



# City of Olympia

City Hall  
601 4th Avenue E  
Olympia, WA 98501

## Meeting Minutes - Draft City Council

Information: 360.753.8447

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**Tuesday, February 25, 2014**

**7:00 PM**

**Council Chambers**

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### 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 Cheryl Selby

### 1.A ANNOUNCEMENTS

Mayor Buxbaum announced the Council met in Special Study Session at 5:30 p.m. to discuss the Comprehensive Plan.

### 1.B APPROVAL OF AGENDA

Mayor Buxbaum asked to add an Executive Session after Other Business to discuss potential litigation. He expects the Executive Session to last no more than 30 minutes, and he will reconvene the regular meeting afterward. The Council agreed.

**Mayor Pro Tem Jones moved, seconded by Councilmember Langer, to approve the agenda as amended. 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 Selby

### 2. SPECIAL RECOGNITION - None

### 3. PUBLIC COMMUNICATION

Mr. Tom Dorian, 2434 Columbia St SW, spoke against the proposed downtown location for the low barrier shelter. He asked the Council to collaborate with Thurston County to come up with a better location.

Ms. Midge Welter, 410 Capitol Way N, spoke of increased problems over the last year at the Boardwalk Apartments due to vandalism, homeless people trespassing in the apartments, and human waste issues. She suggested the old Bailey's location as a site to consider for the proposed low barrier shelter or somewhere on the edge of town.

Mr. Patrick Barnes, Gull Harbor Rd, asked for City assistance to keep Behavioral

Health Resources open as a viable business.

Mr. Bill Carson, 606 Columbia St NW, asked the Council to consider downtown neighborhood residents before supporting the current proposed location for the People's House.

Mr. Don Carlson spoke in support of the People's House project but not at the current proposed location. He noted security and used needles as a few of the issues.

Olympia Timberland Regional Library Librarian Sara Pete` discussed efforts to help adults keep up with technology and highlighted library adult programs and classes.

Mr. Fred Silsby, 510 Capitol Way, said he lives at the Boardwalk Apartments and has pledged to help homeless people in our community. He stated managed care is better than no care for homeless people.

Mr. Steve Parrott, 209 Thurston Ave NE, discussed concern with the proposed downtown location for the People's House.

Ms. Mary Husted, 410 Capitol Way N, discussed other vulnerable community members, including seniors and children, who will be impacted if the downtown location is selected for the People's House.

Ms. Jessica Archer discussed the heroin epidemic and said downtown Olympia is not the place for the People's House. She indicated services that drug addicts need are not located downtown, so the shelter shouldn't be there either.

Interfaith Works and People's House representative Meg Martin thanked the Council and speakers for participating in the public process. She provided highlights from the public forum February 19 and said progress comes with growing pains. She said the status quo is not acceptable, and she looks forward to continued dialogue and solutions.

Mr. Chris van Daalen, 3703 Lorne St SE, asked the Council to support the Sustainable Thurston Plan work and quick implementation toward the vision. He spoke in support of funding for sub-area planning and other sustainable actions.

Mr. Jim Reeves discussed earthquakes, volcanic eruptions, and public safety.

#### **COUNCIL RESPONSE TO PUBLIC COMMUNICATION (Optional)**

Mayor Buxbaum thanked Ms. Pete` for programs and services offered at the library. Councilmembers Roe and Langer thanked speakers for comments on the People's House and the used needles issue.

#### **4. CONSENT CALENDAR**

- 4.A 14-0166** Approval of February 11, 2014 City Council Meeting Minutes

**The minutes were adopted.**

- 4.B 14-0180** Approval of Bills and Payroll Certification

Payroll check numbers 86726 through 86749 and Direct Deposit transmissions: Total: \$2,321,393.77; Claim check numbers 342426 through 344152: Total: \$12,323,934.69.

**The decision was adopted.**

- 4.C 14-0170** Approval of Resolution in Support of the Regional Plan for Sustainable Development

**The resolution was adopted.**

- 4.D 14-0157** Authorization to Apply for Watershed Protection and Restoration Grant in the Amount of \$350,000

**The decision was adopted.**

- 4.E 14-0167** Authorization to Apply for Washington Department of Ecology Grant in the amount of \$35,000

**The decision was adopted.**

- 4.F 14-0171** Amendment of the 2013 Community Development Block Grant (CDBG) Action Plan to Redirect Use of \$25,650 for the Downtown Ambassador Program

**The decision was adopted. Councilmember Langer abstained from voting on this item.**

- 4.G 14-0165** Approval of the 2014 Finance Committee Work Plan

**The decision was adopted.**

- 4.H 14-0060** Approval of the 2014 General Government Committee Work Plan

**The decision was adopted.**

## **SECOND READINGS**

- 4.I 14-0096** Approval of Ordinance Amending OMC 18.06.808 Related to High Density Corridor Zoning

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

## **FIRST READINGS - None**

## Approval of the Consent Agenda

**Councilmember Roe moved, seconded by Councilmember Hankins, to adopt the Consent Calendar. Councilmember Langer abstained from voting on Item 4F. 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 Selby

### 5. PUBLIC HEARING - None

### 6. OTHER BUSINESS

#### 6.A 14-0172 Comprehensive Plan Update Initial Direction

Community Planning & Development (CP&D) Deputy Director Leonard Bauer indicated tonight's discussion is to primarily review 14 Planning Commission and City Manager recommendations to the Comprehensive Plan update and receive Council direction on next steps in moving forward toward a public hearing.

##### 1. Speed Limits

Public Works Senior Planner Sophie Stimson reviewed the recommendations.

Council Discussion:

- In certain areas, such as the downtown core, staff proposes experimenting with other ways to bring speeds down besides posting signage.

The Council agreed to move the City Manager recommendation forward to the public hearing draft.

##### 2. Street Connectivity and 3. Connection of Park Drive SW

Mayor Buxbaum suggested taking items 2 and 3 together because he believes a work session is needed prior to the Council giving staff direction. Ms. Stimson reviewed the recommendations.

Council Discussion:

- Neighborhood testimony impacted the Planning Commission's recommendation.
- Council support for a work session to discuss current and new neighborhoods in terms of emergency access.

The Council agreed to schedule a work session and requested that staff provide other criteria, such as physical environment characteristics and options for emergency access, rather than just neighborhood opposition when a street connection is proposed.

#### **4. Alleys**

Ms. Stimson reviewed the recommendations.

Council Discussion:

- Suggest a referral to the Land Use & Environment Committee (LUEC) for discussion of environmental issues, then possibly to the Finance Committee for financial considerations.
- Suggest differentiating between residential, commercial and downtown alleys, as well as stormwater management.

The Council agreed to a referral to the LUEC.

#### **5. Action Plan Implementation Strategy Process**

CP&D Associate Planner Stacey Ray discussed the recommendations.

Council Discussion:

- In September 2012 the LUEC discussed having oversight and providing direction to staff, with assistance from the Planning Commission.
- Need flexibility; support LUEC oversight.
- Supportive of the City Manager recommendation. Planning Commission language is too restrictive; however, there is a benefit in identifying partners.
- Suggest following the City Manager recommendation, but also identify the LUEC, Planning Commission, neighborhood associations, business community, and environmental groups as the target of partners to provide guidance, not as exclusive groups involved, but to provide direction on who the partners are.
- Suggest an ongoing discussion with the Planning Commission; continue to get their input, along with the LUEC.
- Suggest leaving who the partners will be as open as possible.
- Support partnering with advisory boards and community, but leave language as broad as possible so that a certain group doesn't feel left out.
- Prefer the word "partner" to listing specific groups, because it is broad.
- It's important to set a policy intent with a feedback loop, to say something like, "On an annual or regularly occurring basis..."
- The implementation strategy is an ongoing partnership, not an annual or quarterly partnership. Continue working with all groups with an interest in continuing to build the community.
- The LUEC has been working to operationalize the implementation strategy, including an annual report to the public.
- Keep it aspirational and state what the goal is in the implementation strategy.

The Council agreed to refer this back to staff for additional work and then bring it back for Council direction. Include comments from tonight, clarify how public participation outreach will work, and how to ensure/monitor the process.

#### **6. Re-Zoning Criteria for Low Density Neighborhoods Land Use Designation**

Mr. Bauer provided a brief background on zoning districts and reviewed the recommendations.

The Council agreed to refer this item to the LUEC.

#### **7. High Density Neighborhoods Minimum Density Requirements**

Mr. Bauer reviewed three areas with a proposed zoning change and discussed minimum density requirements. He summarized the recommendations.

The Council agreed to refer this item to the LUEC.

#### **8. Urban Corridors**

Mayor Buxbaum indicated this is a substantive issue and suggested a Study Session.

The Council agreed to schedule a Study Session on this item.

#### **9. Design Review Jurisdiction**

Mr. Bauer briefly reviewed the current design review process and outlined the recommendations.

Council Discussion:

- Suggest removing single family residences from the design review process.

The Council agreed to refer this item back to staff for further conversation with the Planning Commission to ensure their intent. Then bring it back for Council direction.

#### **10. View Protection Goal and Policies**

Mr. Bauer outlined the recommendations.

Council Discussion:

- Not only are there concerns about how to represent the visualization, but there is also a need to discuss the process for identifying viewsheds and understanding what implementation would look like.
- Preserve the public participation component, which the Planning Commission recommendation includes.

The Council agreed to refer this item to the LUEC.

#### **11. Urban Green Space and Tree Canopy**

Ms. Ray outlined the recommendations.

The Council agreed to refer this item to the LUEC.

#### **12. Disaster Planning (Subduction Earthquake Policies)**

Deputy Fire Chief and Emergency Management Coordinator Greg Wright discussed the recommendations.

Council Discussion:

- Discussion of the federal and state standards for all-hazard disaster planning.

- Support something similar to City Manager recommendation but in the implementation plan be sure we are addressing all hazards, including subduction earthquake policies.
- Suggest doing more than the City Manager recommendation; disaster preparedness shouldn't be centered just on earthquakes. The role of citizens, City, County, and federal government in responding to a large disaster should be reinforced.
- Hesitant to zero in on a single type of disaster or take on more than the City is capable of. Helping our citizens take care of themselves for 72 hours should be a goal.
- The Planning Commission supports a preparedness for a subduction earthquake because there is a higher frequency for this type of disaster in our part of the country. It would be helpful to acknowledge it while planning for all kinds of disasters.
- Planning Commissioner Judy Bardin clarified that a cascadia subduction zone earthquake can impact a large region. She said we might not be able to get services for a long time, so having three days of supplies would not be enough for the risk in Washington.
- Planning Commissioner Roger Horn clarified concern about planning for a longer-term disaster, not just from an earthquake, but other disasters as well.
- The underlying issue is what the City's role is. Don't want to add language in the Comp Plan that supplants other work.
- It might help to talk about a timeframe for multi-disasters, in terms of preparedness for perhaps more than 72 hours. Craft better language to reach a conclusion.

The Council agreed to refer this item back to staff to redraft a proposal to come back to the Council.

### **13. Locating Underground Utilities**

Public Works Director Rich Hoey reviewed the recommendations.

Council Discussion:

- Encourage co-location whenever possible or practical.

The Council agreed to refer this item back to staff for improved language and bring it back for Council direction.

### **14. Parks Maintenance and Operations Funding Consideration**

Parks, Arts & Recreation Program Manager Dave Okerlund reviewed the recommendations.

Council Discussion:

- How would we ever purchase land for future parks if the maintenance costs have to be acquired up front?
- Uncomfortable with the wording "ensure." Suggestion to strike "ensure" and replace with "evaluate the availability of adequate park maintenance..." in PR 6.5.
- Agree ensure is not the right word, but the Planning Commission recommendation is closer to what we're looking for. We need to be flexible enough to be able to purchase property when it becomes available for a good price. The word "acquired"

also sets the wrong tone.

- Don't want to be limited in the ability to acquire future park land, even if it can't be developed for a long time.
- It's important to evaluate maintenance costs so we enter into agreements with eyes wide open. Support an evaluation process but agree with flexibility to be able to take advantage of purchase opportunities.

The Council agreed to refer this item back to staff to work on revisions to use the edits suggested to strike and replace the word ensure (as noted in the second line under Council Discussion of this topic) and to strike the word "acquired" as Council's initial direction. Also, there should be some reference to the proposed projects and programs for the next 10 years; need to list progress and efforts in some way.

### **Council Additional Items and How to Handle**

#### **1. Urban Agriculture; Carbon Footprint and Greenhouse Gases; and Sea Level Rise**

The Council agreed to have staff schedule a Study Session for each of the three topics and provide an interpretation of the Planning Commission recommendations in the Study Session.

#### **2. Public Health, Arts, Parks and Recreation Chapter**

Council Discussion:

- No reference to goals for public health in the chapter. Consider adding the following somewhere in the chapter where staff thinks it fits. "While we're not the public health authority by law, the City of Olympia will take an active role when appropriate in influencing regional health policy where it relates to Olympians."
- A second point would be that Olympia will advocate for a review of the current health policy governance structure in Thurston County and look for modifications in that governance that include local municipal corporations having a voice at the table.
- Like the idea of a statement and support for public health, but Olympia's role is secondary to the County Board of Health per state law.
- Okay with a broad statement (it doesn't have to be in the Comp Plan) but want Olympia to advocate abolishing the County Board of Health structure in support of a different model that works better.
- Public Health is worth having an additional dialogue because the current Comp Plan chapter is somewhat hollow.

#### **3. Dark Skies**

The Council agreed to have staff schedule a Study Session to look at the dark skies issue; consider stronger language in the Comp Plan or at least take a look at it; and review what Tumwater is doing to see if Olympia can do something similar.

**The discussion was completed.**

**6.B 14-0168** Community and Economic Revitalization Committee (CERC) Report



CP&D Director Keith Stahley gave a report from the February 12 CERC meeting. He discussed the Community Renewal Area (CRA) planning process, highlighted various dates in the upcoming meetings schedule, and recapped feedback from a February 6 meeting with isthmus property owners. He showed a map of the isthmus planning area and discussed urban design workshop principles he's heard discussed in meetings over the last year.

Mayor Buxbaum reported isthmus area property owners made a direct request to meet with Councilmembers. He encouraged Councilmembers to meet with them to build relationships.

Council Discussion:

- The next CERC meeting is scheduled for March 6, so Council has time to digest the urban design workshop principles.
- The scope laid out by ECONorthwest is clear, but it only takes the City to a certain point. Budget impacts will need to be considered as part of the future work.
- There is \$20,000 remaining out of the total budget of \$105,000, which will cover the workshop process and related work through June. July through December work will require approximately \$50,000 more.
- Discussion of the goal for the next 5 years (ECONorthwest page 5, Item C), still in the process of being determined.
- Each element with the consultant and Citizens Advisory Committee (CAC) will help answer questions about what goals to accomplish with a CRA and what the ordinance might contain.
- Discussion about moving forward after the workshop and meetings. The intent is to bring a plan to Council for adoption, which will include implementation measures that have yet to be defined.
- Observation that the isthmus planning map shows the short-term moorage property divided up; may wish to consider it in its entirety as part of the district.

**The report was received.**

**7. CONTINUED PUBLIC COMMUNICATION - None**

**EXECUTIVE SESSION**

**14-0208 EXECUTIVE SESSION**

Mayor Buxbaum announced the Council will recess to Executive Session with City Attorney Tom Morrill to discuss potential litigation for up to 30 minutes. He indicated no action will be taken during the Executive Session and said if the Council is going to take action, it will do so after the conclusion of the Executive Session during the regular business meeting. He added that if the Executive Session is going to take longer than 30 minutes, he will come back and report the new estimated time.

The meeting was recessed at 9:48 p.m. At 10:21 p.m. Mayor Buxbaum returned to announce the Council will remain in Executive Session for up to 15 more minutes.

Mayor Buxbaum reconvened the meeting at 10:47 p.m.

**No decisions were made.**

**OTHER BUSINESS - NEW ITEM ADDED DURING MEETING**

Mayor Buxbaum asked to amend the agenda to add a new item regarding proposed changes to the adult entertainment ordinance.

**Councilmember Langer moved, seconded by Councilmember Hankins to amend the agenda as requested. 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 Selby

- 6.C 14-0209** Approval of Emergency Ordinance Amending Chapter 5.16 of the Olympia Municipal Code Relating to Adult Oriented Businesses - Added to Agenda

City Attorney Tom Morrill reported staff reviewed Olympia Municipal Code (OMC) 5.16 regarding adult oriented businesses. He said the code is consistent, in general, with codes in other cities in Washington, but it hasn't been updated since 1997. He recommended procedural changes to the ordinance and noted the City has received an application for an adult entertainment business. He provided Council with a copy of the current regulations, as well as a proposed ordinance, and reviewed the proposed amendments in detail. He indicated this is an emergency ordinance, so five votes are needed to pass the ordinance. The normal practice for a first and second reading are suspended, so this action will be a first and final reading. If passed, the ordinance will go into effect tomorrow.

**Council Discussion:**

- Clarification regarding the process for getting a temporary license while the application is under City review.
- Discussion of renewal time period and associated fees.
- Is \$500 non-refundable application fee still reasonable? It's the same as 20 years ago.
- It makes sense to increase the fee based on the change in value of the dollar. What used to cost \$500 would cost \$750 today. Staff has spent significant amounts of time already reviewing the applications.
- Proposal to increase the initial application fee from \$500 to \$1,500 and increase the annual renewal fee from \$500 to \$750.
- Discussion of Tacoma's initial application fee of \$2,400.
- Support a higher initial fee of \$2,400 and an annual renewal fee of \$750 to reflect current costs similar to what Tacoma has done.
- Support higher fees for managers and entertainers from \$100 to \$150 based on the change in the value of the dollar.

- Request for staff, at a later date, to look at the ordinance again and propose improvements to address the temporary license issue.

Mayor Buxbaum summarized the proposed changes to the application and other fees.

**Councilmember Roe moved, seconded by Councilmember Langer, to adopt an emergency ordinance amending OMC 5.16 relating to adult oriented businesses, and that the Council suspend its practice of first and second reading and adopt this ordinance on first and final 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 Selby

Mr. Morrill noted another provision in the code that deals with appeals for denials of business licenses coming before a Tax Hearing Examiner, which the City Council has not hired. He recommended authorizing the City Manager to amend the Hearings Examiner's contract to include acting as both the Tax Hearings Examiner and the City's Hearings Examiner and to handle all appeals having to do with licenses and renewals.

**Councilmember Cooper moved, seconded by Councilmember Hankins, to amend the existing contract with the Hearings Examiner to add the duties of the City Tax Hearings Examiner. 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 Selby

## **8. REPORTS AND REFERRALS**

### **8.A COUNCIL INTERGOVERNMENTAL/COMMITTEE REPORTS AND REFERRALS**

Councilmembers agreed to postpone most of the reports due to the lateness of the hour.

Councilmember Langer reported he was appointed as the LOTT Alliance Board President. He also reported the LUEC reviewed a civic center drug free zone, which he will report more about next week.

Mayor Buxbaum reported he testified before the Senate Ways and Means Committee in support of the 1063 Capitol Way building.

### **8.B CITY MANAGER'S REPORT AND REFERRALS - None**

## **9. ADJOURNMENT**

The meeting adjourned at 11:40 p.m.

