

ITEMS DISCUSSED

1. EXECUTIVE SESSION: REVIEW THE QUALIFICATIONS OF AN APPLICANT FOR CITY EMPLOYMENT (RCW 42.30.110(1)(g))
2. CALL TO ORDER / ROLL CALL
3. ACCEPTANCE OR MODIFICATION OF AGENDA / CONFLICT OF INTEREST DISCLOSURE
4. PRESENTATIONS
 - A. NATIONAL POETRY MONTH READING [MOVED UP]
5. CITY MANAGER'S REPORT
4. PRESENTATIONS (CONTINUED)
 - B. FRIENDS OF THE FARM 2013 ANNUAL REPORT, AB 14-059
6. STAFF INTENSIVE
 - A. ORDINANCE NO. 2014-16, RELATING TO REGULATIONS FOR MEDICAL & RECREATIONAL MARIJUANA, AB 13-136
 - B. WATERFRONT PARK/CITY DOCK 30% DESIGN, AB 13-025
 - C. WATERFRONT PARK/CITY DOCK DESIGN CONTRACT AMENDMENT NO. 1, AB 13-025
 - D. TRAFFIC CONCURRENCY MANAGEMENT SERVICES, PROFESSIONAL SERVICES AGREEMENT, AB 14-003
 - E. USE OF TECHNOLOGY FOR TRANSPARENCY, AB 14-058
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 - A. KITSAP PUBLIC FACILITIES DISTRICT BOARD OF DIRECTOR NOMINATION, AB 14-062
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 - C. REGIONAL BOARD AND COMMITTEE REPORT
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10. FOR THE GOOD OF THE ORDER
11. ADJOURNMENT

1. EXECUTIVE SESSION: REVIEW THE QUALIFICATIONS OF AN APPLICANT FOR CITY EMPLOYMENT (RCW 42.30.110(1)(g)) 6:45 PM

At 6:45 PM, Deputy Mayor Tollefson adjourned the meeting to executive session with Councilmembers Blair, Blossom, Bonkowski, Roth, Ward and Interim City Attorney Haney to discuss qualifications of an applicant for city employment. The executive session was held in the Planning Conference Room. The recording system was turned off and a notice was posted on the door to the Council Chamber. No action was taken.

2. CALL TO ORDER / ROLL CALL 6:59 PM

Deputy Mayor Tollefson called the meeting to order at 6:59 PM. Present were Mayor Blair, Councilmembers Blossom, Bonkowski, Roth and Ward. Councilmember Townsend was absent and excused. Records Management Coordinator Jahraus monitored the recording of the meeting and prepared the minutes.

3. ACCEPTANCE OR MODIFICATION OF AGENDA / CONFLICT OF INTEREST DISCLOSURE 7:00 PM

***MOTION:** The agenda was accepted with one modification; item 5A preceded item 4,
WARD/BONKOWSKI: The motion carried, 6-0.*

4. PRESENTATIONS 7:00 PM

A. NATIONAL POETRY MONTH READING [MOVED UP]

John Wilson, Poet, recited a poem.

5. CITY MANAGER'S REPORT 7:08 PM

City Manager Schulze gave an overhead presentation to demonstrate showing where community members can locate information on critical areas, GIS, slide prone areas and emergency management on the city's web site. City Manager Schulze also reported on the volunteerism celebration, the Planning Department's transition from Tidemark Permitting System to SMARTGov, and opportunities for citizen input regarding the police and fire facility taking place on April 16.

4. PRESENTATION (CONTINUED) 7:14 PM

B. FRIENDS OF THE FARM 2013 ANNUAL REPORT, AB 14-059 7:14 PM

Wendy Tyner, Friends of the Farm representative, introduced some of their volunteers before briefing council on their 2013 Annual Report. She referred to maps of the Suyematsu/Bentryn and Morales Farms and the Johnson Farm.

6. STAFF INTENSIVE 7:35 PM

A. ORDINANCE NO. 2014-16, RELATING TO REGULATIONS FOR MEDICAL AND RECREATIONAL MARIJUANA, AB 13-136

Planning Director Cook introduced the item. Special Project Planner Sutton led the presentation. During the 6-months that the interim marijuana regulations are in effect, (Ordinance 2013-32 expires on May 25, 2014), permanent regulations must go through the standard Planning Commission and City Council review process. The city must decide how it wants to regulate the three different types of recreational marijuana businesses - production (growing), processing, and retailing, and whether to "zone" for collective gardens - which falls under the State's medical marijuana rules (Chapter 69.51A RCW). Draft Ordinance 2014-06 adopts the State's recreational marijuana rules (Chapter 314-55 WAC) and integrates the Planning Commission recommendation to "zone" for these marijuana related uses:

1. Collective Gardens: The Planning Commission recommended banning collective gardens citywide.
2. Marijuana Retail: The Planning Commission recommended allowing recreational marijuana retail where general retail is already allowed - the Mixed Use Town Center, High School Road, and Neighborhood Service Center zoning districts. The city will only be granted one marijuana retail business license by the Liquor Control Board.
3. Marijuana Processing: The Planning Commission recommended allowing recreational marijuana processing in the Business/Industrial district.
4. Marijuana Production (Growing): The Planning Commission recommended allowing recreational marijuana production (outdoor or greenhouse growing ONLY) in the R-0.4 zoning district subject to several conditions (see Ordinance 2014-06.)

Special Project Planner Sutton answered questions posed by Council.

Q: Is processing subject to the 1000 foot setback from schools? (Bonkowski)

A: Yes, it applies to all three regulations (retail, growing, processing). Lab testing does not fall under processing.

Q: How does the sales tax work? Is it only on retail? (Bonkowski)

A: The growing operation is wholesale; processing potentially could be subject to sales and use tax based on interpretation of the sales and use tax code.

Q: Is it an accurate statement that our surrounding local jurisdictions, including Kitsap County, Poulsbo, Bremerton, Port Townsend, Port Orchard, Gig Harbor and Pierce County all have restricted marijuana production to Indoors Only and Business/Industrial zones or, have outright banned it. (Ward)

A: Special Project Planner Sutton stated she has not double-checked those jurisdictions; some are still in the interim Regulation phase.

Q: We are defining processing separate from production. When the producer picks the plant, how much is the producer entitled to do without processing. (Tollefson)

A: Our understanding is that a producer can cut, harvest, sort, and dry the plants before they need a processing license.

Further discussion took place. Councilmember Bonkowski inquired whether there should be a public vote to decide if Ordinance No. 2014-16 should be enacted. City Manager Schulze stated if a vote was to take place, it would be an advisory ballot measure, and the city would incur costs. Deputy Mayor Tollefson felt that there is a quite a bit more work to do on this subject.

Mack Pearl, Planning Commission Chair, clarified the rationale behind some of their decisions. Greenhouses are meant to be a fixed structure and counts as lot coverage. Only a certain amount of lot coverage is allowed - as the lots get smaller, lot coverage gets smaller. There was concern about big warehouses in a residential area. By choosing a greenhouse, we are in effect saying we want the plants grown under natural light. The idea of not having collective gardens is that currently, it is already a common practice on the island to have collective gardens and there are a number of them now probably growing much more marijuana than would be allowed under this ordinance.

Susan Wilmot reiterated her position opposing a special zoning classification that places marijuana growth operations within family neighborhoods.

Ken Teske offered comment on medical marijuana versus recreational marijuana.

Paul _____, questioned the many restrictions on the medical marijuana. He noted his wife is in chronic pain and it is difficult to purchase the medical marijuana on the island.

Theresa _____, a small business owner on the island, believes marijuana should be grown in a regulated environment.

Deputy Mayor Tollefson stated he does not feel the ordinance is ready for a second reading and he wants to give further thought to the issue of medical marijuana. Planning Director Cook reminded council that they are working under a tight schedule because the interim regulations expire on May 25. Interim City Attorney Haney concurred noting that state law requires that permanent regulations be adopted within six months of the date the interim regulations were adopted. He said an extension is possible if a public hearing is held before the extension expires and council adopts additional findings that the conditions that led them to impose the interim regulations in the first place still exist. If council can make those findings an extension could be granted, otherwise, the May 25 timeline still holds.

Both Councilmember Roth and Blossom stated for the record that they are ready to move forward to a second reading/public hearing on April 28.

8:49 PM **MOTION:** *To schedule Second Reading/Public Hearing for Ordinance 2014-06 of April 28, 2014.*
BONKOWSKI/WARD: *The motion failed, 5 – 1 (Roth)*

The Council agreed to move Ordinance 2014-06 to a study session on April 21 for further discussion with the caveat that if any changes are made, the second reading/public hearing on April 28, 2014 will have to be rescheduled.

B. WATERFRONT PARK/CITY DOCK 30% DESIGN, AB 13-025 8:59 PM

Public Works Director Loveless explained the Design Review Board reviewed the 30% design of the Waterfront Park/City Dock on March 31, 2014. Direction had been given to the consultants, Studio Cascade, to incorporate the recommendations of the Design Review Board along with a few more items added by City Council. A photo example of the site plan was displayed on the overhead.

Public Works Director Loveless shared the following changes the Design Review Board recommends:

- Expand access adjacent to the water along the waterfront trail. Maintain existing trail along the water and extend to the east forested part of the site all the way to the bridge pathway, potentially as a boardwalk to protect the middens.
- Proposed pavilion design be of a shed type of design incorporating post and beam construction and that it be moved further east, and not as a “bandstand” characteristics.
- That the site furniture, lighting, signage, and drinking fountains be the same vocabulary as recent public projects.
- Seating opportunities be increased within the Park.
- That the stormwater treatment features incorporate sculpture, art, and consideration of a sundial.
- Add bike runnels to the stairs.
- That the pedestrian circulation design be completed as part of a first phase to create the structure of the Park.
- Reduce need for pathway rails as much as possible while still meeting ADA requirements.
- Create a south facing stepped terrace to transition between the parking court and the crushed rock multi-use area.
- That the Board confirms that the multi-use space is a valuable part of the Plan.
- That the proposed boathouse (Rowing Club building) design also comes before the DRB for review as it is an important part of the multi-use space.

9:18 PM **MOTION:** *I move that the City Council forward the recommended design alternative and Authorizing Resolution No. 2014-08 to apply for a Recreation Conservation Office grant for the Waterfront Park 30% design to the April 14, 2014 Unfinished Business agenda.*

AMENDED MOTION: *I move that the City Council forward the recommended design alternative and Authorizing Resolution No. 2014-08 to apply for a Recreation Conservation Office grant for the Waterfront Park 30% design to the April 14, 2014 Unfinished Business agenda and to include identification of potential areas for public art and plan for any required utility services to these areas.*

BONKOWSKI/ROTH: *the motion carried 6-0.*

Elise Wright was concerned about stormwater runoff, accessibility, and the soft paths in the design but is pleased council is moving forward.

Dave Ullin stated he does not see enough information to go ahead with the plan. Without something like a scale model, it is hard to visualize the final design.

Jonathan Davis, board member of Sustainable Bainbridge, agrees the drawings are lacking in information.

C. WATERFRONT PARK/CITY DOCK DESIGN CONTRACT AMENDMENT NO. 1, AB 13-025 9:26 PM

Public Works Director Barry Loveless introduced the agenda item. The original contract with Studio Cascade did not anticipate that expansion of the dock to be the highest priority of the plan; therefore, did not account for the level of effort needed to prepare a dock project that would be ready to compete successfully for a Washington State Recreation & Conservation Office (RCO) grant.

9:29 PM **MOTION:** *I move that the City Council forward the Waterfront Park/Dock Professional Services Agreement Amendment No. 1 in the amount of \$49,788 to the April 14, 2014 consent agenda.*
WARD/BONKOWSKI: *The motion carried, 6-0.*

D. TRAFFIC CONCURRENCY MANAGEMENT SERVICES, PROFESSIONAL SERVICES AGREEMENT, AB 14-003 9:30 PM

Public Works Director Loveless stated the City's Comprehensive Plan is to be updated in 2016. To facilitate the effort, staff recommends updating the Island-wide Traffic Study starting in late 2014 and continuing through the first half of 2015 following the council's directed Traffic Concurrency Management effort to realize efficiencies.

Engineer Hammer added this work is design to be a limited update to the work done in 2003 – 2004 on the Comprehensive traffic Study. The vision is that staff and the Non-Motorized Transportation Advisory Committee would do a lot of the work. This task could actually be wrapped up before the Comprehensive Plan update in 2016 and it would inform that process later on.

9:35 PM **MOTION:** *I move that the City Council forward the Professional Services Agreement with Transportation Solutions Inc. for Traffic Concurrency Management and Transportation Study Services in the amount of \$146,361.00 and request City Council budget \$55,585.00 in the 2015 budget, to the April 14, 2014 Unfinished Business agenda.*
BONKOWSKI/WARD: *The motion carried, 6-0.*

E. USE OF TECHNOLOGY FOR TRANSPARENCY, AB 14-058 9:36 PM

City Manager Schulze used a PowerPoint to demonstrate the steps the city already has in place to provide as much transparency to the public as possible, including SeeClickFix, Notify Me, Public Records, Community Voice, Agenda Center, GIS Mapping & Mapping Gallery, SMARTGov Permit Portal (launching April 14) and Laserfiche.

7. COUNCIL DISCUSSION 9:50 PM

A. KITSAP PUBLIC FACILITIES DISTRICT BOARD OF DIRECTOR NOMINATION, AB 14-062 9:49 PM

Mayor Blair introduced the agenda item and made a motion.

9:50 PM **MOTION:** *I move that we forward Laurie Rice's name to the Board of Commissioners to complete the four-year term (ending June 2016) as the City of Bainbridge Island representative on the Kitsap Public Facilities District Board of Directors.*
BLAIR/BONKOWSKI: *The motion carried, 6-0.*

8. COMMITTEE REPORTS 9:51:32 PM

- A. CENCOM Executive Committee Minutes – February 26, 2014 – Council Liaison Ward
- B. Housing Kitsap Committee Report – April 1, 2014 – Council Liaison Tollefson
- C. Regional Board and Committee Report – April 7, 2014 – Council Liaison Blair

9. REVIEW UPCOMING COUNCIL MEETING AGENDAS 9:53 PM

City Manager Schulze reviewed the April 14 agenda and the look ahead calendar.

10. FOR THE GOOD OF THE ORDER 10:04 PM

Mayor Blair announced there is still an empty seat available on the KRCC Review Committee.

11. ADJOURNMENT 10:06 PM

The meeting adjourned at 10:06 PM.


Kelly Jahraus, Records Management Coordinator


Anne S. Blair, Mayor