

**TUMWATER CITY COUNCIL WORK SESSION
MINUTES OF VIRTUAL MEETING
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CONVENE: 6:00 p.m.

PRESENT: Mayor Debbie Sullivan and Councilmembers Peter Agabi, Michael Althausser, 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, Fire Chief Brian Hurley, 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, and Deputy Police Chief Jay Mason.

COMMUNITY HUMAN SERVICES PROGRAM UPDATE:

Director Niemeyer reported the Community Human Services Program provides \$15,000 in funding to local non-profits. Based on the limited amount of funding, eight applicants received funding in 2024 of approximately \$1,875. Distributing that limited amount of funding requires contracting and processing by both the City and the applicant, as well as monitoring by the City to ensure the application meets the City's requirements. Staff recommends consideration of limiting the number of awards but not limiting the applicant pool to reduce staff resources required to administer the program and to increase the amount of awards to recipients.

Councilmembers discussed options and offered opinions and suggestions. Suggestions included pursuing another discussion on streamlining both the application and contracting process to help eliminate the onerous process for applicants and reducing some of the contracting requirements, such as reducing the level of required insurance and other contracting requirements. The Council acknowledged that the awards make a difference to smaller non-profits. Other recommendations included limiting awards to four applicants of \$3,750 each, which can be a significant amount for smaller non-profits and consider increasing the budget recognizing that the federal government may withdraw funding many non-profits depend on.

Discussion ensued on the possibility of increasing the amount of funding through a budget amendment and a review of the program after the first year of the biennium in relation to the status of actual revenue and expenditures versus the forecast. The Budget and Finance Committee is meeting monthly rather than on an as-needed basis to provide financial updates throughout the year to assess the possibility of increasing the amount of funds if the City receives more revenue than budgeted.

Other comments recognized that for many of the applicants, the awards supplement budgets rather than serving as a major component of a budget. It is important the City advertises and promotes the program

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appropriately if the number of awards is limited. Many Councilmembers supported limiting the number of awards if the process is improved for both efficiency and effectiveness for both staff and the non-profits.

**CODE ENFORCEMENT
PROCESS BRIEFING:**

City Administrator Parks provided an update on code enforcement processes. The update is timely as there are some community concerns pertaining to several ongoing and complicated code enforcement properties. The intent of the discussion is to share information on the current code enforcement process and discuss the possibility of pursuing a more proactive process for complicated and long-standing code violations.

City Administrator Parks described the purpose of the code enforcement process and the City's current approach based on policy directives. Essentially, code enforcement is based on a compliant basis rather than seeking code violations with a goal for voluntary and collaborative compliance. The majority of complaints and code enforcement processes are generated on a complaint basis, but not always.

Codes applicable to code enforcement include Title 8, Public Health and Safety Code, Title 15, Buildings and Construction, Title 16, Zoning Requirements, and other codes that may be applicable to a code violation.

City Administrator Parks explained the current code enforcement approach after the City receives a complaint dependent upon the nature of the complaint. Code enforcement officers conduct a site visit and identify whether a violation exists, and if so notifies the property owner. If the person is unwilling or unable to move forward, the City may initiate a formal process of issuing a notice of violation. The process includes additional site visits. The notice contains the list of specific code violations and specific corrective actions required. After a stated period, additional site inspections are completed and if not resolved, the process of imposing fines is initiated.

In response to comments concerning neighborhood complaints, such as cutting down a tree, washing a car, or parking a car on grass, City Administrator Parks explained that the City has a variety of different tools including education and outreach, active permitting, and code enforcement. Staff responds to calls that often provide additional opportunities to educate people about the City's codes. If employees observe trends or recurring activities, the City pursues active outreach to either a neighborhood or a series of homeowner associations.

Deputy Police Chief Mason addressed questions about whether the City responds to all complaints. Police officers do not respond to code enforcement issues. The department is assigned two code enforcement

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officers dedicated to code enforcement issues. Police officers respond to criminal violations. Code enforcement officers respond based on the priority of the issue. Often, code enforcement works with other City departments to triage issues. Response occurs to all code enforcement complaints. Some of the challenges occur when an offender refuses to comply, which speaks to receiving direction by the Council and potential resource dedication.

Director Matlock added that code enforcement is not operated entirely on a complaint basis. For example, if staff observes the loss of many trees, staff addresses the incident immediately. It is legal for homeowners to remove up to six trees over three years. The homeowner receives a tree exemption letter to enable staff to track the activity. Staff responds without a complaint when incidents of illegal dumping in a critical area or adding fill to a wetland occur. Public safety issues are prioritized.

City Administrator Parks said the voluntary correction agreement is a legal document between the violator and the City outlining all violations and required actions to comply with the code(s) with an associated timeline for resolution. The process is typically applied to more complex violations. If the violator fails to comply or is unable to comply, the issue transitions to a property abatement process or an involuntary compliance process driven largely by the court system. If the City prevails in court, the City has the authority to begin the process of abating the nuisance. The City assesses the situation, creates an abatement plan, and receives approval and authorization to move forward with the abatement plan. The City is responsible for the clean up typically through a public works contract. Following the clean up, a final judgment is issued by the court to include a lien on the property to recover costs for the clean up. Other considerations include legal principles as to private property rights and due process rights during the legal process. Other considerations are resource allocations to include external costs and significant staff time.

City Administrator Parks cited an example of a property that is involved in a property abatement process and the time, resources, and costs associated with the process. The City budgeted \$50,000 each year of the biennium for abatement activities. It is likely there could be some incidents that will require expenditure of additional resources with the potential opportunity for cost recovery later in the process.

City Administrator Parks responded to questions about whether it is possible for the City to contract abatement work externally. Approximately, \$100,000 to \$150,000 is allocated in the budget for external legal fees that would also require staff resources. The City is contending with two properties that need further action with several other properties in the same condition. Several of the properties are affecting a

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neighborhood. At this time, the City needs to address between five and eight properties.

City Attorney Kirkpatrick added that staff resources are required despite external legal counsel because the cases require oversight and internal coordination. With respect to larger abatement cases, the process is slow although the City has taken advantage of situations when possible, such as other relatives assisting the City or through other cooperative efforts.

City Administrator Parks summarized the significant impacts of some code violations not only to neighbors, but potential impacts to quality of life, environment, water quality, fire safety, and the local economy. The most visible property is a detractor when driving through the business corridor of the City. The property is a nuisance and creates negative economic impacts. She noted that during the Council's ongoing discussions on priorities, the topic of code enforcement will be a large element as to whether the desire is to move proactively rather than waiting for situations that might benefit the City.

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

City Administrator Parks reported the Council received an email that included a draft of a news release that was released by the City. The second level 3 tree risk assessment final report for the Davis-Meeker oak tree was provided to the City and is available on the City's website. Additionally, staff communicated with the City's boards and commissions as many were involved in the process involving the tree.

A road project is scheduled to begin at the Tyee Drive and Kingswood intersection near Home Depot as part of a development project overseen by a developer. The project will begin on February 18, 2025 and end in approximately two months. Traffic will be impacted by detours as needed, congestion, and some access partially restricted to businesses.

ADJOURNMENT:

With there being no further business, Mayor Sullivan adjourned the meeting at 7:27 p.m.