

ITEMS DISCUSSED

1. EXECUTIVE SESSION: POTENTIAL LITIGATION (RCW 42.30.110(1)(I)) AND REVIEW QUALIFICATIONS FOR AN APPLICANT FOR CITY EMPLOYMENT (RCW 42.30.110(1)(G))
2. CALL TO ORDER / ROLL CALL
3. ACCEPTANCE OR MODIFICATION OF AGENDA / CONFLICT OF INTEREST DISCLOSURE
4. CITY MANAGER'S REPORT: COMPREHENSIVE PLAN/NAVIGATE BAINBRIDGE UPDATE
5. STAFF INTENSIVE
 - A. WATERFRONT PARK/CITY DOCK ALTERNATIVES, AB 13-025 – PUBLIC WORKS
 - B. PUBLIC WORKS CONTRACTS, AB 15-003, – PUBLIC WORKS
 1. YEOMALT AREA DRAINAGE IMPROVEMENT PROFESSIONAL SERVICES AGREEMENT AMENDMENT #1, AB 13-169
 2. WARDWELL ROAD DRAINAGE IMPROVEMENT PROFESSIONAL SERVICES AGREEMENT AMENDMENT #2, AB 13-168
 - C. EAGLE HARBOR SEWER BEACH MAINS PROJECT EMERGENCY WORK CHANGE DIRECTIVE, AB 10-102
 - D. SUZUKI COMMUNITY WORKSHOP FOLLOW-UP, AB 14-119 – SUZUKI PROPERTY AD HOC COMMITTEE
 - E. BRIEFING ON THE COMPREHENSIVE PLAN/NAVIGATE BAINBRIDGE COMMUNITY VISIONING WORKSHOPS, AB 14-159 – PLANNING
 - F. GRANT AWARD FROM THE PUGET SOUND MARINE AND NEARSHORE GRANT PROGRAM FOR CITY'S APPLICATION, "MONITORING ECOLOGICAL FUNCTION WITH REMOTE SENSING AT BAINBRIDGE ISLAND," AB 14-148 – PLANNING
 - G. ORDINANCE NO. 2015-02 (FORMALLY ORDINANCE NOS. 2014-28 AND 2013-13), RELATING TO OFF-LEASH ANIMALS ON PUBLIC PROPERTY, AB 13-092 – EXECUTIVE
 - H. OBTAIN COUNCIL APPROPRIATION FOR PAYMENT OF PAULSON SETTLEMENT, AB 15-004 – EXECUTIVE
 - I. KITSAP COUNTY TRAFFIC SAFETY TASK FORCE MEMORANDUM OF UNDERSTANDING, AMENDMENT # 1, AB 14-171 – EXECUTIVE
6. COUNCIL DISCUSSION
 - A. ACCESSORY DWELLING UNITS, AB 15-001 – CITY COUNCIL
 - B. SUBJECT: HARBOR COMMISSION APPOINTMENT, AB 15-002 – MAYOR BLAIR
 - C. MARTIN LUTHER KING PROCLAMATION – MAYOR BLAIR
 - D. APPOINTMENT OF NEW COUNCILMEMBER – CITY COUNCIL
7. COMMITTEE REPORTS
8. REVIEW UPCOMING COUNCIL MEETING AGENDAS
9. FOR THE GOOD OF THE ORDER
10. ADJOURNMENT

1. EXECUTIVE SESSION: POTENTIAL LITIGATION (RCW 42.30.110(1)(i)) AND REVIEW QUALIFICATIONS FOR AN APPLICANT FOR CITY EMPLOYMENT (RCW 42.30.110(1)(g)) 6:00 PM

Deputy Mayor Townsend called an executive session to order at 6:00 p.m. with Councilmembers Blair, Blossom, Bonkowski, Roth and Tollefson and City Attorney Marshall to discuss Potential Litigation (RCW 42.30.110(1)(I)) and to Review Qualifications of an Applicant for City Employment (RCW 42.30.110(1)(G)) in the Planning Conference Room. The recording system was turned off and a notice was posted on the door to the Council Chamber. The executive session adjourned at 6:42 p.m. No action was taken.

2. CALL TO ORDER / ROLL CALL 7:00 PM

Deputy Mayor Townsend called the meeting to order at 7:00 p.m. with Councilmembers Blair, Blossom, Bonkowski, Roth and Tollefson present. Records Management Coordinator Jahraus monitored the recording of the meeting and prepared the minutes.

3. ACCEPTANCE OR MODIFICATION OF AGENDA / CONFLICT OF INTEREST DISCLOSURE 7:00 PM

Mayor Blair requested addition of two items under Council Discussion: the Martin Luther King Jr. Day Proclamation and appointment of a new council member to fill the vacancy left by former Councilmember Ward.

7:01 P.M.

MOTION: I move to accept the agenda as modified.

TOLLEFSON/ROTH: The motion carried 6-0.

4. CITY MANAGER'S REPORT: COMPREHENSIVE PLAN/NAVIGATE BAINBRIDGE UPDATE 7:01 PM

No report.

5. STAFF INTENSIVE

A. WATERFRONT PARK/CITY DOCK ALTERNATIVES, AB 13-025 – PUBLIC WORKS 7:02 PM

Public Works Director Loveless used a PowerPoint to provide an update to Council on the Waterfront Park/City Dock Alternatives including 30% design development, grant status, current project schedules, and funding alternatives.

Public Comment

John Grinter encourages water-based improvements and setting aside 300K to work on seasonal float with the park district.

Robert Hershberg, Eagle Harbor Drive, encourages the ferry settlement money be used for one large project.

Mark Leese, Stetson Place, is disappointed in the proposals set before the Council.

Kathleen Cronin, concerned about sight lines.

Dave Henry shared a drawing of a concept for parking at Waterfront Park.

Rich Hebert would like to see the dock repaired.

Erin Leader, felt the focus was more on the park rather than the dock for water-related issues.

Lara Hansen stated the dock right now is not an inviting space.

Council engaged in further discussion and Public Works Director Loveless responded to some of the questions brought up during public comment.

8:02 P.M.

MOTION: *To approve going forward with a full dock replacement with design and permitting in 2015 and anticipation of construction in 2016. Park design would occur in 2015 with construction phases to be consistent with the money left over.*

BONKOWSKI/BLOSSOM

FRIENDLY AMENDMENT BY COUNCILMEMBER TOLLEFSON: *To proceed with full design with the intent of construction without the hockey stick as Phase 1 in 2016. The motion carried 4-2 (Blair and Roth).*

B. PUBLIC WORKS CONTRACTS, AB 15-003 – PUBLIC WORKS

1. YEOMALT AREA DRAINAGE IMPROVEMENT PROFESSIONAL SERVICES AGREEMENT AMENDMENT #1, AB 13-169 – PUBLIC WORKS 8:02 pm

The Yeomalt Area Drainage Improvements project includes stormwater water quality and conveyance, improvements, as well as some roadway improvements, at the following locations: 1) East-west leg of Yeomalt Point Drive, 2) Dingley Road from Fairview Avenue to Madrona Drive, 3) Madrona Drive from Yeomalt Point Drive to Dingley Road NE, and 4) 550 feet of Madrona Drive, south of Dingley Road NE.

The City Council approved the original design agreement with Browne Wheeler Engineers, Inc. at their December 11, 2013 City Council meeting in an amount not to exceed \$60,000.00. Amendment No. 1 to the professional service agreement changes the termination date from December 31, 2014 to June 30, 2015.

8:02 PM

MOTION: *I move that the City Council forward Amendment No. 1 to Professional Services Agreement for the Yeomalt Area Drainage Improvements project, with an effective date of December 31, 2014, to the January 13, 2015 City Council consent agenda.*

BLAIR/BLOSSOM: *The motion carried 6-0.*

2. WARDWELL ROAD DRAINAGE IMPROVEMENT PROFESSIONAL SERVICES AGREEMENT AMENDMENT #2, AB 13-168 – PUBLIC WORKS 8:04 PM

The Wardwell drainage design project consists of water quality improvements and conveyance improvements that will improve the discharge into Woodward Creek. Improvements will be accomplished by a series of sediment removal systems, bio-retention systems, bio-filtration swales, piping, roadway improvements, and a new cross culvert beneath Wardwell Drive.

The City Council approved the original design agreement with MAP Limited at their December 11, 2013 meeting in an amount not to exceed \$74,000. City Council also approved Amendment No. 1 at their October 7, 2014 meeting in the amount of \$6,860 which included design revisions required by the Washington State Department of Ecology. Amendment No. 2 changes the termination date from December 31, 2014 to June 30, 2015.

8:04 PM

MOTION: *I move that the City Council forward Amendment No. 2 to Professional Services Agreement for the Wardwell Road Drainage Improvements project, with an effective date of December 31, 2014, to the January 13, 2015 City Council consent agenda.*
BLAIR/BLOSSOM: *The motion carried 6-0.*

C. EAGLE HARBOR SEWER BEACH MAINS PROJECT EMERGENCY WORK CHANGE DIRECTIVE, AB 10-102 – PUBLIC WORKS 8:05 PM

The recent completion of the Eagle Harbor Sewer Beach Mains Rehabilitation project has accelerated actions required to correct a hydraulic deficiency at the entrance of the Wastewater Treatment Plant headworks. Increased flows from the new mains have caused concerns regarding sewer surcharges and potential overflow conditions in two manholes. There was a known requirement to correct this condition in the future, as system expansion occurs; however, it was determined that partial corrective actions needed to be taken at this time in order to prevent potential overflows. An emergency change directive was issued to the contractor to complete this work. Once the directed work is finalized, a change order will be presented to City Council at a future meeting. BIMC 3.72.070 requires City Council to be notified of work change directives issued in excess of the administrative authority of the City Manager as soon as practicable.

8:06 PM

MOTION: *I move that the City Council forward the finalized Eagle Harbor Sewer Beach Mains Project Emergency Work Change Order to a future City Council agenda.*
ROTH/BLOSSOM: *The motion carried 6-0.*

D. SUZUKI COMMUNITY WORKSHOP FOLLOW-UP, AB 14-119 – SUZUKI PROPERTY AD HOC COMMITTEE 8:08 PM

Planning and Community Development Director Cook provided background on the agenda item.

On November 3, 2014, the City hosted a community workshop on the City-owned Suzuki property. The purpose of the workshop was to solicit community input on whether and how the property should be sold, and what use should be made of the property.

Public outreach for the workshop included development of a project webpage; press releases; flyers sent to the surrounding neighborhoods, community organizations and City commissions and committees; announcements sent to listservs; and use of social media.

In addition, the City sent invitations to a broad array of community groups, affordable housing advocates, developers, builders, and architects, seeking proposals that provided conceptual ideas illustrating how the property could be developed. Submitted proposals were intended to provide a starting point for a community discussion among workshop participants. The City received four proposals (ArcStudio, Cutler Anderson, Housing Kitsap, Housing Resources Board), which were posted to the Suzuki project web page, displayed and briefly presented at the workshop.

Sixty people signed in at the workshop, and approximately twenty provided public comment. Participants urged the City Council to use the property for community benefit, but in staff's estimation, there was not a clear consensus as to what this meant. Ideas included turning the property over to the School District, preserving it as open space, or using it for affordable housing. Concerns that were expressed included overdevelopment, traffic impacts and loss of open space/wildlife habitat. Participants also advised the City to be deliberative, and asked that the decision-making timeline be extended.

Public Comment

Leslie Marshall, Commodore Lane, asked Council to consider the DOE's recommendations and guidelines regarding wetlands.

Dave Ullin would like to see the property preserved as is and to be used as an outdoor classroom.

Greg Millerd stated any development should follow state guidelines for wetlands with substantial buffers.

Tracy Powell, Commodore Lane would like to see the property remain undeveloped.

Jerri Lane, Victorian Lane, commented that the property could provide a new model neighborhood for affordable housing.

Patti Dusbabek stated the property should remain undeveloped and available to the public.

Don Heppenstal, Madison Ave N, stated that every time the land as come up for discussion, it has been for affordable housing.

Bruce Wieland urged the council to take bigger view and reminded them about the February 10 ballot measure on the Sakai property.

Jacqueline Young, Blue Heron Ave, commented that the water and trees in the area of both properties is a very good filter bed for water and rain.

John Green was on the Suzuki task force in 2008. He believes the Suzuki property is a gem for affordable housing.

Jonathan Davis wants to look at the urban core as a whole.

Jennifer Pells stated the HRB proposal does not address traffic or congestion in an already crowded area.

Laurel Wilson, Olympus Beach, represents one of the companies that issued a proposal for the development contract.

Jean Capps, North Town Woods, spoke to the issue of traffic in North Town Woods and mentioned that the Sakai property is already zoned R8.

Mike Spence, member of the Bainbridge Island School Board. He stated that the board has been interested in the Suzuki property for quite awhile.

Martin Stever, Commodore West, asked why the rush? Let's sort out how to best use the property and the residents.

Susan Riley, Commodore Lane, is against the increased density and traffic.

Susan Lorenz, Coral Lane, is also concerned about increased traffic.

Kirk Robison, is a park commissioner, stated the park district is always happy to assist the process.

With public comment concluded, Deputy Mayor Townsend asked City Attorney Marshall if the City has an obligation to give a right of first refusal to another municipal jurisdiction; City Attorney Marshall stated she is not aware of any legal duty.

Mayor Blair recommends the subcommittee meet to discuss an approach with more than one idea and whether we need to have someone with expertise explain how other communities have balanced the benefits of housing and open space.

E. BRIEFING ON THE COMPREHENSIVE PLAN/NAVIGATE BAINBRIDGE COMMUNITY VISIONING WORKSHOPS, AB 14-159 – PLANNING 9:22 P.M.

Special Planner Sutton introduced the agenda item to Council by explaining that the City began the substantive work on the 2016 Comprehensive Plan Update process by holding two identical workshops to discuss the *Vision Statement* and *Five Overriding Principles* of the Comprehensive Plan. The workshops were held the evening of November 12 and the morning of November 17, 2014. The purpose of this agenda item is to discuss the outcome of the workshops and next steps in Navigate Bainbridge/Comprehensive Plan Update process.

Lara Hansen, Chief Scientist and Executive Director of EcoAdapt, provided Council with a PowerPoint presentation.

Public Comment

Tracey Powell, Commodore Lane, asked if the list posted in the PowerPoint was a prioritized list.

Rob Evans, Commodore Lane, believes the exercise is a waste of time.

Ron Peltier stated he thought the vision is a water-downed version; there is no narrative.

John Anderson, Irene Place, spoke to a vision that may not reflect what is really going on in Winslow.

Patti Dusbabek, Holly Farm Lane, does not understand why we are going through the exercise. She is concerned that we are spending money doing this. We should not be under the Growth Management Act because the island is a sole-source aquifer.

F. GRANT AWARD FROM THE PUGET SOUND MARINE AND NEARSHORE GRANT PROGRAM FOR CITY'S APPLICATION, "MONITORING ECOLOGICAL FUNCTION WITH REMOTE SENSING AT BAINBRIDGE ISLAND," AB 14-148 – PLANNING 9:56 P.M.

The City's Shoreline Master Plan (SMP) Update took effect on July 30, 2014. One of the Department of Ecology's requirements associated with the revised regulations is that jurisdictions monitor for "no net loss" of shoreline ecological functions. The Council has had a number of discussions over the past several months on how to put together an effective monitoring program, including the possibility of working with the University of Washington to use multi-spectral imagery and LIDAR technology to produce an updated land use/land cover map that would serve as a baseline for an SMP monitoring program. The City's Environmental Technical Advisory Committee gave a presentation on this concept to the Council on September 2, 2014.

On September 2, 2014, the Department of Fish and Wildlife and the Department of Natural Resources issued a request for grant proposals to the Puget Sound Marine and Nearshore Grant Program, "Improving Compliance with Puget Sound Marine Shoreline Regulations."

On September 16, 2014, the City Council authorized staff to apply to the Puget Sound Marine and Nearshore Grant Program. On October 31, in collaboration with the University of Washington, staff submitted a grant application entitled, "Monitoring Ecological Function with Remote Sensing at Bainbridge Island" in the amount of \$132,624.

On December 2, 2014, Patricia Jatczak, Puget Sound Marine & Nearshore Grant Program Manager, notified the City that the grant application had been selected for funding.

Public Comment

John Anderson, you should notify people early on if there would be monitoring via drone.

Charles Schmid, commented he sees change from ten years ago when he is at the planning counter.

Jon Quitslund believes it is too early to say what we cannot do; we should plan for the most effective monitoring we can commit to right now.

10:19 P.M.

MOTION: *I move that the City Council accept the grant award from the Puget Sound Marine and Nearshore Grant Program in support of the City's grant application, "Monitoring Ecological Functions with Remote Sensing at Bainbridge Island, with the clarification that the grantor accept this was something separate from the proposed monitoring program*

BLAIR/BLOSSOM: *The motion carried 6-0.*

G. ORDINANCE NO. 2015-02 (FORMALLY ORDINANCE NOS. 2014-28 AND 2013-13), RELATING TO OFF-LEASH ANIMALS ON PUBLIC PROPERTY, AB 13-092 – EXECUTIVE 10:21 P.M.

City Attorney Marshall addressed Council. Presently, the Bainbridge Island Municipal Park and Recreation District (BIMPRD) prohibits dogs that are off-leash on BIMPRD property except for Strawberry Hill Dog Park. In order to ensure that the City's regulations concerning off-leash animals are consistent with BIMPRD's regulations, a City of Bainbridge Island ad hoc committee was created to draft proposed amendments to the BIMC.

The primary revision is a change in the definition of an animal "at large." The BIMC previously defined "at large" as an animal "off the owner's premises and out of visual contact of the owner unless under physical and/or voice or signal control." The revised definition renders an animal "at large" unless (1) on BIMPRD or Bainbridge Island School District (BISD) property and the animal is under physical restraint by a leash or chain no longer than 6 feet in length, or within the bounds of an established off-leash area; or (2) on private property or property owned by the State of Washington or the city, and the animal is on a leash or within 30 feet of its owner and immediately obedient to its owner's commands. The ad hoc committee revised the BIMC to make it unlawful for an animal to run "at large" as defined above. Finally, BIMC 12.20 Park Regulations were revised to create consistency with the new definition of "at large."

The following issues are presented to assist Council in organizing a discussion and formulating direction to staff, if at all, regarding ways in which to move forward:

- Does the Council wish to allow dogs off-leash on public property?
- Does the Council wish to regulate small animals (chickens, ducks, birds, etc) in the same manner as dogs and cats?
- Does the Council wish to regulate cats on private property?
- If additional enforcement through KHS is necessary, how should the City fund the cost of these additional services?

Public Comment

Kirk Robinson, BIMPRD Commissioner, served on the ad-hoc committee. He stated his surprise at this ordinance coming before Council, as there was an effort to try to modify the existing ordinance. It would be wise to go back and meet with Animal Control and Public Safety.

Eric Stevens, Executive Director of Kitsap Humane Society let Council know that they are always available as a resource.

Laurene Ross, Commodore Lane, is concerned about a lack of social media outreach.

John Anderson commented that he does not like dogs running up the boat ramp.

Mayor Blair stated Council should address the policy questions then draft an ordinance.

H. OBTAIN COUNCIL APPROPRIATION FOR PAYMENT OF PAULSON SETTLEMENT, AB 15-004 – EXECUTIVE 10:53 P.M.

This agenda item is a discussion item regarding staff's recommendation concerning payment of the settlement.

I. KITSAP COUNTY TRAFFIC SAFETY TASK FORCE MEMORANDUM OF UNDERSTANDING, AMENDMENT # 1, AB 14-171 – EXECUTIVE 10:59 P.M.

On October 28, 2014 the City Council approved a memorandum of understanding between the WTSC and the City of Bainbridge Island to enable the BIPD's ongoing participation in the Kitsap County Traffic Safety Task Force (KCTSTF), which coordinates the combined efforts of law enforcement agencies in Kitsap County to conduct multi-jurisdictional high visibility enforcement (HVE) traffic safety emphasis patrols in support of Target Zero priorities.

However, in the law enforcement Memorandum of Understanding (MOU) template for Federal Fiscal Year (FFY) 2015, required *federal language was inadvertently omitted*. Regretfully, all or part of this language was omitted from most WTSC contracts this year. The omission is information for Buy America Act, Debarment and Suspension, Federal Lobbying, Nondiscrimination, Political Activity (Hatch Act), and State Lobbying. MAP-21 specifies that several federal provisions must apply to all grant recipients as well as States. WTSC applies these provisions by including the exact language from the MAP-21 Interim Final Rule in our contracts. In an effort to rectify this problem, Council is asked to follow the same steps for the initial MOU process to make sure every MOU is corrected by mid-January.

11:01 P.M.

***MOTION:** I move to approve the first amendment to the memorandum of understanding between the Washington Traffic Safety Commission and the City of Bainbridge Island for emphasis patrols.
BLAIR/BONKOWSKI: The motion carried 6-0.*

6. COUNCIL DISCUSSION

A. ACCESSORY DWELLING UNITS, AB 15-001 – CITY COUNCIL

This item postponed to the January 13 Business Meeting.

B. HARBOR COMMISSION APPOINTMENT, AB 15-002 – MAYOR BLAIR 11:01 P.M.

Mayor Blair is recommending the appointment of Fred Grimm to Position 4 commencing July 1, 2015 for a three-year term ending June 30, 2018.

11:02 P.M.

***MOTION:** I move that the City Council confirm the appointment of Fred Grimm to Position 4 commencing July 1, 2015 for a three-year term ending June 30, 2018.
BLAIR/BONKOWSKI: The motion carried 6-0.*

C. MARTIN LUTHER KING PROCLAMATION – MAYOR BLAIR 11:03 P.M.

11:04 P.M.

***MOTION:** I move the Council authorize the Mayor to sign the proclamation.
TOLLEFSON/BONKOWSKI: The motion carried 6-0.*

D. APPOINTMENT OF NEW COUNCILMEMBER – CITY COUNCIL 11:05 P.M.

Upon recommendation from Mayor Blair, Council will interview all six candidates for the vacant seat at a special City Council meeting on January 15.

7. COMMITTEE REPORTS 11:08 P.M.

Mayor Blair will submit her reports in writing but did ask for the Council's affirmation that Councilmember Tollefson represent the City on the Growth Management Policy Board. Council affirmed.

8. REVIEW UPCOMING COUNCIL MEETING AGENDAS 11:10 P.M.

January 13 Business Meeting

Executive Session Potential Litigation
Waterfront Park/City Dock Funding Options (Discussion)
Performance Evaluation of City Manager Schulze
Ordinance No. 2015-03 (Formally 2014-38) Land Clearing
Resolution No. 2015-01 Amending Fee Schedule, Land Clearing (Approve)
Citizen Advisory Group Appointments (Approve) - Tentative
Police Vehicle Procurement (Approve)
Wardwell Road Drainage Improvements PSA Amendment #2 (Approve)
Yeomalt Area Drainage Improvements PSA Amendment #1 (Approve)

January 22 Study Session

ADU Discussion
Public Safety Facility Site Options (Discussion)
Community Services Funding Framework (Discussion)
Waterfront Park RFQ Award (Information)
Performance Management Software (Presentation)
Utility Advisory Committee Recommendation Regarding City Utility Tax (Discussion)
Proposed Revisions to Comprehensive Plan Vision Statement
Briefing on Draft Kitsap County Buildable Lands Report (Information)
Oath of Office
Ordinance No. 2015-01, Public Disturbance Noises

9. FOR THE GOOD OF THE ORDER 11:17 P.M.

Councilmember Tollefson stated he will tentatively withdraw his position on the Non-Motorized Committee due to a conflict but he may be assigned to another committee, perhaps the Utility Advisory Committee.

10. ADJOURNMENT 11:18 P.M.

Deputy Mayor Townsend called the meeting adjourned at 11:18 p.m.



Anne S. Blair, Mayor



Kelly Jahraus, Records Management Coordinator