ITEMS DISCUSSED

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   E. ORDINANCE NO. 2014-29, PLEASANT BEACH TRACTS PARTIAL RIGHT-OF-WAY VACATION, AB 14-094 – PUBLIC WORKS
   F. ORDINANCE NO. 2014-24, RELATED TO RIGHT-OF-WAY USE, AB 14-098 – PUBLIC WORKS
   G. RESOLUTION NO. 2014-15, RIGHT-OF-WAY USE FEES, AB 14-098 – PUBLIC WORKS
   H. REVIEW FINANCIAL POLICIES, AB 14-106 – FINANCE
   I. 2014 MID-YEAR REPORT, AB 14-078 – FINANCE
   J. ORDINANCE NO. 2014-31, Q2 2014 BUDGET ADJUSTMENTS, AB 14-064 – FINANCE
   K. BAINBRIDGE ISLAND ROWING GROUND LEASE, AB 14-125 – EXECUTIVE
5. COUNCIL DISCUSSION
   A. RESOLUTION NO. 2014-18, OIL TRAIN REGULATIONS, AB 14-117 – COUNCILMEMBER TOLLEFSON
   B. NATIONAL COWORKING WEEK PROCLAMATION, AB 14-123 – DEPUTY MAYOR ROTH
6. COMMITTEE REPORTS
7. REVIEW UPCOMING COUNCIL MEETING AGENDAS
8. FOR THE GOOD OF THE ORDER
9. ADJOURNMENT

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

Deputy Mayor Roth called the August 4, 2014 study session to order at 6:59 PM. Councilmembers Blossom, Bonkowski, Tollefson, Townsend, Ward and Mayor Blair were present. City Clerk Lassoff monitored the recording of the meeting and prepared the minutes.

2. ACCEPTANCE OR MODIFICATION OF AGENDA / CONFLICT OF INTEREST DISCLOSURE 6:59 PM

MOTION: *Accept the agenda.*
BONKOWSKI/BLAIR *– Motion carried 7-0.*

Councilmember Blossom recused herself from the Lynwood Center Outfall Improvement item. Councilmember Ward recused himself from the Bainbridge Island Rowing Club item.

3. CITY MANAGER'S REPORT 7:00 PM

City Manager Schulze reported on items from his weekly report which included updates to the Navigate Bainbridge website, upcoming summer public works projects, National Night Out event and Kitsap County owing the City over $900,000 in miscalculated Real Estate Excise Taxes.

4. STAFF INTENSIVE

A. COMMUNITY SERVICES FUNDING, AB 14-118 – EXECUTIVE 7:05 PM

Deputy City Manager Smith provided a brief history behind the City's community services funding. She indicated the City was entering into its third budget cycle without the Health, Housing and Human Services (HHHS) management function that previously existed for about ten years. She explained how the City arrived at managing the funds and the relationships with the organizations.

Councilmember Bonkowski recalled an earlier discussion of potentially having the Bainbridge Community Foundation do some of the work. Deputy City Manager Smith understood the discussion was about whether to increase annual funding rather than deciding to have a conversation with another agency. Mayor Blair commented that the budget process has been just a percentage increase across the board as opposed to coming up with any new policy or any policy direction beyond that affirmation to allocate monies. Deputy City Manager Smith noted that the funding amounts shown now are based on the set of organizations identified and recommended for funding in the 2010 HHHS cycle. Councilmember Townsend wanted to know what role HHHS played and how that changed our decisions. Deputy City Manager Smith explained HHHS acted as the City's external agent and was given direct funding of about $100,000 annually for their management support services until 2010. She added in response to the City's 2010 fiscal situation, an ad hoc council committee was convened and they determined a dramatic cut to that funding needed to occur and HHHS then made the determination that in that financial framework it was not possible for them to continue to operate. Councilmember Tollefson wondered if any effort has been made to determine the financial impact of staff time in handling the administrative duties was previously done by HHHS. Deputy City Manager Smith replied it was not significant. Councilmember Tollefson thought the timing of this issue coming up during the review of the Comprehensive Plan was perfect. He suggested establishing something akin to HHHS but as a board, committee or commission function similar to the Lodging Tax Advisory Committee. He also thought that the priority based budgeting process could help in understanding whether the gross funding amount and allocations were appropriately distributed throughout the community. Mayor Blair commented on funding off-island agencies. Councilmember Bonkowski explained he brought up the Bainbridge Community Foundation because they evaluate non-profits on the island and thought it might be worthwhile to see if it is something they could provide. Councilmember Tollefson thought it would be easier to establish something like LTAC which could provide services similar to what HHHS did before. He suggested keeping the current budget and taking action to change the structure as soon as possible. Councilmember Townsend supported keeping funds on island and was interested in knowing about the various paths. Deputy City Manager Smith felt if there was an increased likelihood that Council was considering some changes in funding that should be communicated so that people could plan for that. Mayor Blair suggested that the agencies supply additional information to assist with figuring out what to do with the 2015 budget in particular. Deputy Mayor Roth understood there to be a consensus that Council ought not to just move forward on a percentage basis based on a 2011 recommendation. Councilmember Bonkowski proposed deciding now what percentage of the population needs to be on Bainbridge Island to continue funding off island organizations. Councilmember Tollefson wanted to know what other jurisdiction funding levels were for those organizations also serving the island to get a sense of what our allocation might be. Deputy Mayor Roth said he did not subscribe to the one-size fits all approach because there are so many dependent variables.

Deputy City Manager Smith indicated staff would bring back data on the number of island constituents as a share of total population as well as the percentage of the budget for each organization that City funding represents. She also suggested preserving the 2015-2016 funding by either carrying the 2014 funding amounts forward or using what has become the standard three percent increase. Following a brief discussion, there was consensus to keep 2015 funding the same as 2014 and leaving the gross number in for 2016 given that by then there will be a new process. There was also consensus that the 2015 and 2016 numbers include a three percent increase. Councilmember Tollefson wanted to know how the gross number with the three percent increase compares to whatever the priority based budgeting number would be. Deputy City Manager Smith explained community services funding was identified as a particular program in our inventory and has been scored on a couple of different dimensions.

B. CONSIDER SURPLUS OF SUZUKI PROPERTY, AB 14-119 – EXECUTIVE 7:42 PM

City Attorney Marshall explained this was a discussion item for Council to deliberate as to whether to surplus this property and, if so, staff would prepare a draft resolution for Council consideration.

Mayor Blair explained the reason for putting this item on the agenda was to take a position as a Council and give something specific in the way of direction to staff and the community about how we stand with regard to what the disposition of the property is right now. She thought the first step was to decide whether to continue owning this property and then can go on to next steps.

Q – What can the City do with the property if it is not surplussed and what are the range of things we are allowed to do with City-owned property? A – The City's discretion regarding the use of the property is fairly broad. Most cities choose to use it for a governmental purpose.

Q – What about leasing it to a commercial interest for some commercial use or lease it to a non-profit for some specifically identified project? A – Generally speaking yes however there could be some restrictions regarding commercial use.

Q – Would it be legal for the City with City-owned property to joint venture with a private entity or non-profit in some sort of development project? A – Possibly not. If a City wanted to venture into a private enterprise, it would hire a third party to assist in developing the plans, etc.

Q – Can the City change its mine after declaring the property has been surplussed? A – Yes as long as a deal is not closed.

Q – If Council decides to sell the property through an RFP process, can they put up criteria for what that RFP can be. A – Yes.

Councilmember Ward would like to see the City surplus the property, sell it through an RFP process and in that process say that the City will select the winning proposal based on function of dollars revenue to the City, community value and then take whatever dollar proceeds of that sale to defray the expenses of the new public safety facility since that was the reason the property was originally purchased. Mayor Blair did not like the idea of City being in the development business. Councilmember Bonkowski supported the concept of using the revenue for a public facility building. Mayor Blair did not know whether the Council collectively decided that yet.

Q – How long would the surplus process take once you start the process? A – At least several meetings.

Councilmember Tollefson requested an executive session be scheduled. He noted there has been no community input on what to do with the property. Deputy Mayor Roth thought even if Council directed staff to move forward on surplussing, there is going to be quite a bit of process involved regarding community engagement and comment. Councilmember Tollefson said the Council truly wants community input. Councilmember Blossom support Councilmember Ward's proposal.

Councilmember Townsend was concerned about the shifting of gears and the lack of process raised by Councilmember Tollefson. He was not fond of the idea of coupling it with the police station, was open to the idea of surplus, but was concerned about process. Councilmember Bonkowski believed it should be coupled. Councilmember Ward again explained the reason why the property was originally acquired. Councilmember Blossom said when you choose to sell property at a reduced price and therefore put yourself in a position to have to bond for more that there are other people being affected. Councilmember Townsend said he was not precluding use of the money for the police station. Deputy Mayor Roth said he would not support linking the surplussing going forward with the notation that an RFP would be build with conditions about financing a new public safety building. There was consensus to begin the surplusing process.

Mark Blatter, Housing Resources Board, asked whether there was Council consensus to move forward with surplussing the Suzuki property. Deputy Mayor Roth said that was the point of tonight's decision.

Leslie Snyder, Sustainable Bainbridge, said everyone needed to be willing to foster a community discussion process.

Debbi Lester, 266 Ericksen Avenue NE, gave a brief overhead presentation and commented on the 2008 Affordable Housing Task Force recommendations.

City Attorney Marshall asked Council to confirm whether they want staff to move forward with noticing a public hearing on surplussing, which Deputy Mayor Roth responded yes.

C. PUBLIC WORKS CONTRACTS, AB 14-126 8:14 PM

1. 2014 ISLANDWIDE ASPHALT REPAIR, AB 14-120

Contract with Lakeside Industries for the 2014 Islandwide Asphalt Repair project in the base bid amount plus additive alternates A1 through A4 of $425,376.70.

2. CITY HALL PAINT AND WOOD RESTORATION, AB 14-121

Contract with Mattila Painting, Inc. for the City Hall Paint and Wood Restoration project in the base bid amount of $61,524.20.

3. ROAD DRAINAGE IMPROVEMENTS PROJECT (VALLEY, LOGG AND GERTIE JOHNSON ROAD), AB 14-122

Provide roadway and storm drainage improvements to portions of Valley Road to Logg Road and Gertie Johnson Road. Bid results will appear on the August 11, 2014 consent agenda.

4. LYNWOOD CENTER OUTFALL IMPROVEMENTS, AB 11-086

The City received a 2012 Statewide Stormwater grant for the Lynwood Center Outfall project in the amount of $188,000 with a city match of $63,000 approved by City Council at their 6/13/2012 city council meeting. The grant funds include both design and construction. Bid results will appear on the August 11, 2014 consent agenda.

Public Works Director Loveless requested Council move the four contracts to next week's consent agenda. Following brief questions and comments, a motion was made.

8:18 PM ***MOTION:*** *I move that we move forward the following Public Works contracts to the August 11, 2014 consent agenda: 2014 Islandwide Asphalt Repair, City Hall Paint and Wood Restoration, Road Drainage Improvements Project (Valley, Logg and Gertie Johnson Road) and Lynwood Center Outfall Improvements.*
BLAIR/BONKOWSKI *– Motion carried 6-1 with Councilmember Blossom abstaining.*

D. SOUND TO OLYMPICS TRAIL REVISED PRELIMINARY DESIGN PROFESSIONAL SERVICES AGREEMENT, AB 14-096 – PUBLIC WORKS 8:19 PM

Public Works Director Loveless explained this agreement was previously approved at the July 14 meeting however since that time WSDOT, who is funding part of the project, discovered that two of the sub-consultants had expired audited overhead rates. He indicated staff was recommending the award amount be revised to the same firm MacLeod Rekord of $135, 948.02 for preliminary design, rescind the previously authorized approved amount by Council in the amount of $168,368 and forward it to the August 11, 2014 consent agenda for approval.

MOTION: *I would make the motion that the City Council consider approving the revised Professional Services Agreement with MacLeod Rekord as our public works director presented it.*
BLAIR/BONKOWSKI *– Motion carried 7-0.*

8:23 PM Robert Dashiell, NE Tolo Road, asked whether the City has a master plan for Wyatt Way and whether there was still viability in the overhead concept.

E. ORDINANCE NO. 2014-29, PLEASANT BEACH TRACTS PARTIAL RIGHT-OF-WAY VACATION, AB 14-094 – PUBLIC WORKS 8:25 PM

Public Works Director Loveless explained the ordinance would vacate a triangular portion of right-of-way off of Pleasant Beach Road which is currently not needed by any governmental entity and impinges on an adjacent parcel. He added the property owner would like to incorporate the portion into their parcel and pay the City fair market value. He requested the Council forward the ordinance to the August 11, 2014 for a second reading and public hearing.

MOTION: *I move that the City Council forward Ordinance No. 2014-29 to the August 11, 2014 City Council agenda for second reading of the ordinance and public hearing.*
WARD/BLAIR *– Motion carried 7-0.*

F. ORDINANCE NO. 2014-24, RELATED TO RIGHT-OF-WAY USE, AB 14-098 – PUBLIC WORKS 8:27 PM
Public Works Director Loveless explained this ordinance was discussed at a previous meeting at which Council requested some clarification as well as a illustration of what the existing and proposed processes were. He noted that currently the City has different permits for various types of work occurring in the City's public right-of-way (ROW). The proposed ordinance would combine all of the types into one "use" permit using category types from A through D.

There was a brief discussion regarding bulk permits, related fees and possible changes. Public Works Director Loveless suggested including something in the ordinance to cover bulk permit language.

8:40 PM ***MOTION:*** *I would move that the City Council consider forwarding or that we do in fact forward Ordinance No. 2014-24, the Right-of-Way Use, as amended for a second reading and approval on the August 11, 2014 City Council consent agenda.*
BLAIR/WARD *– Motion carried 7-0.*

8:40 PM Debbi Lester shared that a business has requested a right-of-way permit to place three planters on Winslow Way and two on other City owned property. She wondered why the City charged only $250.00 for six planters.

G. RESOLUTION NO. 2014-15, RIGHT-OF-WAY USE FEES, AB 14-098 – PUBLIC WORKS 8:42 PM
Public Work Director Loveless introduced the proposed resolution updating the fee schedule to accommodate the ordinance.

MOTION: *I move the City Council forward Resolution 2014-15 relating to Right-of-Way Use Fees to the August 11, 2014 consent agenda as modified by the use ordinance.*
BONKOWSKI/WARD *– Motion carried 6-1 with Councilmember Blossom recusing.*

H. REVIEW FINANCIAL POLICIES, AB 14-106 – FINANCE8:45 PM
Finance Director Schroer gave a PowerPoint presentation responding to Council's request to reconsider the financial policy resolution discussed earlier in the summer as well as a request to discuss the section relating specifically to the Surface and Storm Water Utility (SSWM). She noted staff has taken this section to mean that the City would not support General Fund support to the Storm and Surface Water Management (SSWM) Fund in an ongoing fashion and that there was Council desire to discuss that approach. She presented the following considerations going forward: that SSWM is an Enterprise Fund whose funds are typically managed as business operations that recover their costs through revenues, that the General Fund may subsidize Enterprise Funds at Council's discretion but that it's best to have an established policy that provides the rationale for any subsidy that we build into our budgets and that operating transfers out of the General Fund is something that was mentioned by Moody's as a concern. She indicated staff recommends retaining the existing financial policies. Councilmember Bonkowski recalled the whole basis behind the discussion of taking money from the General Fund, an equivalent amount of what we had been doing in the past, and putting it into the stormwater utility. Finance Director Schroer agreed with timing of the discussion back 2012 when the City received a court direction to look at stormwater rates going back to 2008 and that in the late 2012, Council did make a retroactive decision about stormwater rates for City streets. She recalled Council also provided direction to provide General Fund support for that payment which was done via an interfund loan and the payment was made in 2013 with the General Fund providing full support for the SSWM Fund which was made to the Streets Funds. She noted there had been some different interpretations regarding it being a retroactive decision versus an ongoing policy direction.

Councilmember Blossom shared her concern that by eliminating the charge to the roads, we were going to have to increase everyone else's fee. She said this question has come up repeatedly without a clear answer and that this policy was brought to Council without pointing out what the effect was.

Councilmember Townsend wanted to hear more on why it was staff's position to retain the existing financial policies. City Manager Schulze said the SSWM Utility is supposed to operate within its self. He also noted information from Moody's pointed out that transfers being made to the utility funds from the General Fund are a concern to them as it is not a good financial practice.

Councilmember Townsend asked if the history behind whether the City paid or not are somehow equated. City Manager Schulze recalled staff went back and looked at each time the Council discussed it and the motion was made to retroactively reimburse the fund.

He added there was a discussion about making it ongoing but there was never any Council action. Councilmember Blossom understood there was consensus amongst the Council. Councilmember Bonkowski recalled 4-5 options on how to deal with SSWM and this was the only option that did not provide money from the City to the SSWM Utility. Mayor Blair thought it was helpful to replay different memories however we need to figure out what to do going forward. She recalled Council would ask the Utility Advisory Committee however that has yet to be implemented. She supported the existing policy that SSWM is an Enterprise Fund understanding we may wish to look at it again following the Utility Advisory Committee's review. Councilmember Ward also recalled Council reaching a consensus on that particular issue which is different from what we are seeing now. He suggested placing the topic on a future agenda to make a decision.

Deputy Mayor Roth wondered if Council were to change the recommendation made by staff, which he believes is the right one, there ought to be a general policy about use of the General Fund for utilities and not a specific piece explicitly addressing SSWM. Finance Director Schroer believed there could be a policy specific to the utility because they do have different ratepayers and serve different areas of the island. Councilmember Blossom said she did not disagree that utilities should be self-supporting however, the problem is that this one may not be without increased rates because the Council made the decision not to charge itself for its own impervious surfaces which is what the SSWM fee is for. Deputy Mayor Roth said this then lends itself to the suggestion of a comprehensive looking at SSWM. Mayor Blair said there is a possibility that a conversation of whether we should exempt City streets is part of the recommendation and Council can ask that it be looked at as part of the SSWM plan. Councilmember Tollefson thought rather than changing the policy, it made more sense to take a global look at the whole SSWM issue. City Manager Schulze indicated staff was ready to move forward with the discussion once the Utility Advisory Committee is formed and able to meet. Finance Director Schroer interpreted that staff should not include a transfer from the General Fund to the SSWM Fund based on what she has just heard. Deputy Mayor Roth indicated that was correct as it was against policy. Councilmember Blossom asked if staff would be proposing an increase to SSWM, which Finance Director Schroer said no.

I. 2014 MID-YEAR REPORT, AB 14-078 – FINANCE 9:06 PM

Finance Director Schroer gave a PowerPoint presentation on 2014 year-to-date performance, 2014 year-end forecast and 2015-16 preliminary forecast. She explained the financial report submitted in the agenda packet did not include information received from the county last week regarding REET monies due to the City. She indicated the 2014 forecast was ahead of the approved budget for the tax-supported funds (2013 results were stronger than forecast, 2014 revenue up/spending is on pace with budget and 2014 will end ahead of budgeted levels); 2014 forecast continues to fully fund all reserves and the yearend balance is estimated to be $2.8M higher than policy reserves in the General Fund; revenue highlights include property tax figures very close to budgeted amount, building permits and inspections revenue shows increased over 2013, sales tax revenue ahead of 2013, over 300 REET transactions were incorrectly recorded to another jurisdiction totaling approximately $980,000 due to the City. She reviewed expenditures (operating expenditures close to budget, fewer personnel vacancies than in previous years and that capital spending, including debt service tends to be in second half of the year); 2014 assumptions for third and fourth quarter include capital project continuing as approved and General Fund support for SSWM is not included in expenditure forecasts. She reviewed estimated year-end cash balances, General Fund policy reserves and 2015-2016 preliminary forecast (key assumptions – revenues: stable but limited growth for tax-support funds and no change to utility rate structure; expenditures: some significant costs increasing at a pace greater than general inflation, capital budget will continue to evolve pending Council discussion and current draft include City investment of $1.2M in 2015 and $1.8M in 2016).

J. ORDINANCE NO. 2014-31, Q2 2014 BUDGET ADJUSTMENTS, AB 14-064 – FINANCE 9:18 PM

Finance Director Schroer gave a PowerPoint presentation illustrating budget adjustments through the second quarter which included work plan items (police/court study and LTAC awards), capital projects (Crystal Springs Embankment project and Islandwide Right of Way Gap Acquisition project) and labor adjustments (seasonal maintenance, human resources manager salary adjustment and additional overtime support for the planning department due to continued SMP support).

> ***MOTION:*** *I move that the City Council move Ordinance No. 2014-31 amending the 2014 Budget of the City to the August 11, 2014 consent agenda.*
> ***TOWNSEND/BLAIR*** *– Motion carried 7-0.*

K. BAINBRIDGE ISLAND ROWING GROUND LEASE, AB 14-125 – EXECUTIVE 9:21 PM

City Manager Schulze explained this lease was discussed several months ago when the Council gave staff direction to prepare the lease with Bainbridge Island Rowing to provide land for a new boating center within Waterfront Park in the vicinity of the current land leased by the club. Mayor Blair noted that upon the sustainable completion of the boating center, the club would quit claim their entire interest in the boating center to the City.

Councilmember Bonkowski wondered whether parking and stormwater issues have been resolved. City Manager Schulze responded the lease considers those issues however, he was not exactly sure that everything has been yet. Councilmember Bonkowski wondered if it were to happen that something in the future prior to this being built and completed, that the Waterfront Park were to be transferred to the Park District does the transfer of the lease would allow them to get the rowing club. City Manager Schulze indicated said it would be up to the Council.

9:25 PM *MOTION: I move City Council forward the Lease Agreement with Bainbridge Island Rowing to the August 11, 2014 consent agenda.*
***BONKOWKSI/BLAIR** – Motion carried 6-1 with Councilmember Ward recusing himself.*

5. COUNCIL DISCUSSION

A. RESOLUTION NO. 2014-18, OIL TRAIN REGULATIONS, AB 14-117 – COUNCILMEMBER TOLLEFSON 9:26 PM

Councilmember Tollefson described the proliferation of problems throughout the country involving oil trains. He noted there have already been some 11 jurisdictions, cities and several counties in Puget Sound and Spokane which have adopted such resolutions in one form or another and thought it was particularly appropriate that Bainbridge Island take the initiative on this given the amount of shoreline we have. He recommended the Council adopt the resolution. Deputy Mayor Roth said he attended a leadership against coal meeting. Mayor Blair commented on the resolution's recommendation that staff should begin to address the emergency preparedness in case there were to be a spill.

9:32 PM Ericka Shriner, 8190 Baker Hill Road, Climate Action Bainbridge Co-Chair, gave an overhead presentation on the effects of oil trains and encouraged Council to approve the resolution.

Ellen Lockhart, South Beach, commented on the oil trains running along the Puget Sound represent an extraordinary risk to the life we have created for ourselves and our economy. She asked Council to support the resolution to review and evaluate all the risks.

Councilmember Bonkowski suggested adding the word environment to item 1 and under item 5 we need to make sure that we send the resolution to all congressional delegations.

Councilmember Tollefson asked Council whether they would entertain a motion to forward Resolution No. 2014-18 regarding oil train regulations as modified consistent with the suggestions made by Councilmember Bonkowski to the August 11, 2014 Consent Agenda. Councilmember Bonkowski seconded the proposed motion which was carried 7-0.

B. NATIONAL COWORKING WEEK PROCLAMATION, AB 14-123 – DEPUTY MAYOR ROTH 9:45 PM

Mayor Blair read the proclamation.

Councilmember Bonkowski moved to authorize the Mayor to sign the proclamation which was seconded by Councilmember Ward and approved 6-1 (Councilmember Townsend was not at the dais during the vote).

6. COMMITTEE REPORTS 9:47 PM

None were given.

7. REVIEW UPCOMING COUNCIL MEETING AGENDAS 9:47 PM

City Manager Schulze reviewed the August 11 business meeting agenda. Mayor Blair requested specific information be included in the agenda packet on the impacts of herbicides. Deputy Mayor Roth recalled the earlier Suzuki discussion and wondered whether a brief executive session should be scheduled.

City Manager Schulze suggested he could meet with the newer Councilmembers and brief them individually. Councilmember Tollefson suggested workshop regarding the use of the Suzuki property be scheduled for August 18.

8. FOR THE GOOD OF THE ORDER 10:02 PM
Mayor Blair commented on the importance to respect the study session process.

9. ADJOURNMENT
The August 4, 2014 study session adjourned at 10:06 PM.

Anne S. Blair

Anne S. Blair, Mayor

Rosalind D. Lassoff

Rosalind D. Lassoff, City Clerk