

**TUMWATER CITY COUNCIL MEETING
MINUTES OF HYBRID MEETING
JANUARY 16, 2024 Page 1**

CONVENE: 7:00 p.m.

PRESENT: Mayor Debbie Sullivan and Councilmembers Peter Agabi, Michael Althauser Joan Cathey, Leatta Dahlhoff, Angela Jefferson, Eileen Swarthout, and Kelly Von Holtz.

Staff: City Administrator Lisa Parks, City Attorney Karen Kirkpatrick, Finance Director Troy Niemeyer, Community Development Director Michael Matlock, Assistant Fire Chief Shawn Crimmins, Transportation and Engineering Director Brandon Hicks, Water Resources and Sustainability Director Dan Smith, Parks and Recreation Director Chuck Denney, Transportation and Engineering Assistant Director Mary Heather Ames, Communications Manager Ann Cook, and City Clerk Melody Valiant.

SPECIAL ITEMS:

**PROCLAMATION:
MARTIN LUTHER
KING JR. DAY,
JANUARY 15, 2024:** Councilmember Jefferson read a proclamation declaring January 15, 2024 as *Martin Luther King Jr. Day*. The proclamation urged all people to take the opportunity to reflect upon Dr. King's vision and continue to advance the principles of justice and equality for all.

Mayor Sullivan introduced and presented the proclamation to Lester Dixon with Fred U. Harris Lodge #70.

Mr. Dixon thanked the City of Tumwater for recognizing *Martin Luther King Jr. Day* and for its diversity, equity, and for recognizing Dr. Martin Luther King's accomplishments.

PUBLIC COMMENT: **Pamela Hansen, PO 14521, Tumwater,** suggested speaking truth to power. The truth and power of the Tumwater TV station was joked about last Tuesday during the worksession. She suggested the first edition to the televised meeting schedule should include the entire schedule of meetings for the City each month broadcasted every hour or at a predictable time each day. Glenn Wells' recent three-story apartment complex could have benefitted from her and other input regarding crime prevention through environmental design. Aside from federal, fire, and safety requirements, the City has the authority to improve building design through setbacks, etc. Specifically, between the Toyota Dealership and Home Depot, there are now windows next to the sidewalk that are perfect for smash and grabs. The indoor hallways and stairways look advantageous for criminals to escape into doors, pull fire alarms, and diverting law enforcement. She previously patrolled one of the best each day checking the massive gage wall at the Tacoma Sheraton. She previously lived in one of the worst buildings with blood in the stairwell, emergency lights lasting less than an hour, one elevator not making it to the first

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floor, and some fire doors that did not close because the carpet was too tall. On a separate occasion, the elevator shafts flooded into the basement laundry. The building was a crime-filled 12-story apartment complex located less than four blocks from the Alaska Legislature. Another truth to power during that time pertained to a delivery of an envelope from a fire and rescue official to her to deliver to her boss that she had cited as the night manager of the hotel. Speaking truth lasts decades if not a lifetime. Both Alaska properties have connections to Seattle. She urged the City to broadcast hearing examiner meetings on TV as well as the entire City meeting schedule.

**CONSENT
CALENDAR:**

- a. Approval of Minutes: City Council Work Session, November 28, 2023
- b. Approval of Minutes: City Council, January 4, 2024
- c. Payment of Vouchers
- d. Service Provider Agreement with Kenyon Disend, PLLC, for Right-of-Way Legal Services, Amendment No. 4
- e. Service Provider Agreement with Cardinal Architecture P.C. for Historic Brewery Tower Renovation, Amendment No. 5
- f. Fiber Optic Agreement with WSDOT, Amendments 14 and 15
- g. On-Call Material Testing Service Provider Agreement with Materials Testing & Consulting, Inc., Amendment No. 2
- h. On-Call Material Testing Service Provider Agreement with Pacific Testing & Inspection, Inc., Amendment No. 2
- i. Small Works Contract with JA Morris Construction for the Tenant Improvements for City of Tumwater Office Space at South Puget Sound Community College
- j. Contract with the State Department of Commerce for the 2025 Comprehensive Plan Periodic Update Middle Housing Planning Grant
- k. Contract with the State Department of Commerce for the 2025 Comprehensive Plan Periodic Update Planning Grant
- l. Bargaining Agreement between the City of Tumwater and the Tumwater Police Guild 2024- 2026
- m. 2024 City Council Meeting Schedule and Summer Recess
- n. Fire Department Staffing Adjustment
- o. 2024 Long Range Planning Work Program

MOTION:

Councilmember Althausser moved, seconded by Councilmember Jefferson, to approve the consent calendar as published. The motion carried unanimously.

Mayor Sullivan reviewed the items approved on the consent calendar.

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PUBLIC HEARINGS:

**TUMWATER
SCHOOL DISTRICT
REPLACEMENT
EP&O LEVY:**

**PROPOSITION NO. 1
TUMWATER SCHOOL DISTRICT NO. 33
REPLACEMENT EDUCATIONAL PROGRAMS AND
OPERATIONS LEVY**

The Board of Directors of Tumwater School District No. 33 adopted Resolution No. 04-23-24, authorizing a replacement levy to continue support for educational programs. This proposition would authorize the District to levy the following excess taxes, replacing an expiring levy, on all taxable property within the District, for educational programs and operations not fully funded by the State (including special education, nurses, counselors, safety staff, graduation readiness, career/technical, athletics, extracurricular activities):

Collection Year	Estimated Levy Rate/\$1,000	Assessed Value	Maximum Levy Amount
2025	\$2.50	\$25,452,404	\$26,725,025
2026	\$2.50	\$26,725,025	\$28,061,276
2027	\$2.50	\$28,061,276	\$29,464,340
2028	\$2.50	\$29,464,340	

all as provided in Resolution No. 04-23-24.

City Administrator Parks introduced Tumwater School District Superintendent Kevin Bogatin to brief the Council on the proposed Tumwater School District Replacement EP&O Levy.

Mr. Bogatin reported the election is on February 13, 2024 to consider the Tumwater School District Replacement EP&O Levy. The levy is a replacement levy and funds programs and operations not funded by the state. The levy funds athletics, activities, and special education services not funded by the state. The proposed levy rate is \$2.50 per \$1,000 of assessed property valuation.

Councilmember Jefferson asked whether the maximum levy rate is \$2.50 per \$1,000 of assessed property valuation. Mr. Bogatin said the last levy rate was \$2.04/\$1,000. Property values in the City of Tumwater has increased to a point where legislation enables the school district to collect the lesser of \$2.50 per \$1,000 of assessed value or a formula of \$1,500 per student enrolled, whichever is less. The amount can vary based on student enrollment, which is typically less than the \$2.50 cap. If state law allowed the school district to collect the full amount of the levy approved by voters, the amount would be approximately \$25-\$26 million over the course of four years totaling \$110 million. The school district continues to lose \$5 million because of the legislative cap.

Mayor Sullivan opened the public hearing at 7:18 p.m.

With there being no public testimony, Mayor Sullivan closed the public hearing at 7:18 p.m.

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Mayor Sullivan thanked Mr. Bogatin for providing information on the proposed school levy.

Councilmember Cathey asked about the loss of services or activities if the levy fails. Mr. Bogatin explained that the levy helps to fund school personnel and would cause an increase in class size, reductions in drama, music, athletics, STEM activities, and basic operations. Of the district's 750 employees, the levy funds approximately 350 employees.

Councilmember Cathey asked about the district's contingency should the levy fail. Mr. Bogatin said a 50% vote in favor is necessary for a successful levy. The school district has an excellent history of passing a levy with 60% approval; however, the district would begin working on the issue after the election if the levy fails because it is possible to seek another levy within a 12-month period.

**ORDINANCE NO.
O2023-011, MASTER
PERMIT WITH
ZIPLY FIBER
PACIFIC, LLC:**

Assistant Director Ames reviewed local and state provisions for the proposal under the Revised Code of Washington (RCW) and the Tumwater Municipal Code (TMC). A second reading of the ordinance is required. Tumwater Municipal Code outlines all items for a telecommunications master permit in Chapter 11.06.

The proposal is from Ziplly Fiber Pacific, a telecommunications service provider that acquired facilities previously owned by another company and installed in the 1990s. Ziplly's current facilities only serve a limited number of enterprise customers but the company plans expansion of service for all residents and businesses within the City of Tumwater over the next several years.

Ziplly Fiber Pacific submitted an application and paid a fee for a telecommunications master permit. Both parties developed an agreement within the legal framework acceptable to both the company and the City. The master permit enables the company to operate facilities within the City's right-of-ways but does not allow for construction of new facilities. The master permit provides details on the required permitting for construction of new facilities. The agreement enables the City to install additional conduit to assist in building the City's network.

The purpose of the public hearing is to receive public testimony on the proposal with a requested action for the Council to place Ordinance No. O2023-011 on the next meeting agenda for a second reading and action.

Councilmember Jefferson asked about any costs associated with the

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proposal. Assistant Director Ames advised that the proposal is of no cost to the City. The applicant paid the fee for the master permit based on the City's Fee Schedule.

Mayor Sullivan opened the public hearing at 7:26 p.m.

With there being no public testimony, Mayor Sullivan closed the public hearing at 7:26 p.m.

Mayor Sullivan reported the proposal would be included on the Council's February 6, 2024 meeting agenda.

**COMMITTEE
REPORTS:**

**PUBLIC HEALTH &
SAFETY:
*Peter Agabi***

The January 9, 2024 meeting included an update on court services to the City provided by Thurston County District Court. Statistics specific to the City of Tumwater were shared with the committee. Members received a briefing on a staffing adjustment by the Tumwater Fire Department. The committee agreed to adjust its monthly meeting time from one hour every second Tuesday to 1-1/2 hours. Councilmember Agabi was elected as Chair of the committee.

Councilmember Dahlhoff reported the court released a summary report on the number of Tumwater residents who are in contact with different Thurston County courts. The courts provide information on different court benefits offered in Thurston County to include services available to reduce the number of incarcerations while ensuring individuals are held accountable for criminal activity by identifying appropriate restitution. Tumwater is leading and modeling the future in terms of what community members need by supporting those services.

**GENERAL
GOVERNMENT:
*Michael Althaus***

During the January 10, 2024 meeting, members approved minutes and concluded its review of the 2025 Comprehensive Plan Periodic Update process with a briefing on the Transportation Plan. The committee received several briefings on each element of the Comprehensive Plan during the last several months. Members reviewed the Long Range Planning Work Plan and several contracts with the Department of Commerce in support of the 2025 Comprehensive Plan Periodic Update.

**PUBLIC WORKS:
*Eileen Swarthout***

At its January 4, 2024 meeting, members considered and forwarded several proposals approved earlier on the consent calendar. The January 18, 2024 meeting was cancelled because of the lack of agenda items.

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**BUDGET AND
FINANCE:
*Debbie Sullivan***

There was no report.

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

City Administrator Parks acknowledged the additional workload created by winter weather for many City employees over the weekend to include operations and fire department personnel. Street crews were very effective in snow response and the fire department assisted many residents with frozen pipes and water leaks. Parks and Facilities personnel responded to fire sprinkler system issues at the golf course and Water Resources and Sustainability personnel protected and repaired City facility pipes.

City Administrator Parks thanked personnel involved in achieving a collective bargaining agreement with City law enforcement officers. The City's Management Team and the Police Guild Bargaining Unit Group did a very good job of working through various issues with a focus on seeking to understand and consider different perspectives. It serves as an excellent example of the City of Tumwater's belief in people being put into action as employees work together to serve the community.

City Administrator Parks reminded the Council to follow through on their one-on-one interview with the Council's retreat facilitator and complete the online assessment.

Mayor Sullivan reported on her attendance to several events. She attended the Governor's State of the State Address at the Legislative Building on Capitol Campus on January 9, 2024.

At the request from a community member, Mayor Sullivan attended a birthday party for the member's mother who celebrated her 100th year birthday on Friday, January 12, 2024.

Mayor Sullivan attended the Thurston Regional Planning Council on Friday 12, 2024 on behalf of Councilmember Swarhout. Members reviewed the annual budget, established the nomination committee for officer elections, received a presentation on Intercity Transit's Zero Emissions Program, and considered an amendment to the 2024 Unified Planning Work Program.

Mayor Sullivan commented on the recent passing of former Councilmember Judith Hoefling on Sunday, January 14, 2024. She was her friend of more than 20 years and was honored to serve in her Council seat for eight years. Councilmember Hoefling did many great things for the City of Tumwater. Mayor Sullivan offered her condolences to her family.

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**COUNCILMEMBER
REPORTS:**

Michael Althaus: The next meeting of the Regional Housing Council is scheduled on January 24, 2024.

The Capitol Lake/Deschutes Estuary Funding and Governance Work Group is scheduled to meet on January 31, 2024.

Angela Jefferson: At the January 11, 2024 meeting of Experience Olympia and Beyond, members participated in a master planning session with Manager Ramirez. The discussion was intended to shape the region with respect to tourism over the next 10 years. Members discussed building a vibrant Olympia waterfront, adding new walking trails, and recommendations and an exchange of views on mental health, unhoused individuals, drug use, and other associated activities because of the increase in assaults and crime near hotels. Members discussed the City's partnership with South Puget Sound Community College to invest in craft brewery education and tourism and the potential revitalization of the old brewery and partnerships with YMCA on an indoor sports facility.

Councilmember Jefferson attended the January 15, 2024 Martin Luther King Jr. celebration at New Life Baptist Church along with Councilmember Von Holtz and Mayor Sullivan. The event was a very positive event celebrating Dr. King's legacy of peace and nonviolence.

Kelly Von Holtz: Councilmember Von Holtz attended the Public Safety and Health Committee meeting with Councilmembers Agabi and Dahlhoff. The meeting was very informative with information shared by Thurston County on wraparound services offered by the court system.

Eileen Swarthout: Councilmember Swarthout attended the Climate Mitigation Executive Committee meeting on January 8, 2024. Members received a briefing on statewide progress for protecting structurally complex dense forests and potential next steps for Thurston County. Members reviewed a draft letter to the Board of Natural Resources requesting a pause of all Thurston County timber sales containing mature and structurally complex forests. Members received a briefing on the 2024 Regional Initiative Project Plan from staff from each member jurisdiction. Members discussed initiatives such as residential energy and efficiency and the electrification campaign. Members received an update from the Citizen Advisory Work Group. Over 45 applications were submitted from citizens who want to join the work group.

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Leatta Dahlhoff:

In November 2019, voters approved a ballot measure to raise funds to enable the switching of police and fire radios from analog to digital at a cost of approximately \$40 million. The TCOMM 9-1-1 Administration Board identified communication towers for better coverage. One tower is located in the City of DuPont and another one is located in Thurston County. Over two years have elapsed since efforts were initiated to obtain permits for both towers. The issue is a good reminder of matters that can and cannot be controlled. It is also an important reminder about the importance of partnerships and collaborations with external entities, permitting processes, timelines, and expectations. Councilmember Dahlhoff said she is looking forward to engaging in a discussion during the Council retreat on permitting, the process, and the flow because it has been over two years since Thurston County 911 began seeking permits for communication towers to save lives.

Peter Agabi:

At the January 10, 2024 meeting, members of the Transportation Policy Board reviewed proposed amendments to the 2024-2027 Regional Transportation Improvement Program (RTIP). The City of Olympia and Thurston County requested several amendments. Thurston County requested an amendment to the Tilley Road South – Old Highway 99 SW to Goddard Road SW project, a reconstruction project. Members discussed regional trails. Recent software program updates includes information about specific trail segments, trail conditions, and directions to trails. Some of the trails are not secure during evening hours because the trails lack lighting. The software will help users navigate those trails. Members reviewed congestion management processes and 2024 legislative priorities.

Joan Cathey:

Councilmember Cathey asked about the reason for changing the description of legacy forests. Councilmember Swarthout said the terminology was revised to reflect structurally complex, carbon dense forests, rather than legacy forests. Older stands of trees exist in Thurston County that the county wants to protect. Older trees collect and store more carbon. Commissioner Menser briefed members on the county's project to protect Thurston County forests from Department of Natural Resources timber harvests.

Councilmember Cathey commented that the new terminology to the average person does not represent a forest. Old growth, legacy forests, and old trees are representative of forests while the new terminology does not communicate the issue properly to the average person who cares about the environment and forests. Councilmember Swarthout said the committee shares similar sentiments. The discussion focused on agency-to-agency relationships as many counties rely on harvest sales for revenue for county budgets. More discussions are scheduled on the issue.

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Councilmember Cathey reported on her attendance to the General Government Committee, Solid Waste Advisory Committee, and the Olympic Region Clean Air Agency meetings. The last two committees are affected by actions of the Legislature. Future updates will focus on legislative activity affecting the committees this year.

**EXECUTIVE
SESSION:**

Mayor Sullivan recessed the meeting at 7:56 p.m. to an executive session to discuss potential litigation pursuant to RCW 42.30.110(1)(i) for approximately 20 minutes. No action will follow the executive session.

Mayor Sullivan extended the executive session at 8:24 p.m. for another five minutes.

Mayor Sullivan extended the executive session at 8:30 p.m. for another five minutes.

**RECONVENE AND
ADJOURNMENT:**

Mayor Sullivan reconvened the meeting at 8:35 p.m. With there being no further business, Mayor Sullivan adjourned the meeting at 8:35 p.m.

Prepared by Valerie L. Gow, Recording Secretary/President
Puget Sound Meeting Services, psmsoly@earthlink.net