

**TUMWATER CITY COUNCIL WORK SESSION
MINUTES OF VIRTUAL MEETING
JANUARY 14, 2025 Page 1**

CONVENE: 6:00 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, Finance Department Director Troy Niemeyer, Community Development Department Director Michael Matlock, Transportation and Engineering Department Director Brandon Hicks, IT Department Director Lance Inman, Water Resources and Sustainability Department Director Dan Smith, Deputy Community Development Department Director Brad Medrud, Communications Manager Jason Wettstein, Housing and Land Use Planner Erika Smith-Erickson, Associate Planner Dana Bowers, and Deputy City Clerk Tracie Core.

Others: Marc Daily, Thurston Regional Planning Council.

**2025 LONG RANGE
PLANNING WORK
PROGRAM:**

Deputy Director Medrud reported that the request is for approval to schedule the 2025 Long Range Planning Work Program on the Council's January 21, 2025 consent calendar following a follow-up discussion on any proposed changes or questions pertaining to the Council's review of the work program on December 10, 2024. Since then, the General Government Committee discussed some of the issues addressed by the Council about scheduling the urban forestry amendments as a work item. Based on feedback from the committee, staff moved the update of the tree preservation ordinance as a work item in the 2025 work program replacing and deferring the review of the multifamily tax exemption program to 2026 because the program sunsets on December 31, 2026.

Councilmember Althaus commented that based on the General Government Committee's discussion, members agreed to present the recommendation to the Council because the multifamily tax exemption program does not expire until the end of 2026 affording time to work on amendments to the tree preservation code.

The Council agreed to place the proposed 2025 Long Range Planning Work Program on the Council's consent calendar at the January 21, 2025 meeting.

**SERVICE PROVIDER
AGREEMENT WITH
THE DISPUTE
RESOLUTION CENTER
FOR THE TENANT AND
LANDLORD
MEDIATION PROJECT**

Deputy Director Medrud requested placement of the Service Provider Agreement with the Dispute Resolution Center on the January 21, 2025 Council consent calendar. Staff recommends approval of the proposed service provider agreement.

Staff has been working with the Dispute Resolution Center on tenant landlord mediation following direction by the Council as a potential

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**AND CONFLICT
RESOLUTION
RESOURCE LINE:**

action to address tenant protections. The Council approved a scope of work with the project initiated in 2023. The original budget allocation for the project was \$50,000 annually. In fall 2024, as part of the Human Services Program funding discussion, the Council approved a second component of a conflict resolution resource line as part of the same contract based on available funding to cover the cost. The initial service provider agreement for the landlord tenant mediation project expired at the end of 2024. Staff drafted a new service provider agreement combining both functions of conflict resolution and the landlord tenant mediation project as one contract. Funding for conflict resolution is \$10,000 for the biennium. Tenant and landlord mediation is funded at \$40,000 for the biennium based on invoicing received by the City for mediations performed by the Dispute Resolution Center.

Councilmember Dahlhoff asked about any examples of success stories because several residents indicated the Dispute Resolution Center was not able to assist in mediating disputes in manufactured home parks. Deputy Director Medrud advised of the importance of relying on the performance of the Dispute Resolution Center over the next year. An evaluation on outcomes and progress will follow at the end of the year serving as a check-in point to assess whether the service has been successful.

Deputy Director Medrud responded to questions as to the details of the process when a tenant and a landlord are engaged in a disagreement. He explained that the agreement also includes conflict resolution, a separate service performed by the Dispute Resolution Center and funded by the City and other jurisdictions. Landlord and tenant mediation is a Tumwater-specific program for residents. Residents contact the Dispute Resolution Center for assistance. Funds provided to the Dispute Resolution Center for the service are to offset the costs of that service. The program is intended to encourage residents to use the program to assist them in remaining in their homes.

Councilmember Swarhout said that although she is appreciative of the ability for tenants to have the resource, she is concerned about rent increases many residents have experienced. She questioned the ability of the program to assist residents experiencing an increase in rent. Deputy Director Medrud said the issue of rent increases would likely be addressed by the Legislature as legislators have introduced upwards of 630 bills on the docket with one bill specifically addressing capping rent increases to 7% plus other noticing requirements. Legislation could be adopted later in the year enabling an avenue for the City to address rent increase issues. In terms of issues surrounding the sale of manufactured home parks, the state enacted notification requirements for the sale of parks requiring a 70-day notice prior to a sale closing. The notice requirement does not speak to the identity of the purchaser or their

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location. Unless existing funds are immediately available, the sale of an existing manufactured home park is difficult to address. Manufactured home parks are considered at the same level of protection as other tenants in the City. Notification is required for a variety of actions, such as a rent increase or tenants that have been asked to leave regardless of whether the home is an apartment or located within a manufactured home park. Based on the City's discussions with residents of different manufactured park communities, many are paying lower rents and the opportunity to move to another housing unit is likely limited.

Councilmember Cathey said she was asked whether an action by a landlord stays on a tenant's record, such as taking advantage of dispute resolution services. Deputy Director Medrud said the activities by the Dispute Resolution Center are not considered court procedures and are not officially recorded. The names of people involved in the process are treated confidentially.

City Attorney Kirkpatrick affirmed Deputy Director Medrud's explanation as the Dispute Resolution Center process is one method to help avoid having any information listed on an individual's credit report.

Councilmember Dahlhoff said feedback from residents from two manufactured home parks spoke to retaliation. She asked how the Dispute Resolution Center can involve both entities to address issues as well as any provisions to eliminate retaliation. Retaliation is often a limiting factor for residents for engagement because many believe they will be subjected to retaliation. Deputy Director Medrud said retaliation is not addressed in the service provider agreement with the Dispute Resolution Center. It could be considered a civil matter between the tenant and the landlord.

City Attorney Kirkpatrick noted that although retaliation is not covered in the agreement, the City included language in the new code addressing retaliation.

Councilmember Von Holtz inquired as to whether the agreement addresses landlords that often take retaliatory actions. City Attorney Kirkpatrick advised that the agreement does not cover those circumstances because the program is a voluntary program providing a resource to residents to help avoid escalating issues with their landlords. The issue is important as the City implements provisions within the code regarding landlord-tenant issues.

Mayor Sullivan affirmed the placement of the provider service agreement on the Council's consent calendar at the January 21, 2025 meeting.

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**REGIONAL PLANNING
COUNCIL DOES THAT
IMPACTS THE CITY OF
TUMWATER:**

(TRPC), briefed the Council on TRPC planning activities.

TRPC is an independent organization serving the region for over 55 years. TRPC is a voluntary organization of cities, towns, Thurston County, tribal nations, school districts, and other special purpose districts that work and plan together on issues that cross jurisdictional boundaries.

A major component of the work is state and federal funding funneled to the region through TRPC for transportation projects. TRPC's Transportation Policy Board and TRPC render decisions on where federal funds should be allocated locally. In December, TRPC completed its largest call for projects and programmed approximately \$20 million for local transportation projects. Tumwater received some funding for the largest project funded during the last call for projects of approximately \$2.6 million for the next phase of the Deschutes Valley Trail for construction.

TRPC also serves as the region's clearinghouse for data on the region. Over 70 topics are included in the publication, *The Profile*, specific to the county and individual jurisdictions on population, employment, housing, and environment, etc.

Current work underway includes:

- Supporting Comprehensive Plan Periodic Updates within the region:
 - TRPC adopted updated housing allocations in December
 - TRPC completed a Land Capacity Analysis
 - TRPC identified adequate capacity in Tumwater and in urban growth area to accommodate housing need
 - Scope Countywide Planning Policy changes in late 2025
- Habitat Conservation Plan Support:
 - To account for the impacts of gopher soils on development, TRPC is updating assumptions in the 2021 Buildable Lands Report
 - Will assess the effects of the Bush Prairie Habitat Conservation Plan
 - Model three future (20 years) land use scenarios using different density assumptions provided by Tumwater
 - Prepare memo summarizing assumptions and results to support Comprehensive Plan Update
- Comprehensive Plan Transportation Element Consistency Review:
 - As the Regional Transportation Planning Organization (RTPO), TRPC will determine whether the Transportation Element reflect the principles established in the Regional Transportation Plan

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- Determine whether the Transportation Element is consistent with the adopted Regional Transportation Plan
- Determine whether the Transportation Element implements and is consistent with the Land Use Element
- TRPC and jurisdictional staff developed 14-criteria review checklist
- In December 2024, TRPC provided a preliminary consistency review of Olympia’s Transportation Element
- Stormwater Retrofit Strategy
 - A partnership with Tumwater, Olympia, Lacey, Thurston County, TRPC, and Washington Department of Ecology
 - EPA-funded project to create a toolkit for prioritizing areas for stormwater retrofit to benefit water quality, salmon habitat, and ecosystem functions
 - Literature review and best practices report outlining policies and procedures to support retrofit implementation
 - Retrofit Implementation Strategy, including priority project specifics process for ongoing regional retrofit planning
- High-Capacity Transportation Study:
 - Express business and vanpool are existing high-capacity options that could be enhanced
 - Not sufficient density in the region for the foreseeable future to support light rail
 - Household and employment densities are marginal for commuter rail
 - Any high-capacity transportation expansion will require additional transportation revenue and more collaboration between agencies in the Puget Sound region
- Emergency Detour Route Study:
 - Study will evaluate different detour routes for the region and consider different scenarios of closure by using the transportation model to determine outcomes in different areas during a closure. One closure that could affect Tumwater significantly is closure of Interstate 5 at U.S. Highway 101. Modeling will identify areas in the transportation system that creates problems when the region experiences a freeway closure. A consultant will complete some operational analysis to identify ways to operate the system differently at specific locations through either infrastructure improvements or other types of improvements. The study is scheduled for completion in 2026.
- Regional Safety Action Plan:
 - Federal Safe Streets grant monies fund the development of the action plan. Trends for death and serious injury

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from traffic accidents are increasing especially for pedestrians and bicyclists. The action plan will explore areas within the region experiencing repeated safety issues to develop strategies to reduce the number of incidents. Lacey and Thurston County also received federal funds and have initiated planning specific to each area. TRPC will combine the work from Lacey and Thurston County and build from the information to benefit the entire region.

- Update of Regional Transportation Plan:
 - Plan is updated every five years with the update scheduled for completion in July 2025 with a draft plan issued in April 2025.
- Regional Trails Plan:
 - Plan was completed in 2024 and includes a number of actions TRPC is tasked to complete. TRPC is seeking funding sources. Funding was awarded through the call for projects process for 2028 through 2032. However, work on the plan should be initiated sooner with TRPC actively seeking other funding sources.
- Martin Way Corridor:
 - The Martin Way corridor is part of the strategy completed as part of the Capitol Way/Capitol Boulevard review through Olympia and Tumwater to develop a vision for how major corridors should function within the region.
 - TRPC is working with the Cities of Olympia, Lacey, and Tumwater, Thurston County, and Intercity Transit to identify the location and construction of up to 10 additional pedestrian crossings along Martin Way.
- Regional Bicycle Connectivity:
 - In late 2025, TRPC will begin working on the strategy for bicycle connectivity to identify gaps and safety issues in the region's bicycle network.

Mayor Sullivan and the Council thanked Mr. Daily for providing an update on important work affecting the region.

**RESOLUTION R2025-001
TRANSPORTATION
BENEFIT DISTRICT
SOLUTION:**

Director Hicks reviewed the draft resolution and changes in project eligibility for the Transportation Benefit District (TBD).

The Tumwater TBD was established by the City Council in 2014 and approved by voters in 2015 to fund the TBD by an increase in sales tax. The program has added a substantial amount of funding for City streets in excess of \$19.2 million enabling the City to leverage the funds to obtain additional grants resulting in a total funding package of \$25 million over the ten-year period.

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Prior to 2015, the City's pavement maintenance program was funded at only approximately \$200,000 each year, street conditions in the City were degrading quickly, and pavement conditions were arguably the worst among the four largest jurisdictions in Thurston County. Following the collection of TBD funding, pavement management improved. The City was awarded a large pavement maintenance grant to complete significant work on Tumwater Boulevard, Capitol Boulevard, Old Highway 99, and other National Highway System routes. Overall, while the City was able to address some of the larger problems in the City, other streets in good condition continued to degrade slowly.

Sales tax revenue for the TBD continued to grow rapidly with a large increase in 2020. The TBD funds were used to leverage even more grant funds and pavement conditions improved. A significant amount of grant funding was also received in 2023.

The City's mantra, "promises made promises kept," was the message to voters when asked to approve the TBD. The City added an annual pavement maintenance project to both the Transportation Improvement Program and the Capital Facilities Plan to meet the requirements to utilize TBD funds. As part of the information presented to voters in 2014, a map was developed of needed improvements.

Director Hicks displayed a new map depicting improvements completed to date with most of the map covered. Most of the street segments not completed to date will be completed with this summer's pavement maintenance project and other TBD funded projects that are currently being designed for construction next year. The few segments that will not be complete using TBD funds will be reconstructed by development in the near future, are awaiting completion of utility projects, or were determined to have not degraded enough to warrant maintenance work. .

The City's Street Saver Program is a software program that rates Citywide pavement ratings every few years based on data collected from inspection of the streets. The program produces a report identifying the order of projects to complete to receive the greatest cost benefit. City staff inspect roads and review any logged complaints or requests from the public.

Councilmember Swarthout commented on her surprise as to how Tumwater roads were rated poor in recent work by TRPC as part of the detour program compared to other roads in other jurisdictions. She asked whether the work considered all Tumwater streets or only specific roads in the City. Mr. Daily explained that the research was not related to pavement condition.

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Director Hicks added that TRPC collected data several years ago on Tumwater street conditions. The results rated City roads as in mid-condition compared to other jurisdictions. Information was collected from the City on the level of funding required to maintain the system. At that time, the City experienced a significant gap between available funding and required funds to maintain the system.

Mr. Daily noted that data utilized by TRPC are provided by each jurisdiction for pavement conditions.

Director Hicks reviewed accomplishments achieved by the TBD over the last ten years:

- Street maintenance completed on more than 100 lane miles (approximately 40% of the entire street system)
- Used over 50,000 tons of asphalt
- Replaced more than 100 curb ramps to improve accessibility for all users

The Council is scheduled to consider Resolution No. R2025-001. Most of the language in the resolution is similar to the resolution adopted by the Council in 2015. The resolution authorizes a ballot measure for the April 22, 2025 election for renewing the current 0.2% sales tax for the TBD. Renewal of the TBD requires a simple majority affirmative vote of City voters.

Because of a change in language to increase the eligibility of projects funded by the TBD, a public hearing is required. The proposed change is to add stand-alone sidewalk projects and projects included in the City's ADA Transition Plan as eligible projects for use of TBD funds. Currently, \$200,000 is dedicated to fund the Sidewalk Program. Adding the sidewalk program as a TBD eligible program increases funding and allows the City to utilize TBD funds as match for additional grants.

Director Hicks reviewed a list of proposed TBD project types if the TBD is renewed:

- All pavement preservation/maintenance and sidewalk projects included in the Transportation Improvement Program or Transportation Capital Facilities Plan
- Typical project types:
 - Annual pavement maintenance projects
 - Repaving portion of large non-pavement maintenance transportation projects
 - Stand-alone sidewalk projects
- Priority areas
 - Paving and Sealing
 - Residential streets that are not generally eligible for

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- grants
- Roadway repairs and sealing to prepare for overlays
- Very poor condition streets (Antsen Street, 83rd Avenue, Irving Street, etc.)
- Mill and inlay or chip seal for arterials and collectors with surfacing 20 years or older
- Pedestrian Improvements
 - Priority improvements in the ADA Transition Plan
 - Sidewalk Program enhancement
 - Accessibility barriers in the vicinity of, but outside the limits of other projects

The proposal to fund the TBD of 0.2% sales tax ensures all people who shop in Tumwater are paying a fair share of the transportation system. The proposal is not a sales tax increase but a renewal of the current 0.2% portion of the sales tax with no change in the current sales tax rate in the City.

The TBD provides a method of funding sidewalks and roadway maintenance and distributes the cost to all users of the system, maintains the current rate of 0.2% of sales tax, and leverages the ability for the City to secure other grant funds. Staff forecasts the TBD would generate \$35 million over the next ten years if voters approve renewing the TBD. TBD monies can be used to leverage multimodal and capacity grants and improve and maintain roadway conditions.

Director Hicks reviewed the steps for seeking renewal of the TBD. The Council is scheduled to consider the resolution to certify a ballot proposition on January 21, 2025 following a public hearing. Deadline for submittal of the Resolution to Thurston County is February 21, 2025. Between February and March, the Council selects opposing and supporting committees for the ballot measure. Staff will develop an informational mailer for the April 22, 2025 election.

City Administrator Parks explained that at this time, staff is not aware of any other measures included on the ballot. She offered to follow-up with the Thurston County Auditor.

**2025 CITY COUNCIL
MEETING SCHEDULE
AND SUMMER RECESS:**

City Administrator Parks requested feedback on the Council's preference to establish the timeline for the annual recess in August 2025. Because the 2025 calendar includes five Tuesdays in July, the Council has the ability to recess for three weeks if the recess is scheduled during the first two weeks in August. However, if the recess is during the first two weeks in August, the Council would not have a business meeting for five weeks whereas the recess during the last two weeks in August would result in four weeks between business meetings (August 5 through September 2, 2025).

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Councilmembers shared their respective preferences and selected the first two weeks in August for the Council recess.

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

City Administrator Parks reported the next Tumwater Youth Program event is scheduled on Friday, January 17, 2025 at Bush Middle School from 7 p.m. to 10 p.m. featuring a dodge ball tournament.

A community center workshop was held on Monday, January 13, 2025. An update on the project for the Council is scheduled at the January 28, 2025 work session.

City Hall will be closed on Monday, January 20, 2025 in observance of Martin Luther King Day.

Mayor Sullivan thanked Councilmember Jefferson for attending the chamber meeting in her absence.

Mayor Sullivan encouraged Councilmembers to attend local events in honor of Martin Luther King Jr.

ADJOURNMENT:

With there being no further business, Mayor Sullivan adjourned the meeting at 7:39 p.m.

Prepared by Valerie L. Gow, Recording Secretary/President
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