



Meeting Minutes

City Council

City Hall
601 4th Avenue E
Olympia, WA 98501

Information: 360.753.8244

Tuesday, October 3, 2017

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

Mayor Selby noted the Council met earlier in a Study Session. She also read a statement regarding the recent tragedy in Las Vegas.

1.B APPROVAL OF AGENDA

The agenda was approved.

2. SPECIAL RECOGNITION

2.A [17-0976](#) Special Recognition - Approval to Rename the Olympia Woodland Trail the Karen Fraser Woodland Trail

Parks, Arts and Recreation Associate Director Jonathan Turlove discussed renaming the Olympia Woodland Trail to Karen Fraser Woodland Trail. He discussed her contributions to the community.

Councilmembers thanked Senator Fraser for the tremendous work she has done in the community over the years.

Senator Fraser thanked the Council for the honor.

Councilmember Roe moved, seconded by Councilmember Hankins, to rename the Olympia Woodland Trail to the Karen Fraser Woodland Trail. The motion carried by the following vote:

Aye: 6 - Mayor Selby, Councilmember Bateman, Councilmember Cooper, Councilmember Gilman, Councilmember Hankins and Councilmember Roe

Absent: 1 - Mayor Pro Tem Jones

2.B [17-0858](#) Special Recognition - Proclamation Declaring October as Walk to

School Month

Intercity Transit Youth Education Coordinator Jessica Gould discussed Walk to School Month.

Councilmember Gilman read the proclamation.

Olympia School District Superintendent Patrick Murphy received the proclamation and said a few words regarding the importance of kids walking to school.

The recognition was received.

3. PUBLIC COMMUNICATION

The following people spoke: Skip Steffen, Terren Zander, Shauna Stewart and Regon Unsoeld.

4. CONSENT CALENDAR

Mayor Selby noted an error on item 4.A, Approval of September 19, 2017 City Council Meeting Minutes. On the minutes, an error on item 6A's motion showed Councilmember Bateman as both the mover and seconder. This has been corrected so the mover now shows Councilmember Hankins and the seconder as Councilmember Bateman.

Councilmember Roe discussed item 4H. The restroom at Fertile Ground is being removed due to vandalism and inappropriate behaviors.

4.A [17-1001](#) Approval of September 19, 2017 City Council Meeting Minutes

The minutes were approved as amended.

4.B [17-1000](#) Approval of September 19, 2017 Study Session Meeting Minutes

The minutes were adopted.

4.C [17-1002](#) Bills and Payroll Certification

Payroll check numbers 90536 through 90642 and Direct Deposit transmissions: Total: \$6,525,355.44; Claim check numbers 3691118 through 3692175: Total \$12,310,695.39

The decision was adopted.

4.D [17-0798](#) Approval of Resolution to Reject All Bids for the Quince Street Sidewalk Project

The resolution was adopted.

4.E [17-0832](#) Approval of Resolution Authorizing an Interagency Agreement Between the Department of Ecology and the City of Olympia to Sponsor Bioretention Hydrologic Performance Studies

The resolution was adopted.

- 4.F [17-0905](#) Approval of Resolution Adopting the Hazard Mitigation Plan for the Thurston Region and the Olympia Annex

The resolution was adopted.

- 4.G [17-0913](#) Approval of a Resolution Regarding Petty Cash and Change Funds

The resolution was adopted.

- 4.H [17-0958](#) Approval to Remove the Fertile Grounds Commons Portable Restroom

The decision was adopted.

- 4.I [17-0959](#) Approval of Resolution Authorizing an Interlocal Agreement with Intercity Transit for Transit Signal Priority

The resolution was adopted.

- 4.J [17-0982](#) Approval of Resolution to Reject All Bids for the Pacific Avenue Pedestrian Crossing Improvement Project

The resolution was adopted.

- 4.K [17-0993](#) Approval of Community Development Block Grant (CDBG) Action Plan Amendment to Include Section 108 Loan for the Avalon Project

The decision was adopted.

- 4.L [17-0998](#) Approval of Interlocal Agreement with Lacey Fire District #3 for Fire Protection Services

The contract was adopted.

- 4.M [17-1008](#) Approval of Resolution Authorizing the City Manager to Execute Documents Necessary to Continue Subordination of City Loans to Support Additional Funding for Affordable Housing

The resolution was adopted.

- 4.N [17-1011](#) Approval of Resolution Correcting the Date Fixed for a Public Hearing to Consider a Vacation Petition on a Portion of the East-West Right-of-Way Perpendicular to Kaiser Road SW

The resolution was adopted.

4. SECOND READINGS

- 4.O [17-0945](#) Approval of an Ordinance Removing Zoning Designations from the State Capitol Campus

The ordinance was approved on second reading.

- 4.P [17-0936](#) Approval of an Ordinance Amending Ordinance 7084 (Operating Budget)

The ordinance was approved on second reading.

- 4.Q [17-0937](#) Approval of an Ordinance Amending Ordinance 7086 (Capital Budget)

The ordinance was approved on second reading.

- 4.R [17-0938](#) Approval of an Ordinance Amending Ordinance 7085 (Special Funds)

The ordinance was approved on second reading.

- 4.S [17-0796](#) Approval of an Ordinance Amending Wastewater Regulations related to Septic to Sewer Program

The ordinance was approved on second reading.

4. FIRST READINGS

- 4.T [17-0914](#) Approval of Ordinance Amending the LEOFF 1 (Law Enforcement Officers and Fire Fighters) Medical Benefits Trust Fund

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

- 4.U [17-1012](#) Approval of Ordinance Addressing Chronic Behavioral Public Nuisances on Specific Real Property and Amending Chapters 8.24, 16.06 and 16.18 OMC

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

Approval of the Consent Agenda

Councilmember Hankins moved, seconded by Councilmember Roe, 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

5. PUBLIC HEARING - None

6. OTHER BUSINESS

- 6.A [17-1005](#) Approval of the Tsuki Corner Comprehensive Plan Amendment and Rezone

Senior Planner Joyce Phillips gave background of the rezone and gave a summary of the

Olympia Planning Commission recommendation. Councilmembers asked clarifying questions.

Mayor Selby discussed the agenda item; submitted to the City of Olympia by Phil & Therese Hulbert, Robert & Marnie Prandi, and Trong & Rani Hong, requesting a change of the land-use zoning of approximately eight and a half (8.48) acres at the southeast corner of Yelm Highway and Henderson Boulevard SE in the City of Olympia, from its current designation of Low Density Neighborhood zoned Residential 4-8 (R 4-8) to redesignate and rezone it to Professional Office/Residential Multifamily.

Pursuant to the Olympia Development code, such rezones of the Land Use categories are subject to an open-record public hearing. The Olympia Planning Commission conducted a public hearing upon this rezone request on July 10, 2017, and evidence and testimony was taken. The City Council has before it, and available for review, the Olympia Planning Commission's recommendation and the record of evidence submitted at the Commission's public hearing, and a recording of the Commission's public hearing.

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 of the Olympia Planning Commission's public hearing.

The subject property to the west and south of the subject parcels are located in the City of Tumwater and are primarily zoned for low density residential development. A commercial parcel is located at the southwest corner of the intersection, where the former Grange Hall building is located. Property east of the subject property is zoned R 4-8, and is in the jurisdiction of Thurston County and is part of the City of Olympia's Urban Growth Area. North of the site, across Yelm Highway, is multifamily and single family development, most of which is located in Briggs Village.

The Olympia Planning Commission 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 Planning Commission's recommendation and either:

- Adopt the Commission's recommendation;
- Adopt a modified version of the Commission's recommendation;
- Reject the Commission's recommendation; or
- Defer the decision to a later date.

Olympia Municipal Code Section 18.59.050 provides that the Council shall only approve a rezone after considering the following five (5) criteria and finding that 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.

Although amendment to the Comprehensive Plan is normally a legislative process, the Tsuki Corner 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 as legislators upon this Agenda item-but will instead act as judges.

In the time between the public hearing on July 10, 2017 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 Planning Commission and the Planning Commission's written recommendation.

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.

Councilmember Bateman moved, seconded by Councilmember Roe, to approve the Tsuki Corner Comprehensive Plan Amendment and Rezone and direct staff to prepare an ordinance amending the Future Land Use Map and Official Zoning Map. 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.B [17-1006](#) Approval of the Bentrige Village/LBA Woods Comprehensive Plan Amendment and Rezone

Ms. Phillips gave background of the rezone and gave a summary of the Olympia Planning Commission recommendation. Councilmembers asked clarifying questions.

Mayor Selby discussed the agenda item; submitted by the City of Olympia, requesting to amend the Future Land Use Map designation and rezone the property known as Bentrige Village/LBA Woods, consisting of the land-use zoning of approximately 71.86 acres currently designated as Planned Development with a Neighborhood Center and is zoned as Neighborhood Village. The City of Olympia purchased this site earlier this year for the primary reason to expand the City's parks and open space inventory. The site is located on the east side of the street in the 3900 Block of Boulevard Road SE.

Because this site is subject to an approved Neighborhood Village Master Plan, which runs with the land even upon a sale, a comprehensive plan amendment and rezone is needed in order to use the site differently than as indicated in the Master Plan. The City proposes to redesignate the site from Planned Development (71.86 acres) to Low Density Neighborhood (61.86 acres) and medium Density Neighborhood (10 acres); to rezone the property from Neighborhood Village (71.86 acres) to Residential 4-8 (61.86 acres), and Residential Multifamily 18 (10 acres); and to retain the Neighborhood Center designation on the Future Land Use Map of the Comprehensive Plan. Staff is proposing the Olympia Municipal Code be amended to eliminate reference to the Bentrige Village Master Plan in OMC Chapter 18.05, Villages and Centers.

Pursuant to the Olympia Development code, such rezones of the Land Use categories are subject to an open-record public hearing. The Olympia Planning Commission conducted a public hearing upon this rezone request on July 10, 2017, and evidence and testimony was taken. The City Council has before it, and available for review, the Olympia Planning Commission's recommendation and the record of evidence submitted at the Commission's public hearing, and a recording of the Commission's public hearing.

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 of the Olympia Planning Commission's public hearing.

The Olympia Planning Commission 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 Planning Commission's recommendation and either:

- Adopt the Commission's recommendation;
- Adopt a modified version of the Commission's recommendation;
- Reject the Commission's recommendation; or
- Defer the decision to a later date.

Olympia Municipal Code Section 18.59.050 provides that the Council shall only approve a rezone after considering the following five (5) criteria and finding that 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.

Although amendment to the Comprehensive Plan is normally a legislative process, the Bentrige Village/LBA Woods comprehensive plan amendment and rezone request involves the interests of a specific property owner, 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 as legislators upon this Agenda item-but will instead act as judges.

In the time between the public hearing on July 10, 2017 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 Planning Commission and the Planning Commission's written recommendation.

The Mayor individually asked each Councilmember, including herself, a series of

questions, going down the dais beginning with Councilmember Cooper, 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.

Councilmember Cooper moved, seconded by Councilmember Roe, to approve the Bentrige Village/LBA Woods Comprehensive Plan Amendment and Rezone and direct staff to prepare an ordinance amending the Future Land Use Map, Official Zoning Map, and Olympia Municipal Code. 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 [17-1007](#) Approval of Comprehensive Plan Amendments to the Transportation 2030 Maps of the Comprehensive Plan

Ms. Phillips discussed gave background on proposed Comprehensive Plan Amendments to the Transportation 2030 Maps.

The South Capitol Neighborhood Association submitted a request to redesignate Maple Park Avenue, between Capitol Way South and Jefferson Ave SE, from Major Collector to a lesser street classification. Maple Park Avenue serves as the boundary between the State Capitol Campus and the South Capitol Historic District and Neighborhood. It is approximately 1,200 feet in length. The median separating the drive lanes was actually platted and dedicated as a park. The City and State have a shared maintenance agreement in place, whereby the city maintains the driving surfaces of the street and the state maintains the median/park.

The Public Works Department requested six map amendments to the Transportation 2030 Maps in the Comprehensive Plan. These map amendments are for the purposes of adding a new street connection, changing street classifications to accommodate bicycle lanes, to reflect changes in Regional Transportation Plan adopted in 2016, to reflect changes in the built environment, and to reduce potential impacts to wetlands or trail crossings.

Councilmembers asked clarifying questions.

Councilmember Hankins moved, seconded by Councilmember Bateman, to approve amendments to the Transportation 2030 Maps of the Comprehensive Plan. Direct the Public Works Department to develop a new set of engineering standards for Neighborhood Collectors in the South Capitol Historic District, and direct staff to prepare an ordinance amending the Transportation 2030 Maps of the Comprehensive Plan.

Aye: 6 - Mayor Selby, Councilmember Bateman, Councilmember Cooper, Councilmember Gilman, Councilmember Hankins and Councilmember Roe

Recused: 1 - Mayor Pro Tem Jones

7. CONTINUED PUBLIC COMMUNICATION

8. REPORTS AND REFERRALS

8.A COUNCIL INTERGOVERNMENTAL/COMMITTEE REPORTS AND REFERRALS

Councilmembers reported on meetings and events attended.

Mayor Selby brought forward a referral request to the Land Use & Environment Committee regarding evaluating whether there are areas outside the current boundaries of the Multi-family Tax Exemption program that would benefit from inclusion in this program and report back to City Council about this possibility. The Council agreed to move forward to the Committee.

Councilmember Gilman proposed developing a referral to park and public space zoning to the Land Use and Environment Committee. Councilmember Cooper agreed to work with Councilmember Gilman to develop the referral to bring forward to a future Council meeting.

8.B CITY MANAGER'S REPORT AND REFERRALS

City Manager Steve Hall discussed the recent free movie night in conjunction with the Hispanic Round Table. He also noted the City will be participating in the upcoming Latinx Youth Summit.

9. ADJOURNMENT

The meeting adjourned at 8:46p.m.