

TUMWATER CITY COUNCIL MEETING
MINUTES OF HYBRID MEETING
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CONVENE: 7:00 p.m.

PRESENT: Mayor Debbie Sullivan and Councilmembers Peter Agabi, Michael Althausen, Joan Cathey, Leatta Dahlhoff, Angela Jefferson, Charlie Schneider, and Eileen Swarthout.

Staff: City Administrator John Doan, City Attorney Karen Kirkpatrick, Water Resources and Sustainability Director Dan Smith, Planning Manager Brad Medrud, and City Clerk Melody Valiant.

SPECIAL ITEMS:

**SERGIO'S SHELTER
FACILITY UPDATE -
3444 MARTIN WAY:**

Interfaith Works Executive Director Meg Martin provided an update on the day center and service connection facility at 3444 Martin Way. The facility will house Sergio's Shelter. In late 2022, Interfaith Works purchased the property to provide services and respite from the elements for people experiencing homelessness in a new modular facility. Funding for Sergio's Shelter was a regional public and private effort to include the City of Tumwater. Interfaith Works contracted with Thurston County to provide additional daytime and overnight shelter space for people during periods of extreme heat, smoky conditions, and cold weather. Unfortunately, the project experienced logistical and coordination delays due to material delivery delays and high turnover in the construction industry creating problems with project continuity. New energy code changes enacted by the State Legislature affected the project and permit timelines. With oversight of a project manager, progress has occurred with the facility scheduled to open in December 2022.

The delay in construction afforded more time to engage with potential partners to provide services onsite. Primary care services and clinical mental health services will be provided at the new day center. Sergio's will be expanded at some point to support the development of permanent supportive housing with options to be explored.

The new facility is named after Sergio Jaramillo, a long-term resident of Thurston County who experienced homelessness for nearly 20 years. Mr. Sergio struggled significantly with mental and physical health issues. In 2017, he experienced frostbite on his toe that eventually caused an infection leading to the loss of both legs and his eventual death in 2019. .

Ms. Martin addressed several questions and explained that the shipping container containing four showers has limited space for both privacy and changing clothes. The intent is to provide service to men and women. Staff is working on an operational plan that could entail assigning shower hours by gender or providing partitions between shower spaces affording more privacy. The project was primarily funded by local jurisdictions with the exception of additional COVID funds through the ESG Program by

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Thurston County (\$43,000). Interfaith Works has a consolidated network of service contracts with Thurston County to help fund operational costs. The organization plans to fundraise for additional funds. During the pandemic, Providence decided to close the dayroom portion of the Community Care Center. The site has been operating in a limited capacity and continues to provide healthcare and clinical mental health services through appointment only by the Free Clinic of Olympia, Valley View Health Services, and the Providence Behavioral Health Team. At this time, she is unsure as to the ongoing status of the Community Care Center but Interfaith Works plans to collaborate with those entities to some degree at Sergio's. Those partnerships have the capacity to provide the same services as Sergio's. Over the last year, the organization collaborated with Providence to provide a medical respite program for the county to assist medically fragile individuals leaving the hospital who have no shelter. Service at Sergio's for weather-related shelter will depend on the operational capacity of both the facility and personnel. The facility can accommodate many people with 75 people previously provided overnight shelter.

Councilmember Cathey acknowledged the hard work and dedication of Ms. Martin and especially for naming the facility after Sergio Jaramillo in recognition of his life experiences.

PROCLAMATION:
FIRE PREVENTION
WEEK, OCTOBER 9-
15, 2022:

Councilmember Swarthout read a proclamation declaring *Fire Prevention Week* during the week of October 9-15, 2022. The proclamation urges all residents and businesses in the City of Tumwater to heed the messages and support the efforts of the Tumwater Fire Department and other emergency services to keep the community safe from fires and in times of medical emergencies.

Mayor Sullivan recognized Fire Chief Brian Hurley.

Fire Chief Hurley thanked Mayor Sullivan and the Council for issuing the proclamation recognizing October 9-15, 2022 as *Fire Prevention Week*. This year marks the 100th anniversary of *Fire Prevention Week*. The week is celebrated each year during October in recognition of the Great Chicago Fire on October 8, 1871. Following the fire and the great loss of lives and property, the modern fire prevention movement began in the United States.

Many people die each year from fire-related incidents. In 2020, 3,500 people died from fire and thousands were injured. Approximately 80% of those fire deaths occurred at home. Adults aged 65 or older are twice more likely to die in a fire than younger people. Having functional smoke detectors more than doubles the chance of surviving a fire. Today's homes are built with more combustible materials and within 3-12 minutes, a fire in a room can reach 1,100 degrees Fahrenheit.

This year's theme, *Fire Won't Wait, Plan Your Escape* serves to educate the

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public about the vital importance of having a home fire escape plan – and practicing that plan. Residents should conduct fire drills and change non-lithium batteries in smoke detectors twice a year. Fire Chief Hurley urged the community to visit the Tumwater Fire Department Facebook page for messages about Fire Prevention Week.

Mayor Sullivan presented the proclamation to Fire Chief Hurley.

**PROCLAMATION:
NATIONAL HISPANIC
HERITAGE MONTH,
SEPTEMBER 15-
OCTOBER 15, 2022:**

Councilmember Dahlhoff read a proclamation declaring September 15, 2022 through October 15, 2022 as *National Hispanic Heritage Month*. The proclamation urges everyone to learn and participate in events that celebrate rich Hispanic cultural traditions. Each year, Americans observe National Hispanic Heritage Month from September 15 to October 15, by celebrating the histories, cultures, and contributions of those whose ancestors came from Spain, Mexico, the Caribbean, and Central and South America.

Mayor Sullivan introduced Maria Sigüenza, Executive Director, Washington State Commission on Hispanic Affairs. Ms. Sigüenza reported the small agency of three personnel is a 50-year old agency and works on public policy with state agencies, the Governor, and the Legislative to ensure voices of the Latino community are represented in issues affecting Latinos. Nearly 25 percent of students enrolled in schools throughout the state are Latinos. The Commission has been integral in census and voter outreach efforts and has completed projects with the City of Yakima to secure over \$600,000 for park repairs in a Latino centric community. Recent efforts have increased staffing and working with communities to ensure supports are in place for students at risk of recruitment by gangs.

Ms. Sigüenza accepted the proclamation from Mayor Sullivan.

PUBLIC COMMENT:

Pamela J. Hansen, P.O. Box 14521, Tumwater, commented on the five-year projection of Tumwater's fund balance declining under the required amount by 2027 according to information from the City of Tumwater. A *Jolt* article stated, "The 2027 balance is expected to close at \$3,327,624.00, which is \$3 million short of the then required balance of \$6,331,000. Further, the City's expenditures are predicted to exceed revenues in 2025 with expenditures at \$34,368,000 and revenues of \$34,357,000. The trend sees the gap increasing within the following years." The article also refers to the Regional Fire Authority, the Transportation Benefit District, and other tax increases with nothing about the Tumwater Municipal Golf Course. Overspending by the Tumwater Municipal Golf means subsidizing golf games by \$500,000 each year. By referring to the golf course as a parks program instead of a municipal business that continues to fail, overspending facts are being ignored. The City's taxing policy will ultimately raise taxes and reduce taxpayer services in what taxpayers may see as a political ponzi-scheme dependent upon the definition of ponzi. The City should reduce the golf course budget by \$500,000 each year rather than

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increasing taxes and reducing services to Tumwater taxpayers, which would reduce the projected \$3 million budget shortfall in 2027. Golfers should pay for their own golf games rather than taxpayers. She mentioned the recent opioid lawsuit payout to the state. She doubts the Thurston County Commission would attempt to ponzi the opioid lawsuit funds with complicated and drawn-out interfund loan schemes because of its recent commendable budget transparency and planned online participation improvements.

Kim Marino said that as part of her Spanish heritage, she is an activist with a long family history of social activists. Over the last two years, she has become a sacred activist of which she brings the sacred into the world that is so dearly missing. She reported on police abuse that occurred to her. On September 16, 2022 she went to UPS to seek help for her daughter. Unfortunately, UPS staff were not trained and called 911. Four officers arrived and told her to remove herself from the property because she was trespassing. She left the property and tried to explain the situation to the officers, who would not listen. She subsequently prayed and left the property. On September 19, 2022 she reported the incident to the Tumwater Police Chief. The police arrested her unlawfully as she was trying to report the abuse. She concluded that she was arrested after she had asked the Police Chief to visit her home to explain what the officers did wrong. As she left to return to her car, she remembered that it was about her mother who was retained against her will at Garden Court. She returned to the police station and the officers refused to complete a police report and left her in the lobby locking her out. She prayed during a ceremony and the five officers returned and picked her up and read her the Miranda rights after she asked the rights to be read. They informed her that reading the rights to her would be a courtesy in the future. They took her to the Nisqually (Jail) where they stripped her. Officers abused her and she has documentation of that abuse. After 36 hours, she was arraigned. The judge indicated she was free to leave. Jail personnel locked her in the cell saying that they would hold her for an involuntary treatment act. They shut off the water and she experienced pain as she was lying on the floor for two hours. She asked the Police Commander to visit her home and address the abuse, as she does not want police officers perjuring themselves.

CONSENT
CALENDAR:

- a. Approval of Minutes: City Council Worksession, September 13, 2022
- b. Approval of Minutes: Special City Council Meeting, September 20, 2022
- c. Approval of Minutes: City Council, September 20, 2022
- d. Payment of Vouchers
- e. WSDOT Rights of Way Initiative – Process Memorandum of Understanding
- f. Interstate 5/Trosper Road/Capitol Boulevard Reconfiguration; Award Contract and Authority to Sign Contract

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MOTION: Councilmember Dahlhoff moved, seconded by Councilmember Schneider, to approve the consent calendar as published. A voice vote approved the motion unanimously.

PUBLIC HEARING:

**ORDINANCE NO.
O2022-021: REMOVAL
OF PROPERTIES
FROM HOPKINS
DRAINAGE
DISTRICT:**

Director Smith presented Ordinance No. O2022-021, a proposed action to remove properties from Hopkins Drainage District #2. The City action applies to properties located within the City that were annexed by the Hopkins Drainage District.

Director Smith displayed a map of the Hopkins Drainage District #2 area. The district was formed in 1904 as a special purpose district authorized by RCW 85.06 to maintain conveyance systems for stormwater and water runoff. He identified existing properties prior to 2022 located within the Hopkins Drainage District. Other properties highlighted in red total 605 properties annexed in 2022 to the Hopkins Drainage District. Of those properties, 599 commercial and residential properties are located within the City of Tumwater.

Hopkins Drainage District Commissioners initiated the annexation process in August 2022 and completed certification of the adopted roll of properties on September 24, 2022 despite numerous objections from the City and most of the property owners within the annexed area. The annexation intends to provide financial support to the Hopkins Drainage District to accomplish its operations in the conveyance of stormwater and other runoff flows from the properties. The Hopkins Drainage District contemplates receiving approximately \$380,000 in assessments from property owners. Because of the limited timeline for appeals of the ordinance, the proposed ordinance was prepared as an emergency ordinance with a 10-day appeal period. The ordinance applies only to the Hopkins Drainage District annexation of the properties and does not contemplate any objections offered during that process as there are additional legal proceedings anticipated to follow.

The proposed ordinance documents no substantive evidence that the properties in Tumwater would benefit from the Hopkins Drainage District and acknowledges that RCW 85.38.217 provides for the removal of any portion of a drainage district within a First Class City boundary. Code cities are authorized to take those actions under the RCW. Tumwater also operates its own storm drain utility per RCW 35.67 and has sufficient capacity to maintain its own stormwater services for the properties located within the City's boundaries. Tumwater is complying with local, state, and federal stormwater codes. All properties that exist within Tumwater pay utility charges to sustain the stormwater facilities operated by the City. The ordinance acknowledges that the removal of the properties would not impair any existing contract, liability, or obligation to finance the Hopkins Drainage District's operations.

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Despite the short timeline between the Hopkins Drainage District's action and the proposed ordinance, the City completed a substantive public information campaign, briefed the Tumwater Public Works Committee, and reviewed the issue with the City Council during a recent worksession. Additionally, all residents affected received information from the City through the mail. The notice of the public hearing was published in *The Olympian* newspaper, posted on the City's website, and posted on all City social media accounts.

Staff recommends the City Council adopt Ordinance No. O2022-021 following the public hearing to remove the properties annexed in 2022 by the Hopkins Drainage District that are located within the City of Tumwater.

Director Smith invited questions and comments.

Councilmember Agabi inquired about the status of the remaining properties not included in the proposed ordinance. Director Smith explained that those properties are not located within the boundaries of the City and are under the jurisdiction of Thurston County.

Councilmember Althaus asked about the potential possibility of the Hopkins Drainage District re-annexing the properties following the City's action. City Attorney Kirkpatrick advised that the ordinance stipulates a permanent removal of the properties from Hopkins Drainage District. The language is intended to prevent re-annexation by the Hopkins Drainage District, which could be subject to a later court determination.

Councilmember Schneider cited his letter for the record, "Although the City of Tumwater and the residents of The Preserve at Tumwater Place did not choose this fight, Commissioner Jackmond left them with no other choice. When Commissioner Jackmond stated publicly on numerous occasions that the Thurston County Commissioners withheld monies from the Hopkins Drainage District and the City of Tumwater denied responsibility for the drainage ditch flooding, he and the other two Commissioners were going to punish The Preserve, area businesses, and the City of Tumwater by annexing those properties mentioned to their District for the sole purpose of collecting additional revenue for their district. It is the Hopkins Drainage District #2 and three elected officials' duty to maintain and monitor their drainage system and not the City of Tumwater. They should be held accountable for the District and own up to their failures, which is what good leadership does. Thank you."

Councilmember Jefferson said that she understands the properties are not served by the District at this time and that the system has not been maintained. Director Smith explained that the Hopkins Drainage District is responsible for maintaining the ditch. The City is proposing to de-annex the properties that have been annexed by the Hopkins Drainage District. The

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District is asserting that the properties recently annexed are receiving benefits from the Hopkins Drainage District and are seeking to recover finances to support its operations. Hopkins Drainage District has not provided evidence to support its actions. The proposed action by the Council is to de-annex the properties that were previously annexed by the Hopkins Drainage District.

Mayor Sullivan opened the public hearing at 7:58 p.m.

PUBLIC TESTIMONY: **John Haworth, 9121 Candy Tuft Lane SE, Tumwater,** said he resides in The Preserve but has found that the Hopkins Drainage Ditch District wants to annex his property into the District. Without proof, the District claims surface water in his area is subject to the Hopkins drainage ditch. As he already pays taxes to the City of Tumwater for stormwater mitigation, he is perplexed as to how an entity can encroach on another jurisdiction and tax its residents. He attended the public hearings by the Hopkins Drainage District. District Commissioners believe it is their right to annex Tumwater residents into its taxing district. It appears stormwater on 93rd Avenue would require pumping uphill to flow into the drainage ditch. The Hopkins ditch also appears to be severely neglected. Recent news reports indicate the District wants to use explosives to clear the ditch. He is not comfortable with that option, as the District has not mitigated the proposed action. As a result he does not understand how the Hopkins Drainage District determined the cost of expanding the ditch, as those details were not provided. He has forwarded his concerns to Thurston County for consideration to disband the District. He supports the removal of his property from the list of properties taxed by the Hopkins Drainage District.

Matt Parnel, P.O Box 14632, Tumwater, suggested the City of Tumwater should own its responsibility of excess water entering the Hopkins drainage ditch because of development occurring within City limits. Despite the postcard he recently received stating that his property was newly annexed into the Hopkins Drainage District, he has been a 15-year District taxpaying resident. He lives near the corner of Hart Road and 93rd Avenue within Thurston County. In the last 15 years, he has never experienced flooding to the extent of flooding experienced in January 2022. This is despite past events of rainfall combined with snowmelt. In January 2022, he measured the water level in his yard at 24 inches deeper than in the previous high water mark experienced since living in his home. This represents nearly one million gallons of excess water on his property. The water came within 15 feet of his home and from flows from the north side to the south side of 93rd Avenue near The Preserve subdivision overtopping 93rd Avenue with water for the first time in nearly 40 years. He understands the tax impact the Hopkins Drainage District action will have on some City residents. The action increases his taxes to the District by a factor of 25 becoming a greater tax dollar impact personally than to any homeowner within the newly annexed area. As with other homeowners within the City limits, the action

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could not be predicted when he purchased his home. His home's assessed and market values have increased dramatically in 15 years. The Hopkins Drainage District previously served the original District on a shoestring budget of less than \$3,000 annually. The District can no longer continue to maintain the ditch with the huge amount of water entering the District from the City's side of 93rd Avenue. He believes the residents of Tumwater are benefitting from the District and have a responsibility to be a financial participant as well.

Clark Wilcox, 8901 Viola Street SE, Tumwater, commented that he and his wife as well as others living in The Preserve believe they are victims of the Hopkins Drainage District through its unfair and unlawful attempt to tax owners \$360 a year for their ditch issues. He currently pays Thurston County and the City of Tumwater taxes for storm drain services. Hopkins Drainage District Commissioners told homeowners in a meeting that they had a drainage issue that occurred on January 6, 2022 and are blaming property owners in Tumwater for the issue. Both Thurston County and the City of Tumwater refused to provide funds. The district identified a beaver dam that was blocking downstream drainage approximately one year ago and within the last two weeks the District has located a dirt/grass blockage downstream. The District's poor management of the District is not a problem that can or should be solved by taxing property owners in Tumwater. The subdivision's developer filed the engineering plan with phases 3 and 4. He lives in phase 2 with a dry well located in his backyard. His property's storm drain does not enter the Hopkins ditch as water on his property drains to the Deschutes River. District Commissioners stated that they charge current landowners \$5 per acre annually. Mr. Wilcox said his lot is 120' x 100'. He questioned why homeowners would pay \$360 a year, which is 72 times more than the District charges current customers. He works hard, pays his taxes, and does not want to fund a District to be taxed through time for storm damage services when the real problem is the District not having the wherewithal or the ability to maintain its district properly. He asked the Council to prevent unfair taxation by the Hopkins Drainage District and for dissolution of the District, as it appears to be inept in managing its resources and maintaining infrastructure.

Vicky Jex, 10615 Tilley Road SE, Olympia, said she lives within the Hopkins Drainage District area and has experienced the 100-year flood, the 1,000-year flood, and flooding last year, which was much more extensive. Water from The Preserve neighborhood flows to other properties and although not the fault of homeowners, it is the fault of hydrogeologists and others for not understanding how water flows downhill. She described the difficulty of physically removing a beaver dam with the District recommending the use of dynamite to remove the dam because of the difficulty of accessing the area with heavy equipment. Instead, the District manually removed the dam. She pays a tax to both the county and the District for surface water and never receives any return. Taxes by residents

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in The Preserve would help solve the problem. Taxes are based on the valuation of the property and not acreage. Some neighbors have indicated they are moving from the area because they believe The Preserve is responsible for flooding of their properties. Accompanying the influx of water was garbage that she had to remove from her fields to prevent her animals from eating the garbage. Everyone is paying taxes and perhaps solving the issue could be by ensuring existing taxes are paid to the proper source to address the issues. It is obvious the subdivision is responsible because after it was built, she began to experience flooding. She urged consideration of ensuring the taxes are paid appropriately to solve the problem recognizing that everyone is involved.

Jerry Jex, 10615 Tilley Road SE, Olympia, suggested the issue is not a question of who pays stormwater taxes because everyone pays for stormwater regardless of where they live. Residents in the District pay double. When the District contacted Thurston County for funds, the county indicated stormwater taxes covered other surface water in other areas of the county. The issue essentially is whether water generated from The Preserve subdivision flows to the ditch or drains to the Deschutes River. It is an issue that could be identified by the City with follow-up measures by blocking all culverts draining toward Hopkins ditch and adding sand bags along the road to prevent water from flowing onto 93rd Avenue.

Nancy Schneider, 9069 Astro Street SE, Tumwater, said she attended all meetings with respect to the issue except for public hearing by the Hopkins Drainage District on the annexation. At the first meeting, Commissioner Jackmond said that in 1901 the whole section of the ditch was uninhabitable. Later, changes occurred when properties began developing with problems encountered with flooding over the last 20 years. The District never provided maintenance records for the ditch despite several requests. Instead, Commissioner Jackmond reported on how people living in the District maintain the ditch with no tracking of the work by the District. The District has no proof of maintaining the ditch over the last 15 years. When the District annexed The Preserve and some businesses to pay for maintaining the ditch, she asked Commissioner Jackmond why taxes increased from \$75,000 to nearly \$400,000. His response was that the Commissioners experienced a reality check. His attitude was that it was not the Commission's problem but rather the subdivision's problem and property owners should be accountable despite the lack of maintenance of the ditch by the District causing frequent flooding.

Mat Jackmond, Commissioner, Hopkins Drainage District #2, clarified some comments conveyed by Councilmember Schneider were not accurate as Commissioners never indicated they would punish anyone. The entire reason the District considered RCW 85.32 action was to solve a problem that was demonstrated through photographs of Tilley Road overflowing by six inches of water in January 2022 representing the highest level since

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1979. The District is not seeking to punish anyone but to solve a problem. As some testimony has attested, water is flowing from 93rd Avenue into the Hopkins ditch. The RCW enables the District to annex properties that are benefitting from water flowing into the Hopkins ditch. The proposed ordinance under the auspice of RCW 85.38.217 stipulates that the action is only for those properties located within the boundaries of a First Class city. He asked whether the City of Tumwater is considered a First Class City specifically related to RCW 85.38. Secondly, the RCW states that the removal of an area shall not result in the impairment of any contract nor remove the liability or obligation to finance district improvements that serve the area so removed as of the effective date of the ordinance. The District forwarded Resolution No. R2022-0020 setting the estimated tax for collection for 2023 to the Thurston County Treasurer, which covers the proposed parcels. Should the City enact the ordinance, he asked whether the City would assume responsibility for the liability and obligation as stated in RCW 85.38.217. He also feels the action is illegal by subrogating the action of RCW 85.32 whereby it describes the remedy for the annexation.

Rex (no last name) said he and his family have been residents of the City of Tumwater since 2017 and live in The Preserve subdivision. After attending a public hearing by the District in mid-August, he began researching public records, meeting minutes, strategic plan documents, and Senate Bill 5742. As a first-time homeowner, he is still learning all the facets of the political process, which has been interesting to say the least with much bureaucracy, red tape, and passionate responses from his fellow neighbors. He has to assume his own responsibility as a resident to continue due diligence through ongoing research and objective data from both sides of the issue. Eventually, in some form or fashion, his tax dollars will be collected for maintenance of stormwater in the affected surrounding area. He strongly believes in being a good steward of the land and seeking some resolution that is fair to all parties. He finds it to be a privilege to be a homeowner and is appreciative of the democratic process. At this time, he neither favors nor opposes the de-annexation because of the lack of sufficient data.

Pearl Gibson Collier spoke in support of the proposed ordinance.

Brittany Wilhelme reported she is a resident of The Preserve. Her concerns surrounding the District annexation as a resident and taxpayer are the lack of any environmental survey to support the subdivision as an active antagonist for the Hopkins Drainage District. So far, The Preserve has experienced limited representation to avoid additional taxation. Her understanding is that maintenance of the ditch has been minimal with few records or information. Without the appropriate environmental survey data to understand which direction water is flowing, she does not believe Preserve residents can be held accountable. She does not mind paying taxes

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but does expect fiscal responsibility and infrastructure maintenance. There must be another solution rather than taxing residents more than once. Homes have become increasingly expensive and most cannot afford the additional taxation if the information is lacking from the environmental survey, as well as an understanding of infrastructure maintenance.

With there being no further public testimony, Mayor Sullivan closed the public hearing at 8:25 p.m.

MOTION:

Councilmember Swarthout moved, seconded by Councilmember Jefferson, to adopt Ordinance No. 2022-021 Removing all properties annexed in 2022 to the Hopkins Drainage Ditch District #2 and located within the boundaries of the City of Tumwater. A roll call vote of the Council unanimously approved the motion.

**COUNCIL
CONSIDERATIONS:**

**ORDINANCE NO.
O2022-013, 2022;
DEVELOPMENT
CODE
HOUSEKEEPING
AMENDMENTS:**

Manager Medrud reported the two proposed ordinances for consideration have been reviewed by the Planning Commission, General Government Committee, and the Council during a recent worksession. The two separate ordinances are reflective of two different processes required for the updates. The first ordinance is for Development Code Housekeeping Amendments. The second ordinance is for all other housekeeping amendments that are outside the Development Code.

Manager Medrud reviewed the 15 amendments. The General Government Committee requested additional attention for two of the amendments concerning personal and professional services and school public building and church signs. For personal and professional services, the proposed changes separate the definitions of personal and professional services. Following discussion during the worksession, the Council recommended removing a Planning Commission recommendation to limit product sales within a personal services business to no more than 25% of the gross floor area of the business. The second request adds retail sales uses to Neighborhood Commercial and Commercial Services zone districts. After further review by staff, the code reflects that retail sales are included in the code; however, within the Neighborhood Commercial zone, retail sales are limited to 3,000 square feet along with a limitation of business operating hours. Additionally, the Community Service zone district permits retail sales up to 15,000 square feet. Staff believes the Council's request is addressed within the current code and recommends no changes on how retail sales are addressed in Neighborhood Commercial and Community Service zone districts.

The second item pertains to the discussion on school public building and church signs. The Council recommended the current height limit should

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remain at six feet within residential zone districts. The Council recommended increasing the size of signs to 55 square feet.

The Planning Commission recommends approval of Ordinance No. O2022-013 as proposed and amended by the City Council.

MOTION:

Councilmember Althausser moved, seconded by Councilmember Dahlhoff, to approve Ordinance No. 02022-013; Development Code Housekeeping Amendments as presented by staff. A voice vote unanimously approved the motion.

**ORDINANCE NO.
O2022-015, OTHER
HOUSEKEEPING
AMENDMENTS:**

Manager Medrud reported the proposed amendments are separate from the Development Code. Two amendments are proposed for consideration. The first amendment pertains to revising the date the hearing examiner receives staff reports for pending public hearings. The second amendment is a change in when a traffic study is required for a project.

Following a public hearing on the amendments, the Planning Commission forwarded a recommendation for approval of the ordinance. During a Planning Commission worksession in July, the Commission recommended removal of an amendment on sidewalk obstructions, maintenance, and repair. The Planning Commission recommends the City Council consider a public engagement and voluntary support program prior to moving forward with any amendments to Title 14. The General Government Committee supported the Commission's recommendation. The City Council reviewed the ordinance and did not recommend any changes. The proposed action is approval of Ordinance No. O2022-015, Other Housekeeping Amendments.

MOTION:

Councilmember Althausser moved, seconded by Councilmember Dahlhoff, to approve Ordinance No. O2022-015, Other Housekeeping Amendments as presented. A voice vote approved the motion unanimously.

**COMMITTEE
REPORTS:**

**PUBLIC HEALTH &
SAFETY:**
Leatta Dahlhoff

The next meeting is scheduled on Tuesday, October 11, 2022 at 8 a.m. Agenda topics include School Resource Officer roles, responsibilities, and the 2023-2025 School Resource Officers Contract.

**GENERAL
GOVERNMENT:**
Michael Althausser

The next meeting is scheduled on Wednesday, October 12, 2022 at 2 p.m. to consider the final docket of the 2022 Comprehensive Plan Amendments and two ordinances on tenant protections and unfair housing practices. The committee will review an ordinance suspending the Comprehensive Plan annual amendment cycle in 2023 to accommodate the 10-year update of the Comprehensive Plan.

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PUBLIC WORKS:
Eileen Swarthout

The meeting on Thursday, October 6, 2022 at 8:00 a.m. includes a review and discussion on the Stormwater Management Action Planning Service Provider Agreement.

**BUDGET AND
FINANCE:**
Debbie Sullivan

There have been no meetings of the committee. The Council's review of the budget continues during Council meetings. The next meeting of the committee is scheduled on October 19, 2022.

**MAYOR/CITY
ADMINISTRATOR'S
REPORT:**

City Administrator Doan reported on the successful annual Clean-up & Drop-Off Day event. He thanked all volunteers to ensure the event was successful. OB Credit Union supports the event in conjunction with the City of Tumwater. The event collected 12,260 pounds of paper for shredding and 600 pounds of donated food and \$431 for Thurston County Food Bank. The Water Resources team distributed 200 resource bags, 22 dog waste dispensers, 44 water saving kits, 21 hose nozzles, and 43 grease kits. Approximately 116 pounds of medication was collected for proper disposal. Fifteen volunteers served 75 cars participating in the event.

The City of Tumwater and Olympia Tumwater Foundation hosted the first Tumwater Falls Fest on Saturday, October 1, 2022 at the Brewery Park at Tumwater Falls. The event celebrates Tumwater Falls as a sacred and historically-significant place in the Tumwater community

On Wednesday, October 5, 2022, some prescribed burns are scheduled as part of the Habitat Conservation Plan for prairie species. The first burn is scheduled off 93rd Avenue.

Mayor Sullivan thanked Councilmember Althausen for attending the Falls Fest on her behalf.

Mayor Sullivan reported on her attendance to the Intercity Transit Authority meeting on September 21, 2022. The joint meeting with the agency's Citizens Advisory Committee offered an opportunity to discuss issues. Participants received an update on the short- and long-range plan. The Pattison facility grand opening is tentatively scheduled for Thursday, November 10, 2022. Intercity Transit is promoting the October *Walk to School Month*. The next meeting of the Intercity Transit Authority is scheduled on October 5, 2022.

**COUNCILMEMBER
REPORTS:**

Eileen Swarthout:

Meeting participation included the Regional Fire Authority Planning Committee meeting on October 3, 2022 and an upcoming meeting of the Thurston Regional Planning Council on Friday, October 7, 2022 at 8:30 a.m.

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Councilmember Swarthout attended the Tumwater Falls Festival.

Michael Althaus:

Meetings included the Regional Fire Authority Planning Committee and the Regional Housing Council (RHC) with Councilmember Cathey. RHC agreed to include more representation by those with lived experiences, provider experience, and on-the-ground experience in all decision-making processes through the creation of advisory boards to help inform decisions presented to the RHC. Advisory boards include the Homeless Services Advisory Board and Affordable Housing Advisory Board comprised of service providers, non-profit organizations, residents of the community, and people with lived experiences. Two members of the Housing Action Team (HAT) will become members of the RHC in a non-voting capacity. Appointment of the HAT members requires an amendment to the Interlocal Agreement with the jurisdictions. Members received an update on some hotel acquisitions for capacity.

Leatta Dahlhoff:

The Regional Fire Authority Planning Committee convened an additional meeting on Monday, October 3, 2022 to consider whether to recommend to Olympia and Tumwater City Councils whether to include the regional fire solution on the April 2023 ballot. Members voted on a name for the Regional Fire Authority as *Olympia Tumwater Fire Authority*. Members spent most of the meeting reviewing the concerns of Councilmembers on the fire benefit charge by examining the structure of the formula, difference in rates between commercial and residential structures, and price per square foot. The fire benefit charge consultant is scheduled to present a proposal at the next meeting on Monday, October 10, 2022. Olympia and Tumwater fire labor unions are scheduled to vote on whether to support placement of the ballot measure.

The Thurston County Opioid Response Task Force met on Monday, October 3, 2022 and discussed the opioid lawsuit funds and the structure for allocating the funds in Thurston County. She invited community members to contact her if they have more questions on the distribution of the opioid lawsuit funds.

Charlie Schneider:

Councilmember Schneider is scheduled to attend the Public Works Committee on October 6, 2022. The Climate Action Steering Committee cancelled its October meeting. The Tumwater HOPES meeting is scheduled on Wednesday, October 12, 2022. The Tumwater Youth Program (TYP) hosted a program with 350 grade school students participating on Friday, September 30, 2022.

Guest speaker at the last Tumwater Chamber of Commerce meeting was Don Trosper. The Schmidt House is undergoing renovation to accommodate ADA requirements.

Councilmember Schneider participated in the Clean-Up and Drop-Off

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event.

Angela Jefferson:

At the September 21, 2022 meeting of the Thurston County Emergency Medical Services Council, members discussed the no divert policy, which is still in effect. The goal is for Thurston County patients to remain in Thurston County; however, area hospitals are reaching capacity but will continue to accept patients to the extent possible. Members discussed the new ALS (Advanced Life Support) contract to replace the expiring contract covering the period of 2023 to 2025 and increasing the number of paramedics from seven to nine per unit. The increase will decrease burnout, physical demands, disabilities, and afford an increase in paramedic training at an increased cost of \$595,000 representing a 5% increase. Members discussed the adoption of a resolution to consider surplus equipment.

Joan Cathey:

Councilmember Cathey attended the last meeting of the Regional Housing Council. She commended Councilmember Althausser for his leadership because not only does he represent Tumwater on the RHC, members appreciate his regional knowledge and understanding of the issues.

The next meeting of the Solid Waste Advisory Committee is Wednesday, October 5, 2022.

Peter Agabi:

Meeting participation included the Economic Development Council Board meeting on Wednesday, September 28, 2022. Councilmember Agabi provided information on the Board discussion to include information on an audit of the agency. The Board has scheduled a retreat on October 19, 2022. Members reviewed a report on the Center of Business Innovation. He plans to forward the report to staff for distribution to the Council. The Procurement Technical Assistance Center is a joint venture with Thurston County anticipated to generate an impact of over \$50 million in Thurston County. The project is part of a statewide project. The EDC is conducting a search for a consultant to assist with the project. The Board received a presentation from representatives of Multicare Medical Center. The Center is planning to open some emergency departments.

On Thursday, September 29, 2022, Councilmember Agabi participated in a ribbon cutting ceremony for the new Joint Chiropractic Center located near Fred Meyer.

ADJOURNMENT:

With there being no further business, Mayor Sullivan adjourned the meeting at 9:03 p.m.