

## REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES

May 10, 2007

The regular meeting of the Des Moines City Council was called to order by Mayor Sheckler at 7:36 p.m. in the Council Chambers, 21630 11<sup>th</sup> Avenue South, Suite B.

PLEDGE OF ALLIGANCE to the Flag was led by Councilmember White.

ROLL CALL - Present: Mayor Bob Sheckler, Mayor Pro Tem Scott Thomasson, Councilmembers Ed Pina, Carmen Scott, Dan Sherman and Susan White. Absent: Councilmember Dave Kaplan. Also in attendance were City Manager Tony Piasecki, City Attorney Pat Bosmans, Harbormaster Joe Dusenbury, Finance Director Paula Henderson, Planning, Building & Public Works Director Grant Fredericks and City Clerk Denis Staab.

MOTION was made by Councilmember Sherman, seconded by Councilmember Scott and passed unanimously, to excuse Councilmember Kaplan.

COMMENTS FROM THE PUBLICVernena Staab, 21628 28<sup>th</sup> Avenue South

Ms. Staab complained about there not being a fence around the Midway area Park. She requested that video cameras be installed around South 218<sup>th</sup> Street and 29<sup>th</sup> Avenue South, to curb drug trafficking, fights and beatings in the area. She cautioned about "home made submarines" bringing in drugs at the Marina. She concluded by noting cameras are needed, now.

BOARD & COMMITTEE REPORTS & COUNCILMEMBER COMMENTSGovernor Gregorie Appearance at Beach Park

Councilmember Scott reported attending the Governor's signing of a bill at the Beach Park on Monday, to help restore Puget Sound. She stated the weather was great and Des Moines showed off beautifully.

Farmer's Market

Councilmember Scott announced that the Farmer's Market will begin on June 2<sup>nd</sup> from 10 a.m. to 2 p.m. each Saturday through October.

Suburban Cities Association - Public Issues Committee

Councilmember Pina noted he attended a meeting of the Committee last night. Three items of interest were:

1. Medic I Emergency Service - Learning towards ordinance that would be a Levy of regular property tax for six years. This has been tabled until the next meeting.
2. Proposed Amendment to King County Charter to establish non-partisan for election of the King County Executive Assessor and Councilmembers.
3. Cities of Redmond and Olympia have adopted a sprinkling requirement on all construction of new homes.

Crime - East of Highway 99

Councilmember White reported receiving a phone call from a Mr. Reilly who owns property at South 216<sup>th</sup> and 29<sup>th</sup> Avenue South concerned about criminal activity and his inability to rent his four-plex to quality individuals. She felt the City must do something about the problems and perhaps Ms. Staab's request to install cameras should be given consideration.

City Manager Piasecki noted he has forwarded Mr. Reilly's concerns to Police staff to respond. He further advised that he knows the Police are spending a lot of time in that neighborhood along with special emphasis patrols. However, until we get the Levy Lid Lift crew on board and operating it is difficult for the City to maintain and sustain a special emphasis the way we need to be able to do. He felt cameras do provide some help but to be really effective you need someone to monitor them 24 hours a day and react immediately when they see something. He advised he will follow-up with the Police Chief to see what else we might be able to do until the Police are up to full force.

Upon questioning about having some kind of "permit" parking in that area, City Manager Piasecki advised that since a lot of the apartment complexes are now patrolling or fencing their parking lots, there are very few people parking in the streets anymore.

Governor Gregorie Appearance at Beach Park

Councilmember White also noted the event at the Beach Park was wonderful. She advised that she and Parks and Recreation Director Thorell spent time with the Chief of the Department of Fish and Wildlife, and some of his staff, walking around the Park and looking at issues the City is dealing with such as the creek dredging.

Seattle King County Association of Realtors

Councilmember White reported attending a "Housing Issues" briefing at the Kent Library regarding the housing crises in this area. She felt it was very informative addressing the affordable housing issue.

Mt. Rainier High School Track

Councilmember White noted she has forwarded an e-mail to Councilmembers regarding partnering to help provide funding for a track project from Mr. Ray Prentice. She suggested that if there is enough interest that perhaps this could be a future agenda item for discussion.

Seattle/King County Public Health

Councilmember Sherman reported attending a meeting earlier today and the good news is that our area (Des Moines, Burien and Normandy Park) has a very low diabetes rate.

Public Safety and Transportation Committee

Councilmember Sherman advised the Committee met this evening and discussed some of the following items:

- Salt Water State Park Bridge repair work: Temporary work should be complete by June 15<sup>th</sup>. Phase II estimated complete by Oct. 8<sup>th</sup>, however we do not have guarantee from Federal Government for funding of \$1 million.
- Condition of City Streets Survey: Some information will be brought to Council soon. Estimated new value of City Streets is around \$84 million. Reviewed options on protecting this investment.
- 6 Year Transportation Plan: Will be before Council on June 14<sup>th</sup>.
- Update on SR 509 plans
- Update on Transit now
- Information from Washington State Dept. of Transportation regarding construction work from South 284<sup>th</sup> to South 276<sup>th</sup> (Copy distributed to Council)

ADMINISTRATION REPORTSUpdate - Zenith View Pointe

City Manager Piasecki advised that he has distributed a memo from Development Services Manager Ruth regarding engineering plans to construct South 239<sup>th</sup> Street and associated improvements as required by City codes for the Zenith Viewpointe mixed use project. He advised Councilmembers to contact him or City Attorney Bosmans should they have any questions regarding the issues.

"State of the Port of Seattle" - Bob Edwards

Mr. Edwards informed Council of the following:

- 30 million passengers traveled through SeaTac Airport, with fewer operations
- 2 million cargo containers were handled (50% growth in sea port cargo in last 7 years)
- 200 cruise ships called at the Port carrying 735,000 passengers
- Major projects - June non-stop service to Paris and shortly thereafter non-stop service to Mexico City
- 3<sup>rd</sup> Runway on track to be paved this summer and completed in 2008
- Sound Transit will complete light rail link to the airport in 2009
- Partnership with City of Des Moines on Des Moines Creek Business Park Project
- Port to buy east side rail corridor, set aside funding to allow use as recreational trail and create more rail capacity, King County will then transfer ownership of Boeing Field to the Port
- Port has new CEO
- Port effects region by:
  - creating new jobs
  - business revenue \$12 billion
  - Invests Tax money for debt on general obligation bonds, direct environmental restoration, expand cargo terminals and expansion and rebuilding of Highline Schools
  - Reduction of air emissions

- Restoration of about 80 acres of buffer and wetland along Miller Creek
- Protection and restoration of 30 buffer and wetland along Des Moines Creek
- \$300,000 grant program for restoration projects in the lower Des Moines Creek Basin
- At end of 2006, 300 million gallons of storm water connected to 3<sup>rd</sup> runway project that were treated rather than being released
- Of 20,000 jobs at SeaTac Airport, 1,061 live in Des Moines
- Breaking ground on East Marginal Way grade separation
- Supporting completion of SR 509 and the missing link to I-5
- Expansion of SR 518 with \$10 million contribution to ease congestion at Airport
- Working with Seattle and Dept. of Transportation to move freight through the Stadium District in Seattle on SR 519
- Education of school children concerning airport and seaport operations, 125 students from Des Moines participated in the Sea-Air School

CONSENT CALENDAR items #1 through #6 were read by City Clerk Staab, with item #7 read by Mayor Sheckler.

1. Motion is to approve the regular minutes of April 5 and 12, 2007.
2. Findings: Vouchers audited and certified by the auditing officer as required by RCW 42.24.080, and those expense reimbursement claims certified as required by RCW 42.24.090, have been recorded on a listing which has been made available to the City Council.

Motion: As of this date the Des Moines City Council, by unanimous vote, does approve for payment those vouchers and payroll transfers included in the above list and further described as follows:

Claim checks #108921 through #109111 & electronic fund transfers in the total amount of \$759,835.35

Payroll fund transfers in the total amount of \$328,563.15

3. Motion is to approve the draft agreement with DataBar, Inc. to provide billing services to the Marina and to authorize the City Manager to sign the agreement substantially in the form as submitted.
4. Motion is to authorize payment of registration and travel expenses of approximately \$498 for Councilmember White's attendance at the Association of Washington Cities Annual Conference in Tacoma, June 12-15, 2007.
5. Motion is to authorize additional expenditures from Fund 404 for the Marina's CCTV Security Camera project in the amount of \$2,500.

~~6. Motion is to award the contract for professional engineering services for the Lower Des Moines Creek Hydraulic Evaluation to Tetra Tech/KCM, Inc. in the amount of \$58,011, plus a 10% contingency and authorize the City Manager to sign the contract substantially in the form as submitted. [ED NOTE: Item removed by Councilmember Scott]~~

7. Draft Resolution No. 07-097 **ASSIGNED RESOLUTION NO. 1038** - Title: A Resolution of the City Council of the City of Des Moines, Washington, recognizing millions of public employees at the federal, state, county and city level; and dedicating and declaring the week of May 7 through May 11, 2007, as "National Public Employee Recognition Week" in the City of Des Moines; and recognizing the following City employees that have 20 or more years of service: Jerry Ellingsen 32 years, Denis Staab 32 years, Joe Jewell 26 years, Bonnie Holmboe 27 years, John O'Leary 28 years, Jerry Nettles 28 years, Steve Wieland 25 years, Kevin Tucker 24 years, Dave Bell 24 years, Sonny Williams 24 years, Janet Beeck 23 years, Dave Maresh 23 years, Sue Bowman 22 years, Bradley Rogers 22 years, Frank Olson 21 years, Bob Collins 21 years, Vicki Sheckler 21 years and Ross Stuth 20 years.

MOTION is to approve Draft Resolution No. 07-097.

Item #7 - Remarks

Councilmember Sherman thanked the long term employees that have stuck with the City through thick and thin as their knowledge of the City's history provide the foundation for a strong City.

Councilmember Pina advised that employees with experience and knowledge keep the City running smoothly.

Item #4 - Remarks

Councilmember Pina pointed out that Council's travel budget is almost expended for the year, however he has no objection to Councilmember White's request.

Mayor Sheckler suggested that Council may wish to curtail future travel or, Council may wish to address increasing this budget item.

Councilmember Sherman noted that Council stipulated that each request come before Council for approval before funds are spent, and he believes the City has received much value from almost all travel that has been approved.

Item #6 - Councilmember Scott requested this item be removed.

**MOTION** was made by Councilmember Pina, seconded by Councilmember Sherman and passed unanimously, to approve the Consent Calendar as amended.

Removed Consent Item #6 - Contract for Lower Des Moines Creek Hydraulic Evaluation

Councilmember Scott noted that the Agenda Item packet states it is not necessary for the evaluation to be complete before starting the emergency dredging work in July. She felt that it is important that the results be known in time to effect the dredging.

City Engineer Reinhold estimated the study will take about 2 to 3 months to gather information. However he noted the dredge work is not dependent on this summation. The dredge work is just to clear out the immediate area between the vehicle bridge and the dining hall. He advised the information will be used to address that channel section for next summer on how to keep the water in the channel and also to look for ways to improve sediment transport so it does not unload underneath the building.

Councilmember Scott stated her concern is that much of the capacity of the channel is gone between the one-way bridge and the old wooden bridge east of the Sun Holm Lodge and that if we leave that full of gravel and have bad floods next winter, it will undue some of the good we try to do this summer.

City Engineer Reinhold advised that after consulting with the Department of Fisheries it has been concluded that it is better to over dredge the lower section rather than dredge a large amount at this time.

Councilmember Scott felt that if the area along side the dining hall, east of the one-way bridge, is not dredged this summer she would not want the City to invest funds in re-doing the dining hall and then finding out the channel is not adequate and we get flooding at that part of the creek.

Upon questioning, City Engineer Reinhold noted that the project for the high flow by pass pipe has been awarded so work should start in June. He noted Midway Sewer District needs to finish their project, scheduled for completion this fall.

**MOTION** was made by Councilmember White, seconded by Councilmember Sherman, to award the contract for professional engineering services for the Lower Des Moines Creek Hydraulic Evaluation to Tetra Tech/KCM, Inc. in the amount of \$58,011, plus a 10% contingency and authorize the City Manager to sign the contract substantially in the form as submitted.

Mayor Pro Tem Thomasson stated this project did not go through the Environment Committee. He noted that this item was not budgeted for, and he further felt it should not be a SWM expenditure as it is associated with the building restoration. He noted we just recently passed an amendment to the Des Moines Creek Basin Project and yet we are doing our own work on trying to figure out how to deal with the stream issues. He felt this should be a Basin Committee study, and the expense be shared by all of the other parties. He expressed disappointment on staff's choice of funding, not asking the Basin Committee to participate and failure to bring this to Council earlier to make recommendations. He noted he will vote in opposition.

Councilmember Scott advised that if the study finds the problems are from the slopes then it is our problem. However, if they find 90% of the gravel is from a foreign location and has swept down from things that the Port did, then it is a different problem.

**MOTION** was made by Councilmember Pina to defer action to the next meeting to allow staff to research and provide answers. Motion was seconded by Mayor Pro Tem Thomasson and passed 4 to 2 with Councilmember Sherman and White opposed.

8:48 p.m. Mayor Sheckler called for a 10 minute break.

OLD BUSINESS

Draft Resolution 07-037 [ASSIGNED RESOLUTION NO. 1039] Adopting the Marina Master Plan

Mayor Sheckler introduced the subject and thanked the Municipal Facilities Committee for their hard work on the Plan.

Harbormaster Dusenbury reminded everyone that this Saturday is South Sound Opening Day and the Marina will be hosting "Safety on the Sound", a free event from 10 a.m. to 2 p.m.

Harbormaster Dusenbury noted that at the February 15, 2007 meeting, Council directed staff and the Municipal Facilities Committee to further review funding options and bring another recommendation back to the full Council. He noted that Chapter six shows the phasing for the bulkhead projects, a list of the projects by phase including cost estimates and then the Financing Plan that the Finance Director will discuss shortly.

Upon questioning, Harbormaster Dusenbury pointed out that on page 6-3 Net Profits should say "Net Profits Before Debt Service" and "before transfer back from operating to capital".

He pointed out some of the changes since Council's last review:

- Sidewalk widened in south end to provide pedestrian corridor from South 227<sup>th</sup> to the bulkhead
- New travel lift pier pathway to the yard and storage area, shown to scale
- Small drawing (figure 4.5) north of Marina office, showing concept of additional commercial space

Harbormaster Dusenbury referenced Chapter 5, Design Guidelines. He advised that after a lot of discussions at the Municipal Committee level, the Committee recommended that the guidelines be left out of the draft document because currently there are two efforts underway. The first is the downtown design guideline project that is an in-house project, the second is the Store Front Studio project that is being conducted by the University of Washington Department of Urban Planning and Architecture. Since these projects will be completed in the near future, the new guidelines will be developed before next summer.

Finance Director Henderson proceeded to review updated financing assumptions, with highlights as follows:

- Annual increases in moorage revenue of 3.5% after 2009
- Increases in other revenue sources based on historical patterns
- Annual increases in expenditures of 3%, except for General Fund transfer at 2%

She advised that the Marina's current debt schedule, the new rate plan and conservative revenue projections suggest that the Marina can carry up to twelve million dollars in bonded debt, phased in over the next 3 or 4 years. This would provide enough capital to complete the first three phases of the Plan projects. She noted that the Municipal Facilities Committee is recommending that other revenue sources such as the real estate excise tax be used to help fund the projects that are obviously for the benefit of the general public and this would allow the City to complete more phases of the Plan for the amount of bonded debt the Marina is able to carry. She stated a top priority for staff will be to look for sources of grant money. Some of the possibilities are state and federal grants for boating infrastructure, like the IAC grant for the Redondo project. She further noted staff is working with our State Legislators to see if there are any funds for infrastructure of economic development that the Master Plan projects may be eligible for.

Mayor Pro Tem Thomasson suggested that for projects that clearly have a general public benefit, CIP money or REET could be used and could be eligible. He advised that he is okay in terms of this being a concept plan, however he noted when the CIP is reviewed this fall, in the years of 2008 to 2011 the Marina will be now completing with other things such as the Beach Park. Council will need to make tough choices. Therefore, he does not want this read as a commitment that the money has been allocated to the Marina without further future discussions. He felt a sentence or two could be added (Chapter 6) to make this clear that this is an estimate.

**MOTION** was made by Councilmember White, seconded by Councilmember Sherman, to adopt Draft Resolution No. 07-037, adopting the Updated Marina Master Plan for the Des Moines Marina.

Upon questioning by Mayor Pro Tem Thomasson regarding Section 2, Harbormaster Dusenbury stated that this plan will replace the previous Master Plan. As to whether the old plan should be in the Appendices is Council's decision.

**MOTION** was made by Mayor Pro Tem Thomasson, seconded by Councilmember Pina, to amend the draft resolution by deleting Section 2. Motion passed unanimously.

**VOTE ON MAIN MOTION:** Motion passed unanimously.

Mayor Sheckler read the resolution by title into the record.

Councilmember Sherman advised that the Municipal Facility Committee is not done working on the Plan as there are a few elements that need to be completed. He noted next week the Committee will be meeting with interested parties regarding the restaurant portion, which includes the final configuration in that area so we can move forward with the bulkhead replacement.

Continued Review: Des Moines Creek Business Park Draft Second Development Agreement

Planning, Building & Public Works Director Fredericks advised that staff is seeking Council's direction on several policy questions that are designed to achieve the intent of the Municipal Code in general, and that will advance the policy goals of Council that will guide the development and approval of the conceptual Master Plan and Second Development Agreement for the proposed Business Park. He advised the intended outcomes are to create:

- A vibrant employment center that generates jobs, revenue and other economic benefits to achieve the socio-economic goals of the City
- A new source of direct and indirect long-term revenue for both the City and the Airport
- Increased trade opportunities for the Puget Sound region
- An attractive and safe community asset

Planning, Building & Public Works Director Fredericks advised that staff plans to bring a second development agreement with some supporting work in the form of a resolution, noting an outline of this is contained in Council's packet as attachment 1. This resolution sets out conditions of approval of this project and it is staff's proposal to continue to work with Council in receiving direction in what those conditions of approval should be and the development requirements for the project. He noted he has 13 policy questions that are intended to help staff to be able to help council achieve the objectives as listed.

Mayor Pro Tem Thomasson expressed concern because the Zoning Code is clear that a master plan application needs to come in with any sub-division application and the two shall be processed at the same time. When you go through that process is when you really are evaluating the proposal and any impacts. Therefore to have the development agreement state that these are the impacts you have to address, before Council has gotten the information and gone through the hearing process to evaluate what is being proposed, makes him uncomfortable. He felt there is a need to have the Environmental Impact Statement taken apart so Council understands it, so that Council knows if the right mitigations are listed in the agreement. He advised he is struggling in doing a development agreement on a conceptual master plan, with specific mitigations that imply, there is no 2<sup>nd</sup> chance and no guarantees. He felt staff is trying to get rid of all the risks for the developer and there ends up being huge risks for the City.

Planning, Building & Public Works Director Fredericks acknowledged Mayor Pro Tem Thomasson's concerns and stated staff's goal is to understand the concerns so that the Port can continue to work on this development application and staff can continue to think about what the conditions of approval of that application would look like. He informed Council that staff believes the work done in the conceptual Master Plan and the Environmental Impact Statement will provide an adequate basis for the Council to set out its development requirements and its conditions of approval of work that will occur on the site. We won't know until a developer is selected if this is going to be subdivided in a way that will even need to come to Council.

Mayor Pro Tem Thomasson noted that some of the policy questions implied that staff has certain discretions, but that troubles him because that runs into subdivisions and binding site plan applications where Council is the final authority. He felt it would be awkward if staff had agreed to something that is actually Council's final say.

City Attorney Bosmans advised Council that she simply has not had time to review the proposed second agreement and it is her understanding that the former City Attorney is doing that on behalf of the City.

Councilmember Pina expressed the opinion that staff is trying to create a vision of something that will be economically viable for all parties. He looks upon this session, and previous sessions, as staff asking what kind of things will Council consider reasonable or unreasonable. He felt perhaps a another document needs to be developed between the City and the Port that basically defines reasonable things, until they actually get to doing a development, as they have to prepare a development plan that during normal process will come to the Council.

City Manager Piasecki requested staff be allowed to frame the policy questions and provide detail as to what they are looking for, but do not have Council answer until we get all the way through them.

Rob Larson, with Clearpath the City's Real Estate Advisor, commented that the approach being taken here is unusual in a sense, but the more significant developments around the area that have been successful are following a path like this one. A lot of work is done up front, a lot of planning, road infrastructure planning, etc. to create a predictable and efficient process that ultimately allows developers to come in quickly, quantify their risks and move forward. This provides benefits to the City, the development community and the region as a whole. He stated the Port has taken the initiative to hire a small army of professional consultants to put their collective best thinking into to this project, in light of the City's regulatory structure. He noted that Planning, Building & Public Works Director Fredericks has brought forward a lot of detail about the two alternative schemes that very bright thinkers feel are the ways that this site could be developed. He stated the Environmental Impact study followed those schemes. He stated a lot of thought has been put into this process and what staff is asking is for Council to consider the definition provided by the Conceptual Master Plan as the bracket of future activities that might take place that creates predictability.

Planning, Building & Public Works Director Fredericks proceeded to review the following policy questions:

- Does Council support a City review and approval process on the front-end that provides a clear, efficient and predictable process conducive to marketability and return on investment that helps achieve a commercially successful business park development; Integration of the business park with surrounding neighborhoods in a community-friendly way; Protection of environmentally sensitive areas, and engagement of key stakeholders.
- Does Council support approval criteria for the Conceptual Master Plan?
  - A flexible mix of uses as long as a "vibrant employment center" is achieved?
  - Flexible building locations, heights and sizes as long a certain City's conditions are met?
  - Flexible parking and loading configurations and ratios within prescribed regulatory and performance parameters?
  - Parks and recreation areas requirements would be satisfied through a combination of more open space than the minimum required by the DMMC, and passive recreation and pedestrian amenities such as access to and along the Des Moines Creek Trail and through the site incorporated in the Site's design?
- Does Council support phased development of the site and supporting on-and off-site infrastructure with defined "trigger points" that identify when specific improvements will be required?

He advised the next set of policy questions are a starting point in the discussion about what we establish as vesting rights under the agreement:

- Does Council support establishing a 10 year vesting period for land use approvals? If so, under what, if any, conditions (e.g., such as demonstrating a good faith effort to move construction forward)?
- Does Council support establishing a 20 year Second Development Agreement term with 90 Day termination clause as requested by the Port?
- Does Council support a realistic, market-accommodating approach for the developer chosen to develop the property that:
  - Changes the process envisioned by the 1<sup>st</sup> Development Agreement that has the Council approving a Conceptual Master Plan containing sufficient detail to satisfy business park master plan submittal and Council approval requirements?
  - Streamlines City staff approval and decision making of Site Plan detail by delegating that approval authority to the Planning, Building and Public Works Director?

Planning, Building & Public Works Director Fredericks noted that what did not exist when the Code was written a decade ago, is what we are trying to achieve through this development. He

advised that staff is requesting Council consider that we focus on what it is the ultimate outcome associated with this development. Such as "Is it to conform to a process as laid out in DMMC 18.25, which is a process goal, or is it an outcome goal that deals with employment, development standards, and are they in the Council's mind one and the same?"

Mayor Pro Tem Thomasson noted the way the Code was written was a process that when a development is brought forward, Council will approve a Master Plan that lays out how it will be built. It was written so Council will know when they like what they see, and if Council likes it when they see it, then staff can go forward. He stated it was not a rezone because then the developer could do whatever he wanted. He thought it should be a rezone with a specific process to get an end result. He felt when this property was first looked at years ago, Council was led to believe it was a small part of an urban center and now is being asked to look at this property as something on its own, and staff is asking Council to "trust us" rather than showing us a proposal to approve. He stated that if we want to take out the Council review process, you must change the zoning code. The Code is written so that Council has the sole discretion on what gets approved.

Councilmember Sherman commented that Council is changing the process, we are doing a different process than is in the Code. He noted staff asked Council to do this and Council agreed, which is in the First Development Agreement. He felt in this case, this is a large piece of property and the City and the Port do not know exactly what is going to be done yet. In the end Council will look at the project and make some kind of approval, but even then Council still will not know every structure that will be there because it will be done in phases. He sees this as a give and take process, and there is some trust in staff involved. He stated he is willing to make a change in the way the process is handled. However, what he does not want to happen are degradation of the environment in general, does not want it impossible to get downtown on South 216<sup>th</sup> or have access to the Post Office blocked due to bad traffic, and does not want the development to be a visible blight. He felt staff is on the right track looking at the 'big picture'.

Mayor Sheckler expressed the opinion that he is okay with the process as outlined by staff.

Councilmember White stated she is comfortable with the proposed process.

Councilmember Pina advised that he agrees with Mayor Sheckler. He felt if Council feels it is necessary the Code can be amended later.

Planning, Building & Public Works Director Fredericks advised Council that staff is trying to find a way to package this in a way which attracts the very best developers in the Country and understand it is a viable site that will not get bogged down in process because they will understand what the development regulations are, what the conditions of approval are, what the environmental box is, and what the phasing requirements of the City are.

Councilmember Scott expressed frustration. She felt staff's questions are written in such a way that you have to agree. She would prefer they were written so Council would feel okay to say what ever they really think. She stated the Port has had 20 years in owning this property, so they know everything about it and they need to give that information to a developer so they know what they are dealing with. What she wants to know up front are the things that are important to Council before we can make any final decisions. She also wants to see a foot print of the land they intend to do something with, whether all the trees will be removed, whether they are going to move 1000s of cubic yards of dirt and she does not like being told we have to do a big long term concept without knowing the basics first. She advised she is not comfortable with the direction this is going.

City Manager Piasecki felt part of the problem is that the draft resolution contains blanks, and what staff is asking is to allow staff to fill in the blanks as to how this process would work and how Council would create the development box on what the conditions of approval would look like. This would involve what the foot print looks like, the moving of dirt and other issues. He noted this is a different way to look at the project, rather than a prescriptive approach, this is saying this is how it needs to look. What staff is looking for is a performance based approach where we put together "here is what we are trying to accomplish in the end, here is how we draw a box around it", and if the developer can come in and creatively get to where Council wants in the end, then there is flexibility in the way the developer creates his master plan.

After further discussion, Mayor Sheckler suggested Council dedicate an entire Thursday to just this item on either May 17<sup>th</sup> or May 31<sup>st</sup>.