

ITEMS DISCUSSED

1. EXECUTIVE SESSION: POTENTIAL LITIGATION (RCW 42.30.110(1)(i))
2. CALL TO ORDER / ROLL CALL / PLEDGE OF ALLEGIANCE
3. ACCEPTANCE OR MODIFICATION OF AGENDA / CONFLICT OF INTEREST DISCLOSURE
4. OATH OF OFFICE AND PROMOTION CEREMONY
5. PUBLIC COMMENT
7. PRESENTATIONS [MOVED UP]
 - A. NATIONAL POETRY MONTH READING
 - B. PROCLAMATION DECLARING MAY 2015 AS PUGET SOUND STARTS HERE MONTH, AB 15-092
6. CITY MANAGER'S REPORT: COMPREHENSIVE PLAN/NAVIGATE BAINBRIDGE UPDATE [MOVED DOWN]
8. PUBLIC HEARING
 - A. RESOLUTION NO. 2015-03, PRELIMINARY APPROVAL OF THE FERNCLIFF VILLAGE SUBDIVISION AMENDMENT, 15540SUBA, AB 11-021
9. UNFINISHED BUSINESS
 - A. PROPOSED UPDATES TO MASTER LEASE FOR CITY-OWNED FARMLAND (EXHIBIT B AND D), AB 15-068
 - B. CITY'S GREEN POWER PARTICIPATION, AB 15-081
 - C. ORDINANCE NO. 2015-09, RELATING TO BUSINESS LICENSING REQUIREMENTS FOR MARIJUANA PRODUCTION, PROCESSING, AND RETAILING, AB 15-089
10. NEW BUSINESS
 - A. RESOLUTION NO. 2015-06, SUPPORTING KITSAP PUBLIC UTILITY DISTRICT'S APPLICATION TO THE FEDERAL COMMUNICATIONS COMMISSION TO PROVIDE WHOLESALE AND/OR RETAIL INTERNET BROADBAND TELECOMMUNICATIONS SERVICES, AB 15-093
11. CONSENT AGENDA
 - A. ACCOUNTS PAYABLE VOUCHER AND PAYROLL APPROVAL
 - B. REGULAR STUDY SESSION MEETING MINUTES, APRIL 7, 2015
 - C. REGULAR BUSINESS MEETING MINUTES, APRIL 14, 2015
 - D. REGULAR STUDY SESSION MINUTES, APRIL 21, 2015
 - E. HARBOR COMMISSION 2014 ANNUAL REPORT AND 2015 WORK PLAN, AB 15-085
 - F. ~~PROFESSIONAL SERVICES AGREEMENTS ASSOCIATED WITH SMP MONITORING PROGRAM WITH QUANTUM SPATIAL, INC. AND THE UNIVERSITY OF WASHINGTON FOR LIDAR MONITORING, AB 15-086~~
 - G. RESOLUTION NO. 2015-04, APPROVING THE SCOPE AND PROJECT SCHEDULE FOR THE NAVIGATE BAINBRIDGE COMPREHENSIVE PLAN UPDATE, AB 15-083
 - H. CITY DOCK IMPROVEMENTS DESIGN PROFESSIONAL SERVICES AGREEMENT, AB 15-072
12. COMMITTEE REPORTS
13. REVIEW UPCOMING COUNCIL MEETING AGENDAS
14. FOR THE GOOD OF THE ORDER
15. ADJOURNMENT

1. EXECUTIVE SESSION: POTENTIAL LITIGATION (RCW 42.30.110(1)(i)) 6:44 PM

Mayor Blair called an executive session to order at 6:45 p.m. with Councilmembers Blossom, Bonkowski, Roth, Scott, Tollefson, Townsend, Deputy City Manager Smith and City Attorney Marshall to discuss Potential Litigation (RCW 42.30.110(1)(I)) in the Planning Conference Room. City Manager Schulze was absent and excused. The recording system was turned off and a notice was posted on the door of the Council Chamber. The executive session adjourned at 7:00 p.m. No action was taken.

2. CALL TO ORDER / ROLL CALL / PLEDGE OF ALLEGIANCE 7:01 PM

Mayor Blair called the meeting to order at 7:01 p.m. with Councilmembers Blossom, Bonkowski, Roth, Scott, Tollefson, and Townsend in attendance. Records Management Coordinator Jahraus monitored the recording of the meeting and prepared the minutes.

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

***MOTION:** I move we accept the agenda as modified (moving Item 11 B from the Consent Agenda to New Business as Item 10 B; striking Item 11 F.)*

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

4. OATH OF OFFICE AND PROMOTION CEREMONY 7:05 PM

Police Chief Hamner issued the oath of office to Sergeants Weiss, Sias, and Ziemba and to new patrol officers Chuck Kazer, Cameron Lewis, Kurt Enget, and Bill Shields.

5. PUBLIC COMMENT 7:26 PM

Gloria Saylor, Agate Pass Road, expressed support for both initiatives on the agenda pertaining to the environment.

Omie Kerr supported the additional purchase of green power.

John Morrow, Eagle Harbor Drive, attended the Citizens Police Academy and was very impressed.

7. PRESENTATIONS [MOVED UP]

A. NATIONAL POETRY MONTH READING 7:34 PM

Kaden Amaden recited his poem *Sebastopol Geese*.

B. PROCLAMATION DECLARING MAY 2015 AS PUGET SOUND STARTS HERE MONTH, AB 15-092 7:39 PM

Each year, communities across Western Washington celebrate Puget Sound Starts Here in the month of May with family-friendly activities and educational programs.

Puget Sound features 2,500 miles of shoreline and is home to countless species, including orcas, sea lions, salmon and shellfish, as well as 4.5 million people who enjoy the region's exceptional quality of life. Puget Sound creates many economic opportunities such as tourism, shipping, and seafood, to name a few.

Every year, millions of pounds of toxic pollutants enter Puget Sound primarily from stormwater runoff. When it rains, water flows over hard surfaces like rooftops, parking lots, driveways, and streets and along the way picks up pollution before eventually discharging into Puget Sound.

The Puget Sound Starts Here regional stormwater educational campaign is designed to raise awareness of how activities such as washing cars, using fertilizers and scooping animal waste, affects the overall health of the Puget Sound.

7:41 PM

***MOTION:** I move that the City Council approve and authorize Mayor Anne Blair to sign the proclamation declaring May 2015 as Puget Sound Starts Here month.*

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

6. CITY MANAGER'S REPORT: COMPREHENSIVE PLAN/NAVIGATE BAINBRIDGE UPDATE [MOVED DOWN] 7:37 PM

Deputy City Manager Smith reported on:

- Staff attendance at the Farmer's Market celebrating Earth Day
- Ward meetings the week of May 4 (See For the Good of the Order)
- Open house on May 6 for final design of Waterfront Park
- Planning Commission workshop on May 7 for the Comprehensive Plan Update Land Use Element

8. PUBLIC HEARING 7:42 PM

A. RESOLUTION NO. 2015-03, PRELIMINARY APPROVAL OF THE FERNCLIFF VILLAGE SUBDIVISION AMENDMENT, 15540SUBA, AB 11-021

On November 16, 2011, the City Council approved the final subdivision of a six-acre site into 25 lots to facilitate the creation of the Ferncliff Village Housing Design Demonstration Project (Resolution No. 2011-23). Ferncliff Village is a two-phase project: Phase I was construction of 24 single-family homes on 24 of the lots. Phase II was approved by Council for construction of 24 units of multi-family housing on Lot 25 through site plan and design review and conditional use permits (Resolution No. 2011-10 on April 27, 2011, as amended by Resolution No. 2011-14 on May 17, 2011).

The applicant, the Housing Resources Board, proposes an amendment to the final subdivision to further subdivide Lot 25 into 16 single-family residential lots rather than constructing the 24 units of multi-family housing.

The City Council shall take one of the following actions:

1. Adopt an ordinance or resolution, including findings of fact and conclusions of law, approving the proposal; or
2. Adopt an ordinance or resolution, including findings of fact and conclusions of law, approving the proposal with conditions;
or
3. Adopt an ordinance or resolution, including findings of fact and conclusions of law, denying the proposal; or
4. Refer the proposal back to the Director of Planning and Community Development for further proceedings.

In accordance with the provisions of BIMC 2.16 and RCW 58.17.125, the application and supporting documentation for preliminary subdivision amendment is before the City Council for decision. The Council will consider final approval of the subdivision amendment at a later date, once the applicant has met the conditions of approval and required plat improvements are installed or completion is financially assured.

City Attorney Marshall confirmed with Councilmembers the absence of any ex parte conversations, conflicts of interests or financial gain pertaining to the resolution.

Housing Resources Board President Mark Blatter stated the need for the project.

Mayor Blair called the Public Hearing opened and closed at 7:50 p.m. with no public comment offered.

7:51 PM

MOTION: *I move that the City Council adopt Resolution No. 2015-03, including findings of fact and conclusions of law, giving preliminary approval to the Ferncliff Village subdivision amendment.*

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

9. UNFINISHED BUSINESS 7:53 PM

A. PROPOSED UPDATES TO MASTER LEASE FOR CITY-OWNED FARMLAND (EXHIBIT B AND D), AB 15-068
Deputy City Manager Smith briefed Council on the documents included in the agenda packet.

Friends of the Farms (FOF) has proposed updates to two exhibits attached to the Master Lease for City-Owned Farmland. The City Council reviewed these documents at the study session on April 7, 2015 and requested the changes be considered for approval.

Exhibit B identifies "Goals, Policies and Practices" for each of the five farmland sites. The FOF have revised the original versions of these documents and proposed the changes indicated in the following redlined documents. The City Attorney has also reviewed these documents and provided additional revisions. At Council's request, staff is providing the original/current version (2011), and both a redline and clean version of the proposed changes.

Exhibit D presents "Capital Projects and Management Tasks" related to the City farmland properties that are managed by FOF on behalf of the City. The FOF provided Council with a revised version of Exhibit D at the City Council Business Meeting on December 9, 2014, and the City Council approved those changes. Recently, the FOF proposed additional revisions to this document. Staff has provided the original/current version (2011), the version proposed by FOF and approved by City Council in December 2014, the current proposed version (both redline and clean version).

8:31 PM

MOTION: *I move the City Council accept the proposed changes to Exhibit B as amended by Councilmember Tollefson on M & E and further accept the proposed changes to Exhibit D to amend the Master Lease for City Farmland to incorporate these changes.*

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

III. Land Uses

A. Background:

The M & E property is restricted, such that no individual may conduct commercial **farming** agriculture activities that adversely affects the natural habitat on the property.

The unique restrictions placed on the M & E property present unique opportunities. While it is not possible to conduct commercial agricultural operations by ~~private parties~~, there are many activities that can be undertaken on the property that complement the farm activities on nearby public farmland. Possible uses include but are not limited to:

1. Incubator farm area for interns, apprentices and new farmers (such as interns) to test their business plans, possibly in conjunction with agriculture-related courses and/or other educational opportunities from private or public schools, and higher education.
2. Demonstration, community, and p-patch garden and growing spaces.
3. Nursery space for public agency use.
4. Growing spaces dedicated to multi-age educational opportunities.
5. According to the deed ~~agreement~~ between the City and the previous owner, not-for-profit farming activities are allowed to support management of the public farms programs, agriculture related educational programs, programming for Bainbridge Island agriculture, and permanent preservation of Bainbridge Island farming, For instance, harvesting and sale of existing Christmas trees or seasonal greens may be carried out by a contract staff farmer or volunteers.

B. CITY'S GREEN POWER PARTICIPATION, AB 15-081 8:32 PM

Finance Director Schroer addressed Council. Puget Sound Energy (PSE) has offered a voluntary Green Power option to its customers since 2002. This program gives customers the opportunity to match a portion or all of their electricity usage with renewable energy generated by independent power producers in the Pacific Northwest

Green Power purchase: The City Council passed Resolution 2014-01 Authorizing Purchase of Green Power on February 19, 2014. Council set the City's participation level to represent approximately a third more than 2014 Island-wide participation level. Using this guidance, the City is now purchasing \$3,000 per year through the Green Power program, entirely funded by the General Fund. Current Island-wide residential participation in the Green Power program is 13%. The total City electric bill is approximately \$330,000 annually across all funds.

City participation of 100% in the Green Power program would be an annual expense of approximately \$15,000.

8:39 PM

***MOTION:** I move that the City Council direct the City Manager to set the City's participation in the PSE Green Power program at 100%, with costs paid by the general fund.*

***TOLLEFSON/ROTH:** The motion carried 5-2. (Bonkowski, Blossom)*

C. ORDINANCE NO. 2015-09, RELATING TO BUSINESS LICENSING REQUIREMENTS FOR MARIJUANA PRODUCTION, PROCESSING, AND RETAILING, AB 15-089 8:40 PM

The City's business license regulations were adopted and codified prior to the passage of I-502, which legalized recreational marijuana production, processing and retail sales. Production, processing and sale of recreational marijuana requires a state license issued pursuant to WAC 314-55-035, and requires compliance with the zoning and use regulations in the Bainbridge Island Municipal Code (BIMC Chapter 18.09) pertaining to the production, processing or sale of marijuana.

The proposed ordinance adding a new section to the BIMC will address the requirement that (1) the applicant for a City business license for a marijuana business must first obtain a state license, and (2) the City business license will not issue until and unless the state marijuana license is issued, the state business license is issued, and the City's Department of Community Development, Police, and Fire Departments have verified that the proposed business meets the applicable local laws and regulations.

At the April 21, 2015 Study Session, City Council requested that RCW 5.04.045(E) which exempted medical marijuana from the Ordinance be stricken to insure that any changes which may be made at state law concerning the regulation of medical marijuana would not be inconsistent with this Ordinance.

8:46 PM

***MOTION:** I move that the City Council approve Ordinance No. 2015-09.*

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

10. NEW BUSINESS 8:46 PM

A. RESOLUTION NO. 2015-06, SUPPORTING KITSAP PUBLIC UTILITY DISTRICT'S APPLICATION TO THE FEDERAL COMMUNICATIONS COMMISSION TO PROVIDE WHOLESALE AND/OR RETAIL INTERNET BROADBAND TELECOMMUNICATIONS SERVICES, AB 15-093

The proposed resolution supports a proposed KPUD's application to the Federal Communications Commission (FCC) asking the FCC to apply federal pre-emption to the Washington state law constraints on the broadband internet services that Public Utility Districts (PUDs), like Kitsap PUD, may offer. Because of lobbying and compromise in Olympia about 15 years, the large telecom companies persuaded the legislature to limit all Washington PUDs to offering wholesale services only, not retail internet broadband services.

There was major news from the FCC earlier this year when it took a bold stand in favor of net neutrality. At the same time, the FCC also took a strong stand in favor of federal pre-emption of state laws that impede the ability of municipalities or public agencies to offer broadband internet services. At the time of that announcement, it was unclear whether the FCC intended to pre-empt solely those state laws that totally barred municipal broadband, or whether the FCC intended that pre-emption extend to states like Washington, where state law imposes the burden of limiting PUDs solely to wholesale telecommunications services, rather than wholesale and/or retail.

8:47 PM

MOTION: I move that the City Council approve Resolution No. 2015-06.
TOLLEFSON/BONKOWSKI: The motion carried 7-0.

B. REGULAR STUDY SESSION MEETING MINUTES, APRIL 7, 2015

MOTION: I move the April 7 Meeting Minutes Item 6 A should be amended to read:
Chief Hamner summarized the report included in the agenda packet. Council discussed the proposal at length and determined the proposal needs defining, and will be brought back to Council at a later meeting.
TOLLEFSON/BONKOWSKI: The motion carried 7-0.

~~F. PROFESSIONAL SERVICES AGREEMENTS ASSOCIATED WITH SMP MONITORING PROGRAM WITH QUANTUM SPATIAL, INC. AND THE UNIVERSITY OF WASHINGTON FOR LIDAR MONITORING, AB 15-086~~

11. CONSENT AGENDA

A. ACCOUNTS PAYABLE VOUCHER AND PAYROLL APPROVAL

Accounts Payable Voided Manual Check Number 338299, Manual Check Numbers 338351 – 338364 and Regular Check Run Numbers 338365 – 338465 for a total of \$580,176.25. Payroll Retro Check Run Direct Deposit Check Numbers 032805 – 032888, Retro Regular Check Run Numbers 107060 – 107064, Retro Vendor Check Numbers 107065 – 107066, Direct Deposit Check Run Numbers 032889 – 033003, Regular Run Check Numbers 107067 – 107070, Vendor Check Numbers 107071 – 107082 and Federal Tax Electronic Transfer for a total of \$475,808.42.

~~B. REGULAR STUDY SESSION MEETING MINUTES, APRIL 7, 2015 - MOVED TO ITEM 10 B; APPROVED AS AMENDED]~~

C. REGULAR BUSINESS MEETING MINUTES, APRIL 14, 2015

D. REGULAR STUDY SESSION MINUTES, APRIL 21, 2015

E. HARBOR COMMISSION 2014 ANNUAL REPORT AND 2015 WORK PLAN, AB 15-085

~~F. PROFESSIONAL SERVICES AGREEMENTS ASSOCIATED WITH SMP MONITORING PROGRAM WITH QUANTUM SPATIAL, INC. AND THE UNIVERSITY OF WASHINGTON FOR LIDAR MONITORING, AB 15-086 [MOVED TO ITEM 10 B; PULLED FROM AGENDA]~~

G. RESOLUTION NO. 2015-04, APPROVING THE SCOPE AND PROJECT SCHEDULE FOR THE NAVIGATE BAINBRIDGE COMPREHENSIVE PLAN UPDATE, AB 15-083

H. CITY DOCK IMPROVEMENTS DESIGN PROFESSIONAL SERVICES AGREEMENT, AB 15-072

MOTION: I move that the City Council approve Consent Agenda Item 11 B as amended and Items A, C, D, E, G and H.
ROTH/TOWNSEND: The motion carried 7-0.

12. COMMITTEE REPORTS 8:50 PM

Mayor Blair attended a CENCOM Policy Board retreat.

13. REVIEW UPCOMING COUNCIL MEETING AGENDAS 8:53 PM

May 5

Governance Manual Amendments

Community Services Funding

Off-Leash Dogs (Pritchard Park)

Memorandum of Understanding with Pierce County to Assist with Police Security at US Open Event

Q1 Financial Reporting

Ordinance No. 2015-11, Related to Q1, 2015 Budget Amendments - 1st Reading

Ordinance No. 2015-12, 2014 Budget Carryovers into 2015 Budget - 1st Reading

Sound to Olympics Trail Project; Phase 2 Capital Improvement Plan Amendment

Proposal to Consolidate Road Ends and Harbor Commission

Proclamation Declaring May 10-16, 2015 as National Police Week

Proclamation Declaring May, 2015 as Building Safety Month

14. FOR THE GOOD OF THE ORDER 8:57 PM

Ward meetings are being held on May 4 as follows:

- **Central Ward** representatives Councilmembers Roth and Scott, 7:00 p.m. - 9:00 p.m. in the Council Chamber
- **North Ward** representatives Mayor Blair and Councilmember Tollefson, 7:00 p.m. - 9:00 p.m., Fire Station No. 23 (Phelps Road) Multi-Purpose Room
- **South Ward** representatives Deputy Mayor Townsend, Councilmembers Blossom and Bonkowski, 7:00 p.m. - 9:00 p.m., The Marketplace at Pleasant Beach

Mayor Blair requested time on the May 5 agenda to discuss the governance manual specifically to clarify technology use and public records.

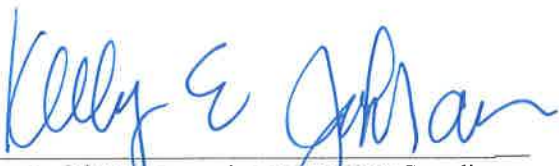
Councilmember Roth reported the PRCC would hold a general assembly on Thursday, April 30.

15. ADJOURNMENT 9:06 PM

Mayor Blair adjourned the meeting at 9:06 p.m.



Anne S. Blair, Mayor



Kelly Jahraus, Records Management Coordinator