



# City of Olympia

City Hall  
601 4th Avenue E  
Olympia, WA 98501

## Meeting Minutes City Council

Information: 360-753-8447

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Tuesday, July 10, 2012

7:00 PM

Council Chambers

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### 1. Roll Call

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

#### 1.A Announcements

Mayor Buxbaum noted that since the last Council meeting, the Land Use and Environment Committee, Finance Committee, and General Government Committee met. He also reported that Roger Easton, a long time member of the Heritage Commission, had passed away.

#### 1.B Approval of Agenda

**Councilmember Langer moved, seconded by Councilmember Hankins, to approve the agenda. The motion carried by a unanimous vote.**

### 2. SPECIAL RECOGNITION

#### 2.A [12-0294](#) Artesian Well Art

Downtown Code Enforcement Officer Brian Wilson introduced this item and praised the work done by artist Jennifer Kuhns at the artesian well space. He noted a permanent bronze plaque will be installed at the site recognizing the work of Ms. Kuhns.

Ms. Kuhns shared her vision for this project and thanked all those who helped work on the mosaic.

**The recognition was received.**

#### 2.B [12-0275](#) Proclamation Declaring July as Parks and Recreation Month

**Attachments:** [Proclamation](#)

Mayor Pro Tem Jones read the proclamation. Program and Planning Supervisor Scott River accepted it and gave a brief presentation on parks programs.

**The recognition was received.**

### 3. PUBLIC COMMUNICATION

Mr. B. Michael Schestopol spoke on the McAllister Transmission bid award. He

objected to the reason the initial low bidder was rejected and stated State law upholds his reasoning.

Mr. Scott Jennings, 1105 146th Ave. Ct. E, Sommer, stated he is the owner of Jennings Northwest LLC and believes his firm is well qualified to perform the work on the McAllister Transmission line.

Mr. Ben Cushman, Cushman Law Offices, representing Scarsella Brothers, Inc., noted the law stated by Mr. Schestopol is incorrect. He reviewed the bid requirements and necessary criteria.

Ms. Tamara Hancock, an attorney for Scarsella Brothers, Inc., reviewed aspects of the bids.

Mr. Bob Jacobs, 720 Governor Stevens Ave. SE, spoke on the Capitol Center Building and provided background information for Council consideration next week.

Ms. Amirah Ziada, 104 VanTrump Ave., Yelm, spoke on behalf of the Rachel Corrie Foundation for Peace and Justice, and invited Councilmembers to attend upcoming events. She asked the Council to write a letter endorsing the event.

Ms. Amani Inshasi, a teacher from Gaza, Palestine, stated this is her first visit to the U.S.

Mr. Chris VanDaalen, 911 Adams St. SE, spoke on the Green Construction Code Symposium, July 20.

Mr. Tom Iovanne, 3132 Lorne St. SE, spoke on behalf of the Olympia Downtown Association, and announced upcoming events scheduled at Music in the Park.

Ms. Susan Ahlschwede, 3726 Wesley Loop, stated she does not believe the Comprehensive Plan Charter timeline allows enough time for discussion. She also urged the Council to tour the reaches of the Shoreline Master Program.

Mr. Jeffrey Mark McMeel, jmcmeel@gmail.com, requested under the Public Records Act, a copy of attorney/client agreement between the City of Olympia and attorney Tom Morrill, and the name of the insurance company, policy number and amount of sufficient reserves to cover the City of Olympia for civil and criminal contempt acts by City of Olympia employees and agents.

Mr. Jim Reeves, spoke of the impending eruption of Mt. Rainier.

Mr. Steve Segall, 3110 Red Fern Dr., commented on the story in The Olympian regarding the sale of the Smith Building which appears to divide the community.

Ms. Maggie O'Connor, asked questions regarding the disposition of the Smith Building.

Mr. Gus Guethlein, 3222 Wiggins Rd., spoke on the Comprehensive Plan update process. He said the public process and input has been remarkable. He noted opportunity to provide input should be open and accessible for all.

### **3.A COUNCIL RESPONSE TO PUBLIC COMMUNICATIONS (Optional)**

Councilmember Langer invited Susan Ahlschwede to meet with him.

Councilmember Cooper asked the Mayor to write a letter in support of the Arab

events. Council agreed.

Mayor Buxbaum noted he met with these two individuals earlier this evening.

Councilmember Cooper encouraged Council to consider the purchase of any properties near the isthmus. He asked staff to bring detailed information to the meeting next week for discussion.

Councilmembers thanked all who spoke this evening.

#### 4. CONSENT CALENDAR

**Councilmember Cooper moved, seconded by Mayor Pro Tem Jones, to adopt the Consent Calendar. The motion carried by the following vote:**

4.A [12-0223](#)

Minutes of June 12, 2012 Special Meeting with Port of Olympia

**Attachments:** [1. Minutes](#)

**The minutes were adopted.**

4.B [12-0224](#)

Minutes of June 12, 2012 City Council Meeting

**Attachments:** [1. Minutes](#)

**The minutes were adopted.**

4.C [12-0225](#)

Minutes of June 18, 2012 Joint Meeting with the Squaxin Island Tribal Council

**Attachments:** [1. Minutes](#)

**The minutes was adopted.**

4.D [12-0120](#)

Minutes of June 19, 2012 Study Session Meeting

**Attachments:** [1. Minutes](#)

**The minutes were adopted.**

4.E [12-0316](#)

Bills and Payroll Certification

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

*Payroll check numbers 85291 through 85439 and 85444 through 85453 and Direct Deposit transmissions: Total: \$4,734,445.87; Claim check numbers 321561 through 322038 and 322364 through 322629: Total: \$3,127,884.76.*

**The certification was adopted.**

4.F [12-0288](#)

Approval of Fireworks Permit for Lakefair

**Attachments:** [1. Fireworks Displays State RCW](#)  
[2. Fireworks Ordinance](#)

**The decision was adopted.**

- 4.G [12-0289](#) Memorandum of Understanding with the Coalition of Neighborhood Associations

**Attachments:** [1. Memorandum of Understanding \(MOU\)](#)

**The Memorandum of Understanding was adopted.**

- 4.H [12-0138](#) Approval to Acquire Port Parcel at Percival Landing

**Attachments:** [1. Letter of Agreement](#)

[2. Parcel Map](#)

**The contract was adopted.**

- 4.I [12-0287](#) Resolution Approving Six-Year Transportation Improvement Plan

**Attachments:** [1. Resolution](#)

[2. 2013-2018 TIP](#)

[3. Program Summary](#)

**The resolution was adopted.**

- 4.J [12-0285](#) Approval of Planning Commission Charter for Comprehensive Plan Update, and Request to Delay Consideration of Urban Agriculture and Other Work Plan Items to 2013

**Attachments:** [1. OPC Charter-Roles-Responsibilities](#)

[2. OPC Work Plan](#)

**The decision was adopted.**

## SECOND READINGS

- 4.K [12-0103](#) Amendment to Olympia Municipal Code Relating to Accessory Dwelling Units

**Attachments:** [1. Ordinance](#)

**The ordinance was adopted on second reading.**

## FIRST READINGS

- 4.L [12-0213](#) Ordinance Amending the 2012 Operating Budget Ordinance

**Attachments:** [1. Ordinance](#)

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

4.M [12-0317](#) Ordinance Amending the 2012 Capital Budget

Attachments: [1. Ordinance](#)

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

4.N [12-0318](#) Ordinance Amending the 2012 Special Funds Budget Ordinance

Attachments: [1. Ordinance](#)

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

5. PUBLIC HEARING - None

6. OTHER BUSINESS

6.A [12-0266](#) Bid Award for the McAllister Transmission Main Project

Attachments: [1. Vicinity Map](#)  
[2. Bid Summary](#)  
[3. Bidder Notification Letters and Appeal Submissions](#)  
[4. Prior Council Action- Project Background](#)

Public Works Director Rich Hoey reviewed the aspects of the project and criteria of the bid award.

**Councilmember Cooper moved, seconded by Mayor Pro Tem Jones, to confirm City staff's determination of non-responsibility of bidders WM. Dickson Co. and Jennings Northwest LLC for failure to meet the criteria required in the bid documents, rejecting both bids and awarding the contract for the McAllister Transmission Main to the lowest responsive, responsible bidder, Scarsella Brothers, Inc., in the amount of \$3,150,176.86, authorizing the City Manager to execute all documents necessary to proceed with such determination and award. The motion carried by a unanimous vote.**

6.B [12-0286](#) Resolution Concerning Potential Ballot Proposition Authorizing a 0.1% Increase in Sales and Use Tax for Criminal Justice Purposes

Attachments: [1. Resolution](#)  
[2. Guidelines for Local Govt from PDC](#)

City Manager Steve Hall reviewed budget shortfalls and cuts made in past years, which necessitate the need for a 0.1% increase in sales and use tax for criminal justice purposes.

Council comments include the following:

- We are setting this ballot measure up for failure if we sell the Smith Building for \$1.
- The community should make this decision.
- This revenue should be used to improve police presence in downtown, prevent crime, and continue the victim assistance program.
- We have worked hard to keep the downtown a vibrant area.
- Bringing in walking patrols and ambassadors will help keep our downtown vibrant.

Mayor Buxbaum provided a clarification on the tax and what state legislation allows.

City Attorney Tom Morrill said the Council will need to appoint individuals to the For and Against Committees and he will bring forward a resolution next week for Council action.

Mr. Morrill stated Councilmembers may make comments on this issue as individuals, but not on behalf of the Council.

City Manager Steve Hall said staff will provide a fact sheet.

**Councilmember Langer moved, seconded by Councilmember Roe, to approve the resolution adding a ballot proposition to the November 6, 2012 election authorizing a 0.1% Increase in sales and use tax for criminal justice purposes. The motion carried by a unanimous vote.**

**6.C**     [12-0321](#)

Program Year (PY) 2012 Community Development Block Grant (CDBG) Annual Action and CDBG Consolidated Plan Amendment Approval to clarify first year project operating expenses.

- Attachments:**
- [1. DRAFT Annual Action Plan](#)
  - [2. Hearing Minutes](#)
  - [3. Steps Before Selling the Smith Building - Councilmember Rogers](#)
  - [4. Public Comments](#)
  - [5. FSC Smith Project](#)
  - [6. Matrix of Proposals](#)
  - [7. Matrix of Staff Ranking](#)
  - [8. RFP Timeline](#)
  - [9. Revised RFP Packet](#)
  - [10. Community Partner Meeting Minutes and Roster](#)
  - [11. Annual Action Plan Proposals](#)

Councilmember Cooper recused himself from this discussion because his wife works for Safe Place, which is one of the applicant organizations.

Council questions and comments included the following:

- If the Family Support Center were to stop using the Smith Building for its intended purpose, would it revert back to the City? Yes, the contract will stipulate the specific use, and any deviation of that use will result in it reverting back to the City.
- more comfortable with leasing the building for \$1.
- Where is the appraisal? The appraisal could not be done within the time limit.
- Will there be sufficient fund raising for the Family Support Center (FSC)?
- Lease vs. sell decision can be made

- There are complications of lease vs. sale. How does this affect FSC? They will want site control.
- Our objective is to make sure there is a specific use to the building, and to try to leverage this resource.
- Need community buy-in and right now there is a lot of resistance.
- In 2011, the City Manager suggested the Smith Building could be sold.
- Homelessness is a regional issue.
- This project creates a great amount of public value.

**Councilmember Hankins moved, seconded by Councilmember Langer, to approve the draft PY 2012 CDBG Annual Action and CDBG Consolidated Plan Amendment and submit to the Federal Department of Housing and Urban Development (HUD) by July 15, 2012.**

**Councilmember Hankins commented on the motion. She said an immediate benefit of partnering with the Family Support Center is that they will be bringing leveraged funds into our community. She said this housing will transform lives by providing safe homes, allowing them to get and maintain jobs, and build productive lives. They will become contributing members of society.**

**Mayor Pro Tem Jones moved, seconded by Councilmember Roe, to move to the question. The motion passed unanimously.**

**The original motion carried by the following vote:**

**Aye:** 5 - Mayor Buxbaum, Mayor Pro Tem Jones, Councilmember Hankins, Councilmember Roe and Councilmember Langer

**Nay:** 1 - Councilmember Rogers

**6.D**     [12-0117](#)

Presentation of Preliminary Capital Facilities Plan (CFP)

**Attachments:**     [1. CFP Summary](#)  
                              [2. CPF Major Changes](#)  
                              [3. Long Term Financial Strategy](#)  
                              [4. CFP Calendar](#)

City Manager Steve Hall introduced this item and said the theme and focus of the CFP is to preserve what we have. This includes building repair and maintenance, work on major park projects, pavement management, and utility repair and maintenance.

Administrative Services Director Jane Kirkemo reviewed the \$134 million CFP and noted 52 percent is for transportation. She said there are 17 funding sources. She reviewed the allocation of debt, utility rates, and impact fees and said adoption of the CFP will take place December 18.

Mayor Buxbaum said the Finance Committee will discuss the CFP at its August 13th meeting.

**The Council agreed to forward the Preliminary CFP to the Planning Commission and other advisory committees for review and comments.**

6.E [12-0331](#) Consideration of City Council's Shoreline Master Program Public Participation and Deliberation Process

**Attachments:**    [1. Unresolved Issues](#)  
                                  [2. City Council SMP Process Steps](#)

Community Planning and Development Department Director Keith Stahley reviewed the background of the process, discussion by the Land Use and Environment Committee, and next steps.

After discussion Council agreed to end the public process with a public hearing and take a tour of the reach areas.

There was discussion about whether to meet with the Port of Olympia to review this issue.

Councilmember Cooper moved, seconded by Councilmember Rogers, to revise the timeline and meet with the Port first. After discussion, the motion failed unanimously.

The Council asked the City Manager to contact the Port to reschedule the joint meeting with them.

Councilmember Hankins left at 10:35 pm due to health reasons.

**The decision to approve the proposed Shoreline Master Program process steps and direct staff to prepare for a workshop meeting on July 28, 2012 was approved by consensus.**

7.        **CONTINUED PUBLIC COMMUNICATIONS**

8.        **REPORTS AND REFERRALS**

8.A      **Council Intergovernmental/Committee Reports and Referrals**

Councilmember Roe reported the General Government Committee met earlier in the evening, she attended the annual AWC Conference in Vancouver, Washington. She suggested parliamentary training for Councilmembers and advisory board chairs.

Mayor Pro Tem Jones noted for the benefit of the audience that the Council met with the Port on June 12, and the Squaxin Island Tribal Council on June 18. He reported he attended the Intercity Transit Authority Board meeting and the Dedication of the Lee Creighton Justice Center.

Councilmember Cooper reported he attended the LEOFF Disability Board.

Councilmember Rogers reported she attended the West Olympia Business Association meeting, and the Economic Development Council meeting.

Councilmember Langer reported highlights of the Emergency Medical Service Council meeting and the Land Use and Environment Committee meeting.

Mayor Buxbaum asked that Councilmember Cooper be allowed to act as the City's representative at this Friday's TRPC meeting. Council agreed. Mayor Buxbaum reported he attended the HOME Consortium meeting and noted its retreat is scheduled for August 13, from Noon to 4:00 and another Councilmember may attend.



He also reported he attended the Sustainable Thurston County meeting, and the Finance Committee meeting. He noted all received an invitation from New York Mayor Bloomberg to participate in the Mayors Challenge. Council agreed to accept the challenge and designate Assistant City Manager Jay Burney as the contact for application process. He noted we have received a proposal from Trust for Public Lands for the purchase of property near the isthmus and said this will be under Other Business on July 17. He also attended the Annual AWC Conference meeting. He also highlighted events and engagements which the 593rd Sustainment Brigade takes part in for Olympia. He suggested Bob Jones serve as the City's liaison to the 593rd. Council agreed.

## **8.B City Manager's Report and Referrals**

City Manager Steve Hall stated that in addition to the discussion regarding property from the Trust for Public Lands, staff will provide information about negotiations on the Triway isthmus property.

## **9. ADJOURNMENT**

Meeting adjourned at 11:31 pm.