



SPECIAL CITY COUNCIL BUSINESS MEETING  
TUESDAY, FEBRUARY 27, 2018

MEETING MINUTES

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

Mayor Medina called the meeting to order at 6:03 p.m. in Council Chambers.

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

2. AGENDA APPROVAL OR MODIFICATION/CONFLICT OF INTEREST DISCLOSURE

Councilmember Scott moved and Councilmember Deets seconded to approve the agenda, as presented. The motion carried unanimously, 7-0. Deputy Mayor Blossom recused herself from the moratorium discussion.

3. PUBLIC COMMENT

There was no public comment at this time.

4. MAYOR'S REPORT – 6:07 PM

Mayor Medina mentioned the Sound to Olympic Trail (STO) grand opening, upcoming Ward meetings, a petition from Grow Avenue and neighborhood meeting, and the resolution of a damage claim.

5. CITY MANAGER'S REPORT

City Manager Schulze reported on the status of hiring a Communications Coordinator and provided details on the STO Trail grand opening.

6. UNFINISHED BUSINESS

**A. Ordinance No. 2018-04, Relating to the Duane Lane Road Vacation, AB 17-201 – Public Works 6:13 PM**

Public Works Director Loveless introduced the agenda item.

**Public Comment**

Steve Matthews spoke on behalf of the Nakata neighbors regarding access to Wallace Cottages and in favor of a substitute ordinance.

Todd McKittrick spoke about the options he would consider for the road vacation.

Steve Crampton spoke about Nakata neighbors' concerns.

Chris Van Dyke spoke in favor of the substitute ordinance.

**MOTION:** I move to approve Ordinance No. 2018-04 relating to the Duane Lane street vacation as amended by the Matthews substitute ordinance.

**Peltier/Blossom:** The motion was withdrawn.

Council adjourned for an Executive Session at 6:54 p.m. 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. Council returned from Executive Session at 7:14 p.m., and Mayor Medina re-convened the meeting.

Councilmember Peltier noted that Deputy Mayor Blossom had an alternative approach to the substitute ordinance.

**MOTION:** I move to amend proposed Ordinance 2018-04 to add the following:

A new Section 5 titled "Conditions of Approval for Street Vacation"

The vacation of Duane Lane is conditioned upon the grant of a right-of-way consisting of the south 15 feet of parcel number 272502-1-022-2006.

**Blossom/Peltier:** The motion carried 5-2 with Mayor Medina and Councilmember Scott voting against.

**B. 2018 Police Vehicle Procurement, AB 18-023 – Public Works 7:31 PM**

Public Works Director Loveless introduced the agenda item to purchase three new police vehicles. Chief Hamner addressed Council's questions.

**MOTION:** I move that the City Council approve the Police Vehicle Procurement with the Washington State Department of Enterprise Services Center to purchase three vehicles.

**Scott/Nassar:** The motion carried unanimously, 7-0.

**C. Infrastructure Ballot Measure Task Force Update, AB 17-097 – Executive 7:36 PM**

City Manager Schulze introduced the agenda item. Infrastructure Ballot Measure Task Force member Demi Allen provided a presentation on the work of the task force in identifying non-motorized transportation improvements. Todd Tinker, chair of the finance subcommittee of the task force, and City Manager Schulze updated Council on the subcommittee's work on the town square concept.

**Public Comment**

Patti Dusbabek spoke against the town square concept.

Brandon Fouts spoke in favor of using previous studies.

Joyce Grainger advocated for de-coupling the town square and multi-modal elements.

**D. Resolution No. 2018-05, Relating to 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 8:16 PM**

Public Works Director Loveless introduced the agenda item.

**MOTION:** I move to approve Resolution No. 2018-05.

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

**E. 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 8:19 PM**

Deputy Mayor Blossom left Council Chambers. Planning Director Christensen introduced the agenda item.

**MOTION:** Councilmember Peltier moved to approve the motion related to educational facilities proposed by staff with a change to remove the words “determined to be complete prior to the effective date of the moratorium.”

**Peltier/Deets:** The motion was withdrawn.

**Public Comment**

Todd Osborne commented on the backlog for submitting building permits and native vegetation requirements.

Mike Spence, Bainbridge Island School Board, expressed concerns about the impact of the moratorium on school construction.

Mev Hoburg, Bainbridge Island School Board, expressed concerns about the impact or the ordinance on school construction.

**MOTION:** I move to direct staff to come back with further analysis and recommendations to address concerns raised tonight. 8:36 p.m.

**Peltier/Nassar:** The motion was withdrawn.

**MOTION:** I move that we modify the current moratorium, Section 5.B, by replacing the words “private vocational training institutions, preschools, K-12, and higher education facilities” with the words “educational facilities and preschools”. 8:48 pm

**Tirman/Deets:** The motion carried 4-2 with Councilmembers Peltier and Nassar voting against.

**MOTION:** I move to direct staff, in addition to the language regarding schools, to come back with proposed language that would exempt the Winslow Core from the moratorium with regards to Major Site Plan Reviews and Major Conditional Use Permits.

**Peltier/Scott:** The motion carried unanimously, 6-0. 8:53 pm

Deputy Mayor Blossom returned at 8:55 p.m. Planning Director Christensen presented a proposed workplan for the moratorium.

**Public Comment**

Jon Quitslund spoke about the need to update the Code.

Michelle Hecker spoke about the process of updating the Code.

Mayor Medina adjourned the meeting for a break at 9:24 p.m. and re-convened the meeting at 9:33 p.m.

**F. Ordinance No. 2018-01 (Formerly Ordinance No. 2017-17) Relating to Critical Areas, Repealing Chapter 16.20 and Adopting a New Chapter 16.20 of the Bainbridge Island Municipal Code, AB 17-135 – Planning 9:33 PM**

Mayor Medina invited comment from partner jurisdictions.

Hank Teran, Bainbridge Island Fire Department, thanked Council for addressing their concerns.

Peter Bang-Knudsen, Superintendent of Bainbridge Island School District, spoke about their concerns with the ordinance.

Mike Spence, member of the Bainbridge Island School Board, commented on their concerns.

Mev Hoburg, member of the Bainbridge Island School Board, described the major points in their letter sent to Council.

Perry Barrett, Bainbridge Island Metropolitan Park & Recreation District, thanked Council for addressing their concerns.

Senior Planner Carr provided a presentation on the ordinance.

**Public Comment**

Peter Brachvogel spoke against the ordinance.

Randall Samstag asked about the scientific basis for the Aquifer Recharge Protection Area.

Patti Dusbabek spoke in favor of adding gardens to schools.

Michelle Hecker spoke against the ordinance.

Council discussed the ordinance.

**MOTION:** I move to adopt Ordinance No. 2018-01 as amended in the February 27, 2018, Revised Public Hearing Draft CAO.

**Peltier/Deets:** Following discussion and action on the motions to amend the ordinance below, the motion carried 4-3 with Councilmembers Scott, Deets and Tirman voting against.

**AMENDMENT TO MOTION:** I move to amend 16.20.100.E.4.a. to read:

- a. Any structure or activity as long as the new structure or activity is shown to not negatively impact the amount of groundwater recharge on the site. Specifically, any structure or activity is allowed as long as the structure or activity (including mitigation measures, if any are needed) maintains 100 percent of the annual average groundwater recharge volume that existed on the site prior to the structure or activity as demonstrated by the 2012 Western Washington Hydrology Model (WWHM2012) recharge module, as amended, ~~or other methodology acceptable to the City Engineer.~~

**Peltier/Nassar:** The motion carried 5-2 with Councilmembers Scott and Tirman voting against.

Senior Planner Carr asked Council to consider revisions to the applicability section of 16.20.100 relating to aquifer recharge areas.

**AMENDMENT TO MOTION:** I move to amend the ordinance in the manner proposed by staff.

**Peltier/Deets:** The motion carried 5-2 with Councilmembers Scott and Tirman voting against.

**AMENDMENT TO MOTION:** I move to amend 16.20.100.E.1 to read:

1. Any proposed development or activity requiring a site assessment review (SAR) pursuant to BIMC 15.19 and 15.20 located within the R-0.4, R-1 or R-2, and Business Industrial zoning designations requires designation of an ARPA; except, designation of an ARPA is not required for the following.

**Peltier/Nassar:** The motion failed 2-5 with Councilmembers Peltier and Nassar voting in favor.

## 7. NEW BUSINESS

### **A. Water and Wastewater Rate Study Professional Services Agreement, AB 18-031 – Public Works 10:44 PM**

Public Works Director Loveless introduced the agenda item.

**MOTION:** I move to forward to the March 13, 2018, Consent Agenda the Water and Wastewater Rate Study Professional Services Agreement with FCS Group.

**Blossom/Nassar:** The motion carried unanimously, 7-0.

### **B. Resolution No. 2018-06, Amending the Fee Schedule Relating to Exempt Wells, AB 18-034 – Finance 10:46 PM**

Finance Director Schroer introduced the amendment to the Fee Schedule.

**MOTION:** I move to forward to the March 13, 2018, Consent Agenda for approval Resolution No. 2018-06, adopting an amendment to the 2018 fee schedule related to exempt wells.

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

**C. City Dock Improvements Professional Services Agreement Amendment No. 4 with PND Engineers, AB 15-072 – Public Works 10:48 PM**

Public Works Director Loveless introduced the agenda item.

**MOTION:** I move to forward to the March 13, 2018, Consent Agenda for approval the City Dock Improvements Professional Services Agreement Amendment No. 4 in the amount of \$40,800.00 with PND Engineers.

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

**D. Ordinance No. 2018-06, Amending Bainbridge Island Municipal Code Chapter 2.37, Increasing Size of Climate Change Advisory Committee, AB 18-026 – Executive 10:50 PM**

City Manager Schulze introduced the ordinance.

**MOTION:** I move that the City Council forward Ordinance 2018-06, increasing the size of the Climate Change Advisory Committee from seven to nine members, to the March 13, 2018, consent agenda.

**Blossom/Nassar:** The motion carried unanimously, 7-0.

**E. Climate Change Advisory Committee Appointments, Position Numbers, and Terms, AB 18-040 – Mayor Medina 10:51 PM**

City Manager Schulze introduced the agenda item.

**MOTION** I move that the City Council forward to the March 13, 2018, consent agenda, the removal, pursuant to BIMC 2.37.020, of all members of the Climate Change Advisory Committee, with the removal to have the same effective date as Ordinance 2018-06, increasing the size of the Climate Change Advisory Committee from seven to nine members.

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

**MOTION:** I move to forward to the March 13, 2018, consent agenda, the City Council's confirmation of my appointment to the Climate Change Advisory Committee of nine members to the following positions and associated terms, with the confirmation to have the same effective date as Ordinance No. 2018-06, increasing the size of the Climate Change Advisory Committee from seven to nine members:

Position 1: Angela Adams, whose term will expire on June 30, 2018

Position 2: Lara Hansen, whose term will expire on June 30, 2020

Position 3: Derik Broekhoff, whose term will expire on June 30, 2018

Position 4: Gary Lagerloef, whose term will expire on June 30, 2018

Position 5: James Rufo-Hill, whose term will expire on June 30, 2019

Position 6: Jane Rein, whose term will expire on June 30, 2019

Position 7: Deborah Rudnick, whose term will expire on June 30, 2019

Position 8: David McCaughey, whose term will expire on June 30, 2020

Position 9: Nora Fern Nickum, whose term will expire on June 30, 2020

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

**F. Appointment to Kitsap Transit Board Composition Review Committee, AB 18-032 – Mayor Medina 10:56 PM**

Mayor Medina introduced the agenda item.

**MOTION:** I move to appoint Mayor Medina to the Kitsap Transit Board Composition Review Committee.

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

**8. CONSENT AGENDA - 10:57 PM**

**A. Agenda Bill for Consent Agenda, AB 18-035**

**B. Accounts Payable and Payroll**

Payroll February 20, 2018: normal direct deposit check sequence 040943 – 041066 for \$304,505.84; normal check run sequence 108432 – 108434 for \$5,412.94; vendor run check sequence 108435 - 108446 for \$124,048.34; Federal Tax Electronic Transfer for \$118,650.21. Total disbursement \$552,617.33.

Accounts Payable: February 27, 2018: last check number 343715 for 11.35 from previous run; manual check run check sequence 343716 – 343728 for \$86,216.60; regular check run sequence 343729 – 343819 for \$179,257.00. Total disbursement \$265,473.60.

**C. Special City Council Meeting Minutes, February 6, 2018**

**D. Study Session City Council Minutes, February 6, 2018**

**E. Special City Council Meeting Minutes, February 13, 2018**

**F. Regular City Council Business Meeting Minutes, February 13, 2018**

**G. Special City Council Meeting Minutes, February 15, 2018**

**H. Environmental Technical Advisory Committee 2017 Annual Report and 2018 Workplan, AB 18-029**

**I. Historic Preservation Commission 2017 Annual Report and 2018 Workplan, AB 18-030**

**J. Affordable Housing Task Force Appointments**

Councilmember Nassar asked to remove Item J.

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

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

Councilmember Nassar asked for additional information on the Affordable Housing Task Force appointments.

**MOTION:** I move that we approve the appointment of Jonathan Davis and Corey Christopherson to the Affordable Housing Task Force.

**Scott/Blossom:** The motion carried 4-3 with Councilmembers Nassar, Peltier, and Tirman voting against.

9. COMMITTEE REPORTS - 11:08 PM

**A. Marine Access Committee Regular Meeting Minutes, January 8, 2018 – Councilmember Peltier**

**B. Climate Change Advisory Committee Regular Meeting Minutes, January 22, 2018 – Councilmember Deets**

**C. Utility Advisory Committee Meeting Regular Meeting Minutes, January 24, 2018 – Councilmember Nassar**

**D. Environmental Technical Advisory Committee Regular Meeting Minutes, January 25, 2018 – Councilmember Nassar**

**E. Tree & Low Impact Development Ad Hoc Committee Special Meeting Notes, January 31, 2018**

**F. Affordable Housing Task Force Regular Meeting Minutes, January 24, 2018 – Deputy Mayor Blossom**

10. REVIEW UPCOMING AGENDAS - 11:08 PM

**A. Council Calendar**

Mayor Medina reviewed the proposed Council calendar.

11. FOR THE GOOD OF THE ORDER - 11:09 PM

Mayor Medina commented on the Affordable Housing Task Force's comments on the moratorium.

Mayor Medina asked Council if they were interested in a joint meeting with Councilmembers from Poulsbo and Suquamish, and Council concurred.

12. ADJOURNMENT

Mayor Medina adjourned the meeting at 11:11 p.m.

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Kol Medina, Mayor

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Christine Brown, City Clerk