

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 Lisa Parks, Acting City Attorney Jeffrey Myers, Finance Director Troy Niemeyer, Fire Chief Brian Hurley, Water Resources and Sustainability Director Dan Smith, Parks and Recreation Director Chuck Denney, Assistant Fire Chief Shawn Crimmins, Communications Manager Ann Cook, Water Resources Program Manager Patrick Soderberg, and City Clerk Melody Valiant.

CHANGES TO AGENDA: Mayor Sullivan referred the Council to an updated agenda moving several items from the consent calendar to Council Considerations and deletion of an appointment to the Civil Service Commission.

SPECIAL ITEMS:

**PROCLAMATION:
FIRE PREVENTION
WEEK, OCTOBER 8-14,
2023:** Councilmember Swarthout read a proclamation declaring the week of October 8-14, 2023 as *Fire Prevention Week*. The proclamation urged all residents and businesses in the City of Tumwater to heed the messages in the proclamation and support the efforts of the Tumwater Fire Department and other emergency services to keep everyone safe from fires and in times of medical emergencies.

Mayor Sullivan presented the proclamation to Assistant Fire Chief Shawn Crimmins. Assistant Fire Chief Crimmins thanked the Council for recognizing *Fire Prevention Week* in the City of Tumwater. He provided some tips for safe cooking and preventing oven fires. During the month of October all Tumwater firefighters and paramedics visit daycare centers and schools and provide public education talks. He reminded everyone to change their batteries on their smoke detectors.

**INTRODUCTION OF
NEW FIREFIGHTER
BARRET BROWN:** Fire Chief Hurley introduced new Firefighter Barret Brown. Firefighter Brown joined the Tumwater Fire Department on September 1, 2023. Firefighter Brown grew up in the Orange County, California area and worked for a private ambulance company prior to serving in the U.S. Army for over five years as an Army Medic. He left the military and began firefighter training.

Firefighter Brown thanked the Council for the opportunity to begin his career as a Firefighter.

PUBLIC COMMENT: **Pamela Hansen, PO 14521, Tumwater**, revisited an issue discussed at the November 1, 2021 meeting when the City Council and Mayor

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voted to approve a 12-year multi-family tax exemption for two parcels of apartments. The approval was based on a lack of knowing the final valuations and tax burden shift of the properties. The tax exemption of an unknown dollar amount was approved by the Council. Her public testimony at that time was contradicted later during the meeting pertaining to the tax shift and she was not allowed an opportunity to defend her comments. New construction properties are only assigned value and added to the tax roll for taxing purposes after completion. The 12-year tax exemption can now be calculated with a more accurate tax exemption estimation, which should have occurred in 2021 even at a bank loan value estimation to afford an informed vote of the Council. Taxpayers need to know how much of a tax exemption Glenn Wells was granted. She is hopeful the information can be provided and published in the public record at a Council meeting soon.

Dave Nicandri, 505 South 4th Avenue SW, Tumwater, said he provided comments at the last meeting on his biweekly lecture on the Climate Mitigation Plan. That was the same meeting the Council considered an update to the interlocal agreement on the mitigation plan. The interlocal agreement includes a provision for the creation of a community advisory group for seeking a variety of perspectives on climate mitigation actions. He volunteered to serve on the advisory group for the City of Tumwater. With his long-term commitment to the City since the 1970s, and as a former member of the Council, if appointed he would serve and offer constructive thoughts. On page 26 of the 2020 Climate Action Plan, it states that the entire edifice of the plan is premised on the basis that residents will have the resources to afford the transition. Last month, the Prime Minister of the United Kingdom issued a five-year delay from 2030 to 2035 on banning the sale of new gas and diesel cars and delaying the ban on new natural gas furnaces. His stated reason for doing so was the unacceptable costs on ordinary people that those measures would exact. It is good to see some glimmers of reality being applied to the climate debate. In the United Kingdom, carbon emissions per capita are equal to the mid-nineteenth century. If Britain tomorrow eliminated all carbon emissions and returned to the middle ages, given the massive and rising levels of emissions from China and India, it would not make a difference for global warming. He added that it is good to see so many Councilmembers in attendance.

Sharon Koontz, 12417 Tilley Road South, referred to the proposed Common Interest and Confidentiality Agreement with the Port of Olympia. The document is not a typical document about attorney-client privilege. The Port and the City have been working on the Habitat Conservation Plan for the last two years and there has been no need for the agreement until now. She is curious as to what triggered

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the need and especially the provisions that make documents retroactively secret. Even if the Council adopts the agreement, she is unsure whether the Council would have access to the information. However, she is sure she would not have access. The Port makes it very clear that much of the agreement remains confidential. She is unsure as to the depth of information that should be confidential as both the Port and the City of Tumwater are public entities. There are many reasons for keeping information confidential in real estate transactions. For example, speculators could increase the price of property under consideration for mitigation land. However, real estate provisions already include the ability for public entities to retain certain information. If there is new information the public should know about and the Port of Olympia disagrees, the agreement enables the Port to retain the information automatically. If a member of the public files a public records request and the City of Tumwater believes the public should have access to the information and the Port refuses, the Port would prevail because if one party to the agreement refuses, the City has to honor the decision. She would hope that the Council would not want to be put in that position. Additionally, there could be a situation whereby a Councilmember learned about a lease at the airport that does not include plans for a bottling plant despite all the prior discussion. The lease does not contain any decision pertaining to a bottling plant and there are no guarantees whatsoever. Instead, should a Councilmember learn that the Port is moving forward on a proposal that most Tumwater residents would oppose, the agreement would not enable the Councilmember to inform the public about the proposed use. That situation would be outrageous as the Council's role is to protect constituents and to keep them informed. The proposed document infringes on the public's right to know and she suspects, even on the Freedom of Information Act. The document goes further than other similar agreements. The chilling effect of the agreement would be imposed on free speech of people working on the project. It appears that if a staff member discovered some alarming information it could entail being threatened with legal action if they tried to share the information with the Council or others. The Port's work and the Council's work must be done in daylight not in darkness.

- CONSENT CALENDAR:**
- a. Approval of Minutes: City Council Worksession, September 12, 2023
 - b. Approval of Minutes: City Council, September 19, 2023
 - c. Payment of Vouchers

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

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Mayor Sullivan reviewed the items approved on the consent calendar.

**COUNCIL
CONSIDERATIONS:**

**SERVICE PROVIDER
AGREEMENT WITH
CAROLLO
ENGINEERING FOR
PHASE 1 SOURCE
DEVELOPMENT &
COST**

Director Smith introduced Patrick Soderberg as the City's new Water Resources Program Manager. Manager Soderberg was previously with Thurston County for nearly 23 years serving as the Supervisor for Thurston County's Business Pollution Prevention and Solid Waste Programs. He brings many skills to the team to include managing projects and consultants.

OF SERVICE REVIEW:

Manager Soderberg presented and described the purpose of the Service Provider Agreement with Carollo Engineering. The proposed project is for drinking water source development and cost of service review. The recommended action is to approve and authorize the Mayor to sign the amendment of the Service Provider Agreement with Carollo Engineering Inc., for source development and cost of service review.

The 2021 Water System Plan includes a proposed water system service area comprised of the City and urban growth area. Manager Soderberg displayed a map of existing wells and all wellhead protection areas in the City. Most of the City's water system is drawing water from the south area of the City. The growth projection from 2016 forecasts the doubling of residential units within the City in the next 20 years resulting in more water connections, businesses, and residents. Another projection calculates average day use of water forecasted over time. More water is consumed in the summer than in the winter. Conservative projections reflect the need for a new source of water in the next six to seven years.

The project initiates drinking water source development and cost of service review to ensure the City can meet its 20-year plan of locating and developing new sources of water to meet needs.

The project includes three phases. The first phase is exploration followed by the next phase of analyzing source options and creating an implementation plan followed by the last phase of implementation. Phase 1 includes three tasks of project management, supply need and supply options (performed for the 2021 Water Systems Plan) update, and cost of service study to determine the cost of implementing the plan. The objective is to establish project objectives, scope of services, and establish a budget and schedule for the project.

The second task is to review the supply need, update all projections completed in the 2021 Water Systems Plan, and explore supply

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options and distribution needs.

The task for cost of service involves development of the financial plan, designing a rate and fee schedule, and evaluating different rate options.

The total cost of Phase 1 is \$245,628 over an eight-month schedule. The budget is included in the 2022-2027 Water Capital Facilities Plan (CFP) as part of the allocation of \$2.3 million for all phases of the project.

Staff recommends the Council approve and authorize the Mayor to sign the sign the Service Provider Agreement with Carollo Engineering Inc. for Phase I of the Source Development, and Cost of Service Review project.

Manager Soderberg invited comments and questions.

Councilmember Dahlhoff recalled some projected projects in Tumwater for industrial uses and some questions surrounding the capacity and whether the City could serve the uses, as well as with conversations with LOTT Clean Water Alliance for wastewater discharge and permits. At that time, staff projected the City could meet the needs. She asked how that projection links to the need for water in the next seven years. Director Smith referred to the graph on drinking water demand projections. The source development process includes a task to evaluate all options for the City to avoid large spikes. Staff plans for a significant number of users to include industrial, commercial, and other major water users. Large water users are forecasted in the plan based on the planning process in 2016. The graph accounts for the projected planning level and applying realistic growth and use factors for the City. The graph also includes a conservative growth projection in water demand that incorporates a safety factor, which is the planning level estimate.

Councilmember Dahlhoff asked whether any of the projections include any adjustments if more reclaimed water uses are identified. Director Smith explained that reclaimed water analysis is included in the second task. When considering supply options, reclaimed water, water conservation, and more aggressive water conservation are all factored for new sources of water and during the screening process to determine the best investment options.

Councilmember Cathey asked about the location of new sources of water. Director Smith explained new sources of water are considered across the entire service area by locations for wells, sustainable sources of water, and whether water rights could be obtained by the

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City. Staff completed the Southwest Wellfield Mitigation Plan in 2020 that identified the southwest area of the City as a location for water. However, following additional analysis, impacts were identified. Staff evaluated whether those impacts could be resolved. The results of the plan indicated the City would need to forfeit some water rights to offset the impacts of a new well. The result of that effort determined it would not benefit the City and the decision was rendered to continue operating with the City's existing water rights portfolio. There could be other areas in the City that might not require mitigation. The project will reevaluate options.

Councilmember Cathey questioned the City process for ensuring the protection of groundwater. Director Smith said that once a location is identified and developed as a viable water source, another City process is applied to protect the source of water under the City's Wellhead Protection Area regulations. The program was recently expanded based on new information that created some nonconforming uses by several businesses. Under wellhead protection rules, those businesses were required to modify business practices to remove the threat to drinking water or relocate the business.

Councilmember Cathey stressed the importance for the City to provide clean and safe drinking water to current and future residents rather than striving to attract major commercial and industrial water users in the future. The climate is changing and water is very important.

Councilmember Jefferson asked about the timeline to receive information on the findings. Director Smith advised that the first phase of the project is projected to be completed in eight months and includes the tasks to complete the analysis and the cost of service evaluation. The analyses will be presented to the Council or to a Council committee if action is required. Phase 2 will require Council approval as the next iteration of the project with a scope and budget.

Councilmember Schneider questioned whether the planned bottling company accelerates the need for more water. He understands that the bottling company will consume a minimum of one million gallons of water each day. Director Smith said the user does not accelerate the need for more water as the demand projections reflects that the City could provide water to two million gallon a day users. However, in the summer during peak periods with good distribution of wells, staff can often become nervous, which explains the proposal to add additional redundancy to meet peak summer demand and future user needs.

Councilmember Schneider asked how staff offsets water usage

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through water conservation. Director Smith said staff continues to explore new technologies and new ways to utilize water, as well as new programs to promote more efficient use to the customer base. Staff plans to revamp the conservation element of the program and consider better landscaping practices that might support lower irrigation needs. Water conservation will be a major focus as it is easier to save water rather than develop new water sources.

Councilmember Dahlhoff asked whether the study would enable exploring rural areas of the City with wells and considering the option of purchasing those water rights and possibly converting customers to both water and sewer service over the long term. Director Smith explained that new and existing water systems typically have water rights that are intended to serve those systems. However, through efficiencies gained through water conservation, it is possible to improve efficiency of the system. The City is a preferred or primary satellite provider for those systems. Any acquisition of those rural systems creates resiliency within the City's water system.

Councilmember Swarthout asked about the flexibility of working with homeowner associations (HOAs) to promote more conservation efforts. Director Smith said staff supports working with HOAs to refine rules on mandatory irrigation and other landscaping measures to reduce water consumption while meeting HOA goals.

MOTION:

Councilmember Swarthout moved, seconded by Councilmember Althausen, to approve and authorize the Mayor to sign the Service Provider Agreement with Carollo Engineering Inc. for Phase I of the Source Development, and Cost of Service Review project. A voice vote approved the motion unanimously.

**COMMON INTEREST
AND
CONFIDENTIALITY
AGREEMENT WITH
PORT OF OLYMPIA:**

City Administrator Parks reported the City of Tumwater and the Port of Olympia have been working since 2016 on an Incidental Take Permit from the U.S. Fish and Wildlife Service. The permit is authorized under the federal Endangered Species Act (ESA). As a component of the project, the City is required to create a Habitat Conservation Plan (HCP). The Port and the City have been working together with U.S. Fish and Wildlife Service and the Washington State Department of Fish and Wildlife since 2016. At this time, the parties need to finalize some agreements and understandings between the U.S. Fish and Wildlife Service and the City of Tumwater and the Port of Olympia. The parties are meeting on a regular basis with staff and legal counsel as well as with external partners. The intent is developing a strategy for finalizing the HCP to ensure both the Port and the City comply with the ESA, obtaining the Incidental Take Permit, and approval of the HCP to mitigate impacts from the Incidental Take Permit.

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Jeffrey Myers, Acting City Attorney, reported the proposed agreement was initiated by the Port's attorney. The agreement is a common agreement attorneys often use when working with other parties in a collaborative effort. In this instance, the effort is working with the U.S. Fish and Wildlife Service and moving toward the Incidental Take Permit and the HCP. The City and the Port previously executed an interlocal agreement to pursue the work jointly since November 2016. The Common Interest and Confidentiality Agreement does not create any new privileges or exemptions from public disclosure; however, it does enable the parties to preserve existing legal privileges and protections to enable legal counsel and staff to jointly collaborate and communicate confidentially as they develop legal strategy and the points to bring forward in support of the joint effort. The process is recognized by the Washington State Supreme Court as a valid process to proceed. In 2010, the Washington State Supreme Court recognized a common interest doctrine that protects joint efforts. More recently, the Court recognized that when parties are collaborating the common interest privilege allows them to communicate without waiving their attorney-client privileges. Within Section 6 of the agreement, the provision speaks to preserving existing privileges without waiving because the discussions are about privileged matters. Throughout the agreement, the parties confirm that in pursuing their common interest regarding covered matters, they do not by sharing protected material, intend to waive any applicable protection. The existing attorney-client privilege and existing work product doctrines protect the attorneys as they develop legal strategy and render legal advice. It allows sharing between the Port of Olympia and the City of Tumwater as both parties pursue the joint effort.

Acting City Attorney Myers reported on the receipt of an email from the Interim Executive Director of the Port of Olympia informing the Port Commissioners as to the matter the City Council is considering. The Port views the document as a routine document designed to extend and protect attorney-client privilege to a third party (City) and in this case, extending attorney-client conversation privilege between Port staff members and attorneys and with other agency attorneys and staff. The document protects conversations regarding legal matters but in no way affects the actual documents of the HCP, all of which are public record. The proposals to address the HCP and the Incidental Take Permit are public documents. He is hopeful the public continues to be vigilant, active, and involved in addressing their views as to the wisdom and benefits of the City's proposals. The proposed agreement enables the parties to cooperate mutually.

Councilmember Cathey questioned the timing of the proposal since the City and the Port have been engaged in the joint effort since 2016.

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She asked about the term of “incidental taking” with respect to the current situation. Acting City Attorney Myers responded that the process is reaching a critical point in the development of the HCP and the Incidental Take Permit. The Incidental Take Permit is a permit that recognizes that certain protected species may be impacted. The permit enables the development of mitigation measures to address development actions or other activities that might have an impact on those species. The timing today is critical because the details of the proposal are being developed for consideration by the U.S. Fish and Wildlife Service.

Councilmember Cathey questioned the secrecy of the process as the HCP has been an important document and now the process is proceeding to a secret process, which is concerning to many individuals. She asked about the importance of pursuing the process at this time. Acting City Attorney Myers replied that the attorneys are meeting to formulate the presentation. The proposal serves to protect the communications between the legal team and staff as to how to proceed with the presentation. The content is not protected but the development of the how the information is presented should be protected. The Port of Olympia was responsible for drafting the document.

City Administrator Parks added that City Attorney Kirkpatrick and Attorney Heather Burgess determined that moving forward with the proposed agreement was important at this time. The legal components of the agreement speak to the HCP serving as the mitigation that enables the U.S. Fish and Wildlife Service to issue the Incidental Take Permit. Federal law provides the provisions for issuing the Incidental Take Permit, which includes requirements and components that are similar to the issue surrounding Wildland Urban Interface Building Code requirements. There are some components of the federal statute that can place the City or Port in a difficult position regarding other obligations under state law, such as the Growth Management Act with respect to urban growth areas and critical habitat protection. Often, the City continues to pursue the development of the HCP in a manner that balances the City of Tumwater and the Port of Olympia as large landowners to address the needs and the differing legal requirements both entities are obligated to meet. The development process of the HCP included assistance by various technical experts to develop technical recommendations on how to preserve the species in light of growth and development. It is important for legal staff to inform both entities as to whether those measures are accurate and legal under both state and federal law. The agreement does not create any additional protections that are not currently available to both the City and the Port under the Public Records Act. Some provisions are subject to attorney-client privilege that are allowed to be held from being

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disclosed when a public records request has been submitted. The agreement is intended only to address those specific allowances in a situation involving the collaboration with another agency and between and among attorneys. The agreement is a necessary tool according to the attorneys to enable collaboration and to comply with the Public Records Act and exemptions from disclosure that are authorized under the provisions of the Public Records Act.

Councilmember Cathey reiterated her request as to why the agreement is under consideration at this time and what might occur if the public requests information. It is important for everyone to understand the situation of suddenly proposing a confidentiality agreement on such an important topic that is of interest by the public.

City Administrator Parks said the timing is specific to the point of where the U.S. Fish and Wildlife Service has indicated its expectations and the parties are working with technical consultants to help both entities understand how to address those requirements. Nothing changes with respect to the plan for public involvement or the plan or requirements for open public meetings. The agreement does not affect any actions moving forward. The agreement is intended to assist both entities with one component of the multi-faceted strategy to attain the point where both entities have developed a final HCP to proceed through the public process.

Councilmember Jefferson asked about the possibility of including an additional provision that the agreement does not affect the HCP and the forthcoming public process.

Acting City Attorney Myers advised that any additional language to the agreement resulting in an amendment could result in the Council conditioning its approval of additional the language that would require consideration by the Port Commission to ensure acceptance by the Port.

Councilmember Althausen asked whether the agreement changes any current provisions other than the delta between what each entity does or does not pursue and the possibility of inadvertently sharing attorney-client privilege with the Port that could result in piercing the veil that could become admissible in future litigation. Acting City Attorney Myers affirmed that the written confidentiality agreement is designed to prevent that possibility.

Councilmember Schneider commented that according to the information, the agreement would protect the legal team and staff; however, state law allows for such agreements. He asked why the Council is asked to approve the agreement if state law allows for such

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an agreement. He added that he is not comfortable approving an agreement that lacks insight or how it might affect the community.

Acting City Attorney Myers explained that the covered matters as defined are issues that have been identified in the course of discussions between the legal team as attorney-client privilege work products and other applicable privileges. Those documents may not have been created at this time; however as the legal team for both entities work together, it is possible for the teams to share communications without fear of waiver of that privilege. The agreement provides identification of factual analysis, mental impressions, legal memoranda, draft briefs, declarations, consultant, and expert correspondence with the legal team. The agreement is designed to cover those types of issues as listed in Paragraph 3A of the agreement. The Council is entitled to receive a briefing on any material by the City Attorney in an executive session.

Councilmember Agabi remarked that it appears *Section 4. Third-Party Requests for Protected Material* and *Section 7. Adverse Position* conflict. He asked whether the provisions pertain to environmental analysis or assessment.

Acting City Attorney Myers explained that the provisions speak to attorney opinions, recommendations, and strategies under development. It would be the responsible party that wants to prevent disclosure to take an action to enforce the confidentiality of the material. Section 7 speaks to working together. For example, the attorney for the Port offers a suggestion the City disagrees with. The City would be unable to take the Port recommendation and use the information against the Port through disclosure. The information would remain confidential. The agreement prevents the parties from using confidential information against each other.

In response to Councilmember Agabi's continued concerns surrounding the lack of public disclosure, Acting City Attorney Myers cited the Washington Supreme Court case. The case involved a joint enforcement action that was pursued by Kittitas County and the Department of Ecology. The case surrounded a public disclosure request for emails between the attorneys for both entities. Without a common interest agreement, an email from one agency to another to another agency would not be protected. The court recognized that the entities had a common interest and agreed that it was best to negotiate a written agreement, which speaks to why the attorneys proposed the agreement to protect their ability to have those communications to support their joint enforcement act. With respect to the proposed agreement, the action does not involve an enforcement action but a joint proposal to move forward with the HCP. Attorney-client

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privilege is not subject to discovery within the legal system.

In response to additional inquiries by the Council surrounding public information and disclosure, Acting City Attorney Myers explained that the proposed agreement recognizes the collaborative effort between both the Port of Olympia and the City of Tumwater. If a citizen submitted a public records request for the attorneys' memorandums or emails to each other and the attorneys are advising City staff it is protected under the attorney-client privilege, the public records request would be denied because it is seeking privileged material. The agreement recognizes that the privilege also applies to a joint venture between the Port of Olympia and City of Tumwater. The agreement affords the ability for the parties to communicate amongst themselves to develop the joint venture.

City Administrator Parks noted that the only protection subject to the agreement involve legal opinions by the attorneys and legal memorandum. Any other substantive information surrounding policies or regulatory issues that are the purview of the City Council to establish are not covered by the agreement. Anyone submitting a public records request would have access to all technical data produced by the City. Under the Public Records Act, a citizen would not have access to any attorney-client privilege communication where the City Attorney would be advising the City of legal analysis pertinent to a particular subject. The agreement does not affect any information that the City is legally obligated to share or information that is legally allowed to be protected that is evaluated and discussed between legal advisors for the City and the Port.

Councilmember Dahlhoff asked about any opportunity for the City to edit the document. City Administrator Parks affirmed the opportunity to make any edits to the document.

Acting City Attorney Myers added that City Attorney Kirkpatrick also reviewed the agreement on behalf of the City before it was finalized and accepted by the Port of Olympia.

Councilmember Dahlhoff said she is not comfortable voting in favor of the agreement but does support the concept.

Councilmember Schneider commented that the issue is confusing as state law enables such agreements while the request is for the Council to approve the agreement. At this time, he would not support a motion because the issue is confusing. He suggested deferring the agreement to a Council worksession to discuss the issues.

Councilmember Jefferson supported moving forward if additional

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language is included to clarify the agreement does not affect the HCP.

Councilmember Cathey conveyed her ongoing concerns and would not be comfortable supporting the agreement.

Councilmember Althausen offered that it might be possible to consider a motion that is contingent upon agreement by the Port of Olympia that the documents that are disclosable under the Public Records Act would not be affected by the agreement.

MOTION:

Councilmember Althausen moved, seconded by Councilmember Jefferson, to approve and authorize the Mayor to sign the Common Interest Confidentiality Agreement with Port Of Olympia contingent upon the addition of language to the agreement that no documents disclosable under the Public Records Act or Open Public Meetings Act including the Habitat Conservation Plan and Incidental Take Permit application submitted to U.S. Fish and Wildlife Service would be exempt from disclosure. Councilmembers Althausen, Dahlhoff, Jefferson, and Swarthout voted in support of the motion. Councilmembers Cathey and Schneider voted in opposition of the motion. Councilmember Agabi sustained. The motion carried.

**LODGING TAX
ADVISORY
COMMITTEE 2024
FUNDING
RECOMMENDATIONS:**

Councilmember Swarthout reported the Lodging Tax Advisory Committee held a meeting on September 18, 2023 to consider funding requests from 15 applicants. A component of the application process this year required applicants to provide a short presentation to the committee on their respective funding request. This year, a new applicant and a returning applicant failed to attend the meeting. Based on the application process, the two applicants did not receive funding this year.

Councilmember Althausen asked whether the requirement for applicants to attend the meeting is a committee requirement rather than a City of Tumwater requirement. Councilmember Swarthout advised that the requirement is a component of the application process. The committee discussed scheduling a meeting to review the requirement because the requirement was not anticipated by committee members. The committee plans to address the application process to ensure the process is clear and concise. The committee is considering some assistance for one of the applicant's event. However, the second applicant requires some follow-up as previous funding awarded to the applicant remained unspent.

MOTION:

Councilmember Swarthout moved, seconded by Councilmember Althausen, to approve the Lodging Tax Advisory Committee's 2024 funding recommendations and include the funding within

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the City's budget. A voice vote approved the motion unanimously.

**COMMITTEE
REPORTS:**

**PUBLIC HEALTH &
SAFETY:**

Leatta Dahlhoff

The next meeting is scheduled on October 10, 2023 at 8 a.m. and includes a review of an Interlocal Agreement with Pierce College for Paramedic Training and a Public Defense Update.

**GENERAL
GOVERNMENT:**

Michael Althausen

The next meeting is scheduled on October 11, 2023 at 8 a.m. and includes a briefing on 2025 Comprehensive Plan Periodic Update – Development Code, review of a Letter of Commitment with State Department of Commerce for 2025 Comprehensive Plan Periodic Update Climate Planning Grant Application, and review of a Third Amendment to the Phase 2 Service Provider Agreement for the Bush Prairie Habitat Conservation Plan (HCP).

PUBLIC WORKS:

Eileen Swarthout

The next meeting is scheduled on October 19, 2023 at 8 a.m. and includes a briefing on five topics.

**BUDGET AND
FINANCE:**

Debbie Sullivan

The next meeting is scheduled on Monday, October 23, 2023 to review the Community and Human Resources Program funding and review budget amendment #1. A second meeting is scheduled on Tuesday, November 7, 2023 to review an additional budget amendment.

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

City Administrator Parks reported the City received notification from the Department of Ecology Model Toxics Control Program that the City will receive a \$200,000 integrated planning grant to enable the City to conduct due diligence on environmental characterization of potential contamination on the Washington State Department of Transportation property off Capitol Boulevard. The grant requires no match from the City.

Mayor Sullivan reported on her attendance with Councilmember Schneider to the Kindred Park opening ceremony.

Mayor Sullivan attended the Fall Festival on Saturday, September 30, 2023 at Brewery Park at Tumwater Falls.

At the last meeting of the Intercity Transit Authority, members discussed the application process for the Community Advisory Committee. The application deadline for membership on the committee is October 6, 2023.

Upcoming events include Tumwater's annual Drop-Off Clean-Off

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event on October 7, 2023. The Market Building at the Craft District off Capitol Boulevard is planning an opening event on October 14, 2023.

**COUNCILMEMBER
REPORTS:**

Peter Agabi:

The last meeting of the Joint Animal Services Commission meeting was cancelled due to the lack of a meeting quorum. Councilmember Agabi was not able to attend the last meeting of the Transportation Policy Board meeting.

Leatta Dahlhoff:

At the last meeting of the Thurston County Opioid Response Task Force, members discussed the settlement fund.

Michael Althausen:

Councilmember Althausen reported on his participation in the exit audit by the State Auditor's Office. No concerns or issues were reported.

Councilmember Althausen attended the Regional Housing Council (RHC) in addition to Councilmember Cathey. Members discussed a City of Olympia program involving Pathway to Ownership Program. The grant program is funded by the Department of Housing and Urban Development to work with local non-profit organizations to help provide pathways to home ownership for low-income families. Grant awards by the program range from \$1 million to \$10 million. The City of Olympia is striving to secure approximately \$5 million. The funds can be utilized for down payments or other expenses related to home ownership. Members reviewed and discussed the communications plan for the RHC. Last year, the Legislature passed increases to account for inflation for contracts for homeless service providers to reflect the increased cost of living and the low wages of homeless service providers compared to other professions. The funds totaled approximately \$750,000 and enabled an inflationary increase within service provider contracts.

Eileen Swarthout:

Councilmember Swarthout reported that in addition to the Lodging Tax Advisory Committee meeting, she attended the City's exit audit.

Councilmember Swarthout also attended the Fall Festival. She advocated for promoting more recycling during the event.

Angela Jefferson:

At the September 20, 2023 Tumwater HOPES transition meeting, the new contractor, ESD 113 and the Thurston County Department of Health officials discussed the goal for a smooth transition. The Manager position is currently open with the goal to select an applicant by the end of November.

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On September 21, 2023 during the Thurston County Law and Justice Committee, members reviewed the reported crime update reflective of a 22% increase in crime in Thurston County representing the highest increase since 2018. The City of Lacey experienced an increase of 12% in crime since 201. The City of Olympia experienced an 11% increase in crime representing the highest rate since 2106, and the City of Tumwater experienced an 18% increase in crime since 2018. The City of Yelm experienced a 47% increase in crime since 2022. City crime trends are increasing as well as violent crimes, property crimes, and sex crimes. The increase is reflective of pre-pandemic levels. Members discussed the cause for the increase such as COVID or the Blake decision. The county experienced 12 months of no jury trials followed by 18 months of reduced jury trials because of social distancing requirements. Offenders who appeared in court were limited with the courts currently in operation, which is reflective of the increase in crime.

Members received a briefing on restorative justice by the Dispute Resolution Center. Restorative justice is a philosophy program that focuses on harm done and addresses needs and impacts of crime. Punishment is also a component of restorative justice. The restorative justice reduces recidivism and is evidence-based. The program is available only to Drug Court participants.

Joan Cathey:

Councilmember Cathey attended the last meeting of the Regional Housing Council. She is scheduled to attend the next meeting of the Solid Waste Advisory Committee on Wednesday, October 4, 2023. The committee is a county body that advises and recommends actions to the Board of County Commissioners on waste within the county for garbage service, recycling, and composting.

Councilmember Cathey mentioned that she considered requesting removal of the September 19, 2023 City Council minutes in response to some community member questions regarding the City's lack of any codes addressing food pantries or distribution of fresh food.

Charlie Schneider:

There was no report.

ADJOURNMENT:

With there being no further business, Mayor Sullivan adjourned the meeting at 8:54 p.m.