

**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 Althaus, Joan Cathey, Leatta Dahlhoff, Angela Jefferson, Eileen Swarthout, and Kelly Von Holtz.

Staff: City Administrator Lisa Parks, City Attorney Karen Kirkpatrick, Assistant City Attorney Davis Abbott, Finance Director Troy Niemeyer, Community Development Director Michael Matlock, Transportation and Engineering Director Brandon Hicks, Water Resources and Sustainability Director Dan Smith, Planning Manager Brad Medrud, Communications Manager Ann Cook, Housing and Land Use Planner Erika Smith-Erickson, City Clerk Melody Valiant, and Deputy City Clerk Marnie McGrath.

**CHANGES TO AGENDA:** Mayor Sullivan reported the executive session has been deferred to another Council meeting.

**PUBLIC COMMENT:** **Tom Doenitz, 126 Roberts Road SE, Tumwater,** said he lives in the neighborhood that will most affected by the E Street Extension project. In the name of equity and inclusion, his community would like the E Street Extension project to be included on the meeting agenda for discussion before any funds are allocated to the project. In May 2023, Councilmember Schneider visited the neighborhood to assess potential environmental destruction that the route could cause. Following the meeting, Councilmember Schneider contacted the Planning and Engineering staff advising them that after meeting with the neighborhood and receiving a presentation and a tour of the area, he believed the neighborhood's concerns were legitimate and worth reviewing. Following his input, the neighborhood never heard from anyone from the City. However, the neighborhood received an email that stated in part, "One of our first steps would be to make sure members of our community are aware of the project and have an opportunity to provide feedback. We will be looking for that input once we receive the funding." Essentially, the email indicated that there is no need to attend Council meetings at this time. At last week's Comprehensive Plan open house and after realizing that people were questioning the E Street Extension project, Brad Medrud stated that he could not answer the questions as he is not the most qualified person to answer questions. Once, again, the request is for the E Street Extension project be added to the agenda before any funds are allocated and with appropriate notice to ensure the community is informed. His community deserves to be heard before funds are allocated otherwise it will be too late.

**Don Pape, 4500 Cleveland Avenue, Tumwater,** said that according to any depictions online his residence along with another residence

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would be the most dramatically affected by the E Street Extension project. Based on drawings, the project reflects a route to their front porches. He previously lost half of his front yard and proposed project would take the remainder of his front property with removal of all trees and shrubs. If the project is approved, it appears there is other sufficient property to align the route away from his home across the road. As mentioned by the previous speaker, there has been little if no notice of the proposed project. Adding the project to the Council's meeting agenda is the right thing to do. He has lived in his home since 1963 representing one of the area's oldest residents.

**Javier Cruz-Correa, 220 Roberts Road SE, Tumwater**, supported the previous request to schedule a briefing on the E Street Extension project on the Council's next meeting agenda. As a member of the community, he believes it is important to ensure the Council and Mayor receives information from the community about its concerns.

**Jack Sherman, 224 Roberts Road, Tumwater**, commented about the large grove of trees behind the neighborhood. Deer, birds, and other wildlife live in the area. It appears the E Street Connection project should be aligned near the City's water tower where no wildlife habitat exists. He supports including the project on the Council's next meeting agenda.

In response to public comments, City Administrator Parks explained that the E Street Connection project is a road project that has been in conceptual planning stages for some time. A technical high-level feasibility analysis was completed on several alignment alternatives. Staff has met with representatives from the neighborhood several times. She participated in recent meeting with neighbors. The E Street Connection project is not engineered nor designed. Until the project is engineered and designed, the specific alignment of the road is unknown. As part of the City's legislative requests in recent years, the City has requested approximately \$6 million to \$7 million for design, engineering, planning, and permitting for the E Street Connection project. The specifics of the connection is unknown at this time. Within the components of engineering, design, and permitting, the City must complete the State Environmental Policy Act requirements that requires public participation and environmental review for impacts of the proposed project to include both the built and natural environments. If funding becomes available to the City, the environmental review will follow engineering and design for the E Street Connection project.

**SPECIAL ITEMS:**

Councilmember Von Holtz read a proclamation declaring February 2024 as *Black History Month* in the City of Tumwater. The proclamation called upon the people of the City of Tumwater to celebrate the contributions of African Americans that are central to

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society, including civic, economic, professional, medical, scientific, military, and artistic excellence.

Mayor Sullivan welcomed several members of the Fred U. Harris Lodge #70. She presented the proclamation to the members.

Lester Dixon reported Fred U. Harris Lodge #70 meets at 512 North Street, Tumwater. On behalf of the Fred U. Harris Lodge, members are appreciative of receiving the proclamation from the City of Tumwater in recognition of *Black History Month*.

**PROCLAMATION:  
BLACK HISTORY  
MONTH, FEBRUARY  
2024:**

**CONSENT  
CALENDAR:**

- a. Approval of Minutes: City Council Work Session, January 9, 2024
- b. Approval of Minutes, City Council, January 16, 2024
- c. Approval of Minutes: City Council Work Session, January 23, 2024
- d. Payment of Vouchers
- e. Ordinance No. O2023-011, Master Permit with Ziply Fiber Pacific, LLC
- f. Resolution No. R2024-002, Surplus Property
- g. Contract with the State Department of Commerce for the 2025 Comprehensive Plan Climate Planning Grant

**MOTION:**

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

Mayor Sullivan reviewed the items approved on the consent calendar.

**COUNCIL  
CONSIDERATIONS:**

**ORDINANCE NO.  
O2023-002, FINAL  
DOCKET FOR 2023  
COMPREHENSIVE  
PLAN  
AMENDMENTS:**

Planner Smith-Erickson presented the final docket of the 2023 Comprehensive Plan Amendments for consideration.

On October 18, 2022, the City Council approved Ordinance O2022-023 suspending the Comprehensive Plan annual amendment cycle during the 2025 Comprehensive Plan Periodic Update except for City-sponsored amendments. The Council approved the preliminary docket of amendments on February 21, 2023. The final docket includes two City-sponsored amendments comprised of the Old Highway 99 Corridor Plan and the 2024-2029 Six-Year Capital Facilities Plan Update.

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The Old Highway 99 Corridor Plan covers Old Highway 99 connecting the City to south Thurston County, Bush Prairie, and the Olympia Regional Airport to the City of Tumwater and Interstate 5. The corridor has experienced in an increase of residential development and commuters creating peak time congestion. The Old Highway 99 Corridor Plan is related to the Capitol Boulevard Corridor Plan. In 2016, the city updated the Transportation Element of the Comprehensive Plan, which identified the need to expand the Old Highway 99 corridor to two lanes in each direction from 79<sup>th</sup> avenue to 88<sup>th</sup> Avenue to meet increased traffic demands. In 2019, the City received approximately \$400,000 to complete a study of the Old Highway 99 corridor from 73<sup>rd</sup> Avenue to 93<sup>rd</sup> Avenue.

The City solicited public feedback on the corridor in fall 2020 using a platform enabling users to provide map-based comments along the corridor. The City received 1,100 responses with suggestions and locations for improvements of bicycle lanes, sidewalks, reduced traffic congestion, improved intersection safety, and streetlights. Utilizing the information, a draft Old Highway 99 Corridor Plan was developed. The study included traffic counts and affirmed previous assumptions for level of service along the corridor were accurate.

Planner Smith-Erickson reviewed proposed transportation projects in the plan. Based on funding opportunities and planned projects, the plan recommends a five-phased improvement project.

The Planning Commission agreed the proposal meets the review and approval criteria in Tumwater Municipal Code. The proposed Comprehensive Plan amendments are consistent with the Growth Management Act (GMA) goals and policies. The impacts of the amendment were considered together with other amendments in the 2024 Annual Comprehensive Plan Amendment Final Docket and do not create any inconsistencies when evaluated jointly. Following a public hearing, the Planning Commission forwarded a recommendation for approval of Ordinance No. O2023-002.

The second proposed amendment is the 2024-2029 Capital Facilities Plan (CFP) Update. The last update of the CFP was in 2021 as part of the 2021 Comprehensive Plan Amendments. The CFP is a list of proposed major capital expenditures throughout the City and a multi-year review of strategies and financing requirements for major capital programs. The plan projects needs six years in the future for major construction, infrastructure improvements, planned acquisitions, and machinery and equipment purchases. The Planning Commission concluded the proposed Comprehensive Plan Amendment of the 2024-

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2029 CFP is consistent with the requirements and recommends approval of the amendment.

Staff requests the Council accept the Planning Commission's recommendation as modified by the City Council and approve Ordinance No. O2023-002.

**MOTION:**

**Councilmember Dahlhoff moved, seconded by Councilmember Von Holtz, to approve Ordinance No. O2023-002, Final Docket for 2023 Comprehensive Plan Amendments. Motion carried unanimously.**

**ORDINANCE NO.  
O2023-012, FINAL  
DOCKET FOR 2023  
ANNUAL  
HOUSEKEEPING  
AMENDMENTS:**

Planner Smith-Erickson presented the proposed Final Docket for 2023 Annual Housekeeping Amendments.

During 2022 and 2023, staff reviewed information to determine whether any minor development code housekeeping codes amendments were warranted. The proposed four amendments are intended as minor corrections to the City's development regulations.

TMC 18.60.025(A) establishes a process for development code housekeeping amendments that is similar to the annual Comprehensive Plan amendments process. On September 5, 2023, the City Council approved all the items on the preliminary docket of proposed amendments to move forward as part of the final docket. The Planning Commission held a public hearing on Ordinance No. O2023-012 on December 12, 2023, and recommended approval. The City Council considered the recommendation on January 10, 2024. During its review, the Council recommended one change to the proposed Conditional Use Permit criteria for building height increases in the Light Industrial and Heavy Industrial zone districts to minimize shade and shadow impacts on adjacent shadow-sensitive uses to the greatest extent possible.

The Final Docket includes the following amendments:

- A. Undergrounding Utilities Requirements - Clarifies requirement that new and existing electrical power, telephone, cable television, fiber optics and other transmission lines shall be installed underground. Any deviation would be addressed through the process in TMC Chapter 17.28 Deviation from Requirements. *Councilmember Dahlhoff asked whether the amendment would be linked to the City's street tree plan to avoid any conflicts of planting with utility infrastructure. Manager Medrud advised that staff plans to address the issue after re-initiation of the review of the urban forestry amendments. Street tree regulations in Tumwater Municipal*

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*Code 12 address ways to avoid conflicts. The City's Development Guide focuses more attention on those types of conflicts. The proposed amendment is to ensure utilities are undergrounded.*

- B. Town Center Mixed Use Subdistrict First Floor Uses - The intent of the Town Center Mixed Use subdistrict is to create a pedestrian environment with first floor land uses that generate pedestrian activity. The amendment clarifies uses that are allowed on the first floor of commercial and residential developments along main streets in the Town Center Mixed Use subdistrict.
- C. Manufactured Home Parks – Open Space Requirements - As the code is written currently, manufactured home parks that are not subject to land division would not be required to provide open space. For new residential developments in which the majority of the dwelling units will be multifamily dwellings or roominghouses, or five or more dwelling units as rowhouses or townhomes, and the land is not being divided, a minimum of fifteen percent of the gross site area shall be set aside for park and open space area.
- D. Building Heights Over Sixty-Five Feet for Specific Industrial Uses - Establish a conditional use permit process for specific industrial uses that exceed 65 feet in the LI Light Industrial and HI Heavy Industrial zone districts. The City's current maximum building height is 65 feet. Planner Smith-Erickson reviewed the criteria the applicant must meet to apply for a conditional use permit for a building height increase. *Councilmember Althausen asked whether the proposed language addresses substantial or undue adverse affects in a scenario where an adjacent property owner installed solar panels on the building's roof that might result in disruption of photovoltaic cells or solar panel power generation. Manager Medrud advised that the additional language added based on the Council's conversation addresses shade and shadowing impacts to adjacent uses to the greatest extent possible. Planner Smith-Erickson added that the conditional use permit process requires public notice and all properties located within 300 feet of the proposal would receive a notice of the hearing examiner public hearing on the proposed conditional use permit application. Councilmember Cathey commented on previous concerns that the public notification area for conditional use permits were not sufficient and often does not inform other homeowners in the surrounding area. Planner Smith-Erickson advised that the Tumwater Municipal Code specifies the publication in the official newspaper, mailings to all owners of property located within applicable feet of the project, and posting of the public notification on the City's website and on*

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*the subject property. Councilmember Cathey questioned how the regulations satisfy an extension of notifications to other affected property owners located outside the specific notification area. Manager Medrud advised that broader notification is addressed in Tumwater Municipal Code Chapter 14.06.070 enabling the Director of Community Development to extend the notification area beyond the 300 feet in cases where the area notified does not provide adequate notice to neighbors of a pending action. Councilmember Cathey reiterated her concerns that many in the community impacted by a pending project are not aware or have not been notified of a pending project. Manager Medrud advised that the issue is worthy of discussion during the future update of the Development Code as part of the 2025 Comprehensive Plan Periodic Update process. Recent state legislation included updates to permit review processes, which will entail a City review of Title 14.*

Planner Smith-Erickson requested the Council accept the Planning Commission's recommendation as modified by the Council to approve Ordinance No. O2023-012.

**MOTION:**

**Councilmember Agabi moved, seconded by Councilmember Dahlhoff, to approve Ordinance No. O2023-012, Motion carried unanimously.**

**COMMITTEE  
REPORTS:**

**PUBLIC HEALTH &  
SAFETY:**

*Peter Agabi*

The February 13, 2024 meeting was cancelled.

**GENERAL  
GOVERNMENT:**  
*Michael Althausen*

At the January 10, 2024, members approved meeting minutes, discussed the 2025 Comprehensive Plan Periodic Update and the 2024 Long Range Planning Work Program, and reviewed two contracts with the Department of Commerce for funding to assist the City during the Comprehensive Plan update process.

**PUBLIC WORKS:**  
*Eileen Swarthout*

The next meeting is scheduled on Thursday, February 8, 2024 at 8 a.m.

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

There was no report.

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

City Attorney Kirkpatrick introduced Davis Abbott as the City's Assistant City Attorney. Assistant Attorney Abbott is a Washington native and previously directed a non-profit organization focused on providing low-cost legal representation to low-income member of the community. His new position will focus on risk management, purchasing, and contracts.

Assistant City Attorney Abbott said he looks forward to working with the City and the Council.

City Administrator Parks reported on the promotion of Marnie McGrath as the City's Deputy Clerk.

City Administrator Parks reported on the good attendance at the City's Comprehensive Plan Open House last week. Approximately 60 members of the community attended the open house or participated virtually. A component of the meeting included an interactive survey with survey questions. The meeting included a discussion on the community survey (still available online).

On Tuesday, February 13, 2024, the Tumwater Youth Performing Arts Showcase will be featured from 6:30 p.m. to 8:30 p.m. at the Washington Center for Performing Arts. The showcase is a collaborative effort between the City's new Art Coordinator through the Tumwater Parks and Recreation Department and the Tumwater School District and reflects the City's tradition of supporting and cultivating youth talent.

On Monday, February 12, 2024 from 6:00 p.m. to 7:30 p.m. at Tumwater High School, a community conversation is scheduled on the parks ordinance amendments proposed by the City. The meeting will begin with a presentation by City staff followed by a question and answer session. The event will feature some stations in the meeting room to for community members to receive specific information on public health and safety, housing issues, affordable housing, parks and facilities, and some of the City's requirements and process for the proposed parks ordinance amendments. Councilmember Dahlhoff plans to attend the event to answer questions.

City Administrator Parks reported on the recent award of grants for the Water Resources and Sustainable Department. The first grant enables the City to install EV chargers at City Hall and at Pioneer Park, three water quality grants received from the Department of Ecology totaling approximately \$857,000 will fund Pioneer Park Riparian Restoration Phase 2, Beehive Industrial Area Stormwater Retrofit Design, and nutrient reduction enhanced maintenance plans



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An email was transmitted to the Council inviting members to participate in *The Switch Is On*, a campaign as part of the Thurston Climate Mitigation Collaborative Outreach program focused on highlighting how home energy efficiency and electrification can move forward. Pre-registration is required for the event through Director Dan Smith.

The City recently received a new vactor truck for the City's stormwater crew.

Mayor Sullivan attended the last meeting of the Intercity Transit Authority Board on January 17, 2024. Members welcomed the first class of 19 bus operators for 2024. Members were updated on weather events and operational processes of some machinery.

Mayor Sullivan is scheduled to attend the American Public Transportation Association (APTA) conference on behalf of Intercity Transit in early April 2024 in Washington, D.C.

Mayor Sullivan attended the 62<sup>nd</sup> Airlift Wing social event at Joint Base Lewis-McChord on January 25, 2024.

**COUNCILMEMBER  
REPORTS:**

***Joan Cathey:***

Councilmember Cathey attended meetings of the General Government Committee and the Regional Housing Council. At an upcoming meeting of the Solid Waste Advisory Committee, the committee will work on a plan for solid waste and plans for a drop center in south Thurston County, as well as changes at the main landfill site. Councilmember Cathey participated in the Council Retreat on Saturday, January 27, 2024. She thanked City Administrator Parks for an excellent report.

***Eileen Swarthout***

At the last meeting of the Thurston Regional Planning Council on February 2, 2024, members approved the Council's regional planning calendar for 2024, held election of officers, appointed members of the Executive Director Evaluation Subcommittee, and received a presentation on the GMA Housing Need Allocations.

***Michael Althausen:***

At the Regional Housing Council (RHC) meeting on January 24, 2024, members welcomed Thurston County Commissioner Emily Clouse replacing Thurston County Commissioner Carolina Mejia. Commissioner Clouse will serve as the Vice Chair of the RHC. Lacey Councilmember Cox will continue serving as Chair until March when election will be held for the position. Members discussed its 2024 Request For Proposal process for both housing projects (capital) and services. Members enacted a new policy on funding for responsiveness

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to projects presented later in the year outside of the RFP process. A new *Opportunity Fund* was created totaling \$1.7 million in addition to the \$7.1 million to be held in reserve for proposals received later in the year. Members received an update on the state's 2023 Right-of-Way Initiative project that provided some funding for local jurisdictions to clean up encampments and fund the purchase of Maple Court Hotel in Lacey to provide supportive housing units. State funds assisted in cleaning up six encampments, added 168 units of housing, and moved 265 individuals from living outside to shelter.

***Leatta Dahlhoff***

The Opioid Response Plan was accepted by the Board of Thurston County Commissioners with new strategies and priorities with a link to the current legislative session of bills proposed for educational campaigns for the opioid and overdose epidemic. Funds received from the Opioid Abatement Council established from settlement monies from the Opioid Settlement from distributors and manufacturers will be allocated to a Sub Opioid Abatement Council (Lacey, Olympia, Tumwater, and Thurston County) to address opioid abuse and overdose epidemic.

***Peter Agabi:***

Councilmember Agabi reported on future meetings. He is also scheduled to participate in a police ride-along.

***Angela Jefferson:***

At the January 26, 2024 meeting, members of the Tumwater HOPES were introduced to the new Coalition Coordinator, Courtney Fuller. Members reviewed upcoming community events. Councilmember Jefferson invited Ms. Fuller to attend a Council meeting and provide a self-introduction.

Councilmember Jefferson reached out to several individuals concerning the Community Development Block Grant RFP process. She plans to meet with staff from Senior Services of South Sound and other housing assistance service providers to discuss ways to encourage seniors to apply for funding assistance.

***Kelly Von Holtz:***

Councilmember Von Holtz attended her first Thurston County Law Enforcement Assisted Diversion meeting. Members received a presentation on a database to assist partnering agencies share information.

**ADJOURNMENT:**

**With there being no further business, Mayor Sullivan adjourned the meeting at 8:18 p.m.**