CITY OF
BAINBRIDGE ISLAND

CITY COUNCIL REGULAR BUSINESS MEETING
TUESDAY, DECEMBER 11, 2018

MEETING MINUTES

1) CALL TO ORDER/ROLL CALL

Mayor Medina called the meeting to order at 6:01 p.m. in Council Chambers.

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

2) EXECUTIVE SESSION

2.A Pursuant to RCW 42.30.110(1)(b), to consider the selection of a site or the acquisition of real estate by lease or purchase when public knowledge regarding such consideration would cause a likelihood of increased price.

Cover Page

2.B Pursuant to RCW 42.30.110(1)(i), to discuss with legal counsel matters relating to litigation or potential litigation to which the city, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency.

Cover Page

Mayor Medina adjourned the meeting to an executive session at 6:01 p.m. pursuant to RCW 42.30.110(1)(b) and (i). Council returned from executive session at 6:32 p.m., and Mayor Medina reconvened the meeting at 6:35 p.m.

3) PLEDGE OF ALLEGIANCE / APPROVAL OF AGENDA / CONFLICT OF INTEREST DISCLOSURE

Councilmember Tirman requested the addition of a discussion on next steps for Kitsap Public Facilities District (KPFD), and the Mayor added it to the agenda as item 9F.

Councilmember Nassar moved and Deputy Mayor Deets seconded to approve the agenda as amended. The motion was approved by unanimous consent.

Mayor Medina noted that he has a conflict of interest with the KPFD item and will recuse himself from the discussion.

4) PUBLIC COMMENT

Cindy Anderson spoke about the Public Safety Committee.

Ginger Vaughan spoke on behalf of Kitsap Pride on the Tyler Moniz project and the need for support for LGBTQ youth.

Barry Malone spoke about his concerns with Coffee Oasis.

Steve Walker spoke in favor of Coffee Oasis.

Derek Villanueva spoke in favor of the Tyler Moniz project and expressed concerns about Coffee Oasis.

Debra Lester spoke in favor the Tyler Moniz/Coffee Oasis project and provided background information.

Gloria Saylor spoke in favor of the resolution increasing car tab fees and supported examination of gaps in services for youth.

Ed Kushner spoke about his concerns in Eagle Harbor.

Liz Bracken spoke in favor of the Tyler Moniz project.

Eve Palay spoke about welcoming LGBTQ youth in any program.

Hanna Nodsle spoke in favor of the Tyler Moniz/Coffee Oasis project.

Kathleen Weyand spoke about her concerns with Coffee Oasis.

Maurie Lewis spoke in favor of Coffee Oasis.

Elizabeth Engstrom spoke in favor of Coffee Oasis.

5) MAYOR'S REPORT

Mayor Medina provided an update on the Harrison site and highlighted the year's accomplishments.

6) CITY MANAGER'S REPORT

City Manager Smith noted upcoming City Hall holiday closures.

7) PUBLIC HEARING(S)

7.A Ordinance No. 2018-45, Extending the Duration of and Amending the Interim Official Control Related to the Preservation of Landmark Trees - Planning

Cover Page
20181211 CC Staff Memo
Attachment 1 - 20181127 PH DRAFT Ordinance No 2018-45 Extending Landmark Tree Ordinance + work plan and staff changes

20181127 PH DRAFT Ordinance No 2018-45 Extending Landmark Tree Ordinance + work plan
Exhibit A - LTO Work Program (120718)
Chapter 16.32 BIMC, Preservation of Landmark Trees

Senior Planner Sutton introduced the agenda item.

Mayor Medina opened the public hearing at 7:35 p.m.

Public Comment
Katy Bigelow commented on recommended improvements to the ordinance.

Mayor Medina closed the public hearing at 7:38 p.m.

AMENDED MOTION: I move to approve the version of Ordinance No. 2018-45 as shown in Attachment I to this agenda item, which is based on the public hearing draft and includes revisions based on staff recommendations from public comment, as well as other revisions as adopted by the Council related to tonight's public hearing, if any, and to include the revision suggested by the City Attorney.
Peltier/Nassar: Motion carried 4 – 3.

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

7.B Ordinance No. 2018-20 Relating to Revisions to BIMC Title 2 related to Land Use Review and Approval Bodies and Procedures - Planning

Cover Page
Ordinance No. 2018-20 - 12-11-18 Public Hearing Draft.docx
Flow Chart for Council Meeting.pdf
Ordinance 2018-20 Exhibit A -- General Procedures.docx
Ordinance 2018-20 Exhibit B -- Site plans and design review.rtf
Ordinance 2018-20 Exhibit C -- Short Subdivisions.rtf
Ordinance 2018-20 Exhibit D -- Large Lot Subdivisions.rtf
Ordinance 2018-20 Exhibit E -- Conditional Use Permits.rtf
Ordinance 2018-20 Exhibit F -- Long Subdivisions.rtf

Mayor Medina opened the public hearing at 7:53 p.m. There was no public comment. Mayor Medina closed the public hearing at 7:54 p.m.

MOTION: Councilmember Blossom proposed that the ordinance be amended so that the division or redivision of land into two lots shall not be required to comply with BIMC 2.16.070.D.1, Conceptual Proposal Review meeting, and BIMC 2.16.070.D.2, the Design Guidance Review meeting
Blossom/Nassar: The motion carried 5-2.

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

MOTION: I move to approve Ordinance No. 2018-20 relating to Revisions to BIMC Title 2 related to Land Use Review and Approval Bodies and Procedures, as amended.
Tirman/Deets: The motion carried unanimously, 7-0.

.

8) UNFINISHED BUSINESS

8.A Ordinance No. 2018-47, Updating System Participation Fees for Water and Sewer Utilities - Public Works

Cover Page
Ordinance No. 2018-47 - Updating Sewer and Water Participation Fees
UAC SPF Recommendation
BI SPF Update

Public Works Director Loveless introduced the agenda item.

MOTION: I move to approve Ordinance No. 2018-47.
Tirman/Nassar: The motion was approved by unanimous consent.

8.B Amendments to the Shoreline Master Program (SMP) Relating to Integration of Critical Areas Regulations and Nonconforming Structures, Uses, and Lots - Planning

Cover Page
20181211 CC Staff Memo SMP Amendment
20181211 Nonconforming Policy Checklist.pdf
20181211 Draft SMP Amendment -- Critical Areas and Nonconforming -- Public Hearing Draft -- All track changes -- ARPA deleted.docx
20181211 Public Comment Summary by Date.docx

Mayor Medina introduced the agenda item.

Public Comment
Steve Bonkowski spoke about his concerns with the amendment.

Michael Zigich spoke in favor of the Planning Commission's recommendations.

Bill Chester, Chair of the Planning Commission, commented on the commission's reasoning on accessory structures.

MOTION: I move to limit the expansion of non-conforming structures to include up to 250 square feet of the footprint for the structure for single-family primary structures.
Tirman/Peltier: Motion failed 2 – 5.

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

MOTION: I move to direct staff to come back with a revised ordinance that goes back to treating essential accessory structures differently from non-essential accessory structures.
Blossom/Nassar: The motion was approved unanimously, 7-0.

Planning Director Christensen noted that staff will return with a resolution rather than an ordinance.

Mayor Medina adjourned the meeting for a break at 8:45 p.m. Mayor Medina reconvened the meeting at 8:53 p.m.

8.C Discussion of Funding Request from Tyler Moniz Project - Mayor Medina

Cover Page
TheTylerMoniz.CoffeeOasis.CrisisTextLine

Mayor Medina introduced the agenda item, and Council discussed the topic.

Public Comment
Linda Semlitz thanked Council for addressing the topic.

Dr. Jillian Worth, Bainbridge Youth Services representative, commented on the structure for addressing the issue.

Councilmember Nassar moved and Councilmember Blossom seconded to direct the City Manager to look into hiring a facilitator to facilitate a meeting of organizations that specialize in teen mental health and suicide issues on the Island.

There was consensus to direct the City Manager to identify potential facilitators for Council's review and then the facilitator selected by Council would develop a scope of work by reaching out to the community and bring that scope of work back for Council review.

8.D Use of Transportation Benefit Fund Fee Increase - Finance

Cover Page
Resolution 2018-38 Financial Policies for CC 12112018

Interim Accounting Manager Logghe introduced the topic.

MOTION: I move to forward Resolution 2018-38, Updating the City's Financial Policies, for consideration of approval at the January 8, 2019, Council meeting.
Nassar/Schneider: The motion was approved by unanimous consent.

Council directed staff to put Councilmember Tirman's proposal on the use of the increased fees into a resolution.

9) NEW BUSINESS

9.A Resolution 2018-36 Amending the City's Fee Schedule to Add a New Fee for Applications for "Legislative Review of Development Regulations" and to otherwise clarify the Fee Schedule related to rezones - Planning

Cover Page
Resolution No. 2018-36 Amending Fee Schedule-Legislative Review of Development Regulations

Planning Director Christensen introduced the agenda item.

MOTION: I move to approve Resolution No. 2018-36.
Peltier/Nassar: The motion was approved by unanimous consent.

9.B Appointment of Deputy Mayor for January 2019 through June 30, 2019 - Mayor Medina

Cover Page

Deputy Mayor Deets nominated Leslie Schneider to serve as Deputy Mayor for January 2019 through June 30, 2019. Councilmember Nassar seconded the nomination. The nomination was approved unanimously, 7-0.

9.C Appointments to the Climate Change Advisory Committee, Ethics Board, and Marine Access Committee - Mayor Medina

Cover Page
Climate Change Advisory Committee - Cox (Redacted)
Ethics Board - DeRosalia Redacted)
Ethics Board - Eckmann (Redacted)
Ethics Board - Fong (Redacted)
Ethics Board - Neal (Redacted)
Marine Access Committee - Goussev (Redacted)
Marine Access Committee - Herring (Redacted)
Marine Access Committee - Hershberg (Redacted)
Marine Access Committee - Kerby (Redacted)
Marine Access Committee - Seubert (Redacted)

MOTION: I move to appoint the following individuals to the following committees: Michael Cox (Climate Change Advisory Committee, Position 1 through June 2021); Suzanne Keel-Eckmann (Ethics Board, Position 4 through June 2021); and Terry Kirby (Marine Access Committee, Position 1 through June 2020.)
Nassar/Peltier: The motion was approved by unanimous consent.

9.D Ordinance No. 2018-46, Creating a Uniform Process for the Removal and Resignation of Members of Citizen Advisory Committees as well as for the Demotion of the Chairs of Citizen Advisory Committees - Mayor Medina

Cover Page
Ordinance No 2018-46, Creating a Uniform Process for the Removal and Resignation of Members of Citizen Advisory Committees as well as for the Demotion of the Chairs of Citizen Advisory Committees

Mayor Medina introduced the agenda item.

MOTION: I move to forward Ordinance No. 2018-46 for approval with the January 8, 2019 Consent Agenda, and to authorize the City Clerk to renumber the ordinance, as needed, for 2019.
Nassar/Peltier: The motion was approved unanimously, 7-0.

9.E First Amendment to the Agreement with Kitsap County for the Incarceration of City Prisoners - Police

Cover Page

First Amendment to the Kitsap County/City of Bainbridge Island Agreement for Incarceration of City Prisoners
Kitsap County/City of Bainbridge Island Agreement for Incarceration of City Prisoners (Expires 12/31/18)

MOTION: I move to approve the First Amendment to the Agreement with Kitsap County for the Incarceration of City Prisoners.
Blossom/Nassar: The motion was approved by unanimous consent.

9.F Kitsap Public Facilities District

Mayor Medina recused himself from the discussion. The agenda topic was withdrawn by Councilmember Tirman.

10) CONSENT AGENDA

10.A Agenda Bill for Consent Agenda
Cover Page

10.B Accounts Payable and Payroll
Cover Page
Report to Council of Cash Disbursements 12-12-18.pdf
Payroll.pdf
Accounts Payable: last check number 349197 from previous run = $587.37; manual check number sequence 349198 – 349204 = $392,821.37; regular check number sequence 349205 – 349294 = $392,945.28. ACH sequence 322 – 325 = $1,794,998.34. Total disbursement = $2,580,764.99.

Payroll: normal direct deposit check sequence 043381 – 043503 for $287,811.04; normal payroll check sequence 108772 – 108774 for $6,895.36; vendor check run sequence 108775 – 108788 for $304,210.32; Federal Tax Electronic Funds Transfer for $108,416.55. Total disbursement = $707,333.27.

10.C Special City Council Meeting Minutes, November 17, 2018
Cover Page
CCMIN 111718 COUNCIL RETREAT

10.D City Council Study Session Meeting Minutes, November 20, 2018
Cover Page
CCMIN 112018 STUDY SESSION

10.E Regular City Council Business Meeting Minutes, November 27, 2018
Cover Page
CCMIN 112718 BUSINESS

10.F Human Services Funding Advisory Committee (HSFAC) 2019-20 Award Recommendations – Executive
Cover Page
HSFAC Recommendation for 2019-20

10.G Lodging Tax Advisory Committee (LTAC) 2019 Funding Recommendations - Executive

Cover Page
2019 LTAC Funding Recommendations

10.H Amendment No. 1 to the Professional Services Agreement with Aspect Consulting, LLC. Related to Water Rights - Public Works

Cover Page
Amendment No 1 to the PSA with Aspect Consulting, LLC, Related to the Evaluation of Water Rights
Professional Services Agreement with Aspect Consulting, LLC, Related to the Evaluation of Water Rights
Aspect Consulting's Phase 1 Findings and Recommendations

10.I Ordinance No. 2018-44 Relating to 2018 4th Quarter Budget Amendments - Finance

Cover Page
ORD 2018-44 2018 4th QTR Budget Adjustments
Ord 2018- Attachment A - Q3 and 4 Budget Amendments (First Reading).pdf

10.J Amendment No. 1 to the Contract for Indigent Defense Services, Extending the Term Through December 31, 2019 - Executive

Cover Page
Amendment No 1 to the Contract for Indigent Defense Services
Contract for Indigent Defense Services
Resolution No. 2014-14, Adopting Public Defense Standards

MOTION: I move to approve the Consent Agenda, as presented.
Nassar/Deets: The motion was approved by unanimous consent.

11) COMMITTEE REPORTS

11.A Committee Reports

Cover Page
Ethics Board Minutes - October 15, 2018

Councilmember Peltier reported on last night's Marine Access Committee workshop on the Dave Ullin Open Water Marina.

Deputy Mayor Deets reported on the SR305 Working Group.

12) FOR THE GOOD OF THE ORDER

Councilmember Nassar noted that Olympic Property Group is sharing Suzuki site plan options ahead of Council review and asked for Council to review the options first.

City Manager Smith reviewed the draft agenda for the retreat.

Council discussed public comment protocol. City Manager Smith will bring back the Chamber rules used by a previous Council.

13) ADJOURNMENT

Mayor Medina adjourned the meeting at 10:25 p.m.

/s/_________________________
Kol Medina, Mayor

/s/_________________________________
Christine Brown, City Clerk