



# 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, October 9, 2012

7:00 PM

Council Chambers

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### 1. ROLL CALL

**Present:** 5 - Mayor Stephen H. Buxbaum, Mayor Pro Tem Nathaniel Jones, Councilmember Jim Cooper, Councilmember Julie Hankins and Councilmember Jeannine Roe

**Excused:** 2 - Councilmember Steve Langer and Councilmember Karen Rogers

### 1.A ANNOUNCEMENTS

### 1.B APPROVAL OF AGENDA

**Councilmember Roe moved, seconded by Councilmember Hankins, to approve the agenda. The motion carried by the following vote:**

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

**Excused:** 2 - Councilmember Langer and Councilmember Rogers

### 2. SPECIAL RECOGNITION

#### 2.A [12-0630](#) Proclamation Celebrating the 75th Anniversary of Temple Beth Hatfiloh

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

*Mayor Buxbaum read the proclamation. Rabbi Seth Goldstein accepted the proclamation and thanked the Council for the recognition. Mr. Russ Lidman, President of the Board of Directors, stated the celebration for the 75th anniversary will continue throughout the year.*

**The recognition was received.**

### 3. PUBLIC COMMUNICATION

*Ms. Bethany Weidner, 1415 6th Ave. SW, spoke on the proposed 7-Eleven store on the westside and presented a report, entitled the "Persistence of Uncoordinated Growth," which covers the case study of 7-Eleven siting decision.*

*Mr. Dan Leahy, 1415 6th Ave. SW, asked the Council to reimburse the residents of the SW Neighborhood Association \$6,765 which covers various fees and charges relating to the 7-Eleven case. He said that if there is a conflict between the municipal code and the Engineering Design and Development Standards (EDDS), the EDDS prevails.*

*Mr. Jim Reeves, spoke on the presidential election.*

*Ms. Mary Spokane, 7833 Vireo Ct. SE, stated it has been one year since the Occupy movement began. She said the war in Afghanistan must be stopped.*

*Mr. Bob Jacobs, 720 Governor Stevens Ave. SE, commented on the Shoreline Master Program meeting last week with governmental agencies. He said some of the comments made by the Port were misleading, including, designations and whether Ports can provide housing.*

*Mr. Gus Guethlein, 3231 Wiggins Road, suggested regional stormwater management should be looked at.*

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

*Mayor Pro Tem Jones thanked Ms. Weidner and Mr. Leahy for preparing the Persistence of Uncoordinated Growth report. He also thanked Ms. Spokane for her emotional pleas to help end the war.*

## **4. CONSENT CALENDAR**

**Councilmember Cooper moved, seconded by Councilmember Roe, to adopt the Consent Calendar. 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 Rogers

### **4.A [12-0574](#) Approval of Minutes of the September 11, 2012 Study Session**

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

**The minutes were adopted.**

### **4.B [12-0628](#) Approval of October 2, 2012 Council Meeting Minutes**

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

**The minutes were adopted.**

## **SECOND READINGS**

### **4.C [12-0510](#) Ordinance Granting a Telecommunications Master Permit to Electric Lightwave LLC (Integra Holdings)**

**Attachments:** [1. Ordinance](#)  
[2. Application Letter](#)  
[3. INTEGRA Service Area Map](#)

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

### **4.D [12-0514](#) Amend Olympia Flood Plain Management Ordinance to meet FEMA requirements.**

- Attachments:**     [1. Ordinance](#)  
                              [2. FEMA Letter](#)  
                              [3. Flood Zone Overlay Comparison](#)

This ordinance was adopted on second reading.

## FIRST READINGS

### 5. PUBLIC HEARING

#### 5.A [12-0185](#)     2013-2018 Capital Facilities Plan (CFP).

- Attachments:**     [1. Olympia Planning Commission letter](#)  
                              [2. Project Summary Sheets](#)  
                              [3. Changes to Preliminary CFP](#)  
                              [4. Website link to CFP document](#)

*Mayor Buxbaum reviewed the process for presentations and testimony for the public hearing.*

*Administrative Services Director Jane Kirkemo stated the 2013-2018 plan is \$136 million and stated the main theme for this CFP is maintenance. She said over 50% of the CFP is for transportation. She reviewed funding sources, debt allocation, utility rates, impact fees, and next steps.*

*Mr. Thad Curtz, Utility Advisory Committee Chair, reviewed the recommendations made by the Utility Advisory Committee.*

*Mr. Clark Gilman, Co-Chair of the Bicycle and Pedestrian Advisory Committee (BPAC), reviewed the concerns of the BPAC.*

*Mr. Roger Horn, Chair of the Planning Commission Finance Subcommittee, stated the OPC has made 19 recommendations and reviewed a few of these. One recommendation included updating the Long Term Financial Strategy which was developed and implemented in 1999.*

*The public hearing was opened.*

*Mr. Bob Jacobs, 720 Governor Stevens Street, stated he supports maintenance of streets and parks, urged the City to charge the full amount allowed for impact fees, believes the CFP and the Operating budget are really one budget, believes more debt can be issued, supports the neighborhood connection plan, the City should review parks facilities, look for cheaper ways to do projects, continue low maintenance designs, supports the isthmus park, urged the use 75/0 for stormwater which means 75% of a site is to be set aside as green space and that zero stormwater be allowed to leave the site, and said major construction projects could be postponed in favor of parks.*

*The public hearing was closed.*

**Council agreed to keep the record open for written comments until 5:00 pm Friday, October 12.**

## 6. OTHER BUSINESS

### 6.A [12-0625](#) Initial Shoreline Master Program (SMP) Deliberations -- Questions and Information Needs

*Mayor Buxbaum noted the purpose of tonight's meeting is to settle on recommendations for further review.*

*Mayor Buxbaum stated the Council has agreed to make recommendations reach by reach.*

*Community Planning and Development Director Keith Stahley said much information has been shared and this is a good time to identify questions and what additional information is needed.*

*Questions and concerns brought up by Councilmembers include the following:*

*Mayor Buxbaum*

- 1. Where are there areas of inconsistency or potential conflict between the SMP goals to promote recreational uses and the establishment of vegetative buffers?*
- 2. Could any proposed SMP policies or regulations adversely impact or affect City facilities or interests?*
- 3. What are the rules regarding utilities easements within required setbacks?*
- 4. Please have staff look into LOTT's concerns about utilities and pipelines along Capitol Lake and whether currently proposed SEDs would make them prohibited or nonconforming.*

*Councilmember Hankins*

- 1. The Port has indicated they are not authorized to do housing projects on Port property. Please clarify.*
- 2. What standards/regulations are required to be in the SMP as compared to other development regulations?*
- 3. Please explain Ecology's reference to the need for a "transition period" as we move toward desired future conditions for the shorelines.*

*Mayor Pro Tem Jones*

- 1. What is the role of Ecology when a Conditional Use Permit is required?*
- 2. If Ecology has a role with CUPs, does their role differ depending on the SED?*
- 3. Concerning the Port – does the "special recognition" of the Port apply to all uses or activities a Port might propose, or just particular kinds of uses?*
- 4. How have other jurisdictions dealt with the issue of covered moorage?*
- 5. Can Olympia use the SMP to establish general standards/requirements for "soft" approaches to shoreline bank stabilization?*
- 6. Can the SMP play a role in regulating stormwater detention, treatment, or outfalls?*
- 7. Regarding Shoreline Environmental I Designations (SED): The City can develop new, alternative designations if it determines they are appropriate for a given shoreline reach. Can staff provide comments on this option, or perhaps sketch out some conceptual approaches to adding new SEDs?*

*Councilmember Roe*

- 1. Is it possible or legal that some non-conforming uses be grandfathered and others enforced?*
- 2. If zoning regulations prohibit industrial uses throughout Budd-1 through Budd-3 what would be the impact to Dunlap Towing or other existing industrial users, and what recourse would impacted property owners have?*

3. *There are 3 reaches in particular on Budd Inlet that seem most problematic: The UC reaches on W.Bay , the reach where Bayview is, and the reach on the west side of East Bay along the Port Peninsula.*
4. *Can the City develop new SEDs for these and other reaches?*
5. *Can staff attempt to address the Port's 10 questions presented at the October 2 workshop?*
6. *Can staff please provide a clear definition of nonconforming use, impacts and different approaches?*
7. *How long-term is the long-term vision we are trying to achieve with this SMP? Is it, for example, 50 years, or is it just until the next update in 8 years?*
8. *When we are considering the shoreline designations, are we supposed to focus on how they are characterized by existing uses, or should we focus on desired future uses?*
9. *What's the relationship between the SMP and the Comp Plan?*

*Councilmember Cooper*

1. *How do we rework this document so we achieve more than the minimum of no net loss and get to a net gain? How can we do this and yet also achieve social, environmental, and economic needs balance that Michael Cade referred to at the September 25th Council workshop?*
2. *Can we get language from other jurisdictions that has been developed for inclusion in SMPs that would lay out incentives to develop waterfront trails, access, etc?*
3. *Can we create a "trust fund" of some kind to help fund large restoration objectives?*
4. *Can we find in the record why the work "marine" was dropped from the Port's SED during the Planning Commission deliberations?*

**This report was received**

**6.B**      [12-0637](#)      Oral Report - Farmers Market Briefing

*City Attorney Tom Morrill said there have been meetings with the Market and the Port. Staff expects to come to a resolution to assure the long term viability of the Market and will come back to Council in the near future.*

*Mayor Buxbaum suggested scheduling a briefing by the Farmers Market on December 11.*

**7. CONTINUED PUBLIC COMMUNICATION**

**8. REPORTS AND REFERRALS**

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

*Councilmember Hankins reported on the meeting of the Steering Committee of the Coalition of Neighborhood Associations held last night.*

*Mayor Pro Tem Jones reported he attended the Intercity Transit Authority Board meeting, and the Thurston Regional Planning Council meeting*

**8.B CITY MANAGER'S REPORT AND REFERRALS**

*Acting City Manager Cathie Butler commended Stephanie Johnson for her work on the Arts Walk event over the past weekend.*

*She reported on future improvements to the Council Chambers sound system which will provide hardwire microphones for each person during Study Sessions.*

*Mayor Buxbaum asked for options to respond to Mr. Leahy's and Ms. Weidner's report and if it should be referred to a Council committee for further discussion.*

**9. ADJOURNMENT**

*The meeting adjourned at 9:09 pm.*