



City of Olympia

City Hall
601 4th Avenue E
Olympia, WA 98501

Information: 360-753-8447

Meeting Minutes City Council

Tuesday, May 14, 2013

7:00 PM

Council Chambers

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 Karen Rogers

1.A ANNOUNCEMENTS

Mayor Buxbaum stated the Council met earlier in a Study Session to discuss community policing. No action was taken.

1.B APPROVAL OF AGENDA

Mayor Buxbaum asked to add an item to the agenda under Special Recognition regarding fire training. Council agreed.

Councilmember Hankins moved, seconded by Mayor Pro Tem Jones, 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 Rogers

2. SPECIAL RECOGNITION

2.A [13-0374](#) Proclamation for National Law Enforcement Week

Councilmember Hankins read the proclamation. Police Chief Ronnie Roberts accepted the proclamation and relayed a touching story regarding Peter Nichols.

The recognition was received.

[13-0416](#) Fire Ops Training

Councilmember Cooper shared his experience at the training in Richland last week. Firefighter Mike Simmons provided background on the training and said it's a good experience for Councilmembers. He played a short video of the actual training and shared some pictures.

The recognition was received.

3. PUBLIC COMMUNICATION

Mr. Jim Reeves spoke of an impending eruption and earthquake.

Mr. Andrew Call asked the Council to pass an ordinance banning air fresheners in apartment buildings.

Mr. Michael Transue, 5420 N Commercial, Ruston, spoke on behalf of the Washington Beer and Wine Distributor Association and asked the Council to request the Liquor Control Board delay designating downtown Olympia as an alcohol impact area. He distributed a memorandum of agreement promoting a voluntary ban program for Council consideration.

Mr. B. J. (Mike) Bjerke, owner of Marine View Beverage, also spoke against designating the downtown area as an alcohol impact area.

COUNCIL RESPONSE TO PUBLIC COMMUNICATION (Optional)

Councilmember Rogers said the Landlord Tenant Act may cover the issue of air fresheners and suggested Mr. Call contact her for a contact at the State.

Councilmember Rogers asked Mr. Transue and Mr. Bjerke to meet with the five businesses who did not comply with the volunteer ban of high content alcohol beverages. Councilmembers noted the alcohol impact area issue has been thoroughly discussed. Mayor Pro Tem Jones noted the proposed memorandum of agreement is quite different from what we are currently working on and more dialogue is appropriate.

4. CONSENT CALENDAR

- 4.A [13-0393](#) Approval of April 23, 2013 Special City Council Meeting Minutes

The minutes were adopted.

- 4.B [13-0394](#) Approval of May 7, 2013 City Council Meeting Minutes

The minutes were adopted.

- 4.C [13-0397](#) Approval of May 9, 2013 Special Study Session Minutes

Councilmember Roe asked to amend the minutes to indicate she was late due to her attendance at the Parking and Business Improvement Area (PBIA) meeting.

The minutes were adopted as amended.

- 4.D [13-0369](#) Approval of Interlocal Agreement Between the City of Olympia and the Olympia School District for Milk Dispensers

The contract was adopted.

SECOND READINGS

- 4.E** [13-0357](#) Approval of LED Streetlighting Project, Appropriation Ordinance and Associated Interagency Agreements

The ordinance was adopted on second reading. Councilmember Rogers registered a "No" vote.

Approval of the Consent Agenda

Councilmember Hankins moved, seconded by Mayor Pro Tem Jones, to adopt the Consent Calendar 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 Rogers

FIRST READINGS - None

- 5. PUBLIC HEARING - None**

- 6. OTHER BUSINESS**

- 6.A** [13-0395](#) Community Development Block Grant Consolidated Plan and Annual Action Plan

Prior to the start of this agenda item, Councilmember Cooper recused himself due to a conflict of interest since he works for TOGETHER! and his wife works for Safeplace, two agencies with pending proposals.

Housing Program Manager Anna Schlecht introduced this item and said there were 18 proposals submitted and tonight the Council is asked to finalize the allocations.

Mayor Pro Tem Jones reported on the process and discussion which took place at the Study Session on May 9. He stated four organizations made presentations on their proposals.

Councilmember Roe thanked staff for their work and stated she would like to include \$33,000 for Enterprise for Equity, \$15,000 for Out of the Woods Shelter, and \$110,645 for the Family Support Center.

Mayor Pro Tem Jones moved, seconded by Mayor Buxbaum, to provide funding as follows:

Quixote Village - \$55,000 capital

Quixote Village - \$45,000 social service
Community Youth Services (CYS) - \$83,855 capital
Family Support Center - \$158,000
Out of the Woods - \$12,000
Together/Evergreen Villages - \$15,000
Enterprise for Equity - \$25,500

And as a contingency: City Public Facilities Isthmus Park- open to full \$450,000

Councilmember Langer stated he would like to give substantial amounts of money where it can make an impact.

He said he does not want this to be a popularity contest but instead use clear criteria to base the decision on the merits of the proposals.

Ms. Schlecht stated that given the estimated \$450,000 total anticipated CDBG funds, up to \$67,500 or 20 percent of the total funds can be used for social services.

Mayor Buxbaum said the motion includes a bit more than this limit and suggested reducing social service dollars for the Quixote Village.

Councilmember Rogers noted the City gave Family Support Center \$505,000 last year and this year we should give money to Safeplace.

Mayor Pro Tem Jones stated the #1 criteria was ability to deliver quickly and the three top ranked projects in the capital area all are ready to go.

Councilmember Langer requested \$10,000 for the CYS young adult drop-in center to be taken from TOGETHER/Evergreen Villages.

Councilmember Roe said she supports money for Safeplace since it is ready to go.

Councilmember Rogers said that by spreading out funding, the organizations can use these funds for leveraging. She suggested allocating \$20,000 for Interfaith Works for leveraging purposes for a low barrier shelter.

Mayor Pro Tem Jones moved, seconded by Mayor Buxbaum, to amend the original motion to move \$4,500 from social service dollars back into capital for Rosie's Place at CYS. The resulting funding would be as follows:

Capital Resources:

- \$55,000 to Panza for Quixote Village
- \$144,000 to CYS for Rosie's
- \$158,000 for Family Support Center
TOTAL: \$357,000

Social Service Funding

- \$40,500 for Panza for Quixote Village

- \$10,000 for CYS for transitional housing
 - \$12,000 for Out of Woods for family shelter
 - \$5,000 for TOGETHER/Evergreen Villages
- TOTAL: \$67,500.**

Economic Development

- \$25,500 for Enterprise for Equity

\$450,000 Total Proposed Program Year 2013 CDBG Fund Allocations

An amount up to \$450,000 would be allocated as a contingency use for any additional CDBG program income that may be received for the acquisition and demolition of the isthmus property. Funds will only be used to ensure compliance with timeliness rules if any of the other programs doesn't use its allocation on schedule. 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

After the vote, Mayor Pro Tem Jones clarified that his proposal was for building demolition only, not to include acquisition.

City Manager Steve Hall said he will work with staff on scheduling the public hearing and will get back to Council.

Mayor Buxbaum asked to refer the process of allocating CDBG funds to the General Government Committee and to consider combined year funding. *The Council agreed to the referral.*

6.B [13-0380](#) Shoreline Master Program (SMP) Deliberations - May 14, 2013
Draft SMP

Mayor Buxbaum noted the Council will review the staff revisions to the current draft noted as the May 14, 2013 Draft of the Shoreline Master Program.

Community Planning and Development Director Keith Stahley provided an overview of his staff report and noted this is the 22nd time the Council has discussed this item. His presentation touched on:

Key Policy Changes

2.3 - Shoreline Ecological Protection and Mitigation Policies

He noted items G, H, I, and J were added as new language. He noted item J reads: When available and when appropriate to the situation, the City should allow for offsite mitigation approaches, including advanced mitigation, fee-in-lieu, and mitigation banking. He added that is an important step for the City towards providing more flexibility in encouraging effective mitigation and restoration efforts.

Key Definitions

He reviewed the definitions for water dependent, water related, water enjoyment, and water oriented uses.

Review of Table 6.3 Setbacks and Vegetation Conservation Areas (VCAs)

Mr. Stahley presented slides that included the setbacks and vegetation conservation areas, incentives, and required mitigation standards for each reach. He also reviewed the standards associated with reductions in setbacks outlined in section 3.41 18.34.620 E of the SMP. He noted for each reach there is a question of whether to allow water dependent or water oriented uses to achieve a zero foot setback from the ordinary high water mark subject to providing certain levels of mitigation.

Nonconformities

Mr. Stahley noted staff had revised the nonconforming section to be more clear; however, more work may still be needed on this section. He said existing uses could remain, uses destroyed by fire could be rebuilt, and existing structures could expand up or away from the shoreline.

Other Changes

Mr. Stahley said staff attempted to respond to direction from the Department of Ecology to the greatest extent possible; however, he anticipates there will be additional changes after Council takes action and forwards a final draft to the Department of Ecology.

Mayor Pro Tem Jones thanked staff for the good job in responding to Council comments.

There was discussion on increased building heights and the VCA height bonus listed under 3.41D. Council requested that staff provide greater clarity around how this would work and what reductions would be allowed. Council also discussed the definitions of water dependent, water related, water enjoyment, and water related setbacks. Council discussed at length the merits of allowing water oriented uses versus water dependent uses to encroach into the vegetation conservation area and, subject to meeting certain mitigation standards, achieve a zero foot setback from the ordinary high water mark.

Mr. Stahley suggested adding some clarifying language in item E-8 under 3.41 as follows: After the sentence reading "Reductions to less than a 20-foot setback shall only be allowed where alternative public access has been provided sufficient to mitigate the loss of direct public access to the shoreline." add that in no case shall such access be less than that provided in paragraph 4 above, which is the 12' trail description.

Councilmember Cooper moved, seconded by Councilmember Langer, to include this added language into the draft and otherwise to move the draft forward to the public as it stands. After discussion, Councilmember Cooper withdrew motion.

Councilmember Cooper moved to direct staff to make amendments discussed this evening, and the amendment made by Mr. Stahley and bring back to Council on May 28 to look at for possible deliberation. There was no second and the motion died.

Councilmember Langer moved, seconded by Councilmember Cooper, to incorporate changes discussed earlier tonight, have the water-dependent, water-related use issue as it was presented in the staff report and continue deliberations on May 28 to finalize Council's discussion and take it to the public hearing after that. Motion failed by the following vote:

Aye: 3 - Mayor Buxbaum, Councilmember Cooper and Councilmember Langer

Nay: 4 - Mayor Pro Tem Jones, Councilmember Hankins, Councilmember Roe and Councilmember Rogers

Councilmember Rogers asked for a summary of tonight's discussion.

Mayor Pro Tem Jones noted the Council did have consensus on a number of points except the water dependent versus water oriented issue and associated setback reductions.

City Attorney Tom Morrill said staff will make the changes already directed and will put together a list with other changes and possible revisions suggested by Mayor Pro Tem Jones. He noted it may be necessary to move the public hearing if substantial changes are made. Council expressed a desire to hold the Public Hearing on June 18 if possible.

7. CONTINUED PUBLIC COMMUNICATION

8. REPORTS AND REFERRALS

8.A COUNCIL INTERGOVERNMENTAL/COMMITTEE REPORTS AND REFERRALS

Councilmember Roe said the General Government Committee has been moved from May 21 to May 28. She noted there has been another resignation of a Planning Commission member.

Councilmember Hankins noted the annual Visitor and Convention Bureau meeting is May 22 and she invited Councilmembers to attend.

Mayor Buxbaum stated the Finance Committee discussed the upcoming Coalition of Neighborhood Associations Steering Committee meeting on June 10 regarding the budget process. He noted he accepted from the Friends of the Farmers Market the improvements they completed, including the security lighting upgrade and the food vendor metering project, and he acknowledged this group. **Mayor Buxbaum asked for a referral to the Finance Committee to discuss the City's engagement in a new lease agreement regarding the long term sustainability of the Farmers**

Market. Council agreed to the referral.

8.B CITY MANAGER'S REPORT AND REFERRALS

City Manager Steve Hall stated the Liquor Control Board is scheduled to hold a public hearing and the Police Chief and Brian Wilson will testify in favor of the alcohol impact area. Mayor Pro Tem Jones said he would look at the proposed agreement that was presented this evening.

9. ADJOURNMENT

Meeting adjourned at 10:44 p.m.