



Meeting Agenda

City Council

City Hall
601 4th Avenue E
Olympia, WA 98501

Information: 360.753.8244

Tuesday, January 23, 2018

7:00 PM

Council Chambers

1. OPENING

1.A ROLL CALL

1.B ANNOUNCEMENTS

1.C APPROVAL OF AGENDA

- 1.D** [18-0068](#) Consideration of a Resolution Expressing City Council Support for the Olympia School District No. 111 - Technology and Capital Projects Levy

Attachments: [Resolution](#)
[Informational Flyer](#)

*** The public will be given an opportunity to speak for or against this resolution. ***

2. SPECIAL RECOGNITION - None

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** [18-0064](#) Approval of January 9, 2018 City Council Special Meeting with District 22

Legislators Minutes

Attachments: [Minutes](#)

- 4.B [18-0065](#) Approval of January 9, 2018 City Council Meeting Minutes
Attachments: [Minutes](#)
- 4.C [18-0066](#) Approval of January 9, 2018 Study Session Meeting Minutes
Attachments: [Minutes](#)
- 4.D [18-0087](#) Approval of January 16, 2018 Study Session Meeting Minutes
Attachments: [Minutes](#)
- 4.E [18-0009](#) Bills and Payroll Certification
Attachments: [Bills and Payroll](#)
- 4.F [18-0052](#) Approval of a Resolution Confirming Authority of the City Manager to Sign the Interlocal Agreement Between the Cities of Olympia, Lacey and Yelm for Implementing Deschutes Water Rights Mitigation Strategy - Phase V
Attachments: [Resolution](#)
[Expense Table](#)
- 4.G [18-0086](#) Approval of Resolution Authorizing Amendment of the Agreed Order Between the Department of Ecology, the Port of Olympia, the City of Olympia, and LOTT for the East Bay Redevelopment Site
Attachments: [Resolution](#)
[Agreed Order Amendment](#)

4. SECOND READINGS (Ordinances) - None**4. FIRST READINGS (Ordinances) - None****5. PUBLIC HEARING**

- 5.A [18-0001](#) Public Hearing on 14th Avenue/Walnut Road Speed Limit Reduction
Attachments: [Ordinance](#)
[Investigation for Change in Speed Limit](#)

6. OTHER BUSINESS

- 6.A [18-0085](#) Public Safety Implementation Plan Update
Attachments: [Implementation Plan Presentation](#)

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

Consideration of a Resolution Expressing City Council Support for the Olympia School District No. 111 - Technology and Capital Projects Levy

Agenda Date: 1/23/2018
Agenda Item Number: 1.D
File Number: 18-0068

Type: resolution **Version:** 1 **Status:** Resolution-Not Consent

Title

Consideration of a Resolution Expressing City Council Support for the Olympia School District No. 111 - Technology and Capital Projects Levy

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Accept testimony from everyone who wishes to speak for or against the Levy.

Motion if Council wishes support the Levy: Move to Adopt the Resolution Expressing City Council Support for the Olympia School District No. 111 Proposition No. 1 - Technology and Capital Projects Levy

No action is needed if Council does not wish to adopt the Resolution.

Report

Issue:

Whether the City Council will adopt the resolution expressing City Council support for the Olympia School District No. 111 - Technology and Capital Projects Levy

Staff Contact:

Susan Grisham, Executive Assistant - 360.753.8244

Background and Analysis:

The City Council has been asked to adopt a Resolution expressing support for the Olympia School District No. 111 - Technology and Capital Projects Levy.

Per State law, any action taken by the Council to support or oppose a ballot proposition must be done at an open public meeting with an opportunity for anyone to comment prior to Council action.

Options:

1. Approve the Resolution as presented.
2. Amend, then take action to approve the Resolution as amended.
3. Do not take any action.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OLYMPIA, WASHINGTON, EXPRESSING COUNCIL SUPPORT FOR OLYMPIA SCHOOL DISTRICT NO. 111 PROPOSITION NO. 1, TECHNOLOGY AND CAPITAL PROJECTS REPLACEMENT LEVY, TO BE PRESENTED TO THE ELECTORATE ON FEBRUARY 13, 2018.

WHEREAS, Olympia School District No. 111 Proposition No. 1 will be presented to the voters at a special election on February 13, 2018, with the following official Ballot title:

PROPOSITION NO. 1

OLYMPIA SCHOOL DISTRICT NO. 111

TECHNOLOGY AND CAPITAL PROJECTS REPLACEMENT LEVY

The Board of Directors of Olympia School District passed Resolution No. 564 concerning a proposition to finance technology and capital projects. This proposition would authorize the District to modernize District facilities by acquiring, developing and implementing computer technology systems, and facilities for operations and instruction and capital administrative expenses, and other capital project expenditures to improve safety, by levying the following excess taxes, in place of an expiring levy, all as provided in Resolution No. 564 on all taxable property within the District:

Collection Years	Approximate Levy Rate/\$1,000 Assessed Value	Levy Amount
2019	\$0.87	\$8,178,296
2020	\$0.87	\$8,575,771
2021	\$0.85	\$8,895,271
2022	\$0.89	\$9,776,618

Should this proposition be approved?

- ☐ Yes
☐ No

and

WHEREAS, this levy would authorize the Olympia School District to continue a four-year technology and capital projects levy to support increased student access to technology and fund districtwide safety improvement projects; and

WHEREAS, the proposed replacement levy is not a new tax; it would re-authorize the Olympia School District's existing technology and capital projects levy, which expires in 2018; and

WHEREAS, the City Council recognizes that the Olympia School District, in partnership with staff, families and community, provides challenging opportunities for all students to be successful and become responsible and contributing citizens in our community; and

WHEREAS, public education is a critical cornerstone of building a sense of community and maintaining a high quality of life in Olympia, as well as preparing the next generation to be responsible citizens; and

WHEREAS, the Olympia School District has shown responsible management and strong leadership in the use of public funds; and

WHEREAS, the City Council believes this levy is important to maintaining the high quality of education in the Olympia School District; and

WHEREAS, in accordance with RCW 42.17A.555(1), the opportunity for public statements and comments was afforded by the City Council to members of the public;

NOW, THEREFORE, THE OLYMPIA CITY COUNCIL DOES HEREBY RESOLVE that it supports the Olympia School District No. 111's Technology and Capital Projects Levy, Proposition No. 1, to be presented to the electorate on February 13, 2018.

PASSED BY THE OLYMPIA CITY COUNCIL this _____ day of _____ 2018.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:



CITY ATTORNEY



OLYMPIA SCHOOL DISTRICT

Technology & Safety Replacement Levy



School Board approves technology & safety replacement levy proposal

The Olympia School Board has unanimously agreed to place a technology and safety replacement levy proposal before voters in February to help pay for increased student access to technology, as well as safety projects districtwide. The board passed a resolution in October to include the technology and safety levy renewal on the February 13, 2018 Special Election ballot.

"This levy proposal reflects a continuation of our efforts to make technology accessible to all students and prepare them for success now and into the future as they move on to college and careers and become global digital citizens," said Board President Frank Wilson. "This is about equity and increasing access, while also moving us forward in the area of safety."

The proposed levy is NOT a new tax

The measure on the February 2018 ballot would continue a four-year technology and safety levy approved by voters in 2014. The new four-year levy would raise an estimated \$35.4 million (2019-2022).

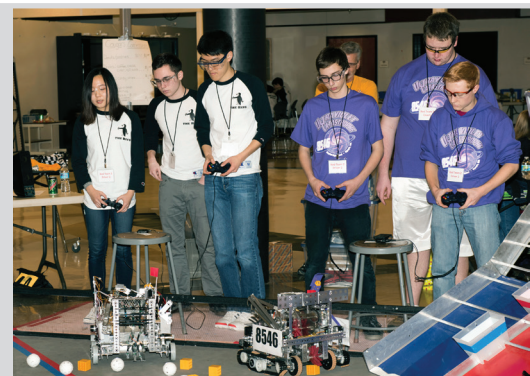
The total proposed tax rate for school levies in 2019-2022 would remain the same as or be lower than the total tax rate for 2017 school levies.

How much will the levy cost?

The estimated levy rate depends on the final dollar amount of assessed value of property within the school district. Based on information to date from the county assessor's office, the projected levy rate for the proposed measure is \$.87 per \$1,000 of assessed valuation for collection in 2019 and 2020, \$.85 cents per \$1,000 in 2021, and \$.89 cents per \$1,000 in 2022.

Year	Estimated Rate (per \$1,000 Value)	Levy Amount
2019	\$0.87	\$8,178,296
2020	\$0.87	\$8,575,771
2021	\$0.85	\$8,895,271
2022	\$0.89	\$9,776,618
		\$35.4 Million

With the technology and safety levy of \$.87 per \$1,000 of assessed value projected in 2019, the owner of a \$250,000 home would pay about \$18 a month, or \$217 a year.



Among other things, the replacement levy would fund new and continued technology and safety initiatives including:

- **Expanding the number of computers to a one-to-one model** (one computer for every student) in grades 3-12, and one computer for every two students in kindergarten through grade 2.
- **Purchasing enough computers for middle and high schools** so each student can be assigned a portable device to take home daily.
- **Expanding assistive technology devices for students with special needs.**
- **Expanding internet access at home.** Money is budgeted to provide internet support through means such as mobile Wi-Fi "hotspots," which are essentially compact, portable wireless access points providing internet access to mobile devices like a laptop for students from low-income families.
- **Installing up-to-date classroom display systems, document cameras, and video conferencing systems.**
- **Providing support and training for teachers and other staff** as they integrate new technology into classrooms, and teach students how to use technology in a safe, responsible way.
- **Installing a new paging and intercom system in schools throughout the district.** This would ensure that students and staff are notified of an emergency more quickly and effectively.
- **Updating from analog to digital radios on school buses to improve connectivity,** including in far-reaching areas of the district with little to no reception.
- **Adding an identification card system on school buses** that records when students get on and off a bus; and marks transactions by Global Positioning System (GPS).
- **Developing more digital online curriculum,** thus reducing the number of books a student carries to and from school.



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601 4th Avenue E.
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360-753-8244

City Council

Approval of January 9, 2018 City Council Special Meeting with District 22 Legislators Minutes

Agenda Date: 1/23/2018
Agenda Item Number: 4.A
File Number: 18-0064

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

Title

Approval of January 9, 2018 City Council Special Meeting with District 22 Legislators Minutes



Meeting Minutes - Draft

City Council

City Hall
601 4th Avenue E
Olympia, WA 98501

Information: 360.753.8244

Tuesday, January 9, 2018

7:30 AM

Council Chambers

Joint Meeting with District 22 Legislators

1. ROLL CALL

Present: 7 - Mayor Cheryl Selby, Mayor Pro Tem Nathaniel Jones, Councilmember Jessica Bateman, Councilmember Jim Cooper, Councilmember Clark Gilman, Councilmember Lisa Parshley and Councilmember Renata Rollins

2. BUSINESS ITEM

2.A [18-0036](#) Meeting with State Legislators

Mayor Selby opened the meeting and thanked the 22nd District legislators for taking time out of their busy schedules to meet with the Council. Senator Hunt, Representative Doglio and Representative Dolan shared their overview of the year's upcoming legislative session.

Mayor Selby discussed the City's 2018 Legislative agenda which supports solutions to critical issues for residents of the Capital City and beyond. Councilmembers and staff discussed the City's legislative priorities.

They City's top legislative priorities are:

- State resources and support to address homelessness, affordable housing, mental health and chemical dependency services.
- Funding for new US 101 Interchange ramps in West Olympia.
- Funding to do the work of the Capital Lake/Deschutes EIS Process.
- Tying property tax revenue growth to population and inflation.

Legislators and Councilmembers asked clarifying questions and the group discussed issues.

The discussion was completed.

3. ADJOURNMENT

The meeting adjourned at 8:45 a.m.



City Hall
601 4th Avenue E.
Olympia, WA 98501
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City Council

Approval of January 9, 2018 City Council Meeting Minutes

Agenda Date: 1/23/2018
Agenda Item Number: 4.B
File Number: 18-0065

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

Title

Approval of January 9, 2018 City Council Meeting Minutes



Meeting Minutes - Draft

City Council

City Hall
601 4th Avenue E
Olympia, WA 98501

Information: 360.753.8244

Tuesday, January 9, 2018

7:00 PM

Council Chambers

1. ROLL CALL

Present: 7 - Mayor Cheryl Selby, Mayor Pro Tem Nathaniel Jones, Councilmember Jessica Bateman, Councilmember Jim Cooper, Councilmember Clark Gilman, Councilmember Lisa Parshley and Councilmember Renata Rollins

1.A ANNOUNCEMENTS

Mayor Selby announced the Council met earlier in the day with the 22nd legislative delegation and earlier in the evening for a Study Session.

1.B APPROVAL OF AGENDA

The agenda was approved.

2. SPECIAL RECOGNITION

2.A [18-0023](#) Swearing in of Newly Elected Councilmembers

Councilmember Jim Cooper was sworn in by Representative Beth Doglio.
Councilmember Lisa Parshley was sworn in by Representative Laurie Dolan.
Councilmember Renata Rollins was sworn in by Meta Hogan.
Councilmember Clark Gilman was sworn in by Port Commissioner EJ Zita.

Councilmembers made comments and shared thanks.

The recognition was received.

3. PUBLIC COMMUNICATION

The following people spoke: Phoenix Wendt, Erica Saylor, Eileen McKenzie Sullivan, Dolores Lowman, Bobby Snyder, Boudicca Walsh, Nicholas Hefling, John Pettit, Terry Ballard and Bev Bassett.

COUNCIL RESPONSE TO PUBLIC COMMUNICATION (Optional)

4. CONSENT CALENDAR

4.A [18-0046](#) Approval of December 19, 2017 City Council Meeting Minutes

The minutes were approved.

- 4.B** [18-0024](#) Approval of Resolution and Lease Agreement for Senior Services for South Sound

The resolution was adopted.

- 4.C** [18-0025](#) Approval of Resolution Approving Terms and Conditions of Lease Agreement and Authorizing the City Manager to Execute a Lease for Premises

The resolution was adopted.

Approval of the Consent Agenda

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

Aye: 7 - Mayor Selby, Mayor Pro Tem Jones, Councilmember Bateman, Councilmember Cooper, Councilmember Gilman, Councilmember Parshley and Councilmember Rollins

4. SECOND READINGS (Ordinances) - None

4. FIRST READINGS (Ordinances) - None

5. PUBLIC HEARING - None

6. OTHER BUSINESS

- 6.A** [18-0006](#) Poetry Reading by Olympia's Poet Laureate

Arts Program Specialist Angel Nava introduced Olympia's Poet Laureate.

Olympia Poet Laureate Amy Solomon-Minarchi gave an overview of the work she has done over the past year and plans for the coming year.

She read four haiku poems.

Councilmembers thanked Ms. Solomon-Minarchi for her work as Poet Laureate.

7. CONTINUED PUBLIC COMMUNICATION

8. REPORTS AND REFERRALS

8.A COUNCIL INTERGOVERNMENTAL/COMMITTEE REPORTS AND REFERRALS

Councilmembers reported on meetings and events attended.

Mayor Pro Tem Jones made a referral to staff regarding a lawsuit, Janus vs AFSCME, about union fair share fees, to develop a recommendation to determine if the City should participate in an amicus brief regarding this issue.

8.B CITY MANAGER'S REPORT AND REFERRALS

City Manager Steve Hall had no reports.

9. ADJOURNMENT

The meeting adjourned at 8:36 p.m.



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

City Council

Approval of January 9, 2018 Study Session Meeting Minutes

Agenda Date: 1/23/2018
Agenda Item Number: 4.C
File Number: 18-0066

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

Title

Approval of January 9, 2018 Study Session Meeting Minutes



Meeting Minutes - Draft

City Council

City Hall
601 4th Avenue E
Olympia, WA 98501

Information: 360.753.8244

Tuesday, January 9, 2018

5:30 PM

Council Chambers

Study Session

1. ROLL CALL

Present: 7 - Mayor Cheryl Selby, Mayor Pro Tem Nathaniel Jones, Councilmember Jessica Bateman, Councilmember Jim Cooper, Councilmember Clark Gilman, Councilmember Lisa Parshley and Councilmember Renata Rollins

2. BUSINESS ITEM

2.A [18-0010](#) Citizen Survey Results and Community Indicator Dashboard

Senior Planner Stacey Ray gave introduced Stuart Elway, of Elway Research, Inc., who will be co-presenting with her this evening.

She and Stuart provided overviews of the Citizen Survey and the Community Indicator Dashboard. She noted our City's vision was adopted with the last major update to the Comprehensive Plan in 2014. Since the adoption of the Comprehensive Plan, the City developed an Action Plan as a way to identify what strategies and actions that will move the City towards achieving that vision. For the first time, there is an established dashboard of indicators to help track and report progress.

Mr. Elway discussed the Citizen Survey and the methods used; 548 adults, using online landline and cellphone participants, between November 27 - December 9 2017. He reviewed the demographics of the participants, ratings and collected data.

Ms. Ray noted the survey was funded in 2016 with end-of-year funds, and one of the primary drivers was to establish baseline data for several indicators on the Community Indicator Dashboard. She reviewed the Dashboard, which includes 31 total community indicators.

Councilmembers asked clarifying questions.

The study session was completed.

3. ADJOURNMENT

The meeting adjourned at 6:33 p.m.



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

City Council

Approval of January 16, 2018 Study Session Meeting Minutes

Agenda Date: 1/23/2018
Agenda Item Number: 4.D
File Number: 18-0087

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

Title

Approval of January 16, 2018 Study Session Meeting Minutes



Meeting Minutes - Draft

City Council

City Hall
601 4th Avenue E
Olympia, WA 98501

Information: 360.753.8244

Tuesday, January 16, 2018

5:30 PM

Council Chambers

Study Session

1. ROLL CALL

Present: 7 - Mayor Cheryl Selby, Mayor Pro Tem Nathaniel Jones, Councilmember Jessica Bateman, Councilmember Jim Cooper, Councilmember Clark Gilman, Councilmember Lisa Parshley and Councilmember Renata Rollins

2. BUSINESS ITEMS

2.A [18-0057](#) Joint Meeting of the City of Olympia and the Olympia School District

Assistant Parks Director Scott River and Assistant Superintendent Jennifer Priddy gave an overview of the City of Olympia Parks agreement with the Olympia School District (OSD) regarding the keeping and use of ball fields.

Superintendent Patrick Murphy gave a summary of how the most recent State Budget impacts the OSD. There were many good things, but a big part of the McCleary case it was noted that schools were relying too much on local communities to support schools. The changes brought forward because of McCleary is creating a large loss of funding for Olympia schools.

Assistant Public Works Director Mark Russell and Olympia Police Department Lieutenant Dan Smith gave an update on Pedestrian Safety & City Construction.

City Manager Steve Hall noted the Westside Police station will be moving to a nearby location. The old station will be removed due to asbestos and lead issues.

Ms. Priddy shared completed construction projects in schools.

Councilmembers and School Board members asked clarifying questions and discussed the topics.

The discussion was completed.

2.B [18-0059](#) Downtown Ambassador and Clean Team Status Report

Community Planning and Development Director Keith Stahley gave an update on the Ambassador and Clean Team Program that came under City management beginning

January 1. He discussed the deep clean of downtown that occurred on January 2 that was done by the Ambassadors, Clean Team and City staff. The next one will occur sometime in the spring.

Councilmembers asked clarifying questions.

The report was received.

2.C [18-0072](#) 2018 Legislative Overview

Lobbyists Jennifer Ziegler and Debora Munguia gave an overview of the 2018 Legislative Session.

They gave an introduction, some background on the Legislative session, potential legislative issues, the status of Olympia's priorities this session and next steps.

Councilmembers asked clarifying questions.

The report was received.

3. ADJOURNMENT

The Meeting adjourned at 8:00 p.m.



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

City Council

Bills and Payroll Certification

Agenda Date: 1/23/2018
Agenda Item Number: 4.E
File Number: 18-0009

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 FULLY RENDERED OR THE LABOR PERFORMED AS DESCRIBED HEREIN, THAT ANY ADVANCE PAYMENT IS DUE AND PAID, THAT NO CONTRACT OR IS AVAILABLE AS AN OPTION FOR FULL OR PARTIAL FULFILLMENT OF A CONTRACTUAL OBLIGATION ARE JUST, DUE AND UNPAID OBLIGATIONS AGAINST THE CITY OF OLYMPIA, AND THAT I AM AUTHORIZED TO AUTHORIZE TO SAID CLAIMS", AND,

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

FOR PERIOD	<u>12/31/2017</u>		<u>1/6/2018</u>
FOR A/P ACH PAYMENTS and A/P CHECKS NUMBERED	<u>3696299</u>	THROUGH	<u>3696467</u>
FOR OTHER ELECTRONIC PAYMENTS DATED	<u> </u>	THROUGH	<u> </u>

INCLUSIVE IN THE AMOUNT TOTALING

DATED	ADMINISTRATIVE SERVICES DIRECTOR
<u>1-8-18</u>	

TOTAL APPROVED FOR PAYMENT

FUND		
\$965,980.79	001	GENERAL FUND
\$0.00	002	SHOP FACILITIES
\$497.13	003	REVOLVING ACCOUNT FUND
\$0.00	004	URBAN ARTERIAL FUND
\$3,600.00	006	
\$3,015.48	007	
\$23,219.72	014	
\$0.00	21	Washington Center Endow
\$35,496.82	025	WASHINGTON CENTER
\$199.90	026	MUNICIPAL ARTS FUND
\$0.00	029	EQUIP & FACIL REPLACE RES
\$32,022.37	107	HUD
\$0.00	108	HUD
\$0.00	127	IMPACT FEES
\$0.00	130	SEPA MITIGATION FUND
\$20,357.63	132	LODGING TAX FUND
\$0.00	133	ARTS AND CONFERENCE FUND
\$0.00	134	PARKS AND REC SIDEWALK UT TAX
\$6,034.05	135	PARKING BUSINESS IMP AREA
\$0.00	136	FARMERS MKRT REPAIR/REPLC
\$9,039.00	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
\$0.00	230	LTGO Bond Fund 2016
\$24,225.15	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
\$21,534.80	401	WATER
\$1,306.88	402	SEWER
\$3,281.95	403	SOLID WASTE
\$4,789.38	404	STORM AND SURFACE WATER
\$0.00	418	
\$0.00	434	STORM AND SURFACE WATER CIP
\$0.00	461	WATER CIP FUND
\$492.00	462	SEWER CIP FUND
\$60.04	501	EQUIPMENT RENTAL
\$0.00	502	C. R. EQUIPMENT RENTAL
\$0.00	503	UNEMPLOYMENT COMPENSATION
\$1,894,905.00	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
\$0.00	682	LAW ENFORCEMENT RECORD MGMTSYS
\$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



\$3,050,058.07 GRAND TOTAL FOR WEEK

CITY OF OLYMPIA
EXPENDITURE SUMMARY

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

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

FOR PERIOD 12/17/2017 12/23/2017
FOR A/P ACH PAYMENTS and A/P CHECKS NUMBERED 3695243 THROUGH 3695902
FOR OTHER ELECTRONIC PAYMENTS DATED THROUGH

INCLUSIVE IN THE AMOUNT TOTALING

DATED

12/27/17

ADMINISTRATIVE SERVICES DIRECTOR

Steven Wiley

TOTAL APPROVED FOR PAYMENT

FUND		
\$835,969.44	001	GENERAL FUND
\$0.00	002	SHOP FACILITIES
\$0,897.26	003	REVOLVING ACCOUNT FUND
\$0.00	004	URBAN ARTERIAL FUND
\$5,000.00	006	
\$6,902.64	007	
\$13,387.63	014	
\$0.00	025	WASHINGTON CENTER
\$500.00	026	MUNICIPAL ARTS FUND
\$785.37	029	EQUIP & FACIL REPLACE RES
\$0.00	107	HUD
\$0.00	108	HUD
\$0.00	127	IMPACT FEES
\$0.00	130	SEPA MITIGATION FUND
\$8,987.27	132	LODGING TAX FUND
\$0.00	133	ARTS AND CONFERENCE FUND
\$0.00	134	PARKS AND REC SIDEWALK UT TAX
\$375.00	135	PARKING BUSINESS IMP AREA
\$0.00	136	FARMERS MKRT 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	LTGO 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
\$0.00	230	LTGO Bond Fund 2016
\$56,465.11	317	CIP
\$0.00	322	4/5th AVE CORRIDOR/BRIDGE
\$0.00	323	CIP CONSTR FUND - PARKS
\$0.00	324	FIRE STATION 4 CONSTRUCT
\$48,258.27	325	CITY HALL CONST
\$0.00	326	TRANSPORTATION CONST
\$0.00	329	GO BOND PROJECT FUND
\$0.00	331	FIRE EQUIPMENT REPLACEMENT FUND
\$46,038.28	401	WATER
\$8,995.88	402	SEWER
\$381,257.54	403	SOLID WASTE
\$14,944.54	404	STORM AND SURFACE WATER
\$0.00	418	
\$46,587.46	434	STORM AND SURFACE WATER CIP
\$300.00	461	WATER CIP FUND
\$81,184.15	462	SEWER CIP FUND
\$11,075.33	501	EQUIPMENT RENTAL
\$479,330.61	502	C. R. EQUIPMENT RENTAL
\$0.00	503	UNEMPLOYMENT COMPENSATION
\$0.00	504	INS TRUST FUND
\$0.00	506	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	652	LAW ENFORCEMENT RECORD MGMTSYS
\$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

\$2,056,231.78 GRAND TOTAL FOR WEEK

DEC 28 2017

CITY OF OLYMPIA
EXPENDITURE SUMMARY

I, THE UNDERSIGNED, DO HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE MATERIALS HAVE BEEN RENDERED OR THE LABOR PERFORMED AS DESCRIBED HEREIN, THAT ANY ADVANCE PAYMENT IS DUE AND PAID, THAT NO CONTRACT OR IS AVAILABLE AS AN OPTION FOR FULL OR PARTIAL FULFILLMENT OF A CONTRACTUAL OBLIGATION, THAT THE CLAIMS ARE JUST, DUE AND UNPAID OBLIGATIONS AGAINST THE CITY OF OLYMPIA, AND THAT I AM AUTHORIZED TO AUTHORIZE TO SAID CLAIMS", AND,

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

FOR PERIOD	<u>12/24/2017</u>		<u>12/30/2017</u>
FOR A/P ACH PAYMENTS and A/P CHECKS NUMBERED	<u>3695903</u>	THROUGH	<u>3696298</u>
FOR OTHER ELECTRONIC PAYMENTS DATED	<u> </u>	THROUGH	<u> </u>

INCLUSIVE IN THE AMOUNT TOTALING

DATED

1-4-2018

ADMINISTRATIVE SERVICES DIRECTOR

Robbie K. Sullivan

TOTAL APPROVED FOR PAYMENT

FUND		
\$610,823.28	001	GENERAL FUND
\$0.00	002	SHOP FACILITIES
\$2,813.41	003	REVOLVING ACCOUNT FUND
\$0.00	004	URBAN ARTERIAL FUND
\$26,308.45	006	
\$10,320.87	007	
\$913.32	014	
\$7,533.09	21	Washington Center Endow
\$488.34	025	WASHINGTON CENTER
\$21.64	026	MUNICIPAL ARTS FUND
\$69.11	029	EQUIP & FACIL REPLACE RES
\$0.00	107	HUD
\$0.00	108	HUD
\$0.00	127	IMPACT FEES
\$0.00	130	SEPA MITIGATION FUND
\$39,893.70	132	LODGING TAX FUND
\$0.00	133	ARTS AND CONFERENCE FUND
\$0.00	134	PARKS AND REC SIDEWALK UT TAX
\$324.90	135	PARKING BUSINESS IMP AREA
\$0.00	136	FARMERS MKRT 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
\$0.00	230	LTGO Bond Fund 2016
\$141,607.47	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
\$119,929.31	401	WATER
\$16,139.73	402	SEWER
\$20,471.46	403	SOLID WASTE
\$10,589.25	404	STORM AND SURFACE WATER
\$0.00	418	
\$36,187.06	434	STORM AND SURFACE WATER CIP
\$0.00	461	WATER CIP FUND
\$80.00	462	SEWER CIP FUND
\$48,380.02	501	EQUIPMENT RENTAL
\$15,176.70	502	C. R. EQUIPMENT RENTAL
\$250.00	503	UNEMPLOYMENT COMPENSATION
\$5,331.20	504	INS TRUST FUND
\$1,120.00	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
\$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
\$20,671.60	720	SCHOOLS

\$1,135,443.91 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 **12/15/2017** have been examined and are approved as recommended for payment.

Employees Net Pay: \$ 1,410,108.89

Fire Pension Net Pay:

Employer Share of Benefits:	\$	710,853.30
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Employer Share of LEOFF I	
Police Post-Retirement Benefits:	\$ -

Employer Share of LEOFF I	
Fire Post-Retirement Benefits:	\$ -

TOTAL	\$ 2,120,962.19
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Payroll Check Numbers	<u>90935</u>	<u>90937</u>	Manual Checks
And	<u> </u>	<u> </u>	Fire Pension Checks
And	<u> </u>	<u> </u>	Manual Checks
And	<u>90938</u>	<u>90992</u>	Semi Payroll Checks

and Direct Deposit transmission.

12/18/2017
DATE


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 **12/31/2017** have been examined and are approved as recommended for payment.

Employees Net Pay:	<u>\$ 1,377,266.33</u>
Fire Pension Net Pay:	<u>\$ 29,331.06</u>
Employer Share of Benefits:	<u>\$ 720,010.71</u>
Employer Share of LEOFF I Police Post-Retirement Benefits:	<u>\$ 26,211.17</u>
Employer Share of LEOFF I Fire Post-Retirement Benefits:	<u>\$ 17,877.52</u>
TOTAL	<u><u>\$ 2,170,696.79</u></u>

Payroll Check Numbers	<u>-</u>	<u>-</u>	Manual Checks
And	<u>90993</u>	<u>90997</u>	Fire Pension Checks
And	<u>90998</u>	<u>90999</u>	Manual Checks
And	<u>91000</u>	<u>91038</u>	Semi Payroll Checks

and Direct Deposit transmission.

1/4/2018
DATE

Darbio L. Sullivan
ADMINISTRATIVE SERVICES DIRECTOR



City Council

Approval of a Resolution Confirming Authority of the City Manager to Sign the Interlocal Agreement Between the Cities of Olympia, Lacey and Yelm for Implementing Deschutes Water Rights Mitigation Strategy - Phase V

Agenda Date: 1/23/2018
Agenda Item Number: 4.F
File Number: 18-0052

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

Title

Approval of a Resolution Confirming Authority of the City Manager to Sign the Interlocal Agreement Between the Cities of Olympia, Lacey and Yelm for Implementing Deschutes Water Rights Mitigation Strategy - Phase V

Recommended Action

Committee Recommendation:

Not referred to a committee

City Manager Recommendation:

Move to approve the resolution confirming the terms of the Interlocal Agreement Between the Cities of Olympia, Lacey and Yelm for Implementation of the Deschutes Water Rights Mitigation Strategy - Phase V, ratifying the City Manager's signature on the Interlocal Agreement, and authorizing the City Manager to execute any subsequent agreements implementing the terms of the Interlocal Agreement.

Report

Issue:

Whether to approve the resolution to confirm the August 15, 2017 Olympia City Council approval of an interlocal agreement to continue water rights mitigation and property management activities at the Deschutes River property with the Cities of Lacey and Yelm, ratifying the City Manager's signature on the Interlocal Agreement and authorizing the City Manager to execute any subsequent agreements implementing the terms of the Interlocal Agreement.

Staff Contact:

Susan Clark, Senior Planner, Public Works/Water Resources, 360.753.8321

Presenter(s):

None - Consent Calendar Item

Background and Analysis:

On August 15, 2017 the Olympia City Council approved the Phase V water rights mitigation interlocal agreement. The recommendation for action inadvertently authorized the interlocal agreement to be signed by the Mayor rather than the City Manager. Confirming the approval of the interlocal agreement and ratifying the City Manager's execution will remedy this issue, allowing necessary work to progress.

Over the past decade, the Cities of Olympia, Lacey and Yelm have worked together to complete Washington State Department of Ecology (Ecology) approved water right mitigation strategies under four interlocal agreements. During this time, the Cities completed the following work within the Deschutes River basin:

- Purchase of water rights and the 185 acre Deschutes River property
- Tree planting along 50 feet of the Deschutes River
- Design documents and bid specifications for future wetland habitat restoration mitigation projects
- Deschutes River property management activities

The Phase V interlocal agreement includes the following projects:

- Construction of the wetland habitat restoration mitigation projects designed under the Phase IV interlocal agreement
- Planting and maintenance of native plant species along river bank and wetlands
- Property management activities (e.g. weed control, fence removal, pasture management)

In 2015, the City of Yelm lost its final appeal through the Washington State courts for a water right permit. With the loss of its water right, Yelm no longer benefits from the Deschutes River property mitigation projects. Yelm continues to own the Deschutes River property with Olympia and Lacey.

The Phase V interlocal agreement modifies Yelm's financial participation in the partnership. Yelm will continue to cost-share equally in property management expenses. Yelm will also reimburse Olympia for planting expenses incurred by Olympia under the Phase IV interlocal agreement. For the wetland habitat restoration and native species planting projects, this interlocal agreement allows Yelm to elect to provide a one-third cost-share in the projects in the future.

Neighborhood/Community Interests (if known):

The three cities continue to communicate with the Squaxin Island Tribe on ideas on future restoration projects at the Deschutes River property.

Options:

1. Confirm approval of the interlocal agreement between Olympia, Lacey, and Yelm to implement required water rights mitigation actions and conduct property management activities. This will ensure compliance with Olympia's water right permit.
2. Do not confirm approval of the interlocal agreement between Olympia, Lacey, and Yelm to implement required water rights mitigation actions and conduct property management activities. This will put compliance with Olympia's water right permit at risk.

Financial Impact:

This interlocal agreement authorizes the three cities to spend \$1,400,735 total. Olympia will pay its portion of the \$1,400,735 from the Drinking Water Utility Capital Fund. Depending upon Yelm's level of participation, Olympia's proportionate share ranges from \$672,805 (current scenario) to \$466,911 (optional scenario). Please see the attached Expense Table for cost-share details.

Attachments:

Resolution and Interlocal Agreement
Expense Table

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OLYMPIA, WASHINGTON, CONFIRMING APPROVAL OF THE TERMS AND CONDITIONS OF AN INTERLOCAL AGREEMENT BETWEEN OLYMPIA, LACEY, AND YELM TO IMPLEMENT THE DESCHUTES WATER RIGHTS MITIGATION STRATEGY - PHASE V AND RATIFYING THE CITY MANAGER'S EXECUTION OF SAID INTERLOCAL AGREEMENT ON AUGUST 15, 2017, AND AUTHORIZING THE CITY MANAGER TO EXECUTE SUBSEQUENT AGREEMENTS IMPLEMENTING ITS TERMS.

Whereas, the Cities have submitted applications for water rights to Washington Department of Ecology (WDOE); and

Whereas, in order to secure approvals of those water rights, the Cities have cooperatively developed a mitigation strategy for the Deschutes River that has been accepted by the WDOE; and

Whereas, the mitigation strategy includes restoration of 200 acres of farmland jointly purchased by the Cities in the Deschutes River watershed (Deschutes River property). Habitat restoration mitigation actions will take place over several years on the property and include: riparian planting along 1 mile of river frontage, stream channel and wetland restoration, and ongoing land management responsibilities; and

Whereas, by Interlocal Agreement effective November 14, 2007, the Cities completed Phase I of a water rights acquisition strategy by identifying potential water rights for acquisition; and

Whereas, by amended Interlocal Agreement effective January 19, 2010, the Cities completed Phase II of a water rights acquisition strategy for mitigation purposes by jointly acquiring water rights and property in the Deschutes River basin and developing a habitat restoration assessment for that property; and

Whereas, Olympia's water rights were issued by WDOE in December 2011 and Lacey's water rights were issued by May 2012, and Yelm's water right was approved but appealed in November 2011; and

Whereas, through Interlocal Agreement effective August 23, 2012, the Cities completed Phase III of the Deschutes Mitigation Strategy by retiring water rights; fencing the Deschutes River property; developing a 60% design for habitat restoration mitigation actions, project schedule and costs for habitat restoration mitigation actions identified in the cities' mitigation plans; and contracting for the services of a project manager to coordinate and lead this effort; and

Whereas, through a letter of agreement dated October 30, 2014 the City of Olympia planted a 50-foot wide riparian buffer along the Deschutes River on the Deschutes River property; and

Whereas, through Interlocal Agreement effective April 27, 2015, the Cities completed Phase IV of the Deschutes Mitigation Strategy by advancing to 100% the design and bid specifications for the habitat enhancement projects that were designed to 60% under Phase III, applying for and obtaining necessary project permits, and hiring consultants to help support this effort and to oversee ongoing property management; and

Whereas, on October 8, 2015, WDOE's approval of Yelm's water right application was overturned by the Washington State Supreme Court thereby eliminating any immediate benefit Yelm would receive from habitat enhancement mitigation projects but not diminishing Yelm's interests as a joint owner of the Deschutes River property; and

Whereas, the Cities of Olympia and Lacey are required as a condition of their water rights to continue implementation of the Deschutes Mitigation Strategy by constructing habitat restoration projects designed under Phase IV, by completing riparian revegetation projects described in approved mitigation plans, and by hiring consultants to support this effort and to oversee ongoing property management; and

Whereas, the Cities may be doing other restoration work on the Deschutes River Farm property not related to this Interlocal Agreement, but through a Memorandum of Understanding (MOU) with the Squaxin Island Tribe signed November 29, 2011. In this MOU the cities have agreed to form the Budd/Deschutes Watershed Environmental Stewardship Coalition and provide additional funding for habitat restoration activities; and

Whereas, the Cities drafted an Interlocal Agreement that has been approved by Lacey and Yelm and was presented to the Olympia City Council on August 15, 2017 and approved, however, such approval inadvertently authorized the Mayor to sign the Agreement instead of the City Manager;

NOW, THEREFORE, THE OLYMPIA CITY COUNCIL DOES HEREBY RESOLVE as follows:

1. The Olympia City Council hereby confirms its approval on August 15, 2017 of the terms and conditions of the Interlocal Agreement between the Cities of Olympia, Lacey and Yelm for Implementing Deschutes Water Rights Mitigation Strategy – Phase V attached hereto as Exhibit A.
2. The City Manager's execution of the Interlocal Agreement between the Cities of Olympia, Lacey and Yelm for Implementing Deschutes Water Rights Mitigation Strategy – Phase V is hereby ratified. The City Manager is further authorized to execute any subsequent agreements implementing the terms of the Interlocal Agreement, within the monetary amounts approved therein. The City Manager has authority to modify any terms consistent with the intent expressed by the Olympia City Council in this Resolution and the Interlocal Agreement, and to correct any scrivener's errors in said Interlocal Agreement, as may be required.

PASSED BY THE OLYMPIA CITY COUNCIL this _____ day of January, 2018.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:



DEPUTY CITY ATTORNEY

EXHIBIT A

When recorded return to:

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

INTERLOCAL AGREEMENT BETWEEN THE CITIES OF OLYMPIA, LACEY AND YELM (THE CITIES) FOR IMPLEMENTING DESCHUTES WATER RIGHTS MITIGATION STRATEGY – PHASE V

Whereas, RCW 39.34.010 permits local governmental units to make the most efficient use of their powers by enabling them to cooperate with other localities on a basis of mutual advantage and thereby to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population and other factors influencing the needs and development of local communities; and

Whereas, pursuant to RCW 39.34.080, each party is authorized to contract with any one or more other public agencies to perform any governmental service, activity, or undertaking which each public agency entering into the contract is authorized by law to perform: provided, that such contract shall be authorized by the governing body of each party to the contract and shall set forth its purposes, powers, rights, objectives and responsibilities of the contracting parties; and

Whereas, the Cities have submitted applications for water rights to Washington Department of Ecology (WDOE); and

Whereas, in order to secure approvals of those water rights, the Cities have cooperatively developed a mitigation strategy for the Deschutes River that has been accepted by the WDOE; and

Whereas, the mitigation strategy includes restoration of 200 acres of farmland jointly purchased by the Cities in the Deschutes River watershed (Deschutes River property). Habitat restoration mitigation actions will take place over several years on the property and include: riparian planting along 1 mile of river frontage, stream channel and wetland restoration, and ongoing land management responsibilities; and

Whereas, by Interlocal Agreement effective November 14, 2007, the Cities completed Phase I of a water rights acquisition strategy by identifying potential water rights for acquisition; and

Whereas, by amended Interlocal Agreement effective January 19, 2010, the Cities completed Phase II of a water rights acquisition strategy for mitigation purposes by jointly acquiring water rights and property in the Deschutes River basin and developing a habitat restoration assessment for that property; and

Whereas, Olympia's water rights were issued by WDOE in December 2011 and Lacey's water rights were issued by May 2012, and Yelm's water right was approved but appealed in November 2011; and

Whereas, through Interlocal Agreement effective August 23, 2012, the Cities completed Phase III of the Deschutes Mitigation Strategy by retiring water rights; fencing the Deschutes River property; developing a 60% design for habitat restoration mitigation actions, project schedule and costs for habitat restoration mitigation actions identified in the cities' mitigation plans; and contracting for the services of a project manager to coordinate and lead this effort; and

Whereas, through a letter of agreement dated October 30, 2014 the City of Olympia planted a 50-foot wide riparian buffer along the Deschutes River on the Deschutes River property; and

Whereas, through Interlocal Agreement effective April 27, 2015, the Cities completed Phase IV of the Deschutes Mitigation Strategy by advancing to 100% the design and bid specifications for the habitat enhancement projects that were designed to 60% under Phase III, applying for and obtaining necessary project permits, and hiring consultants to help support this effort and to oversee ongoing property management; and

Whereas, on October 8, 2015, WDOE's approval of Yelm's water right application was overturned by the Washington State Supreme Court thereby eliminating any immediate benefit Yelm would receive from habitat enhancement mitigation projects but not diminishing Yelm's interests as a joint owner of the Deschutes River property; and

Whereas, the Cities of Olympia and Lacey are required as a condition of their water rights to continue implementation of the Deschutes Mitigation Strategy by constructing habitat restoration projects designed under Phase IV, by completing riparian revegetation projects described in approved mitigation plans, and by hiring consultants to support this effort and to oversee ongoing property management; and

Whereas, the Cities may be doing other restoration work on the Deschutes River Farm property not related to this Interlocal Agreement, but through a Memorandum of Understanding (MOU) with the Squaxin Island Tribe signed November 29, 2011. In this MOU the cities have agreed to form the Budd/Deschutes Watershed Environmental Stewardship Coalition and provide additional funding for habitat restoration activities; and

NOW, THEREFORE, in consideration of the mutual promises contained herein, the Cities agree as follows:

I. Purpose/Objective

The Cities have jointly purchased property on the Deschutes River for the purpose of cooperatively implementing the Deschutes Mitigation strategy that was approved by WDOE. Implementation of that plan is required by water rights issued to the Cities of Olympia (ROEs CS2-SWC8030, CS2-01105, CS2-SWP10191) and Lacey (ROEs G2-29165, G2-29304, G2-30250, G2-30251, G2-30248, G2-30249).

The purpose of this Agreement is to allow the Cities of Olympia and Lacey to continue with implementation of projects identified in their mitigation plans in order to meet conditions of final water rights approval by WDOE, to make provisions for the future participation of the City of Yelm in mitigation plan implementation in the event the City of Yelm receives approval of a water right from WDOE conditioned with mitigation provisions, and to outline the Cities of Olympia, Lacey and Yelm responsibilities as joint owners of the Deschutes River property.

II. Scope of Agreement/Work

City of Yelm

The City of Yelm will not be a party to the construction, monitoring and management of the habitat restoration mitigation actions described in this Agreement. However, Yelm agrees to reimburse Lacey and Olympia for its pro-rata share of the construction, monitoring and management costs as described in Sections IV and V of this Agreement if mitigation credit for these habitat restoration mitigation actions is allowed in the future.

As a joint landowner, the City of Yelm agrees to participate in property management and stewardship planning expenses as described in Section IV.c of this Agreement. The City of Yelm agrees that the Cities of Olympia and Lacey will jointly select a consultant, organization, or agency to conduct property management and stewardship activities and enter into a professional service agreement with the selected consultant, organization or agency as described in Section II of this Agreement and that such consultant, organization, or agency selected may perform other habitat restoration mitigation activities for which the City of Yelm has not yet agreed to cost-share.

As a joint landowner, the City of Yelm agrees to coordinate with the Cities of Olympia and Lacey on future long term management and stewardship decisions for the Deschutes River property through involvement in a separate agreement following the completion of the habitat restoration mitigation construction work jointly carried out by the Cities of Olympia and Lacey.

The City of Yelm acknowledges that the City of Olympia managed planting of the 50-foot riparian buffer, including payment of all costs, for the mutual benefit of the Cities and agrees to participate in cost sharing of this expense as described in sections IV and V of this Agreement.

The Cities of Olympia and Lacey

The Cities of Olympia and Lacey will jointly install, construct and monitor habitat restoration mitigation actions as a condition of their water rights.

This Agreement provides authority for the City Managers of the Cities of Olympia and Lacey to enter into the necessary agreements to accomplish all tasks necessary for completion of Phase V work. Specific Phase V work to be accomplished under this agreement includes contracting for construction services of habitat restoration mitigation projects, construction project management, riparian and wetland area planting and maintenance through 2020 and property management activities through 2020.

The Cities of Olympia and Lacey agree to jointly engage the services of one or more consultants, contractors, organizations, or agencies to assist the Cities in services related to implementation of the Deschutes Mitigation strategy as approved by WDOE.

The Cities of Olympia and Lacey will jointly enter into a professional services agreement with one or more consultants, organizations, or agencies agreed upon by the parties for Phase V development and implementation. Work to be included under a professional services agreement may include construction and inspection of restoration projects, riparian monitoring and maintenance, project management, permitting assistance, property management activities, and legal analysis and review services.

The Cities of Olympia and Lacey will jointly enter into a construction contract with one or more contractor agreed upon by the parties for Phase V construction of habitat restoration mitigation projects, and riparian buffer and wetland planting, as needed.

The Cities of Olympia and Lacey will jointly direct the work of contractors, consultants, organizations, or agencies through a consensus-based decision making process. Firms providing professional services will be chosen through the standard selection process for professional services as required by the laws of the State of Washington and the Cities of Olympia and Lacey will jointly develop and issue the Request for Qualifications (RFQ), including the general scope and nature of the project or work, when required by law for contracted work and will make a unified recommendation for selection of the firm. Construction contracts shall be awarded to the lowest, responsive, qualified bidder.

The selection process for professional services shall include one or more project managers or engineers familiar with the municipal public work construction process. In

addition to other criteria as may be agreed to by the Cities of Olympia and Lacey, consultants shall be evaluated on their ability to provide municipal construction support which may include but not be limited to bid award support, inspections, documentation, project management, and submittal review. Once the consultants are selected, the Cities of Olympia and Lacey shall coordinate with the selected consultant(s) to develop any final Scope of Work and Professional Services Agreements amenable to each Party.

In recognition that one City will need to approve change orders, make payments, and keep track of insurance, bond and other legal requirements, the firm that is hired will be instructed to use Olympia's project specifications with the Olympia City Engineer or designee as the approver of change orders, pay estimates and related construction decisions.

This agreement also allows the Cities of Olympia and Lacey to coordinate on decision-making related to contract management, consultant communication and dissemination of project information to appropriate staff within their own jurisdiction.

The Cities of Olympia and Lacey may also jointly hire legal counsel on issues related to property management and habitat enhancement for the purpose of mitigation and other related topics. Legal advice provided to the Cities of Olympia and Lacey shall be considered attorney client privileged not subject to disclosure.

The Cities of Olympia, Lacey and Yelm

Within 30 days of receiving approval of a water right, with no appeals filed, from WDOE, conditioned with mitigation provisions, the City of Yelm will inform the Cities of Olympia and Lacey in writing of its desire to participate in construction and monitoring of habitat restoration mitigation activities at the Deschutes River property, including costs. Following receipt of such notice, the Cities of Olympia and Lacey will coordinate project decisions and activities with the City of Yelm consistent with section II of this Agreement, provided that if a construction and/or professional services contract is in place, such a contract(s) will not be amended to include the City of Yelm.

As joint land owners, the Cities of Olympia, Lacey and Yelm agree to share in property management and stewardship planning expenses as described in Section IV.c of this Agreement. The City of Yelm agrees that the Cities of Olympia and Lacey will jointly select a consultant, organization, or agency to conduct property management and stewardship activities and enter into a professional service agreement with the selected consultant, organization or agency as described in Section II of this Agreement and that such consultant, organization, or agency selected may perform other habitat restoration mitigation work for which the City of Yelm has not yet agreed to cost-share. The Cities of Olympia and Lacey agree that any final Scope of Work for professional services shall

separate tasks and budgets for property management and stewardship activities from any other tasks to be accomplished under the professional services agreement.

The Cities of Olympia, Lacey and Yelm will accomplish future long term management and stewardship (e.g. land conservancy trust) of the property through a separate agreement after habitat restoration construction work is completed.

III. Property Access

This agreement grants the Cities and their contractors, individually or in collaboration, access to the Deschutes River property to install, construct and monitor habitat restoration mitigation projects outlined in the Deschutes Mitigation Strategy and to perform property management activities.

IV. Cost Sharing

- a. Construction and Monitoring of Habitat Restoration Mitigation Actions
 - i. The Cities of Olympia and Lacey will equally divide costs for construction and monitoring of habitat restoration mitigation actions. Total costs for such services under this agreement are not to exceed \$1,235,365 outlined as follows:

1. Wetland Habitat Restoration Construction	\$ 759,515
2. 50- to 200-foot Riparian and Wetland Buffer Planting, Monitoring and Management	\$ 475,850
 - ii. In the event the City of Yelm informs the Cities of Olympia and Lacey in writing of its desire to participate in construction and monitoring of habitat restoration mitigation actions at the Deschutes River property, the City of Yelm will immediately begin to share equally in the construction and monitoring of habitat restoration mitigation actions costs listed above not yet incurred as of the date of the City of Yelm's written notice consistent with Section V.a and Section V.c of this Agreement. Expenditures incurred prior to the date of the City of Yelm's notice will be reimbursed by the City of Yelm to the City of Olympia and the City of Lacey individually as described in Section V.d of this Agreement.
- b. 50' Riparian Buffer Planting

This Phase V Agreement confirms that the City of Olympia managed planting of the 50-foot riparian buffer, including payment of all costs, for the mutual benefit of the Cities. The Cities will equally divide costs for planting of the 50-foot riparian buffer in accordance with the letter of agreement dated October 30, 2014. Total costs to be divided shall not exceed \$31,372.22.

c. Property Management Expenses

The Cities of Olympia, Lacey and Yelm agree to equally divide costs for property management expenses. Property management work may include the removal of material (ie TV's, tires) and fences from the property, weed control, installation of new wire fencing, and pasture management through 2020. Prior to authorizing material or fence removal or fence construction, the Cities of Olympia and Lacey agree to consult with the City of Yelm. Total costs for such services under this agreement are not to exceed \$133,997 as outlined as follows:

Stewardship Planning	\$73,308
Pasture Management	\$60,688

d. Future Stewardship and Property Management.

Costs for future stewardship and property management work will be established in a future agreement based on monitoring work conducted in this Agreement. Proportionate cost sharing shall be determined at that time.

V. Method of Payment

- a. Professional Services – Habitat Restoration Mitigation Actions
 - i. Consultants will invoice each Olympia and Lacey separately on a monthly basis.
 - ii. Payment will be made separately by each City to the consultants upon receipt of an acceptable invoice, after completion of each task agreed upon in the professional services agreement.
- b. Professional Services – Property Management Activities
 - i. Consultants will invoice each Olympia, Lacey and Yelm separately on a monthly basis.
 - ii. Payment will be made separately by each City to the consultants upon receipt of an acceptable invoice, after completion of each task agreed upon in the professional services agreement.
- c. Construction Services
 - i. Olympia will manage the construction contract for the mutual benefit of both itself and the City of Lacey, and will invoice the City of Lacey its half share of costs based on actual contract expenses plus its half share of Olympia's administrative costs. The invoice will provide a detailed breakdown of costs. Lacey will pay its share of the undisputed items within thirty (30) days of receipt of invoices from Olympia.

- d. Pro Rata Reimbursement of Professional Services-Habitat Restoration Mitigation Actions and Construction Services by the City of Yelm
 - i. Within 90 days of receiving written notice from the City of Yelm of its desire to participate in construction and habitat restoration monitoring actions at the Deschutes River property, the City of Olympia will prepare an invoice of the professional and construction services expenditures detailed in Section IV.a of this Agreement incurred prior to the date written notice was received from the City of Yelm. The invoice will provide a detailed breakdown of costs and the reimbursement amount due to each the City of Olympia and the City of Lacey. The City of Yelm will pay the undisputed amount due individually to Olympia and Lacey within thirty (30) days of receipt of the invoice from Olympia.
- e. 50' Riparian Buffer Planting
 - i. Olympia managed planting of the 50-foot riparian buffer for the mutual benefit of the Cities. Olympia will invoice the City of Lacey and the City of Yelm their share of costs based on actual expenses. The invoice will provide a detailed breakdown of costs. Lacey and Yelm will pay their share of the undisputed items within thirty (30) days of receipt of invoices from Olympia.

VI. Indemnification & Insurance

Each City agrees to defend, indemnify and hold the other cities, their officers, officials, employees and volunteers harmless from any and all claims, injuries, damages, losses or suits including reasonable attorney fees, arising out of or in connection with the indemnifying City's performance of this Agreement, including injuries and damages caused by the negligence of the indemnifying City's officers, officials and employees.

VII. No Separate Legal Entity Created

This Agreement creates no separate legal entity.

VIII. Duration of Agreement

This Agreement shall be effective on the date of the last signature affixed hereto and shall terminate upon completion of the tasks necessary to accomplish the purpose of the agreement, unless sooner terminated by the Cities as provided herein.

IX. Dispute Resolution

- a. Step One – Negotiation. In the event of a dispute concerning any matter pertaining to this Agreement, the Parties involved shall attempt to address their differences by informal negotiation. The Party perceiving a dispute or disagreement persisting after informal attempts at resolution shall notify the other Parties in writing of the general

nature of the issues. The letter shall be identified as a formal request for negotiation and shall propose a date for representatives of the Parties to meet. The other Parties shall respond in writing within ten (10) business days. The response shall succinctly and directly set out that Party's view of the issues or state that there is no disagreement. The Parties shall accept the date to meet or shall propose an alternate meeting date not more than ten (10) business days later than the date proposed by the Party initiating dispute resolution. The representatives of the Parties shall meet in an effort to resolve the dispute. If a resolution is reached the resolution shall be memorialized in a memorandum signed by all Parties which shall become an addendum to this Agreement. Each Party will bear the cost of its own attorneys, consultants, and other Step One expenses. Negotiation under this provision shall not exceed 90 days. If a resolution is not reached within 90 days, the Parties shall proceed to mediation.

- b. Step Two – Mediation. If the dispute has not been resolved by negotiation within ninety (90) days of the initial letter proposing negotiation, any Party may demand mediation. The mediator shall be chosen by agreement. Each Party will bear the cost of its own attorneys, consultants, and other Step Two expenses. The parties to the mediation will equally share the cost of the mediator. A successful mediation shall result in a memorandum agreement which shall become an addendum to this Agreement. Mediation under this provision shall not exceed 90 days. If the mediation is not successful within 90 days, the Parties may proceed to litigation.
- c. Step Three – Litigation. Unless otherwise agreed by the Parties in writing, Step One and Step Two must be exhausted as a condition precedent to filing of any legal action. A Party may initiate an action without exhausting Steps One or Two if the statute of limitations is about to expire and the Parties cannot reach a tolling agreement, or if either Party determines the public health, safety, or welfare is threatened.

X. Termination of Agreement

This Agreement may be terminated upon mutual agreement of the Cities.

XI. Interpretation and Venue

This Agreement shall be governed by the laws of the State of Washington as to interpretation and performance. The parties hereby agree that venue for enforcement of any provisions shall be the Superior Court of Thurston County.

XII. Entire Agreement

This Agreement sets forth all terms and conditions agreed upon by the Cities and supersedes any and all prior agreements oral or otherwise with respect to the specific subject matter addressed herein.

XIII. Recording

Prior to its entry into force, this Agreement shall be filed with the Thurston County Auditor's Office or posted upon the Cities' websites as provided by RCW 39.34.040.

XIV. Counterparts

This Agreement may be executed in counterparts, and all such counterparts once so executed shall together be deemed to constitute one final agreement, as if one document had been signed by all Parties, and each such counterpart, upon execution and delivery, shall be deemed a complete original, binding on the parties. A faxed or email copy of an original signature shall be deemed to have the same force and effect as the original signature.

XV. Notice

Any notice required under this Agreement shall be to the party at the address listed below and shall become effective three days following the date of deposit with the United States Postal Service.

CITY OF OLYMPIA:

Attn: Susan Clark, Senior Planner
Re: Water Rights Mitigation/Deschutes Basin
PO Box 1967
Olympia, WA 98507-1967

CITY OF LACEY:

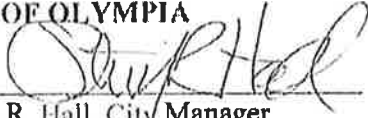
Attn: Peter Brooks, Water Resource Manager
Re: Water Rights Mitigation/Deschutes Basin
420 College St SE
Lacey, WA 98503

CITY OF YELM:

Attn: Chad Bedlington, Public Works Director
Re: Water Rights Mitigation/Deschutes Basin
105 Yelm Ave. W
Yelm, WA 98597

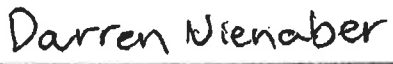
This Agreement is hereby entered into between the Cities and shall take effect on the date of the last authorizing signature affixed hereto:

CITY OF OLYMPIA

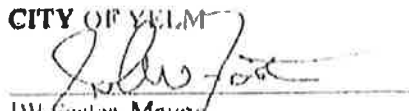

Steven R. Hall, City Manager

Date: 8.15.2017

Approved as to form:


Darren Nienaber, Deputy City Attorney

CITY OF YELM


J.W. Foster, Mayor

Date:

9-12-17

Approved as to form:


P. Stephen DiJulio, Attorney

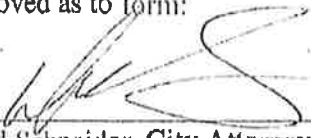
CITY OF LACEY



Scott Spence, City Manager

Date: 7/27/2017

Approved as to form:



David Schneider, City Attorney

Expense Table
Deschutes Water Rights Mitigation Strategy –Phase V

PROJECT ELEMENT	TOTAL PROJECT ELEMENT COST	COST SHARE SCENARIOS	CITY OF OLYMPIA'S COSTS
Wetland Habitat Restoration Construction	\$759,515	<u>Current Scenario</u> Equally Shared: Olympia and Lacey <u>Optional Scenario</u> If Yelm Chooses to Opt-in Then Total Project Element Costs Shared Equally by Olympia, Lacey and Yelm	<u>Current Scenario</u> - \$379,757 <u>Optional Scenario</u> \$253,171
50 to 200-foot Riparian and Wetland Buffer Planting, Monitoring and Management	\$475,850	<u>Current Scenario</u> Equally Shared: Olympia and Lacey <u>Optional Scenario</u> If Yelm Chooses to Opt-in Then Total Project Element Costs Shared Equally by Olympia, Lacey and Yelm	<u>Current Scenario</u> \$237,925 <u>Optional Scenario</u> \$158,616
50 Foot Riparian Buffer Planting <small>*Reimbursement to Olympia for expenses incurred under Phase VI ILA</small>	\$31,372	<u>Current Scenario</u> Equally Shared: Olympia, Lacey and Yelm	<u>Current Scenario</u> \$10,457
Property Management Expenses	\$133,997	<u>Current Scenario</u> Equally Shared: Olympia, Lacey and Yelm	<u>Current Scenario</u> \$44,665
TOTAL PHASE V ILA EXPENSES	\$1,400,735		<u>Current Scenario</u> \$672,805 <u>Optional Scenario</u> \$466,911 Difference: \$205,894



City Council

Approval of Resolution Authorizing Amendment of the Agreed Order Between the Department of Ecology, the Port of Olympia, the City of Olympia, and LOTT for the East Bay Redevelopment Site

Agenda Date: 1/23/2018
Agenda Item Number: 4.G
File Number: 18-0086

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

Title

Approval of Resolution Authorizing Amendment of the Agreed Order Between the Department of Ecology, the Port of Olympia, the City of Olympia, and LOTT for the East Bay Redevelopment Site

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Move to approve the resolution approving the amended terms of Agreed Order No. DE 14072 Between the State of Washington Department of Ecology, the Port of Olympia, the City of Olympia, and the LOTT Clean Water Alliance for the East Bay Redevelopment Site and authorizing the City Manager to execute the agreed order amendment.

Report

Issue:

Whether to approve the amended terms of Agreed Order No. DE 14072 for the East Bay Redevelopment Site.

Staff Contact:

Jay Burney, Assistant City Manager, 360.753.8447

Presenter(s):

None - Consent Calendar Item.

Background and Analysis:

In September 2010, the City of Olympia, along with LOTT and the Port of Olympia, signed onto an Agreed Order with the Washington State Department of Ecology (WSDOE) for the cleanup of the Port's East Bay properties. The City signed on as a party to the agreement because the current site of the Hands on Children's Museum is within the cleanup boundaries of the Agreed Order. The City

performed all of the required cleanup work at this site as part of the construction project. Our obligations under this order have been fulfilled. The remaining work to be completed is the responsibility of the Port of Olympia.

Even though our work is completed, we are still listed by WSDOE as a Potentially Liable Party on the Agreed Order until all of the work is completed. Therefore, any amendments to the original order require our signature. This amended Agreed Order formalizes additional work to be done by the Port as approved by WSDOE. The City of Olympia does not incur any additional costs or cleanup responsibility by signing the amended Agreed Order.

Neighborhood/Community Interests (if known):

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

Options:

1. Approve the Resolution Approving the Amended Terms of Agreed Order No. DE 14072 and Authorizing the City Manager to Execute the Agreed Order Amendment.
2. Do not approve the Resolution Approving the Amended Terms of Agreed Order No. DE 14072 and Authorizing the City Manager to Execute the Agreed Order Amendment.

Financial Impact:

None

Attachments:

Resolution

Agreed Order Amendment No. DE 14072

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OLYMPIA, WASHINGTON, APPROVING THE AMENDED TERMS OF AN AGREED ORDER BETWEEN THE DEPARTMENT OF ECOLOGY, PORT OF OLYMPIA, CITY OF OLYMPIA, AND LOTT CLEAN WATER ALLIANCE AT THE EAST BAY REDEVELOPMENT SITE, AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREED ORDER AMENDMENT.

WHEREAS, the City of Olympia entered into an Agreed Order No. DE 14072 with the State of Washington, Department of Ecology, the Port of Olympia, and LOTT Clean Water Alliance in 2010, that requires the Potentially Liable Parties (PLPs) to implement the Cleanup Action Plan; and

WHEREAS, the Amendment to Agreed Order No. DE 14072 with the Department of Ecology revises the Cleanup Action Plan to require additional work be conducted at the East Bay Redevelopment Site; and

WHEREAS, the Department of Ecology believes the actions required by this Amendment to Agreed Order No. DE 14072 are in the public interest; and

WHEREAS, the City of Olympia agrees that the actions required by the Amendment are in the public interest and that all other provisions of the Agreed Order not specifically changed in the Amendment to the Agreed Order No. DE 14072 shall remain in full force and effect;

NOW, THEREFORE, THE OLYMPIA CITY COUNCIL DOES HEREBY RESOLVE as follows:

1. The Olympia City Council hereby agrees to and approves the amended terms of the proposed Agreed Order Amendment No. DE 14072 at the East Bay Redevelopment Site.
2. The City Manager is directed and authorized to execute the Agreed Order Amendment No. DE 14072 for the City of Olympia. The City Manager is also authorized to modify any terms consistent with the intent expressed by the Olympia City Council in this Resolution, and to correct any scrivener's errors in said Agreed Order Amendment No. DE 14072, as may be required.

PASSED BY THE OLYMPIA CITY COUNCIL this _____ day of January, 2018.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:



CITY ATTORNEY

**STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY**

In the Matter of Remedial Action by:

Port of Olympia
City of Olympia
LOTT Clean Water Alliance

at the East Bay Redevelopment Site.

AGREED ORDER
AMENDMENT

No. DE 14072

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

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

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

I. INTRODUCTION

Agreed Order No. DE 14072 (Order) entered into by the State of Washington, Department of Ecology (Ecology), the Port of Olympia (Port), the City of Olympia (City) and LOTT Clean Water Alliance (LOTT) on May 30, 2017, requires that the Potentially Liable Parties (PLPs) implement the Cleanup Action Plan. By this Amendment to Agreed Order No. DE 14072 (Amendment), Ecology revises the Cleanup Action Plan to require additional work be conducted at the Site. Ecology believes the actions required by this Amendment are in the public interest.

This Amendment does not attempt to recite all of the provisions of the Order. Provisions of the Order not specifically changed in this Amendment remain in full force and effect.

II. JURISDICTION

This Amendment is issued pursuant to the authority of RCW 70.105D.050(1).

III. AMENDMENTS

Work to be Performed, Section VII. of the Order is Amended:

The Order, Section VII. (Work to be Performed), is hereby amended to add the following requirement:

J. Additional Remedial Action Work

1. MTCA establishes that the PLPs are strictly, jointly, and severally liable for the remediation of the Site, as the Site is defined in the Order. To effectuate the work to be performed under this Amendment in the most efficient manner, the Port has elected to take responsibility for performing the additional remedial action, and Ecology concurs that the Port shall be responsible for implementing the action. Language in this Amendment and the exhibit attached hereto may reflect this arrangement. However, in the event that the Port should become unable to complete performance of the work required by this Amendment, Ecology shall provide written notice to the City and LOTT that the Port is unable to complete the work. Upon receipt of such notice, the City and LOTT shall then take on the responsibility to perform the remaining work, if any. The City and LOTT and Ecology shall meet to determine a schedule for completion of work required by this Amendment.

2. Location of additional remedial action. The location of the additional remedial action work is illustrated in Exhibit D. This attachment is an integral and enforceable part of this Amendment.

3. Additional Remedial Action Work Description. The additional remedial action is described more completely in the attached Exhibit E (Cleanup Action Plan Amendment). In general, the work consists of implementing engineering controls, excavating of soil during building construction and development, managing and sampling of contaminated soil, reusing soil under pavement, removal and off-site disposal of contaminated soil, and implementing institutional controls.

4. Schedule. The timeline of deliverables required for the additional remedial action work is included in Exhibit F.

Effective date: _____

PORT OF OLYMPIA

Ed Galligan
Executive Director
Port of Olympia
Olympia, Washington
(360) 528-2001

CITY OF OLYMPIA

Steven R. Hall
City Manager
City of Olympia
Olympia, WA
(360) 753-8447

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Rebecca S. Lawson, P.E., LHG
Section Manager
Toxics Cleanup Program
Southwest Regional Office
(360) 407-6241

LOTT CLEAN WATER ALLIANCE

Michael D. Strub
Executive Director
LOTT Clean Water Alliance
Olympia, WA
(360) 664-2333

EXHIBIT D

LOCATION OF THE ADDITIONAL REMEDIAL ACTION

EXHIBIT E

CLEANUP ACTION PLAN AMENDMENT

Cleanup Action Plan Amendment

**East Bay Redevelopment Site (Lot 11)
Olympia, Washington
Agreed Order No. DE14072
Facility/Site No. 5785176
Cleanup Site ID: 407**

JANUARY 2018

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FIGURES

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ATTACHMENTS

ATTACHMENT A: EXCAVATION PLAN

ACRONYMS AND ABBREVIATIONS

Acronym	Explanation
bgs	Below Ground Surface
CAP	Cleanup Action Plan
CAPA	Cleanup Action Plan Amendment
City	City of Olympia
CL	Cleanup Level
COC	Constituent of Concern
cPAHs	Carcinogenic Polycyclic Aromatic Hydrocarbons
cy	Cubic yards
Dioxins/Furans	Chlorinated Dibenzo-p-dioxins and Chlorinated Dibenzofurans
ECs	Engineering Controls
Ecology	Washington State Department of Ecology
EDR	Engineering Design Report
FS	Feasibility Study
IA	Interim Action
ICs	Institutional Controls
LOTT	Lacey, Olympia, Tumwater, and Thurston County Clean Water Alliance
MTCA	Model Toxics Control Act
MW	Monitoring Well
NPDES	National Pollutant Discharge Elimination System
PIONEER	PIONEER Technologies Corporation
POC	Point of Compliance
Port	Port of Olympia
RCW	Revised Code of Washington
RI	Remedial Investigation
RL	Remediation Level
SEPA	State Environmental Policy Act
Site	East Bay Redevelopment Site
TCP	Toxics Cleanup Program
TPH	Total Petroleum Hydrocarbons
TPH-D	Total Petroleum Hydrocarbons in the Diesel Range
TPH-G	Total Petroleum Hydrocarbons in the Gasoline Range
TPH-HO	Total Petroleum Hydrocarbons in the Heavy Oil Range
UECA	Uniform Environmental Covenants Act
WAC	Washington Administrative Code

SECTION 1 – INTRODUCTION AND BACKGROUND

The purpose of this Cleanup Action Plan (CAP) Amendment (CAPA) is to summarize the cleanup action proposed by the Washington State Department of Ecology (Ecology) for Lot 11 of the East Bay Redevelopment Model Toxics Control Act (MTCA) Site (Site) in accordance with Washington Administrative Code (WAC) 173-340-380(1)(a). The information presented in this draft CAPA is based on:

1. Agreed Order DE14072.
2. The original CAP for this Site which is included in Agreed Order DE14072.
3. The Site Remedial Investigation (RI)/Feasibility Study (FS) Report prepared in accordance with WAC 173-340-350 (PIONEER Technologies Corporation [PIONEER] 2016).
4. The Cleanup Action Completion Report (PIONEER 2018).

This CAPA was prepared pursuant to Agreed Order DE14072. The Port of Olympia (Port), City of Olympia (City), and Lacey, Olympia, Tumwater, and Thurston County Clean Water Alliance (LOTT) are potentially liable persons in Agreed Order DE14072.

1.1 Background

The approximately 14.8-acre Site is located in Olympia, Washington adjacent to the southwest corner of the East Bay of Budd Inlet (see Figure 1). As shown on Figure 1, the original (predevelopment) shoreline near the Site was significantly different than the current shoreline. Most of the Site is situated on land that was reclaimed using fill material that consists of sediment that was dredged from Budd Inlet as part of civic improvement projects beginning in the late 1800s. The last fill event, which created the current shoreline, occurred along the eastern boundary of the Site in 1982. The 1982 fill was imported from an upland rock quarry and was placed subsequent to historical operations¹. Site contamination is not present in 1982 fill, but is present in pre-1982 fill material as a result of historical Site operations. The primary historical operations of interest for this MTCA Site are the former lumber milling activities and related operations that occurred from the late 1800s to 1972, including lumber sawing, lumber milling, veneer manufacturing, and plywood manufacturing.

The East Bay Redevelopment Project consists of seven parcels (Parcel 2, 3, 4, 5, 6, 7, and 9) and a small area north of the seven parcels (Lot 1). For development purposes, Parcel 2 has been divided into Lot 10 and Lot 11. Lot 11 comprises 1.53 acres of the Site and is the subject of this CAPA (see Figures 2 through 4).

¹ The pre-1982 shoreline and fill event locations were determined by evaluating historical records (e.g., aerial photographs, Sanborn maps) presented in previous site reports (GeoEngineers 2007a, GeoEngineers and PIONEER 2008). The 1982 shoreline and fill event locations were determined by evaluating a 1979 aerial photograph (GeoEngineers 2007a), 1979 ground surface elevation contours (Eric Egge, personal communication), and boring logs (GeoEngineers 2007b, PIONEER 2009).

1.2 Remedial Investigation

In order to characterize the nature and extent of impacts associated with the historical Site operations, soil and groundwater RI activities were conducted at the Site from 2006 to 2015. During the RI, 292 soil samples were collected from multiple depths at 130 locations. Based on the sample results, arsenic, lead, total petroleum hydrocarbons (TPH) in the gasoline range (TPH-G), total naphthalenes, TPH in the diesel range (TPH-D) and TPH in the heavy oil range (TPH-HO) combined, total carcinogenic polycyclic aromatic hydrocarbons (cPAHs), and total chlorinated dibenzo-p-dioxins and chlorinated dibenzofurans (dioxins/furans) were identified as soil constituents of concern (COCs). The primary COC release mechanisms appeared to be spills, buried refuse, and treated wood pilings. Further action is necessary for Site soil. Twenty-eight monitoring wells (MWs) were installed and groundwater samples were collected during 12 groundwater monitoring events. Based on the lack of groundwater impacts in these RI groundwater samples, no further action is necessary for Site groundwater. While the RI phase was being conducted, two Interim Actions (IAs) were completed. The principal components of the IAs were (1) excavation and off-site disposal of soil with concentrations that exceeded soil remediation levels (RLs), (2) installation of a soil cap/cover, and (3) implementation of engineering controls (ECs) during construction activities.

Current land use at the Site consists of urban land that was developed in conjunction with the aforementioned IAs and vacant land awaiting urban development. The current zoning for the Site is urban waterfront. Consistent with that zoning, future land use will be a collection of mixed-use urban buildings, which could include commercial office space, retail/restaurants, condominiums above ground-level retail space, et cetera. However, consistent with MTCA requirements, land use was assumed to be unrestricted (i.e., single-family residential) for the purposes of developing more protective soil cleanup levels (CLs), even though there is no current residential land use and zoning does not allow future single-family residential land use. Likewise, soil RLs were based on default exposure assumptions for commercial workers in order to develop protective RLs for the complete exposure pathways associated with construction/utility workers and utility maintenance workers.

Based on the RI results, the primary cleanup action objective is to protect human health and the environment by eliminating unacceptable soil exposures for hypothetical single-family residents and commercial workers (which were used as surrogate pathways for the complete exposure pathways). Other key cleanup action objectives are:

- Comply with cleanup standards
- Comply with applicable state and federal laws and regulations
- Provide for compliance monitoring
- Complete the cleanup action prior to Site redevelopment and consistent with anticipated future land use
- Consider public concerns
- Consider cost-effectiveness and sustainability criteria

1.3 Feasibility Study

An FS was conducted to develop and evaluate cleanup action alternatives for addressing Site soil impacts. As a first step, potentially applicable soil remedial technologies were reduced via a screening process to determine the most promising and feasible remedial technologies. Three cleanup action alternatives were assembled from the retained remedial technologies. These three alternatives represented a range of potential remedial approaches for addressing Site contamination, including one permanent alternative in accordance with WAC 173-340-350(8). The three alternatives were evaluated using the four MTCA threshold criteria in WAC 173-340-360(2)(a), the three MTCA balancing criteria in WAC 173-340-360(2)(b), and a sustainability criterion. All seven of the MTCA criteria were evaluated qualitatively by considering Site characteristics, COC characteristics, technology capabilities, and professional judgment. The sustainability criterion was evaluated qualitatively by considering air emissions, solid waste production, traffic, and resource usage.

1.4 Cleanup Action

The selected cleanup action alternative for the Site presented in the CAP included in Agreed Order DE14072 was Targeted Soil Removal, Cover, and Controls. The cleanup action included the following remedial components:

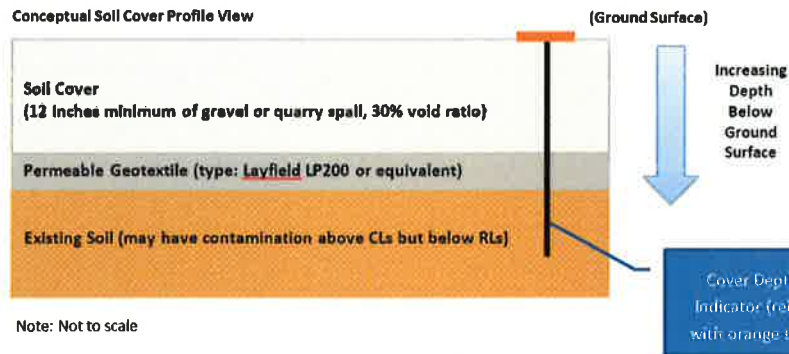
- The following soil sample locations (i.e., DP04, DP06, SVP-2SO, and MW24S) where concentrations exceeded the RLs were excavated and disposed of at Wasco Country Landfill in The Dalles, OR (see Figure 2). Note: These were the only RL exceedances that remained on Site prior to the implementation of the final remedial action (i.e., all other RL exceedances had previously been removed during IAs).

Sample ID	COC	Sample Depth	COC Concentration
DP04	Arsenic	4-6 feet below ground surface (bgs)	52 mg/kg
DP06	TPH-G	3-5 feet bgs	290 mg/kg
	Total Naphthalenes		142 mg/kg
SVP-2SO	TPH-G	4-6 feet bgs	1,100 mg/kg
	Total Naphthalenes		150 mg/kg
MW24S	Dioxins/furans	6.5-8 feet bgs	979 ng/kg

- The RL excavations were backfilled using clean soil from an off-site, documented, upland borrow source approved by Ecology.
- A soil cover was installed in the portions of the Site not covered by 1982 fill. The soil cover consists of a permeable geotextile and at least 12 inches of clean soil from an off-site upland borrow source. Note: A suitable cap or soil cover already existed in Lot 4, Lot 5, the infrastructure corridor, and the existing landscaped area located between the Marine Drive sidewalk and Marine Drive. The areas covered with permeable geotextile and 12 inches of soil are shown on Figure 3 and a

Cleanup Action Plan Amendment

conceptual cross section is presented below.



- The Port, City, and LOTT implemented and maintain the following institutional controls (ICs) on the Site, which:
 - Prohibit any activity at the property which may result in the release of residual contamination contained as part of the remedial action, exacerbate or create a new exposure to residual contamination remaining on the Property, or disturb the soil cap/cover without prior written approval by Ecology
 - Prohibit installation of a well for water supply purposes within the Site boundary
 - Restrict extraction of groundwater within the Site boundary for any purpose other than temporary construction dewatering, investigation, monitoring or remediation
 - Require that any groundwater extracted for any purpose within the Site boundary be considered potentially contaminated and any discharge of this water be done in accordance with local, state, and federal law
 - Restrict construction of stormwater infiltration facilities or ponds within the contaminant delineation areas where the depth of these exceedances are shallower than the historical lowest measured groundwater depths for that location
 - Require that all stormwater catch basins, conveyance systems, and other appurtenances be of water-tight construction within the contaminant delineation areas where the depth of these exceedances are shallower than the historical lowest measured groundwater depths for that location

SECTION 2 – THE PROPOSED CLEANUP ACTION PLAN AMENDMENT

2.1 Description of the Proposed Cleanup Action Plan Amendment

Mixed use commercial and urban residential buildings are proposed for development on Lot 11 at the Site (see Figure 4). The development will be comprised of a multi-story main building oriented east/west along State Avenue NE and two townhome buildings oriented north and south of the main building (see Figure 4). The U-shaped orientation of the buildings will be anchored in the center of the U by a parking area that supports all of the buildings. These buildings will be pile supported, slab-on grade construction and will not have basements or crawl-spaces, thus reducing the overall volume of potentially contaminated soil that will require excavation due to development activities.



View of Proposed Westman Mill from Northwest (Jefferson Street NE)



View of Proposed Westman Mill from Southeast (State Ave NE)

Cleanup Action Plan Amendment

The development proposed by this CAPA is consistent with the original cleanup action (i.e., Targeted Soil Removal, Cover, and Controls) that was implemented at the Site per Agreed Order DE14072 and will include the following remedial components:

- **Contaminated Soil Excavation** – The excavation of potentially contaminated soil will be performed to support installation of the building foundation (i.e., steel pile and grade beams), subsurface utilities (e.g., storm, sanitary sewer, water), two elevator shafts, Bayfilter™ vault, and other subsurface features. The anticipated maximum depths of excavation are summarized in the table below:

Subsurface Feature Type	Maximum Depth of Excavation Below Clean Soil Cover
	(feet below geotextile membrane)
Building Foundation (e.g., grade beams)	4.5
Utilities	8.1
Vaults (includes Bayfilter™ vault)	8.5
Elevator Shafts	8.0
Pavement	0.67
Landscaping	2.0

Based on preliminary excavation and grading estimates, approximately 3,000 to 4,000 cubic yards of soil will be excavated. This estimated volume includes the potentially contaminated soil as well as the clean soil cover material (which will be stockpiled separately). An Excavation Plan displaying subsurface feature footprints (excluding utilities) can be found in Attachment A. The final excavation extents/alignments and associated contaminated soil volumes for the installation of the above-mentioned subsurface features will be presented in the Engineering Design Report (EDR) for Lot 11 and design drawings.

- **Hardscape Surfaces (i.e., areas covered by buildings, parking areas, roads, sidewalks, or other paved outdoor areas)** – Impervious surfaces (e.g., asphalt, concrete) will be installed as part of construction in areas of the Site not covered by 1982 fill and identified on Figure 5. In the event that construction activities disturb the soil cover in these areas, the existing soil (i.e., clean cover and/or potentially contaminated soil located beneath the clean cover) will be (1) left in place or (2) temporarily stockpiled in separate locations on Site (i.e., clean soil cover will be stockpiled separately from the potentially contaminated soil) to determine the final disposition of the soil (see the discussion of stockpiles/stockpile sampling below). Areas on Site that will be covered by an impervious, hardscape surface do not require 12 inches of clean soil cover beneath the hardscape; however a permeable geotextile is required beneath the hardscape to demarcate that potentially contaminated soil is located beneath the geotextile. The soil beneath the hardscape surfaces will be graded and compacted (as necessary) to support the final impervious, hardscape surface.
- **Softscape Surfaces (i.e., areas not covered by an impervious, hardscape surface material, as identified above)** – The existing soil cover installed in these areas per the original cleanup action will be maintained. In the event that construction activities disturb the soil cover in these areas, the

Cleanup Action Plan Amendment

soil cover (and permeable geotextile, if necessary) will be repaired/replaced/restored to ensure that the soil cover in these areas is comprised of a permeable geotextile fabric and at least 12 inches of clean soil from an off-site upland borrow source.

- **Other Remedial Components**

- If groundwater is encountered during excavations that are performed as part of the construction process, dewatering procedures will be implemented. All groundwater generated from excavation dewatering will be disposed of in accordance with local, state and federal regulations regarding pretreatment.
- Any temporary stockpiles of potentially contaminated soil that are generated during this process will be placed on an impervious surface (e.g., concrete, asphalt, or polyethylene liner with a thickness of at least 10-mils), and if left overnight, will be covered with a polyethylene liner (at least 10-mils thick), which will be secured with ropes and sandbags. Water drained from excavated soil will be collected and disposed of with other dewatering effluent.
- Potentially contaminated soil that is stockpiled on Site will be sampled to determine the final disposition of the soil. If all COC concentrations in the stockpile characterization sample are less than or equal to RLs, then that stockpile can be reused on Site underneath hardscape surfaces and/or the soil cover. Stockpiles with COC concentrations that exceed the RLs will be disposed of at an off-site facility permitted to receive such waste (e.g., Wasco County Landfill in The Dalles, Oregon). The number of stockpile samples will be based on the size of the stockpile (see table below).

Stockpile Size (cy)	Sample Quantity
0 – 100	3
101 – 500	5
501 – 1,000	7
1,001 – 2,000	10
2,000	10 +1 for each additional 500 cy of soil

- The Port will require Site contractors to implement ECs during construction activities (e.g., Site control measures, dust control measures, implementation of a health and safety plan, use of appropriately-trained workers).
- The Port, City, and LOTT will implement and maintain ICs as described in Section 2.4.
- Compliance monitoring will include qualitative EC assessments during construction activities, stockpile sampling, and long-term inspections of the hardscape surfaces, soil cover and ICs.

2.2 Cleanup Standards and Remediation Levels

In accordance with WAC 173-340-700(3), cleanup standards “consist of the following: (a) cleanup levels for hazardous substances present at the site; (b) the location where these cleanup levels must be met (point of compliance); and (c) other regulatory requirements that apply to the site because of the type of action

Cleanup Action Plan Amendment

and/or location of the site ('applicable state and federal laws').” Soil RLs were also established in accordance with WAC 173-340-355. The soil CLs and RLs were based on unrestricted land use (i.e., single-family residential) and commercial/industrial land use, respectively. The following table presents the CLs and RLs for the COCs:

Soil COC	Soil CL	Soil RL
Arsenic	20 mg/kg	20 mg/kg
Lead	250 mg/kg	1,000 mg/kg
TPH-G	100 mg/kg	100 mg/kg
Total Naphthalenes	5.0 mg/kg	5.0 mg/kg
TPH-D and TPH-HO Combined	4,700 mg/kg	24,000 mg/kg
Total cPAHs	0.095 mg/kg	3.4 mg/kg
Total Dioxins/Furans	11 ng/kg	590 ng/kg

As stated in Section 2.1, potentially contaminated soil that is stockpiled on Site will be sampled to determine the final disposition of the soil. If all COC concentrations in the stockpile characterization sample are less than or equal to RLs, then that stockpile can be reused on Site underneath hardscape surfaces and/or the soil cover.

2.3 Site Contamination that Will Remain

All soil containing a COC concentration greater than a RL has been removed pursuant to the original cleanup action specified in Agreed Order DE14072. However, some soil CL exceedances (e.g., TPH-D and TPH-HO combined, total cPAHs, and total dioxins/furans) will remain at the Site underneath the hardscaped surfaces and/or soil cover. These remaining CL exceedances do not pose a threat to human health and the environment since (1) the CLs are based on an unrestricted land use scenario that is significantly more conservative than the reasonable maximum exposure assumptions for complete exposure pathways, (2) these three COCs bind strongly to soil and have limited mobility, and (3) the hardscape surface/soil cover, EC, and IC components of the proposed cleanup action will limit potential exposures.

2.4 Institutional Controls Required as Part of the Proposed Cleanup Action

ICs are a component of the proposed cleanup action. The Port, City, and LOTT will implement and maintain the ICs using an environmental covenant developed in accordance with WAC 173-340-440 and Ecology's Toxics Cleanup Program (TCP) Procedure 440A. Specifically, the environmental covenant would:

- Prohibit any activity at the property which may result in the release of residual contamination contained as part of the remedial action, exacerbate or create a new exposure to residual contamination remaining on the Property, or disturb the soil cap/cover without prior written approval by Ecology
- Prohibit installation of a well for water supply purposes within the Site boundary
- Restrict extraction of groundwater within the Site boundary for any purpose other than temporary

Cleanup Action Plan Amendment

construction dewatering, investigation, monitoring or remediation

- Require that any groundwater extracted for any purpose within the Site boundary be considered potentially contaminated and any discharge of this water be done in accordance with local, state, and federal law
- Restrict construction of stormwater infiltration facilities or ponds within the contaminant delineation areas where the depth of these exceedances are shallower than the historical lowest measured groundwater depths for that location
- Require that all stormwater catch basins, conveyance systems, and other appurtenances be of water-tight construction within the contaminant delineation areas where the depth of these exceedances are shallower than the historical lowest measured groundwater depths for that location

Once signed, the environmental covenant will be recorded in Thurston County in accordance with Uniform Environmental Covenants Act (UECA) requirements in the Revised Code of Washington (RCW) Chapter 64.70.080(1). A copy of the recorded environmental covenant will also be distributed to each person who signed the covenant, each person holding a recorded interest in the real property subject to the covenant, each person in possession of the real property subject to the covenant at the time the covenant is executed, the City, and Ecology per UECA requirements in RCW Chapter 64.70.070(1).

An Operations and Maintenance Plan (e.g., roles and responsibilities, a land use inspection form, instructions for using the form) that will be used for long-term monitoring of the ICs, hardscaped surfaces, and soil cover will be prepared after construction has been completed.

2.5 Other Environmental Laws and Regulations Associated with the Proposed Cleanup Action

Non-MTCA environmental laws and regulations that will be incorporated into remedy design and implementation activities, as necessary, include:

- State Environmental Policy Act (SEPA) as authorized by the RCW 43.21C and WAC 197-11
- Occupational Safety and Health Act and Washington Industrial Safety and Health Act regulations (e.g., 29 Code of Federal Regulations 1910.120, Chapter 296-843 WAC).
- Washington Industrial Safety and Health Act, Chapter 49.17 RCW, Safety Standards for Construction Work (WAC 296-155).
- Underground Utilities, RCW 19.122.010, General Protection Requirements (WAC 296-155-655).
- Coverage under the general construction stormwater National Pollutant Discharge Elimination System (NPDES) permit.
- City permit requirements (e.g., grading permit, shoreline management permit).
- LOTT discharge authorization permit to dispose of wastewater generated during the cleanup action (e.g., from dewatering).
- Chapter 173-160 WAC requirements to decommission all remaining Site MWs prior to any remediation construction activities.
- Resource Conservation and Recovery Act regulations for waste generation, hauling, and disposal

Cleanup Action Plan Amendment

(e.g., Chapter 173-303 WAC, Chapter 173-350 WAC).

- Solid Waste Management Chapter 43.21 RCW, Minimum Functional Standards for Solid Waste Handling (WAC 173-304).

2.6 Compliance with WAC 173-340-360

The proposed cleanup action will comply with the provisions of WAC 173-340-360 because it will protect human health and the environment, comply with cleanup standards, comply with applicable state and federal laws, and provide for compliance monitoring. In addition, the proposed cleanup action uses permanent solutions to the maximum extent practicable, provides for a reasonable restoration timeframe, and will consider public concerns. The proposed cleanup action will comply with WAC 173-340-360 by (1) installing and maintaining a hardscape surface/soil cover over the entire Site, (2) implementing ECs during redevelopment construction activities, (3) implementing and maintaining ICs for perpetuity, and (4) conducting compliance monitoring.

SECTION 3 – CLEANUP IMPLEMENTATION SCHEDULE

A schedule for cleanup implementation and associated deliverables is shown below:

DELIVERABLE/TASK	SCHEDULE
Additional Remedial Action EDR and Additional Construction Plans/Specifications. These documents shall also include the following plans in appendices: Erosion Control and Stormwater Pollution Prevention Plan, Spill Prevention, Control, and Countermeasure Plan, Soil Handling Plan, Soil Compliance Monitoring Plan, and a Traffic Control Plan.	Submitted to Ecology for review within 120 days of the effective date of the Agreed Order. Ecology's comments shall be incorporated and a revised plan shall be submitted to Ecology within 30 days of the date of Ecology's comment letter.
Implementation of Additional Remedial Action Work	Within 90 days after Ecology's approval of the Additional EDR and Additional Construction Plans/ Specifications, issuance of the Construction Stormwater General NPDES Permit, and documentation that the substantive requirements of City of Olympia permits have been met.
Additional Remedial Action Completion Report	Submitted to Ecology for review within 90 days of completion of the remedial action as detailed in the CAP Amendment, Additional EDR, and Additional Construction Plans/Specifications. Ecology's comments shall be incorporated and a revised report shall be submitted to Ecology within 30 days of the date of Ecology's comment letter.
Operations and Maintenance Plan	Submitted to Ecology for review within 30 days of completion of the Additional Remedial Action Completion Report. Ecology's comments shall be incorporated and revised plan(s) shall be submitted to Ecology within 30 days of the date of Ecology's comment

SECTION 4 – REFERENCES

GeoEngineers 2007a. Phase I Environmental Site Assessment, East Bay Redevelopment Project, March 14.

——— 2007b. Supplemental Site Use History and Soil and Groundwater Sampling Clarifications, East Bay Redevelopment Site, August 3.

GeoEngineers and PIONEER 2008. Remedial Investigation Work Plan, East Bay Redevelopment Site, October 22. As amended with January 30, 2009 replacement pages.

PIONEER 2009. Port of Olympia East Bay Site: Interim Action Work Plan, May.

——— 2016. Remedial Investigation/Feasibility Study Report, East Bay Redevelopment Site, October.

——— 2018. Cleanup Action Completion Report, East Bay Redevelopment Site, January.

Figures



Legend

- Site Boundary
- Lot 11 Boundary
- Original Predevelopment Shoreline (Pre-1888)



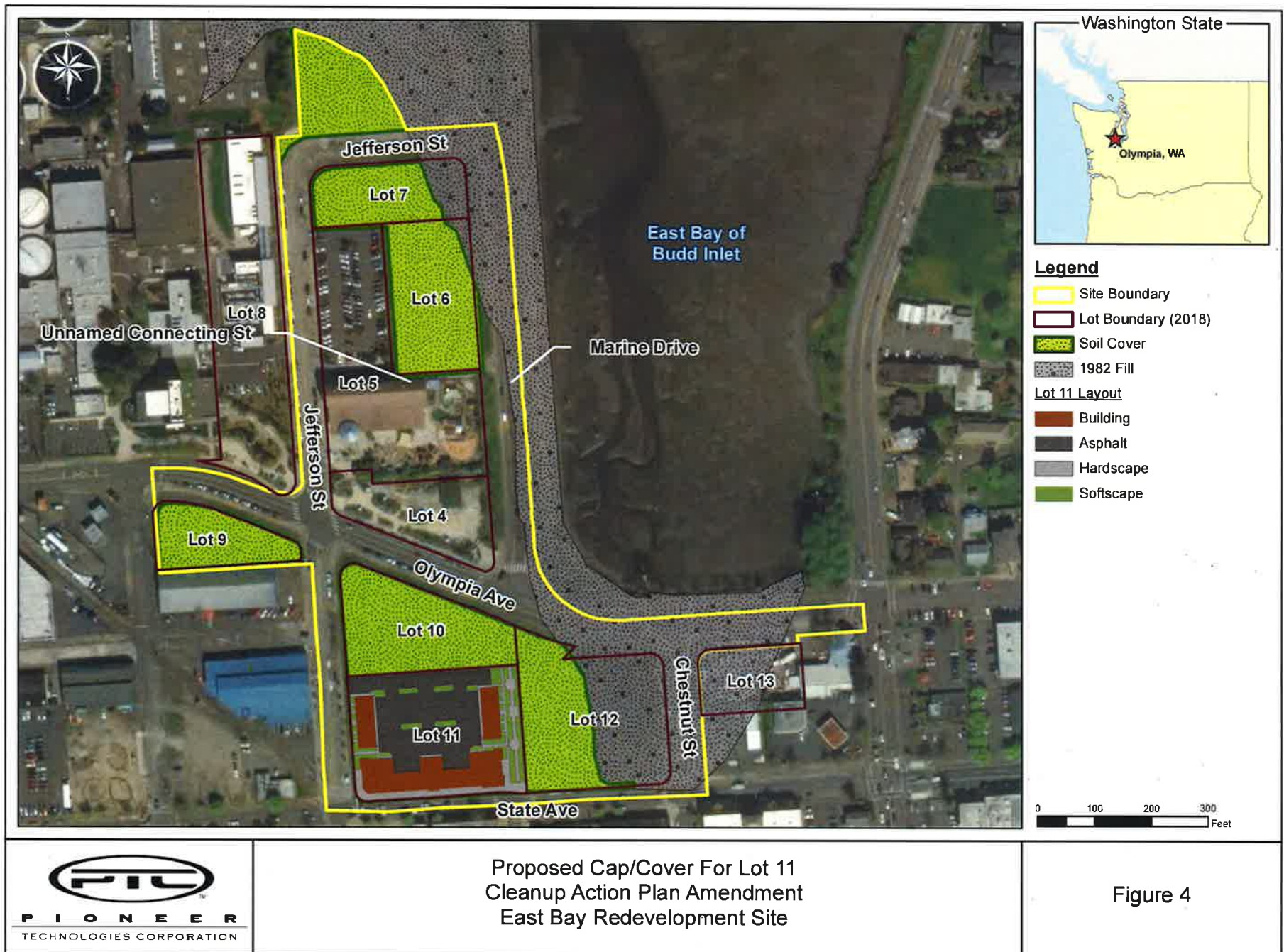
PIONEER
TECHNOLOGIES CORPORATION

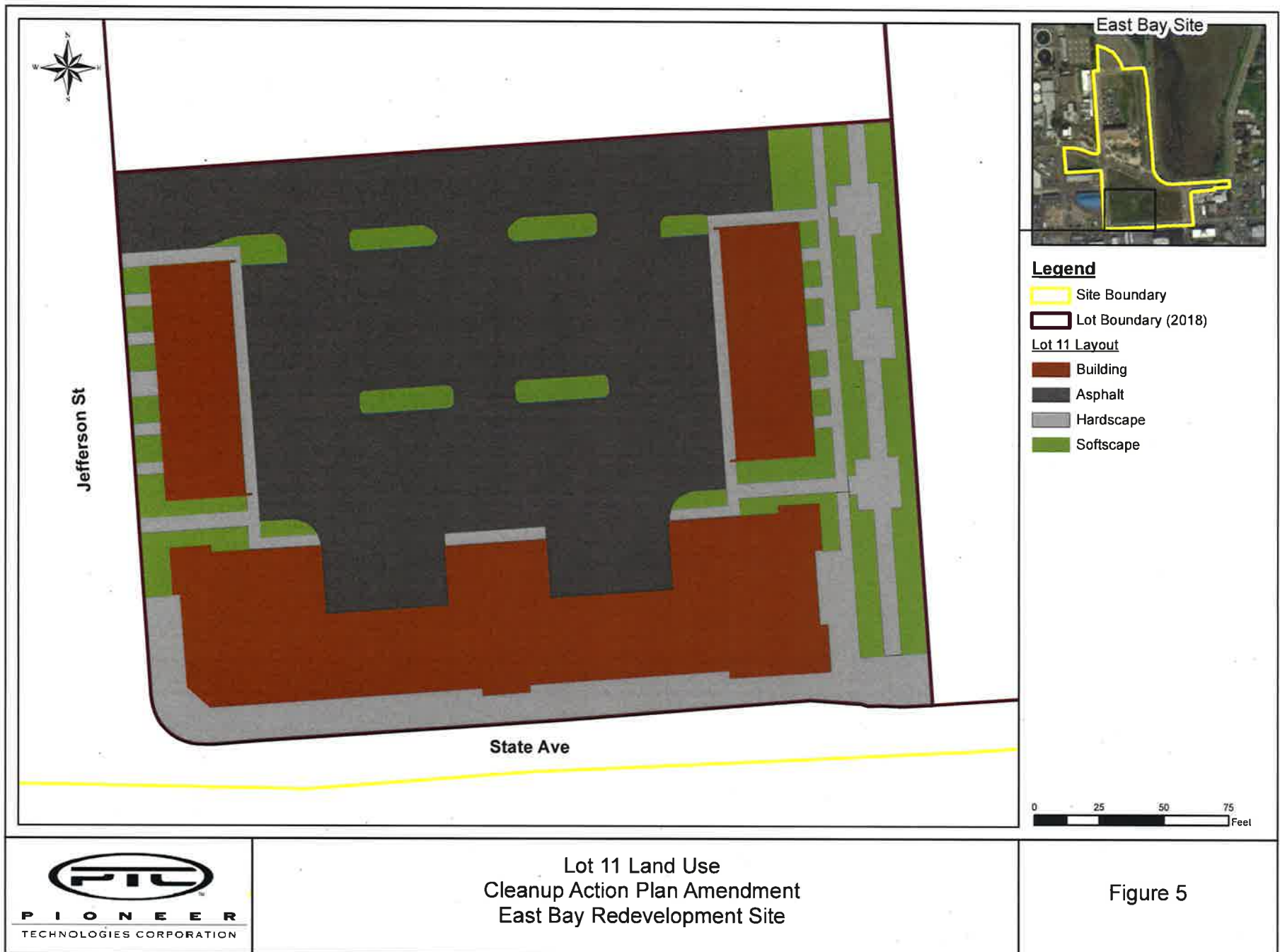
Vicinity Map
Cleanup Action Plan Amendment
East Bay Redevelopment Site

Figure 1








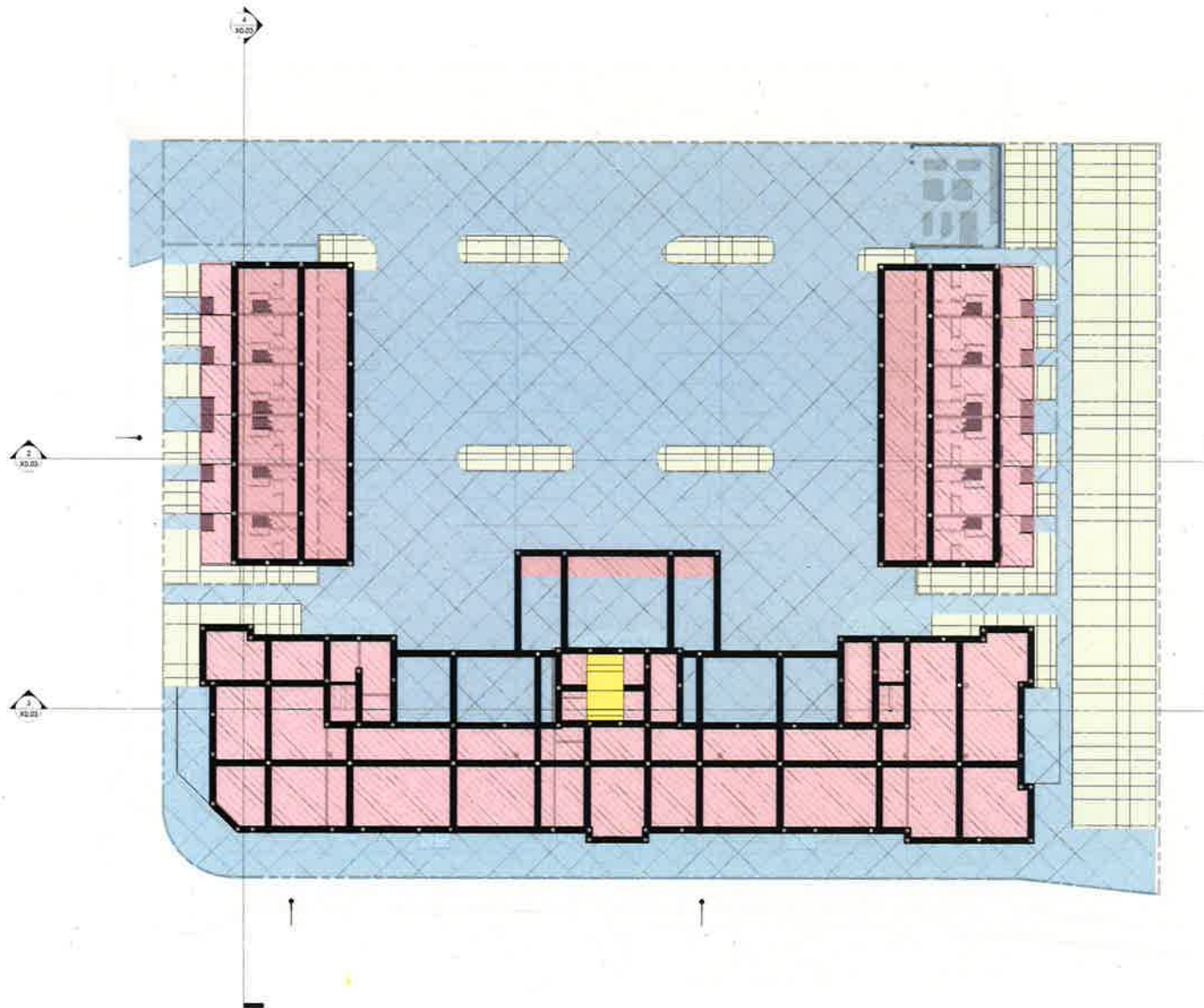






Attachment A

-  6" PAVEMENT @ EXTEND OF DISTURBANCE
-  2'-0" LANDSCAPE @ EXTEND OF DISTURBANCE
-  1'-0" SLAB ON GRADE BEAM @ EXTEND OF DISTURBANCE
-  6'-0" ELEVATOR PIT @ EXTEND OF DISTURBANCE
-  3'-6" GRADEBEAM @ 1' BELOW EXTEND OF DISTURBANCE



EAST BAY LOT A
WESTMAN MILL
510 STATE AVE OLYMPIA, WA 98501

Project No: 1514
FOUNDATION
12/11/17

EXCAVATION
PLAN

X0.02

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① EXCAVATION SITE PLAN
1/16" = 1'-0"

EXHIBIT F

SCHEDULE OF DELIVERABLES

EXHIBIT F

Additional Remedial Action Schedule of Work and Deliverables (page 1 of 2)

Deliverable/Task	Schedule
<u>Additional Remedial Action Engineering Design Report and Construction Plans and Specifications.</u> These documents shall also include the following plans in appendices: Erosion Control and Stormwater Pollution Prevention Plan, Spill Prevention, Control, and Countermeasure Plan, Soil Handling Plan, Soil Compliance Monitoring Plan, and a Traffic Control Plan.	Submitted to Ecology for review within 120 days of the effective date of the Agreed Order Amendment. Ecology's comments shall be incorporated and a revised plan shall be submitted to Ecology within 30 days of the date of Ecology's comment letter.
<u>Implementation of Additional Remedial Action Work</u>	Within 90 days after Ecology's approval of the Engineering Design Report and Construction Plans and Specifications, issuance of the Construction Stormwater General NPDES Permit, and documentation that the substantive requirements of city of Olympia permits have been met.
<u>Additional Remedial Action Completion Report</u>	Submitted for Ecology review within 90 days of completion of the remedial action as detailed in the CAP Amendment, Additional Remedial Action EDR, and Construction Plans/Specifications. Ecology's comments shall be incorporated and a revised report shall be submitted to Ecology within 30 days of the date of Ecology's comment letter.
<u>Operation and Maintenance Plan</u>	Submitted for Ecology review within 30 days of completion of the Additional Remedial Action Completion Report. Ecology's comments shall be incorporated and revised plan(s) shall be submitted to Ecology within 30 days of the date of Ecology's comment letter on the plan(s).

EXHIBIT F

Additional Remedial Action Schedule of Work and Deliverables (page 2 of 2)

Deliverable/Task (continued)	Schedule
<u>Environmental Covenants</u>	Draft Environmental Covenants (ECs) shall be submitted to Ecology for review within 30 days of receipt the Additional Remedial Action Completion Report. After approval by Ecology, record the ECs for each of the parcels that comprise the additional remedial action area with the office of the Thurston County Auditor within 10 days. The original recorded ECs shall be provided to Ecology within 30 days of the recording date.



City Council

Public Hearing on 14th Avenue/Walnut Road Speed Limit Reduction

Agenda Date: 1/23/2018
Agenda Item Number: 5.A
File Number: 18-0001

Type: public hearing **Version:** 1 **Status:** Public Hearing

Title

Public Hearing on 14th Avenue/Walnut Road Speed Limit Reduction

Recommended Action

Committee Recommendation:

Not referred to a committee

City Manager Recommendation:

Hold a public hearing on reducing the speed limit on 14th Avenue/Walnut Road. After the public hearing, and based on comments received, move to approve the ordinance on first reading and forward to second reading to reduce the speed limit on 14th Avenue, from Cooper Point Road to Walnut Loop, and on Walnut Road, from Walnut Loop to Bing Street, from 35 mph to 25 mph.

Report

Issue:

Whether to approve an ordinance to reduce the speed limit on 14th Avenue, from Cooper Point Road to Walnut Loop, and on Walnut Road, from Walnut Loop to Bing Street. A Public Hearing is scheduled to receive public comment.

Staff Contact:

David Smith, Transportation Project Engineering, Public Works Department, 360.753.8496

Presenter(s):

David Smith, Transportation Project Engineering, Public Works Department

Background and Analysis:

Walnut Road/14th Avenue is classified as a collector street and the average daily traffic volume is approximately 910 vehicles. The speed limit is 35 mph from Olympia's west city limits east to Bing Street.

Staff recommends reducing the speed limit for the following safety reasons:

- The physical features of the street alignment, presence of residential driveways and people biking and walking.

- Narrow grass/gravel shoulders for people to walk on and speed of vehicles.
- Safety of people biking due to narrow street width and speed of vehicles.

A consistent speed limit of 25 mph from Cooper Point Road to Division Street will give drivers greater ability to respond to the actions of all other uses.

Neighborhood/Community Interests (if known):

During the past few years, staff has received concerns from citizens regarding the safety of people walking along 14th Avenue/Walnut Road. Most of the concerns are related to vehicle speeds. People are requesting that the City lower the speed limit on 14th Avenue, from Cooper Point Road to Walnut Loop, and on Walnut Road, from Walnut Loop to Bing Street.

Options:

1. Hold a public hearing and approve the ordinance to reduce the speed limit on 14th Avenue, from Cooper Point Road to Walnut Loop, and on Walnut Road, from Walnut Loop to Bing Street, from 35 mph to 25 mph on first reading and forward to second reading. This will provide a consistent speed limit from Cooper Point Road to Division Street and improve safety.
2. Hold a public hearing and revise the speed limit on 14th Avenue, from Cooper Point Road to Walnut Loop, and on Walnut Road, from Walnut Loop to Bing Street, from 35 mph to 30 mph. Drivers will have a graduated speed transition from 35 mph west of Cooper Point Road to 25 mph approaching Division Street.
3. Hold a public hearing and maintain the existing 35 mph speed limit on 14th Avenue, from Cooper Point Road to Walnut Loop, and on Walnut Road, from Walnut Loop to Bing Street. Maintains the same speed limit from Kaiser Road to Bing Street.

Financial Impact:

The budget impact to remove and replace speed limit signs and temporary traffic revision warning signs is \$600.

Attachment(s):

Ordinance

Summary of Engineering and Traffic Investigation for Change in Speed Limit

Ordinance No. _____

**AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, RELATING TO
SPEED LIMITS IN CERTAIN ZONES OF THE CITY OF OLYMPIA AND AMENDING
SECTION 10.08.010 OF THE OLYMPIA MUNICIPAL CODE**

WHEREAS, the City has determined that the default speed limit of 25 m.p.h. set forth in RCW 46.61.400 and OMC 10.08.020 is more appropriate for travel on 14th Avenue NW from Cooper Point Road to Walnut Loop NW, and on Walnut Road NW from Walnut Loop to Bing Street;

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

Section 1. Amendment of OMC 10.08.010. Olympia Municipal Code 10.08.010 is hereby amended to read as follows:

10.08.010 Increased speed limit in certain zones

It is determined upon the basis of an engineering and traffic investigation that the twenty-five mile per hour speed limit established by state law upon the following streets is less than is necessary for safe operation of vehicles thereon. This is due to the designation and signposting of the streets as arterial highways and/or by reason of widely spaced intersections. It is declared that the speed limit shall be as set forth below on those streets or parts of streets designated, to be effective when signs are erected giving notice thereof.

Road Name	From	To	Speed Limit
14th Avenue NW	West city limits	Walnut Loop Cooper Point Road	35
Black Lake Boulevard	South city limits	Center Street	30
Cooper Point Road/Automall Drive	West end of Percival Creek Bridge	Carriage Street	35
Cooper Point Road	Carriage Street	14th Avenue NW	35
Cooper Point Road	14th Avenue NW	North city limits	35
Division Street	Langridge Court	North city limits	35
East Bay Drive	Olympia Avenue	North city limits	30
Fones Road	18th Avenue	Pacific Avenue	35
Harrison Avenue	Division Street	Cooper Point Road	30
Henderson Boulevard	Eskridge Boulevard	A point 300 feet south of I-5	35
Herman Road	Wiggins Road	East city limits	35

Road Name	From	To	Speed Limit
Hoffman Road	Morse-Merryman Road	18th Avenue	35
Lilly Road	Pacific Avenue	A point 330 feet south of Entrada Drive	30
Lilly Road	A point 330 feet south of Entrada Drive	North city limits	35
Martin Way	Phoenix Street	East city limits	35
Morse-Merryman Road	Boulevard Road	Wiggins Road	35
Mottman Road	West city limit	East city limits	35
Harrison Avenue	Cooper Point Road	West city limits	35
Pacific Avenue	Phoenix Street	East city limits	30
Walnut Road	Walnut Loop	Bing Street	35
West Bay Drive	Harrison Avenue	Schneider Hill Road	30
Wiggins Road	South city limits	27th Avenue	35
27th Avenue	Hoffman Road	Wiggins Road	35
Boulevard Road	South city limits	22nd Avenue	35
Yelm Highway	Henderson Boulevard	East City limits	35
26th Avenue NE	West city limits	East city limits (Chehalis- Western Trail)	35
Kaiser Road, NW	Harrison Avenue	North city limit	35
Henderson Boulevard	Yelm Highway	Middle Street	35
Henderson Boulevard	A point 300 feet south of I-5	I-5 Northbound On-Ramp (Plum Street)	35

Section 2. Corrections. The City Clerk and codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance, including the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

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 thirty (30) days after publication, as provided by law.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:



DEPUTY CITY ATTORNEY

PASSED:

APPROVED:

PUBLISHED:

14th Avenue/Walnut Road Speed Limit Revision

Prepared: 12/14/2017

Speed Study Summary

Location	Date	Traffic Volume	85 th Percentile Speed (mph)	Average Speed (mph)	Minimum Speed (mph)	Maximum Speed (mph)	10 mph Pace	% of Total in 10 mph Pace
Walnut Road east of Ethel Street	March, 2016	915	38.1	33.3	10.1	49.6	28-38	73.7%
Walnut Road west of Walnut Loop	March, 2016	959	36.5	30.8	10.3	49.7	26-36	65.5%
Walnut Road east of Walnut Loop	March, 2016	884	37.5	31.9	10.1	49.9	27-37	67.0%
Walnut Road west of Division Street	March, 2016	871	35.3	30.4	10.2	48.4	26-36	72.8%

Accident History Summary

Staff reviewed the 3-year accident history, January 1, 2014 thru December 31, 2016, for 14th Avenue and Walnut Road between Cooper point road and Division Street.

- There were no accidents that indicated speed was a contributing factor. Accident history showed that there was one accident. The cause was driver judgment error in hitting a fixed object.
 - Driver swerved to avoid an object in the street and collided with power pole guy wire.

01/01/2014 – 12/31/2016

STREET NAME	STREET SECTION	NUMBER OF ACCIDENTS	PRIMARY TYPE OF ACCIDENT
Walnut Street	West of Division Street	1	Fixed Object

Under 23 United States Code - Section 409, this data cannot be used in discovery or evidence at trial in any action for damages against the City of Olympia, or the jurisdictions involved in the data.

Street Characteristics

Street and Driveway count:

- 14th Avenue/Walnut Road between Cooper Point Road and Ethel Street
 - Commercial driveways – none
 - Residential driveways – One (1) multi-family on north side of street, three (3) on south side of street
 - Intersecting Streets include:
 - Cooper Point Road (both sides of 14th Avenue/Walnut Road, 4-way intersection), stop control
 - Tabitha Court (south side of 14th Avenue/Walnut Road, tee-intersection), stop control
 - Cyrene Drive (north side of 14th Avenue/Walnut Road, tee-intersection), stop control
 - Ethel Street (both sides of 14th Avenue/Walnut Road, 4-way intersection), stop control
- 14th Avenue/Walnut Road between Ethel Street and Walnut Loop
 - Commercial driveways – none
 - Residential driveways – Five (5) on north side of street, none (0) on south side of street
 - Intersecting Streets include:
 - Walnut Loop (south side of 14th Avenue/Walnut Road, tee-intersection), stop control
- 14th Avenue/Walnut Road between Walnut Loop and Division Street
 - Commercial driveways – none
 - Residential driveways – Fourteen (14) on north side of street, eleven (10) on south side of street
 - Intersecting Streets include:
 - Bing Street (south side of 14th Avenue/Walnut Road, tee-intersection), stop control
 - Division Street (both sides of 14th Avenue/Walnut Road, 4-way intersection), stop control

Street Geometrics/CrossSection:

- 14th Avenue/Walnut Road is generally a two-lane street with left-turn channelization at Cooper Point Road and a westbound bike lane from about 230-feet east of Ethel Street to Tabitha Court.
- 14th Avenue/Walnut Road is generally an uphill grade from Cooper Point Road to Ethel Street going eastbound, continuing with a downhill grade and then an uphill grade from Ethel Street to Walnut Loop going eastbound, and then a downhill grade from Walnut Loop to Division Street going eastbound

- 14th Avenue/Walnut Road has horizontal curves between Ethel Street and Walnut Loop. The street was constructed before the area was annexed to Olympia in 1981, and the design speed for these curves is unknown. Fourteenth Avenue/Walnut Road is a Major Collector, which generally has a maximum design speed of 30 MPH. Ball bank maximum readings at 35 MPH, 5 MPH over posted speed limit:
 - Westbound: 3 degrees left west of Walnut Loop and 7 degrees right east of Ethel Street
 - Eastbound: 3 degrees left east of Ethel Street and 6 degrees right west of Walnut Loop
- Developments along north side of 14th Avenue/Walnut Road have built frontage improvements to Olympia standards in place at time of development, including sidewalks and street lights
- 14th Avenue/Walnut Road has sidewalk and planting strip on the north side, from Cooper Point Road to about 230 feet east of Ethel Street, and a short section of sidewalk and planting strip from about 230 feet east of Ethel Street to about 380 feet east of Ethel Street

Other information

- The posted speed limit of 14th Avenue/Walnut Road is 35 MPH between Cooper Point Road and Walnut Loop, and 25 MPH between Walnut Loop and Division Street
- Street lighting along 14th Avenue/Walnut Road:
 - One 138-watt LED streetlight installed on power pole at Cooper Point Road intersection
 - Four 101-watt LED streetlights with 20-watt pedestrian-scale lights installed on City-standard fiberglass poles on north side from Cyrene Drive and just east of Ethel Street
 - One 100-watt HPS streetlight installed on concrete pole at Walnut Loop
 - One 138-watt LED streetlight installed on power pole at Division Street intersection
- Land use is primarily single-family and multi-family residential in character. Olympia Christian School is located south of 14th Avenue/Walnut Road, accessed via Ethel Street intersection. Many residential lots are large and some large forested areas remain undeveloped.
- Bicycle use – June 2016 13-hour study (6 a.m. – 7 p.m.) showed 11 bicyclists used roadway, while 13 bicyclists used roadway during peak periods (7 a.m. -9 a.m., 11 a.m. – 1 p.m., 4 p.m. – 6 p.m.) in February 2016.
- Pedestrian use – June 2016 13-hour study (6 a.m. – 7 p.m.) showed 18 pedestrians used roadway, while 28 pedestrians used roadway during peak periods (7 a.m. -9 a.m., 11 a.m. – 1 p.m., 4 p.m. – 6 p.m.) in February 2016.
- Heavy vehicle / truck use – street is not a truck route, and heavy vehicles comprise about 4% of traffic

Conclusion:

Staff recommends reducing the speed limit for the following safety reasons:

- The physical features of the street alignment, presence of residential driveways and people biking and walking.
- Narrow grass/gravel shoulders for people to walk on and speed of vehicles.
- Safety of people biking due to narrow street width and speed of vehicles.

A consistent speed limit of 25 mph from Cooper Point Road to Division Street will give drivers greater ability to respond to the actions of all other users. All streets are safe and inviting for people walking and biking. Streets are designed to be human scale, but also can accommodate motor vehicles, and encourage safe driving.



City Council

Public Safety Implementation Plan Update

Agenda Date: 1/23/2018
Agenda Item Number: 6.A
File Number: 18-0085

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

Title

Public Safety Implementation Plan Update

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Receive the public safety update from the Olympia Police Department. Briefing only; No action requested.

Report

Issue:

Whether to receive an update from the Olympia Police Department on the implementation plan for changes funded by the public safety levy lid lift.

Staff Contact:

Ronnie Roberts, Chief, Olympia Police Department, 360.753.8409

Presenter(s):

Ronnie Roberts, Chief of Police

Background and Analysis:

The Olympia Community voted to approve a public safety levy lid lift in November 2017. The Olympia Police Department has created an implementation plan to prepare for new and enhanced programs to serve our community.

Neighborhood/Community Interests (if known):

Community responses to recent survey indicated a desire for creative and unique solutions and programs tailored for Olympia's needs. As a result, the department will enhance Walking Patrol, add Neighborhood Liaisons, and develop a community crisis response team.

Options:

N/A

Financial Impact:

This implementation will be funded by dollars associated with the public safety levy.

Attachments:

Public Safety Implementation Plan Presentation

Growing for the Future



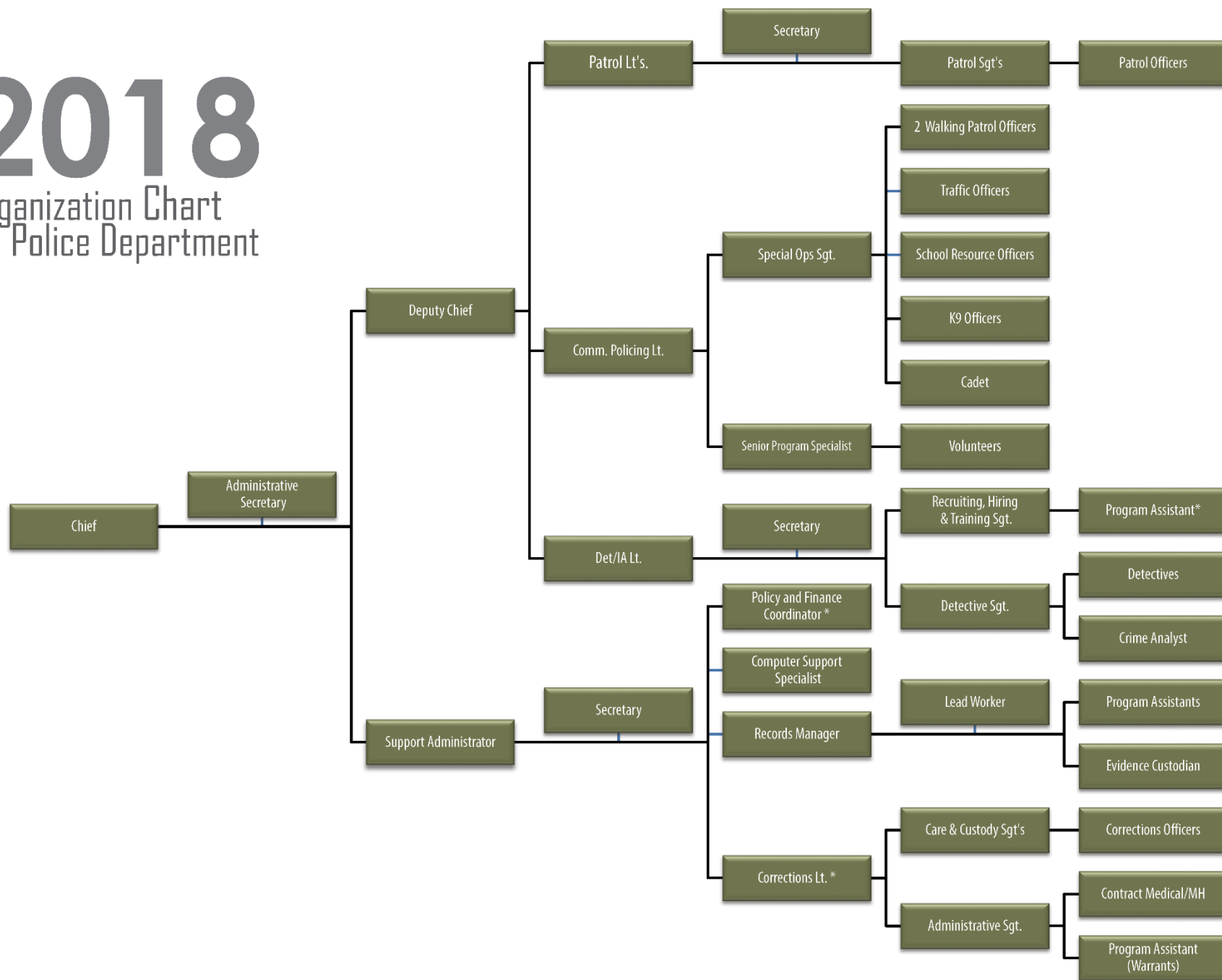
Olympia Police Department Reorganization 2018-2019



2018

Organization Chart

Police Department



Roles & Responsibilities



Community Policing

- Cadet
- Crime Prevention
- K9 Officers
- PIO
- School Resource Officers
- Special Operations
- Traffic Officers
- Volunteer Program
- Walking Patrol



Corrections

- Bookings
- Jail Operations
- Jail Records
- Medical Contract
- Mental Health Contract
- Warrants



Computer Support

- Technology Support



Fiscal Services

- Budget
- Contracts
- Fleet/Facilities
- Grants
- Policy



Investigations

- Detectives
- Hiring & Training
- Internal Investigations



Patrol

- Calls for Service
- Patrol Officers



Records

- Evidence Custodian
- MFR/RMS/JMS
- Records Requests
- Reception

What's Next?

New and Enhanced Programs

- ❖ Walking Patrol
- ❖ Neighborhood Liaisons
- ❖ Community Policing Program
- ❖ Mental Health Program
- ❖ Recruiting, Hiring & Training Support
- ❖ Policy & Finance
- ❖ Westside Station



November 2017

- Develop plan and consult with internal stakeholders
- Finalize job descriptions for new/changing positions
- Recruitment process for
 - » Policy and Finance Coordinator
 - » 8 new Officers
- Implement communication plan



January 2018

- Recruitment/hiring process for
 - » Program Assistant (Community Policing)
 - » Program Assistant (Hiring and Training)



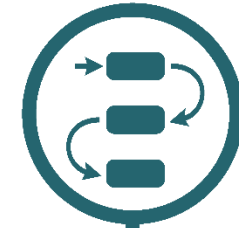
March—May 2018

- Open selection process for
 - » Walking Patrol
 - » Neighborhood Liaison Officer
- Community outreach to identify Mental Health needs
- Develop RFP for Mental Health Program
- Mental Health Provider selected



Sept 2018—Jan 2019

- Assign two Neighborhood Liaison Officers



December 2017

- Recruitment/ hiring process for
 - » Outreach Services Coordinator



February 2018

- Develop Mental Health Response Program



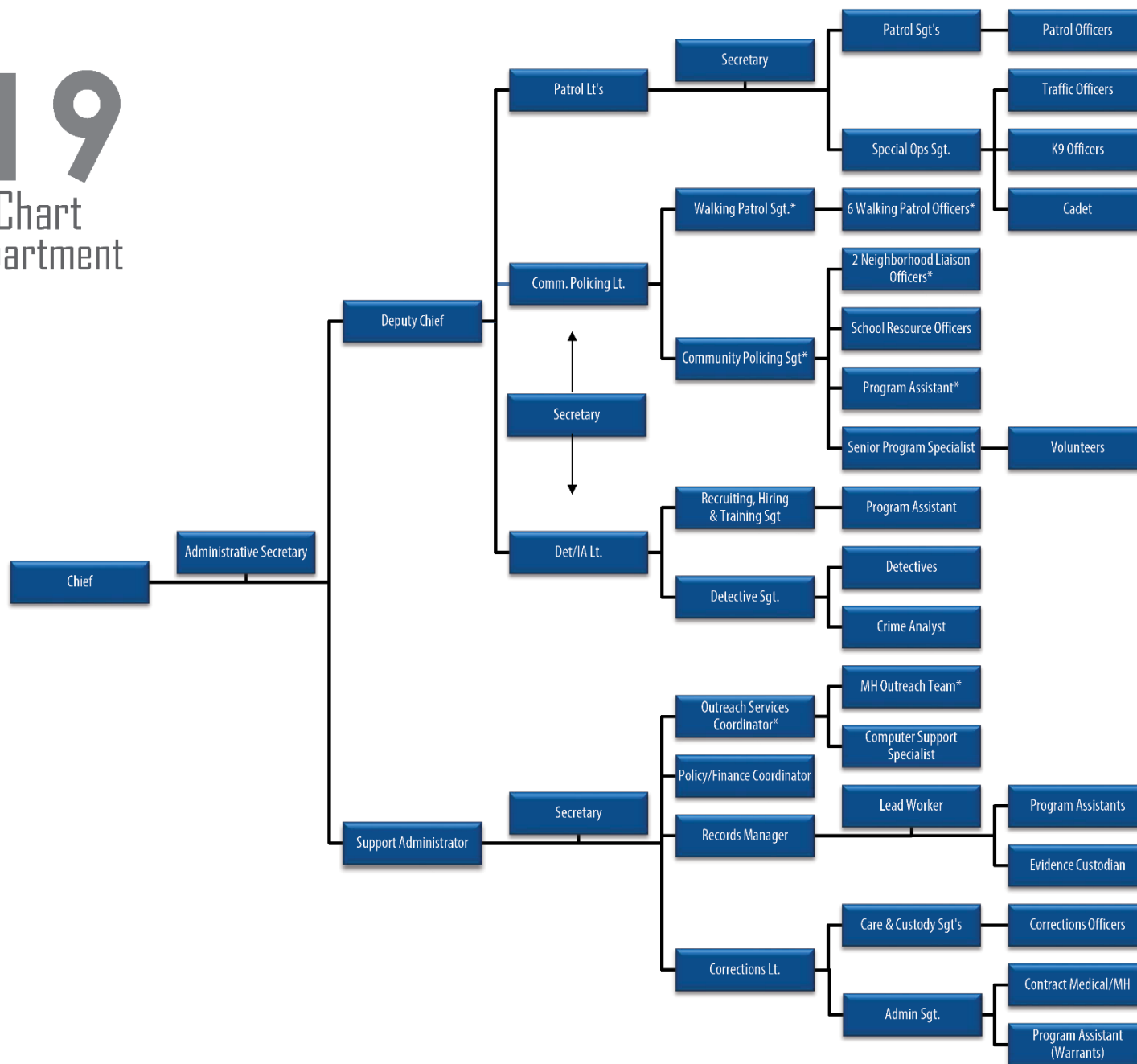
June—August 2018

- Mental Health Response Team in place and operational
- Open Sgt. promotion process for
 - » Walking Patrol
 - » Community Policing
- Assign Walking Patrol Officers



2019

Organization Chart Police Department



Roles & Responsibilities



Community Policing

- Crime Prevention
- Neighborhood Liaison
- PIO
- School Resource Officers
- Volunteer Program
- Walking Patrol



Corrections

- Bookings
- Jail Operations
- Jail Records
- Medical Contract
- Mental Health Contract
- Warrants



Fiscal Services

- Budget
- Contracts
- Fleet/Facilities
- Grants
- Policy



Investigations

- Detectives
- Hiring & Training
- Internal Investigations



Patrol

- Cadet
- Calls for Service
- K9 Officers
- Patrol Officers
- Special Operations
- Traffic Officers



Programs

- Technology Support
- Mental Health Response Program



Records

- Evidence Custodian
- MFR/RMS/JMS
- Records Requests
- Reception

Thank You

