



City of Olympia

City Hall
601 4th Avenue E
Olympia, WA 98501

Information: 360-753-8447

Meeting Minutes City Council

Tuesday, March 5, 2013

7:00 PM

Council Chambers

1. ROLL CALL

Present: 7 - Mayor Stephen H. Buxbaum, Mayor Pro Tem Nathaniel Jones, Councilmember Jim Cooper, Councilmember Julie Hankins, Councilmember Steve Langer, Councilmember Jeannine Roe and Councilmember Karen Rogers

1.A ANNOUNCEMENTS

Mayor Buxbaum announced the City Council met in a Study Session at 5:30 p.m. in a joint meeting with Thurston County Commissioners to discuss countywide homeless issues.

1.B APPROVAL OF AGENDA

Councilmember Hankins moved, seconded by Councilmember Langer, to approve the agenda. The motion carried by the following vote:

Aye: 7 - Mayor Buxbaum, Mayor Pro Tem Jones, Councilmember Cooper, Councilmember Hankins, Councilmember Langer, Councilmember Roe and Councilmember Rogers

2. SPECIAL RECOGNITION - None

3. PUBLIC COMMUNICATION

Mr. Tamen Miller, 3044 Kaiser Rd NW, spoke about the national monetary policy and the need for increased awareness of the issue.

Mr. Brandon Rose asked the Council to consider coming up with a plan to house the homeless.

Ms. Jennifer Tobias, 512 Perry Falls Ln SW, discussed the temporary shelter at the artesian well and the continued need to house the homeless.

Ms. Jessica Wienadt spoke about the needs of people in poverty.

Mr. Matthew Miller asked the Council to repeal the ordinances recently

passed that prohibit camping on City-owned property and to stop police from arresting peaceful protesters.

Mr. Amicug Curia, Shelton, spoke in opposition to the recently passed ordinances that prohibit camping on City-owned property and sitting on City sidewalks.

Ms. Maryann Connell discussed homelessness in Thurston County and the immediate need for services to help cold and hungry people.

Ms. Audrey Daye said her husband and others were arrested an hour ago for refusing to vacate the temporary homeless shelter. She spoke in support of repealing the ordinances that prohibit camping on City-owned property and asked the Council to provide low-barrier shelters for everyone in need.

Ms. Emmeline Mead spoke in support of the efforts of volunteers who recently erected a temporary shelter to help the homeless community.

Mr. James Blakeley began to make comments regarding the Shoreline Master Program until the Mayor asked him to refrain from commenting due to a recent public hearing on the topic. He then spoke about homeless youth and asked the Council to provide income opportunities for them.

Mr. Robert Wilson said he is an employee of Providence St. Peter Hospital and thanked Councilmembers for their support regarding union negotiations on the offered health care package. He asked Councilmembers to stop by the picket line while the union is on strike.

Mr. Daniel Kadden, Executive Director of Interfaith Works, thanked the Council for recognizing the Sidewalk Program and for helping the community reach its goals toward eliminating homelessness. He spoke of the challenge of finding a site for locating a low-barrier shelter.

Mr. Jefferson Doyle spoke in support of comments made by other speakers regarding homeless people and asked for biohazard receptacles at restrooms downtown.

COUNCIL RESPONSE TO PUBLIC COMMUNICATION (Optional)

Councilmember Langer asked whether citizens were arrested by Olympia police at the artesian well temporary shelter. City Manager Steve Hall noted that no arrests were made by Olympia Police but the State Patrol made some arrests regarding an encampment on State property.

Councilmember Cooper asked whether additional funding could be added to the \$35,000 allotted to help the homeless community and whether a City building might be available to provide a short-term shelter. Mr. Hall

discussed City buildings.

Mayor Buxbaum thanked those who spoke tonight and agreed with the need for a low-barrier shelter. He also noted Shoreline Master Program deliberations are still occurring.

Councilmember Rogers asked about City locations where biohazard containers are located for needle disposal. Mr. Hall provided the information and spoke about the challenges of keeping disposable needle receptacles in place.

4. CONSENT CALENDAR

4.A [13-0196](#) Approval of February 26, 2013 City Council Meeting Minutes

The minutes were adopted.

4.B [13-0192](#) Approve Reappointments to Various Advisory Committees, Commissions, and Boards

The recommendation was adopted.

SECOND READINGS

4.C [13-0166](#) Approval of Ordinance Adopting Engineering Design and Development Standards

The ordinance was adopted on second reading.

FIRST READINGS

4.D [13-0175](#) 2012 Year-End Appropriations

The ordinance was approved on first reading and moved to second reading.

Approval of the Consent Agenda

Councilmember Langer moved, seconded by Councilmember Cooper, to adopt the Consent Calendar. The motion carried by the following vote:

Aye: 7 - Mayor Buxbaum, Mayor Pro Tem Jones, Councilmember Cooper, Councilmember Hankins, Councilmember Langer, Councilmember Roe and Councilmember Rogers

5. PUBLIC HEARING

5.A [12-0866](#)**Consideration of a Vacation Request for a Portion of an Unopened Right-of-Way Adjacent to 2015 East Bay Drive NE**

Building Official Tom Hill reviewed the proposed vacation location and discussed utilities within that area. He said the property owner is requesting 37 feet but staff is recommending 15 feet so that utilities will remain in the public right-of-way.

Council Discussion:

- In future vacation requests make sure neighbors are aware of the City's intent so that any potential future neighborhood pathways will be considered.

Mayor Buxbaum opened the public hearing.

Mr. Bob Jacobs, 720 Governor Stevens, discussed past Councils making a policy decision not to grant vacations as a matter of course. He suggested looking at a more efficient way to adjust property lines as a whole.

Mr. James Blakeley agreed with Mr. Jacobs' comments.

Mayor Buxbaum closed the public hearing.

Continued Council Discussion:

- Discussion of current property boundary lines.
- State laws require fair compensation for vacations; if they are done all at once, it would be difficult to compel property owners to pay for an action the City chooses to take.
- It's important to have a consistent policy regarding vacations and to have clean property lines.
- Opposition to vacation requests in general, but agree with staff recommendation in this case.
- Agree with the idea of reviewing past Council vacation policies to assure they are still in alignment with the current Council.

Mayor Buxbaum suggested, and the Council agreed, to a referral to the Land Use and Environment Committee to review vacation policies.

Councilmember Langer moved, seconded by Councilmember Rogers, to approve an ordinance as recommended by staff to vacate 15 feet of the right-of-way request on first reading and forward it to second reading. The motion carried by the following vote:

Aye: 7 - Mayor Buxbaum, Mayor Pro Tem Jones, Councilmember Cooper, Councilmember Hankins, Councilmember Langer, Councilmember Roe and Councilmember Rogers

5.B [13-0018](#)**Consideration of a Vacation Request for a Portion of an Unopened Alley Right-of-Way Adjacent to 516 Eastside Street NE**

Building Official Tom Hill corrected the address from 516 Eastside St SE to 516 Eastside St NE and said this is an unopened alley. He highlighted the configuration of the location and noted there are no utilities here.

Council Discussion:

- The accessory dwelling currently encroaches onto the alley right-of-way.

Mayor Buxbaum opened the public hearing.

Mr. Otto Buls, 516 Eastside St NE, discussed his idea of what an alley is. He noted he is on a fixed income and asked the City to reduce the selling price if possible. He indicated he is trying to sell the property and this has been a very stressful process.

Ms. Elena Pierini-Buls, 516 Eastside St NE, echoed Mr. Buls' comments and spoke in support of the vacation request at as cheap a price as possible.

Mr. Eric Hagenbock said he is interested in purchasing the property and spoke in support of the vacation request.

Mayor Buxbaum closed the public hearing.

Mayor Pro Tem Jones moved, seconded by Councilmember Roe, to approve on first reading and forward to second reading an ordinance for vacation request of the alley adjacent to 516 Eastside Street NE. The motion carried by the following vote:

Aye: 7 - Mayor Buxbaum, Mayor Pro Tem Jones, Councilmember Cooper, Councilmember Hankins, Councilmember Langer, Councilmember Roe and Councilmember Rogers

6. OTHER BUSINESS**6.A** [13-0176](#)**Shoreline Master Program Deliberations**

Community Planning & Development Director Keith Stahley noted the focus of tonight's discussion will be reaches BUDD-5C and BUDD-3A. He provided clarification on the Cumulative Impact Analysis and read a portion of the Department of Ecology (DOE) SMP Handbook (Chapter 17, Cumulative Impact Analysis), which says, "If certain shoreline functions don't exist within portions of your shoreline, you do not need to identify them. For example, some shoreline reaches are highly altered and paved, and vegetation does not exist. These reaches would not need to be analyzed

for impacts on vegetative habitat." He said that when Council deliberation concludes, staff will have ESA update the ability to achieve a no net loss of environmental function.

Council Discussion regarding reaches 4 and 5 from last week:

- Showed pictures of the Oyster House to discuss the proposal for a 50' setback to allow 20' for a Vegetation Conservation Area (VCA).
- Tonight's focus should be on reaches BUDD-5C and BUDD-3A, not what was already discussed.
- The SMP document needs to include flexibility to achieve the goals of providing public access to the shoreline, protecting the water and enhancing economic vitality.
- Concern with highly altered shoreline where there isn't enough space to get a 50' setback.
- Regardless of the direction of the draft SMP, the document will still have to pass muster with DOE.
- The discussion last week regarding the 50' setback with certain circumstances to allow less of a setback did not include the VCA as one of the options.

Mayor Pro Tem Jones moved, seconded by Councilmember Roe, to suspend discussion of reaches 4 and 5A and move on to the other two reaches. The motion passed unanimously.

Discussion on BUDD-5C area (western shoreline of East Bay from Northpoint to Swantown Marina):

- This reach is owned by the public so should have a higher standard than private property.
- There are more opportunities to reach some of the objectives identified in the bucket list discussed last week.
- In this reach setbacks greater than 75' would be allowed a maximum building height of 40'; setbacks from 50' to a minimum of 30' would be allowed, subject to enhancement mitigation, and would have a maximum building height of 25'.
- Enhanced mitigation can include softening of the shoreline and off-site mitigation as part of the mitigation sequencing process.
- Consider the urban conservancy designation as part of the mitigation sequence in order to partner with the Port on habitat restoration at the outfall of Moxlie Creek.
- The first option in the mitigation sequence is for mitigation to occur on -site. If that's not possible, then off-site options will be looked at.
- In the past, the City has traded mitigations with the Port.
- Mitigation sequence options can't be stated here without a technical and scientific basis.
- Consider an additional incentive for setbacks between 75 and 200 feet to allow an additional story (for housing) in trade for trails or vegetation

- restoration.
- Agree with the need for flexibility to manage mitigation and provide incentives outside the mitigation process.
 - Concern for how waterfront structures and the outfall of Moxlie Creek impact the quality of water going into the inlet. Look for ways to provide good structure to help nature help itself.
 - Discussion of the Port's concern with only allowing water-oriented, water-dependent use in the marine recreation designation.
 - Preference to scale down on building heights from downtown to the shoreline rather than offering an incentive of an additional story with a setback between 75 and 200 feet.
 - Industrial use of any type is prohibited, even if it is water-oriented or water-dependent (e.g., surfboard manufacturer).
 - A conditional use permit would allow DOE and the City greater control over potential impacts of industrial use in a particular location.
 - Boatworks is a leased property and is considered an industrial use.
 - Worry about putting industrial use back in this area when we are trying to clean up previous industrial use pollution, especially close to the waterfront.
 - Would like to see potential for a conditional use permit for water-related and water-dependent uses that allows both building and renting kayaks within 200' of the shoreline.
 - Conditional use review for water-dependent use provides flexibility, but the general intent would not be to allow industrial use near the waterfront.
 - Currently industrial is a prohibited use, even for water-related or water-dependent uses.
 - Swantown Marina is the only marina in the entire state that is considered a "green clean manufacturer" by DOE.
 - Council consensus for adding a conditional use for water-related or water-dependent industrial uses.

Mr. Stahley summarized that for this reach he heard a lot of discussion but the only change in direction to staff is to add a conditional use for water-related or water-dependent industrial use.

Mayor Pro Tem Jones proposed adding a 75' building setback with the ability to reduce to a minimum 50' setback using the same bucket of incentives ((e.g., trails, public access, substantial upland defenses from sea level rise, shoreline restoration waterward, 2-1 mitigation off-site, softening of the shoreline). Councilmember Rogers requested an exception for water-dependent uses. Mayor Pro Tem Jones supported the exception and stated his support for a greater setback in this reach is because this is public property.

The Council agreed with the proposal.

Councilmember Roe asked about progress with the Mithun software

presentation. Mr. Stahley stated the Mithun presentation is planned for March 19. The Council agreed to go ahead with deliberations tonight.

Discussion of BUDD-3A (West Bay Marina and Tugboat Annie's):

- This area is highly altered fill with little ecological value.
- Keep the proposed 30' setback for this reach but continue the theme of allowing the flexibility to reduce setbacks down to 0' for water-dependent uses.

Discussion of Other Issues:

- Concern with methodology laid out by DOE, specifically the on-site, in-kind mitigation actions to proceed before other considerations.
- DOE representative Chrissy Bailey discussed compensatory mitigation and other options in the mitigation sequencing process.
- Suggestion to look to DOE mitigation guidelines as a source for input into the City's SMP.
- Suggest including consideration of public access in the mitigation sequencing process.

Discussion of Reaches 4 and 5A:

- Consider revisiting setbacks with a potential of reducing down to 0' if there is a master plan.
- Have staff investigate including language in the SMP for a master planning process that includes a reasonable financing action plan that is part of the master plan proposal.

The Council agreed to request that staff report back about the Bellingham master plan approach. No changes were made to prior Council direction on reaches 4 and 5A.

The discussion will continue at the March 19 meeting.

7. CONTINUED PUBLIC COMMUNICATION - None

8. REPORTS AND REFERRALS

Councilmember Roe moved, seconded by Councilmember Rogers, to forego Council reports tonight but hear from the City Manager before adjourning. The motion carried by the following vote:

Aye: 7 - Mayor Buxbaum, Mayor Pro Tem Jones, Councilmember Cooper, Councilmember Hankins, Councilmember Langer, Councilmember Roe and Councilmember Rogers

8.A COUNCIL INTERGOVERNMENTAL/COMMITTEE REPORTS AND REFERRALS**8.B CITY MANAGER'S REPORT AND REFERRALS**

Mr. Hall commended the Police Department for great work today in apprehending a suspect within minutes after a bank in West Olympia was robbed this afternoon. He reported he and Councilmember Roe will be attending separate meetings this Friday with the second candidate for the Washington Center's Executive Director position. He noted Public Works Director Rich Hoey attended a mediation hearing all day and the City may be close to settling the Ro-Con matter. Lastly, he handed out information about major homeless funding efforts the City has participated in over the last year and the last 20 years.

9. ADJOURNMENT

The meeting adjourned at 10:35 p.m.