

**PLANNING COMMISSION
REGULAR MEETING
CITY HALL – COUNCIL CHAMBERS
October 25, 2011**

ROLL CALL: **Present:** Bruce Neil, Keith Fakkema, Jeff Wallin, Greg Wasinger, Kristi Jensen and Jill Johnson. **Absent:** Gerry Oliver.
Staff Present: Development Services Director, Steve Powers; Senior Planners, Ethan Spoo and Cac Kamak and Associate Planner, Melissa Sartorius.

Chairman Neil called the meeting to order at 7:30 p.m.

MINUTES: MR. FAKKEMA MOVED, MR. WALLIN SECONDED, MOTION CARRIED TO APPROVE THE SEPTEMBER 27, 2011 MINUTES AS PRESENTED.

PUBLIC COMMENT:

No comments.

SIGN CODE UPDATE – Public Hearing

Mr. Spoo reported that Planning Commission will have at least two meetings on this topic. This month staff will present some background, shortcomings of the existing code, principles for new code language and initial research. Next month the draft code will be presented.

Background

On July 12, 2011, the City Council adopted an interim ordinance. Interim ordinances are effective for a period not to exceed six months. The interim ordinance deleted a provision in the “Temporary and Special Signs” code that limits placement of political signs to “a period of 60 days preceding the election”. By January 12, 2012, the City Council must either extend the interim ordinance for another six months accompanied by a work plan or adopt a permanent ordinance.

Shortcomings of the Existing Code

Mr. Spoo pointed out that section 19.36.080(8)(d) prohibits political signs on public property and 19.36.080(8)(a) establishes that a time limit of 60 days preceding an election. *Collier vs. City of Tacoma*, has established that political signs must be allowed on certain types of public property subject to time, place, and manner restrictions and pre-election time limits have been deemed to be unconstitutional.

Mr. Neil asked if the Collier case means that someone can put a political sign up three years before the event. Mr. Spoo answered yes, that is our understanding.

Mr. Neil asked if they can put up a sign in Windjammer Park. Mr. Spoo answered yes, parks are considered to be public fora, but that doesn’t mean there can’t be certain restrictions for where the signs can go.

Mr. Spoo continued; there are different types of public property. Some of those locations are appropriate for placement of political signs and some are not. The way the courts have distinguished between these types of public property is using something called forum analysis. There are three different types of public forums: traditional public forums, limited public forums, and non-public forums.

Traditional public forums are places where public debate has traditionally been allowed in the past. The public right-of-way is one of those places. Think marches, rallies, etc. Limited public forums are places where public debate and signage might be appropriate at some times, but not others. Finally, there is what is called a non-public forum where political signage and debate is

clearly not allowed. An example would be a police car. Clearly, this would detract from the police car's main purpose. Even though we have different classes of public property, the community can impose time, manner, place restrictions subject to legitimate government purpose, as long as those restrictions aren't any more restrictive than necessary.

Mr. Spoo outlined some of the time, manner, place restrictions that are proposed for the new code. Mr. Spoo explained that the pre-election time limit will be removed since pre-election time limits are not permissible. Manner restrictions can be applicable subject to a legitimate public concern. Safety has been seen as a legitimate public concern (limiting the size and the height of signs in the public right-of-way so that drivers can see pedestrians, bicyclists, etc.). Place: the same safety principle applies. You don't want signs at locations that obstruct views and visibility and you also don't want the signs in traffic lanes. So we will be proposing restrictions to only allow signs to be placed in the public right-of-way or on the sidewalk at appropriate locations.

Mr. Spoo provided, for the record, a letter (Attachment A) to the Planning Commission from the American Civil Liberties Union of Washington (ACLU) which was given to the Planning Commission at the pre-meeting. The letter expresses concern about the City's retention of a post-election time limit of seven days on political signage.

Mr. Spoo provided another handout (Attachment B) to the Planning Commission which supported retention of the post-election time limit. The handout came from the Municipal Research Services Center of Washington (MRSC).

Planning Commission Questions/Discussion

Mr. Neil asked if someone could put up a political sign on the City of Oak Harbor entrance sign or on the trees along SR20 and if the signs could stay up there forever. Mr. Powers explained that tonight the Planning Commission is being presented with a couple of concepts that have to be addressed. It is complicated and there are many court cases that help form the case law that the City has to respond to. The short answer is that the community is able to limit the placement and the length of time on the signs if the community can clearly articulate a public purpose behind those limitations. As for the example of the trees along the highway, there is a public purpose in saying that you can't nail your sign to the public's tree. There is a public investment, community ideal and goal that is part of the landscaping theme. So we could probably successfully limit the ability for someone to nail their sign to the public's tree.

Ms. Jensen asked staff to provide the State's definition of pre-election and asked if there was a certain time that a candidate would have to register as a candidate? Ms. Johnson also commented that there are candidates that file immediately for fund raising purposes, so there are perpetual candidates which make the post-election time limit open to question.

Mr. Spoo indicated that he may be able to get a definition in the State law but that his impression was that you cannot impose any pre-election time limit. In most cities this issue works itself out practically because generally a candidate won't buy signs three years ahead of an election.

Mr. Powers pointed out that you can have political speech without being a candidate, so trying to say that the sign shouldn't go up until they file declaring their intention to run for election is a limitation on that speech.

Ms. Johnson asked if there is a definition of a political sign. Can a sign say "I don't like the military", "I don't like war", "I don't like police" or "I don't like whatever". We are assuming these are advocacy signs but what if they are signs in opposition of a value that this community holds closely. Are those signs allowed in public spaces at any time as long as they meet the height requirement?

Mr. Powers said that his operating assumption would be that all of that is political speech and protected in some fashion. The question is what community standards that the citizens of Oak Harbor would like to see put into the code that address time, manner and place but not content. This is why we made a special effort to say political signs and elections signs because it can be a particular candidate or a particular topic.

Mr. Wallin asked if we can address the quantity of signs.

Mr. Spoo said he didn't think that you can limit the number of signs, for instance, an apartment complex may have 15 apartments with 15 people that might want to put up signs up regarding 10 different issues each and to say that there can only be two signs per property could be challenging.

Mr. Neil asked if the code will apply to the dancing pizza signs.

Mr. Spoo replied, those signs would fall under the temporary signs category and you have to treat commercial and non-commercial speech the same and they would be subject to the same restrictions that apply to political signs.

Mr. Powers explained that staff has tried to narrow the scope of what we are dealing with. Political signs are in the category of temporary signs so we will need to address all of the standards that relate to temporary signs which include A-frame signs, but he didn't know that we will get into the dancing pizza signs. We are not proposing any amendments to the permanent signs.

Ms. Johnson asked if temporary signage means the way it is designed or the length of time that it is up.

Mr. Powers indicated that there are definitions in the code that relate to the length of time and structural make-up (signs that can be easily put in place and removed).

Ms. Johnson asked if there can be a timeframe on commercial speech but not an individual's right to speech.

Mr. Powers said that there are questions about whether commercial speech needs to be treated the same as political speech. That is a topic that is outside the scope of this particular amendment. Our immediate concern was responding to the issue raised that led to the interim ordinance being adopted. But it is likely we will have to address that in the future.

Ms. Johnson and Mr. Neil felt that free speech should extend to businesses, candidates and individuals equally and asked how you could have a different set of criteria for business than we have for candidates.

Mr. Powers clarified that we can't regulate separately or differently on content. In the temporary sign aspect we will have to treat all signs that go on public property in a uniform fashion and all signs that go on private property in a uniform fashion. The challenge is to figure out what the community wants to see in the regulations that we can reasonably pin to time, place and manner.

Mr. Wasinger asked who is in charge of policing signage.

Mr. Powers said that the sign code is in the zoning title of the Municipal Code so it falls under the Development Services Department in a couple of different aspects. The Building Division issues permits for those signs that require permits. For those signs that don't require permits and are placed illegally, the Building Division will also operate as our code compliance arm of the City. So they notify the people that the signs are placed inappropriately.

Ms. Jensen asked what Tacoma did.

Mr. Spoo said that Tacoma did the same thing that we are doing which is to remove the 60 day pre-election time limit and they also had to allow political signs within planter strips, public sidewalks and parks.

Ms. Jensen asked how Tacoma's code reads now to comply with the court case and make the people of Tacoma happy.

Mr. Spoo said that it may not have made the people of Tacoma happy and we understand that there are some issues that we have to deal with in the community in which the direction to us is fairly strong. Mr. Powers reminded the Commissioners of the discussion regarding adult entertainment and the process by which we put regulations into place as a community and in some sense those arguments are the same. This is one of those issues that the Commission cannot just say no to, but what we can do is to try to tailor those regulations so they apply to the City of Oak Harbor in as good a way as possible. That theory worked for adult entertainment regulations. That same sort of thought process can work for the temporary signs.

Ms. Jensen asked if we can designate certain planter strips or certain parks.

Mr. Spoo indicated that you have to have a legitimate public purpose; safety is generally considered the legitimate purpose. Mr. Powers added that aesthetics is much tougher to argue but not necessarily impossible. We have to be able to clearly articulate what those reasons are. From the aesthetics standpoint it would have to clearly be based on some existing standards or policies that the City has in place that get to the issue of community design and aesthetics. Even then it might not be successful.

Mr. Powers concluded the discussion by noting that the meeting has accomplished its goal which was to get the Planning Commission's comments and creative juices flowing. Staff will find other codes that are compliant with the case law to provide good examples for the Commission to see how other communities have responded to this particular challenge. Commissioner's suggested looking at communities of similar size.

Ms. Jensen asked about the sign limitations for residential directions "Open House Signs" that was highlighted on page 12 of the agenda packet. Mr. Spoo said that section was highlighted because that is one of the only other types of signs in the existing code that was allowed in the public right-of-way and had a limitation on the number of signs. The limitation on the number of signs will probably be deleted in the draft code.

Mr. Wallin commented that if we are going to allow signs in the public right-of-way can we put limitations on the way that the signs are put in the ground? If there is a planter and you put 50 signs in a public planter, the planter will be trashed.

Mr. Powers thought that would be a budget issue to the community because the City would have to repair the damage. The City would be better served by setting the parameters for the structure of a sign that could go there.

Ms. Jensen commented that the Planning Commission was uncomfortable with open-ended regulations because they are thinking of the person that will take advantage and the negative effect it could have on the City.

Mr. Powers acknowledged the struggle that the Planning Commission has with topics that relate to aesthetics and design and that it is natural for the Commission to worry about what will result if the bar isn't set high enough in terms of the design of a building or the character of landscaping or the character of a housing development. It is very understandable that the Planning Commission would express concerns about aesthetics.

Ms. Jensen also noted the discomfort in allowing signs that are anti something that is close to the community's heart. Mr. Powers reminded the Commission that fundamentally it is a free

speech issue and the citizens have the right to express their opinion on a topic, event or issue so we can't only have signs that say "hooray" for something without allowing signs that say "boo" to something.

CAPITAL IMPROVEMENT PLAN 2011-2016 – Public Hearing

Mr. Kamak reported that the 2011 Comprehensive Plan Amendment Process began in October 2010. Call for projects was advertised in November 2010, no applications for sponsored amendments were received so the only items on the docket were the continuing work on the UGA Capacity Analysis and amendments to the Capital Improvements Plan (CIP). The UGA Capacity Analysis is still in work and there is a hearing at the end of the month that will hopefully create a framework for continued work on the UGA Capacity Analysis with the County. So the UGA Capacity Analysis will remain on the docket for two or three years while work continues. We hope that by 2015 there will be some sort of resolution coming forth.

The CIP is updated every year and what is normally updated are the project lists. As projects are completed and new projects are added during the course of the year through Council action, those projects are added to or deleted from the list. This year there are minor amendments to the plan. The years are updated to reflect the planning period 2011-2016, financial numbers get updated every year to reflect current revenues and expenditures. The Pioneer Way project is being removed from the list as it is close to completion as well as the revenue and expenditures associated with the project. Projects schedules have also been updated.

Some of the major projects that will be coming forward in the next six years are the NE 7th Avenue improvements and the SE 4th Avenue waterline replacement and street improvements. In terms of parks, the Windjammer Park has a lot of structures that are coming to the end of their lifespan so some of those buildings will need to be replaced. Trail connections and extensions will be pursued as opportunities arise as well as acquiring new park land to accommodate the population. The waste water treatment plant and the 42-inch outfall are also coming forward. Other updates include an update to reflect the City Council's decision to return the federal grant for the Municipal Pier project but to keep the project on the books. The cost for the Marina Redevelopment project was updated to reflect the gangway and dredging improvements.

Mr. Kamak provided updated pages to reflect a change in the Animal Shelter situation. Originally it was thought that the shelter could stay on Navy property since the gate security was removed but now the gate security has been reinstated and brings back the need to find a place for the shelter in the City.

The one addition to the project list is the old high school stadium along Midway Boulevard. There is a possibility of the City using that facility. The old stadium is in an area that has been identified in the Parks and Recreation Plan that has a need for a park. Minor improvements can be made to use the facility as a neighborhood/community park.

Planning Commission Questions

Ms. Jensen asked why we have to have a levy for the pool and not for the other park areas.

Mr. Kamak explained that the pool is maintained by the North Whidbey Parks and Recreation and they are different from the City.

Ms. Johnson asked how we have money for acquisition but not for maintenance of parks.

Mr. Powers explained that the State says that certain funds can be used for acquisition and certain funds that can be used for maintenance. Impact fees are restricted funding sources that can be used for acquisition of land, development of new parks and if we can reasonably demonstrate that new improvements in existing parks are necessary to serve new growth.

Under State law we were only allowed to hold those impact fees for six years. Last year the legislature pushed it out to a ten year time limit. If we don't use it within that time we have to return it to the developer or whoever contributed those funds. We cannot use impact fees for maintenance and upkeep of existing parks. Only general fund dollars can be used. Now there is some ability to use real estate excise tax. So what you see is an imbalance in which a community may have funds to put new things in place yet lack the funding to take care of what they already. Additionally, there is a direct reflection of the amount of sales tax and property tax that the City is able to have in their general fund.

Mr. Powers explained the difficulties generating sales tax compared to other communities our size because of the influence of Naval Air Station and property tax increases being limited to 1% a year which limits the amount of money coming into the general fund. The top two users of general funds are police and fire and the next user is the parks system.

Mr. Fakkema asked if the Planning Commission could recommend that some of the old high school stadium property be set aside for a performing arts center.

Mr. Kamak said that there would be an opportunity to make that recommendation when the parks plan is updated in the near future.

Mr. Wallin asked if there has been any discussion about relocating the bus barn portion.

Mr. Kamak said that the latest discussions have been that the bus barn will remain because the School District doesn't have enough space to move the buses elsewhere.

Ms. Jensen asked if there was an agreement with the property owner that the property has to stay with the School District or else it has to go back to the property owner.

Mr. Powers believe that the agreement was that the property has to be used for recreational purposes.

Mr. Wallin asked if the City would be taking over the maintenance for the buildings.

Mr. Kamak said no. Mr. Powers added that there is an agreement with the School District, the City and the County that they all share in the maintenance responsibilities from a funding perspective. The City is looking at the opportunity for picking up the maintenance of the facility so that we know that we can continue to have it as a community asset and looking at how we can arrange a new agreement so that the facility can be taken care of.

Mr. Neil opened the public hearing.

Ms. Johnson said she was not clear on what the Planning Commission was doing and what the CIP was about. She asked if the decisions were already made or if the Planning Commission was supposed to share their thoughts about the content. She asked if this was a review of what has already been done.

Mr. Kamak explained that most of the projects in the CIP have been in the plan for a number of years and the annual update is intended to update the numbers, policy direction on anything that the City Council has done in terms of changing course and to reflect those changes in the CIP document as a Comprehensive Plan amendment. The CIP is part of the Comprehensive Plan and it is updated every year to keep it current.

Ms. Johnson asked if a project on the list becomes a pressing issue does it become a viable project or does the project get done just because it is on the list.

Ms. Johnson also asked about the special events center, senior center and Chamber office listed on page 51. She wanted to know why these three items were listed separately and could they be combined.

Mr. Powers explained that the majority of the projects come from the City's other planning efforts (Water System Plan, Storm Drain Plan, Sewer Plan, Parks and Recreation Plan and the Transportation Plan). They all feed projects into the CIP. The Growth Management Act requires that cities and counties look at the projects that are necessary to support the anticipated growth. All the projects are listed along with the funding sources and consider whether we can reasonably do these projects within a six year period of time or at least continue to plan for them in that period of time so that they track with new growth. The table that Ms. Johnson is referring to shows the list of non-enterprise activity projects which came out of a project prioritization process which happened about five or six years ago. The Council spent a lot of time looking at the wish list of community projects and capture them all in one spot within the CIP so that we could at least keep our eye on them and put some cost information with the projects. Additionally, they went through a prioritization process that started with the Comprehensive Plan Task Force, then to the Planning Commission and on to the City Council. A new Senior Center for example, had been talked about in the community in a separated planning process and made its way on to this list because the Council was trying to get them all together. The special events center was something that came to us out of the Windjammer planning effort and got onto the list because it was one of the major capital needs that the Council had identified. At some point the Council may decide that they need to go back in and reprioritize the projects with the community. We have purposely not adjusted the priorities because from a staff perspective that was outside of our purview because that is a much larger process.

Ms. Johnson commented, so this is kind of a tickle file.

Mr. Powers said it is and it is also an attempt to keep our eye on the projects that we know that we have to do from a growth perspective versus the things that the community may want to do and how are we going to portion out the General Fund dollars. For example are we going to spend those dollars on parks maintenance or are we going to spend them on a new City Hall?

Mr. Kamak addressed Ms. Johnson's question about combining projects. Mr. Kamak said that if there was an opportunity to have a special events center then the possibility of combining other projects there would have to be community input and then reprioritize.

MOTION: MR. FAKKEMA MOVED THAT THE PLANNING COMMISSION MAKE A RECOMMENDATION TO THE CITY COUNCIL TO APPROVE THE 2011-2016 CAPITAL IMPROVEMENT PLAN.

MR. WALLIN SECONDED THE MOTION.

Discussion

Ms. Jensen asked if the Planning Commission recommended approval would prioritization stay the same as it currently is in the CIP.

Mr. Fakkema said that he understood that there really isn't a priority and just because it is number one on the list doesn't mean that it is number one on the City's list.

Mr. Powers said that the priorities were established by the Council when the list was initially put in place but as we have seen, given an opportunity to pursue a lower ranked project versus a higher ranked project if funding and the situation aligns, the Council has the opportunity to direct staff to pursue that project.

Ms. Johnson asked if a Commissioner had a concern about any item on the list or the order that an item appears on the list should they be concerned about recommending approval. Should they deal with it now or wait until the individual item comes back around then say something.

Mr. Powers said that if the Planning Commission as a body or as a member has a concern with a particular project or the order of the projects it is appropriate to put that out this evening. That can be part of the recommendation put forward to the Council, assuming that the rest of the members agree. As a Planning Commission you may be able to address a project at a later point if that project comes through a particular permitting process or if the project is discussed with the Planning Commission. The third opportunity is, since we do this on an annual basis, the Commission could work on this over the course of next year so that that following year's recommendation on the Plan the Commission could recommend something different to the Council. Mr. Powers said he didn't want to discourage anyone from making a motion this evening that says something different should be done with the document because it is absolutely within the Commission's purview.

Mr. Wallin commented that it was highly unlikely, in the current economic state, that any of the non-enterprise projects would come forth.

Mr. Power acknowledged that Mr. Wallin was probably right and the only exception might be the marina project because that is funded by the marina rates and that it would be phase three of the project.

Ms. Jensen said that the marina appears on the top of every single list we have and you're saying that the marina funds itself but then it is on the top of every list.

Mr. Powers said to keep in mind that when we talk about tackling projects, while we gravitate toward the funding side because that is the practical side of doing a project, another major part of undertaking a project is how the City allocates its staff time. You don't allocate staffing resources to a project to which you don't have any funding when you have funding for another project. If the Planning Commission would like to make a recommendation that the list should be reprioritized, that is something that the Planning Commission can do. The Planning Commission could send a different order of projects or recommend reprioritizing the list next year.

Ms. Johnson said she would feel more comfortable seeing an updated list from the Council so that they could clearly know what their priorities are rather than just saying that here are fifteen things that may or may not happen. Ms. Johnson said she had concerns about the special events center and the sustainability of it if it was built. She felt uncomfortable with going along with the list thinking that the special event center would not happen when the Council might be thinking that it should happen.

Mr. Powers used the Municipal Pier project as an example. He reminded the Commission of when the Planning Commission was considering whether the Shoreline Conditional Use permit should be approved. The Planning Commission recommended approval but not without some concerns about the design, the need for the facility and the uses that might occur. But the Commission focused on the permit decision because staff advised them that the Council, in addition to taking up the issue of the permit, would also have to deal with the issue of whether or not to move forward with committing to using the grant dollars. The Municipal Pier project is on the list now and has been on this list since long before the CIP was in this format. The Council made the decision that not to proceed with the Pier project this year and returned federal dollars but chose to keep it on the list because they believed it was a worthwhile project but not a project that should be undertaken at this point in time. The point is that while these projects are on this list there is a separate decision making process which has to happen with every one of those projects if they are actually going from being a placeholder in this document to being a capital project that the City would actually build. Mr. Kamak added that since these projects come from other City plans, the special events center comes from the Windjammer Plan so to make a change to that it would be best to look at the Windjammer Plan again to see how

practical the plan is. Doing it in the CIP may not give any clarity as to what the Windjammer Plan should then do.

Mr. Fakkema commented that if a project is taken off the list it is saying that we will not pursue it in any fashion. The same goes for the performing arts center (special events center) if we keep it on the back burner realizing that it may be important later, if you take it off now, were saying that is never going to be important. Mr. Kamak added that that is the question that staff asked Council regarding the Pier project, is whether they wanted to keep it on the list.

Ms. Jensen asked who added the old high school stadium to the list. Mr. Powers explained that it was a staff recommendation because we saw that as an emerging opportunity so we thought that this was an appropriate time to capitalize on that.

Mr. Jensen asked how long it had been since the public had in put on the list. Mr. Powers said that the public has the opportunity every year when we go through this process. There is opportunity to comment on the CIP. Mr. Powers added that prior to 2006 when this document was put into this format the City's Capital Facilities Plan did everything we needed to do from a Growth Management perspective. It captured the water, sewer, storm drain, streets and parks projects for the six year period time for a twenty year projection revenue sources and matched all that up. We satisfied our Growth Management Act (GMA) requirements. In 2006 the City went to this new format. We tried to capture all of the other non-GMA capital projects that the community had talked about along with the GMA requirements. These weren't new projects; many of them have been talked about for a very long time. We tried to put the things that we have to do and the things that we might want to do into the same document so that when Planning Commission and Council are talking about what our needs are and what our resources are to address those needs, they had a single document that they could look at as opposed several documents with multiple projects. The list is about six years old and you could make a good case that it is probably time to go through another major look at the list but the last time, the process took about a year.

Mr. Powers pointed out that the CIP is on an annual cycle for review as required by the GMA so we are tracking to a date that gets the document to the Council in December but if the Planning Commission would like another meeting in November that option is available. Mr. Powers also noted that the Planning Commission meeting minutes are provided to the City Council so the Council will have the benefit of seeing the Planning Commission's questions and concerns about this project list.

Mr. Fakkema called for the question.

VOTE ON THE MOTION

MOTION PASSED ON A VOTE OF 5 IN FAVOR AND 1 OPPOSED.

Ms. Jensen explained that she was opposed to the motion because she wanted to work on reprioritizing the list over the next year. Mr. Powers said that Ms. Jensen's preference would be reflected in the minutes and that staff will also put it in the Council's agenda bill that the Planning Commission recommended approval of the CIP but thought that the list should be reexamined.

MOTION: MS. JENSEN MOVED TO HAVE THE PLANNING COMMISSION WORK OVER THE NEXT YEAR TO REPRIORITIZE AND REVISE THE NON-ENTERPRISE FUND LIST IF NEEDED.

MOTION DIED FOR LACK OF A SECOND.

Ms. Johnson asked if this motion could be brought up again at the next Planning Commission meeting.

Mr. Powers and Mr. Neil said that the Planning Commission could make a motion at any time.

Mr. Wasinger asked what the expense would be in terms of staff time. Mr. Kamak said that it is a good idea to bring this up at the next meeting because at the next meeting the Planning Commission will be discussing what Comprehensive Plan amendments we should take on next year, so these are the types of things that can be discussed to formulate recommendations on the 2012 Comprehensive Plan amendments.

Mr. Powers went back to Mr. Wasinger's question and said that it depends on the context of what the Planning Commission envisions. Is the Planning Commission proposing to look at the list inside of the CIP and thinking about whether the projects should stay on the list or are you proposing they be reordered through the comprehensive planning process which is what Mr. Kamak described? If the thought is to go down a couple of levels and revisit everything in the Windjammer Plan and start that effort from the ground up, that is outside our scope and not something that we can tackle. But in the comprehensive planning process you can have a conversation with the community about what their thoughts are on the list and how the list might be revised.

Ms. Jensen said she would like to ask questions like what made us think we needed a new senior center, in other words, how some of the items got where they are on the list.

Mr. Fakkema commented that the question was raised about getting public input, no one is here tonight, isn't this the place that people would come to give their input?

Ms. Jensen said that she wouldn't know what reviewing the Capital Improvement Plan means as a member of the public. If it said that we were looking at future projects in the City the public would understand that.

Mr. Powers said that if we embark on a process to dig into this in the course of the next year then the notices that we put in the news paper, web site etc. would be geared around that. The notices for this process were geared around the normal review process that we do which is a fine tuning of the existing document. If you're going to go back in and question what is in the plan then we would write different notices to let the public know what we are talking about.

Ms. Johnson asked if it would be wise to recommend that the list be reviewed on a regular basis or at regular intervals i.e. with each new administration or every 10 years. Mr. Kamak said that would be wise and staff has asked Council if the list should be reviewed but the Council has not indicated that there was a need to review the list yet. Mr. Powers added that the GMA side is governed by state law which is six years. You would not want to do it with every new Council because as we have seen, projects take time. Even if you spend all of your time on one project you're probably 24 months into a project before you can get to construction. Changing a list of projects every 2 or 3 years isn't going to yield you any time to actually work on projects.

Hearing no further discussion the public hearing was closed.

ADJOURN: 9:11 p.m.