Task 700.
- Major design changes that result from the utility coordination efforts may require a scope amendment, per Task 700.
- Drainage plan sheets will be prepared in accordance with DDECM requirements.
- All City comments provided on the Draft and Final 90% design deliverables will be provided to PBS in either Microsoft Word or Excel format.

- Up to one (1) "Engineering Coordination" meeting, one (1) hour duration, to discuss the progressed design prior to submittal of the Draft 90% deliverable. The Project Manager and the Project Engineer from the Consultant and appropriate City staff will be present.
- One (1) CRM, one (1) hour duration, to discuss the comments received on the Draft 90% deliverable and agree on approaches to resolve the comments. The Project Manager and the Project Engineer from the Consultant and appropriate City staff will be present.

Task 800. Deliverables

- Final package of retaining wall design calculations and material data sheets, in PDF format.

TASK 900. STORMWATER MANAGEMENT REPORTING AND DESIGN

The original contract scope assumed that, per the preliminary design provided in the City's RFP, the area of new plus replaced pollution-generating impervious surfaces (PGIS) would not trigger any significant stormwater reporting and design requirements.

As the project design parameters developed, the amount of new plus improved hard surfaces increased to the degree that a full drainage report will be required, per the DDECM thresholds. The area of impervious surfaces proposed in the 60% design is large enough that it triggers the DDECM Minimum Requirements #1 through #11, which include runoff treatment and flow control facility design. The DDECM requires submittal of a Drainage Report that summarizes stormwater design and compliance for newly constructed project elements.

This new task includes scope and budget for the following efforts:

- Alternatives Analysis
    - Preparation of preliminary stormwater management concepts for City review and comment.
    - Receive and respond to City comments and select a preferred design.
- Design Evaluation
    - Coordination with design team regarding roadway, geotechnical, and environmental aspects of the project
    - Evaluate and determine an effective approach to managing roadway drainage.
    - Bio-infiltration, detention facilities, ditches, and piped systems will be considered as required.
- Reporting
    - Prepare a Draft Drainage Report pertaining to surface water management per DDECM standards and submit to the City for review and comment.
    - Prepare responses to City comments to the Draft Drainage Report.
    - Attend a CRM with the City reviewers.
    - Submit Final Draft Drainage Report and Plans to City for final comments.
    - Prepare the Final Drainage Report, which will incorporate City comments and be submitted for local permits.

Task 900. Assumptions

- This project will comply with all City of Tumwater DDECM requirements.
- The new plus improved area for the proposed improvements exceeds 5,000 square feet.
- This project does not qualify for any exemptions.

- Upon determination of infiltration site characteristics, the Consultant will discuss general stormwater management facility design alternatives for the City to select a preferred approach.
- The DDECM will govern all design and reporting requirements.
- In accordance with the City of Tumwater Drainage Design and Erosion Control Manual (Manual), this project is classified as "Redevelopment" and must meet Minimum Requirements No. 1 through No. 11.
- Drainage plan sheets will be prepared in accordance with DDECM requirements.
- Drainage plan set sheets related to stormwater management facilities will be included and provided to the City as part of the 90% plan set portion of the submittal, per Task 800.
- Geotechnical team will need to perform soil infiltration tests, per amended Task 300.
- City to provide one round of comments on the Draft deliverables, provided to PBS in either MS Word or Excel format.

Task 900. Deliverables

- Draft Drainage Report (PDF format).
- Responses to City comments (either MS Word, Excel, or PDF format).
- Final Drainage Report and stormwater site plans (PDF format).

1) ESTIMATED PROJECT TIMELINE

Task	Start Date	End Date
Task 100. Project Management	June 2022	November 2022
Task 200. Survey	June 2022	November 2022
Task 300. Geotechnical Engineering	June 2022	November 2022
Task 400. Natural Resources	N/A	N/A
Task 500. Hydraulics and Hydrology	N/A	N/A
Task 600. 60% Plans and Estimate	June 2022	November 2022
Task 700. Utilities Coordination	N/A	N/A
Task 800. 90% Plans, Specifications, and Estimate	June 2022	November 2022
Task 900. Stormwater Management	June 2022	November 2022

2) ESTIMATED BUDGET

Task	Original Contract	Supplement No. 1
Task 100. Project Management	$10,560	$6,233
Task 200. Survey	$12,550	$3,024
Task 300. Geotechnical Engineering	$13,965	$12,984
Task 400. Natural Resources	$7,528	--
Task 500. Hydraulics and Hydrology	$29,796	--
Task 600. 60% Plans and Estimate	$30,755	$20,514
Task 700. Utilities Coordination	$2,900	--
Task 800. 90% Plans, Specifications, and Estimate	$22,455	$11,774
Task 900. Stormwater Management Reporting & Design	--	$36,515
Reimbursable expenses	$2,200	--
Total	**$143,000**	**$80,753**
Total Contract Amount		**$223,753**

TO: Public Works Committee

FROM: Dan Smith, Director – Water Resources & Sustainability

DATE: September 22, 2022

SUBJECT: Somerset Stormwater Project Briefing

---

1) Recommended Action:

None. This item is for discussion only.

---

2) Background:

High velocity flows and an undersized culvert along Somerset Hill Drive at Percival Creek have contributed to the erosion of the creek slope, placing a 6-inch sewer main at risk of failure. In addition, a 100-foot tall Grand Fir tree sits within the eroding area increasing instability of the slope and placing the sewer main at greater risk.

Immediate issues are focused on potential tree removal, slope protection and evaluating the relocation of the sewer main from the top of slope. Staff, in coordination with Landau Associates, have conducted a baseline assessment to recommend next steps.

Short term remedies include determining if the sewer main can be relocated approximately 6-8 ft. from its existing position, and assessing if the Grand Fir should be removed and if so what implications could follow. We will also review viable solutions for temporary slope armoring (e.g., sandbags, woody debris, Ecoblock) for the eroding slope.

Regardless of the success of immediate actions, a longer-term resolution is needed to ensure slope stability and protection of utility services in the area, culvert replacement will need to be considered concurrently due to the timeline to design, permit, and complete this work. Culvert replacement is not a current project in the 2022-2027 Capitol Facilities Plan.

---

3) Policy Support:

- Be a Leader in Environmental Sustainability

---

4) Alternatives:

- ❑ None

---

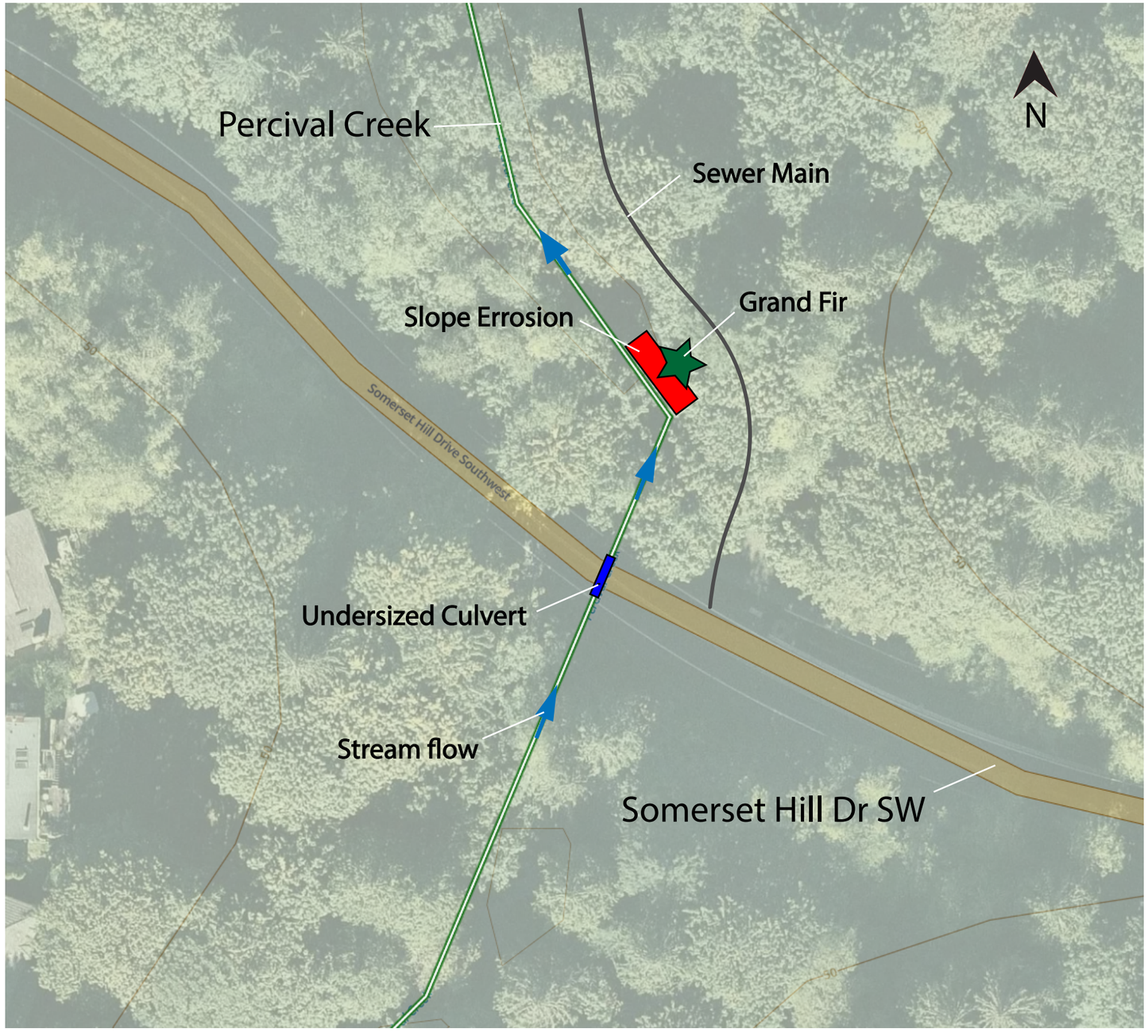
5) Fiscal Notes:

Costs associated with each element are to be determined, dependent upon direction.

---

6) Attachments:

A. Area Map


Percival Creek
Sewer Main
N
Slope Errosion
Grand Fir
Somerset Hill Drive Southwest
Undersized Culvert
Stream flow
Somerset Hill Dr SW

TO: Public Works Committee

FROM: Dan Smith, Water Resources & Sustainability Director

DATE: September 22, 2022

SUBJECT: Ordinance No. O2022-021, Removal of Properties from Hopkins Drainage District

---

1) Recommended Action:

Staff requests the Public Works Committee set a public hearing for Tuesday, October 4th to take testimony on Ordinance O2022-021 to remove all properties located within the boundaries of the City of Tumwater from Hopkins Drainage Ditch District No. 2.

---

2) Background:

On July 9, 2022, the Hopkins Drainage District (District) opened a public hearing to annex 605 properties into the District, 599 of which lie within the boundary of the City of Tumwater. During this public hearing which spanned multiple meetings, over 47 letters of objection representing most, if not all, of the properties proposed for annexation were reviewed and rejected by the District. The public hearing was closed on September 2, 2022, with the adoption of the proposed new roll for tax year 2023. The District aims to complete the annexation with a resolution to "Certify the Adopted Roll for Tax Year 2023," on September 24, 2022.

The Ordinance proposed is authorized by RCW 85.38.217 and will remove the 599 properties located within the City of Tumwater from the Hopkins Drainage District No. 2, as these properties are served by an existing Stormwater Utility operating pursuant to RCW 35.67.030. The City is working diligently to meet extraordinarily tight timelines to take action in appeal of action taken by the District as required by RCW. As such, the proposed ordinance is currently under review by the City Attorney's office and will be provided in advance of the meeting. The City will have 10 days following District certification of the adopted roll on September 24, 2022 to appeal the certification and must take action to remove those properties effected by the District's annexation before the District approves the assessment.

---

3) Policy Support:

- Refine and sustain a great organization – be fiscally responsible.
- Be a leader in environmental sustainability.

---

4) Alternatives:

- ❑ Allow the District to assess property owners within City limits.

---

5) Fiscal Notes:

While it remains unclear exactly what the costs to each property owner in Tumwater will result from this proposed action, the District is likely to impose fees of approximately $750 per non-commercial property, and an on-going maintenance assessment of 10% of the initial

assessment annually. Commercial properties would be assessed $2,500, plus the annual maintenance assessment. The City owns two parcels within the Preserve development. The District aims to collect upwards of $400,000 during the first year of collections.

---

6) Attachments:

A. Ordinance No. O2022-021, Removal of Properties from Hopkins Drainage District

"A"

ORDINANCE NO. O2022-021

AN ORDINANCE of the City Council of the City of Tumwater, Washington, removing all properties located within the boundaries of the City of Tumwater from Hopkins Drainage Ditch District No. 2 as more particularly described herein.

WHEREAS, RCW 85.38.217 provides that any portion of a drainage district or drainage improvement district located within the boundaries of a first-class city operating a storm drain utility pursuant to RCW 35.67.030 may be removed from the drainage district or drainage improvement district by Ordinance of the city; and

WHEREAS, the City of Tumwater is a code city authorized by RCW 35A.11.020 and RCW 35A.21.160 to exercise the powers of any class of city not specifically denied to a code city; and

WHEREAS, the City of Tumwater operates a storm drain utility pursuant to Chapter 35.67 RCW; and

WHEREAS, Hopkins Drainage Ditch District No. 2 (the "District") is a special purpose district organized under RCW 85.06 for the purpose of operating a drainage system known as Hopkins Ditch since 1901; and

WHEREAS, the District passed a resolution on September 24, 2022, expanding the boundaries of the District by annexing 599 properties within the City of Tumwater ("the Tumwater Properties") into the District; and

WHEREAS, the District intends to assess the Tumwater Properties over $400,000 to pay for District improvements outside the City and deferred maintenance on facilities that do not serve the Tumwater Properties; and

WHEREAS, the District has failed to provide evidence that the Tumwater Properties are receiving services or benefits from the facilities of the District as required by Chapter 85.32 RCW; and

WHEREAS, the City maintains sufficient capacity to manage and maintain stormwater utility services for all of the Tumwater Properties in compliance with local, state, and federal requirements, and in conformance with the City's 2018 Comprehensive Stormwater Management plan; and

WHEREAS, the Tumwater Properties pay stormwater utility charges to the City of Tumwater to maintain the stormwater management facilities serving said properties; and

WHEREAS, the removal of the Tumwater Properties will not result in the impairment of any contract nor remove any existing liability or obligation to finance district improvements that serve the area so removed; and

WHEREAS, the City provided written notice of the public hearing to the general public including residents of the District to be removed on September 26, 2022; and

WHEREAS, the Public Works Committee discussed the removal of the Tumwater Properties from the District at its September 22, 2022 meeting and recommended a public hearing be held; and

WHEREAS, the City Council discussed the matter at its September 27, 2022 meeting and approved the Ordinance move forward to a public hearing; and

WHEREAS, a public hearing was held by the City Council on October 4, 2022, giving the public, including residents of the portion of the District to be removed, the opportunity to respond to the action; and

WHEREAS, action must be taken by the City to remove the Tumwater Properties immediately from the District to promote the objectives of this Ordinance and preserve the health, safety, property, and general welfare of the residents of the City because the District intends to approve an assessment upon properties located within the boundaries of the City prior to statutory deadline;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TUMWATER, STATE OF WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. All properties constituting a portion of the Hopkins Drainage District #2 located within the boundaries of the City of Tumwater as described and depicted on Exhibit A attached hereto and incorporated herein by reference are hereby removed from the District.

Section 2. The Water Resources & Sustainability Director and City Attorney are authorized to take any and all actions necessary to carry out the removal of the properties located within the boundaries of the City from the District.

Section 3. Corrections. The City Clerk and codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance including, but not

limited to, the correction of scrivener/clerical errors, references, Ordinance numbering, section/subsection numbers and any references thereto.

Section 4. Ratification. Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

Section 5. Severability. The provisions of this Ordinance are declared separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this Ordinance or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of the Ordinance, or the validity of its application to other persons or circumstances.

Section 6. Declaration of Emergency — Effective Date. For the reasons set forth above, and to promote the objectives stated herein, the City Council finds that a public emergency exists, necessitating that this Ordinance take effect immediately upon its passage by unanimous vote of the City Council in order to protect the public health, safety, property, and general welfare. This Ordinance shall take effect and be in force immediately upon unanimous passage by the City Council.

Section 7. Alternate Effective Date. If this Ordinance does not become effective immediately as provided in Section 6, then this Ordinance shall become effective thirty days after passage, approval, and publication as provided by law.

ADOPTED this 4th day of October, 2022.

CITY OF TUMWATER

_____
Debbie Sullivan, Mayor

ATTEST:

_____
Melody Valiant, City Clerk

APPROVED AS TO FORM:

_____
Karen Kirkpatrick, City Attorney

Published:_____

Effective Date:_____

EXHIBIT A: MAP OF PROPERTIES WITHIN THE BOUNDARIES OF THE CITY OF TUMWATER TO BE REMOVED FROM HOPKINS DRAINAGE DITCH DISTRICT NO. 2

- Lots 1 through 188 and Tracts A through N, R, and S of Plat of The Preserve at Tumwater Place Division 1, AF No. 4377508
- Lots 189 through 222 and Tracts T, U, X-1, and X-2 of Plat of The Preserve at Tumwater Place Division 2, AF No. 4671836
- Lots 223 through 405 and Tracts V through Z, AA, and BB of Plat of The Preserve at Tumwater Place Division 3, AF No. 4728495
- Lots 406 through 545 and Tracts CC through MM of Plat of The Preserve at Tumwater Place Division 4, AF No. 4819429
- Lots 1 through 12 and Tracts A through C of Plat of Tumwater Commerce Place, AF No. 4159577
- Lots 1 through 7 and Tract A of Plat of Tilley Corporate Center, AF No. 4671840