

**TUMWATER CITY COUNCIL MEETING
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CONVENE: 7:00 p.m.

PRESENT: Mayor Pete Kmet, Councilmembers Joan Cathey, Eileen Swarthout, Ed Hildreth, Nicole Hill, Tom Oliva, and Neil McClanahan.

Excused: Councilmember Debbie Sullivan.

Staff: City Administrator John Doan, City Attorney Karen Kirkpatrick, Public Works Director Jay Eaton, School Resource Officer Detective Chuck Liska, Assistant City Administrator Heidi Behrends-Cerniwey, Finance Director Ursula Euler, Police Chief John Stines, Water Resources Program Manager Dan Smith, and Recording Secretary Tom Gow.

ADDITIONS TO AGENDA: There were no changes to the agenda.

SPECIAL ITEMS:

**PROCLAMATION:
CONSTITUTION
WEEK,
SEPTEMBER 17-23,
2015:** Councilmember Hill read a proclamation declaring September 17-23, 2015 as "Constitution Week." The proclamation recognizes and celebrates the importance of the Constitution of the United States, the guarantees in the Bill of Rights, and the freedoms derived from those documents.

Suzanne Hornbuckle accepted the proclamation on behalf of the Sacajawea Chapter of the National Society Daughters of the American Revolution. Ms. Hornbuckle encouraged everyone to visit the display of the constitution and related documents at the Tumwater Library during the month of September.

**SCHOOL SAFETY
AND RESOURCE
OFFICER
PROGRAM UPDATE
BY CHUCK LISKA,
SCHOOL
RESOURCE
OFFICER:** School Resource Officer (SRO) Detective Liska provided an update on the status of several new programs implemented this year as part of the school-based policing and safety program within the Tumwater School District. SRO Liska works collaboratively within the high schools to provide a safe learning environment, valuable tools and resources to school staff, parents, and students to create positive relationships with students, and to develop strategies to resolve problems with the goal of educating and protecting students and staff.

This year, the program has implemented the Jostens Renaissance® program by building a positive climate and culture within the school to keep students safe and to help students want to become part of the community and the school. The program is an acclaimed educational

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enrichment program customized for each school. Jostens Renaissance® empowers students and faculty by boosting self-awareness, building character and honorability, and helping students deal with issues in school.

The School Safety and Resource Officer Program will continue the Shaking Baby Prevention program, which is a favored program by many students. SRO Liska said he would continue working with leadership from the Renaissance classes at both high schools.

SRO Liska reported he was honored to attend and present at the annual Jostens Renaissance Conference in Orlando, Florida. He was accompanied by several students representing both high schools.

The Tumwater School District is working on improving security within the schools this year partly in response to the Marysville Pilchuck High School shooting. The school district continues to experience a decrease in the number of criminal cases in the schools enabling more time for SRO Liska to interact with students.

Councilmember Cathey welcomed John Bash as the new Tumwater School District Superintendent.

Mr. Bash spoke highly of SRO Liska and his efforts in his role as the resource officer. It is uncommon to have somebody as dedicated as SRO Liska in terms of his relationships with students. Those relationships help to prevent school shootings and violent incidents by breaking down and preventing barriers between students and the schools.

Councilmember Cathey asked about the cultural emphasis that the district is attempting to develop. SRO Liska said the emphasis is to ensure students feel proud of their community and school by helping faculty and teachers learn more about the students and their respective concerns and issues.

Councilmember Cathey commented on the possibility and importance of including a female SRO to represent the interests of female students as well as serving as a role model to female students.

Mayor Kmet commented on the difficulty of attracting female applicants for police departments statewide. At the recent academy graduation, only two women graduated from the class of approximately 450 graduates.

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SRO Liska shared that many law enforcement agencies from both the state and the federal government are invited to provide information to school classes on job opportunities available in law enforcement. Many different areas in law enforcement are available for young people to follow as a career path.

Councilmember Oliva suggested the possibility of the Council jointly meeting with the Tumwater School Board. Mr. Bash noted the school board recently suggested scheduling a meeting with the Council. He plans to meet with City Administrator Doan to schedule the meeting.

**PUBLIC
COMMENT:**

Pamela Hanson commented on the importance of preventing drug abuse by young people beginning at the grade school level by building positive relationships with children through elementary school programs.

Bob Nakamra, 5929 59th Loop SE, Lacey, spoke as the Commander of the Lacey-Tumwater Veterans of Foreign Wars Post 11402. As of February 2015, members of the Tumwater and Lacey posts combined to form Post 11402. As a veterans service-oriented organization, members are community-oriented and have participated in the Tumwater 4th of July Parade for many years. Members of Post 11402 support both the Tumwater and Lacey communities. Veterans interested in joining the VFW can visit VFWofWA.org. Meetings are held at the Knights of Columbus Hall, 6794 Martin Way East in Lacey on the second Monday of each month at 7 p.m.

Dan Medlin, 7817 Fair View Road, SW, Olympia, referred to the American Lake VA Hospital and how the facility misguides and medically mistreats veterans. He asked for information on the number of tort claims the facility has incurred. The facility has received thousands of complaints of assaults and he only received six files through a public disclosure with two of the claims deemed unfounded. Of the four complaints, the service providers are still employed at the facility. He was able to obtain a spreadsheet of the claims. He cited a case of a veteran that took over three years to resolve for an injury to the bladder. He alleged countless inappropriate medical procedures, inappropriate sexual motives, and alleged injuries during medical procedures by several doctors. Proper investigations are difficult to pursue because the doctors are hard to retain within the facility. He asked for assistance in pursuing those service providers that are harming veterans. He cited his efforts to pursue charges through the Pierce County Prosecutor's Office. The Prosecutor's Office acknowledged that criminal activity is occurring at the American Lake

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VA Hospital. Mr. Medlin said he feels as though he is in a movie as no one is addressing the issues because of the costs. New policies and actions are needed against the service providers, as there is no oversight or transparency.

Mayor Kmet encouraged Mr. Medlin to discuss his concerns with the local VFW to ensure other veterans are aware of the challenges and issues.

Councilmember Hill shared information on an upcoming discussion about VA healthcare systems in Tacoma at 6 p.m. at 9600 Veterans Drive SW on Wednesday, September 2. The meeting includes an opportunity to provide public comments.

**CONSENT
CALENDAR:**

- a. Approval of Minutes: Regular Meeting, August 18, 2015
- b. Payment of Vouchers
- c. Barnes Lake Management District Steering Committee Appointment/Reappointment of Jody Keys, William Baxter, Dana Day, Linnea Madison, and Tom Sparks

MOTION:

Councilmember Oliva moved, seconded by Councilmember McClanahan, to approve the consent calendar as published. Motion carried.

Mayor Kmet reviewed the items approved on the consent calendar.

Dana Day commented on the work of the Barnes Lake Management District Steering Committee. The appearance of the lake has improved over the last several years. Residents pay an annual assessment to cover the costs of lake maintenance.

**PUBLIC
HEARINGS:**

**ORDINANCE NO.
O2015-006, PUGET
SOUND ENERGY
FRANCHISE
AGREEMENT:**

Director Eaton reported the state statute requires two readings of the ordinance. The proposed agreement is a collaborative effort between the City of Tumwater and Puget Sound Energy (PSE) to develop mutually acceptable franchise terms and agreements. The franchise allows PSE to co-locate within the City's right-of-ways for both electric and gas utilities. The agreement affords the possibility of coordinating and maintaining consistency in the use of right-of-way.

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The franchise agreement was shortened from a previous 30 year term for electric and 25 years for natural gas. The new term is 10 years with two five-year renewals.

The franchise agreement identifies the responsibility of PSE and the City in the placement and location of facilities. City right-of-ways are mostly constrained with roadways consuming much of the right-of-way. The agreement addresses the location of existing utilities and new utilities, as well as required permits and performance standards by identifying those instances when PSE must obtain permits for different types of projects. The agreement addresses emergency projects, maintenance projects, and construction projects and sets forth the permit requirements and standards for work performed.

The agreement addresses undergrounding of facilities. New facilities within the City are installed underground. Existing facilities are regulated by the Washington Utility and Transportation Commission under a tariff. The agreement reiterates the tariff requirements and addresses underground conversion of existing utilities. As part of the agreement, the planning of undergrounding facilities is addressed in terms of identifying future facilities to underground, identifying costs, and applying the tariff to those projects. Both parties agreed to develop a plan for underground conversions.

The franchise addresses the relocation of facilities and those instances where there may be conflicts with existing utilities in the right-of-way or potential City utility conflicts. PSE would need to relocate existing facilities to avoid any conflicts pertaining to City projects. Disruption of PSE utilities is also important to the City to avoid by considering alternatives to minimize service disruptions.

The agreement speaks to shared excavations and minimizing disruptions to streets and utilities by using common trenching and other joint project measures to minimize impacts. Vegetation management is also included while acknowledging that PSE has needs to ensure the safe operations of utilities. It's important to ensure vegetation is managed correctly and proper pruning of trees occurs.

The agreement also addresses graffiti that occasionally appears on transformers and other PSE equipment. The provision requires PSE to respond and address graffiti when reported.

Both parties agree to meet annually to coordinate different projects. More often than not, the parties meet several times during the year to

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address various projects.

Mayor Kmet opened the public hearing at 8:19 p.m.

**PUBLIC
TESTIMONEY:**

Amy Tousley, Local Municipal Manager, Puget Sound Energy, reported the agreement took 18 months to work through with staff. The result was an agreement acceptable to both entities. She looks forward to working on an underground plan with the City.

Councilmember Cathey asked about the status of maximizing the space within right-of-ways. Director Eaton reported space within the right-of-way is becoming more of a challenge each year. In some areas, there is adequate space in the right-of-way to install utilities while some older corridors have no excess space. The agreement addresses future capacity through joint planning and trenching to utilize existing space more effectively.

Councilmember Cathey pointed out the problems encountered by other communities in the placement of utility infrastructure that led to safety issues when gas lines punctured creating difficulties because of the amount of infrastructure placed within the right-of-way. She expressed interest in ensuring staff addresses the issue of capacity and the placement of utility infrastructure to avoid any future impacts. She asked about any requirements by PSE to utilize the services of an arborist or a professional to oversee the topping of trees. Director Eaton affirmed the proposed agreement includes provisions addressing the issue. Additionally, PSE has utilized the services of professionals during tree maintenance and pruning activities.

Ms. Tousley affirmed provisions are included in the agreement in terms of the six-year trim cycle for distribution and transmission lines and notification of projects to customers and the City for emergent projects planned in the City. The agreement complies with the City's tree protection ordinance, critical areas ordinance, and other regulations. The agreement includes provisions for the foreman of the tree crew to meet with the City inspector to review specifics of tree trimming.

Mayor Kmet asked about the reasons for what appears to be a greater number of electrical outages in the state than experienced in other parts of the nation. He asked about PSE's philosophy for undergrounding utility lines to avoid the loss of electrical power. Ms. Tousley responded that PSE undergrounds lines based on the tariff. PSE's tariff falls under Schedules 73 and 74. Schedule 74 is a

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partnership between the City and PSE with PSE assuming 60% of the cost share for undergrounding lines. Schedule 74 is 100% of the cost assumed by a private entity other than the City or PSE to underground lines. Part of the underground plan should evaluate the performance of the City's electrical system to identify whether there are areas that experience an increase in outages. It's important to evaluate the City's system and gauge the performance to determine the criterion for undergrounding lines between the City and PSE, or consider improving the City's development standards for undergrounding utilities. There are some areas where PSE has assumed the cost to underground. However, those circumstances are rare because of the provisions allowed within the tariffs since 2002. The tariffs were negotiated between PSE and the Association of Washington Cities on behalf of the cities.

Mayor Kmet closed the public hearing at 8:28 p.m.

MOTION: **Councilmember Oliva moved, seconded by Councilmember McClanahan, to forward Ordinance No. O2015-006, Puget Sound Energy Franchise Agreement, for consideration within the consent calendar at the September 15 Council meeting.**

Councilmember McClanahan spoke in support of the proposed agreement because the agreement represents a significant improvement from previous agreements and includes a conversion plan for undergrounding lines in the future.

MOTION: **Motion carried unanimously.**

Director Eaton addressed questions on the cost share agreement for conversion projects and projects triggering a financial cost by the City or when the cost is paid in full by PSE.

**COMMITTEE
REPORTS:**

PUBLIC SAFETY: There was no meeting and no report. The next meeting is scheduled on September 8 at 9 a.m.

**GENERAL
GOVERNMENT:** There was no meeting and no report.

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PUBLIC WORKS: The next meeting is scheduled on September 3. Councilmember McClanahan reported he is unable to attend the meeting.

BUDGET AND FINANCE: The next committee meeting includes a review of HSRC funding applications.

MAYOR/CITY ADMINISTRATOR'S REPORT: The Olympia Tumwater Foundation has scheduled a special history talk on September 18 from 6:30 p.m. to 8 p.m. at the Schmidt House focusing on the history of Tumwater's mayors. Citizens interested in attending should contact Don Trospen at the Olympia Tumwater Foundation at 786-8117 for tickets because of limited seating.

Mayor Kmet reported on his and Assistant City Administrator Behrends-Cerniwey's recent presentation on the status of the City to residents of Olympics West located off Trospen Road.

City Administrator Doan announced the Tumwater Police Department's first Police Citizens Academy scheduled on October 5 to provide a review of the police department and the criminal justice system. The academy is a six sessions over three weeks course with two nights each week on Mondays and Wednesdays at 6:30 p.m. Course instructors are Tumwater Police Officers. Interested citizens wishing to participate should contact the Police Department as attendance is subject to a background check because the classes will be held in the Police Department.

City Administrator Doan reviewed letters/notes the City received acknowledging the efforts of numerous City employees.

Approximately 3,000 people attended the Tumwater Artesian Brewfest. The Olympia-Lacey-Tumwater Visitor and Convention Bureau (VCB) hosted a VIP pre-event for the media and bloggers.

COUNCILMEMBER REPORTS:

Joan Cathey: September 22 is *National Voter Registration Day*. It's important for the Council and community to discuss the importance of voting and encourage citizens to vote. Tumwater has a high number of renters, who typically have a lower average in terms of voting.

Councilmember Cathey asked Mr. Bash whether the schools advocate the importance of voting to students. Mr. Bash said the school district

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has incorporated voter registration during back-to-school events to include a first-ever “back-to-basics” event where free immunizations and sports physicals are offered.

Eileen Swarthout:

At the last Emergency Medical Services meeting, Steve Romines returned to chair the meeting. Members discussed a study of 750 metro areas for quality of life for EMS personnel. The tri-city area was rated in the top ten as a wonderful place to live and work. Members adopted the 2016 budget. Members discussed the 2019 levy and maintaining the existing budget until the next levy.

Ed Hildreth:

The TCOMM Nominating Committee is working on the replacement of the general manager. The proposed candidate will be presented to the Board on September 2 for approval. The TCOMM Budget Committee is scheduled to discuss the 2016 budget.

The VCB’s extensive recruitment for the executive director position is ending after seven meetings. Mayor Kmet and City Administrator Doan attended the open house last week to meet the four candidates. The committee selected the candidate, which will be presented to the VCB Board on September 8.

Nicole Hill:

Councilmember Hill reported on the recent hiring of the Thurston County Animal Services Executive Director. Ricord (Ric) Torgerson has a Doctor of Veterinary Medicine and is the former vice president for the American Humane Association in Denver. He previously served as the chief operating officer for the National Fish and Wildlife Foundation in Washington D.C. Mr. Torgerson was in the Army Reserves and deployed as an active duty officer in 2006. He spent time in Iraq and Afghanistan. The next meeting of the Joint Animal Services Commission is on Thursday, September 3.

The annual fundraiser, “Bow Wow Boogie,” for the Thurston County Animal Shelter is scheduled on Friday, September 25 from 5-8 p.m. at the Jacob Schmidt House in Lacey. Reservations can be obtained at bowwow2015@gmail.com.

Tom Olivia:

Scheduled meetings include the Tumwater Public Works Committee on September 3, LOTT Clean Water Alliance Board of Directors on September 9, and Thurston Regional Planning Council (TRPC) on September 11.

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Neil McClanahan: Scheduled meetings during the month of September include the Alliance for Healthy South Sound, Association of the United States Army, and the Thurston County Housing Task Force. The HOME Consortium continues to plan for the October retreat to discuss options for consolidating efforts between Thurston Thrives, HOME Consortium, and the Community Investment Partnership (CIP) into one entity to manage \$5 million annually in funding allocations. The retreat is scheduled on Oct. 14 to discuss the concept at the Thurston County Emergency Operations Center off Tilley Road. TRPC Senior Planner Karen Parkhurst is the retreat facilitator.

RECESS TO EXECUTIVE SESSION: Mayor Kmet recessed the meeting to an executive session at 9:06 p.m. for 30 minutes to discuss potential litigation pursuant to RCW 42.30.110(1)(i)b and real estate acquisition pursuant to RCW 42.30.110(1)(b).

EXTENSION OF EXECUTIVE SESSION: At 9:34 p.m., Mayor Kmet extended the executive session for another 20 minutes.

RECONVENE & ADJOURNMENT: Mayor Kmet reconvened and adjourned the meeting at 9:50 p.m.

Prepared by Valerie L. Gow, Recording Secretary/President
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