**ITEMS DISCUSSED**

1. EXECUTIVE SESSION: PROPERTY DISPOSITION (RCW 42.30.110(1)(C))
2. CALL TO ORDER / ROLL CALL / PLEDGE OF ALLEGIANCE
3. ACCEPTANCE OR MODIFICATION OF AGENDA / CONFLICT OF INTEREST DISCLOSURE
4. PUBLIC COMMENT
5. NEW BUSINESS
   C.UTILITY TRADE COMMISSION HEARING REGARDING PSE'S 20-YEAR RELIANCE ON COAL [ADDED]
   D.LETTER OF SUPPORT FOR WSDOT'S 2013 FEDERAL TRANSIT ADMINISTRATION PASSENGER FERRY GRANT APPLICATION, AB 13-150 – PUBLIC WORKS [ADDED]
   A. ORDINANCE NO. 2013-33, Q3 2013 BUDGET ADJUSTMENTS, AB 13-024 – FINANCE
   B. HEAD-OF-THE-BAY BOUNDARY LINE ADJUSTMENT, AB 13-146 – EXECUTIVE
6. CONSENT AGENDA
   A. ACCOUNTS PAYABLE VOUCHER AND PAYROLL APPROVAL
   B. SPECIAL/REGULAR BUSINESS MEETING MINUTES, SEPTEMBER 18, 2013
   C. REGULAR BUSINESS MEETING MINUTES, SEPTEMBER 25, 2013
   D. KITSAP COUNTRY TRAFFIC SAFETY TASK FORCE MEMORANDUM OF UNDERSTANDING, AB 13-142 – POLICE
10. CITY MANAGER'S REPORT
11. COMMITTEE REPORTS
12. REVIEW OF UPCOMING COUNCIL MEETING AGENDAS
7. RESOLUTIONS: RESOLUTION NO. 2013-18, STRAWBERRY PLANT PARK PROPERTY RENAMING, AB 13-141 – EXECUTIVE
8. RECESS FOR JOINT MEETING WITH ETHICS BOARD
9. RECONVENE MEETING
   COMMITTEE REPORTS
10. REVIEW OF UPCOMING COUNCIL MEETING AGENDAS
11. FOR THE GOOD OF THE ORDER
12. ADJOURNMENT

**1. EXECUTIVE SESSION: PROPERTY DISPOSITION (RCW 42.30.110(1)( C))** 6:30:06 PM
At 6:30 PM, Mayor Pro Tem Blair recessed the meeting to executive session with Councilmembers Blossom, Lester and Ward present to discuss property disposition The door to Council Chambers was posted and the recording system was turned off.

**2. CALL TO ORDER / ROLL CALL / PLEDGE OF ALLEGIANCE** 7:00:04 PM
At 6:59 PM, Mayor Pro Tem Blair reconvened the meeting with aforementioned Councilmembers present. No action was taken during executive session. Councilmember Hytopoulos arrived at 6:54 PM. Councilmember Scales arrived at 7:20 PM. Mayor Bonkowski was absent and excused. City Clerk Lassoff monitored the recording of the meeting and prepared the minutes. Everyone stood for the Pledge of Allegiance.

**3. ADDITIONS AND DELETIONS TO THE AGENDA / CONFLICT OF INTEREST DISCLOSURE** 7:00:53 PM
Councilmember Lester requested the Head of the Bay Boundary Line Adjustment item be removed from the agenda. Councilmember Hytopoulos added a new business item regarding testifying on behalf of the City at the Utility Trade Commission meeting tomorrow. Mayor Pro Tem Blair asked that a letter in support of WSDOT's 2013 FTA passenger grant application be added to new business.

> ***MOTION:*** *I move we approve the agenda as modified as long as you can keep track of the modifications.*
> ***WARD/LESTER*** *– Motion carried unanimously, 5-0.*

There were no conflicts of interest disclosed.

**4. PUBLIC COMMENT** 7:03:11 PM
Dave Henry commented on the value of creating community on the internet.

**5. NEW BUSINESS**

**C. UTILITY TRADE COMMISSION HEARING REGARDING PSE'S 20-YEAR RELIANCE ON COAL [ADDED]** 7:08:39 PM

Councilmember Hytopoulos introduced the item. She asked whether she could speak on behalf of the Council at tomorrow's Utility Trade Commission meeting on PSE's projected 20-year reliance on coal to produce electricity in Washington.

7:10:13 PM *MOTION: I move to support Councilmember Hytopoulos speaking on behalf of the City Council at tomorrow's hearing.*
***LESTER/BLOSSOM** – Motion carried unanimously, 5-0.*

**D. LETTER OF SUPPORT FOR WSDOT'S 2013 FEDERAL TRANSIT ADMINISTRATION PASSENGER FERRY GRANT APPLICATION, AB 13-150 – PUBLIC WORKS [ADDED]** 7:11:18 PM

City Manager Schulze explained a draft letter has been prepared for the Mayor's signature showing the Council's support of the WSDOT's 2013 passenger ferry grant application. He indicated the proposed passenger counting system would benefit the island. Mayor Pro Tem Blair pointed out the unusual name could be misleading because it is about counting ferry passengers as opposed to a passenger only ferry.

7:13:02 PM *MOTION: I move we approve supporting this and instruct the Mayor to sign the letter.*
***WARD/LESTER** – Motion carried unanimously, 5-0.*

**A. ORDINANCE NO. 2013-33, Q3 2013 BUDGET ADJUSTMENTS, AB 13-024 – FINANCE** 7:13:43 PM

Finance Director Schroer gave a PowerPoint presentation and explained the quarterly adjustments made to date (contingency reserve spending, Interfund loan repayment, noxious weed control, permitting system, Eagle Harbor Beach Mains). She noted that the City recently received a request from the Kitsap Economic Development Alliance for an additional $2,500 in funding.

7:19:10 PM *MOTION: Then I will move that the City Council forward Ordinance No. 2013-33, relating to the Q3 2013 Budget Amendments including the added KEDA adjustment to second reading on October 23, 2013.*
***WARD/BLOSSOM***

Councilmember Hytopoulos said she would support as many dollars as possible staying on the island to plan for economic development island style however did not support KEDA's additional funding request. Councilmember Lester asked whether there was a list of what other cities were paying to which Mayor Pro Tem Blair replied she would supply additional information at the October 23, 2013 meeting. She then noted that Councilmember Scales just arrived.

*Motion carried unanimously, 6-0.*

**B. HEAD-OF-THE-BAY BOUNDARY LINE ADJUSTMENT, AB 13-146 – EXECUTIVE**

The item was removed from the agenda and will be rescheduled.

**6. CONSENT AGENDA** 7:22:28 PM

**A. ACCOUNTS PAYABLE VOUCHER AND PAYROLL APPROVAL**

Accounts Payable ACH Check Number 136 through 137, ACH Transmittal, Void Manual Check Numbers 333908 through 333920, Manual Check Numbers 333970 through 333977and Regular Run Check Numbers 333978 through 334066 for a total of $1,140,989.46. Retainage Release Void Check Number 106, Retainage Release Check Number 107 for a total of $252.22. Payroll Direct Deposit Check Numbers 028766 through 028873, Regular Check Numbers 106392 through 106394, Vendor Check Numbers 106395 through 106409, Miscellaneous Check Number 106410 and Federal Tax Electronic Transfer for a total of $534,516.46.

**B. SPECIAL/REGULAR BUSINESS MEETING MINUTES, SEPTEMBER 18, 2013**

**C. REGULAR BUSINESS MEETING MINUTES, SEPTEMBER 25, 2013**

**D. KITSAP COUNTRY TRAFFIC SAFETY TASK FORCE MEMORANDUM OF UNDERSTANDING, AB 13-142 – POLICE**

Mayor Pro Tem Blair read the following consent agenda items into the record: Accounts Payable Vouchers and Payroll Approval, Special/Regular Study Session Meeting Minutes, September 18, 2013, Regular Business Meeting Minutes, September 25, 2013 and the Kitsap County Traffic Safety Task Force Memorandum of Understanding.

*MOTION: I would move that we approve the consent agenda as you just read it.*
***WARD/LESTER** – Motion carried unanimously, 6-0.*

**10. CITY MANAGER'S REPORT** 7:24:31 PM
City Manager Schulze reported an insert informing people how to sign up for the City Manager's Report will be included in the next utility bill mailing. He added this was the first utility bill showing the partial rate reduction approved by Council. Councilmember Lester suggested if during the process of on-line payments, we might want to do an automatic reply that directs them to signing up as well for the report.

**11. COMMITTEE REPORTS** 7:26:37 PM
Councilmember Ward reported that Councilmember Blossom asked him to take over as Council liaison to the Utility Advisory Committee to which he agreed.

**12. REVIEW OF UPCOMING COUNCIL MEETING AGENDAS** 7:27:14 PM
Mayor Pro Tem Blair reviewed the October 16, 2013 study session agenda. Following brief comments, the Housing Diversity Program language was changed back to Housing Design Demonstration Project. Councilmember Lester suggested adding the Head of the Bay item to next week's agenda and increasing the time allotted for the Capital Facilities Plan discussion. Mayor Pro Tem Blair reviewed the upcoming meeting calendar. Councilmember Blossom thought time should be worked in during December for the swearing in and outgoing Councilmember event. Mayor Pro Tem Blair raised the issue of the Department of Ecology needing to change the October 23 date for the first reading/public hearing with regard to the Shoreline Master Program. City Manager Schulze replied DOE informed the City that they will not be able to have their response back for the October 23 public hearing and suggested rescheduling to October 30. Councilmember Lester wanted to know when further information on traffic impact fees would be scheduled. Councilmember Ward replied Interim Public Works Director Cunningham was working on it however, it was not ready to be scheduled just yet. Council and staff discussed the format of the SMP public hearing. There was consensus that comments at the public hearing be based on the feedback from DOE only and that it be limited to one hour. It was also suggested that comments be limited to one minute which could be pooled for up to three minutes. City Manager Schulze indicated he would find out more information about when the City would be receiving DOE's comments. 7:47:24 PM Councilmember Lester asked for an update on the tree ordinance, cell service/telecommunications ordinance and wondered what the community broadcasting item scheduled for November 20 was. City Manager Schulze replied it was a placeholder for what we were previously referring to as the reinstituted BITV but a broader topic. Councilmember Blossom supported having the tree ordinance come back. Councilmember Ward requested that ten minutes be scheduled on November 6 for a report from the UAC on the City's utilities.

**7. RESOLUTIONS: RESOLUTION NO. 2013-18, STRAWBERRY PLANT PARK PROPERTY RENAMING, AB 13-141 – EXECUTIVE** 7:49:36 PM
Mayor Pro Tem Blair introduced Jerry Elfendahl. He thanked everyone for what they have done and introduced relatives of Stan Lund. Councilmember Lester read the resolution into the record.

7:54:16 PM ***MOTION:*** *I move that the City Council approve Resolution No. 2013-18, renaming of property known as Strawberry Plant Property.*
***LESTER/WARD***

*Mayor Pro Tem Blair restated the motion that Resolution No. 2013-18 renaming the property known as the Strawberry Plant Property to then become the John Nelson Park at Strawberry Cannery Cove which carried unanimously, 6-0.*

Jan Lund Buchanan, daughter of Stan Lund, shared stories and fond memories of John Nelson. Jerry Elfendahl presented Ms. Buchanan with a watercolor done by artist Ted Hoppen. He thanked staff for the improvements made at the park over the summer. He hoped one-half of one percent of the $1.85M could be used to build a handicapped pier at the park. Councilmember Lester presented Ms. Buchanan with a signed resolution.

**8. RECESS FOR JOINT MEETING WITH ETHICS BOARD** 7:59:14 PM
Mayor Pro Tem Blair indicated Council would be recessing and reconvening to a joint meeting with the Ethics Board. The dais was reconfigured.

Ethics Board members Honick, Willerford, and Yesley joined the Council at the dais. Boardmember Yesley summarized the preliminary discussion points raised in their document which include open meetings of the Ethics Board, their authority and a number of housekeeping items to improve the existing ethics code. He described how complaints against elected officials and committee/commission members are handled and noted how some are concerned with the current process. He explained how the Ethics Board was set up to receive and consider complaints and how it would be severely compromised were it to become a secret process. He indicated the Ethics Board would like to get back their complete range of potential actions and have the authority to move a matter to the City Council if an ethics code violation did occur. He asked that paragraph G, which was deleted last spring, be reinstated. 8:13:15 PM Councilmember Scales said the issue was not whether a complaint should be deliberated in secret but why was it necessary at the preliminary stage to name the person in the complaint when it has not been determined if the complaint is valid or not. Boardmember Willerford recalled how complainants have been releasing their complaints along with names to the newspaper so whether names are part of the process or not was a moot point. Councilmember Hytopoulos was concerned whether the Ethics Board fully appreciates that this is not about negative publicity but a big deal in a small City to have one's City officially validate even a complaint. She was supportive of returning to a process by which the facts are laid out without officially naming an individual and, if the facts are found to constitute an ethics violation, it goes forward through an appropriate legal process. Mayor Pro Tem Blair commented on the use the word screening versus finding. Councilmember Lester shared how she was struggling with recent complaints and wondered how we can keep this from being a political bullying tactic tool. Boardmember Honick pointed out that public life was a risk all its own. He noted how complainants would be much more careful about what they say because they have to say it in public as well. Mayor Pro Tem Blair asked for clarification regarding the process. Councilmember Scales said anyone can make a false statement about anybody but it does not mean that we should be letting someone use the Ethics Board to further the complaint publicly. Councilmember Hytopoulos thought it was doubly important to provide a buffer and not drag the names of officials in the newspaper. She did not believe that for many people being a named respondent was going to have a chilling effect on filing complaints. Councilmember Blossom indicated that she did not have a chance to respond under the current process so she did not see much of a difference except that her name would not have been out there. Boardmember Honick said the Ethics Board is also at risk of being criticized if they do not conduct themselves in as open of a policy as possible. He noted the Ethics Board tries to hold complainants responsible in public. Councilmember Lester asked whether there is a form of redaction when the complaint is in the process of being determined whether the facts are true. Mayor Pro Tem Blair thought it was one thing to be criticized for doing something and it was something else to be accused of violating an ethical code. Councilmember Blossom asked the Ethics Board what they may take issue with not using names as Councilmember Scales proposed. Councilmember Scales asked why it was so important to have the respondent named in the initial complaint and what would be lost if the respondent was not named. Boardmember Yesley replied if we went back to the old system, the Ethics Board would be receiving a large number of hypothetical cases and spending our time figuring out whether allegations that do not name anyone would constitute a violation. Boardmember Willerford shared an historical point with regard to redacting names since complaints were already being released before the Ethics Board ever saw them. Councilmember Hytopoulos wondered about the City's liability with regard to deformation for publishing findings against someone serving on a committee or commission. Councilmember Blossom wanted to hear the objection to not including names. Boardmember Honick replied the openness serves the community better. Boardmember Willerford replied what was being proposed with regard to not including name was done for three years and it did not work. He added there was also a fundamental unfairness by not allowing for a response. Mayor Pro Tem Blair asked whether someone could write to the Ethics Board with his or her concern and when it is discussed in the meeting, the name is not used. She did not understand the value is of hearing a person's name attached to it when what you are really talking about is the action. Councilmember Scales noted as somebody who has gone through the process, it does not work and it feels bad from the prospective of someone who has allegations made against them. Councilmember Hytopoulos said what adds insult to injury is to provide an official forum to use City resources including our volunteers to harass us. Boardmember Honick said this bears some more thought and additional discussion. Councilmember Lester recommended this topic be a study session item the next time. Boardmember Yesley thought what Council wanted was to have a self-enforcing ethics code, that the Ethics Board does not add anything to that and so that's what you may wind up with. Councilmember Blossom said she has not heard why the name matters. Councilmember Hytopoulos thought this was as much about empathy as it was about good process. She suggested waiting until the new Council comes on board to discuss this further. Councilmember Scales said all we are talking about is whether the official's name should be used in the initial complaint not about gutting the ethics program or meeting in private. Boardmember Honick believed no one here wants to gut the Ethics Board. Mayor Pro Tem Blair said there is no desire to do anything except strengthen the Ethics Board in our City government. She asked what would be lost if someone's name is not revealed as part of the initial process. Boardmember Yesley said if you do not use the names, you only hear one side of the story. Councilmember Scales thought it would be important for the Ethics Board to talk to every person who has been accused. Councilmember Blossom said it was hard to sit through the process and not be able to respond especially not knowing what the outcome was going to be. The joint meeting adjourned at 9:13 PM.

**9. RECONVENE MEETING** 9:14:00 PM
Mayor Pro Tem Blair reconvened the business meeting at 9:14 PM.

**10. FOR THE GOOD OF THE ORDER** 9:14:15 PM
Councilmember Lester shared the following local events: SHREK was playing at the BPA, BI Farmer's Market was open through November 16th, BI Fire District annual pancake breakfast and fire truck ride from 8-12 Saturday, public opening of new exhibits at the BI Museum of Art, last weekend of the Lynwood Community Market, and a candidate forum was being held at City Hall on Tuesday hosted by the League of Women Voters.

**11. ADJOURNMENT** 9:16:09 PM

On a motion by Councilmember Lester, Mayor Pro Tem Blair adjourned the meeting at 9:16 PM.

Steven Bonkowski, Mayor

Rosalind D. Lassoff

Rosalind D. Lassoff, City Clerk