



**CITY COUNCIL
MEETING AGENDA**

Online via Zoom

**Tuesday, March 01, 2022
7:00 PM**

- 1. Roll Call**
- 2. Flag Salute**
- 3. Special Items:**
 - [a.](#) American Red Cross Month (American Red Cross – Northwest Region, South Puget Sound and Olympics Chapter, Executive Director Daniel Wirth)
- 4. Public Comment:** (for discussion of items not having a public hearing on tonight's agenda)
- 5. Consent Calendar:**
 - [a.](#) Approval of Minutes: City Council Special, November 30, 2021
 - [b.](#) Approval of Minutes: City Council Joint Tumwater School District, January 6, 2022
 - [c.](#) Approval of Minutes: City Council Worksession, February 8, 2022
 - [d.](#) Approval of Minutes: City Council Retreat, February 11, 2022
 - [e.](#) Approval of Minutes: City Council Retreat, February 12, 2022
 - [f.](#) Approval of Minutes: City Council, February 15, 2022
 - [g.](#) Payment of Vouchers (Shelly Carter)
 - [h.](#) Greer Environmental Consulting Service Provider Agreement (Dan Smith)
 - [i.](#) 2022 City Council Meeting Schedule and Summer Recess (John Doan)
 - [j.](#) Amendment to Interlocal Agreement with Thurston County for Radio Services (Lance Inman)
 - [k.](#) Ordinance O2022-009, Interfund Loan and Call of 2011 GO Bond (Troy Niemeyer)
- 6. Council Considerations:**
 - [a.](#) Preliminary Docket for 2022 Comprehensive Plan Map and Text Amendments and Corresponding Rezones (Brad Medrud)
- 7. Committee Reports**
 - a. Public Health and Safety Committee (Leatta Dahlhoff)
 - b. General Government Committee (Michael Althausen)
 - c. Public Works Committee (Eileen Swarthout)
 - d. Budget and Finance Committee (Debbie Sullivan)

8. **Mayor/City Administrator's Report**
9. **Councilmember Reports**
10. **Adjourn**

Remote Meeting Information

To comply with Governor Inslee's Proclamation 20-28, the Tumwater City Council meetings will be conducted remotely, not in-person, using a web-based platform. The public will have telephone and online access to all meetings.

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Public and Written Comment

Register by 6:45 p.m. the day of the meeting to provide public comment using the web-based meeting platform: https://us02web.zoom.us/webinar/register/WN_Y9bi_OjIRMOCyn2zU_NmfQ

After registering, you will receive a confirmation email with a login to join the online meeting.

As an alternative, prior to the meeting, the public may submit comments by sending an email to council@ci.tumwater.wa.us, no later than 5:00 p.m. on the day of the meeting. Comments are submitted directly to the Mayor and City Councilmembers and will not be read individually into the record of the meeting.

Post Meeting

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Accommodations

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Proclamation

WHEREAS, in times of crisis, people come together to care for one another. This humanitarian spirit is part of the foundation of our community and is exemplified by American Red Cross volunteers and donors; and

WHEREAS, in 1881, Clara Barton founded the American Red Cross, turning her steadfast dedication for helping others into a bold mission of preventing and alleviating people's suffering. Today, more than 140 years later, we honor the kindness and generosity of Red Cross volunteers here in Tumwater, who continue to carry out Clara's lifesaving legacy. They join millions of people across the United States who volunteer, give blood, donate financially or learn vital life-preserving skills through the Red Cross; and

WHEREAS, in Tumwater, the contributions of local Red Cross volunteers give hope to the most vulnerable in their darkest hours – whether it's providing emergency shelter, food and comfort for families devastated by local disasters like home fires, donating essential blood for accident and burn victims, heart surgery and organ transplant patients, and those receiving treatment for leukemia, cancer or sickle cell disease; supporting service members and veterans, along with their families and caregivers, through the unique challenges of military life; helping to save the lives of others with first aid, CPR and other skills; or delivering international humanitarian aid; and

WHEREAS, their work to prevent and alleviate human suffering is vital to strengthening our community's resilience. We dedicate this month of March to all those who continue to advance the noble legacy of American Red Cross founder Clara Barton, who lived by her words, "You must never think of anything except the need, and how to meet it." We ask others to join in this commitment to give back in our community.

NOW THEREFORE, I, Debbie Sullivan, Mayor of the City of Tumwater, do hereby proclaim the month of

March 2022
American Red Cross Month

and I urge people to join me as I commend the efforts of American Red Cross South Puget Sound and Olympics Chapter and encourage local residents to reach out and support its humanitarian mission.

Signed in the City of Tumwater, Washington, this first day of March, in the year, two thousand twenty-two.



Debbie Sullivan
Debbie Sullivan
Mayor

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CONVENE: 6:00 p.m.

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

Staff: City Administrator John Doan, City Attorney Karen Kirkpatrick, Communications Manager Ann Cook, and City Clerk Melody Valiant.

PUBLIC HEARING:

**DEVELOPMENT
AGREEMENT WITH
PORT OF OLYMPIA
FOR NEW MARKET
INDUSTRIAL CAMPUS
(NMIC):**

Mayor Kmet welcomed everyone to the special meeting to receive public testimony on Resolution No. R2021-021, a Development Agreement between the City of Tumwater and Port of Olympia for the New Market Industrial Campus area.

Mayor Kmet reviewed the public hearing format and asked speakers to limit testimony to three minutes.

City Administrator Doan reviewed the process for development of the agreement. The area subject to the agreement is approximately 200 acres of property owned by the Port of Olympia zoned Airport Related Industrial for a range of industrial, aviation, office, and commercial development generally compatible with airport uses. The zoning was established in 1995 and amended in 2016 addressing warehouse distribution uses. Although the land is owned by the Port of Olympia, some underlying deed restrictions are tied to the federal government requiring land to be developed in support of the airport.

The Port of Olympia completed a New Market Industrial Campus Master Plan several years ago; however, the draft plan was never adopted by the Port Commission.

A development agreement is a broad term for an agreement between a jurisdiction (city or county) and a developer. The developer can be public or private. The agreement defines some specific provisions pertaining to future development typically centered on development regulations, timing of development, infrastructure requirements, and funding. Often, development agreements include provisions for sharing costs, such as sharing infrastructure costs or exchange of value for mutual benefit. A development agreement is not a specific development review and may be in advance or accompany a specific development application. Development agreements typically include some description of future development. The agreement is not a lease agreement with the Port of Olympia. The Port of Olympia has entered into a lease agreement with Panattoni that is separate from the development agreement. The development agreement whether adopted or

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not has no impact on the lease agreement between the Port of Olympia and Panattoni.

City Administrator Doan emphasized that the City has a regular development review process. No project proposals have been submitted as part of the proposed development agreement. One building that had been proposed was subject to preliminary conversations on zoning and the development process.

The development agreement process was initiated in June 2020 during the Port of Olympia's conversations on the concept of a lease option agreement with Panattoni. The City and Port engaged in many conversations and briefings surrounding the lease agreement and a proposed development agreement. The Council's last discussion on the proposed agreement was during a recent Council worksession. On November 23, 2021, following the worksession, Mayor Kmet published an alternative development agreement. On November 24, 2021, the Port of Olympia, via an email, withdrew its request to consider the development agreement and suggested the Council not conduct a public hearing because it would no longer be necessary as the Port had withdrawn the request to consider the development agreement. During discussions with the Mayor, the Council agreed to conduct the hearing because it was duly noticed and the public had not had an opportunity to speak to the development agreement.

City Administrator Doan reviewed an extensive list of City regulations applicable to development proposals. During the discussions, the Port developed a conceptual development plan. He identified the location of the future Secretary of State Library and Archives Building (not a part of the agreement), a parcel for the City's community center of 9.7 acres as part of the development agreement, and potential property that could be an addition to the lease agreement with Panattoni (existing DePaul Log Yard). The Port of Olympia notified the tenant of its plan not to renew the lease thereby providing an opportunity for Panattoni to include the property within its lease option agreement with the Port of Olympia.

City Administrator Doan shared a matrix of issues addressed by the City concerning future development. The same matrix was provided to the Port.

City Administrator Doan summarized the changes to the development agreement based on the Mayor's proposal. Vesting was changed to limit vesting only to Title 18 (Zoning) covering land uses, height, parking requirements, and other development regulations in the zoning code. A section was added clarifying that it was not the City's intent to use the non-vested regulations to somehow block development. The agreement was further clarified to identify the location and timing for the closure of Kimmie Street, trail construction was moved to correspond with 50% of the development of the site, the timeframe for the community center lease was

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clarified, and bark waste removal on the DePaul was added prior to redevelopment of the site. All changes are reflected in the Mayor's alternative provided the Council. Additionally, the boundary of the proposal in the Mayor's proposal includes the log yard.

Two outstanding questions pertain to tree canopy. City Administrator Doan shared a photograph from 1990 reflecting the extent of the prior log yard on the property. The City's GIS group prepared tree canopy data and assessed total lease area and how much tree canopy exists. Of the 220 acres, approximately 122 acres include tree canopy with 100 acres containing no tree canopy. Approximately 97 acres include high quality tree canopy and much of the low quality (25 acres) is located in the former log sort yard. Tree retention areas total approximately 11.5% of the total acreage. Future tree retention totals approximately 13.9% resulting in approximately 25% of the entire acreage with tree canopy consistent with the City's Urban Forestry Management Plan goals for 2040 within the Port industrial area.

City Administrator Doan displayed information on the Salmon Creek Basin, located to the south and west of the Port property. Several buildings could be developed within the basin area and subject to stringent development standards. Much of the Port's property is comprised of forested areas proposed for tree retention and an existing school bus lot.

Councilmember Schneider questioned whether Panattoni could pursue development of the properties despite the Port's withdrawal from the development agreement. City Administrator Doan replied that the public hearing is on the development agreement, which links development vesting, the trail, and the community center to any development of the area. The agreement does not change the underlying zoning or the agreement between the Port and Panattoni. Anyone submitting a development proposal would be subject to the City's current codes and regulations.

Councilmember Schneider questioned the purpose of proceeding with a public hearing if the Port has withdrawn its intent. City Administrator Doan advised that conversations with the Port over the last 18 months consisted primarily of conversations between officials about the project with some written communication and some public testimony. The Port and the City have not conducted a public hearing. The hearing is an opportunity for the community to speak to the issue. Despite the outcome of the agreement, the Port property is zoned and development could occur. The hearing provides an opportunity for the public to speak to future development that could help guide future planning efforts.

Councilmember Schneider asked whether the outcome of the public hearing would affect Panattoni's project. City Administrator Doan explained that it would affect Panattoni if the provisions within the development agreement

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were implemented, otherwise in terms of current zoning, there would be no change.

Councilmember Cathey questioned the purpose of the Council voting on the agreement when the Port has withdrawn from the agreement.

City Administrator Doan outlined the options available to the Council:

1. Propose substantive changes and direct staff to prepare a new agreement and schedule a public hearing.
2. Adopt the resolution with the Mayor's alternative.
3. Table to a date certain for action.
4. Table with no date for action.
5. Accept the Port's withdrawal and take no action.

Mayor Kmet explained that although the Executive Director notified the City of the Port's withdrawal, he had a conversation with the President of the Port Commission, Joe Downing, who indicated he does not believe the matter has ended. There could still be an agreement between the City and the Port. He supports receiving testimony from the public or learning more about other issues not anticipated by the City. Public comments also help guide staff during review of development proposals.

Councilmember Cathey continued to question the process but supported receiving testimony from the public although the Council's action does not represent good policy since the Port has withdrawn its intent to participate in the agreement.

Councilmember Schneider commented on the conflicts between Port officials, as it is unlikely the Port would reconsider the development agreement if Panattoni can develop the properties regardless of whether an agreement is adopted.

Mayor Kmet replied that although he could not speak Port officials, it would be important for the Council to consider the outcome at the end of the public hearing.

RECESS: **Due to technical broadcasting difficulties, Mayor Kmet recessed the meeting at 6:28 p.m.**

RECONVENE: **Mayor Kmet reconvened the meeting at 6:42 p.m.**

Mayor Kmet opened the public hearing at 6:43 p.m.

PUBLIC TESTIMONY: **Barack Gale, Chair, Climate Reality Project: Thurston County**, reported he provides virtual climate presentations around the country and in Canada.

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He appreciates the Council's efforts to improve the agreement with Panattoni and is confused about the situation in terms of whether Panattoni can proceed on its own or whether the City could change zoning. He appreciates the efforts to improve the agreement to include tree retention areas, limit the size of development to 200,000 square feet, include buffer zones, and include a community center. Cutting forested land for large warehouse development during a climate emergency does not feel right and not when it is important to demonstrate best practices as the region launches the Thurston Climate Mitigation Plan, which speaks to the lack of the Port's commitment to environmental stewardship. He would like the City to do something similar as California by requiring solar installations for all new development. He quoted the chair of the California Energy Commission who spoke to building a future without fossil fuels and how big changes require everyone to play a role to build a better future. He hopes there is a possibility of Tumwater taking action to make the agreement unattractive, as big changes, courage, and boldness are required to leave a livable planet for children.

E. J. Zita said she serves as the Vice President of the Salmon Creek Basin Neighborhood Association located south of the proposed development area. She thanked the Council for scheduling the public hearing and for all the good work Tumwater has completed to provide opportunities for the public to learn and speak about the agreement. She cited Councilmember Schneider's question about whether it makes sense for the Council to vote on the agreement. She believes it does make sense to vote on the agreement. She thanked Mayor Kmet for clarifying and improving the development agreement especially for the termination of Kimmie Street north of Bush Middle School, developing the public trail quicker, and cleaning up the log bark at the DePaul site. Those were all fuzzy areas in the Port's draft and the current draft before the Council is a great improvement. In terms of leadership at the Port, earlier information revealed that the Executive Director wanted to cancel the process of drafting an agreement with Tumwater and asked the Council to cancel the public hearing. However, one Commissioner disagreed. The full Port Commission has never been informed about the matter nor weighed in. The community is grateful Tumwater is providing more information about the possible Panattoni development than what the Port is providing. It makes sense for the Council to vote on the agreement because the Port Commission, not the Executive Director, makes final decisions about the development agreement. The Executive Director is an employee of the Commission and is charged with implementing the Commission's decisions. When Tumwater agrees to an interlocal agreement appropriately vetted during a public hearing as the Council is undertaking now, it is a critical step to help the Port Commission make an informed decision. The Council likely knows the Port Commission formally signed on to the Thurston Climate Mitigation Plan. The City Council can help the Port walk the walk and not just talk the talk. She

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thanked the Council for conducting the public hearing and for sharing the information.

John Ceazan, resident of Thurston County, said he owns property in Tumwater. The agreement does not comport with the Real Estate Development Plan adopted by the Port for the area. The plan was completed in 2018 with input from community members and stakeholders and provides a blueprint for the development of the area in question. It is a guide for infrastructure, economic opportunities, and open space for the NMIC. Those basic principles are nowhere to be found in the proposed Panattoni lease arrangement. The Port holds this area in trust for the citizens of Thurston County. He questioned whether the community wants another logistics-warehousing complex in this area because it is not what the Real Estate Development Plan envisions. The Port rushed into the lease agreement with Panattoni without considering public comment. He is sure the Council will hear many arguments about the dangers to the environment that potential development of this sensitive ecological site might create and dangers to the health of all who live nearby from pollution, risks of flooding in adjacent neighborhoods, and more traffic and congestion impacting the quality of life. He asked the Council to think about the legacy they want to leave and the vision for the future that would make them proud.

Peggy Zimmerman reported she is a long-term resident of Thurston County and a recent resident of Tumwater. She has followed the development of the Panattoni property the Port theoretically owns. It appears the community is in an awkward position in terms of decisions related to the property. It also appears the Port could move forward with development while the City tries to mitigate any impacts from development. She applauded the efforts by the Council and the Mayor to mitigate impacts development would create. She is unclear as to whether current zoning affords the City with any options to change any development proposal to any extent. She is hopeful the City can mitigate impacts when development moves forward to ensure retention of trees and protection of the Salmon Creek Basin. She thanked the Council for its work.

Amy Evans said she did not plan to comment.

Allyn Roe said he serves as the Business Development and Real Estate Director for the Port of Olympia. He is speaking in support of the development agreement as proposed by the Port simply because the Port understands the Council could consider either option. The Port appreciates the level of effort expended by both organizations in an attempt to reach an agreement that would benefit the community of Tumwater and help the Port achieve its mission of economic development. In an effort to be responsive, Port staff removed the agreement on two occasions from the Port Commission's meeting agenda based on the City's requested change in

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terms. The key terms were ultimately approved at the November 8, 2021 Commission meeting. The Port also listened for any material concerns at the Council's worksession on November 9, 2021. The public hearing packet published for the hearing contains two versions of the development agreement - the version transmitted by the Port to the City, which is based on key terms approved by the Port Commission, and the Mayor's version, which makes significant and material changes. The Port needs to provide certainty by establishing vesting language in a development agreement that allows for buildout of such development. The Port's version is consistent with all RCWs and concisely identifies what is subject to vesting privileges. He believes the Port's request is appropriate for the consideration of providing public amenities including the mile-long multiuse trail and nearly 10 acres for a future community center. The Port stands by its commitment to execute the version transmitted because the Mayor's version has significantly altered the key terms approved by the Commission and therefore cannot be approved by the Port. The Port appreciates the willingness of the City to engage on the complex issue associated with this important economic development opportunity but requests the Council's approval of the Port's proposal as presented. Thank you.

Barbara Carey said she lives in Olympia. She recently retired as a hydrogeologist and worked for the Department of Ecology for over 30 years. She urged the Council to take seriously the potential of the proposed Panattoni development to compromise Tumwater's drinking water supply. The water table beneath the proposed site is high especially during winter. The last concept plan for the site shared with the public shows no space dedicated for stormwater infiltration. Impervious surface will cover most of the site generating much stormwater. Underground injection wells are the most likely plan for the site. Stormwater runoff draining from impervious surface will carry all kinds of contaminants including petroleum products and heavy metals that are toxic to humans. Once stormwater is injected into the ground, it flows down gradient toward the City of Tumwater's Bush Well and any other wells along the flow path. Once an aquifer is contaminated, the damage cannot be undone. At best, it can be mitigated or remediated at great expense and over a long period of time. Because there is such a high risk to drinking water from this proposed development, at the minimum, the developer should be required to complete a full hydrogeologic investigation of the site and evaluate the risks to drinking water of the proposed design. If the design is not complete, then a hydrogeologic study of the site would be needed immediately before anything occurs in order to prepare a design that is protective of the groundwater beneath and down gradient of the site. State and local regulations for stormwater treatment are weak and not necessarily protective of drinking water. It is not safe to assume that everything will be taken care of in the regulatory process as the Port has recommended. The Council should seriously consider the risk to the local drinking water supply now and not after an agreement is final. It could be the Council's only

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opportunity to protect the aquifer.

Brad Ridgeway reported he is a resident of Thurston County and a Tumwater property owner. He is also a Tumwater firefighter and a member of Local 2409. He is speaking as the voice of labor. Labor supports responsible economic development in the community and champions any development that is within current zoning as some members have lived through moratoriums where stalls in community development occurred negatively affecting City revenue through taxation. Firefighter union members have experienced issues surrounding budget cuts and limited budgets. Every department in the City is impacted. Anytime it is possible to find additional revenue that is sustainable and fits within the City's growth model, union members support taking advantage of those opportunities. Union members have tracked the project from the beginning. He has testified to the Port Commission on behalf of the union in favor of the lease agreement. The Commission held a public hearing on the lease agreement along with other opportunities to provide comments. Union members support the lease agreement and recognize there are two versions of the development agreement. The union's interest is for the Port and the City to reach consensus on an agreement. Should no action occur following the public hearing based on an inability to reach an agreement, he would be supportive while recognizing the agreement affords the City with a community center. Should the Council support the agreement but continue to request changes similar to a bill in congress between the House and Senate, it could be an option as long as the conversation continues. If the conversation ceases, development would likely occur but not as efficiently, and the City would lose property for the community center.

Connie Campbell, resident of Tumwater, reported she is part of the leadership team of Climate Reality Project: Thurston County. She opposes the Port-Panattoni proposal. As another public entity serving the residents of Thurston County, the Port should work with Tumwater to help the City achieve goals to make Tumwater a thriving community instead of acting like a landlord negotiating on behalf of a private developer. Under the present proposal, Thurston County and Tumwater residents would be stuck shouldering the direct and indirect costs of the Port's development. Warehouses do not provide a good economic return to the community. According to the 2021 Buildable Lands Report, warehouses are the most inefficient land use for producing jobs or taxes per square foot. Warehouses consume land that could be used better over the long term. The loss of green infrastructure is another hidden public cost. The public is expected to pay for prairie mitigation. While prairie mitigation may not be a direct concern for Tumwater under the terms of the development agreement, both the City and the Port strive to keep prairie and mature trees intact or restored to the extent possible, especially with the changing climate. Stormwater and groundwater impacts are genuine concerns. Earlier plans put stormwater

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ponds, a less favored approach to stormwater mitigation, in direct competition with prairie and forest habitat. Neither big trees nor quality soils could be restored once lost. She also supports requiring hydrogeologic assessments to ensure protection of groundwater. Additionally, it is important to consider the impacts of a large warehouse on the community for both safety and for health reasons. Heavy truck traffic does not belong next to a school, a neighborhood, or outdoor recreation. The Council should consider rezoning the property to avoid the development of a giant warehouse. She appreciates efforts by the Council to make Tumwater a thriving, as well as environmentally responsible community.

Charlotte Persons, resident of Thurston County, said she is a member of the Black Hills Audubon Society and is not representing the organization but supports the position of the Society. The Society has forwarded many comments including a six-page report from Jim Matthew, a hydrogeologist, documenting the need to complete significant work prior to development to prevent polluted stormwater from entering the Bush wells and to prevent flooding. She urged the City to consider the recommendation because of the combined danger in that particular area of high groundwater, history of flooding, and the important Port and Bush Wellhead Protection Areas. As mentioned previously, an earlier plan created by Thurston Regional Planning Council at the Port's request was the Real Estate Development Master Plan for the New Market Industrial Campus. The City provided input on the plan. Part of the plan included contracting hydrologic and soil studies. The Port of Olympia did not accept the plan and the interlocal agreement also ignores the plan. At a Tumwater preliminary planning meeting on October 21, 2021 for the first Panattoni building, information was shared that the site was the location of the 2018 stormwater plan that included a stormwater management facility, as well as the plan to contain stormwater onsite. The 2018 plan only identified two areas suitable for onsite stormwater disposal and neither site is within the Panattoni lease option area. She urged the creation of a new comprehensive stormwater plan for the entire NMIC prior to any development and delay voting on the development agreement until the plan is adopted by all parties.

Carla Wulfsberg, 709 North 7th Avenue NW, Tumwater, reported she is a 25-year resident of Tumwater and a former City employee. She expressed concerns about the flawed development agreement submitted by the Port of Olympia. The agreement reflects no assurance that the residents of South Sound and Tumwater would benefit from the 10-year commitment to the Port either financially, environmentally, not with living wage jobs, and clearly not with the property identified for development of a community center. The development agreement is flawed primarily because the Panattoni mega warehouse development contradicts with the Port's own 2018 Real Estate Development Master Plan for the NMIC and Tumwater Town Center. Although Mr. Doan s and others have stated that the Port

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never adopted the master plan, the plan is available on the Port's website with no disclaimer. The master plan was developed over a three-year period with substantial public and stakeholder input. The advisory committee for the plan included a representative from the Tumwater Planning Commission, Tumwater School Board, Tumwater School District, and Tumwater neighborhood associations. The Port has completely ignored the master plan in the development of the Panattoni project. The Council should not ignore the plan because it is opportunity to use the plan for future development as the plan includes thoughtful development strategies of the Port's 550 acres in Tumwater, which is the largest developable tract of public property in Thurston County. The plan deserves the Council's careful scrutiny and consideration for any future development in Tumwater. The Port essentially dismissed the hours of work, public input, and public funds used to produce the master plan that is three years old and highly relevant. As a result of the Port's lack of respect for the public process as recorded in the plan, the public must testify over and over voicing concerns about development. She asked the Council to table action with no date for future action.

Debra Jaqua said she is a 25-year resident of Thurston County and lives close to the three largest cities. She agreed with the comments by Ms. Wulfsberg because her concerns are similar. She understands the City would limit warehouses to 200,000 square feet. She asked whether Panattoni would be able to build multiple warehouses as long as they were less than 200,000 square feet. She does not support injection wells because of the extreme risk to Tumwater's drinking water supply. Insufficient information exists for maintaining pristine and safe water. Science is lacking on whether injection wells are the proper way to handle stormwater. She also is not comfortable with what appears to be an obvious conflict of interest by a new Port Commissioner, who served as the real estate agent working with Panattoni on the lease option with the Port of Olympia prior to becoming a Port Commissioner. That relationship does not serve and protect the public's interest in making the best use of the land. The best use does not always equate to generating more revenue because there are values that cannot replace trees and habitat. The proposed type of development should not be adjacent to schools or recreation.

Joel Carson said he was not planning on commenting but the proposal would result in a stormwater disaster and destroy habitat and trees. Warehouses produce mostly minimum wage jobs and truck traffic is horrible. He lives in Lacey and the city made a huge mistake with all the warehouses the city allowed.

Timothy Leadingham, resident of City of Olympia, commented that the clearance of 97 acres would result in an estimated 40 million tons of CO2 emissions. The Port of Olympia and the cities are endorsing the Thurston Climate Mitigation Plan, which calls for increased carbon sequestration. It

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appears the opposite direction is being pursued. It is only one of many environmental impacts that are being glossed over. He urged the Council to vote on another resolution calling for a full Environmental Impact Statement, which gives the City and all citizens of Thurston County a chance to be fully informed and afford an opportunity to provide input for the decision.

Patrick Hanratty said he is the President of the Salmon Creek Basin Neighborhood Association and a 40-year resident of Thurston County living southeast of Bush Middle School. The association represents over 225 family residences located to the south and southeast of Bush Middle School. Members of the association appreciate the opportunity to voice their opposition to the proposed development. Concerns cover five general areas. The first is traffic and accessibility as Kimmie and Center Streets are the main access arterials for the neighborhood. Members are concerned about future impacts to traffic, especially with the increased number of large trucks and semi trucks that would accompany any industrial-related activity. If Kimmie is closed to the north of 83rd Avenue as proposed, more traffic would be concentrated on Center Street, which is the only northbound access to Tumwater. It would significantly increase traffic volume and congestion. It appears only logical that using the 83rd Avenue and Kimmie Street route to access the truck stops and on and off ramps to I-5 from 93rd would be an attractive option. It would be a significant traffic impact on neighboring residences including congestion and safety issues for student drop-off and pick-off at Bush Middle School both morning and afternoon. Center Street would need significant upgrades as it is already congested and having only two lanes with semi trucks on both sides of the street day and night. It would also affect the active use of the nearby athletic and golf center with children present. The second concern is environmental with stormwater runoff and increased flooding potential. Approximately 15 years ago, the neighborhood association sent a letter to the Tumwater City Council referencing the 197 acres of trees along Kimmie Street and opposition to the removal because of flooding concerns. When Kimmie Street was replaced 10 years ago, it was a wet mess, a debacle that was costly to complete with portions redone because of high groundwater issues during construction. Streets were blocked off and people were required to use boats to access their homes with septic systems failing. Subsequently, the City of Tumwater passed an ordinance restricting big warehouses and limiting their size due to concerns with traffic, dangers to public safety, and flooding issues. Land clearing and removal of mature trees and vegetation coupled with massive increases of impervious surfaces will only exacerbate the problem with the loss of natural groundwater absorption. This area is one of the last vestiges of urban forest in the county providing wildlife habitat, as well as ongoing recreational opportunities for neighboring and visiting public. This project would remove much of the existing mature timber and replace it with fringes of small buffer trees within the development. It is much more cost effective to preserve and protect natural habitat than to mitigate and recreate. One of the

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Port's stated goal is environmental stewardship. Members support sensible small business development that preserves natural buffers and minimizes impacts to existing adjacent residential neighborhoods. Residents are rightly concerned over those future developments and value the beauty, serenity, and sense of community within the neighborhood. Members are not opposed to sensible development but do not see how the proposed development is a good fit given the existing school and growing residential neighborhood. Members ask the City Council to consider all the negative impacts of the proposed development and boldly look at more viable and environmentally sound options that better suit the use of Port properties and align with the City of Tumwater's vision for sustainable growth.

Jim Lazar, resident of Olympia, reported the site is within a wetland protection area. Distribution warehouses inevitably handle hazardous waste in the form of returned merchandise that contains hazardous material. Handling hazardous waste in the wellhead protection zone is prohibited by the City's Wellhead Protection Ordinance. The expected property developer will be a limited liability corporation (LLC), a single asset corporation created for the specific purpose of insulating the parent corporation from liability or anything that may go wrong. It is the method Donald Trump used for many small corporations all owned by a central corporation. He did that to insulate himself from risk of his several bankrupt hotel projects. Within this type of structure there is no one to hold accountable in case of a major diesel spill or other pollution event. The Council might need to amend its development regulations to require sufficient financial assurance for environmental harm that could occur. On the issue of trees, others have spoken of this and Mr. Doan has said the City's policies are to protect major tree groves. Ninety-seven acres of the property are high quality forestry and the vast majority of that area would be lost. Please do not rush to judgment, give staff the response to questions and issues that were raised by the public. The Council should consider potential amendments to development regulations to ensure harm does not occur. During that process, the Council could determine when to schedule a vote and the best way to move ahead to protect the public, the City, and the planet. He urged the Council to table the proposal with no date for action and direct staff to require a full EIS on any development in that area. He commented on the City's use of zoom and suggested the Council should open the chat feature so that people can share comments, view the list of participants, and promote people as panelist when speaking so everyone can share a screen.

Joseph Rogoski said he did not intend to speak but rather to listen; however, based on testimony, he believes hydrology is very important.

Judy Bardin said she is a retired epidemiologist and used to work in the field of air pollution and health and also environmental exposures and cancer. She lives in Olympia but has other property bordering Tumwater.

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She is opposed to the development agreement for many reasons. Her comments will focus on the health impacts from air pollution. Commercial warehouses are known to have heavy truck traffic to support warehouse operations. At present, no estimates have been provided as to the number of trucks traveling on roads around those warehouses. That number should be available as the truck traffic will be near a school, offices, and residential areas. Truck engines release diesel exhaust. Diesel exhaust is a known human carcinogen causing lung and bladder cancer. Fine particulate matter in diesel exhaust is linked to heart and lung diseases including asthma, especially in children. Children, the elderly, pregnant women, and those with compromised immune systems or with heart and lung diseases are especially vulnerable. Diesel exhaust comes from the combustion of diesel fuels by trucks, ships, and heavy equipment. It is a combination of fine particulate matter as well as more than 40 substances listed as environmental pollutants by the Environmental Protection Agency (EPA). The Department of Ecology has rated diesel exhaust as its highest priority in terms of air toxics because of its potential cancer risk. In Washington, 70% of the cancer risk from airborne pollutants is from diesel exhaust. Truck engines also release nitrogen oxide which in hot weather with other pollutants forms harmful smog also known as ground-level ozone. Ozone is harmful to the lungs. It has been suggested that the school near this development is close to I-5 and this highway has a large amount of truck traffic already; however, exposure to air pollution is cumulative. Carcinogens such as diesel exhaust have a dose response relationship. That means the higher the amount of exposure to diesel exhaust the higher the cancer risk. Therefore, additional exposure to this air pollutant should not be dismissed. People do not have a choice in the air they breathe and breathing polluted air shortens life expectancy and increases emergency department visits and hospitalizations. She asked the Council to think carefully before exposing the community to that additional source of air pollution and its health impacts.

Karen Messmer said she lives in Olympia and pays Port taxes. She urged the Council not to take action as new questions have been brought up by the public and the Council should seek answers to those questions before taking any action. A development agreement has been approved by Mayor Kmet but it does not reduce her concern for the overall approach and the results that have evolved through the process. The agreement requires a dedication of property for a trail and property for a publicly funded community center, not a community center. Yes, those are contributions to the public good but they do not outweigh the harm that might be done by contamination of City well water or traffic impacts. This appears to constitute a purchase of a right to have a relaxed or modified regulation by some level of contribution. In addition, that contribution is by the way, pitifully small compared to the value of an agreement for future development. She questioned whether a smaller business development could leverage relaxation of rules or a hold on to the timing of when the rules would apply if the owner donated one very

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small corner of its property and installed a tree and a bench. Of course that might seem absurd, but first and foremost, they would be offered the opportunity. Second, they would not have the staff and the legal advice to prepare an agreement that would confirm those trades. They would simply be required to go by the current rules at the time of the application and construction process. Those rules are in place to protect the public and create a quality community overall and should be fairly applied. Taking this agreement approach to a wider application could result in harmful and unpredictable projects occurring throughout the community with some small increments of public good sprinkled throughout the community to help the community feel better. No sidewalk here? That is okay, you have a trail over there. Traffic congestion problem? That is okay, you have space for a potential publicly funded community center over there. Oh, and the water has a bit of contamination that was not prevented. No concern here, you have a bench and a tree to replace that. Government is here to help us keep ourselves safe and to provide public good. We should be able to get all those things without giving up so much to this proponent of this development.

Kyle Lucas said she is a Tumwater resident and has been a homeowner for 25 years and serves as the Chair of Urban Indians Northwest. She is speaking in opposition to the proposed agreement. Her concern is that the development seems inconsistent with Tumwater's long-term planning for sustainability. The planned tree removal, for example, during a climate crisis with extreme weather events and widespread flooding makes no sense. Her worry is that the plan with no specific project is too ambiguous and vague, which is deeply concerning. She asked what kind of neighbor Panattoni would be in the end. No one has any idea. She is concerned about noise and night sky pollution relative to Tumwater's quality of life for humans and nature. She asked whether there would be nighttime equipment backing up and beeping and how would diesel truck emissions impact air quality. While she appreciates the need for revenue, it makes more sense to secure sustainable development that offers fewer negatives than the proposed project. It is especially concerning to her that the plan is so vague that it lacks information as to how it might evolve over time. Her most significant concern is water use and impacts from such an immense warehouse development. She appreciated Director Smith's presentation on stormwater and the good work that Tumwater is doing to protect drinking water. However, big water users generate revenue and to her that is inconsistent with Tumwater's long-term planning as it was when she served on the Council. She does not regard water as a revenue resource. She believes it is important to consider water as a finite resource and consider the needs in perpetuity for humans and nature. Moreover, it is important to be mindful of water quality and diminution over time. Let us not forget the dry cleaner's long-term negative impacts to Tumwater's water. After all, Director Smith did note that one of Tumwater's largest producing wells is located just south of the site. She is also deeply concerned about flooding in the project area

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together with the threat of West Coast flooding the country is experiencing because of climate change. She urged the Council as stewards to vote no on the proposal and for precious mother Earth and for those yet unborn.

Lee Doyle thanked the Council for the delightful conversation. Her greatest concern is for the future of Tumwater. She does not feel that a community center development, if that is part of the Port promise to the City, would be good compensation for the greater use of the land for the larger community of Tumwater.

Janet Witt said she is particularly concerned about the cumulative impacts on air quality and public health caused by all the industrial development occurring and planning to occur in Tumwater. She is a retired registered nurse and has worked in hospitals including Children's Orthopedic in Seattle and at the King County Juvenile Court where among many other things she administered treatment to people including children and youth with asthma. The experience left her with a keen awareness of the toll asthma takes on those who suffer from it. Unfortunately, the number of people who have asthma has grown to epidemic proportions particularly to those under the age of 18. A major trigger is air pollution. Regarding Panattoni, the interlocal agreement would allow projects at the site to be developed separately and for environmental impacts to be assessed separately. Such a piecemeal approach to environmental review is inadequate and poses a risk to public health. Bush Middle School is located just east of I-5 and is exposed to vehicle emissions and a million square-foot distribution center to the north currently under construction that will contribute more diesel traffic emissions. The school is located west of a growing airport accommodating aircraft that emit ultrafine particles and lead. The Panattoni lease site will bring unknown things such as air pollution emitting structures and vehicles, including diesel trucks. She asked the Council to consider cumulative impacts that development will have on air quality and public health. The City should require any local agreement to include a requirement that cumulative terminal environmental impacts of all Panattoni development be assessed. In the absence of specific plans for the entire Panattoni site, the Council should require an assessment based on worst-case scenario development along with consideration of the impacts of other development occurring in the area. She asked the Council not to allow piecemeal environmental assessments and thanked the Council for their attention and for the opportunity to speak.

Lynn FitzHugh said the Port essentially has tried to stop the public hearing. Her comments pertain to the plan they had announced, but any plan containing those elements would be unacceptable. Tumwater stands to be the most negatively impacted by this crazy Panattoni plan. She asked the Council to use the power of the City to push back to demand completed environmental reviews and a real accounting for impacts on Tumwater water. The Council should be accountable to the Thurston Climate

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Mitigation Plan of which the City is a signer. That plan calls for the planting of more trees but to what point if the City allows 222 acres of trees to be cut down in one swoop. The plan also calls for protection of trees. Those trees sequester 443,000 tons of greenhouse gas emissions per year and currently hold 11,136 tons of stored carbon. The mitigation plan calls for reducing transportation emissions and yet this warehouse will bring in lots of heavily polluting diesel trucks on a daily basis right by an elementary school. Assumptions are made in the plan about how gopher mitigation will be achieved that have not been approved by the US Fish and Wildlife Service. She asked why the Council would proceed, if in the end, it could not meet the Endangered Species Act requirements. Commissioner Zita has tried to raise serious questions about how this plan will work only to be rudely ignored and cut off by her fellow Commissioners. The most urgent issues she has raised is that of the high groundwater hazard area, which may be made worse by cutting trees and adding a lot of hard surface parking lots. Danger to the water aquifer as previously mentioned is also possible. The record will show which member will vote in favor of the agreement. If the Council votes to polluting Tumwater's drinking water, voters will remember the Council for that action. Commissioner Zita has also pointed out that the financial analysis was completed by Panattoni, the developer and Thurston Economic Development Council (EDC) and not by independent parties and that the jobs and tax estimates far exceed other estimates and include no benefits from the trees that would be removed. She asked whether the Council wants more accurate information upon which the Council could make a permanent decision. The Port is offering the City a site for a community center that is not the location the Council wants and would not entail a permanent lease. She asked why the Council would accept the offer. She cited a *Washington Post* article (published) on October 11, 2021 about the unpopularity of warehouse jobs and how poorly they pay and the tendency to bring down local wages. She asked whether that situation is what the Council wants for the community. She is appreciative of the Mayor's attempt to fix the plan; however, it is beyond fixing. She asked why the Council would not use local laws to stop the development. She noted that Lisa Ceazan is present but is experiencing connection difficulties. If the chat box function had been available then the public would be able to communicate their connection issues with the meeting administrator.

RECESS:

Mayor Kmet recessed the meeting at 7:47 p.m. for a break.

RECONVENE

Mayor Kmet reconvened the meeting at 7:52 p.m.

**PUBLIC TESTIMONY
(CONTINUED):**

Wane Olsen thanked the Council for conducting the public hearing. He is a resident of the City of Lacey and is opposed to the plan to have a large warehouse built in the New Market Industrial Campus and recommended the Tumwater Council not sign the development agreement as written. The Council has heard his reasons before. Cutting down a large portion of the

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existing 120+-acre forest and replacing it with a warehouse complex in concrete will result in a net increase of thousands of tons of CO2 annually into the atmosphere. That is going in the wrong direction since the Thurston Climate Mitigation Plan that the Council recently signed requires approximately 37,000 acres of newly planted forest area to sequester CO2 out of the atmosphere by 2050 to meet the agreed goal. He recommended a bit of a compromise by requiring a solar PV on the roof of a 200,000 square foot warehouse, which would be a win-win for everyone. After the capital investment, the owner receives free electricity for 30 to 40 years saving hundreds of thousands of dollars in electricity bills annually. The warehouse could be completely electrified making a healthier environment for workers and Puget Sound Energy HO2 emissions from fossils fuel generation would be reduced compensating for the loss of trees. Panattoni is probably well familiar with these arguments since the California Energy Board on August 11, 2021 voted to require builders to include solar power and battery storage on many new commercial structures in California. That energy plan is expected to be included in California's building code revision in December and will go into effect January 1, 2023. It is just a matter of time before Washington State does the same thing. Unless he viewed the wrong version, he recommended that paragraph 7.2 titled Sustainable Development be modified. The section has good buzz words but no teeth. For example, the first sentence reads, "The property owner agrees to consider incorporating sustainable development principles into the design construction of buildings and improvements on property to the extent feasible..." He recommended the provision should read, "The property owner shall incorporate sustainable development principles..." and delete "to the extent feasible." Another sentence in the same paragraph appears to be a "sweetheart deal" that locks in current codes and regulations instead of those which would be in force at the time of the building permit application up to 10 years from today. That provision should be deleted or at least amended. In summary, paragraph 7.6 appears to be the City giving away the "farm" He suggested the Council should not make the same mistake Lacey did with the Hawks Prairie Industrial Park with huge warehouses with white roofs for cooling but no solar panels. Our grandchildren's future should be first before short-term cost-cutting for a for-profit company. Plan change is not a hoax. He appreciates the Council's efforts to conduct a public hearing.

Phyllis Farrell thanked the Council for the opportunity to speak in opposition to the proposed New Market Industrial Campus agreement with the Port of Olympia. She lives in unincorporated Thurston County and is commenting because the proposal would have regional affects and implications. She thanked Mr. Doan for the presentation, which provided good information; however, there are many issues with this proposal, chiefly that it conflicts with the extensive planning done between 2012 and 2018 in the Real Estate Development Master Plan for the New Market Industrial Campus, which is published on the Port of Olympia's website. There are

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also many environmental concerns including cutting of trees factored into the Thurston Climate Mitigation Plan for their sequestration and stormwater management properties. The fiscal liabilities are great for the yet-to-be approved Habitat Conservation Plan protecting pocket gopher habitat, stormwater runoff and pollution, potentially impacting local flooding and threats to local aquifers, truck traffic congestion, safety, and emissions near public schools. Additionally, she has concerns with the vesting period during a time when local jurisdictions are trying to address growth and climate issues in planning and permitting. She urged the Council not to accept the resolution unless the issues have been addressed and protective language is supported by the Council with adequate time to consider public comments and recommendations offered during this public hearing. She urged the Council to use the alternative proposed substantive changes and direct staff to prepare a new alternative and schedule a public hearing. She thanked the Council for their service.

Sue Danver commented that there have many eloquent speakers and cited several by name. She thanked the Council for listening to the comments and asked that the Council should individually share their respective feedback on the issues of importance to them. She recently learned that the City of San Jose saved 7,000 acres from warehouse uses for farming, open space, and protection of water. She is hopeful the Council can elect to take a position that resembles that same action. She can foresee several warehouses on the property if constructed environmentally well. She is not opposed to warehouses, but they must be constructed environmentally. She cited some specifics, such as the importance of cumulative impact studies critical for the protection of water and how it would be wise to study it comprehensively. When piecemealing, tenants will attempt to cut corners and complete studies that do not document the best techniques. Piecemealing infiltration methods might jeopardize development elsewhere. That is one concern surrounding piecemealing and conducting water studies in that method. The consequences of piecemealing will more likely result in an environmental water problem as development progresses thereby truncating economic opportunity to develop the entire property as conceived or desired by the Port. She cited issues surrounding the Bush wells and previous incidents of flooding. A recharge area includes water infiltrated and filtered and discharged to the lower aquifer. When withdrawing water quickly, contamination existing at the surface travels up to the wells, which speaks to the importance of protecting the wells and recharge areas. New stormwater techniques are in their infancy. The application of new technology should be adaptable and easy to maintain that can be changed when new hydrology methods are introduced. With respect to the north-south divide, transference of contaminants occurs in one direction while flooding affects the entire area.

Josh Stewart said he is a resident of Tumwater and an employee of the City

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for the last 14 years. He commented on the importance of children and schools, which is why he supports development of the property. Sustainable revenue is important because a majority of schools in the Tumwater School District are title schools and lack funding. He has two children attending schools in the Tumwater School District and classes are crowded. He receives weekly requests from teachers for school supplies that the district does not provide. Property tax for the development would contribute \$1.5 million to the school district supporting teachers, schools, and children. That issue is not being considered. He has experienced revenue issues as a City employee with budget deficits. The projected sales tax from the development would contribute revenue to the City to fill positions that have been unfilled and it would enable the City to provide services that are desperately needed in the community.

Walt Jorgensen commented that he lives on the Tumwater side of North Street and hopes his testimony can cover all the points that are wrong for Tumwater in the proposal. His first point is people. He brought the issue to the attention of City Administrator Doan after an earlier worksession by indicating that procedurally, he was disappointed in the complete invisibility of the people attending the meeting. There was a sizable audience and the City Administrator commented at one point that about the 38 people were in attendance in addition to the 22 panelists. None of the 38 participants were aware of the total number of participants. Attendees were aware they could not comment but they believed they would be identified on the screen to acknowledge their presence. Perhaps the Council could see them, but just as importantly, they could not see each other. There was no mutual visual confirmation of community participation that was mitigated during that meeting. This is important because in the recent past, everyone has been physically able to attend and interact in meetings. Now, under the restrictions of COVID, zoom and other platforms can virtually simulate that gathering and everyone would appreciate the Council accommodating the public in subsequent meetings by opting for maximum display of a meeting's attendees. He is aware of the technical considerations and trade-offs when live video of persons is displayed as attendees would be expected to conduct themselves according to City rules, self-mute, and other forms of acceptable behavior. He asked the Council to prioritize the public's need to see evidence of a group presence. It might be possible later to display the participant list. He thanked Mr. Lazar for bringing the point up earlier. His second comment pertains to trees. Others have reminded everyone of all the reasons why logging trees on the acreage is a bad idea. He drafted the first tree management policies for Tumwater when he was on the Council in the 1990s. Personally, he objects to the indiscriminate logging of trees considered more valuable in their natural state performing carbon sequestration and climate moderating duties than providing the raw material for more development, especially the kind that is proposed. This may be a bit harsh, but the bottom line is not partnering with the Port of Olympia on

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this scheme or anything else. The only thing that matters to them is making a profit, which objectively, it is uniquely inept at doing. This is a really bad idea that Tumwater should play no part in.

Deborah Pattin reported she is a resident of unincorporated Thurston County and a member of the Port of Olympia Citizens Advisory Committee. The Port's mission statement is to create economic opportunities by connecting Thurston County to the world by air, land, and sea, which is why she is speaking in favor of the Panattoni development in the NMIC. As the geographic names implies, the area is zoned for light industrial and warehousing. She acknowledged the number of previous speakers who have spoken against the development. She asked the Council to consider some facts. Approximately 80% of the emails the Port received last year when the development was first mentioned came from residents living outside of Tumwater to include herself as she lives in the county. It appears based on the recent Port Commission election that the citizens in Tumwater are in favor of the agreement as indicated by Amy Evans, a new Port Commissioner-elect winning her election in Tumwater by 56%. Citizens of Tumwater appear to be overall in favor of the development. As mentioned, Port and Tumwater staff have worked for 18 months formulating a fair interlocal agreement with the City receiving a walking trail and 10 acres for a community center. No truck traffic would be traveling south near the middle school with the addition of hundreds of new jobs including construction. She would support warehouse workers organizing as members of the International Longshore and Warehouse Union Local 47, which would pay the workers a substantial wage with benefits and pensions. The development would generate an increase in property tax collection for the City of Tumwater and Tumwater School District. She is a public school teacher, a mother, and a grandmother and appreciates Mr. Stewart's comments with respect to school tax contributions. She cares about any impact on schools, which is why she appreciates all the plans that have been presented to the Council and the Commission reflecting how traffic would be diverted from Bush Middle School, which would be protected. She urged the Council to support the interlocal agreement that was formulated between the Port and the City of Tumwater.

Lisa Ceazan thanked the City Council as it is doing the best it can to obtain the best deal for Tumwater by working with such a faithless and untrustworthy partner as the Port. The Port is notorious for ignoring public input and for secretively withholding information from the public. *The Olympian* newspaper described that pretty well in its editorial on Sunday. The fact that the Port urged the Council not to conduct the public hearing is another example of how anti-democratic the Port operates. Soon, the Port Commission will welcome a member who has a clear conflict of interest because she negotiated Panattoni's deal with the Port, which was highlighted by *The Olympian* in its endorsement process (for candidates). She agreed

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with all concerns conveyed throughout the hearing about impacts on stormwater, drinking water, traffic, air pollution, and trees. The proposed tree protections are insufficient preserving only 25% tree canopy. That is not sufficient because half of the tree canopy would be new trees. New trees do not provide much carbon sequestration until the trees mature over a course of decades nor do they provide much stormwater infiltration or air pollution filtration. The photos displayed earlier are misleading as she has walked through the woods and the forest is quite dense. The aerial photograph of 30 years ago reflecting log yards on the property do not reflect the existing tree canopy today. Tumwater signed on to the Thurston Climate Mitigation Plan, which includes tree protection. The plan declared a climate emergency. One agreement from the international climate meeting was the need to prevent deforestation in order to stave off heating of the planet. She questioned how Tumwater will do its part based on its commitments to the Thurston Climate Mitigation Plan, as well as to the Real Estate Development Plan, which would be nullified. It is another example of ignoring public will. She does see sufficient vision and wise governments that will ensure the long-term health of Tumwater's natural environment as well as the health of its citizens. The lure of tax revenue and jobs has been presented as reason enough to approve the agreement. Although she understands those reasons, there should be better deal and better tenant. The gore of tax revenue and jobs have not really been substantiated or ascertained. The sketches of the proposed development are vague and are no substitute for a site-wide plan. Again, the public is not receiving enough information. An environmental analysis is needed according to SEPA rules, a completed Habitat Conservation Plan, and a plan for the increased traffic and the need for more housing that might be necessary if the so-called jobs do materialize. She urged the City of Tumwater to table the plan, ask more questions, and demand a better plan and a better tenant from the Port.

Denis Langhans commented that he did not plan on offering comments but did submit written concerns as outlined by Mr. Lazar as to how the developer relies on LLCs, which places the public in danger of absorbing all the risks. He urged the Council to complete a risk management assessment to identify the real risks.

With there being no further public testimony, Mayor Kmet closed the public hearing at 8:20 p.m.

Mayor Kmet invited comments from Councilmembers.

Councilmember Althausen thanked all participants for attending the public hearing and for persevering while the Council grapples with a challenging issue. He thanked Mayor Kmet for proposing the alternative for consideration because it embodies much of the feedback shared during the Council's recent worksession particularly on vesting. With the discussion

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focused on climate change, there are too many unknowns that present challenges to the Council to consider an agreement that locks vesting for environmental concerns, designs guidelines, and other City development regulations for years. Climate change could affect how the City addresses stormwater in the future. The vesting provisions are critical and it is important the City not set a precedent by granting vesting for a variety of requirements beyond zoning. Vesting for zoning is a fairness issue because it affords some protection for developers in the near-term; however, vesting of other code requirements would represent an unprecedented action by the City. The closure of Kimmie Street was a major concern because it would eliminate truck traffic along Kimmie Street and increases safety for children and pedestrians. The closure of the street by a particular date was a good addition to the agreement. The log yard addition is another important element in terms of groundwater because it represents a potential environmental hazard. He believed it was sensible to enter a negotiated process and acknowledged the numerous hours required by staff. However, if the City had not pursued an agreement then essentially with the adoption of the Habitat Conservation Plan, Panattoni could have submitted a completed application and become vested of all City regulations, which is an alternative that continues to apply today. By not acting, the City would lose all modes of control over the process and would not benefit from a trail, property for a community center, removal of bark waste, closure of Kimmie Street, or retention of trees as outlined in the proposed agreement. Those are all important elements to exercise some control over to the extent possible. By taking no action, the issue is whether the City wants to bank those assets by giving up the ability to change the zoning in the next 10 years. By signing the agreement, the City does not waive SEPA, stormwater regulations, or other city regulations other than agreeing not to change zoning for a period of 10 years. Public testimony generated many questions that deserve answers before voting on an action. He proposed tabling action to afford time for the Council to consider potential action within the next week and receive information on some of the requirements involved in the permitting process.

Councilmember Sullivan agreed with Councilmember Althausen's comments. She supports the Mayor's proposal as it was supportive of the feedback offered by the Council at the worksession. She supports deferring action as recommended, as well as enabling the Port Commission to provide input. It is important to clarify that the City has no control over contracting by the Port. The City's only control is zoning and development regulations. She also has faith in staff who are responsible for permitting and ensuring drinking water is safe and that the City's rules are followed. She is confident staff would perform due diligence to ensure enforcement of all regulations while not tying the City's hands when future environmental issues could be of concern.

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Councilmember Schneider read his prepared statement into the record: *It has been approximately 1-½ years ago that the Port of Olympia announced Panattoni presented a proposal to develop the New Market Industrial Campus. Since that period, he has made his concerns known both to the Port and at various City Council worksessions. During that time, he received over 150 emails and phone calls from the community opposed to the development, and for the most part, expressing the same concerns he had. So what are these concerns? 1. The potential amount of truck traffic on Kimmie Street putting children at risk of injury or possible death. Panattoni's response was that it may relocate Kimmie Street. 2. There are concerns about potential flooding in that area, contamination of the City's wellhead protection area, and the use of injection wells to control water. The City of Tumwater and the Port of Olympia have stated that Panattoni would be held responsible for any water contamination, however, if that should occur it is possible the water supply would be greatly impacted. It also appears the City acknowledges the property could handle a flood of at least 6 inches of water on the property with no impact to the Salmon Creek Basin area, which has flooded in the past. 3. Panattoni continues to claim that its development will create jobs. After viewing the PowerPoint presentation between 5 to 6 times over the last 1-1/2 years, the number has continued to climb from at least 900 jobs to approximately 2,600 jobs based on the most recent presentation. The fact is, their presentation is all conceptual and not binding, which makes it impossible to project the number of jobs that would be created. Simply put, intentionally or not, there is no way to project either the employment numbers or financial benefits the City would receive. 4. Panattoni has agreed to lease to the City almost 10 acres of land for a future community center for one dollar per year. Unfortunately, due to this timeline restraint, the entire 10 acres might not be available for development for at least 10 years and the location is undesirable because of the lack of public transportation and the continuous flow of truck traffic from new development. Except for economic development and protecting the environment, the Port of Olympia and Panattoni have not addressed the concerns most of the community has about the property and after several requests, Panattoni has not taken any time to meet with the City Council. After much consideration and much input from the community it is his position the Council should object to both interlocal agreements until Panattoni addresses the concerns the project presents. Rest assured the public have been heard loud and clear and it is much appreciated.*

Councilmember Jefferson agreed with Councilmembers Althausen and Schneider regarding vesting because the landscape is changing because of climate change. She cited the community's comments from 30 individuals. Twenty-six speakers spoke in opposition of the development and four speakers supported the proposal. It appears the community does not want a mega development warehouse in Tumwater. Many of the comments spoke to being held accountable for environmental harm. She questioned the

**TUMWATER CITY COUNCIL SPECIAL MEETING
MINUTES OF VIRTUAL MEETING
November 30, 2021 Page 24**

responsible party for environmental harm and whether it would be Panattoni or whether the City would assume that risk. The Port is not following the Real Estate Development Plan. Many concerns were conveyed about traffic congestion on Center Street and exposure to diesel fumes. She stands with the public and supports tabling the agreement with no action to follow.

Councilmember Swarthout expressed appreciation for the testimony and the emails forwarded to the Council. She agreed with Councilmembers Althausen and Sullivan because of the many unanswered questions. She supports affording time for staff to address the questions prior to the Council taking any action as she learned that the area is considered a wetland mitigation area and wellhead protection area. There are many questions that she would like addressed before the Council acts on the proposal.

Councilmember Dahlhoff commented on the checks and balances afforded to the community by the City's Comprehensive Plan, the Urban Forestry Management Plan, the Thurston Climate Mitigation Plan, and other City plans and policies. Plans and regulations were not established through a piecemeal process but were established through a comprehensive planning process. All the comments by the community are valid. Staff's responsibility is to prepare and implement the checks and balances as they do not represent plans sitting on a shelf. Tumwater is a city striving for continuous improvement, adaptation, and meeting the needs of the community. The City provides a level of excellence and quality of services. Her goal is to continue negotiating and the discussion to avoid losing an opportunity of providing services to the community.

Councilmember Cathey expressed appreciation for all the testimony as it speaks to community's honesty, passion, and expertise. She is not ready to act on the proposal and supports tabling action. She spoke to the process of tabling action and ways to structure or design a process to address the proposal that enables the Council to support a proposal. She is still mystified as to the Port's outright rejection of the Mayor's proposal and is unsure as to which version of the agreement is under consideration. She has never supported the proposal since the onset and continues not to support the proposal but wants to continue the discussion as the Council should not lose any opportunity that could result from an agreement supported by the parties.

Mayor Kmet explained his approach as the City could have delayed the public hearing and attempted to negotiate with the Port. However, at the staff level, staff reached a point where it was no longer possible to pursue discussions with Port staff. The agreement lacked some key issues that should have been addressed. Most of his proposed changes were clarifications or adding some deadlines. However, the most important issue is vesting. Normally, a development is not vested until the developer has submitted a complete application, which essentially means the final plans

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have been prepared. Within this process, that situation is not consistent as it entails planning at a highly conceptual stage with many uncertainties in terms of the size of the buildings, uses, configuration of roads, stormwater managements, and other development conditions. Tree preservation requirements are dictated by the City's development review process. A number of provisions in the agreement outline a framework as to how the City believes future development of the area should occur. The merits of whether that development should be large warehouses should be factored by considering the City's zoning, which limits the area of large warehouses. It is possible that one or two large warehouses could fit within the zone. The threshold question of whether the agreement moves forward should be based on how that area has been designated by the City as one of the few potential economic engines for the City for some time. He asked whether the agreement or other zoning requirements currently in place establish an adequate vision for what the City would like developed in that area. Should the Council elect to sign the agreement, discussions can continue as the City could help the Port connect to different uses the community desires for the area. Additionally, the City has many warehouses and many house important and successful businesses. Warehousing is part of the City's economy and it is important for the City to determine a course that attains an agreement. He recommended directing staff to respond to some of the questions surrounding cumulative impacts, provide additional clarity on stormwater management, and provide a copy of the Real Estate Development Plan to the Council. He recommended adding a discussion on the proposal to the Council's next worksession to afford time for staff to provide the information.

Councilmember Cathey commented on the consequences and the trade-offs between development and the environment and encouraged the Council to consider the City's environmental commitments.

MOTION: Councilmember Althaus moved, seconded by Councilmember Dahlhoff, to table the Development Agreement with Port of Olympia for New Market Industrial Campus to the Council's December 7, 2021 meeting for further discussion. Motion carried unanimously.

Mayor Kmet thanked all speakers for attending and providing testimony.

ADJOURNMENT: With there being no further business, Mayor Kmet adjourned the meeting at 8:51 p.m.

Prepared by Puget Sound Meeting Services, psmsoly@earthlink.net

**TUMWATER VIRTUAL JOINT CITY COUNCIL
& TUMWATER SCHOOL DISTRICT
MINUTES OF MEETING
January 6, 2022 Page 1**

CONVENE: 6:00 p.m.

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

Tumwater School Board President Casey Taylor and School Board Members Laurie Sale, Scott Killough, and Melissa Beard.

Staff: City Administrator John Doan and Communications Manager Ann Cook.

School Staff: Superintendent Sean Dotson.

**JOINT MEETING
SESSION 4:
RACIAL EQUITY
PARTNERSHIP**

At 6:00 p.m. the meeting was called to order by Mayor Debbie Sullivan.

**21 DAY RACIAL
EQUITY CHALLENGE
SESSION 4 DISCUSSION**

Facilitators Eileen Yoshina and Matthew Gulbranson introduced themselves and welcomed everyone back for Session 4.

Eileen and Matthew reviewed the practices and agreements they would use to have the Racial Equity discussion. The group shared their reflections from the last session. Facilitators Yoshina and Gulbranson lead the group through discussions regarding this session of the equity challenge.

Facilitators Gulbranson and Yoshina thanked the group for their time and participation in tonight's discussion.

ADJOURNMENT: **The meeting was adjourned at 8:00 p.m.**

Prepared by Melody Valiant, City Clerk

TUMWATER CITY COUNCIL WORKSESSION
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CONVENE: 5:30 p.m.

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

Staff: City Administrator John Doan, Parks and Recreation Director Chuck Denney, Police Chief Jon Weiks, Planning Manager Brad Medrud, Communications Manager Ann Cook, and City Clerk Melody Valiant.

**THURSTON
CLIMATE
MITIGATION PLAN
PHASE 4
INTERLOCAL
AGREEMENT:**

Manager Medrud briefed the Council on the Thurston Climate Mitigation Plan Phase 4 Interlocal Agreement (ILA). The briefing covered accomplishments to date, provisions within the interlocal agreement, next steps in the process, 2021 Annual Report findings released by Thurston Regional Planning Council (TRPC), Phase 4 long-term governance agreement that includes the interlocal agreement with the City of Tumwater, City of Lacey, City of Olympia, and Thurston County, the work program for the first year of the three-year interlocal agreement, and how TRPC's work program supports the work program. He asked the Council to consider including the acceptance of the ILA on the February 15, 2022 City Council meeting agenda.

In January 2021, the City Council accepted the Thurston Climate Mitigation Plan as the framework to guide future actions to reduce local sources of greenhouse gas emissions. Following acceptance of the Thurston Climate Mitigation Plan, a Phase 3 Interlocal Agreement was approved by the jurisdictions to guide the first year of implementing the plan. Four interrelated components of the implementation strategy include:

1. Legislative Agenda
2. Regional Coordination to Implement the Plan
3. Individual Actions
4. Supporting Partner Roles

Manager Medrud reviewed activities completed in 2021 in support of the Plan. The City of Tumwater approved the addition of a Sustainability Coordinator to manage the City's implementation of Plan actions.

Greenhouse gas emissions data collected through the end of 2019 did not account for the affects of the pandemic or the adoption of the Thurston Climate Mitigation Plan. Data documents the continued increase in emissions reflecting a 15% increase over 2015 levels.

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Manager Medrud cited some activities completed by each jurisdiction to reduce greenhouse gas emissions. He outlined sources of emissions and noted that the highest levels of emissions are generated by transportation and land use.

Manager Medrud reviewed the status of actions in the Thurston Climate Mitigation Plan.

The three-year ILA extends the period of governance and identifies the parties, purpose, commitments, and a goal to develop a work program and budget to achieve the goals of the ILA. A steering committee comprised of representatives from each jurisdiction serves as the driving force for regional efforts. The annual work program identifies annual tasks to achieve the goals of the ILA and outlines the oversight and coordinating committees, regional priorities, monitoring and assessment, and public outreach.

The TRPC scope of work supports activities of the annual work program, provides staffing support for the committees, and assists in regional coordination. The 2022 work program oversight and coordination committees are the Steering Committee, Technical Committee (staff), and various task committees formed as necessary.

The overall cost of standing tasks of the work program is approximately \$220,000 with the City of Tumwater's share of \$55,077. As part of the 2022 regional priorities, ongoing tasks from the previous phase include the Phase 1 Energy Efficiency Program and the Phase 1 Carbon Sequestration Program. The City of Tumwater and the City of Olympia are moving forward on a separate project for a Building Electrification Cost Estimate for commercial buildings.

Councilmember Althaus asked whether the estimate would account for opportunity costs of conversion of a building. Manager Medrud said the cost estimates consider new commercial and industrial projects and conversion projects. The estimate is focused on commercial buildings rather than public buildings.

Councilmember Cathey asked whether existing building codes would be adjusted as the region implements actions. Manager Medrud advised that the current building code was updated and adopted in 2021 to include a new energy code. As part of the Legislative Agenda, further work will be necessary to update the building code. That process would be pursued at the state level as the building code applies statewide.

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Additionally, opportunities exist under state law enabling some adjustments to local codes to address commercial buildings below 50,000 square feet. Staff is currently exploring potential changes to local codes.

Councilmember Schneider asked about current efforts by the City to move toward solar energy. Manager Medrud said the City is participating in the purchase of solar power for all municipal buildings and is exploring options of electrifying other City facilities and equipment, such as water pumps and other energy uses by the City.

Councilmember Schneider questioned the possibility of the City actively pursuing installation of electric vehicle charging stations in local parks. Manager Medrud said the City requires new development to provide electric charging stations. Discussions are in process for the next level of station installations.

City Administrator Doan added that the City is also exploring ways of adding charging stations for City vehicles throughout the community to include parks.

Councilmember Cathey mentioned the possibility of obtaining funding through the Olympic Region Clean Air Agency for electric charging stations.

Manager Medrud reported the City's share of the one-year work program is \$60,660. Additionally, the City would be contributing a 0.25 FTE to support the program.

Manager Medrud reviewed the 2022 priorities identified and approved by the Steering Committee for the plan moving forward:

- Phase 1 Energy Efficiency Program
- Building Electrification Cost Estimate
- Phase 1 Carbon Sequestration Program
- Financing Strategy

Legislative Priorities include:

- *Buildings & Energy:*
 - Direct the State Energy Office to create energy benchmarks for categories of buildings and climate regions so prospective purchasers, tenants, and investors can make informed decisions
 - Allow jurisdictions to adopt local standards that reach beyond state minimum code requirements for energy use in new building

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- construction to support a faster shift toward greater efficiency and electrification
- Provide funding to improve the energy efficiency of existing low-income housing units
- Pass statewide deadlines for phasing out use of natural gas in all new residential construction and new commercial/industrial non-process uses
- Fund a pilot program to convert from gas/oil to electric heat and appliances in 100 existing low-income housing units
- *Agriculture & Forests:*
 - Provide funding to acquire community forest land to be managed for sustainable harvesting and carbon sequestration
 - Fund the Sustainable Farms and Fields grant program through the Washington State Conservation Commission to increase carbon sequestration on agricultural lands

Funding requests for Thurston County managed by TRPC include energy efficiency at \$ 2 million, electric conversion at \$2 million, prairie acquisition at \$10 million, and forest acquisition at \$10 million for a total of \$24 million.

The City's internal efforts to date have included:

- Green Team
- New Sustainability Coordinator:
 - Located in Water Resources & Sustainability Department
 - Supported by City Green Team
 - Candidate interviews are scheduled

The City of Lacey and Thurston County approved the Phase 4 ILA and the City of Olympia is scheduled to consider approval of the ILA. Manager Medrud requested the Council add acceptance of the ILA to the Council's February 15, 2022 meeting agenda for consideration.

Councilmember Swarthout serves as the primary member representing the City on the steering committee and Councilmember Schneider serves as the alternate member.

Discussion ensued on budgeting needs to support City actions and whether any additional support is required for code changes and regional actions. The discussion acknowledged labor shortages, product increases, and supply chain issues and how those trends are factored as the City moves forward to accomplish some of the actions. Manager Medrud encouraged the Council to budget conservatively to cover unexpected expenses. City Administrator Doan noted that the City had

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budgeted \$150,000 for some earlier phases and future purchases of electric vehicles. The funding source is from the general fund and any unspent funds are carried forward.

**COMMUNITY
GARDEN:**

City Administrator Doan reported the Tumwater Metropolitan Park District budget includes an allocation of \$200,000 of one-time funding for community gardens. The plan does not include a definition of a community garden other than the funds would be used to support community gardens. The City received a proposal for a community garden from Tumwater United Methodist Church. He asked for feedback on the proposal and whether the proposal meets the intent of the budget allocation.

Director Denney outlined the proposal from the church. He visited the site and met with Pastor Sandy Ward to discuss the intent of the church's proposal. The church is striving to open the church and exterior grounds to the community to meet a variety of community needs. Providing a community garden would enable garden space for community members at a small fee. The first phase of the project is construction of additional raised garden beds to add to eight existing beds. The next phase would add garden space in a much larger area followed by a third phase of adding orchard trees along the church's street frontage. The church's proposed budget is approximately \$22,000 with the possibility of donations from the community. The City could help support funding a connection to water and assisting with the purchase of garden soil, fencing, and other gardening supplies. Raised garden beds would provide individuals with their own garden space while the larger garden area would serve the community collectively and provide a source of food to the Thurston County Food Bank. The proposal aligns with the intent of community gardens within the Metropolitan Park District plan and budget.

Councilmember Cathey supported the proposal as it presents a good opportunity for the City to work with the community. The church is committed to supporting the City's goal of adding community gardens. The proposal provides an opportunity for the City to launch the first community garden and it enables a way to contribute to the food bank.

Councilmember Althausen inquired about the fee the church plans to charge for raised garden beds, as he wants to ensure participation is not limited because of the lack of financial resources. Director Denney explained that the church plans to charge a \$20 fee to be refunded at the end of the year. The fee is charged to ensure participants commit and

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stay engaged. If a participant cannot financially afford to pay they can participate in the larger garden plot at no charge.

The Council discussed a waitlist process, size of the garden area, and acknowledged the efforts of Councilmembers Cathey and Jefferson for reaching out to the church to launch the first community garden project.

City Administrator Doan advised that based on the positive feedback, staff plans will continuing working with the church to promote the development of the community garden.

**EFFECTIVE
 STRATEGIES FOR
 COMMUNITY
 ENGAGEMENT &
 PUBLIC
 PARTICIPATION:**

City Administrator Doan advised that the presentation is prompted by a number of conversations surrounding public engagement. The presentation provides a framework of public engagement and identifies a number of effective tools to apply to different situations. The goal is to provide the Council with both common language as well as a common toolbox as the Council and City pursue different activities and programs.

Manager Cook presented one course in a series of several for receiving certification as a public works director. The waiting list for the full communications and public engagement program is two years.

A metaphor for community engagement and ways local governments interact with communities has been described as transactional that often does not enable community engagement. A model developed approximately 30 years ago centered on the tradition of community working together to build both the community and relationships. Community and public participation should be considered less transactional and more about relationship building with opportunities for participation.

Public participation or community engagement is a process that involves the public in problem solving or decision-making and uses public input to make decisions. Public meetings can generate different experiences for participants. It is important to provide timely, purposeful participation for individuals who feel they are being heard and that the process builds trust. Successful participation or community engagement can entail whether the right meeting format was used, whether the right expectations were established, and whether people understood their role. Bad or ineffective meetings often involve chances for the public to yell or only hearing from those who are angry. The meeting is not timely or has no defined purpose and is held just to check off a box of a legally required meeting. The public often feels unheard or used and there is no feedback loop. Such meetings reduce trust of the organization. If no

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potential influence on any part of the outcomes occurs, it is not public participation.

The International Association for Public Participation (IAP2) developed a spectrum of public participation, core values, code of ethics, and a training program. Manager Cook reported she has completed two of courses and is seeking certification as a trainer.

Manager Cook reviewed the core values established by IAP2.

Councilmember Dahlhoff said she is seeking clarification as to the appropriate entity (City Administrator, Mayor, or staff) to respond to questions she often receives from constituents via email or other forms of contact.

Councilmember Schneider added that public comments offered during a meeting or a public hearing generate no response from the Council or staff. He is unclear as to the rules and policies with respect to responding to citizens; however, as an elected official he often would like to engage with the individual or respond to the comments. City Administrator Doan said the question is timely as it speaks to one of the topics included during the retreat of reviewing procedures at Council meetings.

Councilmember Cathey recommended reviewing the City of Olympia process as the Olympia Council typically does not respond directly to speakers; however, the Mayor affords an opportunity for each member to comment in response to a speaker's comments.

Manager Cook offered to share some strategies to help people manage expectations about what occurs during a Council meeting or a public hearing.

Manager Cook reviewed the spectrum of public participation. When considering a public meeting or any opportunity for community engagement, it is important to learn from the community what their knowledge is of an issue, establish a level of participation and outcome expectations, and define the decision process and participation objectives. The City's engagement toolbox (inform, consult, involve, collaborate, & empower) is based on a communications matrix to assist in identifying the benefits of using each of the outreach techniques dependent upon the goal(s):

Inform:

- Website

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- Staff Contacts
- Telephone Hotlines
- Info Kiosks
- Fairs & Events
- Reports
- Newsletters, Direct Mail
- E-mail, Listserv
- Interviews
- Public meetings

Consult:

- Information Repositories
- Fairs & Events
- Focus Groups
- Reports
- Comment Forms
- Resident Feedback
- Scientific and Polls
- Interviews
- Public Meetings & Public Hearings

Involve:

- Revolving Conversations
- Tours & Field Trips
- Online, Interactive Processes
- Fishbowl Processes
- Workshops
- Charrettes
- Deliberative Forums
- Deliberative Polling
- Focused Conversations
- Ongoing Advisory Groups

Collaborate:

- Tours & Field Trips
- Fishbowl Processes
- Workshops & Charrettes
- Open Space Meetings
- Study Circles
- Deliberative Forums
- Citizen Juries
- Focused Conversations

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- Deliberative Polling
- Ongoing Advisory Groups

Empower:

Involve:

- Future Search Conferences
- World Cafes
- Deliberative Polling
- Citizen Juries
- Ongoing Advisory Groups

Collaborate:

- Tours & Field Trips
- Fishbowl Processes
- Workshops & Charrettes
- Future Search Conferences
- Study Circles
- Deliberative Forums
- Citizen Juries
- Focused Conversations
- Deliberative Polling
- Ongoing Advisory Groups

Some tools for reaching underserved audiences could include:

- Reducing barriers that can make establishing relationship or communication with them more difficult
- High value on comprehensive involvement
- Extra consideration to ensure equal access to information for all residents
- Recognizing “Hard-to-reach” groups such as youth, low English proficiency speakers, low income, people with disabilities

City Administrator Doan cited an example of empowering by the City through an annual budget allocation to the Parks and Recreation Commission and the Historic Preservation Commission for purchases approved by each commission.

Manager Cook said the City began piloting the public participation program prior to the pandemic with the Community Development Department and Public Works Department. During the pandemic, the City did not sponsor any meetings. The City is ready to initiate the program as the pandemic begins to wind down.

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Councilmember Dahlhoff recommended incorporating the tools (inform, consult, involve, collaborate, and empower) within the toolbox within the Council's communications to ensure consistency, increase ongoing awareness, and encourage community engagement.

Councilmember Jefferson asked whether staff found it easier during the pandemic to seek public participation through social media and zoom. Manager Cook advised that early in the pandemic, many community members experienced an information overload. She viewed the City's website analytics. During the early days of the pandemic, website visits significantly dropped, as well as the time of day visits. Social media engagement also experienced some changes and although the City did not necessarily lose followers, the number of followers lessened or the audience was much smaller. Today, social media continues to experience an information overload. The City does receive good response from people who follow City activities. The City's open rate on its Listserve is higher than the industry standard.

Councilmember Agabi inquired as to the status of the City's redesign of the website. Manager Cook said efforts continue on the redesign of the website with content expected to migrate to the new format during the next six to eight weeks. The City's website has over 1,800 webpages.

Councilmember Agabi asked about the possibility of including a Q&A page. Manager Cook explained that after completion of the build-out, the contractor plans to consider integration of some engagement tools affording an option for questions and answers. The tools will include options for polling and questions to obtain community input.

Mayor Sullivan advocated for pursuing common terminology for engagement and community participation to ensure a mutual understanding by the Council and staff.

The Council and staff discussed methods and ways to inform the Council of events or activities that have generated community interest or sparked media interest.

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

City Administrator Doan asked the Council to review some information that will be sent in the next day to help prepare for the retreat.

Mayor Sullivan reported she is attending the Association of Washington Cities Mayors Exchange on Thursday, February 10, 2022.

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ADJOURNMENT: **With there being no further business, Mayor Sullivan adjourned the meeting at 7:15 p.m.**

Prepared by Puget Sound Meeting Services, psmsoly@earthlink.net

**TUMWATER CITY COUNCIL RETREAT
MINUTES OF MEETING
February 11, 2022 Page 1**

CONVENE: 5:30 p.m.

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

Staff: City Administrator John Doan, Communications Manager Ann Cook, Information Technology Manager Lance Inman and City Attorney Karen Kirkpatrick.

Facilitator: Nancy Campbell

**WELCOME,
DISCUSSION OF
ELECTED OFFICIAL
RULES,
PROCEDURES &
OPERATING NORMS**

City Administrator John Doan and Mayor Sullivan welcomed the Council and staff. City Administrator Doan introduced Nancy Campbell, the facilitator for the retreat. Facilitator Campbell shared her feedback from her interviews with Council. Council and Mayor worked on a history map together and discussed the Council rules, procedures and operating norms.

ADJOURNMENT: Day 1 of the retreat was adjourned at 7:59 p.m.

Prepared by Melody Valiant, City Clerk

**TUMWATER CITY COUNCIL RETREAT
MINUTES OF MEETING
February 12, 2022 Page 1**

CONVENE: 8:30 a.m.

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

Staff – In Person: City Administrator John Doan, Communications Manager Ann Cook, Information Technology Manager Lance Inman and City Attorney Karen Kirkpatrick.

Staff – Virtually: Administrative Services Director James Trujillo, Community Development Director Mike Matlock, Finance Director Troy Niemeyer, Fire Chief Brian Hurley, Parks & Recreation Director Chuck Denney, Police Chief Jon Weeks, Transportation and Engineering Director Brandon Hicks, Water Resources and Sustainability Director Dan Smith.

Facilitator: Nancy Campbell

**OPERATING NORMS
&
CITY BUDGET,
STRATEGIC
PRIORITIES, GOALS
FOR 2023-2024**

Facilitator Campbell welcomed the Council and staff back for the second day of the retreat. Council and Mayor discussed operating agreements and relationships. At 1 p.m., they were joined by department directors virtually and discussed City Strategic Priorities and Goals for 2023-2024.

ADJOURNMENT: Day 2 of the retreat was adjourned at 2:54 p.m.

Prepared by Melody Valiant, City Clerk

TUMWATER CITY COUNCIL MEETING

MINUTES OF MEETING

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CONVENE: 7:00 p.m.

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

Staff: City Administrator John Doan, City Attorney Karen Kirkpatrick, Development Director Michael Matlock, Planning Manager Brad Medrud, Communications Manager Ann Cook, and City Clerk Melody Valiant.

SPECIAL ITEMS:

**PROCLAMATION:
BLACK HISTORY
MONTH,
FEBRUARY 2022:** Councilmember Swarthout read a proclamation declaring February 2022 as *Black History Month*. The proclamation calls upon the people of the City of Tumwater to recognize the continued need to battle racism, eliminate barriers of equality, and to build a society where all people have equal opportunity to thrive.

**THURSTON
ECONOMIC
DEVELOPMENT
COUNCIL UPDATE:** Councilmember Agabi introduced Michael Cade, Executive Director, Thurston Economic Development Council (EDC), and Mark Steepy, President-Elect, EDC, to provide an update on EDC activities.

Mr. Cade reported Mr. Steepy will serve as the President of the Board of Directors in 2023. He has been affiliated with EDC for many years.

Mr. Cade acknowledged Councilmember Schneider for his service as a member of the EDC Board of Directors.

Mr. Steepy reported he owns KPFF Consulting Engineers located in Lacey with over 1,300 employees serving across the country providing civil and structural engineering services. He was born and raised in Thurston County.

Mr. Steepy presented information on the EDC and the support the organization provides to the community and the City of Tumwater. Economic development builds and supports the connection between private and public sector goals while working together with all types of organizations. A strong lasting economic development is based on a solid network. Economic development is defined in many ways to include a series of strategic steps that when aligned with community needs provide the pathway forward for the entire community while building a broad, vibrant, and resilient community.

The EDC has a formal relationship with the Washington State Department of Commerce built upon efforts to benefit the entire Thurston region. The EDC strives to ensure justice, and equity. Diversity and inclusion is at the forefront of all services and activities sponsored by the organization. It is

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important to recognize the value of all lenses, educate, and bring awareness to the issues to create actions moving forward.

EDC was established in 1986 by a coalition of community and business leaders with Tumwater included in the discussions. The basic premise of the organization is consistent today as it was when it was established. In conjunction with community leaders, EDC seeks to build a quality and vibrant community based on ensuring the business community can be supported in the region and is recognized for the positive elements contributed to the community.

Mr. Cade reported the EDC is lead by a Board of Directors as a policy board adopting policy and procedures for moving the organization forward.

Mr. Cade reviewed the activities of the EDC and accompanying organizations, such as the Center for Business Innovation, a separate 501 (C) 3 under the umbrella of the EDC. EDC is the largest stand-alone economic development council in the state. Last year, EDC produced \$330 million of economic activity in Thurston County with a return of \$23.51 for each dollar invested. Currently, EDC has approximately 50 working partnerships and agreements with non-profits, chambers, jurisdictions, and others.

Since the pandemic, EDC's Business Hotline has received over 10,000 calls seeking assistance in Thurston County for accessing programs and various grant programs. The Hotline is open Monday through Friday from 9 a.m. to 4 p.m. EDC commits to following up with any individual calling the hotline within 12 hours.

EDC serves as the fiduciary and the backbone organization for Thurston Strong. Last year, Thurston Strong provided assistance or grant funding to local businesses throughout Thurston County. To date, EDC has offered 117 grants and another 46 grants will be added shortly totaling \$1.5 million in total grants.

EDC's platform is to recruit, retain, and expand with a focus on retaining existing businesses to include non-profits, which are a significant part of the economy in Thurston County. Training for businesses contributes to the retention of businesses. In 2005, the EDC launched Washington Procurement Technical Assistance Center (PTAC), a government-contracting program initially offering \$75,000 in contracts countywide which has increased today to \$1.7 million. Since July 2021, EDC has nine working clients in Tumwater receiving contracts totaling more than \$2 million.

Mr. Cade spoke to the importance of retaining and valuing businesses and non-profits. It is important to retain employment opportunities within the

TUMWATER CITY COUNCIL MEETING
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county. EDC's efforts include not just expanding the market share of the business but expanding the company's ability to continue to employ and maintain operations. It is also important to infuse the region with new capital by driving new dollars in the community and recirculating dollars by marketing the importance of buying local. In Thurston County, EDC launched 42 new businesses.

Councilmember Jefferson asked about EDC's efforts to launch the Southwest Washington Food Hub. Mr. Cade explained that the effort was a way to support local agriculture producers. Food production is one of the region's larger economic sectors but the region lacked food processing with food shipped from the county to other locations for processing, packaging, and selling the product in the region. Southwest Washington Food Hub works with the Thurston County Food Bank and other organizations by delivering food boxes to those organizations, such as Family Support Service Center. The program not only provides food to families and individuals in need, the program works with farmers on the workforce side to train them on marketing and packaging products in a different arena.

The Innovation Partnership Zone was developed through a partnership with the City of Tumwater as a way to leverage resources in the community and market and support a unique feature of the City. For Tumwater that unique niche is craft brewing, distilling, and cider making as manifested in the new Craft District located off Capitol Boulevard.

Recruitment of investment into the region requires a strategic plan of steps and actions amongst partners to identify the appropriate companies to attract to the region. EDC works with commercial brokers, Washington State Department of Commerce, and a network of site selectors to identify leads to contact. Last year, EDC's network managed 80 investment cases in the sectors of agriculture, warehouse distribution, light assembly, and manufacturing. Next year, EDC will be working with site consultants to generate leads for natural products, energy, technology, agriculture, and manufacturing sectors.

Last year, EDC created approximately \$3.2 million of economic impact in Tumwater working with businesses, business launches, procurement technical assistance, and business and market expansion generating approximately 44 FTE jobs. Those efforts generated approximately \$96,000 in taxes for Tumwater and \$760,000 in taxes for special districts, Thurston County, municipal government, and the state. The figure does not include Thurston Strong efforts.

This year's efforts will continue focusing on equity, access, diversity, supporting a resilient economy, and meeting people at their location. A new BIPOC (Black, Indigenous, (and) **People of Color**) Business Development Liaison position was created to promote all business

TUMWATER CITY COUNCIL MEETING
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resources throughout Thurston County. EDC will refocus efforts on recruitment of new markets and build awareness of the importance of economic redevelopment through a series of roundtables and discussions with community members to discuss economic development and ways EDC can be a supportive organization. EDC will continue to serve as the backbone for Thurston Strong. Two new projects involving workforce will be operated from EDC. EDC will also revisit and rekindle the economic development strategy created and adopted by local communities in 2018, which was placed on hold during the pandemic.

Councilmember Dahlhoff asked about any gaps of services that continue to exist, especially because of the pandemic. Mr. Cade responded that it speaks to the needs of businesses, and in many cases it pertains to capital. Trend lines in Thurston County reflect overall spending for consumer retail sales tax has increased by 38% since the beginning of the pandemic. Small business in Thurston County has decreased by 26% since the beginning of the pandemic. It is important to rebuild small business capacity, which is why EDC is focusing on the economic ecosystem. Rebuilding small business requires access to capital. EDC created a partnership with South Puget Sound Community College Foundation for access to funds. Many business owners participating in EDC programs have access to those funds. Finally, businesses need a source of information and exchange to help them understand the market and ways to thrive. EDC has created a network of counselors and mentors as part of the entrepreneurial network and mentorship program to assist small businesses.

Councilmember Swarthout asked about the biggest challenges the organization foresees as the nation recovers from the pandemic. Mr. Cade advised that the flow of information is a major factor. EDC publishes information daily of communications received by EDC from 28 different critical communiqués. EDC catalogs all the resources. Mr. Steepy added that the working environment is an unanswered question. Many employees are working virtually and many do not plan to return to a workplace while other businesses are considering relocating to Thurston County because of the desire to leave a larger metropolitan area. Workplace and employee unknowns along with how additional businesses in the county might affect the community and infrastructure will likely take several years to resolve as the pandemic winds down.

Councilmember Agabi inquired about EDC's efforts to assist minority-owned businesses in Tumwater. Mr. Cade responded that the new BIPOC position was filled by Myra Pena. During the second round of Thurston Strong, EDC examined the importance of meeting people at their location and reevaluated the role EDC was playing in promoting the availability of resources to the entire community and identified a gap, which resulted in the creation of the BIPOC Business Development Liaison position. Ms.

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Pena is responsible for working with a variety of different groups to share information on EDC resources to ensure accessibility to the resources.

In response to comments from Councilmember Cathey in terms of how EDC communicates Thurston County as a quality community, Mr. Steepy advised that the initial planning of a recent EDC retreat included a theme of what does the community of Thurston County mean. However, because of immediate needs, the planning for that discussion was deferred. He envisions it to be a topic for the 2022 retreat as the Board discussed it briefly as a group.

Discussion ensued on continuing efforts to define community and implementing diversity and inclusion within all EDC programs and resources.

**PUBLIC
COMMENT:**

Pamela Hansen, PO 14521, Tumwater, reported a consultant at the Council's recent retreat stated that the City has a strong mayor form of government. However, the consultant either did not, could not, or would not address the five-minute rule of public testimony during Council meetings. It has been clearly stated that the five-minute public testimony rule is included in the Council Rules. She asked whether the current Mayor is limiting people to three minutes in opposition to the five-minute rule. Secondly, the lobbyist contract and disbursement structure does not include information on intelligence gathering by the consultant. Any intelligence gathering should be traceable through receipts submitted to the Public Disclosure Commission. She questioned the City's purchase of golf carts and the cost. As mentioned more than once, the golf course is not profitable and the unspecified yearly amount is approximately \$500,000. It is clear that taxpayers are subsidizing golf games. She asked for information on the golf cart purchase and the process for approval before placing the proposal on the consent calendar. Ms. Hansen said she knows of no other municipality promoting a substance; however, the City is actively promoting alcohol. She commented on the charge of a DUI by a Tumwater Municipal Court judge, as well as a charge of hit and run. Alcohol is a substance and Tumwater is actively promoting a substance, which is concerning as DUIs and hit and runs are a reality in Tumwater, as well as open containers. Alcohol addiction can lead to alcohol seizures when alcohol is denied. Alcohol leads to violence and is a health dependency issue.

**CONSENT
CALENDAR:**

- a. Minutes: City Council Joint Tumwater School District, December 2, 2021
- b. Minutes: City Council, February 1, 2022
- c. Payment of Vouchers
- d. Reappointment of Trent Grantham, Joel Hecker and Dennis Olson to the Tree Board
- e. Single J Enterprises – Property License

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MOTION: Councilmember Dahlhoff moved, seconded by Councilmember Schneider, to approve the consent calendar as published. Motion carried unanimously.

Mayor Sullivan reviewed the items approved on the consent calendar.

COUNCIL CONSIDERATIONS:

ORDINANCE NO. O2022-005, ESTABLISHING JUNETEENTH AS A PAID HOLIDAY AND ADDING CHAPTER 2.80 OF THE TUMWATER MUNICIPAL CODE DESIGNATING CITY RECOGNIZED HOLIDAYS: City Administrator Doan reported Governor Inslee signed House Bill 1016 implementing June 19 (Juneteenth) as a state holiday. Pursuant to the Tumwater Municipal Code, state holidays are City holidays. June 19 has also been recognized as a federal holiday. Juneteenth is also known as Emancipation Day or Freedom Day and recognizes the day when Union soldiers arrived in Galveston, Texas in 1865 and informed the last enslaved African Americans they were free. The holiday would become effective this year on June 19, 2022 with observance on Monday, June 20, 2022. The ordinance amends the structure of City holidays with no changes to the list of holidays other than including a list of holidays rather than a reference to the state's list. Staff recommends adoption of Ordinance No. O2022-005.

Councilmember Schneider requested the issuance of a proclamation prior to the holiday this year.

MOTION: Councilmember Jefferson moved, seconded by Councilmember Cathey, to adopt Ordinance No. O2022-005 establishing Juneteenth as a paid holiday and adding Chapter 2.80 of the Tumwater Municipal Code designating City recognized holidays. Motion carried unanimously.

THURSTON CLIMATE MITIGATION PLAN PHASE 4 INTERLOCAL AGREEMENT: Manager Medrud reported the City is moving to Phase 4 of the Thurston Climate Mitigation Plan. Phase 4 includes an interlocal agreement covering how the four jurisdictions will cooperate on implementing the Thurston Climate Mitigation Plan for the next three years. As part of the long-term governance agreement, a work program is included for Phase 4 for one year covering the period of April 2022 to April 2023. The work program is tied to the Thurston Regional Planning Council work program in support of the plan regionally. Staff requests approval of the Phase 4 Long-term Governance Agreement and the Interlocal Agreement.

Manager Medrud reviewed background information on the Council's acceptance of the Thurston Climate Mitigation Plan as the framework for future actions to reduce greenhouse gas emissions and tasks scheduled during the next year.

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MOTION: Councilmember Swarthout moved, seconded by Councilmember Schneider, to approve the Thurston Climate Mitigation Plan Phase 4 Interlocal Agreement. Motion carried unanimously.

COMMITTEE REPORTS:

PUBLIC HEALTH & SAFETY:
Leatta Dahlhoff

At the last meeting, updates were provided by Tumwater HOPES and the Thurston County Prosecutor's Office. Tumwater HOPES is one of 100 similar coalitions across the state. Councilmembers Schneider and Swarthout represent the City as members of Tumwater HOPES. The coalition was established in 2018 and has expanded to include Big Brothers Big Sisters. The presentation by members of the Thurston County Prosecutor's Office covered Tumwater cases in 2020 and 2021 and new legislation that might affect future cases. The next meeting is scheduled on March 8, 2022.

GENERAL GOVERNMENT:
Michael Althausen

The committee held its last meeting on Wednesday, February 9, 2022. The agenda included discussions on the preliminary docket for the 2022 Comprehensive Plan Map and Text Amendments, which were forwarded to the Council for review during a worksession. One recommendation from the Planning Commission was not included in the committee's recommendation to the City Council. The committee reviewed the City's Housing Action Plan and three components of tenant protections and two policy programs for establishing a potential landlord registration program and soliciting additional information on a potential contract with the Thurston County Dispute Resolution Center to enable a third party to facilitate issues between landlords and tenants.

PUBLIC WORKS:
Eileen Swarthout

At the last meeting, members reviewed the Single J Enterprises – Property License and forwarded a recommendation of approval to the Council. The next meeting on February 17, 2021 includes reviews and recommendations on the Third Amendment to Service Provider Agreement for City of Tumwater Maintenance & Operations Facility and the Greer Environmental Consulting Service Provider Agreement.

BUDGET AND FINANCE:
Debbie Sullivan

The meeting earlier in the day included consideration of an interfund loan, which was referred to the Council.

MAYOR/CITY ADMINISTRATOR'S REPORT:

City Administrator Doan updated the Council on the status of issues surrounding the Hopkins Drainage District. Engineering staff prepared a response to be forwarded to members of the district. As the region experienced a substantial rain event at the beginning of the year, well data were indicative of the magnitude of that event. The City does not believe recent development caused impacts to the ditch other than the magnitude of the rain event. The Council will receive a copy of the letter.

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The previous public comment on the golf cart lease will be presented to the Council at a future meeting. The golf course leases carts every five years as they serve as an essential component of the golfing experience.

City Administrator Doan noted the decoration of the Mark Twain statue at the corner of Capitol Boulevard and Israel Road in honor of Valentine's Day. The picture, posted on the City's Facebook page, was very popular.

City Administrator Doan shared notes and communications received by the City acknowledging efforts by several employees.

Councilmember Schneider shared information on a new program sponsored by the City for adopting a park. Community volunteers commit to cleaning up a park once every three months with reports provided to the City.

Mayor Sullivan thanked staff and the Council for their efforts and participation during the recent Council retreat.

Mayor Sullivan is attending an Intercity Transit Authority meeting on Wednesday, February 16, 2022 followed by a meeting of the Community Action Council of Mason and Thurston Counties next week.

**COUNCILMEMBER
REPORTS:**

Charlie Schneider:

Councilmember Schneider attended the Boys and Girls Clubs of Thurston County 2022 Youth of the Year Community Celebration event. The event featured five finalists who received a one-year tuition scholarship for South Puget Sound Community College with the winner receiving a two-year scholarship.

Councilmember Schneider participated in sign waving in support of the Tumwater School District ballot measure.

Students with the Tumwater FRESH Farm conducted a fundraiser to earn funds to replace equipment and tools totaling \$750 recently stolen from the farm.

Councilmember Schneider attended the Tumwater Area Chamber of Commerce monthly Board meeting. Members discussed the winter golf event scheduled on February 23, 2022 and the annual golf tournament scheduled on June 17, 2022 at Tumwater Valley Golf Course. His future meetings include Tumwater HOPES and Public Works Committee meetings.

Peter Agabi:

At the last Joint Animal Services Commission meeting, Lisa Parshley was elected as Chair and Carolina Mejia was elected as Vice Chair. Members

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discussed the adoption of animals. Many of the dogs at the facility are larger dogs, which has created issues with placement. Councilmember Agabi participated in a tour of the animal shelter. During the tour and discussion with Sarah Hock, Executive Director, about funding concerns, members discussed the possibility of a combined funding drive to raise funds each year to support the animal shelter. Ms. Hock offered to work with Ms. Parshley to include a discussion on the next month's meeting agenda.

Councilmember Agabi attended the Transportation Policy Board on February 9, 2022. Members discussed the study of I-5 from Mounts Road to Tumwater at a cost of \$75 million. That amount is separate and is in addition to the supplemental proposal under discussion. Members received a Thurston Climate Mitigation Plan update and discussed greenhouse gas emissions, which reduced during 2019/2020 because of COVID. Members also discussed increasing density, teleworking, and biking to reduce the need for transportation infrastructure. The Board plans to establish a steering committee to study density and transportation. Councilmember Agabi advised that he is serving as a member of the steering committee scheduled to begin meeting in March.

Councilmember Agabi mentioned the transportation survey from June to November 2020 and the lack of Tumwater participants. The survey attracted 4,190 participants and many of the respondents were students from Olympia with little data documenting Tumwater participation. He questioned the lack of data from Tumwater and was informed about the extent outreach for the survey. However, the data was not separated to designate the number of responses from Tumwater high school students. He is hopeful that future surveys will account for that lack of data to ensure all jurisdictions are included in the results.

Councilmember Agabi reported Thurston Regional Planning Council staff has designed a formula to identify high priority transportation projects. He described how the formula would be applied to identify priority levels of projects for funding consideration.

Michael Althausen:

Councilmember Althausen reported on his attendance to the joint meeting with the Tumwater School Board and the Council retreat. He thanked staff for coordinating the meetings. His other intergovernmental meetings are scheduled later in the month.

Eileen Swarthout:

During the last Visitor Convention Bureau meeting, the Board reviewed a draft strategic plan. Members approved the plan. The plan includes some ambitious goals to achieve from 2022 through 2024 in the categories of sales and marketing, destination management, community alignment, and sustainability of the organization. Targets have been established in addition to metrics to measure progress. Some hotels are beginning to

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experience an increase in bookings with some hotels experiencing levels similar to levels in 2019.

Joan Cathey:

At the last meeting of the Solid Waste Advisory Committee, members elected new officers. New officers include Renee Radcliff Sinclair as the Chair, who has served on the committee for many years. Jim Cooper was elected as Vice Chair. Members reviewed the need for community outreach and education on the impacts of solid waste disposal, recycling, and re-emphasizing reduce, reuse, and recycle. The committee will receive assistance from a new staff position for community outreach.

Councilmember Cathey attended an Olympic Region Clean Air Agency meeting. Members shared stories and memories of Fran McNair, who is retiring from the agency as its executive director.

Angela Jefferson:

Councilmember Jefferson attended the February 8, 2022 Public Health and Safety Committee meeting and the Council retreat. As a new Councilmember, she learned much and it answered many of her questions. She thanked City Administrator Doan and staff for coordinating the retreat to produce a high quality training opportunity.

Councilmember Jefferson referred to previous community garden discussions and the goal to expand food sharing and personal hygiene sites in the City as many people will not visit a food bank and young people often lack access to personal hygiene products. She recently visited with an owner of a food/personal sharing site. The *Sharing Spot* is located eight miles from Black Lake High School at the intersection of Littlerock Road and Olympia in Rochester. The owner purchased the property in 1999. She began the service by placing excess vegetables on a table for availability to the community. During COVID, the community began participating by contributing goods. As the space could no longer contain all products, the group formed and constructed a shed and began offering products to the community at no charge. A similar program is possible for Tumwater. The owner conveyed that although there is much need in the community, people are reluctant to ask for help, which speaks to the success of the *Sharing Spot* as it offers an anonymous way for people to receive help.

Leatta Dahlhoff:

Councilmember Dahlhoff reported she and Councilmember Schneider have formed a small group with support from Manager Anderson to expand the Neighborhood Matching Grant Program with lending libraries by updating the application form as a way to track mini-pantries. They are working on some design guidelines with Councilmember Schneider connecting with the school district for youth volunteers. They are working on ways to reach out to homeowner associations, as well as drafting Adopt-a-Pantry program based on the format of lending libraries. She conveyed appreciation of Councilmember Jefferson's update as it is reflective of a different concept and model supporting similar efforts.

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Councilmember Dahlhoff attended two Thurston County 911 Communications meetings. Wendy Hill is the new Executive Director. She referred to the loss of 911 service on January 11, 2022 with 911 calls transferred to Spokane until the system was able to handle calls. The system outage was determined to be caused by equipment failure at TCOMM. The vendor was onsite by the next evening and the equipment was replaced on January 15, 2022. The vendor has increased its level of responsiveness to ongoing issues and concerns. However, the consortium has engaged legal representatives to participate in all discussions moving forward to resolve issues to avoid cancellation of the contract.

Councilmember Dahlhoff reported on her attendance to the LOTT Clean Water Alliance Board meetings. She met individually with LOTT Executive Director Mike Shrub as a new member of the Board. During the regular meeting, members were briefed on a proposal by the City of Olympia, Port of Olympia, and LOTT to construct a technical trade center. LOTT approved the interlocal agreement to move forward. As she does not want the City of Tumwater, New Market Skills Center, or the Tumwater School District excluded from a potential opportunity, the three entities plan to engage in a scoping retreat with a request that the school districts and City of Tumwater have an opportunity to participate.

Councilmember Dahlhoff said she met with Gabby Hyre, TOGETHER's Host Home Program Development Director, to discuss the host homes program. The program has initiated its first matching with a Tumwater youth and local family. The program provides housing opportunities for youths.

ADJOURNMENT: With there being no further business, Mayor Sullivan adjourned the meeting at 9:00 p.m.

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

TO: City Council
 FROM: Shelly Carter, Assistant Finance Director
 DATE: March 1, 2022
 SUBJECT: Payment of Vouchers

1) Recommended Action:

Staff is seeking City Council ratification of the payment of vouchers 168976 to 169078 in the amount of \$654,764.12 dated February 11, 2022 and electronic payments 901392 to 901409 in the amount of \$281,404.85; and payment of vouchers 169079 to 169148 in the amount of \$283,886.93 dated February 18, 2022 and electronic payments 901410 to 901416 in the amount of \$27,164.18.

2) Background:

The City pays vendors monthly for purchases approved by all departments. The Finance Director has reviewed and released the payments as certified on the attached Exhibit(s). The full voucher listings are available by request to the Assistant Finance Director. The most significant payments* were:

Vendor	\$	Description
PBS Engineering & Environ. Inc	46,524.63	Professional Svcs 9/1/21 to 12/31/21 – Percival Creek Fish Passage Barrier Remodel
Capital Communications Ind.	49,958.24	Council Chambers Audio Upgrade
Skycorp, LTD	63,975.00	PE#1 – I5/Trosper/Cap Proj – Building Demolition
First American Title	538,030.21	Property Acquisition – 5210 Capitol Blvd
First American Title	169,870.60	Property Acquisition – XXXX Capitol Blvd
Tyler Technologies	115,996.20	Eden Annual Maintenance
Shea Carr Jewell Inc	27,904.30	Professional Svcs 1/2/22 – 1/29/22 – Cap Blvd/Israel/M Project
Burris, Bruce	22,214.00	Henderson Park Water Main Oversizing
Acushnet	33,117.64	Golf Pro Shop Inventory
GoveQA	20,441.39	Annual Maintenance
Thurston County	58,024.03	SHB 1406 Taxes per ILA

* Includes vouchers in excess of \$20,000, excluding routine utility payments.

3) Policy Support:

- Strategic Goals and Priorities: Fiscally responsible and develop sustainable financial strategies.
- Vision Mission Beliefs-Excellence: Efficient stewards of public resources, building public trust through transparency.

4) Alternatives:

- ☐ Ratify the vouchers as proposed.
- ☐ Develop an alternative voucher review and approval process.

5) Fiscal Notes:

The vouchers are for appropriated expenditures in the respective funds and departments.

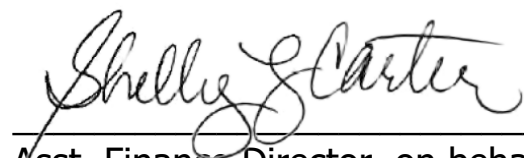
6) Attachments:

- A. Exhibit A – Payment of Vouchers – Review and Approval
- B. Exhibit B – Payment of Vouchers – Review and Approval

EXHIBIT "A"

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered or the labor performed as described herein and that the claim is a just, due and unpaid obligation against the City of Tumwater, and that I am authorized to authenticate and certify to said claim.

Voucher/Check Nos 168976 through 169078 in the amount of \$654,764.12
Electronic payment No 901392 through 901409 in the amount of \$281,404.85
Wire payments of \$905,486.80

A handwritten signature in cursive script, reading "Shelly G. Carter". The signature is written in black ink and is positioned above a horizontal line.

Asst. Finance Director, on behalf of the Finance Director

Checks dated 02/11/2022

EXHIBIT "B"

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered or the labor performed as described herein and that the claim is a just, due and unpaid obligation against the City of Tumwater, and that I am authorized to authenticate and certify to said claim.

Voucher/Check Nos 169079 through 169148 in the amount of \$283,886.93
Electronic payment No 901410 through 901416 in the amount of \$27,164.18

A handwritten signature in cursive script, reading "Shelly G. Carter", is written over a horizontal line.

Asst. Finance Director, on behalf of the Finance Director

Checks dated 02/18/2022

TO: City Council
 FROM: Dan Smith, Water Resources & Sustainability Director
 DATE: March 1, 2022
 SUBJECT: Greer Environmental Consulting Service Provider Agreement

1) Recommended Action:

Staff requests City Council make a motion authorizing the Mayor to sign a Professional Services Agreement with Greer Environmental Consulting for project management services in an amount not to exceed Two Hundred Eighty Four Thousand Three Hundred and Fifty Dollars (\$284,350.00). The provider agreement was recommended for approval by the Public Works Committee on February 17, 2022.

2) Background:

The Water Resources Department needs additional capacity for projects in the Storm and Sanitary Sewer utilities, due to challenges originating from the pandemic, departmental reorganization, and multiple successful grant applications. The City has received grant funding for the implementation of seven projects spanning salmon recovery, water quality, septic system conversions, flood reduction and supporting equitable communities.

3) Policy Support:

- Facilitate brewery redevelopment
 - Reduce ground & surface water impacts associated with road runoff and urban activity
 - Work with regional partners to protect groundwater by connecting higher risk septic tanks to LOTT
 - Enhance salmon runs
-

4) Alternatives:

- ☐ Consider a different approach to managing seven grant projects within funding requirements and two additional projects in support of City and department priorities.
-

5) Fiscal Notes:

This three-year contract will provide for the management of nine projects at an estimated value of over \$5.5M. Grant funding will be used to support this contract for seven of the nine projects, with project management services reimbursable up to 75%. Approximately 28% of the contract value is reserved for contingent services or dependent upon additional grant funding. \$236,240 of the contract is funded by the Storm Utility; \$48,110 by Sanitary Sewer.

6) Attachments:

A. Greer Environmental Consulting Service Provider Agreement

**CITY OF TUMWATER
SERVICE PROVIDER AGREEMENT**

GREER ENVIRONMENTAL CONSULTING

THIS AGREEMENT is made and entered into in duplicate this _____ day of _____, 2022, by and between the CITY OF TUMWATER, a Washington municipal corporation, hereinafter referred to as the “CITY” and GREER ENVIRONMENTAL CONSULTING, an Oregon corporation, hereinafter referred to as the “SERVICE PROVIDER.”

WITNESSETH:

WHEREAS, the CITY desires to have certain services and/or tasks performed as set forth below requiring specialized skills and other supportive capabilities; and

WHEREAS, sufficient CITY resources are not available to provide such services; and

WHEREAS, the SERVICE PROVIDER represents that the SERVICE PROVIDER is qualified and possesses sufficient skills and the necessary capabilities, including technical expertise, where required, to perform the services and/or tasks set forth in this Agreement.

NOW, THEREFORE, in consideration of the terms, conditions, covenants, and performance contained herein, the parties hereto agree as follows:

1. **SCOPE OF SERVICES.**

The SERVICE PROVIDER shall perform such services and accomplish such tasks, including the furnishing of all materials and equipment necessary for full performance thereof, as are identified and designated as SERVICE PROVIDER responsibilities throughout this Agreement and as detailed in Exhibit “A” Scope of Services attached hereto and incorporated herein (the “Project”).

2. **TERM.**

The Project shall begin no earlier than March 1, 2022, and shall be completed no later than January 31, 2025. This Agreement may be extended for additional periods of time upon mutual written agreement of the parties.

3. TERMINATION.

Prior to the expiration of the Term, this Agreement may be terminated immediately, with or without cause, by the CITY.

4. COMPENSATION AND METHOD OF PAYMENT.

A. Payments for services provided hereunder shall be made following the performance of such services, unless otherwise permitted by law and approved in writing by the CITY.

B. No payment shall be made for any service rendered by the SERVICE PROVIDER except for services identified and set forth in this Agreement.

C. The CITY shall pay the SERVICE PROVIDER for work performed under this Agreement a total sum not to exceed Two Hundred Eighty Four Thousand Three Hundred and Fifty Dollars (\$284,350.00) as reflected in Exhibit B.

D. Upon execution of this Agreement, the SERVICE PROVIDER must submit IRS Form W-9 Request for Taxpayer Identification Number (TIN) and Certification, unless a current Form W-9 is already on file with the CITY.

E. The SERVICE PROVIDER shall submit an invoice to the CITY for services rendered during the contract period. The CITY shall initiate authorization for payment after receipt of said invoice and shall make payment to the SERVICE PROVIDER within approximately thirty (30) days thereafter.

E. When subcontracting services or purchasing goods from third parties, as identified and approved in this Agreement, the SERVICE PROVIDER must submit written documentation establishing that the goods and/or services have been provided and the third party has been paid in order to receive payment for such goods and/or services.

G. Invoices may be submitted immediately following performance of services, but in no event shall an invoice be submitted more than twenty (20) business days following the end of the contract term or the end of the calendar year, whichever is earlier.

5. INDEPENDENT CONTRACTOR RELATIONSHIP.

A. The parties intend that an independent contractor relationship will be created by this Agreement. Subject to paragraphs herein, the

implementation of services pursuant to this Agreement will lie solely within the discretion of the SERVICE PROVIDER. No agent, employee, servant or representative of the SERVICE PROVIDER shall be deemed to be an employee, agent, servant or representative of the CITY for any purpose, and the employees of the SERVICE PROVIDER are not entitled to any of the benefits the CITY provides for its employees. The SERVICE PROVIDER will be solely and entirely responsible for its acts and for the acts of its agents, employees, servants, subcontractors or representatives during the performance of this Agreement.

B. In the performance of the services herein contemplated the SERVICE PROVIDER is an independent contractor with the authority to control and direct the performance of the details of the work; however, the results of the work contemplated herein must meet the approval of the CITY and shall be subject to the CITY'S general rights of inspection and review to secure the satisfactory completion thereof.

C. As an independent contractor, the SERVICE PROVIDER shall be responsible for the reporting and payment of all applicable local, state, and federal taxes.

D. It is recognized that the SERVICE PROVIDER may or will be performing services during the Term for other parties; provided, however, that such performance of other services shall not conflict with or interfere with the SERVICE PROVIDER'S ability to perform the Services. The SERVICE PROVIDER agrees to resolve any such conflicts of interest in favor of the CITY.

E. 2008 Early Retirement Factor Retirees. Washington State law requires reporting of any contractor, independent contractor or personal service contractor that has retired from the State of Washington using the 2008 Early Retirement Factor (ERF). Stricter return to work restrictions apply to retirees under the 2008 ERF. The SERVICE PROVIDER must verify retirement status by completing a Service Provider Retirement Status Form, attached as Exhibit "B", for each of the SERVICE PROVIDER'S owners and for each person providing service under this Agreement.

6. SERVICE PROVIDER EMPLOYEES/AGENTS.

The CITY may at its sole discretion require the SERVICE PROVIDER to remove an employee, agent or servant from employment on this Project. The SERVICE PROVIDER may however employ that individual on other non-CITY related projects.

7. HOLD HARMLESS INDEMNIFICATION.

A. SERVICE PROVIDER Indemnification. The SERVICE PROVIDER agrees to indemnify, defend and hold the CITY, its elected officials, officers, employees, agents, and volunteers harmless from any and all claims, demands, losses, actions and liabilities (including costs and all attorney fees) to or by any and all persons or entities, including, without limitation, their respective agents, licensees, or representatives, arising from, resulting from, or connected with this Agreement to the extent caused by the negligent acts, errors or omissions of the SERVICE PROVIDER, its partners, shareholders, agents, employees, or by the SERVICE PROVIDER'S breach of this Agreement. The SERVICE PROVIDER expressly waives any immunity that may be granted to it under the Washington State Industrial Insurance Act, Title 51 RCW. The SERVICE PROVIDER'S indemnification shall not be limited in any way by any limitation on the amount of damages, compensation or benefits payable to or by any third party under workers' compensation acts, disability benefit acts or any other benefit acts or programs. This waiver has been mutually negotiated by the parties.

B. CITY Indemnification. The CITY agrees to indemnify, defend and hold the SERVICE PROVIDER, its officers, directors, shareholders, partners, employees, and agents harmless from any and all claims, demands, losses, actions and liabilities (including costs and attorney fees) to or by any and all persons or entities, including without limitation, their respective agents, licensees, or representatives, arising from, resulting from or connected with this Agreement to the extent solely caused by the negligent acts, errors, or omissions of the CITY, its employees or agents. No liability shall attach to the CITY by reason of entering into this Agreement except as expressly provided herein.

C. Survival. The provisions of this Section shall survive the expiration or termination of this Agreement with respect to any event occurring prior to such expiration or termination.

8. INSURANCE.

A. The SERVICE PROVIDER shall procure and maintain for the duration of the Agreement, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the SERVICE PROVIDER, their agents, representatives, employees or subcontractors.

B. The SERVICE PROVIDER shall provide a Certificate of Insurance evidencing:

1. Automobile Liability insurance with limits no less than \$1,000,000 combined single limit per accident for bodily injury and property damage.

2. Commercial General Liability insurance written on an occurrence basis with limits no less than \$2,000,000 combined single limit per occurrence and \$2,000,000 aggregate for personal injury, bodily injury and property damage. Coverage shall include but not be limited to: blanket contractual; products/completed operations; broad form property damage; explosion, collapse and underground (XCU) if applicable; and employer's liability.

3. Professional Liability insurance written on an claims made basis with limits of no less than \$2,000,000 per claim, and \$2,000,000 policy aggregate limit.

C. The CITY shall be named as an additional insured on the insurance policy, as respect to work performed by or on behalf of the SERVICE PROVIDER and a copy of the endorsement naming the CITY as additional insured shall be attached to the Certificate of Insurance. The CITY reserves the right to request certified copies of any required policies.

D. The SERVICE PROVIDER'S insurance shall contain a clause stating that coverage shall apply separately to each insured against whom claim is made or suit is brought, except with respects to the limits of the insurer's liability.

E. Any payment of deductible or self-insured retention shall be the sole responsibility of the SERVICE PROVIDER.

F. The SERVICE PROVIDER'S insurance shall be primary insurance as respect to the CITY and the CITY shall be given written notice of any cancellation, suspension or material change in coverage within two (2) business days of SERVICE PROVIDER'S receipt of such notice.

9. TREATMENT OF ASSETS.

Title to all property furnished by the CITY shall remain in the name of the CITY and the CITY shall become the owner of the work product and other documents, if any, prepared by the SERVICE PROVIDER pursuant to this Agreement.

10. COMPLIANCE WITH LAWS.

A. The SERVICE PROVIDER, in the performance of this

Agreement, shall comply with all applicable federal, state or local laws and ordinances, including being licensed to do business in the City of Tumwater by obtaining a Tumwater business license and any additional regulations for licensing, certification and operation of facilities, programs and accreditation, and licensing of individuals, and any other standards or criteria as described in this Agreement to assure quality of services.

B. The SERVICE PROVIDER specifically agrees to pay any applicable CITY business and occupation (B&O) taxes which may be due on account of this Agreement.

11. NONDISCRIMINATION.

A. The CITY is an equal opportunity employer.

B. Nondiscrimination in Employment. In the performance of this Agreement, the SERVICE PROVIDER will not discriminate against any employee or applicant for employment on the grounds of race, creed, religion, color, national origin, citizenship or immigration status, families with children status, sex, marital status, honorably discharged veteran or military status, the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability, sexual orientation, genetic information, age or other basis prohibited by state or federal law; provided that the prohibition against discrimination in employment because of disability shall not apply if the particular disability prevents the proper performance of the particular worker involved. Such action shall include, but not be limited to: employment, upgrading, demotion or transfers, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and programs for training including apprenticeships. "Race" is inclusive of traits historically associated or perceived to be associated with race including, but not limited to, hair texture and protective hairstyles. For purposes of this subsection, "protective hairstyles" includes, but is not limited to, such hairstyles as afros, braids, locks, and twists. It is not an unfair practice when a distinction or differential treatment on the basis of citizenship or immigration status is authorized by federal or state law, regulation, rule or government contract.

C. Nondiscrimination in Services. The SERVICE PROVIDER will not discriminate against any recipient of any services or benefits provided for in this Agreement on the grounds of race, creed, religion, color, national origin, citizenship or immigration status, families with children status, sex, marital status, honorably discharged veteran or military status, the presence of any sensory, mental or physical disability or the use of a trained dog guide or service animal by a person with a disability, sexual orientation, genetic information, age or other basis prohibited by state or federal law. "Race" is inclusive of traits historically associated or perceived to be associated with race including, but not limited to, hair texture

and protective hairstyles. For purposes of this subsection, "protective hairstyles" includes, but is not limited to, such hairstyles as afros, braids, locks, and twists. It is not an unfair practice when a distinction or differential treatment on the basis of citizenship or immigration status is authorized by federal or state law, regulation, rule or government contract.

D. If any assignment and/or subcontract have been authorized by the CITY, said assignment or subcontract shall include appropriate safeguards against discrimination. The SERVICE PROVIDER shall take such action as may be required to ensure full compliance with the provisions in the immediately preceding paragraphs herein.

E. Nondiscrimination in Benefits. **The provisions of this subsection are only applicable to contracts with an estimated value of \$50,000 or more.** Pursuant to Tumwater Municipal Code (TMC) Chapter 3.46, the SERVICE PROVIDER shall provide employee benefits or an equivalent sum to the domestic partners of their employees involved in the SERVICE PROVIDER'S operations applicable to this Agreement if such benefits are provided to employees' spouses as more particularly set forth in Chapter 3.46 of the TMC, a copy of which is attached hereto in Exhibit C.

12. ASSIGNMENT/SUBCONTRACTING.

A. The SERVICE PROVIDER shall not assign its performance under this Agreement or any portion of this Agreement without the written consent of the CITY, and it is further agreed that said consent must be sought in writing by the SERVICE PROVIDER not less than thirty (30) days prior to the date of any proposed assignment. The CITY reserves the right to reject without cause any such assignment.

B. Any work or services assigned hereunder shall be subject to each provision of this Agreement and proper bidding procedures where applicable as set forth in local, state and/or federal statutes, ordinances and guidelines.

C. Any technical service subcontract not listed in this Agreement, must have express advance approval by the CITY.

13. NON-APPROPRIATION OF FUNDS.

If sufficient funds are not appropriated or allocated for payment under this Agreement for any future fiscal period, the CITY will not be obligated to make payments for services or amounts incurred after the end of the current fiscal period, and this Agreement will terminate upon the completion of all remaining services for which funds are allocated. No penalty or expense shall accrue to the CITY in the

event this provision applies.

14. CHANGES.

Either party may request changes to the Scope of Services and performance to be provided hereunder, however, no change or addition to this Agreement shall be valid or binding upon either party unless such change or addition be in writing and signed by both parties. Such amendments shall be attached to and made part of this Agreement.

15. MAINTENANCE AND INSPECTION OF RECORDS.

A. The SERVICE PROVIDER at such times and in such forms as the CITY may require, shall furnish to the CITY such statements, records, reports, data, and information as the CITY may request pertaining to matters covered by this Agreement.

B. The SERVICE PROVIDER shall maintain books, records and documents, which sufficiently and properly reflect all direct and indirect costs related to the performance of this Agreement and shall maintain such accounting procedures and practices as may be necessary to assure proper accounting of all funds paid pursuant to this Agreement. These records shall be subject at all reasonable times to inspection, review, or audit, by the CITY, its authorized representative, the State Auditor, or other governmental officials authorized by law to monitor this Agreement.

C. To ensure the CITY's compliance with the Public Records Act, RCW 42.56, the SERVICE PROVIDER shall retain all books, records, documents and other material relevant to this agreement, for six (6) years after its expiration. The SERVICE PROVIDER agrees that the CITY or its designee shall have full access and right to examine any of said materials at all reasonable times during said period.

16. POLITICAL ACTIVITY PROHIBITED.

None of the funds, materials, property or services provided directly or indirectly under the Agreement shall be used for any partisan political activity, or to further the election or defeat of any candidate for public office.

17. PROHIBITED INTEREST.

No member, officer, or employee of the CITY shall have any interest, direct or indirect, in this Agreement or the proceeds thereof.

18. NOTICE.

Notice provided for in this Agreement shall be sent by certified mail to the addresses designated for the parties on the signature page of this Agreement.

19. ATTORNEYS FEES AND COSTS.

If any legal proceeding is brought for the enforcement of this Agreement, or because of a dispute, breach, default, or misrepresentation in connection with any of the provisions of this Agreement, the prevailing party shall be entitled to recover from the other party, in addition to any other relief to which such party may be entitled, reasonable attorney's fees and other costs incurred in that action or proceeding.

20. JURISDICTION AND VENUE.

A. This Agreement has been and shall be construed as having been made and delivered within the State of Washington, and it is agreed by each party hereto that this Agreement shall be governed by laws of the State of Washington, both as to interpretation and performance.

B. Any action of law, suit in equity, or judicial proceeding for the enforcement of this Agreement or any provisions thereof, shall be instituted and maintained in the superior court of Thurston County, Washington.

21. SEVERABILITY.

A. If, for any reason, any part, term or provision of this Agreement is held by a court of the United States to be illegal, void or unenforceable, the validity of the remaining provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular provision held to be invalid.

B. If it should appear that any provision hereof is in conflict with any statutory provision of the State of Washington, said provision which may conflict therewith shall be deemed inoperative and null and void insofar as it may be in conflict therewith, and shall be deemed modified to conform to such statutory provisions.

22. ENTIRE AGREEMENT.

The parties agree that this Agreement is the complete expression of the

terms hereto and any oral representations or understandings not incorporated herein are excluded. Further, any modification of this Agreement shall be in writing and signed by both parties. Failure to comply with any of the provisions stated herein shall constitute material breach of contract and cause for termination. Both parties recognize time is of the essence in the performance of the provisions of this Agreement. It is also agreed by the parties that the forgiveness of the nonperformance of any provision of this Agreement does not constitute a waiver of the provisions of this Agreement. This Agreement may be executed in any number of counterparts, which counterparts shall collectively constitute the entire Agreement.

*** Signatures on next page ***

IN WITNESS WHEREOF the parties hereto have caused this Agreement to be executed the day and year first hereinabove written.

CITY:
CITY OF TUMWATER
555 Israel Road SW
Tumwater, WA 98501

SERVICE PROVIDER:
Greer Environmental Consulting
2872 NW Kennedy Court
Portland, OR 97229
Tax ID #: 87-4316699
Phone: (971) 409-9183

DEBBIE SULLIVAN
Mayor

ATTEST

Signature (Notarized – see below)
Printed Name: Meridith Greer
Title: Owner / Project Manager

Melody Valiant, City Clerk

APPROVED AS TO FORM:

Karen Kirkpatrick, City Attorney

STATE OF WASHINGTON

COUNTY OF THURSTON

I certify that I know or have satisfactory evidence that Meridith Greer is the person who appeared before me, and said person acknowledged that she signed this instrument, and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in the instrument.

Dated:_____

Notary Public in and for the State of Washington, My
appointment expires: _____

Scope of Services for the City of Tumwater



January 10, 2022

Meridith Greer, Owner and Project Manager

MKG@GreerConsllting.net

(971) 409 - 9183

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Executive Summary

Greer Environmental Consulting (Consultant) will provide services outlined below to the City of Tumwater (City) Water Resources and Sustainability (WRS) Department pertaining to the nine projects detailed in this Scope of Services. The estimated total contract amount to complete the professional services laid out in the rest of this scope is offered on a time-and-materials basis **not-to-exceed \$284,350.00**. A cost breakdown for each project can be found below:

Project	Estimated Project Management Cost	Estimated Total Project Cost
Project 1 - Percival Creek Fish Passage Barrier Removal	\$38,925.00	\$1,178,925.00
Project 2 - Pioneer Park Riparian Restoration	\$31,020.00	\$476,800.79
Project 3 - East Linwood Basin Retrofit	\$32,470.00	\$202,190.00 (does not include construction costs)
Project 4 - Thurston County Equity Index and REEP Audience Analysis	\$18,700.00	\$30,748.53
Project 5 - Septic to Sewer Program with Velkommen Mobile Home Park	\$48,110.00	\$1,047,964.78
Project 6 - Stormwater Management Action Planning for Three Priority Subbasins	\$28,475.00	\$227,840.63
Project 7 - Tumwater Valley Regional Golf Course Parking Lot Stormwater Retrofit	\$23,460.00	\$128,355.55
Project 8 - Deschutes River Flood Reduction and Erosion Study	\$18,020.00	\$83,020.00
Project 9 - Tumwater Valley Regional Stormwater Facility	\$45,170.00	\$2,240,170.00
Total Contract Cost Not to Exceed	\$284,350.00	
Total Cost of All Projects		\$5,616,015.28

Project 1 - Percival Creek Fish Passage Barrier Removal

The Percival Creek Fish Passage Barrier Removal project aims to replace the full fish passage barrier culvert that currently conveys Percival Creek under Sapp Road. This barrier was identified by the Washington Department of Fish and Wildlife (WDFW) in 2015 as a full barrier due to slope. This project has been a priority for the City of Tumwater for many years and has been identified on the Capital Improvements Project list for the last 15 years.

The City of Tumwater's WRS department initiated the first attempt to acquire funding for this project in the spring of 2019, working with the Transportation and Engineering Department (TED) to complete preliminary designs. The project was ultimately partially funded through a Washington State Recreation and Conservation Office Salmon Recovery Funding Board grant application in July 2021. Tumwater has hired PBS Engineering and Environmental Inc. to complete full PS&E for the project along with Aqua Terra Cultural Resources Consulting to complete all necessary cultural resources reviews. The project officially kicked off on October 1, 2021.

Greer Environmental Consulting proposes the following scope of work for the Percival Creek Fish Passage Barrier Removal project. The scope of work is based on a two-phase approach to the project: design/permitting and construction. The design and permitting phase will take place between October 2021 and July 2022, while the construction phase will start in March 2024 and end in October 2024.

A. Scope of Services

Project 1 - Task 100. Project Management

This task covers project management work associated with executing the project and includes the following:

- Prepare a project management plan
- Manage the project schedule
- Manage the project risks
- Handle project communications
- Manage project team members, including other consultants
- Engage with stakeholders, City, consultants, and affected/interested members of the public
- Manage the scope and project budget

This task includes providing up-to-date project schedules, regular project status updates at a minimum every two-week interval during active phases of the project and a monthly project billing report.

Project 1 - Task 100. Deliverables

1. Project management plan
2. Project schedule updated quarterly
3. Project budget updated quarterly

4. Monthly reports and invoices
5. Meeting agendas
6. Presentations for at least two Public Works Committee meetings (PWC), one City Council (CC) meeting, and one regional workgroup meeting (such as the Watershed Resources Inventory Area (WRIA) 13 Lead Entity Committee)
7. Consultant deliverable/invoice review and approval

Project 1 - Task 200. Permit and Agreement Management

This task covers the completion and/or submission of all necessary permits and agreements to complete the project while complying with all local, state, and federal regulations. Anticipated permits and agreements include, but are not limited to:

- Apply for Right of Entry Agreement
- Manage Cultural Resources Report
 - Completed by Aqua Terra Consulting
 - Coordination with local stakeholders by Greer Environmental Consulting (GEC)
- Apply for Joint Aquatic Resource Permit Application (JARPA)
 - Drawing provided by PBS
 - GEC will submit the permits
- Apply for Right of Way Permit
- Apply for Temporary Construction Easement
- Manage Service Provider Agreements
 - PBS Engineering and Environmental Inc.
 - Aqua Terra Cultural Resources Consulting
- Apply for Construction Stormwater General Permit

This task includes completion, submission, and communication with permitting agencies and relevant stakeholders.

Project 1 - Task 200. Deliverables

1. Right of entry agreement
2. JARPA application
3. Temporary construction easement
4. Signed service provider agreements
5. Construction stormwater general permit application

Project 1 - Task 300. Grant Management

This task covers all aspects of grant management to acquire the majority of funding for both phases of the project. This includes grant research, writing, negotiating, management, and closeout. The funding structure for this project is detailed below:

- \$79,600 from the Salmon Recovery Funding Board for PS&E deliverables
 - Awarded July 1, 2021
 - Expires July 1, 2022
 - Can be extended by six months if the Recreation and Conservation Office (RCO) is notified by May 2022
- ~\$1,000,000 from the Brian Abbott Fish Barrier Removal Board to construct the project

- Engineer's Estimates of final project costs will be known by June 2022
- Letters of Intent due January 13, 2022, with final applications due May 2, 2022

Project 1 - Task 300. Deliverables

1. Negotiated grant agreement(s)
2. Quarterly progress and payment reports
3. Closeout report(s) for funding agencies
4. Fish Passage Barrier Removal Board grant application

Project 1 - Task 400. Construction Management - Dependent on funding and City approval

This task covers construction management work associated with constructing the project and includes the following:

- Acquire permits, easements, and agreements
- Manage bid process and documentation
- Engage stakeholders
- Prepare final project documentation, including photos and videos

Project 1 - Task 400. Deliverables

1. Bid documentation
2. Project closeout report for the City of Tumwater

Project 1 - Task 500. Contingency - Dependent on funding and City approval

This task provides a discretionary allowance budget task for unanticipated labor, expenses, or professional services not specifically identified in Tasks 100-400 in this Scope of Services. No work can be performed under *Task 500 Contingency* without the written authorization from the City.

Project 1 - Task 500. Deliverables

1. To be determined and agreed upon by the City and GEC

B. Project Timeline

Phase	Start Date	End Date
Final PS&E	October 2021	July 2022
Construction	March 2024	October 2024

C. Project Schedule

Deliverable	Due Date
Task 100. Project Management	
1. Project management plan	January 2021
2. Project schedule updated quarterly	July 2024
3. Project budget updated quarterly	July 2024
4. Monthly reports and invoices	October 2024
5. Meeting agendas	June 2024
6. Presentations for at least two PWC, one CC meeting, and one regional workgroup meeting (such as the WRIA 13 Lead Entity Committee)	April 2024
7. Consultant deliverable and invoice review and approval	September 2024
Task 200. Permit and Agreement Management	
1. Right of entry agreement	February 2024
2. JARPA application	April 2022
3. Temporary construction easement	March 2024
4. Signed service provider agreements	December 2022
5. Construction stormwater general permit application	March 2024
Task 300. Grant Management	
1. Negotiated grant agreement(s)	November 2023
2. Quarterly progress and payment reports	July 2024
3. Closeout report(s) for funding agencies	October 2024
4. Fish Passage Barrier Removal Board grant application	May 2022
Task 400. Construction Management*	
1. Bid documentation	May 2024
2. Project closeout report for the City of Tumwater	October 2024
Task 500. Contingency*	
1. To be determined and agreed upon by the City and GEC	TBD

*Dependent on funding and City approval

D. Project Management Cost

The estimated total contract amount to complete the professional services identified in this Scope of Services is offered on a time and materials basis not to exceed **\$38,925.00**.

The following are estimated professional services costs for the tasks provided in this scope of services. The following table is provided only to show the City an approximate breakdown of estimated costs.

Task	Estimated Task Cost
Task 100. Project Management	\$19,975.00
Task 200. Permit and Agreement Management	\$3,400.00
Task 300. Grant Management	\$9,350.00
Task 400. Construction Management*	\$1,700.00
Task 500. Contingency*	\$4,500.00
Total	\$38,925.00

*Dependent on funding and City approval

E. Funding Structure

Phase	Budget	Source
Final PS&E	\$140,000	\$79,00 from the Salmon Recovery Funding Board \$60,400 from the City of Tumwater Storm Drain Fund
Construction	~\$1,000,000	Anticipated- \$850,000 from the Brian Abbott Fish Barrier Removal Board \$127,500 from the Salmon Recovery Funding Board \$22,500 from the City of Tumwater Storm Drain Fund
Tasks Outlined Above	\$38,925.00	
Total	\$1,178,925.00	

Project 2 - Pioneer Park Riparian Restoration

The Pioneer Park Riparian Restoration project aims to reduce fine sediment loading and improve riparian cover along a ~400-foot section of Deschutes River. The site has been identified as one of the top ten fine sediment loading areas in Thurston County. In addition, the site was called out specifically in the Deschutes River TMDL as needing a 48% reduction in fine sediment and a 50% increase in shade cover.

This project is on the WRIA 13 Salmon Recovery Lead Entities Four Year work plan and previously had a preliminary design completed by the South Puget Sound Salmon Enhancement Group (SPSSEG) with a Salmon Recovery Funding Board Grant. Due to the highly mobile nature of the Deschutes River in the area, those plans do not constitute a viable solution to this project today. The City of Tumwater's WRS department received funding from the Department of Ecology to complete final PS&E and construction on October 15, 2021.

GEC proposes the following scope of work for the Pioneer Park Riparian Restoration project. The scope of work is based on a two-phase approach to the project: design/permitting and construction. The design and permitting phase will take place between December 2021 and April 2023, while the construction phase will start in April 2023 and end in October 2023.

A. Scope of Work

Project 2 - Task 100. Project Management

This task covers project management work associated with executing the project and includes the following:

- Prepare a project management plan
- Manage the project schedule
- Manage the project risks
- Handle project communications
- Manage project team members, including assisting in hiring and managing other consultants
- Engage with stakeholders, City, consultants, and affected/interested members of the public
- Manage project scope and budget

This task includes providing up-to-date project schedules, regular project status updates, at a minimum every two-week interval during active phases of the project, and a monthly project billing report.

Project 2 - Task 100. Deliverables

1. Project management plan
2. Project schedule updated quarterly
3. Project budget updated quarterly
4. Monthly reports and invoices
5. Meeting agendas

6. Presentations for at least two PWC and one CC meeting
7. Consultant deliverable and invoice review and approval

Project 2 - Task 200. Permit and Agreement Management

This task covers the completion and/or submission of all necessary permits and agreements needed to complete the project while complying with local, state, and federal regulations.

Anticipated permits and agreements include, but are not limited to:

- Manage Cultural Resources Report
 - Completed by hired cultural resources agency
 - Coordination with local stakeholders by Greer Environmental Consulting
- Apply for Hydraulic Project Approval
- Apply for 401 Water Quality Certification
- Apply for Section 404 permit
- Apply for NEPA/SEPA
- Apply for Biological Assessment
- Apply for Critical Areas Ordinance Certification of Compliance
- Apply for No Rise Certification
- Manage Service Provider Agreement(s)
- Apply for Construction Stormwater General Permit

This task includes completion, submission, and communication with permitting agencies and relevant stakeholders.

Project 2 - Task 200. Deliverables

1. Hydraulic Project Approval application
2. 401 Water Quality Certification application
3. Section 404 permit application
4. NEPA/SEPA application
5. Temporary construction easement
6. Signed service provider agreement(s)
7. Construction stormwater general permit application

Project 2 - Task 300. Grant Management

This task covers all aspects of grant management to acquire the majority of funding for both phases of the process. This includes grant research, writing, negotiating, management, and closeout. The funding structure for this project is detailed below:

- \$350,461.28 from the Department of Ecology's Water Quality Combined Funding for PS&E deliverables and construction
 - Awarded October 15, 2021
 - Expires October 15, 2024

Project 2 - Task 300. Deliverables

1. Negotiated grant agreement
2. Quarterly progress and payment reports

3. Closeout report for the Department of Ecology

Project 2 - Task 400. Construction Management

This task covers construction management work associated with constructing the project and includes the following:

- Acquire permits, easements, and agreements
- Manage bid process and documentation
- Engage stakeholders
- Prepare final project documentation, including photos and videos

Project 2 - Task 400. Deliverables

1. Bid documentation
2. Project closeout report for the City of Tumwater

Project 2 - Task 500. Contingency - Dependent on funding and City approval

This task provides a discretionary allowance budget task for unanticipated labor, expenses, or professional services not specifically identified in Tasks 100-400 in this Scope of Services. No work can be performed under *Task 500. Contingency* without the written authorization from the City.

Project 1 - Task 500. Deliverables

1. To be determined and agreed upon by the City and GEC

B. Project Timeline

Phase	Start Date	End Date
Final PS&E	December 2021	April 2023
Construction	April 2023	October 2023

C. Project Schedule

Deliverable	Due Date
Task 100. Project Management	
1. Project management plan	February 2022
2. Project schedule updated quarterly	July 2023
3. Project budget updated quarterly	July 2023
4. Monthly reports and invoices	October 2023
5. Meeting agendas	June 2023
6. Presentations for at least two PWC and one CC meeting	April 2023

Deliverable	Due Date
7. Consultant deliverable and invoice review and approval	September 2023
Task 200. Permit and Agreement Management	
1. Hydraulic Project Approval application	December 2023
2. 401 Water Quality Certification application	December 2023
3. Section 404 permit application	December 2023
4. NEPA/SEPA application	December 2023
5. Temporary construction easement	April 2023
6. Signed service provider agreement(s)	March 2023
7. Construction stormwater general permit application	April 2023
Task 300. Grant Management	
1. Negotiated grant agreement	January 2022
2. Quarterly progress and payment reports	July 2023
2. Closeout report for the Department of Ecology	October 2023
Task 400. Construction Management	
1. Bid documentation	April 2023
2. Project closeout report for the City of Tumwater	October 2023
Task 500. Contingency*	
1. To be determined and agreed upon by the City and GEC	TBD

*Dependent on funding and City approval

D. Project Management Cost

The estimated total contract amount to complete the professional services identified in this Scope of Services is offered on a time and materials basis not to exceed **\$31,020.00**. The following are estimated professional services costs for the tasks provided in this scope of services. The following table is provided only to show the City an approximate breakdown of estimated costs.

Task	Estimated Task Cost
Task 100. Project Management	\$16,150.00
Task 200. Permit and Agreement Management	\$4,845.00
Task 300. Grant Management	\$3,825.00
Task 400. Construction Management	\$1,700.00
Task 500. Contingency*	\$4,500.00
Total	\$31,020.00

*Dependent on funding and City approval

E. Funding Structure

Phase	Budget	Source
Final PS&E	\$64,502.71	\$48,377.43 from the Water Quality Combined Funding for Nonpoint Source Pollution \$16,125.82 from the City of Tumwater Storm Drain Fund
Construction	\$381,278.08	\$285,958.57 from the Water Quality Combined Funding for Nonpoint Source Pollution \$95,319.51 from the City of Tumwater Storm Drain Fund
Tasks Outlined Above	\$31,020.00	
Total	\$476,800.79	

Project 3 - East Linwood Basin Retrofit

The East Linwood Basin Retrofit project aims to provide stormwater treatment and flow reductions to the 81.5-acre basin which currently discharges untreated stormwater into the Deschutes River, a 303(d) listed waterbody. The City of Tumwater received a 2013-2015 Biennial Municipal Stormwater Capacity Grant to design a solution in this basin using an Integrated Management Practice. A design report and 90% designs were completed using that funding for two construction stormwater wet ponds. In 2021, the Department of Ecology determined they would no longer fund projects that worked within wetlands, regardless of category level, rendering the current plans infeasible.

The City of Tumwater's WRS department applied for funding from the Department of Ecology to complete a new alternative analysis for upstream treatment, with additional funds to complete preliminary designs contingent upon DOE and the City agreeing on an alternative. This application was funded on July 1, 2020.

GEC proposes the following scope of work for the East Linwood Basin Retrofit project. The scope of work is based on a two-phase approach to the project: design/permitting and construction. The design and permitting phase will take place between January 2022 and February 2023, while the construction phase will start in May 2024 and end in December 2024.

A. Scope of Work

Project 3 - Task 100. Project Management

This task covers project management work associated with executing the project and includes the following:

- Prepare a project management plan
- Manage the project schedule
- Manage the project risks
- Handle project communications
- Manage project team members, including other consultants
- Engage with stakeholders
- Manage the scope and project budget

This task includes providing up-to-date project schedules, regular project status updates at a minimum every two-week interval during active phases of the project and monthly project billing reports.

Project 3 - Task 100. Deliverables

1. Project management plan
2. Project schedule updated quarterly
3. Project budget updated quarterly
4. Monthly reports and invoices
5. Meeting agendas
6. Presentations for at least two PWC and one CC meeting

7. Consultant deliverable and invoice review and approval

Project 3 - Task 200. Permit and Agreement Management

This task covers the completion and/or submission of all necessary permits and agreements to complete the project while complying with all local, state, and federal regulations. Anticipated permits and agreements include, but are not limited to:

- Apply for Right of Entry Agreement(s)
- Manage Cultural Resources Report
 - Completed by cultural resources consultant
 - Coordination with local stakeholders by Greer Environmental Consulting
- Apply for Right of Way Permit
- Apply for Temporary Construction Easement
- Manage Service Provider Agreement(s)
- Apply for Construction Stormwater General Permit

This task includes completion, submission, and communication with permitting agencies and relevant stakeholders.

Project 3 - Task 200. Deliverables

1. Right of entry agreement(s)
2. Temporary construction easement
3. Signed service provider agreement(s)
4. Construction stormwater general permit application

Project 3 - Task 300. Grant Management

This task covers all aspects of grant management to acquire the majority of funding for both phases of the project. This includes grant research, writing, negotiating, management, and closeout. The funding structure for this project is detailed below:

- \$127,290 from the Department of Ecology's Water Quality Combined Funding for PS&E deliverables
 - Awarded July 1, 2020
 - Expires April 30, 2023
 - \$60,000 for an alternatives analysis with the rest of the funding contingent on finding an agreeable alternative with the Department of Ecology
- \$XX from the Department of Ecology's Water Quality Combined Funding for construction
 - Price dependent on which alternative is chosen
 - Water Quality Combined Funding applications are accepted annually between August and October

Project 3 - Task 300. Deliverables

1. Negotiated grant agreement(s)
2. Quarterly progress and payment reports
3. Closeout report(s) for funding agencies
4. Department of Ecology Water Quality Combined Funding Program grant application

Project 3 - Task 400. Construction Management - Dependent on funding and City approval

This task covers construction management work associated with constructing the project and includes the following:

- Acquire permits, easements, and agreements
- Manage bid process and documentation
- Engage stakeholders
- Prepare final project documentation, including photos and videos

Project 3 - Task 400. Deliverables

1. Bid documentation
2. Project closeout report for the City of Tumwater

Project 3 - Task 500. Contingency - Dependent on funding and City approval

This task provides a discretionary allowance budget task for unanticipated labor, expenses, or professional services not specifically identified in Tasks 100-400 in this Scope of Services. No work can be performed under *Task 500. Contingency* without the written authorization from the City.

Project 3 - Task 500. Deliverables

1. To be determined and agreed upon by the City and GEC

B. Project Timeline

Phase	Start Date	End Date
Final PS&E	January 2022	February 2023
Construction	May 2024	December 2024

C. Project Schedule

Deliverable	Due Date
Task 100. Project Management	
1. Project management plan	February 2022
2. Project schedule updated quarterly	October 2024
3. Project budget updated quarterly	October 2024
4. Monthly reports and invoices	December 2024
5. Meeting agendas	May 2024
6. Presentations for at least two PWC and one CC meeting	May 2024

Deliverable	Due Date
7. Consultant deliverable and invoice review and approval	December 2024
Task 200. Permit and Agreement Management	
1. Right of entry agreement(s)	April 2024
2. Temporary construction easement	April 2024
3. Signed service provider agreement(s)	March 2024
4. Construction stormwater general permit application	April 2024
Task 300. Grant Management	
1. Negotiated grant agreement(s)	December 2023
2. Quarterly progress and payment reports	October 2024
3. Closeout report(s) for funding agencies	December 2024
4. Department of Ecology Water Quality Combined Funding Program grant application	October 2022
Task 400. Construction Management*	
1. Bid documentation	May 2024
2. Project closeout report for the City of Tumwater	December 2024
Task 500. Contingency*	
1. To be determined and agreed upon by the City and GEC	TBD

*Dependent on funding and City approval

D. Project Management Cost

The estimated total contract amount to complete the professional services identified in this Scope of Services is offered on a time and materials basis not to exceed **\$32,470.00**. The following are estimated professional services costs for the tasks provided in this scope of services. The following table is provided only to show the City an approximate breakdown of estimated costs.

Task	Estimated Task Cost
Task 100. Project Management	\$14,875.00
Task 200. Permit and Agreement Management	\$2,720.00

Task 300. Grant Management	\$9,350.00
Task 400. Construction Management*	\$1,275.00
Task 500. Contingency*	\$4,250.00
Total	\$32,470.00

*Dependent on funding and City approval

E. Funding Structure

Phase	Budget	Source
Final PS&E	\$169,720	\$127,290 from the Water Quality Combined Funding for Stormwater Financial Assistance Program \$42,430 from the City of Tumwater Storm Drain Fund
Construction	~\$xxx	Anticipated- 75% of the total cost from the Water Quality Combined Funding program 25% of the total cost from the City of Tumwater Storm Drain Fund
Tasks Outlined Above	\$32,470.00	
Total	\$xxx	

Project 4 - Thurston County Equity Index and REEP Audience Analysis

The Thurston County Equity Index aims to create a geospatial tool for the City of Tumwater and the Regional Environmental Education Partnership (REEP) to use to identify areas and communities that are being over and underserved. On August 1, 2019, the Department of Ecology re-issued the National Pollutant Discharge Elimination System (NPDES) permit to permittees including the City of Tumwater. This permit included new programs and projects, including identifying and better engaging local overburdened communities.

The cities of Olympia, Tumwater, and Thurston County contracted with the Action Mapping Project (AMP) with the University of Washington Tacoma to create the Thurston County Equity Index in the fall of 2021. The equity index is a composition of aggregated data comparing census blocks across each jurisdiction using six categories of data: housing, economic, environmental, education, livability, and stormwater vulnerability. The resulting geodatabase can be used to increase service equity and better serve all City customers.

The Regional Environmental Education Partnership (REEP) made up of the cities of Lacey, Olympia, Tumwater, and Thurston County also contracted with AMP to complete a REEP Audience Analysis. This project will build off of the Thurston County Equity Analysis but focus specifically on the audiences that are being reached by REEP programming over the last ten years compared to local water quality data. The result of this work will be improvements to existing programming and the creation of new programming that creates engaging, effective, and culturally relevant outreach.

GEC proposes the following scope of work for the Thurston County Equity Index and REEP Audience Analysis. The Thurston County Equity Index project will take place between December 2021 and December 2022, while the REEP Audience Analysis will run from December 2021 until February 2023.

A. Scope of Work

Project 4 - Task 100. Project Management

This task covers project management work associated with executing the project and includes the following:

- Manage the project schedule
- Manage the project risks
- Handle project communications
- Manage project team members, including other consultants
- Engage with stakeholders
- Manage the scope and project budget
- Capacity Grant management

This task includes providing up-to-date project schedules, regular project status updates at a minimum every two-week interval during active phases of the project and a monthly project billing report.

Project 4 - Task 100. Deliverables

1. Project schedule updated quarterly
2. Project budget updated quarterly
3. Monthly reports and invoices
4. Meeting agendas
5. Presentations for at least one PWC and one CC meeting
6. Consultant deliverable and invoice review and approval
7. Quarterly progress and payment reports

Project 4 - Task 200. Quality Assurance/Quality Control

This task covers work performed during the project phase to ensure that City of Tumwater data is accurate and representative. Specific duties include:

- Develop incides
- Collect and distribute data
- Review and test final database

Project 4 - Task 200. Deliverables

1. List of indices and sources for data

Project 4 - Task 300. Database Roll-Out

This task covers the work to roll out the database to internal and external City of Tumwater customers after the completion of AMP's work. This task includes:

- Provide 1-hour presentations to all interested City of Tumwater departments on the database, how it was created, how it can be used, and the understanding of overburdened communities
- Create a public-facing story map in conjunction with the City's GIS team

Project 4 - Task 300. Deliverables

1. Presentations to interested City of Tumwater departments, eight maximum
2. Public-facing story map

Project 4 - Task 400. Contingency - Dependent on funding and City approval

This task provides a discretionary allowance budget task for unanticipated labor, expenses, or professional services not specifically identified in Tasks 100-300 in this Scope of Services. No work can be performed under *Task 400. Contingency* without the written authorization from the City.

Project 4 - Task 400. Deliverables

1. To be determined and agreed upon by the City and GEC

B. Project Timeline

Phase	State Date	End Date
Thurston County Equity Index	December 2021	December 2022
REEP Audience Analysis	December 2021	February 2023

C. Project Schedule

Deliverable	Due Date
Task 100. Project Management	
1. Project schedule updated quarterly	January 2023
2. Project budget updated quarterly	January 2023
3. Monthly reports and invoices	February 2023
4. Meeting agendas	December 2022
5. Presentations for at least one PWC and one CC meeting	November 2022
6. Consultant deliverable and invoice review and approval	May 2022
7. Quarterly progress and payment reports	January 2023
Task 200. Quality Assurance/Quality Control	
1. List of indices and sources for data	February 2022
Task 300. Database Roll-Out	
1. Presentations to all interested City of Tumwater departments, eight maximum	December 2022
2. Public-facing story map	August 2022
Task 400. Contingency*	
1. To be determined and agreed upon by the City and GEC	TBD

*Dependent on funding and City approval

D. Project Management Cost

The estimated total contract amount to complete the professional services identified in this Scope of Services is offered on a time and materials basis not to exceed **\$18,700.00**. The following are estimated professional services costs for the tasks provided in this scope of services. The following table is provided only to show the City an approximate breakdown of estimated costs.

Task	Estimated Task Cost
Task 100. Project Management	\$7,650.00
Task 200. Quality Assurance/Quality Control	\$850.00
Task 300. Database Roll-Out	\$8,500.00
Task 400. Contingency*	\$1,700.00
Total	\$18,700.00

*Dependent on funding and City approval

E. Funding Structure

Phase	Budget	Source
Thurston County Equity Index	\$10,000	\$10,000 from a Department of Ecology Capacity Grant
REEP Audience Analysis	\$2,048.53	35% of the project is funded by the 2021 REEP Budget, with the other 65% will be funded by the 2022 REEP Budget
Tasks Outlined Above	\$18,700.00	
Total	\$30,748.53	

Project 5 - Septic to Sewer Program with the Velkommen Mobile Home Park

The Septic to Sewer Program with the Velkommen Mobile Home Park aims to convert 39 high-density septic systems to City sewer while creating a framework for replicating this process at other mobile home parks across the region. While septic systems are not inherently problematic, if not properly maintained, they can pose risks to public health, surface waters, and groundwater. The 2015 Urban Septic Assessment Report estimated that 989 parcels within Tumwater city limits have septic systems, with an additional 1,630 in the Urban Growth Boundary.

The City of Tumwater's WRS department identified the Velkommen Mobile Home Park as an ideal partner to launch the septic to sewer program specific to mobile home parks. These parks are often the location of high-density septic systems where costs to convert to sewer are highly prohibitive. Tumwater proposes to run a social marketing style campaign to create a blueprint on how to work with mobile home park residents, management agencies, permitting jurisdictions, local agencies, and LOTT to convert systems like Velkommen to sewer. Tumwater applied for a grant from the Department of Ecology to assist in the funding of this project in October 2021 and will be notified of the award by mid-January 2022.

GEC proposes the following scope of work for the Septic to Sewer Program with the Velkommen Mobile Home Park. The scope of work is based on a two-phase approach to the project: social marketing campaign/blueprint creation and design/construction. The social marketing campaign/blueprint creation phase will take place between October 2022 and June 2025, while the design/construction phase will start in March 2023 and end in October 2024.

A. Scope of Work

Project 5 - Task 100. Project Management - Dependent on funding and City approval

This task covers project management work associated with executing the project and includes the following:

- Prepare a project management plan
- Manage the project schedule
- Manage the project risks
- Handle project communications
- Manage project team members, including other consultants
- Engage with stakeholders
- Manage the scope and project budget

This task includes providing up-to-date project schedules, regular project status updates at a minimum every two-week interval during active phases of the project and a monthly project billing report.

Project 5 - Task 100. Deliverables

1. Project management plan

2. Project schedule updated quarterly
3. Project budget updated quarterly
4. Monthly reports and invoices
5. Meeting agendas
6. Presentations for at least two PWC and one CC meeting
7. Consultant deliverable and invoice review and approval

Project 5 - Task 200. Social Marketing Campaign and Blueprint Creation - Dependent on funding and City approval

This task covers all aspects of work necessary to complete a social marketing style campaign with additional consultant support, including:

- Manage Program Development
 - Program background, purpose, and focus
 - Situational analysis
 - Priority audience selection
 - Objectives and goals
 - Barriers benefits, motivators, and competitors for the priority audience
 - Positioning statement
- Manage Marketing and Implementation Strategy
 - Marketing intervention mix strategy (product, price, place, and promotion)
 - Evaluation plan
 - Program budget
 - Implementation plan
- Manage Program Evaluation
 - Report on inputs, outputs, outcomes, and impact
 - Provide recommendations for enhancements going forward
 - Blueprint completion
- These three elements together create the blueprint for the septic to sewer program when partnering with mobile homes in Thurston County.

Project 5 - Task 200. Deliverables

1. Program development report
2. Marketing and implementation strategy report
3. Program evaluation report

Project 5 - Task 300. Permit and Agreement Management - Dependent on funding and City approval

This task covers the completion and/or submission of all necessary permits and agreements to complete the project while complying with all local, state, and federal regulations. Anticipated permits and agreements include, but are not limited to:

- Apply for Right of Entry Agreement
- Manage Cultural Resources Report
 - Completed by cultural resources consultant
 - Coordination with local stakeholders by Greer Environmental Consulting

- Apply for Temporary Construction Easement
- Manage Service Provider Agreement(s)
- Apply for Construction Stormwater General Permit

This task includes completion, submission, and communication with permitting agencies and relevant stakeholders.

Project 5 - Task 300. Deliverables

1. Right of entry agreement
2. Temporary construction easement
3. Signed service provider agreement(s)
4. Construction stormwater general permit application

Project 5 - Task 400. Grant Management - Dependent on funding and City approval

This task covers all aspects of grant management to acquire the majority of funding for both phases of the process. This includes grant research, writing, negotiating, management, and closeout. The funding structure for this project is detailed below:

- Anticipated - \$499,927 from the Department of Ecology's Water Quality Combined Funding for social marketing campaign/blueprint creation, final PS&E, and construction
 - Awarded July 1, 2022
 - Expires October 1, 2025

Project 5 - Task 400. Deliverables

1. Negotiated grant agreement(s)
2. Quarterly progress and payment reports
3. Closeout report(s) for funding agencies

Project 5 - Task 500. Construction Management - Dependent on funding and City approval

This task covers construction management work associated with constructing the project and includes the following:

- Acquire permits, easements, and agreements
- Manage bid process and documentation
- Engage stakeholders
- Prepare final project documentation, including photos and videos

Project 5 - Task 500. Deliverables

1. Bid documentation
2. Project closeout report for the City of Tumwater

Project 5 - Task 600. Contingency - Dependent on funding and City approval

This task provides a discretionary allowance budget task for unanticipated labor, expenses, or professional services not specifically identified in Tasks 100-500 in this Scope of Services. No work can be performed under *Task 600. Contingency* without the written authorization from the City.

Project 5 - Task 600. Deliverables

1. To be determined and agreed upon by the City and GEC

B. Project Timeline

Phase	Start Date	End Date
Social Marketing Campaign/Blueprint Creation	October 2022	December 2024
Design/Construction	March 2023	October 2024

C. Project Schedule

Deliverable	Due Date
Task 100. Project Management*	
1. Project management plan	November 2022
2. Project schedule updated quarterly	October 2024
3. Project budget updated quarterly	October 2024
4. Monthly reports and invoices	December 2024
5. Meeting agendas	May 2024
6. Presentations for at least two PWC and one CC meeting	April 2024
7. Consultant deliverable and invoice review and approval	December 2024
Task 200. Social Marketing Campaign and Blueprint Creation*	
1. Program development report	May 2023
2. Marketing and implementation strategy report	December 2023
3. Program evaluation report	November 2024
Task 300. Permit and Agreement Management*	
1. Right of entry agreement	February 2024

Deliverable	Due Date
2. Temporary construction easement	February 2024
3. Signed service provider agreement(s)	February 2023
4. Construction stormwater general permit application	February 2024
Task 400. Grant Management*	
1. Negotiated grant agreement(s)	November 2022
2. Quarterly progress and payment reports	October 2024
3. Closeout report(s) for funding agencies	December 2024
Task 500. Construction Management*	
1. Bid documentation	April 2024
2. Project closeout report for the City of Tumwater	December 2024
Task 600. Contingency*	
1. To be determined and agreed upon by the City and GEC	TBD

*Dependent on funding and City approval

D. Project Management Cost

The estimated total contract amount to complete the professional services identified in this Scope of Services is offered on a time and materials basis not to exceed **\$48,110.00**. The following are estimated professional services costs for the tasks provided in this scope of services. The following table is provided only to show the City an approximate breakdown of estimated costs.

Task	Estimated Task Cost
Task 100. Project Management*	\$18,275.00
Task 200. Social Marketing Campaign and Blueprint Creation*	\$16,150.00
Task 300. Permit and Agreement Management*	\$2,890.00
Task 400. Grant Management*	\$5,270.00
Task 500. Construction Management*	\$1,275.00

Task 600. Contingency*	\$4,250.00
Total	\$48,110.00

*Dependent on funding and City approval

E. Funding Structure

Phase	Budget	Source
Social Marketing Campaign/Blueprint Creation	\$102,291.47	Anticipated - \$51,145.74 from the Department of Ecology's Onsite Septic System Fund \$51,145.74 from the City of Tumwater's Sewer Utility
Design/Construction	\$897,563.31	Anticipated - \$448,781.65 from the Department of Ecology's Onsite Septic System Fund \$448,781.65 from the City of Tumwater's Sewer Utility
Tasks Outlined Above	\$48,110.00	
Total	\$1,047,964.78	

Project 6 - Stormwater Management Action Planning for Three High Priority Subbasins

The Stormwater Management Action Planning for Three High Priority Subbasins project aims to help Tumwater meet NPDES permit compliance while aligning stormwater projects, programs, and policies. The 2019 issuance of the Department of Ecology's NPDES permit included a requirement for all Phase II jurisdictions to complete a Stormwater Management Action Plan (SMAP) for the highest priority subbasin as ranked by each jurisdiction. The goal of the SMAP process is to identify opportunities for stormwater retrofits, land management or development strategy changes, and customized implementation of stormwater management actions to improve water quality and habitat in priority receiving waters.

The City of Tumwater's WRS department has been working through the first two parts of the SMAP process: delineating and prioritizing subbasins. The final step in the SMAP process is to complete a comprehensive plan for the highest priority subbasin by March 21, 2023. The City applied for funding from the Department of Ecology to complete three SMAPs to gain a better understanding and ability to budget for improvements in projects and programs to achieve water quality and habitat improvements within receiving waters. The Department of Ecology publishes its draft funding list in January 2022.

GEC proposes the following scope of work for the Stormwater Management Action Planning project. The scope of work is based on a three-phase approach to the project, focusing on each SMAP in order of subbasin prioritization. The SMAP for the highest priority subbasin will start work in April 2022 and be completed in March 2023, with the other two SMAPs anticipated to take six months each to complete, with a full project end date of August 2024.

A. Scope of Work

Project 6 - Task 100. Project Management - Dependent on funding and City approval

This task covers project management work associated with executing the project and includes the following:

- Prepare a project management plan
- Manage the project schedule
- Manage the project risks
- Handle project communications
- Manage project team members, including other consultants
- Engage with stakeholders
- Manage the scope and project budget

This task includes providing up-to-date project schedules, regular project status updates at a minimum every two-week interval during active phases of the project and a monthly project billing report.

Project 6 - Task 100. Deliverables

1. Project management plan

2. Project schedule updated quarterly
3. Project budget updated quarterly
4. Monthly reports and invoices
5. Meeting agendas
6. Presentations for at least two PWC and one CC meeting
7. Consultant deliverable and invoice review and approval

Project 6 - Task 200. Grant Management - Dependent on funding and City approval

This task covers all aspects of grant management to acquire the majority of funding for all three phases of the process. This includes grant research, writing, negotiating, management, and closeout. The funding structure for this project is detailed below:

- Anticipated - \$149,524.23 from the Department of Ecology's Water Quality Combined Funding for three SMAPs
 - Awarded July 1, 2022
 - Expires September 30, 2024

Project 6 - Task 200. Deliverables

1. Negotiated grant agreement(s)
2. Quarterly progress and payment reports
3. Closeout report(s) for funding agencies

Project 6 - Task 300. Contingency - Dependent on funding and City approval

This task provides a discretionary allowance budget task for unanticipated labor, expenses, or professional services not specifically identified in Tasks 100-200 in this Scope of Services. No work can be performed under *Task 300. Contingency* without the written authorization from the City.

Project 6 - Task 300. Deliverables

1. To be determined and agreed upon by the City and GEC

B. Project Timeline

Phase	Start Date	End Date
SMAP for the Highest Priority Basin	April 2022	March 2023
SMAP for the Second Highest Priority Basin	May 2023	October 2023
SMAP for the Third Highest Priority Basin	December 2023	August 2024

C. Project Schedule

Deliverable	Due Date
Task 100 - Project Management*	
1. Project management plan	April 2022
2. Project schedule updated quarterly	July 2024
3. Project budget updated quarterly	July 2023
4. Monthly reports and invoices	August 2024
5. Meeting agendas	May 2024
6. Presentations for at least two PWC and one CC meeting	May 2024
7. Consultant deliverable and invoice review and approval	May 2024
Task 200 - Grant Management*	
1. Negotiated grant agreement	September 2022
2. Quarterly progress and payment reports	July 2024
2. Closeout report for the Department of Ecology	August 2024
Task 300. Contingency*	
1. To be determined and agreed upon by the City and GEC	TBD

*Dependent on funding and City approval

D. Project Management Cost

The estimated total contract amount to complete the professional services identified in this Scope of Services is offered on a time and materials basis not to exceed **\$28,475.00**. The following are estimated professional services costs for the tasks provided in this scope of services. The following table is provided only to show the City an approximate breakdown of estimated costs.

Task	Estimated Task Cost
Task 100. Project Management*	\$19,975.00
Task 200. Grant Management*	\$5,100.00

Task 500. Contingency*	\$3,400.00
Total	\$28,475.00

*Dependent on funding and City approval

C. Funding Structure

Phase	Budget	Source
SMAP for the Highest Priority Basin	\$66,455.21	Anticipated - \$49,841.41 from the Department of Ecology's Stormwater Financial Assistance Program \$16,613.80 from the City of Tumwater's Storm Drain Utility
SMAP for the Second Highest Priority Basin	\$66,455.21	Anticipated - \$49,841.41 from the Department of Ecology's Stormwater Financial Assistance Program \$16,613.80 from the City of Tumwater's Storm Drain Utility
SMAP for the Third Highest Priority Basin	\$66,455.21	Anticipated - \$49,841.41 from the Department of Ecology's Stormwater Financial Assistance Program \$16,613.80 from the City of Tumwater's Storm Drain Utility
Tasks Outlined Above	\$28,475.00	
Total	\$227,840.63	

Project 7 - Tumwater Regional Golf Course Parking Lot Stormwater Retrofit

The Tumwater Valley Regional Golf Course Stormwater Retrofit aims to treat stormwater runoff from 2.43 acres of impervious parking lot that currently discharges to the Deschutes River, a 303(d) listed water body, untreated. This project was identified as one of the conditions for the Tumwater Valley Regional Golf Course to receive Salmon Safe certification. Untreated runoff from roads and parking lots has become an increasing concern as research from the University of Washington has found a link between pre-spawn mortality in coho salmon, of which the Deschutes River has a declining stock, and a chemical in car tires called 6PPD-Quinone.

The City of Tumwater hired Skillings Inc to complete a technical memorandum on retrofitting the golf course parking lot in September 2021. The memorandum recommended the construction of a bioretention facility and a compost-amended vegetated filter strip to treat runoff in the two subbasins. The WRS department applied for a grant from the Department of Ecology to complete the final PS&E and construct the project. The Department of Ecology will publish its draft funding list for this grant round in January of 2022.

GEC proposes the following scope of work for the Tumwater Valley Regional Golf Course Stormwater Retrofit project. The scope of work is based on a two-phase approach to the project: design/permitting and construction. The design and permitting phase will take place between October 2022 and May 2023, while the construction phase will start in May 2023 and end in December 2023.

A. Scope of Work

Project 7 - Task 100. Project Management - Dependent on funding and City approval

This task covers project management work associated with executing the project and includes the following:

- Prepare a project management plan
- Manage the project schedule
- Manage the project risks
- Handle project communications
- Manage project team members, including other consultants
- Engage with stakeholders
- Manage the scope and project budget

This task includes providing up-to-date project schedules, regular project status updates at a minimum every two-week interval during active phases of the project and a monthly project billing report.

Project 7 - Task 100. Deliverables

1. Project management plan
2. Project schedule updated quarterly
3. Project budget updated quarterly

4. Monthly reports and invoices
5. Meeting agendas
6. Presentations for at least two PWC and one CC meeting
7. Consultant deliverable and invoice review and approval

Project 7 - Task 200. Permit and Agreement Management - Dependent on funding and City approval

This task covers the completion and/or submission of all necessary permits and agreements to complete the project while complying with all local, state, and federal regulations. Anticipated permits and agreements include, but are not limited to:

- Apply for Cultural Resources Report
 - Completed by a cultural resources firm
 - Coordination with local stakeholders by Greer Environmental Consulting
- Apply for JARPA
 - Drawing provided by hired engineering firm
 - GEC will submit the permits
- Apply for Right of Way Permit
- Apply for Temporary Construction Easement
- Manage Service Provider Agreement(s)
- Apply for Construction Stormwater General Permit

This task includes completion, submission, and communication with permitting agencies and relevant stakeholders.

Project 7 - Task 200. Deliverables

1. Right of entry agreement
2. JARPA application
3. Temporary construction easement
4. Signed service provider agreements
5. Construction stormwater general permit application

Project 7 - Task 300. Grant Management - Dependent on funding and City approval

This task covers all aspects of grant management to acquire the majority of funding for both phases of the process. This includes grant research, writing, negotiating, management, and closeout. The funding structure for this project is detailed below:

- \$132,658.60 from the Department of Ecology's Water Quality Combined Funding program for PS&E deliverables and construction
 - Awarded July 1, 2022
 - Expires June 30, 2025

Project 7 - Task 300. Deliverables

1. Negotiated grant agreement
2. Quarterly progress and payment reports
3. Closeout report for the Department of Ecology

Project 7 - Task 400. Construction Management - Dependent on funding and City approval

This task covers construction management work associated with constructing the project and includes the following:

- Acquire permits, easements, and agreements
- Manage bid process and documentation
- Engage stakeholders
- Prepare final project documentation, including photos and videos

Project 7 - Task 400. Deliverables

1. Bid documentation
2. Project closeout report for the City of Tumwater

Project 7 - Task 500. Contingency - Dependent on funding and City approval

This task provides a discretionary allowance budget task for unanticipated labor, expenses, or professional services not specifically identified in Tasks 100-400 in this Scope of Services. No work can be performed under *Task 500. Contingency* without the written authorization from the City.

Project 7 - Task 500. Deliverables

1. To be determined and agreed upon by the City and GEC

B. Project Timeline

Phase	State Date	End Date
Final PS&E	October 2022	May 2023
Construction	May 2023	December 2023

C. Project Schedule

Deliverable	Due Date
Task 100 - Project Management*	
1. Project management plan	November 2022
2. Project schedule updated quarterly	October 2023
3. Project budget updated quarterly	October 2023
4. Monthly reports and invoices	December 2023
5. Meeting agendas	May 2023
6. Presentations for at least two PWC and one CC meeting	May 2023

Deliverable	Due Date
7. Consultant deliverable and invoice review and approval	December 2023
Task 200. Permit and Agreement Management*	
1. Right of entry agreement	May 2023
2. JARPA application	May 2023
3. Temporary construction easement	May 2023
4. Signed service provider agreements	December 2022
5. Construction stormwater general permit application	May 2023
Task 300. Grant Management*	
1. Negotiated grant agreement	November 2022
2. Quarterly progress and payment reports	October 2023
2. Closeout report for the Department of Ecology	December 2023
Task 400. Construction Management*	
1. Bid documentation	May 2023
2. Project closeout report for the City of Tumwater	December 2023
Task 500. Contingency*	
1. To be determined and agreed upon by the City and GEC	TBD

*Dependent on funding and City approval

D. Project Management Cost

The estimated total contract amount to complete the professional services identified in this Scope of Services is offered on a time and materials basis not to exceed **\$23,460.00**. The following are estimated professional services costs for the tasks provided in this scope of services. The following table is provided only to show the City an approximate breakdown of estimated costs.

Task	Estimated Task Cost
Task 100. Project Management*	\$11,050.00
Task 200. Permit and Agreement Management*	\$3,485.00
Task 300. Grant Management*	\$5,100.00
Task 400. Construction Management*	\$1,275.00
Task 500. Contingency*	\$2,550.00
Total	\$23,460.00

*Dependent on funding and City approval

E. Funding Structure

Phase	Budget	Source
Final PS&E	\$39,871.32	\$29,903.49 from the Water Quality Combined Funding Program \$9,967.83 from the City of Tumwater Storm Drain Fund
Construction	\$93,845.55	\$62,883.79 from the Water Quality Combined Funding Program \$20,961.76 from the City of Tumwater Storm Drain Fund
Tasks Outlined Above	\$23,460.00	
Total	\$128,355.55	

Project 8 - Deschutes River Flood Reduction and Erosion Study

The Deschutes River Flood Reduction Study aims to develop solutions to flooding and erosion problems along the lower Deschutes River between Brewery Park at Tumwater Falls and Henderson Boulevard. The study will include work to describe existing conditions and the critical factors contributing to flooding and erosion problems; identification, evaluation, and conceptual alternatives to reduce or eliminate flooding and erosion; identification of required permit actions; and development of preliminary engineering drawings and cost estimates for the preferred alternative.

Greer Environmental Consulting proposes the following scope of work for the Deschutes River Flood Reduction and Erosion Study. The scope of work is based on a two-phase approach to the project: current state evaluation and conceptual alternatives analysis. The current state evaluation will take place between July 2022 and May 2023, while the conceptual alternatives analysis will take place between May 2023 and December 2023.

A. Scope of Services

Project 8 - Task 100. Project Management

This task covers project management work associated with executing the project and includes the following:

- Prepare a project management plan
- Manage the project schedule
- Manage the project risks
- Handle project communications
- Assist in hiring a reputable consulting firm, including:
 - Creating a RFP, interviewing potential firms, negotiating the scope of service and overseeing the completion of a Service Provider Agreement (SPA)
- Manage project team members, including other consultants
- Engage with stakeholders, City, consultants, and affected/interested members of the public
- Manage the scope and project budget

This task includes providing up-to-date project schedules, regular project status updates at a minimum every two-week interval during active phases of the project and a monthly project billing report.

Project 8 - Task 100. Deliverables

1. Project management plan
2. Project schedule updated quarterly
3. Project budget updated quarterly
4. Monthly reports and invoices
5. Meeting agendas

6. Presentations for at least two Public Works Committee meetings (PWC), one City Council (CC) meeting, and one regional workgroup meeting (such as the Watershed Resources Inventory Area (WRIA) 13 Lead Entity Committee)
7. Request for Proposals and a signed Service Provider Agreement with the chosen consultant
8. Consultant deliverable/invoice review and approval

Project 8 - Task 200. Contingency - Dependent on funding and City approval

This task provides a discretionary allowance budget task for unanticipated labor, expenses, or professional services not specifically identified in Task 100 in this Scope of Services. No work can be performed under *Task 200 Contingency* without the written authorization from the City.

Project 8 - Task 200. Deliverables

1. To be determined and agreed upon by the City and GEC

B. Project Timeline

Phase	Start Date	End Date
Current State Evaluation	July 2022	May 2023
Conceptual Alternatives Analysis	May 2023	December 2023

C. Project Schedule

Deliverable	Due Date
Task 100. Project Management	
1. Project management plan	July 2022
2. Project schedule updated quarterly	October 2023
3. Project budget updated quarterly	October 2023
4. Monthly reports and invoices	December 2023
5. Meeting agendas	October 2023
6. Presentations for at least two Public Works Committee meetings (PWC), one City Council (CC) meeting, and one regional workgroup meeting (such as the Watershed Resources Inventory Area (WRIA) 13 Lead Entity Committee)	November 2023
7. Request for Proposals and a signed Service Provider Agreement with the chosen consultant	August 2022

Deliverable	Due Date
8. Consultant deliverable and invoice review and approval	December 2023
Task 200. Contingency*	
1. To be determined and agreed upon by the City and GEC	TBD

*Dependent on funding and City approval

D. Project Management Cost

The estimated total contract amount to complete the professional services identified in this Scope of Services is offered on a time and materials basis not to exceed **\$18,020.00**. The following are estimated professional services costs for the tasks provided in this scope of services. The following table is provided only to show the City an approximate breakdown of estimated costs.

Task	Estimated Task Cost
Task 100. Project Management*	\$15,470.00
Task 200. Contingency*	\$2,550.00
Total	\$18,020.00

*Dependent on funding and City approval

F. Funding Structure

Phase	Budget	Source
Current State Evaluation	\$30,000.00	\$30,000.00 from the City of Tumwater Storm Drain Fund
Conceptual Alternatives Analysis	\$35,000.00	\$35,000.00 from the City of Tumwater Storm Drain Fund
Tasks Outlined Above	\$18,020.00	
Total	\$83,020.00	

Project 9 - Tumwater Valley Regional Stormwater Facility

The Tumwater Valley Regional Stormwater Facility project aims to improve the quality of the water entering the Deschutes River from the M Street Basin and Littlerock/2nd Ave outfalls. These two basins drain approximately 200 acres with no stormwater treatment or velocity control into the Deschutes River, a 303(d) listed water body. The City of Tumwater received grant funding from the Department of Ecology in 2025 which helped to complete 90% designs.

The current 90% plans are for a constructed wetland which includes a walking trail, educational signage, and wetland mitigation. The City of Tumwater unsuccessfully applied for construction funding from the Department of Ecology three times, 2018, 2019, and 2020. In 2021, the Department of Ecology determined they would no longer fund projects that worked within wetlands, regardless of category level, forcing the City to look to other sources for construction funding.

GEC proposes the following scope of work for the Tumwater Valley Regional Stormwater Facility project. The scope of work is based on a three-phase approach to the project: project conceptualization/funding acquisition, design/permitting, and construction. The project conceptualization/funding acquisition of this project will take place between March 2022 and July 2023, design/permitting work will run from September 2023 through September 2024, with construction occurring between May 2025 and December 2025.

A. Scope of Work

Project 9 - Task 100. Project Conceptualization and Grant Management

This task covers all aspects necessary to conceptualize a fundable project as well as acquire the majority of funding needed for the project. Project conceptualization includes identifying and acquiring land for wetland mitigation including communicating with landowners previously identified as part of this project. Grant management needs for this project include grant research, writing, negotiating, management, and closeout. For this project this task specifically includes the following:

- Landowner outreach
- Mitigation site identification
- Land acquisition steps identified
- Research funding programs and agencies
- Coordinate with funding agencies on eligibility
- Write grant application(s)
- Manage grant(s)

Project 9 - Task 100. Deliverables

1. Identified best fit mitigation site
2. Documentation detailing steps needed to acquire the mitigation site
3. List of funding options
4. Grant application(s)
5. Negotiated grant agreement(s)

6. Quarterly progress and payment reports
7. Closeout report(s) for funding agencies

Project 9 - Task 200. Project Management

This task covers project management work associated with executing the project and includes the following:

- Prepare a project management plan
- Manage the project schedule
- Manage the project risks
- Handle project communications
- Manage project team members, including other consultants
- Engage with stakeholders
- Manage the scope and project budget

This task includes providing up-to-date project schedules, regular project status updates at a minimum every two-week interval during active phases of the project and a monthly project billing report.

Project 9 - Task 200. Deliverables

1. Project management plan
2. Project schedule updated quarterly
3. Project budget updated quarterly
4. Monthly reports and invoices
5. Meeting agendas
6. Presentations for at least two PWC and one CC meeting
7. Consultant deliverable and invoice review and approval

Project 9 - Task 300. Permit and Agreement Management

This task covers the completion and/or submission of all necessary permits and agreements to complete the project while complying with all local, state, and federal regulations. Anticipated permits and agreements include, but are not limited to:

- Manage Cultural Resources Report
 - Completed by cultural resources consultant
 - Coordination with local stakeholders by Greer Environmental Consulting
- Manage Service Provider Agreement(s)
- Apply for Joint Aquatic Resource Permit Application (JARPA)
 - Drawing provided by engineering firm
 - GEC will submit the permits
- Apply for Construction Stormwater General Permit

This task includes completion, submission, and communication with permitting agencies and relevant stakeholders.

Project 3 - Task 300. Deliverables

1. Signed service provider agreement(s)
2. JARPA application
3. Construction stormwater general permit application

Project 9 - Task 400. Construction Management - Dependent on funding and City approval

This task covers construction management work associated with constructing the project and includes the following:

- Acquire permits, easements, and agreements
- Manage bid process and documentation
- Engage stakeholders
- Prepare final project documentation, including photos and videos

Project 9 - Task 400. Deliverables

1. Bid documentation
2. Project closeout report for the City of Tumwater

Project 9 - Task 500. Contingency - Dependent on funding and City approval

This task provides a discretionary allowance budget task for unanticipated labor, expenses, or professional services not specifically identified in Tasks 100-400 in this Scope of Services. No work can be performed under *Task 500 Contingency* without the written authorization from the City.

Project 9 - Task 500. Deliverables

1. To be determined and agreed upon by the City and GEC

B. Project Timeline

Phase	Start Date	End Date
Project Conceptualization/Funding Acquisition	March 2022	July 2023
Design/Permitting	September 2023	September 2024
Construction	May 2025	December 2025

C. Project Schedule

Deliverable	Due Date
Task 100. Project Conceptualization and Grant Management*	
1. Identified best fit mitigation site	May 2022
2. Documentation detailing steps needed to acquire the mitigation site	May 2022
3. List of funding options	May 2022
4. Grant application(s)	March 2023
5. Negotiated grant agreement(s)	March 2024
6. Quarterly progress and payment reports	October 2025
7. Closeout report(s) for funding agencies	December 2025
Task 200. Project Management*	
1. Project management plan	July 2023
2. Project schedule updated quarterly	October 2025
3. Project budget updated quarterly	October 2025
4. Monthly reports and invoices	December 2025
5. Meeting agendas	April 2025
6. Presentations for at least two PWC and one CC meeting	April 2025
7. Consultant deliverable and invoice review and approval	December 2025
Task 300. Permit and Agreement Management*	
1. Signed service provider agreement(s)	April 2024
2. JARPA application	September 2024
3. Construction stormwater general permit application	March 2025
Task 400. Construction Management*	
1. Bid documentation	April 2025
2. Project closeout report for the City of Tumwater	December 2025

Deliverable	Due Date
Task 500. Contingency*	
1. To be determined and agreed upon by the City and GEC	TBD

*Dependent on funding and City approval

D. Project Management Cost

The estimated total contract amount to complete the professional services identified in this Scope of Services is offered on a time and materials basis not to exceed **\$45,170.00**.

The following are estimated professional services costs for the tasks provided in this scope of services. The following table is provided only to show the City an approximate breakdown of estimated costs.

Task	Estimated Task Cost
Task 100. Project Conceptualization and Grant Management*	\$17,000.00
Task 200. Project Management*	\$20,250.00
Task 300. Permit and Agreement Management*	\$2,070.00
Task 400. Construction Management*	\$1,350.00
Task 500. Contingency*	\$4,500.00
Total	\$45,170.00

*Dependent on funding and City approval

E. Funding Structure

Phase	Budget	Source
Project Conceptualization/Funding Acquisition	\$17,000	TBD
Design/Permitting	\$195,000	TBD
Construction	\$2,000,000	TBD
Tasks Outlined Above	\$28,170	TBD
Total	\$2,240,170	

Appendix A - Rate Structure

Greer Environmental Consulting Rate Structure as of December 19, 2021. Rates are subject to change annually, updated rates and categories of work available upon request.

Category of Work	Hourly Rate
Project Management (budget, scope, consultant management, stakeholder engagement)	\$85
WRS Existing Program Support	\$50
Project Conceptualization (new project conceptualization including budgets and schedules)	\$60
Additional Grant Management (researching, applying for, managing, and closing out of grants not outlined above)	\$55
Additional Permit Management (applying, coordinating, and managing new permits not outlined above)	\$55
Miscellaneous Support	\$60

SERVICE PROVIDER RETIREMENT STATUS FORM

Complete this form for each owner, and each employee, independent contractor or person providing service to the City of Tumwater.

I have retired from a Washington State Retirement System using the 2008 Early Retirement Factor?

☐ Yes ☐ No

I verify the information above is true and correct.

Name of Owner, Employee, Independent Contractor or Person: (Please print)	Social Security Number (If answering "yes" above)
Signature	Date

Chapter 3.46

CITY CONTRACTS – NONDISCRIMINATION IN BENEFITS

Sections:

- 3.46.010 Definitions.
- 3.46.020 Nondiscrimination in benefits.
- 3.46.030 Limitations.
- 3.46.040 Powers and duties of the city administrator.
- 3.46.050 Appeals.
- 3.46.060 Effective date.

3.46.010 Definitions.

For the purpose of this chapter:

- A. “Contract” means a contract for public works, consulting, or supplies, material, equipment or services estimated to cost \$50,000 or more;
- B. “Contract awarding authority” means the city officer, department, commission, employee, or board authorized to enter into or to administer contracts on behalf of the city;
- C. “Domestic partner” means any person who is registered with his/her employer as a domestic partner or, in the absence of such employer-provided registry, is registered as a domestic partner with a governmental body pursuant to state or local law authorizing such registration. Any internal employer registry of domestic partnership must comply with criteria for domestic partnerships specified by rule by the city administrator;
- D. “Employee benefits” means the provision of bereavement leave; disability, life, and other types of insurance; family medical leave; health benefits; membership or membership discounts; moving expenses; pension and retirement benefits; vacation; travel benefits; and any other benefits given to employees; provided, that it does not include benefits to the extent that the application of the requirements of this chapter to such benefits may be preempted by federal or state law.

(Ord. O2000-028, Added, 02/06/2001)

3.46.020 Nondiscrimination in benefits.

A. No contractor on a city contract shall discriminate in the provision of employee benefits between an employee with a domestic partner and an employee with a spouse. The contractor shall not be deemed to discriminate in the provision of employee benefits if, despite taking reasonable measures to do so, the contractor is unable to extend a particular employee benefit to domestic partners, so long as the contractor provides the employee with a cash equivalent.

B. Other Options for Compliance Allowed. Provided that a contractor does not discriminate in the provision of benefits between employees with spouses and employees with domestic partners, a contractor may:

1. Elect to provide benefits to individuals in addition to employees' spouses and employees' domestic partners;
2. Allow each employee to designate a legally domiciled member of the employee's household as being eligible for spousal equivalent benefits; or
3. Provide benefits neither to employees' spouses nor to employees' domestic partners.

C. Requirements Inapplicable Under Certain Conditions. The city administrator may waive the requirements of this chapter where:

1. Award of a contract or amendment is necessary to respond to an emergency;
2. The contractor is a sole source;
3. No compliant contractors are capable of providing goods or services that respond to the city's requirements;
4. The contractor is a public entity;
5. The requirements are inconsistent with a grant, subvention or agreement with a public agency;
6. The city is purchasing through a cooperative or joint purchasing agreement.

D. Requests for waivers of the terms of this chapter are to be made to the city administrator by the contract awarding authority. Decisions by the city administrator to issue or deny waivers are final unless appealed pursuant to TMC 3.46.050.

E. The city administrator shall reject an entity's bid or proposal, or terminate a contract, if the city administrator determines that the entity was set up, or is being used, for the purpose of evading the intent of this chapter.

F. No contract awarding authority shall execute a contract with a contractor unless such contractor has agreed that the contractor will not discriminate in the provision of employee benefits as provided for in this chapter.

G. All contracts awarded by the city shall contain provisions prohibiting discrimination in the provision of employee benefits, including provisions containing appropriate remedies for the breach thereof as prescribed by this chapter, except as exempted by this chapter or rule.

(Ord. O2000-028, Added, 02/06/2001)

3.46.030 Limitations.

The requirements of this chapter only shall apply to those portions of a contractor's operations that occur:

- A. Within the city;
- B. On real property outside of the city if the property is owned by the city or if the city has a right to occupy the property, and if the contractor's presence at that location is connected to a contract with the city; and
- C. Elsewhere in the United States where work related to a city contract is being performed. The requirements of this chapter shall not apply to subcontracts or subcontractors of any contract or contractor.

(Ord. O2000-028, Added, 02/06/2001)

3.46.040 Powers and duties of the city administrator.

The city administrator shall have the power to:

- A. Adopt rules and regulations in accordance with this chapter establishing standards and procedures for effectively carrying out this chapter;
- B. Determine and impose appropriate sanctions and/or liquidated damages for violation of this chapter by contractors including, but not limited to:
 - 1. Disqualification of the contractor from bidding on or being awarded a city contract for a period of up to five years; and
 - 2. Contractual remedies, including, but not limited to, liquidated damages and termination of the contract;
- C. Examine contractor's benefit programs covered by this chapter;
- D. Impose other appropriate contractual and civil remedies and sanctions for violations of this chapter;
- E. Allow for remedial action after a finding of noncompliance, as specified by rule;
- F. Perform such other duties as may be required by ordinance or which are necessary to implement the purposes of this chapter.

(Ord. O2000-028, Added, 02/06/2001)

3.46.050 Appeals.

Any aggrieved party may appeal a decision of the city administrator to the mayor by the submittal of a written request to the city attorney within ten working days of the decision to be appealed. The mayor's decision will be in writing with findings identified upon which the decision was made. Subsequent appeal will be to the Thurston County superior court.

(Ord. O2000-028, Added, 02/06/2001)

3.46.060 Effective date.

The provisions of this chapter shall apply to any contract awarded on or after January 2, 2002.

(Ord. O2000-028, Added, 02/06/2001)

TO: City Council
 FROM: John Doan, City Administrator
 DATE: March 1, 2022
 SUBJECT: 2022 City Council Meeting Schedule and Summer Recess

1) Recommended Action:

Pass a motion approving the 2022 City Council meeting schedule and Summer Recess. This includes cancellation of the March 15th Council meeting and December 27th Worksession, scheduling Summer Recess during the last two full weeks in August, moving the Tuesday night meetings to the Monday prior for the primary and general election (Monday, August 1st, and Monday, November 7th).

2) Background:

Council Rules Section 3.3 states: the Council will generally not schedule regular meetings, worksessions, and committee meetings during two weeks of August of each year. Staff recommends the last two weeks which would result in no Council/Committee meetings for three weeks because of the 5th Tuesday in that month. Deciding the break at this time allows staff to adjust project deadlines according to available meeting dates and vacation scheduling by elected officials, Thurston Community Media, and City staff.

Council Rules Section 3.2 states: regular Meetings which fall on a primary or general election day may be moved to the Monday immediately prior at the discretion of the Mayor.

3) Policy Support:

VISION | MISSION | BELIEFS

Our Mission:

In active partnership with our community, we provide courageous leadership and essential municipal services to cultivate a prosperous economy, a healthy natural environment, vibrant neighborhoods, and a supportive social fabric.

4) Alternatives:

- ☐ Schedule Summer Recess for the first two weeks of August 1-15, 2022
 - ☐ Do not cancel the March 15 Council meeting or December 27 Council Worksession
 - ☐ Some other course of action
-

5) Fiscal Notes:

There is no fiscal impact determining the meeting schedule and summer recess.

6) Attachments:

None.

TO: City Council
FROM: Lance Inman, Information Technology Manager
linman@ci.tumwater.wa.us
DATE: March 1, 2022
SUBJECT: Amendment to Interlocal Agreement with Thurston County for Radio Services

1) Recommended Action:

Staff recommends approving the amendment and authorizing the Mayor to sign the agreement.

2) Background:

Thurston County has been providing a service to the City for many years to repair, install, and maintain radios in our Fire, Police and Public Works vehicles. This amendment extends that service for another year.

3) Alternatives:

- ☐ Approve and authorize the Mayor to sign the agreement.
 - ☐ Modify the agreement.
 - ☐ Deny the agreement.
-

4) Fiscal Notes:

Rates are identical to the 2021 agreement.

5) Attachments:

- A. Amendment to Interlocal Radio Service Agreement with Thurston County

SERVICES AGREEMENT
THURSTON COUNTY / CITY OF TUMWATER

This CONTRACT AMENDMENT is made and entered into by and between **THURSTON COUNTY**, a municipal corporation, through its **EQUIPMENT REPAIR AND REPLACEMENT DIVISION** (hereinafter COUNTY) with its principal offices at 9605 Tilley Road South, Olympia, WA 98512 and **CITY OF TUMWATER** (hereinafter CUSTOMER) located at 555 Israel Road S.W., Tumwater, Washington, 98501, (hereinafter collectively referred to as the PARTIES or individually as PARTY).

In consideration of the mutual benefits and covenants contained herein, the parties agree that their Contract, numbered as Contract No. 025-2020-701-1113-000 executed on December 9, 2020, shall be amended as follows:

I. 1. DURATION OF AGREEMENT

The term of this AGREEMENT shall begin upon execution by COUNTY, and shall, unless terminated or renewed as provided elsewhere in this AGREEMENT, terminate on December 31, 2022.

II. Except as expressly provided by this Amendment No. 1, all other terms and conditions of the original Lease shall remain in full force and effect.

Executed in duplicate this _____ day of _____, _____.

CUSTOMER:

For the
BOARD OF COUNTY COMMISSIONERS
Thurston County Washington

Firm: _____

By: _____

By: _____

Bruce Rohrbough
Fleet Services Manager

Signature: _____

Approved as to form:

Title: _____

JON TUNHEIM
PROSECUTING ATTORNEY

By:  _____
Scott Cushing, Senior Deputy Prosecuting Attorney

TO: City Council
FROM: Troy Niemeyer, Finance Director
DATE: March 1, 2022
SUBJECT: Ordinance O2022-009 Interfund Loan and Call of 2011 GO Bond

1) Recommended Action:

Approve Ordinance O2022-009 interfund loan and call of 2011 GO Bond.

2) Background:

The Tumwater Valley Golf Course bond from 2011 is now eligible to be called, which means we could pay it off early without penalties or fees. Golf does not have enough excess cash, so it would need an interfund loan to help accomplish this. Under this plan, Golf will use its funds from the sale of water rights to pay off its existing interfund loan, and pay a large portion of the existing bond debt. The remainder of the money would come from a new interfund loan from the Sewer fund. The Sewer fund has sufficient reserves that are not needed during the term of this loan. This refinancing would save the Golf Course approximately \$59,000, and will be paid off in 2025. Golf revenues will be used to repay the loan.

This was discussed at a Council worksession on February 1, 2022. It was then presented to the Budget and Finance Committee on February 15, 2022. The Committee recommended this for the consent agenda at a future Council meeting. This will be reviewed annually by the Council.

3) Policy Support:

Maximize the Golf Course's financial condition and benefits to the community, including the expanded use by non-golf activities.

Be fiscally responsible and develop sustainable financial strategies.

4) Alternatives:

- ☐ Do not approve the interfund loan and pay off the existing bond according to schedule.
-

5) Fiscal Notes:

The balance of the Golf bond is \$1.17 Million with a 4.5% interest rate. The new interfund loan would be approximately \$670,000 with a 1% interest rate, to be paid off in 2025. The Golf fund would save over \$59,000. The Sewer utility also benefits because it receives interest on the interfund loan.

6) Attachments:

Attachment A: Ordinance O2022-009

Exhibit A: Repayment Schedule

ORDINANCE NO. O2022-009

AN ORDINANCE of the City Council of the City of Tumwater, Washington relating to the approval of the funding plan to pay off the Golf Fund 2011 General Obligation Bond and refinance a portion of that debt through the approval of the terms and repayment schedule of an interfund loan from the Sewer Fund to the Golf Fund.

WHEREAS, the Golf Fund 2011 General Obligation (GO) Bond is now callable and can be paid off without penalties or fees; and

WHEREAS, the Golf Fund recently sold water rights to the Water Fund, the proceeds of which are sufficient to pay off the Golf Funds' existing interfund loan with the Sewer Fund, plus a large portion of the GO Bond; and

WHEREAS, the Golf Fund does not have enough cash to pay off the entire 2011 GO Bond; and

WHEREAS, the City's Sewer Fund has sufficient funds now, and over the next four years, to advance to the Golf Fund funds of \$670,000 for the cost of paying off the 2011 GO Bond; and

WHEREAS, the Golf Fund will realize savings of approximately \$59,000 over the next three and one half years, which will help improve its financial position; and

WHEREAS, there is mutual and equal benefit to both funds; and

WHEREAS, the terms of the inter-fund loan are described in Exhibit A to this Ordinance, to be paid with future Golf revenues; and

WHEREAS, the loan is to be made with interest charged 25 basis points above the current rate the City earns at the Local Government Investment Pool (LGIP); and

WHEREAS, the maximum amount of the loan is six hundred seventy thousand dollars (\$670,000) to be repaid according to the estimates in Exhibit A; and

WHEREAS, the loan may only be used to help pay off the bonds, with no prepayment penalty and is to expire by the end of the year 2025 or upon earlier full repayment.

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

Section 1. The City of Tumwater hereby authorizes a loan in the amount of six hundred seventy thousand dollars (\$670,000) in the form of an interfund loan from the Sewer Fund to the Golf Fund. The loan is to be repaid in annual installments as described in Exhibit A, with interest at an annual rate of twenty-five basis points above the monthly published rate at the LGIP. Principal and interest shall be paid annually and on or before December 31st of each year.

Section 2. Repayment of the principal and interest amount shall be initiated by the Finance Director. Additional principal payments may be made at any time without penalty and as soon as grant and donation funds become available.

Section 3. The Finance department shall maintain appropriate accounting records to reflect the outstanding inter-fund balances and Council shall review such balances annually.

Section 4. 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 5. Ratification. Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and affirmed.

Section 6. 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.

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Section 7. Effective Date. This ordinance shall become effective five (5) days after passage, approval and publication as provided by law.

ADOPTED this ____ day of _____, 2022.

CITY OF TUMWATER

Debbie Sullivan, Mayor

ATTEST:

Melody Valiant, City Clerk

APPROVED AS TO FORM:

Karen Kirkpatrick, City Attorney

Published:_____

Effective Date:_____

Ordinance O 2022-009 Exhibit A

Inter-fund loan of \$670,000 for the Golf Fund to pay off the 2011 GO Bond from the Sewer Fund –
Terms:

Principal plus interest, amortization schedule. Estimated interest rate at 1%

Year	Principal	Interest	Balance
2022	\$ 167,500	\$ 3,350	\$ 502,500
2023	\$ 167,500	\$ 5,025	\$ 335,000
2024	\$ 167,500	\$ 3,350	\$ 167,500
2025	\$ 167,500	\$ 1,675	\$ - 0 -

TO: City Council
 FROM: Brad Medrud, Planning Manager
 DATE: March 1, 2022
 SUBJECT: Preliminary Docket for 2022 Comprehensive Plan Map and Text Amendments and Corresponding Rezones

1) Recommended Action:

Approve all the amendments in the Preliminary Docket of 2022 Comprehensive Plan Map Amendments and Associated Rezones and Text Amendments go forward for further review as part of the Final Docket with the exception of the Bath Littlerock Israel Comprehensive Plan Land Use Map Amendment and Corresponding Rezone.

2) Background:

Pursuant to RCW 36.70A.130 and TMC 18.60.025(A)(2), proposed map and text amendments to the City's Comprehensive Plan and corresponding rezones are only considered once per calendar year.

The City's annual 2022 Preliminary Docket of Comprehensive Plan amendments includes two private applications for map amendments filed by the Monday, December 6, 2021 deadline and four City-sponsored Comprehensive Plan text and map amendments.

At their January 25, 2022 worksession, the Planning Commission recommended that all the items in the preliminary docket go forward for consideration as part of the final docket.

At their February 9, 2022 briefing, the General Government Committee recommended that all the items in the preliminary docket go forward for consideration as part of the final docket with the exception of the Bath Littlerock Israel Comprehensive Plan Land Use Map Amendment (TUM-21-1873) and Corresponding Rezone (TUM-21-1872). The City Council discussed the General Government Committee recommendation at their February 22, 2022 worksession.

The Planning Commission is scheduled to start consideration of the Final Docket of Comprehensive Plan amendments (Ordinance No. O2022-003) in July 2022.

3) Policy Support:

Goal LPP-1: Provide sufficient and efficient services to Tumwater and the Urban Growth Area.

Goal LU-1: Ensure the Land Use Element is implementable and coordinated with all applicable City plans and the plans of other jurisdictions in the Thurston region.

3) Alternatives:

☐ None

5) Fiscal Notes:

This is an internally funded work program task. There are no significant fiscal impacts to the City because of the proposed amendments.

4) Attachments:

- A. Staff Report
- B. Presentation
- C. Letter to the Tumwater City Council from the Applicant regarding the Bath Littlerock Israel amendment

**2022 ANNUAL CITY OF TUMWATER
COMPREHENSIVE PLAN MAP AND TEXT AMENDMENTS AND
CORRESPONDING REZONES**

**PRELIMINARY DOCKET
(ORDINANCE NO. 2022-003)**

STAFF REPORT

CITY COUNCIL CONSIDERATION

Introduction

Pursuant to RCW 36.70A.130 and TMC 18.60.025(A)(2), proposed map and text amendments to the City's Comprehensive Plan and corresponding rezones can only be considered once per calendar year and must be considered together.

The first part of the review process for the 2022 Comprehensive Plan amendments is a review of the preliminary docket to determine which items will move on to the final docket for review and consideration by the Planning Commission and City Council later this year.

The preliminary docket includes two private applications for a map amendment filed by the Monday, December 6, 2021 deadline for the 2022 Comprehensive Plan amendments from citizens or property owners, and the remaining four proposed amendments are City-sponsored Comprehensive Plan text and map amendments.

Private Map Amendments

1. Wells Littlerock Comprehensive Plan Land Use Map Amendment (TUM-21-1848) and Corresponding Rezone (TUM-21-1804)
2. Bath Littlerock Israel Comprehensive Plan Land Use Map Amendment (TUM-21-1873) and Corresponding Rezone (TUM-21-1872)

City Sponsored Text and Map Amendments

3. Neighborhood Character – Review Comprehensive Plan Housing and Land Use Elements
4. Thurston Climate Mitigation Plan – Update greenhouse gas emission (GHG) targets in the Conservation Element to address HB 2311
5. Essential Public Facilities Amendments

6. Comprehensive Plan Map Amendment and Corresponding Rezone to Change Triangle West of the Dennis Street SW and Linderson Way SW Intersection

The Planning Commission recommendation is that all the proposed amendments in the preliminary docket go forward for further study as part of the final docket.

The General Government Committee recommendation is that all the amendments in the preliminary docket go forward for further review as part of the final docket with the exception of the Bath Littlerock Israel Comprehensive Plan Land Use Map Amendment and Corresponding Rezone, which the City Council considered as part of the Sullivan amendments as part of Ordinance No. O2017-024 in 2017 and 2018.

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A. 2022 PRIVATELY SPONSORED COMPREHENSIVE PLAN MAP AMENDMENTS AND CORRESPONDING REZONES

1. Wells Littlerock Comprehensive Plan Land Use Map Amendment (TUM-21-1848) and Corresponding Rezone (TUM-21-1804)

- Proposal**
1. Amend the City-Wide Land Use Map to change the current Comprehensive Plan land use map designation of the property from Single Family Medium Density Residential (SFM) Comprehensive Plan map designation to Multi-Family Medium Density Residential (MFM).
 2. Amend the City-Wide Zoning Map to change the current zone district of the property from Single Family Medium Density Residential (SFM) to Multifamily Medium Density Residential (MFM).

Applicant Glenn Wells

Owner Marvin L. Beagles

Location Three adjacent parcels located to the south of 7223 Littlerock Road SW

Parcel Number Thurston County Assessor Parcel Numbers 1270-44-30901, 1270-44-30902, and 1270-44-30903

Property Size 2.76 acres

Background

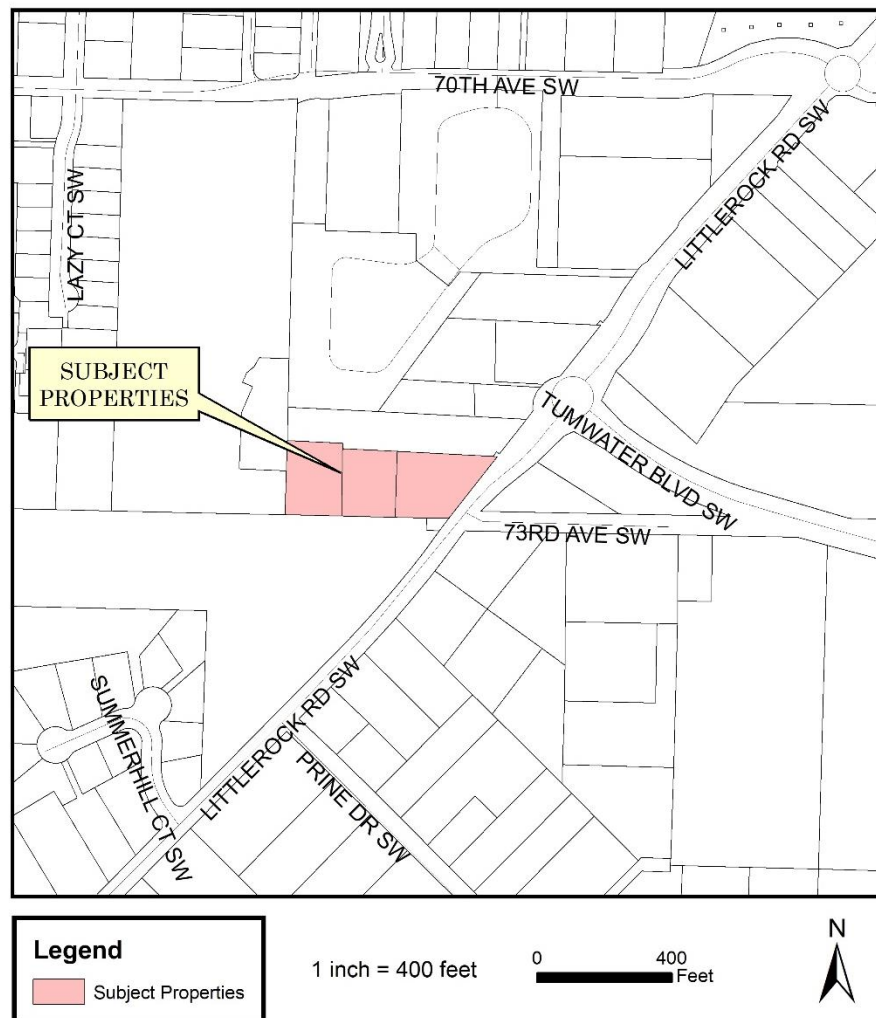
- In accordance with Tumwater Municipal Code 18.60.025(A)(5), applications for 2022 Comprehensive Plan Amendments and associated rezones were due by the first Monday in December (December 6, 2021).
- The City published notice on September 30, 2021 that applications for 2022 Comprehensive Plan Amendments and associated rezones would be due Monday, December 6, 2021.
- The City received the rezone application (TUM-21-1804 (Rezone)) on November 17, 2021.
- Staff sent out a letter of incompleteness for the rezone application (TUM-21-1804 (Rezone)) on December 6, 2021.

- The City received the Comprehensive Plan map amendment application (TUM-21-1848 (CPA)) on December 6, 2021.
- Staff sent out a letter of completeness for the Comprehensive Plan map amendment and rezone applications (TUM-21-1804 (Rezone)/TUM-21-1848 (CPA)) on December 10, 2021.

Maps

Figure 1 (Parcels and Ownership)

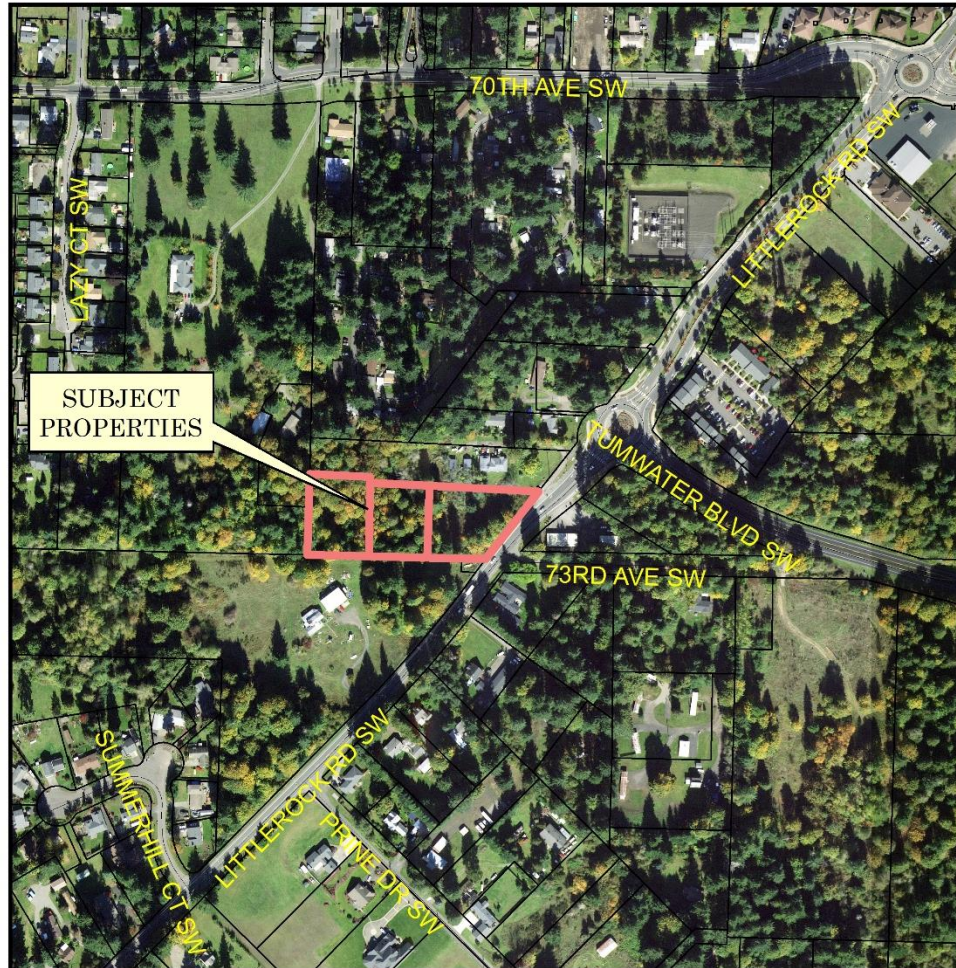
Figure 1 – Wells Littlerock Comprehensive Plan Map Amendment and Associated Rezone
Parcel Map
1270-44-30901, 1270-44-30902, and 1270-44-30903



Map Date: 1-3-2022
MXD: Wells Littlerock Rezone 2022
DISCLAIMER: The City of Tumwater does not warrant, guarantee, or accept any liability for the accuracy, precision, or completeness of any information shown hereon or for any inferences made therefrom.

Figure 2 (2019 Aerial)

Figure 2 – Wells Littlerock Comprehensive Plan Map Amendment and Associated Rezone
Aerial Map (2019)
1270-44-30901, 1270-44-30902, and 1270-44-30903

**Legend**

Subject Properties

1 inch = 400 feet

0 400
Feet



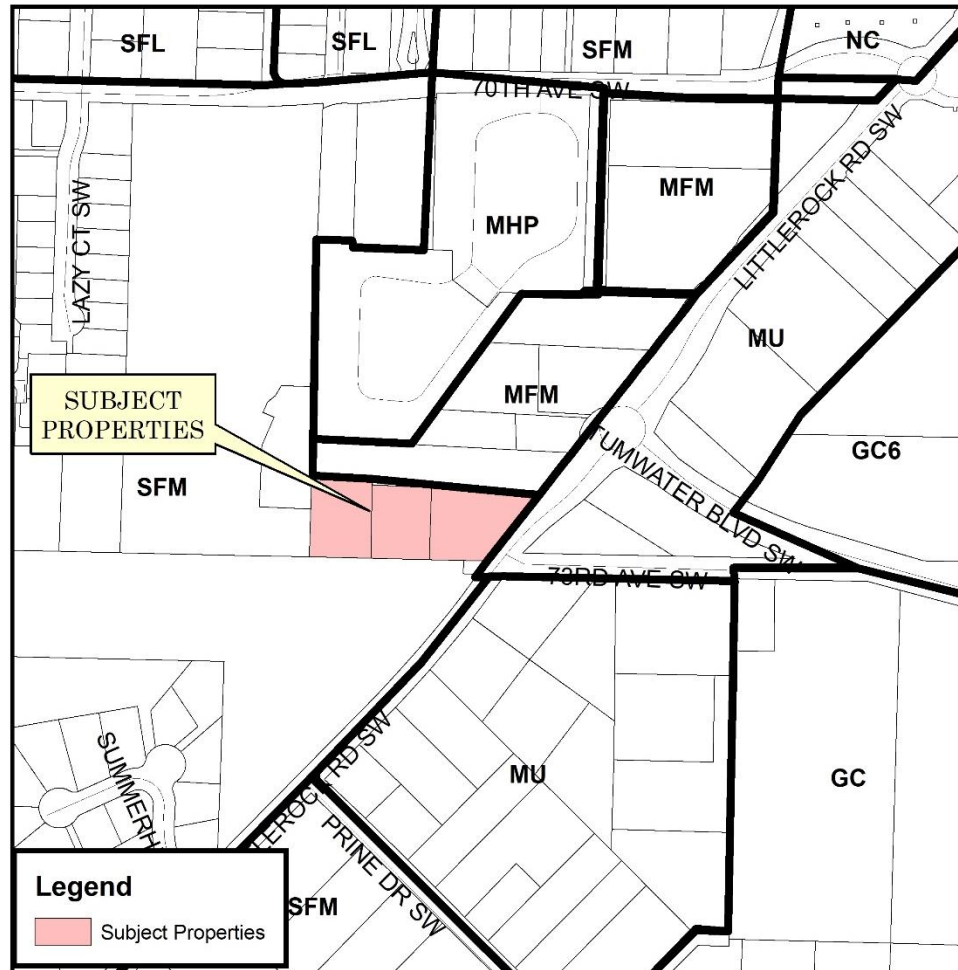
Map Date: 1-3-2022

MXID: Wells Littlerock Rezone 2022

DISCLAIMER: The City of Tumwater does not warrant, guarantee, or accept any liability for the accuracy, precision, or completeness of any information shown hereon or for any inferences made therefrom.

Figure 3 (Zoning)

Figure 3 – Wells Littlerock Comprehensive Plan Map Amendment and Associated Rezone
Zoning Map
1270-44-30901, 1270-44-30902, and 1270-44-30903



Designations
 GC General Commercial
 NC Neighborhood Commercial
 MFM Multi Family Medium Density (9-15/acre)
 MHP Manufactured Home Park
 MU Mixed Use
 SFL Single Family Low Density (4-7/acre)
 SFM Single Family Medium Density (6-9/acre)

1 inch = 400 feet

0 400 Feet



Map Date: 1-4-2022
 MXD: Wells Littlerock Rezone 2022
 DISCLAIMER: The City of Tumwater does not warrant, guarantee, or accept any liability for the accuracy, precision, or completeness of any information shown hereon or for any inferences made therefrom.

2. Bath Littlerock Israel Comprehensive Plan Land Use Map Amendment (TUM-21-1873) and Corresponding Rezone (TUM-21-1872)

- Proposal**
1. Amend the City-Wide Land Use Map to change the current Comprehensive Plan land use map designation of the property from Mixed Use (MU) Comprehensive Plan map designation to General Commercial (GC).
 3. Amend the City-Wide Zoning Map to change the current zone district of the property from Mixed Use (MU) to General Commercial (GC)

Applicant Peter Condyles

Owner Dayabir Bath

Location Two adjacent parcels located at 6940 Littlerock Road SW and 1850 Israel Road SW

Parcel Number Thurston County Assessor Parcel Numbers 1270-44-11000 and 1270-44-11200

Property Size 1.97 acres

Background

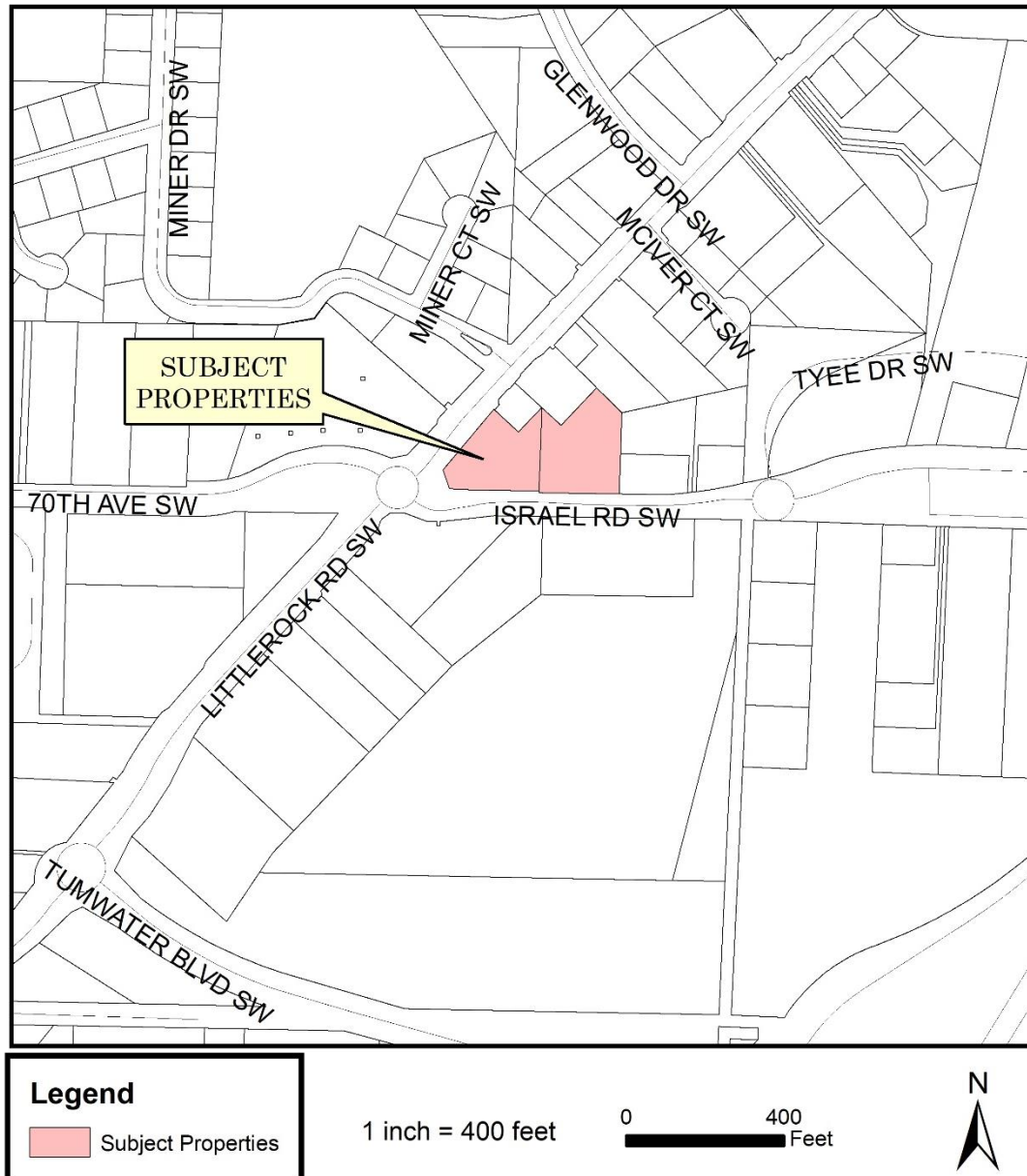
- In accordance with Tumwater Municipal Code 18.60.025(A)(5), applications for 2022 Comprehensive Plan Amendments and associated rezones were due by the first Monday in December (December 6, 2021).
- The City published notice on September 30, 2021 that applications for 2022 Comprehensive Plan Amendments and associated rezones would be due Monday, December 6, 2021.
- The City received the rezone application (TUM-21-1804 (Rezone)) on November 17, 2021.
- Staff sent out a letter of incompleteness for the rezone application (TUM-21-1804 (Rezone)) on December 6, 2021.
- The City received the Comprehensive Plan map amendment and rezone applications (TUM-21-1872 (Rezone) and TUM-21-1873 (CPA)) on December 6, 2021.

- Staff sent out a letter of incompleteness for the Comprehensive Plan map amendment and rezone applications (TUM-21-1872 (Rezone) and TUM-21-1873 (CPA)) on December 14, 2021.
- Staff sent out a letter of completeness for the Comprehensive Plan map amendment and rezone applications (TUM-21-1872 (Rezone) and TUM-21-1873 (CPA)) on January 3, 2022.
- The two adjacent parcels (1270-44-11000 and 1270-44-11200) of 1.97 acres located at 6940 Littlerock Road SW and 1850 Israel Road SW were part of the proposed 2017 Sullivan Comprehensive Plan Map and Zoning Map amendments (TUM-16-1325) that were considered by the City Council on January 16, 2018 as part of Ordinance No. O2017-024.
- The 2017 amendment changed the Bath Littlerock Israel property, along with four other parcels (Parcels #1 - #6 of Exhibit “B” of Ordinance No. O2017-024), from Mixed Use Overlay (MUO) Comprehensive Plan map designation and zone district to Mixed Use (MU).
- The City Council decided not to support a further amendment of Parcels #1 - #6 of Exhibit “B” of Ordinance No. O2017-024, which included the Bath Littlerock Israel property, to General Commercial (GC).

Maps**Figure 4 (Parcels and Ownership)**

Figure 4 – Bath Littlerock Israel Comprehensive Plan Map Amendment and Associated Rezone
Parcel Map

1270-44-11000 and 1270-44-11200



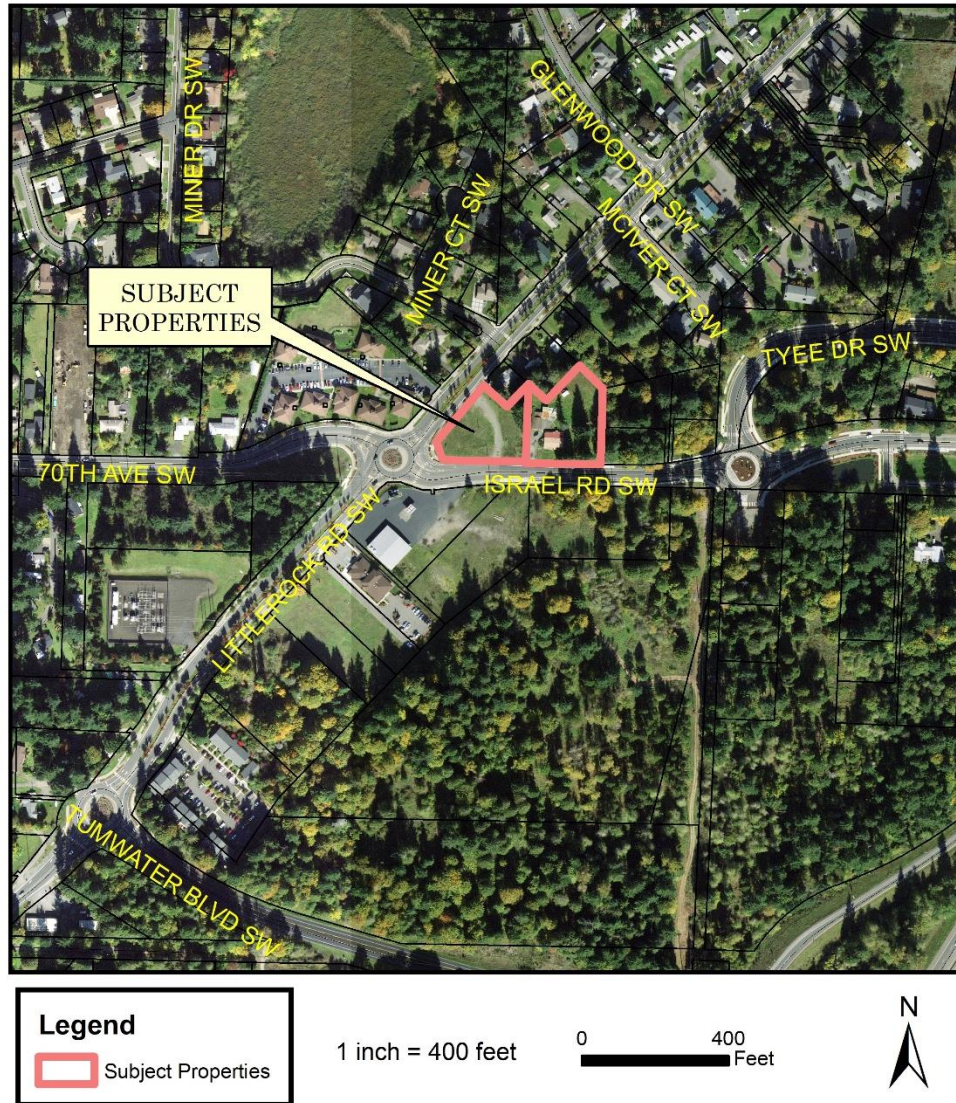
Map Date: 1-3-2022

MXD: Wells Littlerock Rezone 2022

DISCLAIMER: The City of Tumwater does not warrant, guarantee, or accept any liability for the accuracy, precision, or completeness of any information shown hereon or for any inferences made therefrom.

Figure 5 (2019 Aerial)

Figure 5 – Bath Littlerock Israel Comprehensive Plan Map Amendment and Associated Rezone
Aerial Map (2019)
1270-44-11000 and 1270-44-11200



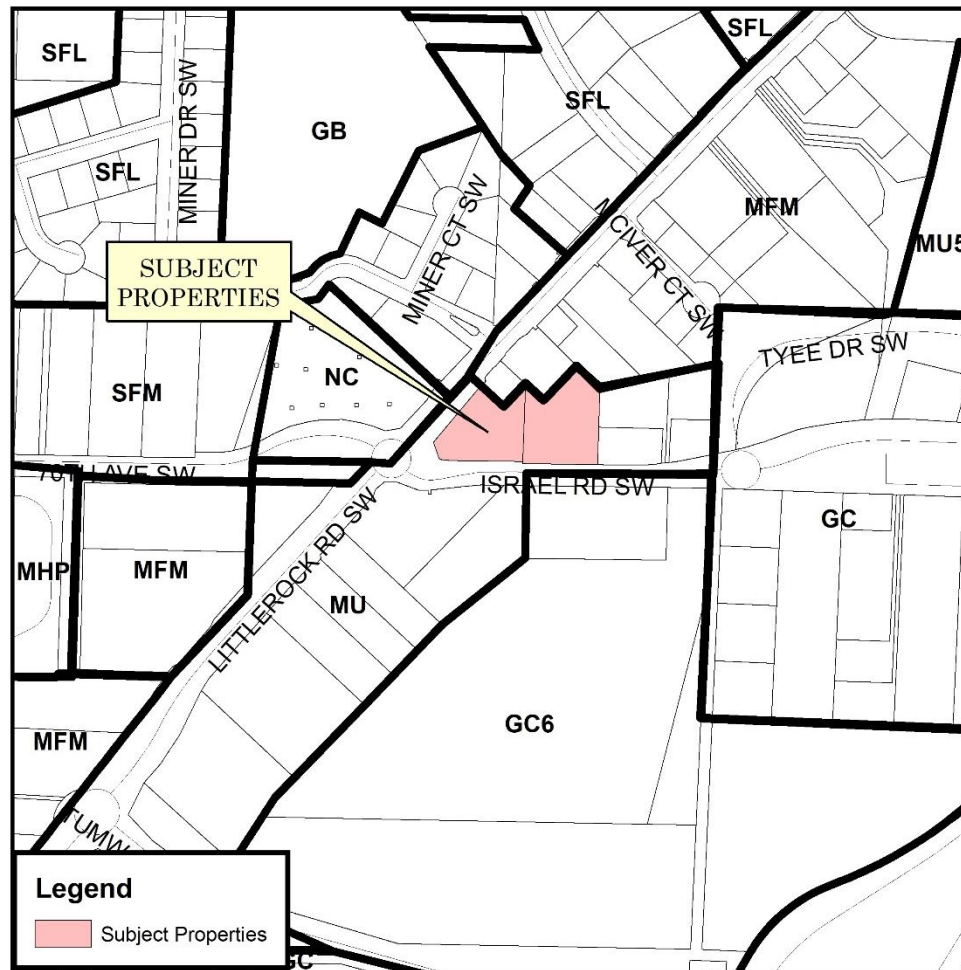
Map Date: 1-3-2022

MXD: Wells Littlerock Rezone 2022

DISCLAIMER: The City of Tumwater does not warrant, guarantee, or accept any liability for the accuracy, precision, or completeness of any information shown hereon or for any inferences made therefrom.

Figure 6 (Zoning)

Figure 6 – Bath Littlerock Israel Comprehensive Plan Map Amendment and Associated Rezone
Zoning Map
1270-44-11000 and 1270-44-11200



Designations
 GB Green Belt
 GC General Commercial
 NC Neighborhood Commercial
 MFM Multi Family Medium Density (9-15/acre)
 MHP Manufactured Home Park
 MU Mixed Use
 SFL Single Family Low Density (4-7/acre)
 SFM Single Family Medium Density (6-9/acre)

1 inch = 400 feet

0 400 Feet



Map Date: 1-3-2022

MXD: Wells Littlerock Rezone 2022

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B. 2022 CITY SPONSORED COMPREHENSIVE PLAN MAP AND TEXT AMENDMENTS AND CORRESPONDING REZONES

3. Neighborhood Character – Review Comprehensive Plan Housing and Land Use Elements

Proposal 1. Review the Comprehensive Plan Housing and Land Use Elements and determine if there are amendments needed to address “neighborhood character.”

Sponsor City of Tumwater

Background

Staff proposes to review the Comprehensive Plan Housing and Land Use Elements to evaluate the use of the term “neighborhood character” in support of the Tumwater Housing Action Plan.

4. Thurston Climate Mitigation Plan – Update greenhouse gas emission (GHG) targets in the Conservation Element to address HB 2311

Proposal 1. Review the Comprehensive Plan Conservation and Land Use Elements and determine if there are amendments needed to address HB 2311.

Sponsor City of Tumwater

Background

The proposed review of Comprehensive Plan policies would support the Thurston Climate Mitigation Plan.

5. Essential Public Facilities Amendments

Proposal 1. Review the Comprehensive Plan Land Use Element and determine if there are amendments needed to address essential public facilities.

Sponsor City of Tumwater

Background

The proposed review of the Comprehensive Plan Land Use Element and determine if there are amendments needed to address essential public facilities such as Inpatient facilities including substance abuse facilities (including but not limited to:

intensive inpatient facilities; long-term residential drug treatment facilities; recovery house facilities).

6. Comprehensive Plan Map Amendment and Corresponding Rezone to Change Triangle West of the Dennis Street SW and Linderson Way SW Intersection

Proposal

1. Amend the City-Wide Land Use Map to change the current Comprehensive Plan land use map designation of the property from Single Family Medium Density Residential (SFM) to Multi-Family High Density Residential (MFH).
2. Amend the City-Wide Zoning Map to change the current zone district of the property from Single Family Medium Density Residential (SFM) to Multifamily High Density Residential (MFH).

Sponsor

City of Tumwater

Location

6501 Linderson Way SW at the western corners of Linderson Way SW and Dennis Street SW

Parcel Number

Portion of Thurston County Assessor Parcel Number 1270-32-40303

Property Size

Part of 5.73-acre parcel

Background

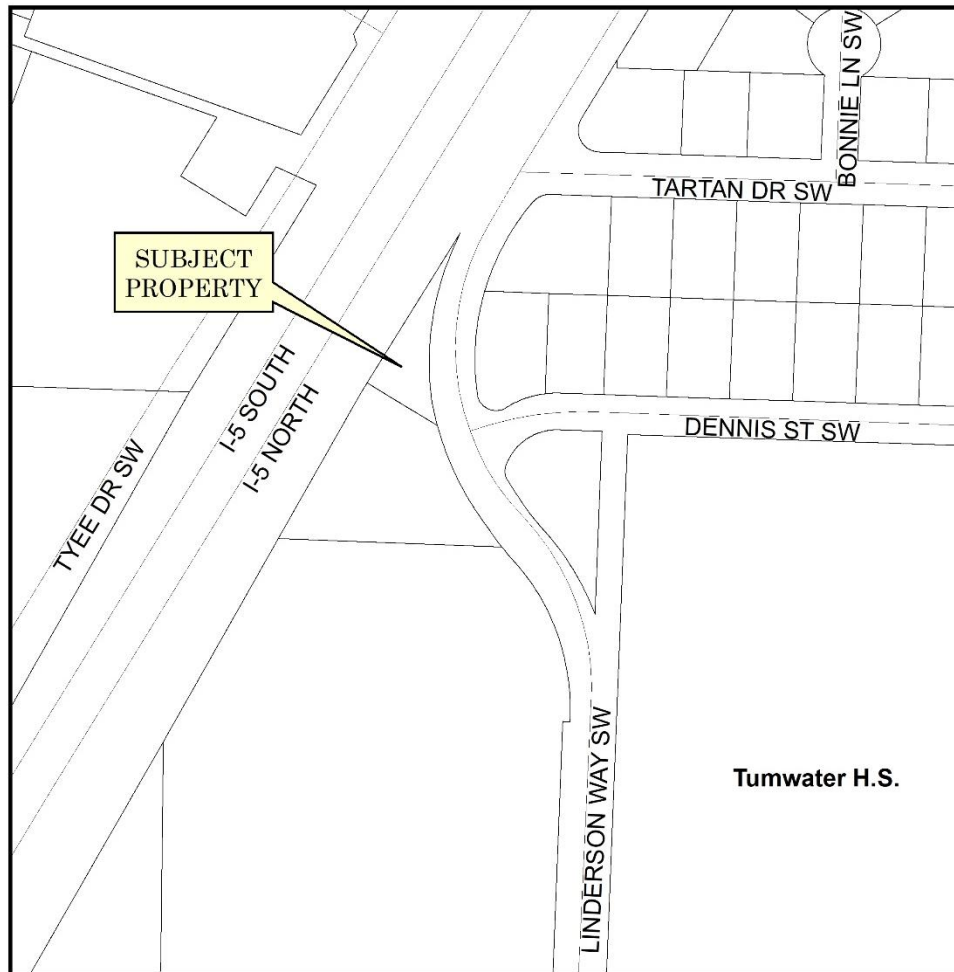
- In 2019 Staff proposed a cleanup of the City-Wide Land Use Map and City-Wide Zoning Map
- Figure 10 contains a portion of the 1984 zoning map
- Linderson Way SW used to run along the freeway all the way to Israel Road
- When the road location was changed, the zone district was not changed

Maps

Figure 7 (Parcels and Ownership)

Figure 7 – Triangle west of the Dennis Street SW and Linderson Way SW
Comprehensive Plan Map Amendment and Associated Rezone
Parcel Map

A Portion of 1270-32-40303



Map Date: 1-3-2022

MXD: Wells Littlerock Rezone 2022

DISCLAIMER: The City of Tumwater does not warrant, guarantee, or accept any liability for the accuracy, precision, or completeness of any information shown hereon or for any inferences made therefrom.

Figure 8 (2019 Aerial)

Figure 8 – Triangle west of the Dennis Street SW and Linderson Way SW
 Comprehensive Plan Map Amendment and Associated Rezone
 Aerial Map (2019)
 A Portion of 1270-32-40303



1 inch = 200 feet

0 400 Feet



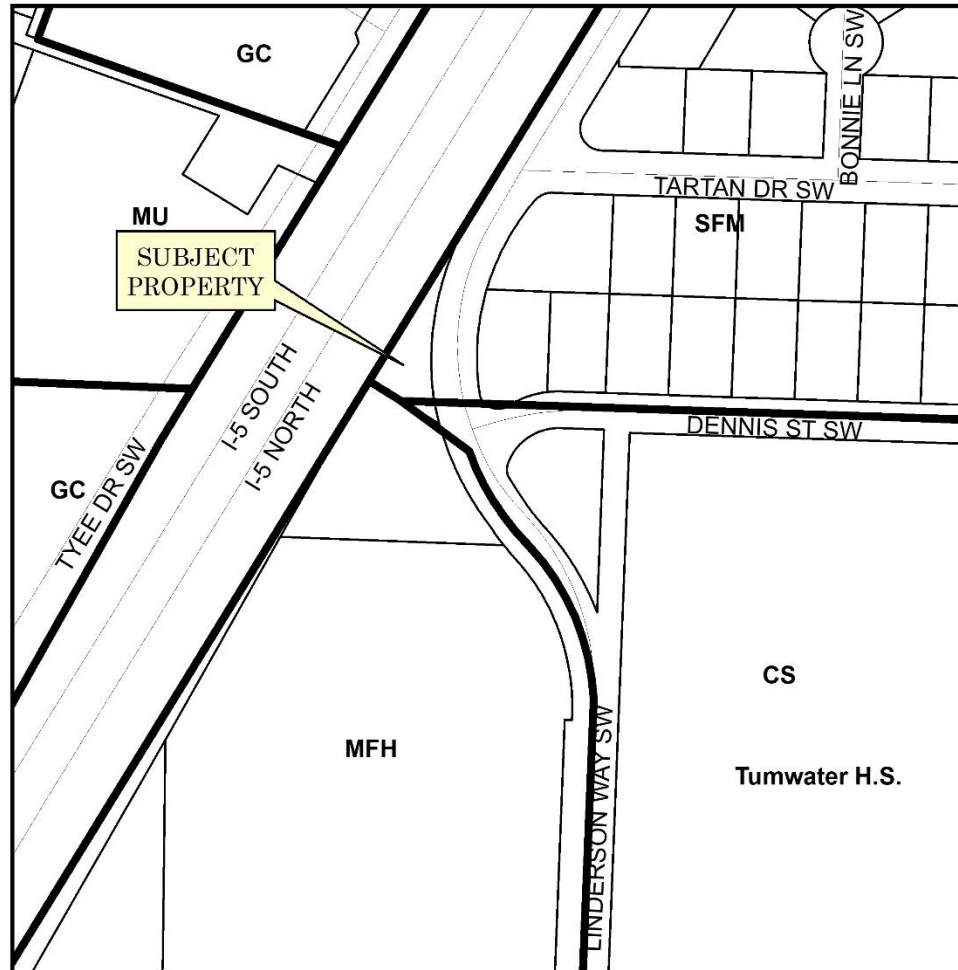
Map Date: 1-3-2022

MXD: Wells Littlelock Rezone 2022

DISCLAIMER: The City of Tumwater does not warrant, guarantee, or accept any liability for the accuracy, precision, or completeness of any information shown hereon or for any inferences made therefrom.

Figure 9 (Zoning)

Figure 9 – Triangle west of the Dennis Street SW and Linderson Way SW
 Comprehensive Plan Map Amendment and Associated Rezone
 Zoning Map
 A Portion of 1270-32-40303



Designations
 CS Community Services
 MU Mixed Use
 MFH Multi Family High Density (14-29/acre)
 SFM Single Family Medium Density (6-9/acre)

1 inch = 200 feet
 0 400 Feet

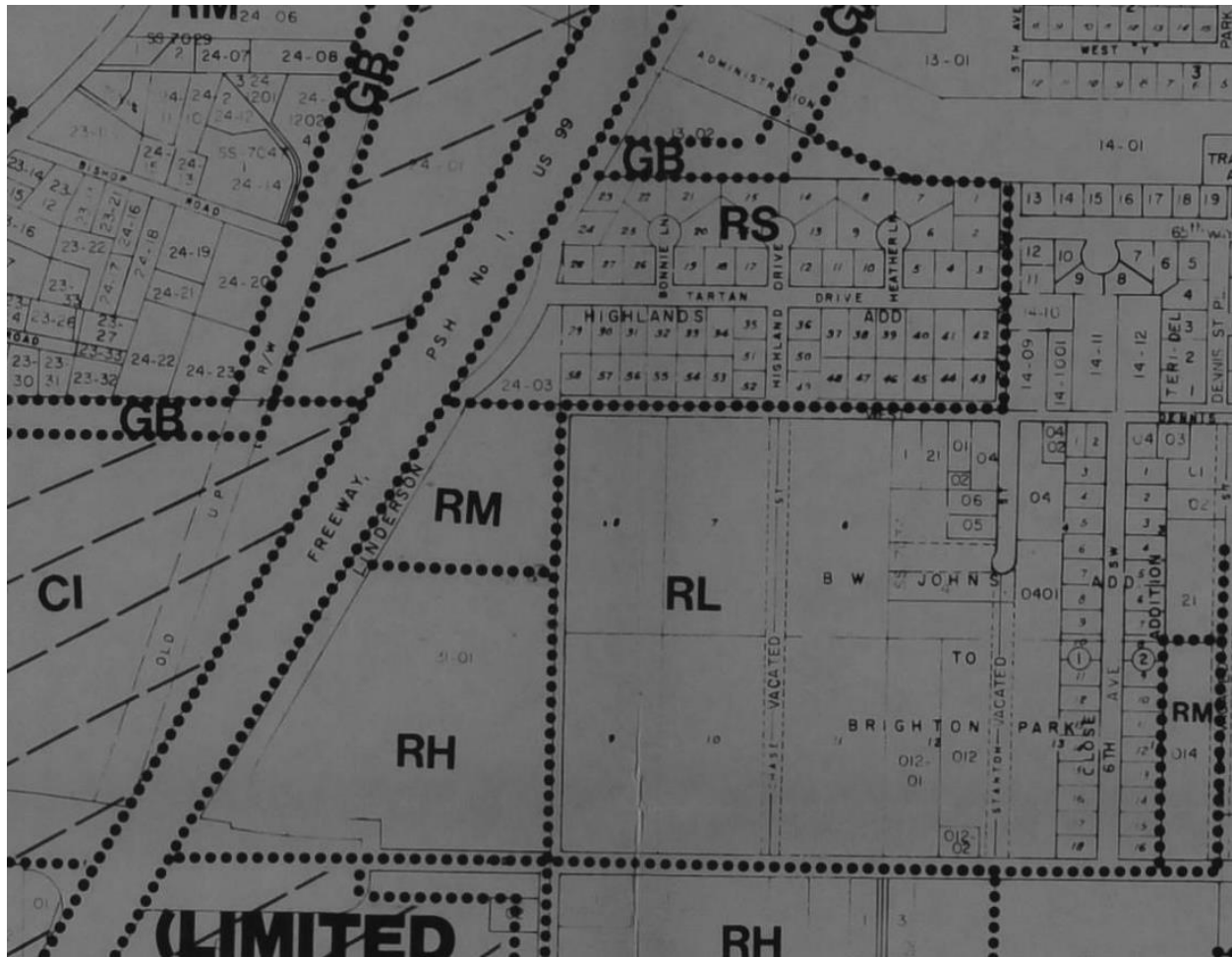


Map Date: 1-3-2022

MXD: Wells Littlelock Rezone 2022

DISCLAIMER: The City of Tumwater does not warrant, guarantee, or accept any liability for the accuracy, precision, or completeness of any information shown hereon or for any inferences made therefrom.

Figure 10 – Original Alignment of Linderson



Review and Approval Criteria

Comprehensive Plan map and text amendments are subject to the criteria below from Tumwater Municipal Code (TMC) 18.60.025(B):

1. *All amendments to the comprehensive plan must conform with the requirements of the Washington State Growth Management Act, Chapter 36.70A RCW, and all amendments for permanent changes to the comprehensive plan must be submitted to the Washington State Department of Commerce, pursuant to RCW 36.70A.106.*
2. *Text amendments and site-specific rezone applications should be evaluated for internal consistency with the comprehensive plan, and for consistency with the county-wide planning policies, related plans, and the comprehensive plan of Thurston County or cities which have common borders with Tumwater.*
3. *Whether conditions in the area for which comprehensive plan change/zoning amendment is requested have changed or are changing to such a degree that it is in the public interest to encourage a change in land use for the area.*
4. *Whether the proposed comprehensive plan zoning amendment is necessary in order to provide land for a community-related use which was not anticipated at the time of adoption of the comprehensive plan.*

Proposed 2022 Comprehensive Plan Amendment Schedule (Note dates subject to change)

2022 Preliminary Docket Process

Planning Commission

- January 11, 2022 – Planning Commission briefing – Completed
- January 25, 2022 – Planning Commission worksession – Completed

City Council

- February 9, 2022 – General Government Committee briefing – Completed
- February 22, 2022 – City Council worksession – Completed
- March 1, 2022 – City Council consideration

2022 Final Docket Process

Notice of Intent and SEPA Review

- July 2022 – Submit Notice of Intent to Commerce
- July 2022 – SEPA Review

Planning Commission

- July 26, 2022 – Planning Commission briefing
- August 9, 2022 – Planning Commission worksession
- August 23, 2022 – Planning Commission hearing

City Council

- September 14, 2022 – General Government Committee briefing
- September 27, 2022 – City Council worksession
- October 4, 2022 – City Council consideration

Public Notification

A Notice of Public Hearing for the Planning Commission will be issued after the Planning Commission establishes a hearing date on the final docket. The notice will be posted in the proposed map amendment area, published as a press release, distributed to interested individuals and entities that have requested such notices, and published in *The Olympian*. Letters notifying all property owners within 300 feet of the exterior boundaries of the proposed map amendment area of the public hearing are expected to be sent out around at the same time.

Staff Conclusions

1. All the proposed Comprehensive Plan map and text amendments and corresponding rezones will need to meet the review and approval criteria found in TMC 18.60.025(B).
2. All the proposed Comprehensive Plan map and text amendments and corresponding rezones will need to be consistent with the goals of the Washington State Growth Management Act.
3. All the proposed Comprehensive Plan map and text amendments and corresponding rezones will need to be consistent with the goals of the Conservation Element of the Comprehensive Plan.
4. All the proposed Comprehensive Plan map and text amendments and corresponding rezones will need to be consistent with the goals of the Housing Element of the Comprehensive Plan.
5. All the proposed Comprehensive Plan map and text amendments and corresponding rezones will need to be consistent with the goals of the Land Use Element of the Comprehensive Plan.

6. The potential impacts of all the proposed 2022 Comprehensive Plan map and text amendments and corresponding rezones will need to be considered together with the criteria found in TMC 18.60.025(B) and proposed amendments should not create any inconsistencies when evaluated together.
7. Based on the above review and analysis, the City Council will need to conclude that all the proposed Comprehensive Plan map and text amendments and corresponding rezones are consistent with the requirements of the Washington State Growth Management Act, Thurston County-Wide Planning Policies, the goals of Sustainable Thurston, and the Comprehensive Plan.

Planning Commission Recommendation

1. The Planning Commission recommends that all the amendments in the preliminary docket go forward for further review as part of the final docket.

General Government Recommendation

1. The General Government Committee recommends that all the amendments in the preliminary docket go forward for further review as part of the final docket with the exception of the Bath Littlerock Israel Comprehensive Plan Land Use Map Amendment and Corresponding Rezone, which the City Council considered as part of the Sullivan amendments as part of Ordinance No. O2017-024 in 2017 and 2018.

Staff Contact

Brad Medrud, AICP, Planning Manager
 City of Tumwater Community Development Department
 (360) 754-4180
bmedrud@ci.tumwater.wa.us

2022 Comprehensive Plan Map & Text Amendments and Associated Rezones

Preliminary Docket

March 1, 2022
City Council Consideration



2022 Proposed Amendments

1. Two proposed private map amendments and associated rezones
2. Three proposed public text amendments
3. One proposed public map amendment and associated rezone

2022 Private Amendments

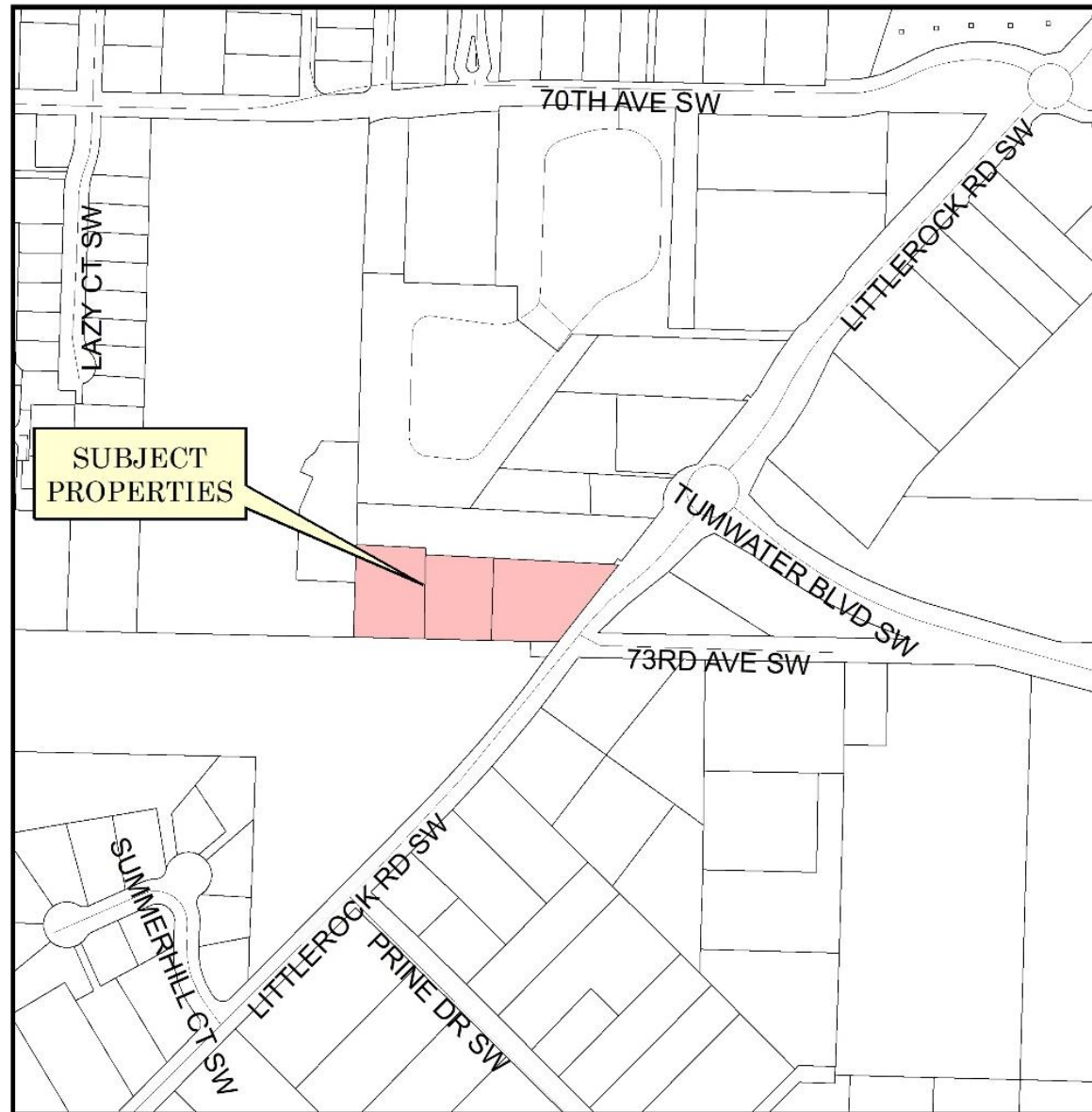
Proposed Private Map Amendments and associated rezones:

1. Wells Littlerock Comprehensive Plan Land Use Map Amendment (TUM-21-1848) and Corresponding Rezone (TUM-21-1804)
2. Bath Littlerock Israel Comprehensive Plan Land Use Map Amendment (TUM-21-1873) and Corresponding Rezone (TUM-21-1872)

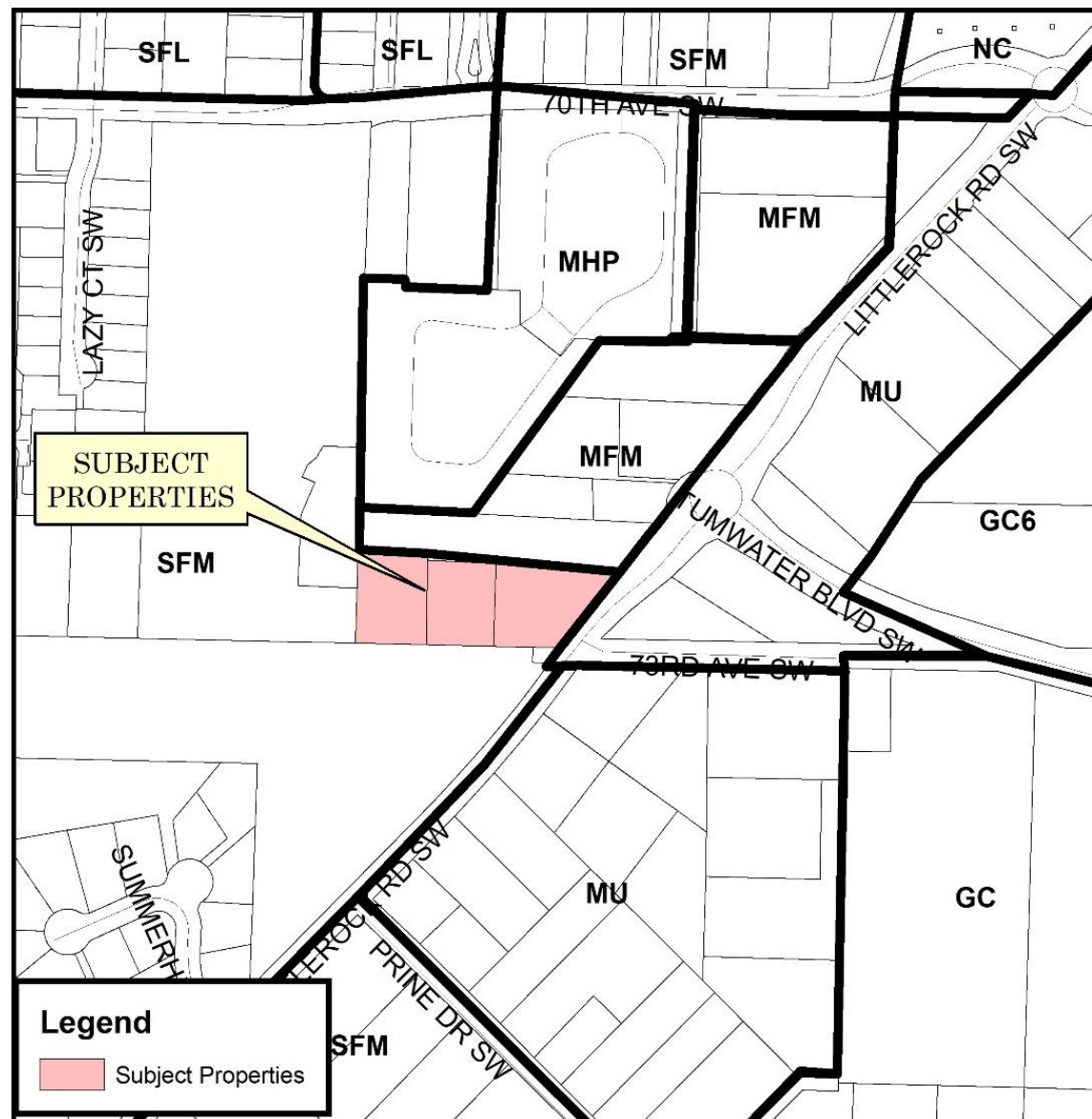
1. Wells Littlerock

Proponent:	Glenn Wells
Owner:	Marvin L. Beagles
Location:	Three adjacent parcels located to the south of 7223 Littlerock Road SW
Parcel Numbers:	1270-44-30901, 1270-44-30902, and 1270-44-30903
Area Size:	2.76 Acres
Current Use:	Vacant

1. Map of Amendment Area



1. Map of Amendment Area



1. Map of Amendment Area



1. Amendment Summary

Current Comprehensive Plan map designation and zone district:

- Single Family Medium Density Residential (SFM)

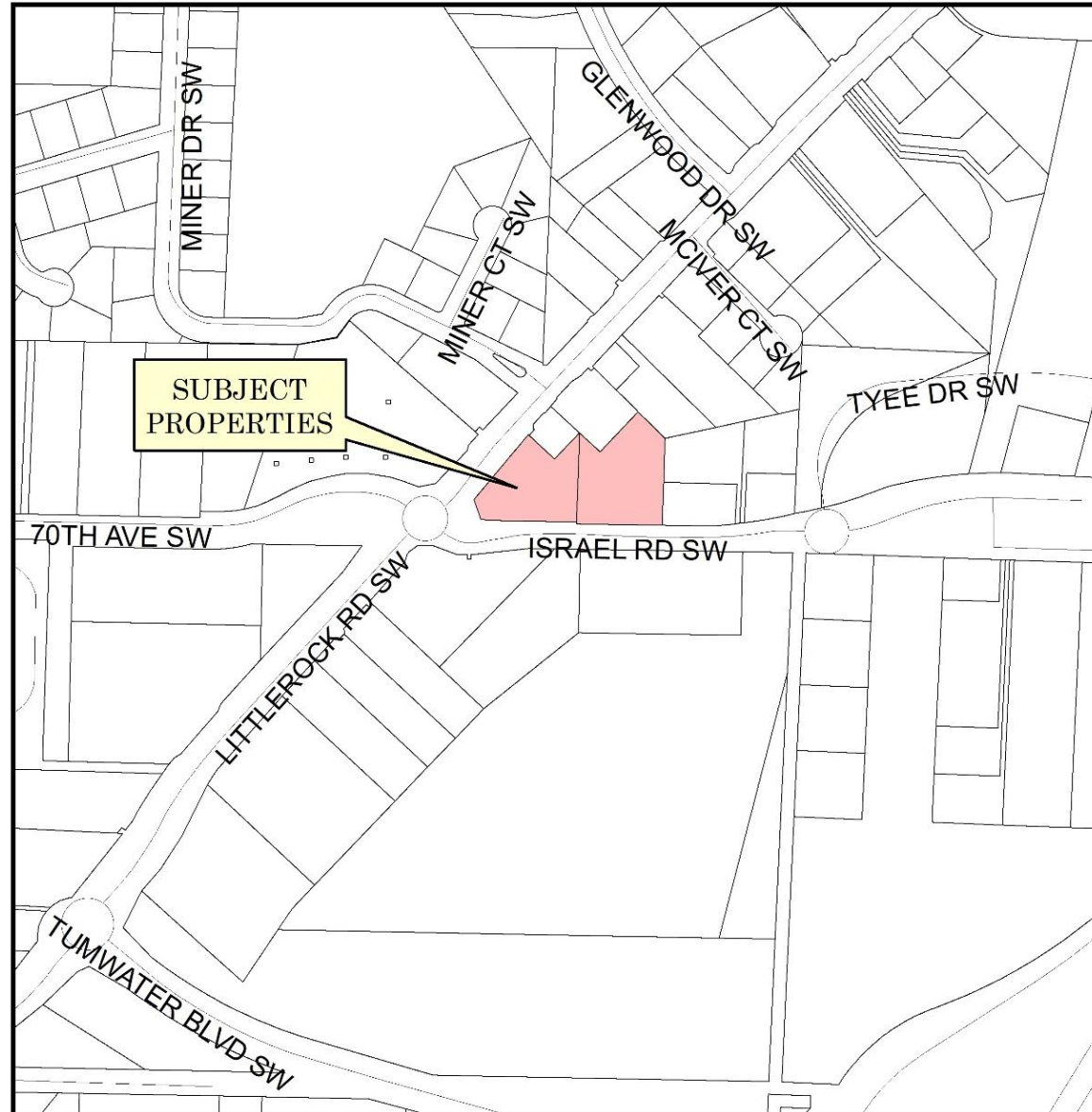
Proposed Comprehensive Plan map designation and zone district:

- Multi-Family Medium Density Residential (MFM)

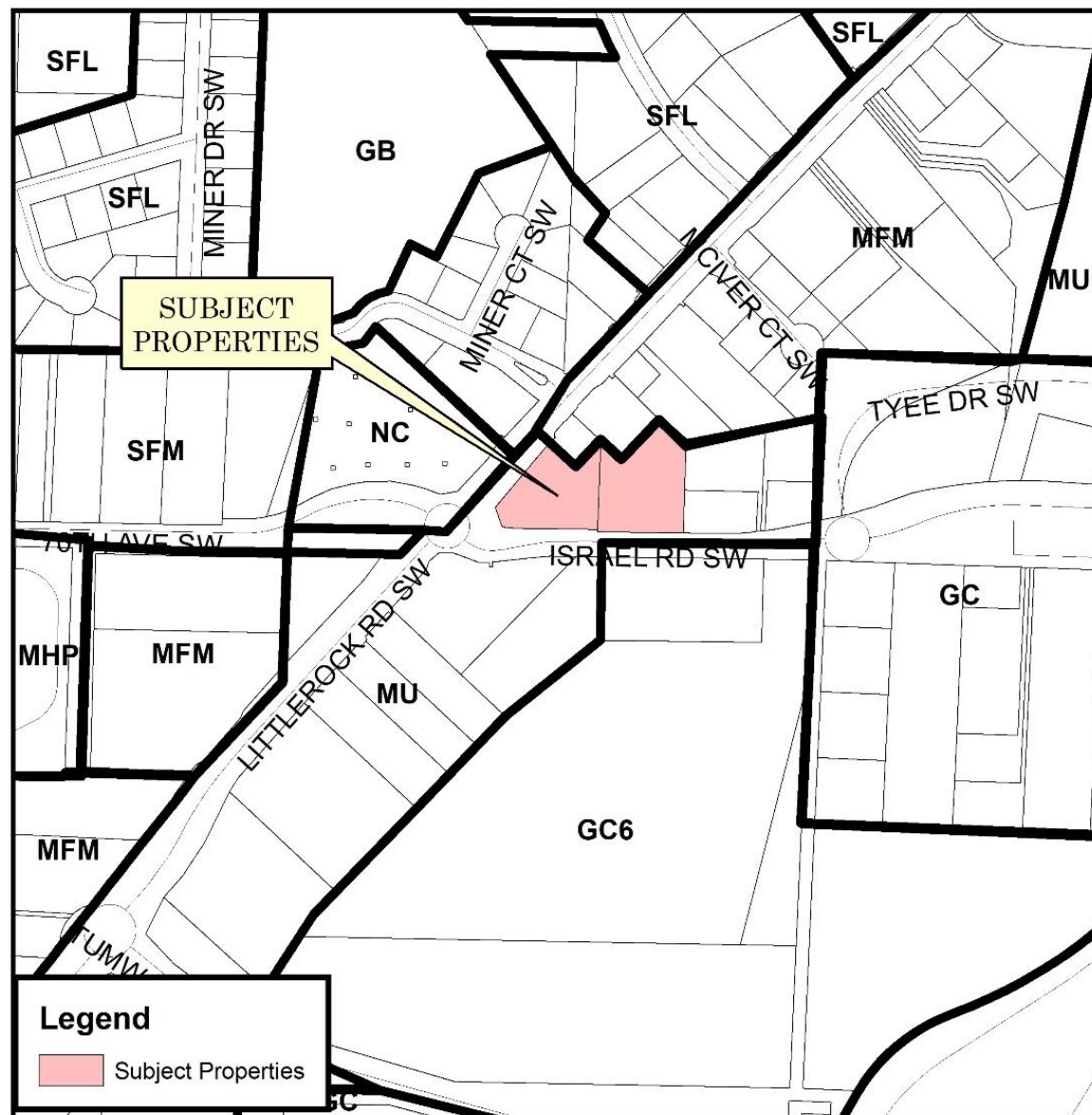
2. Bath Littlerock Israel

Proponent:	Peter Condyles
Owner:	Dayabir Bath
Location:	Two adjacent parcels located at 6940 Littlerock Road SW and 1850 Israel Road SW
Parcel Numbers:	1270-44-11000 and 1270-44-11200
Area Size:	1.97 Acres
Current Use:	Single family house and vacant

2. Map of Amendment Area



2. Map of Amendment Area



2. Map of Amendment Area



2. Amendment Summary

Current Comprehensive Plan map designation and zone district:

- Mixed Use (MU)

Proposed Comprehensive Plan map designation and zone district:

- General Commercial (GC)

2. Amendment Summary

- The two parcels were part of the proposed 2017 Sullivan Comprehensive Plan Map and Zoning Map amendments (TUM-16-1325) that were considered by the City Council on January 16, 2018 as part of Ordinance No. O2017-024

2. Amendment Summary

- The 2017 amendments changed the Bath Littlerock Israel property, along with four other parcels (Parcels #1 - #6 of Exhibit “B” of Ordinance No. O2017-024), from Mixed Use Overlay (MUO) Comprehensive Plan map designation and zone district to Mixed Use (MU)

2. Amendment Summary

- The City Council decided not to support a further amendment of Parcels #1 - #6 of Exhibit “B” of Ordinance No. O2017-024, which included the Bath Littlerock Israel property, to General Commercial (GC)

2022 Text Amendments

- 3. Neighborhood Character – Review Comprehensive Plan Housing and Land Use Elements and determine if there are amendments needed to address “neighborhood character”**
- 4. Thurston Climate Mitigation Plan – Update greenhouse gas emission (GHG) targets in the Conservation Element to address HB 2311 – Review Comprehensive Plan Conservation and Land Use Elements and determine if there are amendments needed to address HB 2311**

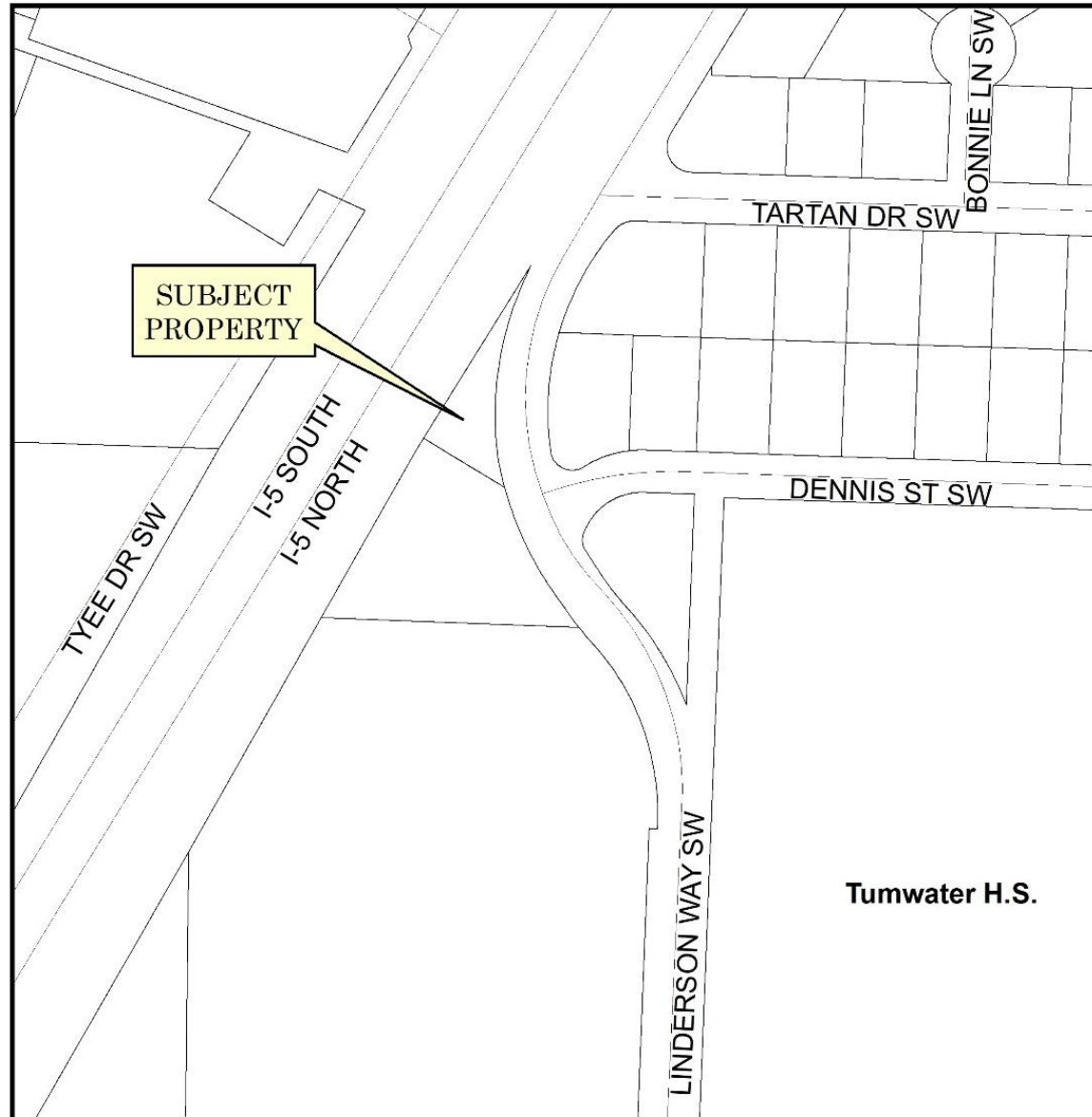
2022 Text Amendments

- 5. Essential Public Facilities Amendments –**
Review the Comprehensive Plan Land Use Element and determine if there are amendments needed to address essential public facilities, including but not limited to: intensive inpatient facilities; long-term residential drug treatment facilities; recovery house facilities

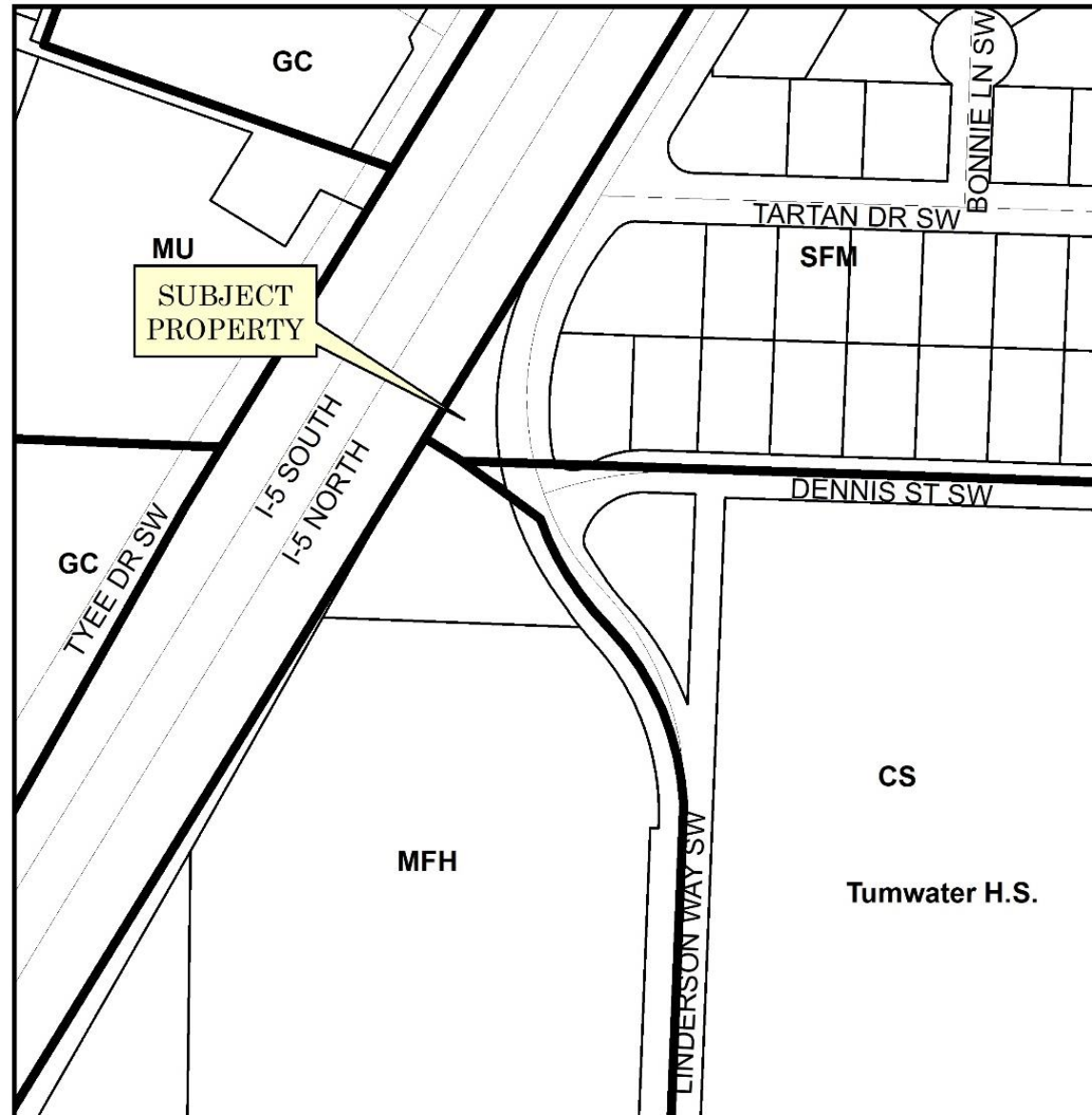
6. Dennis/Linderson Triangle

Proponent:	City of Tumwater
Location:	6501 Linderson Way SW at the western corners of Linderson Way SW and Dennis Street SW
Parcel Numbers:	Portion of 1270-32-40303
Area Size:	Portion of 5.73 Acres
Current Use:	Vacant

6. Map of Amendment Area



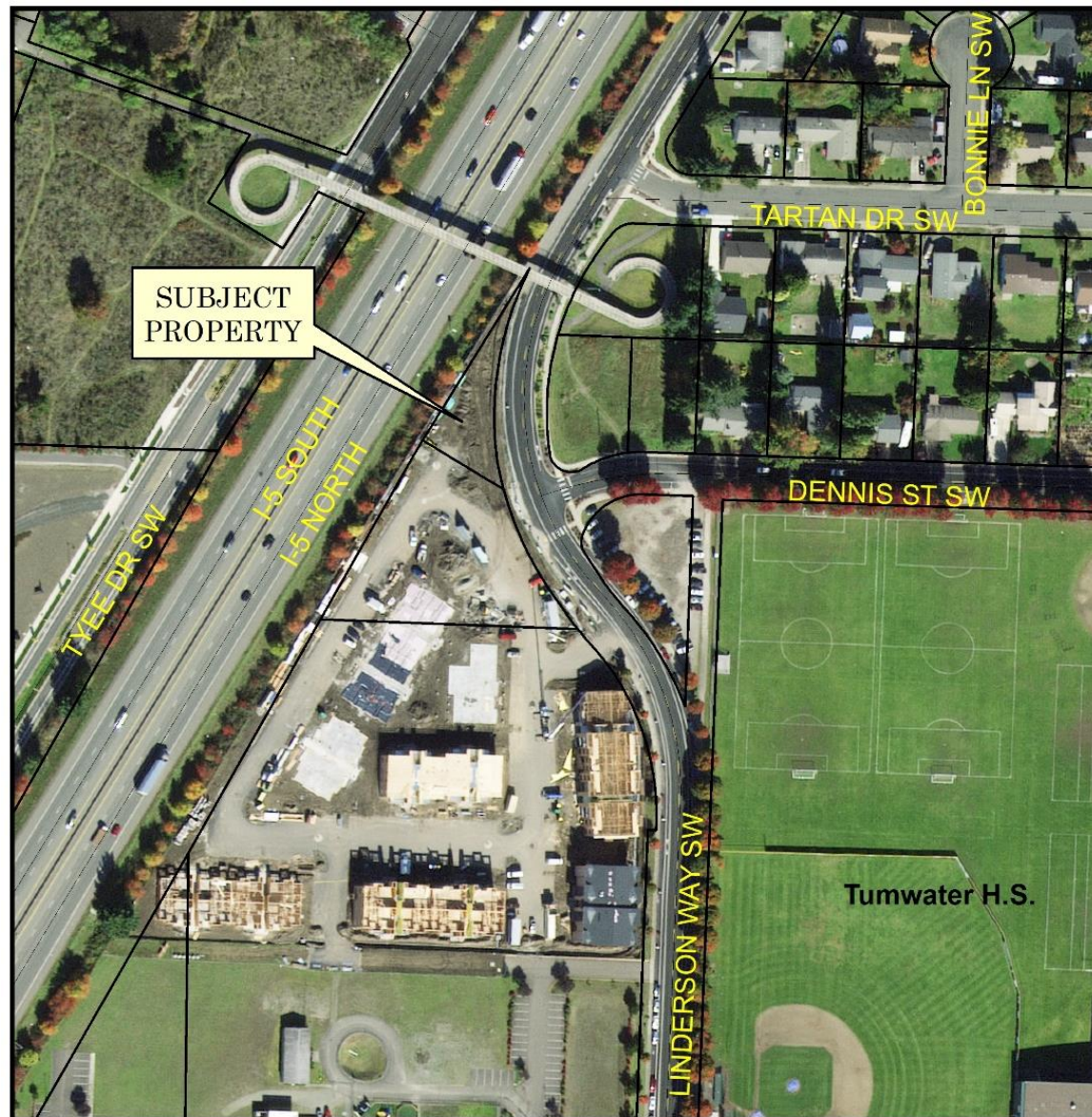
6. Map of Amendment Area



6. Map of Amendment Area



6. Map of Amendment Area



6. Amendment Summary

Current Comprehensive Plan map designation and zone district:

- Single Family Medium Density Residential (SFM)

Proposed Comprehensive Plan map designation and zone district:

- Multifamily High Density Residential (MFH)

Recommendations

Planning Commission Recommendation

- All the amendments in the preliminary docket go forward for further review as part of the final docket

Recommendations

General Government Committee Recommendation

- All the amendments in the preliminary docket go forward for further review as part of the final docket with the exception of the Bath Littlerock Israel Comprehensive Plan Land Use Map Amendment and Corresponding Rezone, which the City Council considered as part of the Sullivan amendments in 2017 and 2018

Next Steps

- Staff will prepare the Final Docket amendments for review and approval by the City Council
- The Final Docket is scheduled for a briefing with the Planning Commission on July 26, 2022



February 18, 2022

Tumwater City Council
555 Israel Road SW
Tumwater, WA, 98501

Dear Council Members,

Our firm represents Dayabir Bath, who has submitted a docket application for a rezone and comprehensive plan amendment on a property located at the corner of Littlerock Road SW, and Israel Road SW.

The property is currently zoned mixed use, and our application requests that it be changed to general commercial. This proposal, previously referred to as the Sullivan Amendment, was recommended for approval by the Planning Commission in 2017, as a part of a larger update to the Littlerock Road Subarea Plan, but ultimately this property was not approved at the former mayor's request in 2018. During this process there were no citizen or neighbor comments against the rezone. In the subsequent years there has been no development activity on the property and very little interest due to the restrictive zoning. Mr. Bath reapplied in late 2021, and the Planning Commission has since recommended that it be included in the 2022 docket cycle.

At the January 25th meeting of the Tumwater Planning Commission, members voted unanimously to move forward with all docket applications, including the Bath property. A few of the commission members felt that an "anchor tenant" on this corner may attract additional development, specifically development that the city has called for in some of its planning documents. In addition to this, commission members expressed an interest in having a larger conversation about this area, and about the subarea plan that is currently in place, and by placing this application on the docket, that conversation might happen in the near future. It must be made clear that this isn't the final say on the rezone and comprehensive plan amendment, this action simply allows staff, Planning Commission members, and elected officials to study the proposals further so when the final vote is made the applications have all been sufficiently looked at.

Since the City Council voted against rezoning this property in 2017 the cost of mixed-use development is higher than other development types and with parcels this small, development as presently zoned is not economically viable nor likely to be anytime soon.

The Littlerock Road Subarea was first adopted in 1997 and envisioned this portion of Tumwater as an urban mixed-use village where residents could live above employment opportunities, or near transit opportunities to take them to employment hubs. This was a twenty-year plan; however, it was amended in 2006, 2013, and most recently in 2017 to account for updates in development patterns and market conditions. Our client's proposed application comes five years after the most recent plan update, which a pattern of prior reviews of this plan suggests is an acceptable amount time in which to reconsider past decisions. In the 2017 update a portion of land surrounding the subject property was rezoned from mixed-use to general commercial. The subject property was included in the list of properties to be rezoned and the Planning Commission recommended the changes. However, when reviewed by the mayor at the time, Mr. Bath's request was singled out and denied while the City Council the other rezones. This left Mr. Bath's property with the original and restrictive mixed-use zoning.

In the 2017 update of the subarea, this update was given on development in the area:

*"Since adoption of the plan in 1997, some development in the subarea has occurred, primarily in the northern portion. The Home Depot, Tyee Center, American Legion Hall, Twin County Credit Union and the Bigrock medical clinic on Littlerock Road have all been developed since plan adoption. Fred Meyer has also been built during this time period, but this area was not included in the subarea boundary as defined in 1997. **Very little development has occurred in the mixed-use and residential portions of the subarea**"*¹

¹ City of Tumwater, Littlerock Road Subarea Plan, 2017 Update Page 2.

This request in 2021 resembles 2017's purpose for review, **"no mixed-use development has taken place"**. Since the plan was passed in 1997 as a twenty-year plan the Planning Commission should take note it has now been twenty-five years and the mixed-use village goals have not come to fruition. The applicant has owned this property since 2006 and attempted to market this site for mixed-use development. There has been interest from business such as Walgreens and Starbucks, however they require a drive-thru component, which is currently not allowed under the mixed-use designation. Mr. Bath also attempted to sell the property, but it sat on the market for five years without any interest from buyers or developers. As the Puget Sound Region continues to grow at a record pace and land is becoming more and more scarce, it should give Tumwater pause that a property with such great visibility, close proximity to Interstate 5, and along a busy transit line is not creating any interest in the market as mixed-use project.

We also must acknowledge the time that we are living in. The COVID-19 pandemic has forever altered the way citizens live, work, and do business. Many companies have phased out in-person office work, and many businesses have shifted to drive-up methods (finding it is quicker and more cost effective) and the market for small office and retail space under apartments is flat except in very dense urban cores, which this area is not. Because of this, it can be expected that mixed-use development will continue to go to Tumwater or Olympia's downtown core, Lacey, or Hawk's Prairie area. Additionally, with so many businesses embracing pick-up orders, and people continuing to be weary of in-person business or consumption, the demand for land zoned for drive-thru or convenience retail options will continue to increase. Mr. Bath's property, as mentioned, has already seen interest from businesses that require drive-thru components, and this will only continue. By not allowing this type of development, the city is not meeting its stated goals of changing with the markets and adapting to the needs of its citizenry.

We ask that you concur with the Planning Commission, and place this on the final docket for further review and consideration in the comprehensive plan amendment cycle, understanding that this is not the final answer on the subject, but just a move that allows the city to take a deeper look at this area, and this property.

If you have any questions, or would like to discuss this proposal further, please feel free to contact me

Thank you

Peter Condyles
Project Manager

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