

ITEMS DISCUSSED

1. EXECUTIVE SESSION: PROPERTY ACQUISITION (RCW 42.30.110(B))
2. CALL TO ORDER / ROLL CALL
3. ACCEPTANCE OR MODIFICATION OF AGENDA / CONFLICT OF INTEREST DISCLOSURE
4. CITY MANAGER'S REPORT: COMPREHENSIVE PLAN/NAVIGATE BAINBRIDGE UPDATE
5. PRESENTATION
 - A. KITSAP ECONOMIC DEVELOPMENT ALLIANCE, Q1, 2015 REPORT
6. STAFF INTENSIVE
 - A. PUBLIC SAFETY FACILITY DISCUSSION, AB 14-008
 - B. PROPOSED REVISIONS TO ERICKSEN AVENUE DESIGN GUIDELINES, AB 15-107
 - C. RESOLUTION NO. 2015-09, ESTABLISHING ELECTRIC VEHICLE CHARGING STATION FEE, AB 15-105
 - D. TRANSFER OF PRITCHARD PARK TO THE BAINBRIDGE ISLAND METROPOLITAN PARK AND RECREATION DISTRICT (BIMPRD), AB 15-048
 - E. PROPOSED RELOCATION OF MADISON TOT LOT DRIVEWAY EASEMENT AND RECORDING OF CONSERVATION EASEMENT MADISON TOT LOT PROPOSED EASEMENT RELOCATION, AB 15-078
 - F. SETTLEMENT AGREEMENT FOR NEW CINGULAR WIRELESS V. CITY OF BAINBRIDGE ISLAND, ET AL, AB 15-106
7. COUNCIL DISCUSSION
 - A. SUZUKI PROPERTY, AB 14-119
 - B. ELECTION OF DEPUTY MAYOR FOR JUNE THROUGH DECEMBER 2015
8. COMMITTEE REPORTS
 - A. NON-MOTORIZED TRANSPORTATION ADVISORY COMMITTEE NOTES, MAY 13, 2015 (ROTH)
 - B. UTILITY ADVISORY COMMITTEE NOTES, MAY 14, 2015 (TOLLEFSON)
 - C. COUNCIL LIAISON REPORT – (MAYOR BLAIR)
9. REVIEW UPCOMING COUNCIL MEETING AGENDAS
10. FOR THE GOOD OF THE ORDER
11. ADJOURNMENT

1. EXECUTIVE SESSION: PROPERTY ACQUISITION (RCW 42.30.110(B)) 6:30 PM

Deputy Mayor Townsend called an executive session to order at 6:30 p.m. with Councilmembers Blair, Blossom, Bonkowski, Roth, Tollefson, and City Attorney Marshall to discuss Property Acquisition (RCW 42.30.110(B)). 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 7:00 PM

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

Councilmember Scott disclosed a conflict of interest with agenda Item 6F; for several years, his law firm was involved in representing New Cingular Wireless in a series of tax refund matters including, previously, agenda item 6F. After his appointment to Council, the firm withdrew and disclaimed any interests in the outcome of that matter but remains council in other matters, hence his abstention from any discussion or vote on Item 6F.

***MOTION:** I move we accept the agenda as presented.
BONKOWSKI/ROTH: The motion carried 7-0.*

4. CITY MANAGER'S REPORT: COMPREHENSIVE PLAN/NAVIGATE BAINBRIDGE UPDATE 7:05 PM

City Manager Schulze's report included topics on:

- Community Branding Workshops Tuesday June 9 thru Thursday June 11. Consultants Arnett and Muldrow will work with community members to distill and express the identity of Bainbridge Island.
- Water Resource Workshop on June 18.

5. PRESENTATION 7:09 PM

A. KITSAP ECONOMIC DEVELOPMENT ALLIANCE, Q1, 2015 REPORT

John Power, KEDA Executive Director addressed Council with a brief overview of the 1st Quarter Report included in the agenda packet.

6. STAFF INTENSIVE

A. PUBLIC SAFETY FACILITY DISCUSSION, AB 14-008 7:28 PM

City Council established a goal to complete the site selection process by June 2015. This agenda item provides information to Council related to site options for the new public safety facility. City Manager Schulze led a discussion on the advantages and disadvantages of each potential site for the police facility.

Public Comment

Andy Maron, Sands Road, offered comment on the Suzuki property as a potential site for the facility as well as the other sites up for consideration.

8:02 PM

***MOTION:** I move City Council direct staff to explore the development opportunities (a) North of City Hall as presented and (b) the Sakai property.*

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

B. PROPOSED REVISIONS TO ERICKSEN AVENUE DESIGN GUIDELINES, AB 15-107 8:02 PM

Mayor Blair has requested that staff brief the Council on this issue and ask whether the full Council supports amending the Department's work plan to include reviewing Guideline SD3.

The City Council approved Ordinance 2013-07 on April 10, 2013, adopting revisions to the Design Guidelines for the Ericksen Avenue Overlay District. Recently, several property owners who have researched the legislative history of the adoption process have Come forward, stating that the way the adopted guidelines were codified does not match the intent of the Council's adopting motion.

Planning Director Cook addressed Council on the agenda item.

Public Comment

Piper Thornburg, Euclid Ave, owns property on Ericksen Avenue; she stated that at the April 10, 2013 meeting, no property owners were present.

Linna Callaham, stated the idea that Council or DRB could tell homeowners on Ericksen that they could not build is egregious. She Opposes the 30% setback.

Jim Laughlin stated a design guideline should not include the word "shall" in it.

Sandra Talcott, Ericksen Avenue, felt the guideline is punishing the small homeowner.

Maradel Gale, Winslow, stated we have zoning laws for a reason. "Shall" is a requirement. Feels this should be part of the Comprehensive Plan Update.

8:37 PM

***MOTION:** I move Council ask staff to administratively correct the clerical error that was inadvertently made and return it to the intent explicitly stated.*

*On the east side of Ericksen Avenue from Winslow Way to 200 feet north of Wyatt Way (where the Winslow Ravine leaves Ericksen to cross under highway 305), the total of both side yard setbacks shall be at least 30% of the width of the frontage on Ericksen. Driveways may be in the setbacks, but the open-air view from the street through to the Winslow Ravine ~~shall~~ **should** remain unobstructed by buildings or fences.*

***BLAIR/TOLLEFSON:** The motion carried 6-1. (Bonkowski)*

C. RESOLUTION NO. 2015-09, ESTABLISHING ELECTRIC VEHICLE CHARGING STATION FEE, AB 15-105

8:43 PM

The City installed a new electric vehicle charging station on Winslow Way in 2015. The City owns this charging station and pays for the electricity used by vehicles that use the station.

8:43 PM

***MOTION:** I move that the City Council forward Resolution No. 2015-09, Establishing Electric Vehicle Charging Station Fee to the June 9, 2015 consent agenda.*

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

D. TRANSFER OF PRITCHARD PARK TO THE BAINBRIDGE ISLAND METROPOLITAN PARK AND RECREATION DISTRICT (BIMPRD), AB 15-048 8:44 PM

Council received a status update on transfer to BIMPRD of property at Pritchard Park that is currently jointly owned by the City and BIMPRD. City Manager Schulze will continue to discuss transfer of Pritchard Park parcel-by-parcel with BIMPRD.

E. PROPOSED RELOCATION OF MADISON TOT LOT DRIVEWAY EASEMENT AND RECORDING OF CONSERVATION EASEMENT MADISON TOT LOT PROPOSED EASEMENT RELOCATION, AB 15-078 8:51 PM

The property upon which the Madison Tot Lot is located was conveyed in 2009 by the City to the Bainbridge Island Metropolitan Park District (the "District"). That conveyance included a Conservation Easement, which was attached to the materials recorded but not executed by the parties. On April 14, 2015, the City Council directed the City Attorney to have recorded the Conservation Easement, which provides for monitoring and enforcement of activities on the Tot Lot property to ensure that the conservation values (that it remain a park and contain no sport courts or other structures) are preserved.

Blue North Development, the owner of the property surrounding the Tot Lot, wishes to relocate the existing driveway easement. A drawing of the proposed relocated easement is included in the agenda packet. Should the City record the Conservation Easement, relocation of the driveway easement will not be allowed, because paragraph 4.2 of the Conservation Easement prevents surface alteration, including grading. Both the District as owner of the Tot Lot and Blue North Development as owner of the property to the South of the Tot Lot wish to relocate the easement as the relocation will provide access to the Tot Lot from the South and from the East. The City has been asked not to record the Conservation Easement until Blue North and the District have executed Declaration of Covenant and Reciprocal Easement to replace the 1997 easement and relocate the easement.

Staff has been asked to bring this matter to the Council for additional discussion regarding whether the Council wishes to record the Conservation Easement immediately, thereby preventing relocation of the driveway easement, or whether Council wishes to delay recording of the Conservation Easement until after the relocation of the driveway easement has been completed.

Public Comment

Jim Laughlin, developer of the Tot Lot property, offered comment on the recording of the 1997 covenant, which he believes is the primary item to be completed. Regarding the tree in the driveway, he said the removal of tree could be done.

John Parsons, Madison Avenue, stated he is not against the project and would like to correct the notion that the park is at present time underused; it is very active.

Steve Gall, Madison Avenue, does not want to see the driveway paved.

Katherine Pierce, Madison Avenue, spoke to the usage of the Tot Lot and how the activity there has tripled in the past year.

Olaf Ribiero is pleased the tree may be saved.

Margaret Celestino, Knechtel Way, had a question about the cherry tree remaining; she wanted clarification on how the path would be jogged.

Next Steps:

Council reached consensus that relocation is a matter to be resolved between the two owners (BIMPRD and Jim Laughlin) and to delay recording of the conservation easement until the 1997 conveyance is revised.

F. SETTLEMENT AGREEMENT FOR NEW CINGULAR WIRELESS V. CITY OF BAINBRIDGE ISLAND, ET AL, AB 15-106 9:14 PM

New Cingular Wireless sued the City of Bainbridge Island and numerous other cities claiming that it incorrectly paid utility taxes to the City on internet services. The case between the wireless provider and the City of Bothell resulted in a Division One Court of Appeals decision that limited the amount the carrier could recover under the applicable statute of limitations. Thus, all the cities' exposures were significantly reduced by this decision. The defendant cities and New Cingular Wireless reached a global settlement agreement under which the cities will pay collectively \$1.2m, or approximately 18% of the original claimed amount. For the City of Bainbridge Island, the original claimed amount was \$124,993.82, and the settlement amount is \$23,048.78.

The settlement negotiations also resulted in two options for paying the settlement amount. The first is to submit a check in the Settlement amount to New Cingular. The second is to provide New Cingular a credit against future local utility user surcharges up to the amount of the settlement. It is staff's preference to provide the carrier a credit against future surcharges.

9:16 PM

MOTION: *I move that the City Council approve the settlement agreement in New Cingular Wireless v. City of Bainbridge Island as shown on the attached and provide New Cingular a credit in the amount of \$23,048.78 against future local utility user surcharges.*
BONKOWSKI/ROTH: *The motion carried 6-1. (Abstention by Councilmember Scott)*

7. COUNCIL DISCUSSION 9:17 PM

A. SUZUKI PROPERTY, AB 14-119

On November 3, 2014, the City hosted a community workshop on the City-owned Suzuki property. The purpose of the workshop was to solicit community input on whether and how the property should be sold, and what use should be made of the property. The workshop included presentations of conceptual development proposals by ArcStudio, Cutler Anderson, Housing Kitsap and Housing Resources Board.

Workshop participants urged the City Council to use the property for community benefit. Ideas included turning the property over to the School District, preserving it as open space, or using it for affordable housing. Concerns that were expressed included overdevelopment, traffic impacts and loss of open space/wildlife habitat. Participants also advised the City to be deliberative, and asked that the decision-making timeline be extended.

The City Council discussed the results of the workshop on January 6, 2015. Upon conclusion of the discussion, the Council agreed that the Suzuki subcommittee should meet to discuss how to move forward with the Suzuki property.

The purpose of the May 19 discussion is to update the Council on subcommittee discussions and seek direction on whether there has been adequate public outreach as to the use of the property, and the feasibility of using a development consultant to assist the City in determining the most effective way to surplus the property.

Public Comment

Greg Millard, Whited Place, proposed a concept that was developed that would follow the existing zoning, provide for substantial buffers where there are existing wetlands and maintain the harmony of the neighborhood.

Herb Heathcote, Commodore Lane, referenced the report of the task force.

Bill Davis, Commodore Lane, is concerned about the water issue if the property is developed. There is an environmental impact that has not been addressed.

Roberto Gurza stated he is very supportive of affordable housing that contributes to the health of the community.

Leslie Marshall, Commodore Lane, stated this is just one parcel that should be considered when there is any development. Need to keep preserving the land; how can we keep every drop of rain.

Marshall _____ Susan Place, referenced the 2008 task force report.

Martin _____, Capstan Drive, does not think it's fair to use an 8-year old report that did not include the participation of the newer residents.

Leslie Rice, Commodore Lane, agreed with Martin's comments. Feels the island is becoming less and less recognizable.

Derrick Reeves, referenced a study he did on Shanti Lane to get an idea of the density with 28 houses.

Susan Lorenz, Coral Court, commented on the traffic impacts. A traffic study needs to be completed.

Andre Lorenz, Coral Court, is concerned about the increased density and the appearance of upzoning. Mr. Lorenz believes the consultant recommend by HRB should be disqualified.

Joseph Tran, Capstan Drive, pointed out when talking about traffic, he hears about congestion but not about the increased load on schools and crimes.

Mark Blatter, HRB director, stated HRB has not hired any consultants; no grants have been received. They have received an award from a foundation to support planning work for the Suzuki property.

Sophie Frieda, Capstan Drive, is worried about the traffic and any increase that will occur.

Jennifer Pells, Commodore Lane, is also worried about the increase in traffic.

James Shepard, North Town Woods, stated his concerns about the increased traffic load.

Next Steps:

The Council will review the Statement of Qualifications; the agenda item will be brought back to another study session for discussion.

B. ELECTION OF DEPUTY MAYOR FOR JUNE THROUGH DECEMBER 2015 10:13 PM

Upon nomination, Councilmember Scott was elected to serve as Deputy Mayor for the remainder of the year.

8. COMMITTEE REPORTS 10:14 PM

A. NON-MOTORIZED TRANSPORTATION ADVISORY COMMITTEE NOTES, MAY 13, 2015 (ROTH)

B. UTILITY ADVISORY COMMITTEE NOTES, MAY 14, 2015 (TOLLEFSON)

C. COUNCIL LIAISON REPORT – (MAYOR BLAIR)

9. REVIEW UPCOMING COUNCIL MEETING AGENDAS 10:20 PM

June 2

Waterfront Park 100% Design Update (Info.)

Funding Model for Public Art Program (Info.)

Ordinance No. 2015-07, Traffic Impact Fees - 1st Reading (Info.)

Ordinance No. 2015-13, Consolidating the Harbor Commission and Road Ends Committee - 1st Reading (Info.)

Ordinance 2015-10, Tent City Regulations - 1st Reading (Info.)

Manitou Beach Road Parking Project Update (Info.)

City Dock Boating Infrastructure Grant (BIG Authorizing Resolution (Info.)

10. FOR THE GOOD OF THE ORDER 10:25 PM

11. ADJOURNMENT 10:28 PM

The meeting was adjourned at 10:28 p.m.


Anne S. Blair, Mayor


Kelly Jahraus, Records Management Coordinator