



Meeting Minutes

City Council

City Hall
601 4th Avenue E
Olympia, WA 98501

Information: 360.753.8244

Tuesday, October 25, 2016

7:00 PM

Council Chambers

1. ROLL CALL

Present: 7 - Mayor Cheryl Selby, Mayor Pro Tem Nathaniel Jones, Councilmember Jessica Bateman, Councilmember Jim Cooper, Councilmember Clark Gilman, Councilmember Julie Hankins and Councilmember Jeannine Roe

1.A ANNOUNCEMENTS - None

1.B APPROVAL OF AGENDA

The agenda was approved.

2. SPECIAL RECOGNITION - None

3. PUBLIC COMMUNICATION

The following people spoke: CC Coates, Walt Simonson, Boudicca Walsh, Norman Griffin, Renata Rollins, Blue Peetz, Olivia Rocha, Maddy (no last name given), Allen Miller and Sal Munoz.

4. CONSENT CALENDAR

4.A [16-1180](#) Approval of October 18, 2016 City Council Meeting Minutes

The minutes were adopted.

4.B [16-1182](#) Approval of Payroll and Check Certification

Payroll check numbers 89277 through 89425 and Direct Deposit transmissions: Total: \$4,269,775.00; Claim check numbers 3678619 through 3678955: Total: \$5,231,062.72.

The decision was adopted.

4.C [16-1108](#) Approval of Interlocal Agreement with City of Tumwater for Fire Training

The decision was adopted.

4.D [16-1123](#) Approval of the Emergency Management Performance Grant (EMPG)

Agreement

The decision was adopted.

- 4.E** [16-1164](#) Approval of a Resolution Regarding Petty Cash and Change Funds

The resolution was adopted.

Approval of the Consent Agenda

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

Aye: 7 - Mayor Selby, Mayor Pro Tem Jones, Councilmember Bateman, Councilmember Cooper, Councilmember Gilman, Councilmember Hankins and Councilmember Roe

4. SECOND READINGS - None

4. FIRST READINGS - None

5. PUBLIC HEARING

- 5.A** [16-1169](#) Public Hearing on the Community Development Block Grant - Program Year 2015 Consolidated Annual Performance and Evaluation Report

Program Manager Anna Schlecht gave background on the Community Development Block Grant Program and the projects funded for Program Year 2016.

Councilmembers asked clarifying questions.

Mayor Selby opened the public hearing at 7:41 p.m

The following person spoke: Christine Malek.

Mayor Selby closed the public hearing at 7:44 p.m.

The public hearing was held and closed.

6. OTHER BUSINESS

- 6.A** [16-1115](#) Approval of Final Designs for the East Side Traffic Box Public Art Project

Program Manager Stephanie Johnson and Arts Commission Representative Diana Fairbanks presented the Eastside Traffic box images final design recommendations. Ms. Johnson noted this year there were over 30,000 votes cast by citizens online.

Councilmembers asked clarifying questions.

The recommendation was approved.**6.B** [16-1128](#) Quasi-Judicial Decision Upon BranBar, LLC Rezone Application

City Manager Steve Hall recused himself and left the Council Chambers.

Mayor Selby discussed the agenda item; noting it is a rezone request submitted to the City of Olympia by BranBar, LLC, requesting a change of the land-use zoning of approximately five (5) acres at the west end of Crestwood Place NW from Residential 1 Unit per five (5) acres (R1/5) to Residential Low Impact (RLI).

A public hearing regarding the proposal was held by the Olympia Hearing Examiner July 25, 2016. Per 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 of the Hearing Examiner's public hearing.

The BranBar Property, owned by BranBar, LLC, consists of one tax parcel located on approximately five (5) acres immediately west of the Crestwood Subdivision, at the northwest corner of the City and its north and west boundaries serve as City limits. The property was annexed into the City along with another parcel slightly to the north and east. Both properties had a zoning designation of R1/5 which allows only one residence on the site. The proposed change in zoning would allow up to four (4) units per acre.

The Olympia Hearing Examiner evaluated the rezone proposal and issued a recommendation of which the City Council is to review and either: Adopt the Examiner's recommendation; Adopt a modified version of the Examiner's recommendation; Reject the Examiner's recommendation; or Defer the decision to a later date.

Olympia Municipal Code provides the Council shall only approve a rezone after considering the following five (5) criteria and finding the proposal complies with at least the first three:

- A. The rezone is consistent with either the Comprehensive Plan including the Plan's Future Land Use map as described in OMC 18.59.055 or with a concurrently approved amendment to the Plan.
- B. The rezone will maintain the public health, safety, or welfare.
- C. The rezone is consistent with other development regulations that implement the Comprehensive Plan.
- D. The rezone will result in a district that is compatible with adjoining zoning districts; this may include providing a transition zone between potentially incompatible designations.
- E. Public facilities and services existing and planned for the area are adequate and likely to be available to serve potential development allowed by the proposed zone.

This rezone request is a non-map amendment which involves the interests of specific

property owners. As a result, the Council will not sit as legislators upon this agenda item-but will instead act as judges.

The Mayor individually asked each Councilmember a series of questions, going down the dais beginning with Councilmember Hankins, to determine if there are any appearance of fairness issues.

1. Do you have any property or financial interests that would be affected by denying or approving the requested rezone? All Councilmembers responded individually with an answer of, "no."
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? All Councilmembers responded individually with an answer of, "no."
3. Is there any reason why you cannot consider the requested rezone application in a fair and impartial manner? All Councilmembers responded individually with an answer of, "no."

Mayor Selby asked if any Councilmember wants to address anything raised by any Councilmember's responses to the questions and responses given. Councilmembers had no items to address.

The Mayor asked if anyone in the audience wished to raise a challenge based on the Washington Appearance of Fairness law. No hands in the audience were raised and no challenge was presented.

Senior Planner Linda Bentley gave a background analysis of the rezone and gave a summary of the Hearing Examiner recommendation.

Councilmembers asked clarifying questions.

Councilmember Bateman moved, seconded by Mayor Pro Tem Jones, to approve on first reading and move to second reading the adoption of an ordinance to amend the City of Olympia zoning map to rezone the BranBar property from Residential One Unit to Five Acres (R 1/5) to Residential Low Impact (RLI). The motion carried by the following vote:

Aye: 7 - Mayor Selby, Mayor Pro Tem Jones, Councilmember Bateman, Councilmember Cooper, Councilmember Gilman, Councilmember Hankins and Councilmember Roe

6.C [16-1151](#) Presentation of the 2017 Preliminary Operating Budget

City Manager Steve Hall recognized Administrative Services Director Jane Kirkemo for receiving the Distinguished Budget Presentation Award from the Government Finance Officers Association for 33 years in a row.

Mr. Hall and Ms. Kirkemo presented the 2017 Preliminary Operating Budget.

Councilmembers asked clarifying questions.

The information was provided.

7. CONTINUED PUBLIC COMMUNICATION - None

8. REPORTS AND REFERRALS

8.A COUNCIL INTERGOVERNMENTAL/COMMITTEE REPORTS AND REFERRALS

Councilmembers reported on meetings and events attended.

Councilmember Gilman discussed the Council sending a letter to Congressman Denny Heck in response to his recent essay about Trans Pacific Partnership. Councilmembers agreed to add approval of the letter to next week's City Council Consent agenda.

8.B CITY MANAGER'S REPORT AND REFERRALS

Steve Hall highlighted the recent message from Police Chief Ronnie Roberts and urged the Council and public to read it.

9. ADJOURNMENT

The meeting adjourned at 9:30 p.m.