



City of Olympia

City Hall
601 4th Avenue E
Olympia, WA 98501

Meeting Minutes City Council

Information: 360-753-8447

Monday, November 5, 2012

7:00 PM

Council Chambers

Monday Meeting

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 noted the Council met earlier as scheduled at 6:00 pm and recessed to Closed Session for no more than an hour to discuss labor relations.

1.B APPROVAL OF AGENDA

Councilmember Langer moved, seconded by Mayor Pro Tem Jones, 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. Gus Guethlein, 3222 Wiggins Rd SE, distributed a notebook to each Councilmember regarding a study on environmental economics.

Mr. Bob Jacobs, 720 Governor Stevens Ave. SE, spoke in support of the draft Shoreline Master Program (SMP) provided by the Planning Commission and stated he was disappointed with some decisions made by the Council. He asked the Council to pull back the SMP and revise the setbacks and heights.

COUNCIL RESPONSE TO PUBLIC COMMUNICATION (Optional)

4. CONSENT CALENDAR

Councilmember Langer moved, seconded by Councilmember Cooper, to adopt the Consent Calendar. Mayor Pro Tem Jones abstained from voting on item 4H due to a conflict of interest, since he works for the Department of Enterprise Services. 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

4.A [12-0721](#) Approval of October 16, 2012 City Council Meeting Minutes

Attachments: [1. Minutes](#)

The minutes were adopted.

4.B [12-0723](#) Approval of October 23, 2012 City Council Meeting Minutes

Attachments: [1. Minutes](#)

The minutes were adopted.

4.C [12-0725](#) Bills and Payroll Certification

Attachments: [1. Bills and Payroll Summary](#)

Claim check numbers 325833 through 327048: Total \$7,667,396.60; and Payroll check numbers 85684 through 85685, and 85692 through 85752 and Direct Deposit Transmissions: Total \$4,523,849.60

The report was adopted.

4.D [12-0592](#) Approval of Resolution Accepting the Urban Corridors Task Force Report

Attachments: [1. Resolution](#)

[2. Urban Corridors Task Force Report](#)

The resolution was adopted.

4.E [12-0663](#) Approval of Antenna Leases with CTI Towers Inc and Sprint Spectrum Realty Company LP

Attachments: [1. Lease Agreement - CTI Towers](#)

[2. Lease Agreement - Sprint Spectrum](#)

The contract was adopted.

4.F [12-0665](#) Approval of 2012 Washington Department of Ecology Stormwater Construction Grants

Attachments: [1. Grant Agreement for Maintenance Center Stormwater Retrofit](#)

[2. Grant Agreement for SPSCC Stormwater Retrofit](#)

The contract was adopted.

4.G [12-0667](#) Approval of Interlocal Agreement with Lacey Fire District 3 for Joint Training

Attachments: [1. Interlocal Agreement](#)

The contract was adopted.

- 4.H [12-0670](#) Approval of Interagency Agreement with the Washington State Department of Enterprise Services (DES) for Energy Savings Performance Contracting.

Attachments: [1. Amended Interagency Agreement](#)
 [2. Original Interagency Agreement](#)

The contract was adopted.

- 4.I [12-0687](#) Approval of Water Utility Easements

Attachments: [1. Water Utility Easements](#)

The contract was adopted.

- 4.J [12-0689](#) Approval of Interlocal Agreement with State Department of Commerce to Produce the 5-year (2013 - 2017) Community Development Block Grant Consolidated Plan

Attachments: [1. Interlocal Agreement](#)

The contract was adopted.

- 4.K [12-0706](#) Approval to Extend Time for Planning Commission Review of the Comprehensive Plan Update

The decision was adopted.

SECOND READINGS - None

FIRST READINGS - None

5. PUBLIC HEARING

- 5.A [12-0409](#) Public Hearing for the Community Development Block Grant (CDBG) Comprehensive Annual Performance Evaluation Report (CAPER)

Attachments: [1. Draft CAPER for Program Year 2011](#)

Mayor Buxbaum said this public hearing is to hear from the public about what we have done in the past.

Ms. Anna Schlecht said this is the second of three years of the consolidated plan of the CDBG Program.

The public hearing was opened.

Ms. Selena Kilmoyer, 1320 8th Avenue SE, spoke in support of the program. She thanked staff and the Council for continued funding for social services. She said a youth shelter is desperately needed.

Mr. Charles Shelan, Executive Director of Community Youth Services, 711 State Ave NE, thanked the staff for their work on the program.

The public hearing was closed. Mayor Buxbaum announced that the record will stay open until 5:00 pm November 19.

This public hearing was held. The record was left open until 5:00 p.m. November 19 and then closed.

5.B [12-0268](#)

Public Hearing for the 2012 Annual Comprehensive Plan Amendments

Attachments: [1. Amendment Proposal Summaries](#)
[2. Future Land Use Map for Proposal Sites](#)
[3. Map of Staff Recommendation for French Loop and Butler Cove](#)
[4. Web Link to Supplemental EIS and Public Comments](#)
[5. Trillium Proposal Comments A \(large file\)](#)
[6. Trillium Proposal Comments B \(large file\)](#)
[7. Chambers / Medela Comments \(large file\)](#)

Mayor Buxbaum reviewed the public hearing process to be taken for each amendment and Planning Manager Mr. Todd Stamm provided a brief overview of the Comprehensive Plan Amendment process.

The public hearing was opened.

TRILLIUM

Associate Planner David Nemens provided a brief overview of the project which is to change the 80-acre parcel on the south side of Morse Merryman from Neighborhood Village (NV) zoning to either residential 6-12, or residential 4-8. He said staff is recommending residential 4-8.

Engineering and Planning Supervisor Andy Haub spoke on storm drainage in this area and stated there has been past flooding in this area. He reviewed the five concerns indicated by Thurston County and gave an overview of City responses and uncertainties.

Planning Commission Chair Amy Tousley noted there is not a majority vote from the Commission on this. She reviewed the discussions and deliberations made on this topic.

Ms. Duana Koloviskova, counsel for DR Horton, noted the Council denied the Neighborhood Village zoning and thus they filed this zoning request. She said she is concerned that the Planning Commission did not provide a written recommendation. She said she believes the R 6-12 is the best zoning for this area.

Mr. Chris Ferko, consultant for DR Horton, also recommended the R 6-12 zoning designation. He said they would consider a split zone down the middle of the property with the west side at R 6-12, and the east side at R 4-8.

Ms. Rhonda Olnick, 3411 Morse Merryman, spoke against any development in this

area and asked Council to consider purchasing this property for a future expansion of LBA Park.

Ms. Lou Guethlein, 3222 Wiggins Rd SE, spoke against this development based on the Growth Management Act. She suggested one house per acre be the designation for this property.

Mr. Charles Fulcher, 4443 Frontier Ct., spoke against this rezone due to potential flooding.

Ms. Jane Stavish, a resident of the Wilderness development, spoke against this proposal due to flooding.

Mr. Daniel Perry, 3301 43rd Avenue SE, spoke against the proposal because of the impact on his water well.

Mr. Eric Nelson, 3321 Humphrey St. SE, spoke against the proposal and said this site is not a good candidate for high density development. He also said the traffic and school impacts are a detriment to the area.

Ms. Debra Jaqua, 3104 59th Ct. SE, which is located in the Thurston County Urban Growth Area, spoke against this proposal but supports the lowest possible density.

Mr. Gus Guethlein, 3222 Wiggins Rd. SE, spoke against the proposal due to flooding and environmental degradation.

Mr. Robert Wadsworth, 5407 Brenner Rd NW, spoke against the proposal due to the many species of birds that currently reside in this area which will be affected by the development.

Ms. Cristiana Figuerra, 3009 Hoffman Rd SE, spoke against the proposal due to potential flooding.

Mr. Brian Faller, 4460 Village Dr., SE, spoke against the proposal.

Mr. George Kaminsky, 3009 Hoffman Rd. SE, spoke against the proposal due to traffic and school impacts and possible flooding.

Mr. Jim Zahn, 3323 Yelm Highway SE, said the computer models are inaccurate for this area.

Ms. Emily Case 3714 Fuller Lane SE, spoke against the proposal due to potential flooding.

Mr. Nicholas D. Murphy, 3512 Morse Merryman Rd SE, stated concern about the impacts to the school.

Councilmembers asked clarifying questions based on testimony.

Mayor Buxbaum asked Ms. Tousley if the Planning Commission could provide a written recommendation on this issue. She agreed and said they can review this at their November 19 meeting so the Council can deliberate on this at its November 20 Council meeting.

The applicant Ms. Duana Koloviskova stated the purpose of the amendment request is to rezone the property, not address the specifics, such as stormwater runoff. She

said the Chambers Basin area has current flooding problems and it is not fair or legal to require DR Horton to fix these current problems.

Mayor Buxbaum closed the hearing for this amendment. This item will come back to Council on November 20 under Other Business.

MEDELA

Associate Planner Amy Buckler, representing Thurston County, reviewed this site and said the request is to increase zoning from 4-18 residential to Residential Multi family 18 units per acre. She said the biggest issue is transportation with access to the site from Boulevard. The staff recommendation is to zone it 18 units per acre and upgrade 9th Avenue from a Local Access designation to a Neighborhood Collector street.

Applicant Ron Nemi, 6135 Woodard Bay Road NE, said he requested this change three years ago, and believes it meets all requirements. He said this property is currently under utilized.

Mr. Mel Armstrong 250 Courtney Creek Lane, Belfair, said this 9-acre parcel currently has nine older homes on it, two of which are condemned. He stated his plans fit in with the Comprehensive Plan and asked the Council to approve the rezone.

Ms. Laray Armstrong, 2525 9th Ave SE, said this property is close to many services and has potential to be a vital neighborhood.

Planning Commission Chair Amy Tousley said Mr. Joe Hanna has filed a complaint against her on this amendment regarding a conflict of interest. She said this complaint is based on her employment with Puget Sound Energy, which is a neighbor to this property. She does not believe she has a conflict of interest. She reviewed the discussion the Planning Commission had regarding this rezone.

Mr. Joe Hanna, 815 Chambers St. SE, stated he is opposed to the rezone due to traffic impacts.

Ms. Carla Baker, 827 Boulevard Rd. SE, said she enjoys the neighborhood as is. She has noted vandalism and theft has increased over the recent past and is afraid this will increase with this rezone.

Ms. Kathleen Blanchette stated there is a wetland and wetland buffer area on this property and is also concerned with flooding.

Ms. Traci Smith, 911 Chambers St., said she is opposed to this rezone due to traffic impacts and flooding.

Ms. Teresa Goen-Burgman, 2501 Pacific Avenue, spoke on behalf of the Forest Funeral Home and Cemetery, which is adjacent to this property. She said there are few cemeteries near a high density developments but one that is near a high density development, was required to put up a cinder block fence, then a chain link fence on top of that, and top it with barbed wire.

Ms. Lou Guethlein, 3222 Wiggins Rd. SE, said the geodata shows the majority of this property is wetland and buffer zones with flooding.

Applicant Ron Nemi said most comments made this evening are regarding development on this property. He said any concerns will be addressed at the appropriate time during the development process.

Mayor Buxbaum asked if there any disclosures that need to be made regarding this property. There were none. The applicant will be allowed two days to respond to any new testimony received today. This will not come back to Council until the SEPA process is complete.

SOUTH OLYMPIA AND CHAMBERS AREA

Associate Planner Amy Buckler reviewed the 77-acre area in Thurston County and said this has been in a moratorium since 2005. Staff recommendation is R4CB north of the ditch, and R4 south of the ditch.

Planning Commission Chair Amy Tousley said the Planning Commission had a unanimous recommendation of R4CB and R4, as recommended by staff.

Ms. Lou Guethlein, 3222 Wiggins Rd., SE, spoke against the rezone. She shared stormwater rates in this area from the County and said watersheds must be sustained.

Mr. Gus Guethlein, 3222 Wiggins Rd., SE, spoke against this rezone.

Mr. Jim Zahn, 3323 Yelm Highway SE, said he has farmed this property and believes the ground could support R4CB with a redesign of the ditch to support development.

Mr. Dennis O'Hare, Wiggins Rd., said the Wiggins Road culvert and the Wilderness Road culvert are three-foot culverts, which helps prevent flooding.

Ms. Cristiana Figuerra said she supports the R4CB but not the R4 designation.

Mr. Haub provided information on groundwater wells in the area.

Councilmember Langer moved, seconded by Councilmember Roe, to designate R4CB for entire site. Motion passed unanimously. Mayor Buxbaum stated an ordinance will come forward on November 13.

FRENCH LOOP ROAD AND BUTLER COVE

Associate Planner Amy Buckler, representing the County, stated this site consists of 376 acres in northwest Olympia. This is currently zoned R4-8, and both the County and the City recommends downzoning some areas to R4, and some areas to 1 unit for 5 acres.

Planning Commission Chair Amy Tousley said the Commission agreed unanimously with staff recommendations.

Ms. Maria Trevizo, 3025 French Road, spoke in support of the downzoning.

Councilmember Cooper moved, seconded by Councilmember Hankins, to accept the staff and Planning Commission recommendation and ask staff to bring an ordinance forward. Motion passed unanimously.

PARKS, ARTS & RECREATION

Associate Planner Amy Buckler reviewed this issue.

Councilmember Hankins moved, seconded by Mayor Pro Tem Jones, to accept staff

recommendations and asked staff to bring an ordinance forward. Motion passed unanimously.

The public hearing was closed.

6. OTHER BUSINESS

6.A [12-0633](#) 2013 Lodging Tax Advisory Committee Recommendations

Attachments: [1. 2013 LTAC Recommendations](#)
 [2. Draft LTAC Minutes](#)
 [3. Proposals](#)
 [4. AWC and MRSC Info](#)
 [5. Excerpts from RCW 67.28](#)
 [6. Chart 2005-2013](#)

Councilmember Hankins, Chair of the Lodging Tax Advisory Committee, said that because of the late hour, she will submit the report to Councilmembers and will update the Council on this before the public hearing next week. Council agreed.

This report was postponed to next week and will be included in the public hearing on the 2013 operating budget (see File 12-0728).

6.B [12-0193](#) Continued discussion of the 2013 Operating Budget

Attachments: [1. Proposed Impact Fees](#)
 [2. Proposed Utility Rate changes](#)
 [3. UAC 2013 Rate Recommendation Letter](#)

Mayor Buxbaum said he is concerned the Capital Facilities Plan does not contain a clear proposed use of resources to upgrade floats at the new renovated area of Percival Landing. He said water and power on the floats is an essential part of making the Percival Landing area open and welcoming. He also asked staff to include a clear designation of the use of the Percival dock maintenance money and the Condition Assessment Major Maintenance Program (CAMMP) fund, and to also include a report on impact fees. Council agreed.

Mayor Buxbaum deferred the discussion to next week due to the late hour. It will be included in the public hearing on the 2013 operating budget (see File 12-0728).

7. CONTINUED PUBLIC COMMUNICATION

8. REPORTS AND REFERRALS

8.A COUNCIL INTERGOVERNMENTAL/COMMITTEE REPORTS AND REFERRALS

Councilmember Langer noted he will not be at next week's meeting.

Councilmember Cooper stated he will be out of state on December 4 and asked

Council if he could attend the meeting remotely by telephone as a pilot project and develop a policy.

Councilmembers agreed to bring this up next week under Reports.

Councilmember Cooper said he would like to work with the City Attorney to bring forward a resolution regarding the Inauguration Day in January and to hold the Inaugural Ball in Olympia. Council agreed to add this to next week's agenda.

8.B CITY MANAGER'S REPORT AND REFERRALS

Steve Hall said the City has received a proposal from the Berschauer Group regarding the 4th, 5th and Columbia Streets Development Proposal, and this item will be on next week's agenda.

9. ADJOURNMENT

Meeting adjourned at 12:07.