

## REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES

February 7, 2008

The regular study session of the Des Moines City Council was called to order at 7:33 p.m. by Mayor Sheckler in the Council Chambers, 21630 11<sup>th</sup> Avenue South #B.

PLEDGE OF ALLEGIANCE to the Flag was led by Councilmember Pina.

ROLL CALL - Present: Mayor Bob Sheckler (left meeting at 9:18 p.m.), Mayor Pro Tem Dan Sherman, Councilmembers Dave Kaplan, Ed Pina, Carmen Scott, Scott Thomasson and Susan White (via telephone until 8:09 p.m.). Also in attendance were City Manager Tony Piasecki, City Attorney Pat Bosmans, Harbormaster Joe Dusenbury, Planning Manager Denise Lathrop and City Clerk Denis Staab.

### COMMENTS FROM THE PUBLIC

Mary O. Haller, 22315 6<sup>th</sup> Avenue South #A401

Ms. Haller addressed Council on the subject of removing the sling launch from the Marina. She reported that Redondo is not an alternative as vehicles with boat trailers typically block the road, as there is not enough parking. She suggested Council reconsider removing the sling boat launch at the Marina.

Ron Hamilton, 26310 20<sup>th</sup> Avenue South

Mr. Hamilton informed Council he runs a marine repair facility in Kent and advised Council that a lot of his customers have told him they would be upset to lose the sling launch at the Marina. He reported that Redondo is already too crowded and the boat launch at that facility is dangerous. He requested the Marina sling launch stay and should be replaced with a better one.

Karen Alderman, 4502 Browns Point Blvd.

As a boat owner, Ms. Alderman stated there are not many places left to launch a boat and requested the sling launch stay at the Marina.

Dan Hamilton, 24423 Marine View Drive South

Mr. Hamilton informed Council he has used the sling launch at the Marina since 1974. He felt the Redondo launch is dangerous and he has seen numerous people injured, and the parking situation is totally inadequate. He expressed concern about losing the only safe launching place at the Marina when the winds pick up. He stated there has not been enough public notice regarding removal of the launch.

### DISCUSSION ITEMS

Contract for Federal Government Lobbying Services

Mayor Sheckler introduced the subject.

**MOTION** was made by Mayor Sheckler, seconded by Councilmember Pina, to authorize the City Manager to sign the contract with Gordon Thomas Honeywell Governmental Affairs for 2008 Federal Government lobbying services retroactive to January 1, 2008, substantially in the form as submitted.

Mayor Pro Tem Sherman felt Council should agree on which of the 6 projects contained in Council's packet should be on the list for the 2009 Federal Funding requests, which may make a difference on whether we need the contract.

City Manager Piasecki advised Council that Mr. Learn has requested Council choose no more than two projects due to the tighter budget. He noted the top recommended projects by Mr. Learn are:

1. The Des Moines Creek Business Park Transportation Link Project for South 216<sup>th</sup> and 24<sup>th</sup> Avenue South, and
2. Downtown Des Moines Business District Water System Improvements

Councilmember Kaplan noted that the Public Safety and Transportation Committee had been informed that the Business Park Transportation Link Project was noted as a strong possibility for federal funding due to the economic development aspects of the project tied to the Port redevelopment and therefore, Committee members were generally in support of prioritizing this as one of the top two projects.

Councilmember Thomasson stated that Business Park Transportation Link would certainly be one of his top priorities, although he felt Council should discuss strategy about what we mean by that. He noted that the CIP has South 216<sup>th</sup> broken down into several phases all the way down to Marine View Drive. In regards to 24<sup>th</sup> Avenue South, he stated the City would expect land owners on each side of that street to do frontage improvements as they develop. Also there is some issue about what the City may or may not pay in proportion in terms of a wider street, etc. Also, whether we are talking with SeaTac about whether it is a consolidated application that takes it all the way to 200<sup>th</sup> or up to the Federal Jail. He questioned whether this is a Des Moines only project and only for our share of the costs, is it a Port and Des Moines application for that part of the street in Des Moines, or is it a Port, City of SeaTac and City of Des Moines application for the entire 24<sup>th</sup> Avenue project.

Councilmember Kaplan stated that due to numerous property owners along S. 216<sup>th</sup> and 24<sup>th</sup> Avenue South, the PS&T Committee talked about the possibility of leveraging a number of different things in order to make the projects happen. We will not know what each piece is going to cost until we get back the studies that were approved recently. Then we will have a better sense how to group things up and whether certain pieces should only be ours and not rely on the "Feds" because of different strings or requirements, but at the same time there may be things where we want to partner. For example if we can get initial Federal funding for pieces of the 24<sup>th</sup> Avenue stretch, depending on how that ties in with whatever funds we get from the developments happening in that area, may allow for leveraging an interchange with SR 509. He felt the problem is the studies are not done yet to be able to point to which piece of it will be phased first.

Planning, Building and Public Works Director Fredricks informed Council, staff is pretty confident that we will have developer generated funds and/or frontage improvements that will complete substantial segments of the various projects. He noted the segment of S 216<sup>th</sup> up through the intersection on SR 99 will be a difficult, expensive section as additional right-of-way will be required and there is no frontage improvements triggered by any of the development ideas for this, so this would be a segment of a project that might be a prime candidate to request Federal funding help on. He also noted that the studies that Councilmember Kaplan described might suggest doing additional work on South 216<sup>th</sup> east to Military Road and how that would be

paid for is unclear. Also the segment from the most western boundary of the Port property on S 216<sup>th</sup> down to 11<sup>th</sup> Avenue South is one that the City does not have identified funding support, and this could be a good candidate for Federal funding. He suggested with proper planning, these sections could be set up for multi year Federal Funding cycles to help with completion of S 216<sup>th</sup> from Military Road to Marine View Drive. He cautioned about applying for Federal funds if we have adequate local funding, due to the fact that Federal funds come with a set of Federal regulations, rules and approval authorities that would "federalize" a particular phase of work and may increase the costs.

In regards to the stretch of 24<sup>th</sup> Avenue South to S. 216<sup>th</sup> Councilmember Scott, noted that she believes the large 18 wheeler trucks are coming south on 24<sup>th</sup> and then east on S. 216<sup>th</sup>, which she is very unhappy about. She felt since the developing site is in the City of SeaTac, the trucks should head north to either get on SR 509 or I-5. She also noted that there is too much residential and shopping on South 216<sup>th</sup> and she felt it is important to work with SeaTac to keep the truck traffic going north.

Planning, Building and Public Works Director Fredricks advised Councilmember Scott that staff shares the same concerns. He noted staff has met with counterparts in the City of SeaTac and unfortunately S. 208<sup>th</sup> is not as high on their priority list as it is on ours. Staff is working with SeaTac to encourage that any traffic heading north ought to take the most direct route north, including 24<sup>th</sup> Avenue South to 208<sup>th</sup> and then the highway.

Mayor Pro Tem Sherman stated he is confident that the majority of Councilmembers are in agreement with the project priorities for funding. However, he noted he is very unhappy that we have to hire a lobbyist and pay him money to get money, unfortunately this appears to be the only way to get to our legislators. He noted in the past two years we have spent about \$180,000 to get about \$425,000. He advised he will support the motion for this year, but will keep a close eye on it to make sure we are getting a good return on the money we are putting out.

Councilmember Thomasson stated he is not convinced we will get a return for our money. He felt it is sad we have to hire somebody to speak to our legislators who should be ready to listen to us as a municipal government. He advised he is not in favor of using a lobbyist. While he felt the water system improvements are critical for development of downtown, it bothers him that we will spend City money to go lobby for money for Water District #54, when they will not spend their own money to lobby.

Mayor Sheckler acknowledged Councilmember Thomasson's concern about Water District #54, but felt it is obvious they are not going to do it and because the outcome is so beneficial to the City as a whole, is why he will support this project.

VOTE ON MOTION: Motion passed 5 to 2 with Councilmembers Kaplan and Thomasson opposed.

8:09 p.m. Councilmember White discontinued participation via telephone.

**MOTION** was made by Mayor Pro Tem Sherman, seconded by Mayor Sheckler, that the City prepare requests for 2009 Federal Funding for the following projects:

- Downtown Des Moines Business District Water System Improvements

- Des Moines Creek Business Park Transportation Link Project for South 216<sup>th</sup> and 24<sup>th</sup> Avenue South
- and if one of those two is not able to move forward add:
- Restoring Des Moines Creek Basin through Beach Park to Reduce Flooding and Promote Fish Habitat

Councilmember Thomasson commented he would rather have the Business Park Transportation Link first and the Water System Improvements second.

Councilmember Pina stated he prefers the order as noted and should we get funds for Water System Improvements the City should do the work and not give the funds to the Water District.

Mayor Pro Tem Sherman noted he thought the City had an agreement with the City of SeaTac that all the large trucks would go north on 24<sup>th</sup> Avenue South. He noted he is not happy with the situation and felt any improvements that are needed to 24<sup>th</sup> Avenue South should be paid for by the firm that has purchased and is developing the former Church property and they should be paying traffic impact fees to widen South 216<sup>th</sup>.

Councilmember Pina suggested making 24<sup>th</sup> Avenue South a one-way street north bound.

City Manager Piasecki advised that staff will work with the lobbyist to put together what in his mind is the best request, but he will send Council drafts and requested that each Councilmember respond to him individually with any comments or concerns.

VOTE ON MOTION: Motion passed unanimously 6 to 0.

Draft Ordinance No. 07-201 8<sup>th</sup> Avenue South Access Restrictions - Reconsideration

**MOTION**, pursuant to Council Rule 28, was made by Councilmember Scott, seconded by Mayor Pro Tem Sherman, to reconsider the action taken at the January 24, 2008 Council meeting to remand Draft Ordinance No. 07-201 to the Public Safety and Transportation Committee for recommendations.

Councilmember Scott stated that she understands that if this motion passes that this matter will be returned to the table anew at the next regular Council meeting for any action the Council deems advisable. She felt by Council not taking action on the ordinance, but by strongly encouraging staff to take the draft ordinance into account Council is leaving staff in a situation where they are being asked to defend a stance that Council did not act on. She stated it is not appropriate to put staff in that position, as Council needs to take a concrete action that staff can tell someone yes, no or why. She further noted this is a small part of a larger problem with transportation, traffic and parking. She also noted after speaking with a couple of individuals on this Council Committee, she did not feel this item would become a priority.

Councilmember Pina felt the purpose of sending this item to Committee was so that they would look at all of the alternatives and make a recommendation to the whole Council. In the interim, staff has to work under the rules as they now exist. He felt this draft ordinance needs to be studied in detail.

Mayor Sheckler advised he will probably support the motion and see what happens during reconsideration to see if Council's direction is more palatable.

Councilmember Pina noted he will be out of town on February 14<sup>th</sup> and he is very interested in this subject.

City Manager Piasecki noted the item could be continued at the February 14<sup>th</sup> meeting to February 28<sup>th</sup>. Mayor Sheckler advised he cannot guarantee this will be Council's direction, but acknowledged another week would not hurt.

Councilmember Thomasson noted the action taken next week will be to consider taking this item back from the Committee and should Council choose that course, it does not mean Council must take action on the draft ordinance that same night.

VOTE ON MOTION: Motion passed 4 to 2 with Councilmembers Kaplan and Pina opposed.

#### Agreement - Design, Engineering & Permitting Marina Bulkhead Replacement Project

Harbormaster Dusenbury noted staff is requesting authorization to enter into an agreement with Moffatt & Nichol to design, engineer and obtain permits for the Bulkhead Replacement Project. He noted staff is recommending that we include the design of the 2<sup>nd</sup> phase of the bulkhead replacement. The advantage would be a minor cost savings, but the design and permitting would be in place so when the funding is available it would be ready to go, since permitting is the major stumbling block. The only risk would be if we were not able to complete it within a five or six year period, we may be required to go back and do some of the permitting over again. He stated after discussing this with the Municipal Facilities Committee and the Finance Director, he is comfortable that we can get the project done in the next 5 to 6 years in terms of our financial capacity to go out and get another bond issue, if necessary. He noted the combined projects of:

- 12.5 Kv Power Line Relocation
- Bulkhead Replacement - A
- Bulkhead Replacement - B
- Travel Lift Pier Replacement

amounts to a total of \$7,797,793. He continued by reviewing the breakdown costs for design, engineering and State and Federal Permits equaling the total budget. He continued by reviewing the scope of work listed in Council's packet and concluded by reviewing the Consultant's Budget and contingency amounts also contained in Council's packet.

MOTION was made by Mayor Pro Tem Sherman, seconded by Councilmember Kaplan, that Council approve the agreement with Moffatt and Nichol for design, engineering and permitting services for the Bulkhead Replacement Projects A and B, the 12.5 Kv Power Line Relocation and the Travel Lift Pier Replacement in the amount of \$607,514, plus a contingency of \$55,600 and authorize the City Manager to sign the agreement substantially in the form as submitted.

Mayor Pro Tem Sherman referenced earlier comments from the public, noting that the sling launch has been losing money, around \$20 to \$25 thousand per year, for quite a period of time. He also noted it will need to be replaced in the next few years at a cost of around \$500,000, meaning we would need to increase launch fees to around \$40. He further noted keeping the launch where it is would be contrary to the Marina Master Plan which forecasts the development of a restaurant in that area and the two would be incompatible. He stated we need to move forward with the bulkhead replacement.

Councilmember Thomasson referenced the Marina Master Plan which included the sling launch going away and adding a commercial space somewhere in the north end which could include a Marine Hardware Store, or an expanded boat yard, among other things. He felt we need to take a closer look and study the potentials, especially the concept of a marine hardware store or expanded boat yard. He also expressed some concern about spending money we have to do the design and get the permits, since we do not yet know if we can fund it to actually build something. He advised he is not willing to spend money on a design when we have not figured out how to pay for it. He stated he first needs to know where the \$8 million is coming from and that we could indeed get the loans and pay them back. He suggested we do the permitting first and then do a contract for the design.

Harbormaster Dusenbury informed Council that we cannot do the permitting without a design. He advised that Phase B is about a \$130,000 for the design effort, and \$40,000 of that is permitting and environmental work. In regards to the total \$7.8 million, upon consulting with the Finance Director, he stated between the money currently in the bank (the first Bond issue) and a second bond issue, we have enough money to proceed. Whether we have enough money to do Phase A and B remains to be seen and the only way to know is to go out to bid and get the numbers back. As to whether we can get another Bond issue in the next five years to finish what is left to be done, he felt if everything remains the same we should be able to do that. In regards to the boat yard, he noted they are still very interested in expanding and very interested in getting the travel lift trailer replaced. He stated it was his hope to get the travel lift trailer pier replaced as part of the first construction phase. He spoke against doing nothing as construction costs are escalating rapidly.

City Manager Piasecki pointed out that by combining A and B there is an economy of scale achieved for doing it all at once. However, if you do each replacement as a stand alone project we will end up paying more than if it is combined.

Councilmember Thomasson commented that part of him has no problem with full steam ahead, but what he has not heard is that the all the pieces that go with this are ready, as we have not taken action to bring it all together.

Councilmember Scott noted that she and Councilmember Thomasson have spent a lot of time trying to figure out how to save the sling launch, to no avail. In regards to a commercial tenant at the north end, she felt a great deal has been learned while working with Anthony's about what a tenant may need to be given or expect to have the City willing to do. She felt since Anthony's has backed away, we have an opportunity to rethink how much land, what kind of use and perhaps look for proposals to see what is available and evaluate the various opportunities. She noted through the rebuilding of the bulkhead as a requirement of the permit, we must provide more "water", and the ideal spot to add more water is where the old sling launch is. She concluded by stating she feels we are moving in the right direction.

Harbormaster Dusenbury reminded Council that the worse area or condition of the bulkhead is on the north pier near the landside of the fishing pier. The next worse area is under the sling launch deck. He emphasized the worst risk is a seismic event with this type of a bulkhead. He added that our engineers have told us the risk of failure is greatest between the Marina office and the boatyard and the next area would be the Marina office to the north. Therefore the north side is less risk because we would lose some parking lot, but with a failure in front of the Marina

office we could lose the office and the boatyard. He felt A (Marina office and north) and B (Marina office and south) are the logical places to start in terms of risk.

Councilmember Pina suggested that through this summer the price for using the sling launch be raised to \$50.00 which will provide a good basis on whether to keep it or not. If this is the fee required to keep a launch and people do not want to pay it, then Council has a clear answer as whether to get rid of it.

Mayor Sheckler stated he felt a \$50.00 fee would completely drive business away.

Councilmember Thomasson expressed support in trying out the higher fee.

Harbormaster Dusenbury noted the price of the sling launch has not changed, but the use has continuously gone down and he feels this is strongly related to how many fish are still out there and how many people are still into salmon fishing. He stated the number of fishermen and licenses issued is going down every year.

Mayor Pro Tem Sherman commented that if we pass this item tonight, we are not committing to doing A or B first. We will be looking at both of them. If we determine 2009 will be construction time then we will determine whether A or B goes first. In the meantime, increasing the launch rate will be okay with him. He further noted that in order to pay off bonds, additional income will be needed, which is what the restaurant was to do.

Councilmember Thomasson expressed the hope that within the next month Council will start taking action on the things that need to happen behind the bulkhead. He felt Council needs to deal with the boatyard, evicting a restaurant out of an existing lease, and ask for proposals for a new restaurant lease on the north end. He noted while tonight's proposal is good, we do not have a total plan on paper in terms of all the things Council needs to do.

City Manager Piasecki reported staff will be meeting with the Municipal Facilities Committee and we will be talking about issuing an RFP for the restaurant area, getting staff going on the revised lease for the boatyard and look at doing something with the marine hardware proposal. But the time is now and within the next month we must have things moving, starting with the restaurant.

Councilmember Kaplan noted Council has been working on the Master plan for years and feels it is time to stop talking and start doing. He strongly support tonight's contract.

VOTE ON MOTION: Motion passed unanimously 6 to 0.

9:18 p.m. Mayor Sheckler called for a 10 minute break. At this point Mayor Sheckler left the Council meeting and Mayor Pro Tem Sherman took over as presiding officer.

#### Midway Subarea Planning

Planning Manager Lathrop informed Council that the City of Kent, in partnership with Des Moines, was selected by the Washington Department of Community Trade and Economic Development (CTED) to receive a \$125,000 Competitive Growth Management Act Planning Grant for the Midway-Pacific Ridge planning project. She advised that the focus of the grant application was guided in part by Des Moines' goals to reconcile inconsistent land use patterns

and development standards in the Midway area, facilitate a dialogue with the public and elected officials about choices related to future transit station locations and light rail alignment in the Midway/Pacific Ridge areas, and evaluate growth potential for the future. The Grant will run from January 2008 to June 2009. She noted the following project goals identified by staff in preparing the Grant:

- Reconcile inconsistent land use patterns and development standards
- Facilitate a dialogue about future high capacity transportation improvements in the SR 99 corridor
- Evaluate growth/Redevelopment potential
- Employee new technology to engage the community

The process to be followed was identified as:

- Establish an Interlocal Agreement
- Define Mission, Goals and Study Area - meeting with Council's Finance & Economic Development Committee next week
- Establish Stakeholder Committee, including a Des Moines City Councilmember volunteer
- Create Virtual Reality Public Visioning
- Develop and Analyze Land Use Alternatives
- Select Preferred Alternative
- Identify Areas for Planned Action Ordinance

Community outreach will be achieved by:

- Stakeholder Committee (includes Kent, Des Moines, Port of Seattle, SeaTac, Federal Way & Highline Community College; plus King County METRO, Sound Transit, WSDOT & Puget Sound Regional Council)
- Public Workshops/Hearings to begin in June, July and one in October (paid by the Grant)
- Social Network via a joint website providing for public input
- Use of Virtual Reality

Expected outcome includes:

- Revitalize Commercial and Residential Uses
- Support Transportation Corridor
- Streamline Development Process
- Create New Development Regulations

She concluded by requesting a Council representative to serve on the stakeholder committee as well as participation in the community workshops and open houses. She presented a brief CommunityViz demonstration to give Councilmembers an idea of how the virtual reality tool can be used.

Councilmember Thomasson advised the project objectives as listed in Council's packet, page 2, have never been discussed by Council, and he is not sure he supports them because they are written as though a decision has already been made, rather than feasible, potential or desired. He felt Council as a whole should determine what the goals and outcomes of the study should be and to help shape it so when staff is presenting conversations to the public, staff will not point the public to where Council does not want to be.

Planning Manager Lathrop stated it may have been a poor choice of words on her part.

City Manager Piasecki pointed out that in the agenda item itself, while it says the following project objectives were developed as part of the Grant application, we also envision that these can certainly change as we go through the visioning process. However, to get the process started, we had to put together some sort of thought for the State as to what sort of things may come out of this. He felt Planning Manager Lathrop is on track with the idea of bringing everyone together and figure out what we do want and what we expect.

Councilmember Thomasson felt staff needs to engage all of Council, not just the Economic Development Committee, or just one Councilmember. He suggested Council be engaged and have some preliminary concepts before staff goes to the public to ensure the issues are understood.

Councilmember Kaplan referenced the draft boundary of the area and expressed surprise that it did not extend to a main arterial such as S. 260<sup>th</sup> or 272<sup>nd</sup>. He noted the only area of the City that has commercial potential that Council has not discussed is the stretch south of the Kent-Des Moines Road down to S. 272<sup>nd</sup> and he sees this an opportunity to get a sense of what types of things people would want to see and may provide guidance in terms of what we would or would not allow. He noted there are things beginning to happen with properties that may not fall into this boundary that are impacting our City that may require changes in permitted uses. He felt if this is a step towards being able to have a discussion on these issues then he welcomes it. He noted in the end we may find our needs are different from Kent's due to the limited amount of commercial space that Des Moines has. However, he noted, there may be areas or items where we can coordinate as it will be to the benefit of both jurisdictions. He pointed out nothing is going to happen unless Council makes it happen.

Councilmember Thomasson stated he is in favor of doing the planning, but gets worried when we call citizen groups together to do the planning for us. He noted he does not want staff to spend months with a committee "going to the left", when Council may want to "go to the right". He requested staff be cautious in talking with citizens so that they don't start talking with the objectives as written in the Council packet.

Planning Manager Lathrop advised while the Finance & Economic Development Committee will participate in the first meeting, her plan is to have regular briefings to that Committee as well as full Council briefings throughout the course of the project.

Mayor Pro Tem Sherman restated the goal is to develop zoning and development regulations that are consistent along the "zipper" boundary, between Kent and Des Moines, and this will require the entire Council's attention. He cautioned staff not to get "too far ahead" of the Council if they wish Council to approve new zoning or development regulations. He questioned why the cities of Federal Way and SeaTac, and Puget Sound Regional Council and the Port would be involved in what our development regulations should be.

Planning Manager Lathrop pointed that SeaTac will have light rail coming down the S 24<sup>th</sup>/28<sup>th</sup> corridor which involves Des Moines' and Kent's preferred routes. Other agencies are also involved in similar ways.

Discussion concluded with Councilmember Thomasson volunteering to serve on the Stakeholder Committee.

### Zoning Code Update

Planning Manager Lathrop reminded Council that at the September 6, 2007, review was completed of Chapter 18.04 and deferred Chapter 18.08 until most of the rest of the Code is complete. She noted tonight's discussion will center around current Chapter 18.94 the Hearing Examiner Code, 18.84 the Comprehensive Plan and Chapter 18.60 Amendments, Unclassified Use Permits, PUDs and Appeals. She called Council's attention to the color coded Attachment 2 in Council's packets which shows how the sections are being moved or reorganized into the new format. She noted a new Chapter has been added, 18.28 Development Agreements, which has yet to be written. She advised that tonight's packet has very minimal text changes, it is mostly splitting up some sections.

Planning Manager Lathrop noted what is currently Chapter 18.94 has been reorganized so that it is now part of Chapter 18.16, the Hearing Examiner Code as well as part of Chapter 18.12 (Land Use Review Procedures) and Division 4, which staff will bring later, is the Land Development. She pointed out that sections 18.94.150 through .190 are being put into part of the Land Use Review Procedures.

Councilmember Thomasson stated he is okay with taking the Land Use Review Procedures out, but questioned why do we leave the Hearing Examiner in the Development Code, since the Hearing Examiner has been given a lot of other duties. He felt it might be best to put the Hearing Examiner Code next to Municipal Court under Administration and Personnel, or perhaps under Council and Appointive Committees, because it is more than Land Use. He further suggested not leaving the purpose title section static, but update it to whatever it is we are doing.

City Manager Piasecki reminded Council that staff's firm direction was to take the current Code as it is and put it into the new format. He noted the issue raised by Councilmember Thomasson is an excellent one, but questioned if this is the appropriate time to get into that issue. He pointed out that when it comes time to finish the new ordinance that creates all this, we will pick this up, move it to some other part of the Code and then update it so it reflects all of the other duties we have given the Hearing Examiner. The goal now is Zoning Code Land Use things and we will deal with the detail later.

Councilmember Thomasson felt the matters to be heard by the Hearing Examiner needs some work and make sure the list is complete based on everything we have done up to this date (18.16.130).

Planning Manager Lathrop noted that 18.84 (Comprehensive Plan) has been put into the new Chapter 18.20 and changing the title to include the word 'Updates'. She noted there are going to need to be some text amendments once we have reorganized.

Upon questioning by Councilmember Thomasson, Planning Manager Lathrop assured Council that the Comprehensive Plan will be updated to include the changes adopted in 2007.

10:27 p.m. **MOTION** was made by Councilmember Kaplan, seconded by Councilmember Scott, and passed unanimously, to extend the meeting to 10:45 p.m.

Councilmember Thomasson also voiced objection to the term of Update, and Mayor Pro Tem Sherman felt this was unanimous.

Planning Manager Lathrop noted that Chapter 18.24 is being split into two different chapters, with 18.60 being moved to 18.24 (Amendments & Area Wide Rezones) and 18.160 (Conditional and Unclassified Use). Upon questioning, she noted Planned Unit Developments went to 18.132.

Councilmember Thomasson asked the policy question concerning expiration of a permit if the applicant never takes any action.

City Manager Piasecki noted expiration time will go into 18.160 under Conditional and Unclassified Uses.

Councilmember Thomasson noted that area wide rezones would not have a time limit, but the language still refers to spot rezones that did have a time limit. He understands that Council does not have the authority to place time limits anymore.

City Manager Piasecki informed Council staff is tracking changes which are needed within two areas of 1) Need to Change versus, 2) Policy Changes.

Planning Manager Lathrop informed Council for the next meeting scheduled for the study session in March discussion will be on Division 3 section Environment which includes Critical Areas Ordinance, Shoreline Master Program, State Environmental Policy Act, Commute Trip Reduction Plan and Green Building Standards.

#### NEXT MEETING DATE

Mayor Pro Tem Sherman noted the next regular meeting will be February 14, 2008.

#### ADJOURNMENT

At 10:39 p.m. **MOTION** was made by Councilmember Kaplan, seconded by Councilmember Pina and passed unanimously, to adjourn.

Respectfully submitted,

Denis Staab  
City Clerk