

ITEMS DISCUSSED

1. CALL TO ORDER / EXECUTIVE SESSION: PROPERTY DISPOSITION (RCW 42.30.110(1)(c)), COLLECTIVE BARGAINING NEGOTIATIONS, ISSUES, OR PROCEEDINGS (RCW 42.30.140), CURRENT LITIGATION (RCW 42.30.110(i))
2. ROLL CALL
3. ACCEPTANCE OR MODIFICATION OF AGENDA / CONFLICT OF INTEREST DISCLOSURE
4. STAFF INTENSIVE
 - A. ORDINANCE NO. 2013-10, ADOPT 2012 WASHINGTON STATE BUILDING CODES AND AMEND CHAPTER 15.04 BIMC AND BUILDING DIVISION 2013 STATUS UPDATE, AB 13-060
 - B. DEPARTMENT OF ECOLOGY SUPPLEMENTAL STATEWIDE STORMWATER GRANT APPLICATION FOR THE PROPOSED WATERFRONT PARK PROJECT, AB 13-064
 - C. PROCESS FOR REVIEW OF GENERAL SEWER PLAN POLICIES DISCUSSION, AB 13-065
 - D. ORDINANCE NO. 2013-11, CONFIRMING THE EXEMPTION OF THE POLICE CHIEF POSITION FROM CIVIL SERVICE, AB 13-067
 - E. KITSAP PUBLIC UTILITY DISTRICT (KPUD) INTERLOCAL AGREEMENT, AB 13-066
 - F. CITIZEN COMMITTEES AND COMMISSIONS, AB 13-069
5. COUNCIL DISCUSSION
 - A. RESOLUTION NO. 2013-10, SHORELINE MASTER PROGRAM UPDATE, AB 13-068
 - B. NATIONAL PUBLIC WORKS WEEK PROCLAMATION, AB 13-062
 - C. NATIONAL POLICE WEEK PROCLAMATION, AB 13-063
6. COMMITTEE REPORTS
7. REVIEW OF UPCOMING COUNCIL MEETING AGENDAS
8. FOR THE GOOD OF THE ORDER
9. ADJOURNMENT

1. CALL TO ORDER / EXECUTIVE SESSION: PROPERTY DISPOSITION (RCW 42.30.110(1)(c)), COLLECTIVE BARGAINING NEGOTIATIONS, ISSUES OR PROCEEDINGS (RCW 42.30.140) AND CURRENT LITIGATION (RCW 42.30.110(i)). Mayor Pro Tem Lester called the meeting to order at 6:00:09 PM and immediately adjourned the meeting to executive session with legal counsel to discuss property disposition, collective bargaining negotiations, issues or proceedings and current litigation. The recording system was turned off and the door to Council Chambers was posted. Mayor Pro Tem Lester re-convened the meeting at 7:00:11 PM and reported no action was taken.

2. ROLL CALL. A quorum was present consisting of Councilmembers Blair, Blossom, Hytopoulos, Lester, Ward and Mayor Bonkowski. Councilmember Scales arrived at 7:21:32 PM. Deputy City Clerk/Paralegal Brown monitored the recording of the meeting and prepared the minutes.

3. ACCEPTANCE OR MODIFICATION OF AGENDA / CONFLICT OF INTEREST DISCLOSURE. Councilmember Ward suggested postponing the discussion of item 4(f), Citizen Committees and Commissions, but Council opted to keep it on the agenda for discussion.

***MOTION:** I move to accept the agenda as stated.*

***BONKOWSKI/WARD** – The motion carried unanimously, 6 -0. 7:01:56 PM*

There were no conflicts of interest disclosures.

4. STAFF INTENSIVE.

A. ORDINANCE NO. 2013-10, ADOPT 2012 WASHINGTON STATE BUILDING CODES AND AMEND CHAPTER 15.04 BIMC AND BUILDING DIVISION 2013 STATUS UPDATE, AB 13-060. 7:03:05 PM Building Official James Weaver introduced the ordinance and gave a brief update on the status of the department. He described the ten goals of the

Building Department: streamline existing building permit review process, provide improved customer service and communication, provide and publish annual report, implement "after the fact" as-built permit process, adopt the 2012 IBC building codes, create building division web site, implement expedited permit process for third party review, institute digital document process for building permits, integrate business license review with building permit tracking, and prepare division for new permitting software. He addressed Council's questions relating to a digital process for permits, new permitting software, and capturing all fees.

MOTION: *I move that the City Council schedule Ordinance No. 2013-10 relating to the City's building codes and regulations on June 26, 2013.*

WARD/BLAIR - *The motion carried unanimously, 6-0. 7:16:07 PM*

B. DEPARTMENT OF ECOLOGY SUPPLEMENTAL STATEWIDE STORMWATER GRANT APPLICATION FOR THE PROPOSED WATERFRONT PARK PROJECT, AB 13-064. 7:16:13 PM

Engineering Manager Hammer introduced the stormwater grant. He said the application would be due by June 14, 2013 and this is an opportunity to address a deficiency and add a water quality element to the Waterfront Park project. Mayor Bonkowski asked about the selection of this site, and Engineering Manager Hammer explained there are other sites in Winslow where improvements would be beneficial. Engineering Manager Hammer explained funding options for the match in response to Mayor Pro Tem Lester's inquiry.

MOTION: *I move that the City Council forward the request to apply for a DOE Supplemental Statewide Stormwater grant application for the stormwater portion of the proposed Waterfront Park project and authorize funding for this project from the 2014 budget to the next City Council business meeting consent agenda.*

BLAIR/WARD - *The motion carried unanimously, 6 -0. 7:21:16 PM*

C. PROCESS FOR REVIEW OF GENERAL SEWER PLAN POLICIES DISCUSSION, AB 13-065. 7:21:50 PM

City Manager Schulze explained the proposed process for looking at policies for the General Sewer Plan update. He recommended conducting a series of joint meetings with members of the Utility Advisory Committee, Environmental Technical Advisory Committee and the Planning Commission to identify required policy issues or policies of interest, review a range of policy options and develop recommended policies for City Council consideration. He confirmed that Council liaisons to these committees will be involved.

D. ORDINANCE NO. 2013-11, CONFIRMING THE EXEMPTION OF THE POLICE CHIEF POSITION FROM CIVIL SERVICE, AB 13-067. 7:26:23 PM

City Manager Schulze introduced the ordinance. Interim City Attorney Haney explained that in addition to exempting the Police Chief from Civil Service, the ordinance would allow the Police Chief to exempt a limited number of positions. He added that only certain positions are eligible, and the Police Chief may only exempt one position without the approval of the Civil Service Commission.

MOTION: *I move that the City Council schedule 2nd reading of Ordinance No. 2013-11 confirming the exemption of the police chief position from civil service and recognizing the authority of the police chief to exempt additional positions on May 22, 2013.*

BONKOWSKI/BLOSSOM - *The motion passed unanimously, 7-0. 7:30:55 PM*

E. KITSAP PUBLIC UTILITY DISTRICT (KPUD) INTERLOCAL AGREEMENT, AB 13-066. 7:31:01 PM

City Manager Schulze explained the basis of the interlocal agreement was the motion passed by Council. He went over the estimated annual cost. He noted that KPUD is proposing a 4.5% fee based on the cost of the capital projects to cover capital management costs. He said the known contract cost is just under \$916,000 annually and does not meet the 20% savings target. He said there are no cost allocations or City staff time included in the interlocal agreement cost. He pointed out that there are no performance measures or termination options unless there is a breach of contract in the agreement. Council discussed the capital costs, the inclusion of charges for sewer billing and new service installs, lack of a termination provision and lack of performance measures. City Manager Schulze said there would be staff involved in contract management, including monthly meetings. Council

discussed the amount of City involvement in the water utility under the KPUD management scenario. Councilmember Blair requested an estimate of contract management costs prior to making a decision. Councilmember Ward said he believes that staff costs should be accounted for in the contract, but the annual base cost is overstated by \$78,000. Councilmember Blossom explained how they had reached that figure. Councilmember Scales discussed his concerns with a contract that has no performance standards or termination provisions. He noted that the agreement does not address other impacts to the City in terms of loss of efficiencies and staff. Councilmember Hytopoulos said she needs more information on the costs to the General Fund, including repairs and staff costs. Mayor Bonkowski noted that the City would save money over the life of the contract. Councilmember Blair requested a provision to check the cost after a period of time for reconsideration. 8:12:31 PM Mayor Pro Tem Lester invited public comment.

8:17:13 PM Barry Peters spoke against the interlocal agreement and encouraged Council to take into account the City Manager's analysis.

8:20:54 PM Lara Lant spoke against the interlocal agreement.

8:23:23 PM Randall Samstag spoke against the interlocal agreement and said this arrangement would weaken the City.

8:25:15 PM Dorian Rhinus asked when Council would vote on the agreement.

8:26:05 PM Sally Adams spoke in favor of the contract with KPUD and encouraged Council to move ahead.

***MOTION:** I move we ask the City Manager to make necessary adjustments to the budget and the ILA and bring it back next week for a discussion and possible decision. 8:28 PM*
***WARD/BONKOWSKI** – The motion was withdrawn.*

Councilmember Blair asked Council to not vote next week since she will be absent. City Manager Schulze said he would have difficulty bringing the contract back on May 22nd due to scheduling restraints, but June 5th would work.

***MOTION:** I move that we ask the City Manager to make necessary adjustments to the budget and the ILA and bring it back on June 5th for discussion and possible decision. 8:31 PM*
***WARD/BONKOWSKI** – The motion carried unanimously, 7-0. 8:35 PM*

Council discussed the issues they would like to see addressed in the agreement, including performance measures, sewer charge change, staffing cost, reconsideration of contract if costs differ from estimates, ability to terminate the contract, how major repairs are budgeted, and the full cost to City, including impacts to efficiency of stormwater and sewer utilities without the water utility.

F. CITIZEN COMMITTEES AND COMMISSIONS, AB 13-069. 8:39:51 PM The item was postponed due to time constraints.

5. COUNCIL DISCUSSION. 8:40:16 PM

A. RESOLUTION NO. 2013-10, SHORELINE MASTER PROGRAM UPDATE, AB 13-068. 8:40 PM Council discussed the process for the discussion. The consensus was that specific changes would be proposed and then a vote taken to see if Council wanted to pursue further discussion of the proposal.

Planning Director Cook reported on the consistency analysis performed by the consultant and confirmed that there were no policy changes. Mayor Bonkowski raised concerns about the number of changes made to the draft.

Councilmember Ward proposed that the City Council change the designation of Blakely Park to Island Conservancy from Natural. 8:59:33 PM Shoreline Planner Ryan Ericson explained that staff corrected an error in the use table, and the park uses requested by the Park District are allowed. He also confirmed that if the Park District has a Conceptual Park Plan, the use could be allowed. Council voted 4-3 to discuss the proposal with Councilmembers Scales, Hytopoulos and Blair voting against. Shoreline Planner Ericson explained that active use recreation is not allowed in the Natural designation and is allowed in the Island Conservancy designation. He noted that grants already restrict uses in certain areas of the park. Council voted 4-3 not to continue the discussion with Councilmembers Blossom and Ward and Mayor Bonkowski voting in favor of further discussion.

9:14:11 PM Mayor Bonkowski proposed inserting the word “future” so the introductory sentence in Section 4.1.2.1 would begin “All future shoreline development” and revising the final sentence to read “If impacts cannot be avoided through design modifications, the City shall require compensatory mitigation commensurate and proportionate with the project’s adverse impacts as measured by no net loss.” Council voted 4-3 not to continue the discussion with Councilmembers Blossom and Ward and Mayor Bonkowski voting in favor of further discussion.

9:17:33 PM Mayor Bonkowski proposed adding the word “future” so the first sentence in Section 4.1.2.2 would read “Minimize impacts of shoreline future development, uses and activities on the environment during all phases of development (e.g., design, construction and management).” Council voted 4-3 not to continue the discussion with Councilmembers Blossom and Ward and Mayor Bonkowski voting in favor of further discussion.

9:18:38 PM Mayor Bonkowski proposed adding “future” so the first sentence Section 4.1.2.5 would begin “Vegetation replanting is required for all future development...” Council voted 4-3 not to continue the discussion with Councilmembers Blossom and Ward and Mayor Bonkowski voting in favor of further discussion.

9:19:37 PM Mayor Bonkowski proposed that recreational floats be a conditional use in the Shoreline Residential Conservancy and Priority Aquatic B designations. Council voted 4-3 not to continue the discussion with Councilmembers Blossom and Ward and Mayor Bonkowski voting in favor of further discussion.

9:20:31 PM Mayor Bonkowski proposed that setbacks for a commercial development be consistent with other uses in the Shoreline Residential Conservancy. Council voted 4-3 not to continue the discussion with Councilmembers Blossom and Ward and Mayor Bonkowski voting in favor of further discussion.

9:25:31 PM Councilmember Ward proposed changing the designation of Waterfront Park to Urban which would allow greater flexibility. Council voted 4-3 not to continue the discussion with Councilmembers Blossom and Ward and Mayor Bonkowski voting in favor of further discussion.

9:27:16 PM Councilmember Blossom asked Council to reconsider Council’s decision regarding voluntary tear-downs and the owner’s ability to re-build in the existing footprint. Council voted 4-3 to continue the discussion with Councilmembers Scales, Hytopoulos and Blair voting against further discussion.

***MOTION:** I move that we go back to the language that came from the Planning Commission which is that you are allowed to voluntarily demolish a structure and re-build in the existing footprint. 9:28:53 PM*

***BLOSSOM/WARD** – The motion failed 3-4 with Councilmembers Ward and Blossom and Mayor Bonkowski voting in favor.*

9:34:49 PM Mayor Bonkowski proposed adding “walkways” and “decks” to Section 4.1.3.4, Regulations - Exceptions. Council voted 4-3 not to continue the discussion with Councilmembers Blossom and Ward and Mayor Bonkowski voting in favor of further discussion.

9:38:02 PM Mayor Bonkowski proposed adding a new paragraph (1) to Section 4.1.3.8 to clarify alteration standards. Council discussed what type of landscape activity would require that the modified area comply with 4.1.3, Vegetation Management. Shoreline Planner Ericson suggested alternate language. Council voted 4-3 not to continue the discussion with Councilmembers Blossom and Ward and Mayor Bonkowski voting in favor of further discussion.

9:52:41 PM Mayor Bonkowski proposed striking "250 square feet" in connection with stairways in subsection 3(e)(iii) of Section 4.1.3.8 and replacing it with "4 feet in width only as long as necessary to provide water access..." and the inclusion of language indicating that trams are a preferred use. Council voted 4-3 not to continue the discussion with Councilmembers Blossom and Ward and Mayor Bonkowski voting in favor of further discussion.

9:53:35 PM Mayor Bonkowski proposed deleting paragraph 3(b) in Section 6.3.2, Overwater Structures, Goal, relating to physical limitations of locations for piers, floats and docks. Council voted 4-3 not to continue the discussion with Councilmembers Blossom and Ward and Mayor Bonkowski voting in favor of further discussion.

9:55:59 PM Mayor Bonkowski proposed a change to Section 6.3.5 to allow new piers and docks as a permitted use in the Urban, Shoreline Residential, Shoreline Residential Conservancy and Aquatic designations and a conditional use in the Island Conservancy designation. Council voted 4-2 not to continue the discussion with Councilmember Blossom and Mayor Bonkowski voting in favor of further discussion. Councilmember Ward had left the Chamber.

9:57:06 PM Mayor Bonkowski proposed inserting the language used in Management Practices for Urban to state a preference for water dependent, water-related, and water-enjoyment uses in the Shoreline Residential and Shoreline Residential Conservancy designations. Council voted 4-2 not to continue the discussion with Councilmember Blossom and Mayor Bonkowski voting in favor of further discussion. Councilmember Ward had left the Chamber.

9:58:17 PM Mayor Bonkowski proposed deleting paragraph 3 in Section 3.4, Island Conservancy, Shoreline Residential and Shoreline Residential Conservancy Designation Strategy, and adding language so the designation of road ends doesn't affect adjacent properties. Council voted 5-2, with Councilmembers Hytopoulos and Scales voting against, to discuss the road end change only.

MOTION: *I move that we add the language "but should not impact designations of adjacent properties" to paragraph 3.4.6.*

BONKOWSKI/BLOSSOM - *The motion carried 5-2, with Councilmembers Blair and Hytopoulos voting against.*

Mayor Pro Tem Lester noted that paragraph 3.4.5 designates all park properties Island Conservancy and yet a portion of Blakely Harbor is designated Natural. Shoreline Planner Ericson said he would make the correction.

10:07:37 PM Mayor Pro Tem Lester asked Council to retain the 25% liveaboard percentage for marinas. Council's consensus was to discuss the proposal. Shoreline Planner Ericson explained that the Department of Natural Resource's standard is 10%, and the City's code requires one permanent parking space for each liveaboard. He noted that the percentage may be increased with a conditional use permit, and the Open Water Marina allows 100% liveaboards through a conditional use permit. He said this change applies to other marinas.

MOTION: *I would like to make a motion that we retain the current 25% liveaboard as in our SMP now and not change the policy to 10%.*

LESTER/BONKOWSKI - *The motion failed 4-3 with Councilmembers Blossom, Scales, Hytopoulos and Blair voting against.*

Shoreline Planner Ericson proposed removing the 25% lid with a conditional use permit since there isn't a percentage specified in state law.

MOTION: *I move that we adopt the language that was just proposed by Ryan, the second paragraph.*
HYTOPOULOS/BLOSSOM – *The motion carried unanimously, 7-0. 10:18 PM*

Councilmember Blair asked Council to consider adopting the consistency analysis.

MOTION: *I move that we approve the changes, the grammatical and syntax consistency suggestions that were presented to us online.*

BLAIR/HYTOPOULOS – *The motion carried unanimously, 7-0. 10:20 PM*

Planning Director Cook asked Council to consider proposed staff changes that were presented to Council in the agenda packet as Attachment C. Shoreline Planner Ericson introduced the first to clarify Council's motion to prohibit motorized vessels in Priority Aquatic A. He proposed adding language in 3.3.2.7, "Motorized vessels should not be allowed." and another change in Section 5.8 to re-word the language for clarity. Councilmember Ward noted that there is an inconsistency with the rules that the Harbor Commission passed several years ago relating to rowing shells since rowing shells can exceed five knots. Council discussed adding the word "motorized." Council's consensus was to approve original language.

Shoreline Planner Ericson proposed adding "except as provided in 4.2.1.7" to 4.2.1.6.3.

MOTION: *I move that we add the language "except as provided in 4.2.1.7" to add that to 4.2.1.6.3.*

BLOSSOM/BLAIR – *The motion carried unanimously, 7-0. 10:29:42 PM*

Shoreline Planner Ericson proposed to clean up the use of the term "existing development" in place of "nonconforming structure."

Councilmember Blair moved to accept the proposal and Councilmember Blossom seconded the motion.
The motion carried 6-1 with Councilmember Hytopoulos voting against. 10:30:48 PM

Shoreline Planner Ericson said the next change is to Section 6.2.5(3) relates to Council's motion to require a Conditional Use Permit for new hard bulkheads in areas where there are no bulkheads within 100 feet. He proposed that the City require a minor Conditional Use Permit.

Mayor Bonkowski moved to accept the proposal, and Councilmember Blossom seconded the motion.
The motion carried unanimously, 7-0. 10:31 PM

Councilmember Ward asked Council to clarify Council's decision in Section 5.8 and said there is still an inconsistency with the rules that the Harbor Commission passed several years ago relating to rowing shells. Interim City Attorney Haney proposed exempting rowing shells from the speed restriction. Planning Director Cook said that the language would read as staff proposed but a sentence would be added at the end stating that rowing shells shall be exempted from the speed limit.

Councilmember Bonkowski moved that Council accept the proposal, and Councilmember Ward seconded the motion. The motion carried unanimously, 7-0. 10:39 PM

MOTION: *I move that 5.8 be changed to read "prohibit motorized vessels under power in Priority Aquatic A."*

BLAIR/WARD - *The motion carried 5-2 with Councilmembers Scales and Hytopoulos voting against.*

Planning Director Cook said the next change is to clarify that there is only one 25% expansion of a building configuration within the Shoreline Buffer within the lifetime of the development.

MOTION: *I move that this change be adopted; that this clarification, in my opinion, that it is a one time exception.*

HYTOPOULOS/BLAIR – The motion carried 4-3 with Councilmembers Blossom and Ward and Mayor Bonkowski voting against.

Councilmember Ward asked that Council address the inconsistency in park designations.

MOTION: *I move that we change the designation of Blakely Park to be consistent with the language that identifies all park land as "Island Conservancy."*

WARD/BONKOWSKI – The motion failed 3-4 with Councilmembers Blossom and Ward and Mayor Bonkowski voting in favor. 10:45 PM

MOTION: *I move that the provision at issue have added to it "or Natural."*

HYTOPOULOS/SCALES – The motion carried 4-3 with Councilmembers Ward and Blossom and Mayor Bonkowski voting against.

MOTION: *I move that the Council approve the sending of the SMP as including the changes that were made today to DOE for their consideration.*

RESTATED MOTION: *I move that the City Council approve Resolution 2013-10, authorizing the Planning Director to forward the approved Shoreline Master Program Update and all supporting documentation required to accompany the Shoreline Master Program Update pursuant to WAC 173-26-110 to the Washington State Department of Ecology for formal review and approval in accordance with WAC 173-26-120 and includes the modifications that were made during this meeting. 10:48:35 PM*

HYTOPOULOS/BLAIR – The motion carried 4-3 with Councilmembers Ward and Blossom and Mayor Bonkowski voting against. 11:05:08 PM

Council discussed the motion and their opinions of the Shoreline Master Program Update prior to the vote. Council adjourned for a 5-minute break at 10:58 pm so that BKAT could switch to a new disc in order to record the rest of the meeting. Mayor Pro Tem Lester re-convened the meeting at 11:02 pm. Council resumed their comments on the SMP.

B. NATIONAL PUBLIC WORKS WEEK PROCLAMATION, AB 13-062. 11:05:14 PM Mayor Bonkowski introduced the proclamation.

MOTION: *I move that the City Council authorize the Mayor to sign the proclamation declaring May 19 through May 25, 2013 as "National Public Works Week."*

BONKOWSKI/BLAIR – The motion passed unanimously, 7-0. 11:06 PM

C. NATIONAL POLICE WEEK PROCLAMATION, AB 13-063. 11:06:04 PM Mayor Bonkowski introduced the proclamation and summarized the history behind National Police Week.

MOTION: *I move that the City Council authorize Mayor Steven Bonkowski to sign the proclamation declaring May 12-18, 2013 as "National Police Week."*

BONKOWSKI/BLAIR – The motion passed unanimously, 7-0. 11:07:34 PM

6. COMMITTEE REPORTS. 11:07:44 PM Councilmember Blossom reported that the Board of Health is looking at e-cigarette regulations and said she would like input from Council prior to any decisions. Councilmember Blair said that the Kitsap Public Facilities District hosted the state-wide conference of public facilities districts in Bremerton. Mayor Bonkowski reported that he has signed a letter to Congressman Kilmer requesting assistance on Rockaway Beach. Mayor Pro Tem Lester said the Housing Advisory Team will be bringing recommendations to Kitsap Regional Coordinating Council (KRCC). She said they are changing the configuration of the Grant Recommendation Committee, and the City will need to appoint someone by mid-June.

7. REVIEW OF UPCOMING COUNCIL MEETING AGENDAS. 11:12:26 PM Mayor Pro Tem Lester reviewed the Council agenda for May 22, 2013. Council added a discussion of the retreat/performance evaluation and a modification to Council's 3-touch rule the agenda. Council reviewed the long-term agenda. Mayor Pro Tem Lester noted that the KPUD discussion is scheduled for June 5, 2013. Council re-scheduled the committees and commissions discussion for May 22, 2013.

8. FOR THE GOOD OF THE ORDER. 11:19:48 PM City Manager Schulze said that Association of Washington Cities (AWC) has selected Bainbridge Island as a recipient of an AWC Municipal Excellence Award for the Waypoint Project in the category of building partnerships. On the Rockaway Beach Project, City Manager Schulze reported that he has received assistance from Congressman Kilmer, but Washington Department of Fish and Wildlife is now claiming that the emergency declaration is not valid since there has been no change in the road. Councilmember Lester announced that the Friends of the Farms annual meeting and potluck will be held May 19, 2013.

9. ADJOURNMENT. On a motion to adjourn by Mayor Bonkowski, Mayor Pro Tem Lester adjourned the meeting at 11:23:35 PM.



Christine Brown, Deputy City Clerk/Paralegal



Steven Bonkowski, Mayor