

**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, Joan Cathey, Charlie Schneider, and Eileen Swarthout.

Excused: Councilmembers Michael Althaus, Leatta Dahlhoff, and Angela Jefferson.

Staff: City Administrator Lisa Parks, City Attorney Karen Kirkpatrick, Finance Director Troy Niemeyer, Transportation and Engineering Director Brandon Hicks, Water Resources and Sustainability Director Dan Smith, Engineering Services Manager Bill Lindauer, Economic Development Manager Austin Ramirez, and City Clerk Melody Valiant.

PUBLIC COMMENT: **Mike Culley, 7415 Fairview Road, Tumwater,** said he is a member of the Tumwater Parks and Recreation Commission. He thanked Councilmember Schneider for being a good friend and a supporter of the Tumwater Youth Program (TYP). Councilmember Schneider and his wife have contributed to the City, as well as in their support of him. He presented Councilmember Schneider with a large cheese and pepperoni pizza in recognition of their participation in many TYP events.

CONSENT CALENDAR:

- a. Approval of Minutes: City Council Work Session, November 14, 2023
- b. Approval of Minutes: City Council, November 21, 2023
- c. Payment of Vouchers
- d. Ordinance No. O2023-016, Business and Occupation Tax Code Update
- e. Interlocal Agreement with the Regional Housing Council for the Franz Anderson Project
- f. Memorandum of Participation in the Firefighter Injury and Illness Reduction (FIIRE) Pilot Program for 2024
- g. 2024 Legislative Agenda
- h. Cancellation of the December 19th Regular Council Meeting

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

Mayor Sullivan reviewed the items approved on the consent calendar.

COUNCIL CONSIDERATIONS:

SERVICE Manager Ramirez briefed the Council on the proposed contract with

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**PROVIDER
AGREEMENT WITH
THURSTON EDC
FOR ECONOMIC
DEVELOPMENT
SERVICES:**

Thurston Economic Development Council (EDC) for economic development services.

Upcoming services provided by the EDC for the City include five main areas for addition to the scope of work. The first is convening of business roundtables to help the City obtain input for preparation of the update of the City's Economic Development Plan. The second new item is convening leaders from the business and development sectors to provide input on redevelopment opportunities in the Brewery District and along the Capitol Boulevard corridor. The addition would be funded from two grants the City received. The grants prioritize engagement and reuse planning. The third item is referred to as the Innovation Cluster Accelerator Program, a new development of the state's Innovation Partnership Program the City benefitted from for the Craft District. The state modified the program from a site-specific program to industry clusters. As Thurston County is working toward an innovation-based economy from a resource-based economy, the focus will be on creative and makers sectors. The City has been identified of one of few state pilot programs. The EDC has been tasked by the state to develop and coordinate an ecosystem pilot team. Manager Ramirez serves as a member of the team representing Tumwater and local businesses. The fourth new item is an annual \$5,000 investment in the Lacey MakerSpace. Many Tumwater entrepreneurs have used the facility to test new product lines and for on-the-job training for current and future employees. The center has become an asset for the Tumwater community. The last new item in the scope of work is an economic impact analysis and report on the Tumwater Artesian Brewfest.

The Council is scheduled to receive a proposal for Thurston Strong Phase 2 term agreement. The program is very successful and the EDC and the City are careful in the application of funds. Thurston County is also planning for another round of childcare operator grants. The City plans to join that effort. To accommodate the efforts, the proposal is to extend the term agreement.

Manager Ramirez invited questions.

Councilmember Swarhout thanked Manager Ramirez for his efforts. She supports a community-based program. She asked whether the MakerSpace donation would require a budget request. Manger Ramirez advised that the funds have been included in the budget within the umbrellas of EDC funding.

MOTION:

Councilmember Agabi moved, seconded by Councilmember Schneider, to approve and authorize the Mayor to sign a Service Provider Agreement with Thurston EDC for economic

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development services. A voice vote approved the motion unanimously.

**CONSTRUCTION
CONTRACT WITH
REED TRUCKING &
EXCAVATING, INC.
FOR THE ISRAEL
ROAD AND
LINDERSON
WAY WATER MAIN
PROJECT, REQUEST
FOR ADDITIONAL
CONSTRUCTION
FUNDS:**

Manager Lindauer briefed the Council on a request to increase the change order authority from 10% to 20% for the project because of cost overruns in construction.

The project has two main components of a water main replacement and a utility undergrounding improvement project. The City is replacing existing water main on Israel Road and Linderson Way, as well as upgrading all service connections. The undergrounding component includes undergrounding Puget Sound Energy (PSE) overhead lines and completing service upgrades and moving other utility purveyor lines underground to remove all overhead utilities.

The project encompasses 4,700 linear feet of water main replacement along Israel Road from I-5 to Capitol Boulevard and 950 linear feet along Linderson Way south of Israel Road. Undergrounding utility trenching is from Linderson Way to Capitol Boulevard.

The project is under construction. The contractor completed the PSE utility underground project, which was approved by PSE. The water main was installed along Israel Road and Linderson Way. Testing has been completed and the water main is active. All water service connections have been completed. Outstanding components include completion of the water main connections (16) to tie the new water main into the existing City system. The next stage is abandonment of the existing line with final sidewalk and pavement repair. Construction is anticipated to be substantially complete by the end of December.

The original contract award amount to Reed Trucking & Excavation was \$3,365,536.16. Provisions within the Tumwater Municipal Code (TMC) provide the authority to the Director to approve any change order provided it does not exceed ten percent. Current estimates indicate construction costs may exceed the contract bid amount by approximately 16 percent, which exceeds authority provided to staff under TMC 2.14.060.

Significant factors that led to cost overruns for the project include, but are not limited to

- Two additional in-line water valves were installed at Tumwater High School to facilitate the water service connection,
- Pedestrian crossing push buttons and displays required replacement at the intersection of Linderson Way and Israel

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Road due to discovery of previously unlocated underground utilities,

- The project encountered a large number of unknown utilities which significantly slowed work resulting in standby time, additional labor and equipment expenses, and a significant increase in traffic control costs,
- Costs have increased for temporary patching of the existing pavement, largely due to inefficiencies caused by unforeseen additional work,
- Poor soils were encountered, which resulted in a significant increase in gravel purchased and incorporated into the project.
- Additional concrete curbing and sidewalk repair was required for the project.

Additionally, the project is important to complete because it is a component of the larger Israel Road project scheduled next year. Staff continues to manage the costs for unexpected expenses to the extent possible. The projection of the final cost is likely accurate.

Manager Lindauer invited questions and comments.

Councilmember Schneider asked whether the gas leak at Tumwater High School was caused by the project. Manager Lindauer advised that the contractor hit a gas line. Typically, gas conflicts are addressed directly with PSE. The contractor works with PSE to determine if the gas line had been identified. If the gas line was identified, the contractor assumes the costs; however, if the gas line was not identified, the contractor and PSE work together to resolve the issue.

Councilmember Agabi inquired about the completion of road construction. Manager Lindauer said road construction is scheduled to be completed by July 4, 2024. Councilmember Agabi asked whether any additional excavations of the road are planned. Manager Lindauer replied some additional excavations are scheduled throughout the project at different connection points. Any components outside of the road project next year will involve a full rebuild of the roadway section. As for those areas along Israel that are included in next year's project, the roadway will be repatched in the worst locations.

Councilmember Swarhout asked whether Transportation Benefit District (TBD) funding would cover the cost of the reconstruction and repaving of Israel Road. Director Hicks explained that the road project scheduled in 2024 is funded by the TBD, which serves as a match for a federal grant.

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MOTION: Councilmember Swarthout moved, seconded by Councilmember Agabi, to increase the change order authority provided to the Transportation and Engineering Director under Tumwater Municipal Code 2.14.060 from 10 percent to 20 percent for the Israel Road and Linderson Way Water Main project. Motion carried unanimously.

**COMMITTEE
REPORTS:**

**PUBLIC HEALTH &
SAFETY:** There was no report.
Leatta Dahlhoff

**GENERAL
GOVERNMENT:** There was no report.
Michael Althaus

PUBLIC WORKS: The next meeting is scheduled on Thursday, December 7, 2023 at 8
Eileen Swarthout a.m.

**BUDGET AND
FINANCE:** There was no report.
Debbie Sullivan

**MAYOR/CITY
ADMINISTRATOR'S
REPORT:** City Administrator Parks reported on the resignation of Deputy City Clerk Brandy Legomina to accept a position at the City of Lacey. The City is working on recruitment to fill the vacancy for support to the City Clerk.

The Parks and Recreation Department's Tumwater Youth Program continues to experience excellent participation and receives positive feedback from the community as well as the active adults program and many other recreational programs to include the basketball program.

Santa Claus visits to neighborhoods begin with the first stop at the Deschutes Highlands neighborhood. Visits will continue through December 21, 2023. The City's website includes Santa's schedule.

Based on continuing bad weather, the City is experiencing some localized flooding with a road closure on Tyee Drive earlier in the day. The road has been reopened. An I-5 ramp closure off Trospen Road is expected to last through Wednesday, December 6, 2023. The City continues to monitor weather conditions.

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The City experienced some issues surrounding the Israel Road project as the contractor accidentally ruptured a natural gas line at Tumwater High School with students evacuated to the stadium. Tumwater Fire Department and Incident Command coordinated the response. PSE was able to repair the line quickly. The event will require moving some scheduled work forward. City Administrator Parks complimented the project management team and communications staff in coordinating with community members affected by the work.

Mayor Sullivan reported on the successful Christmas Tree ceremony on Saturday, December 2, 2023. During the event, Councilmember Schneider flipped the tree lights in recognition of his term ending at the end of the year. Earlier in the evening, a reception was held on behalf of Councilmember Schneider. Mayor Sullivan presented Councilmember Schneider with a plaque recognizing his service during the last four years.

**COUNCILMEMBER
REPORTS:**

Charlie Schneider:

Councilmember Schneider said it has been difficult to see his term ending and that the next chapter of his life will begin. Having served both as a Commissioner for the Parks and Recreation Commission and as an elected official, it has afforded the opportunity to be a voice for the community. Although his term of office is ending, his commitment to Tumwater and the community will continue through his volunteerism. Councilmember Schneider cited the numerous accomplishments during his four years as a Councilmember. He thanked his family, friends, neighbors, and fellow elected officials and City staff. He thanked his wife, Nancy and his mother who introduced and encouraged him to appreciate the political process at a very young age and for never taking it for granted.

Peter Agabi:

Councilmember Agabi wished Councilmember Schneider well in his future endeavors. He attended the recent Joint Animal Services Commission meeting. The Commission passed the 2024 budget reflecting an increase of 10% over 2023. For Tumwater, the fees in 2024 will be approximately \$175,000.

Eileen Swarthout:

At the last meeting of Thurston Regional Planning Council (TRPC), members approved the Regional Trails Plan and reviewed the draft strategic plan. Members participated in the quiz on TRPC's publication, *Profile*.

Joan Cathey:

Many of the meetings in December were cancelled. Councilmember Cathey plans to attend the General Government Committee and Olympic Regional Clear Air Agency meetings on December 13, 2023.

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ADJOURNMENT: **With there being no further business, Mayor Sullivan adjourned the meeting at 7:40 p.m.**

Prepared by Valerie L. Gow, Recording Secretary/President
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