

**REGULAR CITY COUNCIL STUDY SESSION
MONDAY, APRIL 21, 2014
LOCATION: BAINBRIDGE ISLAND CITY HALL
280 MADISON AVENUE NORTH, BAINBRIDGE ISLAND, WA 98110**

1. 7:00 PM CALL TO ORDER / ROLL CALL
2. 7:05 PM ACCEPTANCE OR MODIFICATION OF AGENDA / CONFLICT OF INTEREST DISCLOSURE
3. 7:15 PM PRESENTATION
 - A. National Poetry Month Reading, Sophia Byron
 - B. Housing Resources Board Priorities
4. 7:10 PM CITY MANAGER'S REPORT
5. 8:00 PM STAFF INTENSIVE
 - A. Update on Surplus City Property: Manitou Beach Tidelands and Lovgreen Road Pit

Documents: [042114 Review Surplus City Properties Agenda Bill.docx](#), [042114 Surplus Property Update Memo.docx](#), [042114 Background For Manitou And Lovgreen.pdf](#)
 - B. WSDOT Bike/Pedestrian Grant Application Opportunity

Documents: [042114 WSDOT Ped-Bike Grant Application Agenda Bill.doc](#), [042114 Olympic_Dr_PH2_Map.pdf](#), [042114 STO_PH3_Map.pdf](#)

C. Resolution No. 2014-06, Relating to Surplus City Equipment and Vehicles

Documents: [042114 Resolution No. 2014-06 Agenda Bill.doc](#),
[042114 Resolution No. 2014-06, Surplus Vehicles And Equipment.doc](#)

D. Interlocal Agreement with Kitsap Conservation District for the Purchase of City Surplus Equipment

Documents: [042114 Resolution No. 2014-06 Agenda Bill.doc](#),
[042114 Resolution No. 2014-06, Surplus Vehicles And Equipment.doc](#)

E. Chamber Technology

Documents: [042114 Chamber Technology.pdf](#)

F. Comcast Franchise Negotiation Professional Services Agreement

Documents: [042114 PSA Comcast Franchise Negotiation Agenda Bill.docx](#), [042114 Bainbridge Island Cable Television Consultant Contract And Scope Of Work \(3-07-14\).Pdf](#)

6. 8:30 PM COUNCIL DISCUSSION

A. Resolution No. 2014-09, Naming the Bainbridge Island Japanese American Exclusion Memorial

Documents: [042114 Resolution No. 2014-09 BIJAM Agenda Bill.docx](#), [042114 Resolution No. 2014-09 Naming The BI Japanese American Exclusion Memorial.docx](#)

B. Transit Update

7. 9:05 PM COMMITTEE REPORTS

8. 9:10 PM REVIEW OF UPCOMING COUNCIL MEETING AGENDAS

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

10. 9:20 PM ADJOURNMENT

Times listed on this agenda are appropriate. Public Comment may be limited to allow time for Council to deliberate.

Americans with Disabilities Act (ADA) accommodations provided upon request. Those requiring special accommodations, please contact the City Clerk at 206-842-2545 (cityclerk@bainbridgewa.gov) by Noon of the day preceding the meeting.

CITY OF BAINBRIDGE ISLAND CITY COUNCIL AGENDA BILL



PROCESS INFORMATION

Subject: Update on Surplus City Property: Manitou Beach Tidelands and Lovgreen Road Pit	Date: April 21, 2014
Agenda Item: Staff Intensive	Bill No.: 14-046
Proposed By: Morgan Smith, Deputy City Manager	Referral(s):

BUDGET INFORMATION

Department: Executive	Fund:	Munis Contract #
Expenditure Req: none	Budgeted? ☐ Yes ☐ No	Budget Amend. Req? ☐ Yes ☐ No

REFERRALS/REVIEW

City Manager ☒ Yes ☐ No ☐ N/A	Legal ☐ Yes ☐ No ☒ N/A	Finance ☐ Yes ☐ No ☒ N/A
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DESCRIPTION/SUMMARY

Action Item:

To provide additional background on two of the City's surplus properties: Manitou Beach tidelands and Lovgreen Road Pit. To receive Council direction on the preferred disposition of these properties.

History:

At the City Council meeting on March 10, 2014 the Council discussed the disposition of several surplus properties. The Council requested additional information on three properties: Manitou Beach, Lovgreen Road, and Pritchard Park.

The following memo provides background on two of these properties: Manitou Beach tidelands and Lovgreen Road Pit. Information on Pritchard Park will be provided at a separate briefing.

RECOMMENDED ACTION:

Information only.



MEMORANDUM

TO: City Council
Doug Schulze, City Manager

FROM: Morgan Smith, Deputy City Manager
Christine Brown, Paralegal

DATE: April 21, 2014

RE: Update on Surplus City Property: Manitou Beach Tidelands and Lovgreen Road Pit

Background

Through previous City Council action, the City designated a number of City-owned properties as surplus, with the intended disposition being a transfer of these properties to the Bainbridge Island Metropolitan Parks and Recreation District (BIMPRD). At a briefing last month, the City Council affirmed the direction to move forward with transfer of three of these properties (Meigs, Gazzam and Lumpkin). The City Council requested additional information on three remaining surplus properties (Lovgreen, Manitou tidelands, and Pritchard Park). This memo provides information on both Lovgreen and Manitou properties. A future briefing will address the issues related to Pritchard Park.

Property Name	Parcel Number(s)	Fund Source	Notes
Lovgreen Rd. Pit	092502-4-002-2006	General Fund	SEPA complete Site has potential use as City spoils pit
Manitou Beach Tidelands	142502-3-107-2005	Open Space Bond	

Manitou Beach Tidelands

Overview:

- The City owns two related parcels: an 0.88 upland parcel and 0.13 acre tidelands.
- Both areas were acquired using Open Space Bond funds in 2003.
- The Open Space Commission (OSC) initially recommended using the upland area to restore a historical salt marsh, but that project was abandoned following a feasibility study and neighborhood objections.
- Subsequently, the OSC recommended keeping the tideland parcel for public access, establishing parking areas on the upland parcel, and selling the remaining property.
- In 2011, the City declared the tideland parcel surplus, and directed the transfer of the property to the BIMPRD as a mechanism to preserve public access.
- The upland parcel has not been designated as surplus property by the City Council. The BIMPRD has indicated they are not interested in ownership of the upland parcel.

Development potential:

- Residential development of the upland parcel may be possible, but feasibility has not been confirmed.
- The upland property includes critical area (wetland) and an access easement for the neighboring (north) property.
- A permit for a septic design for the upland site was approved at the time the property was purchased by the City, but it has since expired. It has not yet been determined whether a similar design would be approved under current rules.
- Per the terms of the Open Space Bond issue, any sale proceeds from these properties would require the City, within 90 days of the property sale, to either redeem bonds in the same amount or use the funds to purchase similar Open Space property.

Next Steps:

Receive direction from City Council on whether to proceed with transfer of tideland property, or whether to defer in order to investigate sale potential for upland property.

- o If "PROCEED":
 - ✓ Staff works to complete property transfer to BIMPRD.
- o If "DEFER":
 - ✓ Undertake review of development options for upland parcel.
 - ✓ Seek City Council surplus designation for upland parcel.

Additional information:

- Parcel maps
- Property description and history (as of March, 2014)
- Memo to City Council from OSC (October 4, 2007)
- Memo to City Council from Real Property Review Committee (July 1, 2009)

Loggreen Road Pit

Overview:

- 14 acre parcel acquired from Kitsap County via purchase agreement initiated in 2001 and completed in December, 2010.
- Former gravel mine site. Active mining ended around 1992.
- In 2011, City Council declared property to be surplus and directed transfer to BIMPRD.
- Potential exists for City to use site for disposal of clean road spoils.

City Use as Spoils Pit:

- Initial regulatory review indicates City could use for disposal of clean road spoils.
- Annual costs savings of roughly \$100,000 the first year and \$150,000 per year thereafter, primarily through tipping fees savings and reduction in staff time spent in transit.
- Truck traffic to site would be highly seasonal (multiple trips per day during 4-week season, otherwise one or two trips per week).
- Planned operations could co-exist with public access to trails.
- Spoils disposal would fill smaller, shallow depression (10+ years). City does not plan to fill larger pit at the center of the property until after the smaller pit has been reclaimed.

Next Steps:

Receive direction from Council on whether to further assess feasibility of using the property for City spoils disposal.

o If yes:

- ✓ Complete review of regulatory requirements.
- ✓ Communicate with area residents regarding operational impacts.
- ✓ Coordinate with BIMPRD on options for shared use/public access.
- ✓ Prepare site for spoils disposal.

o If no:

- ✓ Affirm Council direction on previous plan to transfer property to BIMPRD , or
- ✓ Identify and pursue other disposition.

Additional information:

- Parcel maps
- Property description and history (as of March, 2014)
- Letter(1) to City Council from BIMPRD Commissioners (August 27, 2009)
- Letter(2) to City Council from BIMPRD Commissioners (August 27, 2009)

MANITOU BEACH TIDELANDS

Background information



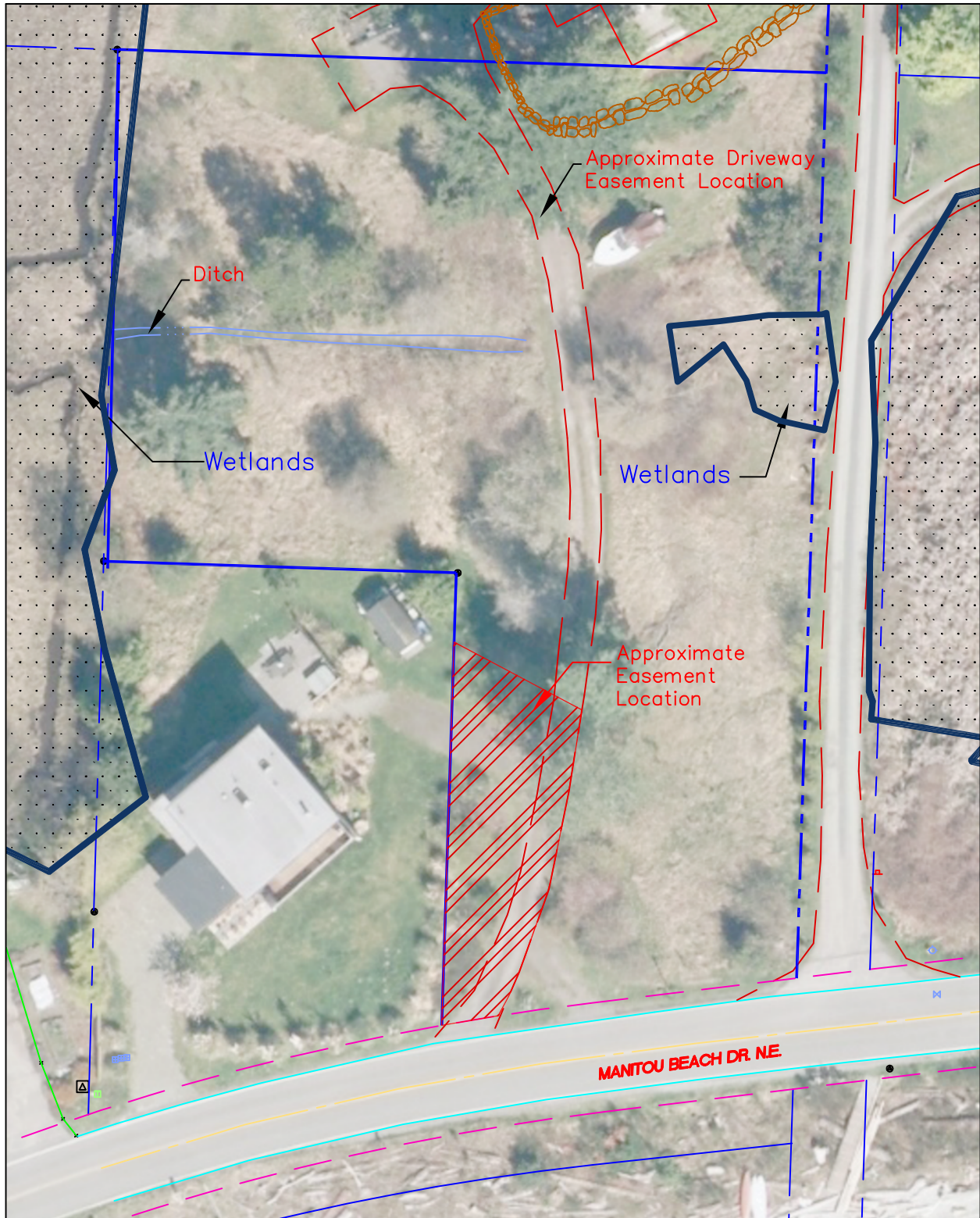
05-04-2009
DATE

1
NUMBER

142502-3-109-2003
Manitou Beach/Kane
S14 T25N, R2E, W.M.



**CITY OF
BAINBRIDGE ISLAND
PUBLIC WORKS
ENGINEERING
DEPARTMENT**

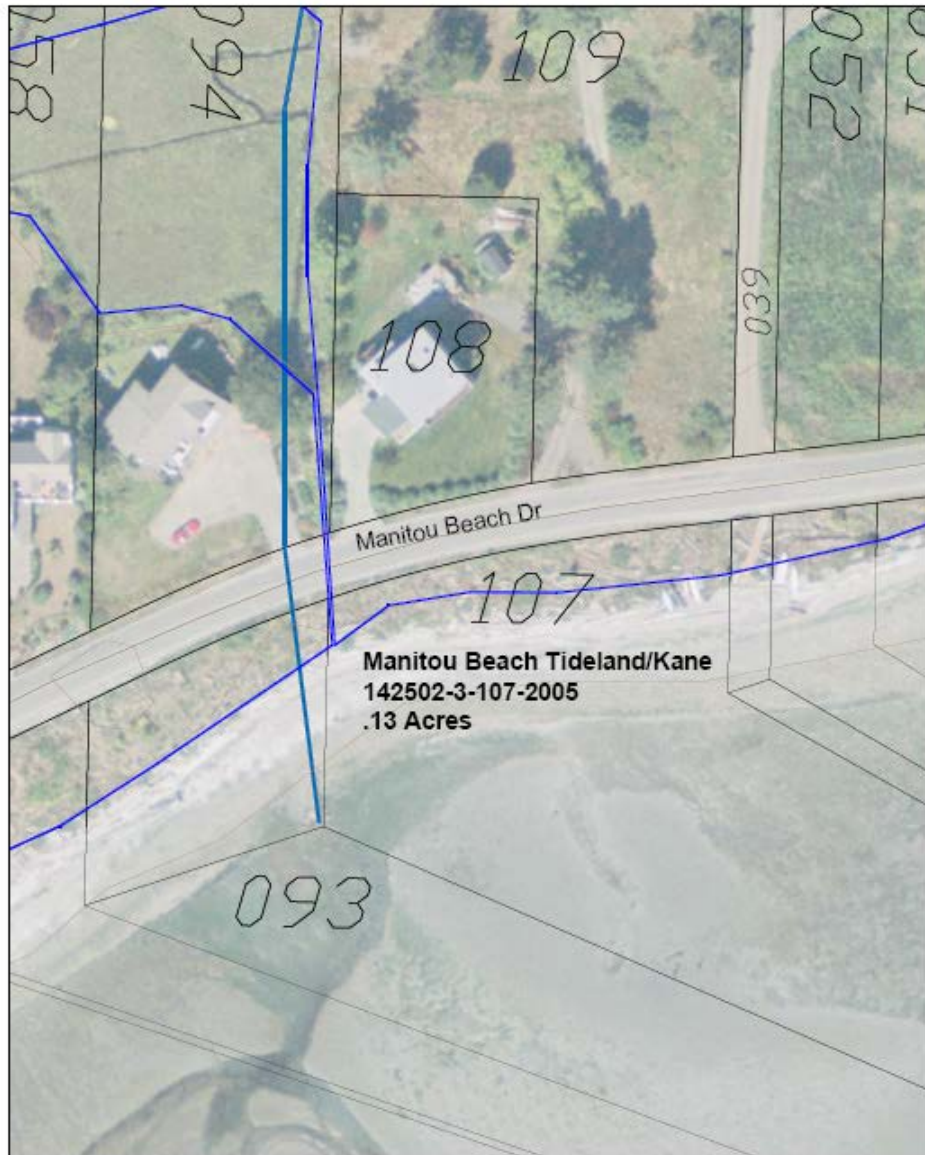


04-16-2014 DATE	142502-3-109-2003 Manitou Beach/Kane Parcel	 CITY OF BAINBRIDGE ISLAND PUBLIC WORKS ENGINEERING DEPARTMENT
1 NUMBER	S.14 T.25 R2e, W.M.	

1. **Manitou Beach/Kane Upland Parcel (Parcel No. 142502-3-109-2003)**

- a. Description of the location and size of the property: This is the .88 acre upland parcel on Manitou Beach Drive. The City also owns the .13 acre tidelands, Parcel No. 142502-3-107-2005.
- b. Description of the circumstances under which the property was obtained: The property was acquired by the Open Space Commission from Peter and Elyse Kane on March 12, 2003.
- c. Description of the funds used to acquire the property: Open Space Bond.
- d. Recommendation as to which fund the proceeds from its sale should be credited: General Fund. The Committee recommends paying off a portion of the debt associated with the Open Space Commission's purchase of Meigs Farm and the Williams Property (recommended for transfer to the Park District for use as open space/passive parks).
- e. Description of what municipal use the property has been put to in the past, if any, and what use, if any, for which it might be held: The property is currently not used. The Open Space Commission recommended that the City restore a historical salt marsh in the Murden Cove Watershed following acquisition of the property, and City Council approved funding for a feasibility study. The results of the study and the objections of the neighbors led the City to abandon the restoration project. The neighborhood also objected to parking spaces that would allow access to citizens outside the immediate neighborhood. In recommending the property for purchase the Open Space Commission recommended that if the restoration project could not be completed, "(1) the property be sold, retaining beach rights and area for several parking spaces, and the money returned to the Open Space Fund, or (2) the property be sold, without the beach rights or parking spaces, and the money returned to the Open Space Fund." There is an emergent wetland to the west and a cattail marsh to the east that are Category II wetlands. In addition, there is a stream along the west property line. As a result, there are buffer and setback requirements making the lots nonconforming and as such will require a Reasonable Use Exemption in connection with any development. At the time it was purchased, the Kanes had obtained a permit for a septic design, but the permit has since expired. In connection with the purchase of the Williams Property, the Open Space Commission recommended the sale of .5 upland acres of the .88 property as one building site, retaining the 200' beach and a parking easement.
- f. The date of any and each prior appraisal of the property, and the value determined by each such appraisal: A complete summary appraisal of the parcel was done as of January 17, 2003 and the parcel was valued at \$350,000.
- g. Estimation of value (pre-appraisal) of the property: The assessed land value of the waterfront parcel is \$76,200.

- h. Whether an appraisal is recommended and the type of appraisal: The Committee recommends a limited/summary appraisal.
- i. Whether the property is usable by abutting owners or is of general marketability. The property is of general marketability, but it is likely the neighbors will be interested in its purchase.
- j. Whether special consideration ought to be given to some other public agency that has a use for the property: The Committee recommends that the City retain the tidelands for open space. The Open Space Commission also recommended retaining an area for several parking spaces.
- k. Whether the property should be sold at auction, by sealed bid, by request for proposal (RFP) or by negotiation: The Committee recommends that the property be listed for sale by a real estate agent through a multiple listing service.
- l. Whether the property should be designated for consideration as Open Space or considered for transfer to the Metropolitan Parks District: See (j) above. The Committee recommends that the tidelands be transferred to the Park District, possibly with an area for parking from the upland parcel.
- m. Recommendation as to whether any special covenants or restrictions should be imposed in conjunction with the sale of the property: The Committee recommends that the City retain the tidelands parcel and an easement for parking on the upland parcel to allow beach access.
- n. If owned by a City utility, recommendation as to whether the property should be sold or transferred to the City's General Fund prior to being conveyed or sold to a third party: Not applicable.



05-04-2009 DATE	142502-3-107-2005 Manitou Beach Tideland/Kane S14 T25N, R2E, W.M.	 CITY OF BAINBRIDGE ISLAND PUBLIC WORKS ENGINEERING DEPARTMENT
1 NUMBER		

2. **Manitou Beach Tidelands/Kane Property (Parcel No. 142502-3-107-2005)**

- a. Description of the location and size of the property: This is the .13 acre tidelands parcel across Manitou Park Boulevard from the upland parcel.
- b. Description of the circumstances under which the property was obtained: The property was acquired by the Open Space Commission from Peter and Elyse Kane on March 12, 2003.
- c. Description of the funds used to acquire the property: Open Space Bond.
- d. Recommendation as to which fund the proceeds from its sale should be credited: While no monetary compensation is being paid by the Park District, the City is avoiding substantial operations, maintenance, legal and liability expenses by transferring the property to the Park District.
- e. Description of what municipal use the property has been put to in the past, if any, and what use, if any, for which it might be held: The property is currently not used. The Open Space Commission recommended that the City restore a historical salt marsh in the Murden Cove Watershed following acquisition of the property, and City Council approved funding for a feasibility study. The results of the study and the objections of the neighbors led the City to abandon the restoration project. The neighborhood also objected to parking spaces that would allow access to citizens outside the immediate neighborhood. In recommending the property for purchase the Open Space Commission recommended that if the restoration project could not be completed, “(1) the property be sold, retaining beach rights and area for several parking spaces, and the money returned to the Open Space Fund, or (2) the property be sold, without the beach rights or parking spaces, and the money returned to the Open Space Fund.” In connection with the purchase of the Williams Property, the Open Space Commission recommended the sale of .5 upland acres of the .88 property as one building site, retaining the 200’ tidelands parcel and a parking easement.
- f. The date of any and each prior appraisal of the property, and the value determined by each such appraisal: A complete summary appraisal of the upland and tidelands parcels was done as of January 17, 2003, and the parcels were valued together at \$350,000. There is no separate appraisal of the tidelands parcel.
- g. Estimation of value (pre-appraisal) of the property: The assessed land value of the tidelands parcel is \$27,550.
- h. Whether an appraisal is recommended and the type of appraisal: An appraisal is not necessary in connection with a transfer of park/open space to the Park District.
- i. Whether the property is usable by abutting owners or is of general marketability. Not applicable.

- j. Whether special consideration ought to be given to some other public agency that has a use for the property: Yes, the Park District.
- k. Whether the property should be sold at auction, by sealed bid, by request for proposal (RFP) or by negotiation: Not applicable.
- l. Whether the property should be designated for consideration as Open Space or considered for transfer to the Metropolitan Parks District: Yes, the Open Space Commission recommended that the tidelands be transferred to the Park District, together with a parking easement from the upland parcel.
- m. Recommendation as to whether any special covenants or restrictions should be imposed in conjunction with the sale of the property: The standard transfer documents from the City in favor of the Park District include provisions that specify that the land is to be used as passive park/open space only. A conservation easement may be required at the time the property is transferred or at a future date at the request of the City. Prior to offering, on any terms, any portion of the property, or any interest therein, to any third party, the Park District must first notify the City in writing of the District's intent to transfer any portion of the property and shall offer to re-convey the property to the City, without monetary remuneration or additional consideration.
- n. If owned by a City utility, recommendation as to whether the property should be sold or transferred to the City's General Fund prior to being conveyed or sold to a third party: Not applicable.

Memorandum

To: Bainbridge Island City Council

From: Andy Maron, Chair
Cyndy Holtz, Commissioner
Bainbridge Island Open Space Commission

Date: October 4, 2007

Re: Cost recovery recommendation for Williams Property acquisition

At its meeting on September 25, 2007 the Open Space Commission discussed the potential sale of City-owned properties, both those recently purchased under the open space bond program and others that were already City-owned. The Commission did not formally vote on a recommendation at that meeting (we can do that if desired), but reached a consensus that the following three City-owned properties should be sold for the purpose of recovering expenditures made to purchase the Williams Property. The table below provides more information about the properties as well as the assessed and estimated market values for each:

Property	Assessed value	Potential market value range	Comments
Manitou Beach (Kane) property	\$133,720	\$500,000 - \$650,000	OS property; sell .5 upland acres of the .88 acre property; one building site; retain the 200' beach and parking easement; re-sale contemplated at time of acquisition
Old County Road Maintenance site	\$185,470	\$185,470 - \$300,000	Conveyed to city by County; 3.28 acres along Miller Road near Island Center; zoned R-2; retain trail easement and storage easement along road per PW needs
Lot south of Sakai and north of Virginia Villa	\$109,010	\$109,010 - \$900,000	Received by City as part of BPA transaction; 1.42 acres ; zoned R-8; retain trail easement

The Open Space Commission also recommends that, in the event Council approves the Williams acquisition and conveys the property to the Bainbridge Island Metropolitan

Park and Recreation District, the City Council direct the Park District to apply retroactively for the following grants, with the stipulation that future awards from these grant sources would reimburse the City for its acquisition expenditures:

- Washington Wildlife and Recreation Program (WWRP), Water Access Category (2008-09)
- Aquatic Land Enhancement Act (ALEA)
- Salmon Recovery Funding Board (SRFB)

Thank you for your consideration.



City of Bainbridge Island
EXECUTIVE DEPARTMENT
MEMORANDUM

TO: City Council

FROM: Real Property Review Committee

DATE: July 1, 2009

RE: Recommendations to Surplus Property

In accordance with Resolution No. 2009-02, the Real Property Review Committee (the "Committee") recommends that the following properties be declared surplus by the City Council.

1. **Manitou Beach/Kane (Parcel No. 142502-3-109-2003)**
 - a. Description of the location and size of the property: This is the .88 acre upland parcel on Manitou Beach Drive. The City also owns the .13 acre tidelands, Parcel No. 142502-3-107-2005.
 - b. Description of the circumstances under which the property was obtained: The property was acquired by the Open Space Commission from Peter and Elyse Kane on March 12, 2003.
 - c. Description of the funds used to acquire the property: Open Space Bond.
 - d. Recommendation as to which fund the proceeds from its sale should be credited: General Fund. The Committee recommends paying off a portion of the debt associated with the Open Space Commission's purchase of Meigs Farm and the Williams Property (recommended for transfer to the Park District for use as open space/passive parks).
 - e. Description of what municipal use the property has been put to in the past, if any, and what use, if any, for which it might be held: The property is currently not used. The Open Space Commission recommended that the City restore a historical salt marsh in the Murden Cove Watershed following acquisition of the property, and City Council approved funding for a feasibility study. The results of the study and the objections of the neighbors led the City to abandon the restoration project. The neighborhood also objected to parking spaces that would allow access to citizens outside the immediate neighborhood. In recommending the property for purchase the Open Space Commission recommended that if the restoration project could not be completed, "(1) the property be sold, retaining beach rights and area for several parking spaces, and the money returned

to the Open Space Fund, or (2) the property be sold, without the beach rights or parking spaces, and the money returned to the Open Space Fund.” There is an emergent wetland to the west and a cattail marsh to the east that are Category II wetlands. In addition, there is a stream along the west property line. As a result, there are buffer and setback requirements making the lots nonconforming and as such will require a Reasonable Use Exemption in connection with any development. At the time it was purchased, the Kanes had obtained a permit for a septic design, but the permit has since expired. In connection with the purchase of the Williams Property, the Open Space Commission recommended the sale of .5 upland acres of the .88 property as one building site, retaining the 200’ beach and a parking easement.

- f. The date of any and each prior appraisal of the property, and the value determined by each such appraisal: A complete summary appraisal of the parcel was done as of January 17, 2003 and the parcel was valued at \$350,000.
- g. Estimation of value (pre-appraisal) of the property: The assessed land value of the waterfront parcel is \$154,070.
- h. Whether an appraisal is recommended and the type of appraisal: The Committee recommends a limited/summary appraisal.
- i. Whether the property is usable by abutting owners or is of general marketability. The property is of general marketability, but it is likely the neighbors will be interested in its purchase.
- j. Whether special consideration ought to be given to some other public agency that has a use for the property: The Committee recommends that the City retain the tidelands for open space. The Open Space Commission also recommended retaining an area for several parking spaces.
- k. Whether the property should be sold at auction, by sealed bid, by request for proposal (RFP) or by negotiation: The Committee recommends that the property be listed for sale by a real estate agent through a multiple listing service.
- l. Whether the property should be designated for consideration as Open Space or considered for transfer to the Metropolitan Parks District: See (j) above. The Committee recommends that the tidelands be transferred to the Park District, possibly with an area for parking from the upland parcel.
- m. Recommendation as to whether any special covenants or restrictions should be imposed in conjunction with the sale of the property: The Committee recommends that the City retain the tidelands parcel and an easement for parking on the upland parcel to allow beach access.

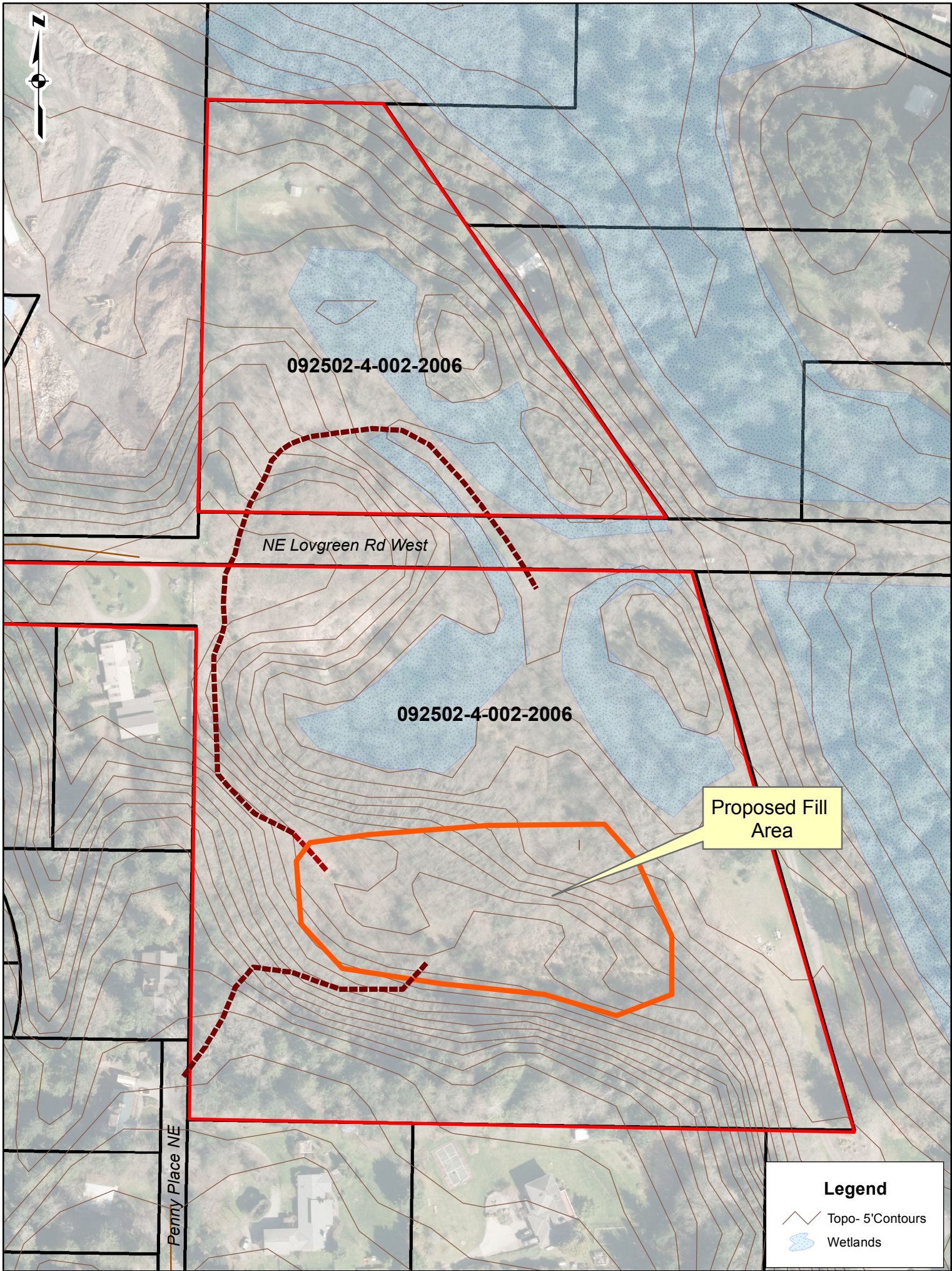
- n. If owned by a City utility, recommendation as to whether the property should be sold or transferred to the City's General Fund prior to being conveyed or sold to a third party:
Not applicable.

LOVGREEN ROAD PIT

Background information



03-27-2014 DATE	092502-4-002-2006 Lovgreen Pit Site	 CITY OF BAINBRIDGE ISLAND PUBLIC WORKS ENGINEERING DEPARTMENT
1 NUMBER	S09, T25, R2E, W.M.	



092502-4-002-2006

NE Lovgreen Rd West

092502-4-002-2006

Proposed Fill
Area

Penny Place NE

Legend

- Topo- 5'Contours
- Wetlands

3. **Lovgreen Pit (Parcel No. 092502-4-002-2006)**

- a. Description of the location and size of the property: This is a 14.39 acre parcel at the end of NE Lovgreen Road.
- b. Description of the circumstances under which the property was obtained: The property was acquired under a real estate contract with Kitsap County dated August 13, 2001 that included two other parcels. The City paid \$300,000 for the three properties over a ten-year period. The City made the final payment for the properties and received title on December 22, 2010.
- c. Description of the funds used to acquire the property: General Fund.
- d. Recommendation as to which fund the proceeds from its sale should be credited: While no monetary compensation would be paid by the Park District, the City would avoid substantial operations, maintenance, legal and liability expenses by transferring the property to the Park District.
- e. Description of what municipal use the property has been put to in the past, if any, and what use, if any, for which it might be held: The property is currently not used. The Lovgreen Pit site was historically used to mine gravel for road construction purposes. Active mining operations ceased in approximately 1992. The site is burdened by easements in favor of the KPUD (as successor to North Bainbridge Water Company) for several wellheads, as well as for placement and maintenance of a water main. The site was the subject of a Level III environmental assessment performed by Golder and Associates of Seattle which resulted in the issuance to Kitsap County of a “No Further Action Letter.” In 2004, the Washington State Department of Natural Resources terminated the Surface Mine Reclamation Permit and confirmed that the reclamation was satisfactory and met the needs of the amended reclamation plan and the requirements of Chapter 78.44 RCW. The parcel’s use was declared as “Park – Open Space.” In 2005, the City requested cancellation of the Sand and Gravel General Permit with Department of Ecology for the site. At the time the permits were terminated, the City was working with the Park District on a long-term lease allowing the Park District to develop, use and maintain the site. A Park District committee recommended in a March 17, 2000 report that the Park District acquire the site, but the City acquired it instead as part of a multi-parcel transaction. The sublease with the Park District was put on hold pending settlement of the reclamation issues and not picked up again afterwards as Public Works considered using the property for clean road spoils. In 2011, City Council included the property in a surplus resolution and authorized its transfer to the Park District pursuant to Resolution No. 2011-16.
- f. The date of any and each prior appraisal of the property, and the value determined by each such appraisal: There was no appraisal of the property prior to its purchase.
- g. Estimation of value (pre-appraisal) of the property: The assessed land value of the parcel is \$378,050.

- h. Whether an appraisal is recommended and the type of appraisal: An appraisal is not necessary in connection with a transfer of park/open space to the Park District.
- i. Whether the property is usable by abutting owners or is of general marketability. Not applicable.
- j. Whether special consideration ought to be given to some other public agency that has a use for the property: City Council approved the transfer or lease of the parcel to the Park District on May 14, 2003 and authorized its transfer in a surplus resolution on August 10, 2011.
- k. Whether the property should be sold at auction, by sealed bid, by request for proposal (RFP) or by negotiation: Not applicable.
- l. Whether the property should be designated for consideration as Open Space or considered for transfer to the Park District: Yes.
- m. Recommendation as to whether any special covenants or restrictions should be imposed in conjunction with the sale of the property: The standard transfer documents from the City in favor of the Park District include provisions that specify that the land is to be used for park purposes only. A conservation easement may be required at the time the property is transferred or at a future date at the request of the City. Prior to offering, on any terms, any portion of the property, or any interest therein, to any third party, the Park District must first notify the City in writing of the District's intent to transfer any portion of the property and shall offer to re-convey the property to the City, without monetary remuneration or additional consideration.
- n. If owned by a City utility, recommendation as to whether the property should be sold or transferred to the City's General Fund prior to being conveyed or sold to a third party: Not applicable.

August 27, 2009

City Councilors
City of Bainbridge Island
280 Madison Avenue North
Bainbridge Island, WA 98110



Re: Surplus Property

Dear Members of the City Council:

The Bainbridge Island Metropolitan Park & Recreation District has reviewed the City of Bainbridge Island's list of surplus property. We have the following comments:

1. Properties should not be sold unless there is no possible future use for the property.
2. Any proceeds from the sale of surplus property should be dedicated to a special land acquisition fund that can only be used for property purchases in the future that will provide community benefits.
3. Comments on specific properties:
 - Property South of Sakai Property (1.42 acres). This property was discussed by the Public Lands Stewardship Committee in 2006. No recommendation was made at that time (future ownership is listed as a question mark). Since the report of the PLSC there has been community discussion of including this property as part of an "Emerald Necklace" around Winslow. With efforts to create a trail along the Ravine up to High School Road, there is a possibility of locating a trail north of High School Road businesses through the subject property to Madison Avenue and then across the "Safe Routes to School" trails on the school campus to New Brooklyn then south along Sportsman's Club toward the head of Eagle Harbor. This possibility is something that should be reviewed by the City's Non-Motorized Transportation Advisory Committee before declaring the property surplus and selling it off. Just imagine it as a possible jewel on the Emerald Necklace.
 - Old County road maintenance site – Miller Rd (3.49 acres). One of the criteria that the Park Board tasked our Parkland Acquisition Committee (PAC) to use in their review of nominated properties was to look at possible sites in the three neighborhood centers with an eye to develop neighborhood parks to serve these centers as they get further developed. It might be worthwhile if the PAC were to review this site for possible development as a neighborhood park or other community use.
 - "Suzuki" Property on SE corner of New Brooklyn and Sportsman Club Rd (15 acres). There are too many options for future public benefit of this property to put it on the market. This property could be used for school purposes, city facilities, a park (think active use) or any number of other public uses. It is at the heart of the school corridor that includes the High School, Commodore, Ordway, Sakai, Woodward, the Bus Barn and the Maintenance yard; any development should be compatible and help maintain the connections the corridor provides. If the City goes a different direction, at the very least, any possible trail easements must be recorded before the property is sold and any development should require a significant park within any development (play area, tot lot, etc.) that could be owned/managed by either the homeowners or Park District.
 - Myers Pit/Old Decant Sites – In addition to the trail easements mentioned in the description of the properties, trail easements on these parcels that connect with the Lost Valley Open Space area are essential to provide public access to the eastern portion of this open space. It is imperative that all trail easements are recorded before selling. Moreover, the City should determine whether the best

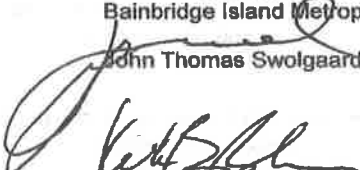
community use of these two parcels would be adding them to the Lost Valley Open Space area, as a contemplated option in the Brewer Settlement. Once trails are developed in Lost Valley, the area will become a prime destination as well as serving as a connecting point to a number of walking routes from the south, west, east and north. Parking is presently an issue at the Lost Valley site and the need for parking at the site must also be a consideration in determining the future of these two parcels. Weaver Avenue Well Site – Consideration should be given to parking requirements for the Strawberry Packing Plant prior to any sale. If parking on the site would enhance the value of the park, at a minimum there should be some reservation of land at the site for parking.

- Manitou Beach/Kane property. We agree that this parcel could be sold. However, this property was purchased with dedicated Open Space Bond funds. It would seem to us that any sale of property so purchased must be returned to the Open Space Bond fund account. Thereafter, use of the funds by the City should follow the process set out in the language passed by the voters to establish that Bond fund.
4. There is one omission from the list of surplus properties to be transferred to the Park District. The Lovgren Pit should be listed as a site to be transferred at an appropriate time. While we understand that sale or transfer of the property may be limited at this time due to the original purchase contract, please note that it was the Park District that arranged to have the Lovgren Pit property included with the Miller Road Shed/County Road Maintenance Site and Myer's Pit when the properties were purchased from the County in 2001. The Lovgren Pit is the third parcel that was received from the county "at no cost." It has long been the intent for the Lovgren Pit to be developed as a Park (Park District is currently responsible for maintenance and has built trails on the site) with transfer the property to the Park District when the terms of the contract with County are met in 2011.
 5. There is a second possible omission from the list of surplus properties to be transferred to the Park District – the Lost Valley Open Space and the four related trail easements. It is the understanding of the Park District, that as Open Space purchases, these properties and easements would be shifted to the Park District to operate and maintain. As there has been no discussion of Lost Valley in the surplus property information, is there a reason the City is not proposing the transfer of the Lost Valley Open Space and the associated trail easements?
 6. The list of "Surplus Property – Park Properties" is consistent with previous understandings between the City and Park District. Several of these properties will be additions to existing Parks, while many of the Properties already are being operated and maintained by the Park District through various agreements with the City

Thank you for carefully considering these comments.

Sincerely,

Board of Commissioners
Bainbridge Island Metropolitan Park & Recreation District


John Thomas Swolgaard


Kirk B. Robinson


David L. Shorett

Lee Cross


Kenneth R. DeWitt



cc: Mark Dombroski, City Manager, COBI
Terry Lande, Executive Director, BIMPRD

August 27, 2009

City Councilors
City of Bainbridge Island
280 Madison Avenue North
Bainbridge Island, WA 98110



Re: Surplus Property

Dear Members of the City Council:

When the City of Bainbridge Island proposed to sell several parcels of property in early 2008 the Bainbridge Island Metropolitan Park District wrote to the City Council that we believed it to be "extremely short sighted on the part of the City to sell any property." We noted that "as a community we never know when any particular piece of property could be used or developed for such purposes as affordable housing, parks, community facilities, or for any other public benefit. While those potential benefits may not be apparent now, as the Island continues to grow and develop the demand for public use or development of public property will become apparent."

The City is again proposing to sell several parcels of property to provide funds for their reserve account. The Park District still believes it to be short sighted on the part of the City to sell property and use the proceeds for any other purpose than to acquire other parcels that will better provide community benefits.

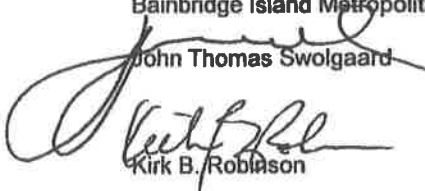
There are and will be properties in the City's inventory that could never be put to effective public use. These properties can and should be sold at appropriate times. However, the City should strongly consider placing the proceeds of all property sales into a special land acquisition account. Funds in the land acquisition account would only be available for the future purchase of property to provide for public benefits.

We know that a prior council authorized sales of property. As the current council contemplates property sales this year, we would like to see this decision reconsidered. There is only a finite amount of land on the Island (and in the City) and this will not change. Keeping these and other properties in public ownership (or dedicating the sale proceeds to future land acquisition) will provide the community with options that will be foregone by their sale and the use of the proceeds for other purposes. If nothing else, the properties provide additional open space on the Island for the near term and possibly longer.

This benefits us all.

Sincerely,

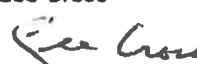
Board of Commissioners
Bainbridge Island Metropolitan Park & Recreation District


John Thomas Swolgaard


Kirk B. Robinson


David L. Shorett

Lee Cross


Kenneth R. DeWitt



cc: Mark Dombroski, City Manager, COBI
Terry Lande, Executive Director, BIMPRD

CITY OF BAINBRIDGE ISLAND

CITY COUNCIL AGENDA BILL



PROCESS INFORMATION

Subject: Washington State Department of Transportation (WSDOT) Pedestrian and Bicycle Program Grant Opportunities	Date: April 21, 2014
Agenda Item: Staff Intensive	Bill No.: AB 14-069
Proposed By: Public Works Director Barry Loveless	

BUDGET INFORMATION

Department/Fund:

Expenditure Req: \$ N/A Budgeted? ☐ Yes ☐ No Budget Amend. Req? ☐ Yes ☐ No

REFERRALS/REVIEW

Study Session:	Recommendation:		
City Manager ☒ Yes ☐ No ☐ N/A	Legal ☐ Yes ☐ No ☒ N/A	Finance ☒ Yes ☐ No ☐ N/A	

DESCRIPTION/SUMMARY

Action Item:

Consider approving and authorizing Public Works staff to move forward with WSDOT's Pedestrian and Bicycle Program grant applications for the Sound to Olympics Trail, Phase 3 project and the Olympic Drive, Phase 2 project.

Background:

Currently \$8 million is anticipated for both WSDOT's *Pedestrian and Bicycle Program* and *Safe Routes to School Program*. The purpose of these programs is to provide safe conditions for biking and walking and further "complete street" type of projects. No city match is required but preference shall be given to projects that provide a match. Applications are due Monday, May 5th. Program requirements include: quarterly reporting, state cultural resource requirements, Transportation Improvement Plan (TIP) inclusion, Americans with Disabilities Act (ADA) compliance, and provide connectivity.

The City is making large investments in the Sound to Olympics (STO) Trail project. Phase 1, Olympic Drive from Harbor Drive to Winslow Way is now under design and scheduled for construction in the fall of 2015.

— Continued on Page 2 —

RECOMMENDED ACTION

Motion:

I move that the City Council authorize Public Works staff to move forward with WSDOT's Pedestrian and Bicycle Program grant applications on the Sound to Olympics Trail, Phase 3 project for design and commit to funding a local match of \$65,000 and right-of-way work of \$20,000 in the 2015 budget; and the Olympic Drive Phase 2 project for design and construction.

DESCRIPTION/SUMMARY – Continued

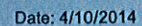
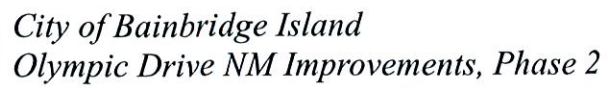
The City is currently beginning a study of the STO Trail and connecting trails along the SR305 Corridor from Winslow Way to High School Road and has secured Federal Surface Transportation Program (STP) funding to design this segment and complete construction north to the existing non-motorized bridge near Vineyard Lane.

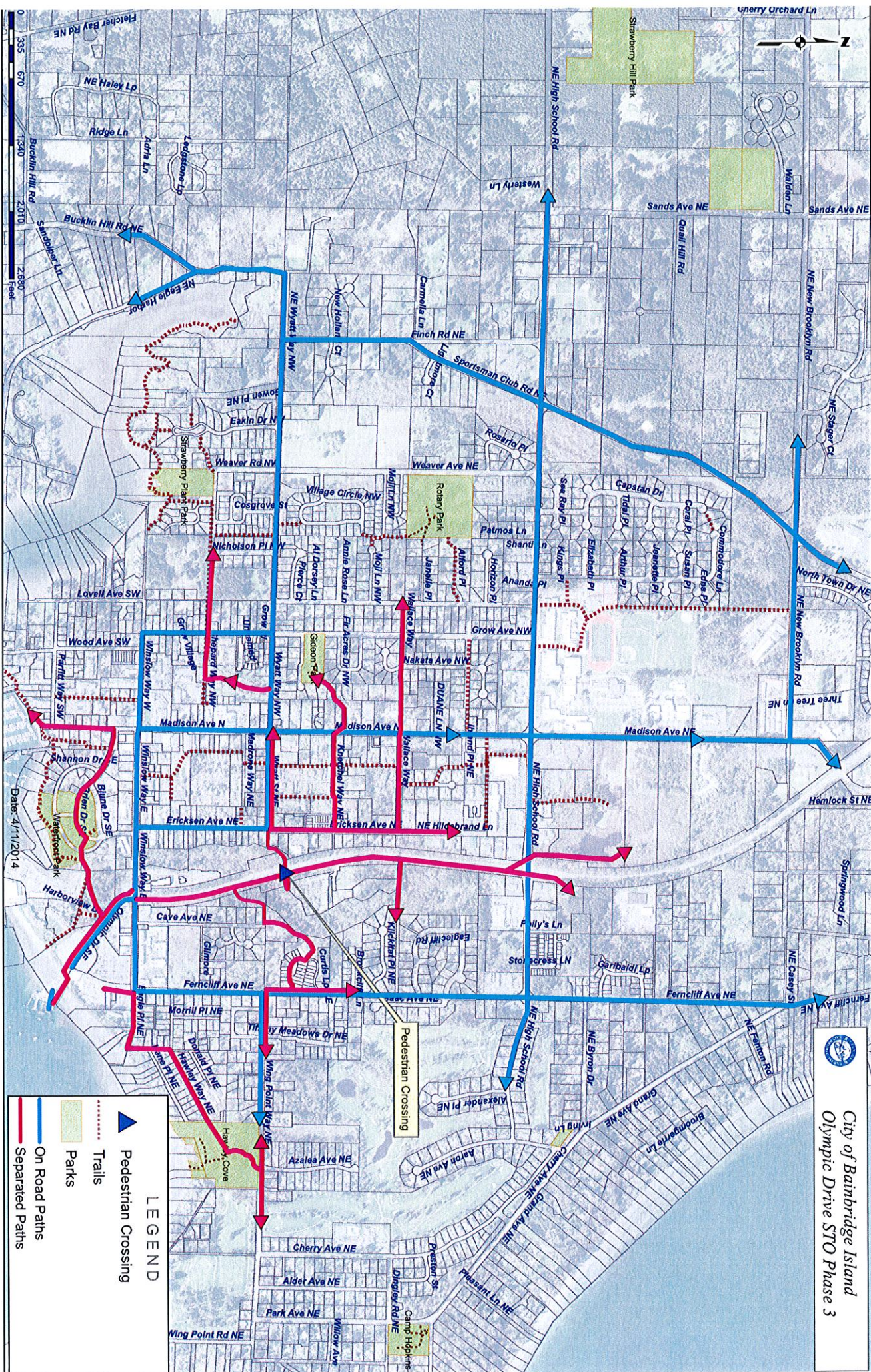
The City is also in the process of submitting an application for STP funding for Phase 4 that may complete construction of the STO Trail to High School Road. Phase 3 of the STO Trail is a proposed separated grade crossing of SR305 in the vicinity of Vineyard Lane. This application is intended to fund the design of this facility and allow the City to begin working on right-of-way acquisition. If successful in obtaining the pedestrian-bike grant, the City will be better positioned to secure additional grant funding for construction in 2016/17. Refer to the attached map showing the proposed project and how it furthers non-motorized connectivity in the greater urban Winslow area.

The City has recently completed a scoping study for the Waterfront Park. The proposed Olympic Drive, Phase 2 project provides a 12-foot wide separated pathway improvement to link the Ferry Terminal and planned facilities on Olympic Drive with the trail network proposed for the Waterfront Park and on to the waterfront trail and neighborhoods on the north side of Eagle Harbor. Refer to the attached map showing the proposed project.

Public Works respectfully requests authorization from City Council to move forward with the following grant applications:

- 1) Sound to Olympics Trail, Phase 3 project design, estimated to cost \$260,000, with a local match of 25% or \$65,000 and a commitment to begin right-of-way consulting work estimated to be \$20,000.
- 2) Olympic Drive, Phase 2 project design and construction, estimated to cost \$277,000, with no local match component.





LEGEND

- Pedestrian Crossing
- Trails
- Parks
- On Road Paths
- Separated Paths

City of Bainbridge Island
Olympic Drive STO Phase 3

CITY OF BAINBRIDGE ISLAND

CITY COUNCIL AGENDA BILL



PROCESS INFORMATION

Subject: Resolution No. 2014-06 Relating to Surplus City Equipment and Vehicles	Date: April 21, 2014
Agenda Item: Staff Intensive	Bill No.: AB 14-052
Proposed By: Public Works Director Barry Loveless	

BUDGET INFORMATION

Department/Fund:

Expenditure Req: \$ Budgeted? ☐ Yes ☐ No Budget Amend. Req? ☐ Yes ☐ No

REFERRALS/REVIEW

Study Session:	Recommendation:		
City Manager ☒ Yes ☐ No ☐ N/A	Legal ☒ Yes ☐ No ☐ N/A	Finance ☒ Yes ☐ No ☐ N/A	

DESCRIPTION/SUMMARY

Action Item:

Consider placement of Resolution No. 2014-06 relating to surplus City equipment and vehicles on the April 28, 2014 consent agenda.

Background:

This resolution declares the identified vehicles and equipment in Attachment A as surplus to the City's needs. The resolution directs the disposal through several different methods such as State or internet auction, recycling and/or interlocal agency agreement.

Budget:

All revenue generated by surplus vehicle and equipment disposal shall be returned to the original fund from which it was acquired.

RECOMMENDED ACTION

Motion:

I move that the City Council forward Resolution No. 2014-06 relating to surplus City equipment and vehicles to the April 28, 2014 Consent Agenda.

RESOLUTION NO. 2014-06

A RESOLUTION of the City Council of the City of Bainbridge Island, Washington, relating to the sale and disposal of surplus City personal property.

WHEREAS, the City periodically takes inventory of its vehicles and equipment that have exceeded their life expectancy and are no longer of use to the City; and

WHEREAS, it is in the best interest of the citizens of the City of Bainbridge Island to sell property owned by the City which no longer has beneficial public use and is surplus to the City's needs; now therefore,

THE CITY COUNCIL OF THE CITY OF BAINBRIDGE ISLAND, WASHINGTON, DOES RESOLVE AS FOLLOWS:

1. The vehicles and equipment listed and identified on Attachment A are surplus to the City's needs.
2. The surplus vehicles and equipment shall be sold and/or disposed of through one or more of the following methods:
 - a. the State of Washington General Administration's Surplus property program located in Auburn, Washington;
 - b. recycled if equipment has no value;
 - c. internet auction; or
 - d. an interlocal agreement with a political sub-division of the State of Washington.
3. All revenue generated by the disposal of the surplus vehicles and equipment shall be returned to the fund used to purchase such vehicles and equipment.

PASSED by the City Council this ____ day of _____, 2014.

APPROVED by the City Council this ____ day of _____, 2014.

Anne S. Blair, Mayor

ATTEST/AUTHENTICATE:

Rosalind D. Lassoff, City Clerk

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
RESOLUTION NO.: 2014-06

ATTACHMENT A

SURPLUS VEHICLES					
Unit #	Year	Make	Model	VIN #	License
26	2001	DODGE	RAM3500	3B6MF366IM551114	31945D
36	2003	CHEVY	MALIBU	1G1ND52J93M666891	43731D
49	2003	CHEVY	SILVERADO 3500	1GBJK33G53F200225	33860D
114	1999	JEEP	CHEROKEE	1J4FF68S3XL593244	27486D
129	2004	CHEVY	IMPALA	2G1WF55K549424049	39524D
5	2003	CHEVY	VAN	1GCHG35U931186860	33871D
Seized	2000	NISSAN	XTERRA	5N1ED28YX5C516033	AMH3504
Seized	1992	HONDA	CIVIC	2HGEH3387NH541701	
Seized	1995	JEEP	CHEROKEE	1J4GZ58S8SC640959	AEG9436
ATTACHMENT A – Continued					
SURPLUS EQUIPMENT					
Item		Description			Quantity
MEDIUM PLATES		GREEN RIMMED PLATES			52
LARGE PLATES		WHITE DINNER PLATES			31
MUGS		COFFEE MUGS			56
SALAD PLATES		SMALL PLATES			98
GARBAGE CAN		BLACK METAL			1
CHAIRS		RED PADDED OFFICE CHAIRS			5
POWER STRIPS		15 PLUG POWER STRIPS			6
TAMPER		KIDNEY BEAN TAMPER			1
FLASHING LIGHTS		SCHOOL ZONE LIGHTS			3
STOP SIGN LIGHT		SOLAR POWERED			1
SIGN PLOTTER		VINYL SIGN EQUIPMENT			1

SURPLUS IT— EQUIPMENT		
Description	Qty	Serial #
Obsolete analog (rack mount) broadcast equipment	21	N/A
Obsolete monochrome video displays	3	N/A
Non-functional rack mount Apple xsan server	1	N/A
Apple multi-bay hard drive enclosure (empty)	1	N/A
VCR/CD/DVD players	3	N/A
Non-functional 500 DVD Cassette jukebox player	1	N/A
Obsolete and non-functional computers	5	N/A
Miscellaneous brand and size CRT Monitors	8	N/A
Non-functional flat panel monitors	7	N/A
Non-functional HP-4 laserjet printers	2	N/A
Obsolete inkjet type printers	6	N/A
Boxes of miscellaneous connectivity cables	3	N/A
Large CRT type televisions	2	N/A
Non-functional Large flat panel television	1	N/A
Overhead studio lights (no bulbs, not cost effective)	2	N/A
Overhead projectors	2	N/A

CITY OF BAINBRIDGE ISLAND

CITY COUNCIL AGENDA BILL



PROCESS INFORMATION

Subject: Resolution No. 2014-06 Relating to Surplus City Equipment and Vehicles	Date: April 21, 2014
Agenda Item: Staff Intensive	Bill No.: AB 14-052
Proposed By: Public Works Director Barry Loveless	

BUDGET INFORMATION

Department/Fund:

Expenditure Req: \$ Budgeted? ☐ Yes ☐ No Budget Amend. Req? ☐ Yes ☐ No

REFERRALS/REVIEW

Study Session:	Recommendation:		
City Manager ☒ Yes ☐ No ☐ N/A	Legal ☒ Yes ☐ No ☐ N/A	Finance ☒ Yes ☐ No ☐ N/A	

DESCRIPTION/SUMMARY

Action Item:

Consider placement of Resolution No. 2014-06 relating to surplus City equipment and vehicles on the April 28, 2014 consent agenda.

Background:

This resolution declares the identified vehicles and equipment in Attachment A as surplus to the City's needs. The resolution directs the disposal through several different methods such as State or internet auction, recycling and/or interlocal agency agreement.

Budget:

All revenue generated by surplus vehicle and equipment disposal shall be returned to the original fund from which it was acquired.

RECOMMENDED ACTION

Motion:

I move that the City Council forward Resolution No. 2014-06 relating to surplus City equipment and vehicles to the April 28, 2014 Consent Agenda.

RESOLUTION NO. 2014-06

A RESOLUTION of the City Council of the City of Bainbridge Island, Washington, relating to the sale and disposal of surplus City personal property.

WHEREAS, the City periodically takes inventory of its vehicles and equipment that have exceeded their life expectancy and are no longer of use to the City; and

WHEREAS, it is in the best interest of the citizens of the City of Bainbridge Island to sell property owned by the City which no longer has beneficial public use and is surplus to the City's needs; now therefore,

THE CITY COUNCIL OF THE CITY OF BAINBRIDGE ISLAND, WASHINGTON, DOES RESOLVE AS FOLLOWS:

1. The vehicles and equipment listed and identified on Attachment A are surplus to the City's needs.
2. The surplus vehicles and equipment shall be sold and/or disposed of through one or more of the following methods:
 - a. the State of Washington General Administration's Surplus property program located in Auburn, Washington;
 - b. recycled if equipment has no value;
 - c. internet auction; or
 - d. an interlocal agreement with a political sub-division of the State of Washington.
3. All revenue generated by the disposal of the surplus vehicles and equipment shall be returned to the fund used to purchase such vehicles and equipment.

PASSED by the City Council this ____ day of _____, 2014.

APPROVED by the City Council this ____ day of _____, 2014.

Anne S. Blair, Mayor

ATTEST/AUTHENTICATE:

Rosalind D. Lassoff, City Clerk

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
RESOLUTION NO.: 2014-06

ATTACHMENT A

SURPLUS VEHICLES					
Unit #	Year	Make	Model	VIN #	License
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Seized	2000	NISSAN	XTERRA	5N1ED28YX5C516033	AMH3504
Seized	1992	HONDA	CIVIC	2HGEH3387NH541701	
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ATTACHMENT A – Continued					
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STOP SIGN LIGHT		SOLAR POWERED			1
SIGN PLOTTER		VINYL SIGN EQUIPMENT			1

SURPLUS IT— EQUIPMENT		
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Non-functional Large flat panel television	1	N/A
Overhead studio lights (no bulbs, not cost effective)	2	N/A
Overhead projectors	2	N/A

CITY OF BAINBRIDGE ISLAND

CITY COUNCIL AGENDA BILL



PROCESS INFORMATION

Subject: Chamber Technology	Date: April 21, 2014
Agenda Item: Staff Intensive	Bill No.: AB 14-075
Proposed By: Steve Miller, IT Manager	Referral(s): City Council

BUDGET INFORMATION

Department: Executive	Fund:	Munis Contract #
Expenditure Req:	Budgeted? ☐ Yes ☐ No	Budget Amend. Req? ☐ Yes ☐ No

REFERRALS/REVIEW

City Manager ☒ Yes ☐ No ☐ N/A Legal ☒ Yes ☐ No ☐ N/A Finance ☒ Yes ☐ No ☐ N/A

DESCRIPTION/SUMMARY

Action Item:

At the February 26, 2014 business meeting, council members proposed a discussion to review potential improvements to the technology installed within the Council Chambers. Several improvement items have been evaluated over the years. Reviewing those items in conjunction with discussing additional ideas for consideration seems like a prudent start for an improvement project.

Schedule/Next Activities:

The technology components in the Council Chambers fall into three categories; broadcast, presentation, and dais-related. A brief presentation will be given to describe the existing functionality, previously evaluated technologies, and potential areas for improvement. This will be followed by an open discussion to add additional ideas for consideration. Some of the items may include; conference call-in capability, individual dais monitors (already in process), projection system, voting mechanism, additional camera(s), audio, microphones, and lighting.

RECOMMENDED ACTION

Discussion topic only.

CITY OF BAINBRIDGE ISLAND

CITY COUNCIL AGENDA BILL



PROCESS INFORMATION

Subject: PSA for Comcast Franchise Negotiations	Date: April 21, 2014
Agenda Item: Staff Intensive	Bill No.: 14-071
Proposed By: Doug Schulze, City Manager	Referral(s):

BUDGET INFORMATION

Department/Fund: Executive		Munis Contract #
Expenditure Req: \$90,000	Budgeted? ☐ Yes ☒ No	Budget Amend. Req? ☒ Yes ☐ No

DESCRIPTION/SUMMARY

The franchise agreement for Comcast of California/Colorado/Washington L.P. terminated on January 31, 2013. A review of files from January 2010 – January 2013 did not result in any documentation of an extension, which is provided for in the franchise agreement. The first step in the process of renewing a cable television franchise is receipt of written notice from the cable operator under Section 626 of the 1984 Cable Act, which provides for the commencement of a formal renewal procedure. The City of Bainbridge Island received the written notification from Comcast on March 8, 2010. No further action has been taken, by either party, since the notification was received.

The expired franchise agreement is extremely outdated and there are a significant elements missing, which would give the City more influence. For example, the expired franchise agreement definition of gross revenues does not provide detail to include many revenues generated by cable operators. The expired franchise agreement does not provide the City with authority to conduct performance evaluations regarding compliance with the franchise agreement. There is no authority for the City to require a basic quality of service or ensure technical performance meets or exceeds federal technical standards.

Other options to consider include:

City Staff Negotiated Agreement: Expertise will be considerably less than provided by attorneys who negotiate franchise agreements with Comcast all across the United States. Staff resources are limited and significant time would be needed to research recently negotiated agreements in other cities and negotiate with Comcast. The final result would likely be less beneficial to the City and Comcast customers.

Ogden Murphy Wallace PLLC: Attorneys at Ogden Murphy Wallace have experience and expertise negotiating cable television franchise agreements. A proposal has not been requested from OMW, but could be requested.

RECOMMENDED ACTION

“I move to forward the PSA for Comcast Franchise Negotiations to the April 28, 2014 meeting Consent Agenda.”

CONTRACT FOR SERVICES

This Agreement is entered into by and between the City of Bainbridge Island, Washington, hereinafter referred to as “the City”, and River Oaks Communications Corporation, herein referred to as “the Contractor” or “River Oaks”, whose principal office is located at 3 South Tejon, Suite 200, Colorado Springs, Colorado 80903.

WHEREAS, the City has determined the need to have certain services performed by Contractor, and

WHEREAS, the City desires to have the Contractor perform such services pursuant to certain terms and conditions,

NOW THEREFORE, IN CONSIDERATION OF the mutual benefits and conditions set forth below, the parties hereto agree as follows:

1. Scope and Schedule of Services to be Performed by Contractor. The Contractor shall perform those services described on Exhibit A attached hereto and incorporated herein by this reference as if fully set forth. In performing such services, the Contractor shall at all times comply with all federal, state, and local statutes, rules and ordinances applicable to the performance of such services. The Contractor shall request and obtain prior written approval from the City prior to the initiation of any specific task not included in the scope of services. If the scope or schedule is to be modified in any way, prior written approval is also required.
2. Compensation and Method of Payment. Payments shall be made by the City to the Contractor based on month-end billings.
3. Duration of Agreement. This Agreement shall be in full force and effect for a period commencing April 21, 2014 and ending November 30, 2014, unless sooner terminated under the provisions hereinafter specified.
4. Ownership and Use of Documents. All documents, drawings, specifications, computer files, photographs, calculations, models, maps, and other materials produced by the Contractor in connection with the services rendered under this Agreement shall be the property of the City whether the project for which they are made is executed or not.
5. Independent Contractor. The Contractor is and shall be at all times during the term of this Agreement an independent contractor, and not an employee of the City. Any and all employees of the Contractor while engaged in the performance of any work or services required of the Contractor under this Agreement shall be considered to be employees of the Contractor only and not employees of the City.

The Contractor acknowledges that it is responsible for the payment of all charges and taxes applicable to the services performed under this Agreement, and the Contractor agrees to comply with all applicable laws regarding the reporting of income, maintenance of insurance and records, and all other requirements and obligations imposed as a result of the Contractor’s status as an independent contractor.

This Agreement shall be for the sole benefit of the parties hereto, and nothing contained herein shall create a contractual relationship with, or create a cause of action in favor of, a third party against either party hereto.

Contractor understands that neither Contractor nor Contractor's employees or contract personnel are eligible to participate in any employee pension, health, vacation pay, sick pay or other fringe benefit plan of the City.

6. Indemnification.

A. The Contractor agrees to indemnify the City from any claims, damages, losses, and costs, including, but not limited to, attorney's fees and litigation costs, arising out of claims by third parties for property damage and bodily injury, including death, caused by the negligence or willful misconduct of the Contractor, the Contractor's employees, affiliated corporations or officers in connection with this Contract, either solely or in combination with the negligence or willful misconduct of third parties.

B. The City agrees to indemnify Contractor from any claims, damages, losses, and costs, including, but not limited to, attorney's fees and litigation costs, arising out of claims by third parties for property damage and bodily injury, including death, caused by the negligence or willful misconduct of the City, the City's employees, or agents in connection with this Contract, either solely or in combination with the negligence or willful misconduct of third parties.

7. Insurance.

A. The Contractor shall obtain insurance that complies with the following requirements:

1. Commercial General Liability. The Contractor shall procure and maintain in full force throughout the duration of the Agreement commercial general liability insurance to cover liability, bodily injury, and property damage. The Commercial General Liability insurance shall be written on an occurrence or claims made basis and shall provide coverage for any and all costs, including defense costs, and losses and damages resulting from personal injury, bodily injury and death and property damage. Such insurance shall include blanket contractual coverage, including coverage for this Agreement as now or hereafter amended and specific coverage for the indemnity provisions set forth herein. Coverage must be written with limits of no less than \$1,000,000 for each occurrence and \$2,000,000 aggregate and shall be maintained for at least one year after the completion of services hereunder.

2. Professional Liability. The Contractor shall procure and maintain in full force professional liability insurance for those services delivered pursuant to this Agreement that involve providing professional services. Such professional liability insurance shall be written with limits no less than \$1,000,000 per claim and \$1,000,000 policy aggregate limit.

B. Each insurance policy required pursuant to this Agreement shall be primary with respect to the City and shall so provide or include an endorsement so providing. Any other coverage maintained by City shall be excess of this coverage herein defined as primary and shall not contribute with it.

C. Commercial general liability insurance policies obtained pursuant to this Agreement by the Contractor shall contain an endorsement naming the City as an additional insured.

D. The Contractor shall provide the City with written notice of any policy cancellation, within two business days of its receipt of such notice.

8. Termination. This Agreement may at any time be terminated by the City giving to the Contractor thirty (30) days written notice of the City's intention to terminate the same, provided that Contractor and any subcontractor shall be paid for all services rendered and expenses incurred up until the effective date of termination.

9. Discrimination Prohibited. The Contractor shall not discriminate against any employee, applicant for employment, or any person seeking the services of the Contractor to be provided under this Agreement on the basis of race, creed, color, national origin, sex, sexual orientation, gender identity, marital status or age.

10. Entire Agreement. This Agreement contains the entire agreement between the parties hereto and no other agreements, oral or otherwise, regarding the subject matter of this Agreement, shall be deemed to exist or bind any of the parties hereto. Either party may request changes in the Agreement. Proposed changes which are mutually agreed upon shall be incorporated by written amendments to this Agreement.

11. Notices. Administrative notices to Bainbridge Island shall be sent to the following address:

Doug Schulze, City Manager
City of Bainbridge Island
280 Madison Avenue North
Bainbridge Island, Washington 98110

Legal notices shall be sent to Bainbridge Island at the above address.

Notices to the Contractor shall be sent to the following address:

River Oaks Communications Corporation
Thomas F. Duchon, President
El Paso Building
3 South Tejon, Suite 200
Colorado Springs, CO 80903

12. Applicable Law; Venue; Attorney's Fees. This Agreement shall be governed by and construed in accordance with the laws of the State of Washington. In the event any suit, arbitration, or other proceeding is instituted to enforce any term of this Agreement, the parties specifically understand and agree that venue shall be exclusively in Kitsap County, Washington. The prevailing party in any such action shall be entitled to its attorney's fees and costs of suit.

DATED this ____ day of April, 2014.

RIVER OAKS COMMUNICATIONS
CORPORATION

By: _____

Title: President

Date: _____

BAINBRIDGE ISLAND, WASHINGTON

By: _____

Title: City Manager

Date: _____

EXHIBIT A

SCOPE OF WORK

Scope of Services to be Provided by River Oaks: River Oaks shall furnish the following services:

- A. Review existing Cable Franchise Agreement.
- B. Review any pertinent City Cable Communications Ordinance.
- C. Review correspondence from and to City/Comcast.
- D. Review Section 626 Letter from Comcast.
- E. Review existing Franchise with respect to numerous issues including, but not limited to, Franchise Fees and Gross Revenues, the amount of the PEG Fee, PEG Requirements and Channels, Term, Competitive Equity and two FCC Orders, Interconnection, Compliance Issues, Local Office, Right-of-Way Issues, the Comcast Entity, Franchise Fee Reporting, Free Service, PEG Channels being located on the Basic Tier, Return Lines, Emergency Alert System, the Scrambled Channel and the I-Net (if applicable).
- F. Draft and Negotiate with Comcast a renewal Franchise document under the Informal Renewal Process. Address numerous matters for possible inclusion in the renewed Franchise. Discuss with the City and draft numerous Sections and provisions for possible inclusion.
- G. Participate in Conference Calls/Phone Meetings with the City and Comcast.
- H. Prepare a Compliance letter to Comcast after reviewing the Comcast Franchise to identify some of the salient questions. This will be focused on the most important components and will not be a detailed comprehensive Past Performance Review.
- I. Review the 1984 and 1992 Cable Acts, Telecommunications Act of 1996, FCC Orders and FCC Regulations in connection with the above.
- J. Attend Meetings with the City and Comcast as requested by the City.
- K. Address PEG Equipment needs.

The foregoing Scope of Work does not include work under the Formal Process, a Technical Inspection, Franchise Fee Audit, Comprehensive Compliance Review, Survey or Needs Assessment.

It shall be the City's decision whether to renew or not renew the Comcast Cable Franchise.

Billing/Rate Information: River Oaks shall be compensated at the following rate and reimbursed for its expenses as follows:

River Oaks Communications Corporation - \$265/hour

Reimbursable direct costs:

- Federal Express
- Postage
- Long Distance Telephone Charges
- Outside Clerical
- Faxes
- Copies
- Travel upon request (Airfare, Car Rental, Lodging and Meals)

It is estimated that the costs for 225-300 hours of work shall be in the range of \$59,625-\$79,500 (including about \$7,500 for PEG Analysis) plus expenses of \$9,400, for a total of \$69,025-\$88,900. This work shall be done within the next 7 months subject to cooperation of Comcast. Work in connection with Mobile Broadband Mapping, Internet/Broadband Mapping or Availability or other Telecommunications, Telephone or Wireless matters will be separate work and shall require a separate budget between the City and River Oaks.

CITY OF BAINBRIDGE ISLAND CITY COUNCIL AGENDA BILL



PROCESS INFORMATION

Subject: Resolution No. 2014-09, Naming the Bainbridge Island Japanese American Exclusion Memorial	Date: April 21, 2014
Agenda Item: Council Discussion	Bill No.: 14-068
Proposed By: Deputy Mayor Tollefson	Referral(s):

BUDGET INFORMATION

Department:	Fund:	Munis Contract #
Expenditure Req:	Budgeted? ☐ Yes ☐ No	Budget Amend. Req? ☐ Yes ☐ No

REFERRALS/REVIEW

City Manager ☐ Yes ☐ No ☒ N/A	Legal ☒ Yes ☐ No ☐ N/A	Finance ☐ Yes ☐ No ☒ N/A
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DESCRIPTION/SUMMARY

Action Item:

RECOMMENDED ACTION

Motion: I move the City Council forward Resolution No. 2014-09, Naming the Bainbridge Island Japanese American Exclusion Memorial to the April 28, 2014 Consent Agenda.

RESOLUTION NO. 2014-09

A JOINT RESOLUTION OF THE CITY OF BAINBRIDGE ISLAND AND THE BAINBRIDGE ISLAND METROPOLITAN PARK & RECREATION DISTRICT NAMING THE BAINBRIDGE ISLAND JAPANESE AMERICAN EXCLUSION MEMORIAL

WHEREAS, on May 8, 2008 the Consolidated Natural Resources Act of 2008 (Public Law 110-229) designated the Bainbridge Island Japanese American Memorial as a unit of the Minidoka Internment National Monument; and

WHEREAS, the real property where that Memorial is located is owned jointly by the City of Bainbridge Island and the Bainbridge Island Metropolitan Park & Recreation District; and

WHEREAS, the design, construction and maintenance of the Memorial has been guided and managed by the Bainbridge Island Japanese American Exclusion Memorial Association; and

WHEREAS, it is the desire of that Association, of the Bainbridge Island Japanese American Community, and of the survivors of the exclusion of members of our community during World War II that the Memorial name expressly acknowledge the exclusion experience;

NOW THEREFORE BE IT JOINTLY RESOLVED by the City Council of the City of Bainbridge Island and by the Board of Commissioners of the Bainbridge Island Metropolitan Park & Recreation District, Kitsap County, Washington, that the formal name of the Memorial henceforth be the Bainbridge Island Japanese American Exclusion Memorial.

PASSED by the City Council this ____ day of April 2014.

SIGNED by the Mayor this ____ day of April 2014.

Anne S. Blair, Mayor

ATTEST/AUTHENTICATE:

Rosalind D. Lassoff, City Clerk

FILED WITH THE CITY CLERK: April 10, 2014
PASSED BY THE CITY COUNCIL:
RESOLUTION NO. 2014-09

PASSED by the Board of Commissioners of the Bainbridge Island Metropolitan Park & Recreation District, Kitsap County, Washington, at a regular meeting thereof held this ____ day of April, 2014.

BAINBRIDGE ISLAND METROPOLITAN PARK & RECREATION DISTRICT

BY: _____
Jay C. Kinney

BY: _____
Lee Cross

BY: _____
Kirk B. Robinson

BY: _____
John Thomas Swolgaard

ATTEST: _____
Kenneth R. DeWitt