



CITY COUNCIL BUSINESS MEETING
TUESDAY, OCTOBER 26, 2021

MEETING MINUTES

1) [CALL TO ORDER/ROLL CALL](#)

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

Mayor Nassar, Deputy Mayor Pollock, and Councilmembers Carr, Deets, Fantroy-Johnson, Hytopoulos, and Schneider were present.

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 Nassar adjourned the meeting to an executive session pursuant to RCW 42.30.110(i). Council returned from executive session at 6:31 p.m., and Mayor Nassar reconvened the meeting.

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

Councilmember Carr moved and Deputy Mayor Pollock seconded to pull item 12.B from the agenda. The motion failed 3-4 with Mayor Nassar, Deputy Mayor Pollack, and Councilmember Carr voting in favor.

Councilmember Fantroy-Johnson moved and Deputy Mayor Pollock seconded to add the confirmation of two additional applicants for the Cultural Funding Task Force. The motion was approved unanimously, 7-0.

Deputy Mayor Pollock asked to pull item 5.K from the Consent Agenda.

Councilmember Deets moved and Deputy Mayor Pollock seconded to approve the agenda as amended. The motion carried unanimously, 7-0.

There were no conflicts of interest disclosed.

4) [PUBLIC COMMENT](#)

4.A Instructions and Guidelines for Providing Public Comment at Remote Meetings - City Clerk

[Cover Page](#)

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

Phedra Elliott spoke in favor of the Bethany Lutheran affordable housing proposal.

David Swartling spoke in favor of the Bethany Lutheran affordable housing proposal.

Pastor Paul Stumme-Diers spoke in favor of the Bethany Lutheran affordable housing proposal.

Jonathan Davis spoke in favor of the Bethany Lutheran affordable housing proposal.

Lisa Neal raised concerns about the Bethany Lutheran affordable housing proposal.

Pascal Schuback spoke about the importance of the Washington State Ferry system and affordable housing.

Sal DeRosalia spoke about the Bethany Lutheran affordable housing proposal and thanked Council for considering his appointment to the Cultural Funding Task Force.

5) CONSENT AGENDA

5.A Agenda Bill for Consent Agenda

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MOTION: I move to approve the Consent Agenda as modified.

Pollock/Fantroy-Johnson: The motion carried unanimously, 7-0.

5.B Approve Accounts Payable and Payroll

[Cover Page](#)

[AP Report to Council of Cash Disbursements 10-27-21.pdf](#)

[Council Report PR 10-20-21.pdf](#)

5.C Approve City Council Meeting Minutes

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[City Council Business Meeting Minutes, October 12, 2021.pdf](#)

5.D Authorize the City Manager to Execute an Inter-agency Agreement with the Washington State Traffic Safety Commission in Support of Multi-jurisdictional Grant-funded High-visibility Emphasis Activities and Target Zero Campaigns - Police

[Cover Page](#)

[2022 WTSC Target Zero High Visibility Emphasis Patrols Agreement Region 9.pdf](#)

5.E Accept Department of Ecology Grant Award (\$112,500) and Authorize the City Manager to Prepare a Budget Amendment (\$111,000) for Green Stormwater Upgrades to the Lower City Hall Parking Lot for a Total Project Amount of \$223,500 in 2022 - Public Works

Cover Page
DOE Letter re: Funding for Lower City Hall Parking Lot LID Retrofit
City Hall Parking Lot Retrofit

- 5.F Authorize the City Manager to Proceed with the Development of a Transfer of Development Rights (TDR) Program Using the Services of ECONorthwest for an amount not to exceed the Fees Currently Included in ECONorthwest's Professional Services Agreement **COUNCIL 2021 HIGH PRIORITY PROJECT****

Cover Page
TDR Scope of Work .docx

- 5.G Authorize the City Manager to Execute the Second Amendment to Legal Services Agreement with the Kitsap County Prosecuting Attorney's Office, Extending Prosecution Services through December 31, 2022 (\$122,811.56) - Executive**

Cover Page
Second Amendment to Agreement with Kitsap County for Prosecution Services (for 2022)
[Background] Agreement with Kitsap County for Prosecution Services (for 2020)
[Background] First Amendment to Agreement with Kitsap County for Prosecution Services (for 2021)

- 5.H Authorize the City Manager to Execute Amendment No. 2 to Agreement for Professional Services for the City of Bainbridge Island Hearing Examiner with Sound Law Center, LLC, Extending Hearing Examiner Services through December 31, 2023 (\$175.00/Hour) - Executive**

Cover Page
Amendment No. 2 to Agreement for Professional Services for the Hearing Examiner.docx
[Background] Hearing Examiner Professional Services Agreement (Full Contract).pdf
[Background] Amendment No. 1 to Hearing Examiner Professional Services Agreement - Extending Through December 31, 2021 - (Fully Executed).pdf

- 5.I Approve Recommended Appointments to the Cultural Funding Advisory Task Force - Council**

Cover Page
Chandrasekaran - Cultural Funding (Redacted).pdf
Denis - Cultural Funding (Redacted).pdf
Douglass-Resnik - Cultural Funding (Redacted).pdf
Reynolds-Gooch - Cultural Funding (Redacted).pdf

- 5.J Adopt Final Goals and Objectives for the Groundwater Management Plan - Public Works **COUNCIL 2021 HIGH PRIORITY PROJECT****

Cover Page
Memo_CityCouncilFeedback_GWMP_Goals_21Oct2021.doc

ITEM REMOVED FROM THE CONSENT AGENDA

- 5.K Schedule Public Hearing on Ordinance No. 2021-30 Extending the Landmark Tree Ordinance - Planning**

Cover Page

[Ordinance No. 2021-30 Extending Landmark Tree Regulations](#)
[Exhibit A to Ordinance No. 2021-30 - Updated Workplan](#)
[Exhibit B - Winslow Master Plan Study Area](#)
[Ordinance No. 2021-17 Relating to Extending Landmark Tree Regulations Winslow Area-](#)
[Approved 060821.pdf](#)

Deputy Mayor Pollock asked for an explanation on the need for an extension. Planning Director Wright and City Attorney Levan provided additional information.

MOTION: I move to have staff develop an ordinance for Council consideration to adopt a permanent Landmark Tree ordinance in BIMC 16.32.

Carr/Pollock: The motion carried 5 – 2.

AYES: Rasham Nassar, Joe Deets, Michael Pollock, Christy Carr, Brenda Fantroy-Johnson
NOES: Leslie Schneider, Kirsten Hytopoulos
ABSENT: None
ABSTAIN: None

6) COUNCIL ANNOUNCEMENTS

Councilmember Fantroy-Johnson mentioned the Kitsap Strong event.

Deputy Mayor Pollock provided an update on the Springbrook Creek fish passage.

Councilmember Deets mentioned the American Public Transportation Conference he will attend.

Councilmember Fantroy-Johnson reported on a Housing Kitsap tour in South Kitsap.

7) CITY MANAGER'S REPORT

7.A Receive City Manager's Report

[Cover Page](#)

[Sands Avenue Well High Priority Rehabilitation \(102621 Council Meeting Memo\).docx](#)

[PW Well Rehab Memo 101821.docx](#)

[University of Washington Livable City Year -LCY- \(102621 Council Meeting Memo\).docx](#)

City Manager King alerted Council to an emerging issue on the Sands Avenue Well and provided information on the University of Washington Livable City Year program.

8) PRESENTATION(S)

8.A Accept the Washington State Auditor's Annual Audit Report for the Fiscal Year Ended December 31, 2020 - Finance

[Cover Page](#)

[Audit Presentation for COBI.pdf](#)

City Manager King introduced the agenda item. Finance Director Pitts introduced Amy Strzalka and Tammy Lane from the State Auditor's Office, and they provided a presentation on the audit results.

9) PUBLIC HEARING(S)

9.A Hold Public Hearing for Ordinance No. 2021-26 Relating to the Property Tax Levy for Collection in 2022 and Consider Adoption of Ordinance No. 2021-26 - Finance

Cover Page

Ordinance No. 2021-26 Relating to the Levy of Property Taxes for Collection in 2022.docx

City of Bainbridge Island Levy Limit 10 11 21 TY2022.docx

Property Tax CC 102621.pptx

City Manager King introduced the agenda item.

Mayor Nassar opened the public hearing at 7:59 p.m.

Public Comment

Ron Peltier spoke against the property tax increase.

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

MOTION: I move to adopt Ordinance No. 2021-26 relating to the property tax levy for collection in 2022.

Fantroy-Johnson/Schneider: The motion carried unanimously, 7-0.

9.B Hold Public Hearing on Ordinance No. 2021-27 Relating to 2022 Mid-Biennium Budget Modifications and Consider Adoption of Ordinance No. 2021-27 - Finance

Cover Page

Ordinance No. 2021-27 Adopting Mid-Biennium Modifications to Final Budget ending December 2022.docx

2022 Expenditures by Fund Exhibit A.pdf

2022 Budget Modification Memo.pdf

2021 Budget Presentation for CC 102621.pptx

PW Main Worker Memo 101921.docx

City Manager King introduced the agenda item.

Mayor Nassar opened the public hearing at 8:10 p.m. There was no public comment. Mayor Nassar closed the public hearing at 8:10 p.m.

MOTION: I move to adopt Ordinance No. 2021-27 relating to 2022 Mid-Biennium Budget Modifications.

Schneider/Carr: The motion carried 6 – 1.

AYES: Joe Deets, Leslie Schneider, Kirsten Hytopoulos, Michael Pollock, Christy Carr, Brenda Fantroy-Johnson

NOES: Rasham Nassar

ABSENT: None

ABSTAIN: None

9.C Hold the Public Hearing on Ordinance No. 2021-29, Extending Small Wireless Facilities Design Standards Interim Official Control and Consider Adoption of Ordinance No. 2021-29 - Executive

Cover Page
Ordinance No. 2021-29 Extending Interim Control - Small Wireless Facilities (102621)
Ordinance No. 2021-14-Relating to Extending Interim Control of Small Wireless Facilities-
Approved 042721

City Manager King introduced the agenda item. City Manager Levan provided information on the status of small wireless facilities standards, and Council discussed the item.

Mayor Nassar opened the public hearing at 8:20 p.m. There was no public comment. Mayor Nassar closed the public hearing at 8:21 p.m.

MOTION: I move to adopt Ordinance No. 2021-29.

Deets/Fantroy-Johnson: The motion carried 5 – 2.

AYES: Rasham Nassar, Joe Deets, Leslie Schneider, Kirsten Hytopoulos, Brenda Fantroy-Johnson
NOES: Michael Pollock, Christy Carr
ABSENT: None
ABSTAIN: None

10) UNFINISHED BUSINESS

10.A Consider Draft Ordinance No. 2021-23 Creating a Multifamily Tax Exemption Program - Planning

Cover Page
MFTE presentation.pptx
MFTE Staff Memo.docx
Draft Ordinance No. 2021-23 MFTE Program.docx
Exhibit A to Chapter 3.62 BIMC re MFTE.docx
Exhibit B Greater Winslow Area.pdf
Exhibit C Lynwood Center Area.pdf
Resolution No. 2021-09-Relating to MFTE Designation Areas-Approved 052521.pdf
[For Background] 2021 WA ESD Occupational employment and wage estimates Bremerton Silverdale MSA.pdf
[For Background] PSRC Summary Multifamily Tax Exemption
[For Background] 2019 Dept of Commerce MFTE Report

City Manager King introduced the agenda item. Planning Director Wright provided additional information.

MOTION: I move to schedule further City Council discussion and consideration regarding draft Ordinance No. 2021-23 at the November 9, 2021 Council meeting.

Pollock/Schneider: The motion carried unanimously, 7-0.

10.B Consider Ordinance No. 2021-07, Revisions to Chapter 16.18 BIMC Pertaining to Permit Exemption for Defensible Space Wildfire Mitigation Activities and Related Matters - Planning

Cover Page
Ordinance No. 2021-07 - Wildfire Mitigation.docx
Exhibit A to Ordinance No. 2021-07 .docx
Staff Memo - Wildfire Mitigation Revisions Update_10212021.docx

City Manager King introduced the agenda item.

MOTION: I move to forward for approval with the November 9, 2021 Consent Agenda Ordinance No. 2021-07.

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

I 0.C Consider confirmation of appointments to Cultural Funding Task Force [Added]

Mayor Nassar introduced the agenda item.

MOTION: I move to confirm the appointment of Sal DeRosalia to the Cultural Funding Advisory Task Force, position 3.

Fantroy-Johnson/Deets: The motion carried unanimously, 7-0.

MOTION: I move to confirm the appointment of Holly Francisco Maynes to the Cultural Funding Advisory Task Force, position 6.

Fantroy-Johnson/Deets: The motion carried unanimously, 7-0.

11) NEW BUSINESS

I 1.A Respond to Council Request to Discuss Increased Density Bonus for Affordable Housing Development on Property Owned by Religious Organizations

[Cover Page](#)

[Staff Memo - Density Bonus for Affordable Housing for Religious Organizations.docx](#)

[RCW 36.70A.545 Increased density bonus for affordable housing located on property owned by a religious organization.pdf](#)

City Manager King introduced the agenda item. Planning Director Wright provided information on the agenda item, and Council discussed the topic.

Deputy Mayor Pollock moved and Councilmember Deets seconded to refer this topic to the Planning Commission to work with City staff to prepare an ordinance to effectuate what is intended by RCW 36.70A.545, including to develop implementing regulations consistent with local needs.

Deputy Mayor Pollock moved and Councilmember Carr seconded to amend the motion that is on the floor to specifically to focus on the Bethany Lutheran property as a pilot project. The amendment carried unanimously, 7-0.

AMENDED MOTION: I move to refer this topic to the Planning Commission to work with City staff to prepare an ordinance to effectuate what is intended by RCW 36.70A.545, including to develop implementing regulations consistent with local needs, specifically to focus on the Bethany Lutheran property and to consider that as a pilot project.

Pollock/Deets: The motion carried 6 – 1.

AYES: Joe Deets, Leslie Schneider, Kirsten Hytopoulos, Michael Pollock, Christy Carr, Brenda Fantroy-Johnson

NOES: Rasham Nassar

ABSENT: None
ABSTAIN: None

Mayor Nassar adjourned the meeting for a break at 9:08 p.m. and reconvened the meeting at 9:13 p.m.

11.B Confirm Reappointment of Judge Sara McCulloch as Municipal Court Judge and Authorize the City Manager to Execute an Associated Employment Agreement (\$90,307 per year) - Executive

[Cover Page](#)

[Municipal Court Judge Employment Agreement - 2022-2025.docx](#)

City Manager King introduced the agenda item.

Councilmember Deets moved and Councilmember Carr seconded to confirm the reappointment of Sara McCulloch as Municipal Court Judge and authorize the City Manager to execute an associated employment agreement for years 2022-2025 in substantially the form as included with this agenda item.

Following discussion about the process, Councilmember Deets withdrew his motion, and Councilmember Carr concurred. There was consensus to discuss the reappointment further at the November 9, 2021 Council meeting.

12) COMMUNICATIONS

12.A Authorize Mayor to Sign a Letter to City of Glasgow Requesting a Meeting with a Member from the Climate Change Advisory Committee

[Cover Page](#)

[Letter to City of Glasgow.docx](#)

MOTION: I authorize the Mayor to sign a letter to City of Glasgow requesting a meeting with John Kydd, from the Climate Change Advisory Committee.

Fantroy-Johnson/Pollock: The motion carried unanimously, 7-0.

12.B Authorize Letter Requesting Full Return of Washington State Ferry Service to 2019 Levels

[Cover Page](#)

[Letter to WSF Requesting Restoration of Service Levels for CC 10262021.pdf](#)

City Manager King introduced the agenda item, and Council discussed the proposed letter.

MOTION: I move to authorize Councilmember Deets, Councilmember Schneider, Councilmember Hytopoulos and Councilmember Fantroy-Johnson to sign the letter requesting full return of Washington State Ferry service to 2019 levels.

Deets/Nassar: The motion carried 6-1.

AYES: Joe Deets, Leslie Schneider, Kirsten Hytopoulos, Christy Carr, Brenda Fantroy-Johnson, Rasham Nassar
NOES: Michael Pollock
ABSENT: None
ABSTAIN: None

13) COMMITTEE REPORTS

Councilmember Deets provided an update on the biodigester project.

14) ADJOURNMENT

Mayor Nassar adjourned the meeting at 9:41 p.m.



Rasham Nassar, Mayor



Christine Brown, CMC, City Clerk