SPECIAL/REGULAR CITY COUNCIL MEETING STUDY SESSION
MARCH 3, 2014

ITEMS DISCUSSED

1. EXECUTIVE SESSION: COLLECTIVE BARGAINING NEGOTIATIONS, ISSUES OR PROCEEDINGS RCW 42.30.140 AND CURRENT LITIGATION (RCW 42.30.110(1)(i))
2. CALL TO ORDER / ROLL CALL
3. ACCEPTANCE OR MODIFICATION OF AGENDA / CONFLICT OF INTEREST DISCLOSURE
4. CITY MANAGER'S REPORT
5. NEW BUSINESS
   A. CITY ATTORNEY RECRUITMENT CONTRACT, AB 14-037
   B. GROUND LEASE FOR BAINBRIDGE ISLAND ROWING CENTER
6. STAFF INTENSIVE
   A. CITY REQUIREMENTS FOR FARM PLANS, AB 14-040
   B. RESOLUTION NO. 2014-07, ESTABLISHING A FEE FOR TEMPORARY PARKING LOT PERMITS, AB 14-042
   C. CAPITAL FACILITIES PLAN DISCUSSION, AB 14-041
   D. VALLEY ROAD RECONSTRUCTION DESIGN PROFESSIONAL SERVICES AGREEMENT, AB 14-038
   E. DRIPPING WATER CREEK CULVERT REPLACEMENT PROJECT CONSTRUCTION CONTRACT, AB 14-039
   F. WATER SYSTEM PLAN PROFESSIONAL SERVICES AGREEMENT, AB 13-002
   G. JOINT FACILITIES ASSESSMENT WITH BAINBRIDGE FIRE DEPARTMENT, AB 14-008
7. COUNCIL DISCUSSION
   A. ROLE AND MISSION OF THE UTILITY ADVISORY COMMITTEE
   B. TREE ORDINANCE COMMITTEE UPDATE [ADDED]
8. COMMITTEE REPORTS
9. REVIEW OF UPCOMING COUNCIL MEETING AGENDAS
10. FOR THE GOOD OF THE ORDER
11. ADJOURNMENT

**1. EXECUTIVE SESSION: COLLECTIVE BARGAINING NEGOTIATIONS, ISSUES OR PROCEEDINGS RCW 42.30.140 AND CURRENT LITIGATION (RCW 43.30.110(1)(i)** 6:15 PM

Deputy Mayor Tollefson adjourned the meeting to executive session with Councilmembers Blair, Blossom, Bonkowski, Roth, Townsend, Ward and with legal counsel to discuss collective bargaining negotiations and current litigation. The executive session was held in the Planning Conference Room. The recording system was turned off and a notice was posted on the door to the Council Chamber. Following the executive session, Deputy Mayor Tollefson indicated action would be taken.

**7:00 PM** ***MOTION:*** *I move that we authorize the City's Attorney to proceed on the Gerlach litigation as discussed in executive session.*
***BONKOWSKI/WARD****: Motion carried 6-0, with one abstention (Councilmember Blossom.)*

**2. CALL TO ORDER / ROLL CALL** 7:01 PM

Deputy Mayor Tollefson called the meeting to order at 7:01 p.m. All Councilmembers were present: Blair, Blossom, Bonkowski, Roth, Townsend and Ward. Records Management Coordinator Jahraus monitored the recording of the meeting and prepared the minutes.

**3. ACCEPTANCE OR MODIFICATION OF AGENDA / CONFLICT OF INTEREST DISCLOSURE** 7:01 PM

Councilmember Blossom requested time during Council Discussion (Item 7B) to brief Council on the Tree Ordinance Committee.

**7:01 PM** ***MOTION:*** *I move we accept the agenda as amended.*
***WARD/BONKOWSKI:*** *Motion carried unanimously, 7-0.*

With regard to Item 5B (rowing club ground lease), Councilmember Ward disclosed that he is a member of the rowing club but not a board member or officer.

## 4. CITY MANAGER'S REPORT 7:02 PM

City Manager Schulze's report included information on:

- National Volunteer Week: (April 6 – 13); a celebration is set for April 7, from 4:30-6 PM at the Waterfront Community Center.
- Crystal Springs Embankment Repair: the City's Public Works Department will install 50 feet of beach armoring on eroded sections of embankment along Crystal Springs Drive March 3-April 20.
- The Bainbridge Island Historic Preservation Commission (HPC) is seeking nominations from the community for the 2014 Blakely Awards. Nominees are eligible in two categories: The Blakely Award for Project of Excellence and the Blakely Award for Preservation Leader.
- A new permit specialist will be joining Planning and Community Development in mid-March.
- Officer Trevor Ziemba, of the BIPD received thanks and kudos for outstanding service on February 8 while at the ferry terminal assisting stranded travelers in the snow.

## 5. NEW BUSINESS

### A. CITY ATTORNEY RECRUITMENT CONTRACT, AB 14-037 7:05 PM

City Manager Schulze is seeking approval from Council to proceed with contracting with an external firm to recruit, rather than search, for candidates for the position of City Attorney.

**7:10 PM** ***MOTION:*** I move we authorize the City Manager to execute the service agreement with Victoria Harris, Inc. substantially in the form attached for services related to candidate recruitment, search and hiring for the City Attorney position.
***BONKOWSKI/WARD****: Motion carried unanimously, 7-0.*

### B. GROUND LEASE FOR BAINBRIDGE ISLAND ROWING CENTER 7:11 PM

City Manager Schulze reported that he, Mayor Blair and Councilmember Bonkowski met with representatives from the rowing club to discuss the rowing center options that have been included in each version of the Waterfront Park design process. The rowing club currently uses space under a license agreement; in order to do the fundraising to attract potential donors, they would need a lease. City Manager Schulze is seeking authorization to move forward and bring this item back for City Council action next week.

Councilmember Ward stated the importance of noting the two levels to the structure; a big open space with ground level access off Brien Drive that would be used for a variety of community events as well as rowing club use; and ground level access straight off the street with no stairs.

The proposal made to the City is patterned after the type of lease that BPA currently holds with the City.

Deputy Mayor Tollefson inquired about the City's legal basis leasing property to a non-profit. Interim City Attorney Haney stated that the City does have the authority to lease property that it owns to non-profits; there has to be a public benefit and either obtain rental, which is fair market value, or obtain something in exchange for the rental that substitutes for fair market value.

Deputy Mayor Tollefson stated that while negotiating a lease, the City would need to consider the possibility that after the lease is executed the rowing club may not be able to actually build and there should be a contingency protection for the City.

Mayor Blair acknowledged through consensus that City Council is ready to have staff work on the ground lease for the facility.

## 6. STAFF INTENSIVE

### A. CITY REQUIREMENTS FOR FARM PLANS, AB 14-040 7:22 PM

Planning Director Cook introduced Brian Stahl of the Kitsap Conservation District. Mr. Stahl proceeded to give a presentation on the process for farm plans. The Kitsap Conservation District prepares a unique farm plan for each property, given the landowners' farming goals and objectives. A farm plan educates a landowner to incorporate USDA Best Management Practices for protecting the environment (i.e. protecting water quality and reducing soil erosion) while creating and maintaining farm productivity. In addition to water quality protection and strategies to prevent soil erosion, for animal production the Kitsap Conservation District integrates pasture and manure management into the farm plans.

After Mr. Stahl's presentation, both he and Director Cook fielded questions from City Council.

Planning Director Cook made a clarifying statement about City requirements; the City would *require* a farm plan if the farm exceeds the animal density standards. The agricultural section of the Bainbridge Island Municipal Code has density standards that are allowed by right provided there is a certain amount of acreage. A property owner may have more animals if best management practices in the code are adhered to, and even more animals with a farm plan.

### B. RESOLUTION NO. 2014-07, ESTABLISHING A FEE FOR TEMPORARY PARKING LOT PERMITS, AB 14-042 8:04:47 PM

Ordinance No. 2014-08, Adopting Interim Zoning Regulations for Temporary Parking Lots, was passed at the February 19, 2014 City Council meeting. The fee schedule must be amended to reflect the change.

Community member and architect Bill Isley gave public comment on the need for more parking in Winslow and parking garage initiatives through the years.

**8:15 PM** ***MOTION:*** *I move to approve Resolution 2014-07, amending the fee schedule to establish a fee for temporary parking lot permits.*
***WARD/BONKOWSKI****: Motion carried unanimously, 7-0.*

### C. CAPITAL FACILITIES PLAN DISCUSSION, AB 14-041 8:15 PM

Public Works Director Loveless updated City Council on the proposed process for development of the Capital Facilities Plan and Capital Improvement Plan (CIP) for the upcoming 2015-2016 Biennial Budget.

### D. VALLEY ROAD RECONSTRUCTION DESIGN PROFESSIONAL SERVICES AGREEMENT, AB 14-038 8:50:25 PM

Public Works Director Loveless stated this professional services agreement is for a repaving and drainage project on Valley Road and Logg Road.

**8:51 PM** ***MOTION:*** *I move that the City Council forward the Professional Services Agreement for Browne Wheeler Engineers, Inc. for the Valley Road Reconstruction design in the amount of $41,000 to the March 10, 2014 consent agenda.*
***WARD/ROTH:*** *Motion carried unanimously, 7-0.*

### E. DRIPPING WATER CREEK CULVERT REPLACEMENT PROJECT CONSTRUCTION CONTRACT, AB 14-039 8:52 PM

Public Works Director Loveless explained that the existing culvert is deteriorated to a point where the pipe is disjointed and the top of the pipe is crushed. During recent storm events, the creek has overtopped the road causing an extreme safety hazard. City staff has completed the Special Use Permit process, hydraulic project application and has all necessary permits to start work. The project is 100% funded out of the stormwater utility.

**8:58 PM** ***MOTION:*** *I move the City Council forward the Dripping Water Creek Culvert Replacement project forward to the Sound Excavation in the amount of $192,790 to the March 10, 2014 City Council consent agenda.*
***BONKOWSKI/BLAIR:*** *Motion carried unanimously, 7-0.*

**F. WATER SYSTEM PLAN PROFESSIONAL SERVICES AGREEMENT, AB 13-002** 8:59 PM

Public Works Director Loveless stated the City's last water system plan update was completed in 2006. In 2012, the State granted the City a two-year extension until January 12, 2015. Following the review process, the City anticipates submitting the updated water system plan to the State prior to the end of the year.

Carollo will review the financial capacity of the utility, revenue and projected costs and will predict whether rates need to change. The scope of work includes an adequacy check and financial analysis but not an in-depth rate study.

**9:07 PM** ***MOTION:*** *I move that the City Council forward the Professional Services Agreement with Carollo Engineers, Incorporated for the Water System Plan update in the amount of $105,000 to the March 10, 2014 consent agenda.*
***BLOSSOM/BONKOWSKI:*** *Motion carried unanimously, 7-0.*

**G. JOINT FACILITIES ASSESSMENT WITH BAINBRIDGE FIRE DEPARTMENT, AB 14-008** 9:07 PM

Deputy City Manager Smith updated the City Council on the continuing work with the Bainbridge Island Fire Department (BIFD). The focus of the project will be an assessment of fire department facilities island-wide; BIFD is the lead agency and will hold the contract with Mackenzie. The City will reimburse BIFD for the components of the project related to assessment of the City's police facilities. These reimbursements will occur via the interlocal agreement executed between BIFD and the City in 2013.

**9:09 PM** ***MOTION:*** *I move we authorize the City Manager to reimburse the Bainbridge Island Fire Department up to $40,000 for the City's share of project expenses related to the assessment of public safety facilities.*
***BONKOWSKI/ROTH:*** *Motion carried unanimously, 7-0.*

**7. COUNCIL DISCUSSION**

**A. ROLE AND MISSION OF THE UTILITY ADVISORY COMMITTEE** 9:11 PM

Mayor Blair led the discussion on the role and mission of the Utility Advisory Committee (UAC). Using the overhead, Mayor Blair reviewed the scope of work approved last June. City Council discussed the bullet points and proposed changes to the document.

UAC member Maron was on hand to offer comment on the role of the committee. Mr. Maron stated frustration the committee has experienced is inadequate information and lack of staff support. He explained that the committee is most effective when working with the department heads and that trust and dialogue is needed to work well with the City Council.

Deputy Mayor Tollefson commented that as a revised scope is drafted, the goal is to allow the City Council to their job better and help staff to be positive force not just another layer of bureaucracy.

Next steps include Councilmembers Bonkowski, Ward and Mayor Blair meeting with City Manager Schulze to wordsmith the scope and mission of the UAC.

**B. TREE ORDINANCE COMMITTEE UPDATE [ADDED]** 9:50 PM

Councilmember Blossom added the agenda item to update the City Council on the makeup of the Tree Ordinance Committee. Specifically, she sought approval on the addition of two Planning Commissioners (Mack Pearl and Jon Quitslund) to the committee rather than community members. The meetings will be open to the public and subject to the Open Public Meetings Act.

**8. COMMITTEE REPORTS** 9:53 PM

Councilmember Bonkowski attended committee meetings the week of February 24 at the Puget Sound Regional Council; the Operations Committee and the Executive Board Committee where they discussed the PSRC's study on the proposed coal terminal at Cherry Point in Whatcom County. Also on the agenda was a discussion on the creation of a new Regional Transit-Oriented Development Advisory Committee.

**9. REVIEW UPCOMING COUNCIL MEETING AGENDAS** 10:00 PM

City Council discussed future agenda items. Councilmember Ward would like to add a discussion on digitizing public records at the April 7 study session. Councilmember Bonkowski would like to add a discussion eventually on public transportation; Mayor Blair reminded City Council that LTAC dollars had funded the Frog Hopper. Kitsap Transit has pulled together a special team of their staff to look at that same approach and will report to City Council later in the spring on financing.

**10. FOR THE GOOD OF THE ORDER** 10:08 PM

Mayor Blair disclosed she inadvertently fell into a conversation with three other Councilmembers regarding the Shoreline Management Program thereby violating the OPMA.

City Manager Schulze reported the Association of Washington Cities asked mayors to sign a letter to the legislature requesting that a portion of marijuana revenues pay for enforcement and social costs resulting from legalization.

**11. ADJOURNMENT** 10:12 PM

The meeting adjourned at 10:12 PM.

Anne S. Blair

Anne S. Blair, Mayor

Kelly Jahraus

Kelly Jahraus, Records Management Coordinator