Minutes of Council Meeting, Special Session
November 9, 2009

Roll Call.


Absent/Excused: Miller, Tabb.

Others present were City Manager Barkley, City Attorney Pidduck, Community Development Director Smith; Planning Supervisor Bailey; Deputy Clerk Keno and six members of the audience.

APPROVE UNIVERSITY WAY BANNER REQUEST FOR CWU AFROTC SENIOR VIGIL – VETERANS MEMORIAL FROM NOVEMBER 9-16, 2009

The ROTC unit at CWU is requesting placement of a banner over University Way from November 9, 2009 through November 16, 2009 to advertise the “POW Veterans Memorial MIA.”

Motion to approve banner request. Elliott

Approved

Motion to approve excused absences for Councilmembers Miller and Tabb. Elliott

Approved

PUBLIC PARTICIPATION PLAN

The purpose of the special meeting is to discuss a draft Public Participation Plan (PPP) that will be followed for GMA actions, as well as serve as the City’s general Public Participation Plan (PPP) for all of its activities. Currently, the City is following a 1995 GMA PPP for GMA activities because it was adopted by Council and has not been formally repealed.

Community Development Director Smith summarized the agenda report and attachments. He outlined the Growth Management Act (GMA) requirements for a PPP for proposed amendments to the comprehensive plan and development regulations that implement the plan. The notice requirements for quasi-judicial actions, GMA comp plan amendments and development regulations and legislative actions were reviewed. Council can always direct staff to perform expanded public participation.

Staff is recommending four types of permits with specific notice hearing procedures for each. He outlined the types as follows:
• Type I – Ministerial decisions such as code interpretations.

• Type II – Administrative decisions such as home occupations, critical area permits or short plats.

• Type III – Formal quasi-judicial actions such as plats, Planned Unit Developments (PUDS) or conditional use permits.

• Type IV – Legislative decisions such as comp plan adoption/amendment or area wide rezones or code amendments.

Staff recommends holding off on a PPP for quasi-judicial actions until the city does its major code rewrite in 2010. For the GMA comp plan amendments staff recommends review and revisions to the 1995 PPP and adoption of that document as either a comp plan amendment or code amendment. Staff requests Council consider:

Appropriate PPP activities;

Replacement of mandatory language requirements such as “will” or “shall” with more flexible language such as “should” or “to the greater extent possible” in order to minimize legal challenge;

The GMA comp plan amendment process should be reviewed and updated and formalized by adoption into the Code.

Council asked questions of staff.

Council took comments from the audience. One audience member spoke about the need for early and continuous public involvement for quasi-judicial actions and suggested the development of a citizen participation ordinance similar to one used by Glendale, Arizona. The ordinance puts the burden on the applicant to develop a plan for informing the public and council receives a report from the applicant.

City Attorney Pidduck advised Council to be cautious about applying processes from other states. Washington State law dictates one public hearing and one closed record hearing. Council requested information from staff on whether the citizen participation ordinance complies with Washington State law and has been used in the State.

Council consensus was for a staff to bring back a draft participation plan with a global look using the 1995 plan as a starting point and incorporating the classification types recommended by staff.

Costs spent on public notice advertising were reviewed. Council discussed the future of the Town Talk publication which is not currently funded in the proposed 2010 budget. The bulk of the publication cost is attributable to the time spent by the contract employee on researching, writing and formatting of articles. If the publication is included in the budget all of its funding does not have to come from the General Fund. Because the utilities benefit from its publication, the City could use funds from the
utilities to help cover the cost instead of all of the funding coming from the General Fund. After
discussion, Council consensus was to continue with Town Talk and evaluate its budget implications
at some level.

Council recessed to executive session at 9:15 p.m. to review the performance of a public employee.
The executive session is expected to last approximately 30 minutes.

**ADJOURN** Motion to adjourn at 9:45 p.m. O’Brien

Approved

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Mayor

ATTEST: ________________________________

City Clerk