

ITEMS DISCUSSED

1. EXECUTIVE SESSION: CURRENT AND POTENTIAL LITIGATION (RCW 42.30.110(1)(i)),  
REVIEW QUALIFICATIONS OF AN APPLICANT FOR CITY EMPLOYMENT (RCW 42.30.110(1)(g))
2. CALL TO ORDER/ROLL CALL/ PLEDGE OF ALLEGIANCE
3. ACCEPTANCE OR MODIFICATION OF AGENDA/CONFLICT OF INTEREST DISCLOSURE
4. PUBLIC COMMENT
5. CITY MANAGER'S REPORT
6. UNFINISHED BUSINESS
  - A. 2014 CITY MANAGER PERFORMANCE EVALUATION, AB 15-004 – COUNCIL
  - B. ORDINANCE NO. 2015-03 (FORMALLY ORDINANCE NO. 2014-38), MODIFYING BAINBRIDGE ISLAND MUNICIPAL CODE CHAPTER 15.18, LAND CLEARING, AB 14-143 – PLANNING
  - C. ACCESSORY DWELLING UNITS – COUNCIL
  - D. CITY COUNCIL VACANCY APPOINTMENT PROCESS – COUNCIL
  - E. RESCIND JANUARY 6, 2015 MOTION REGARDING WATERFRONT PARK – COUNCIL [ADDED]
7. CONSENT AGENDA
  - A. ACCOUNTS PAYABLE VOUCHERS AND PAYROLL APPROVAL
  - B. SPECIAL/REGULAR STUDY SESSION MINUTES, DECEMBER 2, 2014
  - C. SPECIAL/REGULAR BUSINESS MEETING MINUTES, DECEMBER 9, 2014
  - D. YEOMALT AREA DRAINAGE IMPROVEMENT PROFESSIONAL SERVICES AGREEMENT AMENDMENT #1, AB 13-169 – PUBLIC WORKS
  - E. WARDWELL ROAD DRAINAGE IMPROVEMENT PROFESSIONAL SERVICES AGREEMENT AMENDMENT #2, AB 13-168 – PUBLIC WORKS
  - F. POLICE VEHICLE PROCUREMENT, AB 15-005 – PUBLIC WORKS
8. COMMITTEE REPORTS
9. REVIEW UPCOMING COUNCIL MEETING AGENDAS
10. FOR THE GOOD OF THE ORDER
11. ADJOURNMENT

**1. EXECUTIVE SESSION: CURRENT AND POTENTIAL LITIGATION (RCW 42.30.110(1)(i)) 5:59 PM**

At 5:59 PM, Mayor Blair recessed the January 13, 2015 meeting to an executive session with Councilmembers Blossom, Bonkowski, Roth, Tollefson, Townsend, and legal counsel to discuss current and potential litigation as well as to review qualifications of an applicant for City employment. The recording system was turned off and the door to Council Chambers was posted. No action was taken.

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

Mayor Blair called the meeting to order at 6:59 PM with aforementioned Councilmembers present. No action was taken during executive session. City Clerk Lassooff monitored the recording of the meeting and prepared the minutes.

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

Councilmember Tollefson added Item 6E regarding rescinding a motion adopted on January 6, 2015 regarding Waterfront Park. He also requested Consent Agenda Item 7C, December 9, 2014 meeting minutes, be removed to correct a typo.

***MOTION:** The agenda was amended as discussed.*

***ROTH/BONKOWSKI**– Motion carried 6-0.*

There were no conflicts of interest disclosed. Everyone stood for the Pledge of Allegiance.

**4. PUBLIC COMMENT 7:02 PM**

Bruce Weiland commented on the upcoming ballot for a park located at the current Suzuki property.

Alan Kasper, President Bainbridge Island Sportsman's Club, spoke on behalf of his friend and former Councilmember Ward.

Sharon Gilpin, Parkview Drive, thanked former Councilmember Ward for his service.

Gloria Sayler, Agate Pass Road NE, commented on the Council's vote last week's to prioritize the City Dock and was relieved to hear that they are going to reconsider the vote tonight. She also mentioned how much she missed former Civil Service Commissioner Dunn who recently passed away.

Debbi Lester, 266 Erickson Avenue NE, read letters regarding former Councilmember Ward from ETAC Chair Sale and Neil Johanssen.

Tami Meander, 7151 Blue Sky Lane, thanked former Councilmember Ward for his work on the City Council.

Jerry Elfendahl, 7823 Westerly Lane, echoed comments regarding former Councilmember Ward and shared information on the upcoming Martin Luther King Jr. holiday. A number of citizens read from a prepared testimonial regarding the Selma riots.

Kim Hendrickson, Islanders for Collaborative Policing, offered brief comments regarding former Councilmember Ward's service.

**5. CITY MANAGER'S REPORT 7:37 PM**

City Manager Schulze provided information from his weekly report.

**6. UNFINISHED BUSINESS**

**A. 2014 CITY MANAGER PERFORMANCE EVALUATION, AB 15-004 – COUNCIL 7:41 PM**

Mayor Blair introduced the item. City Manager Schulze thanked the City Council for a thorough process and looked forward to working with them again in 2015.

***MOTION:** I move the City Council accept the 2014 City Manager's Performance Review.  
BONKOWSKI/BLOSSOM – Motion carried 6-0.*

**B. ORDINANCE NO. 2015-03 (FORMALLY ORDINANCE NO. 2014-38), MODIFYING BAINBRIDGE ISLAND MUNICIPAL CODE CHAPTER 15.18, LAND CLEARING, AB 14-143 – PLANNING 7:45 PM**

Special Project Planner Sutton introduced the ordinance. She explained the only change was establishing an "after-the-fact clearing permit" fee for unauthorized clearing and linking fines to a newly established tree fund.

***MOTION:** I move that the City Council forward Ordinance No. 2015-03 to the January 27, 2015 Business Meeting.  
TOWNSEND/BLOSSOM – Motion carried 6-0.*

**C. ACCESSORY DWELLING UNITS – COUNCIL 7:50 PM**

Planning Director Cook explained an accessory dwelling unit (ADU) is a small, self-contained residential unit located on the same lot as an existing single-family home which has all the basic facilities needed for day-to-day living independent of the main home, such as a kitchen, sleeping area, and a bathroom. They also can provide the opportunity for relatively independent living for the elderly or disabled with support from neighboring family. The City's ADU regulations are contained in BIMC 18.09.030.1.5 (permitted accessory use in all residential zones, except that they are a conditional use on the shoreline, may be contained within, or detached from, the single-family home, are limited to 800 square feet, must share a single driveway with the primary residential unit and all other zoning regulations must be met—setbacks, lot coverage, parking and Health District regulations). She noted that a search of the City's permit database indicates that approximately 200 ADUs have been permitted since 1992 (this does not include ADU's that may have been permitted under Kitsap County and grandfathered in, or units that were built without permits).

Councilmember Tollefson understood one of the reasons this topic came forward was that the existence of ADU's has some impact in the consideration of affordable housing and a question of whether or not we could automatically increase the stock of affordable housing to some degree simply by looking at the size limitation and other restrictions that may not be necessary.

Jeb Thornburg, 172 Grow Avenue, advocated increasing the ADU threshold from 800 to 900 square feet.

Councilmember Bonkowski said part of the other issue is some municipalities are allowing tiny homes to be built on properties as an ADU and it's almost by definition a different construction technique. He wondered if that was something that could be incorporated into our ADU ordinance. Planning Director Cook indicated staff could look at that as part of the process.

Councilmember Blossom asked if there was a requirement that the landowner be the one living in the primary residence to which Planning Director Cook indicated no.

Councilmember Tollefson asked what the rationale was behind picking 800, 900 or 1,000 square feet. Planning Director Cook did not believe there was necessarily any rationale but the number that seems to be most common is 900 square feet because you don't want something so big that it's going to become a second primary residence. She suggested exploring Poulsbo's concept where they have an 800 square feet limitation unless the ADU is completely located on the ground floor or basement and then it could be bigger as long as it's no larger than the primary residence.

Councilmember Tollefson was personally in favor of asking the planning department to move ahead with updating the ADU ordinance and forwarding it to the Planning Commission.

Mayor Blair was also supportive of the idea of increasing the floor ratio and relating it to the size of the primary dwelling if the ADU is located in the basement. She wondered why Poulsbo limited the location of the ADU to the ground floor or basement.

Councilmember Bonkowski would like the Council to consider having staff look at tiny house regulations.

Mr. Thornburg noted Poulsbo and Bremerton's ADU regulations have some inherent problems regarding setting a threshold and that when you have too many prescriptive components, you may be inviting someone to find ways to circumvent the regulations.

Planning Director Cook will work on scheduling the topic on a future Planning Commission agenda.

**D. CITY COUNCIL VACANCY APPOINTMENT PROCESS – COUNCIL 8:07 PM**

Council addressed Mr. Millerd's request to participate in the interview process via Skype or conference call.

8:11 PM      ***MOTION:** I would move that we use reasonable efforts to allow applicants to participate in the interview process through remotely in a way that as closely approximates physical presence as practical.*

***TOWNSEND/BONKOWSKI** – Motion carried 6-0.*

Mayor Blair described the process as outlined in her handout. Mr. Millerd addressed the Council regarding his request to interview without being physically present. Following a brief discussion, Mr. Millerd will let City Manager Schulze know whether he is able to participate remotely throughout the entire interview. Mayor Blair continued to describe the process as outlined.

**E. WATERFRONT PARK ITEM [ADDED] 8:51 PM**

***MOTION:** I move to rescind the action the Council took with regard to the Waterfront Park at the last study session and just note that the agenda bill for that item did not indicate that we were going to take a vote and frankly I think we lost our way a little bit. If the required number of Council agree, I hope that we can reframe the issue and get it on the agenda for the next meeting.*

***TOLLEFSON/***

Mayor Blair asked whether the motion to rescind would include a discussion followed by an action. Councilmember Tollefson replied the motion is to rescind and once it is rescinded then we will make another motion.

***Councilmember Roth seconded the motion.***

Councilmember Tollefson recalled that during last year's discussion of the capital improvement program, Council was mildly hopeful that there would be some grant money. Council also wanted to get something done in 2015 and, specifically, they wanted to get the park project underway. He understood that funding for the dock was going to have to be dealt with depending on how the grant money turned out. He hoped that if the motion were rescinded, Council would rekindle their commitment to getting both projects planned and permitted this year, commit funds for construction of the park and work on alternatives for funding the dock in one of the two following years.

Councilmember Bonkowski explained he would not support the motion because it is saying that we were going in the wrong direction.

Councilmember Blossom said it has always been her understanding that had the grant had not come through Council would have revisited it and the dock, in her mind, was always the priority project – not because the park is not important but because it would be very difficult to phase the dock construction.

Councilmember Roth explained the reason he did not support last week's motion was that it was not clear about anything other than suggesting that one of these projects may not be done. Deputy Mayor Townsend supported the motion to rescind, as did Mayor Blair.

***The motion to rescind carried 4-2 with Councilmembers Blossom and Bonkowski voting against.***

7. **CONSENT AGENDA 9:05 PM**

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

December 23, 2014: Accounts Payable Void Check Numbers 337286 and 337362, Manual Check Numbers 337366-337374 and Regular Run Check Numbers 337375-337509 for a total of \$1,039,096.75. Retainage Release Check Number 128 for a total of \$1,417.02. Travel Advance Check Number 65 for a total of \$200.00. Payroll Miscellaneous Check Number 106915, Payroll Direct Deposit Check Numbers 031926-032035, Regular Check Numbers 106916-106919, Vendor Check Numbers 106920-106931 and an Federal Tax Electronic Transfer for a total of \$430,905.97.

January 13, 2015: Accounts Payable ACH Check Numbers 167 and 169, EFT Check Number 168, Void Manual Check Number 337109, Manual Check Numbers 337510-337518, 2014 Regular Check Run Check Numbers 337519-337602 and 2015 Regular Check Run Check Numbers 337603-337616 for a total of \$630,214.80. Payroll Direct Deposit Check Numbers 032036-032143, Regular Check Run Numbers 106932-106936, Vendor Check Numbers 106937-106949 and Federal Tax Electronic Transfer for a total of \$566,519.49.

**B. SPECIAL/REGULAR STUDY SESSION MINUTES, DECEMBER 2, 2014**

**C. SPECIAL/REGULAR BUSINESS MEETING MINUTES, DECEMBER 9, 2014**

**D. YEOMALT AREA DRAINAGE IMPROVEMENT PROFESSIONAL SERVICES AGREEMENT AMENDMENT #1, AB 13-169 – PUBLIC WORKS**

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. City Council initially 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.

**E. WARDWELL ROAD DRAINAGE IMPROVEMENT PROFESSIONAL SERVICES AGREEMENT AMENDMENT #2, AB 13-168 – PUBLIC WORKS**

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. City Council initially 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.

**F. POLICE VEHICLE PROCUREMENT, AB 15-005 – PUBLIC WORKS**

The 2015 capital equipment budget is \$152,000. City staff worked with the Washington State Department of Enterprise Services under contract number 03713 for the purchase of three Ford Interceptor Utility/SUV vehicles for \$109,504.30. City staff will use the remaining budget authority to upfit (radio, mobile computer terminal, light bar, radar, etc) vehicles to patrol ready.

Item 7C, Special/Regular Business Meeting Minutes, December 9, 2014 was pulled and amended as follows: change title to read “potential amendment to the aquaculture regulations” rather than agriculture regulations, correct the spelling of aquaculture in line two and replace the word agriculture with aquaculture in the discussion of the motion.

***MOTION:** Approve the December 9, 2014 minutes as corrected.*

***TOLLEFSON/ROTH** – Motion carried 6-0.*

***MOTION:** I move that we approve consent agenda items A through F, except for item C.*

***TOLLEFSON/BONKOWSKI** – Motion carried 6-0.*

**8. COMMITTEE REPORTS 9:07 PM**

Councilmember Tollefson distributed his minutes from last night's Utility Advisory Committee. He asked that Council read them and let him know by the next meeting whether they disagree with the direction he's taking with the committee.

Mayor Blair reported on a brief survey developed by the Kitsap Regional Coordinating Council on twelve possible transportation reforms that would be going the legislative group. She proposed creating a subcommittee consisting Councilmembers Bonkowski, Roth and herself to meet and go over the information.

Councilmember Roth reported on the Non-Motorized Transportation Advisory Committee meeting last Wednesday. He indicated Alyse Nelson was elected as chair and Lief Horwitz will continue as vice chair for 2015.

**9. REVIEW UPCOMING COUNCIL MEETING AGENDAS 9:12 PM**

City Manager Schulze reviewed the January 20 study session agenda. Council and staff discussed how best to proceed with the upcoming January 22 Council Advance agenda. A one-hour discussion of Waterfront Park and the City Dock project timing and funding was added to the January 20 agenda under Council Discussion (Item 8A).

**10. FOR THE GOOD OF THE ORDER 9:22 PM**

Councilmember Tollefson commented on concerns raised by a constituent regarding a prospective School Resource Officer and that he will meeting with them along with Councilmember Roth sometime early in February. Deputy Mayor Townsend indicated he would also like to participate in that discussion.

Mayor Blair announced someone in the community has been working with staff member Melva Hill to put together a field trip to walk around downtown Winslow to look and learn more about the storm water facility on Monday, January 26 at 11 AM. Both Mayor Blair and Councilmember Roth indicated they would attend.

**11. ADJOURNMENT 9:25 PM**

The January 13, 2015 business meeting adjourned at 9:25 PM.



Anne S. Blair, Mayor

  
Rosalind D. Lassoff, City Clerk