



Meeting Agenda

City Council

City Hall
601 4th Avenue E
Olympia, WA 98501

Information: 360.753.8244

Tuesday, March 28, 2017

7:00 PM

Council Chambers

1. ROLL CALL

1.A ANNOUNCEMENTS

1.B APPROVAL OF AGENDA

2. SPECIAL RECOGNITION

- 2.A** [17-0328](#) Special Recognition - Proclamation Recognizing National Service Recognition Day

Attachments: [Proclamation](#)

- 2.B** [17-0268](#) Special Recognition - Transportation Improvement Board Complete Streets Award

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** [17-0325](#) Approval of March 21, 2017 Study Session Meeting Minutes

Attachments: [Minutes](#)

- 4.B [17-0326](#) Approval of March 21, 2017 City Council Meeting Minutes

Attachments: [Minutes](#)

- 4.C [17-0329](#) Bills and Payroll Certification

Attachments: [Bills and Payroll Certification](#)

- 4.D [16-1031](#) Authorization to Apply for a Department of Ecology Water Quality Combined Financial Assistance Grant to Expand the City's Existing Street Sweeping Program

4. SECOND READINGS

- 4.E [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](#)

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

Attachments: [Ordinance](#)

4. FIRST READINGS

- 4.G [17-0317](#) Approval of an Ordinance Authorizing Acceptance of the Thysell Land Donation

Attachments: [Ordinance](#)

[Form of Quit Claim Deed](#)

[Donation Map](#)

[Vicinity Map](#)

[PRAC Letter of Support](#)

- 4.H [17-0315](#) Approval of an Ordinance Authorizing Acceptance of the Morgan Land Donation

Attachments: [Ordinance](#)

[Form of Quit Claim Deed](#)

[Donation Map](#)

[Vicinity Map](#)

[PRAC Letter of Support](#)

5. PUBLIC HEARING - None

6. OTHER BUSINESS

- 6.A** [17-0147](#) Approval of Ordinance Amending Wastewater Regulations for Side Sewer Ownership

Attachments: [Ordinance](#)
 [UAC Letter](#)
 [Side Sewer Sketch](#)

- 6.B** [17-0285](#) Review of the 2016 Year-End Fund Balance

Attachments: [Finance Committee 2016 Year-End Fund Balance Recommendations.](#)
 [Finance Committee Draft Meeting Minutes 08-March-2017](#)

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 National Service Recognition Day

Agenda Date: 3/28/2017
Agenda Item Number: 2.A
File Number: 17-0328

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

Title

Special Recognition - Proclamation Recognizing National Service Recognition Day

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Recognize Ameri Corps and Senior Corps volunteers for their service and highlighting their impact on our community.

Report

Issue:

Whether to recognize Ameri Corps and Senior Corps volunteers for their service on Recognition Day, April 4, 2017 with a proclamation.

Staff Contact:

City Manager Steve Hall, 360.753.8244

Presenter(s):

Mayor Selby and Councilmembers
Scott Hanauer will receive the Proclamation

Attachments:

Proclamation

PROCLAMATION

WHEREAS, service to others is a hallmark of the American character, and central to how we meet our challenges; and

WHEREAS, cities are increasingly turning to national service and volunteerism as a cost-effective strategy to meet their needs; and

WHEREAS, AmeriCorps and Senior Corps participants address the most pressing challenges facing our communities, from educating students for the jobs of the 21st century and supporting veterans and military families to providing health services and helping communities recover from natural disasters; and

WHEREAS, AmeriCorps and Senior Corps participants serve in more than 50,000 locations across the country, bolstering the civic neighborhood, and faith-based organizations that are so vital to our economic and social well-being; and

WHEREAS, national service represents a unique public-private partnership that invests in community solutions and leverages non-federal resources to strengthen community impacts and increase the return on taxpayer dollars; and

WHEREAS, national service participants demonstrate commitment, dedication, and patriotism by making an intensive commitment to service, a commitment that remains with them in their future endeavors; and

WHEREAS, the Corporation for National and Community Services shares a priority with mayors nationwide to engage citizens, improve lives, and strengthen communities; and is joining with the National League of Cities, National Association of Counties, Cities of Service, and mayors across the country for the Mayor Recognition Day for National Service on April 4, 2017;

NOW THEREFORE, BE IT RESOLVED, that I, Cheryl Selby, Mayor of the City of Olympia, do hereby proclaim April 4, 2017 as

NATIONAL SERVICE RECOGNITION DAY

and encourage residents to recognize the positive impact of national service in our country, to thank those who serve, and to find ways to give back to their communities.

SIGNED IN THE CITY OF OLYMPIA, WASHINGTON THIS 28th DAY OF MARCH, 2017.

OLYMPIA CITY COUNCIL

*Cheryl Selby
Mayor*



City Council

Special Recognition - Transportation Improvement Board Complete Streets Award

Agenda Date: 3/28/2017
Agenda Item Number: 2.B
File Number: 17-0268

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

Title

Special Recognition - Transportation Improvement Board Complete Streets Award

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Recognize the City of Olympia for receiving a Complete Streets Award.

Report

Issue:

Whether to recognize the City of Olympia for receiving a Complete Streets Award.

Staff Contact:

Mark Russell, P.E., Director of Transportation, Public Works, 360.753.8762

Presenter(s):

Mark Russell, P.E., Director of Transportation

Background and Analysis:

The City received a Complete Streets Award from the Transportation Improvement Board (TIB) for our efforts to build a transportation network for all users; pedestrians, bicycles, transit, and vehicles. This award includes \$250,000 in funding for pedestrian-related improvements downtown. The City will use these funds toward the Franklin Street paving project planned for 2018.

Staff will present the award to Council and give additional background information.

Neighborhood/Community Interests (if known):

N/A

Options:

N/A

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

Financial Impact:

The \$250,000 in funding allows the City to complete additional pedestrian-related improvements downtown with the Franklin Street paving project.

Attachments:

None



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

City Council

Approval of March 21, 2017 Study Session Meeting Minutes

Agenda Date: 3/28/2017
Agenda Item Number: 4.A
File Number: 17-0325

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

Title

Approval of March 21, 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 21, 2017

5:30 PM

Council Chambers

Study Session

1. ROLL CALL

Present: 6 - Mayor Cheryl Selby, Mayor Pro Tem Nathaniel Jones, Councilmember Jessica Bateman, Councilmember Clark Gilman, Councilmember Julie Hankins and Councilmember Jeannine Roe

Excused: 1 - Councilmember Jim Cooper

2. BUSINESS ITEM

2.A [17-0265](#) Isthmus Update and Schedule

Parks, Arts and Recreation Director Paul Simmons gave an overview the City owned Isthmus properties. He shared the history of the City's investment in the area, beginning in the 1990's when the parcel now known as Heritage Park was purchased and developed. In 2013, the City purchased 2.3 more acres. Mr. Simmons outlined the buildings that were demolished in 2015 and 2016 in order to clean up the parcels. Collectively through acquisitions and demolition, the city has invested \$5M on the isthmus properties.

Mr. Simmons reviewed the current work plan status which includes the Isthmus Property Scoping and Planning Process and the inclusion of feedback received at a 2016 Finance Committee meeting and January 2017 City Council retreat.

Mr. Simmons outlined three options to move forward with the Isthmus property.

Option 1: Stay the Course - scope the isthmus master plan in 2017; beginning the public process in 2018

Option 2: Continue Blight Removal with Interim Improvements: blight removal and interim improvements in 2017; scope the isthmus master plan in 2017; begin the public process in 2018

Option 3: Expedite Long term Planning: scope the isthmus master plan in 2017; begin the public process in late 2017

Mr. Simmons discussed the timeline for interim improvements with the goals of removing blight and creating a flat space for events. He shared a proposed timeline and cost estimates for the improvements.

Councilmembers asked clarifying questions and discussed the options.

Councilmembers agreed to move forward with option 1; interim only, has a budget of no more than \$500,000, maximizes reuse of the investment and includes an expedited public process.

The study session was completed.

3. ADJOURNMENT

Meeting Adjourned at 6:25p.m.



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

City Council

Approval of March 21, 2017 City Council Meeting Minutes

Agenda Date: 3/28/2017
Agenda Item Number: 4.B
File Number: 17-0326

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

Title

Approval of March 21, 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 21, 2017

7:00 PM

Council Chambers

1. ROLL CALL

Present: 6 - Mayor Cheryl Selby, Mayor Pro Tem Nathaniel Jones, Councilmember Jessica Bateman, Councilmember Clark Gilman, Councilmember Julie Hankins and Councilmember Jeannine Roe

Excused: 1 - Councilmember Jim Cooper

1.A ANNOUNCEMENTS

Mayor Selby noted the City Council met earlier in Study Session. She also acknowledged Anna Schlecht for her 35 years of service to the City of Olympia.

1.B APPROVAL OF AGENDA

The agenda was approved.

2. SPECIAL RECOGNITION

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

Mayor Selby honored Jim Haley for his contribution to downtown Olympia with the reading of a proclamation. Mr. Haley said a few words of thanks.

The recognition was received.

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

Mayor Pro Tem Jones read a proclamation in honor of Arbor Day 2017.

Urban Forester Shelly Bentley discussed the Arbor Day celebration at Priest Point Park on March 25 and several awards the City will receive regarding urban forestry. She also noted Oak trees will be planted at the Justice Center along Plum Street.

Associate Planner Jesse Barham discussed some of the activities that will take place during the Arbor Day celebration.

The recognition was received.

3. PUBLIC COMMUNICATION

City Manager Steve Hall gave an update on the homeless advocacy demonstrations

that have occurred over the past two days. He also shared locations that have beds for homeless and housing services. He also gave an overview of steps being taken by the City to address concerns.

Mayor Selby read a statement/press release regarding homelessness and how the City has supported solutions.

The following people spoke: Brandon Goodman, Dean Willie, Dale Starkweather, Tom Crawford, Lynette Shaffer, Peter Parker, Tye Gundel, Chris Van Dahlen, Peter Bohmer, Mason Rolph, Eric Jung, Rebecca Canwright, and Franz Kilmerschultz.

4. CONSENT CALENDAR

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

The minutes were adopted.

4.B [17-0259](#) Approval of January 14, 2017 City Council Retreat Meeting Minutes

The minutes were adopted.

4.C [17-0290](#) Approval of March 7, 2017 Study Session Meeting Minutes

The minutes were adopted.

4.D [17-0289](#) Approval of March 7, 2017 City Council Meeting Minutes

The minutes were adopted.

4.E [17-0301](#) Approval of Appointments to the Arts Commission to Fill Vacancies

The decision was adopted.

4.F [17-0304](#) Approval of Appointment to the Planning Commission to Fill a Vacancy

The decision was adopted.

4.G [17-0303](#) Approval of Appointments to the Heritage Commission to Fill
Vacancies

The decision was adopted.

4.H [17-0306](#) Approval of Appointment to the Utility Advisory Committee to Fill
Vacancies

The decision was adopted.

4.I [17-0305](#) Approval of Appointments to the Park and Recreation Advisory
Committee to Fill Vacancies

The decision was adopted.

- 4.J [17-0302](#) Approval of Appointment to the Bicycle and Pedestrian Advisory Committee to Fill a Vacancy

The decision was adopted.

- 4.K [17-0284](#) Approval of the 2017 work plan for the Ad Hoc Committee on Affordable Housing

The decision was adopted.

- 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

The resolution was adopted.

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

The decision was adopted.

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

The decision was adopted.

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

The contract was adopted.

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

The contract was adopted.

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

The decision was adopted.**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

The ordinance was approved on first reading and moved to second reading.

Approval of the Consent Agenda

Councilmember Hankins moved, seconded by Mayor Pro Tem Jones, to adopt the Consent Calendar. The motion carried by the following vote:

Aye: 6 - Mayor Selby, Mayor Pro Tem Jones, Councilmember Bateman, Councilmember Gilman, Councilmember Hankins and Councilmember Roe

Excused: 1 - Councilmember Cooper

5. PUBLIC HEARING - None

6. OTHER BUSINESS

Mayor Selby recessed the meeting at 8:15 p.m. for 10 minutes due to disruption.

Because disruptions continued upon reconvening, Mayor Selby moved, seconded by Councilmember Hankins, to recess the meeting and reconvene at a secure location in City Hall Room 207 to address matters appearing on the Council's agenda. The motion passed unanimously.

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

Public Works Director Rich Hoey reviewed the history regarding the street vacation petition. He noted on February 28, 2017 a public hearing was held where 11 citizens testified in support of the vacation and nine written comments were submitted. Each of the commenters recommended the City not charge the petitioner, Alicia Elliot, the value of the right away.

Mr. Hoey reviewed the staff recommendations to vacate the alley with the following conditions:

1. Reserve perpetual easement for public and private utilities
2. Require right of way payment of 50 percent of appraised value of all adjacent parcels
3. Provide option for West Central Park Project to provide a covenant in lieu of payment, holding the park open to the public in a non-discriminatory manner for a period of 20 years.
4. Require West Central Park Project to provide a recorded correction deed to address a "scrivener's" error.

Mr. Hoey also reviewed the right of way acquisition values and costs.

Councilmembers asked clarifying questions and discussed the issue. Councilmember Gilman voiced opposition to charging a fee for the street vacation and noted in certain

situations the City has reduced or waived fees in order to remove blight.

Councilmember Jones moved, seconded by Councilmember Hankins, to approve on first reading and move to 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. The motion carried by the following vote:

Aye: 5 - Mayor Selby, Mayor Pro Tem Jones, Councilmember Bateman, Councilmember Hankins and Councilmember Roe

Nay: 1 - Councilmember Gilman

Excused: 1 - Councilmember Cooper

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

Public Works Director Rich Hoey introduced Eileen Quigley of Clean Energy Transition and Adrian Down of Stockholm Environment Institute. He gave background on Olympia's participation in the Compact of Mayors, which the City formally signed in November 2015, and which became the Global Covenant of Mayors for Climate and Energy in 2016. Mr. Hoey reviewed progress the City has made on the Covenant requirements.

Mr. Hoey reviewed the City's energy management, which includes a decrease in the use of electricity (13%) and natural gas (14%). He also noted the decrease in emissions for City operations (14% overall).

Mr. Hoey discussed the development of a Climate Action Plan. The plan is a roadmap to achieving greenhouse gas reduction goals and is linked to the City's current climate adaptation efforts including sea level rise planning. The components of the Climate Action Plan include an oversight team; identifying goals and targets; identifying and prioritizing strategies; metrics to assess progress; a community engagement plan; and a budget and resources.

Ms. Quigley reviewed the energy and carbon footprint targets for the City and how to reach them.

Mr. Hoey reviewed next steps which includes a referral to the Finance Committee to review the PSE Green Direct Program, a referral to the Land Use and Environment Committee to scope the Climate Action Plan, and a 2018 budget request.

Councilmembers asked clarifying questions.

Mayor Selby moved, seconded by Councilmember Bateman, to refer scoping of the Climate Action Plan to the Land Use and Environment Committee and to refer review of the Puget Sound Energy Green Direct program to the Finance Committee. The motion carried by the following vote:

Aye: 6 - Mayor Selby, Mayor Pro Tem Jones, Councilmember Bateman, Councilmember Gilman, Councilmember Hankins and Councilmember Roe

Excused: 1 - Councilmember Cooper

7. CONTINUED PUBLIC COMMUNICATION - None

8. REPORTS AND REFERRALS

8.A COUNCIL INTERGOVERNMENTAL/COMMITTEE REPORTS AND REFERRALS

Councilmember Hankins made a referral to the Land Use and Environment Committee to explore the creation of a sanitation waste plan.

All other reports will occur at the next City Council meeting.

8.B CITY MANAGER'S REPORT AND REFERRALS - None

9. ADJOURNMENT

The meeting adjourned at 9:41 p.m.



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

City Council

Bills and Payroll Certification

Agenda Date: 3/28/2017
Agenda Item Number: 4.C
File Number: 17-0329

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

Title
Bills and Payroll Certification

CITY OF OLYMPIA
EXPENDITURE SUMMARY

"I THE UNDERSIGNED, DO HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE MATERIALS HAVE BEEN FURNISHED, THE SERVICES RENDERED OR THE LABOR PERFORMED AS DESCRIBED HEREIN, THAT ANY ADVANCE PAYMENT IS DUE AND PAYABLE PURSUANT TO A CONTRACT OR IS AVAILABLE AS AN OPTION FOR FULL OR PARTIAL FULFILLMENT OF A CONTRACTUAL OBLIGATION, AND THAT THE CLAIMS ARE JUST, DUE AND UNPAID OBLIGATIONS AGAINST THE CITY OF OLYMPIA, AND THAT I AM AUTHORIZED TO AUTHENTICATE AND CERTIFY TO SAID CLAIMS", AND,

"I, THE UNDERSIGNED, DO HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT CLAIMS FOR EMPLOYEE AND OFFICER EXPENSES ARE JUST, DUE AND UNPAID OBLIGATIONS AGAINST THE CITY OF OLYMPIA, AND THAT I AM AUTHORIZED TO CERTIFY SAID CLAIMS".

FOR PERIOD 2/19/2017 2/25/2017
 FOR A/P CHECK NUMBERS 3684264 THROUGH 3684461
 FOR ELECTRONIC PAYMENTS _____ THROUGH _____

INCLUSIVE IN THE AMOUNT TOTALING

DATED

2/28/17

ADMINISTRATIVE SERVICES DIRECTOR, *Agabus*

[Signature]

TOTAL APPROVED FOR PAYMENT
FUND

\$153,124.74	001	GENERAL FUND
\$0.00	002	SHOP FACILITIES
\$1,599.36	003	REVOLVING ACCOUNT FUND
\$0.00	004	URBAN ARTERIAL FUND
\$2,575.00	006	
\$5,018.46	007	
\$73.98	025	WASHINGTON CENTER
\$0.00	026	MUNICIPAL ARTS FUND
\$7,335.83	029	EQUIP & FACIL REPLACE RES
\$5,031.52	107	HUD
\$0.00	108	HUD
\$0.00	127	IMPACT FEES
\$0.00	130	SEPA MITIGATION FUND
\$0.00	132	LODGING TAX FUND
\$0.00	133	ARTS AND CONFERENCE FUND
\$810.87	134	PARKS AND REC SIDEWALK UT TAX
\$0.00	135	PARKING BUSINESS IMP AREA
\$0.00	136	FARMERS MRKT REPAIR/REPLC
\$0.00	137	CHILDREN'S HANDS ON MUSEUM
\$0.00	138	TRANS BENEFIT DISTRICT
\$0.00	208	LID OBLIGATION CONTROL
\$0.00	216	4th/5th AVE PW TRST
\$0.00	223	LTGO BOND FUND '06-PARKS
\$0.00	224	UTGO BOND FUND 2009 FIRE
\$0.00	225	CITY HALL DEBT FUND
\$0.00	226	2010 LTGO BOND-STREETPROJ
\$0.00	227	LOCAL DEBT FUND
\$0.00	228	2010B LTGO BONDS-HOCM
\$85,903.12	317	CIP
\$0.00	322	4/5th AVE CORRIDOR/BRIDGE
\$0.00	323	CIP CONSTR FUND - PARKS
\$0.00	324	FIRE STATION 4 CONSTRUCT
\$0.00	325	CITY HALL CONST
\$0.00	326	TRANSPORTATION CONST
\$0.00	329	GO BOND PROJECT FUND
\$0.00	331	FIRE EQUIPMENT REPLACEMENT FUND
\$46,212.45	401	WATER
\$4,358.45	402	SEWER
\$298,902.44	403	SOLID WASTE
\$7,398.55	404	STORM AND SURFACE WATER
\$38,165.17	434	STORM AND SURFACE WATER CIP
\$15,641.91	461	WATER CIP FUND
\$9,658.47	462	SEWER CIP FUND
\$35,500.68	501	EQUIPMENT RENTAL
\$0.00	502	C. R. EQUIPMENT RENTAL
\$0.00	503	UNEMPLOYMENT COMPENSATION
\$689.90	504	INS TRUST FUND
\$0.00	505	WORKERS COMPENSATION
\$0.00	604	FIREMEN'S PENSION FUND
\$0.00	605	CUSTOMERS WATER RESERVE
\$0.00	614	
\$0.00	621	WASHINGTON CENTER ENDOW
\$0.00	631	PUBLIC FACILITIES
\$295,334.87	682	LAW ENFORCEMENT RECORD MGNTSYS
\$0.00	701	PARKS-NEIGHBORHOOD
\$0.00	702	PARKS-COMMUNITY
\$0.00	703	PARKS-OPEN SPACE
\$0.00	707	PARKS-SPECIAL USE
\$0.00	711	TRANSPORTATION
\$10,224.69	720	SCHOOLS

\$1,023,560.46 GRAND TOTAL FOR WEEK

CITY OF OLYMPIA
EXPENDITURE SUMMARY

"I, THE UNDERSIGNED, DO HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE MATERIALS HAVE BEEN FURNISHED, THE SERVICES RENDERED OR THE LABOR PERFORMED AS DESCRIBED HEREIN, THAT ANY ADVANCE PAYMENT IS DUE AND PAYABLE PURSUANT TO A CONTRACT OR IS AVAILABLE AS AN OPTION FOR FULL OR PARTIAL FULFILLMENT OF A CONTRACTUAL OBLIGATION, AND THAT THE CLAIMS ARE JUST, DUE AND UNPAID OBLIGATIONS AGAINST THE CITY OF OLYMPIA, AND THAT I AM AUTHORIZED TO AUTHENTICATE AND CERTIFY TO SAID CLAIMS", AND,

"I, THE UNDERSIGNED, DO HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT CLAIMS FOR EMPLOYEE AND OFFICER EXPENSES ARE JUST, DUE AND UNPAID OBLIGATIONS AGAINST THE CITY OF OLYMPIA, AND THAT I AM AUTHORIZED TO CERTIFY SAID CLAIMS".

FOR PERIOD 2/26/2017 3/4/2017
 FOR A/P CHECK NUMBERS 3684462 THROUGH 3684749
 FOR ELECTRONIC PAYMENTS THROUGH

INCLUSIVE IN THE AMOUNT TOTALING

DATED

ADMINISTRATIVE SERVICES DIRECTOR

3/7/17

Mary V...

TOTAL APPROVED FOR PAYMENT
FUND

\$845,472.50	001	GENERAL FUND
\$0.00	002	SHOP FACILITIES
\$15,495.08	003	REVOLVING ACCOUNT FUND
\$0.00	004	URBAN ARTERIAL FUND
\$297.00	006	
\$939.78	007	
\$7,028.01	014	
\$26,516.67	025	WASHINGTON CENTER
\$0.00	026	MUNICIPAL ARTS FUND
\$51,759.38	029	EQUIP & FACIL REPLACE RES
\$236.10	107	HUD
\$0.00	108	HUD
\$0.00	127	IMPACT FEES
\$0.00	130	SEPA MITIGATION FUND
\$0.00	132	LODGING TAX FUND
\$0.00	133	ARTS AND CONFERENCE FUND
\$0.00	134	PARKS AND REC SIDEWALK UT TAX
\$185.72	135	PARKING BUSINESS IMP AREA
\$0.00	136	FARMERS MRKT REPAIR/REPLC
\$0.00	137	CHILDREN'S HANDS ON MUSEUM
\$0.00	138	TRANS BENEFIT DISTRICT
\$0.00	208	LID OBLIGATION CONTROL
\$0.00	216	4th/5th AVE PW TRST
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\$0.00	224	UTGO BOND FUND 2009 FIRE
\$0.00	225	CITY HALL DEBT FUND
\$0.00	226	2010 LTGO BOND-STREETPROJ
\$0.00	227	LOCAL DEBT FUND
\$0.00	228	2010B LTGO BONDS-HOCM
\$8,247.02	317	CIP
\$0.00	322	4/5th AVE CORRIDOR/BRIDGE
\$0.00	323	CIP CONSTR FUND - PARKS
\$0.00	324	FIRE STATION 4 CONSTRUCT
\$0.00	325	CITY HALL CONST
\$0.00	326	TRANSPORTATION CONST
\$0.00	329	GO BOND PROJECT FUND
\$0.00	331	FIRE EQUIPMENT REPLACEMENT FUND
\$26,134.33	401	WATER
\$7,525.46	402	SEWER
\$541.47	403	SOLID WASTE
\$22,191.31	404	STORM AND SURFACE WATER
\$15,750.00	434	STORM AND SURFACE WATER CIP
\$1,807.71	461	WATER CIP FUND
\$8,065.00	462	SEWER CIP FUND
\$36,759.09	501	EQUIPMENT RENTAL
\$13,754.59	502	C. R. EQUIPMENT RENTAL
\$250.00	503	UNEMPLOYMENT COMPENSATION
\$8,437.32	504	INS TRUST FUND
\$350.00	505	WORKERS COMPENSATION
\$0.00	604	FIREMEN'S PENSION FUND
\$0.00	605	CUSTOMERS WATER RESERVE
\$0.00	614	
\$7,321.60	621	WASHINGTON CENTER ENDOW
\$0.00	631	PUBLIC FACILITIES
\$1,080.00	682	LAW ENFORCEMENT RECORD MGNTSYS
\$0.00	701	PARKS-NEIGHBORHOOD
\$0.00	702	PARKS-COMMUNITY
\$0.00	703	PARKS-OPEN SPACE
\$0.00	707	PARKS-SPECIAL USE
\$0.00	711	TRANSPORTATION
\$0.00	720	SCHOOLS

\$1,106,143.14 GRAND TOTAL FOR WEEK

CITY OF OLYMPIA
EXPENDITURE SUMMARY

"I THE UNDERSIGNED, DO HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE MATERIALS HAVE BEEN FURNISHED, THE SERVICES RENDERED OR THE LABOR PERFORMED AS DESCRIBED HEREIN, THAT ANY ADVANCE PAYMENT IS DUE AND PAYABLE PURSUANT TO A CONTRACT OR IS AVAILABLE AS AN OPTION FOR FULL OR PARTIAL FULFILLMENT OF A CONTRACTUAL OBLIGATION, AND THAT THE CLAIMS ARE JUST, DUE AND UNPAID OBLIGATIONS AGAINST THE CITY OF OLYMPIA, AND THAT I AM AUTHORIZED TO AUTHENTICATE AND CERTIFY TO SAID CLAIMS", AND,

"I, THE UNDERSIGNED, DO HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT CLAIMS FOR EMPLOYEE AND OFFICER EXPENSES ARE JUST, DUE AND UNPAID OBLIGATIONS AGAINST THE CITY OF OLYMPIA, AND THAT I AM AUTHORIZED TO CERTIFY SAID CLAIMS".

FOR PERIOD	<u>3/5/2017</u>		<u>3/11/2017</u>
FOR A/P CHECK NUMBERS	<u>3684750</u>	THROUGH	<u>3684942</u>
FOR ELECTRONIC PAYMENTS	<u>2/1/2017</u>	THROUGH	<u>2/28/2017</u>

INCLUSIVE IN THE AMOUNT TOTALING

DATED

ADMINISTRATIVE SERVICES DIRECTOR

3/14/17

Man V. [Signature]

TOTAL APPROVED FOR PAYMENT

FUND		
\$936,507.29	001	GENERAL FUND
\$0.00	002	SHOP FACILITIES
\$0.00	003	REVOLVING ACCOUNT FUND
\$0.00	004	URBAN ARTERIAL FUND
\$33,251.87	006	
\$2,762.03	007	
-\$187.40	014	
\$320.16	025	WASHINGTON CENTER
\$0.00	026	MUNICIPAL ARTS FUND
\$11,854.85	029	EQUIP & FACIL REPLACE RES
\$0.00	107	HUD
\$0.00	108	HUD
\$0.00	127	IMPACT FEES
\$0.00	130	SEPA MITIGATION FUND
\$8,333.33	132	LODGING TAX FUND
\$0.00	133	ARTS AND CONFERENCE FUND
\$0.00	134	PARKS AND REC SIDEWALK UT TAX
\$0.00	135	PARKING BUSINESS IMP AREA
\$0.00	136	FARMERS MRKT REPAIR/REPLC
\$0.00	137	CHILDREN'S HANDS ON MUSEUM
\$0.00	138	TRANS BENEFIT DISTRICT
\$0.00	208	LID OBLIGATION CONTROL
\$0.00	216	4th/5th AVE PW TRST
\$0.00	223	LTGO BOND FUND '06-PARKS
\$0.00	224	UTGO BOND FUND 2009 FIRE
\$0.00	225	CITY HALL DEBT FUND
\$0.00	226	2010 LTGO BOND-STREETPROJ
\$0.00	227	LOCAL DEBT FUND
\$0.00	228	2010B LTGO BONDS-HOCM
\$11,020.79	317	CIP
\$0.00	322	4/5th AVE CORRIDOR/BRIDGE
\$0.00	323	CIP CONSTR FUND - PARKS
\$0.00	324	FIRE STATION 4 CONSTRUCT
\$0.00	325	CITY HALL CONST
\$0.00	326	TRANSPORTATION CONST
\$0.00	329	GO BOND PROJECT FUND
\$0.00	331	FIRE EQUIPMENT REPLACEMENT FUND
\$82,939.56	401	WATER
\$1,084,091.04	402	SEWER
\$125,462.03	403	SOLID WASTE
\$15,930.75	404	STORM AND SURFACE WATER
\$10,421.07	434	STORM AND SURFACE WATER CIP
\$992.27	461	WATER CIP FUND
\$748.00	462	SEWER CIP FUND
\$6,100.10	501	EQUIPMENT RENTAL
\$0.00	502	C. R. EQUIPMENT RENTAL
\$0.00	503	UNEMPLOYMENT COMPENSATION
\$8,437.32	504	INS TRUST FUND
\$54,701.40	505	WORKERS COMPENSATION
\$0.00	604	FIREMEN'S PENSION FUND
\$0.00	605	CUSTOMERS WATER RESERVE
\$0.00	614	
\$0.00	621	WASHINGTON CENTER ENDOW
\$0.00	631	PUBLIC FACILITIES
\$0.00	682	LAW ENFORCEMENT RECORD MGNTSYS
\$0.00	701	PARKS-NEIGHBORHOOD
\$0.00	702	PARKS-COMMUNITY
\$0.00	703	PARKS-OPEN SPACE
\$0.00	707	PARKS-SPECIAL USE
\$0.00	711	TRANSPORTATION
\$0.00	720	SCHOOLS

\$2,393,686.46 GRAND TOTAL FOR WEEK

CITY OF OLYMPIA
EXPENDITURE SUMMARY

"I THE UNDERSIGNED, DO HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE MATERIALS HAVE BEEN FURNISHED, THE SERVICES RENDERED OR THE LABOR PERFORMED AS DESCRIBED HEREIN, THAT ANY ADVANCE PAYMENT IS DUE AND PAYABLE PURSUANT TO A CONTRACT OR IS AVAILABLE AS AN OPTION FOR FULL OR PARTIAL FULFILLMENT OF A CONTRACTUAL OBLIGATION, AND THAT THE CLAIMS ARE JUST, DUE AND UNPAID OBLIGATIONS AGAINST THE CITY OF OLYMPIA, AND THAT I AM AUTHORIZED TO AUTHENTICATE AND CERTIFY TO SAID CLAIMS", AND,

"I, THE UNDERSIGNED, DO HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT CLAIMS FOR EMPLOYEE AND OFFICER EXPENSES ARE JUST, DUE AND UNPAID OBLIGATIONS AGAINST THE CITY OF OLYMPIA, AND THAT I AM AUTHORIZED TO CERTIFY SAID CLAIMS".

FOR PERIOD 3/12/2017 THROUGH 3/18/2017
 FOR A/P CHECK NUMBERS 3684943 THROUGH 3685254
 FOR ELECTRONIC PAYMENTS _____ THROUGH _____

INCLUSIVE IN THE AMOUNT TOTALING

DATED

ADMINISTRATIVE SERVICES DIRECTOR

3/21/17

Mary V. ...

TOTAL APPROVED FOR PAYMENT
FUND

\$764,174.19	001	GENERAL FUND
\$0.00	002	SHOP FACILITIES
\$97,478.48	003	REVOLVING ACCOUNT FUND
\$0.00	004	URBAN ARTERIAL FUND
\$320.00	006	
\$6,814.67	007	
\$0.00	014	
\$0.00	025	WASHINGTON CENTER
\$0.00	026	MUNICIPAL ARTS FUND
\$5,131.93	029	EQUIP & FACIL REPLACE RES
\$0.00	107	HUD
\$0.00	108	HUD
\$0.00	127	IMPACT FEES
\$0.00	130	SEPA MITIGATION FUND
\$0.00	132	LODGING TAX FUND
\$0.00	133	ARTS AND CONFERENCE FUND
\$0.00	134	PARKS AND REC SIDEWALK UT TAX
\$144.00	135	PARKING BUSINESS IMP AREA
\$0.00	136	FARMERS MRKT REPAIR/REPLC
\$0.00	137	CHILDREN'S HANDS ON MUSEUM
\$0.00	138	TRANS BENEFIT DISTRICT
\$0.00	208	LID OBLIGATION CONTROL
\$0.00	216	4th/5th AVE PW TRST
\$0.00	223	LTGO BOND FUND '06-PARKS
\$0.00	224	UTGO BOND FUND 2009 FIRE
\$0.00	225	CITY HALL DEBT FUND
\$0.00	226	2010 LTGO BOND-STREETPROJ
\$0.00	227	LOCAL DEBT FUND
\$0.00	228	2010B LTGO BONDS-HOCM
\$25,802.24	317	CIP
\$0.00	322	4/5th AVE CORRIDOR/BRIDGE
\$0.00	323	CIP CONSTR FUND - PARKS
\$0.00	324	FIRE STATION 4 CONSTRUCT
\$0.00	325	CITY HALL CONST
\$0.00	326	TRANSPORTATION CONST
\$0.00	329	GO BOND PROJECT FUND
\$0.00	331	FIRE EQUIPMENT REPLACEMENT FUND
\$44,592.62	401	WATER
\$20,402.53	402	SEWER
\$307,837.34	403	SOLID WASTE
\$13,505.67	404	STORM AND SURFACE WATER
\$16,630.96	434	STORM AND SURFACE WATER CIP
\$229,537.76	461	WATER CIP FUND
\$0.00	462	SEWER CIP FUND
\$34,559.07	501	EQUIPMENT RENTAL
\$50,005.65	502	C. R. EQUIPMENT RENTAL
\$0.00	503	UNEMPLOYMENT COMPENSATION
\$0.00	504	INS TRUST FUND
\$0.00	505	WORKERS COMPENSATION
\$500.00	604	FIREMEN'S PENSION FUND
\$0.00	605	CUSTOMERS WATER RESERVE
\$0.00	614	
\$0.00	621	WASHINGTON CENTER ENDOW
\$0.00	631	PUBLIC FACILITIES
\$0.00	682	LAW ENFORCEMENT RECORD MGNTSYS
\$0.00	701	PARKS-NEIGHBORHOOD
\$0.00	702	PARKS-COMMUNITY
\$0.00	703	PARKS-OPEN SPACE
\$0.00	707	PARKS-SPECIAL USE
\$0.00	711	TRANSPORTATION
\$0.00	720	SCHOOLS

\$1,617,437.11 GRAND TOTAL FOR WEEK

**CITY OF OLYMPIA
PAYROLL CERTIFICATION**

The Administrative Services Director of the City of Olympia, Washington, hereby certifies that the payroll gross earnings, benefits, and LEOFF I post-retirement insurance benefits for the pay cycle ending **2/28/2017** have been examined and are approved as recommended for payment.

Employees Net Pay:	<u>\$ 1,321,647.09</u>
Fire Pension Net Pay:	<u>\$ 27,157.83</u>
Employer Share of Benefits:	<u>\$ 692,697.10</u>
Employer Share of LEOFF I Police Post-Retirement Benefits:	<u>\$ 27,204.95</u>
Employer Share of LEOFF I Fire Post-Retirement Benefits:	<u>\$ 22,842.02</u>
TOTAL	<u><u>\$ 2,091,548.99</u></u>

Payroll Check Numbers	<u>-</u>	<u>-</u>	Manual Checks
And	<u>89912</u>	<u>89916</u>	Fire Pension Checks
And	<u>-</u>	<u>-</u>	Manual Checks
And	<u>89917</u>	<u>89936</u>	Semi Payroll Checks

and Direct Deposit transmission.

3/3/17
DATE

May Verner
ADMINISTRATIVE SERVICES DIRECTOR

**CITY OF OLYMPIA
PAYROLL CERTIFICATION**

The Administrative Services Director of the City of Olympia, Washington, hereby certifies that the payroll gross earnings, benefits, and LEOFF I post-retirement insurance benefits for the pay cycle ending **3/15/2017** have been examined and are approved as recommended for payment.

Employees Net Pay:	<u>\$</u>	<u>1,295,058.89</u>
Fire Pension Net Pay:	<u>\$</u>	<u>-</u>
Employer Share of Benefits:	<u>\$</u>	<u>702,105.89</u>
Employer Share of LEOFF I Police Post-Retirement Benefits:	<u>\$</u>	<u>-</u>
Employer Share of LEOFF I Fire Post-Retirement Benefits:	<u>\$</u>	<u>-</u>
TOTAL	<u>\$</u>	<u><u>1,997,164.78</u></u>

Payroll Check Numbers	<u>89937</u>	<u>89937</u>	Manual Checks
And	<u>-</u>	<u>-</u>	Fire Pension Checks
And	<u>-</u>	<u>-</u>	Manual Checks
And	<u>89938</u>	<u>89965</u>	Semi Payroll Checks

and Direct Deposit transmission.

3/17/2017
DATE


ADMINISTRATIVE SERVICES DIRECTOR



City Council

Consideration of a Street Vacation Petition for a Portion of Alley Adjacent to 1919 Harrison Ave NW

Agenda Date: 3/28/2017
Agenda Item Number: 4.E
File Number: 17-0020

Type: ordinance **Version:** 2 **Status:** 2d Reading-Consent

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

Ordinance No. _____

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 Project, 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 Project, 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 Project, 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 Project, 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 PROJECT**, 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.

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 Project, 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 Project, 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.

Table with 3 columns: Owner's Signature, Owner's Name (printed), Parcel Number. Rows include Parkside Cafe, LLC; Orchard House LLC, Marie B&B LLC; 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:

Applicant's Signature: Alicia Elliott 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

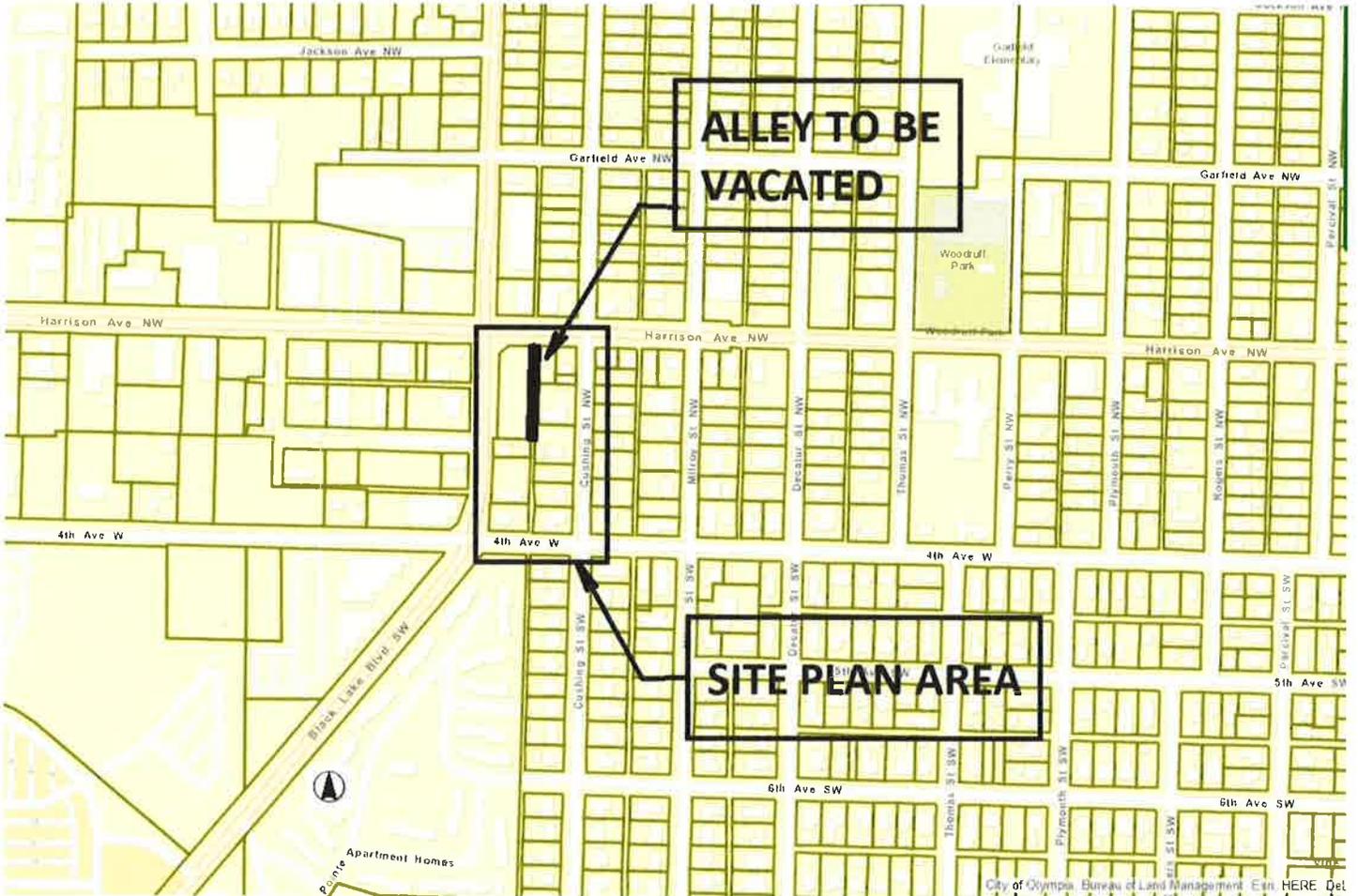
Right of Vacation, WCP et al; Attachment B

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

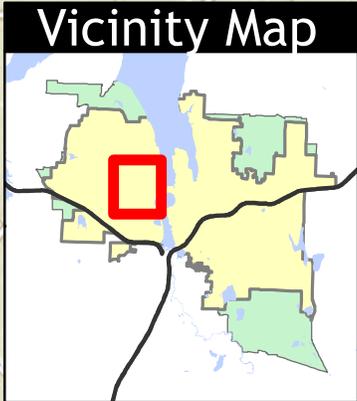
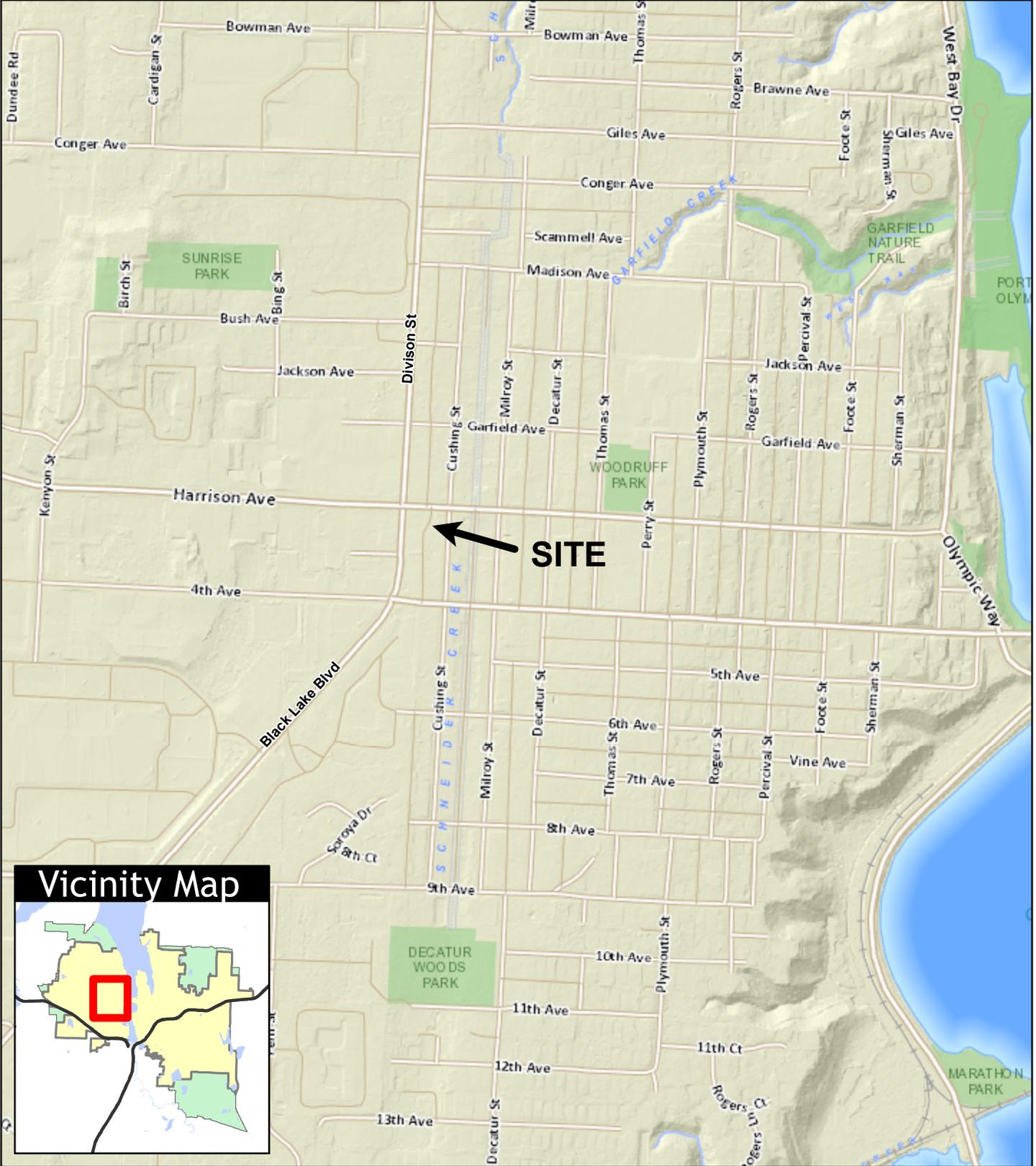
FILE 16-6519 1919 HARRISON AVE ALLEY RIGHT-OF-WAY VACATION

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

Approval of Ordinance Making Olympia's Parks Smoke and Vape Free Starting in 2018

Agenda Date: 3/28/2017
Agenda Item Number: 4.F
File Number: 17-0262

Type: ordinance **Version:** 2 **Status:** 2d 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 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:

The background and analysis has not changed from first to second reading.

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 an Ordinance Authorizing Acceptance of the Thysell Land Donation

Agenda Date: 3/28/2017
Agenda Item Number: 4.G
File Number: 17-0317

Type: ordinance **Version:** 1 **Status:** 1st Reading-Consent

Title

Approval of an Ordinance Authorizing Acceptance of the Thysell Land Donation

Recommended Action

Committee Recommendation:

The Parks and Recreation Advisory Committee (PRAC) recommends that City Council accept the Thysell property donation.

City Manager Recommendation:

Move to approve on first reading and pass onto second reading an ordinance accepting the Thysell property donation.

Report

Issue:

Whether to accept a property donation from Mr. David Thysell.

Staff Contact:

Laura Keehan, Planning and Design Manager, Olympia Parks, Arts and Recreation, 360.570.5855

Presenter(s):

None - Consent Calendar Item

Background and Analysis:

Olympia Parks, Arts and Recreation Department (OPARD) received a parcel donation offer from Mr. David Thysell for a 1.86 acre parcel just north of the Olympia Woodland Trail, approximately a quarter mile from the Eastside Trailhead. The property is undeveloped and contains wetland and wooded habitat areas.

This area contains environmentally sensitive habitat, primarily wetlands, and is often impacted by encampment activity. Accepting this donation, along with other donations in this area, would allow OPARD to potentially add additional recreational opportunities along the trail, protect sensitive habitat, and better manage encampments.

There are no terms or conditions attached to this donation.

Neighborhood/Community Interests (if known):

None known

Options:

1. Approve on first reading and pass onto second reading the ordinance accepting the Thysell property donation.
2. Do not approve the ordinance accepting the Thysell property donation.

Financial Impact:

Although the property will be donated, there may be future costs associated with maintenance and the ownership of the property, including City responsibility for legal liabilities. If the offer of donation is approved by Council, the City of Olympia would receive the donation by quit claim deed, transferring ownership to the City without warranties by the grantor. Legal review of the preliminary title report and update does not reveal title irregularities. The City will be responsible for paying costs associated with title insurance, closing fees, and recording costs to accept this donation.

Attachments:

Ordinance
Form of Quit Claim Deed
Donation Map
Vicinity Map
PRAC letter

AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, ACCEPTING A GIFT AND DONATION OF REAL PROPERTY WITHOUT TERMS OR CONDITIONS

WHEREAS, David Thysell, the title owner of certain real property consisting of approximately 1.86 acres, more or less, located north of the Olympia Woodland Trail about a quarter mile from the Eastside Trailhead within the City of Olympia, has offered to donate, gift and convey his real property to the City of Olympia without any terms or conditions; and

WHEREAS, the Thysell property consists of undeveloped, environmentally sensitive wetland and wooded habitat areas that would benefit from management by the Olympia Parks Arts and Recreation Department (OPARD) due to its proximity to the Olympia Woodland Trail, including better management of encampments that may occur upon said property; and

WHEREAS, the Thysell real property is situated in the City of Olympia, Thurston County, State of Washington, and is legally described as follows:

The northwest quarter of Block 10 of Ayers Addition to the City of Olympia, as recorded in Volume 2 of Plats, Page 67A; excepting therefrom right of way of Northern Pacific Railway Company.

Subject to all easements, reservations and restrictions of record.

WHEREAS, the Olympia City Council has considered the recommendation of the Parks and Recreation Advisory Committee (PRAC), in addition to the recommendation of the Olympia Parks Arts and Recreation Department (OPARD), to accept the real property donation from David Thysell; and

WHEREAS, the Olympia City Council finds this gift and donation of real property by David Thysell is in the public interest and serves the public welfare;

NOW, THEREFORE, THE OLYMPIA CITY COUNCIL ORDAINS AS FOLLOWS:

Section 1. Acceptance of Donation. As recommended by the Parks and Recreation Advisory Committee (PRAC) and the Olympia Parks Arts and Recreation Department (OPARD), the Olympia City Council, pursuant to RCW 35.21.100, hereby accepts the gift and donation of real property from David Thysell as hereinabove legally described.

Section 2. Terms and Conditions. The gift and donation is without terms or conditions attached to it, and the City of Olympia may expend or use said gift and donation for any municipal purpose as stated in RCW 35.21.100.

Section 3. Conveyance. The donor, David Thysell, shall convey said gift and donation of real property to the City of Olympia by quit claim deed without any statutory warranties. Said gift and donation shall not be deemed complete until the deed is recorded with the Thurston County Auditor.

Section 4. Authorization. The City Manager is authorized to acknowledge and accept the quit claim deed on behalf of the City of Olympia.

Section 5. Effective Date. The effective date of this Ordinance shall be five (5) days after publication, as provided by law.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:



CITY ATTORNEY

PASSED:

APPROVED:

PUBLISHED:

FORM OF
QUIT CLAIM DEED

After recording return document to:
City of Olympia
Attention: Legal Department
P.O. Box 1967
Olympia, WA 98507-1967

Document Title: Quit Claim Deed
Grantor: David Thysell, as his separate estate
Grantee: City of Olympia, a Washington municipal corporation
Legal Description: NW ¼ BLK 10 AYERS ADD
Assessor's Tax Parcel Number: 3270-10-00002

QUIT CLAIM DEED

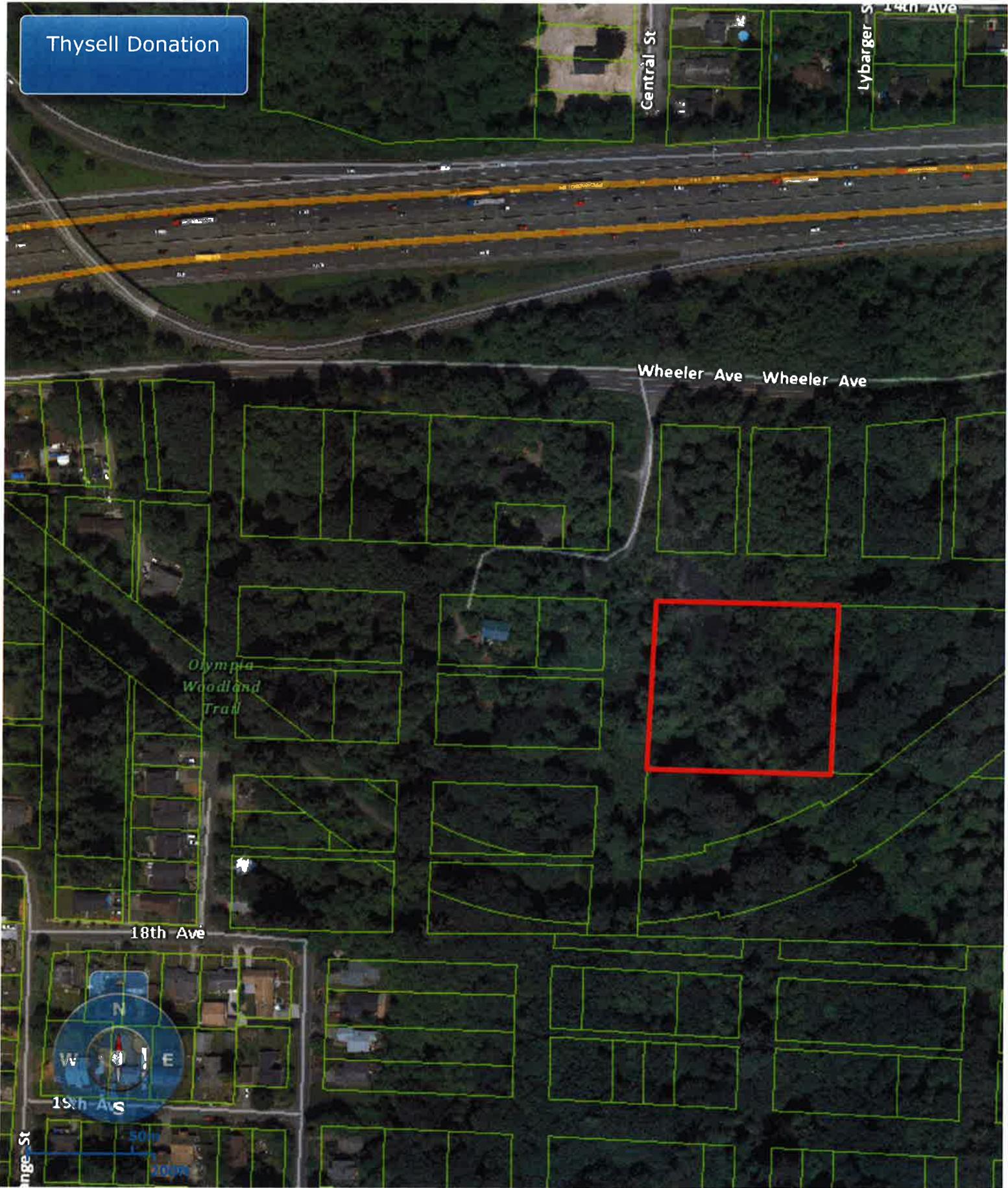
The Grantor, **DAVID THYSELL**, as his separate estate, hereby donates, gifts, conveys, releases and quit claims to the Grantee, **CITY OF OLYMPIA**, a Washington municipal corporation, without any terms or conditions attached to said donation and gift, the following described real estate situated in the City of Olympia, County of Thurston, State of Washington, legally described as follows:

THE NORTHWEST QUARTER OF BLOCK 10 OF AYERS ADDITION
TO THE CITY OF OLYMPIA, AS RECORDED IN VOLUME 2 OF
PLATS, PAGE 67A; EXCEPTING THEREFROM RIGHT OF WAY OF
NORTHERN PACIFIC RAILWAY COMPANY.

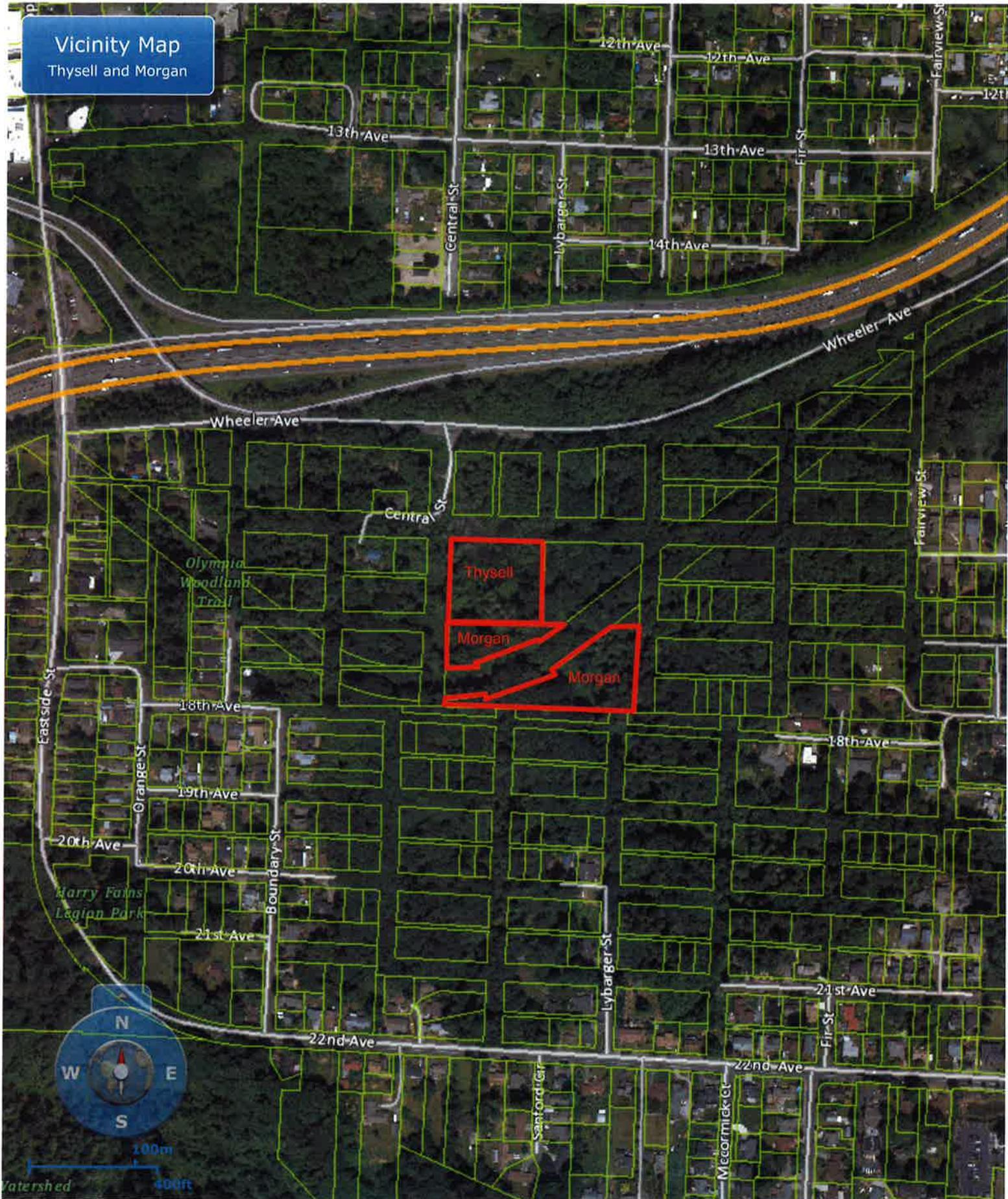
SUBJECT TO ALL EASEMENTS, RESERVATIONS AND
RESTRICTIONS OF RECORD.

It is understood and agreed that delivery of this Deed is hereby tendered and that the terms and obligations hereof shall not become binding upon the **CITY OF OLYMPIA** unless and until accepted and approved hereon in writing for the **CITY OF OLYMPIA**, by the City Manager.

Thyssel Donation



Vicinity Map
Thyssel and Morgan





November 8, 2016

Mayor Cheryl Selby
Olympia City Council
PO Box 1967
Olympia, WA 98507-1967

Dear Mayor Selby:

At our October 20, 2016 meeting, the Parks and Recreation Advisory Committee (PRAC) discussed potential property donations in the area near the Olympia Woodland Trail, particularly the segment of trail from Eastside Street to Boulevard Road.

Olympia Parks, Arts and Recreation (OPARD) recently received a parcel donation offer from Mr. David Thysell for a two acre parcel just north of the trail approximately a quarter mile from the Eastside Trailhead. The property is undeveloped and contains wetland and wooded habitat areas. The Thysell parcel is located near a number of undeveloped parcels that are owned by Thurston County. Thurston County owns these vacant parcels because the owners stopped paying the property taxes. The County is willing to transfer the parcels to the City in exchange for the City's payment of the back taxes owed on the parcels, approximately \$28,000.

PRAC discussed the benefits and drawbacks of OPARD acquiring the parcels in this area. Although this area is often impacted by encampment activity, it contains environmentally sensitive habitat, primarily wetlands, and would allow opportunities for OPARD to expand public access and use of the trail. Safety could also be better managed if the area was under City ownership. For these reasons PRAC members voted unanimously to recommend that the City Council accept the Thysell property donation, and that the City pursue other private property donations in the areas, as well as the Thurston County owned parcels.

Please let me know if you have any questions. I can be reached at (360) 431-4581 or jnieland@ci.olympia.wa.us.

Sincerely,

Jim Nieland, Chair
Parks and Recreation Advisory Committee



City Council

Approval of an Ordinance Authorizing Acceptance of the Morgan Land Donation

Agenda Date: 3/28/2017
Agenda Item Number: 4.H
File Number: 17-0315

Type: ordinance **Version:** 1 **Status:** 1st Reading-Consent

Title

Approval of an Ordinance Authorizing Acceptance of the Morgan Land Donation

Recommended Action

Committee Recommendation:

The Parks and Recreation Advisory Committee (PRAC) recommends that City Council accept the Morgan property donation.

City Manager Recommendation:

Move to approve on first reading and pass onto second reading an ordinance accepting the Morgan property donation.

Report

Issue:

Whether to accept a property donation from Mrs. Judy Morgan.

Staff Contact:

Laura Keehan, Planning and Design Manager, Olympia Parks, Arts and Recreation, 360.570.5855

Presenter(s):

None - Consent Calendar Item

Background and Analysis:

Olympia Parks, Arts and Recreation Department (OPARD) received a parcel donation offer from Mrs. Judy Morgan for a 2.57 acre parcel that is bisected by the Olympia Woodland Trail, approximately a quarter mile from the Eastside Trailhead. The property is undeveloped and contains wetland and wooded habitat areas.

This area contains environmentally sensitive habitat, primarily wetlands, and is often impacted by encampment activity. Accepting this donation, along with other donations in this area, would allow OPARD to potentially add additional recreational opportunities along the trail, protect sensitive habitat, and better manage encampments.

There are no terms or conditions attached to this donation.

Neighborhood/Community Interests (if known):

None known

Options:

1. Approve on first reading and pass onto second reading the ordinance accepting the Morgan property donation.
2. Do not approve the ordinance accepting the Morgan property donation.

Financial Impact:

Although the property will be donated, there may be future costs associated with maintenance, and the ownership of the property, including City responsibility for legal liabilities. If the offer of donation is approved by Council, the City of Olympia would receive the donation by quit claim deed, transferring ownership to the City without warranties by the grantor. Legal review of the preliminary title report and update does not reveal title irregularities. The City will be responsible for paying costs associated with title insurance, closing fees, and recording costs to accept this donation.

Attachments:

Ordinance
Form of Quit Claim Deed
Donation Map
Vicinity Map
PRAC Letter of Support

AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, ACCEPTING A GIFT AND DONATION OF REAL PROPERTY WITHOUT TERMS OR CONDITIONS

WHEREAS, Judith D. Morgan, the title owner of certain real property consisting of approximately 2.57 acres, more or less, located north of the Olympia Woodland Trail about a quarter mile from the Eastside Trailhead within the City of Olympia, has offered to donate, gift and convey her real property to the City of Olympia without any terms or conditions; and

WHEREAS, the Morgan property consists of undeveloped, environmentally sensitive wetland and wooded habitat areas that would benefit from management by the Olympia Parks Arts and Recreation Department (OPARD) due to its proximity to the Olympia Woodland Trail, including better management of encampments that may occur upon said property; and

WHEREAS, the Morgan real property is situated in the City of Olympia, Thurston County, State of Washington, and is legally described as follows:

The south half of Block 10 of Ayers Addition to Olympia, as recorded in Volume 2 of Plats, page 67A; together with that part of vacated west 10 feet of street adjoining said property on the east; excepting therefrom right of way of northern pacific railway company.

Subject to all easements, reservations and restrictions of record.

WHEREAS, the Olympia City Council has considered the recommendation of the Parks and Recreation Advisory Committee (PRAC), in addition to the recommendation of the Olympia Parks Arts and Recreation Department (OPARD), to accept the real property donation from Judith D. Morgan; and

WHEREAS, the Olympia City Council finds this gift and donation of real property by Judith D. Morgan is in the public interest and serves the public welfare;

NOW, THEREFORE, THE OLYMPIA CITY COUNCIL ORDAINS AS FOLLOWS:

Section 1. Acceptance of Donation. As recommended by the Parks and Recreation Advisory Committee (PRAC) and the Olympia Parks Arts and Recreation Department (OPARD), the Olympia City Council, pursuant to RCW 35.21.100, hereby accepts the gift and donation of real property from Judith D. Morgan as hereinabove legally described.

Section 2. Terms and Conditions. The gift and donation is without terms or conditions attached to it, and the City of Olympia may expend or use said gift and donation for any municipal purpose as stated in RCW 35.21.100.

Section 3. Conveyance. The donor, Judith D. Morgan, shall convey said gift and donation of real property to the City of Olympia by quit claim deed without any statutory warranties. Said gift and donation shall not be deemed complete until the deed is recorded with the Thurston County Auditor.

Section 4. Authorization. The City Manager is authorized to acknowledge and accept the quit claim deed on behalf of the City of Olympia.

Section 5. Effective Date. The effective date of this Ordinance shall be five (5) days after publication, as provided by law.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:


CITY ATTORNEY

PASSED:

APPROVED:

PUBLISHED:

FORM OF
QUIT CLAIM DEED

After recording return document to:
City of Olympia
Attention: Legal Department
P.O. Box 1967
Olympia, WA 98507-1967

Document Title: Quit Claim Deed
Grantor: Judith D. Morgan, as her separate estate
Grantee: City of Olympia, a Washington municipal corporation
Legal Description: S ½ BLK 10 AYERS ADD
Assessor's Tax Parcel Number: 3270-10-00003

QUIT CLAIM DEED

The Grantor, **JUDITH D. MORGAN**, as her separate estate, hereby donates, gifts, conveys, releases and quit claims to the Grantee, **CITY OF OLYMPIA**, a Washington municipal corporation, without any terms or conditions attached to said donation and gift, the following described real estate situated in the City of Olympia, County of Thurston, State of Washington, legally described as follows:

THE SOUTH HALF OF BLOCK 10 OF AYERS ADDITION TO
OLYMPIA, AS RECORDED IN VOLUME 2 OF PLATS, PAGE 67A;
TOGETHER WITH THAT PART OF VACATED WEST 10 FEET OF
STREET ADJOINING SAID PROPERTY ON THE EAST; EXCEPTING
THEREFROM RIGHT OF WAY OF NORTHERN PACIFIC RAILWAY
COMPANY.

SUBJECT TO ALL EASEMENTS, RESERVATIONS AND
RESTRICTIONS OF RECORD.

It is understood and agreed that delivery of this Deed is hereby tendered and that the terms and obligations hereof shall not become binding upon the **CITY OF OLYMPIA** unless and until accepted and approved hereon in writing for the **CITY OF OLYMPIA**, by the City Manager.

Morgan Donation

Wheeler Ave Wheeler Ave

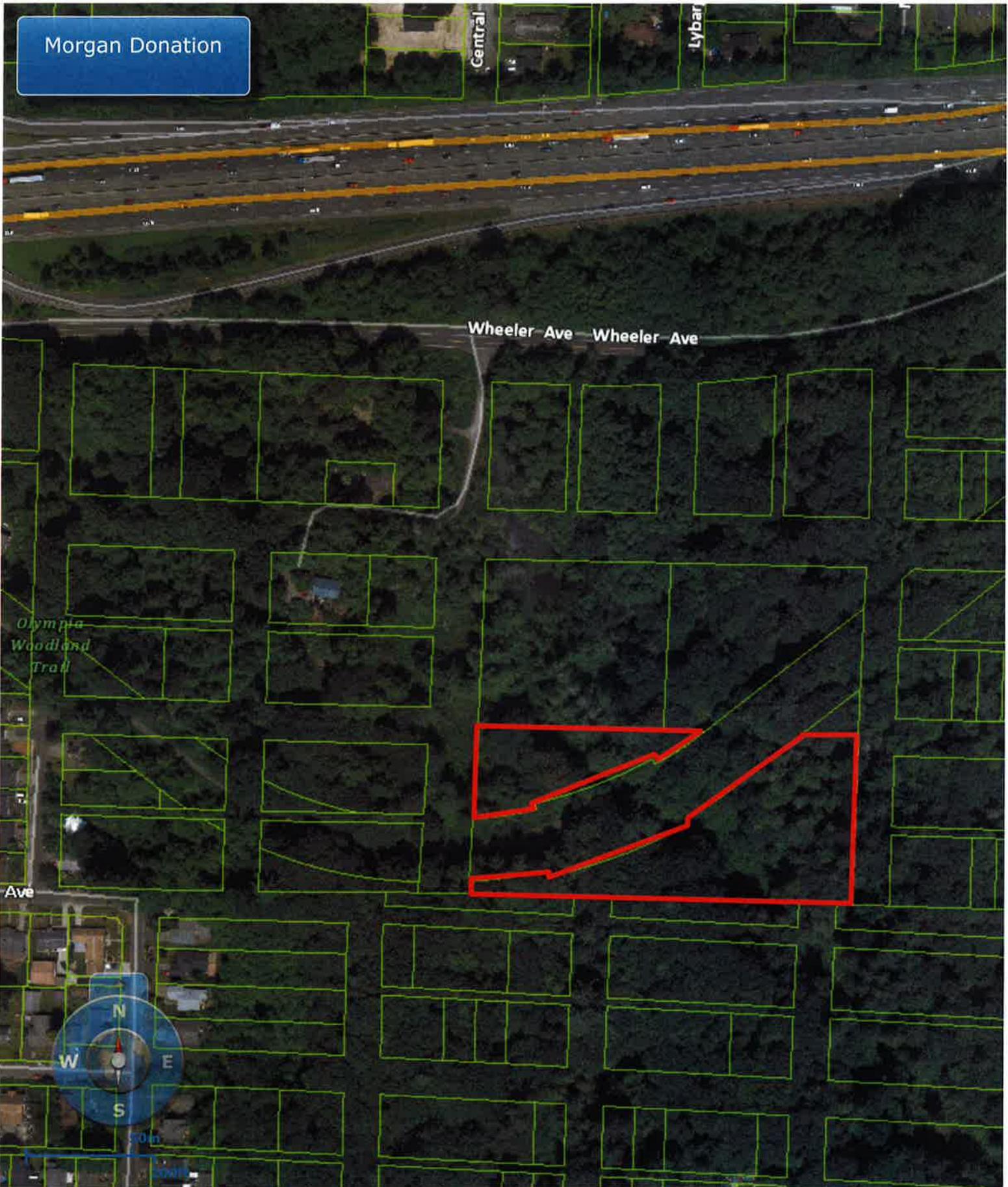
Olympia
Woodland
Trail

Ave



50m

100m



Vicinity Map
Thyssel and Morgan





November 8, 2016

Mayor Cheryl Selby
Olympia City Council
PO Box 1967
Olympia, WA 98507-1967

Dear Mayor Selby:

At our October 20, 2016 meeting, the Parks and Recreation Advisory Committee (PRAC) discussed potential property donations in the area near the Olympia Woodland Trail, particularly the segment of trail from Eastside Street to Boulevard Road.

Olympia Parks, Arts and Recreation (OPARD) recently received a parcel donation offer from Mr. David Thysell for a two acre parcel just north of the trail approximately a quarter mile from the Eastside Trailhead. The property is undeveloped and contains wetland and wooded habitat areas. The Thysell parcel is located near a number of undeveloped parcels that are owned by Thurston County. Thurston County owns these vacant parcels because the owners stopped paying the property taxes. The County is willing to transfer the parcels to the City in exchange for the City's payment of the back taxes owed on the parcels, approximately \$28,000.

PRAC discussed the benefits and drawbacks of OPARD acquiring the parcels in this area. Although this area is often impacted by encampment activity, it contains environmentally sensitive habitat, primarily wetlands, and would allow opportunities for OPARD to expand public access and use of the trail. Safety could also be better managed if the area was under City ownership. For these reasons PRAC members voted unanimously to recommend that the City Council accept the Thysell property donation, and that the City pursue other private property donations in the areas, as well as the Thurston County owned parcels.

Please let me know if you have any questions. I can be reached at (360) 431-4581 or jnieland@ci.olympia.wa.us.

Sincerely,

Jim Nieland, Chair
Parks and Recreation Advisory Committee



City Council

Approval of Ordinance Amending Wastewater Regulations for Side Sewer Ownership

Agenda Date: 3/28/2017
Agenda Item Number: 6.A
File Number: 17-0147

Type: ordinance **Version:** 1 **Status:** Other Business

Title

Approval of Ordinance Amending Wastewater Regulations for Side Sewer Ownership

Recommended Action

Committee Recommendation:

The Land Use and Environment Committee and Utilities Advisory Committee recommend approval of the ordinance amending Wastewater Regulations for Side Sewer ownership.

City Manager Recommendation:

Move to approve the ordinance amending Wastewater Regulations for Side Sewer ownership.

Report

Issue:

Whether to adopt the ordinance amending Wastewater Regulations for Side Sewer ownership which amends Olympia Municipal Code 13.08.

Staff Contact:

Diane Utter, P.E., Water Resources Engineer, 360.753.8562

Presenter(s):

Diane Utter, P.E., Water Resources Engineer

Background and Analysis:

The Olympia Municipal Code (OMC) 13.08.040 states:

... The property owner is responsible for all costs and expense incidental to the installation, connection and maintenance of a side sewer, including that portion within the city right-of-way or utility easement. The City shall not be liable for any damages or costs incurred by reason of blockage or deterioration of a side sewer, up to and including its connection with the public sewer main.

This regulation has sometimes been problematic for the City. The average side sewer is 40 years old with some as old as 100 years. Many side sewers are deep and run under public streets and cross property lines. This makes it difficult and expensive to maintain and repair. Repairs often take many months or even years to complete due to disputes with property owners. Disagreements are common

about what caused a break, exactly where the break is located, and who is required to make the repair and pay for it. Staff has spent extensive time following up with property owners to make sure needed repairs were made. More than once, the situation has resulted in a lawsuit between citizens and the City.

If breaks in side sewers do not get repaired quickly, they can cause a number of public health and safety problems. For example, side sewers have caused sink holes and sewer leaks. Also, working in the right-of-way is often difficult and hazardous.

The utility is proposing changing the regulation to address the issue of side sewer ownership and maintenance responsibilities. Staff researched the policies of other agencies in the Puget Sound region. The research showed that the City's current policy is the most common, but others exist. The City of Tumwater, for example, owns side sewers in the right-of-way if a cleanout exists at the property line. A cleanout is a pipe from the surface down to the sewer for inspection and cleaning. Staff recommends adopting a similar ordinance. Olympia Legal staff verified changing our current ownership policy is a legal option. The public benefits of changing the regulation are:

- City assets are protected (pavement, sewer mains and other utilities);
- Public and environmental health are protected (reduced sewer releases through expedient repairs); and
- Public safety is improved (safe excavations and expedient repair of sink holes).

Neighborhood/Community Interests (if known):

The amendment balances the needs of the utility and community. It more equitably spreads the cost of side sewer repairs between property owners and the wastewater utility. Staff briefed the Utility Advisory Committee (UAC) and the Land Use and Environment Committee (LUEC) about the proposed change. Both committees recommend City Council adopt the ordinance.

Options:

1. Move to adopt the Ordinance amending OMC 13.08. This allows the utility to better meet environmental and public safety goals.
2. Move to adopt the Ordinance amending OMC 13.08 with modifications. This allows the utility to better meet environmental and public safety goals which will include modifications proposed by Council.
3. Move to not adopt the Ordinance amending OMC 13.08. This allows the current ownership and maintenance of side sewers to remain in place. There will continue to be disputes between property owners and the utility.

Financial Impact:

Staff anticipates added maintenance costs. Changes will initially increase sewer pipe infrastructure by approximately 6 percent. Staff proposes increasing the spot repairs project in the Capital Facilities Plan by \$25,000, approximately 6 percent, to account for the additional pipe. The spot repair budget would be adjusted up or down after more experience with the new policy. City crews will complete many of the repairs under existing budgets.

The number of repairs will likely be small. Based on recent permit records of repairs in the public right

-of-way, there were seven known issues between 2010 and 2015. We can estimate 1-2 repairs per year, based on permit records.

Changing the regulation will save staff considerable time due to decreased disputes with property owners. This savings will free up staff to work on other utility priorities.

Attachments:

Ordinance

UAC Letter

Side Sewer Sketch

Ordinance No. _____

AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, RELATING TO WASTEWATER; AMENDING SECTIONS 13.08.010 AND 13.08.040 OF THE OLYMPIA MUNICIPAL CODE

WHEREAS, side sewer ownership and maintenance are currently the responsibility of the property owner served by sewer; and

WHEREAS, repairs of side sewers occurring under roadways are costly and difficult; and

WHEREAS, timely, competent repairs of side sewers occurring in the right-of-way is important to public safety; and

WHEREAS, timely, competent repairs of side sewers occurring in the right-of-way is important to public and environmental health; and

WHEREAS, the wastewater utility seeks to protect its assets from substandard repairs; and

WHEREAS, for the drinking water and stormwater utilities, ownership of infrastructure changes at the right-of-way line; and

WHEREAS, the proposed regulation changes were presented to the Utility Advisory Committee (UAC in October 2016); and

WHEREAS, the UAC recommended that the proposed regulation changes be forwarded to the City Council for consideration; and

WHEREAS, the proposed regulation changes were presented to the Land Use and Environment Committee (LUEC in December 2016); and

WHEREAS, the LUEC recommended that the proposed regulation changes be forwarded to the City Council for approval; and

WHEREAS, the City Council determines it to be in the best interest of the City of Olympia to amend the current wastewater regulations regarding ownership and maintenance of side sewers;

NOW, THEREFORE, THE OLYMPIA CITY COUNCIL ORDAINS AS FOLLOWS:

Section 1. Amendment of OMC 13.08.010. Olympia Municipal Code 13.08.010 is hereby amended to read as follows:

13.08.010 Definitions

For the purpose of this Article:

A. "Building sewer" means the same as "side sewer" and "service lateral".

B. "City Engineer" shall mean the City Engineer of the City of Olympia, or his/her designee, who has the duty and authority to enforce the codes and standards adopted by the City Council,

as they relate to the development and operation of the City's infrastructure by private development, including other governmental agencies, and City projects.

C. "Domestic user" shall mean any person who contributes, causes, or allows the contribution of wastewater into the POTW that is of a similar volume and/or chemical make-up as that of a residential dwelling unit. Discharges from a residential dwelling unit include flows with up to 300 mg/l of Biological Oxygen Demand and 300 mg/l of Total Suspended Solids.

D. "Downtown Deferred General Facility Charge Payment Option Area" shall mean all properties located within the area bounded by: Budd Inlet to the north; Budd Inlet and Capitol Lake on the west; Sid Snyder Avenue extending between Capitol Lake and Capitol Way, and 14th Avenue extending to Interstate 5 on the south; Interstate 5 on the southeast; Eastside Street on the east, and Olympia Avenue extending to Budd Inlet on the north.

E. "Gravity sewer system" shall mean that portion of the public sewer in which wastewater flows through pipes by means of gravity and the sewer lift stations and force mains that connect the gravity pipes in the system. S.T.E.P. and grinder pump systems, and associated low pressure mains, are not part of the gravity sewer system.

F. "Grinder pump system" shall mean a facility consisting of a holding tank, grinder pump, and pressure piping system for conveying wastewater liquid and solids into the sewer system.

G. "Industrial user" shall mean any Person with a source of discharge which does not qualify that person as a Domestic User who discharges an effluent into the POTW by means of pipes, conduits, pumping stations, force mains, tank trucks, constructed drainage ditches, intercepting ditches, and any constructed devices and appliances appurtenant thereto.

H. "Onsite sewage system" shall mean a wastewater system consisting of a tank for settling and digesting wastewater solids that disposes of effluent on the same property that produces the wastewater. This type of system is commonly called a septic system.

I. "Person" shall mean natural persons of either sex, associations, copartnerships and corporations, whether acting by themselves or by a servant, agent, or employee. The singular number includes the plural, and the masculine pronoun includes the feminine.

J. "Premises" shall mean a continuous tract of land, building or group of adjacent buildings under a single control with respect to connection to City sewer and responsibility for payment of fees and rates thereof. Subdivisions of such use or responsibility shall constitute a division into separate premises as defined in this section.

K. "Publicly Owned Treatment Works or POTW" shall mean a treatment works, as defined by Section 212 of the Federal Water Pollution Control Act, also known as the Clean Water Act (33 U.S.C. Section 1292). This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, including sanitary sewer and storm sewer collection systems, which convey wastewater to a treatment plant.

L. "Public combined sewer" shall mean that portion of the public sewer system (~~excluding side sewers~~) intended to collect both sanitary sewage and stormwater in a single sewer system and located within public rights-of-way or easements and operated and maintained by the City.

M. "Public sewer" shall mean that portion of the wastewater system (~~excluding side sewers~~) located within public rights-of-way or easements and operated and maintained by the City.

N. "Septic tank effluent pumping or S.T.E.P. system" shall mean a facility consisting of a tank or tanks for settling and digesting wastewater solids and a pressure piping system for conveying the supernatant liquid into the sewer system. Most of the wastewater solids remain in the S.T.E.P. tank and are removed periodically.

O. "Side sewer" shall mean that portion of the sewer beginning outside the outer foundation wall of a structure and extending to ~~and including~~ the connection to the public sewer main, or to the S.T.E.P. tank or to the grinder system service connection. Also referred to as a building sewer or a service lateral.

Section 2. Amendment of OMC 13.08.040. Olympia Municipal Code 13.08.040 is hereby amended to read as follows:

13.08.040 Side Sewer Installation and Maintenance

A. All connections to the public sewer shall be made in a permanent and sanitary manner, subject to the approval of the City Engineer and in accordance with the public works standard specifications, engineering design and development standards and uniform plumbing code of the City. The property owner is responsible for all costs and expense incidental to the installation, connection and maintenance of a side sewer, except as noted in sections B and C, including that portion within the city right of way or utility easement. The City shall not be liable for any damages or costs incurred by reason of blockage or deterioration of a side sewer, up to and including its connection with the public sewer main.

B. City ownership of a gravity side sewer shall be from the sewer main to the property line or easement boundary, if a cleanout exists at this point. The property owner shall own the side sewer from the premises to the cleanout at the property line or easement boundary. The property owner shall be responsible for installing and maintaining the cleanout so it is accessible to the City.

If no cleanout exists at the property line or easement boundary, the property owner shall own the side sewer from the premises to the sewer main, until the property owner installs a cleanout at the property line or easement boundary. The connection between the side sewer and the main shall be owned and maintained by the City.

City ownership of a grinder side sewer shall be between the main and the service connection. All other elements of the grinder pump system, including but not limited to, the valves, pumps and pressurized service line between the grinder pump and the service connection shall be owned and maintained by the property owner.

City ownership of S.T.E.P. side sewers shall be according to the bill of sale.

C. Regardless of ownership, the property owner shall be responsible for the removal of blockages in side sewers between the premises and the city main, including tree roots, dirt, debris, broken pieces of pipe, fats, oils, and grease, or other identifiable obstruction, if the cause of the damage or blockage originated

from the private property. The City shall not be liable for any damages or costs incurred by reason of blockage or damage to the side sewer, if the cause of the damage or blockage originated from the private property.

Section 3. 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 4. Ratification. Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

Section 5. Effective Date. This Ordinance shall take effect five (5) days after publication, as provided by law.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:



CITY ATTORNEY (SCA)

PASSED:

APPROVED:

PUBLISHED:



December 1, 2016

Olympia City Council
PO Box 1967
Olympia, WA 98507-1967

Dear Councilmembers:

SUBJECT: Wastewater Municipal Code Changes

This letter provides recommendations from the City's Utility Advisory Committee (UAC) to City Council regarding proposed wastewater municipal code changes covering three topics:

- Changes to the Septic to Sewer program to encourage more connections
- Side sewer ownership and maintenance
- Septic tank effluent pumping (S.T.E.P.) system permitting

Septic to Sewer Program

The 2013 Wastewater Plan recommends changes to the Septic to Sewer program to make connection to sewer accessible to more property owners. The changes proposed are summarized below:

- Fund a limited number of small-scale sewer extensions to assist connecting residents (current allocation is \$341,000/year). Partial reimbursement (less than \$10,000 per property) to the City would be required, potentially over time. The repayment mechanism would be simpler than the one created in 2008.
- Allow for the payment of City General Facility Charges (GFC) for onsite septic system conversions over time rather than as a lump sum payment at the time of connection.
- Allow new property owners to qualify for a GFC waiver if they connect to sewer within two years of purchasing the property.

Staff will analyze the financial implications of the proposed changes and will include the following considerations:

- City funding for a number of small-scale sewer extension projects to assist residents in converting from onsite septic systems to public sewer. The current allocation in the Capital Facilities Plan is \$341,000; some of which will be reimbursed by connecting customers.
- Financing of the City GFC over time rather than as a lump sum, only for properties converting from onsite septic systems to public sewer. This will result in revenue being delayed and an appropriate fee or interest rate charged to compensate the utility.

Side Sewer Ownership and Maintenance

Staff outlined a proposal to change the ownership and maintenance responsibilities for side sewers. The proposal aligns the ownership of wastewater side sewers more closely with the

drinking water and stormwater utilities. Failing side sewers have caused unsafe conditions including sinkholes, sewage releases and unstable repair excavations. The goal is to see that repairs under roadways are completed in a safe and timely manner with protection of the City's assets as a priority.

The financial implications of the proposed changes have been analyzed and are still an estimate. Changes will initially increase sewer pipe infrastructure by approximately six percent. Existing funding in the capital facilities plan for sewer repairs will be increased by approximately six percent to account for the change in policy.

S.T.E.P. System Permitting

The 2013 Wastewater Plan also recommends considering changes to the restrictions regarding S.T.E.P. systems. Staff is considering reducing restrictions on S.T.E.P. sewer extensions to accommodate short plats only. The goal is to encourage urban growth densities in areas where gravity sewer extension is too expensive for small properties to construct.

Staff has analyzed the financial implications of the proposed changes. Currently, approximately 450 properties are eligible to be developed using S.T.E.P. systems. Staff have evaluated subdividable properties (greater than 0.5 acres) potentially served by S.T.E.P. systems and are assuming the proposed change in regulations would result in fewer than 250 additional lots. New S.T.E.P. system infrastructure would be constructed by developers. S.T.E.P. systems do cost approximately 50 percent more to maintain than gravity sewers and would eventually need to be factored into the Wastewater Utility Operating Budget and rates as properties develop. Operations staff considers the additional S.T.E.P. systems manageable.

Recommendations to City Council

The UAC supports the changes to the municipal code regarding the Septic to Sewer program, side sewer ownership and maintenance, and S.T.E.P. system permitting as outlined by staff to the UAC on October 6, 2016. We recommend that the City pursue getting LOTT to consider similar financial incentives for converting Septic to Sewer programs, including GFC waivers and other grants, and that the City explore the possibility of LOTT's establishing a revolving fund or some similar method to help residents finance the cost of these conversions. At this point there's still some uncertainty about what these proposals will actually cost, but once staff has refined the proposed regulatory changes, we encourage the City Council to move forward on these issues.

Thank you for the opportunity to comment. Please let me know if you have any questions.

Sincerely,



THAD CURTZ

Chair

Utility Advisory Committee

TC/lm

Side Sewer Sketch





City Council

Review of the 2016 Year-End Fund Balance

Agenda Date: 3/28/2017
Agenda Item Number: 6.B
File Number: 17-0285

Type: recommendation **Version:** 1 **Status:** Other Business

Title

Review of the 2016 Year-End Fund Balance

Recommended Action

Committee Recommendation:

The Finance Committee recommends allocations of year-end funds to Council for further discussion.

City Manager Recommendation:

Review year-end fund balance and recommendations for allocations, and move to approve the Finance Committee's recommendations for allocation of year-end funds. Direct staff to prepare an ordinance to appropriate specific items to be funded from year-end funds.

Report

Issue:

Whether to approve the recommendations for 2016 year-end fund allocations.

Staff Contact:

Mary Verner, Administrative Services Director, 360-753-8499

Presenter(s):

Mary Verner, Administrative Services Director

Dean Walz, Fiscal Services Director, Administrative Services

Background and Analysis:

The City of Olympia ended 2016 with \$327,071 available for appropriation above the 10 percent reserve:

Revenues (Under Budget)	(54,904)
Expenses Under Budget	805,741
Net Resource Gain	750,837
Growth in 10% Reserve	(310,766)
Resources Used for 2017 Budget	(113,000)

Resources Available	327,071
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The Finance Committee recommends that Council direct staff to prepare an ordinance appropriating amounts found in the attached table entitled Finance Committee 2016 Year-End Fund Balance Recommendations.

Committee members discussed a lengthy list of unmet needs, and reviewed potential allocation of year-end funds while keeping in mind the financial principle of using one-time money for one-time expenses. Committee Member Jeannine Roe expressed support for more funding for code enforcement and abatement. The City Manager agreed to follow through with a more defined concept for Art/Cultural Program Enhancement. The Committee deferred to a broader Council discussion about policy research and development work that could be funded with the investment of \$100,000 in year-end funds, and agreed that a scope of work should be developed.

Neighborhood/Community Interests (if known):

Each of the proposed allocations has support from outside groups.

Options:

1. Approve the Finance Committee's recommendations for allocation of year-end funds.
2. Approve the Finance Committee's recommendations for allocation of year-end funds as amended by Council.
3. Do not approve the Finance Committee's recommendations for allocation of year-end funds.

It is not necessary to allocate any or all of the funds. Any funds not appropriated will remain in fund balance. Based on Council's decision, an ordinance to amend the budget to appropriate year-end funds will be placed on a future Council agenda.

Financial Impact:

The financial impact depends on funding allocations agreed upon by Council. Fund balance will remain at a minimum of 10% of operating reserves.

Attachments:

Finance Committee 2016 Year-End Fund Balance Recommendations
Draft Minutes of March 8, 2017 Finance Committee Meeting

Finance Committee 2016 Year End Fund Balance Recommendations

On-Going Items	Request	Recommended
Policy/Legislative Advocacy	\$ 100,000	\$ -
Code Enforcement 0.5 FTE	\$ 41,386	\$ -
Fire - Pre employment testing	\$ 118,000	\$ -
Fire Equipment Replacement funding	\$ 604,221	\$ -
Legal Prosecution Services	\$ 50,000	\$ -
Dispute Mediation Services Policy Development	\$ 5,000	\$ -

Recommended as one-time Policy Research & Development

One-Time Items	Request	Recommended
Policy Research & Development	\$ -	\$ 100,000
Code Enforcement and Abatement Fund	\$ 50,000	\$ 50,000
Downtown Strategy	\$ 50,000	\$ 50,000
Art/Cultural Program Enhancement	\$ 50,000	\$ 50,000
Comp Plan Implementation	\$ 40,000	\$ 40,000
* Study, College Education Funding & Regressive Local Tax structure	\$ 45,000	\$ -
Community Policing Options, citizen engagement	\$ 30,000	\$ -
Hazard Trees	\$ 100,000	\$ -
Council Goal Money	\$ 13,730	\$ 37,071
Sea Level Rise	\$ 50,000	\$ -
Green Power	\$ 17,000	\$ -
Library Security	\$ 200,000	\$ -
Public Process, body cameras	\$ 80,000	\$ -
Total Items	\$ 1,644,337	\$ 327,071

* This item could be funded with Policy Research & Development funds.



Meeting Minutes

Finance Committee

City Hall
601 4th Avenue E
Olympia, WA 98501

Information: 360.753.8244

Wednesday, March 8, 2017

5:00 PM

Room 207

1. CALL TO ORDER

Chair Cooper called the meeting to order at 5:07 p.m.

2. ROLL CALL

Present: 3 - Chair Jim Cooper, Committee member Jessica Bateman and Committee member Jeannine Roe

3. APPROVAL OF AGENDA

The agenda was approved.

4. APPROVAL OF MINUTES

4.A 17-0253 Approval of February 8, 2017 Finance Committee Meeting Minutes

The minutes were approved.

5. COMMITTEE BUSINESS

5.A 17-0179 Discussion with Washington Center for the Performing Arts

Washington Center for the Performing Arts (Center) Executive Director Jill Barnes, Center Chair Jim Haley, and Center Development Director Jocelyn Wood attended the meeting to provide a financial update. Ms. Barnes presented folders with income trajectory information as well as sample marketing materials. She highlighted several events and programs the Center worked on over the last year to increase revenue. Efforts include:

- Cultivated new and existing donorships through their "Friends" program
- Increased number of building tours - People are taking ownership
- Uncorked and Unplugged event - This year's event will be April 12 from 5:30 p.m. to 7:00 p.m.
- Improved donor recognition using banners in the lobby
- Increasing community awareness that the Center is a non-profit in need of donors/sponsors
- Increased sponsorships by \$25,000 over the previous year with 14 new sponsors
- Hosted the first Center Stage Awards with local talent providing entertainment. It was a huge success and this year's Awards will be September 23.
- Raised \$50,000 for capital improvements - the most raised in one year since the

mid-1990s

Mr. Haley believes the positive results they are seeing are due to Ms. Wood's efforts in growing community relationships. He and Ms. Wood agreed it is a slow, long-term process. Committee member Roe (who is also Council liaison to the Center) commended Center staff on their work. Chair Cooper noted the City's funding of Ms. Wood's position appears to have been a good investment. He reminded everyone her position is funded through 2017 and would be reevaluated at a later time.

The discussion was completed.

5.B 17-0187 Discussion of 2016 Year-end Financial Position

Administrative Services Director Mary Verner presented a list of items discussed during 2017 budget deliberations. \$327,071 is available to assign. Fiscal Services Director Dean Walz clarified assignments will be used in financial reporting. Mr. Hall reminded everyone these are one-time funds and should be assigned to one-time items.

Assignment recommendations:

- Downtown Strategy - \$50,000
- Arts/Culture RFP - \$50,000
- Comp Plan - \$40,000
- Policy/Legislative Advocacy (Support) - \$100,000
- Code Enforcement Fund - \$50,000
- Council Goal Money - \$37,071
- Total - \$327,071

Mr. Hall asked Community Planning & Development Director Keith Stahley for an update on hazard trees. Mr. Stahley indicated \$64,000 would be required to take care of 2017 hazard tree areas of concern.

Citizen Karen Messmer brought up the fact that Finance Committee has mentioned taking a possible safety measure to voters. She reminded the Committee that a public safety measure was passed in July 2012. She cautioned about asking the voters for more money when the public may not know where the current public safety money is going. She posited the Committee needs to demonstrate a greater flexibility of ideas -- they should be asking departments for suggestions on making cuts rather than only asking for more money from citizens. The Committee thanked Ms. Messmer for her comments.

DRAFT

Chair Cooper moved, seconded by Committee member Roe, to assign \$327,071 from the 2016 fund balance to the 2017 budget. The motion was approved unanimously.

Chair Cooper moved, seconded by Committee member Bateman, to refer the Chair/City Manger assignment recommendations to the full Council. The

motion was approved unanimously.

5.C 17-0181 Discussion on Funding Options for a Sustainable Budget

Ms. Verner and Mr. Hall presented funding options for a sustainable budget. Mr. Hall stated the utility tax and business and occupation (B&O) tax are the two sources we have available to raise the most revenue. He expressed concern that raising the B&O tax might impede our recent economic development efforts. The other way to increase revenue requires going to the voters and time is growing short to get a measure on the ballot. Chair Cooper wants to pay special attention to how any increases will affect low-income citizens.

The Committee asked to add City efficiencies back into the presentation and conversation with the public so it doesn't appear that we are strictly focused on generating revenue. Ms. Bateman asked for a summary of ballot measures over the last 10-15 years and what the results were. She also asked for information and impacts of an increase in the B&O tax and what our availability to levy looks like.

The discussion was completed.

6. REPORTS AND UPDATES

Chair Cooper announced he will be out of town on the second Wednesday of April, May, and June. The Committee agreed to keep the meeting dates as scheduled and Chair Cooper will participate in the meetings by teleconference.

7. ADJOURNMENT

Chair Cooper adjourned the meeting at 6:32 p.m.