



City of Olympia

City Hall
601 4th Avenue E
Olympia, WA 98501

Meeting Minutes - Final City Council

Information: 360-753-8447

Tuesday, December 11, 2012

7:00 PM

Council Chambers

1. ROLL CALL

Present: 6 - Mayor Stephen H. Buxbaum, Mayor Pro Tem Nathaniel Jones, Councilmember Jim Cooper, Councilmember Julie Hankins, Councilmember Steve Langer and Councilmember Karen Rogers

Excused: 1 - Councilmember Jeannine Roe

1.A ANNOUNCEMENTS

Mayor Buxbaum noted the Council met as scheduled at 5:30 pm and recessed to Executive Session for no more than an hour to discuss a personnel matter - Performance Evaluation of the City Manager.

1.B APPROVAL OF AGENDA

Mayor Buxbaum noted an item has been added to Other Business as 6D to discuss and act on an ordinance regarding interim rezoning.

Mayor Pro Tem Jones said he would like to add a brief item under Special Recognition.

Councilmember Langer moved, seconded by Councilmember Hankins, to approve the agenda as amended. The motion carried by the following vote:

Aye: 6 - Mayor Buxbaum, Mayor Pro Tem Jones, Councilmember Cooper, Councilmember Hankins, Councilmember Langer and Councilmember Rogers

Excused: 1 - Councilmember Roe

2. SPECIAL RECOGNITION

Mayor Pro Tem Jones reported the Governor's Ball has been moved back to the State Capitol building and is no longer scheduled to be held at St. Martin's.

3. PUBLIC COMMUNICATION

Mr. Terrence Zander, 1419 36th Ave. NE, presented a list of people who have written in regarding camping at City Hall. He suggested a meeting be held on Thursday evening to brainstorm ideas to improve conditions for the homeless. He asked the Council to postpone any action on ordinances regarding camping at City Hall.

Mr. Gurinder Sodhi, 420 Sherman St. SW #419, reported on some safety issues downtown including missing drain covers and crosswalk lines that need to be repainted. He also said graffiti should be removed quickly.

Mr. Phil Owen, 1320 8th Ave. SE, reported that funds have been received through Thurston County Action Council to house about 100 people. He said the homeless just move from one place to another and other cities have reduced chronic homeless by using the Housing First model.

Ms. Meg Martin, 1118 Eastside St. NE, street outreach worker, spoke against the ordinance banning sitting on sidewalks, and asked the Council to look at a strategic plan to address homelessness. She suggested they consider a task force to address the issues.

Mr. Jefferson Doyle, Garrison St. NW, street outreach worker for 4 years, agreed that a task force is a good idea. He said this ordinance is worse than the ordinance brought forward last week.

Ms. Cassie Burke, 1322 Chestnut St. SE, prior outreach worker, spoke of safety concerns among the homeless.

Mr. Jeffrey Trinin, 1011 Wilson St. NE, spoke in favor of the downtown project and the ordinance regarding sidewalk use.

Mr. Jim Reeves, 119 7th St., spoke of an impending earthquake.

Mr. Rex Glisson, 2304 Seminary Hill, Centralia, offered a home to homeless individuals at his church, "Set Free."

Ms. Madison O. R. said she has spent time with the homeless and said City Hall is the safest place for the homeless and encouraged the Council to let them stay.

Mr. Shawn Davis, "Shark," 711 St. Ave. SE, said as a homeless person, he feels the safest in Olympia because of the many resources offered here.

Ms. Loretta Seppanen, 2919 SE Orange St., spoke in support of the urban agriculture ordinance. She urged the Council to allow higher fences that are attractive and effective against deer, the use of low voltage fencing, and more flexibility in the placement of chicken coops.

Mr. Rob Richards, 215 10th Ave. SE, read a Homeless Bill of Rights and Fairness and urged the Council to adopt this by resolution.

Mr. Ruth Dodson, works with "Stand Up for Kids" and said she provides street outreach for youth up to 25 years of age. She asked the Council to keep the status quo for now until a solution can be reached.

Mr. James Wellings, 522 Franklin St., said he has been homeless for seven years and suggested various agency representatives meet with homeless individuals for sessions of emotional sobriety.

Mr. Krag Unsoeld, 2211 Walnut Rd. NW, a teacher at the Mason County Juvenile Detention Center, said most homeless kids are suffering from post traumatic stress disorder.

COUNCIL RESPONSE TO PUBLIC COMMUNICATION (Optional)

Mayor Pro Tem Jones thanked everyone for attending this evening. He said he is proud of our community for the many outreach workers and volunteers helping those

less fortunate.

Councilmember Langer also thanked those who came.

Mayor Buxbaum stated there is not one entity that can address all issues and noted there are many people in the audience that represent many groups.

4. CONSENT CALENDAR

Approval of the Consent Agenda

Mayor Buxbaum noted staff has requested a change to item 4C - Amendments to the City Council Guidebook. This item was is pulled for discussion after the Consent Calendar.

Councilmember Rogers noted she will vote no on items 4R -- Ordinance Amending Land Use Fees for Pre-Submission Meetings; 4S - Ordinance Amending Transportation Impact Fees; 4T - Ordinance Amending Park Impact Fees; 4V - Ordinance Amending Building and Engineering Fees for Multi-plan Review and Re-inspections; and 4Z - Ordinance Adopting the 2013 Operating Budget. She said she is voting no to the fee increases because Olympia has the highest fees within the region. She said next year she will ask the City to reduce spending instead of raising fees.

Councilmember Cooper said he is registering a no vote on a portion of the Capital Facilities Plan which uses parking funds to replace meters.

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

Aye: 6 - Mayor Buxbaum, Mayor Pro Tem Jones, Councilmember Cooper, Councilmember Hankins, Councilmember Langer and Councilmember Rogers

Excused: 1 - Councilmember Roe

- 4.A 12-0815** Approval of November 20, 2012 Council Study Session Meeting Minutes
The minutes were adopted.
- 4.B 12-0847** Approval of December 4, 2012 City Council Meeting Minutes
The minutes were adopted.
- 4.D 12-0749** Approval of Final Construction Costs for the Fire Training Phase 2 Project
The contract was adopted.
- 4.E 12-0769** Approval of Interlocal Agreement with with State of Washington Parks & Recreation for Harbor Patrol Funding
The contract was adopted.

- 4.F 12-0770** Approval of Interlocal Agreement with the State of Minnesota for Jail Medical Supplies
The contract was adopted.
- 4.G 12-0796** Approval of Interlocal Agreement with Thurston County for Development of the 2014 - 2019 Solid Waste Management Plan
The contract was adopted.
- 4.H 12-0819** Approval of Interlocal Agreement with Thurston County to Produce the 2013 Homeless Census Report
The contract was adopted.
- 4.I 12-0767** Resolution Accepting the Thurston County Solid Waste Management Plan of 2009.
The resolution was adopted.

SECOND READINGS

- 4.J 12-0758** Amendment to 2012 Capital Budget Ordinance.
The ordinance was adopted on second reading.
- 4.K 12-0759** Amendment to 2012 Special Funds Budget Ordinance.
The ordinance was adopted on second reading.
- 4.L 12-0760** Amendment to 2012 Operating Budget Ordinance.
The ordinance was adopted on second reading.
- 4.M 12-0764** Ordinance Adopting the 2012 Annual Comprehensive Plan Amendment Docket
The ordinance was adopted on second reading.
- 4.N 12-0777** Ordinance increasing the sales tax by 1/10%
The ordinance was adopted on second reading.

FIRST READINGS

- 4.O 12-0816** Ordinance Adopting the 2013 Utility Rates and General Facilities Charges
The ordinance was approved on first reading and moved to second reading.

- 4.P 12-0748** Ordinance Amending Real Estate Excise Tax (REET)
The ordinance was approved on first reading and moved to second reading.
- 4.Q 12-0686** Ordinance Adopting Fire System Permit Fee Structure Change
The ordinance was approved on first reading and moved to second reading.
- 4.R 12-0756** Ordinance Amending Land Use Fees for Pre-Submission Meetings
Councilmember Rogers voted no on this item.
The ordinance was approved on first reading and moved to second reading.
- 4.S 12-0763** Ordinance Amending Transportation Impact Fees
Councilmember Rogers voted no on this item.
The ordinance was approved on first reading and moved to second reading.
- 4.T 12-0822** Ordinance Amending Park Impact Fees
Councilmember Rogers voted no on this item.
The ordinance was approved on first reading and moved to second reading.
- 4.U 12-0789** Ordinance Amending School Impact Fees
The ordinance was approved on first reading and moved to second reading.
- 4.V 12-0779** Ordinance Amending Building and Engineering Fees for Multi-plan Review and Re-inspections
Councilmember Rogers voted no on this item.
The ordinance was approved on first reading and moved to second reading.
- 4.W 12-0831** Ordinance Repealing OMC 2.06.010.D - Committee of the Chairs
The ordinance was approved on first reading and moved to second reading.
- 4.X 12-0788** Ordinance Appropriating 2013 Special Funds

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

4.Y 12-0820 Ordinance Granting a Telecommunications Master Permit to Electric Lightwave LLC (Integra Holdings)

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

4.Z 12-0798 Ordinance Adopting the 2013 Operating Budget

Councilmember Rogers voted no on this item.

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

4.AA 12-0204 Ordinance Adopting the 2013 - 2018 Capital Facilities Plan (CFP) and Appropriating Funds for 2013.

Councilmember Cooper voted against using parking funds to replace downtown parking meters.

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

PULLED FROM CONSENT CALENDAR

4.C 12-0707 Approval of 2012 Amendments to City Council Guidebook

Mayor Buxbaum noted the City Manager requested a change to this item. The change is to amend the first sentence of Section 3.16 as follows: Strike the phrase "or the City Manager" and insert the words "or a" so the sentence would read: A special meeting may be called at any time by the Mayor or a majority of the Council.

Councilmember Langer moved, seconded by Councilmember Hankins, to approve the guidebook as amended. The motion carried by the following vote:

Aye: 6 - Mayor Buxbaum, Mayor Pro Tem Jones, Councilmember Cooper, Councilmember Hankins, Councilmember Langer and Councilmember Rogers

Excused: 1 - Councilmember Roe

5. PUBLIC HEARING - None

6. OTHER BUSINESS

6.A 12-0848 Voluntary Alcohol Impact Area Project Status Report

Downtown Code Enforcement Officer Brian Wilson stated for the holidays a new downtown 2-hour free customer parking program will be in effect through December 25.

Mr. Wilson reviewed the background of the Alcohol Impact Area (AIA) program and said the 6-month voluntary compliance time period has ended. He reviewed statistics realized by other cities that have adopted this ordinance, described beverages that would be banned, and reviewed data collected during the past six months. He said the next step would be to petition the Washington State Liquor Control Board (WSLCB) to impose a state-recognized mandatory AIA. The WSLCB would provide a public comment period of 25 to 30 days, review the petition and public comment, and then make a decision. He said if the AIA is designated, there is a 30-day grace period for compliance by retailers.

Mr. Wilson said the Land Use and Environment Committee unanimously approved moving forward with this.

Councilmember Langer moved, seconded by Councilmember Hankins, to approve petitioning the Washington State Liquor Control Board to adopt a resolution recognizing the mandatory Alcohol Impact Area in Downtown Olympia. The motion carried by the following vote:

Aye: 6 - Mayor Buxbaum, Mayor Pro Tem Jones, Councilmember Cooper, Councilmember Hankins, Councilmember Langer and Councilmember Rogers

Excused: 1 - Councilmember Roe

6.B 12-0837

Report from Land Use Committee on Discussion of Use of City Property and Sidewalks

Councilmember Langer, Chair of the Land Use and Environment Committee, reported on the discussion the Committee had on this item. Items agreed to include: Repeal the busking ordinance, increase the pedestrian walking lane to include the entire width of sidewalks downtown, change sidewalk use rules and hours of application to 7 am to 12 am, change the process of enforcement to ensure that the first step is education and the second step is a warning, expand restrictions on camping on all City owned property and parklets, provide a clear definition of what constitutes camping and building camping structures, and provide allowances for specific purposes, temporary uses, and other permitted activities.

Questions and comments included the following:

- How does the busking ordinance interface with the panhandling ordinance? City Attorney Tom Morrill said there is no need to change the panhandling ordinance.*
- Will the warning be written or oral? Police Chief Ronnie Roberts said the officers will clearly indicate what the law is and ask for compliance.*
- Will look at the sidewalk ordinance in a year to see how it is going.*
- The Land Use and Environment Committee did not discuss the issue of unlicensed animals.*
- The ordinances will be implemented 30 days after adoption.*
- There are public health issues, including possibly the MRSA virus.*
- The Ambassadors will help out on the weekends, and an additional security guard will be on duty.*

Mayor Buxbaum noted many agencies and the City of Olympia have been working on this problem for many years. He said an additional shelter may possibly open in January at Rosie's Place for 18-21 year olds. However, there is still a need for day housing, and a detox center. He said the County receives revenues from recording fees and they are the lead agency in working on helping the homeless. There is need for a different approach on how we deal with homelessness and we must keep

communication open among all parties.

Councilmember Cooper said he supports the change to busking, but will not support the no camping at City Hall. He said he would not like to move forward without a public hearing. He suggested using the \$100,000 from 2011 unallocated funds and ask other agencies and cities to put matching money on the table for an RFP for housing. He also said he would like to replace all recommendations and replace it with the Bill of Rights presented by Mr. Richards earlier under Public Communications.

Mayor Pro Tem Jones said this is a continuing issue and the paramount responsibility lies with County. He would like a comprehensive report from staff to include results and impacts from programs and the ordinances by end of 2013. He also agrees there is a need for a task force. He also requested a report from staff and the Joint Animal Services Committee on the issue of unlicensed animals in downtown.

After discussion, Council agreed to move forward on the Land Use and Environment Committee's recommendations and bring both the busking ordinance and the sidewalk ordinance forward under Other Business next week.

6.C 12-0791

Approval of Interlocal Agreement Creating the Thurston County Regional Health and Human Services Council (HHSC) and Shall the City allocate \$45,000 previously set aside for social service needs to the HHSC regional allocation process?

City Manager Steve Hall provided a brief background on this item, and said this is a new model to direct services to area agencies. He noted the major changes from the current Human Services Review Council model include the following

1. Voting - One elected representative from each of the four jurisdictions will vote.
2. Expandability - Can be used for distribution of other social service funding dollars.
3. Funding amount - Establishes the formula of 1/2 of 1% of each jurisdiction's prior full year general sales tax.
4. Streamlined administration - One agent will act for all jurisdictions. The County has agreed to be the administrator.

City Manager Hall said the Health and Human Services Council will use this consolidated plan to prioritize for services in 2014.

Mayor Buxbaum noted the Council has previously given direction to staff on the use of the \$45,000. Council agreed these funds will be carried over to 2013 to support social service programs in downtown Olympia.

Councilmember Cooper moved, seconded by Mayor Pro Tem Jones, that the contract was approved. The motion carried by the following vote:

Aye: 6 - Mayor Buxbaum, Mayor Pro Tem Jones, Councilmember Cooper, Councilmember Hankins, Councilmember Langer and Councilmember Rogers

Excused: 1 - Councilmember Roe

6.D 12-0849

Amend on an Emergency Basis the Municipal Code Title 18 Unified Development Code to provide for Increased Setbacks and Additional Building Design Considerations within the HDC Zoning Districts; Set a

Public Hearing Date; and Adopt a Work Plan.

City Attorney Tom Morrill said this amendment applies to high density corridors in the City and if passed, the ordinance would take effect immediately and would create a short term rezone of the property. With a work plan, which is included in the ordinance, the interim zone would be effective for one year. He also noted a public hearing on this amendment is required within 60 days. He said the amendment would require setbacks to 100 feet for projects in high density corridor zones that abut property with a single family home and add additional setbacks of eight feet between the second and third floor as well as additional floors.

City Manager Steve Hall stated staff found a need for this amendment when a tall building was proposed next to a residential neighborhood and there was no setback requirement. That application was denied and this is now being corrected to address mixed use within neighborhoods.

Mr. Morrill said the Work Plan requires staff to review this and then the Planning Commission will review this and make a recommendation to the Council. The Council would then need to adopt the permanent regulations within 12 months, or the zoning would revert back to the original designation.

Councilmember Hankins moved, seconded by Councilmember Langer to adopt on first and final reading an ordinance amending, on an Emergency Basis, the Municipal Code Title 18 Unified Development Code to provide for Increased Setbacks and Additional Building Design Considerations within the HDC Zoning Districts; Set a Public Hearing Date; and Adopt a Work Plan.

Aye: 6 - Mayor Buxbaum, Mayor Pro Tem Jones, Councilmember Cooper, Councilmember Hankins, Councilmember Langer and Councilmember Rogers

Excused: 1 - Councilmember Roe

7. CONTINUED PUBLIC COMMUNICATION

8. REPORTS AND REFERRALS

8.A COUNCIL INTERGOVERNMENTAL/COMMITTEE REPORTS AND REFERRALS

Councilmember Rogers reported she attended the Joint Animal Services Committee meeting for Councilmember Roe and shared highlights of the meeting.

Councilmember Hankins reported on highlights of the Neighborhood Association Steering Committee meeting.

Mayor Pro Tem Jones reported on highlights of the Intercity Transit Authority Board meeting.

Mayor Buxbaum reported he attended the Community Renewal Area, the HOME Consortium, and the Sustainable Thurston County meetings.

8.B CITY MANAGER'S REPORT AND REFERRALS

Mr. Hall said next week is the last meeting of the year and he will be requesting feedback on the upcoming Council retreat, including date, location, and facilitator.

9. ADJOURNMENT

The meeting adjourned at 10:21 pm.