

**TUMWATER CITY COUNCIL
MINUTES OF MEETING
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CONVENE: 7:00 a.m.

PRESENT: Mayor Ralph Osgood, Councilmembers Neil McClanahan, Judith Hoefling, Ed Stanley, Ed Hildreth, Pete Kmet, Bruce Zeller, and Joan Cathey.

Staff: City Administrator Doug Baker, City Attorney Karen Kirkpatrick, Finance Director Jim Hendrickson, Planning and Facilities Director Mike Matlock, and Recording Secretary Cheri Lindgren.

APPROVAL OF THE AGENDA: **Councilmember Stanley moved, seconded by Councilmember Hildreth, to approve the agenda as presented. Motion carried.**

PUBLIC COMMENT: **Justin Kover, 6805 Littlerock Road SW**, introduced himself and reported on his candidacy for the position of Mayor. He shared that he will articulate his positions at a later date.

Jackie Ashley, Tumwater Area Chamber of Commerce, 1712 91st Avenue SW, Olympia, reported the Chamber is hosting a free trade show highlighting Tumwater businesses at Costco on June 25, 2009 from 10:00 a.m. to 5:00 p.m. She invited the Council to come and visit local business owners.

CONSENT CALENDAR:

- a. Approval of Minutes: Regular Meeting – May 19, 2009; Worksession – May 19, 2009
- b. The City Council authorizes for payment checks #114174, 114185 through #114328 in the amount of \$789,818.51
- c. Surplus 1974 Kenworth Fire Engine #34
- d. Advisory Board Appointment
- e. Pioneer Park Phase III Bidding
- f. Set Public Hearing: Resolution No. R2009-005; Six-Year Transportation Improvement Program (TIP)
- g. Capitol Boulevard, M to X: Overhead Power Conversion Design – Notice to Proceed
- h. Economic Development Advisory Committee (EDAC) Membership
- i. **Ordinance No. O2009-006**; Amend Tumwater Municipal Code (TMC) Chapter 2.14

MOTION: **Councilmember Kmet moved, seconded by Councilmember Zeller, to approve the consent calendar as presented. Motion carried.**

Mayor Osgood reported Betsy Murphy was appointed as Tumwater's citizen representative on the Regional Human Services Review Council (HSRC) with approval of the consent agenda.

Betsey Murphy, 5243 Bald Eagle Lane, said she looks forward to

serving on the HSRC.

COUNCIL CONSIDERATIONS:

**CAPITOL LAKE ADAPTIVE
MANAGEMENT PLAN/CITY
COUNCIL DIRECTION TO
COUNCILMEMBER
MCCLANAHAN:**

Councilmember McClanahan provided an overview of the Capitol Lake Adaptive Management Plan (CLAMP) Steering Committee's process. The committee is on track to deliver a recommendation on a lake management option to the Department of General Administration by the end of July. He asked for direction from the Council on a preferred alternative for Capitol Lake.

Director Matlock reported the steering committee was formed in 1997 convening all stakeholders to provide input and direction on the future of Capitol Lake. The lake is essentially an impounded river with 35,000 cubic yards of sediment washing into the system each year. Without some course of action, Capitol Lake will continue to fill with sediment eventually becoming a freshwater wetland. The steering committee commissioned a number of technical studies over the last several years. The Director of GA will use the committee's recommendation to develop a proposal to the State Capitol Committee (SCC).

Director Matlock provided an overview of the timeline and the management alternatives.

- **Status Quo (no action).**
- **Managed Lake.** The north and middle basins would be dredged to a depth of 13 feet. Dredging is required every eight to nine years to maintain the depth.
- **Estuary.** The 5th Avenue dam and a portion of the Deschutes Parkway would be removed resulting in a 500-foot channel to Budd Inlet. Before the dam is removed, a channel would be dredged through the lake reducing the impact of a large sediment release into Budd Inlet.
- **Dual-Basin Estuary.** A north/south barrier would divide the north basin. A barrier would be constructed of sheet pile and topped with a pedestrian walkway. The east side of the north basin would be a saltwater reflecting pool for the capitol buildings. The west side would be an estuary influenced by tidal actions.

Director Matlock referred to the Council's initial preference of a managed lake option. Tumwater's jurisdiction is limited to the south basin in the vicinity of Tumwater Historical Park and the wetland mitigation site north of Highway 101.

Councilmember Hoefling asked whether the reflecting pool is subject to tidal action. Director Matlock replied the east side of the north basin

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would be a reflecting pool at all times refreshed through vents in the wall during tidal actions.

Councilmember McClanahan said the reflecting pool is similar to a design suggested in the Olmstead brothers plan for Capitol Campus. The sheet pile would be placed at a depth of 75ft. in the lake.

In response to questions from Councilmember Hoefling about potential impacts of the dual-basin alternative to Tumwater Historical Park and assigning costs associated with dredging the harbor, Councilmember McClanahan said the Port of Olympia is concerned how lake sediment will impact Budd Inlet. All member entities have a responsibility concerning dredging costs. Specific to the southernmost basin, a majority of sediment coming down the river would shift into Capitol Lake. At one point the lake was 15-30 feet deep. Capitol Lake has not been dredged since the mid-1980s.

Councilmember Stanley asked whether the estuary alternatives negatively affect the Olympia Yacht Club (OYC) and marinas beyond the dam. The basin smelled like a sewer at low tide in the summer prior to creating Capitol Lake. Mud Bay is not an attractive environment at low tide. Councilmember McClanahan replied that members of the public are concerned about potential impacts to the marinas. Currently, there is an odor emanating from Budd Inlet at low tide on a warm day. There are 72 outfalls into Capitol Lake. Director Matlock advised that the odor prior to creating Capitol Lake stemmed from substandard development and no sewage treatment plant.

Councilmember Hildreth asked why dredging costs are two times higher for the managed lake scenario. Director Matlock said maintenance dredging is required under this option. Additionally, it is more difficult to obtain the necessary permits for dredging sediment disposal.

Councilmember Kmet said it's important that a management option not negatively impact Tumwater Historical Park or the old brewhouse facilities. It seems reasonable to also pick an alternative that will maintain or even enhance fish in the Deschutes River. Director Matlock reported the estuary option is best for anadromous fish species. Councilmember McClanahan added that the reports suggest a managed lake option will not affect the salmon run at the proposed hatchery.

Director Matlock reported that the Squaxin Island Tribe is a major stakeholder. It's fair to characterize their position as favoring the estuary alternative. The management options don't appear to be more detrimental to Historical Park or the old brewhouse facilities. However, the status quo scenario could impact both sites.

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In response to additional questions from Councilmember Kmet, Director Matlock shared his perspective on how other members view the management alternatives. Councilmember McClanahan advised that he personally favors the dual-basin option.

Councilmember Zeller said some of his questions haven't been answered. The lake system was designed to capture sediment from the river and provide a mechanism to handle sediment at one location rather than dredging miles of Puget Sound. He noted the one million cubic yard difference between the managed lake, estuary, and dual-basin scenarios. Currently, sediment is contained and the amount of sediment into Budd Inlet is limited. The state committed to dredging the lake in the 1950s. Moving sediment to Puget Sound will transfer costs from the state to taxpayers and the Port of Olympia, which he can't support. His preference is for a managed lake alternative.

Councilmember Cathey asked whether fewer conversations occurred involving the dual-basin estuary alternative. Director Matlock affirmed there have been fewer conversations involving that option. A wider channel is required for proper ingress/egress of water for both the estuary and dual-basin options.

Councilmember Kmet said construction costs for removing the 5th Avenue Dam and a portion of the Deschutes Parkway are captured in the economic data. Overall, costs for the estuary alternatives are less than the managed lake option. The issue is the funding source for dredging.

Director Matlock said the committee's conversations have focused on the estuary or managed lake option.

Mayor Osgood said an overarching criterion is a management option that does not harm Tumwater Historical Park or the old brewhouse properties. He prefers the managed lake alternative. The dual-basin is a compromise and not a good solution. There has never been a natural fish run up the Deschutes River. The run stops at the falls. He spoke about a natural fish run up Percival Creek. Councilmember Stanley agreed and indicated a management option adversely affecting properties or livelihoods could result in lawsuits.

Councilmember Kmet said a clear purpose is to enhance fish runs. He agreed the Deschutes River didn't have a natural fish run. However, there is a ladder in place that allows it to occur. Getting fish to the hatchery at Pioneer Park is part of Washington Department of Fish and Wildlife's (WDFW) overall plan. An estuary will increase fish productivity. Aesthetically, he said he prefers the lake. It's likely the tribes will block a managed lake option, which is also the most

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expensive alternative. Expecting the state to fund dredging over the long-term is unrealistic. He favors the estuary or dual-basin options. The dual-basin addresses the aesthetic issue to some degree.

Councilmember Hoefling expressed support for the managed lake alternative. The option is more expensive because the lake hasn't been dredged and maintained on a regular basis. There are consequences when man interferes with natural processes. An architectural dream was to mirror the state capitol and create one of the most beautiful capitols in the nation. The dual-basin alternative with saltwater interaction will adversely impact the community and the economy.

Councilmember Hildreth said he prefers the managed lake scenario.

Councilmember Zeller said he understands sediment in the lake is clean. If sediment is disposed in Puget Sound, it will mix with other sediments containing dioxin making the situation worse. Dredging contaminated soil is a bigger project.

Councilmember Cathey agreed with Councilmember Kmet's comments. The estuary is the best solution for the City and environment followed by the dual-basin option.

Councilmember McClanahan said there appears to be three in support of the estuary and/or dual-basin options while four Councilmembers prefer the managed lake alternative. Although the fish run is artificial, biologists believe an earthquake occurring 850 years ago created the falls. Prior to that event, there was a natural salmon run. A treaty with the Squaxin Island Tribe prescribes the quantity of fish that can be harvested from the run. He indicated he will report on the Council's preference for a managed lake option.

Councilmember Cathey commented that many artists in the area find mudflats beautiful.

COMMITTEE REPORTS:

**PUBLIC SAFETY
COMMITTEE:**
(Neil McClanahan)

There was no report.

**GENERAL GOVERNMENT
COMMITTEE:**
(Bruce Zeller)

There was no report.

**PUBLIC WORKS
COMMITTEE:**

The Public Works Committee (PWC) discussed and resolved a number of issues concerning the outdoor lighting ordinance. One outstanding

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(Pete Kmet)

subject is City streetlights. Staff was directed to acquire additional sample streetlights to provide a better idea of how they perform. Members generally favored shallow shields with completely recessed bulbs for newer streetlights. The cost to upgrade streetlights Citywide is approximately \$50,000.

Members considered the Capitol Boulevard, M to X: Overhead Power Conversion Design issue. With approval of the consent agenda, the Council authorized staff to proceed with a contract with Puget Sound Energy (PSE) for the design work. Burying utilities is more expensive than anticipated because PSE's overhead facilities are located primarily within easements granted by abutting property owners outside the City's right-of-way. Generally, when facilities are located within City right-of-way, the City is required to pay only 40% of PSE's costs for design and construction. Under the new scenario, the City is responsible for 100% of the design and construction costs, which could approach \$1 million. The "Notice to Proceed" for design will better define the actual funding required and it provides an opportunity to research cost sharing arrangements with property owners along that section of the corridor.

BUDGET COMMITTEE:

Administrator Baker reported the Budget Committee met earlier in the day and reviewed 2009 budget and future revenue options. Members and staff reviewed levy lid lift (LLL) mechanisms to fund public safety programs. The Budget Committee directed staff to prepare a report for the Council by July 7, 2009 outlining details of a multi-year LLL concept to hire three police officers and four firefighters. The intent is placing the issue on the November ballot, which will require a decision by the Council at its first meeting in August 2009.

**CITY ADMINISTRATOR'S
REPORT:**

Administrator Baker reported Building Plans Examiner Larry Sherman and Fire Captain Roger Winther submitted retirement paperwork for retiring from the City on May 31, 2009.

OTHER BUSINESS:

Councilmember Stanley thanked the Fire Department for its quick response to a recent incident involving his mother. His mother had cataract surgery on May 29, 2009. She fell and hit her head. The Fire Department responded within three to four minutes and transported her to the hospital. He thanked Lieutenant Brad Ridgeway and Firefighter/Paramedics Goldsby and Cathy.

Councilmember Zeller advised that he is not planning to run for the Mayor's position or seek reelection of his current position on the Council.

Councilmember Hildreth reported Governor Gregoire vetoed a section of a bill passed by the Legislature allowing transit agencies to ask voters for a \$20 license tab fee. The Authority discussed an August 17, 2010

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election date to ask voters for a .2% sales tax increase. He suggested adding the issue to the Council's next meeting agenda.

ADJOURNMENT:

Councilmember Stanley moved, seconded by Councilmember Zeller, to adjourn the meeting at 8:01 p.m. Motion carried.

Prepared by Cheri Lindgren, Recording Secretary
Puget Sound Meeting Services