SPECIAL/REGULAR CITY COUNCIL MEETING
NOVEMBER 13, 2013

ITEMS DISCUSSED

1. EXECUTIVE SESSION: CURRENT 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. PUBLIC COMMENT
5. ORDINANCES/2ND READING
   A. ORDINANCE NO. 2013-28, ELIMINATING THE AUTOMATIC ANNUAL FEE ADJUSTMENT OF THE CITY'S WATER UTILITY RATES FOR 2014, AB 13-126 – FINANCE
   B. ORDINANCE NO. 2013-29, ELIMINATING THE AUTOMATIC ANNUAL FEE ADJUSTMENT OF THE CITY'S SEWER UTILITY RATES FOR 2014, AB 13-127 – FINANCE
   C. ORDINANCE NO. 2013-30, ELIMINATING THE AUTOMATIC ANNUAL FEE ADJUSTMENT OF THE CITY'S SSWM RATES FOR 2014, AB 13-128 – FINANCE
6. ORDINANCES/1ST READING
   A. ORDINANCE NO. 2013-18, HISTORIC PRESERVATION – COMPREHENSIVE PLAN AMENDMENT 18503, AB 13-149 – PLANNING
   B. ORDINANCE NO. 2013-17, NON-MOTORIZED TRANSPORTATION PLAN – COMPREHENSIVE PLAN AMENDMENT 18420, AB 13-140 – PLANNING
   C. ORDINANCE NO. 2013-20, BUSINESS/INDUSTRIAL DISTRICT NAME CHANGE – COMPREHENSIVE PLAN AMENDMENT 18572, AB 13-139 – PLANNING
   D. ORDINANCE NO. 2013-19, CITY LAND USE MAP CORRECTIONS – COMPREHENSIVE PLAN AMENDMENT 18573, AB 13-138 – PLANNING
   E. ORDINANCE NO. 2013-16, MCNABB/BAINBRIDGE MARINA – COMPREHENSIVE PLAN AMENDMENT/ REZONE 13220B, AB 13-148 – PLANNING
   F. ORDINANCE O. 2013-35, AMENDING THE APPOINTMENT AND COMPENSATION OF POLICE RESERVE OFFICERS, AB 13-156 – POLICE
   G. ORDINANCE NO. 2013-34, ADOPTING THE CITY OF BAINBRIDGE ISLAND SHORELINE MASTER PROGRAM UPDATE, AB 13-143 – PLANNING
7. NEW BUSINESS
   A. CONFIRM APPOINTMENT OF SARA L. MCCULLOCH AS MUNICIPAL COURT JUDGE AND APPROVE CONTRACT FOR EMPLOYMENT, AB 13-157 – EXECUTIVE
   B. DESIGN REVIEW BOARD REAPPOINTMENT AND APPOINTMENT, AB 13-157 – MAYOR BONKOWSKI
   C. RESOLUTION NO. 2013-20, RELATING TO SHORT-TERM BORROWING FROM THE GENERAL FUND TO THE CAPITAL CONSTRUCTION FUND, AB 13-155 – FINANCE
   D. UPDATE ON THE PROPOSED CHANGES TO DEPARTMENT OF NATURAL RESOURCES LEASE FOR EAGLE HARBOR - EXECUTIVE
   E. 2013 CITY MANAGER PERFORMANCE REVIEW, AB 13-160 – CITY COUNCIL [MOVED FROM 9G]
8. UNFINISHED BUSINESS: 2014 BUDGET ADJUSTMENT DISCUSSION, AB 13-150 – FINANCE
9. CONSENT AGENDA
   A. ACCOUNTS PAYABLE VOUCHER AND PAYROLL APPROVAL
   B. SPECIAL/REGULAR STUDY SESSION MEETING MINUTES, OCTOBER 16, 2013
   C. SPECIAL/REGULAR BUSINESS MEETING MINUTES, OCTOBER 23, 2013
   D. SPECIAL CITY COUNCIL MEETING MINUTES, OCTOBER 30, 2013
   E. REGIONAL STORMWATER MONITORING PROGRAM FUNDING INTERAGENCY AGREEMENT, AB 13-154 – PUBLIC WORKS
   F. LOCAL AGENCY STANDARD CONSULTING AGREEMENT(S) WITH HDR, INC. FOR THE WING POINT WAY NON-MOTORIZED IMPROVEMENTS PROJECT DESIGN INFORMATION, AB 13-086 – PUBLIC WORKS
   ~~G. 2013 CITY MANAGER PERFORMANCE REVIEW, AB 13-160 – CITY COUNCIL~~ [MOVED TO 7E]
10. CITY MANAGER'S REPORT
11. COMMITTEE REPORTS
12. REVIEW UPCOMING COUNCIL MEETING AGENDAS
13. FOR THE GOOD OF THE ORDER
    A. PROCLAMATION DECLARING NOVEMBER, 2013 AS NATIONAL PANCREATIC CANCER AWARENESS MONTH [ADDED]
14. ADJOURNMENT

1. EXECUTIVE SESSION: CURRENT LITIGATION (RCW 42.30.110(1)(i)) 6:30:25 PM
At 6:30 PM, Mayor Bonkowski recessed the meeting to executive session with legal counsel to discuss current litigation. Present were Councilmembers Blair, Blossom, Lester, Ward and Mayor Bonkowski. The recording system was turned off and the door to Council Chambers was posted. Councilmember Scales arrived during the business portion of the meeting at 7:09 PM. Councilmember Hytopoulos was absent and excused.

2. CALL TO ORDER / ROLL CALL / PLEDGE OF ALLEGIANCE 7:00:35 PM
Mayor Bonkowski reconvened the meeting at 7:00 PM with aforementioned Councilmembers present. He indicated no decisions were made during executive session. City Clerk Lassoff monitored the recording of the meeting and prepared the minutes. Everyone stood for the pledge of allegiance.

3. ACCEPTANCE OR MODIFICATION OF AGENDA / CONFLICT OF INTEREST DISCLOSURE 7:01:36 PM
Mayor Bonkowski requested that the City Manager's performance review be moved from the consent agenda to new business.

> ***MOTION:*** *I move the agenda be approved as modified.*
> ***WARD/LESTER*** *– Motion carried unanimously, 5-0.*

There were no conflicts of interest disclosed.

4. PUBLIC COMMENT 7:03:02 PM
Ross Hathaway, 4426 Blakely Avenue NE, Squeaky Wheels President, supported the proposed Non-Motorized Transportation Plan Comprehensive Plan Amendment and asked that Council look into concurrency for motorized and non-motorized transportation as well as sidewalk design requirements.

5. ORDINANCES/2ND READING

A. ORDINANCE NO. 2013-28, ELIMINATING THE AUTOMATIC ANNUAL FEE ADJUSTMENT OF THE CITY'S WATER UTILITY RATES FOR 2014, AB 13-126 – FINANCE 7:04:42 PM
Finance Director Schroer introduced the ordinance.

> ***MOTION:*** *I move the City Council approve Ordinance No. 2013-28 eliminating the automatic annual fee adjustment to water utility rates for 2014.*
> ***WARD/LESTER***

There was no public comment.

> *Motion carried unanimously, 5-0.*

B. ORDINANCE NO. 2013-29, ELIMINATING THE AUTOMATIC ANNUAL FEE ADJUSTMENT OF THE CITY'S SEWER UTILITY RATES FOR 2014, AB 13-127 – FINANCE 7:06:02 PM
Finance Director Schroer introduced the ordinance.

> ***MOTION:*** *I move the City Council approve Ordinance No. 2013-29 relating to the City sewer utility eliminating the automatic fee adjustment for the monthly sewer services rates in 2014.*
> ***BLAIR/LESTER***

There was no public comment.

> *Motion carried unanimously, 5-0.*

C. ORDINANCE NO. 2013-30, ELIMINATING THE AUTOMATIC ANNUAL FEE ADJUSTMENT OF THE CITY'S SSWM RATES FOR 2014, AB 13-128 – FINANCE 7:06:51 PM
Finance Director Schroer introduced the ordinance.

> ***MOTION:*** *I move the City Council approve Ordinance No. 2013-30 eliminating the automatic fee adjustment of the City's storm water and surface water utility fees for 2014.*
> ***WARD/LESTER*** *–Motion carried unanimously, 6-0.*

There was no public comment.

Motion carried unanimously, 5-0.

The proclamation declaring November 2013 as National Pancreatic Cancer Awareness Month was added to For the Good of the Order.

6. ORDINANCES/1ST READING

A. ORDINANCE NO. 2013-18, HISTORIC PRESERVATION – COMPREHENSIVE PLAN AMENDMENT 18503, AB 13-149 – PLANNING 7:08:43 PM

Special Project Planner Sutton introduced the ordinance.

MOTION: *I move to forward the Comprehensive Plan Amendment or 18503, Ordinance No. 2013-18 on to the second reading and the public hearing on November 25, 2013.*
BLAIR/LESTER *– Motion carried unanimously, 6-0.*

B. ORDINANCE NO. 2013-17, NON-MOTORIZED TRANSPORTATION PLAN – COMPREHENSIVE PLAN AMENDMENT 18420, AB 13-140 – PLANNING 7:10:06 PM

Special Project Planner Sutton introduced the ordinance.

MOTION: *I move to forward the Comprehensive Plan Amendment 18420, Ordinance No. 2013-17on to the second reading and the public hearing on November 25, 2013.*
BLAIR/LESTER *– Motion carried unanimously, 6-0.*

C. ORDINANCE NO. 2013-20, BUSINESS/INDUSTRIAL DISTRICT NAME CHANGE – COMPREHENSIVE PLAN AMENDMENT 18572, AB 13-139 – PLANNING 7:11:41 PM

Special Project Planner Sutton introduced the ordinance.

MOTION: *I move to forward CPA18572 Ordinance No. 2013-20 to second reading/public hearing on November 25, 2013.*
WARD/BLAIR *– Motion carried unanimously, 6-0.*

D. ORDINANCE NO. 2013-19, CITY LAND USE MAP CORRECTIONS – COMPREHENSIVE PLAN AMENDMENT 18573, AB 13-138 – PLANNING 7:13:24 PM

Special Project Planner Sutton introduced the ordinance.

MOTION: *I move to forward Comprehensive Plan Amendment 18573 Ordinance No. 2013-19 on to the second reading and a public hearing on November 25, 2013.*
BLAIR/LESTER *– Motion carried unanimously, 6-0.*

E. ORDINANCE NO. 2013-16, MCNABB/BAINBRIDGE MARINA – COMPREHENSIVE PLAN AMENDMENT/ REZONE 13220B, AB 13-148 – PLANNING 7:16:30 PM

Planning Director Cook introduced the ordinance.

MOTION: *I move to forward Ordinance 2013-16 CPA-REZ13220B to second reading/public hearing on November 25, 2013.*
WARD/LESTER *– Motion carried unanimously, 6-0.*

F. ORDINANCE NO. 2013-35, AMENDING THE APPOINTMENT AND COMPENSATION OF POLICE RESERVE OFFICERS, AB 13-156 – POLICE 7:19:07 PM

Police Chief Hamner introduced the item and explained the reasons for the change. City Manager Schulze commented on a recent email expressing concerns about the ordinance. Following brief comments, a motion was made.

7:24:51 PM ***MOTION:*** *I then move that the City Council forward Ordinance No. 2013-35, Amending the Appointment and Compensation of Police Reserve Officers to the consent agenda for December 11, 2013.*
BLAIR/WARD *– Motion carried unanimously, 6-0.*

G. ORDINANCE NO. 2013-34, ADOPTING THE CITY OF BAINBRIDGE ISLAND SHORELINE MASTER PROGRAM UPDATE, AB 13-143 – PLANNING 7:25:23 PM

Mayor Bonkowski commented on the process and procedures regarding the public hearing. He asked that Interim City Attorney Haney address issues raised prior to the public hearing next week. Planning Director Cook indicated the Department of Ecology has made verbal recommendations that will be formalized in writing and included in the packet sent out for the public hearing.

7:27:49 PM ***MOTION:*** *I move to schedule the second reading and a public hearing on Ordinance No. 2013-34, Adopting the City of Bainbridge Island Shoreline Master Program Update for November 20, 2013.*
BLAIR/LESTER *– Motion carried 5-1 with Councilmembers Blair, Blossom, Bonkowski, and Scales voting in favor. Councilmember Ward voted against.*

7. NEW BUSINESS

A. CONFIRM APPOINTMENT OF SARA L. MCCULLOCH AS MUNICIPAL COURT JUDGE AND APPROVE CONTRACT FOR EMPLOYMENT, AB 13-157 0 EXECUTIVE 7:28:40 PM

City Manager Schulze introduced the item and requested Council confirm the appointment of Ms. McCulloch.

MOTION: *I move that the City Council confirm the appointment of Sara McCulloch as Municipal Court Judge, approve the Municipal Court Judge Employment Agreement, and authorize the City Manager to sign the Employment Agreement.*
LESTER/BLAIR *– Motion carried unanimously, 6-0.*

B. DESIGN REVIEW BOARD REAPPOINTMENT AND APPOINTMENT, AB 13-157 – MAYOR BONKOWSKI 7:32:56 PM

Mayor Bonkowski introduced the item.

MOTION: *I move the City Council confirm the reappointment of Alan Grainger to Position 5 which expires on June 30, 2016 and the appointment of Mark Epstein to Position 4 which expires June 30, 2015 to the Design Review Board.*
BLAIR/LESTER *– Motion carried unanimously, 6-0.*

C. RESOLUTION NO. 2013-20, RELATING TO SHORT-TERM BORROWING FROM THE GENERAL FUND TO THE CAPITAL CONSTRUCTION FUND, AB 13-155 – FINANCE 7:35:28 PM

Finance Director Schroer introduced the resolution which would allow a short-term interfund loan between the Capital Construction Fund and the General Fund due to significant capital projects with reimbursable loans.

MOTION: *I move that the City Council forward Resolution No. 2013-20, providing for short-term borrowing from the General Fund by the Capital Construction Fund in an amount not to exceed $500,000 commencing November 25, 2013 with a repayment date no later than December 31, 2014 to the November 25, 2013 consent agenda.*
LESTER/BLAIR *– Motion carried unanimously, 6-0.*

D. UPDATE ON THE PROPOSED CHANGES TO DEPARTMENT OF NATURAL RESOURCES LEASE FOR EAGLE HARBOR – EXECUTIVE 7:39:13 PM

Deputy City Manager Smith provided a brief update on proposed changes to the DNR lease agreement for Eagle Harbor to match up with what the RCO grant funding requirements would be in preparation for going forward with grant proposals for the Waterfront Park public dock and open water marina. She fielded questions from Council. There was Council consensus to go forward with the City proceeding with longer-term lease negotiations. There were brief comments made regarding buoys located in Eagle Harbor.

E. **2013 CITY MANAGER PERFORMANCE REVIEW, AB 13-160 – CITY COUNCIL [MOVED UP]** 7:48:03 PM

Mayor Bonkowski commented on the City Manager's performance review and appreciated all the hard work and effort he has put into our City.

7:50:35 PM ***MOTION:*** *I move we approve the City Manager's performance review.*
WARD/BLAIR *– Motion carried unanimously, 6-0.*

8. UNFINISHED BUSINESS: 2014 BUDGET ADJUSTMENT DISCUSSION, AB 13-150 – FINANCE 7:50:56 PM
Finance Director Schroer gave a PowerPoint presentation on the proposed 2014 budget adjustments. Councilmember Ward commented on the staffing changes proposed and requested those changes be presented in the context of the reorganization plan. He also wanted those changes to be compared to similar positions in other cities. City Manager Schulze thought it would be appropriate to conduct a compensation study in 2014. Mayor Bonkowski suggested considering a compensation study from both sides of the sound. Councilmember Blair asked about looking into the possibility of having our transportation benefit dollars identified to go with projects that could be discussed within that transportation board meeting as opposed to leaving them in the general part of the Roads Preservation Fund.

7:57:07 PM ***MOTION:*** *I move that the City include two budget adjustments to the Community Services portion of the 2014 Budget, one for $10,000 relating to public art and a budget neutral adjustment relating to provision of emergency rental assistance.*
BLOSSOM/BLAIR *– Motion carried unanimously, 6-0.*

9. CONSENT AGENDA 7:57:32 PM

A. ACCOUNTS PAYABLE VOUCHER AND PAYROLL APPROVAL 7:57:32 PM
Accounts Payable ACH Check Number 138, EFT Check Number 139, Void Manual Check Numbers 334140 through 333915, Manual Check Numbers 334199 through 334212 and Regular Run Check Numbers 334213 through 334350 for a total of $518,574.09. Retainage Release Check Numbers 109 through 111 for a total of $9,177.02. Payroll Direct Deposit Check Numbers 028981 through 029087, Regular Check Numbers 106426 through 106428, Vendor Check Numbers 106429 through 106443 and EFT for a total of $540,548.69.

B. SPECIAL/REGULAR STUDY SESSION MEETING MINUTES, OCTOBER 16, 2013

C. SPECIAL/REGULAR BUSINESS MEETING MINUTES, OCTOBER 23, 2013

D. SPECIAL CITY COUNCIL MEETING MINUTES, OCTOBER 30, 2013

E. REGIONAL STORMWATER MONITORING PROGRAM FUNDING INTERAGENCY AGREEMENT, AB 13-154 – PUBLIC WORKS

F. LOCAL AGENCY STANDARD CONSULTING AGREEMENT(S) WITH HDR, INC. FOR THE WING POINT WAY NON-MOTORIZED IMPROVEMENTS PROJECT DESIGN INFORMATION, AB 13-086 – PUBLIC WORKS

G. ~~2013 CITY MANAGER PERFORMANCE REVIEW, AB 13-160 – CITY COUNCIL~~

MOTION: *I move we approve Consent Agenda items A through F: Item A) Accounts Payable Voucher and Payroll Approval; Item B) Special/Regular Study Session Meeting Minutes, October 16, 2013; Item C) Special/Regular Business Meeting Minutes, October 23, 2013; Item D) Special City Council Meeting Minutes, October 30, 2013; Item E) Regional Stormwater Monitoring Program Funding Interagency Agreement, AB 13-154 Public Works, Item F) Local Agency Standard Consulting Agreement with HDR, Inc. for the Wing Point Way Non-Motorized Improvements Project Design Information, AB 13-086.*
WARD/LESTER *– Motion carried unanimously, 6-0.*

10. CITY MANAGER'S REPORT 7:58:39 PM
City Manager Schulze reported on changes requested by the Council last week regarding the CIP. He briefly reported on his latest City Manager report.

11. COMMITTEE REPORTS 8:03:14 PM
Councilmember Lester gave everyone a heads up regarding filing the positions that she has been serving on.

12. REVIEW UPCOMING COUNCIL MEETING AGENDAS 8:04:21 PM
Mayor Bonkowski reviewed the November 20 agenda. He explained how the Shoreline Master Program public hearing would be conducted next week. Councilmember Lester requested a brief overview of the 2014 workplan report and carryover items not completed this year be calendared. It was decided the December 4 study session would work best.

13. FOR THE GOOD OF THE ORDER 8:09:06 PM

A. PROCLAMATION DECLARING NOVEMBER, 2013 AS NATIONAL PANCREATIC CANCER AWARENESS MONTH

Mayor Bonkowski introduced item. There was Council consensus for Mayor Bonkowski to sign the proclamation. Councilmember Lester reported on local events.

14. ADJOURNMENT 8:11:08 PM
On a motion by Councilmember Blair, Mayor Bonkowski adjourned the meeting adjourned at 8:11 PM.

Steven Bonkowski, Mayor

Rosalind D. Lassoff, City Clerk