



CITY COUNCIL REGULAR BUSINESS MEETING
TUESDAY, AUGUST 11, 2020

MEETING MINUTES

1) CALL TO ORDER/ROLL CALL

Mayor Schneider called the meeting to order on the Zoom webinar platform at 6:00 p.m.

Mayor Schneider, Deputy Mayor Deets, and Councilmembers Carr, Hytopoulos, Medina and Nassar were present. Councilmember Pollock was absent and excused.

2) EXECUTIVE SESSION

2.A 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 Schneider adjourned the meeting to an executive session pursuant to RCW 42.30.110(1)(i) at 6:01 p.m. At 6:50 p.m., the executive session was extended for an additional 20 minutes.

Council returned from executive session at 7:08 p.m., and Mayor Schneider reconvened the meeting.

3) [APPROVAL OF AGENDA / CONFLICT OF INTEREST DISCLOSURE](#)

Councilmember Nassar asked to add a discussion clarifying the advisory committee appointment process. Deputy Mayor Deets seconded the request. Council's consensus was to add the agenda item.

Councilmember Medina moved and Councilmember Carr seconded to approve the agenda as modified. The motion carried unanimously, 6 – 0.

There were no conflicts of interest were disclosed.

4) PUBLIC COMMENT

4.A Instructions for Providing Public Comment - City Clerk

[Cover Page](#)

[Instructions for Providing Public Comment at Remote Meetings.pdf](#)

Ashley Mathews commented on race equity.

Lisa Neal commented on the committee appointment process.

Diane Landry commented on the plastic bag ban and trash receptacles in Winslow.

Sal DeRosalia commented on the sexual assault item on the agenda.

5) MAYOR'S REPORT

Mayor Schneider mentioned the advisory committee appointment process and thanked applicants for volunteering to serve.

6) CITY MANAGER'S REPORT

City Manager Smith mentioned a Map Your Neighborhood Zoom meeting on August 19, 2020 and the Sustainable Transportation Zoom open house on August 20, 2020, and updated Council on the public comment process for the City Manager search.

7) FUTURE COUNCIL AGENDAS

7.A Future Council Agendas

[Cover Page](#)

[August 25 City Council Regular Business Meeting.pdf](#)

[September 1 City Council Study Session.pdf](#)

[September 8 City Council Regular Business Meeting.pdf](#)

City Manager Smith reviewed future Council agendas. Councilmember Nassar inquired about her request for the addition of an update from the Joint Council and Planning Commission Land Use Subcommittee to every study session, and Council discussed the topic.

MOTION: I move to schedule a regularly scheduled agenda item at the start of every study session, beginning with the September 8 study session for the Council Planning Commission Land Use Ad Hoc Committee to report back on progress and to allow Council members to provide input and feedback in the committee process.

Nassar/Carr: The motion carried, 4 – 2.

AYES: Carr, Deets, Nassar, Schneider

NOES: Hytopoulos, Medina

ABSENT: Pollock

ABSTAIN: None

City Manager Smith said that an update will be added to each study session, beginning with the September 1, 2020 study session.

Councilmember Deets requested a Council discussion on the remaining economic recovery recommendations from the Economic Recovery Ad Hoc Committee. There was consensus to add it to the September 15, 2020 Study Session.

8) UNFINISHED BUSINESS

8.A Set the Public Hearing on Ordinance No. 2020-20, Related to Extending the Interim Zoning Control on Floor Area Ratio - Planning

[Cover Page](#)

[Ordinance No. 2020-20 Extending Interim Zoning Control Related to Bonus Density.docx](#)

[Ordinance No. 2020-10 Adopting Interim Zoning Control Related to Bonus Density Approved 031020.pdf](#)

Planning and Community Development Director Wright introduced the agenda item.

MOTION: I move to schedule a public hearing on August 25, 2020 related to Ordinance No. 2020-20.

Nassar/Deets: The motion carried unanimously, 6 – 0.

AYES: Carr, Deets, Hytopoulos, Medina, Nassar, Schneider

NOES: None

ABSENT: Pollock

ABSTAIN: None

Councilmember Nassar inquired about Section 18.12.030.D of the Bainbridge Island Municipal Code regarding bonus density allocations in the Neighborhood Service Centers and suggested referring that section to the Joint City Council and Planning Commission Land Use Committee for review and possible inclusion in the interim zoning control.

MOTION: I moved to refer Code section 18.12.030 subsection D to the City Council Planning Commission Land Use Ad Hoc Subcommittee agenda.

Nassar/Carr: The motion failed, 3 – 3.

AYES: Carr, Hytopoulos, Nassar

NOES: Deets, Medina, Schneider

ABSENT: Pollock

ABSTAIN: None

9) NEW BUSINESS

9.A Community Concerns Related to Sexual Assault Investigations and Bainbridge Island Police Department Procedures - Police and Executive

[Cover Page](#)

Police Chief Clark addressed community concerns related to sexual assault investigations and provided information on department procedures.

9.B Resolution No. 2020-02, Updating the City's Procedure for the Surplus and Sale of City-Owned Real Property - Executive

[Cover Page](#)

[Resolution No. 2020-02, Updating the City's Procedure for the Surplus and Sale of City-Owned Real Property](#)

[Resolution No. 2016-18, The City's Current Procedure for the Surplus and Sale of City-Owned Real Property](#)

[Appraisal Institute - Summary of 2014-15 USPAP Changes to Written Appraisal Report Types](#)

Deputy City Attorney Sepler introduced the agenda item.

MOTION: I move to forward Resolution No. 2020-02 for approval with the August 25, 2020 Consent Agenda.

Nassar/Deets: The motion carried unanimously, 6 – 0.

AYES: Carr, Deets, Hytopoulos, Medina, Nassar, Schneider

NOES: None

ABSENT: Pollock

ABSTAIN: None

9.C Appointments to the Ethics Board and Historic Preservation Commission - Mayor Schneider

[Cover Page](#)

[Recommended Appointments \(Ethics Board and Historic Preservation Commission\).pdf](#)

[Ethics Board Applications \(Redacted\).pdf](#)

[Historic Preservation Commission Applications \(Redacted\).pdf](#)

Mayor Schneider introduced the agenda item. Councilmember Nassar asked to discuss the appointment process for the Ethics Board at a future time, given that they do not have a Council liaison.

MOTION: I move to forward for approval with the August 25, 2020 Consent Agenda the following recommended Ethics Board appointments as shown on the attached spreadsheet: Doña Keating to Position 1; Jim Cash to Position 2; David Mallon to Position 3; Karen Anderson to Position 4; Dominique Cantwell to Position 6; and Tyler Weaver to Position 7.

Medina/Hytopoulos: The motion carried unanimously, 6 – 0.

AYES: Carr, Deets, Hytopoulos, Medina, Nassar, Schneider

NOES: None

ABSENT: Pollock

ABSTAIN: None

MOTION: I move to forward for approval with the August 25, 2020 Consent Agenda the following recommended Historic Preservation Commission reappointment and appointments as shown on the attached spreadsheet: reappointment of Eric Kortum to Position 1; and the appointments of Terri Bumgardner to Position 2, Rick Chandler to Position 3, and Christopher Moreno to Position 5.

Medina/Hytopoulos: The motion carried unanimously, 6 – 0.

AYES: Carr, Deets, Hytopoulos, Medina, Nassar, Schneider

NOES: None

ABSENT: Pollock

ABSTAIN: None

9.D Clarification on Committee Member Recommended Appointment Process [ADDED]

Councilmember Nassar asked for clarification on the committee member appointment process when the interview panel does not reach consensus. Council discussed the question and agreed that the

Mayor would bring forward the majority decision of the interview panel and inform Council if there was dissent.

Mayor Schneider adjourned the meeting for a break at 8:56 p.m. and reconvened the meeting at 9:05 p.m.

10) COUNCIL DISCUSSION

10.A Proposed Changes to Process to Fill Planning Commission Vacancies - Councilmembers Carr, Hytopoulos, and Pollock

[Cover Page](#)

[PC Vacancy Joint Subcommittee Recommendations.docx](#)

Councilmember Carr introduced the agenda item, and Council discussed the recommendation. Councilmember Nassar objected to the last sentence on page 2, and Council discussed the language. Councilmember Carr proposed incorporating diversity language from the City of Seattle.

MOTION: Councilmember Carr moved to accept the Joint Subcommittee’s recommendations with a modification striking “Appointments to the PC are addressed in BIMC 2.14.020.C and applicants are evaluated in light of the purpose, role, duties and responsibilities of the PC described above.”

Carr/Hytopoulos: The motion carried unanimously, 6 – 0.

AYES: Carr, Deets, Hytopoulos, Medina, Nassar, Schneider

NOES: None

ABSENT: Pollock

ABSTAIN: None

MOTION: Councilmember Nassar moved and Councilmember Medina seconded to incorporate diversity language based on the City of Seattle’s provision in the advertisement for the vacancy.

Councilmember Medina proposed adding diversity language to the Code. City Manager Smith proposed bringing back a proposed ordinance on August 25, 2020 that incorporates diversity language, together with a revised version of the recommendations that provides a date, author, and format and has the sentence removed that Council designated.

City Manager Smith proposed a friendly amendment to Councilmember Nassar’s motion to add the diversity language to the Code, and Councilmembers Nassar and Medina concurred. Mayor Schneider asked Council to make a formal motion that accepts the friendly amendment.

AMENDMENT: Councilmember Hytopoulos moved and Councilmember Medina seconded to accept the City Manager’s friendly amendment to take the intent of the diversity language and add it to the statutory language by bringing back an ordinance on August 25, 2020.

The amendment carried unanimously, 6 – 0.

AYES: Carr, Deets, Hytopoulos, Medina, Nassar, Schneider

NOES: None

ABSENT: Pollock

ABSTAIN: None

The amended motion carried unanimously, 6 – 0.

AYES: Carr, Deets, Hytopoulos, Medina, Nassar, Schneider
NOES: None
ABSENT: Pollock
ABSTAIN: None

City Manager Smith stated that staff will bring back an ordinance for Council's review on August 25, 2020. She asked if Council would consider one-touch approval, and Council concurred. She asked for clarification on certain recommendations relating to advertisements and publicity during the next discussion.

I0.B Enforcement of Ordinance No. 2012-06, Regulating the Distribution of Single-Use Plastic Bags and Establishing a Pass-Through Fee for Paper Bags - Councilmember Hytopoulos

[Cover Page](#)

[Ordinance No. 2012-06 Regulating the Distribution of Single-Use Plastic Bags Approved 041112.pdf](#)

[Ordinance No. 2019-30 Update of Pass Through Fee from Retailers to Customers Requesting Bags Approved 112619.pdf](#)

Councilmember Hytopoulos introduced the agenda item. City Manager Smith provided background information.

MOTION: Councilmember Hytopoulos moved to direct the City Manager to reinstate the enforcement of the plastic bag ban by September 1, 2020.

Hytopoulos/Deets: The motion carried unanimously, 6 – 0.

AYES: Carr, Deets, Hytopoulos, Medina, Nassar, Schneider
NOES: None
ABSENT: Pollock
ABSTAIN: None

I0.C Proposal for Council Training on Parliamentary Procedure - Mayor Schneider

[Cover Page](#)

Mayor Schneider introduced the agenda item.

MOTION: I move to direct the City Manager to come back to the City Council with a proposal for a two-hour workshop on parliamentary procedure provided by Jurassic Parliament.

Nassar/Deets: The motion carried unanimously, 6 – 0.

AYES: Carr, Deets, Hytopoulos, Medina, Nassar, Schneider
NOES: None
ABSENT: Pollock
ABSTAIN: None

11) CONSENT AGENDA

11.A Agenda Bill for Consent Agenda
[Cover Page](#)

11.B Accounts Payable and Payroll

[Cover Page](#)

[Payroll.pdf](#)

[AP Report to Council of Cash Disbursements 08-12-20.pdf](#)

Accounts Payable: check number 354154 from previous run = \$4,040.51; manual check number sequence 354155 – 354164 = \$33,367.68; regular check number sequence 354165 – 354261 = \$443,315.89; EFT number 397 = 9,170.37; ACH 398 – 399 = \$2633.24; retainage release number 194 = \$4,434.18. Total disbursement = \$ 488,487.18.

Payroll: normal direct deposit check sequence 48567 – 48700 = \$315,705.89; regular payroll check sequence 109417 – 109418 = \$3,073.73; vendor check run sequence 109419 – 109428 = \$2,633.24; Federal Tax Electronic Funds Transfer = \$116,253.01. Total disbursement = \$748,662.39.

11.C City Council Regular Business Meeting Minutes, July 28, 2020

[Cover Page](#)

[City Council Regular Business Meeting Minutes July 28, 2020.pdf](#)

11.D Resolution No. 2020-13, Updating the City's Code of Conduct and Ethics Program - Executive

[Cover Page](#)

[Resolution No. 2020-13, Updating the City's Code of Conduct and Ethics Program](#)

[Redline - Councilmember Hytopoulos' Proposed Revisions to the Code of Conduct and Ethics Program - From 6-30-20 Council Meeting](#)

11.E Lovell Avenue Sewer Beach Mains Project Professional Services Agreement - Public Works

[Cover Page](#)

[Professional Services Agreement - Skillings Connolly.docx](#)

[Lovell Sewer Presentation.pptx](#)

Councilmember Nassar moved and Councilmember Medina seconded to approve the Consent Agenda as presented. The motion carried unanimously, 6 – 0.

12) COMMITTEE REPORTS

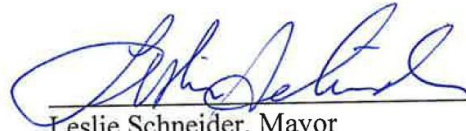
Councilmember Carr reported on the Joint City Council and Planning Commission Land Use Subcommittee. She said that the committee has agreed to post their meetings on the City calendar and allow the public to listen to the meetings on Zoom. The subcommittee will also come to Council with a road map for their proposal for moving forward with a table and an outline for the triage items and longer-range items.

13) FOR THE GOOD OF THE ORDER

There were no comments made for the good of the order.

14) ADJOURNMENT

Mayor Schneider adjourned the meeting at 10:05 p.m.

A handwritten signature in blue ink, appearing to read "Leslie Schneider", written over a horizontal line.

Leslie Schneider, Mayor

A handwritten signature in blue ink, appearing to read "Christine Brown", written over a horizontal line.

Christine Brown, CMC, City Clerk