

**CITY OF OLYMPIA
CITY COUNCIL SPECIAL MEETING
MINUTES
May 5, 2009**

PRESENT: Mayor Doug Mah, Councilmembers Craig Ottavelli, Rhenda Iris Strub, Karen Messmer, Joan Machlis, and Joe Hyer. Mayor Pro Tem Jeff Kingsbury was excused.

The Olympia City Council special meeting convened at 5:00 p.m. on Tuesday, May 5, 2009.

Legislative Update

Mike Ryherd, Legislative Advisor provided an overview of the legislative session. He indicated that although it was a very tough session fiscally, Olympia fared amazingly well.

The Percival Landing project was the city's number one priority, and all members of our local legislative delegation signed on to support it. Senator Karen Fraser deserves a lot of kudos in providing funding for the project.

The proposed Capital District did not garner any support due to the \$9 billion revenue shortfall that the State was facing this year. We may have to wait until 2011 to bring this issue back again.

The isthmus height issue is expected to come back during the next session, depending on what happens in the interim. For most legislators, this was not an issue. He suggested that we keep the dialog going.

The next legislative session will not have a capital budget component.

Councilmembers indicated a desire to start work on next year's legislative agenda in late summer or fall of this year.

Meet with City Hearing Examiner

Mayor Doug Mah opened the meeting and recognized that Tom Bjorgen has been the City's Hearing Examiner for over 10 years. The purpose of the meeting was to discuss topics of mutual interest.

Various Councilmembers discussed different issues related to the Hearing Examiner process as follows:

Reconsideration of Decision: Mr. Bjorgen stated that it was helpful to have this provision, especially now that appeals are not heard by the City Council. He is also cognizant of the fact that some individuals may try to use this as a way to get a second hearing and would not allow that to occur.

Pattern of Appeals: Mr. Bjorgen indicated that he had not seen the number of appeals go up, except from a small number of individuals who filed repeated appeals.

Has The Examiner's Approach Changed: His approach had not changed. He continues to seek to apply the standards and regulations of the City and State. He has tried to make the process easier.

Records Held Open: He recognizes hearing records have been left open more often lately, that this is a burden for some applicants, and will try to limit it. However, the burden of proof is on the applicants to get a project approved. Sometimes projects that are exempt from providing a Traffic Impact Analysis are required to show adequate transportation facilities. So he keeps the record open to allow applicants to

submit the necessary data, or the record may be kept open in fairness to other parties. Councilmembers asked staff to develop guidance documents to let applicants of such projects know in advance about the necessary information required for a Hearing Examiner decision.

Level of Details: Councilmembers asked if the level of details required is more than what is required by other Hearing Examiners. Mr. Bjorgen responded that he is not aware of any specific examples, but will discuss the matter with staff. Council discussed the need for a means for any code problems to be identified and corrected.

Appeal Hearings: Mr. Bjorgen noted that limited parties nature of these hearings is sometimes confusing to the public. Neighborhood associations can only be parties if they are incorporated.

Decision within 14 Days: Mr. Bjorgen stated that he needs to do better in this area. Staff noted that Examiners pro-tem are sometimes used to spread the workload, but the pool of Pro-Tems has shrunk over the years, and there is a need to expand the pool.

Council discussion included whether the Hearing Examiner is going beyond the code requirements in to an advocacy arena. Mr. Bjorgen disagreed with that assertion. Some Councilmembers have heard from individuals who did not prevail at a hearing but felt that the Hearing Examiner was fair in his conduct and deliberation. In response to a Council question, Mr. Bjorgen indicated that "yes" he does enjoy this work.

The meeting was adjourned at 6:50 p.m.