

ITEMS DISCUSSED

1. EXECUTIVE SESSION: PROPERTY ACQUISITION (RCW 42.30.110(1)(B))
2. CALL TO ORDER / ROLL CALL
3. ACCEPTANCE OR MODIFICATION OF AGENDA / CONFLICT OF INTEREST DISCLOSURE
4. OATH OF OFFICE
5. CITY MANAGER'S REPORT
6. NEW BUSINESS
  - A. ORDINANCE NO. 2015-06, ADOPTING A SIX-MONTH MORATORIUM ON NEW COMMERCIAL AQUACULTURE ACTIVITIES, AB 15-015 – EXECUTIVE
7. PRESENTATION
  - A. PERFORMANCE MEASUREMENT SOFTWARE, AB 15-008 – EXECUTIVE
8. UNFINISHED BUSINESS
  - A. WATERFRONT PARK/CITY DOCK PROJECT TIMING AND FUNDING, AB 13-025 – PUBLIC WORKS
9. STAFF INTENSIVE
  - A. PUBLIC SAFETY FACILITY SITE OPTIONS, AB 14-008 – EXECUTIVE
  - B. BRIEFING ON DRAFT KITSAP COUNTY BUILDABLE LANDS REPORT, AB 15-010 – PLANNING
  - C. ESTABLISH A TREE FUND, AB 15-011 – PLANNING
  - D. RESOLUTION NO. 2015-01, AMENDING THE CITY'S FEE SCHEDULE TO ADD A NEW "AFTER-THE-FACT CLEARING PERMIT" FEE, AB 15-011 – PLANNING
  - E. ORDINANCE NO. 2015-01, RELATING TO PUBLIC DISTURBANCE NOISES, AMENDING BIMC SECTION 9.70.060 TO EXEMPT STREET SWEEPING AND PAVEMENT MARKING, AB 15-009 – PUBLIC WORKS
10. COUNCIL DISCUSSION
  - A. UTILITY ADVISORY COMMITTEE RECOMMENDATION REGARDING CITY UTILITY TAX AND FIRE HYDRANT FEES, AB 15-012 – COUNCIL LIAISON TOLLEFSON
  - B. DESIGN REVIEW BOARD APPOINTMENT, AB 15-013 – MAYOR BLAIR
  - C. PLANNING COMMISSION APPOINTMENT, AB 15-014 – MAYOR BLAIR
11. COMMITTEE REPORTS
12. REVIEW UPCOMING COUNCIL MEETING AGENDAS
13. FOR THE GOOD OF THE ORDER
14. ADJOURNMENT

**1. EXECUTIVE SESSION: PROPERTY ACQUISITION (RCW 42.30.110(1)(B)) 6:00 P.M.**

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 Property Acquisition (RCW 42.30.110(1)(B)) 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**

Deputy Mayor Townsend called the meeting to order at 7:00 p.m. with Councilmembers Blair, Blossom, Bonkowski, Roth, Scott 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**

Mayor Blair requested an addition of Ordinance No. 2015-06, Adopting a Six-Month Moratorium on New Commercial Aquaculture Activities to the agenda as New Business (6 A).

7:01 P.M.

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

*BLAIR/TOLLEFSON: The motion carried 7-0.*

**4. OATH OF OFFICE 7:02 P.M.**

Judge McCulloch issued the Oath of Office to Councilmember Scott.

**5. CITY MANAGER'S REPORT 7:03 P.M.**

City Manager Schulze reported on information on the Comprehensive Plan Update and Visioning Sessions; a welcome to Councilmember Scott and Continued Discussion of the Waterfront Park - City Dock Project. City Manager Schulze also mentioned the closure of the Agate Pass Bridge in February for three weeks due to maintenance.

Blue Moon & Roost Land Companies, LLC are proposing to develop 4.87 acres with a mixture of single-family homes, townhomes, mixed-use buildings (potentially containing a restaurant), two inns, and an associated park and market gathering space.

The site plan and design review permit for Way Kool (a marihuana production and processing) business on Day Road has been approved.

**6. NEW BUSINESS 7:11 P.M.**

**A. ORDINANCE NO. 2015-06, ADOPTING A SIX-MONTH MORATORIUM ON NEW COMMERCIAL AQUACULTURE ACTIVITIES, AB 15-015 – EXECUTIVE**

City Attorney Marshall addressed Council. The City of Bainbridge Island's Shoreline Master Program Update ("SMP") contains aquaculture regulations that have been challenged by the Bainbridge Alliance and Pacific Coast Shellfish Growers Association ("PCSGA"). The Alliance and PCSGA filed Petitions with the Central Puget Sound Growth Management Hearings Board that has jurisdiction over the appeals. Both the Alliance and PCSGA assert that the City's SMP is inconsistent with the Shoreline Management Act ("SMA"). The Alliance's position is that the commercial aquaculture regulations are inconsistent with the City's desire, as expressed in its June 7, 2013 draft of the SMP, to strictly regulate commercial aquaculture, and the PCSGA's position is that commercial aquaculture regulations are a preferred use and should not be further restricted. On January 9, 2015, the City, DOE, and the Alliance joined in a motion before the Board to extend the hearing date on the merits to allow time for the parties to agree to – and propose to the Council for adoption – a limited amendment. PCSGA did not agree to the motion to extend the hearing schedule.

The moratorium ordinance for your consideration applies only to new – not existing – commercial aquaculture activities and only to those aquaculture activities requiring a SSDP or CUP. The moratorium is effective for six months, and the City is required by law to hold a public hearing within 60 days of adoption. The moratorium is an emergency ordinance pursuant to RCW 35A.13.190 and therefore requires approval of a majority plus one (5) council members in order to take effect immediately.

7:14 P.M.

**MOTION:** *I move the City Council approve Ordinance No. 2015-06, Adopting a Six-Month Moratorium on New Commercial Aquaculture Activities effective immediately.*  
**TOLLEFSON/BONKOWSKI:** *The motion carried 7-0.*

**7. PRESENTATION**

**A. PERFORMANCE MEASUREMENT SOFTWARE, AB 15-008 – EXECUTIVE 7:15 P.M.**

Deputy City Manager Morgan Smith provided an overview of the City's new work on performance measurement. Initial key performance measures were identified in fall, 2014 for all departments and were included in the preliminary budget presented to the City Council in late September. These metrics were recently updated to reflect year-end information, and will be presented in the City's final adopted budget materials.

Looking ahead, the City plans to expand its performance measurement efforts to improve organizational decision-making and provide enhanced information on City service delivery. To assist in those efforts, the City has purchased an ICMA/SAS software tool – "Insights" – for internal data management. This presentation will review the performance management efforts that are planned for 2015, and the functionality and benefits of the Insights software.

Going forward, the City's performance measurement will be integrated with other, related initiatives to inform short- and long-term planning. Performance measurement will work alongside Priority-Based Budgeting, the National Citizens Survey, and OpenGov/transparency initiatives.

**8. UNFINISHED BUSINESS**

**A. WATERFRONT PARK/CITY DOCK PROJECT TIMING AND FUNDING, AB 13-025 – PUBLIC WORKS 7:35 P.M.**

City Council to discuss Waterfront Park Phase I Improvements/City Dock Replacement Alternatives including: 30% design development, grant status, current project schedules, and funding alternatives.

The City conducted an extensive public outreach program in 2014 that resulted in the completion of 30% design efforts on both the Waterfront Park Phase I Improvements and City Dock Replacement projects. These efforts were used as a basis for the application for RCO grant funding during the 2014 grant cycle.

Both projects have been programmed in the 2015-2020 CIP, and the results of grant application scoring are known. City Council discussed alternatives for proceeding forward with these projects.

**Public Comment**

Jeff Kanter, Bill Point, in favor of the dock replacement.

David McCaughey, Summerfield Lane, in favor of the dock replacement.

Erin Leader, Ward Avenue, in favor of the dock replacement.

Bob Wise, Rockaway Beach Road, in favor of both projects going forward as one project.

Peter Brachvogel, Parfitt Ave, commented that boaters spend money; is in favor of the dock replacement.

Kathleen Cronin, Grow Community, would like the project to address sight lines of the water from Winslow Way.

Dave Henry used the overhead to illustrate plans for the Waterfront Park he worked on 1999.

\_\_\_\_\_, in favor of the dock replacement.

John Brownlow, Eakin Drive, in favor the dock replacement; both projects could be completed if the scope is minimized.

Dave Kircher, Nisqually Lane NE, in favor of the dock replacement.

Jonathan Davis supports both the park and dock replacement as a whole.

Elise Wright, Bill Point View, would like to see both the dock and park move forward as one project.

Olaf Riberio, Manitou Beach Drive, inquired about tree removal in the park plan.

Robert Hershberg, Eagle Harbor Drive, suggested a moratorium on consulting fees.

Mark Leese, Stetson Place, in favor of the dock replacement and is concerned about access.

Rich Siebert, Open Water Marina, in favor of the dock replacement.

After public comment, a lengthy discussion was held; Public Works Director Loveless answered questions posed by Council. City Manager Schulze recommended that Council continue following the course of both elements of this project. This subject will be discussed again, at length, at the advance meeting the week of January 26.

**9. STAFF INTENSIVE**

**A. PUBLIC SAFETY FACILITY SITE OPTIONS, AB 14-008 – EXECUTIVE 8:58 P.M.**

At the City Council meeting on November 19, 2014 the Council discussed options to site a new Public Safety Facility. At the conclusion of that discussion, the Council determined to resume consideration of potential sites in January.

Several sites have been discussed as potential locations for a new Public Safety facility:

- The City-owned gravel lot southeast of City Hall. Subsequent discussions with Winslow-area merchants and other downtown stakeholders have raised significant concerns about the viability of this option. In addition, the proposed traffic connection to Erickson Ave. is likely to be problematic.
- N. Madison Ave. property immediately north and adjacent to City Hall. This site remains under consideration.
- "Visconsi" property on High School Road. The property owners have provided two options related to this site.
- "Coults" property on New Brooklyn Road. This 1.89-acre parcel is adjacent to the BIFD Station #21, and is appraised for \$232,000. An adjacent 2.1 acre parcel recently sold for \$2.1 million (Nov. 2013).
- The City continues to seek other viable sites, and options that have yet-to-be-determined may still emerge.

After further discussion, Council directed City Manager Schulze to remove both the gravel lot and the Visconsi property off the table as possible locations for the Public Safety Facility.

**B. BRIEFING ON DRAFT KITSAP COUNTY BUILDABLE LANDS REPORT, AB 15-010 – PLANNING 9:20 P.M.**

Special Planner Sutton announced that a draft report is available online; public comment period ends of January 31 and can be submitted via the County's website.

**C. ESTABLISH A TREE FUND, AB 15-011– PLANNING 9:26 P.M.**

Special Planner Sutton introduced the agenda item. Through the discussion of existing tree and landscaping regulations, the Tree Ordinance Ad Hoc Committee and City Council have broadly discussed the concept of creating a new *City Tree Fund* where fines collected by the City's Code Enforcement officer for tree related offenses could be directed. Before the ordinance to create the fund can be created, staff will work with the ad hoc committee to discuss administrative and policy aspects of the proposed new fund.

The Tree Ordinance Ad Hoc Committee will discuss the Tree Fund at the meeting scheduled for the morning of Tuesday, January 20. After that meeting, staff will develop an ordinance and bring it for first reading to Council.

9:37 P.M.

***MOTION:** I move to direct Staff to develop an ordinance establishing a Tree Fund, and schedule First Reading for such ordinance for February 10, 2015.*

***TOLLEFSON/BONKOWSKI:** The motion carried 7-0.*

**D. RESOLUTION NO. 2015-01, AMENDING THE CITY'S FEE SCHEDULE TO ADD A NEW "AFTER-THE-FACT CLEARING PERMIT" FEE, AB 15-011 – PLANNING 9:35 P.M.**

BIMC 15.18, *Land Clearing* regulates small-scale clearing in the City, and is just one of several chapters with tree regulations in the BIMC. Ordinance No. 2015-03, slated to be approved by the City Council on February 10, 2015 makes several changes to the land clearing regulations. One of those changes is the creation of an "After-the-fact Clearing Permit," which will have a fee. The existing Clearing Permit does not have any fee. The fee for the "After-the-fact" permit is intended to discourage people from undertaking clearing work without a permit, while recouping City review and processing costs. Resolution No. 2015-01 amends the City's Fee Schedule to add an "After the Fact Clearing Permit" fee of \$500.00.

Deputy Mayor Townsend sought advice from City Attorney Marshall regarding an escalation cause for repeat offenders; City Attorney Marshall stated that it could be added as an amendment.

**Public Comment**

Charles Schmid would like to see stiffer fees for repeat offenders.

9:51 P.M.

***MOTION:** I move City Council forward Resolution No. 2015-01 to the February 10, 2015 consent agenda.*

***BLAIR/ROTH:** The motion carried 7-0.*

**E. ORDINANCE NO. 2015-01, RELATING TO PUBLIC DISTURBANCE NOISES, AMENDING BIMC SECTION 9.70.060 TO EXEMPT STREET SWEEPING AND PAVEMENT MARKING, AB 15-009 – PUBLIC WORKS 9:52 P.M.**

Ordinance No. 2015-01 relating to public disturbance noises amends BIMC Section 9.70.060 to exempt street sweeping and pavement marking from the provisions during certain hours.

The City's Public Works department performs periodic street sweeping activities weekly during the fall season and monthly throughout the year and performs pavement marking activities approximately three times annually during the summer months. In an effort to perform these activities in a more efficient manner, Ordinance No. 2015-01 amends BIMC 9.70.060 to categorize these activities as exempt between the hours of 6:00 a.m. and 10:00 p.m. on weekdays and between the hours of 8:00 a.m. and 11:00 p.m. on weekends.

**Public Comment**

Charles Schmid sought clarification that nothing else in the ordinance except the hours of exemption has changed.

9:58 P.M.

***MOTION:** I move that the City Council forward Ordinance No. 2015-01, relating to public disturbance noises and amending Section 9.70.060 of the Bainbridge Island Municipal Code (BIMC), to the February 10, 2015 City Council consent agenda.*

***BLAIR/SCOTT:** The motion carried 7-0.*

**10. COUNCIL DISCUSSION**

**A. UTILITY ADVISORY COMMITTEE RECOMMENDATION REGARDING CITY UTILITY TAX AND FIRE HYDRANT FEES, AB 15-012 – COUNCIL LIAISON TOLLEFSON 9:59 P.M.**

Utility Advisory Chair Andy Maron addressed Council and provided an overview of a memorandum dated November 13, 2014 from the UAC recommending repealing of the existing City Utility Tax on City water and sewer utilities. In addition, the committee recommended the City no longer have the General Fund pay "fire hydrant" costs to the Water Utility. The memorandum also suggests alternatives to consider accommodating cost and revenue changes these recommendations would have on the City General Fund and Utilities' budgets.

**B. DESIGN REVIEW BOARD APPOINTMENT, AB 15-013 – MAYOR BLAIR 10:37 P.M.**

10:38 P.M.

**MOTION:** I move that the City Council confirm the appointment of Peter Perry to the Design Review Board, Position 4, to complete a three-year term expiring June 30, 2015.  
**BLAIR/BONKOWSKI:** The motion carried 7-0.

**C. PLANNING COMMISSION APPOINTMENT, AB 15-014 – MAYOR BLAIR 10:39 P.M.**

10:39 P.M.

**MOTION:** I move that the City Council confirm the appointment of William Chester to the Planning Commission, Position 5, to complete a three-year term expiring June 30, 2016.  
**BLAIR/BONKOWSKI:** The motion carried 7-0.

**11. COMMITTEE REPORTS 10:40 P.M.**

None offered.

**12. REVIEW UPCOMING COUNCIL MEETING AGENDAS 10:41 P.M.**

City Manager Schulze reviewed the February 3 study session and upcoming calendar.

**13. FOR THE GOOD OF THE ORDER 10:50 P.M.**

City Manager Schulze shared a photo of a Green Bay Packers fan. The little girl gave him a cheese head.

**14. ADJOURNMENT**

Deputy Mayor Townsend adjourned the meeting at 10:53 P.M.



Kelly Jahraus, Records Management Coordinator



Anne S. Blair, Mayor