



**CITY COUNCIL REGULAR BUSINESS MEETING  
TUESDAY, SEPTEMBER 22, 2020**

**MEETING MINUTES**

**1) CALL TO ORDER/ROLL CALL**

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

Mayor Schneider, Deputy Mayor Deets, and Councilmembers Carr, Hytopoulos, Medina, Nassar, and Pollock were present.

**2) APPROVAL OF AGENDA / CONFLICT OF INTEREST DISCLOSURE**

Councilmember Deets moved and Councilmember Pollock seconded to approve the agenda as presented. The motion carried unanimously, 7 – 0.

Deputy Mayor Deets and Councilmember Pollock disclosed they are waterfront property owners with respect to Item 9.A.

**3) PUBLIC COMMENT**

**3.A Instructions for Providing Public Comment - City Clerk**

[Cover Page](#)

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

Ron Peltier commented on a potential violation of the Open Public Meetings Act.

Jack Sutherland spoke in favor of speed regulations in Blakely Harbor.

Cindy Anderson commented on a potential violation of the Open Public Meetings Act.

Sal DeRosalia commented regarding the removal of the word "master" from the Shoreline Master Plan and the Winslow Master Plan.

Lisa Macchio spoke in favor of speed regulations in Blakely Harbor.

Ashley Mathews commented on the Race Equity Task Force.

Betty Weiss commented on the importance of race equity on the Island.

**4) MAYOR'S REPORT**

Mayor Schneider commented on the presentation of the 2021-22 Proposed Budget.

## 5) CITY MANAGER'S REPORT

City Manager Smith mentioned the Annual Day of Preparedness on September 26, 2020, the Comcast negotiations, the U.S. Census deadline, and the Police Town Hall on September 30, 2020.

## 6) FUTURE COUNCIL AGENDAS

### 6.A Future Council Agendas

[Cover Page](#)

[October 6 City Council Study Session.pdf](#)

[October 13 City Council Regular Business Meeting.pdf](#)

[October 20 City Council Study Session.pdf](#)

[October 27 City Council Regular Business Meeting.pdf](#)

City Manager Smith provided an overview of the agendas for October.

Deputy Mayor Deets requested time on the October 13, 2020 agenda for further discussion on the recommendations of the Economic Recovery Ad Hoc Committee. Councilmember Pollock seconded the request, and Council's consensus was to add the item to the agenda.

Councilmember Hytopoulos requested time on the October 6, 2020 agenda to discuss written comment to the Washington Utilities and Transportation Commission regarding Puget Sound Energy's sale of Colstrip plant to the Montana utility and time on the October 27, 2020 agenda to review recommendations from the Joint City Council and Planning Commission Land Use Subcommittee. Council's consensus was to add both items.

Councilmember Nassar requested a discussion on potential Code changes for lots in the rural zone that are less than 12,500 square feet. Council's consensus was to add it to the October 20, 2020 agenda. Councilmember Nassar requested and Councilmember Pollock seconded to add a discussion on Council and committee disciplinary procedures on October 6, 2020.

Councilmember Pollock requested a discussion on the committee appointment process, and Council concurred.

## 7) BUDGET DELIBERATIONS

### 7.A 2021-22 Proposed Budget Presentation - Finance

[Cover Page](#)

City Manager Smith, Deputy City Manager Schroer, and Finance Director Pitts provided a presentation on the proposed budget and addressed Council's questions. City Manager Smith summarized the proposed next steps.

## 8) PRESENTATION(S)

### 8.A Proclamation Declaring October 7, 2020 as "Energy Efficiency Day," - Mayor Schneider

[Cover Page](#)

[Energy Efficiency Day Proclamation.docx](#)

Mayor Schneider read the proclamation.

**MOTION:** I move to approve the proclamation declaring October 7, 2020 as "Energy Efficiency Day."

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

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

**NOES:** None

**ABSENT:** None

**ABSTAIN:** None

9) PUBLIC HEARING(S)

**9.A Ordinance No. 2020-17 Adopting the Shoreline Master Program Amendment to Integrate the Critical Areas Ordinance and Make Changes to the Nonconforming Sections- Planning**

Cover Page

September 22, 2020 Staff Memorandum to Council

Ordinance No. 2020-17 Adopting the Shoreline Master Program Amendment

Exhibit A to Ordinance No. 2020-17 Shoreline Master Program Amendment

Exhibit B Table of Changes to Draft SMP Amendment

Determination of Initial Concurrence from the WA Department of Ecology

Ecology Recommendations to Resolve Issues Identified as Required and Recommended

FOR BACKGROUND June 23, 2020 Staff memo, summarizing Ecology's comments

FOR BACKGROUND Resolution No. 2019-05, directing staff to submit the draft SMP Amendment to Ecology for initial review

Planning Director Wright introduced the agenda item.

Mayor Schneider opened the public hearing at 7:55 p.m.

**Public Comment**

Kyle LaBrache spoke about oyster management and designated uses on the shoreline.

Lisa Macchio spoke in favor of the ordinance.

Mayor Schneider closed the public hearing at 8:02 p.m.

Planning Director Wright noted that a further State Environmental Policy Act (SEPA) process will be completed prior to ordinance approval.

**9.B Public Hearing on Ordinance No. 2020-24, Related to Extending the Moratorium on Certain Development Activities - Planning**

Cover Page

Ordinance No. 2020-24 Extending the Development Moratorium - Public Hearing Draft (Updated).docx

Exhibit A to Ord 2020-24 - Work Plan

Exhibit B to Ord 2020-24 - Winslow Master Plan Study Area Map

Moratorium Summary - Handout.pdf

Moratorium Work Plan Status Report.pdf

[For Background] Ordinance No. 2020-09 Extending the Development Moratorium.pdf

Planning Director Wright introduced the agenda item and was joined by Senior Planner Sutton. Council discussed the ordinance.

Mayor Schneider opened the public hearing at 8:24 p.m. There was no public comment. Mayor Schneider closed the public hearing at 8:25 p.m.

**MOTION:** I move to approve Ordinance No. 2020-24.

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

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

**NOES:** None

**ABSENT:** None

**ABSTAIN:** None

**MOTION:** I move that Council direct staff to bring back to the Council a revised moratorium that limits the moratorium to be applicable to the shoreline zone within the Winslow Master Planning Area.

**Medina/Carr:** The motion carried unanimously, 7 – 0.

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

**NOES:** None

**ABSENT:** None

**ABSTAIN:** None

#### 10) UNFINISHED BUSINESS

##### **10.A Monthly Update on 2020 Revenue and Expenses Forecasts - Executive**

[Cover Page](#)

[Financial Presentation August Update for CC 09222020.pptx](#)

Deputy City Manager Schroer provided a presentation updating Council on revenue and expense forecasts.

City Manager Smith asked for support to develop plans for a community COVID-19 testing program to be supported with CARES funding. Council concurred.

##### **10.B Federal Coronavirus Aid, Relief, and Economic Security (CARES) Act Grant Amendment Acceptance - Finance**

[Cover Page](#)

[Amendment A\\_20-654IC-110 with correction.pdf](#)

**MOTION:** I move to accept and ratify the Federal Coronavirus Aid, Relief, and Economic Security Act grant (CARES) amendment from the Washington State Department of Commerce in the amount of \$367,800 with an amended end date of November 30, 2020 for an amended contract total amount of \$1,103,400.

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

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

**NOES:** None

**ABSENT:** None

**ABSTAIN:** None

Mayor Schneider adjourned the meeting for a break at 8:57 p.m. Council returned at 9:06 p.m., and Mayor Schneider reconvened the meeting.

## 11) NEW BUSINESS

### **11.A Update on AT&T Discussions related to Cellular Coverage and Service Gaps - Executive Cover Page**

City Manager Smith introduced the agenda item. Bainbridge Island Fire Department Chief Teran participated in the discussion.

### **11.B Arts and Humanities Bainbridge/Public Art Funding Proposal - Executive Cover Page** [PAC Presentation 9.14.20 - for CC 09222020.pdf](#)

Mayor Schneider introduced the agenda item. Anne Smart, Grace Harris, and Susan Arens from the Public Art Committee provided a presentation on the committee's work and the funding proposal.

**MOTION:** I move to forward for approval with the October 13, 2020 consent agenda City Council authorization for the City Manager to prepare and execute a five-year professional services agreement with Arts and Humanities Bainbridge to include a \$12,000 annual payment, and a 15% project management fee for future public art projects including the annual Something New project.

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

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

### **11.C Consider Revising BIMC 12.40.060 to Include Blakely Harbor - Police** [Cover Page](#) [Speed and Wake in Blakely CC 9-22-20.pdf](#)

Police Chief Clark introduced the agenda item. Council discussed the revision and provided input on the Eastern line.

**MOTION:** I move to direct the City Manager to prepare a proposal for future Council consideration adding Blakely Harbor to the restricted areas outlined in BIMC 12.40.060 based on tonight's hopefully brief Council discussion.

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

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

### **11.D John T. Nelson Park at Strawberry Cannery Cove Monitoring Well License Agreement - Public Works** [Cover Page](#) [Revocable License Agreement.pdf](#)

[Construction Easement.pdf](#)  
[Tosco Site NW3070 Opinion Letter 8-4-2020 Final.pdf](#)

Public Works Director Wierzbicki introduced the agenda item.

**MOTION:** I move to forward the John T. Nelson Park at Strawberry Cannery Cove Monitoring Well License Agreement for approval with the October 13, 2020 Consent Agenda.

**Pollock/Medina:** The motion carried unanimously, 7 – 0.

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

**NOES:** None

**ABSENT:** None

**ABSTAIN:** None

**11.E Ordinance No. 2020-27, Adjusting the Number of Positions on the Salary Commission - Executive**

[Cover Page](#)

[Ordinance No. 2020-27, Adjusting the Number of Positions on the Salary Commission](#)

Mayor Schneider introduced the agenda item.

**MOTION:** I move to forward Ordinance No. 2020-27 for approval with the October 13, 2020 Consent Agenda.

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

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

**NOES:** None

**ABSENT:** None

**ABSTAIN:** None

**11.F Appointments to the Salary Commission - Mayor Schneider**

[Cover Page](#)

[Haugan - Salary Commission - Redacted.pdf](#)

[Hermanson - Salary Commission - Redacted.pdf](#)

[Lakich - Salary Commission - Redacted.pdf](#)

[Neal - Salary Commission - Redacted.pdf](#)

[O'Rourke - Salary Commission - Redacted.pdf](#)

[Whittlesey - Salary Commission - Redacted.pdf](#)

Mayor Schneider introduced the agenda item.

**MOTION:** I move to forward for approval with the October 13, 2020 Consent Agenda the following appointments to the Salary Commission: Fred Whittlesey to Position 1, James Hermanson to Position 2, Richard Haugen to Position 3, Steve Lakich to Position 4, Lisa Neal to Position 5, and Andi O'Rourke to Position 6.

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

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

**NOES:** None

**ABSENT:** None

**ABSTAIN:** None

**11.G Wyatt Way Reconstruction Project Budget Amendment for Supervisory Control & Data Acquisition System (SCADA) Upgrades**  
[Cover Page](#)

Public Works Director Wierzbicki introduced the agenda item.

**MOTION:** I move to amend the Wyatt Way Reconstruction Project budget by \$40,000.00 from the City's Water Fund to design and build the desired SCADA upgrades.

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

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

**NOES:** None

**ABSENT:** None

**ABSTAIN:** None

**MOTION:** I move to authorize the City Manager to include the amendment to the Wyatt Way Reconstruction Project budget with the 4th quarter budget amendments.

**Pollock/Carr:** The motion carried unanimously, 7 – 0.

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

**NOES:** None

**ABSENT:** None

**ABSTAIN:** None

**12) COUNCIL DISCUSSION**

**12.A Expectations for City Council Liaisons**  
[Cover Page](#)  
[Councilmember Liaison Job Description\\_Approved 031020](#)

Mayor Schneider introduced the agenda item. Mayor Medina stated that he is going to make a motion to remove a Council member from his regional boards and committees because he does not trust the Council member to consistently represent the full Council. Councilmember Pollock called for a point of order stating that the topic was in violation of the Council's rules. Mayor Schneider ruled against the point of order and called for a Council vote. Mayor Medina was allowed to proceed.

**MOTION:** I move that Councilmember Pollock be removed from all of his Council liaison assignments and appointments to regional bodies effective immediately. This motion [shall] be liberally construed to achieve the intent of the motion. This motion specifically does not apply to any Council subcommittee or ad hoc committee on which Councilmember Pollock serves as a member along with other Council members.

**Medina/Hytopoulos:** The motion failed 3 – 4.

**AYES:** Hytopoulos, Medina, Schneider

**NOES:** Carr, Deets, Nassar, Pollock

**ABSENT:** None

**ABSTAIN:** None

**12.B City Council Support for Race Equity Task Force Workplan Items**

Mayor Schneider introduced the agenda item, and Council discussed next steps.

**AMENDED MOTION:** I move to appoint Councilmember Hytopoulos to serve as co-liaison with Councilmember Nassar to the Race Equity Task Force.

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

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

**NOES:** None

**ABSENT:** None

**ABSTAIN:** None

**MOTION:** I move to direct the Council liaisons to the Race Equity Task Force to present this discussion to the task force for the purposes of getting their feedback and then returning to the Council with feedback from the Race Equity Task Force on this topic.

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

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

**NOES:** None

**ABSENT:** None

**ABSTAIN:** None

### 13) CONSENT AGENDA

#### 13.A **Agenda Bill for Consent Agenda**

[Cover Page](#)

#### 13.B **Accounts Payable and Payroll**

[Cover Page](#)

[AP Report to Council of Cash Disbursements 09-23-20.pdf](#)

[Payroll.pdf](#)

**Accounts Payable:** check number 354468 from previous run = \$2,419.88; manual check number sequence 354469 – 354479 = 471,954.72; regular check number sequence 354480 – 354567 = \$277,578.40. Total disbursement = \$749,533.12.

**Payroll:** normal direct deposit check sequence 48966 – 49097 = \$345,014.29; regular payroll check sequence 109450 = \$2,601.00; vendor check run sequence 109451 – 109457 = \$126,823.47; Federal Tax Electronic Funds Transfer = \$128,276.14. Total disbursement = \$602,714.90.

#### 13.C **City Council Study Session Minutes, September 1, 2020**

[Cover Page](#)

[City Council Study Session Minutes, September 1, 2020.docx](#)

#### 13.D **City Council Regular Business Meeting Minutes, September 8, 2020**

[Cover Page](#)

[City Council Regular Business Meeting Minutes, September 8, 2020.pdf](#)

**13.E Appointments to the Climate Change Advisory Committee, Environmental Technical Advisory Committee, and Utility Advisory Committee - Mayor Schneider**

[Cover Page](#)

[Climate Change Advisory Committee Applications \(Redacted\).pdf](#)

[Environmental Technical Advisory Committee Applications \(Redacted\).pdf](#)

[Utility Advisory Committee Applications \(Redacted\).pdf](#)

**MOTION:** I move to approve the Consent Agenda as presented.

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

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

**NOES:** None

**ABSENT:** None

**ABSTAIN:** None

**14) COMMITTEE REPORTS**

Deputy Mayor Deets reported that the Climate Change Advisory Committee approved their Climate Action Plan.

**15) FOR THE GOOD OF THE ORDER**

Councilmember Hytopoulos provided information in response to the public comment relating to an Open Public Meetings Act violation.

**16) ADJOURNMENT**

Mayor Schneider adjourned the meeting at 11:34 p.m.



Leslie Schneider, Mayor



Christine Brown, CMC, City Clerk