



CITY OF
BAINBRIDGE ISLAND

**CITY COUNCIL STUDY SESSION
TUESDAY, SEPTEMBER 17, 2019**

MEETING MINUTES

1) CALL TO ORDER / ROLL CALL

Mayor Medina called the meeting to order at 6:00 p.m. in Council Chambers.

Mayor Medina, Deputy Mayor Tirman, and Councilmembers Blossom, Deets, Nassar, Peltier and Schneider were present.

2) APPROVAL OF AGENDA/ CONFLICT OF INTEREST DISCLOSURE

Councilmember Peltier moved and Councilmember Deets seconded to approve the agenda as presented. The motion was approved by unanimous consent. There were no conflicts of interest.

3) MAYOR'S REPORT

Mayor Medina described the question submittal process for the Washington State Department of Transportation (WSDOT) presentation.

4) PRESENTATIONS

4.A WSDOT Presentation on Roundabouts and SR 305 Project - Public Works

Cover Page
SR305 City Staff Memo 090919
SR305 City Staff Memo Attachments
SR 305 Bainbridge Island 9-17-19.pdf

Ron Landon, WSDOT Project Development Engineer, introduced the agenda item. Michele Britton, WSDOT Project Engineer, provided a presentation on the State Route 305 project. Council discussed the project with the WDOT representatives, and the WSDOT representatives addressed questions from the audience.

5) UNFINISHED BUSINESS

5.A Revisions to the City's Ethics Program - Executive

Cover Page
Draft Revisions to the City's Ethics Program (with Potential Discussion Points) - Track Changes
City Staff Memo - Potential Discussion Points
City Staff Memo - Clarification of Direct Official Action
Comments from Councilmembers

Jennifer Hodges from the Ethics Board joined Deputy City Attorney Sepler for the discussion.

Council discussed revisions to the program. Mayor Medina noted that all motions brought forward with suggested revisions to the program would be considered motions on the floor, with no second required.

MOTION: Councilmember Blossom requested a new subsection (d) of ARTICLE III.E.1, Request for Advisory Opinions:

1. To the extent outlined below, the following individuals or bodies may submit to the City Clerk a request for an advisory opinion from the Ethics Board:

d. A Council member may request an advisory opinion from the Ethics Board concerning the applicability of Article II of this Code to hypothetical circumstances and/or situations related to the actions, or potential actions, of a Council member or member of a City Committee or Commission.

Blossom/no second required: The motion carried, 5 – 1.

AYES: Sarah Blossom, Matt Tirman, Joe Deets, Leslie Schneider, Kol Medina

NOES: Rasham Nassar

ABSENT: None

ABSTAIN: Ron Peltier

MOTION: Councilmember Blossom requested a new subsection of ARTICLE II.D Conflicts of Interest – General, regarding actions by members of City Committees or Commissions:

While serving on a City Committee or Commission, and for two (2) years after leaving such position, no member of a City Committee or Commission shall obtain employment in which they will take direct or indirect advantage of matters which they, as a member of a City Committee or Commission, recommended to the City Council. This includes applying for positions or contracts with the City when the City Committee or Commission on which the member served recommended funding such position or contract.

Blossom/no second required: The motion carried, 5 – 1.

AYES: Sarah Blossom, Rasham Nassar, Matt Tirman, Leslie Schneider, Kol Medina

NOES: Joe Deets

ABSENT: None

ABSTAIN: Ron Peltier

MOTION: I move to direct Robbie [Sepler] to modify the Ethics Code so that if reconciliation has happened there is not the possibility for a party to then take it to the Ethics Board.

Tirman/Deets: The motion carried unanimously, 7 – 0.

AYES: Sarah Blossom, Matt Tirman, Joe Deets, Leslie Schneider, Kol Medina, Rasham Nassar, Ron Peltier

NOES: None

ABSENT: None

ABSTAIN: None

MOTION: Councilmember Peltier proposed establishing an appeal process to the Hearing Examiner for Article I complaints.

Peltier/no second required: The motion failed 2 – 5.

AYES: Ron Peltier, Rasham Nassar

NOES: Sarah Blossom, Matt Tirman, Joe Deets, Leslie Schneider, Kol Medina

ABSENT: None

ABSTAIN: None

MOTION: I move to direct the Deputy City Attorney to put some language into the draft that provides a manner in which ethics complaints against members of the Ethics Board are handled.

Tirman/Nassar: The motion carried unanimously, 7 – 0.

AYES: Sarah Blossom, Matt Tirman, Joe Deets, Leslie Schneider, Kol Medina, Rasham Nassar, Ron Peltier

NOES: None

ABSENT: None

ABSTAIN: None

Council reviewed Deputy City Attorney Sepler's questions in his memorandum dated September 13, 2019 and considered them by motion below.

MOTION: Members of a committee that are appointed based on the fact that they own a certain property or a certain business will have to always disclose that at the start of the meeting if there was a conflict of interest under this section, but the committee wouldn't have to vote to allow them to keep participating as long as that disclosure was made, they could participate.

Medina/no second required: The motion carried unanimously, 7 – 0.

AYES: Sarah Blossom, Matt Tirman, Joe Deets, Leslie Schneider, Kol Medina, Rasham Nassar, Ron Peltier

NOES: None

ABSENT: None

ABSTAIN: None

MOTION: Article II, Subsection D.3 should be revised to clarify when the exception for members of City Committees and Commissions applies.

Medina/no second required: The motion carried unanimously, 7 – 0.

AYES: Sarah Blossom, Matt Tirman, Joe Deets, Leslie Schneider, Kol Medina, Rasham Nassar, Ron Peltier

NOES: None

ABSENT: None

ABSTAIN: None

MOTION: Article II, Subsection D.3 should be amended to include an additional exception to addresses circumstances where there may be a lack of a quorum on a City Committee or Commission.

Medina/no second required: The motion carried, 5 – 1.

AYES: Sarah Blossom, Matt Tirman, Joe Deets, Leslie Schneider, Kol Medina

NOES: Ron Peltier

ABSENT: None

ABSTAIN: Rasham Nassar

MOTION: Proposed Article II, Section J and related proposed definition of "political action committee" addresses the concerns raised by the Council on August 20, 2019.

Medina/no second required: The motion carried unanimously, 7 – 0.

AYES: Sarah Blossom, Matt Tirman, Joe Deets, Leslie Schneider, Kol Medina, Rasham Nassar, Ron Peltier
NOES: None
ABSENT: None
ABSTAIN: None

MOTION: Article III, Section F, should be revised to clarify where requests for waivers should be submitted and whether such requests, and the Ethics Board's response, should be published following legal review.
Medina/no second required: The motion carried unanimously, 7 – 0.

AYES: Sarah Blossom, Matt Tirman, Joe Deets, Leslie Schneider, Kol Medina, Rasham Nassar, Ron Peltier
NOES: None
ABSENT: None
ABSTAIN: None

There was consensus to replace the current definition of "Direct Official Action" with an entirely new definition that fits the program better. Council clarified that this definition applies to committee members who make recommendations.

MOTION: Does Council approve of the proposed new definition of "fact-finding".
Medina/no second required: The motion carried unanimously, 7 – 0.

AYES: Sarah Blossom, Matt Tirman, Joe Deets, Leslie Schneider, Kol Medina, Rasham Nassar, Ron Peltier
NOES: None
ABSENT: None
ABSTAIN: None

Mayor Medina adjourned the meeting for a break at 8:12 p.m. and re-convened the meeting at 8:18 p.m.

5.B Discussion of Possible Inclusionary Zoning / Multifamily Tax Exemption Programs - Planning

[Cover Page](#)

[ECONorthwest Council Briefing Memo - Inclusionary Zoning and MFTE](#)

[WMP Study Area Zoning Map](#)

[PSRC Inclusionary Zoning Summary.pdf](#)

[PSRC MFTE Summary.pdf](#)

[February 2019 Transfer of Development Rights and Inclusionary Zoning Assessment \(ECONorthwest & Forterra\)](#)

[February 2019 Presentation - TDR / Incentive Zoning Analysis \(ECONorthwest & Forterra\)](#)

Senior Planner Sutton was joined by Morgan Shook, EcoNorthwest, and Interim Planning Director Wright. Senior Planner Sutton introduced the agenda item, and Mr. Shook provided a presentation on inclusionary housing. Council discussed the topic.

Staff will return with policy points for decision at a future meeting.

5.C Ordinance No. 2019-25 Relating to the Update to the City's Design Review Regulations - Planning

Cover Page

20190917 CC Staff Memo

Ordinance 2019-25 - Public Hearing Draft 092419

Design for Bainbridge

Senior Planner Sutton was joined by Jeff Arango, Senior Planner for Framework. She introduced the agenda item, and Council discussed the topic.

Public Comment

Jon Quitslund, Planning Commission, spoke in favor of the design guidelines.

5.D Consider Changes to Annual Funding and Master Lease with Friends of the Farms - Executive

Cover Page

Staff Memo Annual Payment to FOF for 09172019 - FINAL

FOF_Budget Detail for Management_Fee_Request_for_CC_09172019

FOF Executive Director Activities for Public Farmland

FOF Program Manager Activities for Public Farmland

FOF Non-COBI Programs and Activities

FOF Sublease Rate Calculations

FOF Farmland Management Agreement Comparables

Deputy City Manager Schroer and Heather Burger, Bruce Weiland, and Morgan Houk from Friends of the Farm joined the discussion. Deputy City Manager Schroer introduced the agenda item.

Heather Burger provided information on the funding request. Council discussed the proposal and scheduled further discussion at a business meeting in October.

5.E Update on the Moratorium - Planning

Cover Page

Abbreviated Moratorium Work Program Status Report 090919

Moratorium Work Program Status Report 090919

Development Moratorium Summary Effective 20190403.pdf

Ordinance No. 2019-10 Extending the Development Moratorium Approved 032619.pdf

City Attorney Levan recommended a change to the ordinance extending the moratorium to correct the expiration date. He will provide an alternative ordinance for the public hearing on September 24, 2019.

6) CITY COUNCIL DISCUSSION

6.A Next Steps for Changes to City's Transfer of Development Rights (TDR) Program

Cover Page

City Manager Smith provided information to Council on the status of the program.

7) FUTURE COUNCIL AGENDAS

7.A Future Council Agendas

Cover Page

City Council Regular Business Meeting September 24, 2019

City Council Study Session October 1, 2019

City Council Regular Business Meeting October 8, 2019

City Council Study Session October 15, 2019

City Council Regular Business Meeting October 22, 2019

Councilmember Blossom requested the addition of a "marquee" non-motorized project.

Councilmember Peltier asked to add the letter commenting on the Washington State Oil Spill Contingency Plan Rule update to the next agenda.

8) FOR THE GOOD OF THE ORDER

9) ADJOURNMENT

Mayor Medina adjourned the meeting at 10:39 p.m.



Kol Medina, Mayor



Christine Brown, CMC, City Clerk