



REGULAR CITY COUNCIL BUSINESS MEETING
TUESDAY, FEBRUARY 13, 2018

MEETING MINUTES

1. CALL TO ORDER/ROLL CALL/PLEDGE OF ALLEGIANCE

Mayor Medina called the meeting to order at 7:04 p.m. in Council Chambers.

Mayor Medina, Deputy Mayor Blossom, and Councilmembers Deets, Nassar, Peltier and Tirman were present. Councilmember Scott participated by telephone.

2. AGENDA APPROVAL OR MODIFICATION/CONFLICT OF INTEREST DISCLOSURE

Mayor Medina asked to add the Rich Property Settlement Agreement to New Business. The agenda was approved, as amended. Deputy Mayor Blossom recused herself from the moratorium discussion.

3. MAYOR'S REPORT – 7:05 PM

Mayor Medina mentioned the addition of the Guiding Principles from the Comprehensive Plan to the agendas, the grand opening of the STO Trail on March 3, 2018, and upcoming Ward Meetings.

4. PUBLIC COMMENT - 7:08 PM

Marcus Hoffman spoke about water management and recycling.

David Mueller spoke about his damage claim.

5. CITY MANAGER'S REPORT - 7:16 PM

City Manager Schulze reported on last week's active shooter drill, the police-involved shooting, the Critical Areas Ordinance Public Information Meeting on February 12, 2018, his walk along the Miller Road Non-Motorized Improvement Project area, and closure for President's Day.

6. PRESENTATION(S)

A. Proclamation Declaring the Month of February 2018 as "Black History Month," AB 18-022 – Mayor Medina 7:22 PM

Mayor Medina read the proclamation.

MOTION: I move to authorize the Mayor to sign the proclamation declaring the month of February 2018, as "Black History Month" in the City of Bainbridge Island and to add this proclamation to the list of annual proclamations that do not require Council approval.

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

7. PUBLIC HEARING

A. Ordinance No. 2018-05, Amending and Restating Ordinance No. 2018-02, as Amended by Ordinance No. 2018-03, Imposing a Temporary Six-Month Moratorium on the Acceptance of Certain Development Applications, AB 18-021 – Planning 7:27 PM

Planning Director Christensen introduced the moratorium on certain development applications.

Mayor Medina opened the public hearing at 7:27 p.m.

John Bierly spoke about the effect of the moratorium on affordable housing.

Dennis Reynolds spoke against the moratorium.

Mary Clare Kersten spoke in favor of the moratorium.

Terry McGuire spoke about business/industrial property and the impact of the moratorium.

Shelley Long, Executive Director of Bainbridge Island Child Care Centers, spoke about the impact on their project.

Paul Svornich spoke in favor of the moratorium.

Steve Holman spoke against the process of the moratorium.

Julie Smith spoke in favor of the moratorium.

Peter Perry, Design Review Board, spoke in favor of the moratorium.

Jeff Krueger spoke against the moratorium.

Bruce Weiland spoke about the basis for the moratorium and said the new version is preferable. He spoke against adding Site Plan Reviews.

Heidi Herendeen spoke in favor of the moratorium.

Jeb Thornburg encouraged Council to review the basis for the moratorium.

Steve Kersten spoke in favor of the moratorium.

Joseph Lacko spoke against the moratorium.

Cihan Anisoglu spoke against including the downtown mixed used zone in the moratorium and asked Council to rescind it.

Jim Halbrook spoke in favor of the moratorium.

Molly Storrs spoke against the moratorium.

Jonathan Davis spoke against the moratorium.

Charlie Wenzlau spoke against the broadness of the moratorium and the impact on affordable housing.

Kelsey Laughlin spoke against the moratorium.

David Smith spoke about the adequacy of the City's water supply and against the moratorium.

Peter Brachvogel spoke against the Native Vegetation Protection Area.

Ron Herbs spoke in favor of the moratorium.

Craig Clark spoke against the moratorium.

Corey Christopherson spoke against the moratorium.

Marshall Tappan spoke in favor of the moratorium.

Olaf Ribeiro spoke in favor of the moratorium.

Bonnie McBryan spoke about the divisiveness of the moratorium.

Adam Brenneman spoke against the moratorium.

Rebecca Blake spoke about the impact on affordable housing and against the moratorium.

Rod Stevens spoke in favor of the moratorium.

Steve Rabago spoke about the impact on the business/industrial zone and against the moratorium.

Brian Lindgren spoke about the impact on his house plans.

Michelle Hecker spoke against the moratorium and the process.

Councilmember Scott ended his participation by telephone at 8:45 p.m.

Mayor Medina adjourned the meeting for a break at 8:59 p.m. and re-convened the meeting at 9:10 p.m. Mayor Medina proposed re-ordering the agenda, and Council agreed to defer several items given the late hour.

MOTION: In part to incorporate wording recommended by the staff memo, I move to further amend previously amended subsection 3.B of Ordinance No. 2018-05, which addresses types of land use applications effected by the moratorium to read:

B. Structures, buildings, and land use permits and approvals in the R-1, R-2 and R-0.4 zones:

- (i) That will result in less than 65% of the subject property being retained as native vegetation; or
- (ii) That will result in reducing the native vegetation on the subject property by any amount if that property had native vegetation existing on less than 65% of the property as of the effective date of the moratorium.
- (iii) Provided, that subsections (i) and (ii) do not prohibit structures, buildings, and land use permits and approvals in the R-1, R-2, and R-0.4 zones that will result in land disturbance of 12,500 square feet on the subject property.
- (iv) Provided further, that this Section B does not apply to complete land use applications (see BIMC Table 2.16.010-1) that were submitted prior to the effective date of the moratorium, and to the resultant site work and associated approvals related to such complete land use applications.

Peltier/Nassar: The motion carried unanimously, 5-0.

MOTION: I move to add a new subsection 3.C to Ordinance No. 2018-05 that reads:

C. Major Site Plan and Design Review and Major Conditional Use Permit applications that did not receive recommendations for approval from the Design Review Board prior to the effective date of the moratorium.

Peltier/Tirman: The motion failed 4-1, with Councilmember Peltier voting in favor.

MOTION: We could amend that Section B so it reads “in the R-1, R-2, R-0.4, and Business/Industrial zones.”

Peltier/Tirman: The motion carried unanimously, 5-0.

Council discussed whether to include the Mixed Use Town Center in the moratorium.

MOTION: I move to add Mixed Use Town Center to subsection 3.B for inclusion.

Tirman/Peltier: The motion carried 3-2 with Councilmembers Peltier and Nassar voting against.

Council discussed expanding the exclusions to include private and public education facilities as long as they meet native vegetation requirements.

MOTION: I make a motion to add private to public schools.

Deets/Tirman: The motion failed 5-0.

MOTION: Councilmember Tirman moved to rescind his previous motion regarding inclusion of the Mixed Use Town Center.

Tirman/Peltier: The motion carried unanimously, 5-0. 10:33 PM

MOTION: I move to approve Ordinance No. 2018-05, as amended. 10:37 PM

Tirman/Deets: The motion failed 4-1 with Councilmember Peltier voting against.

Mayor Medina closed the public hearing at 10:37 p.m.

8. NEW BUSINESS [MOVED]

A. Request for Installation of Speed Humps on Wardwell Road, AB 18-024 – Public Works 10:40 PM

Public Works Director Loveless introduced the agenda item.

Public Comment

Erin Hill spoke about speeding on Wardwell.

Jerry Brader spoke in favor of speed humps.

Bill McClain spoke in favor of speed humps.

Tom Supplee spoke against speed humps.

Ed Kushner spoke in favor of speed humps.

Jeremy Fish spoke against speed humps.

MOTION: I move that we approve the installation of speed humps on Wardwell Road.

Peltier/Deets: The motion was withdrawn.

MOTION: I move that we instruct Public Works Director Loveless to come back with a recommendation for traffic calming measures that likely involve speed humps or speed tables. 11:05 PM

Peltier/Deets: The motion carried unanimously, 6-0.

9. UNFINISHED BUSINESS

A. Ordinance No. 2018-04 Relating to the Duane Lane Road Vacation, AB 17-201 – Public Works 11:05 PM

Public Works Director Loveless introduced the road vacation.

Public Comment

Todd McKittrick spoke about the road vacation.

Randall Olsen spoke about the dispute and the proposed road vacation.

David Stockman commented on the easement and access issues.

MOTION: I move to direct the City Attorney to draft language for council consideration with further condition approval of the Duane Lane vacation by requiring the Ohrts to offer additional road right of way, the developers of Wallace Cottages, for purpose of creating a two-lane extension of Wallace Way from

Madison Avenue to Wallace Cottages. This language should include options for Council consideration related to the basis on which such additional road right of way would be made available by the Ohrts.

Peltier/Blossom: The motion failed 3-3 with Councilmembers Peltier and Nassar and Deputy Mayor Blossom voting in favor.

MOTION: I move to approve Ordinance No. 2018-04 relating to the Duane Lane street vacation.

Tirman/Deets: The motion failed 3-3 with Mayor Medina and Councilmembers Tirman and Deets voting in favor.

10. CLOSED RECORD PROCEEDING [MOVED]

A. Resolution No. 2018-02 Approving the Rolling Sunrise Plat (PLN18840 FSUB), AB 18-007 – Planning 11:45 PM

City Attorney Levan reviewed the Appearance of Fairness doctrine and closed record proceeding procedures. There were no disclosures from Council or Appearance of Fairness challenges. Planning Manager Wright provided information on the Rolling Sunrise plat.

MOTION: I move to refer the proposal for Rolling Sunrise plat back to the Hearing Examiner due to inconsistencies between the Hearing Examiner's findings and a determination of compliance with BIMC 2.16.15.H.I.F.4 pertaining to adequacy of streets and pedestrian ways serving the proposed development.

Peltier/Nassar: The motion carried 5-1 with Deputy Mayor Blossom voting against.

B. Ordinance No. 2018-07 Establishing a Gender Inclusive Bathroom Requirement as Part of a New Title 7, Human Rights, of the Bainbridge Island Municipal Code, AB 18-027 – Councilmembers Tirman and Scott

This item was deferred due to the late hour.

C. Resolution No. 2018-05, Grant Acceptance for Fletcher Bay Road Core 40 Project, Sportsman Club/New Brooklyn Intersection Improvements, and Olympic Drive Non-Motorized Improvements, AB 18-028 – Public Works

This item was deferred due to the late hour.

D. 2018 Police Vehicle Procurement, AB 18-023 – Public Works

This item was deferred due to the late hour.

E. Settlement Agreement Relating to the Rich Property 12:18 AM

Mayor Medina asked for a motion regarding the agreement.

MOTION: I move to authorize the City Manager to pursue the possible settlement agreement related to a legal dispute regarding the Rich property and a vegetation management permit and do thereby authorize the City Manager to execute all documents necessary to effectuate that settlement agreement consistent with the legal discussion Council had with the City Attorney in executive session regarding this matter.

Peltier/Tirman: The motion carried unanimously, 6-0.

11. CONSENT AGENDA - 12:19 AM

A. Agenda Bill for Consent Agenda, AB 18-025

B. Accounts Payable and Payroll

Accounts Payable: check number 346571 from previous run for \$11,475; manual check run check sequence 346572 – 346588 for \$1,001,028.62; regular check run sequence 346589 – 346736 for \$516,662.05; ACH check numbers 284 – 285 for \$1,805.83; EFT check number 283 for \$7,467.33. Total disbursement = \$1,519,496.50.

Payroll: normal direct deposit check sequence 040819 – 040942 for \$287,285.32; normal check run sequence 108413 – 108416 for \$7,264.49; vendor run check sequence 108417 – 108431 for \$306,066.19; Federal Tax Electronic Transfer for \$112,373.70. Total disbursement = \$712,989.70.

C. City Council Study Session Minutes, January 16, 2018

D. Regular City Council Business Meeting Minutes, January 23, 2018

E. Special City Council Meeting Minutes, January 24, 2018

F. Special City Council Meeting Minutes, January 30, 2018

G. City's 2017 Workplan Results and Ongoing 2018 City-Wide Workplan Priorities, AB 18-020

H. Island Center Subarea Planning Public Participation Plan, AB 17-164

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

Peltier/Deets: The motion carried unanimously, 6-0.

12. COMMITTEE REPORTS - 12:19 AM

A. Ethics Board Regular Meeting Minutes, November 20, 2017

B. Environmental Technical Advisory Committee Regular Meeting Minutes, December 21, 2017

C. Affordable Housing Task Force Regular Meeting Minutes, January 10, 2018

D. Utility Advisory Committee Meeting Regular Meeting Minutes, January 10, 2018

E. Tree and Low Impact Development Ad Hoc Committee Meeting Notes, January 17, 2018

13. REVIEW UPCOMING AGENDAS - 12:20 AM

A. Council Calendar

The ordinance relating to all gender restrooms was deferred until March.

14. FOR THE GOOD OF THE ORDER - 12:21 AM

Mayor Medina requested authorization to sign a letter to the Washington Utilities and Transportation Commission regarding Puget Sound Energy's 2017 Integrated Resource Plan, and Council concurred. Deputy Mayor Blossom commented on the moratorium discussion.

15. ADJOURNMENT

Mayor Medina adjourned the meeting at 12:26 a.m.

Kol Medina, Mayor

Christine Brown, City Clerk