

ITEMS DISCUSSED

1. CALL TO ORDER/ROLL CALL/ PLEDGE OF ALLEGIANCE
2. ACCEPTANCE OR MODIFICATION OF AGENDA/CONFLICT OF INTEREST DISCLOSURE
3. PUBLIC COMMENT
4. CITY MANAGER'S REPORT
5. PUBLIC HEARING
 - A. ORDINANCE NO. 2015-06, SIX-MONTH MORATORIUM ON NEW COMMERCIAL INDUSTRIAL AQUACULTURE ACTIVITIES, AB 15-015 – PLANNING
6. NEW BUSINESS
 - A. RESOLUTION NO. 2015-02, ADOPTING AN UPDATED COMMUTE TRIP REDUCTION TARGET, AB 15-024 – PLANNING
7. CONSENT AGENDA
 - A. ACCOUNTS PAYABLE VOUCHERS AND PAYROLL APPROVAL
 - B. SPECIAL/REGULAR STUDY SESSION MEETING MINUTES, JANUARY 6, 2015
 - C. SPECIAL/REGULAR BUSINESS MEETING MINUTES, JANUARY 13, 2015
 - D. SPECIAL MEETING MINUTES, JANUARY 15, 2015
 - E. SPECIAL/REGULAR STUDY SESSION MINUTES, JANUARY 20, 2015
 - F. ORDINANCE NO. 2015-03 (FORMALLY ORDINANCE NO. 2014-38), MODIFYING BAINBRIDGE ISLAND MUNICIPAL CODE CHAPTER 15.18, LAND CLEARING, AB 14-143 – PLANNING
 - G. ORDINANCE NO. 2015-05, ESTABLISHING A TREE FUND, AB 15-011 – PLANNING
 - H. RESOLUTION NO. 2015-01, AMENDING THE FEE SCHEDULE, AFTER THE FACT CLEARING PERMITS, AB 15-011 – PLANNING
 - I. ORDINANCE NO. 2015-01, RELATING TO PUBLIC DISTURBANCE NOISES AND AMENDING SECTION 9.70.060 OF THE BAINBRIDGE ISLAND MUNICIPAL CODE, AB 15-009 – PUBLIC WORKS
 - J. WATERFRONT PARK DESIGN PHASE I PROFESSIONAL SERVICES AGREEMENT, AB 13-025 – PUBLIC WORKS
 - K. LICENSE AGREEMENT WITH MADISON DINER FOR TRAIL ACCESS, AB 15-021 – EXECUTIVE
 - L. MEMORANDUM OF UNDERSTANDING BETWEEN WASHINGTON TRAFFIC SAFETY COMMISSION AND THE CITY OF BAINBRIDGE ISLAND FOR SPEEDING EMPHASIS PATROL, AB 15-023 – POLICE
 - M. POLICE VEHICLE #107 REPLACEMENT REPORTING AND BUDGET AMENDMENT, AB 15-025 – PUBLIC WORKS
9. WORK SESSION (PUBLIC COMMENT TO BE ACCEPTED) [MOVED UP]
ORDINANCE NO. 2015-02 (FORMERLY ORDINANCE NOS. 2014-28 AND 2013-13), AMENDMENTS TO ANIMAL CONTROL AND PARKS REGULATIONS TO PROHIBIT DOGS AT LARGE, AB 13-092 – EXECUTIVE
8. COUNCIL DISCUSSION [MOVED DOWN]
 - A. ANNUAL CITY COUNCIL ADVANCE FOLLOW-UP
 - B. COUNCIL LIAISONS TO CITIZEN ADVISORY COMMITTEES, AB 15-026
 - C. APPOINTMENTS TO VACANT REGIONAL COMMITTEES – CENCOM AND PUGET SOUND REGIONAL COUNCIL TRANSPOL (ALTERNATE), AB 15-027
10. COMMITTEE REPORTS
 - A. NON-MOTORIZED TRANSPORTATION ADVISORY COMMITTEE LIAISON REPORT, FEBRUARY 4, 2015 – COUNCILMEMBER ROTH
11. REVIEW UPCOMING COUNCIL MEETING AGENDAS
12. FOR THE GOOD OF THE ORDER
13. ADJOURNMENT

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

Mayor Blair called the meeting to order at 6:59 PM with Councilmembers Blossom, Bonkowski, Roth, Scott, Tollefson and Townsend present. City Clerk Lassoff monitored the recording of the meeting and prepared the minutes. Everyone stood for the Pledge of Allegiance.

Mayor Blair explained tonight's work session topic focused on animal control and park regulations to prohibit dogs at-large.

2. ACCEPTANCE OR MODIFICATION OF AGENDA/CONFLICT OF INTEREST DISCLOSURE 7:02 PM

MOTION: *The agenda accept the agenda as presented.*
BONKOWSKI/TOLLEFSON

Mayor Blair offered a friendly amendment to remove consent agenda item K, license agreement with Madison Diner regarding trail access, which was accepted by the Councilmember Bonkowski, seconded by Councilmember Tollefson.

The agenda was accepted as modified 7-0.

There were no conflicts of interest disclosed.

3. PUBLIC COMMENT 7:03 PM

Gary Tripp commented on the Comprehensive Plan Update process. He distributed a passage from the RCW, which he understood to read that cities within counties that have not had 17% growth in the last 10 years are exempt from updating their Comprehensive Plan.

Dave Henry commented on a number of issues.

4. CITY MANAGER'S REPORT 7:09 PM

City Manager Schulze provided information from his weekly report.

Councilmember Bonkowski requested that City Attorney Marshall follow up on Mr. Tripp's comment on whether the City would be exempt not from the Comprehensive Plan update.

5. PUBLIC HEARING

**A. ORDINANCE NO. 2015-06, SIX-MONTH MORATORIUM ON NEW COMMERCIAL INDUSTRIAL
AQUACULTURE ACTIVITIES, AB 15-015 – PLANNING 7:14 PM**

City Attorney Marshall provided background.

The City of Bainbridge Island's Shoreline Master Program Update ("SMP") contains aquaculture regulations which 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 which 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. On January 20, 2015, the City Council adopted a six-month moratorium on new commercial aquaculture activities. Findings of fact were included in the moratorium ordinance, Ordinance No. 2015-06. Under RCW 36.70A.390, the City is required to hold a public hearing on the moratorium within 60 days of its adoption. The City may, but is not required to, create additional findings of fact following the public hearing.

Councilmember Tollefson wondered if the reference in the ordinance which stated *the Pacific Coast Shellfish Growers Association ("PCSGA") was granted its motion to intervene and is challenging the SMP's aquaculture regulations* was an accurate statement of what they are doing or are they trying to support what the City originally adopted in the face of the challenge by the initial appellants. City Attorney Marshall responded that would remain to be seen but her assumption is that they intervened in order to ensure that the aquaculture regulations do not become more restrictive than they were in the version adopted by the Council. She said it was her assumption that they were interested in preserving the ability to maintain aquaculture in the zones that the City adopted in its SMP. Councilmember Tollefson suggested revising the second to last *Whereas* on page one of the ordinance as part of the process. City Attorney Marshall suggested conducting the public hearing first and then evaluating whether additional findings of fact would be needed.

Mayor Blair opened the public hearing at 7:19 PM

Wayne Dale, 1646 Jeannette Place, yielded his time to Elise Wright.

Alan Solonsky, 324 Bromley Place, applauded the City in their issuing of a moratorium.

Frank Stowell, 6223 Blakely Avenue, supported the moratorium and ceded the rest of his time to Elise Wright.

Elise Wright, 10799 Bill Point View, Bainbridge Alliance for Puget Sound, gave a Power Point presentation on the environmental effects of aquaculture activities. Councilmember Bonkowski requested that the scenes shown in the slideshow be identified to which Ms. Wright replied she would provide the locations.

John Wright, Bill Point, supported the moratorium.

Charles Schmid, Association of Bainbridge Communities, supported the moratorium.

Mayor Blair closed the public hearing at 7:33 PM.

City Attorney Marshall suggested the following language for the second to the last Whereas clause as follows: *Whereas, on November 17, 2014, the Pacific Coast Shellfish Growers Association ("PCSGA") was granted its motion to intervene and is challenging the City's SMP's aquaculture regulations effort to create more stringent regulations.*

Mayor Blair entertained a motion with regard to City Attorney Marshall's proposed language change. Councilmember Bonkowski then moved and Councilmember Tollefson seconded to accept the change. The motion to amend the ordinance as currently drafted and now amended carried 7-0.

6. NEW BUSINESS

A. RESOLUTION NO. 2015-02, ADOPTING AN UPDATED COMMUTE TRIP REDUCTION TARGET, AB 15-024 – PLANNING 7:36 PM

Special Projects Planner Sutton introduced the proposed resolution.

In 1999, the City's current CTR plan was incorporated into Bainbridge Island Municipal Code (BIMC) Chapter 10.24, *Commute Trip Reduction Program*. In 2006, the Washington State Legislature passed the CTR Efficiency Act, modifying the existing CTR law. The CTR Efficiency Act required local jurisdictions to prepare CTR plans. In 2009, the City did a substantial update to BIMC Chapter 10.24 and adopted the City CTR Plan through Resolution 2009-15, in coordination with Kitsap Transit. The CTR Plan outlines the City's existing conditions and CTR goals and strategies, both as a jurisdiction and for affected employers. The current CTR targets are expressed as Drive Alone Rates (DAR); the current City DAR target is 63.2% for 2015/2016.

Washington State recently updated the State CTR Plan for 2015-2019. In addition to adopted a new statewide CTR target for 2019/2020, the State changed how the target is described; instead of the DAR, the new targets are inverted and expressed as a Non-drive Alone Target (NDAT) rate. Translating the City's target - the current DAR target of 63.2% becomes a NDAT rate of 36.8%. Although citywide there has been improvement in NDAT since 2007, the City is not currently meeting this target. The 2011/2012 WSDOT CTR Survey indicates a citywide performance DAR of 68.4% (NDAT rate of 31.6%). At this time, the City is required update its CTR plan to adopt a citywide NDAT rate for 2019/2020.

Following brief questions and comments, a motion was made.

7:53 PM **MOTION:** *I move the City Council approve Resolution No. 2015-02 adopting 36.8% as the City-wide Non-drive Alone Target rate for 2019/2020 in the City's CTR Plan.*
BONKOWSKI/SCOTT– Motion carried 7-0.

7. CONSENT AGENDA 7:54 PM

A. ACCOUNTS PAYABLE VOUCHERS AND PAYROLL APPROVAL

Accounts Payable ACH Check Numbers 170-171, EFT Check Number 172, Manual Void Check Number 337749, Manual Check Numbers 337751-337762, 2014 Regular Check Numbers 337763-337796 and 2015 Regular Run Check Number 337797-337868 for a total of \$347,632.33. Payroll Direct Deposit Check Numbers 032252-032359, Payroll Regular Check Numbers 106966-106972, Payroll Vendor Check Numbers 106973-106985, Miscellaneous Check Number 106983 and Federal Tax Electronic Transfer EFT for a total of \$589,952.12.

B. SPECIAL/REGULAR STUDY SESSION MEETING MINUTES, JANUARY 6, 2015

C. SPECIAL/REGULAR BUSINESS MEETING MINUTES, JANUARY 13, 2015

D. SPECIAL MEETING MINUTES, JANUARY 15, 2015

E. SPECIAL/REGULAR STUDY SESSION MINUTES, JANUARY 20, 2015

- F. **ORDINANCE NO. 2015-03 (FORMALLY ORDINANCE NO. 2014-38), MODIFYING BAINBRIDGE ISLAND MUNICIPAL CODE CHAPTER 15.18, LAND CLEARING, AB 14-143 – PLANNING**
- G. **ORDINANCE NO. 2015-05, ESTABLISHING A TREE FUND, AB 15-011 – PLANNING**
- H. **RESOLUTION NO. 2015-01, AMENDING THE FEE SCHEDULE, AFTER THE FACT CLEARING PERMITS, AB 15-011 – PLANNING**
- I. **ORDINANCE NO. 2015-01, RELATING TO PUBLIC DISTURBANCE NOISES AND AMENDING SECTION 9.70.060 OF THE BAINBRIDGE ISLAND MUNICIPAL CODE, AB 15-009 – PUBLIC WORKS**
- J. **WATERFRONT PARK DESIGN PHASE I PROFESSIONAL SERVICES AGREEMENT, AB 13-025 – PUBLIC WORKS**

Waterfront Park improvements are included in the Winslow Master Plan and are part of the City's Comprehensive Plan. In 2013, the City undertook an extensive public outreach effort that culminated a 30% design for the Park. The City advertised for a Request for Qualifications in December 2014 for completion of the design, permitting, and construction support services. The top three firms were interviewed and Walker Macy was selected as the most qualified consultant to design the project. Staff has requested City Council approve the Professional Services Agreement with Walker Macy in the amount of \$83,978.00 for the Waterfront Park Phase 1 design.

- ~~K. **LICENSE AGREEMENT WITH MADISON DINER FOR TRAIL ACCESS, AB 15-021 – EXECUTIVE**~~
This item was removed from the agenda and will be rescheduled at a future meeting.

- L. **MEMORANDUM OF UNDERSTANDING BETWEEN WASHINGTON TRAFFIC SAFETY COMMISSION AND THE CITY OF BAINBRIDGE ISLAND FOR SPEEDING EMPHASIS PATROL, AB 15-023 – POLICE**
- M. **POLICE VEHICLE #107 REPLACEMENT REPORTING AND BUDGET AMENDMENT, AB 15-025 – PUBLIC WORKS**

***MOTION:** I move the City Council approve consent agenda items A through J, I and M.
BONKOWSKI/TOLLEFSON – Motion carried 7-0.*

9. WORK SESSION (PUBLIC COMMENT TO BE ACCEPTED)[MOVED UP]

ORDINANCE NO. 2015-02 (FORMERLY ORDINANCE NOS. 2014-28 AND 2013-13), AMENDMENTS TO ANIMAL CONTROL AND PARKS REGULATIONS TO PROHIBIT DOGS AT LARGE, AB 13-092 – EXECUTIVE 7:56 PM

City Attorney Marshall explained the school and park district currently prohibit dogs off-leash on their properties. She noted after those regulations were drafted, the City developed an ad hoc committee to evaluate whether or not the City's regulations should be changed to be consistent with those regulations. The ad hoc committee came forward with some recommendations that Council reviewed on January 6 and the general effect of those regulations would be to require that dogs be on leash on City property or under voice command. Council directed staff to return with an ordinance that regulated dogs, but not other animals (the ad hoc committee's version regulated all animals – not just dogs). Council also indicated that they wanted to see a version of the ordinance that required dogs to be leashed on City property or on private property not belonging to the dog's owner. She suggested that the Council may want to add language regarding private property not owned by the owner of the dog or unless they have permission by the property owner. She noted language related to off-leash hours in Pritchard Park was not included as part of the ordinance because the transfer of that property to parks would be occurring soon.

Gary Tripp was not in favor of the potential costs involved with enforcing the proposed leash law. He also was not in favor of publishing private emails received by the City for the purpose of embarrassing citizens.

Mary Lou Vibrans, 9034 Springwood Avenue, was in full favor of the proposed leash law.

Geza de Gall, Sunrise Drive, thought the proposed regulations were overreaching and believed there should be some middle ground.

Charlotte Shepard was against the proposed regulations.

Jackie Chipman believed the proposed regulations would hurt the responsible dog owners.

Gina Batali, Hidden Cove, asked the City to give her the discretion when walking her dog Felix.

Shannon Lea was concerned about over reach or over regulation.

Darrell Hallett, 7750 Springridge Road NE, recapped his written concerns on the proposed regulations.

Barry Malone, Cosgrove Street, was in favor of the ordinance.

Judy Peterson, 17369 Agate Street NE, did not support the proposed regulations.

Diana Jacobs was not support of the off-leash regulations.

Monica Aufrecht, Jacolet Lane, believed the City needed to come up with a solution that works. She shared the work she is doing on the park board dog advisory committee.

Kirk Robison, Park Board Commissioner, responded to comments made. He indicated that the park district was only asking the City to clarify the language in the code so that it is very clear that dogs must be on a leash on park property.

Eric Stevens, Sands Avenue, Kitsap Humane Society (KHS) Executive Director, explained that from the KHS's vantage point it is the safety of citizens and the protection of dogs, particularly in the parks, which are their concerns. He addressed costs related to animal control and enforcement.

Councilmember Townsend felt enforcement was a big part of the issue and asked how that would be handled. Mr. Stevens believed part of that would be the intention of the City and parks on how much enforcement they wanted. He added KHS's greater interest and focus is on enforcing infractions where the dog actually did something to attack, injure or intimidate. He added KHS's goal has been to educate and issue warnings.

City Attorney Marshall clarified that the ordinance would not affect dogs off leash on their own property. She also explained the "at large animal" language and having it consistent throughout the jurisdictions.

Councilmember Townsend wondered if a homeowner's association could regulate differently.

Councilmember Blossom said it was important for people to know that the City was not looking to make their regulations consistent with the parks district and that they came to the City to change the law so they could enforce their own rules.

Councilmember Tollefson believed the City's interest should be public health and safety. He felt concerns raised by the other side of this issue have not been heard and suggested those views be made available so others could understand different community viewpoints. He thought there should be a mandatory leash law in certain locations particularly in downtown Winslow or commercial zones.

Councilmember Blossom asked whether KHS just recently became aware that this was a problem. Mr. Stevens explained how he had been approached by the parks district a couple of years ago with their concerns regarding what was going on at trails. Councilmember Blossom thought the problem has been enforcement. She suggested taking baby steps starting with the park district first.

Councilmember Townsend spoke to other nuisances such as coyotes or raccoons and asked what KHS does about those. Mr. Stevens indicated they have nothing to do with wild animals.

Councilmember Scott would be in favor of an amendment that would allow dogs off leash on other people's property by permission. He believed the parks district was better suited to evaluate concerns and encouraged people to address their comments and concerns with them.

Councilmember Bonkowski thought what we were really talking about is considering each area on the island independently. He also did not know why the City could not change the code to match the park district.

Councilmember Tollefson would not support any budget increase for enforcement.

Councilmember Roth believed the notion of small steps or stepping back a bit from this kind of comprehensive look at each subsection of our code is worth doing. He briefly spoke to the educational approach. He was against further regulation if possible.

Mayor Blair desired discretionary enforcement and control by dog owners, simplicity and predictability.

Councilmember Scott suggested using language such as *not under the physical restraint adequate for its size and nature or not sufficiently near its owner to be under its owner's direct control and obedient to the owner's commands* rather than *under voice control*.

Councilmember Roth and Tollefson were chosen to work on the ad hoc committee.

There was a brief discussion on animal licensing.

8. COUNCIL DISCUSSION [MOVED DOWN]

A. ANNUAL CITY COUNCIL ADVANCE FOLLOW-UP 9:29 PM

City Manager Schulze responded to an earlier comment by Mr. Tripp regarding private correspondence to Councilmembers. He said it was important for the community to know that there is no such thing as private correspondence and everything they receive is a public record and subject to disclosure.

City Manager Schulze presented a follow-up to the January 27, 2015 advance regarding 2015 Goals (Revenue Plan/Study, Cellular Wireless Coverage, Suzuki Property Decision, Process for Allocation of Human Services Funding, Amending Animal Control Regulations, Transfer Pritchard Park to Bainbridge Island Metropolitan Park and Recreation District, Revise SSWM Rate Structure and Public Safety Facility Decision)

B. COUNCIL LIAISONS TO CITIZEN ADVISORY COMMITTEES, AB 15-026 9:37 PM

Mayor Blair indicated it has been brought up that perhaps the road ends and harbor commission could be combined because, in fact, the road ends are a part of the harbors around and are water access points.

Councilmember Bonkowski supported the idea after the Harbor Commission has completed their work on the City Dock.

The following Councilmember were chosen to serve on the following City and Ad Hoc committees and commissions:

Harbor Commission – Mayor Blair

Historic Preservation Commission – Councilmember Blossom

Planning Commission – Councilmember Blossom

Environmental Technical Advisory Committee – Councilmember Bonkowski

Housing Trust Fund Executive Committee – determine whether its required

Lodging Tax Advisory Committee – Councilmember Townsend (Chair), Councilmember Scott (Vice-Chair)

Non-Motorized Transportation Advisory Commission – Councilmember Roth

Road Ends Advisory Committee – Mayor Blair

Tree Protection Ordinance Ad Hoc Committee – Councilmember Blossom, Councilmember Townsend

Utility Advisory Committee – Councilmember Tollefson

C. APPOINTMENTS TO VACANT REGIONAL COMMITTEES – CENCOM AND PUGET SOUND REGIONAL COUNCIL TRANSPOL (ALTERNATE), AB 15-027 9:46 PM

CENCOM – Mayor Blair

Kitsap Economic Development Council (KEDA) – Councilmember Bonkowski, Councilmember Scott

MOTION: *The appointments were approved as presented.*

ROTH/SCOTT – *Motion carried 7-0.*

10. COMMITTEE REPORTS

**A. NON-MOTORIZED TRANSPORTATION ADVISORY COMMITTEE LIAISON REPORT, FEBRUARY 4, 2015
– COUNCILMEMBER ROTH 9:50 PM**

Councilmember Roth highlighted items from his report (Waterfront Bridge project and Federal TIGER Grant program). City Manager Schulze explained it would be extremely helpful if the committee would prioritize their non-motorized projects.

Councilmember Bonkowski reported on a meeting he attended at the West Sound Alliance last Friday.

11. REVIEW UPCOMING COUNCIL MEETING AGENDAS 10:00 PM

City Manager Schulze reviewed the February 17, 2015 study session agenda: (Stream Typing/Fish Barrier Inventory, Kitsap Regional Coordinating Council Interlocal Agreements, Water Quality Flow Monitoring Program Flow Station Retrofit/Upgrade, Electric Vehicle Charging Station, Interlocal Agreement with U.S. Marshals Service-Violent Offender Task Force, Housing Resources Board Funding Request, Comcast Franchise Negotiations – Professional Services Agreement and Lodging Tax Advisory Committee Recommendations for 2015 Awards). The February 26, 2015 business meeting agenda: (Kitsap Public Health District Results of EPA-Funded Shoreline Survey Project-2014-2014 Presentation, Interlocal Agreement with Port Gamble Tribe for Police Motorcycles, Electric Vehicle Charging Station, Public Works Vehicle Procurement, Housing Resources Board Funding Request, Kitsap Regional Coordinating Council Interlocal Agreements Lodging Tax Advisory Committee Recommendations for 2015 Awards, Comcast Franchise Negotiations Professional Services Agreement and the Madison Diner Licensing Agreement for Trail Access if it's ready).

12. FOR THE GOOD OF THE ORDER 10:06 PM

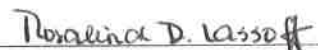
Deputy Mayor Townsend reported the three ballot items were all passing.

13. ADJOURNMENT 10:07 PM

Mayor Blair adjourned the meeting at 10:07 PM.



Anne S. Blair, Mayor



Rosalind D. Lassoff, City Clerk