



Meeting Agenda

City Council

City Hall
601 4th Avenue E
Olympia, WA 98501

Information: 360.753.8244

Tuesday, July 14, 2020

5:30 PM

Online or via Phone

Register to attend:

https://us02web.zoom.us/webinar/register/WN_vzWI0PxVRn-gVUeqbWuLGA

1. ROLL CALL

1.A ANNOUNCEMENTS

1.B APPROVAL OF AGENDA

2. SPECIAL RECOGNITION - None

3. PUBLIC COMMENT

Estimated Time: 0-30 Minutes)

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 from 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.

REMOTE MEETING PUBLIC COMMENT INSTRUCTIONS:

During this time, the Olympia City Council will hold business meetings remotely using Zoom. Live public comments will be taken during the meeting but advance registration is required. The link to register is at the top of the agenda.

After you complete the registration form, you will receive a link by email to log onto or call into Zoom for use at the meeting day and time. If you plan on calling into the meeting, you will need to provide your phone number at registration so you can be recognized during the meeting.

Once connected to the meeting you will be auto-muted. At the start of the public comment period, the Mayor will call participants by name to speak in the order they signed up. When it is your turn to speak, your microphone will be unmuted, once three minutes concludes your microphone will be muted again.

COUNCIL RESPONSE TO PUBLIC COMMENT (Optional)**4. CONSENT CALENDAR***(Items of a Routine Nature)*

- 4.A** [20-0552](#) Approval of July 7, 2020 City Council Meeting Minutes

 Attachments: [Minutes](#)
- 4.B** [20-0553](#) Approval of July 8, 2020 Study Session Meeting Minutes

 Attachments: [Minutes](#)
- 4.C** [20-0519](#) Approval of the Proposed Scope for 2020 Engineering Design and Development Standards Update

 Attachments: [Proposed Scope](#)
- 4.D** [20-0542](#) Approval of Bid Award for the Hands On Children's Museum Roof Replacement Project

 Attachments: [Vicinity Map](#)
 [Summary of Bids](#)
- 4.E** [20-0520](#) Approval of a Resolution Authorizing an Interlocal Agreement with the City of Fife for Joint Purchase Agreement

 Attachments: [Resolution](#)
 [Agreement](#)
- 4.F** [20-0551](#) Approval of a Resolution Amending Resolution No. M-2137 by Adding a Third Exemption to the Moratorium on the Use by the Olympia Police Department of Less-Than-Lethal Agents for Crowd Control Purposes During the Period of the Coronavirus COVID-19 Pandemic

 Attachments: [Resolution](#)

4. SECOND READINGS (Ordinances) - None**4. FIRST READINGS (Ordinances)**

- 4.G** [20-0547](#) Approval of an Ordinance Amending Ordinances 7245 (Operating, Special and Capital Budgets)

 Attachments: [Ordinance](#)

5. PUBLIC HEARING

- 5.A** [20-0459](#) Public Hearing on Master Permit Transfer with Noel Communications

 Attachments: [Resolution](#)
 [Request to Transfer](#)

[Ordinance 7226](#)

[Exhibit Map](#)

- 5.B** [20-0516](#) Public Hearing on the Draft Community Development Block Grant Reallocation of Existing Program Funds
- 5.C** [20-0515](#) Public Hearing on the Draft Community Development Block Grant (CDBG) 2020 Action Plan
- Attachments: [Draft Citizen Summary](#)
- [Draft Action Plan](#)

6. OTHER BUSINESS

- 6.A** [20-0546](#) Approval to Appropriate \$1,000,000 of Economic Development Reserves to support Community Economic Recovery Efforts

7. CONTINUED PUBLIC COMMENT

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

City Council

Approval of July 7, 2020 City Council Meeting Minutes

Agenda Date: 7/14/2020
Agenda Item Number: 4.A
File Number:20-0552

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

Title

Approval of July 7, 2020 City Council Meeting Minutes



Meeting Minutes - Draft

City Council

City Hall
601 4th Avenue E
Olympia, WA 98501

Information: 360.753.8244

Tuesday, July 7, 2020

5:30 PM

Online and Via Phone

Register to Attend:

https://us02web.zoom.us/webinar/register/WN_yR8ZRcsISvOLLqBM3QeNKQ

1. ROLL CALL

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

1.A ANNOUNCEMENTS

Interim Police Chief Aaron Jelcick announced a new link on the City's website to a Police Accountability & Transparency page. He highlighted information and links of interest to the public.

Mayor Selby announced an online Special Study Session tomorrow at 5:30 p.m. regarding the Olympia Police Department use of force and crowd control policies and training discussion.

1.B APPROVAL OF AGENDA

The agenda was approved.

2. SPECIAL RECOGNITION - None

3. PUBLIC COMMENT

The following people spoke: Rusty Sheka, Zachary Lynch, Stacey Genzlinger, Charlie Kerry, Krys Brown, Candy Mercer, Franz Kilmer-Shoultz, David Ross, Mason Rolph, and Tracey Carlos.

4. CONSENT CALENDAR

4.A [20-0514](#) Approval of June 16, 2020 City Council Meeting Minutes

The minutes were adopted.

4.B [20-0517](#) Approval of a Bid Award for the Downtown Pedestrian Crossing Safety Improvements Project

The contract was adopted.

- 4.C [20-0390](#) Approval for a National Endowment for the Arts Our Town Grant Application

The decision was adopted.

- 4.D [20-0461](#) Approval of a Resolution Authorizing an Interlocal Agreement between the City of Olympia Fire Department and Thurston County Medic One for Basic Life Support High Probability Unit with FEMA Public Assistance Contract Clauses

The resolution was adopted.

- 4.E [20-0535](#) Approval of a Resolution Authorizing Acceptance of the Mental Health Field Response Grant from the Washington Association of Sheriffs and Police Chiefs

The resolution was adopted.

- 4.F [20-0536](#) Approval of a Resolution Adopting a Funding Strategy to Address The Washington Center for the Performing Arts' First Quarter 2020 Budget

The resolution was adopted.

Approval of the Consent Agenda

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

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

4. SECOND READINGS (Ordinances) - None

4. FIRST READINGS (Ordinances) - None

5. PUBLIC HEARING - None

6. OTHER BUSINESS

- 6.A [20-0496](#) Approval of Eastside Street Art Crossing Project Artist

Arts Program Manager Stephanie Johnson gave an overview of the project. Arts Commission Chair Timothy Grisham highlighted the Arts Commission recommendation.

Councilmember Cooper moved, seconded by Councilmember Parshley, to

approve Andrea Wilbur-Sigo as artist for the Eastside Street Art Crossing project. The motion carried by the following vote:

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

6.B [20-0512](#) Approval of a Resolution Accepting the One Community: Healthy, Safe and Housed Plan

Strategic Projects Manager Amy Buckler, Homeless Response Coordinator Teal Russell, and Senior Planner Stacey Ray gave a presentation on the One Community: Healthy, Safe and Housed Plan.

Councilmembers commented and asked clarifying questions.

Councilmember Cooper discussed efforts toward creating a Regional Housing Council.

Councilmember Cooper moved, seconded by Mayor Pro Tem Bateman, to approve a resolution accepting the One Community: Healthy, Safe and Housed Plan. The motion carried by the following vote:

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

7. CONTINUED PUBLIC COMMENT - None

8. REPORTS AND REFERRALS

8.A COUNCIL INTERGOVERNMENTAL/COMMITTEE REPORTS AND REFERRALS

Councilmembers reported on meetings and activities attended.

8.A-1 [20-0549](#) ADDED DURING MEETING - Approval of Amendment to Resolution M-2137 Regarding Use of Less-Than-Lethal Agents by Olympia Police Department for Crowd Control

Mayor Selby moved, seconded by Councilmember Parshley, to amend Resolution M-2137 to add a third exemption to the prohibition on use of less-than-lethal agents by law enforcement in Section 2 to include situations where three or more persons are engaged in criminal mischief resulting in destruction of property or setting fires. The motion carried by the following vote:

Aye: 6 - Mayor Selby, Mayor Pro Tem Bateman, Councilmember Cooper, Councilmember Gilman, Councilmember Madrone and Councilmember Parshley

Nay: 1 - Councilmember Rollins

8.B CITY MANAGER'S REPORT AND REFERRALS

City Manager Jay Burney reported working on a tentative date in August for the Council's mid-year retreat. The General Government Committee will discuss a draft agenda at its July 22 meeting.

Mr. Burney thanked Strategic Communications Director Kellie Purce Braseth for her work in pulling together the upcoming Town Hall series on racial justice. Ms. Purce Braseth announced Town Hall meeting dates of July 23, July 30, August 6 and August 13.

9. EXECUTIVE SESSION

9.A [20-0513](#) Executive Session Pursuant to RCW 42.30.110(1)(i); Litigation and Potential Litigation

Mayor Selby recessed the meeting to Executive Session at 7:27 p.m. pursuant to RCW 42.30.110(1)(i) to discuss litigation and potential litigation. She announced no decisions would be made, the meeting was expected to last no longer than 60 minutes, and the Council would adjourn immediately following the Executive Session. The Executive Session began at 7:33 p.m. The City Attorney was present at the Executive Session.

The executive session was held and no decisions were made.

9. ADJOURNMENT

The meeting adjourned at 8:32 p.m.



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601 4th Avenue E.
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City Council

Approval of July 8, 2020 Study Session Meeting Minutes

Agenda Date: 7/14/2020
Agenda Item Number: 4.B
File Number:20-0553

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

Title

Approval of July 8, 2020 Study Session Meeting Minutes



Meeting Minutes - Draft

City Council

City Hall
601 4th Avenue E
Olympia, WA 98501

Information: 360.753.8244

Wednesday, July 8, 2020

5:30 PM

Online and via phone

Special Study Session

Register to Attend:

https://us02web.zoom.us/webinar/register/WN_ICZA6684RoOrHZ0BvQXZ6w

1. ROLL CALL

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

2. BUSINESS ITEM

2.A [20-0538](#) Olympia Police Department Use of Force and Crowd Control Policies and Training Discussion

Interim Police Chief Aaron Jelcick, Sergeant Matt Renschler and Sergeant Paul Evers briefed the Council on use of force policies and practices, reporting requirements, and frequently asked questions. They reviewed officer training in the areas of crowd control, de-escalation, less-than-lethal tools and chemical munitions.

Throughout the presentation, Councilmembers asked clarifying questions.

The study session was completed.

3. ADJOURNMENT

The meeting adjourned at 7:58 p.m.



City Council

Approval of the Proposed Scope for 2020 Engineering Design and Development Standards Update

Agenda Date: 7/14/2020
Agenda Item Number: 4.C
File Number:20-0519

Type: decision **Version:** 2 **Status:** Consent Calendar

Title

Approval of the Proposed Scope for 2020 Engineering Design and Development Standards Update

Recommended Action

Committee Recommendation:

The Land Use & Environment Committee recommends approval of the proposed scope for 2020 Engineering Design and Development Standards update (EDDS).

City Manager Recommendation:

Move to approve the recommendation from the Land Use & Environment Committee to approve the proposed scope for the 2020 EDDS update.

Report

Issue:

Whether to approve the proposed scope for the 2020 EDDS update.

Staff Contact:

Stephen Sperr, P.E., Assistant City Engineer, Public Works Engineering, 360.753.8739

Presenter(s):

None - Consent Calendar Item.

Background and Analysis:

The EDDS guide the design and construction of transportation, drinking water, reclaimed water, sewer, stormwater, and solid waste collection systems. They are also the technical interpretation of the City's Comprehensive Plan and various utility master plans. The City Engineer is responsible for developing and administering the EDDS.

The EDDS are updated annually to:

- Implement Goals and Policies established in the City's Comprehensive Plan and other Council -approved plans such as the Downtown Strategy.
- Reflect changes to the Olympia Municipal Code (OMC), particularly Titles 12-18.

- Help implement policies established in approved Utility Master Plans.
- Address changes in equipment and materials.
- Enable the use of improvements in technology.
- Clarify information and requirements described in the text and shown on standard drawings.

A few topics of particular interest listed under the Substantive Changes heading in the attachment to this staff report include *street connectivity*, *downtown sidewalk standards*, *thresholds for frontage improvements*, and *private streets in mobile home parks*. These topics implement Comprehensive Plan goals and policies consistent with reducing housing and development costs while maintaining public safety. Some of these topics will require significant staff time and public input before being finalized. This will likely result in a 12-18 month timeframe to fully develop and approve some of these substantive changes. The other proposed changes will likely be brought forward later this year to City Council for a public hearing and approval.

Neighborhood/Community Interests (if known):

The EDDS provide predictability and consistency in how the City's infrastructure is built. Making timely changes to the EDDS ensures that infrastructure installed meets the most current standards and builds the foundation for the City's vision.

Information related to the proposed changes is available on the City webpage dedicated to the EDDS. Stakeholders are engaged throughout the review and approval process.

Options:

1. Approve the recommended the Proposed Scope of 2020 EDDS update. Staff will move forward with developing the changes.
2. Recommend additional topics to be addressed through the 2020 EDDS update. Staff will move forward with developing the scope of the additional topic(s) along with the recommended changes.
3. Do not approve the recommendation and have staff revise as directed. Not approving the recommendation may delay the development of the specific changes.

Financial Impact:

Most of the proposed changes should not result in notable increases to the costs of private development or public work projects. However, those addressing street connectivity, downtown sidewalk standards, thresholds for frontage improvements and private streets in mobile home parks should end up costing less for owners and developers.

Attachments:

Proposed Scope

2020 EDDS Topics - as of June 29, 2020

EDDS #	Topic	Requested Change and Why	Location in EDDS, OMC, etc.
SUBSTANTIVE CHANGES			
1	Street Connectivity	Implementing the Comp Plan (Goals GT4 and GT5, Policies PT5.1-4) in the EDDS; Transition from commercial to residential. Also consider (1) alternative alignments in environmentally sensitive/critical areas, (2) criteria for examining new street connections, and (3) identifying safety issues, unique physical features, and funding solutions.	1.050, 2.040.B.3, Table 3 in Ch.4, 4H.060.A.8
2	Downtown Sidewalk Standards	Review and possible adjust the width of sidewalk in various downtown districts (e.g. 16' for arterials downtown?); clarify use thereof, such as for sidewalk cafes. Include tie to "A and B" classification streets in the Downtown Area, per Chapter 18.16 OMC.	Chapter 4?, OMC 9.16.180
3	Frontage Improvement Thresholds	Look at scale and proportionality; relationship to Comp Plan Policy PT15.1.	2.020, 2.040, 2.070, 3.110
4	Private Streets in Mobile Home Parks	Look at internal circulation vs. required through street; establish standards.	Chapter 2?
OTHER CHANGES			
5	Remove Basis of Bearing Reference to City of Olympia Coordinate System	Edit or remove these references in various Chapters in the OMC that relate to Short Plats, etc.	Ch.2, various chapters in Titles 17 & 18 OMC
6	Submittals for Private Development Work	Consider requiring submittals for certain types of construction (e.g. pervious concrete sidewalk and driveways) and/or materials to be used, for work on public facilities and infrastructure constructed by private development. Address Traffic Control Plan submittals here as well.	Chapter 3
7	Development Engineer	Remove references to a Development Engineer, which is no longer a position at the City.	Chapter 3
8	Electronic PE seals	Insert standards for electronic sealing and signing of plans by professional engineers, land surveyors, and other licensed professionals.	Chapter 3
9	Topo Information Reference	Add requirements to cite topographical information if used on plans.	Chapter 3
10	Record Drawings (As-Builts)	Update requirements for submittal of Record Drawings to City.	Chapter 3
11	GIS Files Formatting	Update GIS file formatting requirements to conform to current City standard.	Chapter 3
12	GNET Software	Bold the GNET software notes on the Construction Plan Notes standard drawing (3-1) to highlight the updated software requirement added in 2018.	Drawing 3-1
13	LID Details	Update reference numbers for Chapter 5 LID detail drawings on Standard Street Drawings.	Chapters 4 and 5

EDDS #	Topic	Requested Change and Why	Location in EDDS, OMC, etc.
14	Ditch Maintenance	Need to establish responsibility here in the EDDS, or in applicable OMC?	Ch4 and/or 5?
15	Ladder Bar Crosswalks	Clarify requirement of where crosswalks are to be delineated, how.	4B.130, Drawings 4-32,32A
16	Concrete Strength for Driveway	Add explicit citation of 4,000 psi concrete required for Driveway Approaches in the ROW.	4B.140
17	Grated Lids and other Slip Hazards	Add requirement for plan from private utilities to replace grated vault lids in sidewalks.	4C, OMC 11.04,06,10,12
18	Small Cell Tower Installations on Street Lights	Establish standards for mounting small cell towers on street lights.	4F, OMC 11.04, 06, 10, 12
19	Illumination	Review mounting heights, spacing and other requirements for Street Lights. Confirm whether "City of Olympia Streetlight Installation Guidelines" is still being used. No streetlight shall be installed on existing or new power poles as part of any development.	4F
20	Survey Monuments	Update Survey Monuments section to reflect WAC 332-120 requirements.	4H.050, Appendix 3
21	Street Trees	Update chapter to be consistent with Chapter 16.60 OMC. Change caliper diameter to 2 inches.	Chapter 4, 4H.100
22	Transportation-Related Special Provisions	Update Appendix 5 of Chapter 4 to reflect changes made by Amendments to the 2018 & 2020 WSDOT Standard Specifications.	Appendix 5 of Ch. 4
23	Bike Lane Closures	Add Olympia's Bike Lane Closure Policy as an Appendix to Chapter 4	Ch.4 Appendices
24	Hammerhead Detail	Review minimum dimensions and other requirement of the Temporary "T" (i.e."Hammerhead") elements of standard detail 4-5.	Drawing 4-5
25	Bedding and Backfill	Revise and/or clarify pipe zone bedding specification (see WSDOT 9-03.12(3)) and drawing 4-8, to decrease size of crushed rock that can be used. Need to clarify backfill spec as well?	Drawing 4-8; specs in various Chapters
26	Sidewalk/Driveway Clarification	Clarify driveway approach thickness/reference to other drawings.	Drawing 4-9C
27	Utilities Location Schematic	Review Standard Drawing details, and consider adding additional pipe separation info. Add reference to this Drawing in other Chapters.	Drawing 4-44
28	Tracer Wire & Locate Tape Detail	Add a stand-alone tracer wire and located tape Standard Drawing	Chapter 5?
29	AutoCAD files for approved sewer/storm plans	Require that AutoCAD files of the approved plans be submitted with the request to get City ID numbers for sewer & storm prior to televising	5.024 & 7A.070
30	Curb Inlet Access Lids	Clarify type of access lid required.	Drawing 5-10
31	<10' between sewer and water when water is DI	Consider allowing <10' separation between sewer and water when water is Ductile Iron. If the sewer is in the center of the roadway, the water may need to be in the gutter line to achieve separation.	6.130

EDDS #	Topic	Requested Change and Why	Location in EDDS, OMC, etc.
32	Disinfecting Watermains	Consider revisions to the disinfection process, incorporating AWWA C651 standard and Water Utility Operations goals. Add sampling requirement for every 1200 feet and at each end of pipe.	6.190
33	Water Service Connection Drawings	Update drawings to reflect current material requirements	Drawings 6-1A-C, 6-2
34	Testing of Sewer Service Lines	Add subsection to section 7A.070 Testing, to be consistent with rest of section.	7A.070.G
35	Ductile Iron Pipe Lining	Remove epoxy lining requirement on ductile iron pipe used for sewer.	7B.030
36	Private cleanout requirement	Move to side sewer section. Clarify what level of rehab of a side sewer triggers cleanout requirement. Look at liners that do not stop at the right-of-way line. Add "or public sewer easement line" to language.	7B.030
37	Manholes	Require hinged MH lids in roadways and composite, lockable lids off roadways/under water.	Chapter 7
38	Saddle Manholes	Update section on saddle manholes, including bypass pumping, and add a standard drawing.	7B.050
39	manhole pipe angles	Clarify whether angles between pipes must be over 45 degrees (per 7B.055) or 90 degrees (per 7B.050).	7B.050, 7B.055
40	Drop Manholes	(1) Clarify when inside drop manholes can be used, (2) clean up Standard Drawing 7-4A (e.g. note 4) and add updated ASTM reference, and (3) Drawings 7-4, 4A shows max of 20' between invert of pipe open to manhole and bottom of channel. This conflicts with 7B.030 which says manholes may not be more than 20 feet deep.	7B.050, 7B.030, Drawings 7-4, 4A
41	Grinder Pumps	Establish alternate grinder pump submittal requirements. RPs may be required due to DOH interpretation.	7F
42	Controls of Commercial STEP Systems	Update programming, instrumentation, control and SCADA requirements for Commercial STEP systems.	Ch7, Appendices
43	Lift Station Start-up documents	Add the Lift Station Inspection Checklist and S&L Product Start-Up Report forms as Appendices.	Ch7. Appendices
44	STEP ARV Drawing	Update Standard Drawings 7-8 and 7-9 to reflect current ARV and structure standard, per Ops.	Ch7. Appendices
45	Commercial STEP radio	Radio spec on standard drawing 7-20 does not match text of chapter.	drawing 7-20
46	Errata and Mistakes	Correct grammatical errors, wrong information, etc.... 1. Missing parenthesis at end of 4B.035, 2. Bulbout v. bulb-out (consistency) in Chapter 2 and 4. 3. Correct street ranges in Table 1 of Ch.4 such as Cooper Pt. Blvd., Capitol Way north of State... 4. Missing/incorrect punctuation in 4B.175.G. 5. 12-gauge toning wire for grinder system force mains, not 14-gauge, in 7F.030 and drawing 7-24.	Ch.4, 7



City Council

Approval of Bid Award for the Hands On Children's Museum Roof Replacement Project

Agenda Date: 7/14/2020
Agenda Item Number: 4.D
File Number: 20-0542

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

Title

Approval of Bid Award for the Hands On Children's Museum Roof Replacement Project

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Move to award the construction contract to Andy Johnson & Co., Inc., in the amount of \$569,974.00 and authorize the City Manager to execute the contract.

Report

Issue:

Whether to approve the staff recommendation to award the construction contract for the Hands On Children's Museum Roof Replacement Project to Andy Johnson & Co., Inc., in the amount of \$569,974.00.

Staff Contact:

Jim Rioux, Project Manager, Public Works Engineering, 360.753.8484

Presenter(s):

None - Consent Calendar Item.

Background and Analysis:

In 2019, the City conducted a condition assessment on sixteen City owned buildings including the Hands On Children's Museum. The facility is generally in very good condition, except for the roof and some areas of wood siding.

Staff suspected problems with the roof due to the condition of the siding and a history of leaks near the "silo area" at the entrance to the building. The City conducted a more thorough assessment of the roof and concluded the roof had reached the end of its useful life. The roofing material, proximity to saltwater and roosting seagulls are major factors contributing to the need for roof replacement.

When this was discovered, plans were underway to install solar panels on the south facing portions

of the roof through an agreement with Olympia Community Solar. For this reason, the City decided to move forward with this project, which must be completed prior to installation of the solar panels. The proposed project will replace the composite shingle roof with a raised metal seam roof that will have a much longer expected life and is better designed for this environment and the future solar array.

Neighborhood/Community Interests (if known):

The Hands On Children's Museum is a cherished amenity in Olympia. It is critical that the City take the necessary steps to preserve the building for the enjoyment of citizens and visitors to our City.

Options:

1. Award the construction contract to Andy Johnson & Co., Inc., in the amount of \$569,974.00 and authorize the City Manager to execute the contract.
The project proceeds as planned.
2. Reject all bids and direct staff to rebid the project. The time needed to rebid will delay construction. The cost to construct the project may increase and installation of solar panels will be delayed.

Financial Impact:

The estimated cost to replace the roof is shown below. Funding will come from the Public Facilities District fund balance and from the Building Repair and Replacement Fund.

The low bid of \$569,974 is approximately 34% below the Engineer's estimate. There are sufficient funds in the budget to complete this project.

Overall project costs:

Total Low Bid:	\$569,974
Contingency to Award (10%):	\$56,997
Engineering: Design, Inspection, Consultants	\$193,000
Total Estimated Project Cost:	\$819,971

Available Project Funding:	\$819,971
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Attachments:

Vicinity Map
Summary of Bids



Hands On Children's Museum

Roof Replacement Project



City of Olympia, TComm911

0 0.03 0.06
Miles

1 inch = 300 feet

Map printed 7/6/2020

This map is intended for 8.5x11" portrait printing.

The City of Olympia and its personnel cannot assure the accuracy, completeness, reliability, or suitability of this information for any particular purpose. The parcels, right-of-ways, utilities and structures depicted hereon are based on record information and aerial photos only. It is recommended the recipient and or user field verify all information prior to use. The use of this data for purposes other than those for which they were created may yield inaccurate or misleading results. The recipient may not assert any proprietary rights to this information. The City of Olympia and its personnel neither accept or assume liability or responsibility, whatsoever, for any activity involving this information with respect to lost profits, lost savings or any other consequential damages.



SUMMARY OF BIDS RECEIVED



Project Name: Hands on Children's Museum Roof Replacement
Project Number: 1968C
Bid Opening Date: 6/29/2020

ENGINEER'S ESTIMATE	CITY OF OLYMPIA	\$	867,350.55
Bid #1	Andy Johnson & Company	\$	569,974.00
Bid #2	J.A. Morris Construction LLC	\$	610,452.00
Bid #3	Krueger Sheet Metal Co.	\$	614,828.00
Bid #4	D and D Construction	\$	689,920.16
Bid #5	Axiom Construction	\$	714,163.20
Bid #6	Weatherguard Inc.	\$	780,022.00
Bid #7	Interstate Sheet Metal	\$	847,850.00



City Council

Approval of a Resolution Authorizing an Interlocal Agreement with the City of Fife for Joint Purchase Agreement

Agenda Date: 7/14/2020
Agenda Item Number: 4.E
File Number:20-0520

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

Title

Approval of a Resolution Authorizing an Interlocal Agreement with the City of Fife for Joint Purchase Agreement

Recommended Action

Committee Recommendation:

Not referred to a committee

City Manager Recommendation:

Move to approve a resolution authorizing an Interlocal Agreement with the City of Fife for Joint Purchase Agreement and authorize the City Manager to sign the agreement.

Report

Issue:

Whether to approve a resolution authorizing an Interlocal Agreement with the City of Fife for Joint Purchase Agreement.

Staff Contact:

Meliss Maxfield, Director of General Services, Public Works Department, 360.753.8202

Presenter(s):

None - Consent Calendar Item.

Background and Analysis:

Chapter 39.34 of the Revised Code of Washington permits local governmental agencies to make the most efficient use of their authorities by enabling them to cooperate with other local agencies on a basis of mutual advantage. RCW 39.34.030 authorizes cooperative action, including joint purchases, by two or more governmental entities. This interlocal agreement would allow the City of Olympia and the City of Fife to utilize each other's procurement agreements (for example, fleet purchasing) when it is in our mutual interest.

Neighborhood/Community Interests (if known):

None.

Options:

1. Approve the resolution and direct the City Manager to sign the Interlocal Agreement with the City of Fife for joint purchasing.
2. Do not approve the resolution authorizing an Interlocal Agreement between the City of Olympia and City of Fife for joint purchasing.

Financial Impact:

By eliminating duplication of procurement support services and overhead, the costs to each City may be reduced. It can also increase affordability and improve governmental efficiency.

Attachments:

Resolution
Agreement

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OLYMPIA, WASHINGTON, APPROVING
AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF OLYMPIA AND THE CITY OF FIFE FOR
JOINT PURCHASING**

WHEREAS, the Interlocal Cooperation Act, as amended, and codified in Chapter 39.34 of the Revised Code of Washington provides for interlocal cooperation between governmental agencies; and

WHEREAS, RCW 39.34.010 permits local governmental agencies 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 City of Olympia and the City of Fife desire to utilize each other's procurement agreements when it is in their mutual interest;

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

1. The Olympia City Council hereby approves the form of Interlocal Agreement between the City of Olympia and City of Fife for joint purchasing and the terms and conditions contained therein.
2. The City Manager is authorized and directed to execute on behalf of the City of Olympia the Interlocal Agreement, and any other documents necessary to complete purchases pursuant to said Agreement, and to make any minor modifications as may be required in the Interlocal that are consistent with the intent of the Agreement, or to correct any scrivener's errors.

PASSED BY THE OLYMPIA CITY COUNCIL this 14th day of July 2020.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:



DEPUTY CITY ATTORNEY

**INTERLOCAL AGREEMENT
BETWEEN
THE CITY OF OLYMPIA AND CITY OF FIFE
FOR
JOINT PURCHASE AGREEMENT**

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

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

NOW, THEREFORE, in consideration of the mutual promises contained herein, the City of Olympia (OLYMPIA) and City of Fife (FIFE) agree as follows:

I. Purpose/Objective

This Agreement pertains to bids and contracts for supplies, material, equipment or services that may be required from time to time by OLYMPIA and FIFE.

Each of the parties from time to time goes out to public bid and contracts to purchase supplies, material, equipment, and services. Each of the parties hereby agrees to extend to the other party the right to purchase pursuant to such bids and contracts to the extent permitted by law, and to the extent agreed upon between each party and the bidder, contractor, vendor, supplier, or service provider.

II. Scope of Agreement/Work

1. Each of the parties shall comply with all applicable laws and regulations governing its own purchases.
2. Each of the parties shall contract directly with the bidder, contractor, vendor, supplier, or service provider, and pay directly in accordance with its own payment procedures for its own purchases.
3. Any purchase made pursuant to this Agreement is not purchase from either of the parties. This Agreement shall create no obligation to either of the parties to purchase any particular good or service, nor create to either of the parties any assurance,

warranty, or other obligation from the other party with respect to purchasing or supplying any good or service.

4. No separate legal or administrative entity is intended to be created pursuant to this Agreement. No obligation, except as stated herein, shall be created between the parties or between the parties and any applicable bidder or contractor.

V. Indemnification & Insurance

The CITY OF FIFE and the CITY OF OLYMPIA each agree to defend, indemnify and hold the other, its officers, officials, employees and volunteers harmless from any and all claims, injuries, damages, losses or suits including reasonable attorney fees, arising out of or in connection with each entity's respective performance of its responsibilities under the Agreement, except to the extent such injuries and damages are caused by the negligence of the other.

VI. Duration of Agreement

This Agreement shall be effective until canceled by either party unless otherwise terminated in the manner described under the termination section of this Agreement.

VII. Termination of Agreement

This Agreement may be terminated upon sixty (60) days notice to the other party using the method of notice provided for in this Agreement.

VIII. Entire Agreement

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

IX. Posting or Recording

Prior to its entry into force, this Agreement shall be posted upon the websites of the parties or other electronically retrievable public source or filed with the Thurston County Auditor's Office or as required by RCW 39.34.040.

X. Employment Relationship

Employees of each agency shall remain at all times under the direction and control of their original agency and the performance of work for any other agency pursuant to this Interlocal Agreement shall not change that relationship for any purpose. Neither agency shall be deemed to have agreed to pay the other agency's employees any wages or

benefits afforded to its own employees. Further, each agency's responsibilities to its own employees for work place injuries shall remain unchanged by this Interlocal Agreement.

XI. Notice/Contract Representative

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

CITY OF OLYMPIA

Attn: General Services Director, Public Works Department

Re: Joint Purchase Agreement with City of Fife

PO Box 1967

Olympia, WA 98507-1967

CITY OF FIFE

Attn: City Attorney

Re: Joint Purchase Agreement with City of Olympia

5411 23rd Street East

Fife, WA 98424

XIV. Records

Each party shall maintain its own public records and shall be solely responsible for responding to records requests received about the subject matter of this interlocal. Any public records request addressed to the group as if this interlocal created a separate legal entity, shall be deemed to be a request received by each member individually. Each member shall respond separately, unless agreed to otherwise in writing and properly documented.

XV. Interpretation and Venue

This Agreement shall be governed by the laws of the State of Washington as to interpretation and performance. The parties hereby agree that venue for enforcement of this Agreement shall be the Superior Court of Thurston County if the issue is raised by Olympia or in the Superior Court of Pierce County if the issue is raised by Fife.

XVI. Effective Date

This Agreement shall take effect as of the date of filing or posting as required by RCW 39.34.040 and signature of both parties.

[Signature Page to Follow]

CITY OF OLYMPIA

Steven J. Burney, City Manager

Date: _____

Approved as to form:

Deputy City Attorney

CITY OF FIFE

Hyun Kim, City Manager

Date: 6/11/2022

Approved as to form:

City Attorney



City Council

Approval of a Resolution Amending Resolution No. M-2137 by Adding a Third Exemption to the Moratorium on the Use by the Olympia Police Department of Less-Than-Lethal Agents for Crowd Control Purposes During the Period of the Coronavirus COVID-19 Pandemic

Agenda Date: 7/14/2020
Agenda Item Number: 4.F
File Number:20-0551

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

Title

Approval of a Resolution Amending Resolution No. M-2137 by Adding a Third Exemption to the Moratorium on the Use by the Olympia Police Department of Less-Than-Lethal Agents for Crowd Control Purposes During the Period of the Coronavirus COVID-19 Pandemic

Recommended Action

Committee Recommendation:

Not referred to a committee

City Manager Recommendation:

Move to approve the Resolution Amending Resolution No. M-2137 by Adding a Third Exemption to the Moratorium on the Use by the Olympia Police Department of Less-Than-Lethal Agents for Crowd Control Purposes During the Period of the Coronavirus COVID-19 Pandemic

Report

Issue:

Whether to approve a resolution amending Resolution No. M-2137 by adding a third exemption to the moratorium on the Olympia Police Department's use of less-than-lethal agents for crowd control purposes during the period of the coronavirus COVID-19 pandemic.

Staff Contact:

Mark Barber, City Attorney, 360.753.3883

Presenter(s):

None - Consent Calendar Item.

Background and Analysis:

On June 16, 2020, the Olympia City Council approved Resolution No. M-2137, which directed the City Manager to impose a moratorium on use by the Olympia Police Department of less-than-lethal

agents such as tear gas (CS gas), pepper spray, smoke, mace, or other agents used as less lethal tools by law enforcement for crowd control purposes during the period of the coronavirus COVID-19 pandemic.

On July 7, 2020, the Olympia City Council determined a need for a third exemption to the prohibition on use by the Olympia Police Department of less-than-lethal agents to include situations where three or more persons are engaged in criminal mischief resulting in destruction of property or setting fires.

Neighborhood/Community Interests (if known):

Protecting public peace, health, safety, and welfare during the COVID-19 pandemic and protecting the rights of persons to lawfully exercise their rights under the First Amendment and to peacefully assemble and demonstrate in the City of Olympia is in the best interests of Olympia citizens and residents.

Options:

1. Move to approve the Resolution Amending Resolution No. M-2137 by Adding a Third Exemption to the Moratorium on the Use by the Olympia Police Department of Less-Than-Lethal Agents for Crowd Control Purposes During the Period of the Coronavirus COVID-19 Pandemic
2. Direct staff to modify the Resolution.
3. Do not approve the Resolution.

Financial Impact:

None.

Attachments:

Resolution

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OLYMPIA, WASHINGTON,
AMENDING RESOLUTION NO. M-2137 BY ADDING A THIRD EXEMPTION TO THE
MORATORIUM ON USE BY THE OLYMPIA POLICE DEPARTMENT OF LESS-THAN-LETHAL
AGENTS SUCH AS TEAR GAS (CS GAS), PEPPER SPRAY, SMOKE, MACE, OR OTHER AGENTS
USED AS LESS LETHAL TOOLS BY LAW ENFORCEMENT FOR CROWD CONTROL PURPOSES,
DURING THE PERIOD OF THE CORONAVIRUS COVID-19 PANDEMIC**

WHEREAS, the Olympia City Council recognizes its responsibility to protect public peace, health, safety, and welfare during the COVID-19 pandemic and to also protect the rights of persons to lawfully exercise their rights under the First Amendment and to peacefully assemble and demonstrate in the City of Olympia.

WHEREAS, on June 16, 2020, the Olympia City Council approved Resolution No. M-2137, which directed the City Manager to impose a moratorium on use by the Olympia Police Department of less-than-lethal agents such as tear gas (CS gas), pepper spray, smoke, mace, or other agents used as less lethal tools by law enforcement for crowd control purposes during the period of the coronavirus COVID-19 pandemic; and

WHEREAS, on July 7, 2020, the Olympia City Council determined a need for a third exemption to the prohibition on use by the Olympia Police Department of less-than-lethal agents to include situations where three or more persons are engaged in criminal mischief resulting in destruction of property or setting fires; and

WHEREAS, the Olympia City Council deems it in the best interests of public health and the safety of the citizens and residents of the City of Olympia to amend the moratorium declared in Resolution No. M-2137 on the use of tear gas, pepper spray, mace, smoke and other less-than-lethal agents for crowd control purposes during public demonstrations for the duration of the COVID-19 pandemic;

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

Section 1. Resolution No. M-2137, Section 2, is hereby amended to read as follows:

The City Manager is hereby directed to impose an immediate moratorium by the Olympia Police Department prohibiting the use of tear gas, pepper spray, mace, smoke and other less-than-lethal agents for crowd control purposes during public demonstrations, which pose a risk of coughing and mucus generation, until such time as the COVID-19 pandemic has ended or until Thurston County and the City of Olympia is in Phase 5 of the Governor's *Safe Start—Stay Healthy* plan, except as may be necessary in situations involving extreme risk to public safety, such as and including but not limited to, hostage situations or events or locations where persons are engaging in violence and assaultive behavior against other persons who are at risk of severe injury or death or where three (3) or more persons are engaged in criminal mischief resulting in destruction of property or setting fires.

Section 2. Further, the Olympia City Council hereby ratifies and confirms actions of the City Manager already taken in response to the Council's motion to amend Resolution No. M-2137 regarding the moratorium on the use of less-than-lethal agents for crowd control purposes, passed by the Council at its business meeting on July 7, 2020.

PASSED BY THE OLYMPIA CITY COUNCIL this 14th day of July 2020.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

Mark Barber

CITY ATTORNEY



City Council

Approval of an Ordinance Amending Ordinances 7245 (Operating, Special and Capital Budgets)

Agenda Date: 7/14/2020
Agenda Item Number: 4.G
File Number:20-0547

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

Title

Approval of an Ordinance Amending Ordinance 7245 (Operating, Special and Capital Budgets)

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Move to approve the proposed Ordinance that amends Ordinance 7245 on first reading and forward to second reading.

Report

Issue:

Whether to amend Ordinance 7245 on first reading and forward to second reading.

Staff Contact:

Nanci Lien, Fiscal Services Director, Administrative Services Department, 360.753.8465

Presenter(s):

None - Consent Calendar item

Background and Analysis:

City Council may revise the City's Operating, Special Funds and Capital Budgets by approving an ordinance. Generally, budget amendments are presented quarterly to Council for review and approval but may be made at any time during the year. The amended ordinances appropriate funds and provide authorization to expend the funds.

No separate ordinances have been passed since the adoption of ordinance 7245.

The attached ordinance includes recommended amendments to the 2020 Operating Funds, Specials Funds, and Capital Funds for department requests for budget amendments for the 2nd Quarter in 2020. Department requests for budget amendments are summarized below:

Administrative Services

- Reduction in appropriations of (\$69,376) for administrative correction due to duplicate entry on First Quarter Budget Amendment. Funding will increase fund balance in Special Accounts Fund.

Community Planning & Development

- \$13,000 for the Neighborhood Matching Grant Program. Budget for the grant program was not included in the 2020 budget process. Funding is from General Fund fund balance.
- \$640,448 for 2019 Home Fund (Operating Fund) Carryover that was not included on 1st Quarter Budget Amendment. Funding from Home Fund fund balance.
- \$60,000 for the purchase of portable hygiene units for homeless response during the COVID19 emergency. Funding from Thurston County.
- \$11,105 for Thurston County Hoteling for at risk population at mitigation site during COVID-19 emergency. Funding from Thurston County.
- \$5,000 for minor conversion costs at 2828 Martin Way related to dumpsters and minor carpentry and other fire requirements (smoke detectors and extinguishers related to COVID-19 emergency). Funding from Thurston County.
- \$75,000 for portable hygiene equipment for use at mitigation site or shelter sites. Funding from LOTT Reimbursement.

Fire

- \$821 for purchase of protective masks. Funding from Special Funds Economic Development Program for response to COVID-19 emergency.

General Government

- \$119,825 in appropriations for repairs to various damaged city assets. This is the unspent appropriations from 2019. Funding from restitutions related to Insurance Trust fund balance.

Police

- \$805,124 for expenditure related to the Substance Abuse Block Grant with Washington Association of Sheriffs and Police. Funding from the grant.
- \$68,828 for overtime work related to COVID-19 emergency. Funding from the Dept of Justice Office of Justice Programs.
- \$50,000 for mental health field response team's program. Funding from Washington Association of Sheriffs & Police Chiefs Grant. Total grant is \$100,000. This ordinance will appropriate \$50,000 for 2020 expenditures; the remaining grant and associated expenditures will be appropriated in 2021.

Parks

- \$13,650 for future property development. Funding from 2020 lease on Spooner Farm.
- \$500,000 for Lions Parks Sprayground Project. Funding from Recreation and Conservation Grant.
- \$349,999 for Stevens Field #2 Turf and Lights Project. Funding from Recreation and Conservation Grant.

- \$467,990 for Grass Lake Trail Project. Funding from Recreation and Conservation Grant.

Public Works Operating Funds

- Facilities - \$50,000 to improve public safety at the Hands on Children's Museum. Funding from Special Funds Economic Development Program in response to COVID-19 emergency.
- Drinking Water - \$1.7 million for seismic retrofit of the Fir Street Reservoir. Funding from Drinking Water Capital Fund fund balance.

Neighborhood/Community Interests (if known):

None noted.

Options:

1. Approve ordinance amending ordinance 7245. This provides staff with budget capacity to proceed with initiatives approved by Council.
2. Do not approve the amending ordinance; staff will not have authorization to expend the funds.

Financial Impact:

Total increase in appropriations of \$4,976,235 (includes transfers between funds); Operating Funds increase in appropriations of \$983,218; Special Funds increase in appropriations of \$886,378; and Capital Funds increase in appropriations of \$3,106,639. Funding sources are noted above.

Attachments:

Ordinance

Ordinance No. _____

AN ORDINANCE RELATING TO THE ADOPTION OF THE CITY OF OLYMPIA'S 2020 OPERATING, SPECIAL, AND CAPITAL BUDGETS AND 2020-2025 CAPITAL FACILITIES PLAN; SETTING FORTH THE ESTIMATED REVENUES AND APPROPRIATIONS AND AMENDING ORDINANCE NO. 7245

WHEREAS, the Olympia City Council adopted the 2020 Operating, Special Funds and Capital Budgets, and 2020-2025 Capital Facilities Plan (CFP) by passing Ordinance No. 7224 on December 17, 2019; and

WHEREAS, the Olympia City Council amended Ordinance No. 7224 by passage of Ordinance No. 7245 on May 19, 2020; and

WHEREAS, throughout the year, updates are required to recognize changes relating to budget, finance, and salaries; and

WHEREAS, the CFP meets the requirements of the Washington State Growth Management Act, including RCW 36.70A.070(3); and

WHEREAS, the following changes need to be made to Ordinance No. 7245;

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

Section 1. That certain document entitled the "Capital Facilities Plan," covering the years 2020 through 2025, a copy of which will be on file with the Office of the Director of Administrative Services and available on the City's web site, is hereby adopted as the Capital Facilities Plan (CFP) for the City of Olympia and is incorporated herein as though fully set forth.

Section 2. Upon appropriation by the City Council of funds therefor, the City Manager shall be authorized to prepare plans and specifications, to take bids, and to make expenditures for the projects set forth in the CFP during the year for which said projects are scheduled; provided, however, that any award of bids and execution of contracts for construction shall be approved as provided in OMC Chapter 3.16.

Section 3. It is anticipated that the funding source and the construction schedule for projects identified in the CFP may be changed over the next year. Such changes shall not constitute an amendment to the Comprehensive Plan for purposes of RCW 36.70A.130.

Section 4. The Director of Administrative Services is hereby authorized to bring forward into fiscal year 2020 all appropriations and allocations not otherwise closed, completed, or deleted from prior fiscal years' capital budgets.

Section 5. The 2020 Estimated Revenues and Appropriations for each Fund are as follows:

Operating Budget

FUND	USE OF FUND BALANCE	ESTIMATED REVENUE	APPROP	ADDITION TO FUND BALANCE
General, Regular Operations	<u>\$1,380,799</u>	<u>\$86,894,010</u>	<u>\$88,274,809</u>	
	<u>\$1,457,799</u>	<u>\$87,868,783</u>	<u>\$89,326,582</u>	0
General, Special Sub-Funds				
Special Accounts	<u>32,348</u>	<u>\$1,180,295</u>	<u>1,212,643</u>	
	<u>(36,207)</u>	<u>1,180,295</u>	<u>1,144,088</u>	0
Development Fee Revenue	421,394	\$3,677,069	4,098,463	0
Parking	68,292	\$1,510,840	1,579,132	0
Post Employment Benefits	370,000	\$1,005,000	1,375,000	0
Washington Center Endowment	166,109	\$10,500	176,609	0
Washington Center Operating	0	\$530,500	530,500	0
Municipal Arts	0	\$59,544	59,544	0
Equipment & Facilities Reserve	3,297,723	\$1,854,047	5,151,770	0
	<u>\$5,736,665</u>	<u>\$96,721,805</u>	<u>\$102,458,470</u>	
Total General Fund	<u>\$5,745,110</u>	<u>\$97,696,578</u>	<u>\$103,441,688</u>	\$0
LID Control	-	9,797	9,797	0
LID Guarantee	9,797	-	9,797	0
4th/5th Avenue Corridor Bridge Loan	-	539,099	539,099	0
UTGO Bond Fund - 2009 Fire	0	1,190,757	1,190,757	0
City Hall Debt Fund - 2009	0	2,419,518	2,419,518	0
2010 LTGO Bond - Street Projects	0	438,613	438,613	0
L.O.C.A.L. Debt Fund - 2010	0	89,142	89,142	0
2010B LTGO Bonds - HOCM	0	457,088	457,088	0
2013 LTGO Bond Fund	0	675,775	675,775	0
2016 LTGO Parks BAN	0	14,673,000	14,673,000	0
Water Utility O&M	0	15,729,920	15,369,088	360,832
Sewer Utility O&M	3,603	21,553,824	21,557,427	0
Solid Waste Utility	0	13,621,465	13,384,073	237,392
Stormwater Utility	791,953	5,710,756	6,502,709	0
Water/Sewer Bonds	0	2,042,382	2,042,382	0
Stormwater Debt Fund	0	123,650	123,650	0
Water/Sewer Bond Reserve	0	0	0	0
Equipment Rental	123,364	2,509,643	2,633,007	0
Subtotal Other Operating Funds	\$928,717	\$81,784,429	\$82,114,922	\$598,224
Total Operating Budget	<u>\$6,665,382</u>	<u>\$178,506,234</u>	<u>\$184,573,392</u>	
	<u>\$6,673,827</u>	<u>\$179,481,007</u>	<u>\$185,556,610</u>	\$598,224

Special Funds Budget

FUND	USE OF FUND BALANCE	ESTIMATED REVENUE	APPROP	ADDITION TO FUND BALANCE
HUD Fund	\$0	\$600,000	\$592,130	7,870
Lodging Tax Fund	0	1,132,309	1,072,443	59,866
Parking Business Improvement Area Fund	30565	100,000	130,565	0
Farmers Market Repair and Replacement Fund	0	0	0	0
Hands On Children's Museum	132,854 182,854	543,634 543,634	676,488 726,488	0
Transportation Benefit District	2,430,059	0	2430059	0
Olympia Metropolitan Park District	2,673,719	0	2673719	0
Home Fund Operating Fund	0 2,445,711 640,448	2,445,711 2,521,816	2,445,711 3,162,264	0
Fire Equipment Replacement Fund	2,061,546	200,000	2,261,546	0
Equipment Rental Replacement Reserve Fund	2,376,762	2,336,577	4,713,339	0
Unemployment Compensation Fund	0	112,500	85,000	27,500
Insurance Trust Fund	0 2,476,186 119,825	2,476,186 2,476,186	2,476,186 2,596,011	0
Workers Compensation Fund	204,000	1,450,500	1,654,500	0
Total Special Funds Budget	\$9,909,505 \$10,719,778	\$11,397,417 \$11,473,522	\$21,211,686 \$22,098,064	\$95,236

Capital Budget

FUND	USE OF FUND BALANCE	ESTIMATED REVENUE	APPROP	ADDITION TO FUND BALANCE
Impact Fee	\$8,823,949	\$467,191	\$9,291,140	0
SEPA Mitigation Fee Fund	713,682	0	713,682	0
Parks & Recreational Sidewalk, Utility Tax Fund	3,361,650	\$2,668,536	6,030,186	0
Real Estate Excise Tax Fund	3,722,621	\$2,274,752	5,997,373	0
Capital Improvement Fund	8,265,023 8,265,023	\$35,486,641 \$36,818,280	43,751,664 45,083,303	0
Olympia Home Fund Capital Fund	0 1,561,310 0	1,561,310 \$1,636,310	1,561,310 1,636,310	0
Water CIP Fund	21,079,287 22,779,287	\$9,188,758 \$9,188,758	30,268,045 31,968,045	0
Sewer CIP Fund	10,642,267	\$1,692,301	12,334,568	0
Waste ReSources CIP Fund	0	\$390,300	232,552	157,748
Storm Water CIP Fund	9,583,180	\$3,486,758	13,069,938	0
Storm Drainage Mitigation Fund	441,037	\$0	441,037	0
Total Capital Budget	\$66,632,696 \$68,332,696	\$57,216,547 \$58,623,186	\$123,691,495 \$126,798,134	\$157,748

Total City Budget	\$83,207,583 \$85,726,301	\$247,120,198 \$249,577,715	\$329,476,573 \$334,452,808	\$851,208
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Section 6. Severability. The provisions of this Ordinance are declared separate and severable. If any provision of this Ordinance or its application to any person or circumstances is held invalid, the remainder of this Ordinance or application of the provision to other persons or circumstances shall be unaffected.

Section 7. Ratification. Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

Section 8. Effective Date. This Ordinance shall take effect five (5) days after publication, as provided by law.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

Mark Barber
CITY ATTORNEY

PASSED:

APPROVED:

PUBLISHED:



City Council

Public Hearing on Master Permit Transfer with Noel Communications

Agenda Date: 7/14/2020
Agenda Item Number: 5.A
File Number: 20-0459

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

Title

Public Hearing on Master Permit Transfer with Noel Communications

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Hold a public hearing on Noel Communications request to transfer Master Permit to Wholesail Networks LLC. After close of testimony, if there are no concerns, move to approve the request to transfer.

Report

Issue:

Whether to hold a public hearing on Noel Communication's request to transfer Master Permit granted December 17, 2019 to Wholesail Networks LLC and approve a resolution granting the transfer.

Staff Contact:

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

Presenter(s):

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

Background and Analysis:

In October 2019, Noel Communications applied to renew their Master Permit. At that time, they informed the City that they were being purchased by Wholesail Networks LLC and intended to request a transfer of the permit to Wholesail Networks LLC. Noel's Master Permit had expired, so a simple renewal/transfer was not possible.

Ordinance 7226, approved December 17, 2019 granted Noel Communications a Master Permit. Section 9 of the Ordinance, *Transfer of Ownership* outlines the requirements, including demonstration that the recipient of the transfer has the

- technical ability
- financial ability

- any other legal or general qualifications reasonably determined by the City to be necessary to ensure the recipient can meet the terms and conditions of the Master Permit

Noel Communications provided the necessary information for consideration. Staff found it met the criteria.

Neighborhood/Community Interests (if known):

Service to affected customers of Noel Communications will not be interrupted.

Options:

1. Hold a public hearing on Noel Communications request to transfer Master Permit to Wholesail Networks LLC. After close of testimony, if there are no concerns, move to approve the request to transfer.
2. Hold a public hearing on Noel Communications request to transfer Master Permit to Wholesail Networks LLC. After close of testimony, if there are concerns, direct staff to follow up and return at a future date.
3. Hold a public hearing on Noel Communications request to transfer Master Permit to Wholesail Networks LLC. After close of testimony, if there are concerns that cannot be resolved, move to deny the request to transfer.

Financial Impact:

The applicant will be required to pay fees associated with permits to do work within the City right of way.

Attachments:

Resolution
Request to Transfer
Ordinance 7226
Exhibit Map

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OLYMPIA, WASHINGTON,
CONSENTING TO THE ASSIGNMENT OF A MASTER USE PERMIT, ISSUED BY THE CITY OF
OLYMPIA TO NOEL COMMUNICATIONS, INC., TO WHOLESAIL NETWORKS LLC**

WHEREAS, the City of Olympia ("City") granted to Noel Communications, Inc., a Washington corporation ("Grantee"), a Master Use Permit as set forth in Ordinance No. 7226, published December 20, 2019, to use the rights-of way within the City of Olympia to construct and operate an underground telecommunications system (the "Franchise"); and

WHEREAS, the Master Use Permit issued to Grantee requires that Grantee obtain the Consent of the City before selling, transferring, or assigning its Master Use Permit. The Master Use Permit further requires that in seeking the City's consent to a transfer, Grantee must demonstrate to the City's satisfaction that the recipient of such sale, transfer, or assignment has the technical ability, financial capability, and any other legal or general qualifications reasonably determined by the City to be necessary to ensure that the recipient can meet the terms and conditions of the Master Permit. Under the Master Use Permit, the City Council determines the qualifications of any proposed recipient in a public hearing and will approve or deny the sale, transfer, or assignment by resolution; and

WHEREAS, Grantee entered into an agreement (the "Purchase Agreement") by which it sold certain of its assets and related business operations, including the Master Use Permit (collectively, the "Business"), to Wholesail Networks LLC, a Washington limited liability company ("Assignee"); and

WHEREAS, Grantee has requested the City's consent to the Assignment of the Master Permit from Grantee to Assignee ("Consent to Transfer"); and

WHEREAS, in connection with the consummation of the sale of the Business to Assignee, which took place on December 19, 2019 (the "Closing"), Grantee desires to assign its rights and delegate its obligations under the Master Permit to Assignee (the "Assignment"); and

WHEREAS, City Staff have conducted a review of the technical ability, financial capability, and other legal and other general qualifications of Assignee to hold and meet the terms and conditions of the Master Use Permit and own and operate the telecommunications network authorized by the Master Use Permit and have determined that Assignee possesses the necessary abilities, capabilities, and qualifications; and

WHEREAS, all written comments and staff reports have been received, and made a part of the record;

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

1. Grantee has demonstrated to the City's satisfaction that Assignee has the technical ability, financial capability, and other legal and other general qualifications to hold and meet the terms and conditions of the Master Use Permit and to own and operate the telecommunications network authorized by the Master Use Permit.

2. Consent to the transfer of the Master Use Permit from Noel Communications, Inc. to Wholesail Networks, LLC, as reflected in the Purchase Agreement, is hereby granted.
3. The City confirms that: (a) the Master Use Permit was duly issued to Grantee, is valid and enforceable in accordance with its terms, and is in full force and effect; (b) other than as set forth in this Resolution, there have been no amendments or modifications to the Master Use Permit; (c) to City's knowledge, there are no defaults under the Master Use Permit, and no event has occurred and is continuing which, with the giving of notice or passage of time, or both, could constitute a default thereunder; and (d) upon the passage of this Resolution, the duly authorized franchisee under the Master Use Permit will be Assignee.
4. As provided in the Master Use Permit, Assignee may hereafter, without the need to obtain the prior consent of City, from time to time assign or transfer its assets, including the Master Use Permit, provided however, that such assignment or transfer is for the purpose of securing a debt, or where the transfer or assignment is to another person or entity controlling, controlled by, or under common control with Assignee.
5. The Master Use Permit and this Resolution providing for the Consent to Transfer were and are made, passed, and adopted in accordance with all applicable notice and procedure requirements under all laws applicable to City, and with all applicable notice and procedure requirements, and do not conflict with the laws, ordinances, resolutions, and other regulations of City, as presently in effect or as the same were in effect at the time the particular action was taken.
6. The City's Consent to Transfer the Master Use Permit to Assignee is effective upon passage of this Resolution.
7. The City hereby releases Grantee, effective upon passage of this Resolution, from all obligations and liabilities (including any guarantee or surety) under the Master Use Permit related to the period on and after passage of this Resolution; and Assignee is responsible for any obligations and liabilities under the Master Use Permit related to the period on and after passage of this Resolution.

PASSED BY THE OLYMPIA CITY COUNCIL this 7th day of July 2020.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

DEPUTY CITY ATTORNEY



To:
Fran Eide
City Engineer,
City of Olympia

Date: 8/8/2019

Subject:
Renewal of Noel Communications Inc Master Use Agreement

Hi Fran,

Noel Communications is requesting renewal of our Master Use Agreement, dated 8/4/2014, referenced in City of Olympia Ordinance No. 6919.

Noel Communications is in the process of being purchased by Wholesail Networks, LLC with an expected closing date of 9/1/2019. We would like to renew the Agreement under our new Wholesail Networks name.

Please let me know the process for this renewal. And feel free to call or email with any questions.

Thanks,

Jym Schuler | Facilities Mgr

Direct: 509.823-1850 | Cell: 509.952-7109

www.noelcomm.com | jymsch@noelcomm.com

ORDINANCE NO. 7226

AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, GRANTING A NON-EXCLUSIVE MASTER PERMIT TO NOEL COMMUNICATIONS INC., LEGALLY AUTHORIZED TO CONDUCT BUSINESS IN THE STATE OF WASHINGTON, FOR THE PURPOSE OF CONSTRUCTING, OPERATING, AND MAINTAINING TELECOMMUNICATIONS TRANSMISSION LINES IN CERTAIN PUBLIC RIGHTS-OF-WAY IN THE CITY; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, NOEL COMMUNICATIONS INC. is a competitive telecommunications company providing communications and telecommunications services; and

WHEREAS, NOEL COMMUNICATIONS INC.'s route through the City of Olympia ("City") requires the use of certain portions of City rights-of-way for the installation, operation, and maintenance of a telecommunications system; and

WHEREAS, the City Council held a public hearing on November 26, 2019, where it was presented with information demonstrating that NOEL COMMUNICATIONS INC. satisfies the requirements set forth in Olympia Municipal Code ("OMC") 11.06.020. In particular, the City Council was presented with information confirming and demonstrating the following: That NOEL COMMUNICATIONS INC. has submitted all required licenses, certificates, and authorizations from the Federal Communications Commission, the Washington Utilities and Transportation Commission, and any other federal or state agency with jurisdiction over the activities proposed by NOEL COMMUNICATIONS INC. That the capacity of the public ways can accommodate NOEL COMMUNICATIONS INC.'s Facilities if the Master Permit is granted. That the City's rights-of-way will accommodate additional utility and facilities if the Master Permit is granted. That NOEL COMMUNICATIONS INC. confirms that there are currently no additional Facilities planned and there is no anticipated damage or disruption to the City's rights-of-way. That construction of additional Facilities will comply with the City's Engineering Design and Development Standards ("EDDS"). That there will be minimal effect, if any, on public health, safety, and welfare if the Master Permit requested is granted. That the proposed route of NOEL COMMUNICATIONS INC.'s Facilities is appropriate; an alternate route is not needed. And that NOEL COMMUNICATIONS INC. has agreed to comply with all federal, state, and local telecommunications laws, regulations, and policies; and

WHEREAS, the Revised Code of Washington (RCW) authorizes the City to grant and regulate nonexclusive Master Permits, for the use of public streets, rights-of-way, and other public property, for transmission of communications; and

WHEREAS, the insurance provisions of this Master Permit are updated and supersede the insurance provisions set forth in OMC 11.10.220; and

WHEREAS, this Master Permit contains the following:

- Section 1. Non-exclusive Master Permit Granted
- Section 2. Authority
- Section 3. Master Permit Term
- Section 4. Acceptance of Terms and Conditions

Section 5. Construction Provisions and Standards

- A. Permit Required
- B. Coordination
- C. Construction Standards
- D. Underground Installation Required
- E. Relocation.
- F. Removal or Abandonment
- G. Bond
- H. "One-Call" Location & Liability
- I. As-Built Plans Required
- J. Recovery of Costs
- K. Vacation

Section 6. Master Permit Compliance.

- A. Master Permit Violations
- B. Emergency Actions.
- C. Other Remedies
- D. Removal of System

Section 7. Insurance

Section 8. Other Permits & Approvals

Section 9. Transfer of Ownership.

Section 10. Administrative Fees.

Section 11. Notices.

Section 12. Indemnification.

Section 13. Severability

Section 14. Reservation of Rights

Section 15. Police Powers

Section 16. Future Rules, Regulations, and Specifications

Section 17. Effective Date

Section 18. Law and Venue

Section 19. Ratification

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

Section 1. Non-exclusive Master Permit Granted.

A. The City hereby grants to NOEL COMMUNICATIONS INC., subject to the terms and conditions of this Ordinance ("Master Permit"), the rights to construct, replace, repair, monitor, maintain, use, and operate the Facilities (as defined in OMC 11.02.020 O) necessary for an underground telecommunications transmission system, within the City-owned rights-of-way generally described in Exhibit A, and referred to as the "Master Permit Area."

B. The rights granted by this Master Permit are not exclusive to NOEL COMMUNICATIONS INC. and the granting of this Master Permit does not in any way prohibit or limit the City's ability to grant other Master Permits or rights along, over, or under the Master Permit area, provided that such other uses do not unreasonably interfere with NOEL COMMUNICATIONS INC.'s exercise of the rights granted in this Master Permit, as determined by the City. This Master Permit does not allow for interference

with existing utilities or in any way limit, prohibit, or prevent the City from using the Master Permit Area, and does not in any way affect the City's jurisdiction over that area.

Section 2. Authority. The City Manager or the City Manager's designee is hereby granted the authority to administer and enforce the terms and conditions of this Master Permit, and may develop such rules, policies, and procedures as deemed necessary to carry out this Master Permit.

Section 3. Master Permit Term. This Master Permit is effective for a period of five years from the effective date of this Ordinance. The effectiveness of this Master Permit is contingent upon NOEL COMMUNICATIONS INC.'s delivery of a written acceptance to the City pursuant to Section 4 of this Master Permit. If NOEL COMMUNICATIONS INC. requests a Master Permit renewal prior to the expiration date, the City may, at the City's sole discretion, extend the term of this Master Permit beyond the expiration date to allow processing of the renewal. If the City elects to extend the term of this Master Permit, the City shall provide written notice of the extension to NOEL COMMUNICATIONS INC. prior to the expiration date.

Section 4. Acceptance of Terms and Conditions. As required by OMC 11.10.020, NOEL COMMUNICATIONS INC. shall, within 30 days of the effective date of this Ordinance or within such other time period as is mutually agreed by the parties, deliver to the City Manager for filing an unconditional acceptance of this Master Permit in the form attached as Exhibit B. NOEL COMMUNICATIONS INC.'s failure to deliver the acceptance within this time period voids and nullifies this Master Permit and terminates any and all rights granted under this Master Permit.

Section 5. Construction Provisions and Standards. NOEL COMMUNICATIONS INC. shall abide by the following construction provisions and standards, and NOEL COMMUNICATIONS INC.'s failure to abide by any of the following construction provisions or standards constitutes non-compliance with the terms and conditions of this Master Permit and may result in imposition of some or all of the remedies specified in Section 6.

A. Permit Required. Neither NOEL COMMUNICATIONS INC., nor any person or entity working on NOEL COMMUNICATIONS INC.'s behalf or at NOEL COMMUNICATIONS INC.'s direction, may perform any construction, installation, maintenance, repair, or restoration activities (except for emergency repairs) in the Master Permit Area without first obtaining appropriate permits from the Community Planning and Development Department (CP&D). In case of an emergency, NOEL COMMUNICATIONS INC. shall within 24 hours of the emergency, obtain a permit from CP&D.

B. Coordination. All construction, installation, maintenance, repair, or restoration activities are subject to City inspection and approval, as provided in the OMC. NOEL COMMUNICATIONS INC. shall arrange and allow for such inspection. NOEL COMMUNICATIONS INC. shall coordinate all construction, installation, maintenance, repair, or restoration activities and inspections with CP&D to ensure consistency with City infrastructure, future Capital Improvement Projects, all developer improvements, and pertinent codes and ordinances.

C. Construction Standards. NOEL COMMUNICATIONS INC., and any person or entity working on NOEL COMMUNICATIONS INC.'s behalf or at NOEL COMMUNICATIONS INC.'s direction, shall perform all construction, installation, maintenance, repair, or restoration activities within the Master Permit Area so as to produce the least amount of interference with the free passage of pedestrian, bicycle, and vehicular traffic. NOEL COMMUNICATIONS INC., and any person or entity working on NOEL COMMUNICATIONS INC.'s behalf or at NOEL COMMUNICATIONS INC.'s direction, shall perform all

construction, installation, maintenance, repair, or restoration activities in conformance with the EDDS and with Title 11 of the OMC.

D. Underground Installation Required. NOEL COMMUNICATIONS INC., and any person or entity working on NOEL COMMUNICATIONS INC.'s behalf or at NOEL COMMUNICATIONS INC.'s direction, shall install any new Facilities underground unless otherwise exempted from this requirement, in writing, by the City Manager, or the City Manager's designee.

E. Relocation.

1. NOEL COMMUNICATIONS INC. shall, at its own expense, temporarily or permanently remove, relocate, place underground, change, or alter the position of any of its Facilities within the right-of-way whenever the City has determined that such removal, relocation, undergrounding, change, or alteration is reasonably necessary for the construction, repair, maintenance, installation, public safety, or operation of any City or other public improvement in or upon the rights-of-way. NOEL COMMUNICATIONS INC. may seek reimbursement for relocation expenses from the City as provided for in the OMC.
2. NOEL COMMUNICATIONS INC. may, after receipt of written notice requesting a relocation of its Facilities, submit to the City written alternatives to such relocation. Such alternatives must include the use and operation of temporary transmitting facilities in adjacent rights-of-way. The City shall evaluate such alternatives and advise NOEL COMMUNICATIONS INC. in writing if one or more of the alternatives are suitable to accommodate the work, which would otherwise necessitate relocation of the Facilities. If requested by the City, NOEL COMMUNICATIONS INC. shall submit additional information to assist the City in making such evaluation. The City shall give each alternative proposed by NOEL COMMUNICATIONS INC. full and fair consideration. In the event the City ultimately determines that there is no other reasonable alternative, NOEL COMMUNICATIONS INC. shall relocate its Facilities as otherwise provided in this Section.

F. Removal or Abandonment. Upon the removal from service of any of NOEL COMMUNICATIONS INC.'s Facilities, NOEL COMMUNICATIONS INC. shall comply with all applicable standards and requirements prescribed by the OMC and the EDDS for the removal or abandonment of the Facilities. No Facilities constructed or owned by NOEL COMMUNICATIONS INC. may be abandoned without the express written consent of the City.

G. Bond. Before undertaking any of the construction, installation, maintenance, repair, or restoration activities authorized by this Master Permit, NOEL COMMUNICATIONS INC. shall upon the request of the City, furnish a bond executed by NOEL COMMUNICATIONS INC. and a corporate surety authorized to operate a surety business in the State of Washington, in an amount determined by the City as sufficient to ensure performance of NOEL COMMUNICATIONS INC.'s obligations under this Master Permit. At NOEL COMMUNICATIONS INC.'s sole option, NOEL COMMUNICATIONS INC. may provide alternate security in the form of an assignment of funds or a letter of credit, in the same amount as the bond. All forms of bond or alternate security must be in the form reasonably acceptable to the City. The bond must be conditioned so that NOEL COMMUNICATIONS INC. shall observe all the terms and conditions and shall faithfully perform all of the obligations of this Master Permit, and to repair or replace any defective work or materials discovered in the City's roads, streets, or property. NOEL COMMUNICATIONS INC. may not encumber a bond required by this Section for any other purpose.

H. "One-Call" Location & Liability. NOEL COMMUNICATIONS INC. shall subscribe to and maintain membership in the regional "One-Call" utility location service and shall promptly locate any of its Facilities upon request. The City is not liable for any damages to NOEL COMMUNICATIONS INC.'s Facilities or for interruptions in service to NOEL COMMUNICATIONS INC.'s customers which are a direct result of work performed for any City project for which NOEL COMMUNICATIONS INC. has failed to properly locate its Facilities within the prescribed time limits and guidelines established by One-Call. The City is also not liable for any damages to NOEL COMMUNICATIONS INC.'s Facilities or for interruptions in service to NOEL COMMUNICATIONS INC.'s customers resulting from work performed under a permit issued by the City.

I. As-Built Plans Required. NOEL COMMUNICATIONS INC. shall maintain accurate engineering plans and details of all Facilities installed within the City limits and shall, at the City's request, provide such information in both paper form and electronic form using the most current AutoCAD version prior to close-out of any permits issued by the City and any construction, installation, maintenance, repair, or restoration activities performed by NOEL COMMUNICATIONS INC., or any person or entity working on NOEL COMMUNICATIONS INC.'s behalf or at NOEL COMMUNICATIONS INC.'s direction, pursuant to this Master Permit. The City shall determine the acceptability of any as-built submittals provided under this Section.

J. Recovery of Costs. NOEL COMMUNICATIONS INC. is subject to all permit fees associated with activities undertaken through the authority granted in this Master Permit or under other ordinances of the City. Where the City incurs costs and expenses for review or inspection of activities undertaken through the authority granted in this Master Permit or any ordinances relating to the subject for which permit fees have not been established, NOEL COMMUNICATIONS INC. shall pay such reasonable costs and expenses directly to the City.

K. Vacation. If, at any time, the City vacates any City road, right-of-way, or other City property which is subject to rights granted by this Master Permit and the vacation is for the purpose of acquiring the fee or other property interest in the road, right-of-way, or other City property for the use of the City, in either its proprietary or governmental capacity, then the City may, at its option and by giving 30 days written notice to NOEL COMMUNICATIONS INC., terminate this Master Permit with reference to such City road, right-of-way, or other City property vacated, and the City is not liable for any damages or loss to NOEL COMMUNICATIONS INC. by reason of such termination other than those provided for in RCW chapter 35.99.

Section 6. Master Permit Compliance.

A. Master Permit Violations. If NOEL COMMUNICATIONS INC. fails to fully comply with any of the provisions of this Master Permit, the City may provide written notice to NOEL COMMUNICATIONS INC., which describes the violation(s) of the Master Permit and requests remedial action within 30 days of receipt of the violation notice. If NOEL COMMUNICATIONS INC. has not remedied the violation(s) identified in the violation notice at the end of the 30-day period following receipt of the violation notice, the City may declare an immediate termination of this Master Permit, provided that remedying the violation(s) was reasonably possible within that 30-day period. If the violation(s) identified in the violation notice could not possibly be remedied within the 30-day period, the City may declare an immediate termination of this Master Permit at the end of the period in which the violation could possibly have been remedied.

B. Emergency Actions.

1. If the City determines that any of NOEL COMMUNICATIONS INC.'s actions, or any failure by NOEL COMMUNICATIONS INC. to act to correct a situation caused by NOEL COMMUNICATIONS INC., creates a threat to life or property, the City may order NOEL COMMUNICATIONS INC. to immediately correct the threat or, at the City's discretion, the City may act to correct the threat; provided that, when possible, the City shall notify NOEL COMMUNICATIONS INC. and give NOEL COMMUNICATIONS INC. an opportunity to correct the threat before the City acts to correct the threat. NOEL COMMUNICATIONS INC. is liable to the City for all costs, expenses, and damages resulting to the City from the threat or incurred by the City in acting to correct the threat to the extent that the threat was caused by NOEL COMMUNICATIONS INC. NOEL COMMUNICATIONS INC. shall reimburse the City for any such costs within 30 days of written notice of the completion of such action or determination of damages by the City. The failure by NOEL COMMUNICATIONS INC. to take appropriate action to correct a threat caused by NOEL COMMUNICATIONS INC. and identified by the City is a violation of this Master Permit.
2. If during construction, installation, maintenance, repair, or restoration of any of NOEL COMMUNICATIONS INC.'s Facilities any damage occurs to an underground facility, and the damage results in the release of natural gas or other hazardous substance or potentially endangers life, health, or property, NOEL COMMUNICATIONS INC. or any person or entity working on NOEL COMMUNICATIONS INC.'s behalf or at NOEL COMMUNICATIONS INC.'s direction shall immediately call 911 or other local emergency response number.

C. Other Remedies. Nothing contained in this Master Permit limits the City's available remedies in the event of NOEL COMMUNICATIONS INC.'s failure to comply with this Master Permit, including but not limited to, the City's right to a lawsuit for specific performance, or damages, or both.

D. Removal of System. In the event that this Master Permit is terminated as a result of violations of this Master Permit, NOEL COMMUNICATIONS INC. shall at its sole expense, promptly remove all Facilities, provided that the City, at its sole option, may allow NOEL COMMUNICATIONS INC. to abandon some or all of its Facilities in place.

Section 7. Insurance.

A. NOEL COMMUNICATIONS INC. shall maintain liability insurance written on an occurrence form during the full term of this Master Permit for bodily injuries and property damages. The policy must contain coverage in the amounts and conditions set forth in subsection D of this Section.

B. Such insurance must specifically name, as additional insured, the City, its officers (including its elected and appointed officials), employees, and agents (including its representatives, consultants, engineers, and volunteers); must apply as primary insurance; must stipulate that no insurance affected by the City will be called on to contribute to a loss covered thereunder; and must further provide that the policy may not be modified or canceled during the term of this Master Permit without giving advanced written notice to the City. Notice must be by certified mail to the City Manager, return receipt requested.

C. If the City determines that circumstances warrant an increase in insurance coverage and liability limits to adequately cover the risks of the City, the City may require additional insurance to be

acquired. The City shall provide written notice should the City exercise its right to require additional insurance.

D. NOEL COMMUNICATIONS INC. shall grant, secure, and maintain the following liability insurance policies insuring both NOEL COMMUNICATIONS INC. and the City, and its elected and appointed officers, officials, agents, employees, representatives, engineers, consultants, and volunteers as additional insured parties against claims for injuries to persons or damages to property which may arise from or in connection with the exercise of the rights granted to NOEL COMMUNICATIONS INC.:

1. Commercial general liability insurance, written on an occurrence basis and on form to include premises, products, completed operations, explosions, collapse and underground hazards with limits not less than \$5,000,000.00 per occurrence covering bodily injury or death and property damage and may be placed with a combination of primary and excess liability policies;
2. Automobile liability for owned, non-owned and hired vehicles with a limit of \$3,000,000.00 for each accident covering bodily injury or death and property damage and may be placed with a combination of primary and excess liability policies;
3. Worker's compensation within statutory limits and employer's liability insurance with limits of not less than \$1,000,000.00;
4. The liability insurance policies required by this Section must be maintained by NOEL COMMUNICATIONS INC. throughout the term of the Master Permit and such other period of time during which NOEL COMMUNICATIONS INC. is operating without an authorization or is engaged in the removal of its Facilities. NOEL COMMUNICATIONS INC. shall provide an insurance certificate, together with an endorsement naming the City, and its elected and appointed officers, officials, agents, employees, representatives, engineers, consultants, and volunteers as additional insureds, to the City prior to the commencement of any work or installation of any Facilities pursuant to this Master Permit. Any deductibles or self-insured retentions must be declared to and approved by the City. NOEL COMMUNICATIONS INC. shall pay and is solely responsible for any deductibles and self-insured retentions. The liability insurance policies required by this Section must contain a clause stating that coverage applies separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability. NOEL COMMUNICATIONS INC.'s insurance must be primary insurance as respects the City, its elected and appointed officers, officials, agents, employees, representatives, engineers, consultants, and volunteers. Any insurance maintained by the City, elected and appointed officers, officials, agents, employees, representatives, engineers, consultants, and volunteers is in excess of NOEL COMMUNICATIONS INC.'s insurance and does not contribute with it; and
5. In addition to the coverage requirements set forth in this Section, the insurance certificate must state should any of the required insurance be cancelled or not renewed, advanced written notice must be provided to the City Manager of such intent to cancel or not to renew. Within 30 days after receipt by the City of said notice, and in no event later than five days prior to said cancellation or intent not to renew, NOEL COMMUNICATIONS INC. shall obtain and furnish to the City replacement insurance policies meeting the requirements of this Section.

Section 8. Other Permits & Approvals. Nothing in this Agreement relieves NOEL COMMUNICATIONS INC. from any obligation to obtain approvals or permits from applicable federal, state, and City authorities for all activities in the Master Permit Area.

Section 9. Transfer of Ownership.

A. NOEL COMMUNICATIONS INC. shall not sell, transfer, assign, or otherwise encumber its rights provided by this Master Permit without the prior written consent of the City, which the City shall not unreasonably withhold or delay. The City's consent is not required where NOEL COMMUNICATIONS INC.'s transfers or assigns its rights under this Master Permit for the purpose of securing a debt, or where the transfer or assignment is to another person or entity controlling, controlled by, or under common control with NOEL COMMUNICATIONS INC. NOEL COMMUNICATIONS INC. may license the use of its Facilities to other users without the consent of the City, but NOEL COMMUNICATIONS INC. remains solely responsible for complying with the terms and conditions of this Master Permit.

B. In any sale, transfer, or assignment of this Master Permit which requires the City's consent, NOEL COMMUNICATIONS INC. shall demonstrate to the City's satisfaction that the recipient of such sale, transfer, or assignment has the technical ability, financial capability, and any other legal or general qualifications reasonably determined by the City to be necessary to ensure that the recipient can meet the terms and conditions of this Master Permit. The City Council will determine the qualifications of any proposed recipient in a public hearing and will approve or deny the sale, transfer, or assignment by resolution. NOEL COMMUNICATIONS INC. shall, within 30 days of any sale, transfer, or assignment, of this Master Permit reimburse the City for any actual and reasonable administrative costs incurred by the City in approving the sale, transfer, or assignment.

Section 10. Administrative Fees.

A. The City is precluded from imposing Master Permit fees for "telephone businesses," as defined in RCW 82.16.010, except that fees may be collected for administrative expenses related to a Master Permit. NOEL COMMUNICATIONS INC. hereby warrants that its operations as authorized under this Master Permit are those of a telephone business as defined in RCW 82.16.010.

B. NOEL COMMUNICATIONS INC. is subject to a reasonable administrative fee for reimbursement of costs associated with the preparation, processing, and approval of this Master Permit and for reimbursement of administrative costs for issuing any permits and for inspecting, monitoring, or supervising any actions required under Section 5 above. These costs include but are not limited to wages, benefits, overhead expenses, equipment, and supplies associated with such tasks as plan review, site visits, meetings, negotiations, and other functions critical to proper management and oversight of City's right-of-way. Administrative fees exclude normal permit fees as provided in Title 11 of the OMC.

C. In the event NOEL COMMUNICATIONS INC. submits a request for work beyond the scope of this Master Permit, or submits a complex project that requires significant plan review or inspection, NOEL COMMUNICATIONS INC. shall reimburse the City for costs incurred by the City associated with the request or project. NOEL COMMUNICATIONS INC. shall pay such costs within 30 days of receipt of an invoice from the City.

D. Failure by NOEL COMMUNICATIONS INC. to make full payment of invoices within the time specified is grounds for the termination of this Master Permit.

Section 11. Notices. Each party shall deliver any notice to be served on the other party to the following addresses:

CITY:

City of Olympia
ATTN: City Manager
PO Box 1967
Olympia WA 98507

NOEL COMMUNICATIONS INC.:

Nick Guy
Chief Operating Officer
901 Pitcher Street
Yakima, WA 98901-3063

With a copy to:

City of Olympia
ATTN: City Attorney
PO Box 1967
Olympia WA 98507

With a copy to:

Jym Schuler
Facilities & OSP Mgr
901 Pitcher Street
Yakima, WA 98901-3063

Section 12. Indemnification.

A. NOEL COMMUNICATIONS INC. shall use reasonable and appropriate precautions to avoid damage to persons or property in any construction, installation, maintenance, repair, restoration or operation of its Facilities. NOEL COMMUNICATIONS INC. shall indemnify, defend, and hold the City harmless from all claims, actions, or damages, including reasonable attorney's and expert witness fees, which may accrue to or be suffered by any person or persons, corporation, or property to the extent caused in part or in whole by any act or omission of NOEL COMMUNICATIONS INC., its officers, agents, servants, or employees, carried on in the furtherance of the rights granted to NOEL COMMUNICATIONS INC. by this Master Permit, including, but not limited to, any delay or failure to comply with the City's directives to relocate or remove its Facilities. In the event any claim or demand is presented to or filed with the City which gives rise to NOEL COMMUNICATIONS INC.'s obligation pursuant to this Section, the City shall within a reasonable time notify NOEL COMMUNICATIONS INC. of the claim or demand and NOEL COMMUNICATIONS INC. shall have the right, at its election, to settle or compromise the claim or demand. In the event any lawsuit is commenced in which the City is named a party, and which lawsuit is based on a claim or demand which gives rise to NOEL COMMUNICATIONS INC.'s obligation pursuant to this Section, the City shall promptly notify NOEL COMMUNICATIONS INC. of the lawsuit, and NOEL COMMUNICATIONS INC. shall, at its sole cost and expense, defend such lawsuit by attorneys of its own election. In defense of such lawsuit, NOEL COMMUNICATIONS INC. may, at its election and at its sole cost and expense, settle or compromise such lawsuit.

B. To the extent of any concurrent negligence between NOEL COMMUNICATIONS INC. and the City, NOEL COMMUNICATIONS INC.'s obligations under this Section only extend to its share of negligence or fault. The City may at all times participate through its own attorney in any lawsuit which arises out of or relates to this Master Permit when the City determines that such participation is required to protect the interests of the City or the public. Such participation by the City is at the City's sole cost and expense.

C. With respect to the performance of this Master Permit and as to claims or demands against the City, its officers, agents, and employees, NOEL COMMUNICATIONS INC. expressly waives its immunity under Title 51 of the Revised Code of Washington, the Industrial Insurance Act, for injuries to its officers, agents, and employees and agrees that the obligation to indemnify, defend, and hold harmless provided for in this Section extends to any claim brought by or on behalf of NOEL

COMMUNICATIONS INC.'s officers, agents or employees. This waiver was mutually negotiated by the parties.

Section 13. Severability. If a court with proper jurisdiction holds that any section, sentence, clause, or phrase of this Master Permit is invalid or unconstitutional, the City may, at its sole option, deem the entire Master Permit to be affected and thereby nullified, or the City may elect to treat the portion declared invalid or unconstitutional as severable and enforce the remaining provisions of this Master Permit. If the City elects to enforce the remaining provisions of this Master Permit, NOEL COMMUNICATIONS INC. may elect to terminate this Master Permit.

Section 14. Reservation of Rights. The parties agree that this Master Permit is intended to satisfy the requirements of all applicable laws, administrative guidelines, rules, orders, and ordinances. Accordingly, any provision of this Master Permit or any local ordinance which may conflict with or violate the law is invalid and unenforceable, whether enacted before or after the effective date of this Master Permit, it being the intention of the parties to preserve their respective rights and remedies under the law, and that this Master Permit does not constitute a waiver of any rights or obligations by either party under the law.

Section 15. Police Powers. Nothing contained in this Master Permit affects the City's authority to exercise its police powers. NOEL COMMUNICATIONS INC. does not by this Master Permit obtain any vested rights to use any portion of the City right-of-way except for the locations approved by the City and then only subject to the terms and conditions of this Master Permit. This Master Permit and the permits issued for work related to this Master Permit are governed by applicable City ordinances in effect at the time of application for such permits.

Section 16. Future Rules, Regulations, and Specifications. NOEL COMMUNICATIONS INC. acknowledges that the City may develop rules, regulations, and specifications, including a general ordinance or other regulations governing telecommunications operations in the City. Such regulations, upon written notice to NOEL COMMUNICATIONS INC., thereafter govern NOEL COMMUNICATIONS INC.'s activities under this Master Permit; provided, however, that in no event may regulations:

A. Materially interfere with or adversely affect NOEL COMMUNICATIONS INC.'s rights pursuant to and in accordance with this Master Permit; or

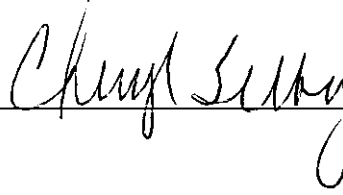
B. Be applied in a discriminatory manner as it pertains to NOEL COMMUNICATIONS INC. and other similar user of such facilities.

Section 17. Effective Date. The City shall cause this Master Permit, or a summary, to be published in the official newspaper of the City, and this Master Permit takes effect five days after passage and publication as provided by law. Effectiveness of this Master Permit is subject to NOEL COMMUNICATIONS INC.'s acceptance of this Master Permit, as required by Section 4, above.

Section 18. Law and Venue. This Master Permit is issued under the laws of the State of Washington, and the forum for any dispute arising under this Master Permit is in Thurston County state Superior Court.

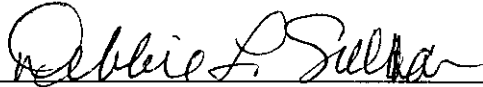
Section 19. Ratification. Any act consistent with the authority and prior to the effective date of this Master Permit is hereby ratified and affirmed.

MAYOR

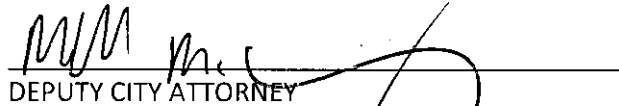


ATTEST:

CITY CLERK



APPROVED AS TO FORM:



DEPUTY CITY ATTORNEY

PASSED: December 17, 2019

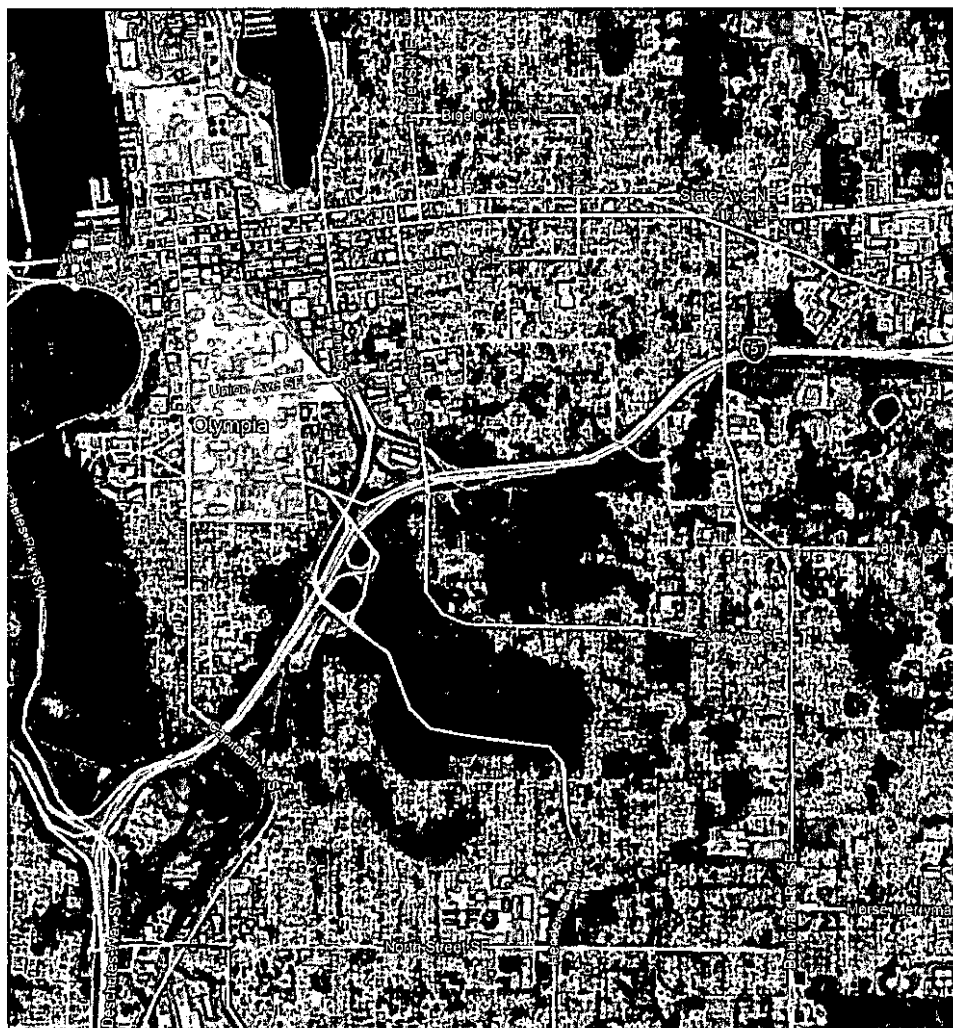
APPROVED: December 17, 2019

PUBLISHED: December 20, 2019

ATTACHMENTS: **EXHIBIT A**, NOEL COMMUNICATIONS INC. system map (combination NOEL COMMUNICATIONS INC./ facilities)
 EXHIBIT B, Master Permit Acceptance Form,
 NOEL COMMUNICATIONS INC.

EXHIBIT A

Noel Communications – Future Wholesail Networks City of Olympia local fiber network



Red line indicates 2019 existing facilities

Shaded area indicates future expansion areas

EXHIBIT B

MASTER PERMIT ACCEPTANCE FORM

NOEL COMMUNICATIONS INC.

Date: _____

City of Olympia
City Clerk's Office
PO Box 1967
Olympia, WA 98507

Re: Ordinance No. _____
Adopted _____

In accordance with and as required by Section 4 of the City of Olympia Ordinance referenced above, NOEL COMMUNICATIONS INC. hereby unconditionally accepts the terms, conditions, and obligations to be complied with or performed by it under the Master Permit.

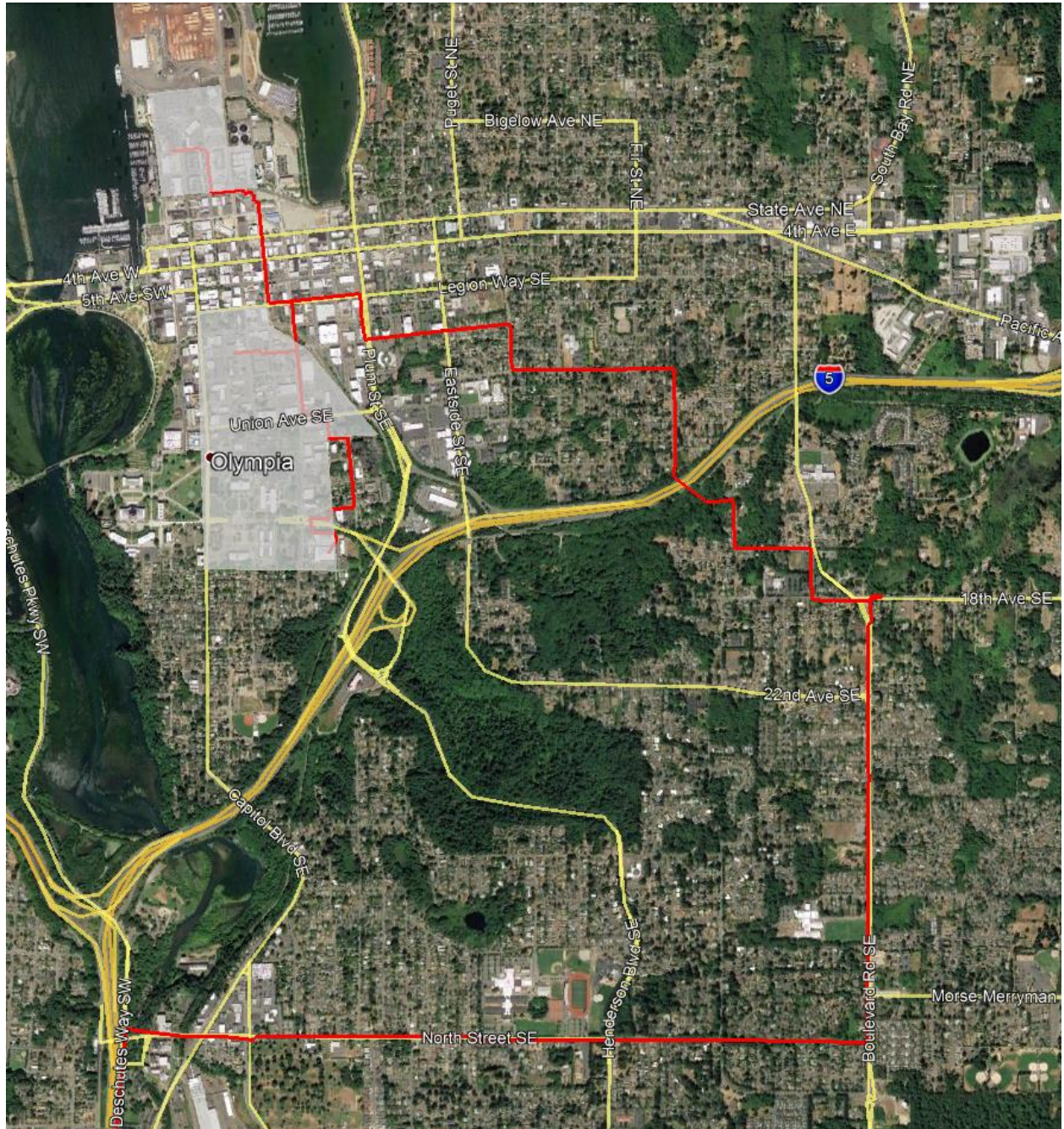
I certify that I am duly authorized to execute this acceptance on behalf of NOEL COMMUNICATIONS INC.

Signature

Printed Name and Title

Exhibit

Noel Communications – City of Olympia local fiber network



Red line indicates 2019 existing facilities

Shaded area indicates future expansion areas



City Council

Public Hearing on the Draft Community Development Block Grant Reallocation of Existing Program Funds

Agenda Date: 7/14/2020
Agenda Item Number: 5.B
File Number:20-0516

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

Title

Public Hearing on the Draft Community Development Block Grant Reallocation of Existing Program Funds

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Hold a public hearing on the draft Community Development Block Grant (CDBG) reallocation of existing program funds.

Report

Issue:

Whether to hear testimony on the draft CDBG reallocation of funds.

Staff Contact:

Jessica Pollett, Senior Program Specialist, Community Planning and Development, 360.709.2679

Presenter(s):

Jessica Pollett, Senior Program Specialist

Background and Analysis:

The Foundation for the Challenged works with local agencies to develop properties that house low-income, developmentally disabled adults. In 2017, the Foundation for the Challenged (FFC) began a housing project in partnership with the State's Housing Trust Fund, the Federal Home Loan Bank and the Thurston County Housing program. This project would provide a newly constructed four-bedroom home for four extremely low-income, developmentally disabled adults.

In the early stages of the project, FFC received notice from the City that they would need to extend City sewer services to the property across the full frontage, per the City's Engineering Development and Design Standards. Ultimately, this sewer line could serve up to 11 other properties through future latecomer agreements. The FFC sent communication to the Mayor and Councilmembers

requesting funds for the sewer extension as this was an unexpected cost of the project and funds were not available for this extension. Council advised staff to seek funding through our CDBG program. Ultimately, the City awarded FFC \$60,000 in CDBG federal funds as a deferred payment loan, due upon sale/transfer or change in use of property.

In May 2019, FFC sent communication to City Council requesting an additional \$33,000 in CDBG funds to complete the sewer extension as the estimated costs were exceeded. Additional CDBG funds were awarded through an amendment, bringing the total project costs to \$93,000.

The FFC contacted the City in October - November 2019 to discuss un-mapped utilities that were discovered during the final stages of the sewer construction. Given the City's commitment to the project, City Staff gave an order to proceed and requested itemized expenses as incurred. Unfortunately, the City did not receive an itemized list of expenses incurred until March 2020 during final billing. The final reimbursement request totaled \$151,678.54.

The City offered FFC a 0% interest loan with our Public Works Sewer Connection Assistance Loan Program and FFC denied as they are a non-profit organization and cannot accommodate a monthly payment loan.

The FFC is requesting an amendment to their current deferred payment loan to add additional funding of \$58,678.54 to cover all costs for the sewer extension. The sewer extension is complete, and this will be the final amount paid to FFC.

Neighborhood/Community Interests (if known):

All neighborhoods and community stakeholders have an interest in how federal CDBG funds are invested in community development programs and projects.

Options:

1. Hold a public hearing on the Draft Community Development Block Grant (CDBG) Reallocation of Existing Funds to receive public comments.
2. Delay the public hearing on the Draft Community Development Block Grant (CDBG) Reallocation of Existing Funds. Provide staff direction on next steps.

Financial Impact:

If approved, these funds would be awarded from unspent CDBG funds from prior program years and recently received program income.

Attachments:

None



City Council

Public Hearing on the Draft Community Development Block Grant (CDBG) 2020 Action Plan

Agenda Date: 7/14/2020
Agenda Item Number: 5.C
File Number:20-0515

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

Title

Public Hearing on the Draft Community Development Block Grant (CDBG) 2020 Action Plan

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Hold a public hearing on the Draft Community Development Block Grant (CDBG) Action Plan to receive public comments.

Report

Issue:

Whether to hear testimony on the Draft CDBG 2020 Action Plan.

Staff Contact:

Jessica Pollett, Senior Program Specialist, Community Planning and Development, 360.709.2679

Presenter(s):

Jessica Pollett, Senior Program Specialist

Background and Analysis:

This public hearing is part of the CDBG Citizen Participation Plan process to receive public comments on the Draft Community Development Block Grant (CDBG) Program Year (PY) 2020 Action Plan. The proposed investments are summarized in the attached Draft Citizens Summary CDBG PY 2020 Action Plan and Draft PY 2020 Community Development Block Grant Annual Action Plan - Full Version". The proposed projects support economic development and public service activities in response to Coronavirus.

Draft CDBG Project Proposals:

- **\$215,000 - Economic Development**
 - Enterprise for Equity - \$50,000

- Thurston Economic Development Council Center for Business & Innovation - \$75,000
- Business Support Programs (TBD) - \$90,000

- **\$163,529 - Public Services**

- Downtown Ambassadors Program - \$113,529
- Thurston Asset Building Coalition - \$50,000

- **\$90,000 - Program Administration**

Total - \$468,529*

**Includes federal funds of \$403,529 and estimated program income of \$65,000*

Neighborhood/Community Interests (if known):

Neighborhoods and community stakeholders have an interest in how federal CDBG funds are invested in community development programs and projects.

Options:

1. Hold a public hearing on the Draft CDBG 2020 Action Plan to receive public comments.
2. Delay the public hearing on the Draft CDBG 2020 Action Plan. This option may risk non-compliance resulting from a late submission to The Department of Housing Urban Development (HUD). Provide staff direction on next steps.

Financial Impact:

The CDBG 2020 Action Plan (September 1, 2020 - August 31, 2021) will guide the investment of \$403,529 in new federal CDBG funds and \$65,000 in estimated program income.

Attachments:

Draft Citizen Summary of CDBG 2020 Action Plan
Draft CDBG 2020 Annual Action Plan



COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM 2020 ACTION PLAN



Olympia City Council

- Cheryl Selby, Mayor
- Jessica Bateman, Mayor Pro Tem
- Clark Gilman, Councilmember
- Jim Cooper, Councilmember
- Lisa Parshley, Councilmember
- Renata Rollins, Councilmember
- Dani Madrone, Councilmember

Community Planning and Development Staff

- Leonard Bauer, Director
- Mike Reid, Economic Development Director
- Cary Retlin, Housing Manager
- Jessica Pollett, Senior Program Specialist
- Anastasia Coman, Program Assistant



DRAFT
CITIZEN SUMMARY

Prepared By: Jessica Pollett, Senior Program Specialist, CDBG Program

Program Year 2020 Community Development Block Grant Annual Action Plan

OVERVIEW

The federal Community Development Block Grant (CDBG) Program, administered by the Department of Housing and Urban Development (HUD), is a flexible program intended to develop viable urban communities by providing: 1) decent housing; 2) a suitable living environment; and 3) expanding economic opportunities, principally for low- and moderate-income people.

STRATEGIC GOALS

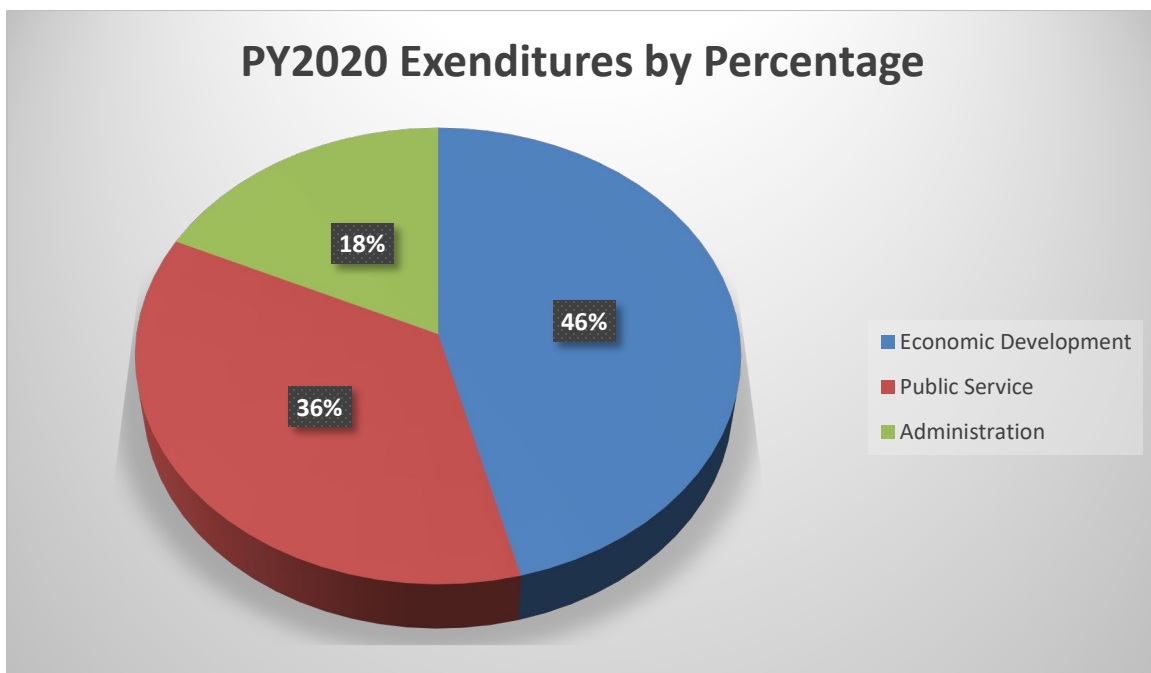
This “Citizen’s Summary” provides key information from the full Program Year (PY) 2020 CDBG Annual Action Plan, which is based on the City’s CDBG Consolidated Plan and the current need to prevent, prepare for and respond to Coronavirus. Two of the Consolidated Plan’s Five strategic goals have been identified for this program year:

Goal #2 - Economic Development (*Business Training Assistance & Microenterprise Assistance*); and,
Goal #4 - Social Services (*Street Outreach and Social Service Provider Training*)

PROPOSED CDBG-FUNDED ACTIVITIES

The following activities will receive funding during the PY 2020 Program Year:

\$ 50,000	Microenterprise Assistance - Micro-Business Training & Technical Assistance
\$ 75,000	Economic Development - Small Business Training & Technical Assistance
\$ 50,000	Public Service - Financial Literacy Training for Social Service Providers
\$ 90,000	Economic Development - TBD based on needs to respond to Coronavirus
\$ 113,529	Downtown Ambassador Program, Public Service - Street Outreach
\$ 90,000	Program Administration - <u>Required</u>
\$ 468,529	TOTAL PROPOSED PY 2020 CDBG FUNDING



ANTICIPATED RESOURCES

The City anticipates the following financial resources:

\$ 403,529	New CDBG entitlement funds will be allocated to Olympia for PY 2020
\$ 65,000*	Anticipated Program Income
\$468,529	Total anticipated resources for the PY 2020 CDBG Program

**Program income will be reprogrammed as it is received in response to Coronavirus*

OTHER RESOURCES

In calendar year 2020, the City of Olympia also allocated \$600,000 from the economic recovery fund to respond to economic impacts of Coronavirus.

Federal Regulatory Caps on CDBG Expenditures

The federal CDBG Program operates with several regulatory caps intended to balance the use of funds. Following is a listing of the key regulatory caps affecting the Olympia CDBG Program:

SOCIAL SERVICES CAP

Federal CDBG regulations require a 15% cap on social services spending, calculated by adding the prior program year's actual program income received to the current program year's grant award. For Program Year 2020, the social services cap has been waived to allow communities to respond to Coronavirus through public service activities.

ADMINISTRATIVE COSTS CAP

CDBG regulations provide for up to 20% general administrative costs. Following is a breakdown of these recommended categories of expenditures:

\$468,529	Total CDBG funds, including anticipated program income
\$90,000	General Administration (18% of \$403,529 in new funds and estimated \$65,000 in PY 2020 Program Income)

GEOGRAPHIC DISTRIBUTION & BENEFICIARIES

The PY 2020 projects will predominantly be located in or near the downtown urban hub. Beneficiaries will be 100% low- to moderate-incomes (LMI). All projects benefiting geographical areas will be located in designated low- to moderate-income areas.

70% BENEFIT – LOW/MODERATE INCOME PEOPLE

CDBG is intended to primarily benefit low- and moderate-income people, defined as people with incomes less than 80% of Thurston County's median family income. This includes people who are presumed eligible because they are severely disabled, homeless, along with others. This 70% benefit ratio is determined over the City's three-year certification period.

DRAFT CDBG PY 2020 Allocations & Activities

Following is a **DRAFT** CDBG PY 2020 (9/1/2020 – 8/31/2021) breakdown of proposed projects, recipients, HUD defined goals and objectives, and the actual proposed funding amount by activity.

Recipient	Project	Outcomes	HUD Goal(s)	HUD Objectives	Proposed Funding
Enterprise for Equity	Micro Business Training & Technical Assistance	Base Contract: Assistance for up to 4 -5 micro businesses (> 4 employees) & Technical assistance for 18 - 20 RFP: 25-30 Businesses assisted	Micro Enterprise	LMI: Low/Moderate Income Direct Assistance	\$50,000**
Center for Business & Innovation	Small Business Training & Technical Assistance	Base contract: Assistance for up to 30 small businesses (4 + employees) RFP: 112 Businesses assisted	Economic Development	LMI: Low/Moderate Income Jobs	\$75,000**
Thurston Asset Building Coalition	Financial Literacy Training for Social Service Providers	Train 25 – 40 Social Service Providers who will in turn directly assist many low- & moderate-income people	Economic Development as Public Services	LMI: Low/Moderate Income Direct Assistance	\$50,000**
TBD	TBD	TBD – To be used to prevent, prepare for and respond to Coronavirus	Economic Development	LMI: Low/Moderate Income Jobs	\$90,000
City of Olympia	Olympia Downtown Ambassadors	Outreach for up to 150 street dependent people daily	Public Services	LMC: Low/Moderate Income – Limited Clientele	\$113,529**
City of Olympia	Program Administration	Planning & administrative for a compliant CBDG Program	N/A	N/A	\$90,000
		TOTAL	PY 2020	CDBG ALLOCATIONS	\$468,529*

*Includes additional \$53,529 in CDBG annual award funds (Original estimate = \$350,000)

**Shows either proposed funding increase or new program identified by RFP recommendations

ANTICIPATED FUNDING:

SOURCE	AMOUNT
PY 2020 Grant Award	\$403,529
Program Income	\$65,000*
TOTAL PY 2020 FUNDING	\$468,529

*Program Income will be programmed as received in response to Coronavirus

PUBLIC COMMENT

The 10 Day public comment period runs from **July 10 - July 20, 2020**, offering the following options:

- **Written comments:** Olympia City Council, 601 4th Ave E, Olympia, WA 98501
- **Emails:** cdbg@ci.olympia.wa.us,
- **Phone calls:** City Council at 360-753-8244
- **Public hearing:** 5:30 p.m., Tuesday, July 14th via Zoom Webinar - Details can be found on the City's website at olympiawa.gov

For more information:

Jessica Pollett, CDBG Senior Program Specialist

jpollett@ci.olympia.wa.us | 360.709.2679



Executive Summary

AP-05 Executive Summary - 91.200(c), 91.220(b)

1. Introduction

The City's CDBG Program Annual Action Plan features a range of activities, each intended to prevent, prepare and respond to the Coronavirus pandemic through economic development and public services to support populations who have been most affected by the pandemic. The PY2020 proposed projects are as follows:

1. Economic Development

a. \$50,000 Micro-Enterprise Assistance –

Provide assistance to small start-up businesses with fewer than 4 employees.

b. \$75,000 Business Training and Technical Assistance –

Provide assistance to larger, established small businesses with more than 4 employees.

c. \$90,000 Business Support Program - Provide assistance to businesses in the Downtown core.

Subrecipients still being determined. Awaiting results from CCAC on childcare analysis and guidance from CDBG headquarters on shipping container popup businesses eligibility.

2. Public Services

a. \$50,000 Financial Literacy Training for Social Service Providers -

Provide financial literacy training to social service providers who in turn will directly assist low-moderate-income families and individuals.

b. \$113,529 Downtown Ambassador Program

Provide street outreach, referrals and other assistance to homeless street-dependent and mentally ill individuals in the Downtown core.

3. Planning and Administrative Costs

a. \$90,000

Staffing costs to administer a compliant CDBG program.

2. Summarize the objectives and outcomes identified in the Plan

City of Olympia DRAFT PY2020 Annual Action Plan

This could be a restatement of items or a table listed elsewhere in the plan or a reference to another location. It may also contain any essential items from the housing and homeless needs assessment, the housing market analysis or the strategic plan.

The following chart summarizes our PY2020 proposed projects within the framework of the City's Coronavirus response plan:

Recipient	Project	Outcomes	HUD Goals	HUD Objectives	Proposed
Enterprise for Equity	Micro Business Training & Technical Assistance	Assistance for up to 30 micro-enterprises with less than 4 employees	Microenterprise	LMI	\$50,000
Center for Business & Innovation	Small Business Training & Technical Assistance	Assistance for up to 80 small businesses with greater than 4 employees	Economic Development	LMJ	\$75,000
Thurston Asset Building Coalition	Financial Literacy Training for Social Service Providers	Train 25-40 Social Service Providers who will int urn assist many mow-moderate-income people.	Public Services	LMI	\$50,000
City of Olympia	Microenterprise and Small business support	TBD in response to Coronavirus	Economic Development	LMJ	\$90,000
City of Olympia	Downtown Ambassador Program	Outreach for up to 150 homeless and mentally ill	Public Services	LMC	\$113,529
City of Olympia	Program Administration	Planning and Administrative Costs	N/A	N/A	\$90,000

3. Evaluation of past performance

This is an evaluation of past performance that helped lead the grantee to choose its goals or projects.

In program year 2019, the Olympia CDBG Program allocated a total of \$1,000,000 to economic development activities, microenterprise activities, public facility improvements and public service activities. Unfortunately, the Salvation Army Day Center project was not completed as the subrecipient decided to seek private funding. These funds were reprogrammed to prevent, prepare for and respond to Coronavirus.

4. Summary of Citizen Participation Process and consultation process

Summary from citizen participation section of plan.

City staff worked closely with social service providers, community organizations, businesses and local economic development partners to develop our Annual Action Plan to support activities in response to the Coronavirus pandemic. Citizen participation was encouraged throughout the planning process:

- Council public discussions of PY2020 initiated in November 2019 and revisited to prepare for, prevent, and respond to Coronavirus in April 2020.
- Public comment period opened July 10 – 20, 2020 (5-day citizen participation waiver initiated on April 16, 2020 in response to Coronavirus)
- Public hearing held on July 14, 2020
- Council adoption of PY2020 AAP on July 21, 2020.
- Submission of PY2020 AAP to HUD on or before July 30, 2020.

5. Summary of public comments

This could be a brief narrative summary or reference an attached document from the Citizen Participation section of the Con Plan.

N/A

6. Summary of comments or views not accepted and the reasons for not accepting them

N/A

7. Summary

N/A

PR-05 Lead & Responsible Agencies - 91.200(b)

1. Agency/entity responsible for preparing/administering the Consolidated Plan

The following are the agencies/entities responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source.

Agency Role	Name	Department/Agency
Lead Agency	Olympia	
CDBG Administrator	Olympia	Community Planning & Development
HOPWA Administrator		
HOME Administrator		
HOPWA-C Administrator		

Table 1 – Responsible Agencies

Narrative

The Olympia Community Planning and Development department staff prepare the Consolidated Plan and each Annual Action Plan.

Consolidated Plan Public Contact Information

Jessica Pollett

Senior Program Specialist

jpollett@ci.olympia.wa.us

360.709.2679

DRAFT

AP-10 Consultation - 91.100, 91.200(b), 91.215(l)

1. Introduction

The City consulted with several regional organizations including the newly developed Thurston Strong economic recovery agency, Thurston Thrives Coordinating Council, Thurston Thrives Homeless Housing Hub, and Thurston County Human and Social Services department.

Provide a concise summary of the jurisdiction's activities to enhance coordination between public and assisted housing providers and private and governmental health, mental health and service agencies (91.215(l)).

The City's participation in these coordinating bodies allowed the City to receive valuable input from a broad range of service providers.

Describe coordination with the Continuum of Care and efforts to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans, and unaccompanied youth) and persons at risk of homelessness.

The Thurston County Continuum of Care is the body that addresses the needs of homeless people in all populations. The CofC is also directly aligned with Coordinated Entry Team that engages in an ongoing system improvement work to seek, develop and adopt best practices for serving homeless people.

Describe consultation with the Continuum(s) of Care that serves the jurisdiction's area in determining how to allocate ESG funds, develop performance standards for and evaluate outcomes of projects and activities assisted by ESG funds, and develop funding, policies and procedures for the operation and administration of HMIS

The Thurston Thrives Coordination Council works directly with the Community Investment Partnership (CIP) to develop recommendations on how best to invest all state and local funds including ESG funds. The TTCC also works closely with the Coordinated Entry Team to strengthen HMIS administration and reporting.

2. Agencies, groups, organizations and others who participated in the process and consultations

Table 2 – Agencies, groups, organizations who participated

1	Agency/Group/Organization	Thurston County Thurston Thrives
	Agency/Group/Organization Type	Housing PHA Services - Housing Services-Children Services-Elderly Persons Services-Persons with Disabilities Services-Persons with HIV/AIDS Services-Victims of Domestic Violence Services-homeless Services-Health Services-Education Services-Employment Service-Fair Housing Services - Victims Health Agency Child Welfare Agency Other government - State Other government - County Other government - Local Regional organization Planning organization Business and Civic Leaders

What section of the Plan was addressed by Consultation?	Housing Need Assessment Public Housing Needs Homeless Needs - Chronically homeless Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Non-Homeless Special Needs Economic Development Anti-poverty Strategy
Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The City participated in strategic regional policy to help coordinate all public funding.

2	Agency/Group/Organization	Community Investment Partnership
	Agency/Group/Organization Type	Housing PHA Services - Housing Services-Children Services-Elderly Persons Services-Persons with Disabilities Services-Persons with HIV/AIDS Services-Victims of Domestic Violence Services-homeless Services-Health Services-Education Services-Employment Service-Fair Housing Services - Victims Health Agency Child Welfare Agency Publicly Funded Institution/System of Care Other government - Federal Other government - State Other government - County Other government - Local Business and Civic Leaders

<p>What section of the Plan was addressed by Consultation?</p>	<p>Housing Need Assessment Public Housing Needs Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy Non-Homeless Special Needs Market Analysis Economic Development Anti-poverty Strategy</p>
<p>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</p>	<p>The City participated in strategic regional policy to help coordinate all public funding.</p>

3	Agency/Group/Organization	Thurston County Continuum of Care
	Agency/Group/Organization Type	Housing PHA Services - Housing Services-Children Services-Elderly Persons Services-Persons with Disabilities Services-Persons with HIV/AIDS Services-Victims of Domestic Violence Services-homeless Services-Health Services-Education Services-Employment Service-Fair Housing Services - Victims Health Agency Child Welfare Agency Publicly Funded Institution/System of Care Other government - Federal Other government - State Other government - County Other government - Local Regional organization Planning organization

What section of the Plan was addressed by Consultation?	Housing Need Assessment Public Housing Needs Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy Non-Homeless Special Needs HOPWA Strategy Market Analysis Economic Development Anti-poverty Strategy Lead-based Paint Strategy
Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	

Identify any Agency Types not consulted and provide rationale for not consulting

N/A

Other local/regional/state/federal planning efforts considered when preparing the Plan

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
Continuum of Care	Thurston County	Each plan emphasizes the inter-relationship of housing, shelter, supportive services and economic opportunity for all low and moderate income people.

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
Thurston Thrives Plan	Thurston County	Thurston Thrives incorporates a broad range of housing, health, education, economic, and other health determinants in an integrated plan for public health.

Table 3 - Other local / regional / federal planning efforts

Narrative

AP-12 Participation - 91.401, 91.105, 91.200(c)

1. Summary of citizen participation process/Efforts made to broaden citizen participation Summarize citizen participation process and how it impacted goal-setting

The City employed a 10-day public comment period after submitting Citizen Participation Plan waiver to HUD on April 16, 2020. During this time, the City consulted with other regional planning bodies to develop a balanced community development plan.

Citizen Participation Outreach

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
1	Public Meeting	Non-targeted/broad community Residents of Public and Assisted Housing				

City of Olympia DRAFT PY2020 Annual Action Plan

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
2	Public Hearing	<p>Minorities</p> <p>Persons with disabilities</p> <p>Non-targeted/broad community</p> <p>Residents of Public and Assisted Housing</p>				
3	Newspaper Ad	<p>Minorities</p> <p>Persons with disabilities</p> <p>Non-targeted/broad community</p> <p>Residents of Public and Assisted Housing</p>				

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
4	Internet Outreach	<p>Minorities</p> <p>Persons with disabilities</p> <p>Non-targeted/broad community</p> <p>Residents of Public and Assisted Housing</p>				

Table 4 – Citizen Participation Outreach

Expected Resources

AP-15 Expected Resources - 91.420(b), 91.220(c)(1,2)

Introduction

The City intends to leverage its' \$468,529 in CDBG program funds during PY2020 with funds from the Economic Recovery funds.

Anticipated Resources

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
CDBG	public - federal	Acquisition Admin and Planning Economic Development Housing Public Improvements Public Services	403,529	65,000	0	468,529	0	The City will reprogram program income as it is received to address the current needs to prevent, prepare for and respond to Coronavirus.

Table 5 - Expected Resources – Priority Table

Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied

City CDBG funds will be used to leverage \$600,000 in Economic Recovery funds; and up to \$5,000,000 in Thurston County, state and federal funding.

If appropriate, describe publically owned land or property located within the jurisdiction that may be used to address the needs identified in the plan

N/A

Discussion

The City will pursue all potential leverage by consolidating our funding review process to ensure maximum leverage of local, state and federal funding sources.

Annual Goals and Objectives

AP-20 Annual Goals and Objectives - 91.420, 91.220(c)(3)&(e)

Goals Summary Information

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Economic Development	2018	2022	Non-Housing Community Development		Economic Development	CDBG: \$215,000	Businesses assisted: 150 Businesses Assisted
2	Public Services	2018	2022	Non-Homeless Special Needs	Downtown Urban Core	Public Services	CDBG: \$163,529	Other: 200 Other
3	General Administration	2018	2022	Administration			CDBG: \$90,000	

Table 6 – Goals Summary

Goal Descriptions

1	Goal Name	Economic Development
	Goal Description	Economic development will be a primary focus in PY2020. Business support through training and technical assistance will receive the majority of funding. Subrecipients will train microenterprises and small businesses on business plans that prevent, prepare for and respond to Coronavirus.

2	Goal Name	Public Services
	Goal Description	The City will allocate funding to support public services to our most vulnerable populations. This funding will support two full-time Downtown Ambassadors who will provide street outreach to our most vulnerable populations. Ambassadors will connect homeless and mentally disabled folks to service providers in the area through coordinated entry. With shelter capacity reduced to 50% due to Coronavirus, the need of the Ambassadors service is at an all time high. The Point-In-Time census conducted in January revealed 1024 homeless persons in Thurston County, with a majority of those in Olympia.
3	Goal Name	General Administration
	Goal Description	

AP-35 Projects - 91.420, 91.220(d)

Introduction

The City's PY 2020 Annual Action Plan shifts our strategic focus on economic development and public service goals in response to Coronavirus.

#	Project Name
1	Enterprise for Equity Micro-business Training & Technical Assistance
2	Thurston Economic Development Council Small Business Training and Technical Assistance
3	Downtown Ambassador Program
4	Thurston Asset Building Coalition Financial Literacy Training
5	Planning and Administrative Costs (PAC)
6	Economic Development

Table 7 – Project Information

Describe the reasons for allocation priorities and any obstacles to addressing underserved needs

The City's number one priority is preventing, preparing for and responding to Coronavirus, followed by homeless resources and assistance. The recent January 2020 Point in Time (PIT) Homeless Census revealed 1024 homeless individuals and families in Thurston County. Unsheltered homelessness in the urban hub was identified via several surveys by business and building owners as the number one problem in Olympia.

AP-38 Project Summary

Project Summary Information

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1	Project Name	Enterprise for Equity Micro-business Training & Technical Assistance
	Target Area	
	Goals Supported	Economic Development
	Needs Addressed	Economic Development
	Funding	CDBG: \$50,000
	Description	Assistance for up to 4 -5 micro businesses (> 4 employees) & Technical assistance for 18 - 20 micro businesses.
	Target Date	8/31/2021
	Estimate the number and type of families that will benefit from the proposed activities	25-30 businesses assisted
	Location Description	
	Planned Activities	Training and Technical Assistance
2	Project Name	Thurston Economic Development Council Small Business Training and Technical Assistance
	Target Area	
	Goals Supported	Economic Development
	Needs Addressed	Economic Development
	Funding	CDBG: \$75,000
	Description	Small business training and ongoing technical assistance for small businesses with more that four (4) employees.
	Target Date	8/31/2021
	Estimate the number and type of families that will benefit from the proposed activities	100 businesses assisted
	Location Description	
	Planned Activities	Training and technical assistance to small businesses
3	Project Name	Downtown Ambassador Program
	Target Area	Downtown Urban Core
	Goals Supported	Public Services

	Needs Addressed	Public Services
	Funding	CDBG: \$113,529
	Description	Street outreach, referrals and other assistance to homeless and severely mentally ill street dependent individuals in Olympia's downtown core.
	Target Date	8/31/2021
	Estimate the number and type of families that will benefit from the proposed activities	Outreach for up to 150 street dependent people daily
	Location Description	
	Planned Activities	Outreach for street dependent people daily
4	Project Name	Thurston Asset Building Coalition Financial Literacy Training
	Target Area	Downtown Urban Core
	Goals Supported	Public Services
	Needs Addressed	Public Services
	Funding	CDBG: \$50,000
	Description	Train 40 - 50 Social Service Providers who will in turn directly assist many low- & moderate-income people
	Target Date	8/31/2021
	Estimate the number and type of families that will benefit from the proposed activities	Train 40 - 50 Social Service Providers who will in turn directly assist many low- & moderate-income people
	Location Description	
	Planned Activities	Train Social Service Providers who will in turn directly assist many low- & moderate-income people
5	Project Name	Planning and Administrative Costs (PAC)
	Target Area	
	Goals Supported	
	Needs Addressed	
	Funding	CDBG: \$90,000

	Description	Planning and administrative costs to run a compliant Olympia CDBG Program.
	Target Date	8/31/2021
	Estimate the number and type of families that will benefit from the proposed activities	All PY2020 beneficiaries
	Location Description	
	Planned Activities	Program general administration: reporting, fiscal management, project management.
6	Project Name	Economic Development
	Target Area	
	Goals Supported	Economic Development
	Needs Addressed	Economic Development
	Funding	CDBG: \$90,000
	Description	Subrecipient to be determined.
	Target Date	8/31/2021
	Estimate the number and type of families that will benefit from the proposed activities	TBD
	Location Description	
	Planned Activities	TBD

AP-50 Geographic Distribution - 91.420, 91.220(f)

Description of the geographic areas of the entitlement (including areas of low-income and minority concentration) where assistance will be directed

The City will operate PY2020 CDBG program with a focus on the urban hub.

Geographic Distribution

Target Area	Percentage of Funds
Downtown Urban Core	70

Table 8 - Geographic Distribution

Rationale for the priorities for allocating investments geographically

The downtown urban hub is struggling with a high concentration of unsheltered people and business loss due to the Coronavirus pandemic.

Discussion

Olympia's downtown core contains one of the lowest income, highly concentrated, residential areas in the entire city. Tract 101, Block 1, according to the American Community Survey data, consists of low and moderate-income residents. The urban hub is also the location of a high concentration of unsheltered homeless people as identified in the recent 2020 PIT Count of Homeless People. The other activities will benefit low- and moderate-income people in scattered sites around Olympia.

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AP-75 Barriers to affordable housing -91.420, 91.220(j)

Introduction

The City continues to work within its jurisdiction and with nearby jurisdictions to address zoning and development codes that increase costs of housing.

Actions it planned to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment

The City will continue to explore options to remove zoning and development codes that are barriers. The City is working to expand its current multi-family tax exemption zone.

Discussion

The City will continue to work with other jurisdictions to remove or modify zoning and development codes that are barriers to affordable housing.

AP-85 Other Actions - 91.420, 91.220(k)

Introduction

The City of Olympia began preparing its homeless response plan, now referred to as One Community: Healthy, Safe, Housed, in 2019 in response to the ever growing need to house our most vulnerable populations. The City held listening sessions with community members and created a Community Work Group to oversee the plan's development. 1200 individuals were consulted during the development of the plan.

Actions planned to address obstacles to meeting underserved needs

The City's number one priority is homeless resources and assistance, followed by affordable housing. The One Community: Healthy, Safe, Housed plan focuses on three key strategies to alleviate homelessness in the downtown core:

1. Streamline and Enhance Rapid Response & Wrap-around Services
2. Expand Affordable Housing & Homeless Prevention
3. Increase Public Health & Safety

Actions planned to foster and maintain affordable housing

The City will work to build a continuum of housing to meet diverse needs and income levels and will increase partnerships and diversify funding to support construction of new affordable housing. The City's goal is to support 300 new units of supportive and affordable housing options over the next five years by direction of Home Fund dollars.

Actions planned to reduce lead-based paint hazards

In an effort to address lead-based paint hazards, the City of Olympia has incorporated the regulations into existing housing policies and programs for implementing Title X of the Community Development Act of 1992, part of the Residential Lead-Based Paint Hazard Reduction Act of 1992. Olympia will continue to follow 24 CFR Part 35 in addressing the evaluation and reduction of lead-based paint hazards in Olympia's housing policies and programs.

Actions planned to reduce the number of poverty-level families

The City will work with Thurston Strong to continue to fund economic development activities to provide

economic opportunities to low-moderate-income populations.

Actions planned to develop institutional structure

The City has expanded its staff capacity and local tax-based revenues to strengthen the City's overall housing and homeless strategies.

Actions planned to enhance coordination between public and private housing and social service agencies

The City will work with the Regional Housing Council to continue to build and strengthen relationships with service providers and developers in a coordinated effort to increase supportive and affordable housing in Thurston County. The City's Homeless Response Coordinator will work with a network of outreach workers from several different organizations referred to as the Greater Outreach Workers League (GROWL) to continue to reduce barriers to homeless services.

Discussion

The One Community: Healthy, Safe, Housed plan will focus on the three key strategies within the plan to address homelessness and create supportive and affordable housing.

Program Specific Requirements

AP-90 Program Specific Requirements - 91.420, 91.220(I)(1,2,4)

Introduction

N/A

Community Development Block Grant Program (CDBG)

Reference 24 CFR 91.220(I)(1)

Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in projects to be carried out.

1. The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed	0
2. The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan.	0
3. The amount of surplus funds from urban renewal settlements	0
4. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan	0
5. The amount of income from float-funded activities	0
Total Program Income:	0

Other CDBG Requirements

1. The amount of urgent need activities	0
2. The estimated percentage of CDBG funds that will be used for activities that benefit persons of low and moderate income. Overall Benefit - A consecutive period of one, two or three years may be used to determine that a minimum overall benefit of 70% of CDBG funds is used to benefit persons of low and moderate income. Specify the years covered that include this Annual Action Plan.	0.00%

Discussion

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City Council

Approval to Appropriate \$1,000,000 of Economic Development Reserves to support Community Economic Recovery Efforts

Agenda Date: 7/14/2020
Agenda Item Number: 6.A
File Number:20-0546

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

Title

Approval to Appropriate \$1,000,000 of Economic Development Reserves to support Community Economic Recovery Efforts

Recommended Action

Committee Recommendation:

On Wednesday, June 17 Finance Committee unanimously approved a motion to direct the City Manager to bring forward a \$1,000,000 funding strategy to support regional economic recovery efforts.

City Manager Recommendation:

Move to approve the appropriation of an additional \$1,000,000 of Economic Development Reserves to support community economic recovery efforts, and direct staff to bring forward a resolution memorializing the decision and include the appropriation in the third quarter budget amendment ordinance which will be presented to Council in October 2020.

Report

Issue:

Whether to approve appropriating \$1,000,000 of Economic Development Reserves to support community economic recovery efforts and direct staff to bring forward a resolution memorializing the decision and include the appropriation in the third quarter budget amendment ordinance which will be presented to Council in October 2020.

Staff Contact:

Mike Reid, Economic Development Director, 360.753.8591

Presenter(s):

Jay Burney, City Manager
Mike Reid, Economic Development Director
Keith Stahley, Assistant City Manager

Background and Analysis:

City Council may revise the City's Budget by approving an ordinance. Generally, budget amendments are presented quarterly to Council for their review and approval but may be made at any time during the year. Authorizing this appropriation to be included in the third quarter budget amendment ordinance, which will be presented to Council in October, provides authorization to expend the funds.

On January 21, 2020, the Washington State Department of Health confirmed the first case of coronavirus (COVID-19) in the US in Snohomish County.

On March 15, 2020, the Governor ordered the closing of all sit-down restaurants and bars and banned gatherings of 50 or more statewide.

On March 17, 2020, City Council passed Ordinance 7233, a Declaration of Public Health Emergency, in response to the COVID-19 epidemic in our community. The order gives the City more flexibility to address the impacts of the coronavirus pandemic on the City of Olympia.

On March 18, Mike Reid, City of Olympia Economic Development Director, presented an Economic Response Plan to Finance Committee. The plan recommends contributing \$50,000 to the Thurston County United Way and Community Foundation's "COVID-19 Community Response Fund." This fund is aimed at getting immediate aid to financially impacted people. Mike also recommended appropriating \$500,000 which will be earmarked for projects identified by a Regional Economic Recovery Task Force.

On March 24, 2020, the City Council approved an ordinance appropriating \$550,000 of the Economic Development reserve funds for use in efforts to support the City's response to the community's economic distress.

On May 17, 2020 Finance Committee recommended that the City Manager bring forward an additional \$1,000,000 funding strategy for regional economic recovery efforts.

Staff is recommending a total of \$1,550,000 million in economic recovery spending with the first \$550,000 having been approved by Council on March 24, 2020. The additional \$1,000,000 funds will be appropriated in the operating budget Special Accounts Funds to be used on efforts like business re-opening grants, residential rental assistance, childcare funding and support, inclusive economy building, cooperative business technical assistance, and maintaining a reserve for emerging needs and opportunities.

Staff will be pursuing a reimbursement of \$550,000 of economic recovery spending through CARES Act Distribution Funding, bringing the total contribution from the City Economic Development Reserve to \$1,000,000.

Neighborhood/Community Interests (if known):

This work is vital to ensuring that residents and businesses, suffering severe financial impacts due to the novel coronavirus COVID-19 epidemic, have the resources they need to aid in their recovery.

Options:

1. Approve appropriating \$1,000,000 in Economic Development Reserves to support community economic recovery efforts and direct staff to include the appropriation in the third quarter

budget amendment ordinance to be presented to Council in October 2020. This provides staff with budget capacity to proceed with economic relief initiatives approved by Council.

2. Do not approve appropriating \$1,000,000 in Economic Development Reserves and direct staff to return to Council with another funding alternative to support community economic recovery efforts.
3. Do not approve appropriating \$1,000,000 in Economic Development Reserves to support community economic recovery efforts. This will impede economic relief initiatives.

Financial Impact:

The funding source for this appropriation is reserves set aside for the purpose of economic development. Most of these reserves have been collected from proceeds received from insurance settlements related to contaminated soils. Currently, the economic development reserves total approximately, \$1.4 million. The appropriation of \$1,000,000 would reduce this reserve to approximately \$400,000. Staff will seek reimbursement of \$550,000 from CARES Act Distribution funding which will restore the balance to \$950,000.

Attachments: None