



Meeting Agenda

City Council

City Hall
601 4th Avenue E
Olympia, WA 98501

Information: 360.753.8244

Tuesday, March 21, 2017

7:00 PM

Council Chambers

1. ROLL CALL

1.A ANNOUNCEMENTS

1.B APPROVAL OF AGENDA

2. SPECIAL RECOGNITION

2.A [17-0293](#) Special Recognition - Proclamation Recognizing Jim Haley

Attachments: [Proclamation](#)

2.B [17-0277](#) Special Recognition - Proclamation Recognizing 2017 Arbor Day

Attachments: [Proclamation](#)
[2017 Olympia Arbor Day Flyer](#)
[Arbor Day Foundation Letter](#)

3. PUBLIC COMMUNICATION

(Estimated Time: 0-30 Minutes) (Sign-up Sheets are provided in the Foyer.)

During this portion of the meeting, citizens may address the City Council regarding items related to City business, including items on the Agenda. In order for the City Council to maintain impartiality and the appearance of fairness in upcoming matters and to comply with Public Disclosure Law for political campaigns, speakers will not be permitted to make public comments before the Council in these three areas: (1) on agenda items for which the City Council either held a Public Hearing in the last 45 days, or will hold a Public Hearing within 45 days, or (2) where the public testimony may implicate a matter on which the City Council will be required to act in a quasi-judicial capacity, or (3) where the speaker promotes or opposes a candidate for public office or a ballot measure.

Individual comments are limited to three (3) minutes or less. In order to hear as many people as possible during the 30-minutes set aside for Public Communication, the City Council will refrain from commenting on individual remarks until all public comment has been taken. The City Council will allow for additional public comment to be taken at the end of the meeting for those who signed up at the beginning of the meeting and did not get an opportunity to speak during the allotted 30-minutes.

COUNCIL RESPONSE TO PUBLIC COMMUNICATION (Optional)

4. CONSENT CALENDAR

(Items of a Routine Nature)

4.A [17-0258](#) Approval of January 13, 2017 City Council Retreat Meeting Minutes

- Attachments:** [Minutes](#)
- 4.B [17-0259](#) Approval of January 14, 2017 City Council Retreat Meeting Minutes
Attachments: [Minutes](#)
- 4.C [17-0290](#) Approval of March 7, 2017 Study Session Meeting Minutes
Attachments: [Minutes](#)
- 4.D [17-0289](#) Approval of March 7, 2017 City Council Meeting Minutes
Attachments: [Minutes](#)
- 4.E [17-0301](#) Approval of Appointments to the Arts Commission to Fill Vacancies
Attachments: [Grisham Application](#)
[Grisham Resume](#)
[Markham Application](#)
[Markham Resume](#)
- 4.F [17-0304](#) Approval of Appointment to the Planning Commission to Fill a Vacancy
Attachments: [Cunningham Application](#)
[Cunningham Resume](#)
- 4.G [17-0303](#) Approval of Appointments to the Heritage Commission to Fill Vacancies
Attachments: [Austin Application](#)
[Pratt Application](#)
[Pratt Resume](#)
- 4.H [17-0306](#) Approval of Appointment to the Utility Advisory Committee to Fill Vacancies
Attachments: [Bowerman Application](#)
[Bowerman Resume](#)
- 4.I [17-0305](#) Approval of Appointments to the Park and Recreation Advisory Committee to Fill Vacancies
Attachments: [Clark Application](#)
[Clark Resume](#)
[Smith Application](#)
[Olnick Application](#)
- 4.J [17-0302](#) Approval of Appointment to the Bicycle and Pedestrian Advisory Committee to Fill a Vacancy
Attachments: [Bremner Application](#)
- 4.K [17-0284](#) Approval of the 2017 work plan for the Ad Hoc Committee on Affordable

Housing

Attachments: [Work Plan](#)

- 4.L [17-0154](#) Approval of Resolution Setting a Public Hearing Date to Consider a Vacation Petition for a Portion of an Alley Right-of-Way Adjacent to 210 State Ave NW

Attachments: [Resolution](#)
[Petition](#)
[Site Plan](#)
[Vicinity Map](#)
[RCW 35.79.010](#)

- 4.M [17-0279](#) Approval of Amendments to Community Development Block Grant (CDBG) Funding - Program Year (PY) 2016

Attachments: [CDBG Program Year 2016 Proposed Amendments Matrix](#)
[Public Process Timeline Summary - Proposed CDBG Amendments](#)
[CDBG Program Annual Cycle](#)
[Public Comments - CDBG Amendments Program Year 2016](#)

- 4.N [17-0222](#) Approval of the Construction Contract for the Washington Center for the Performing Arts HVAC Upgrade Project - Phase 2

Attachments: [Contract](#)

- 4.O [17-0295](#) Approval of Amended Agreed Order with the Washington State Department of Ecology for the East Bay Redevelopment Site

Attachments: [Agreed Order](#)

- 4.P [17-0183](#) Approval of Interlocal Agreement with the Evergreen State College Center for Sustainable Infrastructure for Fones Road Corridor Value Planning Exercise

Attachments: [Interlocal Agreement](#)

- 4.R [17-0309](#) Approval of Reappointments to the Design Review Board and the Thurston Community Media Board

4. SECOND READINGS - None

4. FIRST READINGS

- 4.Q [17-0262](#) Approval of Ordinance Making Olympia's Parks Smoke and Vape Free Starting in 2018

Attachments: [Ordinance](#)

5. PUBLIC HEARING - None

6. OTHER BUSINESS

- 6.A [17-0020](#) Consideration of a Street Vacation Petition for a Portion of Alley Adjacent to 1919 Harrison Ave NW

Attachments: [Ordinance](#)
[Petition](#)
[Right-of-Way Acquisition Costs](#)
[Vicinity Map](#)

- 6.B [17-0184](#) Climate Action Plan Scoping

Attachments: [Memo and Energy Map-Carbon Wedge Analysis](#)

7. CONTINUED PUBLIC COMMUNICATION

(If needed for those who signed up earlier and did not get an opportunity to speak during the allotted 30 minutes)

8. REPORTS AND REFERRALS

8.A COUNCIL INTERGOVERNMENTAL/COMMITTEE REPORTS AND REFERRALS

8.B CITY MANAGER'S REPORT AND REFERRALS

9. ADJOURNMENT

The City of Olympia is committed to the non-discriminatory treatment of all persons in employment and the delivery of services and resources. If you require accommodation for your attendance at the City Council meeting, please contact the Council's Executive Assistant at 360.753.8244 at least 48 hours in advance of the meeting. For hearing impaired, please contact us by dialing the Washington State Relay Service at 7-1-1 or 1.800.833.6384.



City Council

Special Recognition - Proclamation Recognizing Jim Haley

Agenda Date: 3/21/2017
Agenda Item Number: 2.A
File Number: 17-0293

Type: recognition **Version:** 1 **Status:** Recognition

Title

Special Recognition - Proclamation Recognizing Jim Haley

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Recognize Jim Haley and his commitment to Olympia.

Report

Issue:

Recognize Jim Haley upon the occasion of his retirement as President and CEO of Thurston First Bank in Olympia.

Staff Contact:

City Manager Steve Hall, 360.723.8244

Presenter(s):

Mayor Selby and Councilmembers

Attachments:

Proclamation

PROCLAMATION

WHEREAS, Jim Haley recently retired from his position of President and CEO of Thurston First Bank in Olympia where he worked since 2004; and

WHEREAS, under Jim's leadership the Bank, its board, and its staff committed to being Olympia's Downtown Community Bank by relocating into the heart of downtown; and

WHEREAS, Jim identified the most important part of his job as "Being part of the Thurston County and City of Olympia community"; and

WHEREAS, Jim's personal commitment led to the title of "Mr. Downtown" due to his constant motion to stir things up to make a better Downtown for all; and

WHEREAS, Jim has used his expertise, time and resources to strengthen the relationship between a healthy downtown and a vibrant cultural community; and

WHEREAS, Jim has been a tireless champion of the arts and culture in Downtown Olympia, and served faithfully on the Washington Center Board of directors for 7 years, including a current Term as President of the Board; and

WHEREAS, Jim Haley demonstrated leadership, vision and unwavering commitment as the finance partner for the construction of the permanent home for the award-winning Hands On Children's Museum and is now Washington's most-visited youth museum offering play-based, interactive learning experiences to 303,000 children, educators and family members each year; and

WHEREAS Jim consistently pointed to the success of a vibrant and growing downtown by announcing to City officials "you have a parking problem in downtown and that's a good thing"; and

WHEREAS, Jim's future plans start with "Until we meet again..."; and

NOW THEREFORE, BE IT RESOLVED, that the Olympia City Council does hereby show their gratitude and honor Jim Haley for his energetic, persistent and effective support for the Olympia community and our Downtown.

SIGNED IN THE CITY OF OLYMPIA, WASHINGTON THIS 21st DAY OF MARCH 2017.

OLYMPIA CITY COUNCIL

*Cheryl Selby
Mayor*



City Council

Special Recognition - Proclamation Recognizing 2017 Arbor Day

Agenda Date: 3/21/2017
Agenda Item Number: 2.B
File Number: 17-0277

Type: recognition **Version:** 1 **Status:** Recognition

Title

Special Recognition - Proclamation Recognizing 2017 Arbor Day

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Recognize Arbor Day and the importance of trees and native forests to our community.

Report

Issue:

Whether to Recognize Arbor Day and the importance of trees and native forests to our community.

Staff Contact:

Jesse Barham, Associate Planner, Public Works Water Resources, 360.753.8164
Shelly Bentley, Urban Forestry Program Manager, Community Planning & Development, 360.753.8301

Presenter(s):

Jesse Barham, Associate Planner, Public Works Water Resources
Shelly Bentley, Urban Forestry Program Manager, Community Planning & Development

Background and Analysis:

On Arbor Day, we honor trees for their contribution to our society. Trees and forests contribute to the aesthetics, urban fabric and unique ecology forming the identity of our community. In a City the size of Olympia, trees and other native vegetation provide ecological functions that are worth literally millions of dollars such as:

- Air filtration and carbon sequestration
- Stormwater retention
- Erosion control and slope stabilization

- Moderation of urban microclimate
- Shading our creeks, shorelines, and wetlands while providing wildlife habitat

Trees also provide psychological, social, health and safety benefits. The City of Olympia is committed to creating a sustainable urban environment through preserving, managing and improving this valuable natural resource.

In 2017, three City departments (Community Planning and Development, Parks, Arts and Recreation; and Public Works) are collaborating on a variety of events to celebrate Arbor Day in historic Priest Point Park on Saturday March 25. Festivities will take place from 9 a.m. - 3 p.m. and will include:

- Three one- hour interactive workshops offered by experts throughout the day on Proper Pruning Techniques, Invasive Plants of Local Forests and a Guided Forest Ecology Tour. There will also be a Stewardship Event in the lower Mission Creek Watershed planting native trees and shrubs and managing invasive plants.
- A mid-day celebration at kitchen shelter #4 in Priest Point with music and refreshments which will include:
 - Washington State Department of Natural Resources (DNR) State Forester, Gerry Day will present the City with the 24th consecutive National Arbor Day Foundation *Tree City USA Award*.
 - Linden Lampman, DNR Community and Urban Forestry Program Manager will congratulate the City on receiving a *Growth Award* in recognition of the City's increased commitment in 2016 to plant and care for its public trees.
 - Arbor Day proclamation will be read.
 - The City will honor the two *2017 Jay Butts Friends of Trees Award* recipients, which is given to persons for outstanding dedication and commitment to stewardship of trees and native vegetation in Olympia.

Following the Celebration a Scavenger Hunt for kids using a Nature Notebook will encourage families to search for native plants and signs of wildlife. A prize will be given to the kids that show their notebook to volunteers upon completion.

In addition, eleven (11) trees have been planted at the William B Creighton Justice Center on Plum Street in honor of Arbor Day.

See www.olympiawa.gov/arborday <<http://www.olympiawa.gov/arborday>> for details.

Neighborhood/Community Interests (if known):

N/A

Options:

N/A

Type: recognition **Version:** 1 **Status:** Recognition

Financial Impact:
N/A

Attachments:
Proclamation
Event Flyer
Tree City USA Letter

PROCLAMATION

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than one million trees in Nebraska; and

WHEREAS, Arbor Day is now observed annually in Olympia; and

WHEREAS, trees provide a multitude of environmental benefits such as cleaning the air we breathe, reducing soil erosion, cooling the air, shading our streams, and providing wildlife habitat; and

WHEREAS, trees are a renewable resource, an identifying characteristic of our Pacific Northwest community; and

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our neighborhoods; and

WHEREAS, planting trees is a source of joy and a living legacy; and

WHEREAS, Olympia, Washington has been recognized as a Tree City USA by the National Arbor Day Foundation for the 24th year;

NOW, THEREFORE, BE IT RESOLVED that the Olympia City Council does hereby proclaim March 25, 2017 as

ARBOR DAY

and urge all citizens to support efforts to care for our trees and forested areas, and to participate in supporting a healthy community tree canopy.

SIGNED IN THE CITY OF OLYMPIA, WASHINGTON THIS 21st DAY OF MARCH, 2017.

OLYMPIA CITY COUNCIL

***Cheryl Selby
Mayor***



Celebrate Arbor Day

by Helping to Restore Olympia's Urban Forests

Saturday March 25, 2017

Stream Team

EDUCATE • PROTECT • RESTORE
Olympia • Lacey • Tumwater • Thurston County

Celebrate Arbor Day

Celebrate Arbor Day with workshops, music and light refreshments followed by an awards presentation and service project at Priest Point Park.

9:00 AM - 3:00 PM ▶ **Priest Point Park**

Meet at Shelter #4 near playground, 2600 East Bay Dr NE

FREE Workshops

Interested in participating in an educational workshop about **pruning techniques** or **invasive plants**. Take a guided **forest ecology** tour. Sign up today by registering at www.streamteam.info/getinvolved

9:00 AM - 12:00 PM ▶ **Shelter #4**

For more information visit olympiawa.gov/arborday

Service Project

Restore Olympia's natural areas by removing invasive weeds and planting native trees and shrubs adjacent to our waterways.

1:00 PM - 3:00 PM ▶ **Shelter #4**

Volunteer Information

Dress for the weather and wear sturdy shoes or boots. Youth 13 & under must have a parent or guardian present. Youth under 18 must have a completed volunteer waiver.

Kids Scavenger Hunt

Bring your kids and find various plant and habitat features. Find them all and win a prize!

9:00 AM - 12:00 PM ▶ **Shelter #4**

RECEIVED

FEB 27 2017

City of Olympia
Executive Department



CC: COUNCIL
STEVE
JAY
KELIE
KEITH
SHELLY

Mayor Cheryl Selby
PO Box 1967
Olympia, WA 98507

Dear Tree City USA Supporter,

On behalf of the Arbor Day Foundation, I write to congratulate Olympia on earning recognition as a 2016 Tree City USA and for receiving a Growth Award. Residents of Olympia should be proud to live in a community that makes the planting and care of trees a priority.

Olympia is one of more than 3,400 Tree City USAs, with a combined population of 140 million. The Tree City USA program is sponsored by the Arbor Day Foundation in partnership with the U.S. Forest Service and the National Association of State Foresters.

As a result of your commitment to effective urban forest management, you already know that trees are vital to the public infrastructure of cities and towns throughout the country, providing numerous environmental, social and economic benefits. In fact, trees are the one piece of community infrastructure that actually increases in value over time.

We hope you are excited to share this accomplishment. Enclosed in this packet is a press release for your convenience as you prepare to contact local media and the public.

State foresters are responsible for the presentation of the Tree City USA flag and other materials. We will forward information about your awards to your state forester's office to coordinate presentation. It would be especially appropriate to make the Tree City USA award a part of your community's Arbor Day ceremony.

Again, we celebrate your commitment to the people and trees of Olympia and thank you for helping to create a healthier planet for all of us.

Best Regards,

A handwritten signature in black ink, appearing to read "Dan Lambe".

Dan Lambe
President

cc: Michelle (Shelly) Bentley

enclosure

For more information, contact:
Danny Cohn, 402-473-9563
dcohn@arborday.org



FOR IMMEDIATE RELEASE:

Arbor Day Foundation Names Olympia Tree City USA, Growth Award Winner

Olympia, WA was named a 2016 Tree City USA by the Arbor Day Foundation in honor of its commitment to effective urban forest management.

The community also received a Tree City USA Growth Award for demonstrating environmental improvement and higher level of tree care.

Olympia achieved Tree City USA recognition by meeting the program's four requirements: a tree board or department, a tree-care ordinance, an annual community forestry budget of at least \$2 per capita and an Arbor Day observance and proclamation.

The Tree City USA program is sponsored by the Arbor Day Foundation, in partnership with the U.S. Forest Service and the National Association of State Foresters.

"Tree City USA communities see the impact an urban forest has in a community first hand," said Dan Lambe, President of the Arbor Day Foundation. "Additionally, recognition brings residents together and creates a sense of community pride, whether it's through volunteer engagement or public education."

Trees provide multiple benefits to a community when properly planted and maintained. They help to improve the visual appeal of a neighborhood, increase property values, reduce home cooling costs, remove air pollutants and provide wildlife habitat, among many other benefits.

More information on the program is available at arborday.org/TreeCityUSA.

About the Arbor Day Foundation: The Arbor Day Foundation is a million member nonprofit conservation and education organization with the mission to inspire people to plant, nurture, and celebrate trees. More information can be found at arborday.org.



City Hall
601 4th Avenue E.
Olympia, WA 98501
360-753-8244

City Council

Approval of January 13, 2017 City Council Retreat Meeting Minutes

Agenda Date: 3/21/2017
Agenda Item Number: 4.A
File Number: 17-0258

Type: minutes **Version:** 1 **Status:** Consent Calendar

Title

Approval of January 13, 2017 City Council Retreat Meeting Minutes



Meeting Minutes - Draft

City Council

City Hall
601 4th Avenue E
Olympia, WA 98501

Information: 360.753.8244

Friday, January 13, 2017

12:00 PM

LOTT Board Room, 500 Adams St
NE

Special Meeting - Council Retreat

1. ROLL CALL

Present: 7 - Mayor Cheryl Selby, Mayor Pro Tem Nathaniel Jones, Councilmember Jessica Bateman, Councilmember Jim Cooper, Councilmember Clark Gilman, Councilmember Julie Hankins and Councilmember Jeannine Roe

2. BUSINESS ITEMS

2.A [17-0039](#) 2017 City Council Retreat

Facilitator Kendra Dahlen welcomed Councilmembers and reviewed the agenda. She asked Councilmembers to share their favorite experiences of 2016.

City Manager Steve Hall and Councilmembers reviewed the key projects and accomplishments of 2016.

The City Council were given presentations on the journey of major City initiatives. The presentations included:

- Community Planning & Development Director Keith Stahley gave an overview of selected City policies and initiatives and their path to getting successful results.
- Public Works Director Rich Hoey discussed Climate Change - Council leadership, policy direction, implementation efforts and next steps.
- Parks Director Paul Simmons reviewed the origin of the City's Arts Program, its goals, performance, connection to economic development and what is next for the program.

Community Planning & Development Deputy Director Leonard Bauer and Public Works Deputy Director Debbie Sullivan reviewed the Draft Action Plan Annual Report and 2017 priorities.

Mr. Hall, Mr. Stahley and Mr. Bauer reviewed the spectrum of housing issues in Olympia including issues, roles and timing; 2016 actions and accomplishments, and

moving forward into 2017.

Police Chief Ronnie Roberts discussed public safety funding and aligning resources with community expectations.

Councilmembers discussed the topics and asked clarifying questions throughout the day.

The discussion was completed.

3. ADJOURNMENT

The meeting adjourned at 5:15p.m.



City Hall
601 4th Avenue E.
Olympia, WA 98501
360-753-8244

City Council

Approval of January 14, 2017 City Council Retreat Meeting Minutes

Agenda Date: 3/21/2017
Agenda Item Number: 4.B
File Number: 17-0259

Type: minutes **Version:** 1 **Status:** Consent Calendar

Title

Approval of January 14, 2017 City Council Retreat Meeting Minutes



Meeting Minutes - Draft

City Council

City Hall
601 4th Avenue E
Olympia, WA 98501

Information: 360.753.8244

Saturday, January 14, 2017

9:00 AM

**LOTT Board Room, 500 Adams
Street NE**

Special Meeting - Council Retreat

1. ROLL CALL

Present: 7 - Mayor Cheryl Selby, Mayor Pro Tem Nathaniel Jones, Councilmember Jessica Bateman, Councilmember Jim Cooper, Councilmember Clark Gilman, Councilmember Julie Hankins and Councilmember Jeannine Roe

2. BUSINESS ITEM

2.A [17-0040](#) 2017 City Council Retreat

Facilitator Kendra Dahlen welcomed Councilmembers and began the day with brainstorming breakout sessions to identify the ingredients for effective and enjoyable working relationships.

Ms. Dahlen facilitated a discussion of roles and responsibilities of Councilmembers, City staff, Advisory Boards, Partners and Stakeholders, Community and Public and Council Committees. The group also discussed meeting management and challenges.

During the lunch hour, Councilmembers took a walking tour to visit several local businesses.

The Councilmembers reviewed and discussed Council Committee assignments. In discussion, it was discovered the Committee assignments are a two year commitment and do not need to be reviewed every year. Councilmember Bateman was added to the LEOFF 1 Disability Board, and Councilmember Roe stepped down from that role.

Economic Development Director Renee Sunde gave highlights of economic development in the City and 2016 accomplishments.

Ms. Dahlen wrapped up the meeting and discussed next steps.

Councilmembers discussed the topics and asked clarifying questions throughout the day.

The discussion was completed.

3. ADJOURNMENT

The meeting adjourned at 2:15p.m.



City Hall
601 4th Avenue E.
Olympia, WA 98501
360-753-8244

City Council

Approval of March 7, 2017 Study Session Meeting Minutes

Agenda Date: 3/21/2017
Agenda Item Number: 4.C
File Number: 17-0290

Type: minutes **Version:** 1 **Status:** Consent Calendar

Title

Approval of March 7, 2017 Study Session Meeting Minutes



Meeting Minutes - Draft

City Council

City Hall
601 4th Avenue E
Olympia, WA 98501

Information: 360.753.8244

Tuesday, March 7, 2017

5:30 PM

Council Chambers

Study Session

1. ROLL CALL

Present: 7 - Mayor Cheryl Selby, Mayor Pro Tem Nathaniel Jones, Councilmember Jessica Bateman, Councilmember Jim Cooper, Councilmember Clark Gilman, Councilmember Julie Hankins and Councilmember Jeannine Roe

2. BUSINESS ITEM

2.A [17-0223](#) Olympia Lacey & Tumwater Visitor and Convention Bureau (OLTVCB) Branding Roll-out

Councilmember Roe introduced Visitor and Convention Bureau (VCB) Executive Director Shauna Stewart.

Ms. Stewart gave an overview of the concept of destination marketing. Destination marketing tells the story of the community and promoting Thurston County in a way that attracts visitors to the area.

Ms. Stewart noted tourism is on the rise in the region. She discussed how tourism impacts the local economy in tremendous ways; raising overall quality of life; raising the destination profile; creates partnerships to bring strategic events to the area and helps in building transport networks.

She reviewed the VCB's Strategic priorities, which are:

- Operational Excellence: do the right things in the right way
- Brand Explosion: tell a clear and compelling story
- Strategic Alliances: build mutually beneficial relationships

She reviewed the branding and research process along with the brand platform and key messages.

Brand Platform:

- Position: never conventional
- Promise: always a handcrafted escape
- Personality: genuine, relaxed, approachable, free-spirited, expressive, nature loving

Key Messages:

- Mindfully Crafted: local, one-of-a-kind experiences you cannot get anywhere else
- A place to feel rejuvenated: go at your own place, relax and be inspired
- Beautiful and iconic: Washington's Capital communities, well known for its water, near it all

Ms. Stewart shared the VCB's new logo and tag line and discussed how it was developed. She described brand in action plans around marketing, communications, sales and services. A new visitor guide will be launching in May and an updated mobile friendly website will launch shortly. Ms. Stewart discussed some plans for a social media campaign that includes "selfie spots" around town.

Councilmembers asked clarifying questions.

The study session was completed.

3. ADJOURNMENT

The meeting adjourned at 6:32p.m.



City Hall
601 4th Avenue E.
Olympia, WA 98501
360-753-8244

City Council

Approval of March 7, 2017 City Council Meeting Minutes

Agenda Date: 3/21/2017
Agenda Item Number: 4.D
File Number: 17-0289

Type: minutes **Version:** 1 **Status:** Consent Calendar

Title

Approval of March 7, 2017 City Council Meeting Minutes



Meeting Minutes - Draft

City Council

City Hall
601 4th Avenue E
Olympia, WA 98501

Information: 360.753.8244

Tuesday, March 7, 2017

7:00 PM

Council Chambers

1. ROLL CALL

Present: 7 - Mayor Cheryl Selby, Mayor Pro Tem Nathaniel Jones, Councilmember Jessica Bateman, Councilmember Jim Cooper, Councilmember Clark Gilman, Councilmember Julie Hankins and Councilmember Jeannine Roe

1.A ANNOUNCEMENTS

Mayor Selby announced the Council met earlier in Study Session.

1.B APPROVAL OF AGENDA

The agenda was approved.

2. SPECIAL RECOGNITION

2.A [17-0247](#) Special Recognition - American Legion Officer of the Year

Deputy Police Chief Aaron Jelcick introduced American Legion representative David Gedrose who presented the American Legion Officer of the Year award to Officer George Clark. Officer Clark said a few words of thanks. Councilmembers thanked Officer Clark for his service.

The recognition was received.

3. PUBLIC COMMUNICATION

The following people spoke: Marles Blackbird, Earth Feather Sovereign, Olivia Hart, Michael Cade, Celia Nightingale, Todd Davison, Michael Dean, Beth Milton, Pete Bohmer and Bradford Jarrett.

COUNCIL RESPONSE TO PUBLIC COMMUNICATION (Optional)

4. CONSENT CALENDAR

Ron Jones Senior Program Public Works gave an overview of the contract.

4.A [17-0240](#) Approval of February 28, 2017 Study Session Meeting Minutes

The minutes were approved.

- 4.B [17-0241](#) Approval of February 28, 2017 City Council Meeting Minutes

The minutes were approved.

- 4.C [17-0178](#) Approval of the Contract Between the City of Olympia and Pioneer Recycling for Recycle Processing Services

The contract was approved.

- 4.D [17-0238](#) Approval of Agreed Order with the Washington State Department of Ecology for Former West Olympia Landfill Site

The contract was approved.

4. SECOND READINGS - None

4. FIRST READINGS - None

Approval of the Consent Agenda

Councilmember Bateman moved, seconded by Councilmember Hankins, to adopt the Consent Calendar. The motion carried by the following vote:

Aye: 7 - Mayor Selby, Mayor Pro Tem Jones, Councilmember Bateman, Councilmember Cooper, Councilmember Gilman, Councilmember Hankins and Councilmember Roe

5. PUBLIC HEARING - None

6. OTHER BUSINESS

- 6.A [17-0182](#) Approval of Bid Award for Log Cabin Road Reservoir

Waste Resources Director Andy Haub gave an overview of the Log Cabin Reservoir project. He reviewed the bids received and the budget. Mr. Haub also discussed how neighborhood concerns and ideas were addressed and incorporated into the final design.

Councilmembers asked clarifying questions.

Councilmember Hankins moved, seconded by Councilmember Bateman, to approve awarding the construction contract for the Log Cabin Road Reservoir to T Bailey Inc., in the amount of \$7,298,722.88 and authorize the City Manager to execute the contract.

Aye: 7 - Mayor Selby, Mayor Pro Tem Jones, Councilmember Bateman, Councilmember Cooper, Councilmember Gilman, Councilmember Hankins and Councilmember Roe

- 6.B** [17-0246](#) Approval of a Charter for an Ad Hoc Committee on Housing Affordability

Community Planning & Development Director Keith Stahley reviewed the proposed Charter for the Ad Hoc Committee on Housing Affordability.

Councilmembers asked clarifying questions.

Mayor Selby moved, seconded by Councilmember Cooper, to approve the Charter for an Ad Hoc Committee on Housing Affordability.

Aye: 7 - Mayor Selby, Mayor Pro Tem Jones, Councilmember Bateman, Councilmember Cooper, Councilmember Gilman, Councilmember Hankins and Councilmember Roe

7. CONTINUED PUBLIC COMMUNICATION

8. REPORTS AND REFERRALS

8.A COUNCIL INTERGOVERNMENTAL/COMMITTEE REPORTS AND REFERRALS

Councilmembers reported on meetings and events attended.

8.B CITY MANAGER'S REPORT AND REFERRALS

City Manager Steve Hall had nothing to report.

9. EXECUTIVE SESSION

- 9.A** [17-0242](#) Executive Session Pursuant to RCW 42.30.110(1)(b); RCW 42.30.110 (1)(c) - Real Estate Matter

Mayor Selby recessed to Executive Session at 8:45p.m. pursuant to Pursuant to RCW 42.30.110(1)(b); RCW 42.30.110 (1)(c) to discuss a real estate matter related. Mayor Selby announced no decisions will be made, the meeting is expected to last no longer than 45 minutes, and the Council will adjourn immediately following the Executive Session. The City Attorney was present at the Executive Session.

The executive session was completed.

9. ADJOURNMENT

The meeting adjourned at 9:25p.m.



City Council

Approval of Appointments to the Arts Commission to Fill Vacancies

Agenda Date: 3/21/2017
Agenda Item Number: 4.E
File Number: 17-0301

Type: decision **Version:** 1 **Status:** Consent Calendar

Title

Approval of Appointments to the Arts Commission to Fill Vacancies

Recommended Action

Committee Recommendation:

The General Government Committee recommends approval of the appointments listed below.

City Manager Recommendation:

Move to approve the appointment of Timothy Grisham, with a term ending March 31, 2020, and Cecily Markham, with a term ending March 31, 2018, to the Arts Commission to fill vacancies and approve reappointment of Diana Fairbanks with a term ending March 31, 2020.

Report

Issue:

Whether to make the recommended appointments.

Staff Contact:

Kellie Purce Braseth, Strategic Communications Director, 360.753.8361

Presenter(s):

None - Consent Calendar Item

Background and Analysis:

The General Government Committee interviewed Mr. Grisham at its March 6, 2017 meeting and recommends his appointment to fill a vacancy on the Arts Commission with a term ending March 31, 2020. The Arts Commission chair joined the General Government Committee for the interview.

The Committee interviewed Ms. Markham at its March 13, 2017 meeting and recommends her appointment to fill a vacancy on the Arts Commission with a term ending March 31, 2018. The Arts Commission chair was not able to join the General Government Committee for the March 13 interview.

The applicants' applications and resumes are attached. The Committee recommends reappointment of current Commission member Diana Fairbanks.

Neighborhood/Community Interests (if known):

N/A

Options;

1. Approve the appointments as recommended.
2. Do not approve the appointments and send the issue back to the General Government Committee. This would delay the appointment schedule and leave the Arts Commission not operating at full strength.

Financial Impact:

None

Attachments:

Grisham Application
Grisham Resume
Markham Application
Markham Resume

Application Form

Profile

Timothy

First Name

M

Middle Initial

Grisham

Last Name

timothy.grisham@gmail.com

Email Address

1700 Glass Ave NE

Home Address

Suite or Apt

Olympia

City

WA

State

98506

Postal Code

Home: (360) 561-8934

Primary Phone

Home:

Alternate Phone

Director of Communications,
Washington Association of
County Officials

Occupation

Which Boards would you like to apply for?

Arts Commission

Bigelow Highlands

Select Your Neighborhood

If you choose "other" please write in your neighborhood here:

Interests & Experiences

Question applies to multiple boards.

Please keep answers concise and informative. You are introducing yourself to the Olympia City Council and sharing with them why you are interested in being considered for appointment. Olympia residency is not required; however, it is a primary consideration. You may attach a resume. An Olympia map with your residence clearly marked MUST BE SUBMITTED with your completed application. Yahoo, Google, or other similar maps are acceptable.

Question applies to multiple boards.

1. Briefly describe why you wish to serve on this advisory committee.

As an Olympia resident for the past thirty years, the Olympia arts and music communities have contributed greatly to my personal and professional growth. Over the years I have been a supporter and preservationist when it comes to art and music from Olympia. I would like to serve on the arts commission to tie my private life's work with a more civic minded approach.

Question applies to multiple boards.

2. Describe your qualifications and/or skills which would benefit this advisory committee.

I have served on several arts boards and in several non-profits: from my nearly decade long relationship with Olympia's Olympia Film Society, to helping pave the way for the foundation of the Ghetto Film School, I have been a vocal advocate of community based arts approaches since the mid 1990s. Additionally, I am very well integrated with the past and current music community in Olympia; of which my photographic and film documentation of such was recently featured in the Washington State History Museum.

Question applies to multiple boards.

3. Describe your involvement in the Olympia community.

I started volunteering for OFS in 1995. From 1995 to 2001 I was active as a manager, film selector, festival coordinator and more. In 2015 I ran OFS' Media Suite. From 1997-2001 I was the manager of the Midnight Sun. I have been an active artist and musician in Olympia since 1994. My music has been featured in Spin, Rolling Stone, Vice, etc. all bringing attention to Olympia's vibrant arts and music community.

Question applies to multiple boards.

4. List your educational and professional background and area of study.

Education: New York University; Masters Degree Awarded June 2004; Sociology of the Arts Evergreen State College; Bachelors Degree Awarded June 2002; Focus on political economics and documentary arts National Writers Workshop / Poynter Institute 2002 Crisis Communications Forum / Evans School of Public Administration, University of Washington May 2014 Occupational: Director of Communications, WA Association of County Officials Feb. 2015 – Present Communications Manager, WA State Board of Health April 2013 – Feb. 2015 Contributing Writer, Weekly Volcano July 2012 – Feb. 2015 Contributing Writer, SSG Music Jan. 2013 – Jan. 2015 News Editor, SSG Music Nov. 2011 – Jan. 2013 Communications Consultant, WA Dept. of Revenue July 2008 – Jan. 2009 Program Staff / Community Outreach / Web Designer, Ghetto Film School Sept. 2002 – June 2003 Photography Editor, Cooper Point Journal, Aug. 2001 – June 2002 Touring Musician April 2009 – April 2010; Aug. 2011 – Oct. 2011 Film Director, The American Memory Project March 2003 – May 2004 Director of Media Suite / Fringe Fest Coordinator, Olympia Film Society Nov. 1995 – July 2002; March 2005 – Oct. 2005 House Manager/Audio Tech., Midnight Sun Jan. 2000 – July 2002

Question applies to multiple boards.

5. Appointment to this committee will require your attendance at evening meetings. How many hours per month are you willing to commit as a volunteer?

40

Question applies to multiple boards.

6. If you are not appointed to this committee at this time:

Question applies to multiple boards.

6a. Do you wish to be considered for appointment to another advisory committee?

Yes No

Question applies to multiple boards.

If you answered yes to 6a, please identify what other Advisory Committees you would be interested in being considered for.

Question applies to multiple boards.

6b. Do you wish to be considered for future appointment to this committee?

Yes No

Question applies to multiple boards.

6c. Would you be willing to volunteer for other City activities?

Yes No

Question applies to multiple boards.

7. Some appointments require that applicants reside within Olympia city limits. Even though your mailing address may be Olympia, you may reside in the County or another jurisdiction. Are you a resident of the City of Olympia?

Yes No

Question applies to multiple boards.

8. Citizens appointed to advisory committees are assigned and required to use a City email address for all advisory committee business.

Do you agree to comply with this expectation?

I Agree *

Question applies to multiple boards.

9. How did you learn about this advisory committee recruitment?

Website

[Grisham Resume.pdf](#)

Upload a Resume

Question applies to multiple boards.

Applications are accepted for the calendar year only. The Olympia City Council's General Government Committee recommends appointments to the full Council. Recommendations are made following review of applications and an interview of qualified candidates.

For further information, contact Susan Grisham, Executive Assistant, 360.753.8244, sgrisham@ci.olympia.wa.us

When filed with the City, your application and attachment documents are public records and may be subject to public release.

The City of Olympia is committed to the non-discriminatory treatment of all persons in employment and the delivery of services and resources.

Question applies to Arts Commission.

10. Currently, what is your relationship to the arts in Olympia?

Member OFS, Member Dark Palms (active band), contributor to WA History Museum exhibit on Olympia Music, active in several non-organized groups of artists.

Timothy M. Grisham

1700 Glass Ave NE; Olympia, WA 98506 / 350-561-8934 / timothy.grisham@gmail.com

Key Skills	Professional Experience	
<ul style="list-style-type: none"> • Public/Media Relations • Community Outreach • Legislative Relations • Written and Verbal Communication • Social Media • Project Management • Web Design • Communications Planning • Emergency Communications 	<p>Communications and Journalism Experience</p>	<p>Director of Communications, WA Association of County Officials Feb. 2015 – Present</p> <p>Communications Manager, WA State Board of Health April 2013 – Feb. 2015</p> <p>Contributing Writer, Weekly Volcano July 2012 – Feb. 2015</p> <p>Contributing Writer, SSG Music Jan. 2013 – Jan. 2015</p> <p>News Editor, SSG Music Nov. 2011 – Jan. 2013</p> <p>Communications Consultant, WA Dept. of Revenue July 2008 – Jan. 2009</p> <p>Program Staff / Community Outreach / Web Designer, Ghetto Film School Sept. 2002 – June 2003</p> <p>Photography Editor, Cooper Point Journal, Aug. 2001 – June 2002</p>
<p>Education</p>	<p>Administrative Experience</p>	<p>Legislative Coordinator, WA State Dept. of Corrections Jan. 2013 – April 2013</p> <p>Health Insurance Specialist, WA Health Care Authority May 2010 – May 2011</p> <p>Administrative Coordinator, WA State Dept. of Corrections Oct. 2005 – July 2008</p> <p>Office/Facilities Manager and Account Receivable, Grove/Atlantic, Inc. April 2004 – October 2004</p> <p>Office Manager, CBGB OMFUG Jan. 2003 – April 2004</p>
<p>New York University New York, NY</p> <p>Masters Degree Awarded June 2004</p> <p>Evergreen State College Olympia, WA</p> <p>Bachelors Degree Awarded June 2002</p> <p>National Writers Workshop / Poynter Institute June 2002</p> <p>Crisis Communications Forum / Evans School of Public Administration, University of Washington May 2014</p>	<p>Other Experience</p>	<p>Touring Musician April 2009 – April 2010; Aug. 2011 – Oct. 2011</p> <p>Film Director, The American Memory Project March 2003 – May 2004</p> <p>Director of Media Suite / Fringe Fest Coordinator, Olympia Film Society Nov. 1995 – July 2002; March 2005 – Oct. 2005</p> <p>House Manager/Audio Tech., Midnight Sun Jan. 2000 – July 2002</p> <p>Computer Information Consultant, WA State Dept. of Corrections Sept. 1997 – July 1998</p>

Professional • Confidential • Detail Oriented • Resourceful • Efficient

Public Screenings and Showcases	Freelance Experience	
<ul style="list-style-type: none"> • 17th annual Olympia Film Festival (Oct. 2000). • 9th annual Austin Short Film Festival entree. (Oct. 2000) • 2000 T.E.S.C. media showcase. Lecture Hall four (April 2000) • Olympia Arts Walk Festival, (April 2002) • 2003 Hamptons International Film Festival 	<p><i>Freelance Design Clients (selected)</i></p>	<p>Aires and Graces, Buzz Magazine, Contra Records, Dark Palms, Dead End Social Club, Ghetto Film School, Grove Press, Happy Noose, Longshot Records, Olympia All Ages Project, Olympia Film Festival, Thunders Mouth Press, Time Out New York, T-Minus Magazine, 10003 Magazine, 11211 Magazine, SSG Music, Weekly Volcano</p>
<ul style="list-style-type: none"> • 2003 Heartland Film Festival • 2003 Hi-Res New York, NY • 2003 Smithsonian Institute Washington, DC • 2006 National Portrait Gallery (Smithsonian) Washington, DC • 2016 WA State History Museum 	<p><i>Freelance Publication History (by selected publication)</i></p>	<p>Buzz magazine, Careless Talk Costs Lives, CMJ, Cooper Point Journal, Daily Olympian, Matte Magazine, Maximum RocknRoll, Oblivion, Panache Magazine, People Magazine, Punk Planet, SSG Music, T-Minus Magazine, Seattle Weekly, SSG Music, The Stranger, Weekly Volcano</p>

Current Duties and Achievements

As a communicator and media liaison, I collaborate and coordinate with WACO staff and members to provide strategic communications support to include media outreach, talking point/messaging development, press releases, speech writing, and media coaching. I create professional materials, publications, marketing, reports, brochures, and PowerPoint presentations that are clear and effective.

As a writer and researcher, I use both my research and journalism experience to write and edit statewide reports to diverse audiences.

As Webmaster I am currently redesigning the WACO web presence. The previous site was a decade outdated; I built new webpage from scratch include coding.

As a social media manager I have planned, launched and maintained a social media campaign with exponential growth. I have become a statewide leader in state government social media communications and have consulted with numerous agencies over policy and practice development.

As Legislative Liaison I collaborate with staff and the members of the board to provide detailed testimony, policy papers, and direct communications with legislative staff and legislators.

Application Form

Status: submitted

Profile

Cecily

First Name

K.

Middle Initial

Markham

Last Name

cecilymarkham@gmail.com

Email Address

3409 Lady Fern Loop NW

Home Address

Suite or Apt

Olympia

City

WA

State

98502

Postal Code

Home: (360) 866-9649

Primary Phone

Mobile: (360) 789-7585

Alternate Phone

Integrated Arts Educator

Occupation

Which Boards would you like to apply for?

Arts Commission

Other

Select Your Neighborhood

Madera Olympia Urban Growth area

If you choose "other" please write in your neighborhood here:

Interests & Experiences

Question applies to multiple boards.

Please keep answers concise and informative. You are introducing yourself to the Olympia City Council and sharing with them why you are interested in being considered for appointment. Olympia residency is not required; however, it is a primary consideration. You may attach a resume. An Olympia map with your residence clearly marked MUST BE SUBMITTED with your completed application. Yahoo, Google, or other similar maps are acceptable.

Question applies to multiple boards.

1. Briefly describe why you wish to serve on this advisory committee.

I am a poet, artist, and integrated arts educator. I have been a resident of Olympia since 1984 and have been involved in the Olympia arts community since 1985. I believe the professional artistic skills I have developed in creating and presenting artistic experiences - as well as extensive experience promoting programs in the fine arts to the community - has prepared me to make very positive and innovative contributions to the Olympia Arts Commission advisory committees' mission. I would bring to the advisory committee my life-long passion to promote the power and importance of the arts for individual citizens and the community at large.

Question applies to multiple boards.

2. Describe your qualifications and/or skills which would benefit this advisory committee.

As a performance poet, writer, artist, and integrated arts educator working in a variety of venues in the Olympia community since 1985, I have gained a broad and deep view of identifying the artistic needs and possibilities for artistic expression in the life and culture of the Olympia community. I have developed innovative and visionary approaches to promoting the fine arts. Along with my work as a poet and artist, I am also a professional nurse. In the last fifteen years, I have sometimes integrated these two passions of mine, the arts and my work in medicine, by providing presentations and programs which highlight the many ways that exposure to the fine arts promotes health and wellness. Because of this unique background, I am able to reach a broad audience and bring the promotion of the fine arts to venues and organizations which might not otherwise be reached, such as: hospitals and other health care facilities, spiritual centers, non-profit agencies, social service agencies, the YWCA groups, women's groups, schools and colleges, and government organizations. I believe because of this background, I would bring fresh perspectives and new possibilities for outreach to the advisory committee.

Question applies to multiple boards.

3. Describe your involvement in the Olympia community.

Most recently, I participated in the application for the first City of Olympia Poet Laureate. I was designated the alternate Poet Laureate for: 2017-2019. I have lived and worked in the Olympia community for nearly 33 years. My work in professional nursing includes work with: non-profit social service agencies, Thurston County, and Washington State agencies. As a poet and artist, I have: served as an Endorsed Instructor with the former Arts Bridging Curriculum Program, which was a partnership of the Olympia School District and The City of Olympia Arts Commission; provided artist-in-residencies teaching poetry and integrated arts in Olympia schools; been featured poet giving presentation for the Olympia Poetry Network; guest poet providing teaching at local Olympia schools; been invited as guest poet/speaker for Capital High School's Career Event Day; founded and facilitated literary Olympia book groups; worked as poetry writer at large encompassing some freelance articles which were published. I was a contributing artist/member for the former artist cooperative, Atelier Gallery, downtown Olympia. Further, I have provided numerous poetry performances and art exhibits for both the fall and spring Olympia Arts Walk Festivals - since 1999.

Question applies to multiple boards.

4. List your educational and professional background and area of study.

I have a Bachelor of Science in nursing from the University of Virginia. As mentioned previously in this discussion, in the last fifteen to twenty years, I have sometimes integrated my work in nursing/medicine with my work as a poet and artist – and in my presentations discussed multiple, world-wide research studies demonstrating how one’s exposure to the fine arts promotes health and wellness. I was raised in an artistic home and was exposed to and taught how to write poetry and create art since my early childhood. I am an award winning published poet. (Poetry awards and honors detailed in my resume and attached with this application).

Question applies to multiple boards.

5. Appointment to this committee will require your attendance at evening meetings. How many hours per month are you willing to commit as a volunteer?

4-5 hours & as needed

Question applies to multiple boards.

6. If you are not appointed to this committee at this time:

Question applies to multiple boards.

6a. Do you wish to be considered for appointment to another advisory committee?

Yes No

Question applies to multiple boards.

If you answered yes to 6a, please identify what other Advisory Committees you would be interested in being considered for.

Question applies to multiple boards.

6b. Do you wish to be considered for future appointment to this committee?

Yes No

Question applies to multiple boards.

6c. Would you be willing to volunteer for other City activities?

Yes No

Question applies to multiple boards.

7. Some appointments require that applicants reside within Olympia city limits. Even though your mailing address may be Olympia, you may reside in the County or another jurisdiction. Are you a resident of the City of Olympia?

Yes No

Question applies to multiple boards.

8. Citizens appointed to advisory committees are assigned and required to use a City email address for all advisory committee business.

Do you agree to comply with this expectation?

I Agree *

Question applies to multiple boards.

9. How did you learn about this advisory committee recruitment?

Arts Digest

[OLYMPIA ARTS COMMISSION-ARTS RESUME-1-30-2017.docx](#)

Upload a Resume

Question applies to multiple boards.

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For further information, contact Susan Grisham, Executive Assistant, 360.753.8244, sgrisham@ci.olympia.wa.us

When filed with the City, your application and attachment documents are public records and may be subject to public release.

The City of Olympia is committed to the non-discriminatory treatment of all persons in employment and the delivery of services and resources.

Question applies to Arts Commission.

10. Currently, what is your relationship to the arts in Olympia?

I am now working privately as an Integrated Arts Educator creating and providing poetry and arts presentations, exhibits, installations, and programs with: performance venues, spiritual centers, health care organizations, and learning institutions. I attend and support local Olympia arts events & associated artists' works.

Cecily Markham cecilymarkham@gmail.com 360.789.7585

Education: Bachelor of Science in Nursing The University of Virginia 1979

Designated Alternate- City of Olympia Poet Laureate: 2017-2019

PUBLISHED POETRY WORKS, HONORS, AND AWARDS (select pieces)

The Wishing Stone – awarded second place in national writing competition with, **Hospital Drive - The Literature and Humanities Journal of the University Of Virginia School Of Medicine**. Published May 2016.

Imagery Happens – Prose reflective piece on imagery in poetry. **Imagery International** organization's on-line newsletter. Published August 2016.

Sisters in Rain – won first place in the national, **Seventh Annual Women's Words Chapbook Poetry Competition** of 1996. Published in 1997 by **Still Waters Poetry Press**.

The Poetry of Five – poem won first place in the **Shoreline, WA Arts Festival Literary Contest** - June 2000.

Passenger – poem won first place in a national poetry competition. Published by the **American Poetry Association** - 1988.

Best New Poet of the Year Award and Writing Grant – The American Poetry Association - 1987.

Silver Woman – poem honored with a **Washington Poets Association Literary Conference, Bart Baxter Performance Poetry Award** - 1998.

Too Much Sky – poem honored with a **Shoreline Arts Council, Arts Festival Award**. Invited as guest poet for live reading. **Poem exhibited at the Shoreline, WA Arts Center** - June 1998.

Lipstick, Old Keys, and the Hand Held Mirror – poem selected for exhibit during **National Poetry Month, Goodwin House, Arts and Poetry Hall, Alexandria, Virginia** - April 1997.

LITERARY & INTEGRATED ARTS PRESENTATIONS - TEACHING EXPERIENCE (select events)

Program Presenter-Created and presented poetry program by invitation entitled-“**Lipstick, Old Keys, and The Hand Held Mirror: Journey into the Images of a Poem**” for **Imagery International - Annual Conference**. Vallombrosa Retreat Center, Menlo Park, California. October 21-23-2016.

Facilitator & Presenter – for summer sessions **Jung Society of Olympia group meetings**. Facilitated the study and discussion of various literary readings - including poetry, prose, non-fiction, and ancient stories. Provided poetry reading at group meetings. Olympia, WA - June through August-2016.

Program Presenter-Exercising Your Brain Through The Arts. Created and presented program for the Young Womens' Christian Association (YWCA), for the group, **Girls Without Limits**. Designed a day program which included teaching creative ways to promote brain health through experiencing the fine arts, and in the second half of the day's program, coordinated the opportunity for young girls to visit an art exhibit encompassing 23 regional artists, at the Kenneth J. Minnaert Center for the Arts, of Sound Puget Sound Community College. YWCA, Olympia, WA – August 6, 2015.

Program Presenter-proposal accepted to present *Poetry of Days* program with **St. Placid Priory Programs**, Lacey, WA - September 2015.

Art as Health-Created and presented *Art As Health* program which provided in-depth, world-wide studies and interactive discussions on the health promotion and wellness benefits of exposure to and experiencing the fine arts - including literary, visual arts, and music. Program included a creative writing and art making time for participants. **St. Placid Priory, The Spirituality Center**. Lacey, WA – May 2, 2015.

Art as Health – Keynote speaker for the *Spring into Health* general membership meeting, the **Washington State Interagency Committee of State Employed Women**. Created and presented *Art as Health* program which explored in-depth the health and wellness benefits of exposure to and experiencing the fine arts, sponsored by the **Health and Wellness Subcommittee**, Olympia, WA - March 2013.

Guest Poet – Presented live poetry performance for **Women’s Art Festival. The University of Washington Ethnic Cultural Theater**, Seattle, WA - May 2011.

Guest Writer/Speaker –Arts Pathway Opportunity Day. Invited to speak to junior and senior high school students interested in careers in the literary arts and poetry. **Capital High School Career Event Day**, Olympia, WA - 1999 & 2000.

Arts Bridging Curriculum Program, Endorsed Instructor – program was in partnership with the **Olympia School District and The City of Olympia Arts Commission**. Created, developed, and taught poetry and integrated arts classes, based on the **Washington State Essential Learning Standards**, at Olympia District Schools. Program overseen by **Olympia Arts Commissions’ Cultural Services Division**, Olympia, WA 1999-2003.

Artist-in-Residency – Poetry and Integrated Arts Teacher. Boston Harbor Elementary. Taught multi-grade classes which encompassed introduction to poetry, beginning skill development in poetic concepts, individual and group exercises in learning the creative process. Integrated arts approaches included music, rhythms, movement, drawings, and design. Olympia, WA - September 1996 - May 1997.

Artist-in-Residency – Poetry and Integrated Arts Teacher. John Rodgers Elementary. Taught beginning poetry writing skills, the creative writing process, poetry performance, and integrated arts. Winter and spring semesters. Olympia, WA - 2000.

Guest Poet/Writer – taught third grade students studying legend writing and the characteristics of the creative writing process. **Lincoln Elementary**, Olympia, WA - February 1999.

Featured Poet – poetry presentation at community fall arts festival. Invited by board member of **Washington Poets Association** and arts representative with **Lower Columbia College**, Longview, WA - 1998.

Featured Poet-invited to give poetry presentation and book signing by the **Olympia Poetry Network**. Performed at **Traditions Café & World Folk Art**, Olympia, WA - February 1998.

Guest Artist/Poet – performed televised poetry presentation for fund raiser event for low income community members sponsored by **The Olympia Light and Chorale** singing group. Benefit Concert held at the **Washington Center for the Performing Arts**, Olympia, WA - December 1991.

SELECT: POETRY & INTEGRATED ART EXHIBITS & INSTALLATIONS

Olympia Arts Walk. The Heritage Room. Olympia, WA - April 26, 2014.

Olympia Arts Walk. The Urban Onion Restaurant. Olympia, WA - April 22-23, 2011.

Olympia Arts Walk. The Historic Olympian Hotel, Events Room. Olympia, WA - April 22-23, 2011.

Olympia Spring Arts Walk. Atelier Gallery. Olympia, WA - April 22-23, 2011.

Olympia Spring Arts Walk. Atelier Gallery. Olympia, WA - April 2010.

Fall Olympia Arts Walk. Atelier Gallery. Olympia, WA - October 2010.

One stone's tear, poetry on stone - installation on exhibit. **The Washington State Department of Health.** Tumwater, WA - July 2009.

Abandoned Woman. Art Installation. **The Evergreen State College.** Olympia, WA - May 2007.

The way of a stone. Solo gallery exhibit. Paintings, oil on canvas. Poetry exhibited on stone, glass, silk, and rice paper. Integrated arts. **Ideation Gallery.** Olympia, WA. September 2004 - January 2005.

CREATIVE FREELANCE PUBLISHED WORK:

Girl Rising: A Film Review-The Resilience of the Feminine Spirit— authored a freelance article published in the Governor appointed, **Washington State Interagency Committee of State Employed Women (ICSEW), *The InterAct Newsletter***. September 2013.

ACCOLADES

“I am writing to recommend Cecily Markham as an engaging and inspiring presenter. I had the opportunity to sponsor her presentation for the Governor’s Interagency [Committee] for State Employed Women in spring 2013. She provided some interesting background information about the connection between art and health...The feedback received from members was excellent. You will be inspired and motivated if you choose to have Cecily work with your group.” - **Janice Taylor, Former Chair, Health and Wellness Subcommittee, Interagency Committee of State Employed Women** – January 22, 2014.

“Thank you for highlighting the YWCA of Olympia and our premiere of “**Girl Rising**” in the September 2013 issue of ***The InterAct Newsletter***...Your efforts produced a comprehensive and powerful package. . .We welcomed over 600 attendees the evening of the show and the dialogue is still ongoing from this May 2013 event. Thanks to your feature, the conversation continues!...We are so grateful to you for producing an article which will reach many...in our mission to eliminate racism and empower women.” **Hillary Soens, Interim Exec. Dir., Cherie Reeves Sperr, Communication & Special Events Director** – September 24, 2013.

“The editor, **Shirley Warren**, describes Markham’s . . . chapbook as, “a major departure from the usual ‘controlled emotion’ poetry that usually finds top prize in competitions. Cecily Markham’s poems are utterly passionate; the entire universe steps in to represent intense familial love and the arresting power of hope. A vibrant soul inhabits her work, giving the book an abundant verbal sustenance that clings. ***Sisters in Rain*** is a courageous lyrical journey marked with brilliant language.” News Release 1997, **Still Waters Poetry Press**.



City Council

Approval of Appointment to the Planning Commission to Fill a Vacancy

Agenda Date: 3/21/2017
Agenda Item Number: 4.F
File Number: 17-0304

Type: decision **Version:** 1 **Status:** Consent Calendar

Title

Approval of Appointment to the Planning Commission to Fill a Vacancy

Recommended Action

Committee Recommendation:

The General Government Committee recommends approval of the appointment listed below.

City Manager Recommendation:

Move to approve appointment of Rad Cunningham, with a term ending March 31, 2020, to the Planning Commission to fill a vacancy, and approve the reappointments of Darrell Hoppe and Carole Richmond, each with terms ending March 31, 2020.

Report

Issue:

Whether to make the recommended appointment.

Staff Contact:

Kellie Purce Braseth, Strategic Communications Director, 360.753.8361

Presenter(s):

None - Consent Calendar Item

Background and Analysis:

The General Government Committee interviewed Mr. Cunningham at its March 13, 2017 meeting and recommends his appointment to fill a vacancy on the Planning Commission, with a term ending March 31, 2020. The Chair of the Planning Commission joined the General Government Committee for the interview.

Mr. Cunningham's application and resume are attached. The Committee recommends reappointment of current Planning Commission members Darrell Hoppe and Carole Richmond.

Neighborhood/Community Interests (if known):

N/A

Options;

1. Approve the appointments as recommended.
2. Do not approve the appointments and send the issue back to the General Government Committee. This would delay the appointment schedule and leave the Commission not operating at full strength.

Financial Impact:

None

Attachments:

Cunningham Application

Cunningham Resume

Application Form

Profile

Rad

First Name

Middle Initial

Cunningham

Last Name

1radnc@gmail.com

Email Address

1259 Glass Ave NE

Home Address

Suite or Apt

Olympia

City

WA

State

98506

Postal Code

Mobile: (206) 898-7661

Primary Phone

Home:

Alternate Phone

Epidemiologist

Occupation

Which Boards would you like to apply for?

Planning Commission

Bigelow Highlands

Select Your Neighborhood

If you choose "other" please write in your neighborhood here:

Interests & Experiences

Question applies to multiple boards.

Please keep answers concise and informative. You are introducing yourself to the Olympia City Council and sharing with them why you are interested in being considered for appointment. Olympia residency is not required; however, it is a primary consideration. You may attach a resume. An Olympia map with your residence clearly marked MUST BE SUBMITTED with your completed application. Yahoo, Google, or other similar maps are acceptable.

Question applies to multiple boards.

1. Briefly describe why you wish to serve on this advisory committee.

In my professional life I work with Planners to help them design healthy communities. I would like to bring this expertise to my city in the spirit of public service.

Question applies to multiple boards.

2. Describe your qualifications and/or skills which would benefit this advisory committee.

My educational background is below but my strength is that I have strong data analysis and communication skills so I can bring relevant health and environmental data to the table and present it in a way everyone can understand. I am good with statistical packages and geographic information systems software such as GIS and Google Earth Pro. I also believe strongly in equity in the planning process. I have also been a bicycle commuter since my junior year in high school, even in Equatorial Guinea and Los Angeles.

Question applies to multiple boards.

3. Describe your involvement in the Olympia community.

I have lived in Olympia for 4 years with my wife and two children and I own a home in the Bigelow neighborhood. I have attended meetings and work sessions on the redevelopment of Capitol Lake and the greening of Capital Way and plan to serve on the PTA of roosevelt elementary once my children begin school there.

Question applies to multiple boards.

4. List your educational and professional background and area of study.

I hold a masters in public health and a masters in public administration from the University of Washington. I have worked as an aid worker in sub-saharan Africa, a policy analyst at a non-profit in Los Angeles, and currently as an Environmental Epidemiologist specializing in healthy community design at the Washington State Department of Health.

Question applies to multiple boards.

5. Appointment to this committee will require your attendance at evening meetings. How many hours per month are you willing to commit as a volunteer?

5-10

Question applies to multiple boards.

6. If you are not appointed to this committee at this time:

Question applies to multiple boards.

6a. Do you wish to be considered for appointment to another advisory committee?

Yes No

Question applies to multiple boards.

If you answered yes to 6a, please identify what other Advisory Committees you would be interested in being considered for.

Question applies to multiple boards.

6b. Do you wish to be considered for future appointment to this committee?

Yes No

Question applies to multiple boards.

6c. Would you be willing to volunteer for other City activities?

Yes No

Question applies to multiple boards.

7. Some appointments require that applicants reside within Olympia city limits. Even though your mailing address may be Olympia, you may reside in the County or another jurisdiction. Are you a resident of the City of Olympia?

Yes No

Question applies to multiple boards.

8. Citizens appointed to advisory committees are assigned and required to use a City email address for all advisory committee business.

Do you agree to comply with this expectation?

I Agree *

Question applies to multiple boards.

9. How did you learn about this advisory committee recruitment?

Facebook

[Rad_Cunningham_Resume.pdf](#)

Upload a Resume

Question applies to multiple boards.

Applications are accepted for the calendar year only. The Olympia City Council's General Government Committee recommends appointments to the full Council. Recommendations are made following review of applications and an interview of qualified candidates.

For further information, contact Susan Grisham, Executive Assistant, 360.753.8244, sgrisham@ci.olympia.wa.us

When filed with the City, your application and attachment documents are public records and may be subject to public release.

The City of Olympia is committed to the non-discriminatory treatment of all persons in employment and the delivery of services and resources.

Question applies to Planning Commission.

10. In your own words, what is the role of an Olympia Planning Commissioner?

The Olympia Planning Commissioner should equitably solicit input from the community on their hopes and dreams for the future of Olympia. Once they have a clear vision of the needs and desires of their constituents they should use their leadership and professional planning abilities to craft a plan to make those hopes and dreams a reality.

Question applies to Planning Commission.

11. What interests you most about community planning?

Planning, more than almost any other discipline has the opportunity to impact the social determinants of health. As a public health practitioner I know that education, commute mode choice, housing, and the local economy have an enormous impact on health outcomes. I am interested in making Olympia a place where everyone has easy access to the community resources that will help them reach their potential.

Question applies to Planning Commission.

12. What skills would you bring to the work of the Planning Commission and what do you hope to learn?

I have a good grasp of health and equity data that are available in Washington state and would be happy to provide that data to the commission as a decision support tool. I definitely have a health focus and would like to develop a more balanced understanding of what shapes planning decisions.

Question applies to Planning Commission.

13. Have you ever taken a Short Course in Local Planning, read an OPC packet or attended a meeting?

Yes, I have taken the short course in local planning from Anne Fritzel at the Department of Commerce.

Question applies to Planning Commission.

14. What is your knowledge of the City's Comprehensive Plan and how it relates to planning?

The Olympia comprehensive plan describes the communities values and vision and supports the Thurston County comprehensive plan that in turn must meet the requirements of the Growth Management Act of 1990.

RAD CUNNINGHAM

1259 Glass Ave NE Olympia, WA 98506 | Rad.Cunningham@DOH.WA.GOV | 206-8987661

SUMMARY

I work to improve lives by building public health into policies, projects, and programs. I hold an MPH & MPA from the University of Washington and have worked in public health in four countries across three continents. I am married with two kids and like to race my bike.

EXPERIENCE

STATE OF WASHINGTON

11 / 2012 - Present

Lead Epidemiologist - Healthy Community Design

I work to support health in all policies by making community health data accessible and by supporting health impact assessments in Washington State. Before that I managed the agency's childhood lead poisoning prevention and healthy housing programs.

MONTROSE

01 / 2011 - Present

Public Health Specialist / Consultant

I worked with Proyecto ProSalud to reduce under five and maternal mortality in Equatorial Guinea. I led baseline and mid-term health surveys to collect biometric and survey data on maternal and child health. See my profile on their website: <http://www.montroseint.com/team>

COMMUNITY HEALTH COUNCILS

09 / 2011 - 10 / 2012

Health Policy Analyst

I conducted policy analysis and advocacy to improve health outcomes in underserved, minority communities in South Los Angeles. Policy areas included access to healthcare, affordable care act implementation, hospital NICU capacity, and hospital community benefit policy.

EPIFROG RESEARCH

2011 - 2012

Owner

Conducted research for medical malpractice litigation.

UNIVERSITY OF WASHINGTON

11 / 2009 - 12 / 2010

Research Assistant / Teaching Assistant

Managed an ongoing Pesticide exposure study among applicators in Eastern Washington.

URBAN INDIAN HEALTH INSTITUTE

06 / 2009 - 08 / 2009

Internship

THE CARTER CENTER

10 / 2006 - 06 / 2008

Technical Advisor

Managed all aspects of guinea worm eradication program in Warrap State, Southern Sudan. During this time my team reduced the number of guinea worm cases in target areas drop from 1640 to fewer than 10. As of 2009 the area was reporting zero Guinea worm cases.

ENVIRONMENTAL SANITATION VOLUNTEER

01 / 2004 - 04 / 2006

Peace Corps Environmental Health Volunteer

Coordinated and implemented a variety of environmental health related projects in rural Paraguay.

EDUCATION

UNIVERSITY OF WASHINGTON SCHOOL OF PUBLIC HEALTH <i>MPH , Environmental and Occupational Health</i>	2008 - 2011
EVANS SCHOOL OF PUBLIC AFFAIRS <i>MPA , Public Policy - Management</i>	2008 - 2010
WESTERN WASHINGTON UNIVERSITY <i>Bachelor's Degree , Anthropology; statistics and economics</i>	1998 - 2002
NORTHWEST SCHOOL <i>High School Diploma , N/A</i>	1991 - 1997

INTERESTS

Health Impact Assessments, leadership & management, health in all policies, international health, health economics, statistics, traditional and novel data sources, bike racing, improving lives.

LANGUAGES

- English (NATIVE_OR_BILINGUAL)
- Spanish (FULL_PROFESSIONAL)
- Guarani (PROFESSIONAL_WORKING)

PUBLICATIONS

HAZARDS FACED BY INFORMAL RECYCLERS IN THE SQUATTER COMMUNITIES OF ASUNCIÓN, PARAGUAY

09 / 2012

International Journal of Occupational and Environmental Health · Authors: Rad Cunningham ·
<http://www.ingentaconnect.com/content/maney/oeh/2012/00000018/00000003/art00003>

DETERMINANTS OF BUTYRYLCHOLINESTERASE INHIBITION AMONG AGRICULTURAL PESTICIDE HANDLERS IN WASHINGTON STATE: AN UPDATE

09 / 2014

Annals of Occupational Hygiene · Authors: Rad Cunningham, Jen Krenz, Jonathan Hofmann, Theresa Smith, Richard Fenske, Chris Simpson, Matthew Keifer ·
<http://annhyg.oxfordjournals.org/content/early/2014/09/25/annhyg.meu072.short>

Risk factor analysis for exposure to organophosphate and n-carbonate pesticides by pesticide applicators in Washington State.



City Council

Approval of Appointments to the Heritage Commission to Fill Vacancies

Agenda Date: 3/21/2017
Agenda Item Number: 4.G
File Number: 17-0303

Type: decision **Version:** 1 **Status:** Consent Calendar

Title

Approval of Appointments to the Heritage Commission to Fill Vacancies

Recommended Action

Committee Recommendation:

The General Government Committee recommends approval of the appointments listed below.

City Manager Recommendation:

Move to approve appointment of Stephen Austin, with a term ending March 31, 2018, and Suzanna Pratt, with a term ending March 31, 2018, to the Heritage Commission to fill vacancies, and approve the reappointments of Benjamin Helle, Rachel Newmann, Holly Davies and Tamara Hayes, each with terms ending March 3, 2020.

Report

Issue:

Whether to make the recommended appointments.

Staff Contact:

Kellie Purce Braseth, Strategic Communications Director, 360.753.8361

Presenter(s):

None - Consent Calendar Item

Background and Analysis:

The General Government Committee interviewed Mr. Austin and Ms. Pratt at its March 6, 2017, meeting and recommends their appointments to fill vacancies on the Heritage Commission, each with terms ending March 31, 2018.

The applicants' applications and Ms. Pratt's resume are attached. The Committee also recommends the reappointments of current Heritage Commission members Benjamin Helle, Rachel Newmann, Holly Davies and Tamara Hayes.

Neighborhood/Community Interests (if known):

N/A

Options;

1. Approve the appointments as recommended.
2. Do not approve the appointments and send the issue back to the General Government Committee. This would delay the appointment schedule and leave the Commission not operating at full strength.

Financial Impact:

None

Attachments:

Austin Application
Pratt Application
Pratt Resume

Application Form

Profile

Stephen

First Name

F

Middle Initial

Austin

Last Name

austins@wsdot.wa.gov

Email Address

1517 Conger Ave NW

Home Address

Suite or Apt

Olympia

City

WA

State

98502

Postal Code

Home: (979) 218-5444

Primary Phone

Home:

Alternate Phone

Historian

Occupation

Which Boards would you like to apply for?

Heritage Commission

Northwest

Select Your Neighborhood

If you choose "other" please write in your neighborhood here:

Interests & Experiences

Question applies to multiple boards.

Please keep answers concise and informative. You are introducing yourself to the Olympia City Council and sharing with them why you are interested in being considered for appointment. Olympia residency is not required; however, it is a primary consideration. You may attach a resume. An Olympia map with your residence clearly marked **MUST BE SUBMITTED** with your completed application. Yahoo, Google, or other similar maps are acceptable.

Question applies to multiple boards.

1. Briefly describe why you wish to serve on this advisory committee.

I served on the commission from 2015 to March 2016 and would very much enjoy serving again. As a professional Historian and practitioner of Cultural Resource Management and Historic Preservation, I find that the Oly Heritage Commission is a unique place to expand my knowledge and learn from the its very knowledgeable members.

Question applies to multiple boards.

2. Describe your qualifications and/or skills which would benefit this advisory committee.

M.A. in History: major public history with focus in CRM. I am currently employed by WSDOT as a Historian and work with the NRHP and within the federal regulatory framework daily [section 106 + 4(f)].

Question applies to multiple boards.

3. Describe your involvement in the Olympia community.

Moved to Olympia in January 2015 and soon began working as a contractor for WSDOT and WA Dept. of Fish and Wildlife. I served on the Olympia Heritage Commission for a little over a year.

Question applies to multiple boards.

4. List your educational and professional background and area of study.

M.A. in History. Authored my thesis on small dams and historic preservation in Texas. I am currently employed by WSDOT as a Historian and have worked as a consulting historian for several companies and WDFW.

Question applies to multiple boards.

5. Appointment to this committee will require your attendance at evening meetings. How many hours per month are you willing to commit as a volunteer?

10

Question applies to multiple boards.

6. If you are not appointed to this committee at this time:

Question applies to multiple boards.

6a. Do you wish to be considered for appointment to another advisory committee?

Yes No

Question applies to multiple boards.

If you answered yes to 6a, please identify what other Advisory Committiees you would be interested in being considered for.

Question applies to multiple boards.

6b. Do you wish to be considered for future appointment to this committee?

Yes No

Question applies to multiple boards.

6c. Would you be willing to volunteer for other City activities?

Yes No

Question applies to multiple boards.

7. Some appointments require that applicants reside within Olympia city limits. Even though your mailing address may be Olympia, you may reside in the County or another jurisdiction. Are you a resident of the City of Olympia?

Yes No

Question applies to multiple boards.

8. Citizens appointed to advisory committees are assigned and required to use a City email address for all advisory committee business.

Do you agree to comply with this expectation?

I Agree *

Question applies to multiple boards.

9. How did you learn about this advisory committee recruitment?

Michelle Sadlier

Upload a Resume

Question applies to multiple boards.

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The City of Olympia is committed to the non-discriminatory treatment of all persons in employment and the delivery of services and resources.

Question applies to Heritage Commission.

10. Why do you think Olympia's historic places are important?

Local history is incredibly underutilized by communities to create and reveal common narratives that give peoples and places an identity. In an age of dislocation and relative disengagement with formal institution, I believe local histories should be championed as a way to re-engage the local populace by sharing, educating, and discussing Olympia's history. Moreover, local history can provide guidance and prospective to a plethora of complex issues within a community and by fostering a conversations about negative a positive aspects of our history and how those events impacted and created our shared identity

.

Question applies to Heritage Commission.

11. What is your experience working with the history or preservation of built/cultural heritage?

I have worked in CRM and preservation for nearly four years, two of those being professionally employment with WSDOT and Texas Historical Commission (SHPO).

Application Form

Status: submitted

Profile

Suzanna

First Name

M

Middle Initial

Pratt

Last Name

spratt2@alumni.nd.edu

Email Address

2117 Coleman Avenue NW

Home Address

Suite or Apt

Olympia

City

WA

State

98502

Postal Code

Mobile: (425) 263-0851

Primary Phone

Home:

Alternate Phone

Research Analyst

Occupation

Which Boards would you like to apply for?

Heritage Commission

Other

Select Your Neighborhood

If you choose "other" please write in your neighborhood here:

Interests & Experiences

Question applies to multiple boards.

Please keep answers concise and informative. You are introducing yourself to the Olympia City Council and sharing with them why you are interested in being considered for appointment. Olympia residency is not required; however, it is a primary consideration. You may attach a resume. An Olympia map with your residence clearly marked **MUST BE SUBMITTED** with your completed application. Yahoo, Google, or other similar maps are acceptable.

Question applies to multiple boards.

1. Briefly describe why you wish to serve on this advisory committee.

I am looking for opportunities to get involved with the community and develop my knowledge of local heritage preservation. I've lived in Olympia for just over a year and it's starting to feel like home and I want to contribute to the future development of the city, particularly in relation to the designation, preservation, and continued use of historically significant places. Since I haven't lived in Olympia for very long, I am interested in not only learning more about the city's history and the history of Thurston County in general, but contributing to the continued preservation and interpretation of that history for current and future Olympia residents. The Heritage Commission position aligns directly with my research interests. While I am not pursuing archaeology as a career, I am still interested in applying my academic training and continuing to explore issues of historic preservation and heritage promotion and make them relevant to Olympia's residents and the general public. I have reviewed the 2008 "Mid-Twentieth Century Olympia: A Context Statement on Local History and Modern Architecture, 1945-1975" report and the 2015 "City of Olympia Mid-Century Residential Survey" and I would especially like to be involved with future reports that review and study local historic resources. I am excited about the opportunity to apply my expertise in a practical setting that will have an impact upon Olympia's future.

Question applies to multiple boards.

2. Describe your qualifications and/or skills which would benefit this advisory committee.

I hold a Master's degree in Applied Anthropology (archaeology track with a heritage studies concentration) from the University of South Florida and a Bachelor's degree in Anthropology and Peace Studies from the University of Notre Dame. My educational background and research experience has imparted me with an understanding of issues in historic preservation, particularly the challenges of relating historic preservation to economic development and tourism. I chose not to pursue a PhD in archaeology and my career has taken me on a different path, but I am still interested in local history and in opportunities to use my technical expertise and to continue to expand my knowledge and experience of historic preservation and local heritage. I received my MA through an applied program that focused on the practical aspects of anthropology. As a result, my academic training imparted me with skills and knowledge that will be a useful foundation for a position that involves advising the city government about the historic preservation and the recognition, enhancement, and use of places with historical significance. Three courses in particular imparted me with practical knowledge and introduced me to resources relevant to the heritage commissioner position: • Public Archaeology: this course covered the principles, practices, and historical development of public archaeology, the legal underpinnings and ethical standards of public archaeology, and the best practices of interpretation for non-specialist audiences. • Heritage Tourism: this course covered theoretical and practical issues related to heritage tourism and the business of heritage resource management, including global social justice, nationalism, local identities, environmental sustainability, economic development, and structural inequalities. • Historical Archaeology: this course covered methods of historical archaeology and resources for conducting background research of historical sites and landscapes for historic preservation purposes to understand how human cultural behavior of the recent past is expressed and understood through the material record. My academic training in archaeology and my current position as a research analyst for the Legislature have given me the skills in research, project management, and communication that will benefit the Heritage Committee in nomination of local places to the historic register and in drafting recommendations to preserve Olympia's historic built environment.

Question applies to multiple boards.

3. Describe your involvement in the Olympia community.

I grew up in Washington State but am relatively new to the Olympia area and trying to find ways to get involved with the local community. I work for the Legislature, which keeps me up to speed with local and state politics. I am also a member of the Olympia branch of the Mountaineers and regularly participate in local hiking activities.

Question applies to multiple boards.

4. List your educational and professional background and area of study.

I hold a Master's degree in Applied Anthropology (archaeology track with a heritage studies concentration) from the University of South Florida (degree received in 2015) and a Bachelor's degree in Anthropology and Peace Studies from the University of Notre Dame (degree received in 2013). I am currently employed as a research analyst for the Joint Legislative Audit and Review Committee (JLARC). I conduct independent performance audits, program evaluations, sunset reviews, and other special studies of interest to state legislators as part of a non-partisan research team. This work requires me to draw upon quantitative and qualitative analyses to develop audit recommendations that improve performance, provide cost savings, and increase accountability of state legislation and programs.

Question applies to multiple boards.

5. Appointment to this committee will require your attendance at evening meetings. How many hours per month are you willing to commit as a volunteer?

10

Question applies to multiple boards.

6. If you are not appointed to this committee at this time:

Question applies to multiple boards.

6a. Do you wish to be considered for appointment to another advisory committee?

Yes No

Question applies to multiple boards.

If you answered yes to 6a, please identify what other Advisory Committees you would be interested in being considered for.

Question applies to multiple boards.

6b. Do you wish to be considered for future appointment to this committee?

Yes No

Question applies to multiple boards.

6c. Would you be willing to volunteer for other City activities?

Yes No

Question applies to multiple boards.

7. Some appointments require that applicants reside within Olympia city limits. Even though your mailing address may be Olympia, you may reside in the County or another jurisdiction. Are you a resident of the City of Olympia?

Yes No

Question applies to multiple boards.

8. Citizens appointed to advisory committees are assigned and required to use a City email address for all advisory committee business.

Do you agree to comply with this expectation?

I Agree *

Question applies to multiple boards.

9. How did you learn about this advisory committee recruitment?

City of Olympia webpage

[resume_HeritageCommission_SPratt.pdf](#)

Upload a Resume

Question applies to multiple boards.

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The City of Olympia is committed to the non-discriminatory treatment of all persons in employment and the delivery of services and resources.

10. Why do you think Olympia's historic places are important?

Historic places and objects are physical reminders of the past and of a shared history. I've lived in Olympia for just over a year and already several features of the city and neighboring cities stand out as features that contribute to Olympia's culture: the Evergreen State College, the Olympia Brewing Company buildings in Tumwater, the culture that promotes artists and musicians, artesian springs, the historic government buildings, and the distinctive architecture of Olympia's historic neighborhoods. The material record, particularly the imposing nature of the built environment, serves as a physical reminder of the historic forces, people, and ideas that shaped the city we live in today. Understanding the historic development of a place helps inform the present. For example, the 101-I-5 intersection may be taken for granted as a horrible traffic jam during everyone's morning commute, but the construction of the interstate shaped the development of Tumwater. The artesian well in downtown Olympia is currently known for being a transient hangout, but Olympia's early settlers depended upon artesian springs for their water supply and the springs were vital to the city's famous brewing company. I was impressed to learn that the city has five historic districts and hundreds of locally designated buildings. This illustrates the importance of historic places to the people who live here and the need to continue to identify and manage historic sites to maintain the integrity of these places and ensure they endure into the future. I recognize that simply designating a building or a place as historic is only a small part of the Heritage Commission's purpose. The active management of the city's historic resources is necessary to ensure that development does not impede the historical quality of the built environment. The review of municipal ordinances, building permits, and local planning efforts and the pursuit of collaboration and public engagement are integral to maintaining Olympia's historic built environment and enhancing its relevance for residents.

11. What is your experience working with the history or preservation of built/cultural heritage?

I hold a Master's degree in Applied Anthropology (archaeology track with a heritage studies concentration) from the University of South Florida and a Bachelor's degree in Anthropology and Peace Studies from the University of Notre Dame, both of which have provided me with project management and public outreach experience. I have been a researcher and team member for a number of relevant projects related to heritage and public history. • In 2015, I spearheaded efforts to update the cultural heritage exhibits at Dry Falls Visitors Center (operated by Washington State Parks). • In 2014 and 2015, I worked as an excavator and artifact analyst for an investigation of a cemetery at a historic reform school in Florida. • In 2011 and 2013, I worked as the artifacts manager and an excavator for an archaeological project investigating the Roman forum at the ancient city of Butrint in southern Albania. • In 2012, I created an inventory of field data and images for Australian rock art research projects. My background has allowed me to develop skills directly related to the duties of the heritage commissioners. As a graduate student at the University of South Florida, I contributed archaeological expertise to a project investigating a historic cemetery at the former Dozier School for Boys in Marianna, Florida. I served as the primary artifact analyst for the project: I catalogued and analyzed historical mortuary and clothing artifacts through artifact description and documentation, photography, background research, and GIS mapping. The analysis of historical artifacts associated with this project contributed to a broader effort to reinterpret the burial ground and address the "absent present" of recent histories that have been ignored or left out. The school was a central part of Marianna's recent history and the project brought up controversial issues such as the town's segregated past and contemporary race issues. Recognition and research of historically significant places and objects is not always viewed in a positive light but is still important for understanding contemporary social, political, and economic issues. As an undergraduate at the University of Notre Dame, I conducted an heritage management impact assessment in five towns located near Butrint National Park in southern Albania. I secured grant funding to conduct personal interviews, participant observation, and surveys with 115 individuals and 10 key stakeholders to determine the effect of foreign investment, development initiatives, and international tourism on local communities. While this project focused on the effects of a single, monumental heritage site, it contributed to my understanding of the ways in which historically significant sites are an integral part of culture and intertwined with personal identities and local economies. My educational background also exposed me to the interpretation of cultural heritage and heritage tourism issues. In 2014, I worked with a team to conduct a review of visitor use and interpretation at the De Soto National Memorial, located in Bradenton, Florida. This project involved visiting the site in order to observe how visitors interacted with the park and to identify areas of interpretation gaps. My team designed two interpretive panels in accordance with NPS standards to serve as suggestions of ways in which the National Memorial could bolster its on-site passive interpretation to engage the public at historic sites. I worked in a similar capacity on a project for Crystal River State Park, in Crystal River, Florida, where I developed an on-site interpretive panel to convey information about a particular archaeological feature. In both of these projects, I assessed the current state of interpretation and observed the way visitors used park space. I then conducted background research and synthesized the information to contribute to public outreach and education about the history and significance of cultural features at both parks.

Suzanna M. Pratt

(425) 263-0851

2117 Coleman Avenue NW, Olympia, WA, 98502

spratt2@alumni.nd.edu

EDUCATION

M.A. Applied Anthropology

Archaeology track, Heritage Studies concentration
University of South Florida, 2015

Thesis: *Landscape Legacies of Sugarcane Monoculture at Betty's Hope Plantation, Antigua, West Indies*

B.A. Anthropology; Peace Studies

University of Notre Dame, 2013

Honors Thesis: *The Impact of Heritage Management on Communities in the Hinterland of Butrint National Park, Southern Albania*

EXPERIENCE

Research Analyst; Joint Legislative Audit and Review Committee (Sept. 2015-present)

Develop and conduct independent performance audits and program evaluations as part of a non-partisan research team. Draw upon quantitative and qualitative analyses to audit recommendations that improve performance, provide cost savings, and increase accountability of state legislation and programs. Major studies: Unaccompanied Homeless Youth; Habitat and Recreation Lands and Regulations; Lodging Tax Reports; Student Mental Health Services Inventory

Interpretive Assistant; Washington State Parks and Recreation Commission (May-Aug. 2015)

Collaborated with the Interpretive Specialist at Sun Lakes-Dry Falls State Park in Grant County, WA. Responsibilities included serving as interpretive resource for park visitors, leading guided interpretive tours of the local cultural and natural heritage, assisting in development of interpretive materials and programs. Initiated project to update Native American cultural heritage museum exhibits.

Geoarchaeology Research Assistant; USF Laboratory for Anthropogenic Soils Research (Aug. 2013- May 2015)

Conducted physical and chemical analyses on anthropogenic soils, including Munsell color, particle size, pH, acid-extractable phosphates, organic matter, calcium carbonate, and trace element quantification using portable x-ray fluorescence. Prepared samples for ICP-OES and ICP-AMS analyses.

Archaeology Research Assistant; USF Forensic Anthropology Laboratory (Sept. 2013- Sept. 2014)

Excavated and recorded burials in a historical cemetery. Responsibilities included excavation, data recording, photography, removal of human remains for forensic analysis, site mapping, and artifact cataloguing and recording. Catalogued and analyzed historical mortuary and clothing artifacts through technical description and metrics, photography, background research, and GIS mapping. Prepared 90-page artifact analysis report and curated public artifact display.

Archaeologist; Butrint Archaeological Research Project; Butrint, Albania (May-Jun. 2013)

Supervised team of Albanian workers in the excavation of Roman buildings at Butrint National Park. Responsibilities included excavation, deposit and artifact recording, site and feature interpretation, plan, section, and elevation drawing, site photography, and preliminary cataloguing of cultural materials.

Photo Editor; *The Observer*, University of Notre Dame (2011-2013)

Supervised team of 25 student photographers and organized coverage of news, sports, and cultural events. Responsible for organizing and leading department meetings, training sessions, special event photoshoots, and obtaining event credentials

Anthropology Researcher; University of Notre Dame; Ksamil, Albania (2012- 2013)

Designed and conducted heritage management impact assessment in five communities in southern Albania. Secured grant funding to conduct personal interviews, participant observation, and surveys with 115 individuals and 10 key stakeholders to determine the effect of foreign investment, development initiatives, and international tourism on local communities.

SKILLS

Adobe Photoshop/Illustrator/Bridge/Lightroom, ArcGIS, SPSS, ImageJ, DStretch, Microsoft Office
Experienced with qualitative and quantitative data analysis, report writing, and public presentations



City Council

Approval of Appointment to the Utility Advisory Committee to Fill Vacancies

Agenda Date: 3/21/2017
Agenda Item Number: 4.H
File Number: 17-0306

Type: decision **Version:** 1 **Status:** Consent Calendar

Title

Approval of Appointment to the Utility Advisory Committee to Fill Vacancies

Recommended Action

Committee Recommendation:

The General Government Committee recommends approval of the appointment listed below.

City Manager Recommendation:

Move to approve appointment of Luke Bowerman, with a term ending March 31, 2020, to the Utility Advisory Committee to fill a vacancy, and to approve the reappointment of Dever Kuni, with a term ending March 31, 2020.

Report

Issue:

Whether to make the recommended appointment.

Staff Contact:

Kellie Purce Braseth, Strategic Communications Director, 360.753.8361

Presenter(s):

None - Consent Calendar Item

Background and Analysis:

The General Government Committee interviewed Mr. Bowerman at its March 13, 2017 meeting and recommends his appointment to fill a vacancy on the Utility Advisory Committee (UAC) with a term ending March 31, 2020.

Mr. Bowerman's application and resume are attached. The Committee also recommends reappointment of current UAC member Dever Kuni.

Neighborhood/Community Interests (if known):

N/A

Options;

1. Approve the appointments as recommended.
2. Do not approve the appointments and send the issue back to the General Government Committee. This would delay the appointment schedule and leave the UAC not operating at full strength.

Financial Impact:

None

Attachments:

Bowerman Application

Bowerman Resume

Application Form

Status: submitted

Profile

Luke

First Name

T

Middle Initial

Bowerman

Last Name

lukebowerman@gmail.com

Email Address

1515 10th Avenue SE

Home Address

Suite or Apt

Olympia

City

WA

State

98501

Postal Code

Mobile: (360) 888-5625

Primary Phone

Home: (360) 888-5625

Alternate Phone

VP of Product (software development)

Occupation

Which Boards would you like to apply for?

Utility Advisory Committee

Eastside

Select Your Neighborhood

If you choose "other" please write in your neighborhood here:

Interests & Experiences

Question applies to multiple boards.

Please keep answers concise and informative. You are introducing yourself to the Olympia City Council and sharing with them why you are interested in being considered for appointment. Olympia residency is not required; however, it is a primary consideration. You may attach a resume. An Olympia map with your residence clearly marked MUST BE SUBMITTED with your completed application. Yahoo, Google, or other similar maps are acceptable.

Question applies to multiple boards.

1. Briefly describe why you wish to serve on this advisory committee.

I find the UAC's work to be fascinating: from the areas of emphasis – stormwater, sea-level rise and utility infrastructure, to the strategic initiatives – planning, finance and public/private incentive planning. As a lifelong Olympia resident I've watched the city grow and change in so many ways. I'm excited about the work being done to make Olympia a livable and accessible place for our diverse community with an eye towards long-term sustainability. Exploring green building during the construction of our home here in Olympia gave me great insight into the incredible work that Public Works does – the opportunity to learn more and contribute to that work is really exciting. I believe my experience in strategic planning, systems design and collaborative design processes will allow me to offer a unique perspective on the challenges and opportunities facing the UAC.

Question applies to multiple boards.

2. Describe your qualifications and/or skills which would benefit this advisory committee.

Professionally, I've spent the last 18 years helping businesses, nonprofits and educational institutions develop and deploy complex software products and the complex technical infrastructure underlying those products. I have extensive experience in project management, software development and user-experience design, all of which have far reaching applicability. I have an extensive background in learning about and designing of complex systems – during my career I've become adept at quickly absorbing subject matter expertise while also having an appreciation for the complexity of subject areas and the boundaries of my knowledge in them (known unknowns vs. unknown unknowns, as it were). I've spent much of my career helping to build organizations that succeeded through a combination of team collaboration and individuals empowered to make responsible decisions.

Question applies to multiple boards.

3. Describe your involvement in the Olympia community.

I've served as both a board member and president of the Eastside Neighborhood Association as well as participating in the Collation of Neighborhood Associations. I've been a participant in numerous community forums – from neighborhood development conversations to City-wide long-term planning initiatives. Our family is a strong supporter of the Interfaith Works Emergency Overnight Shelter – providing financial, organizational and technical support as well as bringing a monthly dinner for guests since it's inception. We also provide financial support to a variety of other local non-profits Finally, I'm an entrepreneur focused on creating small companies in Olympia that pay living wage jobs and that contribute to a thriving community of local, small businesses.

Question applies to multiple boards.

4. List your educational and professional background and area of study.

I've worked in a variety of roles – vacillating between software development, design and strategic business & product planning. My resume, attached, provides detail on the positions I've held as well as my accomplishments and responsibilities in those roles.

Question applies to multiple boards.

5. Appointment to this committee will require your attendance at evening meetings. How many hours per month are you willing to commit as a volunteer?

12 - 16

Question applies to multiple boards.

6. If you are not appointed to this committee at this time:

Question applies to multiple boards.

6a. Do you wish to be considered for appointment to another advisory committee?

Yes No

Question applies to multiple boards.

If you answered yes to 6a, please identify what other Advisory Committees you would be interested in being considered for.

Question applies to multiple boards.

6b. Do you wish to be considered for future appointment to this committee?

Yes No

Question applies to multiple boards.

6c. Would you be willing to volunteer for other City activities?

Yes No

Question applies to multiple boards.

7. Some appointments require that applicants reside within Olympia city limits. Even though your mailing address may be Olympia, you may reside in the County or another jurisdiction. Are you a resident of the City of Olympia?

Yes No

Question applies to multiple boards.

8. Citizens appointed to advisory committees are assigned and required to use a City email address for all advisory committee business.

Do you agree to comply with this expectation?

I Agree *

Question applies to multiple boards.

9. How did you learn about this advisory committee recruitment?

Cheryl Selby

[lukebowerman_resume.pdf](#)

Upload a Resume

Question applies to multiple boards.

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Luke Bowerman

1515 10th Avenue SE
Olympia, Washington 98501

360-888-5625
lukebowerman@gmail.com

OVERVIEW

Technical Leader with an extensive background as a information architect, user experience designer and front-end developer and with extensive full-stack development experience. Deep knowledge of user experience research & design and extensive product and project management background.

EXPERIENCE

CopsForHire

Vice President of Product December 2016 - Present

Provide strategic, technical and design leadership to an engineering team of 15.

Lightspeed Retail

Information Architect February 2016 - November 2016

Lead User Experience Designer January 2015 - February 2016

Senior User Experience Designer June 2014 - February 2015

User Experience Designer September 2013 - June 2014

Research, design and develop functional prototypes for new features and improved interfaces throughout Lightspeed Retail (cloud point of sale) and Lightspeed Web Store (e-commerce).

- Key member of long-term product strategy team and detailed user stories for both of the products within my purview. I work with product management team to research customer requirements and regularly work with and visited customers.
- Lead designer for the web-based products at Lightspeed. Use behavioral data, customer interviews, sales and support feedback and internal objectives to help prioritize feature additions and improvements.
- Design initial wireframes and workflows as well as high-fidelity functional prototypes for use in initial customer validation. Once validated I would use prototypes to help understand requirements and workflows as well as looking at solutions to streamline implementation.
- Lead the development of an internal style guide and design pattern library to act as a central point of reference for the design and development teams.

User Experience Developer May 2013 - September 2014

Lead the transition of the MerchantOS product to "Lightspeed Cloud" as well as leading design and user experience for Retail products at Lightspeed.

- Integrated existing code-base, in-progress user-interface refresh project and Lightspeed brand to create a updated user experience for a top-tier, inventory centric web-based point of sale in less than 2 months.
- Responsible for design and implementation including conversion of an extensive collection of stylesheets to a SASS-based CSS framework, converting from a static table-based layout to a responsive tablet-ready experience.
- Reimplemented in-application javascript routing to provide modern navigation controls as well as switching a number of home-grown user-interface behaviors to HTML5 behaviors and controls.

Project Management for Cordova-based iPad App

- Acted as project manager, technical support and back-end developer to support the implementation of a Cordova-based iPad interface to the LightSpeed Cloud product.
- Wrote and designed specifications and acceptance criteria for upgraded user experience for app including integration with platform (iOS) features as well as receipt printers, bluetooth barcode scanners, credit card swipers and inter-application communication.
- Managed the budget, timelines and communications with external consultants to develop that application in under 6 weeks from project conception to App-store delivery.
- Prioritized feature roadmap as well as implementing web application services to support tight integration of native and web-based feature-set.

Other Responsibilities

- Coordinated transition of marketing and support web sites from a stand-alone organization to a product-line component of the larger organization – helped former MerchantOS designers and content-authors prioritize tasks.
- Provided advice regarding and implemented alterations to company's static-content generation framework (Middleman) as well as updating javascript functionality to meet new product needs.

MerchantOS (Acquired by Lightspeed May 2013)

COO / Front-End Lead May 2010 - MAY 2013

Member of 3-person agile-development team responsible for front and back-end development of a complex retail point of sale serving thousands of retail locations.

Redeveloped company brand and key marketing initiatives that drove growth from ~450 to 2400+ retail locations in less than 3 years.

Product Development

- Key contributor to the design and implementation of the company's public API – a RESTful API that provides XML and JSON access to over 100 unique object types available within the MerchantOS platform. Helped to develop a in-house MVC platform that powered the API on top

- of the company's existing code-base. Developed a consistent unit-testable interface that provide a migration path to updated data-storage and business logic infrastructure in the long term.
- Addressed hundreds of small bugs, fixes and features across all areas of the code base as a core contributor.
 - Developed specifications, workflows, user-interface design and API end-points for two native iOS applications – one to provide a simple mobile-sales application and another to easily conduct in-store inventory counts utilizing only a mobile device.
 - Hired and directed outside contractor to develop and deliver iOS applications via the Apple AppStore. Managed timelines, budget and communications between external contractor, engineering and support teams.
 - Assisted in transition from company-owned and managed servers to AWS-based services including EC2, S3, SQS and DynamoDB.

Marketing & Brand

Redeveloped corporate identity, brand and information architecture including company's marketing web site, trade-show presence, print and marketing materials. Lead initiative to retain branding specialist to further develop brand and media presence to establish company as leader in the POS space and customer loyalty.

- Moved the company from a difficult to update and non-performant Wordpress-based web platform to a responsive, low latency publishing platform utilizing Middleman, a Ruby-based static content publishing framework. Platform switch cut average page-load times drop from ~3.4 seconds to sub-1 second page loads for static pages and ~1.5 second for dynamically generated blog content.
- Redeveloped online customer acquisition and retention strategy helping to drive year-over-year growth of nearly 75% per year during my 3-year tenure.
- Helped to redesign customer sign-up and on-boarding procedures to better focus customer-acquisition and retention doubling the company's monthly sign-ups.
- Worked with outside experts to optimize SEO and online-advertising opportunities to significantly increase traffic, sign-ups and customer conversation rates. Successfully launched a retargeting campaign that was directly tied to a nearly 15% in customer sign-ups in a single month.
- Redeveloped online support presence to provide user instruction and documentation on a responsive platform that was easily editable by the on-staff support team.

WILD COW STUDIOS

Consultant 1999 - 2012*

Developed, managed and serviced a portfolio of over 50 consulting clients providing a variety of services from technical consulting, design and solutions development.

* Full-time between April 2008 - May 2010

Evergreen State College

CMS Specialist 2006 - April 2008

Administered state-regulated RFP process to acquire and implement an enterprise-wide content management system (CMS). Additionally developed key business-process applications as well as visually styling a variety of on-campus applications.

Generation Yes Corp.

Web Operations Director 2004 - 2006

Provided strategic direction, design and development for the company's extensive set of curriculum delivery and project based learning tools.

Olympia School District

Web & Solutions Developer 2002 - 2005

Developed applications to streamline District processes and procedures and made District and early leader in self-service web-publishing for public schools.

bigchalk.com New York, NY

Technical Lead 2000 - 2001

Lead development of a project-based learning management system and content distribution tool-set for K-12 schools.

Technical Skills

- Extensive experience with Adobe CS Suite, Sketch and a variety of other desktop publishing and design software.
- Back-end: Perl, PHP, Ruby/Ruby on Rails (0.x – 3.x series), node.js
- Front-End: HTML (XHTML, HTML5, etc.), XSL, CSS (SASS, Less, Stylus), Grunt, Gulp
- Evaluating and developing applications using a variety of Javascript libraries and frameworks including jQuery, Backbone.js, Underscore, AngularJS, Ember.js and React.
- RDBMs: MySQL, Postgresql, MSSQL Server, Oracle), RDS
- Memcache, DynamoDB, Sphinx, ElasticSearch
- Extensive experience in design and building networks and deploying server infrastructure utilizing open source technologies including Apache, Chef, Nginx, MySQL, Ruby on Rails, PHP, NFS.
- Experience building and deploying services via both Amazon Web Services and the Heroku platform as well as traditional non-managed hardware.



City Council

Approval of Appointments to the Park and Recreation Advisory Committee to Fill Vacancies

Agenda Date: 3/21/2017
Agenda Item Number: 4.1
File Number: 17-0305

Type: decision **Version:** 1 **Status:** Consent Calendar

Title

Approval of Appointments to the Park and Recreation Advisory Committee to Fill Vacancies

Recommended Action

Committee Recommendation:

The General Government Committee recommends approval of the appointments listed below.

City Manager Recommendation:

Move to approve the appointment of Joshua Clark, with a term ending March 31, 2020; Shawn Smith, with a term ending March 31, 2018; and Rhonda Olnick with a term ending March 31, 2020, to the Park and Recreation Advisory Committee to fill vacancies, and to approve the reappointment of Brock Millern, with a term ending March 31, 2020.

Report

Issue:

Whether to make the recommended appointments.

Staff Contact:

Kellie Purce Braseth, Strategic Communications Director, 360.753.8361

Presenter(s):

None - Consent Calendar Item

Background and Analysis:

The General Government Committee interviewed Mr. Clark and Mr. Smith at its March 6, 2017, meeting and recommends their appointment to fill vacancies on the Park and Recreation Advisory Committee (PRAC). The Committee recommends Mr. Clark's appointment to a term ending March 31, 2020, and Mr. Smith's appointment to a term ending March 31, 2018. The PRAC chair joined the General Government Committee for the interview.

The Committee interviewed Ms. Olnick at its March 13, 2017, meeting and recommends her appointment to fill a vacancy on PRAC with a term ending March 31, 2020. The PRAC chair joined the General Government Committee for the March 13 interview.

The applicants' applications and Mr. Clark's resume are attached. The Committee recommends reappointment of current PRAC member Brock Millern.

Neighborhood/Community Interests (if known):

N/A

Options;

1. Approve the appointments as recommended.
2. Do not approve the appointments and send the issue back to the General Government Committee. This would delay the appointment schedule and leave the PRAC not operating at full strength.

Financial Impact:

None

Attachments:

Clark Application
Clark Resume
Smith Application
Olnick Application

Application Form

Status: submitted

Profile

Joshua

First Name

M

Middle Initial

Clark

Last Name

jclark754@gmail.com

Email Address

8424 54th Ave SE

Home Address

Suite or Apt

Olympia

City

WA

State

98513

Postal Code

Home: (502) 295-8895

Primary Phone

Home:

Alternate Phone

State Meteorologist

Occupation

Which Boards would you like to apply for?

Parks and Recreation Advisory Committee

Other

Select Your Neighborhood

If you choose "other" please write in your neighborhood here:

Interests & Experiences

Question applies to multiple boards.

Please keep answers concise and informative. You are introducing yourself to the Olympia City Council and sharing with them why you are interested in being considered for appointment. Olympia residency is not required; however, it is a primary consideration. You may attach a resume. An Olympia map with your residence clearly marked **MUST BE SUBMITTED** with your completed application. Yahoo, Google, or other similar maps are acceptable.

Question applies to multiple boards.

1. Briefly describe why you wish to serve on this advisory committee.

I have a passion for public service and natural resources, and feel strongly that I can use my education and experience to help make our parks and recreation areas a more enjoyable space.

Question applies to multiple boards.

2. Describe your qualifications and/or skills which would benefit this advisory committee.

Grant writing, policy writing, leading research teams, computer programming (web and mobile), mapping, help foster collaboration with state Department of Natural Resources, climate change and weather knowledge.

Question applies to multiple boards.

3. Describe your involvement in the Olympia community.

Thurston County Veteran's Advisory Committee member since November 2016.

Question applies to multiple boards.

4. List your educational and professional background and area of study.

Education: M.S., environmental science, University of Idaho (current) B.S., meteorology, University of Northern Colorado Professional background: Meteorologist, Washington Department of Natural Resources Software Engineer, University of Utah Software Engineer Intern, National Center for Atmospheric Research Meteorologist Intern, Bureau of Land Management Cartographer, United States Air Force Areas of Study: weather, fire ecology, wildland restoration ecology, climate change, wildfires, wildland-urban interface, GIS mapping, web programming

Question applies to multiple boards.

5. Appointment to this committee will require your attendance at evening meetings. How many hours per month are you willing to commit as a volunteer?

10-15

Question applies to multiple boards.

6. If you are not appointed to this committee at this time:

Question applies to multiple boards.

6a. Do you wish to be considered for appointment to another advisory committee?

Yes No

Question applies to multiple boards.

If you answered yes to 6a, please identify what other Advisory Committiees you would be interested in being considered for.

Question applies to multiple boards.

6b. Do you wish to be considered for future appointment to this committee?

Yes No

Question applies to multiple boards.

6c. Would you be willing to volunteer for other City activities?

Yes No

Question applies to multiple boards.

7. Some appointments require that applicants reside within Olympia city limits. Even though your mailing address may be Olympia, you may reside in the County or another jurisdiction. Are you a resident of the City of Olympia?

Yes No

Question applies to multiple boards.

8. Citizens appointed to advisory committees are assigned and required to use a City email address for all advisory committee business.

Do you agree to comply with this expectation?

I Agree *

Question applies to multiple boards.

9. How did you learn about this advisory committee recruitment?

Jonathon Turlove/website

[JoshClark_cv.pdf](#)

Upload a Resume

Question applies to multiple boards.

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Joshua M. Clark

CV

mailto: josh.clark@dnr.wa.gov | tel: 360.902.1322 | addr: Wildfire Division, 1111 Washington St SE, Olympia, WA 98501

Education

M.S., environmental science	University of Idaho	2016 –
CERT., fire ecology	University of Idaho	2016 –
B.S., atmospheric science	University of Northern Colorado	2011 – 2015

Experience

teaching assistant	University of Idaho	2016 –
meteorologist, program manager	Washington Department of Natural Resources	2016 –
software engineer	MesoWest, University of Utah	2015 – 2016
software engineer intern	Unidata, National Center for Atmospheric Research	2015
fire meteorologist intern	Bureau of Land Management	2014
cartographer	United States Air Force	2008 – 2014

Awards

Academic

Student of the year, Dept. of Earth and Atmospheric Science, Univ. of Northern Colorado	2015
Forecaster of the year, Dept. of Earth and Atmospheric Science, Univ. of Northern Colorado	2015
Researcher award, College of Natural and Health Sciences, Univ. of Northern Colorado	2015
Best student project, Python programming conference, Univ. of Northern Colorado	2014 – 2015
Student travel grant award, 95th AMS Annual Meeting, American Meteorological Society	2014
Service award, Dept. of Earth and Atmospheric Science, Univ. of Northern Colorado	2014
Boundless opportunity scholarship, Daniels Fund	2014
Captain Mark G. Danielson memorial scholarship, U.S. Department of the Air Force	2014
McNair Scholar, U.S. Department of Education	2013
Daniels Scholar, Daniels Fund	2013
Scholarship for Outstanding Airmen, U.S. Department of the Air Force	2011

Military

Distinguished graduate, Officer Basic Training, U.S. Department of the Air Force	2013
Top gun (overall highest performer), Officer Basic Training, U.S. Department of the Air Force	2013
Scholastic excellence award, American Legion	2013
The Army Achievement medal, U.S. Department of the Army	2011
The Air Force Achievement medal, U.S. Department of the Air Force	2011
Afghanistan Campaign Medal	2011

Community

Eagle scout, Boy Scouts of America	2002
------------------------------------	------

Grants and Contracts Awarded (Total \$38,148)

A portable remote automated weather station for wildland firefighting in Washington, Public Safety Foundation, PI (\$24,960, 2016)

A visualization laboratory for student-led weather analysis, Univ. of Northern Colorado, PI (\$12,788, 2014)

Investigating the Louisville urban heat island, Univ. of Northern Colorado Dept. of Earth and Atmospheric Science research grant PI (\$400, 2013)

Conference Presentations

Clark, J.M. 2016. The MesoWest/Synoptic web service: a tool for accessing fire weather data. 5th International Fire Behavior and Fuels Conference, International Association of Wildland Fire. Portland, Oregon, USA.

- Clark, J.M.** 2016. MesoPy: a simple library for interacting with MesoWest data. Sixth Symposium on Advances in Modeling and Analysis Using Python, 96th Annual Meeting, American Meteorological Society. New Orleans, Louisiana, USA.
- Clark, J.M.**, and C.J. Shellito. 2015. Defining the spatial extent and average intensity of the Louisville urban heat island. 15th Student Conference, 95th Annual Meeting, American Meteorological Society. Phoenix, Arizona, USA.
- Clark, J.M.**, and C.J. Shellito. 2014. Defining the spatial extent and average intensity of the Louisville urban heat island. McNair Scholars Research Conference, University of New Mexico. Albuquerque, New Mexico, USA.
- Clark, J.M.**, and T.J. Mathewson. 2014. A synoptic map classification scheme for Colorado large fire occurrence. Young Scientist Symposium on Atmospheric Research, Colorado State University. Fort Collins, Colorado, USA.
- Clark, J.M.**, and C.J. Shellito. 2014. Defining the spatial extent and average intensity of the Louisville urban heat island. California McNair Symposium, University of California – Berkeley. Berkeley, California, USA.

Talks

- Clark, J.M.** 2016. 2016 fire season review and seasonal outlook. Washington State Agency and Disaster Liaisons Annual Meeting, Washington Emergency Management Division, Camp Murray, Washington, USA.
- Clark, J.M.** 2016. 2016 fire season review and seasonal outlook. Wildland Fire Advisory Committee Annual Meeting, Washington Commissioner of Public Lands, Cle Elum, Washington, USA.
- Clark, J.M.**, and J. Young. 2016. Accessing fire weather information: a tutorial on using the MesoWest/Synoptic API web services. 5th International Fire Behavior and Fuels Conference, International Association of Wildland Fire. Portland, Oregon, USA.
- Clark, J.M.** 2015. Siphon: a collection of python utilities for accessing Unidata data technologies. Unidata Python User's Workshop, University Corporation for Atmospheric Research, Boulder, Colorado, USA.
- Clark, J.M.** 2015. MesoPy, a python wrapper for the MesoWest API. Unidata Triannual User's Workshop, University Corporation for Atmospheric Research. Boulder, Colorado, USA.
- Clark, J.M.**, and P.J. Foy. 2014. Forecasting considerations for a fire environment. Earth Science Speaker Series, University of Northern Colorado. Greeley, Colorado, USA.

Refereed Publications

- Clark, J.M.**, and C.J. Shellito. 2014. Defining the spatial extent and average intensity of the Louisville urban heat island. University of Northern Colorado Research Journal 4(2): 63 – 71.

Non-Refereed Publications

- Clark, J.M.**, Kohler, G., Siemann, D., Halofsky, J., and D. Donato. 2016. Climate change and mountain pine beetle: implications for Washington forests and wildfire. State of the Science Series Issue 1. Washington Department of Natural Resources, Olympia, Washington, USA (*in preparation*).
- Kohler, G., Omdal, D., Ramsey, A., Dozic, A., **Clark, J.M.**, Fischer, M., Hersey, C., Ripley, K., Heath, Z., Nelson, A., and B. Smith. 2017. Forest health highlights in Washington – 2016. Washington State Department of Natural Resources and USDA Forest Service Pacific Northwest Region (*in preparation*).

Media

- “DNR uses new forecasting tool to pinpoint hot spots for wildfires.” The Spokesman-Review, Spokane, WA. 30 August 2016 (print).
- “Western Washington ready to burn as temperatures soar.” KING-TV, Seattle, WA. 19 August 2016 (video).
- “Training academy grew roots after South Canyon Fire.” Post Independent, Glenwood Springs, CO. 4 June 2014 (print).

Development Activities

- MesoWest/SynopticLabs API (v 2.1 – 2.4), a python-based web service for obtaining data from over 40,000 environmental monitoring stations. 300+ users.
- MesoPy (v 0.1 – 2.1), a pure python wrapper around the MesoWest API. Over 7,000 downloads.
- RMAPS Fire (v 1.0), an ad-hoc iOS application developed for fire managers at the Rocky Mountain Area Coordination Center during the 2014 wildfire season. Written in objective-c.

Service

Thurston County, Washington Veterans Advisory Board

American Meteorological Society Board for Operational Government Meteorologists
American Meteorological Student Chapter President

2017 –
2014 – 2015

Certifications

Incident Meteorologist (IMET), Type-2 (trainee)
Wildland Firefighter II

2016 –
2015 –

Application Form

Status: submitted

Profile

Shawn

First Name

F

Middle Initial

Smith

Last Name

smithswolf@comcast.net

Email Address

2505 Caitlin CT SE

Home Address

Suite or Apt

Olympia

City

WA

State

98501

Postal Code

Mobile: (360) 888-9212

Primary Phone

Mobile: (360) 888-9212

Alternate Phone

Retired

Occupation

Which Boards would you like to apply for?

Parks and Recreation Advisory Committee

Other

Select Your Neighborhood

If you choose "other" please write in your neighborhood here:

Interests & Experiences

Question applies to multiple boards.

Please keep answers concise and informative. You are introducing yourself to the Olympia City Council and sharing with them why you are interested in being considered for appointment. Olympia residency is not required; however, it is a primary consideration. You may attach a resume. An Olympia map with your residence clearly marked **MUST BE SUBMITTED** with your completed application. Yahoo, Google, or other similar maps are acceptable.

Question applies to multiple boards.

1. Briefly describe why you wish to serve on this advisory committee.

Having lived in the Olympia area most my life and having served with the City of Lacey's Park Commission while I lived in Lacey, I would like to be a part of Olympia's board. I currently live in SE Olympia.

Question applies to multiple boards.

2. Describe your qualifications and/or skills which would benefit this advisory committee.

I served on the Board of Park Commissioners for the city of Lacey from 2008 till 2014 when I needed to resign because I moved outside of Lacey into Olympia City boundaries. While on the board I was able to Co-Chair and also Chair for a period of my time.

Question applies to multiple boards.

3. Describe your involvement in the Olympia community.

I have lived in the Olympia and Lacey area most my life. Growing up and attending Olympia schools. I have two step children who are attending Olympia schools currently and are involved with Parks and Recreation activities during the summer. Although I am not as active as I would like to be, I am a member of the Olympia Unitarian Universalist Congregation.

Question applies to multiple boards.

4. List your educational and professional background and area of study.

I am a graduate of Capital High School in 1989. I have done community college coursework and am a certified Master Trainer for Stanford University's Self-Management Program in Diabetes and Chronic Disease. I have had the opportunity to speak as a patient advocate for people with Chronic Conditions and other health concerns.

Question applies to multiple boards.

5. Appointment to this committee will require your attendance at evening meetings. How many hours per month are you willing to commit as a volunteer?

My evenings are generally open. So I do not see any conflicts to attend scheduled meetings.

Question applies to multiple boards.

6. If you are not appointed to this committee at this time:

Question applies to multiple boards.

6a. Do you wish to be considered for appointment to another advisory committee?

Yes No

Question applies to multiple boards.

If you answered yes to 6a, please identify what other Advisory Committees you would be interested in being considered for.

Question applies to multiple boards.

6b. Do you wish to be considered for future appointment to this committee?

Yes No

Question applies to multiple boards.

6c. Would you be willing to volunteer for other City activities?

Yes No

Question applies to multiple boards.

7. Some appointments require that applicants reside within Olympia city limits. Even though your mailing address may be Olympia, you may reside in the County or another jurisdiction. Are you a resident of the City of Olympia?

Yes No

Question applies to multiple boards.

8. Citizens appointed to advisory committees are assigned and required to use a City email address for all advisory committee business.

Do you agree to comply with this expectation?

I Agree *

Question applies to multiple boards.

9. How did you learn about this advisory committee recruitment?

City website

Upload a Resume

Question applies to multiple boards.

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Application Form

Profile

Rhonda

First Name

C.

Middle Initial

Olnick

Last Name

rhonadolnick@msn.com

Email Address

3411 Morse Merryman Rd SE

Home Address

Suite or Apt

Olympia

City

WA

State

98501

Postal Code

Mobile: (360) 280-1213

Primary Phone

Home:

Alternate Phone

Realtor

Occupation

Which Boards would you like to apply for?

Parks and Recreation Advisory Committee

Other

Select Your Neighborhood

Morse Merryman Road

If you choose "other" please write in your neighborhood here:

Interests & Experiences

Question applies to multiple boards.

Please keep answers concise and informative. You are introducing yourself to the Olympia City Council and sharing with them why you are interested in being considered for appointment. Olympia residency is not required; however, it is a primary consideration. You may attach a resume. An Olympia map with your residence clearly marked MUST BE SUBMITTED with your completed application. Yahoo, Google, or other similar maps are acceptable.

Question applies to multiple boards.

1. Briefly describe why you wish to serve on this advisory committee.

I wish to serve on the PRAC board because I have believe our parks are one of the best things about our City. I want to serve the City and help shape the future of our parks.

Question applies to multiple boards.

2. Describe your qualifications and/or skills which would benefit this advisory committee.

My qualifications are simple. I am a citizen of the City of Olympia and have raised my small family here. My family includes two boys who over the years have enjoyed our City's parks whether it was hiking, biking, playing on the toys, utilizing soccer fields, baseball fields, or the skate park. We continue to use the park system several times a week and feel that my perspective will be valuable to the board.

Question applies to multiple boards.

3. Describe your involvement in the Olympia community.

I served as a citizen at large on the LBA Woods Park Coalition. I also helped with the YES Olympia Parks campaign. I managed the Facebook postings during the campaign.

Question applies to multiple boards.

4. List your educational and professional background and area of study.

Education: 1987 - Graduate Olympia High School 1990 - Graduate Santa Monica College Paralegal Degree Professional Experience: 1988-2003 - Various paralegal positions in Santa Monica, San Diego, Tacoma & Olympia 2003 - Present - Realtor

Question applies to multiple boards.

5. Appointment to this committee will require your attendance at evening meetings. How many hours per month are you willing to commit as a volunteer?

10

Question applies to multiple boards.

6. If you are not appointed to this committee at this time:

Question applies to multiple boards.

6a. Do you wish to be considered for appointment to another advisory committee?

Yes No

Question applies to multiple boards.

If you answered yes to 6a, please identify what other Advisory Committiees you would be interested in being considered for.

Question applies to multiple boards.

6b. Do you wish to be considered for future appointment to this committee?

Yes No

Question applies to multiple boards.

6c. Would you be willing to volunteer for other City activities?

Yes No

Question applies to multiple boards.

7. Some appointments require that applicants reside within Olympia city limits. Even though your mailing address may be Olympia, you may reside in the County or another jurisdiction. Are you a resident of the City of Olympia?

Yes No

Question applies to multiple boards.

8. Citizens appointed to advisory committees are assigned and required to use a City email address for all advisory committee business.

Do you agree to comply with this expectation?

I Agree *

Question applies to multiple boards.

9. How did you learn about this advisory committee recruitment?

Jeannine Roe

Upload a Resume

Question applies to multiple boards.

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City Council

Approval of Appointment to the Bicycle and Pedestrian Advisory Committee to Fill a Vacancy

Agenda Date: 3/21/2017
Agenda Item Number: 4.J
File Number: 17-0302

Type: decision **Version:** 1 **Status:** Consent Calendar

Title

Approval of Appointment to the Bicycle and Pedestrian Advisory Committee to Fill a Vacancy

Recommended Action

Committee Recommendation:

The General Government Committee recommends approval of the appointment listed below.

City Manager Recommendation:

Move to approve appointment of Allison Bremner, with a term ending March 31, 2018, to the Bicycle and Pedestrian Advisory Committee to fill a vacancy, and approve the reappointments of David Copley, Rebecca Brown, Scott Morgan and Jan Vleck, each with a term ending in 2020.

Report

Issue:

Whether to make the recommended appointment.

Staff Contact:

Kellie Purce Braseth, Strategic Communications Director, 360.753.8361

Presenter(s):

None - Consent Calendar Item

Background and Analysis:

The General Government Committee interviewed Ms. Bremner at its March 6, 2017 meeting and recommends her appointment to fill a vacancy on the Bicycle and Pedestrian Advisory Committee (BPAC) with a term ending March 31, 2018. The BPAC chair joined the General Government Committee for the interview.

Ms. Bremner's application is attached. The Committee also recommends the reappointments of current BPAC members David Copley, Rebecca Brown, Scott Morgan and Jan Vleck.

Neighborhood/Community Interests (if known):

N/A

Options;

1. Approve the appointments as recommended.
2. Do not approve the appointments and send the issue back to the General Government Committee. This would delay the appointment schedule and leave the BPAC not operating at full strength.

Financial Impact:

None

Attachments:

Bremner Application

Application Form

Status: submitted

Profile

Alison

First Name

J

Middle Initial

Bremner

Last Name

abremner@vt.edu

Email Address

3311 Amhurst St. SE

Home Address

Suite or Apt

Olympia

City

WA

State

98501

Postal Code

Home: (703) 565-3212

Primary Phone

Home: (

Alternate Phone

unemployed/ stay at home
mom

Occupation

Which Boards would you like to apply for?

Bicycle and Pedestrian Advisory Committee

Other

Select Your Neighborhood

near LBA park

If you choose "other" please write in your neighborhood here:

Interests & Experiences

Question applies to multiple boards.

Please keep answers concise and informative. You are introducing yourself to the Olympia City Council and sharing with them why you are interested in being considered for appointment. Olympia residency is not required; however, it is a primary consideration. You may attach a resume. An Olympia map with your residence clearly marked **MUST BE SUBMITTED** with your completed application. Yahoo, Google, or other similar maps are acceptable.

Question applies to multiple boards.

1. Briefly describe why you wish to serve on this advisory committee.

I would like to serve on the Bicycle and Pedestrian Advisory Committee to bring a new set of eyes to the infrastructure and programs in place and encourage safe and smart improvements where needed.

Question applies to multiple boards.

2. Describe your qualifications and/or skills which would benefit this advisory committee.

I served as the departmental liaison for a similar group in Virginia where I worked as the Trails Coordinator for the Parks and Recreation Department of Fauquier County. I have been involved with Safe Routes to School, land acquisition, safety projects, and the implementation of sharrows. As a new resident of Olympia and avid bicyclist, walker, and hiker, I also can offer a new user's perspective to the current facilities in the City and County.

Question applies to multiple boards.

3. Describe your involvement in the Olympia community.

We have recently moved here and are just starting to branch out into activities. My husband and I have 3 young children and are involved in their sports and schools.

Question applies to multiple boards.

4. List your educational and professional background and area of study.

B.S. Horticulture, Virginia Tech M.P.A., Virginia Tech Extension Agent, Horticulture, Virginia Cooperative Extension Trails Coordinator, Fauquier County Parks and Recreation (ending June 2016)

Question applies to multiple boards.

5. Appointment to this committee will require your attendance at evening meetings. How many hours per month are you willing to commit as a volunteer?

2-5

Question applies to multiple boards.

6. If you are not appointed to this committee at this time:

Question applies to multiple boards.

6a. Do you wish to be considered for appointment to another advisory committee?

Yes No

Question applies to multiple boards.

If you answered yes to 6a, please identify what other Advisory Committees you would be interested in being considered for.

Question applies to multiple boards.

6b. Do you wish to be considered for future appointment to this committee?

Yes No

Question applies to multiple boards.

6c. Would you be willing to volunteer for other City activities?

Yes No

Question applies to multiple boards.

7. Some appointments require that applicants reside within Olympia city limits. Even though your mailing address may be Olympia, you may reside in the County or another jurisdiction. Are you a resident of the City of Olympia?

Yes No

Question applies to multiple boards.

8. Citizens appointed to advisory committees are assigned and required to use a City email address for all advisory committee business.

Do you agree to comply with this expectation?

I Agree *

Question applies to multiple boards.

9. How did you learn about this advisory committee recruitment?

website

[IMG_2230.JPG](#)

Upload a Resume

Question applies to multiple boards.

Applications are accepted for the calendar year only. The Olympia City Council's General Government Committee recommends appointments to the full Council. Recommendations are made following review of applications and an interview of qualified candidates.

For further information, contact Susan Grisham, Executive Assistant, 360.753.8244, sgrisham@ci.olympia.wa.us

When filed with the City, your application and attachment documents are public records and may be subject to public release.

The City of Olympia is committed to the non-discriminatory treatment of all persons in employment and the delivery of services and resources.



City Council

Approval of the 2017 work plan for the Ad Hoc Committee on Affordable Housing

Agenda Date: 3/21/2017
Agenda Item Number: 4.K
File Number: 17-0284

Type: decision **Version:** 1 **Status:** Consent Calendar

Title

Approval of the 2017 work plan for the Ad Hoc Committee on Affordable Housing

Recommended Action

Committee Recommendation:

The Ad Hoc Committee on Affordable Housing recommends approval of the Ad Hoc Committee's 2017 work plan.

City Manager Recommendation:

Move to approve the 2017 work plan for the Ad Hoc Committee on Affordable Housing

Report

Issue:

Whether to approve the 2017 work plan for the Ad Hoc Committee on Affordable Housing.

Staff Contact:

Keith Stahley, Director Community Planning and Development Department 360.753.8227

Presenter(s):

None - Consent Calendar Item.

Background and Analysis:

The Committee met on Friday March 10, 2017 and considered a draft work plan. The Committee made modifications to the work plan and forwards the attached work plan to City Council with a recommendation to approve it.

The work plan as structured is ambitious and will stretch staff; however, the work is important and staff will work to meet the objectives outlined in the work plan. This work may have impacts on other work items on the Community Planning and Development Department's work plan.

Committee 2017 Work Plan items:

1. Partnership/Funding: Meet with Thurston County to understand the Housing Pipeline and the County's response to housing affordability and homelessness.

2. Partnership: Meet with Thurston County to understand the draft 10 Year Plan and how it connects to the Housing Pipeline and Olympia's unique challenges in the region.
3. Review Tools/Partnerships: Develop an understanding of the coordinated entry system and the vulnerability index.
4. Review Tools/Funding: Develop an understanding of the relationship between public safety needs and housing affordability and homelessness issues.
5. Review Tools: Consider housing affordability and homelessness responses of Bellingham, Vancouver, Everett, Seattle or other communities that have engaged in coordinated efforts to address housing affordability and homelessness.
6. Background: Review the Downtown Strategy and City Staff work around homelessness and affordable housing.
7. Engagement: Consider options for gathering public input including survey data about various housing affordability and homelessness issues and potential solutions.
8. Engagement: Consider options for educating the general public about the housing affordability and homelessness issues.
9. Background: Understand the existing and needed capacity for homeless support services in Olympia and our region and identify gaps in that system or our information.
10. Review Tools: Understand the full spectrum of housing options, definitions, applications and needs including affordable housing, transitional housing, supportive housing, emergency shelter, and day center and identify gaps in that system or our information.
11. Review Tools: Consider the Housing Tool Kit and develop options for implementation.
12. Develop a report on options for housing affordability and homelessness response.

Neighborhood/Community Interests (if known):

None.

Options:

1. Approve the proposed Work Plan for the AHCOHA
2. Amend the proposed Work Plan for the AHCOHA
3. Refer the proposed Work Plan to the AHCOHA for further deliberation and recommendation

Financial Impact:

None.

Attachments:

Ad Hoc Committee on Housing Affordability 2017 Work Plan

**Ad Hoc COMMITTEE on Housing Affordability 2017 DRAFT WORK PLAN
(Last Updated 03/13/2017)**

1. **Examine Housing Funding Options** - Coordinate and confer with Thurston County, other jurisdictions, local housing providers, service providers and interest groups to examine the need for affordable housing and homeless facilities and services and the potential scope, scale, timing and approach to funding options.
2. **Explore Partnerships Options** - Explore ways to enhance coordination, cooperation and commitment to regional approaches and strategic thinking to addressing the needs and impacts of homelessness and housing affordability.
3. **Consider Public Engagement Options** - Consider measures to inform, consult, educate and involve the community in discussions about the impacts and needs related to homelessness and housing affordability.
4. **Review Tools** - Review the financial and regulatory tools available to the City to influence housing affordability and homelessness. Develop strategic options for their deployment based on the realities of local housing market.

Committee 2017 Work Plan items:

1. Partnership/Funding: Meet with Thurston County to understand the Housing Pipeline and the County's response to housing affordability and homelessness.
2. Partnership: Meet with Thurston County to understand the draft 10 Year Plan and how it connects to the Housing Pipeline and Olympia's unique challenges in the region.
3. Review Tools/Partnerships: Develop an understanding of the coordinated entry system and the vulnerability index.
4. Review Tools/Funding: Develop an understanding of the relationship between public safety needs and housing affordability and homelessness issues.
5. Review Tools: Consider housing affordability and homelessness responses of Bellingham, Vancouver, Everett, Seattle or other communities that have engaged in coordinated efforts to address housing affordability and homelessness.
6. Background: Review the Downtown Strategy and City Staff work around homelessness and affordable housing.
7. Engagement: Consider options for gathering public input including survey data about various housing affordability and homelessness issues and potential solutions.
8. Engagement: Consider options for educating the general public about the housing affordability and homelessness issues.
9. Background: Understand the existing and needed capacity for homeless support services in Olympia and our region and identify gaps in that system or our information.
10. Review Tools: Understand the full spectrum of housing options, definitions, applications and needs including affordable

housing, transitional housing, supportive housing, emergency shelter, and day center and identify gaps in that system or our information.			
11. Review Tools: Consider the Housing Tool Kit and develop options for implementation.			
12. Develop a report on options for housing affordability and homelessness response.			
Meetings will be held on the 1 st Monday of the Month and the Third Wednesday of the Month unless otherwise noticed.			
Issue	Staff Responsible	Referred By	Status and Notes
March 10, 2017			
1. Review and Finalize Proposed Work Plan	Keith Stahley	Staff	
2. Meet with Thurston County to review the Housing Pipeline and the regional response to homelessness and housing affordability	Keith Stahley	City Council	Invite Commissioner Blake to the meeting. Status pending.
3. Consider the Housing Tool Kit and develop options for implementation.	Keith Stahley	City Council	Review the tool kit and begin to develop an understanding of how the various tools can be deployed and what steps would be needed to implement them. Begin to consider prioritization.
4. Status Reports and Updates	Keith Stahley	City Council	Planning project, CDBG and development project updates.
March 29, 2017 Attend Olympia Housing Levy Forum 6:00 PM to 7:30 PM United Churches 110 11th Avenue SE Olympia, WA Hear from representatives from Olympia, Bellingham and Vancouver about their efforts. AHCOHA Members May Attend			
April 3, 2017			

1. Meet with Thurston County or HUB to understand the 10 Year Plan and how it connects to the Housing Pipeline and Olympia's unique challenges in the region.	Keith Stahley	City Council	Invite Commissioner Blake to meeting. Status Pending.
2. Understand the existing and needed capacity for homeless <u>support services</u> in Olympia and our region and identify gaps in that system or our information.	Keith Stahley	City Council	Review shelter, type capacity and need and determine if there are gaps in service.
3. Understand the full spectrum of housing options and needs including affordable housing, transitional housing, supportive housing, emergency shelter, and day center and the gaps in this system.	Keith Stahley	City Council	Review housing needs across a range of incomes and determine where gaps exist.
4. Status Reports and Updates	Keith Stahley	City Council	Planning project, CDBG and development project updates.
April 19, 2017			
1. Consider housing affordability and homelessness responses of Bellingham, Vancouver, Everett, Seattle or other communities that have engaged in coordinated efforts to address housing affordability and homelessness.	Keith Stahley	City Council	Hear from one or more of the communities that have recent experience in developing a coordinated response to homelessness and housing affordability.
2. Review the Downtown Strategy and City Staff work around homelessness and affordable housing.	Keith Stahley	City Council	Hear from Amy Buckler, John Owen, Anna Schlecht on their work on housing affordability and homelessness related to the DTS.
3. Review Tools/Partnerships:			Hear from Sidewalk, CYS, Family

Develop an understanding of the coordinated entry system and the vulnerability index.			Support Center and WA Department of Commerce about coordinated entry
4. Status Reports and Updates	Keith Stahley	City Council	Planning project, CDBG and development project updates.
Joint Meeting with the County's Housing Action Team April/May			
May 1, 2017			
1. Consider options for educating the general public about the housing affordability and homelessness issues.	Keith Stahley	City Council	Consider outreach and engagement options for developing a public understanding of the status and need.
2. Consider options for gathering public input including survey data about various housing affordability and homelessness issues and potential solutions.	Keith Stahley	City Council	Consider conducting a pole to determine understanding of homelessness and affordable housing issues in our region and measures to respond including additional funding.
3. Develop an understanding of the relationship between public safety needs and housing affordability and homelessness issues.	Keith Stahley, Ronnie Roberts	City Council	Understand county resources including the mobile outreach and triage center and how they are being used and how Olympia might support, expand or provide similar services.
4. Status Reports and Updates	Keith Stahley	City Council	Planning project, CDBG and development project updates.
May 17, 2017			
1. Consider draft report on options for housing affordability and homelessness response.	Keith Stahley	City Council	Develop a report on the Committee's findings for Council's consideration.
2. Status Reports and Updates	Keith Stahley	City Council	Planning project, CDBG and development project updates.
City Council Study Session -- May TBD			

June 5, 2107			
1. Consider draft report on options for housing affordability and homelessness response.	Keith Stahley	City Council	Develop a report on the Committee's findings for Council's consideration.
2. Status Reports and Updates	Keith Stahley	City Council	Planning project, CDBG and development project updates.
June 21, 2017			
1. Consider draft report on options for housing affordability and homelessness response.	Keith Stahley	City Council	Develop a report on the Committee's findings for Council's consideration.
2. Status Reports and Updates	Keith Stahley	City Council	Planning project, CDBG and development project updates.
City Council Study Session -- June/July			
July TBD If Necessary			
1. Consider a report on options for housing affordability and homelessness response.	Keith Stahley	City Council	Develop a report on the Committee's findings for Council's consideration.
2. Status Reports and Updates	Keith Stahley	City Council	Planning project, CDBG and development project updates.
Future			
1. Consider staffing and resource needs to support ongoing efforts for the City to proactively engage in the full spectrum of affordable housing and homelessness service provision.	Keith Stahley	City Council	
2. Consider the scope for development of a housing	Keith Stahley	City Council	

strategy.			
3. Consider possible criteria for siting homelessness support services.	Keith Stahley	City Council	
4. Consider how to effectively engage regional partners in the housing affordability and homelessness dialogue.	Keith Stahley	City Council	



City Council

Approval of Resolution Setting a Public Hearing Date to Consider a Vacation Petition for a Portion of an Alley Right-of-Way Adjacent to 210 State Ave NW

Agenda Date: 3/21/2017
Agenda Item Number: 4.L
File Number: 17-0154

Type: resolution **Version:** 1 **Status:** Consent Calendar

Title

Approval of Resolution Setting a Public Hearing Date to Consider a Vacation Petition for a Portion of an Alley Right-of-Way Adjacent to 210 State Ave NW

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Move to pass a Resolution to schedule a Public Hearing on April 11, 2017 to hear public testimony regarding the vacation petition of a portion of Alley right-of-way adjacent to 210 State Ave NW.

Report

Issue:

Whether to schedule a public hearing on April 11, 2017 to hear public testimony regarding the vacation petition.

Staff Contact:

Ladd F. Cluff, City Surveyor, Public Works Engineering, 360.753.8389

Presenter(s):

None - Consent Calendar Item.

Background and Analysis:

Urban Olympia 5, LLC, the property owner of 210 State Ave NW, is considering re-developing this property, the former site of Les Schwab tire center. They have asked the City to start the process to vacate a portion of an alley adjacent to their property as a part of the development plan.

Under state law, RCW 35.79.010, the Council is required to adopt a resolution to set the public hearing date prior to acting on a right-of-way vacation petition.

Neighborhood/Community Interests (if known):

The public hearing will provide an opportunity for Council to hear from the community on the requested vacation.

Options:

Option 1. Pass the resolution setting April 11, 2017 as the date for the Public Hearing. This is within the required timeline of the proposed resolution.

Option 2. Reject the resolution setting April 11, 2017 as the date for the Public Hearing. Staff will work with Council to set another Public Hearing date that meets the statutory requirements.

Financial Impact:

None

Attachments:

Resolution
Petition Packet
Development Site Plan
Vicinity Map
RCW 35.79.010

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF OLYMPIA, WASHINGTON, FIXING APRIL 11, 2017 AS THE DATE FOR PUBLIC HEARING ON A PROPOSAL TO VACATE AS A PUBLIC THOROUGHFARE A PORTION OF THE NORTH-SOUTH ALLEY RIGHT-OF-WAY ADJACENT TO 210 STATE AVE NW.

WHEREAS, under state statute RCW 35.79.010, the City Council is required to adopt a resolution which sets a public hearing date for the consideration of a right-of-way vacation request; and

WHEREAS, the City Council of the City of Olympia has determined that a public hearing should be held regarding the proposal to vacate a portion of public alley adjacent to 210 State Ave NW; and

WHEREAS, one of the purposes of this Resolution is to provide notice to residents and neighbors of the proposed street vacation;

NOW, THEREFORE, THE OLYMPIA CITY COUNCIL DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. The City Council, pursuant to RCW 35.79.010, hereby initiates procedures to vacate as a public thoroughfare the following described property:

That portion of the North-South alley adjacent to Lots 5 through 8 inclusive in Block 72 of Sylvester's Plat of Olympia, as recorded in Volume 1, of Plats, Page 14, in Thurston County, Washington.

Section 2. April 11, 2017, at the hour of 7:00 p.m. or thereafter, at the Olympia City Hall Council Chambers, 601 4th Avenue E, Olympia, Washington, is fixed as the time and place for the hearing on said proposed alley vacation, such time shall not be more than sixty days nor less than twenty days after the passage of this Resolution.

PASSED BY THE OLYMPIA CITY COUNCIL this _____ day of _____ 2017.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

Darren Nienaber

DEPUTY CITY ATTORNEY

*

Petition to Vacate Public Right-of-Way

Olympia

OFFICIAL USE ONLY			
Applicant: <u>Urban Olympia 5 LLC</u>		Address: <u>210 State Ave NW</u>	
Phone: <u>360.230.3033</u>	File#: <u>17-0265</u>	Receipt #:	Date:
<u>Walker John</u>			



HONORABLE MAYOR AND CITY COUNCIL:

We, the undersigned, do hereby petition the Olympia City Council to vacate the following described public right-of-way:

LEGAL DESCRIPTION OF AFFECTED RIGHT-OF-WAY:
THAT PORTION OF THE NORTH-SOUTH ALLEY ADJACENT TO LOTS 5 THROUGH 8 INCLUSIVE IN
BLOCK 72 OF SYLVESTER'S PLAT OF OLYMPIA, AS RECORDED IN VOLUME 1 OF PLATS, PAGE
14, IN THURSTON COUNTY, WASHINGTON.

PURPOSE OF REQUEST AND STATEMENT OF PUBLIC BENEFIT: *
The purpose of this request is to vacate the alley to accommodate a better building and parking lot layout on the adjacent parcels. This also improves the traffic flow through the site and allows for a better use of the site.
The vacation has no known adverse impacts on the public. There are no public services that rely on access to/through this alley. We are aware of the utility line under this alley and will work with Public Works to address any further protection and/or possible relocation of this line.
<i>*See submittal requirements and criteria for approval on the reverse side of this form</i>

PETITIONERS*		
Owner's signature	Owner's Names	Parcel Number
	URBAN OLYMPIA 5, LLC	78507200800
	URBAN OLYMPIA 5, LLC	78507200600

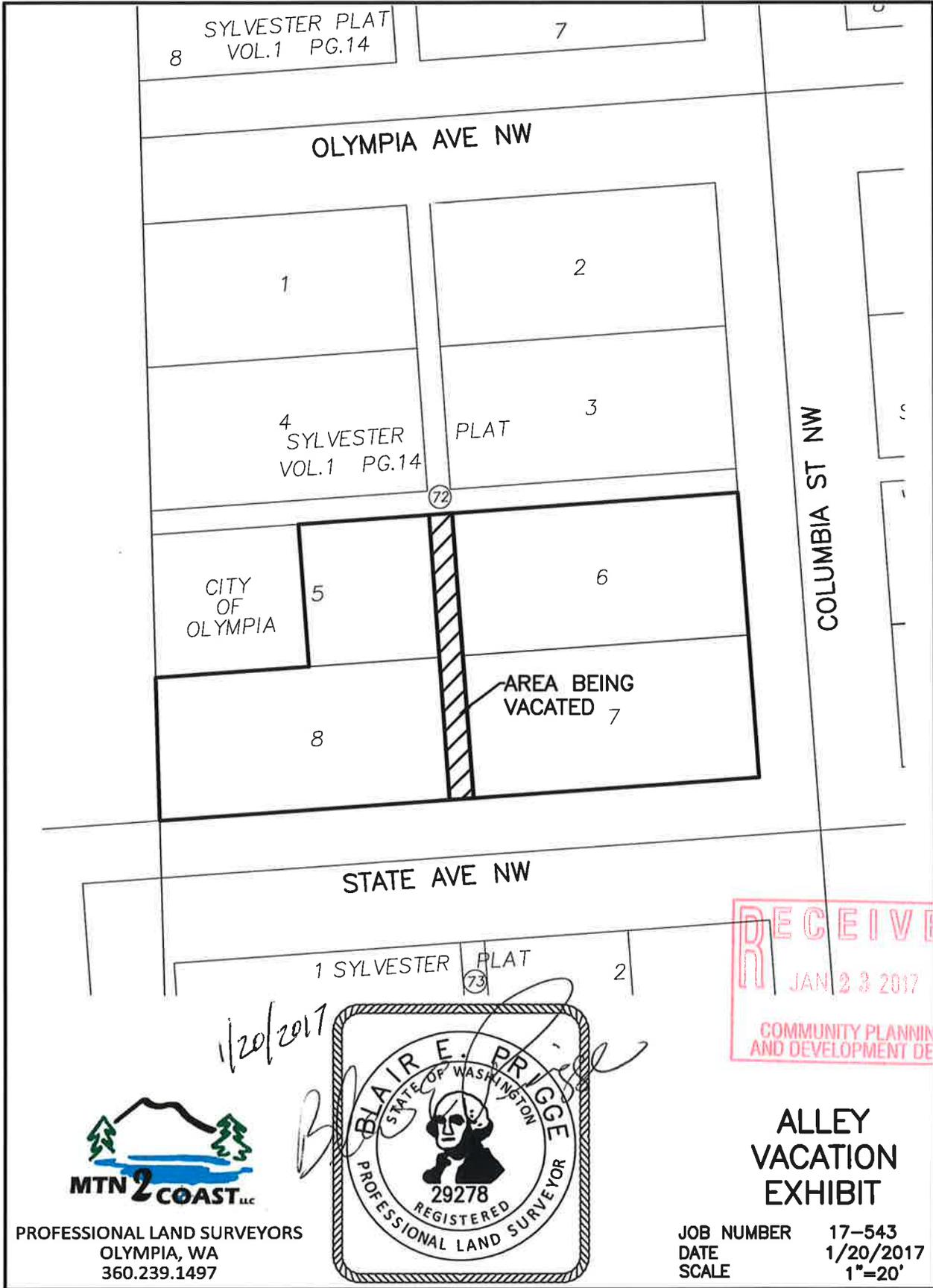
**Attach additional sheets as necessary*

I verify that each of the above signatures represents a legal and registered owner of the property abutting the above-described right-of-way.

 Applicant's Signature

1/23/2017

 Date



8 SYLVESTER PLAT
VOL.1 PG.14

7

OLYMPIA AVE NW

1

2

4 SYLVESTER
VOL.1 PG.14

PLAT

3

CITY
OF
OLYMPIA

5

6

AREA BEING
VACATED

8

7

COLUMBIA ST NW

STATE AVE NW

1 SYLVESTER PLAT

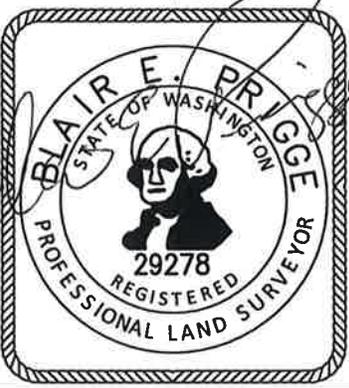
2

RECEIVED
JAN 23 2017
COMMUNITY PLANNING
AND DEVELOPMENT DEPT.

1/20/2017



PROFESSIONAL LAND SURVEYORS
OLYMPIA, WA
360.239.1497

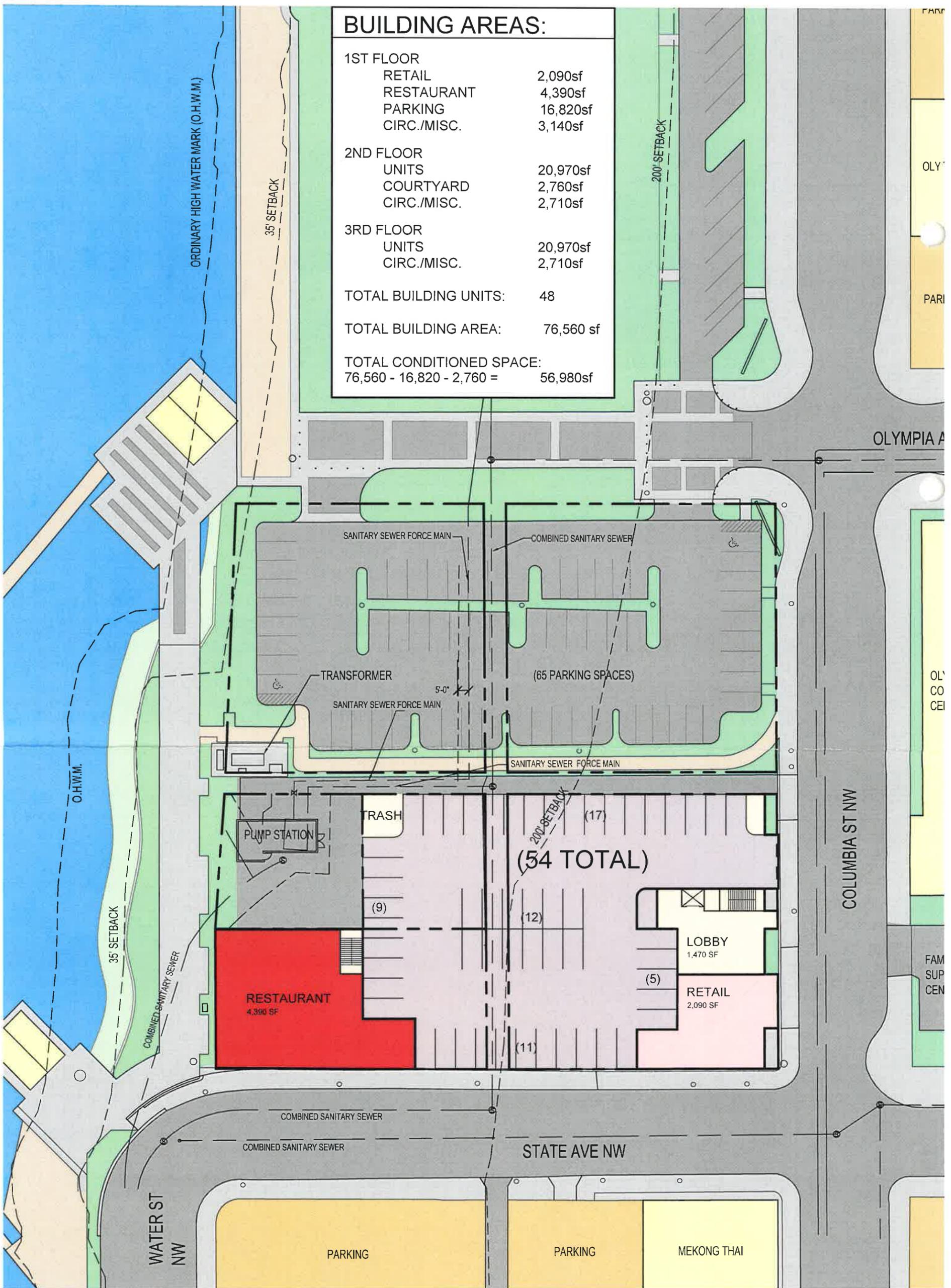


ALLEY
VACATION
EXHIBIT

JOB NUMBER 17-543
DATE 1/20/2017
SCALE 1"=20'

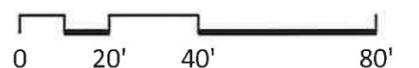
BUILDING AREAS:

1ST FLOOR	
RETAIL	2,090sf
RESTAURANT	4,390sf
PARKING	16,820sf
CIRC./MISC.	3,140sf
2ND FLOOR	
UNITS	20,970sf
COURTYARD	2,760sf
CIRC./MISC.	2,710sf
3RD FLOOR	
UNITS	20,970sf
CIRC./MISC.	2,710sf
TOTAL BUILDING UNITS:	48
TOTAL BUILDING AREA:	76,560 sf
TOTAL CONDITIONED SPACE:	76,560 - 16,820 - 2,760 = 56,980sf



FLOOR PLAN - LEVEL 1
HALF BLOCK OPTION

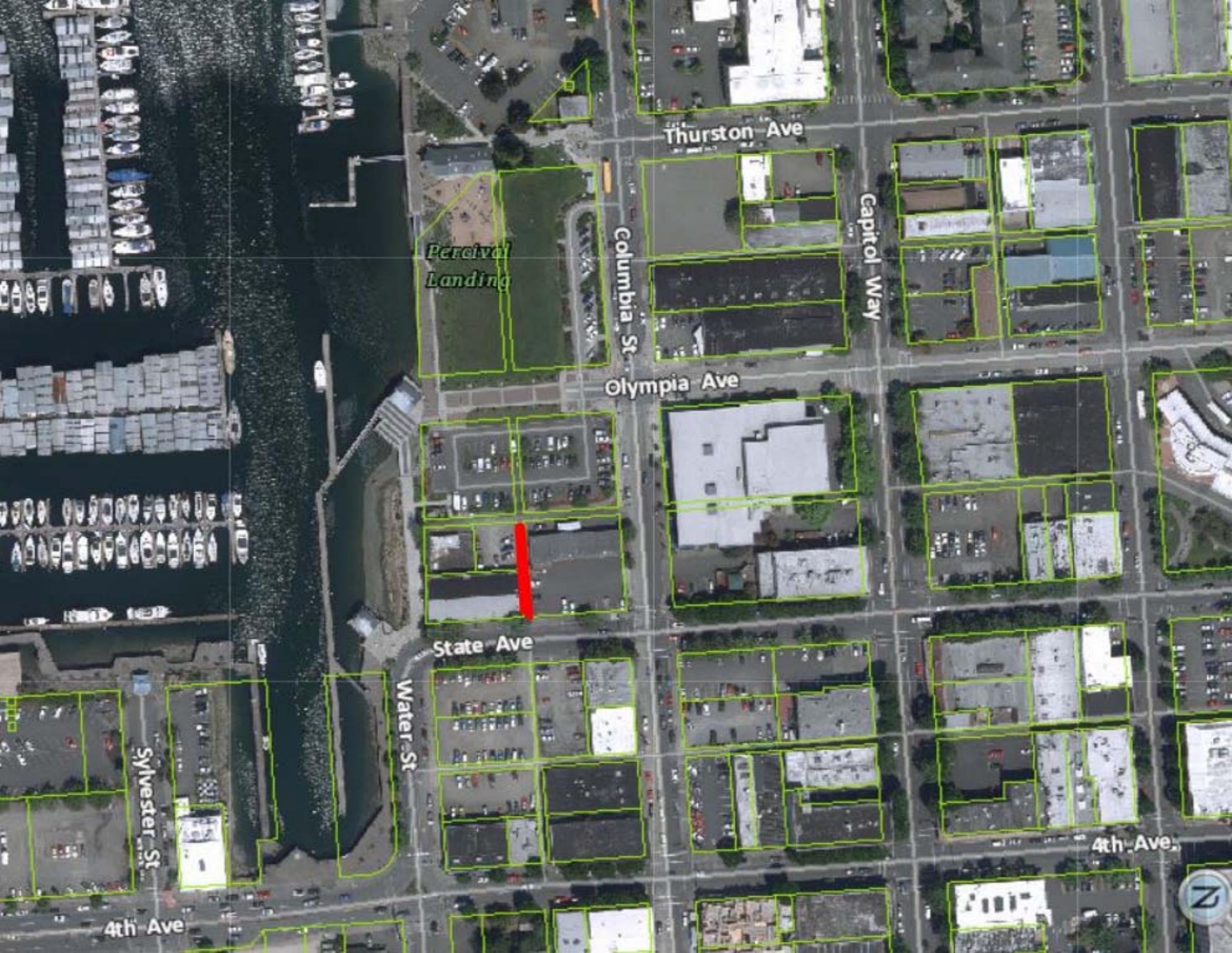
06-27-16



LES SCHWAB SITE

210 STATE AVE NW - OLYMPIA, WASHINGTON





Thurston Ave

Percival
Landing

Columbia St

Capitol Way

Olympia Ave

State Ave

Water St

Sylvester St

4th Ave

4th Ave



RCW 35.79.010

Petition by owners—Fixing time for hearing.

The owners of an interest in any real estate abutting upon any street or alley who may desire to vacate the street or alley, or any part thereof, may petition the legislative authority to make vacation, giving a description of the property to be vacated, or the legislative authority may itself initiate by resolution such vacation procedure. The petition or resolution shall be filed with the city or town clerk, and, if the petition is signed by the owners of more than two-thirds of the property abutting upon the part of such street or alley sought to be vacated, legislative authority by resolution shall fix a time when the petition will be heard and determined by such authority or a committee thereof, which time shall not be more than sixty days nor less than twenty days after the date of the passage of such resolution.

[[1965 c 7 § 35.79.010](#). Prior: [1957 c 156 § 2](#); 1901 c 84 § 1, part; RRS § 9297, part.]



City Council

Approval of Amendments to Community Development Block Grant (CDBG) Funding - Program Year (PY) 2016

Agenda Date: 3/21/2017
Agenda Item Number: 4.M
File Number: 17-0279

Type: decision **Version:** 1 **Status:** Consent Calendar

Title

Approval of Amendments to Community Development Block Grant (CDBG) Funding - Program Year (PY) 2016

Recommended Action

Committee Recommendation

The General Government Committee recommends approval of the proposed amendments to the PY 2016 CDBG Annual Action Plan.

City Manager Recommendation:

Move to approve the proposed amendments to the PY 2016 CDBG Annual Action Plan.

Report

Issue:

Whether to approve the proposed amendments to Program Year (PY) 2016 CDBG Action Plan to include an additional \$315,000 from unexpended CDBG funds for new activities that will ensure CDBG funds are spent down in a timely manner.

Staff Contact:

Anna Schlecht, Community Service Programs Manager, Community Planning & Development Department, 360.753.8183

Presenter(s):

None - Consent Calendar Item.

Background and Analysis:

Overview:

On February 7, 2017 the Council initiated the public review process for the proposed amendments (attached) as recommended by the General Government Committee from their February 3, 2017 meeting. On February 28, 2017, Council held a public hearing as part of a 30-day public comment period as required by our CDBG Citizen Participation Plan. All public comments received to date as part of the 30-day public comment period (February 10 - March 13, 2017) are attached. Any

additional public comments received by the March 13 deadline will be provided to Council prior to March 21, 2017.

Source of CDBG Funds: The City has approximately \$210,000 from past CDBG program years that has not been expended as quickly as anticipated. Of this amount, \$149,000 comes from a PY 2014 activity - the National Development Council's Technical Assistance contract to support the Grow Olympia Fund (GOF). This funding has not been expended because it only becomes eligible when a GOF loan is fully executed. An additional \$60,100 comes from unexpended prior year program income. In addition, the City continues to receive program income from past housing rehabilitation loans in excess of projections. Staff now estimates an additional \$105,000 of additional program income could be received in PY2016 that can be allocated at this time.

These funds must be allocated by the City for new activities that will expend funds in a timely manner to ensure compliance with HUD regulations. HUD has advised the City to either expend or re-allocate unexpended funds by March 22, 2017.

PY 2016 Amendment - Public Timeline and Public Process: Because of the large amount of funding under consideration, the City must go through the full CDBG "Substantial Amendment" process as described in our CDBG Citizen Participation Plan to consult with the public on how these funds are invested. The attached "Public Process Timeline Summary - Public Proposed CDBG Proposed Amendments" describes these proposed amendments and offers ways for the public to offer their comments. This is part of the program year as presented in the attachment "Olympia CDBG Program - Annual Cycle." This public process is summarized as follows:

February 7, 2017	Council Action to Start Allocation Process
Feb. 10 - March 13	Public Comment Process (30-day review period of all proposed amendments)
February 28	CDBG Amendments Public Hearing
March 21	Council Approval - Consent Calendar
March 22	Report PY 2016 CDBG Amendments to HUD

Program Income and Spend-down Deadlines: HUD regulations require that the City spend down to 1.5 times its current grant. The regulatory intent is to ensure that tax-payers' money is used promptly to meet community needs. In PY 2016, the target amount is to spend down to \$511,338 by June 30, 2017. At this time, the City needs to spend at least \$310,000 additional funding to get down to the target amount.

Mid-year amendments are often necessitated for a number of reasons. First, it can be difficult to accurately estimate the amount CDBG Program Income to be received. Second, some activities in a given program year may not be expending funds in a timely manner and must be dropped in favor of new activities that that will expend funds more quickly in order to meet the spend down target.

CDBG Background

CDBG Purpose: The Community Development Block Grant (CDBG) Program was created as a “bundled” federal aid program intended to aid the development of viable urban communities, by providing decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low and moderate income. The program was designed with flexibility to allow communities to determine how to meet the specific local needs of low-moderate income individuals.

Options for CDBG-funded Activities: The current CDBG Five-Year Consolidated Plan (2013 - 2017) identifies the following five key strategies:

- **Housing Rehabilitation - *PRIORITY***
Examples: Renovation of Smith Building to create housing units. Can include both acquisition and rehabilitation as conducted by Homes First!
- **Public Services - *PRIORITY***
Examples: Capital Recovery Center Ambassador Program.
- **Economic Development**
Examples: Business training programs; CPTED Safety projects.
- **Public Facilities**
Examples: Providence Community Care Center.
- **Land Acquisition**
Examples: Purchase of Griswold’s Building.

While Housing Rehabilitation and Public Services were identified as the highest priorities for the current annual action plan, the other three identified strategy areas are also eligible. Additionally, the Council could decide to add other CDBG-eligible strategic goals based on current conditions not anticipated at the time of the Five-Year Consolidated Plan development.

Neighborhood/Community Interests (if known):

The federal CDBG Program offers a flexible source of funding to meet a wide variety of affordable housing, social service, economic development and other community development needs. All neighborhoods and community stakeholders have an interest in how CDBG funds are invested in community development programs and projects.

Options:

1. Move to approve the proposed amendments to the PY 2016 CDBG Annual Action Plan as part of the 30-day public comment period.

2. Delay approval of the proposed amendments to the PY 2016 CDBG Action Plan [Note: this option would risk a federal finding by missing the March 22, 2017 deadline.]

Financial Impact:

Staff estimates there will be approximately \$210,000 from unexpended CDBG funds to reallocate via the CDBG Amendment process prior to March 2017. Staff also estimates up to \$105,000 additional program income may be received in PY2016 that can be included in a PY2016 CDBG Amendment process.

Attachments:

CDBG Program Year 2016 Proposed Amendments Matrix
Public Process Timeline Summary - Proposed CDBG Amendments

Olympia CDBG Program - Annual Cycle

Public Comments

CDBG Program Year 2016 Proposed Amendments Matrix

Attachment #1

ACTIVITY	Options / Comments	Current PY 2016 Allocation	Proposed PY 2016 Amendments	TOTAL – Current & Proposed CDBG Activities
Planning & Administrative Costs	Staffing required to run a compliant program	\$98,178	\$0.00	\$98,178
Economic Development	Economic Development Council – Business Training	\$25,864*	\$0.00	\$25,864*
Micro Enterprise	Enterprise for Equity – Micro Business Assistance	\$18,953*	\$0.00	\$18,953*
Public Facility	Providence - Community Care Center	\$200,000	\$0.00	\$200,000
Social Services	Capital Recovery – Downtown Ambassador Program	\$55,397*	\$0.00	\$55,397*
Economic Development	Crime Prevention Through Environmental Design	\$27,500*	\$0.00	\$27,500*
Housing Rehabilitation* <i>(Loan Program to rehab housing for low income tenants)</i>	<ul style="list-style-type: none"> • Candlewood Manor - Water supply: 104 units, very low-income mobile home tenants \$47,000 • Homes First! Oxford House repairs: \$68,000 • Sewer Connections - 1111 Lilly Rd NE: 6 units, very low-income tenants \$105,000 • Sewer Connections - 2620 5th Avenue NE: 6 units, very low-income tenants \$70,000 	\$65,000*	\$225,000** <i>(\$210,00 - unspent prior year funds, \$105,000 - anticipated Program Income)</i>	\$290,000** <i>(Includes newly allocated funds)</i>
Portland Loo – Equipment Purchase <i>(Purchase of stainless steel bathroom facility – part of the downtown 24/7 restroom project)</i>	City funding options include several fund sources; equipment purchase would be most timely for CDBG regulatory compliance.	\$0.00	\$90,000*	\$90,000* <i>(Newly allocated funds)</i>
	TOTAL FOR AMENDMENT OPTIONS <i>Please Note: Amendments allow the City to meet the spend-down target of \$315,000</i>	\$490,892	\$315,000	\$805,892

*Allocated amounts include Activity Delivery (ADC) costs

**Housing Rehab sub-total to be indexed to actual program income receipts

**PUBLIC PROCESS TIMELINE SUMMARY - PROPOSED CDBG AMENDMENTS
Olympia Community Development Block Grant (CDBG) Program Year 2016
(September 1, 2016 – August 31, 2017)**

Public Process

The public has the opportunity to review and comment on the proposed amendment, or changes, to the Olympia Community Development Block Grant (CDBG) Program Year 2016 (September 1, 2016 – August 31, 2017) Annual Action Plan. The attached chart presents the changes, described briefly as: 1) adding an additional \$225,000 to the Housing Rehabilitation Loan Fund Program which provides loan funds to rehabilitate housing occupied by very low-income tenants; and, 2) providing \$90,000 to purchase a stainless steel bathroom unit known as the “Portland Loo” for installation in the downtown Olympia Artesian Commons Park; to be made available 24/7 as part of the City’s downtown restroom project.

Timeline:

February 10 – March 13	Public Comment Period (See below for how to comment)
February 28 (7:00 p.m.)	Public Hearing at Olympia City Council Meeting
March 21	Council – Final Decision
March 22	Report to Housing & Urban Development (HUD)

Copies of this chart and one-page explanation are available at the following locations:

- www.olympiawa.gov/city-services/housing-social-service/cdbg-program
- Community Planning & Development Department, Olympia City Hall, 601 4th Avenue East, Olympia
- Olympia Timberland Library, 313 8th Avenue SE, Olympia

The public may review these proposed changes during the 30-day public comment period, from February 10 to March 13, 2017 and provide comments as follows:

Emails: citycouncil@ci.olympia.wa.us

Letters: Olympia City Council, Olympia City Hall, 601 4th Avenue East, Olympia WA 98501

Phone Calls: 360-753-8266

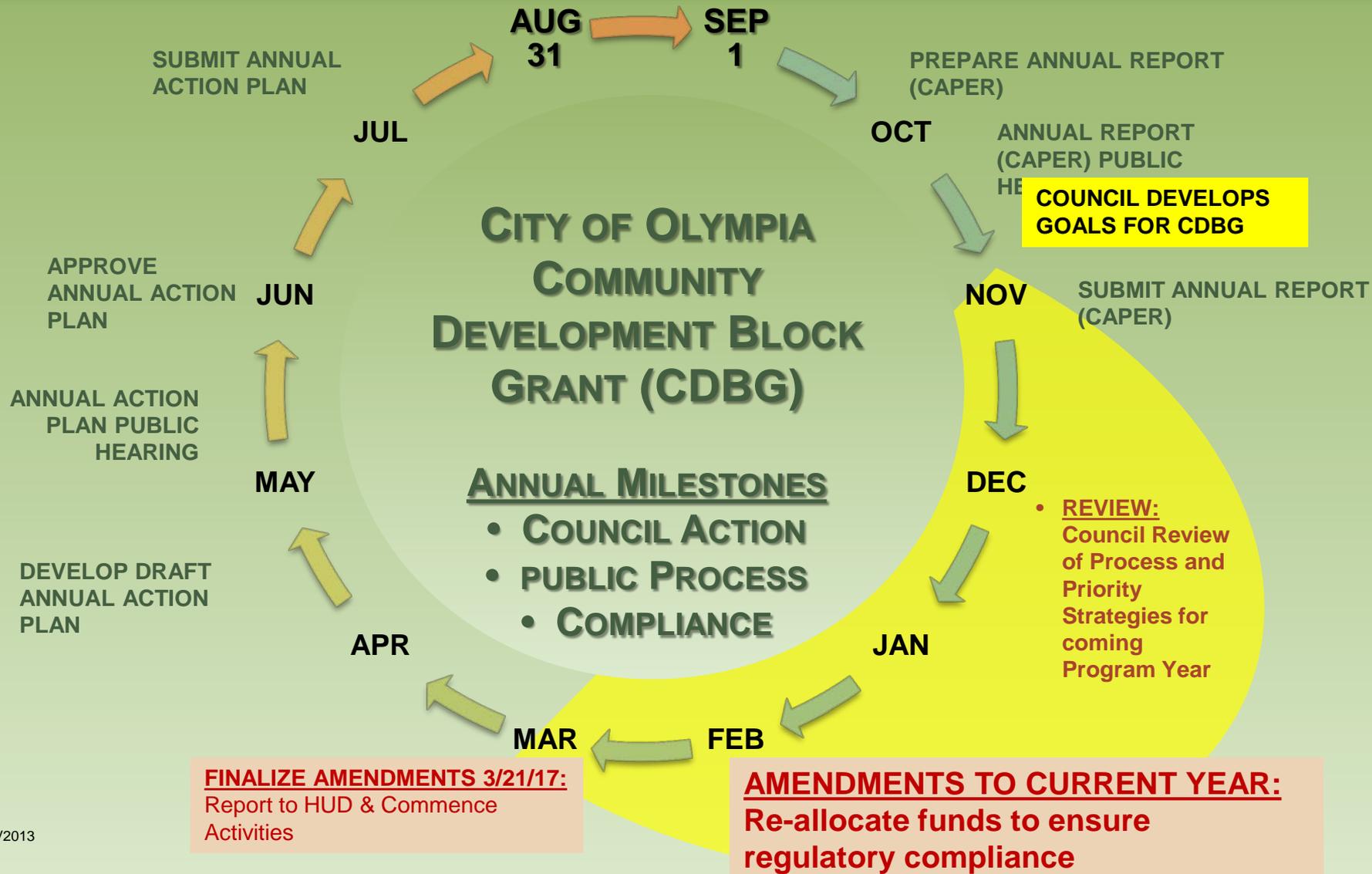
Testimony: Tuesday at 7:00 pm, February 28, 2017 at the Olympia City Council Meeting

For more information email Anna Schlecht at aschlech@ci.olympia.wa.us

OLYMPIA CDBG PROGRAM – ANNUAL CYCLE

PROGRAM YEAR ENDS

PROGRAM YEAR STARTS



**PUBLIC COMMENTS:
OLYMPIA COMMUNITY DEVELOPMENT BLOCK GRANT
AMENDMENTS TO PROGRAM YEAR 2016**

All sent on 2/28/17 Via Email

Dear Council Members,

My name is Megan Moore and I am currently a student at Evergreen State College and an intern at Homes First. I am writing this letter to show my support of Homes First request for funding to upgrade the Molly B Oxford House. The home is a Victorian style built in the 1900's and is in dire need of repair.

I have been an intern with Homes First for almost a month, and working so closely with staff I have learned a lot about the housing crisis we face as a community. The homelessness rate continues to increase while the number of low income housing continues to drop.

Homes First creates affordable housing to those that need it most, they support their tenants, and they create safe living communities.

Thanks to Homes First, The Molly B house was able to positively impact the lives of over 120 women and 60 children in our community. Now Homes First needs support from the city to continue to help the tenants of the Molly B House. I strongly support the mission of Homes First, and I hope that you will too.

Kind Regards,

Megan Moore <meganpm8@gmail.com>
Homes First Intern

I understand you will be discussing adding \$225,000 to the Housing Rehab Loan Fund Program. I volunteer at Homes First. In a nutshell, they take a derelict home, rehab it, rent it to a low income family and then become the landlord. Every day we get phone calls asking if we have low income housing available. Even though we have 36 properties, we have none available. We had one available a month ago and by the time we opened at 9:00am, there was a line waiting to apply for the one house we had.

With rents escalating, the need is certainly there. Rehabilitation of homes instead of building new ones makes such good sense.

I am very impressed with the staff at Homes First. The staff is caring, empathetic and very professional. I can't think of a better organization to carry out your vision for more rehabilitations of homes for low income families.

Valerie Gerst <vagerst@comcast.net>
Homes First Board Member

Dear City of Olympia Council Members,

Attachment #4

I am writing to you as a board member and Intern with Homes First non-profit. I have been working with them since December. Though my time with them has been short, my passion for their mission is strong. My intent is to show my concern for the repairs needed for the Molly B. Oxford house. Homes First have asked for 68K to make necessary upgrades to withhold the value, appearance, and function of the old Victorian home. The repairs that are needed are new siding, new energy efficient windows, a new roof, and repairs needed to the driveway. Homes first has owned that home since the mid 90's and in that time has helped to rehabilitate over 120 women and 60 children and support them during their transitional life periods. It is my hope that you consider this request. Homes First have been around for 27 years and have noticeably grown in the past 5 years. We hope to be able to keeping our mission relevant and proceed with achieving our goals! Thank you.

Sincerely and Respectfully,

Reynierse, Sarah <reysar19@evergreen.edu>



City Council

Approval of the Construction Contract for the Washington Center for the Performing Arts HVAC Upgrade Project - Phase 2

Agenda Date: 3/21/2017
Agenda Item Number: 4.N
File Number: 17-0222

Type: decision **Version:** 1 **Status:** Consent Calendar

Title

Approval of the Construction Contract for the Washington Center for the Performing Arts HVAC Upgrade Project - Phase 2

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Move to award the contract to Trane Building Services, Incorporated, under the U.S. Communities Cooperative, in the amount of \$846,444, including tax, and authorize the City Manager to execute all documents necessary to proceed.

Report

Issue:

Whether to award the construction contract for the Washington Center for the Performing Arts (WCPA) HVAC Upgrade Project, Phase 2, to Trane Building Services, Incorporated.

Staff Contact:

Fran Eide, P.E., City Engineer, Public Works Engineering, 360.753.8422

Presenter(s):

None - Consent Calendar Item

Background and Analysis:

In early 2016, we hired Trane Building Services (Trane), through the U.S. Communities Cooperative to design improvements to the heating, ventilation and air conditioning (HVAC) system at the Washington Center for the Performing Arts (WCPA).

The air conditioning (AC) portion of the HVAC system failed in May 2016. Trane determined that the 31-year old AC unit was beyond repair. To ensure the Washington Center would have air conditioning for the remainder of their 2016 performance season, the City installed a rental unit while the ultimate solution was designed.

Available Project Funding: \$1,747,643

Attachments:

Construction Contract



Trane Turnkey Proposal – WCPA HVAC Upgrade Phase 2 Rev.2



Turnkey Proposal For:

Fran Eide
Project Manager
City of Olympia
P O Box 1967
Olympia, WA 98507

Local Trane Office:

Trane U.S. Inc. dba Trane
2333 158th Court NE
BELLEVUE, WA 98008

Local Trane Representative:

Jim Kershner
Account Manager
Cell: (425) 766-0825
Office: (425) 643-4310

Proposal ID: 2163352

US Communities

Quote Number: 15-418598-16-009

Co-op Contract Number: USC 15-JLP-023

Date: March 7, 2017





Prepared For:
Fran Eide

Date:
March 7, 2017

Job Name:
WCPA HVAC Upgrade Phase 2

Proposal Number:
2163352

Delivery Terms:
Freight Allowed and Prepaid – F.O.B Factory

Payment Terms:
Net 30

State Contractor License Number:
TRANE**934RE

Proposal Expiration Date:
30 Days

Scope of Work

“Scope of Work” and notations within are based on the following negotiated scope of work with Fran Eide and the City of Olympia facilities staff, the scope and equipment details contained in the bid set drawings for this project dated 9/20/2016, the site survey performed on 9/27/2016, Addendum #1 dated 10/6/2016, Addendum #2 dated 10/18/2016, and Addendum #3 dated 3/1/2017.

Turnkey Installation of HVAC Equipment

Seattle Trane is pleased to offer you this proposal for “Phase 2” of the HVAC upgrades for the Washington Center for the Performing Arts, located at 512 Washington Street SE, Olympia WA 98501. This work to be performed starting in late June of 2017, with a completion date of September 15, 2017.

This proposal includes:

Engineering Services

- Submittal Review
- RFI Response
- Project Kickoff
- Site Observations during construction, Mechanical only, Electrical as additional services per authorizing change in work scope
- Review of TAB Pre-read and TAB Final for airflow and noise
- Complete CAD record drawings from contractor markups to include Mechanical and Electrical
- Commissioning services

Mechanical Installation

Base Scope:

- RETURN FANS:
 - Purchase and install Hunt Air Fan walls as called out in the mechanical schedule on M0.0.
 - Fan walls will be provided in sections to be field assembled per manufacturer’s shop drawings. Panel wall will be full height to the lid of the tunnel with closure panels extending from the top of the fan modules to the lid. All joints/seams will be sealed to prevent leakage.
 - Remove and dispose of RAF-1 fan and attenuator.
- 2) AHU-1:
 - Provide and install [1] new 3-way chilled water control valve. Re-use existing actuator.
 - Clean inside of cabinet.
 - Clean cooling coil.
 - Provide and install MERV-8 filters for TAB.



- Purchase and install (1) 50hp inverter duty motor with VFD and integral disconnect to replace existing in AHU-1.
- 3) AHU-2:
 - Clean inside of cabinets.
 - Clean heat recovery and cooling coils.
 - Provide and install MERV-8 filters for TAB.
 - Provide and install [1] new 3-way control valve on chilled water piping. Existing actuator to be re-used.
 - Provide and install [1] new 3-way control valve on heat recovery piping. Existing actuator to be re-used.
 - Replace existing condenser water 3-way control valve. Existing actuator to be re-used.
 - Provide and install a new 48" high X 84" wide motorized low leakage (4 CFM/SF at 1" SP) relief damper. Damper will be connected to existing plenum.
 - Will provide a sheet metal enclosure around the perimeter of the damper.
 - Install [1] new 3 HP motor and replace fan bearings.
- 4) AHU-3:
 - Clean inside of cabinets.
 - Clean heat recovery and cooling coils.
 - Provide and install MERV-8 filters for TAB.
 - Install [1] new 3 HP motor and replace fan bearings.
- 5) Insulation as required for piping and VAV-1-7 relocation
- 6) Replace and Install New Access Doors as shown on drawings
- 7) As-built drawings
- 8) One-year parts & labor warranty
- 9) Filing of L&I Affidavits & Intents for prevailing wage rates

Electrical Installation

- Provide electrical installation and demo per drawing specifications and Addendum #1 E- Sheet drawing E1.0, and Addendum #3 E- Sheet drawing E1.0.
- Electrical permit
- Filing of L&I Affidavits & Intents for prevailing wage rates

Controls systems and equipment

- Controls scope of project consists of control system design engineering, software programming, front-end displays/graphics, AutoCAD drawing documentation, field engineering, controls wiring, testing, start-up, system check-out, and installation for the following:
 - Removal of the remaining pneumatic control system panel, components, and wiring (per drawing M0.2 Control Demolition – Addendum #3).
 - Provide and install new controller, actuator (existing valve bodies remain) and duct temperature sensor for 24 VAV's
 - Provide and install new controller, actuator (existing valve bodies remain) and duct temperature sensor for 3 fan terminal units
 - Provide and install new controller, actuator (existing valve bodies remain) and duct temperature sensor for 3 VAVs located above the cat walk
 - Provide controls interface RFM -1 and RFM-2 fan wall modules
 - Disconnect existing controls from the AHU-1 VFD and reconnect to new VFD when installed
 - Disconnect existing controls from the AHU-2 & 3 units and reconnect when mechanical scope is complete
 - Provide DDC control for existing 4 unit heaters (stage area)
 - Revise the existing control sequence to meet the new sequences in Addendum #1 and Addendum #3



- Provide eight hours of customer training
- Provide support for TAB and commissioning
- Filing of L&I Affidavits & Intents for prevailing wage rates
- One year parts & labor warranty

Test and Balance

- Perform post retrofit sound measurements
- Perform post retrofit air/water balance

Proposal Notes/ Clarifications

- All work to be performed during normal business hours (8am to 5pm, M-F, non-holidays)
- Equipment Order Release and Services rendered are dependent on receipt of PO/Subcontract, Trane Finance project credit approval and approved submittals.
- Trane will not perform any work if working conditions could endanger or put at risk the safety of our employees or subcontractors
- Retainage to be withheld per RCW 60.28.011 1(a)

Project Specific Exclusions

- Warranty on existing system design
- Structural design and remedy (if warranted through structural review)
- Repair of any pre-existing control or mechanical deficiency
- Hole cutting, patching, painting, roofing, or architectural screening, unless specifically included in proposal

General Exclusions

- All painting, prime coating and cleaning of materials or equipment
- Smoke detection / Fire life Safety controls installation or interface, unless specifically included in proposal
- Receiving, unloading, storing, handling and setting in place all equipment and materials provided by others, unless noted otherwise
- All access doors
- **Asbestos and Hazardous Materials.** Trane's proposal expressly excludes any identification, abatement, cleanup, control, disposal, removal or other work connected with asbestos, polychlorinated biphenyl ("PCB"), or other hazardous materials. Customer shall be exclusively responsible for any claims, including the payment thereof, arising out of or relating to any Hazardous Materials



Pricing and Acceptance

Customer:
City of Olympia
P O Box 1967
Olympia, WA 98507

Site Address:
Washington Center Performing Arts
512 Washington St
Olympia, WA 98501

Price

Total Net Price Base Bid (Excluding Sales Tax).....	\$722,421.00
<input type="checkbox"/> Add-Alt #1: Install Flow Rings on Existing VAV Terminal Units.....	\$ 14,804.00
<input type="checkbox"/> Add-Alt #2: Install Duct Heater and Controls for Lobby VAV 1-7.....	\$ 30,646.00
<input type="checkbox"/> Add-Alt #3: Provide Lobby Office Area Heat Pump DDC Controls.....	\$ 10,111.00
<input type="checkbox"/> Add-Alt #4: Provide Lobby Ticket Office Control of Entry Heat.....	\$ 7,431.00
<input type="checkbox"/> Add-Alt #5: Pre-Construction Validation of DDC Functionality.....	\$ 9,640.00
<input type="checkbox"/> Add-Alt #6: Install De-stratification Fans.....	\$ 71,954.00

Financial items not included

- Applicable sales tax or use tax is excluded
- Bid Bond
- Liquidated or Consequential Damages
- Demurrage or Storage Charges
- Participation in OCIP or CCIP Insurance Programs

Respectfully submitted,

Jim Kershner
Account Manager
Trane U.S. Inc. dba Trane
(425) 643-4310



ACCEPTANCE

This agreement is subject to Customer's acceptance of the attached Trane Terms and Conditions – Commercial Installation.

CITY OF OLYMPIA

By: _____
Steven R. Hall, City Manager
P.O. Box 1967
Olympia WA 98507-1967
Date of Signature: _____

APPROVED AS TO LEGAL FORM:

Mark Barber
City Attorney

I certify that I am authorized to execute this contract on behalf of the Contractor.

Trane U.S. Inc. ;
[Enter Name of Contractor's Company]

By: *[Signature]*
(Signature)

Robert J Colombe
(Name of Person Signing)

General Sales Manager
(Title of Person Signing)

2333 158th Court NE

Bellevue WA 98008
(Address)

425 586 1648

(Phone)
Date of Signature: 08 MARCH 2017



TERMS AND CONDITIONS – COMMERCIAL INSTALLATION

“Company” shall mean Trane U.S. Inc. dba Trane.

1. **Acceptance; Agreement.** These terms and conditions are an integral part of Company's offer and form the basis of any agreement (the “Agreement”) resulting from Company's proposal (the “Proposal”) for the commercial goods and/or services described (the “Work”). **COMPANY'S TERMS AND CONDITIONS ARE SUBJECT TO PERIODIC CHANGE OR AMENDMENT.** The Proposal is subject to acceptance in writing by the party to whom this offer is made or an authorized agent (“Customer”) delivered to Company within 30 days from the date of the Proposal. If Customer accepts the Proposal by placing an order, without the addition of any other terms and conditions of sale or any other modification, Customer's order shall be deemed acceptance of the Proposal subject to Company's terms and conditions. If Customer's order is expressly conditioned upon Company's acceptance or assent to terms and/or conditions other than those expressed herein, return of such order by Company with Company's terms and conditions attached or referenced serves as Company's notice of objection to Customer's terms and as Company's counter-offer to provide Work in accordance with the Proposal and the Company terms and conditions. If Customer does not reject or object in writing to Company within 10 days, Company's counter-offer will be deemed accepted. Customer's acceptance of the Work by Company will in any event constitute an acceptance by Customer of Company's terms and conditions. This Agreement is subject to credit approval by Company. Upon disapproval of credit, Company may delay or suspend performance or, at its option, renegotiate prices and/or terms and conditions with Customer. If Company and Customer are unable to agree on such revisions, this Agreement shall be cancelled without any liability, other than Customer's obligation to pay for Work rendered by Company to the date of cancellation.
2. **Pricing and Taxes.** Unless otherwise noted, the price in the Proposal includes standard ground transportation and, if required by law, all sales, consumer, use and similar taxes legally enacted as of the date hereof for equipment and material installed by Company. Tax exemption is contingent upon Customer Providing appropriate certificates evidencing Customer's tax exempt status. Company shall charge Customer additional costs for bonds agreed to be provided. Equipment sold on an uninstalled basis and any taxable labor/labour do not include sales tax and taxes will be added. Following acceptance without addition of any other terms and condition of sale or any other modification by Customer, the prices stated are firm provided that notification of release for immediate production and shipment is received at the factory not later than 3 months from order receipt. If such release is received later than 3 months from order receipt date, prices will be increased a straight 1% (not compounded) for each one-month period (or part thereof) beyond the 3 month firm price period up to the date of receipt of such release. If such release is not received within 6 months after date of order receipt, the prices are subject to renegotiation, or at Company's option, the order will be cancelled. Any delay in shipment caused by Customer's actions will subject prices to increase equal to the percentage increase in list prices during that period of delay and Company may charge Customer with incurred storage fees.
3. **Exclusions from Work.** Company's obligation is limited to the Work as defined and does not include any modifications to the Work site under the Americans With Disabilities Act or any other law or building code(s). In no event shall Company be required to perform work Company reasonably believes is outside of the defined Work without a written change order signed by Customer and Company.
4. **Performance.** Company shall perform the Work in accordance with industry standards generally applicable in the area under similar circumstances as of the time Company performs the Work. Company may refuse to perform any Work where working conditions could endanger property or put at risk the safety of persons. Unless otherwise agreed to by Customer and Company, at Customer's expense and before the Work begins, Customer will provide any necessary access platforms, catwalks to safely perform the Work in compliance with OSHA or state industrial safety regulations.
5. **Payment.** Customer shall pay Company's invoices within net 30 days of invoice date. Company may invoice Customer for all equipment or material Provided, whether delivered to the installation site or to an off-site storage facility and for all Work performed on-site or off-site. No retention shall be withheld from any payments except as expressly agreed in writing by Company, in which case retention shall be reduced per the contract documents and released no later than the date of substantial completion. Under no circumstances shall any retention be withheld for the equipment portion of the order. If payment is not received as required, Company may suspend performance and the time for completion shall be extended for a reasonable period of time not less than the period of suspension. Customer shall be liable to Company for all reasonable shutdown, standby and start-up costs as a result of the suspension. Company reserves the right to add to any account outstanding for more than 30 days a service charge equal to 1.5% of the principal amount due at the end of each month. Customer shall pay all costs (including attorneys' fees) incurred by Company in attempting to collect amounts due and otherwise enforcing these terms and conditions. If requested, Company will provide appropriate lien waivers upon receipt of payment. Customer agrees that, unless Customer makes payment in advance, Company will have a purchase money security interest in all equipment from Company to secure payment in full of all amounts due Company and its order for the equipment, together with these terms and conditions, form a security agreement. Customer shall keep the equipment free of all taxes and encumbrances, shall not remove the equipment from its original installation point and shall not assign or transfer any interest in the equipment until all payments due Company have been made.
6. **Time for Completion.** Except to the extent otherwise expressly agreed in writing signed by an authorized representative of Company, all dates provided by Company or its representatives for commencement, progress or completion are estimates only. While Company shall use commercially reasonable efforts to meet such estimated dates, Company shall not be responsible for any damages for its failure to do so.
7. **Access.** Company and its subcontractors shall be provided access to the Work site during regular business hours, or such other hours as may be requested by Company and acceptable to the Work site' owner or tenant for the performance of the Work, including sufficient areas for staging, mobilization, and storage. Company's access to correct any emergency condition shall not be restricted. Customer grants to Company the right to remotely connect (via phone modem, internet or other agreed upon means) to Customer's building automation system (BAS) and/or HVAC equipment to view, extract, or otherwise collect and retain data from the BAS, HVAC equipment, or other building systems, and to diagnose and remotely make repairs at Customer's request.
8. **Completion.** Notwithstanding any other term or condition herein, when Company informs Customer that the Work has been completed, Customer shall inspect the Work in the presence of Company's representative, and Customer shall either (a) accept the Work in its entirety in writing, or (b) accept the Work in part and specifically identify, in writing, any exception items. Customer agrees to re-inspect any and all excepted items as soon as Company informs Customer that all such excepted items have been completed. The initial acceptance inspection shall take place within ten (10) days from the date when Company informs Customer that the Work has been completed. Any subsequent re-inspection of excepted items shall take place within five (5) days from the date when Company informs Customer that the excepted items have been completed. Customer's failure to cooperate and complete any of said inspections within the required time limits shall constitute complete acceptance of the Work as of ten (10) days from date when Company informs Customer that the Work, or the excepted items, if applicable, has/have been completed.
9. **Permits and Governmental Fees.** Company shall secure (with Customer's assistance) and pay for building and other permits and governmental fees, licenses, and inspections necessary for proper performance and completion of the Work which are legally required when bids from Company's subcontractors are received, negotiations thereon concluded, or the effective date of a relevant Change Order, whichever is later. Customer is responsible for necessary approvals, easements, assessments and charges for construction, use or occupancy of permanent structures or for permanent changes to existing facilities. If the cost of such permits, fees, licenses and inspections are not included in the Proposal, Company will invoice Customer for such costs.
10. **Utilities During Construction.** Customer shall provide without charge to Company all water, heat, and utilities required for performance of the Work.
11. **Concealed or Unknown Conditions.** In the performance of the Work, if Company encounters conditions at the Work site that are (i) subsurface or otherwise concealed physical conditions that differ materially from those indicated on drawings expressly incorporated herein or (ii) unknown physical conditions of an unusual nature that differ materially from those conditions ordinarily found to exist and generally recognized as inherent in construction activities of the type and character as the Work, Company shall notify Customer of such conditions promptly, prior to significantly disturbing same. If such conditions differ materially and cause an increase in Company's cost of, or time required for, performance of any part of the Work, Company shall be entitled to, and Customer shall consent by Change Order to, an equitable adjustment in the Contract Price, contract time, or both.
12. **Pre-Existing Conditions.** Company is not liable for any claims, damages, losses, or expenses, arising from or related to conditions that existed in, on, or upon the Work site before the Commencement Date of this Agreement (“Pre-Existing Conditions”), including, without limitation, damages, losses, or expenses involving Pre-Existing Conditions of building envelope issues, mechanical issues, plumbing issues, and/or indoor air quality issues involving mold/mould and/or



fungi. Company also is not liable for any claims, damages, losses, or expenses, arising from or related to work done by or services provided by individuals or entities that are not employed by or hired by Company.

13. Asbestos and Hazardous Materials. Company's Work and other services in connection with this Agreement expressly excludes any identification, abatement, cleanup, control, disposal, removal or other work connected with asbestos, polychlorinated biphenyl ("PCB"), or other hazardous materials (hereinafter, collectively, "Hazardous Materials"). Customer warrants and represents that, except as set forth in a writing signed by Company, there are no Hazardous Materials on the Work site that will in any way affect Company's Work and Customer has disclosed to Company the existence and location of any Hazardous Materials in all areas within which Company will be performing the Work. Should Company become aware of or suspect the presence of Hazardous Materials, Company may immediately stop work in the affected area and shall notify Customer. Customer will be exclusively responsible for taking any and all action necessary to correct the condition in accordance with all applicable laws and regulations. Customer shall be exclusively responsible for and, to the fullest extent permitted by law, shall indemnify and hold harmless Company (including its employees, agents and subcontractors) from and against any loss, claim, liability, fees, penalties, injury (including death) or liability of any nature, and the payment thereof arising out of or relating to any Hazardous Materials on or about the Work site, not brought onto the Work site by Company. Company shall be required to resume performance of the Work in the affected area only in the absence of Hazardous Materials or when the affected area has been rendered harmless. In no event shall Company be obligated to transport or handle Hazardous Materials, provide any notices to any governmental agency, or examine the Work site for the presence of Hazardous Materials.

14. Force Majeure. Company's duty to perform under this Agreement is contingent upon the non-occurrence of an Event of Force Majeure. If Company shall be unable to carry out any material obligation under this Agreement due to an Event of Force Majeure, this Agreement shall at Company's election (i) remain in effect but Company's obligations shall be suspended until the uncontrollable event terminates or (ii) be terminated upon 10 days notice to Customer, in which event Customer shall pay Company for all parts of the Work Provided to the date of termination. An "Event of Force Majeure" shall mean any cause or event beyond the control of Company. Without limiting the foregoing, "Event of Force Majeure" includes: acts of God; acts of terrorism, war or the public enemy; flood; earthquake; tornado; storm; fire; civil disobedience; pandemic insurrections; riots; labor/labour disputes; labor/labour or material shortages; sabotage; restraint by court order or public authority (whether valid or invalid), and action or non-action by or inability to obtain or keep in force the necessary governmental authorizations, permits, licenses, certificates or approvals if not caused by Company; and the requirements of any applicable government in any manner that diverts either the material or the finished product to the direct or indirect benefit of the government.

15. Customer's Breach. Each of the following events or conditions shall constitute a breach by Customer and shall give Company the right, without an election of remedies, to terminate this Agreement or suspend performance by delivery of written notice: (1) Any failure by Customer to pay amounts when due; or (2) any general assignment by Customer for the benefit of its creditors, or if Customer becomes bankrupt or insolvent or takes the benefit of any statute for bankrupt or insolvent debtors, or makes or proposes to make any proposal or arrangement with creditors, or if any steps are taken for the winding up or other termination of Customer or the liquidation of its assets, or if a trustee, receiver, or similar person is appointed over any of the assets or interests of Customer; (3) Any representation or warranty Provided by Customer in this Agreement is false or misleading in any material respect when made; or (4) Any failure by Customer to perform or comply with any material provision of this Agreement. Customer shall be liable to Company for all Work Provided to date and all damages sustained by Company (including lost profit and overhead).

16. Indemnity. To the fullest extent permitted by law, Company and Customer shall indemnify, defend and hold harmless each other from any and all claims, actions, costs, expenses, damages and liabilities, including reasonable attorneys' fees, resulting from death or bodily injury or damage to real or tangible personal property, to the extent caused by the negligence or misconduct of their respective employees or other authorized agents in connection with their activities within the scope of this Agreement. Neither party shall indemnify the other against claims, damages, expenses or liabilities to the extent attributable to the acts or omissions of the other party. If the parties are both at fault, the obligation to indemnify shall be proportional to their relative fault. The duty to indemnify will continue in full force and effect, notwithstanding the expiration or early termination hereof, with respect to any claims based on facts or conditions that occurred prior to expiration or termination.

17. Limitation of Liability. NOTWITHSTANDING ANYTHING TO THE CONTRARY, IN NO EVENT SHALL COMPANY BE LIABLE FOR ANY SPECIAL, INCIDENTAL, INDIRECT CONSEQUENTIAL, OR PUNITIVE OR EXEMPLARY DAMAGES (INCLUDING WITHOUT LIMITATION BUSINESS INTERRUPTION, LOST DATA, LOST REVENUE, LOST PROFITS, LOST DOLLAR SAVINGS, OR LOST ENERGY USE SAVINGS, EVEN IF A PARTY HAS BEEN ADVISED OF SUCH POSSIBLE DAMAGES OR IF SAME WERE REASONABLY FORESEEABLE AND REGARDLESS OF WHETHER THE CAUSE OF ACTION IS FRAMED IN CONTRACT, NEGLIGENCE, ANY OTHER TORT, WARRANTY, STRICT LIABILITY, OR PRODUCT LIABILITY). In no event will Company's liability in connection with the provision of products or services or otherwise under this Agreement exceed the entire amount paid to Company by Customer under this Agreement.

18. Patent Indemnity. Company shall protect and indemnify Customer from and against all claims, damages, judgments and loss arising from infringement or alleged infringement of any United States patent by any of the goods manufactured by Company and delivered hereunder, provided that in the event of suit or threat of suit for patent infringement, Company shall promptly be notified and given full opportunity to negotiate a settlement. Company does not warrant against infringement by reason of Customer's design of the articles or the use thereof in combination with other materials or in the operation of any process. In the event of litigation, Customer agrees to reasonably cooperate with Company. In connection with any proceeding under the provisions of this Section, all parties concerned shall be entitled to be represented by counsel at their own expense.

19. Limited Warranty. Company warrants for a period of 12 months from the date of substantial completion ("Warranty Period") commercial equipment manufactured and installed by Company against failure due to defects in material and manufacture and that the labor/labour Provided is warranted to have been properly performed (the "Limited Warranty"). Trane equipment sold on an uninstalled basis is warranted in accordance with Company's standard warranty for supplied equipment. **Product manufactured by Company that includes required startup and is sold in North America will not be warranted by Company unless Company performs the product start-up.** Substantial completion shall be the earlier of the date that the Work is sufficiently complete so that the Work can be utilized for its intended use or the date that Customer receives beneficial use of the Work. If such defect is discovered within the Warranty Period, Company will correct the defect or Provide replacement equipment (or, at its option, parts therefor) and, if said equipment was installed pursuant hereto, labor/labour associated with the replacement of parts or equipment not conforming to this Limited Warranty. Defects must be reported to Company within the Warranty Period. Exclusions from this Limited Warranty include damage or failure arising from: wear and tear; corrosion, erosion, deterioration; Customer's failure to follow the Company-provided maintenance plan; refrigerant not supplied by Trane; and modifications made by others to Company's equipment. Company shall not be obligated to pay for the cost of lost refrigerant. Notwithstanding the foregoing, all warranties provided herein terminate upon termination or cancellation of this Agreement. No warranty liability whatsoever shall attach to Company until the Work has been paid for in full and then said liability shall be limited to the lesser of Company's cost to correct the defective Work and/or the purchase price of the equipment shown to be defective. Equipment, material and/or parts that are not manufactured by Company are not warranted by Company and have such warranties as may be extended by the respective manufacturer. **THE WARRANTY AND LIABILITY SET FORTH IN THIS AGREEMENT ARE IN LIEU OF ALL OTHER WARRANTIES AND LIABILITIES, WHETHER IN CONTRACT OR IN NEGLIGENCE, EXPRESS OR IMPLIED, IN LAW OR IN FACT, INCLUDING IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE AND/OR OTHERS ARISING FROM COURSE OF DEALING OR TRADE. COMPANY MAKES NO REPRESENTATION OR WARRANTY EXPRESS OR IMPLIED REGARDING PREVENTION BY THE WORK, OR ANY COMPONENT THEREOF, OF MOLD/MOULD, FUNGUS, BACTERIA, MICROBIAL GROWTH, OR ANY OTHER CONTAMINATES. COMPANY SPECIFICALLY DISCLAIMS ANY LIABILITY IF THE WORK OR ANY COMPONENT THEREOF IS USED TO PREVENT OR INHIBIT THE GROWTH OF SUCH MATERIALS.**

20. Insurance. Company agrees to maintain the following insurance while the Work is being performed with limits not less than shown below and will, upon request from Customer, provide a Certificate of evidencing the following coverage:

Commercial General Liability	\$2,000,000 per occurrence
Automobile Liability	\$2,000,000 CSL
Workers Compensation	Statutory Limits



If Customer has requested to be named as an additional insured under Company's insurance policy, Company will do so but only subject to Company's manuscript additional insured endorsement under its primary Commercial General Liability policies. In no event does Company waive its right of subrogation.

21. Commencement of Statutory Limitation Period. Except as to warranty claims, as may be applicable, any applicable statutes of limitation for acts or failures to act shall commence to run, and any alleged cause of action stemming therefrom shall be deemed to have accrued, in any and all events not later than the last date that Company or its subcontractors physically performed work on the project site.

22. General. Except as provided below, to the maximum extent provided by law, this Agreement is made and shall be interpreted and enforced in accordance with the laws of the state or province in which the Work is performed, without regard to choice of law principles which might otherwise call for the application of a different state's or province's law. Any dispute arising under or relating to this Agreement that is not disposed of by agreement shall be decided by litigation in a court of competent jurisdiction located in the state or province in which the Work is performed. Any action or suit arising out of or related to this Agreement must be commenced within one year after the cause of action has accrued. To the extent the Work site is owned and/or operated by any agency of the Federal Government, determination of any substantive issue of law shall be according to the Federal common law of Government contracts as enunciated and applied by Federal judicial bodies and boards of contract appeals of the Federal Government. This Agreement contains all of the agreements, representations and understandings of the parties and supersedes all previous understandings, commitments or agreements, oral or written, related to the subject matter hereof. This Agreement may not be amended, modified or terminated except by a writing signed by the parties hereto. No documents shall be incorporated herein by reference except to the extent Company is a signatory thereon. If any term or condition of this Agreement is invalid, illegal or incapable of being enforced by any rule of law, all other terms and conditions of this Agreement will nevertheless remain in full force and effect as long as the economic or legal substance of the transaction contemplated hereby is not affected in a manner adverse to any party hereto. Customer may not assign, transfer, or convey this Agreement, or any part hereof, or its right, title or interest herein, without the written consent of the Company. Subject to the foregoing, this Agreement shall be binding upon and inure to the benefit of Customer's permitted successors and assigns. This Agreement may be executed in several counterparts, each of which when executed shall be deemed to be an original, but all together shall constitute but one and the same Agreement. A fully executed facsimile copy hereof or the several counterparts shall suffice as an original.

23. Equal Employment Opportunity/Affirmative Action Clause. Company is a federal contractor that complies fully with Executive Order 11246, as amended, and the applicable regulations contained in 41 C.F.R. Parts 60-1 through 60-60, 29 U.S.C. Section 793 and the applicable regulations contained in 41 C.F.R. Part 60-741; and 38 U.S.C. Section 4212 and the applicable regulations contained in 41 C.F.R. Part 60-250 Executive Order 13496 and Section 29 CFR 471, appendix A to subpart A, regarding the notice of employee rights in the United States and with Canadian Charter of Rights and Freedoms Schedule B to the Canada Act 1982 (U.K.) 1982, c. 11 and applicable Provincial Human Rights Codes and employment law in Canada.

24. U.S. Government Work.

The following provision applies only to direct sales by Company to the US Government. The Parties acknowledge that all items or services ordered and delivered under this Agreement are Commercial Items as defined under Part 12 of the Federal Acquisition Regulation (FAR). In particular, Company agrees to be bound only by those Federal contracting clauses that apply to "commercial" suppliers and that are contained in FAR 52.212-5(e)(1). Company complies with 52.219-8 or 52.219-9 in its service and installation contracting business.

The following provision applies only to indirect sales by Company to the US Government. As a Commercial Item Subcontractor, Company accepts only the following mandatory flow down provisions: 52.219-8; 52.222-26; 52.222-35; 52.222-36; 52.222-39; 52.247-64. If the Work is in connection with a U.S. Government contract, Customer certifies that it has provided and will provide current, accurate, and complete information, representations and certifications to all government officials, including but not limited to the contracting officer and officials of the Small Business Administration, on all matters related to the prime contract, including but not limited to all aspects of its ownership, eligibility, and performance. Anything herein notwithstanding, Company will have no obligations to Customer unless and until Customer provides Company with a true, correct and complete executed copy of the prime contract. Upon request, Customer will provide copies to Company of all requested written communications with any government official related to the prime contract prior to or concurrent with the execution thereof, including but not limited to any communications related to Customer's ownership, eligibility or performance of the prime contract. Customer will obtain written authorization and approval from Company prior to providing any government official any information about Company's performance of the work that is the subject of the Proposal or this Agreement, other than the Proposal or this Agreement.

25. Limited Waiver of Sovereign Immunity. If Customer is an Indian tribe (in the U.S.) or a First Nation or Band Council (in Canada), Customer, whether acting in its capacity as a government, governmental entity, a duly organized corporate entity or otherwise, for itself and for its agents, successors, and assigns: (1) hereby provides this limited waiver of its sovereign immunity as to any damages, claims, lawsuit, or cause of action (herein "Action") brought against Customer by Company and arising or alleged to arise out of the Providing by Company of any product or service under this Agreement, whether such Action is based in contract, tort, strict liability, civil liability or any other legal theory; (2) agrees that jurisdiction and venue for any such Action shall be proper and valid (a) if Customer is in the U.S., in any state or United States court located in the state in which Company is performing this Agreement or (b) if Customer is in Canada, in the superior court of the province or territory in which the work was performed; (3) expressly consents to such Action, and waives any objection to jurisdiction or venue; (4) waives any requirement of exhaustion of tribal court or administrative remedies for any Action arising out of or related to this Agreement; and (5) expressly acknowledges and agrees that Company is not subject to the jurisdiction of Customer's tribal court or any similar tribal forum, that Customer will not bring any action against Company in tribal court, and that Customer will not avail itself of any ruling or direction of the tribal court permitting or directing it to suspend its payment or other obligations under this Agreement. The individual signing on behalf of Customer warrants and represents that such individual is duly authorized to provide this waiver and enter into this Agreement and that this Agreement constitutes the valid and legally binding obligation of Customer, enforceable in accordance with its terms.

26. Additional Provisions:

- A. As regards paragraph 20, the following additional insurance provisions should be added:
 - 1. The Contractor's Automobile Liability and Commercial General Liability insurance policies are to contain, or be endorsed to contain that they shall be primary insurance as respect the City. Any Insurance, self-insurance, or insurance pool coverage maintained by the City shall be excess of the Contractor's insurance and shall not contribute with it.
 - 2. Verification of Coverage. Contractor shall furnish the City with original certificates and a copy of the amendatory endorsements, including but not necessarily limited to the additional insured endorsement, evidencing the insurance requirements of the Contractor before commencement of the work.
 - 3. Notice of Cancellation. The Contractor shall provide the City with written notice of any policy cancellation, within two (2) business days of their receipt of such notice.
 - 4. Failure to Maintain Insurance. Failure on the part of the Contractor to maintain the insurance as required shall constitute a material breach of contract, upon which the City may, after giving five (5) business days' notice to the Contractor to correct the breach, immediately terminate the contract or, at its discretion, procure or renew such insurance and pay any and all premiums in connection therewith, with any sums so expended to be repaid to the City on demand, or at the sole discretion of the City, offset against funds due the Contractor from the City.

B. Compliance with Laws: Contractor shall comply with and perform the Services in accordance with all applicable federal, state, and City laws including, without limitation, all City codes, ordinances, resolutions, standards and policies, as now existing or hereafter adopted or amended.

A 5% retainage in accordance with RCW 60.28.011 shall be withheld from each monthly contractor payment. Said retainage shall be paid to Trane when the following occurs:

- A. Receipt of Intent to Pay Prevailing Wages
- B. Receipt of Affidavit of Wages Paid
- C. Final acceptance of the project by the City of Olympia
- D. Final approval of the Department of Revenue and the Department of Labor & Industries



The approval of the Department of Revenue and Labor & Industries normally takes place at least 45 days following Final Acceptance by Olympia.

C. General Provisions:

1. **Entire Agreement.** This Agreement contains all of the agreements of the Parties with respect to any matter covered or mentioned in this Agreement and no prior agreements shall be effective for any purpose.
2. **Modification.** No provision of this Agreement, including this provision, may be amended or modified except by written agreement signed by the Parties.
3. **Full Force and Effect; Severability.** Any provision of this Agreement that is declared invalid or illegal shall in no way affect or invalidate any other provision hereof and such other provisions shall remain in full force and effect. Further, if it should appear that any provision hereof is in conflict with any statutory provision of the State of Washington, the provision appears to 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 provision.
4. **Attorney Fees.** In the event either of the Parties defaults on the performance of any term of this Agreement or either Party places the enforcement of this Agreement in the hands of an attorney, or files a lawsuit, the prevailing party shall be entitled to its reasonable attorneys' fees, costs and expenses to be paid by the other Party.
5. **Governing Law.** This Agreement shall be made in and shall be governed by and interpreted in accordance with the laws of the State of Washington.
6. **Authority.** Each individual executing this Agreement on behalf of the City and Contractor represents and warrants that such individuals are duly authorized to execute and deliver this Agreement on behalf of the Contractor or the City.
7. **Notices.** Any notices required to be given by the Parties shall be delivered at the addresses set forth below. Any notices may be delivered personally to the addressee of the notice or may be deposited in the United States mail, postage prepaid, to the address set forth below. Any notice so posted in the United States mail shall be deemed received three (3) days after the date of mailing.
8. **Performance.** Time is of the essence in performance of this Agreement and each and all of its provisions in which performance is a factor. Adherence to completion dates set forth in the description of the Services is essential to the Contractor's performance of this Agreement.
9. **Counterparts.** This Agreement may be executed in any number of counterparts, which counterparts shall collectively constitute the entire Agreement.
10. **Jurisdiction and Venue.** All lawsuits or other legal actions whatsoever with regard to this agreement shall be brought in Thurston County, Washington, Superior Court.

1-26.251-10(0316)
Supersedes 1-26.251-10(0614)



City Council

Approval of Amended Agreed Order with the Washington State Department of Ecology for the East Bay Redevelopment Site

Agenda Date: 3/21/2017
Agenda Item Number: 4.O
File Number: 17-0295

Type: contract **Version:** 1 **Status:** Consent Calendar

Title

Approval of Amended Agreed Order with the Washington State Department of Ecology for the East Bay Redevelopment Site

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Move to authorize the City Manager to sign the Agreed Order between the City of Olympia, LOTT, Port of Olympia and the Washington State Department of Ecology for cleanup of the Port's East Bay Redevelopment Site.

Report

Issue:

Whether to authorize the signing of an Agreed Order for cleanup of the Port's East Bay Redevelopment Site.

Staff Contact:

Jay Burney, Assistant City Manager, Executive Department, 360.753.8740

Presenter(s):

None - Consent Calendar Item.

Background and Analysis:

In September, 2010, the City of Olympia, along with LOTT and the Port of Olympia signed onto an Agreed Order with the Washington State Department of Ecology (WSDOE) for the cleanup of the Port's East Bay properties. The City signed on as a party to the agreement because the current site of the Hands on Children's Museum is within the cleanup boundaries of the Agreed Order. The City performed all of the required cleanup work at this site as part of the construction project. Our obligations under this order have been fulfilled. The remaining work to be completed is the responsibility of the Port of Olympia.

Even though our work is completed, we are still listed by WSDOE as a Potentially Liable Party on the Agreed Order until all of the work is completed. Therefore, any amendments to the original order require our signature. The Port has wrapped up their investigatory work and has reached agreement with WSDOE for the remaining cleanup work. This Agreed Order formalizes the Port's work as approved by WSDOE. The City of Olympia does not incur any additional costs or cleanup responsibility by signing the amended Agreed Order.

Neighborhood/Community Interests (if known):

The cleanup and development of the East Bay properties will eliminate the possibility for further contamination of surrounding properties and provide further economic development opportunities in Olympia.

Options:

1. Authorize the City Manager to sign the Agreed Order between the City of Olympia, LOTT, Port of Olympia and the Washington State Department of Ecology for cleanup of the Port's East Bay Redevelopment Site.
2. Do not authorize the City Manager to sign the Agreed Order between the City of Olympia, LOTT, Port of Olympia and the Washington State Department of Ecology for cleanup of the Port's East Bay Redevelopment Site, and provide staff with guidance moving forward.
3. Authorize the City Manager to sign the Agreed Order between the City of Olympia, LOTT, Port of Olympia and the Washington State Department of Ecology for cleanup of the Port's East Bay Redevelopment Site with modifications requested by Council.

Financial Impact:

None. The City has completed its cleanup work under this Agreed Order with the completion of construction activities associated with the new Hands on Children's Museum project.

Attachments:

Agreed Order - Port East Bay Redevelopment Site

**STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY**

In the Matter of Remedial Action by:

Port of Olympia
City of Olympia
LOTT Clean Water Alliance

at the East Bay Redevelopment Site

AGREED ORDER

No. DE14072

TO: Port of Olympia
C/o Ms. Rachael Jamison, Director of Environmental Programs
606 Columbia Street NW, Suite 300
Olympia, WA 98501

City of Olympia
C/o Mr. Jay Burney, Assistant City Manager – Special Projects
P.O. Box 1967
Olympia, WA 98507-1967

LOTT Clean Water Alliance
C/o Ms Wendy Steffensen, Environmental Project Manager
500 Adams Street NE
Olympia, WA 98501

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I. INTRODUCTION

The mutual objective of the State of Washington, Department of Ecology (Ecology) and the Port of Olympia, City of Olympia and Lacey, Olympia, Tumwater and Thurston County Clean Water Alliance (LOTT Alliance) under this Agreed Order (Order) is to provide for remedial action at a facility where there has been a release or threatened release of hazardous substances. This Order requires the Port of Olympia, City of Olympia and the LOTT Alliance (collectively the PLPs) to implement the attached Cleanup Action Plan (Exhibit A). Ecology believes the actions required by this Order are in the public interest.

II. JURISDICTION

This Agreed Order is issued pursuant to the Model Toxics Control Act (MTCA), RCW 70.105D.050(1).

III. PARTIES BOUND

This Agreed Order shall apply to and be binding upon the Parties to this Order, their successors and assigns. The undersigned representative of each party hereby certifies that he or she is fully authorized to enter into this Order and to execute and legally bind such party to comply with this Order. The PLPs agree to undertake all actions required by the terms and conditions of this Order. No change in ownership or corporate status shall alter the PLPs' responsibility under this Order. The PLPs shall provide a copy of this Order to all agents, contractors, and subcontractors retained to perform work required by this Order, and shall ensure that all work undertaken by such agents, contractors, and subcontractors complies with this Order.

IV. DEFINITIONS

Unless otherwise specified herein, the definitions set forth in RCW 70.105D and WAC 173-340 shall control the meanings of the terms in this Order.

A. Site: The Site is referred to as East Bay Redevelopment. The Site constitutes a facility under RCW 70.105D.020(8). The Site is defined by where a hazardous substance, other than a consumer product in consumer use, has been deposited, stored, disposed of, or placed, or

otherwise come to be located. Based on factors currently known to Ecology, the Site is generally located at 315 Jefferson Street NE in Olympia, Washington as shown in the Site Location Diagram (Exhibit B).

B. Parties: Refers to the State of Washington, Department of Ecology and the Port of Olympia, City of Olympia and LOTT Alliance.

C. Potentially Liable Persons (PLPs): Refers to the Port of Olympia, City of Olympia and LOTT Alliance.

D. Agreed Order or Order: Refers to this Order and each of the exhibits to this Order. All exhibits are integral and enforceable parts of this Order.

V. FINDINGS OF FACT

Ecology makes the following findings of fact, without any express or implied admissions of such facts by the PLPs:

A. Lumber milling operations were conducted under various owners/operators at the Site from at least 1888 until about 1968. Historic owners/operators included the St. Paul & Tacoma Lumber Company (1942 to 1968, Parcels 2 through 7); Olympia Veneer Company (1924 to mid-1940s, Parcels 2 through 6); Olympia Sawmill and Olympia Planing Mill (1888-1896, Parcel 3); Olympia Door and Lumber Company's planing mill and the East Side Lumber Company's saw mill (1896, Parcel 3); H.G. Richardson's Shingle Mill (1908, Parcel 3); the Olympia Door Company Sash and Door Factory (1908-1924, Parcel 9); the Puget Sound Pipe Company (wooden pipes, 1888-1896, Parcel 1); and the National Wood Pipe Company (1908, Parcels 5 and 6).

B. The lumber milling operations included various equipment and/or support facilities including: shops (such as machine shops, blacksmith shops, repair shops, welding shops, and electronic shops), dry kilns, veneer driers, power houses, boiler houses, oil houses, glue houses, flammable liquids storage, transformers, engine rooms, fuel bins, and tar dipping tanks. Also, historic aerial photographs show that logs were rafted in the bay, presumably for transport along Budd Inlet to various sawmills.

C. Most of the Site is situated on land that was reclaimed using fill material that consists of sediment that was dredged from Budd Inlet as part of civic improvement projects beginning in the late 1800s. The last fill event, which created the current shoreline, occurred along the eastern boundary of the Site in 1982. The 1982 fill was imported from an upland rock quarry and was placed subsequent to historical operations.

D. Past operations on property that is part of the Site, such as spills, buried refuse and treated wood pilings, have resulted in the contamination of soil for the following constituents: arsenic, lead, total petroleum hydrocarbons (TPH) in the gasoline range (TPH-G), total naphthalenes, TPH in the diesel range (TPH-D), TPH in the heavy oil range (TPH-HO), total carcinogenic polycyclic aromatic hydrocarbons (cPAHs), and chlorinated dibenzo-p-dioxins and chlorinated dibenzofurans (dioxins/furans).

E. The Port of Olympia purchased property which is part of the Site on or about December 29, 1971, and is a current property owner. Since lumber milling operations ceased in 1968, the Port of Olympia and its tenants have used portions of the Site for commercial and light industrial activities and/or storage.

F. The City of Olympia purchased property which is part of the Site on June 3, 2010 and is a current property owner.

G. LOTT Alliance purchased property which is part of the Site on June 3, 2010 and is a current property owner.

H. On October 3, 2008, Ecology and the Port of Olympia entered into Agreed Order No. DE 5471 which required the Port of Olympia to conduct a Remedial Investigation (RI) and Interim Action at the Site. In accordance with the Agreed Order's Schedule of Deliverables, the Port of Olympia submitted for Ecology's approval a RI Work Plan and an Interim Action Work Plan. Ecology approved the RI Work Plan in writing on September 21, 2009. Ecology approved the Interim Action Work Plan in writing on May 4, 2009, and made a State Environmental Policy Act (SEPA) threshold Determination of Non-Significance (DNS). Public comment on the RI Work Plan, the Interim Action Work Plan, and the SEPA determination was open from

March 16, 2009, through April 16, 2009. Before the comment period was completed, Ecology held a public open house meeting to provide the public with additional information on April 1, 2009. After review of the public comments, Ecology approved the RI Work Plan and the Interim Action Work Plan as final. No changes were made to the SEPA DNS. Ecology approved the Agreed Order No. DE 5471 Interim Action Report in writing on June 18, 2010.

I. On September 23, 2010, Ecology, the Port of Olympia, City of Olympia and LOTT Alliance entered into Agreed Order No. DE 7830 requiring the PLPs to implement an interim action at Parcels 4 and 5 of the Site, submit a site boundary technical memorandum, draft a remedial investigation/feasibility study report, and submit a draft cleanup action plan. Agreed Order No. DE 7830 fully superseded and replaced Agreed Order No. DE 5471. Ecology approved in writing the Agreed Order No. DE 7830 Interim Action Report on October 20, 2016.

VI. ECOLOGY DETERMINATIONS

Ecology makes the following determinations, without any express or implied admissions of such determinations (and underlying facts) by the PLPs.

A. The Port of Olympia is an “owner or operator” as defined in RCW 70.105D.020(17) of a “facility” as defined in RCW 70.105D.020(5). The Port currently owns property that is part of the Site.

B. The City of Olympia is an “owner or operator” as defined in RCW 70.105D.020(17) of a “facility” as defined in RCW 70.105D.020(5). The City currently owns property that is part of the Site.

C. LOTT Alliance is an “owner or operator” as defined in RCW 70.105D.020(17) of a “facility” as defined in RCW 70.105D.020(5). LOTT Alliance currently owns property that is part of the Site.

D. Based upon all factors known to Ecology, a “release” or “threatened release” of “hazardous substance(s)” as defined in RCW 70.105D.020(32) and (13), respectively, has occurred at the Site.

E. Based upon credible evidence, Ecology issued a PLP status letter to the Port of Olympia dated February 14, 2008, pursuant to RCW 70.105D.040, 70.105D.020(21) and WAC 173-340-500. By letter dated February 21, 2008, the Port of Olympia voluntarily waived its rights to notice and comment and accepted Ecology's determination that the Port of Olympia is a PLP under RCW 70.105D.040.

F. Based upon credible evidence, Ecology issued a PLP status letter to the City of Olympia dated June 14, 2010, pursuant to RCW 70.105D.040, 70.105D.020(21) and WAC 173-340-500. By letter dated June 21, 2010, the City of Olympia voluntarily waived its rights to notice and comment and accepted Ecology's determination that the City of Olympia is a PLP under RCW 70.105D.040.

G. Based upon credible evidence, Ecology issued a PLP status letter to LOTT Alliance dated June 14, 2010, pursuant to RCW 70.105D.040, 70.105D.020(21) and WAC 173-340-500. By letter dated June 21, 2010, LOTT Alliance voluntarily waived its rights to notice and comment and accepted Ecology's determination that LOTT Alliance is a PLP under RCW 70.105D.040.

H. Pursuant to RCW 70.105D.030(1) and .050(1), Ecology may require PLPs to investigate or conduct other remedial actions with respect to any release or threatened release of hazardous substances, whenever it believes such action to be in the public interest. Based on the foregoing facts, Ecology believes the remedial actions required by this Order are in the public interest.

VII. WORK TO BE PERFORMED

Based on the Findings of Fact and Ecology Determinations, it is hereby ordered that the PLPs take the following remedial actions at the Site and that these actions be conducted in accordance with WAC 173-340:

A. The PLPs shall conduct a final cleanup action at the Site by implementing the Cleanup Action Plan (CAP) (Exhibit A) according to the attached Schedule of Work and

Deliverables (Exhibit C) and all other requirements of this Decree. The cleanup action includes, but is not limited to the following actions:

- a. Targeted soil removal from areas where remediation levels are exceeded. Soil above the remediation level will be disposed of at an accredited off-site facility permitted to receive the waste. The excavation area will be backfilled using clean soil.
 - b. Installation of a cap (building, asphalt or concrete surface, or other hardscaped area) or soil cover in all areas of the Site not covered by 1982 fill. The soil cover will consist of a permeable geotextile fabric and at least 12 inches of clean soil.
 - c. Placement of environmental (restrictive) covenants on the Site properties to prevent breaching of the cap or soil cover, prevent installation of a drinking water well within the Site boundary, restrictions on the construction of stormwater infiltration facilities or ponds, and a requirement that all stormwater catch basins, conveyance systems, and other appurtenances be of water-tight construction for selected areas of the Site.
- B. Within sixty (60) days of the effective date of the Agreed Order, PLPs shall submit for Ecology review and approval, the Agency Review Draft Engineering Design Report (EDR) and Construction Plans and Specifications (CPS) that meet the requirements of WAC 173-340-400(4). The plans shall include the following: estimated excavation depths, confirmation soil sampling, health and safety monitoring, soil handling and disposal, temporary erosion and sedimentation control plan, stormwater pollution prevention plan, and traffic control). PLPs shall incorporate Ecology's comments on the EDR and CPS within thirty (30) days of receiving comments.
- C. PLPs shall submit the Agency Review Draft Cleanup Action Completion Report for Ecology review within 90 days of completion of cleanup action excavation and contaminated soil transport and disposal (whichever is later). PLPs shall incorporate Ecology's comments on the report within thirty (30) days of receiving comments.

D. The Agency Review Draft Operation and Maintenance Plan shall be submitted by the PLPs for Ecology review within 30 days of completion of cleanup action excavation, contaminated soil transport and disposal, and capping (whichever is later). Ecology's comments shall be incorporated and revised plan(s) shall be submitted to Ecology within 30 days of the date of Ecology's comment letter on the plan(s).

E. The Agency Review Draft Environmental Covenants (ECs) shall be submitted to Ecology for review within 30 days of receipt of validated compliance soil sample results or the completion of cleanup action soil excavation, contaminated soil transport and disposal, and capping (whichever is later). After approval by Ecology, the PLPs shall record the ECs for each of the parcels that comprise the Site with the office of the Thurston County Auditor within 10 days. The original recorded ECs shall be provided to Ecology within 30 days of the recording date.

F. In accordance with WAC 173-340-840(5) and Ecology Toxics Cleanup Program Policy 840 (Data Submittal Requirements), data generated for contaminated site investigations and cleanups shall be submitted in both a written and electronic format. For additional information regarding electronic format requirements, see the website <http://www.ecy.wa.gov/eim>. All laboratory analyses shall be performed by a State of Washington certified laboratory for each analytical method used.

G. Preliminary data shall be also provided to Ecology for interim review as soon as it becomes available.

H. All plans or other deliverables submitted by the PLPs for Ecology's review and approval under the Schedule of Work and Deliverables (Exhibit C) shall, upon Ecology's approval, become integral and enforceable parts of this Order.

I. If Ecology determines that the PLPs have failed to make sufficient progress or failed to implement the remedial action, in whole or in part, Ecology may, after notice to the PLPs, perform any or all portions of the remedial action or at Ecology's discretion allow the PLPs an opportunity to correct. The PLPs shall reimburse Ecology for the costs of doing such

work in accordance with Section VIII.A (Remedial Action Costs). Ecology reserves the right to enforce requirements of this Order under Section X (Enforcement).

J. Except where necessary to abate an emergency situation, the PLPs shall not perform any remedial actions at the Site outside those remedial actions required by this Order, unless Ecology concurs, in writing, with such additional remedial actions.

VIII. TERMS AND CONDITIONS

A. Payment of Remedial Action Costs

The PLPs shall pay to Ecology costs incurred by Ecology pursuant to this Order and consistent with WAC 173-340-550(2). These costs shall include work performed by Ecology or its contractors for, or on, the Site under RCW 70.105D, including remedial actions and Order preparation, negotiation, oversight, and administration. These costs shall include work performed both prior to and subsequent to the issuance of this Order. Ecology's costs shall include costs of direct activities and support costs of direct activities as defined in WAC 173-340-550(2). For all Ecology costs incurred, the PLPs shall pay the required amount within thirty (30) days of receiving from Ecology an itemized statement of costs that includes a summary of costs incurred, an identification of involved staff, and the amount of time spent by involved staff members on the project. A general statement of work performed will be provided upon request. Itemized statements shall be prepared quarterly. Pursuant to WAC 173-340-550(4), failure to pay Ecology's costs within ninety (90) days of receipt of the itemized statement of costs will result in interest charges at the rate of twelve percent (12%) per annum, compounded monthly.

PLPs shall provide Ecology with an updated accounting of how the Port of Olympia has applied settlement funds to remedial action costs at the Site by October 30, 2017. If settlement funds remain, a subsequent update shall be provided by October 30, 2018.

In addition to other available relief, pursuant to RCW 19.16.500, Ecology may utilize a collection agency and/or, pursuant to RCW 70.105D.055, file a lien against real property subject to the remedial actions to recover unreimbursed remedial action costs.

B. Designated Project Coordinators

The project coordinator for Ecology is:

Steve Teel
Toxics Cleanup Program
Southwest Regional Office
P.O. Box 47775
Olympia, WA 98504-7775
(360) 407-6247
steve.teel@ecy.wa.gov

The project coordinator for the PLPs is:

Rachael Jamison
606 Columbia Street NW, Suite 300
Olympia, WA 98501
(360) 528-8020
rachaelj@portolympia.com

Each project coordinator shall be responsible for overseeing the implementation of this Order. Ecology's project coordinator will be Ecology's designated representative for the Site. To the maximum extent possible, communications between Ecology and the PLPs, and all documents, including reports, approvals, and other correspondence concerning the activities performed pursuant to the terms and conditions of this Order shall be directed through the project coordinators. The project coordinators may designate, in writing, working level staff contacts for all or portions of the implementation of the work to be performed required by this Order.

Any party may change its respective project coordinator. Written notification shall be given to the other party at least ten (10) calendar days prior to the change.

C. Performance

All geologic and hydrogeologic work performed pursuant to this Order shall be under the supervision and direction of a geologist or hydrogeologist licensed by the State of Washington or under the direct supervision of an engineer registered by the State of Washington, except as otherwise provided for by RCW 18.43 and 18.220.

All engineering work performed pursuant to this Order shall be under the direct supervision of a professional engineer registered by the State of Washington, except as otherwise provided for by RCW 18.43.130.

All construction work performed pursuant to this Order shall be under the direct supervision of a professional engineer or a qualified technician under the direct supervision of a professional engineer. The professional engineer must be registered by the State of Washington, except as otherwise provided for by RCW 18.43.130.

Any documents submitted containing geologic, hydrologic, or engineering work shall be under the seal of an appropriately licensed professional as required by RCW 18.43 and 18.220.

The PLPs shall notify Ecology in writing of the identity of any engineer(s) and geologist(s), contractor(s) and subcontractor(s), and others to be used in carrying out the terms of this Order, in advance of their involvement at the Site.

D. Access

Ecology or any Ecology authorized representative shall have access to enter and freely move about all property at the Site that the PLPs either own, control, or have access rights to at all reasonable times for the purposes of, *inter alia*: inspecting records, operation logs, and contracts related to the work being performed pursuant to this Order; reviewing the PLPs' progress in carrying out the terms of this Order; conducting such tests or collecting such samples as Ecology may deem necessary; using a camera, sound recording, or other documentary type equipment to record work done pursuant to this Order; and verifying the data submitted to Ecology by the PLPs. The PLPs shall make all reasonable efforts to secure access rights for those properties within the Site not owned or controlled by the PLPs where remedial activities or investigations will be performed pursuant to this Order. Ecology or any Ecology authorized representative shall give reasonable notice before entering any Site property owned or controlled by the PLPs unless an emergency prevents such notice. All persons who access the Site pursuant to this section shall comply with any applicable health and safety plan(s). Ecology employees

and their representatives shall not be required to sign any liability release or waiver as a condition of Site property access.

E. Sampling, Data Submittal, and Availability

With respect to the implementation of this Order, the PLPs shall make the results of all sampling, laboratory reports, and/or test results generated by it or on its behalf available to Ecology. Pursuant to WAC 173-340-840(5), all sampling data shall be submitted to Ecology in both printed and electronic formats in accordance with Section VII (Work to be Performed), Ecology's Toxics Cleanup Program Policy 840 (Data Submittal Requirements), and/or any subsequent procedures specified by Ecology for data submittal.

If requested by Ecology, the PLPs shall allow Ecology and/or its authorized representative to take split or duplicate samples of any samples collected by the PLPs pursuant to implementation of this Order. The PLPs shall notify Ecology seven (7) days in advance of any sample collection or work activity at the Site. Ecology shall, upon request, allow the PLPs and/or their authorized representative to take split or duplicate samples of any samples collected by Ecology pursuant to the implementation of this Order, provided that doing so does not interfere with Ecology's sampling. Without limitation on Ecology's rights under Section VIII.D (Access), Ecology shall notify the PLPs prior to any sample collection activity unless an emergency prevents such notice.

In accordance with WAC 173-340-830(2)(a), all hazardous substance analyses shall be conducted by a laboratory accredited under WAC 173-50 for the specific analyses to be conducted, unless otherwise approved by Ecology.

F. Public Participation

Ecology shall maintain the responsibility for public participation at the Site. However, the PLPs shall cooperate with Ecology, and shall:

1. If agreed to by Ecology, develop appropriate mailing lists and prepare drafts of public notices and fact sheets at important stages of the remedial action, such as the submission of work plans, remedial investigation/feasibility study reports, cleanup

action plans, and engineering design reports. As appropriate, Ecology will edit, finalize, and distribute such fact sheets and prepare and distribute public notices of Ecology's presentations and meetings.

2. Notify Ecology's project coordinator prior to the preparation of all press releases and fact sheets, and before meetings related to remedial action work to be performed at the Site with the interested public and/or local governments. Likewise, Ecology shall notify the PLPs prior to the issuance of all press releases and fact sheets related to the Site, and before meetings related to the Site with the interested public and local governments. For all press releases, fact sheets, meetings, and other outreach efforts by the PLPs that do not receive prior Ecology approval, the PLPs shall clearly indicate to its audience that the press release, fact sheet, meeting, or other outreach effort was not sponsored or endorsed by Ecology.

3. When requested by Ecology, participate in public presentations on the progress of the remedial action at the Site. Participation may be through attendance at public meetings to assist in answering questions or as a presenter.

4. When requested by Ecology, arrange and/or continue information repositories to be located at the following locations:

- a. Olympia Timberland Library
313 8th Ave. SE
Olympia WA
(360) 352-0595

- b. Ecology's Southwest Regional Office
300 Desmond Drive
Lacey, WA 98503
(360) 407-6045

At a minimum, copies of all public notices, fact sheets, and documents relating to public comment periods shall be promptly placed in these repositories. A copy of all documents related

to this Site shall be maintained in the repository at Ecology's Southwest Regional Office in Lacey, Washington.

G. Retention of Records

During the pendency of this Order, and for ten (10) years from the date of completion of work performed pursuant to this Order, the PLPs shall preserve all records, reports, documents, and underlying data in its possession relevant to the implementation of this Order and shall insert a similar record retention requirement into all contracts with project contractors and subcontractors. Upon request of Ecology, the PLPs shall make all records available to Ecology and allow access for review within a reasonable time.

Nothing in this Order is intended to waive any right the PLPs may have under applicable law to limit disclosure of documents protected by the attorney work-product privilege and/or the attorney-client privilege. If the PLPs withhold any requested records based on an assertion of privilege, the PLPs shall provide Ecology with a privilege log specifying the records withheld and the applicable privilege. No Site-related data collected pursuant to this Order shall be considered privileged.

H. Resolution of Disputes

1. In the event that the PLPs elect to invoke dispute resolution the PLPs must utilize the procedure set forth below.

a. Upon the triggering event (receipt of Ecology's project coordinator's written decision or an itemized billing statement), the PLPs have fourteen (14) calendar days within which to notify Ecology's project coordinator in writing of its dispute (Informal Dispute Notice).

b. The Parties' project coordinators shall then confer in an effort to resolve the dispute informally. The parties shall informally confer for up to fourteen (14) calendar days from receipt of the Informal Dispute Notice. If the project coordinators cannot resolve the dispute within those 14 calendar days, then within seven (7) calendar days Ecology's project coordinator shall issue a written decision (Informal Dispute

Decision) stating: the nature of the dispute; the PLPs position with regards to the dispute; Ecology's position with regards to the dispute; and the extent of resolution reached by informal discussion.

c. The PLPs may then request regional management review of the dispute. This request (Formal Dispute Notice) must be submitted in writing to the Southwest Region Toxics Cleanup Section Manager within seven (7) calendar days of receipt of Ecology's Informal Dispute Decision. The Formal Dispute Notice shall include a written statement of dispute setting forth: the nature of the dispute; the disputing Party's position with respect to the dispute; and the information relied upon to support its position.

d. The Section Manager shall conduct a review of the dispute and shall issue a written decision regarding the dispute (Decision on Dispute) within thirty (30) calendar days of receipt of the Formal Dispute Notice. The Decision on Dispute shall be Ecology's final decision on the disputed matter.

2. The Parties agree to only utilize the dispute resolution process in good faith and agree to expedite, to the extent possible, the dispute resolution process whenever it is used.

3. Implementation of these dispute resolution procedures shall not provide a basis for delay of any activities required in this Order, unless Ecology agrees in writing to a schedule extension.

4. In case of a dispute, failure to either proceed with the work required by this Order or timely invoke dispute resolution may result in Ecology's determination that insufficient progress is being made in preparation of a deliverable, and may result in Ecology undertaking the work under Section VII.F (Work to be Performed) or initiating enforcement under Section X (Enforcement).

I. Extension of Schedule

1. The PLPs request for an extension of schedule shall be granted only when a request for an extension is submitted in a timely fashion, generally at least thirty (30) days prior

to expiration of the deadline for which the extension is requested, and good cause exists for granting the extension. All extensions shall be requested in writing. The request shall specify:

- a. The deadline that is sought to be extended;
- b. The length of the extension sought;
- c. The reason(s) for the extension; and
- d. Any related deadline or schedule that would be affected if the extension were granted.

2. The burden shall be on the PLPs to demonstrate to the satisfaction of Ecology that the request for such extension has been submitted in a timely fashion and that good cause exists for granting the extension. Good cause may include, but may not be limited to:

- a. Circumstances beyond the reasonable control and despite the due diligence of the PLPs including delays caused by unrelated third parties or Ecology, such as (but not limited to) delays by Ecology in reviewing, approving, or modifying documents submitted by the PLPs;
- b. Acts of God, including fire, flood, blizzard, extreme temperatures, storm, or other unavoidable casualty; or
- c. Endangerment as described in Section VIII.K (Endangerment).

However, neither increased costs of performance of the terms of this Order nor changed economic circumstances shall be considered circumstances beyond the reasonable control of the PLPs.

3. Ecology shall act upon any the PLPs written request for extension in a timely fashion. Ecology shall give the PLPs written notification of any extensions granted pursuant to this Order. A requested extension shall not be effective until approved by Ecology. Unless the extension is a substantial change, it shall not be necessary to amend this Order pursuant to Section VIII.J (Amendment of Order) when a schedule extension is granted.

4. At the PLPs request, an extension shall only be granted for such period of time as Ecology determines is reasonable under the circumstances. Ecology may grant schedule extensions exceeding ninety (90) days only as a result of:

- a. Delays in the issuance of a necessary permit which was applied for in a timely manner;
- b. Other circumstances deemed exceptional or extraordinary by Ecology; or
- c. Endangerment as described in Section VIII.K (Endangerment).

J. Amendment of Order

The project coordinators may verbally agree to minor changes to the work to be performed without formally amending this Order. Minor changes will be documented in writing by Ecology within seven (7) days of verbal agreement.

Except as provided in Section VIII.L (Reservation of Rights), substantial changes to the work to be performed shall require formal amendment of this Order. This Order may only be formally amended by the written consent of both Ecology and the PLPs. Ecology will provide its written consent to a formal amendment only after public notice and opportunity to comment on the formal amendment.

When requesting a change to the Order, the PLPs shall submit a written request to Ecology for approval. Ecology shall indicate its approval or disapproval in writing and in a timely manner after the written request is received. If Ecology determines that the change is substantial, then the Order must be formally amended. Reasons for the disapproval of a proposed change to this Order shall be stated in writing. If Ecology does not agree to a proposed change, the disagreement may be addressed through the dispute resolution procedures described in Section VIII.H (Resolution of Disputes).

K. Endangerment

In the event Ecology determines that any activity being performed at the Site under this Order is creating or has the potential to create a danger to human health or the environment on or surrounding the Site, Ecology may direct the PLPs to cease such activities for such period of

time as it deems necessary to abate the danger. The PLPs shall immediately comply with such direction.

In the event the PLPs determine that any activity being performed at the Site under this Order is creating or has the potential to create a danger to human health or the environment, the PLPs may cease such activities. The PLPs shall notify Ecology's project coordinator as soon as possible, but no later than twenty-four (24) hours after making such determination or ceasing such activities. Upon Ecology's direction, the PLPs shall provide Ecology with documentation of the basis for the determination or cessation of such activities. If Ecology disagrees with the PLPs' cessation of activities, it may direct the PLPs to resume such activities.

If Ecology concurs with or orders a work stoppage pursuant to this section, the PLPs obligations with respect to the ceased activities shall be suspended until Ecology determines the danger is abated, and the time for performance of such activities, as well as the time for any other work dependent upon such activities, shall be extended in accordance with Section VIII.I (Extension of Schedule) for such period of time as Ecology determines is reasonable under the circumstances.

Nothing in this Order shall limit the authority of Ecology, its employees, agents, or contractors to take or require appropriate action in the event of an emergency.

L. Reservation of Rights

This Order is not a settlement under RCW 70.105D. Ecology's signature on this Order in no way constitutes a covenant not to sue or a compromise of any of Ecology's rights or authority. Ecology will not, however, bring an action against the PLPs to recover remedial action costs paid to and received by Ecology under this Order. In addition, Ecology will not take additional enforcement actions against the PLPs regarding remedial actions required by this Order, provided the PLPs comply with this Order.

Ecology nevertheless reserves its rights under RCW 70.105D, including the right to require additional or different remedial actions at the Site should it deem such actions necessary to protect human health or the environment, and to issue orders requiring such remedial actions.

Ecology also reserves all rights regarding the injury to, destruction of, or loss of natural resources resulting from the release or threatened release of hazardous substances at the Site.

By entering into this Order, the PLPs do not admit to any liability for the Site. Although the PLPs are committing to conducting the work required by this Order under the terms of this Order, the PLPs expressly reserve all rights available under law, including but not limited to the right to seek cost recovery or contribution against third parties, and the right to assert any defenses to liability in the event of enforcement.

M. Transfer of Interest in Property

No voluntary conveyance or relinquishment of title, easement, leasehold, or other interest in any portion of the Site shall be consummated by the PLPs without provision for continued implementation of all requirements of this Order and implementation of any remedial actions found to be necessary as a result of this Order.

Prior to the a PLP's transfer of any interest in all or any portion of the Site, and during the effective period of this Order, the PLP shall provide a copy of this Order to any prospective purchaser, lessee, transferee, assignee, or other successor in said interest; and, at least thirty (30) days prior to any transfer, the PLP shall notify Ecology of said transfer. Upon transfer of any interest, the PLP shall notify all transferees of the restrictions on the activities and uses of the property under this Order and incorporate any such use restrictions into the transfer documents.

N. Compliance with Applicable Laws

1. All actions carried out by the PLPs pursuant to this Order shall be done in accordance with all applicable federal, state, and local requirements, including requirements to obtain necessary permits or approvals, except as provided in RCW 70.105D.090. The permits or specific federal, state, or local requirements that the agency has determined are applicable and that are known at the time of the execution of this Order have been identified in the CAP (Exhibit A). The PLPs have a continuing obligation to identify additional applicable federal, state, and local requirements which apply to actions carried out pursuant to this Order, and to comply with those requirements. As additional federal, state, and local requirements are

identified by Ecology or the PLPs, Ecology will document in writing if they are applicable to actions carried out pursuant to this Order, and the PLP must implement those requirements.

2. All actions carried out by the PLPs pursuant to this Order shall be done in accordance with relevant and appropriate requirements identified by Ecology. At this time, no relevant and appropriate requirements have been identified as being applicable to the actions required by this Order. If additional relevant and appropriate requirements are identified by Ecology or the PLPs, Ecology will document in writing if they are applicable to actions carried out pursuant to this Order and the PLP must implement those requirements.

3. Pursuant to RCW 70.105D.090(1), the PLPs may be exempt from the procedural requirements of RCW 70.94, 70.95, 70.105, 77.55, 90.48, and 90.58 and of any laws requiring or authorizing local government permits or approvals. However, the PLPs shall comply with the substantive requirements of such permits or approvals. For permits and approvals covered under RCW 70.105D.090(1) that have been issued by local government, the Parties agree that Ecology has the non-exclusive ability under this Order to enforce those local government permits and/or approvals. At this time, no state or local permits or approvals have been identified as being applicable but procedurally exempt under this section.

4. The PLPs have a continuing obligation to determine whether additional permits or approvals addressed in RCW 70.105D.090(1) would otherwise be required for the remedial action under this Order. In the event either Ecology or the PLPs determine that additional permits or approvals addressed in RCW 70.105D.090(1) would otherwise be required for the remedial action under this Order, it shall promptly notify the other party of its determination. Ecology shall determine whether Ecology or the PLPs shall be responsible to contact the appropriate state and/or local agencies. If Ecology so requires, the PLPs shall promptly consult with the appropriate state and/or local agencies and provide Ecology with written documentation from those agencies of the substantive requirements those agencies believe are applicable to the remedial action. Ecology shall make the final determination on the additional substantive requirements that must be met by the PLPs and on how the PLPs must meet those requirements.

Ecology shall inform the PLPs in writing of these requirements. Once established by Ecology, the additional requirements shall be enforceable requirements of this Order. The PLPs shall not begin or continue the remedial action potentially subject to the additional requirements until Ecology makes its final determination.

Pursuant to RCW 70.105D.090(2), in the event Ecology determines that the exemption from complying with the procedural requirements of the laws referenced in RCW 70.105D.090(1) would result in the loss of approval from a federal agency that is necessary for the state to administer any federal law, the exemption shall not apply and the PLPs shall comply with both the procedural and substantive requirements of the laws referenced in RCW 70.105D.090(1), including any requirements to obtain permits or approvals.

O. Land Use Restrictions

As detailed in the CAP, institutional controls are required at the Site. Environmental (Restrictive) Covenants will be used to implement the institutional controls. In consultation with the Ecology, the PLPs will prepare the Environmental (Restrictive) Covenants consistent with WAC 173-340-440, RCW 64.70, and any policies or procedures specified by Ecology. The Environmental (Restrictive) Covenants shall restrict future activities and uses of the Site as agreed to by Ecology and the PLPs.

After approval by Ecology, the PLPs shall record the Environmental (Restrictive) Covenant for their respective affected properties with the office of the Thurston County Auditor as detailed in the Schedule (Exhibit C). The PLPs shall provide Ecology with the original recorded Environmental (Restrictive) Covenants within thirty (30) days of the recording date.

P. Financial Assurances

Pursuant to WAC 173-340-440(11), the PLPs shall maintain sufficient and adequate financial assurance mechanisms to cover all costs associated with the operation and maintenance of the remedial action at the Site, including institutional controls, compliance monitoring, and corrective measures.

Within sixty (60) days of the effective date of this Order, the PLPs shall submit to Ecology for review and approval an estimate of the costs that it will incur in carrying out the terms of this Order, including operation and maintenance, and compliance monitoring. Within sixty (60) days after Ecology approves the aforementioned cost estimate, the PLPs shall provide proof of financial assurances sufficient to cover all such costs in a form acceptable to Ecology.

The PLPs shall adjust the financial assurance coverage and provide Ecology's project coordinator with documentation of the updated financial assurance for:

1. Inflation, annually, within thirty (30) days of the anniversary date of the entry of this Order; or if applicable, the modified anniversary date established in accordance with this section, or if applicable, ninety (90) days after the close of the PLPs' fiscal year if the financial test or corporate guarantee is used.

2. Changes in cost estimates, within thirty (30) days of issuance of Ecology's approval of a modification or revision to the cleanup action plan (CAP) that result in increases to the cost or expected duration of remedial actions. Any adjustments for inflation since the most recent preceding anniversary date shall be made concurrent with adjustments for changes in cost estimates. The issuance of Ecology's approval of a revised or modified CAP will revise the anniversary date established under this section to become the date of issuance of such revised or modified CAP.

Q. Periodic Review

As remedial action continues at the Site, the Parties agree to review the progress of remedial action at the Site, and to review the data accumulated as a result of monitoring the Site as often as is necessary and appropriate under the circumstances. At least every five (5) years after the initiation of cleanup action at the Site the Parties shall meet to discuss the status of the Site and the need, if any, for further remedial action at the Site. At least ninety (90) days prior to each periodic review, the PLPs shall submit a report to Ecology that documents whether human health and the environment are being protected based on the factors set forth in WAC 173-340-

420(4). Ecology reserves the right to require further remedial action at the Site under appropriate circumstances. This provision shall remain in effect for the duration of this Order.

R. Indemnification

The PLPs agree to indemnify and save and hold the State of Washington, its employees, and agents harmless from any and all claims or causes of action (1) for death or injuries to persons, or (2) for loss or damage to property, to the extent arising from or on account of acts or omissions of the PLPs, their officers, employees, agents, or contractors in entering into and implementing this Order. However, the PLPs shall not indemnify the State of Washington nor save nor hold its employees and agents harmless from any claims or causes of action to the extent arising out of the negligent acts or omissions of the State of Washington, or the employees or agents of the State, in entering into or implementing this Order.

IX. SATISFACTION OF ORDER

The provisions of this Order shall be deemed satisfied upon the PLPs receipt of written notification from Ecology that the PLPs have completed the remedial activity required by this Order, as amended by any modifications, and that the PLPs have complied with all other provisions of this Agreed Order.

X. ENFORCEMENT

Pursuant to RCW 70.105D.050, this Order may be enforced as follows:

A. The Attorney General may bring an action to enforce this Order in a state or federal court.

B. The Attorney General may seek, by filing an action, if necessary, to recover amounts spent by Ecology for investigative and remedial actions and orders related to the Site.

C. A liable party who refuses, without sufficient cause, to comply with any term of this Order will be liable for:

1. Up to three (3) times the amount of any costs incurred by the State of Washington as a result of its refusal to comply.

2. Civil penalties of up to twenty-five thousand dollars (\$25,000) per day for each day it refuses to comply.

D. This Order is not appealable to the Washington Pollution Control Hearings Board.

This Order may be reviewed only as provided under RCW 70.105D.060.

Effective date of this Order: _____

PORT OF OLYMPIA

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Ed Galligan
Executive Director
Port of Olympia
Olympia, Washington
(360) 528-2001

Rebecca S. Lawson, P.E., LHG
Section Manager
Toxics Cleanup Program
Southwest Regional Office
(360) 407-6241

CITY OF OLYMPIA

LOTT CLEAN WATER ALLIANCE

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(360) 753-8447

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(360) 664-2333

EXHIBIT A

CLEANUP ACTION PLAN

Draft Cleanup Action Plan

**East Bay Redevelopment Site
Olympia, Washington
Facility/Site No. 5785176
Cleanup Site ID: 407**



MARCH 2017

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ACRONYMS AND ABBREVIATIONS

Acronym	Explanation
bgs	Below Ground Surface
CAP	Cleanup Action Plan
City	City of Olympia
CL	Cleanup Level
COC	Constituent of Concern
cPAHs	Carcinogenic Polycyclic Aromatic Hydrocarbons
CSEM	Conceptual Site Exposure Model
cy	Cubic yards
Dioxins/Furans	Chlorinated Dibenzo-p-dioxins and Chlorinated Dibenzofurans
ECs	Engineering Controls
Ecology	Washington State Department of Ecology
FS	Feasibility Study
IA	Interim Action
ICs	Institutional Controls
LOTT	Lacey, Olympia, Tumwater, and Thurston County Clean Water Alliance
MTCA	Model Toxics Control Act
MW	Monitoring Well
NPDES	National Pollutant Discharge Elimination System
PIONEER	PIONEER Technologies Corporation
POC	Point of Compliance
Port	Port of Olympia
RCW	Revised Code of Washington
RI	Remedial Investigation
RL	Remediation Level
SEPA	State Environmental Policy Act
Site	East Bay Redevelopment Site
TCP	Toxics Cleanup Program
TPH	Total Petroleum Hydrocarbons
TPH-D	Total Petroleum Hydrocarbons in the Diesel Range
TPH-G	Total Petroleum Hydrocarbons in the Gasoline Range
TPH-HO	Total Petroleum Hydrocarbons in the Heavy Oil Range
UECA	Uniform Environmental Covenants Act
WAC	Washington Administrative Code

SECTION 1 – INTRODUCTION AND BACKGROUND

The purpose of this draft Cleanup Action Plan (CAP) is to summarize the cleanup action proposed by the Washington State Department of Ecology (Ecology) for the East Bay Redevelopment Site (Site) in accordance with Washington Administrative Code (WAC) 173-340-380(1)(a). The information presented in this draft CAP is based on the Site Remedial Investigation (RI)/Feasibility Study (FS) Report prepared in accordance with WAC 173-340-350 (PIONEER Technologies Corporation [PIONEER] 2016). The RI/FS Report and the draft CAP for this Model Toxics Control Act (MTCA) Site were prepared pursuant to Agreed Order DE7830. The Port of Olympia (Port), City of Olympia (City), and Lacey, Olympia, Tumwater, and Thurston County Clean Water Alliance (LOTT) are potentially liable persons in Agreed Order DE7830.

The approximately 14.8-acre Site is located in Olympia, Washington adjacent to the southwest corner of the East Bay of Budd Inlet (see Figure 1). As shown on Figure 1, the original (predevelopment) shoreline near the Site was significantly different than the current shoreline. Most of the Site is situated on land that was reclaimed using fill material that consists of sediment that was dredged from Budd Inlet as part of civic improvement projects beginning in the late 1800s. The last fill event, which created the current shoreline, occurred along the eastern boundary of the Site in 1982. The 1982 fill was imported from an upland rock quarry and was placed subsequent to historical operations¹. Site contamination is not present in 1982 fill, but is present in pre-1982 fill material as a result of historical Site operations. The primary historical operations of interest for this MTCA Site are the former lumber milling activities and related operations that occurred from the late 1800s to 1972, including lumber sawing, lumber milling, veneer manufacturing, and plywood manufacturing.

In order to characterize the nature and extent of impacts associated with the historical Site operations, soil and groundwater RI activities were conducted at the Site from 2006 to 2015. During the RI, 292 soil samples were collected from multiple depths at 130 locations. Based on the sample results, arsenic, lead, total petroleum hydrocarbons (TPH) in the gasoline range (TPH-G), total naphthalenes, TPH in the diesel range (TPH-D) and TPH in the heavy oil range (TPH-HO) combined, total carcinogenic polycyclic aromatic hydrocarbons (cPAHs), and total chlorinated dibenzo-p-dioxins and chlorinated dibenzofurans (dioxins/furans) were identified as soil constituents of concern (COCs). The primary COC release mechanisms appeared to be spills, buried refuse, and treated wood pilings. Further action is necessary for Site soil. Twenty-eight monitoring wells (MWs) were installed and groundwater samples were collected during 12 groundwater monitoring events. Based on the lack of groundwater impacts in these RI groundwater samples, no further action is necessary for Site groundwater. While the RI phase was being conducted, two Interim Actions (IAs) were completed. The principal components of the IAs were (1) excavation and off-site disposal of soil with concentrations that exceeded soil remediation levels (RLs),

¹ The pre-1982 shoreline and fill event locations were determined by evaluating historical records (e.g., aerial photographs, Sanborn maps) presented in previous site reports (GeoEngineers 2007a, GeoEngineers and PIONEER 2008). The 1982 shoreline and fill event locations were determined by evaluating a 1979 aerial photograph (GeoEngineers 2007a), 1979 ground surface elevation contours (Eric Egge, personal communication), and boring logs (GeoEngineers 2007b, PIONEER 2009).

(2) installation of a soil cap/cover, and (3) implementation of engineering controls (ECs) during construction activities.

Current land use at the Site consists of urban land that was developed in conjunction with the aforementioned IAs and vacant land awaiting urban development. The current zoning for the Site is urban waterfront. Consistent with that zoning, future land use will be a collection of mixed-use urban buildings, which could include commercial office space, retail/restaurants, condominiums above ground-level retail space, et cetera. However, consistent with MTCA requirements, land use was assumed to be unrestricted (i.e., single-family residential) for the purposes of developing more protective soil cleanup levels (CLs), even though there is no current residential land use and zoning does not allow future single-family residential land use. Likewise, soil RLs were based on default exposure assumptions for commercial workers in order to develop protective RLs for the complete exposure pathways associated with construction/utility workers and utility maintenance workers.

Based on the RI results, the primary cleanup action objective is to protect human health and the environment by eliminating unacceptable soil exposures for hypothetical single-family residents and commercial workers (which were used as surrogate pathways for the complete exposure pathways). Other key cleanup action objectives are:

- Comply with cleanup standards
- Comply with applicable state and federal laws and regulations
- Provide for compliance monitoring
- Complete the cleanup action prior to Site redevelopment and consistent with anticipated future land use
- Consider public concerns
- Consider cost-effectiveness and sustainability criteria

An FS was conducted to develop and evaluate cleanup action alternatives for addressing Site soil impacts. As a first step, potentially applicable soil remedial technologies were reduced via a screening process to determine the most promising and feasible remedial technologies. Three cleanup action alternatives were assembled from the retained remedial technologies. These three alternatives represented a range of potential remedial approaches for addressing Site contamination, including one permanent alternative in accordance with WAC 173-340-350(8). The three alternatives (summarized in Section 2) were evaluated using the four MTCA threshold criteria in WAC 173-340-360(2)(a), the three MTCA balancing criteria in WAC 173-340-360(2)(b), and a sustainability criterion. All seven of the MTCA criteria were evaluated qualitatively by considering Site characteristics, COC characteristics, technology capabilities, and professional judgment. The sustainability criterion was evaluated qualitatively by considering air emissions, solid waste production, traffic, and resource usage.

SECTION 2 – THE PROPOSED CLEANUP ACTION

2.1 Description of the Proposed Cleanup Action

The proposed cleanup action alternative was referred to in the RI/FS Report as Alternative 2 – Targeted Soil Removal, Cover, and Controls. This proposed cleanup action will include the following remedial components:

- Soil sample locations where concentrations exceeded the RLs will be excavated and disposed of at an off-site facility permitted to receive such waste (e.g., Weyerhaeuser Regional Landfill in Castle Rock, Washington). During the IAs, the RL exceedances within the IA areas were removed. The only remaining RL exceedances that need to be removed are associated with sample locations DP04, MW24S, and DP06/SVP2-SO (see Figure 2). The soil RL exceedances, the associated COC and concentrations, and depths are presented in the table below.

Sample ID	COC	Sample Depth	COC Concentration
DP04	Arsenic	4-6 feet below ground surface (bgs)	52 mg/kg
DP06	TPH-G	3-5 feet bgs	290 mg/kg
	Total Naphthalenes		142 mg/kg
SVP-2SO	TPH-G	4-6 feet bgs	1,100 mg/kg
	Total Naphthalenes		150 mg/kg
MW24S	Dioxins/furans	6.5-8 feet bgs	979 ng/kg

- Each initial excavation footprint will be approximately 10-feet by 10-feet. The excavation depths will be dependent on the RL exceedance depth.
- The total estimated quantity of soil from the initial excavations to be disposed of off-Site will be approximately 45 cubic yards (cy).
- One bottom and four sidewall soil samples (at the same depth as the RL exceedance) will be collected from the DP04 and MW24S excavations and four sidewall samples (at the same depth as the RL exceedance) will be collected from the DP06/SVP-2SO excavation. Confirmation samples will be collected in order to confirm that the excavation is in compliance with RLs. If the sampling results indicated that the excavation is still not in compliance with RLs, the excavation will continue to be expanded using the same process until compliance with RLs is achieved (based on additional sidewall/bottom soil sampling).
- If groundwater is encountered during excavations, dewatering procedures will be implemented. All water generated from excavation dewatering will be disposed of at an appropriate off-site facility (e.g., LOTT).
- Any temporary stockpiles generated during this process will be placed on an impervious surface (e.g., concrete, asphalt, or polyethylene liner with a thickness of at least 10-mils), and if left overnight, will be covered with a polyethylene liner (at least 10-mils thick), which will be secured with ropes and sandbags. Water drained from excavated soil will not be allowed to drain into the excavation but will be collected and disposed of with

other dewatering effluent.

- The RL excavations will be backfilled using clean soil from an off-site, documented, upland borrow source approved by Ecology.
- A soil cover will be installed in the portions of the Site not covered by 1982 fill. The soil cover will consist of a permeable geotextile fabric and at least 12 inches of clean soil from an off-site upland borrow source. Note that a suitable cap or soil cover already exists in Parcel 4, Parcel 5, the infrastructure corridor, and the existing landscaped area located between the Marine Drive sidewalk and Marine Drive (east of Parcels 4 through 7). Remaining areas that do not have a cap or soil cover will receive a soil cover as shown on Figure 2.
- Soil that is excavated to install the soil cover will be stockpiled on-site (on an impervious surface and covered with a plastic liner when not in use), and sampled to determine the final disposition for the excavated soil. If all COC concentrations in the stockpile characterization sample are less than or equal to RLs, then that stockpile can be reused on-site underneath the soil cover. The number of stockpile samples will be based on the size of the stockpile (see table below).

Stockpile Size (cy)	Sample Quantity
0 – 100	3
101 – 500	5
501 – 1,000	7
1,001 – 2,000	10
2,000	10 +1 for each additional 500 cy of soil

- The Port will require Site contractors to implement ECs during remediation activities (e.g., Site control measures, dust control measures, implementation of a health and safety plan, use of appropriately-trained workers).
- The Port, City, and LOTT will implement and maintain institutional controls (ICs) as described in Section 2.4.
- Compliance monitoring will include dust monitoring and qualitative EC assessments during remediation and redevelopment construction activities, excavation sidewall and bottom sampling, and long-term inspections of the soil cover and ICs.

It should be noted that most of the remaining areas that will receive a soil cover pursuant to this CAP will eventually be redeveloped. Any future development at a parcel which may disturb the soil cover will require Ecology written approval prior to development. Ecology shall review the proposed development and make a fact-specific determination whether the proposal is considered to be a substantial change that requires an amendment to the CAP or if it is a minor change that can just be documented in writing. For example, a change from a soil cover to an asphalt cap would likely be a minor change. However, the addition of a building may be considered a substantial change, particularly if it involves the excavation and removal of soils from the Site.

2.2 Cleanup Standards and Remediation Levels

In accordance with WAC 173-340-700(3), cleanup standards “consist of the following: (a) cleanup levels for hazardous substances present at the site; (b) the location where these cleanup levels must be met (point of compliance); and (c) other regulatory requirements that apply to the site because of the type of action and/or location of the site (‘applicable state and federal laws’).” Soil RLs were also established in accordance with WAC 173-340-355. The soil CLs and RLs were based on unrestricted land use (i.e., single-family residential) and commercial/industrial land use, respectively. The following table presents the CLs and RLs for the COCs:

Soil COC	Soil CL	Soil RL
Arsenic	20 mg/kg	20 mg/kg
Lead	250 mg/kg	1,000 mg/kg
TPH-G	100 mg/kg	100 mg/kg
Total Naphthalenes	5.0 mg/kg	5.0 mg/kg
TPH-D and TPH-HO Combined	4,700 mg/kg	24,000 mg/kg
Total cPAHs	0.095 mg/kg	3.4 mg/kg
Total Dioxins/Furans	11 ng/kg	590 ng/kg

The soil point of compliance (POC) applies everywhere within the Site boundary. Since the CLs and RLs were primarily based on the direct contact pathway, the soil POC depth will be from ground surface to 15 feet bgs in accordance with WAC 173-340-740(6)(d), with the following exception. In accordance with WAC 173-340-740(6)(c), the POC for the TPH-G and total naphthalenes soil CL and RL exceedances proximate to DP06 and SVP-2SO will be from ground surface to 4.5 feet bgs (which is the approximate depth to groundwater for that area).

No other applicable state and federal laws or regulations have been identified at this time that would modify the cleanup standards given the type of cleanup action alternatives and the location of the Site.

2.3 Site Contamination that Will Remain

All soil containing a COC concentration greater than a RL has been removed or will be removed pursuant to the proposed cleanup action. However, some soil CL exceedances will remain at the Site underneath the soil cap/cover. TPH-D and TPH-HO combined, total cPAHs, and total dioxins/furans are the only COCs that will have a remaining CL exceedance. The locations of the remaining CL exceedances for TPH-D and TPH-HO combined, total cPAHs, and total dioxins/furans, are presented in Figures 3 through 5, respectively. These remaining CL exceedances do not pose a threat to human health and the environment since (1) the CLs are based on an unrestricted land use scenario that is significantly more conservative than the reasonable maximum exposure assumptions for the complete exposure pathways, (2) all soil concentrations that pose a concern for the complete exposure pathways will be removed, (3) these three COCs bind strongly to soil and have limited mobility, and (4) the soil cap/cover, EC, and IC components of the proposed cleanup action will limit potential exposures.

2.4 Institutional Controls Required as Part of the Proposed Cleanup Action

ICs are a component of the proposed cleanup action. The Port, City, and LOTT will implement and maintain the ICs using an environmental covenant developed in accordance with WAC173-340-440 and Ecology's Toxics Cleanup Program (TCP) Procedure 440A. Specifically, the environmental covenant would:

- Prohibit any activity at the property which may result in the release of residual contamination contained as part of the remedial action, exacerbate or create a new exposure to residual contamination remaining on the Property, or disturb the soil cap/cover without prior written approval by Ecology
- Prohibit installation of a well for water supply purposes within the Site boundary
- Restrict extraction of groundwater within the Site boundary for any purpose other than temporary construction dewatering, investigation, monitoring or remediation
- Require that any groundwater extracted for any purpose within the Site boundary be considered potentially contaminated and any discharge of this water be done in accordance with state and federal law
- Restrict construction of stormwater infiltration facilities or ponds within the contaminant delineation areas where the depth of these exceedances are shallower than the historical lowest measured groundwater depths for that location²
- Require that all stormwater catch basins, conveyance systems, and other appurtenances be of water-tight construction within the contaminant delineation areas where the depth of these exceedances are shallower than the historical lowest measured groundwater depths for that location³

Once signed, the environmental covenant will be recorded in Thurston County in accordance with Uniform Environmental Covenants Act (UECA) requirements in the Revised Code of Washington (RCW) Chapter 64.70.080(1). A copy of the recorded environmental covenant will also be distributed to each person who signed the covenant, each person holding a recorded interest in the real property subject to the covenant, each person in possession of the real property subject to the covenant at the time the covenant is executed, the City, and Ecology per UECA requirements in RCW Chapter 64.70.070(1).

An Operations and Maintenance Plan (e.g., roles and responsibilities, a land use inspection form, instructions for using the form) that will be used for long-term monitoring of the ICs, cap, and soil cover will be prepared once the remaining soil RLs are removed and the remaining soil cover is installed.

2.5 Other Environmental Laws and Regulations Associated with the Proposed Cleanup Action

Non-MTCA environmental laws and regulations that will be incorporated into remedy design and

² Unless the soil associated with the exceedance is removed as part of the cleanup.

³ Unless the soil associated with the exceedance is removed as part of the cleanup.

implementation activities as necessary include:

- State Environmental Policy Act (SEPA) as authorized by the RCW 43.21C and WAC 197-11
- Occupational Safety and Health Act and Washington Industrial Safety and Health Act regulations (e.g., 29 Code of Federal Regulations 1910.120, Chapter 296-843 WAC).
- Washington Industrial Safety and Health Act, Chapter 49.17 RCW, Safety Standards for Construction Work (WAC 296-155).
- Underground Utilities, RCW 19.122.010, General Protection Requirements (WAC 296-155-655).
- Coverage under the general construction stormwater National Pollutant Discharge Elimination System (NPDES) permit.
- City permit requirements (e.g., grading permit, shoreline management permit).
- LOTT discharge authorization letter to dispose of wastewater generated during the cleanup action (e.g., from dewatering).
- Chapter 173-160 WAC requirements to decommission all remaining Site MWs prior to any remediation construction activities.
- Resource Conservation and Recovery Act regulations for waste generation, hauling, and disposal (e.g., Chapter 173-303 WAC, Chapter 173-350 WAC).
- Solid Waste Management Chapter 43.21 RCW, Minimum Functional Standards for Solid Waste Handling (WAC 173-304).

2.6 Other Cleanup Action Alternatives Evaluated

The FS evaluated three cleanup action alternatives (Alternatives 1 through 3). The proposed cleanup action alternative was referred to in the RI/FS Report as Alternative 2 – Targeted Soil Removal, Cover, and Controls. The other two alternatives evaluated in the FS were referred to as:

- Alternative 1 – Institutional Controls and Engineering Controls
- Alternative 3 – Total Soil Removal

Alternative 1 would have entailed (1) implementing ECs during redevelopment construction activities and (2) implementing and maintaining ICs within the Site boundary for perpetuity using an environmental covenant. Alternative 1 would not have included any soil removal or construction of a soil cover beyond what will be installed pursuant to redevelopment activities.

Alternative 3 would have entailed removing significantly more soil than Alternative 2 so that a soil cover and long-term ICs would not be required.

2.7 Rationale for Recommending the Proposed Cleanup Action

The three cleanup action alternatives were evaluated using the seven MTCA FS criteria in WAC 173-340-360(2). The four threshold criteria are:

- “Protect human health and the environment”
- “Comply with cleanup standards”

- “Comply with applicable state and federal laws”
- “Provide for compliance monitoring”

The three “other” or balancing criteria are:

- “Use permanent solutions to the maximum extent practicable”
- “Provide for a reasonable restoration time frame”
- “Consider public concerns”

Although not part of the official MTCA evaluation criteria, a sustainability criterion was also included as an evaluation criterion since it is now recognized that the secondary environmental impacts (e.g., carbon footprint) of a cleanup action alternative can outweigh environmental cleanup benefits achieved by that cleanup action alternative.

Alternative 2 is the proposed cleanup action alternative because it is the most desirable alternative. Alternative 2 satisfies all of the MTCA threshold criteria and is the most attractive alternative when considering the MTCA balancing criteria and the sustainability criterion. Alternative 2 protects human health and the environment, employs reliable and proven technologies, and can be completed quickly. There are no significant negative aspects or tradeoffs associated with Alternative 2. Alternative 2 is also consistent with the remedy selected and implemented for the two previous Ecology-approved IAs at the Site.

2.8 Compliance with WAC 173-340-360

The proposed cleanup action will comply with the provisions of WAC 173-340-360 because it will protect human health and the environment, comply with cleanup standards, comply with applicable state and federal laws, and provide for compliance monitoring. In addition, the proposed cleanup action uses permanent solutions to the maximum extent practicable, provides for a reasonable restoration timeframe, and will consider public concerns. The proposed cleanup action will comply with WAC 173-340-360 by (1) removing all soil RL exceedances, (2) installing and maintaining a soil cover over the entire Site, (3) implementing ECs during remediation and redevelopment construction activities, (4) implementing and maintaining ICs for perpetuity, and (5) conducting compliance monitoring.

SECTION 3 – CLEANUP IMPLEMENTATION SCHEDULE

A schedule for cleanup implementation and associated deliverables is shown below:

DELIVERABLE/TASK	SCHEDULE
Engineering Design Report and Construction Plans and Specifications. These documents shall also include the following plans in appendices: Erosion Control and Stormwater Pollution Prevention Plan, Spill Prevention, Control, and Countermeasure Plan, Soil Handling Plan, Soil Compliance Monitoring Plan, and a Traffic Control Plan.	Submitted to Ecology for review within 60 days of the effective date of the Agreed Order. Ecology’s comments shall be incorporated and a revised plan shall be submitted to Ecology within 30 days of the date of Ecology’s comment letter.
Cleanup Implementation (remedial excavation and soil cover installation).	Within 30 days after Ecology’s approval of the Engineering Design Report and Construction Plans and Specifications, issuance of the Construction Stormwater General NPDES Permit, and documentation that the substantive requirements of city of Olympia permits have been met.
Cleanup Action Completion Report	Submitted for Ecology review within 90 days of completion of cleanup action excavation and contaminated soil transport and disposal (whichever is later). Ecology’s comments shall be incorporated and a revised report shall be submitted to Ecology within 30 days of the date of Ecology’s comment letter.
Operation and Maintenance Plan	Submitted for Ecology review within 30 days of completion of cleanup action excavation, contaminated soil transport and disposal, and capping (whichever is later). Ecology’s comments shall be incorporated and revised plan(s) shall be submitted to Ecology within 30 days of the date of Ecology’s comment letter on the plan(s).
Environmental Covenants	Draft Environmental Covenants (ECs) shall be submitted to Ecology for review within 30 days of receipt of validated compliance soil sample results or the completion of cleanup action soil excavation, contaminated soil transport and disposal, and capping (whichever is later). After approval by Ecology, record the ECs for each of the parcels that comprise the Site with the office of the Thurston County Auditor within 10 days.

Draft Cleanup Action Plan

Environmental Covenants (continued)

The original recorded ECs shall be provided to Ecology within 30 days of the recording date.

SECTION 4 – REFERENCES

- PIONEER 2009. Port of Olympia East Bay Site: Interim Action Work Plan, May.
- 2016. Remedial Investigation/Feasibility Study Report, East Bay Redevelopment Site, October.
- GeoEngineers 2007a. Phase I Environmental Site Assessment, East Bay Redevelopment Project, March 14.
- 2007b. Supplemental Site Use History and Soil and Groundwater Sampling Clarifications, East Bay Redevelopment Site, August 3.
- GeoEngineers and PIONEER 2008. Remedial Investigation Work Plan, East Bay Redevelopment Site, October 22. As amended with January 30, 2009 replacement pages.



Legend

- Site Boundary
- Original Predevelopment Shoreline (Pre-1888)



Vicinity Map
Cleanup Action Plan
East Bay Redevelopment Site

Figure 1



Soil Removal and Cover Locations
Cleanup Action Plan
East Bay Redevelopment Site

Figure 2



Legend

- Site Boundary
- Sidewalk
- Final Cap/Cover
- 1982 Fill (serves as soil cover)
- Soil Sample Location with a CL Exceedance that Will Remain Under the Cap/Cover
- Soil Sample Location that Will Not Have a Remaining CL Exceedance

Notes:
- The maximum concentration at each sample location with an exceedance is labeled.

TPH-D and TPH-HO Combined CL = 4,700 mg/kg
TPH-D and TPH-HO RL = 24,000 mg/kg



TPH-D and TPH-HO Combined Cleanup Level Exceedances That Will Remain
Cleanup Action Plan
East Bay Redevelopment Site

Figure 3



**Total cPAHs Cleanup Level Exceedances That Will Remain
Cleanup Action Plan
East Bay Redevelopment Site**

Figure 4



Total Dioxins/Furans Cleanup Level Exceedances That Will Remain
Cleanup Action Plan
East Bay Redevelopment Site

Figure 5



EXHIBIT B

SITE LOCATION DIAGRAM



Legend
Site Boundary



Site Location Diagram
East Bay Redevelopment Site

Exhibit B

EXHIBIT C

SCHEDULE OF WORK AND DELIVERABLES

EXHIBIT C

Schedule of Work and Deliverables (page 1 of 2)

Deliverable/Task	Schedule
<u>Engineering Design Report and Construction Plans and Specifications</u> . These documents shall also include the following plans in appendices: Erosion Control and Stormwater Pollution Prevention Plan, Spill Prevention, Control, and Countermeasure Plan, Soil Handling Plan, Soil Compliance Monitoring Plan, and a Traffic Control Plan.	Submitted to Ecology for review within 60 days of the effective date of the Agreed Order. Ecology's comments shall be incorporated and a revised plan shall be submitted to Ecology within 30 days of the date of Ecology's comment letter.
<u>Cleanup Implementation</u> (remedial excavation and capping).	Within 30 days after Ecology's approval of the Engineering Design Report and Construction Plans and Specifications, issuance of the Construction Stormwater General NPDES Permit, and documentation that the substantive requirements of city of Olympia permits have been met.
<u>Cleanup Action Completion Report</u>	Submitted for Ecology review within 90 days of completion of cleanup action excavation and contaminated soil transport and disposal (whichever is later). Ecology's comments shall be incorporated and a revised report shall be submitted to Ecology within 30 days of the date of Ecology's comment letter.
<u>Operation and Maintenance Plan</u>	Submitted for Ecology review within 30 days of completion of cleanup action excavation, contaminated soil transport and disposal, and capping (whichever is later). Ecology's comments shall be incorporated and revised plan(s) shall be submitted to Ecology within 30 days of the date of Ecology's comment letter on the plan(s).

EXHIBIT C

Schedule of Work and Deliverables (page 2 of 2)

Deliverable/Task (continued)	Schedule
<u>Environmental Covenants</u>	Draft Environmental Covenants (ECs) shall be submitted to Ecology for review within 30 days of receipt of validated compliance soil sample results or the completion of cleanup action soil excavation, contaminated soil transport and disposal, and capping (whichever is later). After approval by Ecology, record the ECs for each of the parcels that comprise the Site with the office of the Thurston County Auditor within 10 days. The original recorded ECs shall be provided to Ecology within 30 days of the recording date.
<u>Financial Assurances</u>	Cost estimate to Ecology within 60 days of the effective date of the Order. Financial assurance coverage shall also be adjusted and reported to Ecology as required by Section VIII.P of the Order.
<u>Accounting of Settlement Costs</u>	An updated accounting of how the Port of Olympia has applied settlement funds to remedial action costs shall be provided to Ecology by October 30, 2017. If settlement funds remain, a subsequent update shall be provided by October 30, 2018.



City Council

Approval of Interlocal Agreement with the Evergreen State College Center for Sustainable Infrastructure for Fones Road Corridor Value Planning Exercise

Agenda Date: 3/21/2017
Agenda Item Number: 4.P
File Number: 17-0183

Type: contract **Version:** 1 **Status:** Consent Calendar

Title

Approval of Interlocal Agreement with the Evergreen State College Center for Sustainable Infrastructure for Fones Road Corridor Value Planning Exercise

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Move to approve and authorize the Mayor to sign the Interlocal Agreement with the Evergreen State College Center for Sustainable Infrastructure for the Fones Road Corridor Value Planning Exercise

Report

Issue:

Whether to approve the Interlocal Agreement with the Evergreen State College Center for Sustainable Infrastructure.

Staff Contact:

Rich Hoey, P.E., Public Works Director, 360.753.8495

Mark Russell, P.E., Director of Transportation, Public Works Department, 360.753.8762

Presenter(s):

None - Consent Calendar Item

Background and Analysis:

The Fones Road corridor in east Olympia (between Pacific Avenue and 18th Avenue) is failing to meet levels of service for traffic flow established in the City's Comprehensive Plan. Under the Growth Management Act, the City is required to make needed improvements to the roadway to meet levels of service. In response, the City's Capital Facilities Plan includes a project to expand Fones Road to 5 lanes and to install a new roundabout at the southern driveway to Home Depot. Early estimates suggest the cost of these improvements to be over \$14 million.

During the Capital Facilities Plan discussions last year, staff shared concerns with Council about the affordability of the project and whether the project scope may be out of step with the City's vision of vibrant, multi-modal corridors. Since that time, staff has requested help from the Evergreen State College Center for Sustainable Infrastructure on development of a "value planning exercise" for this corridor. In this context, the purpose of a value planning exercise is to identify alternative approaches that affordably meet the needs for multi-modal transportation, in ways that better serve the City's economic, environmental and livability goals. In short, staff hopes the process will lead to a project that costs less and is a better fit with our community vision.

Once complete, this value planning exercise will set the stage for more detailed transportation analysis and design of improvements. Staff intends to share any recommendations coming out of the process with Council during the upcoming 2018-2023 Capital Facilities Plan process.

As outlined in the Interlocal Agreement, the cost of the value planning exercise is \$48,235, with an additional reserve of \$25,000 if staff determines that additional assistance from the college would be beneficial. Working with key staff and community partners, the Evergreen State College Center for Sustainable Infrastructure will be partnering with sustainability, transportation, community design and economic experts to complete the exercise.

Neighborhood/Community Interests (if known):

Future improvements to the Fones Road corridor will be of high interest to residents and to businesses and property owners along this corridor.

Options:

1. Approve and authorize the Mayor to sign the Interlocal Agreement with the Evergreen State College Center for Sustainable Infrastructure for the Fones Road Corridor Value Planning Exercise.
The City and Evergreen State College will move forward with the value planning exercise for the Fones Road corridor, helping to meet our community's vision.
2. Amend the Interlocal Agreement to address Council concerns.
Staff will amend the Interlocal Agreement as requested and move forward with the value planning exercise.
3. Do not approve the Interlocal Agreement.
The Fones Road corridor project will not benefit from a value planning exercise.

Financial Impact:

The cost of the Fones Road value planning exercise is expected to be \$48,235. The Interlocal Agreement also includes a reserve of \$25,000 if staff needs additional analysis by the Center for Sustainable Infrastructure. The funds are available in the Transportation Capital Program under the Fones Road Improvement Project.

Attachments:

Interlocal Agreement

**INTERLOCAL AGREEMENT
BETWEEN
THE CITY OF OLYMPIA AND THE EVERGREEN STATE COLLEGE
CENTER FOR SUSTAINABLE INFRASTRUCTURE
FOR
FONES ROAD CORRIDOR VALUE PLANNING EXERCISE**

Whereas, RCW 39.34.010 permits local governmental units to make the most efficient use of their powers by enabling them to cooperate with other localities on a basis of mutual advantage and thereby to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population and other factors influencing the needs and development of local communities; and

Whereas, pursuant to RCW 39.34.080, each party is authorized to contract with any one or more other public agencies to perform any governmental service, activity, or undertaking which each public agency entering into the contract is authorized by law to perform: provided, that such contract shall be authorized by the governing body of each party to the contract and shall set forth its purposes, powers, rights, objectives and responsibilities of the contracting parties;

NOW, THEREFORE, in consideration of the mutual promises contained herein, the City of Olympia and The Evergreen State College Center for Sustainable Infrastructure agree as follows:

I. Purpose/Objectives

The purpose of this Agreement is for the City of Olympia (CITY) and the Evergreen State College Center for Sustainable Infrastructure (TESC-CSI) to initiate a value planning exercise for the Fones Road Corridor in Olympia, WA. This value planning exercise will identify alternative approaches that affordably meet the need for multi-modal transportation throughout the corridor, in ways that better serve the City's climate, economic development, livability, and other comprehensive plan goals. The range of options developed through this process will also include consideration of improvements to regional trail connections, open space, stormwater, and economic development. It is anticipated that completion of the value planning exercise will set the stage for further analysis and design of transportation improvements.

II. Scope of Agreement/Work

The Parties agree to jointly engage in a Value Planning Exercise as outlined in **Exhibit "A"** Scope of Services.

III. Compensation

In consideration of the Contractor performing the Services, CITY agrees to pay TESC-CSI an amount not to exceed Forty Eight Thousand Two Hundred Thirty Five and 05/100 Dollars (\$48,235.05), at the hourly labor rates established in **Exhibit "B"**.

IV. Funding Reserve

The CITY agrees to also set aside a reserve of Twenty Five Thousand and 0/100 Dollars (\$25,000.00). If additional services are determined by the City to be needed beyond the scope established in Exhibit "A", the City may use this additional reserve. The City's Director of Transportation and TESC-CSI will have the authority to amend the scope of services and expend any portion of the funding reserve deemed necessary.

V. Amendments/Term Extensions

Each party hereby delegates authority to those staff members who hold the positions designated in this section to authorize amendments to Exhibits "A" and "B" as necessary for the proper administration of the interlocal agreement, so long as each amendment is in written form, signed by the authorized party for each entity, dated, and properly recorded or otherwise posted in compliance with RCW 39.34.040. With the exception of the authority listed in Sections IV. and VIII., all other amendments to this Agreement shall be in writing and authorized by each party's respective governing authority prior to implementation.

CITY:

Attn: Mark Russell, Director of Transportation
(360) 753-8762
mrussell@ci.olympia.wa.us

TESC-CSI:

Attn: Brant Eddy, Purchasing & Contracts Manager
(360) 867-6358
eddyb@evergreen.edu

VI. Indemnification & Insurance

A. The TESC-CSI and the CITY each agree to defend, indemnify and hold the other, its officers, officials, employees and volunteers harmless from any and all claims, injuries, damages, losses or suits including reasonable attorney fees, arising out of or in connection with each entity's respective performance of its responsibilities under the Agreement, except to the extent such injuries and damages are caused by the negligence of the other.

VII. No Separate Legal Entity Created

This Agreement creates no separate legal entity.

VIII. Duration of Agreement

This Agreement shall be effective from the date of the last authorizing signature affixed hereto, and proper recording as indicated in Section XI, until December 31, 2017 unless otherwise terminated or extended in the manner described in this Agreement. This Agreement may be extended for additional terms upon the mutual written agreement of the CITY's Director of Public Works and TESC-CSI.

IX. Termination of Agreement

Should either party choose to terminate this Agreement prior to its expiration, the party desiring to terminate must provide ninety (90) days advance written notice to the other party.

X. Entire Agreement

This Agreement, along with the Exhibits "A" and "B", which are incorporated by reference sets forth all terms and conditions agreed upon by CITY and TESC-CSI, and supersedes any and all agreements oral or otherwise specific to the subject matter addressed herein.

XI. Recording

Prior to its entry into force, this Agreement shall be filed with the Thurston County Auditor's Office or posted upon the websites or other electronically retrievable public source as required by RCW 39.34.040.

XII. Notice

Any notice required under this Agreement shall be to the party at the address listed below and shall become effective three days following the date of deposit in the United States Postal Service.

CITY

City of Olympia

Attn: Director of Transportation

Re: Interlocal Agreement with TESC-CSI

P.O. Box 1967

Olympia, WA 98507-1967

TESC-CSI

The Evergreen State College – Center for Sustainable Infrastructure
Attn: Purchasing & Contracts Manager
Re: Interlocal Agreement with City of Olympia
2700 Evergreen Parkway NW
Olympia, WA 98505

XIII. Records

Each party shall maintain its own public records and shall be solely responsible for responding to records requests received about the subject matter of this interlocal. Any public records request addressed to the group as if this interlocal created a separate legal entity, shall be deemed to be a request received by each member individually. Each member shall respond separately, unless agreed to otherwise in writing and properly documented.

XIV. Interpretation and Venue

This Agreement shall be governed by the laws of the State of Washington as to interpretation and performance. The parties hereby agree that venue for enforcement of this agreement is Thurston County.

CITY OF OLYMPIA

**THE EVERGREEN STATE COLLEGE
CENTER FOR SUSTAINABLE INFRASTRUCTURE**

Cheryl Selby, Mayor



Brant Eddy, Purchasing & Contracts Manager

Date: _____

Date: 3.1.17

Approved as to form:



City Attorney

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EXHIBIT A



The Fones Road corridor in east Olympia is failing to meet the transportation levels of service established by the City of Olympia. Early estimates suggest that the cost of the standard road-widening and street improvement response could exceed \$15 million.

Olympia Public Works proposes to initiate a value planning exercise with the Evergreen Center for Sustainable Infrastructure to set the stage for a transportation corridor study expected to begin in the first quarter of 2017. The purpose of the value planning exercise will be to identify alternative approaches that affordably meet the need for multi-modal transportation throughout the corridor, in ways that better serve the City's climate, economic development, livability, and other comprehensive plan goals.

Value planning exercises are especially recommended for projects like Fones Road that have the potential to impact a broad range of City priorities, including compliance with growth management, multi-modal mobility, pedestrian and bicycle safety, and climate mitigation and adaptation policies. This value planning process will develop a range of options that also include consideration of improvements to regional trail connections, open space, stormwater, and economic development.

Project Components and Tasks

1. Advance Research

- a. Collect and review background information on the Fones Road Corridor.
- b. Prepare agendas for field trip and design charrette.
- c. Contact potential participants and obtain commitments for their participation.
- d. Assemble materials for field trip and charrette.
- e. Meet with City staff to review and finalize meeting agendas.

Assumptions:

- a. City staff will be available to answer questions, provide available background materials and provide assistance with meeting scheduling.

2. Field Trip Workshop

- a. Make all necessary arrangements for field trip including but not limited to providing transportation for participants, developing background information and field trip worksheets for participants, contacting adjacent businesses and property owners as needed.
- b. Provide facilitation and guidance for activities and field trip discussions.
- c. Maintain field trip notes.

Assumptions:

- a. City staff will be available to answer questions during the field trip.
- b. City staff will print field trip materials for participants.

3. Design Charrette

- a. Compile field trip notes.
- b. Provide facilitation services for the design charrette.

Assumptions:

- a. City staff will be available to answer questions and provide technical information during the design charrette.
- b. City will provide food and beverages.
- c. City will arrange for conference room and provide supplies such as flip charts, markers and projection equipment.

4. Development of Final Report

- a. Compile and review notes from design charrette.
- b. Refine design alternatives.
- c. Complete Triple Bottom Line analysis of alternatives.
- d. Draft final report.
- e. Present final report to City staff.
- f. Finalize final report to address City comments.

Deliverable

Final report consisting of

- a. Summary of Methodology
- b. Stakeholder Profiles
- c. Problem Statements
- d. Ideation results including key conclusions, discoveries, the best ideas, and remaining questions.

Tentative Schedule

Event Preparation	March 2017
Field Trip and Design Charrette	March 2017
Final Report	April 2017

EXHIBIT B

<i>hourly rate</i>	\$ 175.00	\$ 225.00	\$ 175.00	\$ 160.00	\$ 150.00	\$ 28.00	11%		
	Andrea Ramage	Steve Moddemeyer	John Gibson	Jemae Hoffman	Rhys Roth	Graduate Student Interns (2)	Evergreen Indirect		
Roles	<i>Lead Facilitator</i>	<i>Integrated Design Strategies</i>	<i>Expert -- Economist</i>	<i>Sustainable Transp.</i>	<i>PM</i>	<i>Interns</i>			
Advance Research and Prep	13	4	2	2	13	0			
Field Trip Workshop	6	5	5	5	6	6			
Distillation of Field Trip Input	5	0	0	0	3	0			
Design Charrette (1 day)	10	9	9	9	10	16			
Post-Charrette Alternative Refinement	3	10	6	6	6	8			
Triple Bottom Line Economic Analysis of Alternatives	2	10	22	2	2	0			
Final Deliverable -- Report	13	6	6	2	12	10			
Presentation of Report Results	2	2	0	0	2	0			
Feedback from client	1	0	0	0	2	0			
Project Mgt					7				
TOTAL HOURS	55	46	50	26	63	40		280	GRAND TOTAL HOURS
Fee at billable rate	\$ 9,625.00	\$ 10,350.00	\$ 8,750.00	\$ 4,160.00	\$ 9,450.00	\$ 1,120.00	\$ 4,780.05	\$ 48,235.05	GRAND TOTAL FEE

Final report:

(0) summary of methodology, (1) stakeholder profiles, (2) problem statement(s), (3) ideation results, including key conclusions, discoveries, the best ideas, and remaining questions.

Assumptions:

Direct expenses and mileage are included in the hourly rates.

The City will pay for food, arrange for conference room, and flip charts, markers, projection equipment.

CSI and team will bring computers.

City will print all materials in color or in black in white, as requested.



City Council

Approval of Ordinance Making Olympia's Parks Smoke and Vape Free Starting in 2018

Agenda Date: 3/21/2017
Agenda Item Number: 4.Q
File Number: 17-0262

Type: ordinance **Version:** 1 **Status:** 1st Reading-Consent

Title

Approval of Ordinance Making Olympia's Parks Smoke and Vape Free Starting in 2018

Recommended Action

Committee Recommendation:

The Parks and Recreation Advisory Committee and the General Government Committee recommend banning smoking and vaping from Olympia's parks.

City Manager Recommendation:

Move to approve the proposed ordinance change that will ban smoking and vaping from Olympia's parks on first reading and forward to second reading.

Report

Issue:

Whether to approve an ordinance change that will ban smoking and vaping from Olympia's parks and will take effect January 1, 2018.

Staff Contact:

Jonathon Turlove, Associate Director, Parks Arts and Recreation, 360.753.8068

Presenter(s):

Jonathon Turlove, Associate Director, Parks Arts and Recreation, 360.753.8068

Background and Analysis:

Smoking in parks is a problem due to the dangers of secondhand smoke to other park users, litter, risk of fire, and the fact that it conflicts with the goals of parks being healthy places. While there is less documented research on the health effects of vaping/e-cigarettes, the FDA has warned that an analysis of e-cigarettes found that many contained toxic and/or carcinogenic chemicals.

Currently smoking, vaping, and the use of e-cigarettes is allowed in all of Olympia's parks. In 2003, Council passed a resolution requesting that people not smoke near playgrounds and signage was installed at park playgrounds at that time. While smoking marijuana is currently illegal in all public places, including parks, this ban will clarify that smoking any substance, including marijuana, would become prohibited in Olympia parks.

Over 1,200 cities have made their parks smoke/tobacco free. This includes many in Washington including Seattle, Tacoma, and Vancouver. Most cities that are prohibiting smoking in their parks are including the prohibition of vaping/e-cigarettes. Some cities have made their parks completely tobacco-free, extending the ban to chewing tobacco.

At their meeting on May 19, 2016, the Parks and Recreation Advisory Committee (PRAC) recommended that smoking, vaping, and the use of e-cigarettes should be prohibited from all of Olympia's parks. On September 28, 2016, the General Government Committee recommended that smoking, vaping, and the use of e-cigarettes should be prohibited from all of Olympia's parks. On December 6, 2016, City Council unanimously approved banning smoking and vaping in Olympia parks and directed staff to bring forward a proposed ordinance change.

If approved by Council, the proposed ordinance change would take effect January 1, 2018. Staff would phase-in the new ordinance utilizing 2017 to educate the public. The intent of the ordinance is to make it easier for park users, park rangers, or maintenance staff to ask that people do not smoke in the parks. There are no plans to write citations for smoking.

In the event an ordinance is approved, it may impact working conditions for represented employees who smoke and/or vape. The union representative from AFSCME has been updated throughout the process and the City is committed to bargain any impacts on affected employees.

Neighborhood/Community Interests (if known):

Periodically staff receives complaints about smoking in parks from park users.

Options:

Move to approve the proposed ordinance change that will ban smoking and vaping from Olympia's parks on first reading and forward to second reading.

Do not approve the proposed ordinance change that will ban smoking and vaping from Olympia's parks.

Financial Impact:

Minimal costs of additional park signage.

Attachment:

Ordinance

Ordinance No. _____

AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, RELATED TO PROHIBITION OF SMOKING AND VAPING WITHIN CITY PARKS AND ON CITY TRAILS AND AMENDING CHAPTER 12.60 OF THE OLYMPIA MUNICIPAL CODE

WHEREAS, Olympia's parks are intended for the healthy enjoyment of all citizens, including children and youth and those partially or wholly disabled by respiratory disease; and

WHEREAS, a 2006 study conducted by the Surgeon General entitled *Health Consequences of Involuntary Exposure to Tobacco Smoke* concluded that children exposed to secondhand smoke are at an increased risk for sudden infant death syndrome, acute respiratory infections, ear problems, and more severe asthma, and that the scientific evidence indicates there is no risk-free level of exposure to secondhand smoke; and

WHEREAS, a 2016 report of the Surgeon General entitled, *E-Cigarette Use Among Youth and Young Adults*, concludes that E-cigarette use among youth and young adults has become a public health concern. As of 2014, use of e-cigarettes by young adults 18–24 years of age was greater than use by adults 25 years of age and older. Further, the use of products containing nicotine in any form among youth, including in e-cigarettes, is unsafe, and nicotine exposure during adolescence can harm the developing adolescent brain; and

WHEREAS, Olympia Parks, Arts and Recreation staff has reported that smoking in parks has resulted in litter of cigarette butts, which studies have shown can cause environmental degradation, pose a health risk to children and animals, and require City resources to remove; and

WHEREAS, studies have shown that children and youth exposed to smoking and tobacco use are more likely to smoke when they get older; and

WHEREAS, many of Olympia's parks contain forested areas that during dry summer months are at risk of fire from unextinguished cigarette butts; and

WHEREAS, on May 19, 2016, the Olympia Parks and Recreation Advisory Committee recommended that the City Council adopt an ordinance prohibiting smoking and vaping in Olympia's parks; and

WHEREAS, the Olympia City Council finds that smoking and vaping have a negative effect on public and environmental health and welfare; and

WHEREAS, the City Council finds that Olympia's Parks should be enjoyed by the public without concern that they will be negatively affected by the tobacco use of others; and

WHEREAS, on December 6, 2016, the Olympia City Council directed staff to prepare an ordinance prohibiting smoking and vaping from Olympia's parks;

WHEREAS, this prohibition is enacted under the City's police powers and is supported by the studies and records on file with the City of Olympia associated with this Ordinance; and

WHEREAS, this Ordinance is also supported by the professional judgment and experience of the City staff who have worked on this proposal; and

NOW, THEREFORE, THE OLYMPIA CITY COUNCIL ORDAINS AS FOLLOWS:

Section 1. Amendment of OMC 12.60. Olympia Municipal Code Chapter 12.60 is hereby amended to read as follows:

**Chapter 12.60
PARK REGULATIONS**

12.60.000 Chapter Contents

Sections:

- 12.60.001 Enforcement.
- 12.60.010 Advertising signs and posters--Structures of any kind.
- 12.60.030 Regulations and Violations Relating to Pet Animals.
- 12.60.040 Harassing or feeding animals unlawful.
- 12.60.050 Fireworks Prohibited in City Parks.
- 12.60.060 Soliciting or peddling unlawful.
- 12.60.080 Sales unlawful without concession contract.
- 12.60.090 Groups or Assemblies - Reservations
- 12.60.100 Bicycles--Horses--Motor vehicles in Designated Areas Only.
- 12.60.110 Camping or parking unlawful except where designated.
- 12.60.120 Ball games and other sports.
- 12.60.130 Smoking or Vaping Prohibited in City Parks and Trails
- 12.60.160 Building fires permitted only in designated areas.
- 12.60.300 Violation--Penalty.

12.60.001 Enforcement

The Park Ranger is hereby authorized to enforce this code, including the issuance of notices of infraction.

12.60.010 Advertising signs and posters –Structures of any kind

It is a civil infraction to use, place, or erect any signboard, sign, billboard, bulletin board, post, pole or device of any kind for commercial advertising in any park; or to attach any notice, bill poster, sign, wire or cord to any tree, shrub, railing, post or structure within any park in a manner which dents, mars, defaces, breaks, punctures or injures it in any way or to place or erect in any park a structure of any kind, without the written consent of the Director of the Olympia Parks, Arts and Recreation Department or his or her designee.

12.60.030 Regulations and Violations Relating to Pet Animals

The following sections of code are incorporated from OMC Title 6, Animal Services.

OMC 6.04.050 Regulations and Violations Relating to Pet Animals.

Any person who harbors, keeps, possesses, maintains, or has temporary custody of a pet animal shall be responsible for the behavior of such animal whether the owner knowingly permits the behavior or not. Such person shall violate the terms of this chapter if:

A. Pet animal at large. Such person's animal is at large as defined in Section 6.04.030(D); provided, however, this section shall not prohibit the owner and the pet animal from participating in an organized show or training, exercise, or hunting session in locations designated and authorized for that purpose.

B. Nuisance pet animal. Such person's pet animal constitutes a nuisance pet animal as defined in OMC Section 6.04.030(T).

C. Pet animal on public property. Such person's pet animal is on public property such as a public park, beach, or school ground and is not on a leash by a person who is able to maintain physical control, or proper safeguards have not been taken to protect the public and property from injury or damage from said animal, or the presence of the animal on such property is in violation of additional specific restrictions which have been posted. Such restrictions shall not apply to guide dogs of the visually impaired, service animals for the physically handicapped, or to dogs on public property specifically designated by the City of Olympia as areas for dogs without the requirement of a leash. Pet animals on public property is a civil infraction as defined in Section 6.04.120(B).

D. Intentionally not incorporated.

E. Failure to possess removal equipment or to remove fecal material. Such person (1) fails to possess in a public park the equipment or material necessary to remove animal fecal matter when accompanying a pet animal, or (2) fails to remove animal fecal material when accompanying a pet animal off the owner's property. Failure to possess removal equipment or to remove fecal material is a civil infraction as defined in Section 6.04.120 (B).

F. Intentionally not incorporated.

G. Intentionally not incorporated.

H. Intentionally not incorporated.

I. Menacing behavior. Such person's animal engaged in menacing behavior as defined in Section 6.04.030(R). Violation of this subsection is a civil infraction as defined in Section 6.04.120(A).

The following penalties apply to any violation of the designated section of 12.60.030.

A. Violation of the following sections of this chapter shall constitute a Class 3 civil infraction. A second infraction for certain offenses within an 18-month period will constitute a Class 2 civil infraction. A third infraction for certain offenses within an 18-month period will constitute a civil infraction. "Within an 18-month

period" means the violation date for a prior offense occurred within 18 months of the date of the subsequent violation.

1. Section 12.60.030 (A) Failure to license; provided that the infraction shall be dismissed if, within 14 days of the date of issuance of the infraction, the person cited shows evidence of licensing of the subject animal to the Olympia Court Clerk. The Court Clerk, at the direction of the Olympia Municipal Court, may assess court administrative costs up to \$25.00 at the time of the dismissal;
2. Section 12.60.030 (A) Pet animal at large (first violation; second violation is a Class 2 civil infraction; third violation is a Class 1 civil infraction).
3. Section 12.60.030 (B) Nuisance pet animal (first violation; second violation is a Class 2 civil infraction; third violation is a Class 1 civil infraction).
4. Section 12.60.030 (I); Menacing Animal (first violation; second violation is a Class 2 civil infraction; third violation is a Class 1 civil infraction).

B. Violation of the following sections of this chapter shall constitute a Class 4 civil infraction:

1. Section 12.60.030 (C) Pet animals on public property.
2. Section 12.60.030 (E) Failure to remove fecal material; failure to possess removal equipment.

12.60.040 Feeding, Harassing, Injuring animals unlawful

It is unlawful in any manner to purposely tease, annoy, disturb, harass, catch, injure or kill or to throw anything at or strike any animal, bird, fowl or fish within a park, or to feed any fowl, fish or animal within any park.

12.60.050 Fireworks Prohibited in City Parks

It is unlawful to shoot, fire or explode any fireworks, firecracker, torpedo or explosive of any kind in a City park.

12.60.060 Soliciting or peddling unlawful

It is unlawful to take up collections, or to act as or apply the vocation of solicitor or peddler within a park; provided, that it shall not be a violation of this section for a nonprofit or charitable organization or group to conduct a fund-raising event in a park or facility under the control of the City's Parks, Arts and Recreation Department with the approval of the Parks, Arts and Recreation Department and upon the payment of a reasonable fee for the use thereof. Such fund-raising events shall solicit donations only. The ability of park patrons to visit park facilities or to use the nonreserved portions of the facility shall not be denied or conditioned upon the payment of a donation.

12.60.080 Sales unlawful without permit or concession contract

It is unlawful to sell food, refreshments or merchandise within a park from a fixed stand, table or booth without a concession contract with the City. This section shall not apply to festival events set forth in the Olympia Municipal Code.

12.60.090 Groups or Assemblies - Reservations

City parks and recreational facilities shall be available for any group or assembly on a first come, first serve basis. Groups or assemblies calculated to attract a large number of people, relative to the size and capacity of the park or facility must, prior to the event, reserve the space by filling out an application from the Parks, Arts and Recreation Department ten (10) days prior to the event to reserve the space. Approval may be conditioned as to the time and place of such assembly so as not to unreasonably interfere with other lawful activities within the park and subject to compliance with all park rules.

12.60.100 Bicycles –Horses –Motor vehicles in Designated Areas Only

It is a civil infraction to ride or drive any motorized or non-motorized vehicle over or through any park except along and upon the park drives, parkways, or designated bicycle lanes; or to ride any animal through a park except upon the park drives, parkways, or designated areas.

12.60.110 Camping or parking unlawful except where designated

It is a civil infraction to camp or stay overnight in any vehicle within any park or within any public parking lot adjacent to a park except at places set aside for such purposes and so designated by signs.

12.60.120 Ball games and other sports

The following activities are not permitted unless they are a part of a Parks, Arts & Recreation Program: golf, paintball, tennis, badminton or other games of like character or to hurl or propel any airborne or other missiles, except at places set apart for such purposes and so designated by signs.

12.60.130 Smoking or Vaping Prohibited in City Parks and Trails

It is unlawful for any person to smoke or light cigarettes, cigars, tobacco, or other smoking material, including electronic nicotine delivery devices including, but not limited to, electronic cigarettes, vapor cigarettes, or similar products, within city parks or on city trails.

12.60.160 Building fires permitted only in designated areas

It is a civil infraction to build any fires in any City park except in designated areas so designated by signs.

12.60.300 Violation -- Penalty

A. Unless stated otherwise, it shall be a civil infraction for a person, firm, or corporation to violate or fail to comply with any term or provision of this chapter. Each day shall be a separate infraction. A person, firm, or corporation found to have committed a civil infraction shall be assessed a monetary penalty as follows:

1. First offense: Class 3 (\$50), not including statutory assessments.
2. Second offense arising out of the same facts as the first offense: Class 2 (\$125), not including statutory assessments.
3. Third offense arising out of the same facts as the first offense: Class 1 (\$250), not including statutory assessments.

See also OMC Chapter 4.44, Uniform Code Enforcement.

B. Penalties for violations of Section 12.60.030 shall be the same as those provided under Olympia Municipal Code 6.04.120 for the same offense.

Section 2. Severability. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or application of the provisions to other persons or circumstances shall remain unaffected.

Section 3. Ratification. Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

Section 4. Effective Date and Codification. This Ordinance shall take effect on January 1, 2018 and shall not be codified until its effective date.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:



DEPUTY CITY ATTORNEY

PASSED:

APPROVED:

PUBLISHED:



City Council

Approval of Reappointments to the Design Review Board and the Thurston Community Media Board

Agenda Date: 3/21/2017
Agenda Item Number: 4.R
File Number: 17-0309

Type: decision **Version:** 1 **Status:** Consent Calendar

Title

Approval of Reappointments to the Design Review Board and the Thurston Community Media Board

Recommended Action

Committee Recommendation:

The General Government Committee recommends approval of the reappointments listed below.

City Manager Recommendation:

Move to approve reappointments of Joseph LaValle, Robert Findlay, Marnie McGrath and Duane Edwards to the Design Review Board, each with terms ending March 31, 2020, and approve the reappointment of Mark Dahlen to the Thurston Community Media Board, with a term ending March 31, 2020.

Report

Issue:

Whether to make the recommended appointment.

Staff Contact:

Kellie Purce Braseth, Strategic Communications Director, 360.753.8361

Presenter(s):

None - Consent Calendar Item

Background and Analysis:

The General Government Committee recently underwent its annual recruitment process for membership on the City's various boards and commissions. The Committee recommends reappointment of current Design Review Board members Joseph LaValle, Robert Findlay, Marnie McGrath and Duane Edwards. The Committee recommends reappointment of current Thurston Community Media Board member Mark Dahlen.

Neighborhood/Community Interests (if known):

N/A

Options;

1. Approve the reappointments as recommended.
2. Do not approve the reappointments and send the issue back to the General Government Committee. This would delay the appointment schedule and leave the boards not operating at full strength.

Financial Impact:

None

Attachments:

None



City Council

Consideration of a Street Vacation Petition for a Portion of Alley Adjacent to 1919 Harrison Ave NW

Agenda Date: 3/21/2017
Agenda Item Number: 6.A
File Number: 17-0020

Type: ordinance **Version:** 2 **Status:** Other Business

Title

Consideration of a Street Vacation Petition for a Portion of Alley Adjacent to 1919 Harrison Ave NW

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Move to approve on first reading and pass on second reading an ordinance to vacate a portion of the Alley adjacent to 1919 Harrison Ave NW. As a condition of alley vacation, reserve a perpetual utility easement to be recorded with a separate easement document over said Alley, and to require payment to the City of one-half the appraised value for all adjacent parcels, with the option for West Central Park, a nonprofit corporation, to provide a covenant in lieu of payment for its parcel that provides for the West Central Park to be held open to the public in a non-discriminatory manner for a period of 20 years. West Central Park, a nonprofit corporation, must also provide a recorded copy of a correction deed curing a scrivener's error in the deed purportedly vesting title to the property in said entity.

Report

Issue:

Whether the City Council should pass an Ordinance vacating a portion of the Alley adjacent to 1919 Harrison Ave NW.

Staff Contact:

Rich Hoey, P.E., Public Works Director, 360.753.8495

Ladd F. Cluff, PLS, City Surveyor, Public Works Engineering, 360.753.8389

Presenter(s):

Rich Hoey, P.E., Public Works Director

Background and Analysis:

On December 14, 2016, West Central Park, a Washington nonprofit corporation, ostensible property owner of 1919 Harrison Ave NW, together with Parkside Café LLC, Orchard House LLC, and Marie

B&B LLC, petitioned the City to vacate a twelve (12) foot wide alley right-of-way adjacent to their properties. The petition with exhibits is attached to this staff report, along with additional background shared previously with Council.

City staff reviewed the request using the criteria outlined in Olympia Municipal Code Section 12.16.100. Following this process, City staff and Franchise utilities reviewed and commented on the petition. City Waste ReSources, Water Resources, Puget Sound Energy and CenturyLink request that their rights be preserved for perpetual access for maintenance of overhead and underground utilities. If Council chooses to vacate the alley, staff recommends reserving a perpetual easement to allow both public and private utility right of access.

On February 28, 2017 City Council held a public hearing to receive public comment regarding the request. A total of 11 people testified at the hearing and an additional 9 individuals provided written comment. All of the testimony received by Council was in support of the requested alley vacation. Virtually all commenters requested that the City not charge the West Central Park for the value of the right-of-way. Principal reasons cited include the:

- Value that the West Central Park provides for the community.
- Recognition of the improvements that the West Central Park Project has made to the property for public use.
- High cost of the right-of-way acquisition for a non-profit entity.
- Willingness to retain bicycle and pedestrian access in the alley for the public.

Council chose not to take action on the vacation following the public hearing, and asked staff to look at options that address public concerns.

Upon further review, staff believes that providing an option for an agreement in lieu of payment for West Central Park's portion of the right-of-way is reasonable given the Park's public benefit. To ensure this public benefit continues, staff recommends conditioning the discount of the right-of-way charge on the West Central Park's adoption of the attached covenant. The covenant ensures the park remains publicly accessible in a non-discriminatory manner for a period of 20 years from the date of alley vacation. This option would save the West Central Park, a nonprofit corporation, an estimated \$11,160. The West Central Park would also have the option to forgo the covenant and simply pay the charge for vacation of the public right-of-way.

Staff recommends that the commercial property owners on the east side of the alley (Parkside Café LLC, Orchard House LLC, and Marie B&B LLC) pay the right-of-way acquisition charge per normal City procedure for right-of-way vacations. Unlike the West Central Park, these commercial properties are not providing sufficient public value to warrant a discount of the charge. Staff believes that preservation of bicycle and pedestrian access alone is not sufficient to warrant a discount of the charge. The estimated charges to these commercial properties total \$7,720.98 and are broken down in the attached table.

Staff's investigation into the application for vacation has revealed a scrivener's error in the deed from the original grantor to West Central Park, which calls into question the legal entity actually holding title to the private park property. West Central Park, a nonprofit corporation, must provide the City with a recorded copy of a correction deed prior to the vacation ordinance becoming effective to insure

that West Central Park, as a corporate entity, has the legal right to seek the alley vacation and to execute any covenant in lieu of payment under the terms of the ordinance.

Neighborhood/Community Interests (if known):

There is significant public interest in the vacation of the alley, and strong support for a waiver of the right-of-way charge to the West Central Park, a nonprofit corporation.

Options:

- Option 1: Move to approve on first reading and pass on second reading an ordinance to vacate a portion of the Alley adjacent to 1919 Harrison Ave NW. As a condition of alley vacation, (1) reserve a perpetual utility easement to be recorded with a separate easement document over said Alley; (2) require payment to the City of one-half the appraised value for all adjacent parcels;(3) in lieu of payment for the West Central Park parcel, provide West Central Park, a nonprofit corporation, the option to adopt the attached covenant to keep the park publicly accessible in a non-discriminatory manner for a period of 20 years; and (4) require that West Central Park, provide the City with a recorded copy of a correction deed, prior to the vacation ordinance becoming effective, to insure that West Central Park, as a corporate entity, has the legal right to seek the alley vacation and to execute any covenant in lieu of payment under the terms of the ordinance.
- Option 2: Move to approve the ordinance to vacate a portion of the Alley adjacent to 1919 Harrison Ave NW, with modified conditions.
- Option 3: Reject the vacation request. This option would leave the alley right-of-way as is. The development of West Central Park and the surrounding Block may require revision.

Financial Impact:

The proposed payment in lieu of the right-of-acquisition charge for West Central Park would reduce the estimated charge by \$11,160. The three remaining parcels owned by Parkside Café LLC, Orchard House LLC, and Marie B&B LLC, would pay an estimated total of \$7,720.98 (see attached cost breakdown).

Attachments:

- Ordinance (Exhibit A Covenant, Exhibit B Utility Easement)
- Petition with Exhibits
- Right-of-way Acquisition Costs
- Vicinity Map

AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, VACATING AS A PUBLIC THOROUGHFARE A PORTION OF THE NORTH-SOUTH ALLEY RIGHT-OF-WAY LOCATED AT 1919 HARRISON AVE NW

WHEREAS, the Olympia City Council adopted Resolution No. M-1859 on January 24, 2017, setting a public hearing date for February 28, 2017, at or after 7:00 p.m. to allow public comment for or against vacation of the following described public thoroughfare situated in the City of Olympia, Thurston County, State of Washington, to wit:

That portion of the 12-foot wide alley in Block 37, Woodruff Addition to the City of Olympia, as recorded in Volume 3 of Plats, Page 40, records of Thurston County, Washington lying Northerly of the Easterly extension of the South line of Lot 5 in said Block 37.

WHEREAS, the petitioners are requesting that a portion of the north-south alley in Block 37, Woodruff Addition to the City of Olympia be vacated; and

WHEREAS, notice of this proposed vacation was posted physically on site, and adjoining neighbors were mailed notice of the hearing; and

WHEREAS, a public hearing was held by the City Council of the City of Olympia on said petition on February 28, 2017, at 7:00 p.m. or thereafter in the evening; and

WHEREAS, verbal testimony was heard by the City Council during the public hearing from citizens supporting the petitioners' application for vacation of the public thoroughfare, and no verbal testimony was presented opposing the petitioners' application for vacation; and

WHEREAS, the City Council has also received written comments from the public supporting the petitioners' application for vacation of the north-south alley right-of-way; and

WHEREAS, the City has received comments from utility providers requesting the reservation of easements with regard to this vacation; and

WHEREAS, the Public Works Department has indicated that the property has no known current or foreseeable future use to the City as a right-of-way; and

WHEREAS, the City Council deferred its decision to permit time to weigh the evidence received at the public hearing; and

WHEREAS, the City Council finds this vacation to be in the public interest and serves the public welfare;

NOW, THEREFORE, THE OLYMPIA CITY COUNCIL ORDAINS AS FOLLOWS:

Section 1. As recommended by the City of Olympia Public Works Department and as requested by the owners of the abutting parcels, the Olympia City Council, pursuant to RCW 35.79.010, hereby vacates as a public thoroughfare the hereinabove described real property and RESERVES an easement over, under, across, and through the above described property for public and private utilities, whether or not covered by a franchise agreement with the City of Olympia, including but not limited to sanitary sewer, stormwater, water, solid waste collection, electrical, cable, fiber optic, telephone, and telecommunications.

Section 2. The vacation meets the criteria set forth in OMC 12.16.100.

Section 3. This Ordinance shall not become effective until the owners of the abutting properties do the following:

(1) pay to the City of Olympia an amount equal to one-half the appraised value as required under OMC 12.16.030, .080, .090 and RCW 35.79.030 for the area so vacated as follows: (a) Tax Parcel No. 85003701901, Parkside Café LLC, the sum of \$4,317.00; (b) Tax Parcel No. 85003701700, Orchard House LLC, the sum of \$2,589.00; (c) Tax Parcel No. 85003701500, Marie B&B LLC, the sum of \$815.22; and (d) Tax Parcel No. 85003700100, Lots 1 through 5, Block 37, Woodruff's Addition, West Central Park, a Washington nonprofit corporation, shall execute a covenant that runs with the land for twenty (20) years permitting nondiscriminatory public access to the park property in the form provided in Exhibit A attached to this Ordinance, or pay the sum of \$11,160.00, the method of compensation at petitioner's discretion; and

(2) provide an executed City of Olympia utility easement in the form provided in Exhibit B attached to this Ordinance; and

(3) provide the City of Olympia with a recorded copy of a correction deed vesting title in West Central Park, a Washington nonprofit corporation; and

(4) that failure of the abutting property owners to remit the monetary amounts designated in Section 3(1) above, to execute the covenant and easement as provided in the attached Exhibits A and B, and provide a recorded copy exhibiting the recording number of a correction deed vesting title in West Central Park, a Washington nonprofit corporation, within ninety (90) days of the passage of this Ordinance, shall automatically void the petition and this Ordinance without it being brought back before the City Council. The City Clerk/Treasurer shall certify on the face of this Ordinance whether or not the payments are received within the time limit referred to above, including the covenant at petitioner's option, and easement.

Section 4. The City Manager is authorized to acknowledge and accept the utility easement and covenant described above.

Section 5. I, City Clerk/Treasurer, hereby certify that the conditions for payment of the property above vacated, as approved by the City Council in Section 3 of this Ordinance and in accordance with OMC 12.16.080, were were not met within ninety (90) days of the passage of this Ordinance.

City Clerk/Treasurer Signature

Date

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:



CITY ATTORNEY

PASSED:

APPROVED:

PUBLISHED:

EXHIBIT A
Form of Covenant

AFTER RECORDING MAIL TO:

Legal Department
City of Olympia
P.O. Box 1967
Olympia, WA 98507-1967

Document Title:	Covenant
Grantor:	West Central Park, a Washington nonprofit corporation
Grantee:	City of Olympia
Legal Description:	Lots 1-5, Block 37, Woodruff's Addition
Assessor's Tax Parcel Numbers:	85003700100

The Grantor, **WEST CENTRAL PARK**, a Washington nonprofit corporation, for and in consideration of the vacation of a public thoroughfare situated in the City of Olympia, Thurston County, State of Washington, and City of Olympia Ordinance No. _____, and other valuable considerations, hereby grants and conveys a Covenant to the Grantee, **CITY OF OLYMPIA**, a Washington municipal corporation, upon the following described real property, situated in the City of Olympia, County of Thurston, in the State of Washington (hereafter referred to as the "Property"), including all after acquired title, together with all rights consistent with said Covenant:

Lots 1-5, Block 37, Woodruff's Addition to the City of Olympia, as recorded in Volume 3 of Plats, Page 40, records of Thurston County, Washington.

COVENANT

As consideration to the Grantee, Grantor declares and Grantee agrees that the Property legally described above shall be held open to the general public for access and use as a private park on a nondiscriminatory basis, to be owned, managed, maintained, and controlled by Grantor. The Property, commonly referred to as West Central Park, shall be open to and used and occupied as a park for the benefit of the public for a period of twenty (20) years from and after the adoption and enactment of City of Olympia Ordinance No. _____.

It is the express intent of the Grantor and Grantee that the provisions of this Covenant shall be deemed to run with the land and shall pass to and be binding upon Grantor's successors in title, including any subsequent purchaser, grantee, owner, assignee, trustee, trustor, or lessee of any portion of the Property and any other person or entity having any right, title or interest therein and upon the respective heirs, executors, administrators, devisees, successors and assigns of any purchaser, grantee, owner, assignee, trustee, trustor, or lessee of any portion of the Property and any other person or entity having any right, title or interest therein.

GRANTEE:

CITY OF OLYMPIA, a Washington municipal corporation

By: _____
Print Name: Steven R. Hall
Title: City Manager

APPROVED AS TO FORM:

Mark Barber, City Attorney

STATE OF WASHINGTON)
 : ss.
COUNTY OF THURSTON)

On the ____ day of _____ 2017, before me, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Steven R. Hall, to me known to be the City Manager of the City of Olympia, a municipal corporation, who executed the foregoing instrument and acknowledged the said instrument to be the free and voluntary act and deed of said municipal corporation for the uses and purposes therein mentioned and on oath states that he is authorized to execute the said instrument.

WITNESS my hand and official seal the day and year first above written.

Signature
Print Name: _____
NOTARY PUBLIC in and for the State of
Washington, residing at _____
My commission expires _____

EXHIBIT B
Form of Utility Easement

After recording return document to:
City of Olympia
Attention: Legal Department
P.O. Box 1967
Olympia, WA 98507-1967

Document Title: UTILITY EASEMENT
Grantor(s): Parkside Café LLC, Orchard House LLC, Marie B&B LLC and West Central Park, a Washington nonprofit corporation
Grantee(s): City of Olympia
Legal Description: Block 37 Woodruff's Addition
Assessor's Tax Parcel Number: 85003701901, 85003701700, 85003701500, 85003700100

UTILITY EASEMENT

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, the undersigned Grantors, **Parkside Café LLC, Orchard House LLC, Marie B&B LLC and West Central Park, a Washington nonprofit corporation**, do give and grant to **City of Olympia**, a municipal corporation, hereinafter called Grantee, an easement for the purpose of construction, repair, maintenance and appurtenant structures of public and private utilities, whether or not covered by a franchise agreement with the City of Olympia, including but not limited to, sanitary sewer, stormwater, water, solid waste collection, electrical, cable, fiber optic, telephone, and telecommunications, over, under, across and through the following described real property situated in the City of Olympia, County of Thurston, State of Washington, legally described as follows:

That portion of the 12-foot wide alley in Block 37 of Woodruff's Addition to the City of Olympia, as recorded in Volume 3 of Plats, Page 40, Records of Thurston County, Washington lying northerly of the easterly extension of the south line of Lot 5 in said Block 37.

Said easement shall include the right of ingress and egress to, upon, over, across and under said land at all times, to construct, maintain, operate, repair, and replace said utility; provided, however, that the City of Olympia shall have the right to utilize such additional width as may be necessary temporarily for the placing of excavated materials thereon and for construction and maintenance operations.



PETITION TO VACATE PUBLIC RIGHT-OF-WAY

16-6519

RECEIVED DEC 14 2016 COMMUNITY PLANNING AND DEVELOPMENT DEPT. Community Planning & Development 601 4th Avenue - PO Box 1967 Olympia WA 98507-1967 Phone: 360.753.8314 Fax: 360.753.8087 cpdinfo@ci.olympia.wa.us www.olympiawa.gov

OFFICIAL USE ONLY

Applicant: Alicia Elliott Address: 1919 Harrison Ave NW Phone: 360.489.7359 File #: 16-6519 Receipt #: Date:

HONORABLE MAYOR AND CITY COUNCIL:

We, the undersigned, do hereby petition the Olympia City Council to vacate the following described public right-of-way:

LEGAL DESCRIPTION OF AFFECTED RIGHT-OF-WAY:

That portion of the 12' wide alley in block 37 of Woodruff's Addition to the City of Olympia, as recorded in volume 3 of plats, page 40, records of Thurston County, WA lying northerly of the easterly extension of the south line of lot 5 in said block 37. (attached A)

PURPOSE OF REQUEST & STATEMENT OF PUBLIC BENEFIT:*

To create a safe pedestrian and bike friendly access which restricts vehicle access through the north part of Block 37. (attached B)

*See criteria for approval on the reverse side of this form.

PETITIONERS

Table with 3 columns: Owner's Signature, Owner's Name (printed), Parcel Number. Rows include Alicia Elliott (Parkside Cafe, LLC), Orchard House LLC, Marie B&B LLC, and Jerry Lindley, Treasurer (West Central Park).

I verify that each of the above signatures represents a legal and registered owner of the property abutting the above-described right-of-way:

Alicia Elliott signature and date 12/14/16

Phone # 360-489-7359

Right of Vacation, WCP et al; List of Attachments

A: Legal Description

B: Purpose of Request and Statement of Public Benefit

C: Vicinity Map

D: Site Plan

E: 300' Radius Report



RIGHT OF VACATION
EXHIBIT "A"

RECEIVED
DEC 14 2016
COMMUNITY PLANNING
AND DEVELOPMENT DEPT.

THAT PORTION OF THE 12-FOOT WIDE ALLEY IN BLOCK 37 OF WOODRUFF'S ADDITION TO THE CITY OF OLYMPIA, AS RECORDED IN VOLUME 3 OF PLATS, PAGE 40, RECORDS OF THURSTON COUNTY, WASHINGTON LYING NORTHERLY OF THE EASTERLY EXTENSION OF THE SOUTH LINE OF LOT 5 IN SAID BLOCK 37.



October 24, 2014

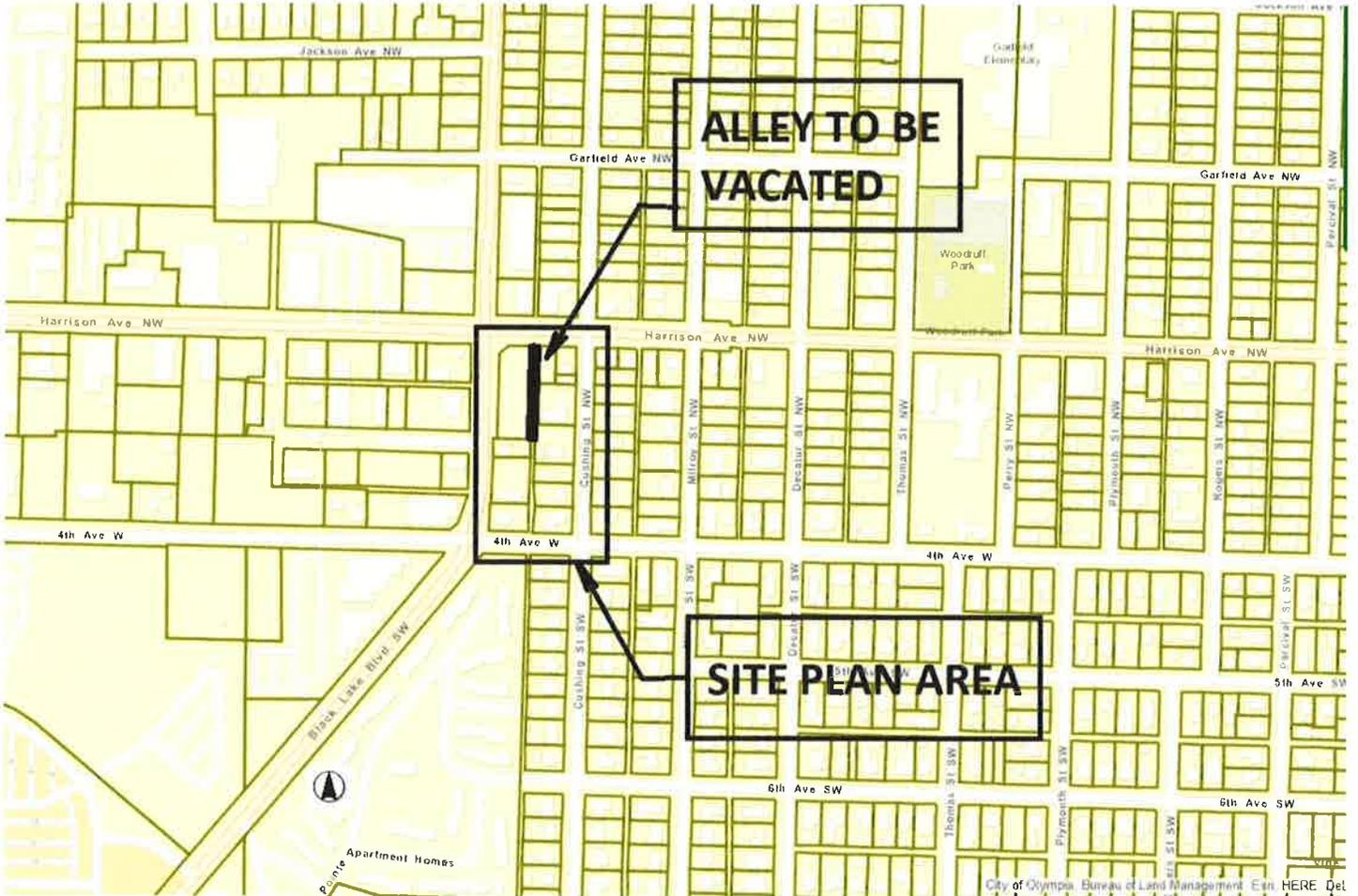
Right of Vacation, WCP et al; Attachment B

The West Central Park, The Parkside Cafe LLC, The Orchard House LLC, and the Marie B&B LLC, are requesting that the City vacate the north portion of the north-south alley, parallel to Division Street in Block 37 of Woodruff's Addition. The applicants own 100% of all property abutting the alley to be vacated, that portion of the north-south alley beginning at Harrison and ending at the southern boundary of the West Central Park. The applicants will dedicate easements to the City, the public and the Park for emergency, utility, pedestrian, bike and event access.

There are no properties abutting this section of the alley that have driveway access connected to the alley and vehicle access to residences abutting the south half of the alley will be preserved. The alley vacation will be providing and maintaining a safe pedestrian and bike access that will connect to services and transit nodes. The proposed vacation is consistent with the goals of the Olympia Comprehensive Plan and Development Standards by providing a safe, pedestrian friendly avenue through a key Westside community. The unique character of the West Central Park and the surrounding development offer an opportunity for neighbors to walk, bike, shop and gather. By restricting random vehicular traffic in the alley the applicants seek to increase the safety and walkability of the neighborhood and reduce harm to the environment. The alley vacation will also serve to decrease traffic feeding into the congested Harrison/Division intersection.

The applicants request that the Council grant a waiver of compensation for the alley vacation since they are not retaining the right-of-way solely for private use. The petitioners will grant easements for emergency, utility, public pedestrian and bike access as well as easements for community events at the West Central Park. The singular purpose of the vacation request is to eliminate random vehicle traffic, and thereby provide a safe bike and pedestrian lane for public use.





RECEIVED
DEC 14 2016
COMMUNITY PLANNING
AND DEVELOPMENT DEPT.

Vicinity Map

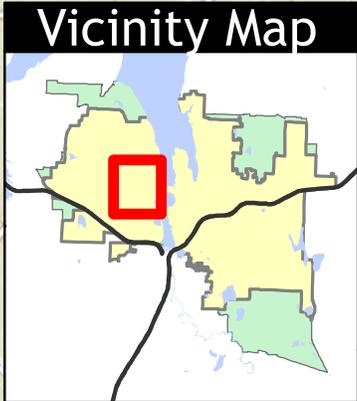
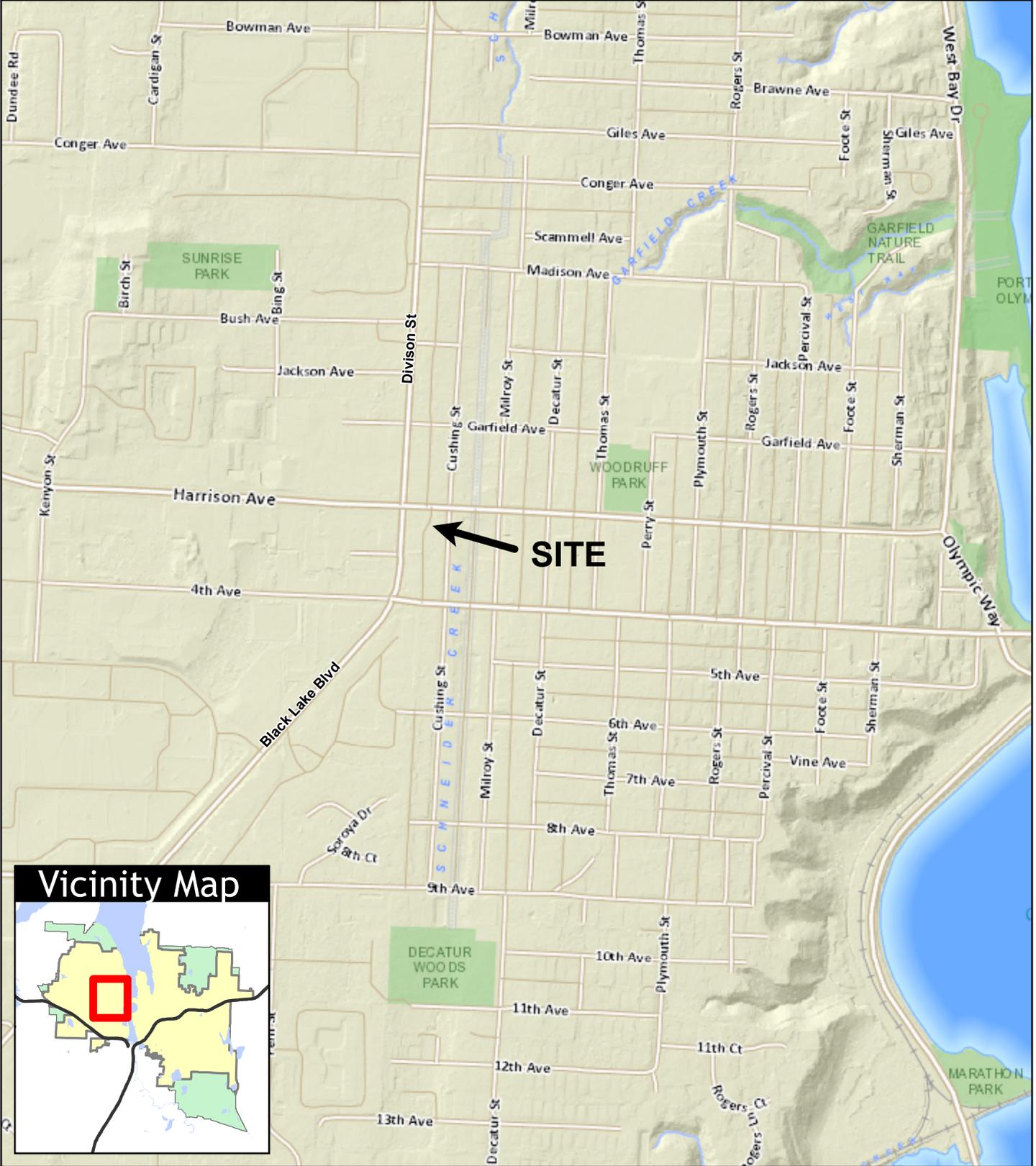
FILE 16-6519 1919 HARRISON AVE ALLEY RIGHT-OF-WAY VACATION

PARCEL	OWNER NAME	VACATION AREA	VACATION S.F.	2017 ASSESSED VALUE (S.F.)	TOTAL VALUE	VACATION VALUE (50% PER STATUTE)	
85003700100	West Central Park Project	6' X 250' ALLEY	1,500	\$14.88	\$22,320.00	\$11,160.00	
85003701901	Parkside Café LLC	6' X 100' ALLEY	600	\$14.39	\$8,634.00	\$4,317.00	\$7,720.98
85003701700	Orchard House LLC	6' X 108' ALLEY	648	\$7.99	\$5,177.52	\$2,588.76	
85003701500	Marie B&B LLC	6' X 42' ALLEY	252	\$6.47	\$1,630.44	\$815.22	



1919 Harrison Avenue

Proposed Alley Vacation



0 300 600
 Feet

1 inch = 800 feet

Map printed 5/4/2015

For more information, please contact:

Ladd Cluff, City Surveyor

(360) 753-8389

The City of Olympia and its personnel cannot assure the accuracy, completeness, reliability, or suitability of this information for any particular purpose. The parcels, right-of-ways, utilities and structures depicted hereon are based on record information and aerial photos only. It is recommended the recipient and/or user field verify all information prior to use. The use of this data for purposes other than those for which they were created may yield inaccurate or misleading results. The recipient may not assert any proprietary rights to this information. The City of Olympia and its personnel neither accept or assume liability or responsibility, whatsoever, for any activity involving this information with respect to lost profits, lost savings or any other consequential damages.





City Council

Climate Action Plan Scoping

Agenda Date: 3/21/2017
Agenda Item Number: 6.B
File Number: 17-0184

Type: decision **Version:** 1 **Status:** Other Business

Title

Climate Action Plan Scoping

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Receive update on City's climate efforts under the Compact of Mayors. Move to refer scoping of a climate action plan to the Land Use and Environment Committee (LUEC).

Report

Issue:

Whether to refer scoping of a climate action plan to the LUEC.

Staff Contact:

Rich Hoey, P.E., Public Works Director, 360.753.8495

Danelle MacEwen, Senior Program Specialist, Public Works, 360.753.8211

Presenter(s):

Rich Hoey, P.E., Public Works Director

Eileen Quigley, Clean Energy Transition

Adrian Down, Stockholm Environment Institute (available for questions)

Background and Analysis:

In November, 2015, the City formally signed on to the Compact of Mayors. The Compact of Mayors is a global coalition of mayors committed to reducing greenhouse gas emissions at a local level. In 2016, the Compact expanded to become the Global Covenant of Mayors for Climate and Energy. More than 7,100 cities world-wide participate.

By signing on to the Global Covenant of Mayors, the City committed to the following by the end of 2018:

1. Committing to significant reduction of local greenhouse gas emissions;
2. Measuring and taking an inventory of community emissions;

3. Setting reduction targets;
4. Developing a climate action plan to meet the targets.

Olympia has made considerable progress on items 1, 2, and 3. Ambitious reduction targets are set in the City's Comprehensive Plan and staff completed an inventory of community-wide emissions. City Council has also passed several resolutions aimed at shifting away from fossil fuel use. The next big step is to develop a climate action plan that outlines the City's strategy to meet *community-wide* emissions targets.

In 2016, as a precursor to a climate action plan, the City retained Climate Solutions to develop an "energy map" and "carbon wedge analysis." Climate Solutions (with support from Clean Energy Transition and Stockholm Environment Institute) has done similar work with many other Pacific Northwest communities. The energy map and carbon wedge analysis are meant to help the City identify ways to achieve meaningful reduction in greenhouse gas emissions by 2030. A background memo on the energy map and carbon wedge analysis is attached and will be briefly covered in the presentation.

In summary, the Council briefing will include the following:

- High level overview of obligations under the Global Covenant of Mayors
- Update on energy reduction efforts in City buildings
- Sample scope of a climate action plan
- Review of energy map and carbon wedge analysis (presented by Eileen Quigley)
- Request for referral to Land Use and Environment Committee (LUEC) for climate action plan scoping

Neighborhood/Community Interests (if known):

There is strong community interest in local action on climate change. Thurston Climate Action Team, a local non-profit organization, has expressed interest in engaging with the City on scoping and developing a climate action plan.

Options:

1. Receive briefing and move to refer scoping of a climate action plan to the Land Use and Environment Committee. This keeps the City on track to meet obligations under the Global Covenant of Mayors.
2. Receive briefing and do not refer scoping of a climate action plan at this time. This could delay development of a climate action plan and affect whether the City can meet its obligations under the Global Covenant of Mayors.

Financial Impact:

None at this time. However, staff anticipates that developing a climate action plan will require consultant support. Following initial plan scoping with the LUEC, staff intends to bring forward a funding recommendation as part of the 2018 budget process.

Attachments:

Memo, Map and Analysis

MEMORANDUM

TO: City of Olympia City Council
FROM: Clean Energy Transition and Stockholm Environment Institute
RE: Methodology for Energy Mapping, Goal-Setting, and Carbon Wedge Analysis
DATE: March 6, 2017

This memo provides background for the City of Olympia on the methodology that the Clean Energy Transition and Stockholm Environment Institute team used to create the City of Olympia's Energy Map and Carbon Wedge Analysis, which are designed to help the city officials and staff understand how to achieve meaningful greenhouse gas emissions reductions by the year 2030.

Olympia Energy Map

To produce the Olympia Energy Map, we used vehicle miles traveled data for transportation obtained from Thurston Regional Planning Council; electricity and natural gas consumption for commercial, residential, and industrial uses obtained from Puget Sound Energy; and projected population growth provided by the City of Olympia's staff.

Recommended Target

We recommend that the City of Olympia aim to achieve **50% reduction below the 2014 level by 2030**. Using this frame for the Olympia Carbon Wedge analysis has several advantages:

1. It is aligned with targets of [other jurisdictions](#) in Puget Sound.
2. 2030 is a practical time horizon to guide the City's action planning.
3. The Intergovernmental Panel on Climate Change has concluded that global investments in low-carbon infrastructure must increase dramatically in the coming 15 years, therefore between now and the year 2030 to limit climate change impacts.

Carbon Wedge Analysis

The Olympia Carbon Wedge Analysis graphics show reduction scenarios for achieving a 50% reduction target in 2030 relative to emissions in 2014. We applied existing laws, as well as suggested carbon reduction scenarios in Olympia's Carbon Wedge analysis.

Analysis of Existing Laws and Policies

We estimated the order-of-magnitude carbon emissions reduction by the year 2030 associated with the following three existing federal and state policies and laws:

- **Federal Corporate Average Fuel Economy (CAFE) standard:** The U.S. Energy Information Administration predicts that the U.S. vehicle fleet will achieve an average vehicle fuel efficiency of 27.3 miles per gallon in 2030 under current CAFE standards. This law is being implemented, but is under political pressure at the national level.
- **State Renewable Energy Standard:** 15% renewable energy and all cost-effective conservation by 2020 are to be achieved by Washington's largest utilities, including Puget Sound Energy (PSE).

This law is implemented but is under consideration for revision as 2020 approaches. In this analysis, we meet the renewable energy standard by assigning load growth to new renewable sources.

- **State of Washington Energy Code:** By state law, new residential and commercial buildings must achieve a 70% reduction in annual net energy consumption below 2006 levels by 2031. This law is being implemented but is under political pressure.

Analysis of Potential Carbon Reduction Strategies

We estimated carbon emissions reduction by 2030 associated with the following target areas, which we identified based on our review of national best practices; relevant State of Washington laws; local strategic climate action plans; extensive work with the cities of Issaquah, Shoreline, Kirkland, Tukwila, and Everett; and the Seattle Transportation Technical Advisory Group (TTAG) analysis conducted for the Seattle Climate Action Plan process.

- **Reduction in transportation carbon emissions by 2030 through: 1) community-wide vehicle miles traveled (VMT) reduction, 2) electric vehicle adoption, and 3) clean fuels/technologies.** For this target, we modeled several mechanisms that could reduce carbon emissions from transportation. These included reduced greenhouse gas intensity of transportation fuels and increased vehicle efficiency for internal combustion engine vehicles. We also considered a reduction in vehicle-miles traveled and an increase in the percentage of electric vehicles in Olympia’s vehicle fleet, the latter modeled on the ambitious electric vehicle adoption target enacted by the City of Seattle. These are the assumptions reflected in the Olympia carbon wedge analysis for transportation:
 - 10% reduction in transport fuel GHG intensity
 - 30% of all vehicles in Olympia are electric by 2030
 - Gas-powered cars are 10% more fuel efficient in 2030 than CAFE standards
 - 5% reduction in vehicle miles traveled in 2030 relative to baseline projections

- **Reduction in energy use (including both electricity and natural gas) for existing buildings community-wide by 2030.** We modeled building energy reductions to achieve by switching residential heating from natural gas to high-efficiency electric heat pumps and by performing more general commercial and residential building energy efficiency retrofits. Pursuing this target will involve deep partnership with building retrofit organizations. These are the assumptions reflected in the carbon wedge analysis for building energy emission reduction:
 - 20% of residential buildings with natural gas heat switch to high-efficiency electric heat pumps
 - 25% reduction in building energy use beyond 2030 state energy code

- **Electricity decarbonization to reduce reliance on coal and increase electricity generation from renewable sources.** We modeled a scenario in which electricity consumption from coal sources is reduced and replaced by electricity from renewable sources. Pursuing this target will involve partnering with Puget Sound Energy. These are the assumptions reflected in the carbon wedge analysis for decarbonizing electricity:
 - Shift from 27% (baseline projection) to 2% of electricity demand met by coal in 2030
 - Renewables substitute for reduced coal generation

- **Net zero emissions from new buildings community-wide by 2030.** Although we did not explicitly model a net-zero emissions new buildings scenario as a standalone wedge, our analysis comments on the importance of reducing energy consumption and emissions in new construction as a way to meet community emissions reduction goals, help the Puget Sound region move toward a low-carbon, low-cost fuel mix, and show regional leadership.

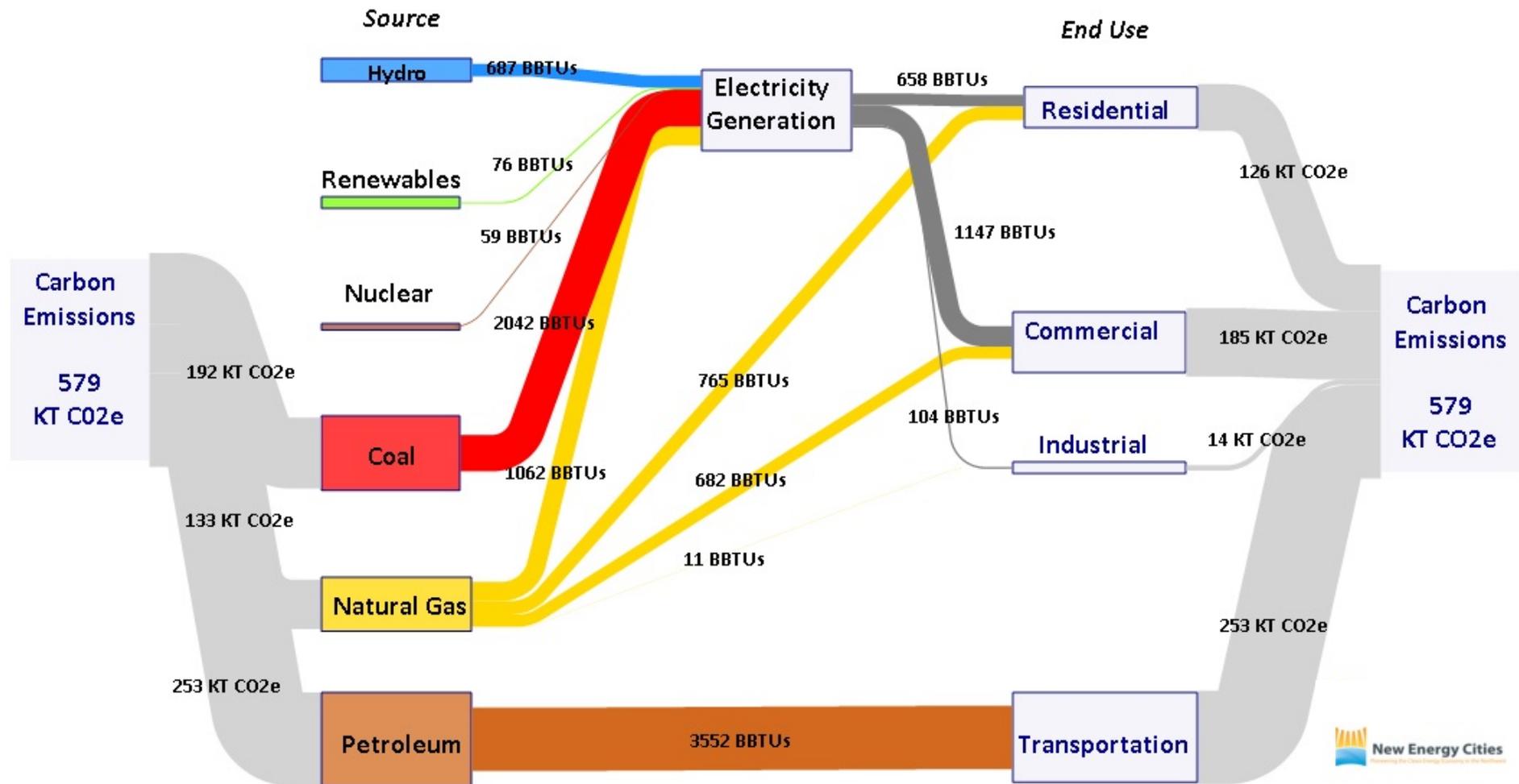
Our analysis drew as much as possible from existing resources, including state, regional, and local reports, plans, and policies.

Conclusion

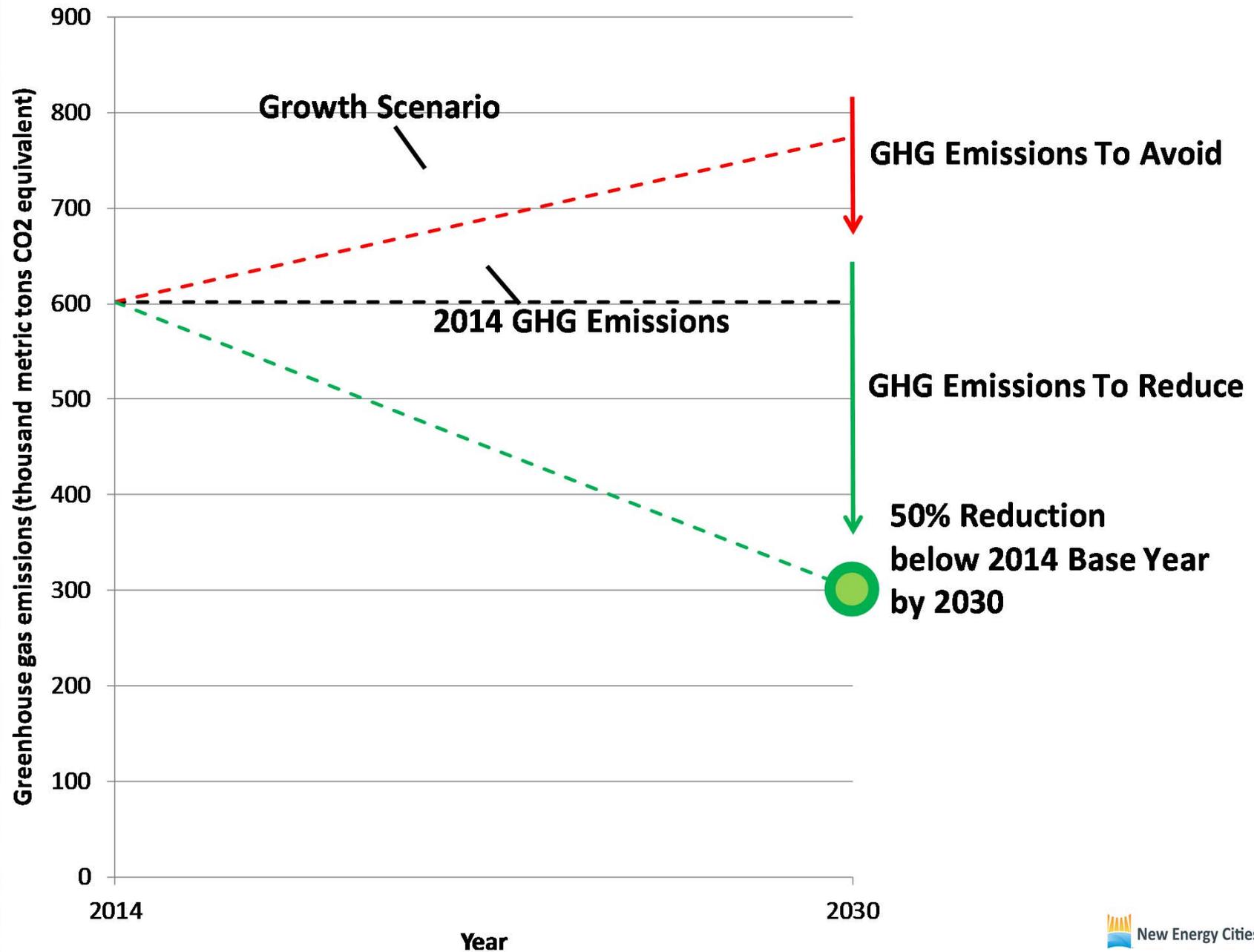
Clean Energy Transition and Stockholm Environment Institute developed the Olympia Energy Map and Carbon Wedge Analysis based on the above approach. We are excited by the opportunity that this project offers us to support a forward-looking city in its carbon reduction efforts, as well as to apply lessons from this work. Thank you for your leadership and partnership on greenhouse gas reduction in Olympia.

Olympia 2014 Energy and Carbon Footprint

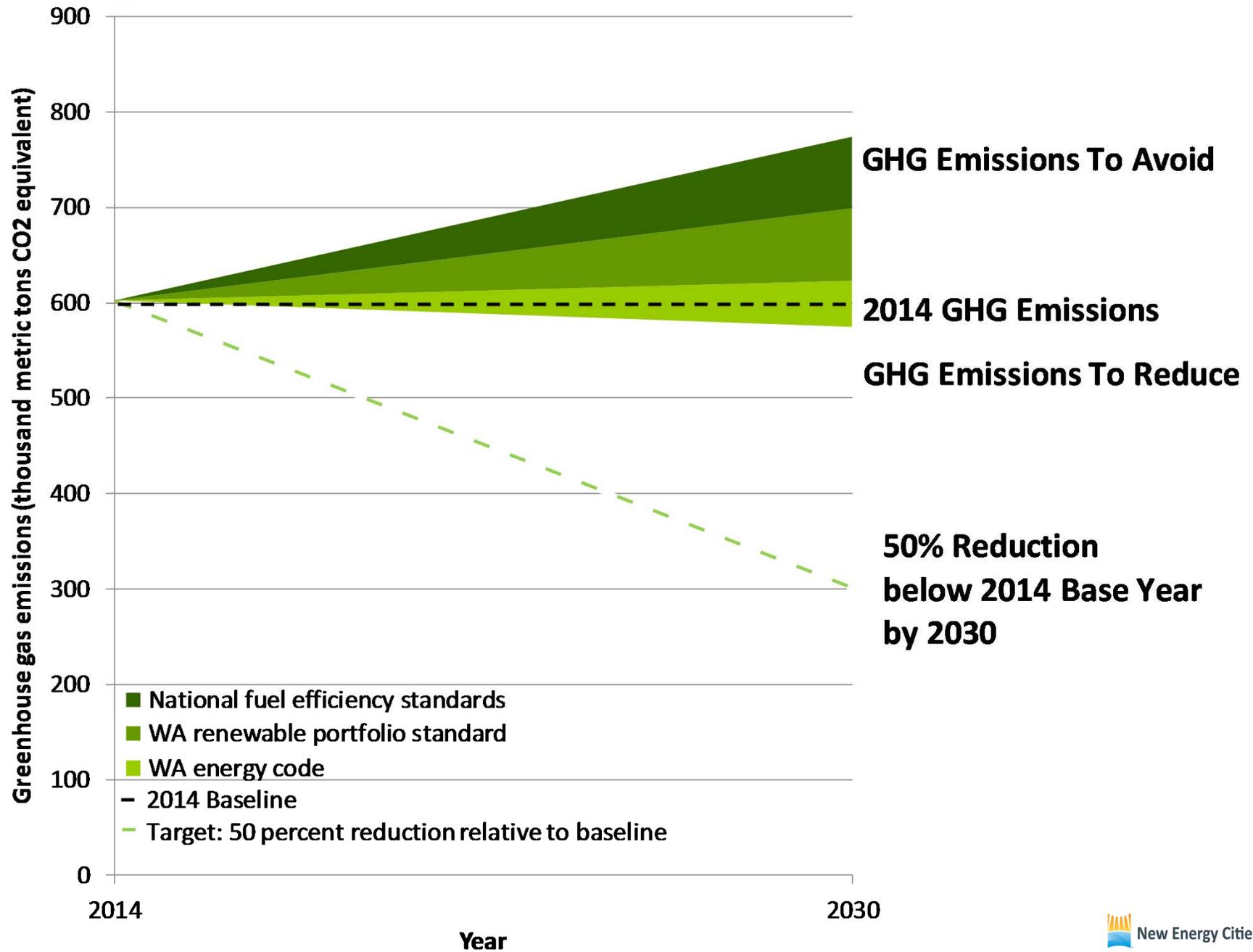
Estimated Olympia Energy Flow 2014



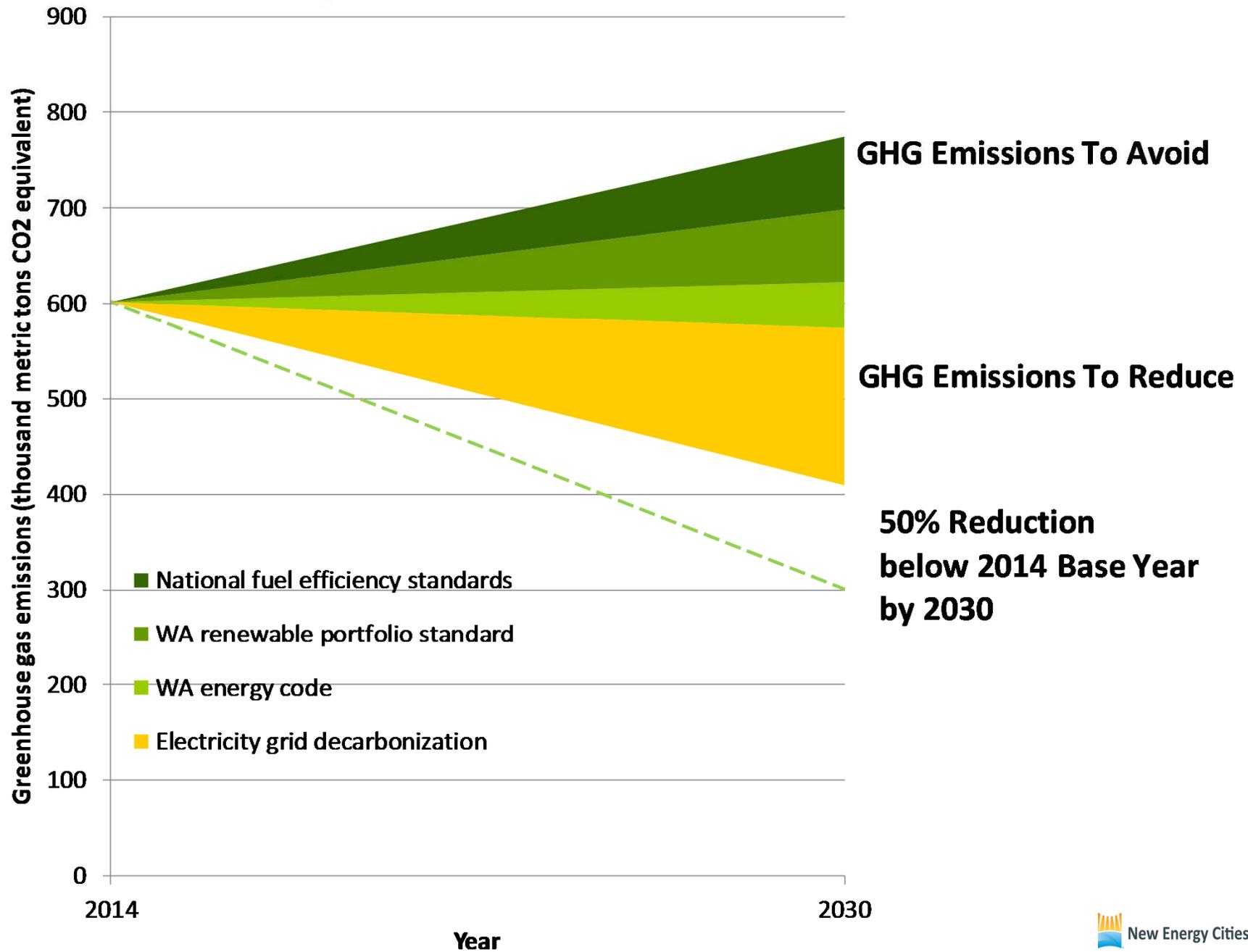
50 x 2030: What Will It Take?



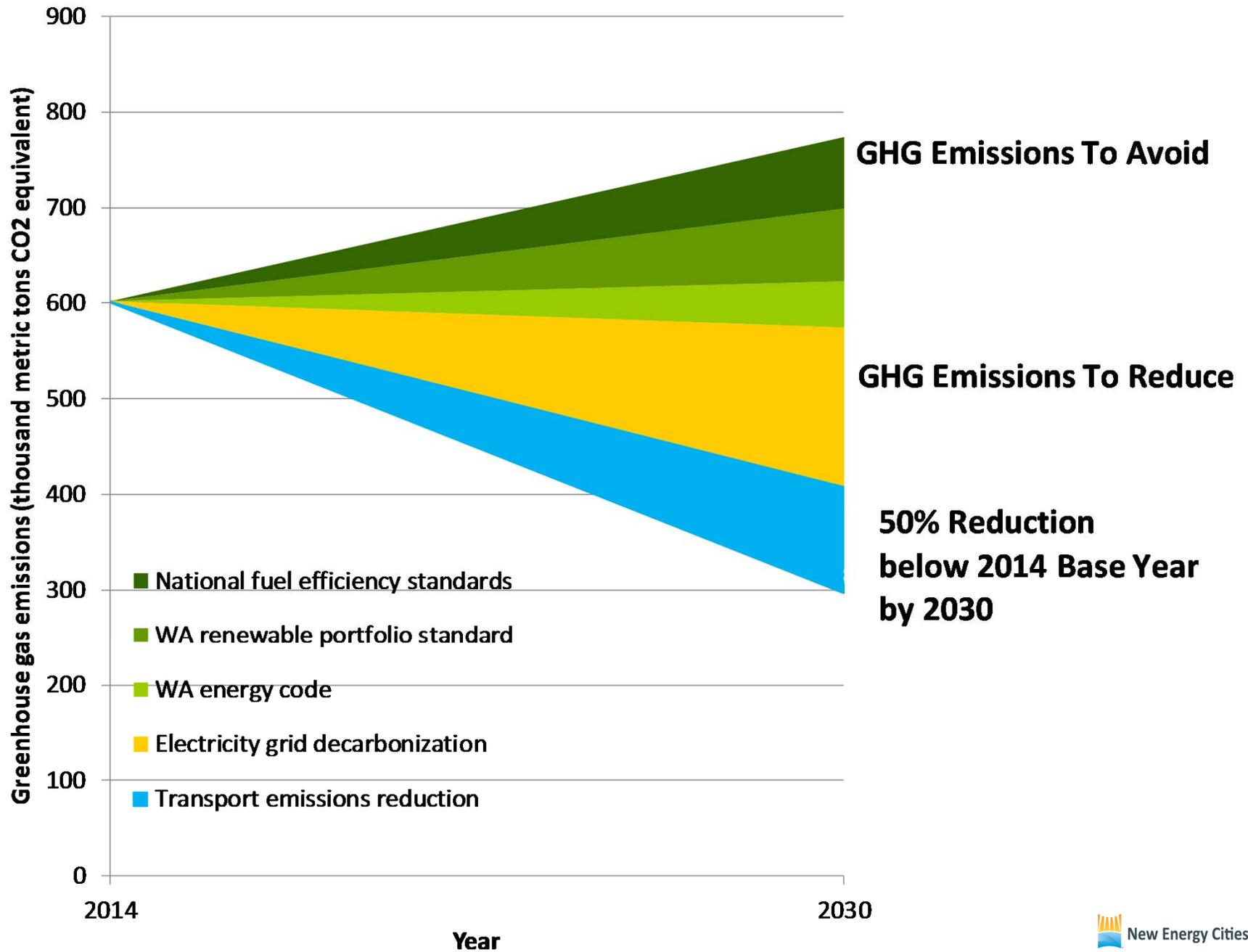
Impact of Federal and State Policies



Potential Targets to Meet 50 x 2030 Goal



Potential Targets to Meet 50 x 2030 Goal



Potential Targets to Meet 50 x 2030 Goal

