



CITY COUNCIL REGULAR BUSINESS MEETING
TUESDAY, OCTOBER 27, 2020

MEETING MINUTES

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

Mayor Schneider called the meeting to order on the Zoom webinar platform at 6:01 p.m.

Mayor Schneider, Deputy Mayor Deets, and Councilmembers Carr, Hytopoulos, Medina and Nassar were present. Councilmember Pollock joined the meeting at 6:07 p.m.

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

Deputy Mayor Deets moved and Councilmember Nassar seconded to approve the agenda as presented. The motion carried unanimously, 6 – 0, with Councilmember Pollock absent for the vote.

Deputy Mayor Deets recused himself from items 10.C and 10.D due to a conflict of interest.

3) **PUBLIC COMMENT**

3.A Instructions for Providing Public Comment - City Clerk

[Cover Page](#)

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

Wendy Tyner spoke against the proposed composting project on the Triangle Property.

Sal DeRosalia spoke in favor of racial equity training.

Don Willott spoke in favor of the Sound to Olympic Trail.

Kathy Raustein spoke against the proposed composting project on the Triangle Property.

Leah McGuire spoke against the proposed composting project on the Triangle Property.

Kevin Miller spoke against the proposed composting project on the Triangle Property.

Rick Smith spoke against the proposed composting project on the Triangle Property.

Lisa Macchio spoke in favor of reducing the Old Mill Road speed limit and revisions to levels of service.

Susan Loftus spoke in favor of sustainable transportation.

4) MAYOR'S REPORT

Mayor Schneider thanked Deputy City Attorney Sepler for his service, mentioned that Council will hold an executive session on the City Manager search on October 28, 2020, and noted the North Ward Council vacancy.

5) CITY MANAGER'S REPORT

City Manager Smith highlighted the North Ward Council vacancy, the City's new COVID-19 testing site, and preparations for the election.

6) FUTURE COUNCIL AGENDAS

6.A Future Council Agendas

[Cover Page](#)

[October 28 Special City Council Meeting.pdf](#)

[November 4 Special City Council Meeting - Budget Workshop.pdf](#)

[November 10 City Council Regular Business Meeting.pdf](#)

City Manager Smith reviewed future Council agendas.

Mayor Schneider proposed and Deputy Mayor Deets seconded the addition of ten minutes to a future agenda to discuss whether to schedule a discussion on options for land use regulations related to the Triangle Property and specific standards for composting facilities. Council concurred.

7) BUDGET DELIBERATIONS

7.A Budget Discussions #5

[Cover Page](#)

[CouncilDecisionSummary_CC_10272020.pdf](#)

[10-20 BUDGET MOTIONS.pdf](#)

City Manager Smith introduced the agenda item. Finance Director Pitts, Deputy City Manager Schroer, and Budget Manager Dunscombe joined the discussion. Finance Director Pitts provided a presentation summarizing the October 20, 2020 budget deliberations.

7.B Winslow Water Tank Financing and Funding Alternatives - Public Works

[Cover Page](#)

[SRF Fact Sht.pdf](#)

[Building Resilient Infrastructure and Communities \(BRIC\) _ FEMA.gov.pdf](#)

Public Works Director Wierzbicki introduced the agenda item.

MOTION: I move to forward for approval with the November 10, 2020 consent agenda authorization for the City Manager to explore financing and funding options from the Washington State Drinking Water Revolving Fund and the FEMA grant program to support the Winslow Water Tank Replacement Project.

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

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

NOES: None

ABSENT: None
ABSTAIN: None

8) PUBLIC HEARING(S)

8.A Public Hearing on Ordinance No. 2020-30 Relating to Property Tax Levy for Collection in 2021 - Finance

[Cover Page](#)

[Ordinance No. 2020-30 Relating to the Levy of Property Taxes for Collection in 2021.docx](#)

[City of Bainbridge Island Levy Limit 9 28 2020 TY2021.docx](#)

[Property_Tax_Ordinance_Presentation_CC_102720_Final.pdf](#)

Budget Manager Dunscombe provided a presentation on the property tax levy.

Mayor Schneider opened the public hearing at 7:35 p.m. There was no public comment. Mayor Schneider closed the public hearing at 7:36 p.m.

MOTION: I move to forward to the November 10, 2020 Unfinished Business portion of the agenda Ordinance No. 2020-30 relating to Property Tax Levy for Collection in 2021.

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

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

NOES: None

ABSENT: None

ABSTAIN: None

8.B Public Hearing for Ordinance No. 2020-31 Relating to the 2021-22 Preliminary Biennial Budget – Finance

[Cover Page](#)

[Ordinance No. 2020-31 Adopting Biennial Budget for FY 2021-22.docx](#)

[2021_ Exhibit A.pdf](#)

[2022_ Exhibit B.pdf](#)

Mayor Schneider introduced the agenda item and opened the public hearing at 7:40 p.m. There was no public comment. Mayor Schneider closed the public hearing at 7:41 p.m.

MOTION: I move to forward to the November 10, 2020 Budget Deliberation portion of the agenda Ordinance No. 2020-31 relating to the 2021-22 Biennial Budget.

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

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

NOES: None

ABSENT: None

ABSTAIN: None

8.C Public Hearing on Ordinance No. 2020-22, Extending Small Wireless Facilities Design Standards Interim Official Control - Executive

[Cover Page](#)

[Ordinance No. 2020-22, Extending Small Wireless Facilities Design Standards Interim Official Control](#)

Deputy City Attorney Sepler introduced the agenda item.

Mayor Schneider opened the public hearing at 7:43 p.m. There was no public comment. Mayor Schneider closed the public hearing at 7:44 p.m.

MOTION: I move to approve Ordinance No. 2020-22.

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

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

NOES: None

ABSENT: None

ABSTAIN: None

9) UNFINISHED BUSINESS

9.A Ordinance No. 2020-33, Declaration of Substantial Need to Increase the Regular Property Tax Levy Rate in Excess of the Implicit Price Deflator for Collection in 2021 – Finance

[Cover Page](#)

[Ordinance No. 2020-33 Declaration of Substantial Need.docx](#)

[101320 Presentation - Declaration of Substantial Need Ordinance.pptx](#)

[MRSC Implicit Price Deflator Overview.pdf](#)

Budget Manager Dunscombe introduced the agenda item.

MOTION: I move to approve Ordinance No. 2020-33, Declaration of Substantial Need, to increase the regular property tax levy rate in excess of the implicit price deflator for collection in 2021.

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

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

NOES: None

ABSENT: None

ABSTAIN: None

9.B Sustainable Transportation Plan Goals and Objectives - Public Works

[Cover Page](#)

[BAINBRIDGE STP Final Goals Objectives 20201006.pdf](#)

Public Works Director Wierzbicki provided a presentation. Engineering Project Manager Epstein also joined the discussion. Council requested a revision to the goals to highlight that the overarching objective of the Sustainable Transportation Plan is the reduction of transportation-related emissions to help achieve the Island-wide goal of 90% greenhouse gas emissions reduction by 2045.

9.C Transportation Levels of Service - Next Steps - Public Works

[Cover Page](#)

[LOS Workshop_101420.pdf](#)

Public Works Director Wierzbicki provided a presentation and addressed Council's questions.

9.D Development Moratorium - Ordinance No. 2020-29 Further Narrowing the Moratorium to the Shoreline Properties in the Winslow Master Plan Study Area - Planning

[Cover Page](#)

[Ordinance No. 2020-29 Further Narrowing the Development Moratorium to Shoreline Properties within the WMPSA](#)

[Exhibit A \(Work Plan\) to Ordinance No. 2020-29](#)

[Exhibit B \(Map\) to Ordinance No. 2020-29](#)

Planning Director Wright introduced the agenda item.

MOTION: I move to approve Ordinance No. 2020-29, which will further narrow the development moratorium to only apply to the shoreline properties within the Winslow Master Plan Study Area.

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

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

NOES: None

ABSENT: None

ABSTAIN: None

9.E Ordinance No. 2020-34 Prohibiting New Self-Service Storage Uses, Consider Scheduling Adoption – Planning

[Cover Page](#)

[20201029 Public Hearing DRAFT Ordinance No. 2020-34 Self-Service Storage Facilities.docx](#)

[Exhibit A to Ordinance 2020-34.docx](#)

[Ordinance No. 2020-12 Extending Moratorium on Self-Service Storage Facilities Approved 051220.pdf](#)

Planning Director Wright introduced the agenda item. Councilmember Carr suggested adding a whereas clause related to climate change to the ordinance.

Councilmember Medina noted that he will abstain from the discussion and vote on this item and item 9.F.

MOTION: I move to forward Ordinance No. 2020-34 as amended by Councilmember Carr to include a whereas clause related to climate change to the Unfinished Business section of the Council agenda on November 10, 2020 to allow for further consideration and possible adoption of the ordinance.

Nassar/Deets: The motion carried, 6 – 0, with Councilmember Medina abstaining.

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

NOES: None

ABSENT: None

ABSTAIN: Medina

9.F Ordinance No. 2020-36 Relating to an Extension of the Self-Service Storage Moratorium, Set the Public Hearing – Planning

[Cover Page](#)

Ordinance No. 2020-36 Extending the Moratorium on Self-Service Storage Facilities
ORD NO. 2020-12 EXTENDING MORATORIUM ON SELF-SERVICE STORAGE FACILITIES

MOTION: I move to set the public hearing on Ordinance No. 2020-36 for November 10, 2020 to extend the moratorium related to self-service storage facilities.

Nassar/Deets: The motion carried, 6 – 0, with Councilmember Medina abstaining.

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

9.G Update on Ethics Board Operating Rules – Executive
[Cover Page](#)
[Ethics Board Operating Rules - Revised and Adopted 10-19-2020](#)

Deputy City Attorney Sepler introduced the agenda item. Councilmember Medina proposed changes to the Operating Rules. Deputy Mayor Deets proposed a change to the program relating to its purpose. Ethics Board Chair Hodges joined the discussion.

MOTION: I move to amend the Operating Rules to tentatively, subject to final Council approval on November 10th, add the following language to the end of Section 2.E.: "In order to help ensure that the Ethics Board is insulated from outside pressure or influence, the email addresses of Ethics Board members shall not be posted on the website or in any other public location. Additionally, each Ethics Board member shall be required to sign a certification indicating that they will not read or respond to any emails regarding a complaint that is, or will be, considered by the Ethics Board except for emails from the parties to the complaint, other Ethics Board members, or appropriate City staff."

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

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

MOTION: I move to amend the Operating Rules to tentatively, subject to final Council approval on November 10th, add a new Section 2.F titled "City Attorney Involvement" with the following language: "The Ethics Board shall not conduct any meetings without the presence of legal counsel provided by the City Attorney's office."

Medina/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 amend the Operating Rules to tentatively, subject to final Council approval on November 10th, add the following language to the end of Section 4.A.ii: "The City Clerk shall not accept any complaint that does not provide the name and address of the complainant. Complaints made by a third-party on behalf of a complainant may not be accepted by the City Clerk."

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

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

MOTION: I move to amend the Operating Rules to tentatively, subject to final Council approval on November 10th, add to the end of Section 4.B.ii the same language tentatively added to Section 4.A.ii in my prior motion.

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

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

MOTION: I move to amend the Operating Rules to tentatively, subject to final Council approval on November 10th, add the following language to the end of Section 4.A.v.a: "Before proceeding with consideration of the complaint, the Chair must receive confirmation from the Respondent that the Respondent received the Chair's invitation to submit a response. Confirmation can be in the form of a direct communication from the Respondent to the Chair or in the form of the City Clerk mailing the invitation to respond to the Respondent using certified mail."

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

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

MOTION: I move to amend the Operating Rules to tentatively, subject to final Council approval on November 10th, add the following language to the end of Section 4.A.v.a: "Before proceeding with consideration of the complaint, the Chair must receive confirmation from the Respondent that the Respondent received the Chair's invitation to submit a response. Confirmation can be in the form of a direct communication from the Respondent to the Chair or in the form of the City Clerk mailing the invitation to respond to the Respondent using certified mail."

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

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

MOTION: I move to amend the Operating Rules to tentatively, subject to final Council approval on November 10th, add to the end of Section 4.B.iv.a the same language tentatively added to Section 4.A.v.a in my prior motion.

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

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

10) NEW BUSINESS

10.A Contract Amendment, 100% Cost Recovery Fee Study PCD - Planning

[Cover Page](#)

[Amendment No 1 to PSA with FCS Group for Fee Study](#)

[Fully Executed FCS Group PSA Contract Signed 122019.pdf](#)

[Consultant Request for Budget Adjustment](#)

Planning Director Wright introduced the agenda item.

MOTION: I move to forward Amendment No. 1 to the Agreement with FCS for approval with the November 10, 2020 Consent Agenda.

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

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

NOES: None

ABSENT: None

ABSTAIN: None

10.B Resolution No. 2020-17, Old Mill Road Speed Limit Change - Public Works

[Cover Page](#)

[Old Mill Road Speed Limit Recommendation 102720.pdf](#)

[Resolution No 2020-17 Old Mill Road Speed Limit Change.docx](#)

Public Works Director Wierzbicki introduced the agenda item.

MOTION: I move to forward Resolution No. 2020-17, Old Mill Road Speed Limit Change, to the November 10, 2020 Consent Agenda.

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

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

NOES: None

ABSENT: None

ABSTAIN: None

Deputy Mayor Deets left the meeting at 10:38 p.m. due to a conflict of interest in items 10.C and 10.D.
Councilmember Nassar left the meeting at 10:38 p.m.

10.C City Hall Solar System Acquisition - Public Works

[Cover Page](#)

[Solar Purchase Agreement Draft - Bainbridge Island - 10-23-20.PDF](#)

[COBI Solar FMV Analysis from UMC.pdf](#)

[Memo from A. Snyder to City of Bainbridge Island - 10-23-20.pdf](#)

[Memo from Public Works Director regarding City Hall Solar System FMV Analysis 102320.pdf](#)

[2019 Bainbridge City Hall Estimate from Sunergy Systems for New Solar System.pdf](#)

[Bainbridge City Hall Solar System Layout - 297 modules.pdf](#)

Public Works Director Wierzbicki introduced the agenda item.

MOTION: I move to forward for approval with the November 10, 2020 consent agenda authorization for the City Manager to execute the necessary documents in substantially the form included with this agenda item to acquire the existing City Hall solar system for an amount of approximately \$26,015.62.

Pollock/Hytopoulos: The motion carried, 5 – 0, with Councilmembers Nassar and Deets absent for the vote.

AYES: Carr, Hytopoulos Medina, Pollock, Schneider

NOES: None

ABSENT: Nassar, Deets

ABSTAIN: None

10.D City Hall Solar Facility Budget Adjustment - Public Works

[Cover Page](#)

Public Works Director Wierzbicki introduced the agenda item.

MOTION: I move to forward for approval with the November 10, 2020 consent agenda a budget adjustment in the amount of \$36,015.62 related to the acquisition and maintenance of the City Hall solar facility.

Pollock/Medina: The motion carried, 5 – 0, with Councilmembers Nassar and Deets absent for the vote.

AYES: Carr, Hytopoulos Medina, Pollock, Schneider

NOES: None

ABSENT: Nassar, Deets

ABSTAIN: None

10.E 2020 Road Preservation Project Change Order No. 2 – Public Works

[Cover Page](#)

[Change Order 2-rev\(3\).xlsx](#)

Deputy Mayor Deets rejoined the meeting. Public Works Director Wierzbicki introduced the agenda item.

MOTION: I move to forward Change Order No. 2 to the 2020 Road Preservation Project for approval with the November 10, 2020 Consent Agenda.

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

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

NOES: None

ABSENT: Nassar

ABSTAIN: None

10.F Agreement with Kitsap County Regarding Jury Panels for Municipal Court - Executive

[Cover Page](#)

[Kitsap County Clerk's Office \(Agreement Regarding Jury Panels for Municipal Court\).pdf](#)

Deputy City Attorney Sepler introduced the agenda item.

MOTION: I move to forward the Agreement with Kitsap County Regarding Jury Panels for Municipal Court for approval with the November 10, 2020 Consent Agenda.

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

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

NOES: None

ABSENT: Nassar

ABSTAIN: None

I0.G Agreement with Kitsap Humane Society for Animal Control Services for 2021-23 - Executive

[Cover Page](#)

[2021-23 PSA with Kitsap Humane Society](#)

Deputy City Attorney Sepler introduced the agenda item. Eric Stevens, Executive Director of the Kitsap Humane Society, joined the discussion.

MOTION: I move to forward the Agreement with Kitsap Humane Society for Animal Control Services for approval with the November 10, 2020 Consent Agenda.

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

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

NOES: None

ABSENT: Nassar

ABSTAIN: None

I0.H Third Amendment to the Agreement for Incarceration of City Prisoners - Police

[Cover Page](#)

[2021 Jail Amendment.docx](#)

Police Chief Clark introduced the agenda item.

MOTION: I move to forward the Third Amendment to the Agreement for Incarceration of City Prisoners for approval with the November 10, 2020 Consent Agenda.

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

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

NOES: None

ABSENT: Nassar

ABSTAIN: None

11) CONSENT AGENDA

I1.A Agenda Bill for Consent Agenda

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I1.B Accounts Payable and Payroll

[Cover Page](#)

[AP Report to Council of Cash Disbursements 10-28-20.pdf](#)

[Payroll 10-20-20.pdf](#)

Accounts Payable: last check from previous run 354697 for \$484.20; manual check number sequence 354698 – 354710 = \$593,152.71; regular run 354711 – 354817 = \$304,114.50. Total disbursement = \$897,267.21.

Payroll: normal direct deposit check sequence 49098 – 49226 = \$326,326.75; regular payroll check sequence 109458 = \$1,995.88; vendor check run sequence 109459 – 109470 = \$361,469.59; Federal Tax Electronic Funds Transfer = \$113,816.67. Total disbursement = \$803,608.89.

11.C Special City Council Meeting Minutes, Town Hall on Public Safety, September 30, 2020

[Cover Page](#)

[Special City Council Meeting Minutes, Town Hall on Public Safety, September 30, 2020](#)

11.D City Council Study Session Minutes, October 6, 2020

[Cover Page](#)

[City Council Study Session Minutes, October 6, 2020.pdf](#)

11.E City Council Regular Business Meeting Minutes, October 13, 2020

[Cover Page](#)

[City Council Regular Business Meeting Minutes, October 13, 2020.pdf](#)

11.F Resolution No. 2020-18 Relating to Net Pens and an Alternate Lease Proposal - Councilmember Carr

[Cover Page](#)

[Wild Fish Conservancy Lease Proposal Support Resolution.docx](#)

11.G Amendment No. 3 to Contract for Indigent Defense Services - Executive

[Cover Page](#)

[Amendment No. 3 to Contract for Indigent Defense Services](#)

[Amendment No. 2 to Contract for Indigent Defense Services - Extension through December 31, 2020](#)

[Amendment No. 1 to Contract for Indigent Defense Services - Extension through December 31, 2019](#)

[Contract for Indigent Defense Services](#)

[2020 - Public Defense Statistic Tracking Form](#)

11.H Contract Amendment to the Legal Services Agreement with Kitsap County Prosecuting Attorney's Office - Executive

[Cover Page](#)

[Contract Amendment to Legal Services Agreement \(KC-535-19A\)](#)

[2021 Base Salary Breakdown](#)

[Legal Services Agreement \(KC-535-19\) - Executed 12-4-2019](#)

11.I Agreement with West Sound Wildlife Shelter for Wild Animal Control - Executive

[Cover Page](#)

[2021-26 PSA with West Sound Wildlife](#)

[2021-26 PSA - Letter from West Sound Wildlife Shelter.pdf](#)

11.J Resolution No. 2020-20, Adopting the Kitsap County Multi-Hazard Mitigation Plan - Executive

[Cover Page](#)

[Resolution No. 2020-20, Adopting the Kitsap County Multi-Hazard Mitigation Plan](#)

[Exhibit A to Resolution No. 2020-20: Kitsap County Multi-Hazard Mitigation Plan](#)

II.K Registered Sex Offender Address and Residency Verification Memorandum of Understanding with the Kitsap County Sheriff's Office - Police

[Cover Page](#)

[2020-21 WASPC KCSO Registered Sex Offender Grant MOU Bainbridge Island PD.pdf](#)

II.L Interlocal Agreement with Kitsap County Regarding Emergency Vehicle Operation Course (EVOC) Training - Police

[Cover Page](#)

[2020 KCSO EVOC ILA.pdf](#)

Councilmember Pollock moved and Deputy Mayor Deets seconded to approve the Consent Agenda as presented. The motion carried unanimously 6 – 0.

12) COMMITTEE REPORTS

There were no committee reports.

13) FOR THE GOOD OF THE ORDER

Councilmember Medina mentioned filling his regional committee assignments prior to his departure.

Councilmember Carr thanked Deputy City Attorney Sepler for his work.

14) ADJOURNMENT

Mayor Schneider adjourned the meeting at 10:52 p.m.



Leslie Schneider, Mayor



Christine Brown, CMC, City Clerk