



CITY COUNCIL REGULAR BUSINESS MEETING
TUESDAY, NOVEMBER 9, 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 Deets, Fantroy-Johnson, Hytopoulos and Schneider were present. Councilmember Carr 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 and 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](#)

Mayor Nassar adjourned the meeting to an executive session at 6:02 p.m. pursuant to RCW 42.30.110(1)(i) and RCW 42.30.110(1)(b).

Council returned from executive session at 6:32 p.m., and Mayor Nassar reconvened the meeting.

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

Councilmember Deets moved and Deputy Mayor Pollock seconded to approve the agenda as presented. The motion carried 6 – 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](#)

Mike Cox spoke in favor of the waste reduction ordinance.

Oriana von Specht spoke in favor of the waste reduction ordinance.

Nora Nickum spoke in favor of the waste reduction ordinance.

Bobbie Morgan spoke in favor of the waste reduction ordinance.

Sal DeRosalia spoke about the waste reduction ordinance and vaccination rates.

Ellen Lockert spoke in favor of the waste reduction ordinance.

Robert Miller spoke in favor of the SR305 roundabout.

Ross West spoke in favor of the SR305 roundabout.

Diane Landry spoke in favor of the waste reduction ordinance.

The Price family spoke in favor of the SR305 roundabout.

Anne McElearney spoke in favor of the SR305 roundabout.

5) CONSENT AGENDA

5.A Agenda Bill for Consent Agenda

[Cover Page](#)

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

Deets/Pollock: Motion carried 6 – 0.

AYES: Rasham Nassar, Joe Deets, Leslie Schneider, Kirsten Hytopoulos, Michael Pollock, Brenda Fantroy-Johnson

NOES: None

ABSENT: Christy Carr

ABSTAIN: None

5.B Approve Accounts Payable and Payroll

[Cover Page](#)

[AP Report to Council of Cash Disbursements 11-10-21.pdf](#)

[Council Report signed PR 11-5-21.pdf](#)

5.C Approve City Council Meeting Minutes

[Cover Page](#)

[City Council Study Session Minutes, October 19, 2021.pdf](#)

[City Council Business Meeting Minutes, October 26, 2021.pdf](#)

- 5.D Adopt Ordinance No. 2021-31 Providing Relief from City Business and Occupation Taxation for COVID Assistance Grants - Finance**
[Cover Page](#)
[Ordinance No. 2021-31 Providing Relief From B&O Taxation for COVID Assistance Grants.docx](#)
[State substitute House Bill 1095-S.SL.pdf](#)
- 5.E Authorize Solicitation for Professional Services to Support Wastewater Beneficial Re-use Opportunities and Constraints Analysis - Public Works**
****2021-2022 COUNCIL HIGH PRIORITY PROJECT****
[Cover Page](#)
[RFQ - Wastewater Beneficial Reuse Project.docx](#)
- 5.F Authorize Solicitation for a Professional Services Contract to Support the Design of the Winslow Water Tank Replacement Project - Public Works**
[Cover Page](#)
[Winslow Water Tank Replacement Project - 2021 RFQ.docx](#)
- 5.G Authorize Solicitation for a Professional Services Contract to Support the Development of a Stormwater System Plan - Public Works**
[Cover Page](#)
[RFQ - Stormwater System Plan.pdf](#)
- 5.H Forward Ordinance No. 2021-37 Relating to the 2021 4th Quarter Budget and Updated Capital Improvement Plan Amendments to the December 14, 2021 Consent Agenda - Finance**
[Cover Page](#)
[2021 4th QTR BUA Transmittal Memo.docx](#)
[Ordinance No. 2021-37 - 4th QTR Budget and CIP Amendments.docx](#)
[ORD 2021-37 Exhibit A - Total Expenditures by Fund.docx](#)
[Ord 2021-37 Exhibit B-Q4 Budget Amendments.pdf](#)
- 5.I Consider Next Steps for Defining and Measuring the Climate Impacts of Sustainable Transportation Plan Projects - Public Works**
[Cover Page](#)
[STP Climate Impacts Memo.docx](#)
- 5.J Adopt 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](#)
[Planning Commission Meeting Minutes_09092021.pdf](#)

5.K Withdraw Request to Purchase Madison Avenue Tax Title Property - Tax Title Application No. 2021-13 - Executive

[Cover Page](#)

[Attachment A \(Letter to Treasurer Meredith Green\)](#)

[Attachment B \(Hannon Scales Agreement\) - Signed.pdf](#)

5.L Authorize the City Manager to Execute the 2022-2024 Fire Safety Services Interlocal Agreement with the Bainbridge Island Fire Department with an Annual Payment of \$190,000 (Escalated by CPI) - Executive

[Cover Page](#)

[2022-2024 Fire Safety Services Agreement](#)

5.M Cancel November 16, 2021 Study Session

[Cover Page](#)

6) COUNCIL ANNOUNCEMENTS

Councilmember Deets reported that he is attending the American Transit Association Conference along with Councilmember Schneider.

Councilmember Fantroy-Johnson reported on the first Puget Sound Regional Council equity advisory committee meeting and the Bainbridge Community Foundation celebration.

7) CITY MANAGER'S REPORT

7.A Receive City Manager's Report

[Cover Page](#)

[CAP2021 Anniversary Memorandum.docx](#)

[PW Springbrook Fish Weir Site Visit Memo 110421.docx](#)

City Manager King introduced Interim Planning Director Mark Hofman. He recognized the first anniversary of the adoption of the Climate Action Plan and provided an update on a site visit to the Springbrook Fish Weir.

8) PRESENTATION(S)

8.A Present Proclamation Honoring Veterans Day on November 11, 2021

[Cover Page](#)

[Veterans Day Proclamation 2021.docx](#)

Councilmember Deets read the proclamation. Gary Sakuma, Commander of American Legion Colin Hyde Post #172, thanked Council for the proclamation.

8.B Approve Proclamation Declaring the Week of November 13 - 19 as "Transgender Awareness Week" and November 20, 2021 as "Transgender Day of Remembrance"

[Cover Page](#)

[Transgender Awareness Week and Transgender Day of Remembrance Proclamation 2021.docx](#)

Councilmember Fantroy-Johnson read the proclamation.

MOTION: I move to approve the proclamation declaring the week of November 13-19 as "Transgender Awareness Week" and November 20, 2021 as the "Transgender Day of Remembrance" and to add this proclamation to the list of annual proclamations that may be signed by the Mayor without further Council action.

Fantroy-Johnson/Schneider: Motion carried 6 – 0.

AYES: Rasham Nassar, Joe Deets, Leslie Schneider, Kirsten Hytopoulos, Michael Pollock, Brenda Fantroy-Johnson

NOES: None

ABSENT: Christy Carr

ABSTAIN: None

Eve Palay thanked Council for the proclamation.

8.C Approve Proclamation Celebrating the 30th Anniversary of the Annexation of the City of Bainbridge Island

[Cover Page](#)

[30th Anniversary Proclamation.docx](#)

Councilmember Hytopoulos read the proclamation.

MOTION: I move to approve the attached proclamation celebrating the 30th anniversary of the annexation of the City of Bainbridge Island.

Hytopoulos/Schneider: Motion carried 6 – 0.

AYES: Rasham Nassar, Joe Deets, Leslie Schneider, Kirsten Hytopoulos, Michael Pollock, Brenda Fantroy-Johnson

NOES: None

ABSENT: Christy Carr

ABSTAIN: None

8.D Recognition of Service for Councilmember Carr

[Cover Page](#)

City Manager King and Council acknowledged the service of Councilmember Carr.

9) PUBLIC HEARING(S)

9.A Conduct Public Hearing for Ordinance No. 2021-32 Relating to Unnamed Path, 1912 Chautauqua Replat Street Vacation and Forward Ordinance No. 2021-32 to the December 14, 2021 Consent Agenda - Public Works

[Cover Page](#)

[Staff Report.docx](#)

[Ordinance No. 2021-32.docx](#)

[Application Packet.pdf](#)

[Comments.pdf](#)

[Appraisal.pdf](#)

City Manager King introduced the agenda item. Public Works Director Wierzbicki provided additional information.

Mayor Nassar opened the public hearing at 7:42 p.m. There was no public comment. Mayor Nassar closed the public hearing at 7:43 p.m.

MOTION: I move to forward Ordinance No. 2021-32 for approval with the December 14, 2021 consent agenda.

Fantroy-Johnson/Deets: Motion carried 6 – 0.

AYES: Rasham Nassar, Joe Deets, Leslie Schneider, Kirsten Hytopoulos, Michael Pollock, Brenda Fantroy-Johnson

NOES: None

ABSENT: Christy Carr

ABSTAIN: None

10) UNFINISHED BUSINESS

10.A Consider Waste Reduction Ordinance No. 2021-34 - Executive

[Cover Page](#)

[Ordinance No. 2021-34 re Revisions to Chapter 8.24 BIMC](#)

[{For Background} Current Chapter 8.24 BIMC.pdf](#)

City Manager King introduced the agenda item. Councilmember Hytopoulos provided additional information and suggested revisions.

MOTION: I move to amend draft Ordinance 2021-34 to replace the term "retail establishment" wherever it appears in Section 8.24.010(f) with the term "retail food establishment."

Hytopoulos/Deets: Motion carried 6 – 0.

AYES: Rasham Nassar, Joe Deets, Leslie Schneider, Kirsten Hytopoulos, Michael Pollock, Brenda Fantroy-Johnson

NOES: None

ABSENT: Christy Carr

ABSTAIN: None

MOTION: I move to amend draft Ordinance 2021-34 to replace the second sentence in Section 8.24.030(b) with the following sentence: This requirement does not prohibit a food service business

from providing, upon a customer's request, disposable food service ware compliant with BIMC 8.24.010 above for the customer to take away leftover food after dining on the premises.

Hytopoulos/Schneider: Motion carried 6 – 0.

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

MOTION: I move to amend draft Ordinance 2021-34 to remove the 3rd comma in Section 8.24.030(C).

Hytopoulos/Deets: Motion carried 6 – 0.

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

MOTION: I move to amend draft Ordinance No. 2021-34 to remove the last comma from the last sentence of Section 8.24.030(C), and to the extent that this motion is in conflict with the previous motion, this motion should rule.

Hytopoulos/Schneider: Motion carried 6 – 0.

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

MOTION: I move to amend draft Ordinance 2021-34 to remove the language following "climate adaptation officer" in Section 8.24.010(E).

Hytopoulos/Fantroy-Johnson: Motion carried 6 – 0.

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

MOTION: I move to adopt Ordinance No. 2021-34 as amended.

Fantroy-Johnson/Hytopoulos: Motion carried 6 – 0.

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

10.B Adopt Ordinance No. 2021-23 Creating a Multifamily Tax Exemption Program - Planning

Cover Page
MFTE presentation.pptx
MFTE Staff Memo.docx
Ordinance No. 2021-23 MFTE Program
Exhibit A to Chapter 3.62 BIMC re MFTE
Resolution No. 2021-09-Relating to MFTE Designation Areas-Approved 052521.pdf

City Manager King introduced the agenda item.

MOTION: I move to adopt Ordinance No. 2021-23 Relating to Creating a City Multifamily Tax Exemption Program.

Fantroy-Johnson/Deets: Motion carried 6 – 0.

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

10.C Consider Ordinance No. 2021-33 – Revisions and Updates to Chapter 16.32 BIMC (Protection of Landmark Trees) - Planning

Cover Page
Staff Memo re Ordinance No. 2021-33 - 11052021.docx
Ordinance No. 2021-33 - Chapter 16.32 BIMC - 11052021.docx
Exhibit A to Ordinance No. 2021-33 - Chapter 16.32 BIMC Protection of Landmark Trees - 11052021.docx
Landmark Tree Ordinance slide 11022021.pptx

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

MOTION: I move to forward Ordinance No. 2021-33 for approval with the Consent Agenda at the City Council Meeting on December 14, 2021.

Nassar/Pollock: Motion carried 5 – 1.

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

MOTION: I move to direct the City Manager to perform a review of this ordinance which includes sending it to the Planning Commission for their review and a recommendation.

Deets/Pollock: Motion carried 6 – 0.

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

10.D Adopt Resolution No. 2021-21 Related to the Process and Schedule for Municipal Court Judge Appointments - Executive

[Cover Page](#)

[Resolution No. 2021-21 - Procedure and Schedule to Appoint Municipal Judge.docx](#)

[Municipal Court Judge Job Description.docx](#)

City Manager King introduced the agenda item.

MOTION: I move to adopt Resolution No. 2021-21 related to the process and schedule for Municipal Court Judge appointments.

Hytopoulos/Deets: Motion carried 6 – 0.

AYES: Rasham Nassar, Joe Deets, Leslie Schneider, Kirsten Hytopoulos, Michael Pollock, Brenda Fantroy-Johnson

NOES: None

ABSENT: Christy Carr

ABSTAIN: None

10.E 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.

MOTION: I move 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.

Deets/Hytopoulos: Motion carried 6 – 0.

AYES: Rasham Nassar, Joe Deets, Leslie Schneider, Kirsten Hytopoulos, Michael Pollock, Brenda Fantroy-Johnson

NOES: None

ABSENT: Christy Carr

ABSTAIN: None

11) NEW BUSINESS

11.A Consider Ordinance No. 2021-12, Code Changes Related to Improving the Land Use Preapplication Phase - Planning

[Cover Page](#)

[PC_Recommendation_20210714.pdf](#)

[Ordinance No. 2021-12_110521.docx](#)

[Exhibit A to Ordinance No. 2021-12_Design for Bainbridge.pdf](#)

[Summary of Revisions to Design for Bainbridge 110521.docx](#)

[Project Review Flow Chart_07012021.pdf](#)

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

MOTION: I move to forward Ordinance No. 2021-12 to the December 14, 2021 Consent Agenda.

Nassar/Hytopoulos: Motion carried 6 – 0.

AYES: Rasham Nassar, Joe Deets, Leslie Schneider, Kirsten Hytopoulos, Michael Pollock, Brenda Fantroy-Johnson

NOES: None

ABSENT: Christy Carr

ABSTAIN: None

11.B Consider Resolution 2021-07, Update to Public Participation Meeting Process Related to improving the Land Use Preapplication Phase - Planning

[Cover Page](#)

[Resolution No. 2021-07 - Public Participation Program_110521.docx](#)

[Exhibit A to Resolution No. 2021-07_110521.docx](#)

City Manager King introduced the agenda item.

MOTION: I move to forward Resolution 2021-07 to the December 14, 2021 Consent Agenda.

Fantroy-Johnson/Pollock: Motion carried 6 – 0.

AYES: Rasham Nassar, Joe Deets, Leslie Schneider, Kirsten Hytopoulos, Michael Pollock, Brenda Fantroy-Johnson

NOES: None

ABSENT: Christy Carr

ABSTAIN: None

11.C Consider Resolution 2021-14, Amendment to the Administrative Manual to Support Code Changes Related to Improving the Land Use Preapplication Phase - Planning

[Cover Page](#)

[Resolution No. 2021-14 - PCD Admin Manual Revisions_110521.docx](#)

[Exhibit A to Resolution No. 2021-14_Admin ManualUpdated_110521.docx](#)

Mayor Nassar introduced the agenda item.

MOTION: I move to forward Resolution No. 2021-14 to the December 14, 2021 Consent Agenda.

Fantroy-Johnson/Deets: Motion carried 6 – 0.

AYES: Rasham Nassar, Joe Deets, Leslie Schneider, Kirsten Hytopoulos, Michael Pollock, Brenda Fantroy-Johnson

NOES: None

ABSENT: Christy Carr

ABSTAIN: None

I 1.D Approve Recommended Appointment to the Design Review Board - Council

[Cover Page](#)

[Kelly - Design Review Board \(Redacted\).pdf](#)

Mayor Nassar introduced the agenda item.

MOTION: I move to approve the confirmation of the appointment of Anna Kelly to the Design Review Board Position 2 through June 2023.

Fantroy-Johnson/Deets: Motion carried 6 – 0.

AYES: Rasham Nassar, Joe Deets, Leslie Schneider, Kirsten Hytopoulos, Michael Pollock, Brenda Fantroy-Johnson

NOES: None

ABSENT: Christy Carr

ABSTAIN: None

12) COMMUNICATIONS

12.A Receive Planning Commission's Recommendation to the City Council regarding whether "Hotel" as a Use is Consistent with the Goals and Policies of City's Comprehensive Plan and Winslow Master Plan

[Cover Page](#)

[10142021 Planning Commission Minutes.pdf](#)

[Planning Commission Minutes DRAFT 102821.pdf](#)

City Manager King introduced the agenda item.

12.B Consider Request from Deputy Mayor Pollock to Discuss Opposing the SR305 Roundabouts on a Future Council Agenda

[Cover Page](#)

[Agenda Request from Deputy Mayor Pollock.pdf](#)

Deputy Mayor Pollock introduced the agenda item, and Council discussed the request.

MOTION: I move that we move forward with inviting WSDOT (Washington State Department of Transportation) to discuss and answer questions from the Council about their roundabout project on the 305 corridor and specifically focus on questions in the context of climate change.

Pollock/Fantroy-Johnson: Motion failed 3 – 3.

AYES: Rasham Nassar, Michael Pollock, Brenda Fantroy-Johnson

NOES: Joe Deets, Leslie Schneider, Kirsten Hytopoulos

ABSENT: Christy Carr

ABSTAIN: None

13) COMMITTEE REPORTS

There were no committee reports.

14) ADJOURNMENT

Mayor Nassar adjourned the meeting at 9:12 p.m.



Rasham Nassar, Mayor



Christine Brown, MMC, City Clerk