

ITEMS DISCUSSED

1. CALL TO ORDER / WORKSHOP: SHORELINE MASTER PROGRAM UPDATE – ADDITIONAL DEPARTMENT OF ECOLOGY REQUIRED CHANGES
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9. ORDINANCES/1ST READING: ORDINANCE NO. 2014-13, ADOPTING INTERIM ZONING REGULATIONS FOR TEMPORARY CONSTRUCTION STORAGE, AB 14-0198 – PLANNING
10. ORDINANCES/2ND READING: ORDINANCE NO. 2014-11, RELATING TO THE UTILITY ADVISORY COMMITTEE, AB 14-048 – MAYOR BLAIR
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 - F. WATER SYSTEM PLAN UPDATE PROFESSIONAL SERVICES AGREEMENT, AB 13-002 – PUBLIC WORKS
 - G. KITSAP COUNTY SHERIFF'S OFFICE JAIL SERVICES CONTRACT AMENDMENT, AB 14-055 - POLICE
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 - A. ENVIRONMENTAL TECHNICAL ADVISORY COMMITTEE – MARCH 12, 2014 NOTES – COUNCIL LIAISON WARD
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15. FOR THE GOOD OF THE ORDER
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1. WORKSHOP: SHORELINE MASTER PROGRAM UPDATE – ADDITIONAL DEPARTMENT OF ECOLOGY REQUIRED CHANGES 6:00:53 PM

Mayor Blair called the meeting to order at 6:00 PM with Councilmembers Blossom, Bonkowski, Roth Tollefson and Ward present.

Planning Director Cook explained the City has been working on the state-mandated Shoreline Master Program Update (SMP) for approximately four years. She indicated council received a number of required and recommended changes from the Department of Ecology (DOE) as well as proposed changes from staff last November. She noted since then, the city has received additional required changes from DOE most of which most pertain to the aquaculture section although there are some administrative housekeeping changes to BIMC Title 2 (land use procedures). She indicated the purpose of tonight's workshop was to provide additional information about aquaculture policies and regulations, contextual background on why the changes are being required by DOE, review and discuss DOE's required revisions and whether council concurs with staff's recommended changes to BIMC Title 2. She introduced Barbara Nightingale and Cedar Bouta, DOE representatives and Ryan Ericson, former shoreline planner. Planning Director Cook indicated council would be specifically reviewing item numbers 4, 9, 10, 14, 19, 21, 22 and 25 as listed in Attachment A related to aquaculture.

Ms. Bouta gave a PowerPoint presentation describing DOE's review approach, shoreline law and codes, legal issues, other policies/regulations and a changing policy and regulatory landscape. She explained the city's SMP could benefit from simplification of aquaculture definitions and categories, better alignment with current state/federal policies and regulations as well as increased flexibility to address impacts. She commended the city on its use of the conditional use permit process to address site-specific conditions, project specific and cumulative impacts.

6:16:13 PM Ms. Nightingale explained the differences and language being proposed.

There was a discussion on the process and timeline.

6:35:45 PM Planning Director Cook explained item 9 makes aquaculture a conditional use in the shoreline residential and urban designations. Ms. Nightingale added this was probably the biggest change. She explained how item 9 was coupled with items 26 and 25. She said the city's definition of aquaculture was not consistent with shoreline guidelines and recommended the change. She noted the definition of intensive aquaculture was really a different definition all together. She said DOE wanted to simplify the categories of aquaculture and sink up them up with the shoreline use matrix where it was allowed.

6:40:11 PM Councilmember Bonkowski understood the discussion regarding item 26 had to do with intensive aquaculture was included in all aquaculture, which Ms. Bouta responded generally yes.

6:42:43 PM Planning Director Cook wanted to discuss item 10 – why it overreached the authority and to better understand the rational. Ms. Bouta indicated there is already a requirement and underlying premise that existing uses are somewhat protected from new development. She suggested instead of denying a use automatically when there is a conflict, that it be mitigated. Councilmember Townsend asked what the effect would be if we deleted the language to which Ms. Bouta replied you would get the same outcome.

6:45:03 PM Planning Director Cook asked DOE to explain item 14 and why they believe having the one-mile proximity is not appropriate. Ms. Bouta replied it locks you in and suggested a visual impacts analysis that allows you to make those determines and gives you the flexibility to address the impacts. Mr. Ericson recommended if the one-mile language is removed, that visual impact analysis language be added to the submittal requirements. Councilmember Bonkowski asked whether it would be just as easy to include the last sentence, which basically says that we would look at the cumulative impacts to make any determination.

6:49:17 PM Planning Director Cook asked if everyone was still on board with item 19 related to commercial geoduck requirements. Ms. Bouta noted due to a 2012 legislative directive, DOE suggests the city adopt by reference the Washington Administrative Code (WAC) for guidance. She added the city could consider alternative language if there was anything the city wanted to add as an option.

6:51:21 PM Mr. Ericson commented on item 21. He explained the reason why the city was prohibiting intensive shellfish aquaculture. He said if the council chose to maintain that definition, then they should not accept this as a required change because it would allow it in the shoreline residential conservancy designation, which changes the whole intent of what the work groups were aiming for.

6:52:34 PM Planning Director Cook explained the change to item 22 was to delete the word public and that one would just need to demonstrate a need rather than a public need. She noted DOE no longer requires this change. Ms. Bouta concurred. Councilmember Townsend asked what the effect of public versus the general need language was. Mr. Ericson explained how the WAC he cited would be more consistent.

6:55:37 PM Councilmember Bonkowski commented on item 26 and the proposed removal of geoduck harvesting from the aquaculture definition to which Ms. Bouta indicated that was certainly not the intent. Councilmember Bonkowski asked if geoduck is listed in aquaculture because the language sure does not jump out at you that it is. Ms. Bouta replied commercial geoduck that is not on state-managed lands is still included by that definition. Mr. Ericson noted the only exemption is the harvest of native stock which is not aquaculture but the extraction of an existing native resource. Councilmember Bonkowski said it appeared under item 9 that we want to include aquaculture in all the residential areas so if geoduck does not appear as strongly as it was worded in aquaculture then what is it that you can or cannot do in residential areas. Mr. Ericson explained the type of geoduck harvesting allowed is extraction of geoducks by mechanical means in the DNR beds at minus 19 mean-low water and below in the native stock. Ms. Bouta indicated the reason why DNR asked for this because they were being required to get permits county by county.

6:58:46 PM Councilmember Ward asked if there were any areas around the island that are even suitable for geoduck aquaculture. Ms. Bouta indicated it could be successfully grown in the near-shore or mid-upper title. She commented on the impacts to forage fish, recent permits appeals and decisions. Councilmember Ward asked what the intent of item 26 with regard to upland fish rearing facilities was. Ms. Bouta replied it related to fish hatcheries.

Mayor Blair noted there may be changes to items 4 and 14 that council would like to consider but otherwise everything else has been dealt with or addressed. Planning Director Cook emphasized that item 4 is no longer required so if it comes back as a recommended change, the city does not have to do anything with it. She also mentioned housekeeping changes related to land use procedures could be discussed during the business meeting if council wanted to.

2. ROLL CALL / PLEDGE OF ALLEGIANCE 7:04:06 PM

At 7:04 PM, Mayor Blair acknowledged that all Councilmembers were present. City Clerk Lassooff monitored the recording of the meeting and prepared the minutes. Marcie Lagerloef led everyone in the Pledge of Allegiance.

3. ACCEPTANCE OR MODIFICATION OF AGENDA / CONFLICT OF INTEREST DISCLOSURE 7:05:13 PM

Deputy Mayor Tollefson moved to accept the agenda as presented which was seconded by Councilmember Townsend and unanimously approved, 7-0.

There were no conflicts of interest disclosed.

4. PUBLIC COMMENT 7:06:33 PM

Gary Tripp, 9605 Olympus Beach, believed it was premature to set the public hearing since the DOE's final changes have not been received or potential changes that the council may make.

Eric Wiseman, 10149 NE Roberts Road, commented on signage on Winslow Way sidewalks. He personally believed this is a solution looking for a problem.

Martha Drodge, Harbor Square Loop, citizen and former Planning Commissioner, encouraged the council to keep an open mind and respect the tremendous amount of work done on developing the SMP draft.

Peter McCormick, Point Monroe Drive, commented on the SMP.

Houston Wade, Shepard Way, Ferry Advisory Committee member, commented on a future meeting to discuss plans for the intersection of SR 305 and Winslow Way.

Lisa Macchio, 5315 Old Mill Road, commented on the significant amount of environmental damage beneath net pens and asked council to consider impacts other than visual ones on the surface.

5. CITY MANAGER'S REPORT 7:14:16 PM

City Manager Schulze reported on the following items:

- Notification to the community that staff was recommending moving forward on the preferred design alternatives for Wing Point Way project
- Reported telephone and phishing scams reported on the island
- Introduced Greg Vause, Code Compliance Officer, to the community
- Fraud Prevention and Awareness Workshop, April 18
- Coppertop Park public participation meeting this Wednesday, Council Chambers, 5:30-6:30 PM
- PSA planned power outages on portion of Winslow Way and Shannon Drive last Saturday

6. PRESENTATION: PUBLIC SAFETY FACILITY ASSESSMENT UPDATE, MACKENZIE, INC., AB 14-008 – EXECUTIVE 7:16:43 PM

Deputy Manager Smith introduced Rich Mitchell, Mackenzie, Inc. partner and island resident, who gave a PowerPoint presentation. He shared their findings on the existing facility, timeline, previous studies/reports, assessment of facility deficiencies, security concerns, ADA issues and non-compliance with police accreditation requirements. Mr. Mitchell explained an upcoming visioning meeting as an effective tool to engage the community in the process.

7:39:22 PM Deputy Mayor Tollefson asked what kind of attendance did the first public outreach meeting have to which Mr. Mitchell replied about 30 people (8-10 were non police or fire attendees). Deputy Mayor Tollefson suggested reaching out to other interested groups such as the school district and service clubs to get broader community involvement. Mr. Mitchell shared that there is already an outreach plan in place. Mayor Blair noted that now that we are aware of these issues, were there any that could be mitigated on a temporary basis. Mr. Mitchell responded they are mostly operational. Mayor Blair asked Mr. Mitchell to work with the chief to come up with some improvements in the interim.

7. PUBLIC HEARING: ORDINANCE NO. 2014-05, UTILITY POLE HEIGHT REGULATIONS, AB 14-054 – PLANNING 7:41:56 PM

Planner Conrad explained the proposed ordinance would permit increased height for existing distribution utility and transportation poles. Councilmember Townsend asked whether there has been discussion or consideration of the impact of limiting the ordinance to just the Agate Pass connection. Planner Conrad indicated that was the original intent however, in discussions with Puget Sound Energy and the Planning Commission, they felt it was worthwhile as long as we are looking at the code now, to address all the poles on the island. Councilmember Townsend wanted to confirm that it was just for existing poles to which Planner Conrad concurred.

Mayor Blair opened the public hearing at 7:44 PM.

Charles Schmid, 10677 Manitou Park Boulevard, shared his concern that what is being allowed now is for those poles to go up five feet higher and be moved 20 feet. He thought citizen's need to be informed.

Olaf Ribiero, 10744 Manitou Beach Drive, was curious about electro-magnetic fields at that level and how many trees would be affected.

Mayor Blair closed the hearing at 7:47 PM.

Barry Lombard, PSE representative, addressed comments and questions raised. He explained PSE typically notifies neighbors about any project that is coming up. Councilmember Townsend requested that PSE keep the council informed of its grander plans for the grid. Mr. Lombard said PSE would update council as projects come up.

7:53:06 PM ***MOTION:** I move that the City Council approve Ordinance No. 2014-05 relating to revisions in the height modifications table in Title 18.
WARD/BONKOWSKI – Motion carried unanimously, 7-0.*

8. UNFINISHED BUSINESS

A. ORDINANCE NO. 2014-05, SHORELINE MASTER PROGRAM UPDATE, AB 13-143 – PLANNING 7:53:37 PM

Mayor Blair thought it would be helpful to revisit the question of how to consider the information received at the workshop and discuss procedure. Following a brief discussion, there was consensus that no decisions be made unless all councilmembers are able to be present.

Mayor Blair suggested dealing with item 4 and 14 called out earlier during the workshop. Deputy Mayor Tollefson thought item 4 was a non-issue because what we have been told is that DOE objections were withdrawn.

8:01:16 PM Councilmember Ward recalled Ms. Macchio's earlier comment regarding the substantial impact of net-pens. He asked DOE if their agency or other communities have considered ways of considering not only the visual impact on the surface but also the impact beneath. Ms. Nightingale replied it was not intended to mean that we should not look at those types of impacts as they are dealt with in different sections of the SMP as well as state and federal regulations. Mr. Ericson said staff was recommending adding visual impact to the submittal requirements. Deputy Mayor Tollefson commented on conditional use permit requirements and asked if it could be used to require a visual impact analysis other than independently having a regulation that you have to have one. Mr. Ericson replied there are required criteria in the municipal code.

8:06:12 PM Councilmember Bonkowski was still not clear about the issue of defining intense aquaculture. He noted the language was taken out because there was not a bright line of what that was. He wanted to know what DOE had in mind with respect to intense aquaculture, whether they wanted to limit it in a particular way. Mr. Ericson responded that he had spoken with Mr. Bouta and she mentioned that we could still have an intensive aquaculture if we defined a bright line. Councilmember Townsend asked what the effect would be in losing the definition. Mr. Ericson explained if we wanted to, we could put it back in as long as there is a bright line and then we are still going to have to show DOE where it is appropriate to limit that type of intense aquaculture.

8:11:13 PM Following discussion of items 26 and 9 related to geoduck harvesting, it was determined that additional internal consistency and clarification was needed from Ms. Bouta.

Planning Director Cook noted the requirement for a visual impact analysis need not be added because it can be done through a conditional use permit.

8:21:57 PM **MOTION:** Direct staff to prepare alternative language in both point number 9 and 26 and to bring that language back for further discussion
TOWNSEND/WARD

Councilmember Bonkowski offered a friendly amendment....With consultation with DOE, the staff will prepare alternative language for 9 and 26 and bring it back to the council for further discussion and consideration.

The motion carried unanimously, 7-0.

8:23:14 PM Planning Director Cook reviewed housekeeping items summarized in Attachment B which are DOE required changes. Councilmember Bonkowski noted many of the changes have the word "minor" stricken from conditional use and asked what the difference was. Ms. Nightingale indicated the Shoreline Management Act does not differentiate between minor and major. Mr. Ericson asked whether we could keep the language in Title 2 but change the SMP to say conditional use to which Ms. Nightingale replied yes. Mr. Ericson suggested rather striking out "minor" in sections 4.2.18, 6.25 and 6.28.3 it can be captured in Title 2.

8:28:08 PM **MOTION:** Directive to the staff to come back with clarifying language with regard to chapter 2 and title 2 and the administrative and minor review.
BONKOWSKI/TOLLEFSON – Motion carried unanimously, 7-0.

8:29:16 PM Mayor Blair indicated there have been requests from councilmembers to reopen the proposed SMP approved by the prior council. Councilmember Bonkowski recalled during the retreat earlier in the year, he asked the council to reconsider two issues which are not of environmental concern. He explained the first would be to reconsider SSB 5451. Councilmembers shared comments and concerns about reopening the SMP.

8:44:35 PM **MOTION:** I move we direct the City staff to incorporate Senate Bill 5451 as an overwriting tenet for how existing structures are considered conforming.
BONKOWSKI/WARD – Motion failed 3-4 with Councilmembers Blossom, Bonkowski and Ward voting in favor. Councilmembers Blair, Roth, Tollefson and Townsend voted against.

8:45:30 PM Councilmember Bonkowski said it would be beneficial to the environment if an existing older home was able to rebuild within the same footprint and existing three dimensional envelope as recommended by the Planning Commission however that was not the direction the prior council took. He would like to have the issue reopened. Councilmembers shared comments and concerns about the issue.

8:54:38 PM **MOTION:** I move we change the SMP to allow a homeowner to rebuild in the same location a three dimensional envelope if the homeowner decides to tear it down.
BONKOWSKI/BLOSSOM – Motion failed 3-4 with Councilmembers Blossom, Bonkowski and Ward voting in favor. Councilmembers Blair, Roth, Tollefson and Townsend voted against.

8:55:22 PM Council and staff discussed future dates and reconsidering the policy of everyone being present to facilitate getting this done. There was consensus to go forward without all seven councilmembers present. Staff to work out the timing with DOE.

B. RESOLUTION NO. 2014-05, IMPLEMENTING TRAFFIC STUDY RECOMMENDATIONS AND ACCEPTING FOCUSED TRAFFIC STUDY, AB 13-104 – PUBLIC WORKS 9:02:50 PM

Public Works Director Loveless explained the recommendations of the traffic study were discussed at the February 19 meeting. He noted the study looked at seven locations, four corridor segments and three intersections and recommendations were made at the February 26 meeting. He indicated the resolution before council tonight implements the speed and school zone changes. Following brief questions and comments, a motion was made.

9:11:37 PM **MOTION:** I move that the City Council approve Resolution No. 2014-05 and accept the Focused Traffic Study prepared by Perteet, Inc. and dated December 11, 2013.
BONKOWSKI/WARD – Motion carried unanimously, 7-0.

C. SURFACE TRANSPORTATION PROGRAM (STP) GRANT OPPORTUNITIES, AB 14-051 – PUBLIC WORKS 9:12:06 PM

Public Works Director Loveless explained this item was presented at the March 17 study session and it was recommended the city apply for the Sound to Olympics Trail Phase 4 construction as part of the regional competition with Puget Sound Regional Council and to apply for four projects in the Kitsap County Transportation STP fund (Wing Point Way Reconstruction, Miller Road Shoulder Improvements, Fletcher Bay Shoulder Improvements as well a Island-Wide Chip Seal).

Following points of clarification, a motion was made.

- 9:15:10 PM **MOTION:** *I move the City Council authorize City Staff to move forward with the proposed Surface Transportation Program grant applications, identified on page 2 of this agenda bill, and commit to budgeting appropriate local match for each application in the 2015/2016 budget.*
TOLLEFSON/BONKOWSKI – Motion carried unanimously, 7-0.

**D. WING POINT WAY NON-MOTORIZED IMPROVEMENTS PROJECT, PREFERRED ALTERNATIVES,
AB 13-086 – PUBLIC WORKS 9:15:29 PM**

Public Works Director Loveless wanted to make sure staff had concurrence to ahead with the recommended design (Ferncliff Avenue to Park Avenue) on Wing Point Way and have a continual sidewalk on north side of the road and a climbing bike lane on the north and south sides of the road on the uphill grade.

- 9:16:48 PM **MOTION:** *I move that the City Council approve the recommended design alternative for the Wing Point Way Non-motorized Improvement project.*
ROTH/WARD

Deputy Mayor Tollefson asked if there was any way to use this project to energize the discussion of improving a connection between Hawley Cove Park (off Wing Point Way) and the ferry. Public Works Director Loveless replied staff could certainly look into that.

Motion carried unanimously, 7-0.

**9. ORDINANCES/1ST READING: ORDINANCE NO. 2014-13, ADOPTING INTERIM ZONING REGULATIONS
FOR TEMPORARY CONSTRUCTION STORAGE, AB 14-0198 – PLANNING 9:18:06 PM**

Planning Director Cook explained on February 19, the council adopted another set of interim zoning regulations to allow temporary parking lots in the downtown primarily to provide for parking displaced during construction projects. She indicated at the public hearing, an associated need that was not addressed in that ordinance was allowing for temporary construction storage. She said the proposed ordinance amends that earlier version to allow for a portion of a temporary parking lot to be used for temporary construction storage. She noted they are interim regulations for a six-month period and staff will be working to development permanent regulations addressing both parking and construction storage. She explained council had the option of approving the ordinance tonight as long as a public hearing was held within sixty days (April 14).

- 9:19:59 PM **MOTION:** *I move the City Council approve Ordinance No. 2014-13, Adopting Interim Zoning Regulations for Temporary Construction Storage, and schedule a Public Hearing on April 14, 2014.*
BONKOWSKI/TOWNSEND – Motion carried unanimously, 7-0.

**10. ORDINANCES/2ND READING: ORDINANCE NO. 2014-11, RELATING TO THE UTILITY ADVISORY
COMMITTEE, AB 14-048 – MAYOR BLAIR 9:20:32 PM**

- 9:20:48 PM **MOTION:** *I would like to move that we table action on this until the ad hoc committee has an opportunity to meet and present some revised version of the ordinance that takes into account the input that we received from several citizens.*
WARD/TOLLEFSON – Motion carried unanimously, 7-0.

**11. NEW BUSINESS: PROCLAIMING APRIL 6- 12, 2014 AS NATIONAL VOLUNTEER WEEK, AB 14-056 –
DEPUTY MAYOR TOLLEFSON 9:21:50 PM**

Deputy Mayor Tollefson shared that Bainbridge Island had the highest per-capita rate of volunteerism of any similarly-sized city in the United States and felt we should celebrate that we have such a great history. He read the proclamation.

- 9:23:38 PM **MOTION:** *I move that the City Council authorize the Mayor to sign the proclamation declaring April 6-12, 2014 as National Volunteer Week.*
TOLLEFSON/TOWNSEND – Motion carried unanimously, 7-0.

12. CONSENT AGENDA 9:25:41 PM

A. ACCOUNTS PAYABLE VOUCHER AND PAYROLL APPROVAL

Accounts Payable Manual Void Check Numbers 335269 through 335167, Manual Check Numbers 335282 through 335292, Accounts Payable Regular Run Check Numbers 335293 through 335396 for a total of \$362,670.78. Retainage Release Checks Numbers 117 through 119 for a total of \$20,211.80. Payroll Direct Deposit Check Numbers 029932 through 030035, Payroll Regular Run Check Numbers 106577 through 106582, Payroll Vendor Check Numbers 106583 through 106592 and Payroll Federal Tax Electronic Transfer for a total \$420, 901.00.

- B. SPECIAL/REGULAR STUDY SESSION MEETING MINUTES, MARCH 3, 2014
- C. ORDINANCE NO. 2014-12, RELATING TO 2013 BUDGET CARRYOVERS INTO 2014, AB 14-049 – FINANCE
- D. BIOSOLIDS HAULING AND DISPOSAL SERVICES AGREEMENT, AB 12-057 – PUBLIC WORKS
- E. PUBLIC WORKS VEHICLE PROCUREMENT, AB 14-053 – PUBLIC WORKS
- F. WATER SYSTEM PLAN UPDATE PROFESSIONAL SERVICES AGREEMENT, AB 13-002 – PUBLIC WORKS
- G. KITSAP COUNTY SHERIFF'S OFFICE JAIL SERVICES CONTRACT AMENDMENT, AB 14-055 – POLICE

9:26:01 PM **MOTION:** I move we approve Consent Agenda items A through G: Item A. Accounts Payable Voucher and Payroll Approval; Item B. Special/Regular Study Session Meeting Minutes, March 3, 2014; Item C. Ordinance No. 2014-12 Relating to 2013 Budget Carryovers into 2014, AB 14-049; D. Biosolids Hauling and Disposal Service Agreement AB 12-057; E. Public Works Vehicle Procurement, AB 14-053, F. Water System Plan Update Professional Services Agreement, AB 13-0025; G. Kitsap County Sheriff's Office Services Contract Amendment AB 14-055.
WARD/TOWNSEND – Motion carried unanimously, 7-0.

13. COMMITTEE REPORTS 9:27:05 PM

- A. ENVIRONMENTAL TECHNICAL ADVISORY COMMITTEE – MARCH 12, 2014 NOTES – COUNCIL LIAISON WARD
- B. KRCC HOUSING ACTION TEAM – MARCH 13, 2014 ANNOTATED AGENDA/NOTES – COUNCIL LIAISON TOLLEFSON

There were no reports given other than what was submitted in the agenda packet.

14. REVIEW UPCOMING COUNCIL MEETING AGENDAS 9:27:30 PM

City Manager Schulze reviewed the April 7, 2014 study session agenda. He reviewed the long-range calendar. There was a brief discussion regarding retail use of public sidewalks, Lynwood Center/Baker Road intersection options (May 5), Central Ward meeting postponed due to scheduling conflicts, North Ward meeting scheduled for Tuesday May 6 and South Ward meeting scheduled for Tuesday May 20.

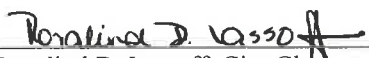
15. FOR THE GOOD OF THE ORDER 9:37:16 PM

There were no topics discussed.

16. ADJOURNMENT 9:37:21 PM

The meeting adjourned at 9:37 pm.


Anne S. Blair, Mayor


Rosalind D. Lasso, City Clerk