ITEMS DISCUSSED

1. EXECUTIVE SESSION: PROPERTY DISPOSITION (RCW 42.30.110(1)(C)); COLLECTIVE BARGAINING NEGOTIATIONS, ISSUES OR PROCEEDINGS (RCW 42.30.140)
2. CALL TO ORDER / ROLL CALL / PLEDGE OF ALLEGIANCE
3. ACCEPTANCE OR MODIFICATION OF AGENDA / CONFLICT OF INTEREST DISCLOSURE
4. PRESENTATION: NATIONAL POETRY MONTH, BAINBRIDGE ISLAND ARTS AND HUMANITIES COUNCIL POETRY READING, ROB DALTON
5. PUBLIC COMMENT
6. PUBLIC HEARING: ORDINANCE NO. 2013-07, REVISIONS TO DESIGN GUIDELINES FOR THE ERICKSEN AVENUE OVERLAY DISTRICT, AB 13-031 – PLANNING
7. NEW BUSINESS: STATE OFFICE OF ARCHAEOLOGY AND HISTORIC PRESERVATION GRANT APPLICATION, AB 13-042
8. CONSENT AGENDA
   A. ACCOUNTS PAYABLE VOUCHER AND PAYROLL APPROVAL
   B. SPECIAL/REGULAR BUSINESS MEETING MINUTES, MARCH 13, 2013
   C. SPECIAL/REGULAR STUDY SESSION MEETING MINUTES, MARCH 20, 2013
   D. BOHLANDER REVOCABLE LICENSE AGREEMENT, AB 13-038 – PUBLIC WORKS
   E. FORT WARD HILL RECONSTRUCTION AND SHOULDER WIDENING PHASE II – DESIGN COMPLETION AWARD, SKILLINGS CONNOLLY, AB 11-097 – PUBLIC WORKS
   F. FLETCHER BAY WELL HOUSE REPAIR AND REFURBISHMENT PROJECT, BID REJECTION AND CONSTRUCTION AWARD, DP CONSTRUCTION, AB 13-039 – PUBLIC WORKS
   G. WASHINGTON TRAFFIC SAFETY COMMISSION'S SCHOOL ZONE FLASHING LIGHT PROGRAM, AB 13-043 – EXECUTIVE
9. UNFINISHED BUSINESS: WATER SYSTEM MANAGEMENT
14. [ADDED] RECESS
12. STUDY SESSION: SHORELINE MASTER PROGRAM: OUTSTANDING ISSUES (CONTINUED)
10. REVIEW OF UPCOMING COUNCIL MEETING AGENDAS
15. [ADDED] COMMITTEE REPORTS
11. FOR THE GOOD OF THE ORDER
13. ADJOURNMENT

1. EXECUTIVE SESSION: PROPERTY DISPOSITION (RCW 42.30.110(1)(C)); COLLECTIVE BARGAINING NEGOTIATIONS, ISSUES OR PROCEEDINGS (RCW 42.30.140) 5:59:59 PM

Mayor Bonkowski called the meeting to order 5:59 pm. The meeting adjourned to executive session with legal counsel to discuss property disposition and collective bargaining negotiations, issues or proceedings. The recording system was turned off and the door to Council Chambers was posted. No action was taken.

2. CALL TO ORDER / ROLL CALL / PLEDGE OF ALLEGIANCE 6:59:36 PM

Mayor Bonkowski called the business meeting to order at 6:59 pm. A quorum was present consisting of Councilmembers Blair, Blossom, Hytopoulos, Lester, Ward, and Mayor Bonkowski. Councilmember Scales arrived at 8:11 pm. City Clerk Lassoff monitored the recording of the meeting and prepared the minutes.

3. ACCEPTANCE OR MODIFICATION OF AGENDA / CONFLICT OF INTEREST DISCLOSURE

Councilmember Blair requested consent agenda item G be pulled for additional information and clarification. Councilmember Lester requested committee reports be added after unfinished business.

> ***MOTION:*** *I move that we approve the agenda as modified.*
> ***WARD/BLAIR*** – *Motion carried unanimously, 6-0.*

Councilmember Lester disclosed that she and her husband rent property on Ericksen Avenue however, she did not think that it would cause her to have to recuse herself from the Ericksen Avenue Design Guidelines discussion.

4. PRESENTATION: NATIONAL POETRY MONTH, BAINBRIDGE ISLAND ARTS AND HUMANITIES COUNCIL POETRY READING, ROB DALTON 7:02:03 PM

Rob Dalton read his poem titled "Then You."

5. PUBLIC COMMENT 7:06:35 PM
7:06:47 PM Robert Dashiell, 6370 NE Tolo Road, commented on the management of the water utility.

7:09:35 PM Joe Honick, 9549 Olympus Beach NE, said he would volunteer his time to organize a City communication committee.

7:11:14 PM Stafford Tharp, 10462 NE Country Club Road, thanked Councilmembers Blossom, Hytopoulos and City Manager Schulze for taking the time to attend and engage in last night's North Ward meeting.

7:13:30 PM Randall Samstag, Agate Pass neighborhood and former Utility Advisory Committee member, commented on the management of the water utility.

7:16:48 PM Dave Henry commented on various global and regional issues.

7:20:23 PM Arlene Buetow, 695 Tiffany Meadows and Utility Advisory Committee member, responded to comments recently made about the work accomplished by the committee.

6. PUBLIC HEARING: ORDINANCE NO. 2013-07, REVISIONS TO DESIGN GUIDELINES FOR THE ERICKSEN AVENUE OVERLAY DISTRICT, AB 13-031 – PLANNING 7:23:23 PM
Planning Director Cook introduced the ordinance which would adopt revisions to the existing design guidelines for the Ericksen Avenue Overlay District. She gave a brief overview of the process to date.

At 7:25 pm, Mayor Bonkowski opened the public hearing.

Denise Reynolds said he submitted written comments. He commented on the practicalities of redeveloping Ericksen and opportunities for various development applications. He believed the 30 percent set aside was a bridge too far.

Mayor Bonkowski closed the public hearing at 7:27 pm.

Councilmembers posed questions. Planning Director Cook suggested changing Design Guideline SD3 language regarding ravine view corridors by replacing the word shall to should when feasible. Interim City Attorney Haney responded to written comments made by Mr. Reynolds. Following additional questions and comments, a motion was made.

7:50:02 PM ***MOTION:*** *I move that the City Council adopt Ordinance No. 2013-07, revising the design guidelines for the Ericksen Avenue Overlay District in the Mixed Use Town Center as presented with the change to design guideline SD3 and that the language in that particular guideline be changed and the word shall in the second sentence be changed to should.*
BLAIR/BLOSSOM *– Motion carried unanimously, 6-0.*

7. NEW BUSINESS: STATE OFFICE OF ARCHAEOLOGY AND HISTORIC PRESERVATION GRANT APPLICATION, AB 13-042 – PLANNING 7:51:01 PM
Martha Montgomery, Historic Preservation Commission member, introduced the item.

7:55:26 PM ***MOTION:*** *I move that the City Council approve the HPC's request to apply for a $4,000 grant from DAHP, with the understanding that a $4,000 match is required from the City.*
BLOSSOM/WARD

7:55:43 PM Councilmember Blair suggested the motion be amended to read that we are applying for a $6,000 grant with the understanding that a $4,000 match is required from the City and a $500 in-kind contribution from the community.

7:56:30 PM *Councilmember Blair made a friendly amendment to correct those numbers. Following a brief discussion regarding where the money was coming from, Councilmember Blair extended the motion to include a draw from the contingency fund to cover this expense which was seconded by Councilmember Lester. The motion carried unanimously, 6-0.*

8. **CONSENT AGENDA** 7:58:02 PM
   A. **ACCOUNTS PAYABLE VOUCHER AND PAYROLL APPROVAL**
   Accounts Payable ACH Check Number 124, ACH Electronic Transfer, EFT Check Number 125, Manual Check Numbers 332681 through 332688 and Regular Check Run Numbers 332689 through 332774 for a total of $347,788.71. Retainage Release Check Number 99 in the amount of $1,799.90 and Retainage Release Check Number 100 in the amount of $15,164.87. Payroll Direct Deposit Check Numbers 027488 through 027594, Regular Run Check Numbers 106152 through 106154, Vendor Check Numbers 106155 through 106169 and Federal Tax Electronic Transfer EFT for a total of $529,632.45.
   B. **SPECIAL/REGULAR BUSINESS MEETING MINUTES, MARCH 13, 2013**
   C. **SPECIAL/REGULAR STUDY SESSION MEETING MINUTES, MARCH 20, 2013**
   D. **BOHLANDER REVOCABLE LICENSE AGREEMENT, AB 13-038 – PUBLIC WORKS**
   E. **FORT WARD HILL RECONSTRUCTION AND SHOULDER WIDENING PHASE II – DESIGN COMPLETION AWARD, SKILLINGS CONNOLLY, AB 11-097 – PUBLIC WORKS**
   F. **FLETCHER BAY WELL HOUSE REPAIR AND REFURBISHMENT PROJECT, BID REJECTION AND CONSTRUCTION AWARD, DP CONSTRUCTION, AB 13-039 – PUBLIC WORKS**
   G. **WASHINGTON TRAFFIC SAFETY COMMISSION'S SCHOOL ZONE FLASHING LIGHT PROGRAM, AB 13-043 – EXECUTIVE**

Consent Agenda item G was pulled for discussion. Council and staff discussed workload and budget implications of applying for the school zone flashing light grant.

8:09:31 PM ***MOTION:*** *I move that the City Council support the City going forward with the Washington Traffic Safety Commission school zone flashing light program and apply for a grant.*
LESTER /MOTION DIED FOR LACK OF A SECOND

8:10:01 PM ***MOTION:*** *I move the City Council approve the Consent Agenda items A through F and those include Accounts Payable Voucher and Payroll Voucher, Special and Regular Business Meeting Minutes from March 13, 2013, the Special and Regular Study Session Meeting Minutes from March 20, 2013, the Bohlander Revocable License Agreement; the Fort Ward Hill Reconstruction and Shoulder Widening Phase II Design Completion Award and finally the Fletcher Bay Well House Repair and Refurbishment Project (the Bid Rejection and Construction Award).*
BLAIR/LESTER *– Motion carried unanimously, 6-0.*

9. **UNFINISHED BUSINESS: WATER SYSTEM MANAGEMENT** 8:11:54 PM
MOTION: *I move that the City task the City Manager with developing an interlocal agreement with the KPUD for the management of the City-owned water system and bring this agreement to the Council for review and approval within 30 days. The ILA shall be for a term of 5 years. The Council will review and approve a conservation-based rate structure for the term of the contract. All direct costs of operating the system shall be paid the KPUD including, but not limited to, taxes, insurance, and utilities. The total cost saving target shall be at least 20 percent.*
WARD/LESTER

Councilmembers commented on the proposed motion.

8:15:52 PM ***RESTATED MOTION:*** *I move that the City Council task the City Manager with developing an interlocal agreement with the KPUD for the management of the City-owned water system and bring this agreement to the Council for review and approval within 30 days. The ILA shall be for a term of 5 years. The Council will review and approve a conservation-based rate structure for the term of the contract. All direct costs of operating the system shall be paid by the KPUD including, but not limited to, taxes, insurance, and utilities. The total cost savings target shall be at least 20 percent.*

Comments and concerns were raised regarding direct costs.

8:19:43 PM ***AMENDED MOTION:*** *I move to amend the motion to consider (rather than approval).*
LESTER/BLOSSOM *– Amended motion carried unanimously, 7-0.*

The main motion carried, 6-1. Councilmembers Blair, Blossom, Bonkowski, Lester, Scales, and Ward voted in favor. Councilmember Hytopoulos voted against.

14. [ADDED] RECESS 8:26:21 PM
Mayor Bonkowski suggested moving the remaining agenda items after the SMP study session. There was a 5-minutes recess. The meeting resumed immediately following with aforementioned Councilmembers and Mayor Bonkowski present.

12. STUDY SESSION: SHORELINE MASTER PROGRAM: OUTSTANDING ISSUES (CONTINUED) 8:34:04 PM
Planning Director Cook gave a brief overview of the outstanding issues and upcoming schedule. Planner Ericson gave a PowerPoint© presentation summarizing proposed regulations regarding overwater structures and single-family residence staircases. He presented five existing and proposed development scenarios and fielded questions from Council.

Council briefly discussed how to proceed with public comment. *It was determined by a vote of 4-3 to allow citizens 3 minutes each. Councilmembers Blair, Blossom, Bonkowski, and Ward voting in favor. Councilmembers Hytopoulos, Lester, and Scales voted against.*

9:09:34 PM Joe Honick, 9549 Olympus Beach Road NE, commented on last evening's South Ward meeting. He spoke in favor of having a City communication process.

9:14:18 PM Stafford Tharp commended on the City's Comprehensive Plan goals. He read an excerpt from a letter submitted by Mr. Reynolds. He asked that the Council schedule a study session on the costs and benefits to property owners when the City is making land use decisions.

9:19:45 PM Dennis Reynolds, 200 Winslow Way West Suite 200, commented on the proposed guidelines.

9:25:23 PM Peter McCormick, Point Monroe, commented on how concerned shoreline homeowners are to the proposed new regulations.

9:28:06 PM Rein Attemann, Washington Environmental Council, urged Council to support an SMP that will better safeguard the ecological functions of our shorelines.

9:29:54 PM Ruth Blaney, 9444 Olympus Beach Road, asked Council to approve the SMP including all of the amendments suggested. She encouraged the continued use of the term conversation rather than discussion.

9:33:09 PM John Green, Laughing Salmon Lane, commented on the cost of litigation and asked whether the Council is concerned about who is going to pay for it.

9:34:03 PM Dave Henry commented on the SMP process and the taking of property by the government.

9:37:16 PM Laura Peterson, 15636 Point Monroe Drive, explained in detail why the Council should implement Senate Substitute Bill 5451 concerning nonconforming structures and commented on the master program adopted under the Shoreline Master Act.

9:46:16 PM Dick Haugan, Port Madison, proposed additional public dialogue.

9:49:32 PM Jess Talavera, Wing Point Road, urged the Council to consider the financial ramifications of both enforcing and defending the proposed regulations.

9:50:27 PM Caroline Brooks, Country Club Road, wondered why Bainbridge needs to be different than other communities when it comes to addressing the shoreline.

9:53:22 PM Mark Levine said he has read the document five times and still does not understand it. He asked the Council to keep the 1996 plan with a few updates.

9:55:53 PM John Anderson, 1181 Irene Place, read from a prepared statement regarding the proposed plan.

9:59:17 PM Hal Snow, 15670 Point Monroe Drive NE, wanted to make sure when putting the document together that any remedy be proportionate to any harm that is perceived. He commented on grandfathering versus conformity and Senate Substitute Bill 5451.

10:02:44 PM Gary Tripp, 9605 Olympus Beach Road, commented on regulations relating to staircases.

10:07:03 PM Clemet Furlong, 15708 Point Monroe Drive, pleaded for some common sense when putting these regulations together.

10:09:15 PM Houston Wade, 330 Shepard Way, did not believe the intent of the SMP was to take anyone's property or remove people's water access but rather try to formulate the best fit for any new developments or major changes in properties using ecological science.

10:12:51 PM Ron Llewellyn, 14315 Silven Avenue, commented on the proposed designation of his property as Residential Shoreline Conservancy.

10:15:33 PM John Wright, Bill Point View, commented on the City's role in this update process. He explained until the Department of Ecology makes their decision, there has been no final action therefore judicial review is pre-mature.

10:18:52 PM Jeff Grundman, 11869 Sunset Avenue, believed the current draft goes well beyond the requirements of the Shoreline Management Act.

10:22:48 PM Todd Brown, 10230 Country Club Road, hoped for a balanced view. He asked whether there could be a presentation on what is being required by the Department of Ecology versus what the City's current draft is proposing.

10:25:13 PM Eric Thompson, 7656 Madrona Drive, said he was confused about the practical implications of the proposed plan. He believed there are many technologies available that are not even being discussed.

10:28:19 PM Jack Sutherland, 10488 NE Country Club Road, commented on his property being designated as Shoreline Conservancy.

10:32:00 PM Martha Drodge, 190 Harbor Square Loop, former Planning Commission member, explained how the Planning Commission worked on the SMP for almost 2 years and that the document forwarded to the Council was something that represented the best balance of the interests.

Following comments made and questions posed by Council, staff, and audience members, Council reviewed the list of outstanding issues and proposed motions.

<u>New Docks</u>

11:11:31 PM ***MOTION:*** *I move that with respect to docks and overwater structures that any limitations that are in there that are based on assumed engineering issues be removed.*
BONKOWSKI/BLOSSOM

Barbara Nightingale, Department of Ecology, commented on the motion. She explained what is currently in the City's SMP is what the federal government requires.

11:15:13 PM ***CALL FOR RECONSIDERATION:*** *I would like to as someone who voted on the affirmative, I would like to call for reconsideration of this question because of additional information and I would like the motion reconsidered.*
BLAIR/SCALES *– Motion for reconsideration carried unanimously, 7-0.*

11:19:51 PM ***MOTION:*** *that we attempt and ask Ryan to remove element of the prohibition that are engineering related not ecologically related.*
BONKOWSKI/WARD

11:20:47 PM ***MOTION:*** *I move the ask Ryan to provide that matrix.*
BONKOWSKI/BLOSSOM *– Motion failed 3-4 with Councilmembers Blair, Hytopoulos, Lester, and Scales voting against. Councilmembers Blossom, Bonkowski, and Ward voting in favor.*

<u>Aquaculture</u>

11:21:22 PM ***MOTION:*** *I move preliminary approval of the key provisions of the draft SMP update on aquaculture as presented in our materials.*
BLAIR/LESTER *– Motion carried unanimously, 7-0.*

New and Existing Marine View Protection

11:21:51 PM *MOTION: I move that we preliminarily approve the key provisions of the draft SMP update as presented in our materials.*
BLAIR/LESTER *– Motion carried unanimously, 7-0.*

Protection and Enhancement of Water Dependent Uses

11:28:09 PM Mayor Bonkowski requested when there is discretion by the planning director that after no net loss, he wanted protection and enhancement of water dependent uses to be the guiding policy for the planning director's decisions. Councilmember Blair thought the word preferred would be the more appropriate word. Planner Ericson asked if Council wanted to use language that states that single family residences are a preferred use, and incorporate the RCW 90.58.020 language, "...consistent with the controlled pollution and prevention of damage to the natural environment". There was concurrence to do so.

Motorized Vessels in Priority Aquatic Designation

11:36:11 PM *Councilmember Lester recalled an earlier motion made by Council allowing motor vessels into Priority Aquatic A existing Aquatic Conservancy. She said Council should go back to not allowing motorized vessels into Priority Aquatic A Existing Aquatic Conservancy which was then introduced as a motion. The motion was seconded by Councilmember Blair and unanimously approved, 7-0.*

Other Motions

11:36:56 PM Councilmember Ward said he received a letter from the Park District regarding the designation of the log pond at Blakely Harbor Park. They have asked that it be designated Island Conservancy versus Natural because Natural prevents them from putting in picnic tables.

11:37:33 PM *MOTION: I would move that we change the designation of that park from Natural to Island Conservancy.*
WARD/BLOSSOM *– Motion later withdrawn.*

Planner Ericson noted that passive recreational uses were allowed in a Natural environment so picnic tables would be permitted. Councilmember Ward replied as long as the Park District could have picnic tables he would withdraw his motion.

11:39:41 PM *Councilmember Blair moved to change the staircase length from 120 ft. to 250 ft. in the restoration section for consistency sake, which was seconded by Councilmember Lester. The motion carried unanimously, 7-0.*

11:43:22 PM Planner Ericson explained why it was staff's recommendation to remove 25% of shoreline buffer to create Zone 2 after receiving guidance from the Department of Ecology. *Councilmember Blair then moved to remove the mitigation provision which was seconded by Councilmember Lester. The motion passed 4-3 with Councilmembers Blair Hytopoulos, Lester and Scales voted in favor. Councilmembers Blossom, Bonkowski, and Ward voted against.*

11:46:19 PM *Councilmember Blair moved to add a provision to allow essential public facilities to increase their height with a view restriction analysis to make it consistent with State law. The motion was seconded by Councilmember Blossom and unanimously approved, 7-0.*

There was a brief discussion regarding the process of reviewing the consistency report, comments made ETAC addressing the monitoring program and who would defend any lawsuits filed.

10. REVIEW OF UPCOMING COUNCIL MEETING AGENDAS 12:03:00 PM
Council added 15 minutes to the April 17, 2013 agenda for discussion of the SMP consistency report.

15. [ADDED] COMMITTEE REPORTS 12:03:47 PM
Councilmember Lester reported there was a lengthy discussion about Wing Point Way at a TransTac meeting and they have recommended it move up in the contingency should funding become available. She indicated that PSRC will be holding their annual meeting Thursday, April 25 and asked that a Councilmember attend on the City's behalf.

11. FOR THE GOOD OF THE ORDER
Due to the lateness of the evening, this item was not discussed.

13. ADJOURNMENT 12:05:19 AM
The meeting adjourned at 12:05 am.

Steven Bonkowski, Mayor

Rosalind D. Lassoff

Rosalind D. Lassoff, City Clerk