



PLANNING COMMISSION

May 3, 2022

MINUTES

I. CALL TO ORDER

Chair Roland called the meeting to order at 7:04 p.m. via Virtual Zoom Meeting. Per Governor Inslee's Emergency Proclamation 20-05 and 20-28 et. seq. and City of Auburn Resolution No. 5581, City of Auburn has designated meeting locations as "virtual" for all Regular, Special and Study Session Meetings of the City Council and for the Committees, Boards, and Commissions of the City.

a.) ROLL CALL/ESTABLISHMENT OF QUORUM

Commissioners present: Chair Roland, Commissioner Mason, Commissioner Moutzouris, Commissioner Stephens; Commissioner Sprague; Commissioner Berry, and Commissioner Amer.

Staff present: Assistant Senior City Attorney Doug Ruth; Planning Services Manager Jeff Dixon

Members of the public present: No audience members were present.

b.) PLEDGE OF ALLEGIANCE

II. APPROVAL OF MINUTES

A. April 5, 2022 – Regular Meeting Minutes

It was pointed out that while not captured in the meeting minutes, Commissioner Mason participated in the April 5, 2022 meeting by telephone. It was mentioned that the minutes should be corrected to reflect that Commissioner Mason participated by phone and to omit the phone number.

It was motioned by Commissioner Stephens and Commissioner Sprague seconded, to approve the minutes from the April 5, 2022 meeting with the two corrections noted.

MOTION CARRIED UNANIMOUSLY. 7-0

III. PUBLIC COMMENT

Assistant Senior City Attorney Doug Ruth explained due to a change in state law this year, the city must afford the opportunity for public comment on any action of the board

or commission. This will be a re-occurring agenda listing. He noted it can be subject to the 3-minute time limit per the Rules of Procedure.

There was a question by the Commission if the public comment had to be related to a topic on the agenda or if it's open to a wider range of subjects. Ruth noted the legislation is not clear, but since the context is related to action of the Commission, it should be an agenda topic.

IV. OTHER BUSINESS

A. Open Public Meeting Act (OPMA) and Public Records Act (PRA)

Training

Assistant Senior City Attorney Doug Ruth said state law provides for mandatory training of public officials which includes the Commission. It must be repeated every four years or within 90 days of appointment. He noted that he will play a video created by the City Attorney and City Clerk and then answer any questions afterwards.

He played the Open Government Training video. The video covers Records Retention & Destruction Chapter 40.14 RCW, Public Records Act (PRA) Chapter 42.56 RCW, and Open Public Meeting Act (OPMA) Chapter 42.30 RCW.

In describing the Records Retention, it was cautioned to avoid if possible, using personal devices to conduct city business. Only primary records need to be retained. Destruction of records too early is a crime.

In describing the Public Records Act, it must be an identifiable public record, regardless of physical form. There is no general privacy exemption.

The requirements of the OPMA are triggered whether or not there is a final action. The recent State house bill (HB) 1329 requires an opportunity for public comment at or before every regular meeting at which a final action is taken. It also requires that there be a physical location of the meeting that the public can attend, except in a declared emergency.

Communication between a quorum of members is considered a "public meeting" subject to public notice requirements and the OPMA. The agenda of regular and special meetings must be posted on the city's website at least 24 hours in advance of the meeting. Special meetings are limited to discussion of the specific agenda items listed.

Assistant Senior City Attorney Doug Ruth said he wanted to explain a few topics covered in the video. He said most records the Planning Commission receives are not "primary records"; but "secondary copies". An exception might be an article shared among Commission members or personal e-mails, not sent to staff.

Regarding public records requests, these should be directed to the City Clerk's office.

Going back to the use of city e-mail address, he said requests often seek "any and all records". There have been instances where board members have been requested to bring in their personal computer to the city clerk's office to comply with the public records request. This is awkward.

Discussing the OPMA, Ruth noted members should avoid hitting "reply all" to an e-mail and inadvertently creating a public meeting. Penalties for violations can be to individual members.

Dixon added that the changes to state law provide for a minimum of audio participation at public meetings; not video.

B. Planning Commission Rules of Procedure Amendment

Dixon recounted for the Commission that at the March 8th Regular Meeting, staff gave a PowerPoint presentation stepping through and describing the various sections of the Rules of Procedure (RP) and the purpose of each section. Also, staff distributed in advance of the meeting amendments shown in strike-through (deletions), and underline (additions) as staff-drafted changes to Section XIII adding a new section; "Hearing Record" to clarify the procedures and methods to provide information that becomes part of the decision-making record for the Commission.

At the meeting the revisions were discussed, and the Commission suggested some additions related to format of oversize documents and specifying the digital format such as file type, such as PDF or Windows-based files would be beneficial.

Then at the April 5th Regular Meeting, staff distributed in advance for this meeting further amendments shown in strike-through (deletions), and underline (additions) with changes in response to the Commission's requests discussed at the March 8th meeting. Based on the requests, language was added to address both hard copy and electronic format for submissions. Also, the past staff edits were simplified by removing some words.

He said the revisions were discussed among the Commission and seemed to be acceptable. The Commission asked for the addition of the wording: "... to the Commission Secretary" in the first sentence of Section 14, Hearing Record, Subsection F (Page 13). Staff indicated this change could be made and is reflected in the packet.

The chair asked if members had questions and hearing none, called for a motion.

Commissioner Stephens moved to approve the changes to the PC Rules of Procedure with changes presented. Commissioner Sprague seconded the motion. The chair asked for clarification of the motion if it included all changes presented to-date. Stephens stated it did. The Chair called for a vote.

MOTION CARRIED UNANIMOUSLY. 7-0

V. COMMUNITY DEVELOPMENT REPORT

Planning Services Manager, Jeff Dixon asked about the Planning Commissioners about their preference how the meetings are held moving forward considering the relaxing of Pandemic restrictions. He said, staff requests that all Commissioners participate in the same way; and not a mixture of in-person and virtual participation to be manageable.

Chair Roland said she prefers to meet in-person. Commissioner Mason said she also prefers in-person. Chair Roland called upon Commissioner Amer, who said she would prefer to meet in person. The Chair called upon Commissioner Berry, who said she could do either and whatever works best for the City. She said in person is good. Commissioner Sprague said he prefers in-person. The Chair called upon Commissioner Moutzouris. He commented that he is comfortable with technology but feels that in-person is best for the public. The Chair called upon Vice-Chair Stephens, and he said the public is best served by in-person meetings.

Staff member Dixon added that while staff requests all Commissioners participate in the same way, exceptions can be made to allow virtual participation for unusual circumstances. For example, if a Commissioner is out-of-town and without the Commissioner's participation by virtual format, there would not be a quorum to conduct business.

Dixon returned to the subject of the Community Development Report. He stated that the Divine Court project located downtown has begun construction and he showed pictures.

Across East Main street, the former Max House has a new more attractive and secure fencing on this now vacant site.

Dixon reported that Sound Transit, in follow up to the stakeholder's meeting on the building design that Commissioners were invited to a few months ago on the second parking garage, is now in a public comment period on the design and is accepting public comment up through May 25th via their website.

The Commission asked if Sound Transit is coordinating with the City on infrastructure needs for the second garage. Staff confirmed that coordination has been ongoing. This analysis has been conducted and an environmental decision already issued.

The Commission asked about the current utilization of the first parking garage based on coming out of the pandemic. Staff did not know but, noted that the train operation schedule is not fully returned to pre-pandemic levels.

There was a question about the completion date for the Divine Court Project. Staff replied that it would be more than a year.

The Commission asked about the GSA property sale. There is no new information—only that there is a buyer.

The Chair asked about the next meeting and staff replied with information on estimated schedule.

VI. ADJOURNMENT

There being no further business to come before the Planning Commission, Chair Roland adjourned the meeting at 8:11 p.m.

APPROVED this 6th day of June, 2022.


JUDI ROLAND, CHAIR


Shawn Campbell, City Clerk