



Meeting Minutes - Draft

City Council

City Hall
601 4th Avenue E
Olympia, WA 98501

Information: 360.753.8244

Tuesday, February 15, 2022

7:00 PM

Online and Via Phone

Register to Attend:

https://us02web.zoom.us/webinar/register/WN_u0fDqeGwR-KqR-VkXFCmBQ

1. ROLL CALL

Present: 7 - Mayor Cheryl Selby, Mayor Pro Tem Clark Gilman, Councilmember Jim Cooper, Councilmember Y  n Hu  nh, Councilmember Dani Madrone, Councilmember Lisa Parshley and Councilmember Dontae Payne

1.A ANNOUNCEMENTS

Mayor Selby announced the City Council met earlier in Executive Session and no decisions were made.

1.B APPROVAL OF AGENDA

The agenda was approved.

2. SPECIAL RECOGNITION - NONE

3. PUBLIC COMMENT

Paul Parker spoke.

4. CONSENT CALENDAR

4.A [22-0158](#) Approval of February 8, 2022 City Council Study Session Meeting Minutes

The minutes were adopted.

4.B [22-0160](#) Approval of February 8, 2022 City Council Meeting Minutes

The minutes were adopted.

4.C [22-0159](#) Approval of Bills and Payroll

Payroll check numbers 93415 through 93469 and Direct Deposit transmissions: Total: \$6,913,675.04; Claim check numbers 3742970 through 3743301: Total: \$2,936,204.33.

The decision was adopted.

- 4.D [22-0097](#) Approval of a Resolution Authorizing a Multifamily Housing Tax Agreement with Cameron Monda for 13th and Cherry Townhomes Located at 526 & 532 13th Ave SE

The resolution was adopted.

- 4.E [22-0119](#) Approval of a Resolution Authorizing a Multifamily Housing Tax Agreement Between the City of Olympia and 3rd Gen Investment Group 2 LLC for Westman Mill Townhomes Located at 510 State Avenue

The resolution was adopted.

- 4.F [22-0137](#) Approval of a Resolution Denying Proposed Urban Waterfront Code Amendments

The resolution was adopted.

- 4.H [22-0144](#) Approval of a Resolution Authorizing an Interlocal Agreement Between the City of Olympia, Thurston County, City of Lacey, City of Tumwater and Thurston Regional Planning Council for Implementation of the Thurston Climate Mitigation Plan

The resolution was adopted.

- 4.I [22-0150](#) Approval of a Resolution Authorizing an Interlocal Agreement Between the City of Olympia and Thurston County for Sharing Expenses Associated with the Acquisition, Planning, Development and Operations of a Safe Parking Facility and Other Forms of Emergency Housing on Property Located on Franz Anderson Road

The resolution was adopted.

- 4.J [22-0151](#) Approval of a Resolution Accepting Federal Grant Funds for the State Avenue Safety Improvements Project

The resolution was adopted.

- 4.K [22-0162](#) Approval of the Appointment of Chris Leicht to the Capital Area Regional Public Facilities Board

The decision was adopted.

4. SECOND READINGS (Ordinances) - NONE

4. FIRST READINGS (Ordinances)

- 4.M [22-0124](#) Approval of an Ordinance Amending Olympia Municipal Code 2.68.00 to Change Designated City Office Hours

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

Approval of the Consent Agenda

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

Aye: 7 - Mayor Selby, Mayor Pro Tem Gilman, Councilmember Cooper, Councilmember Huynh, Councilmember Madrone, Councilmember Parshley and Councilmember Payne

5. PUBLIC HEARING - NONE

6. OTHER BUSINESS

- 6.A** [22-0143](#) Approval of a Resolution Authorizing an Interlocal Agreement Between the City of Olympia, the Port of Olympia, and the LOTT Clean Water Alliance Regarding Scoping for a Multi-Purpose Training Center

Economic Development Director Mike Reid gave an overview of a proposal that would have the City of Olympia, Port of Olympia, and LOTT Clean Water Alliance working together for a multi-purpose training center would be a vital community asset and serve as a hub to advance the shared interests of the City, the Port, and the LOTT Clean Water Alliance.

Councilmember Parshley shared the history of the project and suggested Mayor Pro Tem Gilman be at the table for discussions regarding the scoping of the project given his expertise and experience regarding labor issues.

Councilmembers asked clarifying questions.

Councilmember Parshley moved, seconded by Councilmember Cooper, to approve the resolution authorizing an Interlocal Agreement between the City of Olympia, Port of Olympia, and LOTT Clean Water Alliance regarding scoping for a multi-purpose training center. The motion carried by the following vote:

Aye: 7 - Mayor Selby, Mayor Pro Tem Gilman, Councilmember Cooper, Councilmember Huynh, Councilmember Madrone, Councilmember Parshley and Councilmember Payne

- 6.B** [22-0148](#) Receive a Briefing on the 2021 Police Auditor Annual Report

Assistant City Manager Debbie Sullivan introduced Police Auditor Tara Parker. Ms. Parker gave an overview of the 2021 Police Auditor Report.

Councilmembers asked clarifying questions.

The report was received.**6.C** [22-0146](#) Quasi-judicial Consideration of Hearing Examiner's Recommendation regarding Smith Lake

Mayor Selby made the following statement:

Council Agenda Item 6.C concerns a rezone request originally submitted to the City of Olympia by Blackbird Smith Lake, LLC, requesting a change of the land-use zoning of its three parcels consisting of approximately 49 acres from R4-8 to R-4. Blackbird's parcels are within the Chambers Basin lying north of the Chambers Ditch and Herman Road, near Chambers Lake.

Although amendment to the Comprehensive Plan is normally a legislative process, the Blackbird rezone request involves the interests of specific property owners, and thus the Council is treating it as implicating the heightened provisions for fairness provided in a quasi-judicial process. As a result, the Council will not sit tonight as legislators upon this Agenda item-but will instead act as judges in a quasi-judicial proceeding.

After reviewing Blackbird's request, City staff reached the conclusion that a larger area should be considered for rezoning, and the more appropriate zoning change to the area's zoning designation should be to R-4CB, a designation that recognizes the high groundwater levels and environmental sensitivity of the Chambers Basin, including the area surrounding Chambers Lake, and allows for lower residential density while increasing environmental protection. These proposals were the subject of a virtual public hearing due to COVID and social distancing requirements conducted by the Olympia Hearing Examiner at 6:30 p.m. on Monday, October 25, 2021.

While the original application by Blackbird was to rezone its three parcels from R4-8 to R-4, the total area under consideration based upon the City's recommendation for rezoning consists of approximately 121 acres of which Blackbird's parcels include 49 acres; the Shana Park greenbelt of 6 acres; five parcels owned by Thurston County Parks associated with the Chehalis Western Trail and/or the spur to Smith Lake of 15 acres; and four (4) privately owned large parcels north of the Blackbird properties of about 50 acres. Apart from Smith Lake, the area is noteworthy for its lack of development and rural appearance.

Pursuant to the Olympia Development code, such rezones of the Land Use categories are subject to an open-record public hearing to be held by the Olympia Hearing Examiner. At the virtual public hearing on October 25, 2021, the Hearing Examiner received documentary evidence, including the City Staff Report, and all attachments along with public comment received in advance of the public hearing. The Hearing Examiner also heard verbal testimony, under oath, from witnesses. The City Council has before it, and has had available for review, the entire record of the public hearing before the Hearing Examiner, including the Hearing Examiner's Findings of Fact, Conclusions of Law and Recommendations to the City Council, dated November 5, 2021.

Pursuant to state law, a City may hold only one “open record” public hearing regarding such a rezone proposal. Accordingly, the record before the City Council on this matter is closed and the Council’s decision is to be based solely upon the record from the Hearing Examiner’s public hearing.

Prior to the public hearing before the Hearing Examiner, Blackbird’s rezone request went to the Planning Commission on September 20, 2021. The Planning Commission made no recommendation. The public hearing before the Hearing Examiner followed.

The Olympia Hearing Examiner evaluated the rezone proposal for consistency with the Comprehensive Plan, as well as other rezone criteria adopted by the City Council, and issued a recommendation. The City Council, pursuant to Olympia Municipal Code 18.59.060, is to review the Hearing Examiner’s recommendation and either: Adopt the Hearing Examiner’s recommendation; Adopt a modified version of the Hearing Examiner’s recommendation; Reject the Hearing Examiner’s recommendation; or Defer the decision to a later date.

Please be advised that as Council is sitting in a quasi-judicial capacity, it may--but is not required to--recess into a closed session pursuant to RCW 42.30.140 before issuing a decision.

In the time between the public hearing on October 25, 2021, and tonight, there may have been communications, such as emails, that were sent to Councilmembers concerning this matter. It is important to note that those communications are outside the record and will not be considered as a part of Council’s deliberations tonight of the record of evidence and testimony at the public hearing before the Hearing Examiner and the Hearing Examiner’s written recommendation.

Mayor Selby asked the following questions of each Councilmember:

1. Do you have any property or financial interests that would be affected by denying or approving the requested rezone?
2. Have you had any off-the-record, referred to as “ex parte” communications, concerning the requested rezone with any proponents or opponents while this matter was before the Council?
3. Is there any reason why you cannot consider the requested rezone application in a fair and impartial manner?

Each Councilmember responded to each question with a "no" answer.

Mayor Selby then asked the following questions:

1. Does any Councilmember want to address anything raised by any Councilmember's responses to the questions and responses given?
2. If not, does anyone in the virtual audience wish to raise a challenge based on Washington's Appearance of Fairness law? If so, please signify your desire to speak and (1) identify your name and address for the record; (2) state to whom your challenge is directed; and (3) state the basis or grounds for your challenge.

In each case no one raised concerns.

Councilmember Gilman moved, seconded by Councilmember Cooper, to approve the Hearing Examiner's recommendation as set forth in the findings of fact and conclusions of law dated November 5, 2021, to amend the City of Olympia zoning map to rezone the Smith Lake Area from Residential 4-8 Units Per Acre (R 4-8) to Residential - 4 Chambers Basin District (R-4CB), and direct staff to prepare an ordinance to that effect to be brought back to Council for action. The motion carried by the following vote:

Aye: 7 - Mayor Selby, Mayor Pro Tem Gilman, Councilmember Cooper, Councilmember Huỳnh, Councilmember Madrone, Councilmember Parshley and Councilmember Payne

7. CONTINUED PUBLIC COMMENT - NONE

8. COUNCIL INTERGOVERNMENTAL/COMMITTEE REPORTS AND REFERRALS

Councilmembers reported on meetings and events attended.

9. CITY MANAGER'S REPORT AND REFERRALS

City Manager Burney reported that today he signed all the documents finalizing the acquisition of the Armory from the Department of the Military.

10. ADJOURNMENT

The meeting adjourned at 9:12 p.m.