PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
APRIL 1, 2010

Present: **Mayor Dana Williams; Council members, Alex Butwinski, Candace Erickson, Joe Kernan, Cindy Matsumoto, and Liza Simpson**

Tom Bakaly, City Manager; Mark Harrington, City Attorney; Bret Howser, Budget Manager

1. Council questions/comments. Joe Kernan commented on the Snow Creek Cottages lottery. He suggested that Council members consider expanding ownership opportunities to single people, rather than just allowing families to apply and spoke about his own personal experience buying and living in an affordable housing unit. Members were willing to discuss this. Candace Erickson commented on free Museum tours for the public, which are underwritten by sponsors, through April and May. The Mayor announced that he has accepted a position as a board member of the Swaner EcoCenter. He thanked staff for helping to organize the parade on Main Street for returning Olympian athletes.

2. Budget update. Bret Howser explained that this work session is an update to information presented during the Visioning Session in January. Through a PowerPoint presentation, he pointed out the growth in US gross domestic product for two consecutive quarters which is an indicator of recovery. Consumer confidence and unemployment trends were explained. He explained that the index of leading economic indicators has continued in a positive trend and helps predict the nature of the recession. With regard to resort trends, Mr. Howser addressed spending per visitor and lead times for bookings which seem to be improving. However, staff is still predicting sales tax to be down about 5.7% and development fees down 48% from the budgeted levels. Property taxes are projected to decrease by 2% and franchise tax by 8% while fees, charges or transfers are anticipated to increase by 2%.

Mr. Howser explained that in January 2010, the shortfall was estimated at $1.8 million and now it is estimated at $1.57 million which is a slight improvement. The $1.57 million shortfall is considered within the minor level and staff is proposing a similar strategy for recovering the shortfall this year as discussed in January. The proposal is a mix of funding the General Fund by diverting some of the resort sales tax that would typically be allocated to the Transit Fund, an approach which was used last year. Other elements include using some money from capital, namely the asset management balance, and 5% operating cuts which are already implemented at this point.

In January, staff presented an update of the service level assessment analysis which evaluated growth in the operating budget over the last ten years. Reasons for increases could be due to inflation, growth of demand, or increased level of service directed by Council. He explained that budget requests are categorized in these three categories and performance measure data is considered in making decisions. New expenses can be covered with existing revenue growth, expenditure offsets, or new revenue sources. Mr. Howser referred to discussions at the Visioning Session on long-term finance issues and developing a balanced budget for 2010 that contributes to long-term financial health.

He suggested continuing with a revenue mix analysis approach. This includes examining the volatility of different types of revenue streams and determining the appropriate level of risk of the revenue mix. Another tool is to look at services on the expenditure side and prescribe a revenue mix for each type of service. He explained that creating a plan to improve the current situation to a preferred revenue mix may take as long as ten to fifteen years because of adjustments in major revenue sources, but it is a better planning process.

He relayed that property tax levels and building, planning and engineering fees, etc will be discussed this budget review. An administrative inter-fund transfer update, operating budget cuts and associated service level impacts will be reviewed. Mr. Howser explained that the two-year pay plan was flipped last year resulting with the 2011 budget including pay plan increases. Pension plan costs have increased and health insurance strategies will be a focus. Lump merit increases or performance bonuses have been historically covered within existing departmental budgets, which is a lot more challenging after the budget cuts have been made. Creating a pool for bonuses may be an option. Capital replacement and debt service levels will also be analyzed; $550,000 is transferred from the General Fund to the Equipment Replacement Fund.

In response to a comment from Joe Kernan regarding Truth in Taxation hearings, Mr. Howser explained that staff is not recommending a property tax increase this year but is encouraging members to consider an increase at some point in time. Property tax is a small component in the revenue mix, especially into the future. Mr. Kernan suggested that parameters be set in place which would trigger the process for a property tax increase. The City Manager interjected that a revenue mix shift is an indicator and Mr. Howser agreed. Candace Erickson expressed that the volatility of sales tax this year was stunning because it seemed so stable and normally represented half of Park City's revenues. She spoke about most cities relying on property taxes to fund most basic services and the possibility of the legislature allowing an inflationary component. Mr. Howser felt there is general consensus that Utah is too dependent on sales and discussion ensued on property tax.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
APRIL 1, 2010

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, April 1, 2010. Members in attendance were Dana Williams, Alex Butwinski, Candace Erickson, Joe Kernan, Cindy Matsumoto, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney, Scott Robertson, IT Manager; Kirsten Whetstone, Planner; and Thomas Eddington, Planning Director.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Google You Tube Video – Scott Robertson explained that the City's application has been submitted for the Google Fiber contest and displayed the City's video which is a component. He understood a decision will be made by the end of the year.

III WORK SESSION NOTES AND MINUTES OF MEETING OF MARCH 11, 2010 AND MARCH 18, 2010

Joe Kernan, "I move approval of the March 11 and March 18, 2010 work session notes and minutes". Liza Simpson abstained from voting on the March 11 minutes. Cindy Matsumoto seconded. Motion carried.

	03/11	03/18
Alex Butwinski	Aye	Aye
Candace Erickson	Aye	Aye
Joe Kernan	Aye	Aye
Cindy Matsumoto	Aye	Aye
Liza Simpson	Aye	Abstention

IV PUBLIC INPUT *(Any matter of City business not scheduled on agenda)*

HMBA parking ticketing complaint – Mary Black read a letter complaining about the number of parking tickets issued in the Main Street area and explained that the HMBA is forming a committee on the issue. She asked that someone from the City participate and suggested that the first violation be a warning and not a citation. Tom Bakaly recommended that a work session discussion be held on the City's enforcement policy of the parking management plan.

V RESIGNATIONS AND APPOINTMENTS

Appointment of Planning Commissioner to fill an unexpired term to July 1, 2010 – The Mayor requested a motion to appoint Mick Savage to the Planning Commission.

Cindy Matsumoto, "I so move". Candace Erickson seconded. Motion unanimously carried.

VI NEW BUSINESS *(New items with presentations and/or anticipated detailed discussions)*

Consideration of an Ordinance amending the Land Management Code of Park City, Utah, revising Sections 15-1, 15-2.3, 15-6, 15-10, 15-11, and 15-12 regarding development regulations and master planned developments in the HR-2 and HCB Districts, streamlining the Historic Design Review process for minor projects, and clarifying the appeals process for land within all zoning districts – An amended version of the draft ordinance was distributed to members. Kirsten Whetstone stated that on March 24, 2010, the Planning Commission conducted a public hearing on all six chapters and forwarded a positive recommendation to the City Council. The amendments address planning and zoning issues, design issues for the HR-2 Zone, and appeals of Planning Commission decisions.

She explained that Chapter 1 is an amendment that enables the City Council to designate a hearing officer as the appeal authority for appeals and call-ups of Planning Commission decisions. The Planning Commission's process would remain the same. The Commission added language with regard to qualifications and the process for the hearing officer option.

Mark Harrington added that Planning Commissioners were concerned that the process remain accessible and open to the public. Mr. Harrington explained that the amendment allows Council to focus on its legislative role as opposed to a judicial role which is limited by current due process regulations that inhibits reacting to other proposals coming from the planning process. After a healthy debate, the Planning Commission added some further language that preserves assurances at the front end, including an open selection process and qualifications for the hearing officer. He recognized criticisms alleging that Council will be passing on tough decisions relating to the Treasure Project, and that may be true in a narrow sense, but decisions will still be limited to a determination of correctness of the application of the Code to the development proposal. He admitted that there may be dramatic impacts but felt that the Treasure project is very unique.

It is normal that the Council direct the City Manager or City Attorney to negotiate with parties on projects, but the problem with Treasure is that any potential solution is not in the City's toolbox without a legislative amendment. For instance, solutions may include using Redevelopment Agency authority, negotiating density transfers, or bonding for financing. Any potential solution necessitates some sort of legislative leadership beyond Council's traditional role and authority and this is why staff is recommending this amendment. Mr. Harrington acknowledged that this approach is different and can be a little scary, but the process is not new to Utah and Park City uses a hearing officer for code enforcement. Other cities like South Salt Lake, Salt Lake City, and Draper use hearing officers for CUP appeals. The process is only as good as the qualifications of the appointee and he felt confident the City will find a competent person. The process does not change with regard to criteria which has to be met or the standards for who can appeal. The hearing officer approach frees up Council members to engage in a more accountable proactive mode rather than reacting to what the developers have presented, which may or may not meet Code, and he felt this change will hold Council members more accountable.

In response to a comment from the Mayor, the City Attorney explained that the Council would not appoint a hearing officer before any actual appeal. Because of high public interest in Treasure, he encouraged Council to make a decision on the appeal process before an appeal is filed. The Planning Commission process will remain unchanged. The appeal may or may not happen and the regulatory process remains separate. The amendment seems appropriate from a timing standpoint and ex parte communications were distinguished. Mr. Harrington explained it is recommended that two Council members be appointed to work with the City Manager to negotiate with the developers in a public process.

Alex Butwinski noted that he attended the Planning Commission meetings where this approach was discussed extensively. He referred to comments on the qualifications of the hearing office and the argument that more weight should be given to an area resident. He stated that he does not agree because the hearing officer's experience is much more important than residency. Mark Harrington stated that this point was debated and felt that the hearing officer should be vetted for bias or predetermined interest but felt the Planning Commission was looking to ensure a good knowledge base of the community which could be reflected in the criteria, rather than just residency. Joe Kernan hoped that the hearing officer would have a good knowledge of Park City, but not be required to be a resident. It may be difficult to find a qualified Park City resident that is unbiased.

Ms. Erickson asked if a hearing officer's decision carries more weight when an issue proceeds to court. Mark Harrington explained that there is less likelihood of procedural, due process and ex parte challenges but in terms of substance, both methods are the same. Decisions of hearing officers tend to be overturned less than decisions of lay bodies. The Mayor opened the public hearing.

Rich Wyman, Treasure Hill Impacted Neighborhood Coalition (THINC), stated that the group remains opposed to the proposal. This is happening too fast. Mark Harrington described the status of the Treasure Project relating to presenting a revised plan to the Planning Commission; he detailed several opportunities available through the new legislation, and pointed out that this does not affect the Planning Commission process. Mr. Harrington continued to explain the benefits of allowing the Council to negotiate and emphasized the efficiencies of a hearing officer with regard to technical decisions on the application of the Code.

The Mayor relayed that legal counsel for Treasure contacted the City asking that one member of the Council be recused from deliberations because of bias. He emphasized the importance of the perception of unbiased decision-making which could be protected through a hearing officer and feared that other members of Council would be targeted. Mark Harrington agreed that the letter was a factor in moving ahead with amending the Code but the timing was more compelling. The amendments will alleviate having that fight now or in the future. Rich Wyman expressed anxiety about introducing a new *piece* to the process and Mark Harrington responded that he does not view it as a new piece but as insurance of fairness for both sides and a change that will enable more options.

Brian VanHecke, THINC, stated that he still has some reservations and believed that the amendments may be a gamble. He felt negotiations with the developer are healthy but is concerned about our elected officials not voting on the project. He asked what other communities in the same situation have done this and felt that this is being a little rushed. Many citizens are out of town and don't know what's going on. THINC would like Treasure Hill to remain undeveloped and preserved in the future; it is the signature of Park City, understanding that the Sweeneys have property rights. He relayed that he needs to be further convinced and would like to see more due diligence conducted on examples of its successes and failures. Mr. VanHecke stated that he is not convinced that a person living outside the community is qualified to be a hearing officer and cited the traffic plan for Treasure as being technical but unrealistic. We need our elected officials, who know what this town is all about, to ultimately make the right decisions. This is a major change and this is too big a risk to gamble with.

Liza Simpson confirmed with the City Attorney that the hearing officer, like the City Council, would be provided a full record of the application, including discussions on traffic, streetscapes, etc.

Lisa Wilson, Deer Valley resident, expressed her concern that citizens are losing their right to appeal to the elected City Council. The people voted for you and you need to do your job. This doesn't seem legal. The Mayor explained that the overriding goal is to protect the interests of the community and to be fair to the applicants. Another goal is to eliminate the perception that because members live here, they do not have the ability to be unbiased, which has already been questioned. He did not view this as usurping authority but understood her position. Ms. Wilson disagreed and felt the current process works.

John Stafsholt, THINC member and Woodside Avenue resident, stated that the group attended last week's Planning Commission meeting. Selecting a hearing officer is missing from the ordinance. There are now qualifications in the draft which only happened because of public input at one meeting. He felt that being a resident of Park City or Summit County is important for reasons that Mr. VanHecke relayed. As written, the hearing officer doesn't even need to be a US resident. This is extreme power for one person who could even bring in his own staff. Although THINC changed the qualifications section of the draft ordinance, staff was not addressed. A single person greatly increases the opportunity for improper influence and corruption, especially if this person is not a resident or an elected official. He criticized a *pro and con list* produced by the City and stated that quasi-judicial functions should be a priority of Council; this is why you are elected and he didn't understand how this comment could be defined as a *pro*. Judicial authority must be given to those elected by the people. The amount of money for hiring a hearing officer and staff can be significant and it is unbudgeted. For de novo reviews, the hearing officer must gain enough insight into the Treasure Project that he will have to have a staff to research all of the documents and meeting notes going back to 1985. This is potentially a massive expense to taxpayers. Another huge aspect is that the City will probably not adequately fund hearing officer services to properly research the project which could dramatically impact the decision either way. This has the potential of increasing costs for the applicants and if they prevail, they may seek reimbursement of costs from the taxpayers. He agreed with Ms. Wilson that elected officials will abdicate accountability and authority and an independent hearing officer can leave town after making a decision. Mr. Stafsholt questions why the hearing officer section is included with many other changes to the LMC and why a 25 year project could possibly be decided by a LMC change that has been in front of the public for two weeks. He understood if the amendment is approved tonight, a vote to send Treasure to a hearing officer will occur next week. The Mayor interjected that his understanding is inaccurate. Mr. Stafsholt continued to state that the City Council is still authorized to call-up Planning Commission decisions and it makes no sense to call up a project and then defer it to a hearing officer. There needs to be more time for additional public input as the public input rendered last week contributed to half of the content of the current draft. He suggested forming a committee of local citizens to review this amendment because it affects all applications. This was written by the City Attorney in fifteen minutes during a meeting and with time, it could be better because it is really important.

Bob Garda, Lowell Avenue resident, stated that he is in favor of any action that allows our elected officials to enter into negotiations with the developer over contentious issues. However, he strongly urged that the alteration of the appeals process give the Council the option to appoint a panel of three rather than one hearing officer. There are currently disagreements over interpretations of the LMC, requirements of the MPD, and mitigation plans, which he detailed. He believed these are subjective matters and not prone to easy solutions. The process will be fair only if it involves three people rather than one. For instance, there are no specifications about how much of the mountain can be excavated although the plan shows six stories below ground. There is always the possibility that a matter can be overlooked by a single person and it is less contentious to have three rather than one. He again urged that a three person panel be an option which is fairer for everyone.

Mike Allred, Empire Avenue resident, acknowledged that he is not up to speed on this issue but it doesn't *smell right* to him. He is concerned that a member of Council has already been asked to be removed from voting. He has been attending meetings on

Treasure Hill for many years and strongly felt that residency is important when making decisions about Park City. Mr. Allred agreed with previous comments made by THINC members. As a developer himself, he felt that a big mistake was made by not sun-setting the development agreement. Although the Sweeneys have property rights, this project will not work in Old Town.

Brian VanHecke asked if there has been any indication from the Sweeneys that they are open to negotiations. Mark Harrington noted that there have been positive preliminary indications. Developer Mike Sweeney stated that they are open and willing to sit down with the City to work at arriving at the best possible project for the City. This includes from buying them out 100% to buying out part of the density.

City Attorney Mark Harrington indicated that he didn't feel the cost of a hearing officer is a problem. There is no line item for this but there are sufficient funds for these types of contracts. However, he acknowledged that cost may become a factor for a three person panel versus one hearing officer and a panel may become more difficult to manage. Typically, communities follow the court model. The three person model was explored by staff and is not recommended as an option. Mr. Harrington invited the public to meet with him about the proposal.

Mr. Harrington stated that he feels the Council has greater authority to effectuate change and greater accountability to the community with this approach. He felt that the proposal allows Council members to engage in a more proactive role without so many limitations and pointed out that the voters empowered the City Council to explore resources for alternatives. He advised that the window of opportunity is real.

Alex Butwinski clarified that he was not advocating hiring an outsider, but rather commented on not giving extra weight to a local person. Secondly, he stated that the Council does not need to call up the project, but has the option. Mark Harrington stated that legal staff felt it important that everyone's appeal right remain unchanged but the call-up would go to the hearing officer. Mr. Butwinski understood that once an appeal is filed, that members can decide to hear it or hire a hearing officer. Mark Harrington encouraged adoption as soon as possible.

Liza Simpson pointed out that Council typically votes to open an appeal to public input, although it is not required. She asked if the hearing officer can be directed to accept public input and Mark Harrington responded yes, and explained that direction can be given at the time of the referral. Cindy Matsumoto stated that she appreciates the arguments against this, but felt that negotiating and engaging in discussions is more responsible than not.

Thomas Eddington asked if members want to bifurcate sections of the ordinance. In response to a comment from Candace Erickson, Mark Harrington explained that criteria listed are minimum qualifications and others can be added like residency. She expressed an interest in hearing more public input. Mark Harrington noted that there was public comment on the selection of the hearing officer and advised not taking more at this point is because it may not be necessary. Cindy Matsumoto asked if other members were intrigued by the three member panel suggestion and Ms. Erickson expressed concerns about the cost, acknowledging that she doesn't know what a hearing officer would cost. Mark Harrington explained that an estimate is hard to provide not knowing the scope and nature of the appeal. He pointed out that the cost of future litigation may far outweigh the cost of a hearing officer and added that he is not concerned about the cost. Joe Kernan felt that making the qualifications too restrictive may result in few choices and didn't support the panel suggestion.

The Mayor asked if there are options if the Council disagrees with the decision of the hearing officer and Mr. Harrington explained that the Council has the right to appeal the decision to court. Planner Kirsten Whetstone asked if it is appropriate to add the word *panel* to the ordinance so there is that option at the time an appeal is filed. Mark Harrington indicated that the Council could do that but the problem is that the City has to comply with state statute, and suggested designating a hearing officer or a panel but not both. The Mayor asked for consensus on this point and Alex Butwinski stated that he prefers to continue discussion and action on the Code section.

Liza Simpson, "<u>I move to bifurcate (separate Chapter 1 from the draft ordinance)</u>". Cindy Matsumoto seconded. <u>Motion unanimously carried</u>. Ms. Simpson stated that she would rather not continue this because of the opportunity of being proactive rather than reactive. This approach frees up Council to be able to negotiate on Treasure and is the best thing that has happened in the process since 1986. Proactive leadership as opposed to being hogtied with regulatory roles is a great move. Alex Butwinski, "<u>I move to continue (Chapter 1) for two weeks (April 15)</u>". Candace Erickson seconded. <u>Motion unanimously carried</u>.

Planner Kirsten Whetstone pointed out that Chapters 15-2.3 and 15-6 are related and address master planned developments in the HR-2 Zone, east side of Park Avenue behind Main Street. The Planning Commission forwarded a positive recommendation for MPDs in the zone with additional conditions like not allowing height exceptions or the transfer residential density between the two zoning districts. The MPD chapter is then amended to clarify the regulations in the HR-2 Zone. Chapter 6 also clarifies the calculation of support commercial and meeting space within any MPD which is based on residential unit equivalents as opposed to gross floor area. Discussion ensued on applying a percentage to the residential equivalents to arrive at the support commercial number and conducting an analysis supporting the formula. In response to a comment from the Mayor, Ms. Whetstone explained that approved MPDs are grandfathered under associated codes but the City Attorney felt that they would have to be reviewed on a case by case basis.

Joe Kernan hoped that the restrictions would not detract potential hoteliers and Mr. Eddington explained that the research is to arrive at an industry average. Mr. Kernan added that he would also like to leave as much discretion with the Planning Commission whenever possible because there is a risk of excluding some sort of unknown. The Planning Director explained that the Planning Commission will also review the data and felt they are more likely to set a parameter rather than a specific number. Ms. Whetstone stated that the clarification on the calculation for support commercial and meeting space is not considered a substantive change. There was discussion on increasing square footage opportunities through the MPD process and discouraging attracting retail chain stores. Membership club privileges which may turn public were discussed in the context of the different application of support and commercial uses.

Candace Erickson asked the reasoning for allowing the Planning Commission to consider a waiver of parking for historic structures for in lieu fees within a MPD. Kirsten Whetstone explained that the process is intended to result in a better design and Tom Eddington interjected that a waiver would be determined on a case-by-case basis. Ms. Erickson explained her disdain for in lieu parking fees and felt that exceptions place pressure on elected officials. In response to a question from Ms. Simpson, Tom Bakaly believed that parking in lieu fees were spent on new construction and not maintenance. Ms. Erickson stated that she has issues with not providing parking for a project. Mark Harrington explained that part of the reasoning stems from the special improvement district that exempted certain floor area ratios of initial development. He advised to keep the criteria very narrow. Ms. Simpson stated that she could support in lieu fees for parking if they supported another bus route or added equipment. Ms. Erickson acknowledged that there may be circumstances where accepting a lieu payment makes the most sense. Ms. Whetstone added that the whole purpose of encouraging MPDs is for the benefit of the streetscape and the occupancy of any commercial area is conditioned on completing the residential structure first.

With regard to the last three chapters to be reviewed, Ms. Whetstone pointed out the minor amendments to the Board of Adjustment section making it consistent with existing language in Chapter 1. She discussed the appeals process changes, not relating to the hearing officer. Chapter 11 addresses the Historic Preservation Board and streamlines the Historic District Design Review process while still requiring full compliance. Regulations for significant structures and landmark properties are distinguished. Mark Harrington pointed out that HPB participation in the Design Review process is not recommended because there must be a clear separation of powers. In response to a question from Ms. Simpson about legal standing to appeal, Mark Harington explained that anyone has the ability to appeal the application of the Code to any particular project and projects going through an administrative process are posted with a building permit. Landmark structures are processed at a higher level of review. Candace Erickson commented on the importance of different staff members making consistent decisions on historic elements.

Alex Butwinski stated that he needs more time to think about the unintended consequences of amendments to the HCB and HR-2 and suggested continuing Section 15-2.3. Candace Erickson agreed. Thomas Eddington explained that Sections 15-10, 15-11, and 15-12 could be adopted tonight because they are straight-forward, but Sections 15-2 and 15-6 should be continued and considered together.

The Mayor opened the public hearing on remaining chapters.

Mike Sweeney, Treasure, relayed that Chapter 6 was specifically revised in the 1990s to attract destination recreational development which was successful. It is important to be aware of the financial consequences to the community if the language is changed. Park City needs to stay competitive. He referred to the purpose statement and felt that the language is too subjective, e.g., *neighborhood, negative impacts, best planning practices*, which leads to arguments. He encouraged taking more time. The Mayor felt Mr. Sweeney's comments are valid and Tom Eddington believed that some of the wording can be better defined. Joe Kernan suggested adding standards to the negative impact element.

Mike Scrogham, DDRM, stated that they own the Main Street Mall and are excited about the proposed changes. Private residential clubs, approved as a conditional use, was removed by the Planning Commission and he encouraged members to add it again. Some concerns raised related to mass, scale, residential integrity and they feel that the private residence club is a consistent use.

In response to a question from Alex Butwinski, Ms. Whetstone explained that a private residence club is real estate within a single condominium project in which ownership or use of the condominium dwelling unit is shared by not less than four or more than 12 owners. Private residence clubs require a conditional use permit. Thomas Eddington explained that it was pulled because the Planning Commission felt that by allowing that kind of ownership, the fabric of the neighborhood would be detracted. But the reality is that nightly rentals are allowed so there is already turn-over of units in the HR-2 and private residence club use would not look or feel different. With no further comments from the audience, the public hearing was closed.

Liza Simpson, "I move that we continue Chapters 15-2.3 and 15-6". Alex Butwinski seconded. Motion unanimously carried. Liza Simpson, "I move we approve the Land Management changes to 15-10, 15-11 and 15-12". Alex Butwinski seconded. Motion unanimously carried,

VII ADDITIONAL DISCUSSION – AGENDA ITEMS

None.

VIII ADJOURNMENT

With no further business, the regular meeting of the City Council was adjourned.

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 3 p.m. Members in attendance were Mayor Dana Williams, Alex Butwinski, Candace Erickson, Joe Kernan, Cindy Matsumoto, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Michael Kovacs, Assistant City Manager; Tom Daley, Deputy City Attorney; Diane Foster, Sustainability Manager; Thomas Eddington, Planning Director; Ron Ivie, Chief Building Official; Jason Christensen, Legal Intern; Phyllis Robinson, Public Affairs Manager; Bret Howser, Budget Manager; and Mark Harrington, City Attorney. Joe Kernan, "I move to close the meeting to discuss property and litigation". Cindy Matsumoto seconded. Motion carried unanimously. The meeting opened at approximately 5 p.m. Candace Erickson, "I move to open the meeting". Liza Simpson seconded. Motion unanimously carried.

The meeting for which these minutes were prepared was noticed by posting at least 24 hours in advance and by delivery to the news media two days prior to the meeting.

Prepared by Janet M. Scott, City Recorder