

**City of Port Orchard  
Council Meeting Minutes  
Regular Meeting of February 12, 2008**

**PRESENT:** Lary Coppola, Mayor  
Council Members: Mayor Pro-Tem Clauson, Chang, Childs, Colebank, Olin, and Putaansuu

**ABSENT:** Council Member Powers, excused.

**ALSO PRESENT:** Police Chief Townsend, Court Administrator Debbie Hunt, Public Works Director Abed, Development Director Weaver, Assistant Planner Bonsell, City Clerk Merlino, Deputy Clerk Kirkpatrick, and City Attorney Jacoby.

**7:00 P.M. CALL TO ORDER AND ROLL CALL**

**PLEDGE OF ALLEGIANCE**

Vivian Henderson led the audience and Council in the Pledge of Allegiance.

**CITIZEN COMMENT**

Kathy Lipka, 2505 S. Flower, stated that she had stopped by City Hall to pick up a paper copy of the Council's meeting agenda and was advised that copies of the agenda were available online. She voiced frustration that not everyone has access to computers and the internet and noted that the agenda should be available to anyone requesting a copy.

Jerry Arnett, 288 Goldenrod, read the Fifth Amendment into the record, noting that he has been unable to obtain information on how much money the City spent on its City Attorney contract and how the funds were spent. He urged the City to be an "open government" to its residents.

Gerry Harmon, 906 Kitsap Street, noted that the City had a wonderful facility and urged the Council to conduct all of its business, including committee meetings and retreats at City Hall and not at offsite locations.

Lynnette George, founder of the Blue Star Banner Program of Kitsap County provided an overview of the organization, which honors "local" soldiers serving in our Country's Armed Forces and honoring those killed in the line of duty. The six-foot banners are a great way for a community to show its support and recognize our armed forces. Council Member Childs thanked Ms. George for providing this service to the community.

Vivian Henderson, Executive Director of the Kitsap County Alliance of Property Owners, urged the Council to consider whether or not it was in their best interest to continue supporting the Puget Sound Regional Council (PSRC) and provided a document dated January 2008 outlining

the history of the PSRC and alternative solutions. In addition she read an email from Karl Duff to Kitsap County Commissions Jan Angel, Josh Brown, and Steve Bauer regarding his recommendations to the Kitsap Regional Coordinating Council (KRCC). Of primary concern were:

- A committee of recognized public service volunteers be formed to weigh Kitsap County's options concerning participation in the PSRC.
- The committee be supported by Kitsap County during its fact-finding.
- The County seek the committee's recommendations regarding the long-term best interests of Kitsap County.
- Appoint Linda Webb as the Chairperson of the committee.

**APPROVAL OF AGENDA**

**Council Member Clauson moved and Council Member Colebank seconded the motion to approve the agenda as amended.**

Add to business items the following:

- Discussion item: Going Green and City Council agenda packets

***Upon vote, the motion passed unanimously.***

**APPROVAL OF CONSENT AGENDA**

**Council Member Putaansuu moved and Council Member Colebank seconded the motion approving the Consent Agenda. *Upon vote, motion passed unanimously.***

- A.** Approval of Claim Warrants #49205 through 49304 in the amount of \$211,354.71; Payroll #141304 through 14131 in the amount of \$431,644.46 and Treasurer's check book in the amount of \$1,748,328.65.
- B.** Minutes of the January 28, 2008, City Council Meeting
- C.** Authorization for the Mayor to Sign the Jury Panel Selection Agreement with Kitsap County
- D.** Adoption of Resolution No. 007-08, Setting the Date and Time for a Street Vacation in City Right of Way on a Portion of an Alleyway adjacent to the 1100 Block of Sidney Avenue
- E.** Adoption of Resolution No. 008-08, Awarding Contract for Clean-Out of Septic Tanks in McCormick Woods
- F.** Adoption of Resolution No. 009-08, Declare and Surplus Miscellaneous City Equipment
- G.** Adoption of Ordinance No. 005-08, Correcting Scrivener's Errors in Ordinance No. 046-07, Regarding the Establishment of Land Use Regulatory Code
- H.** Adoption of Ordinance No. 007-08, Relating to Membership of the Design Review Board
- I.** Authorization for the Mayor to Sign the West Sound Workforce Agreement

**Council Member Chang moved and Council Member Clauson seconded the motion to excuse Council Member Powers from this meeting. *Upon vote, the motion passed unanimously.***

### **PRESENTATIONS**

Kathy Cocus, Kitsap Economic Development Alliance (KEDA) provided a brief overview of how the City's 2007 funding contributions were used throughout the year as follows:

- Website updates and development
- Professional staff is able to attend ongoing training in workforce, marketing, foreign direct investment.
- Statistical information to incoming and new businesses.
- Referral network as part of a local and state network of business assistance agencies to incoming and start up businesses.
- Site selection services for incoming and start up businesses to the local community.
- Site visit assistance helping to arrange hotel, tours, ground transportation to businesses expressing an interest in relocating to the area.
- Workforce recruitment and training through coordinated efforts with appropriate educational institutions and government entities.
- Direct connection to Community Trade and Economic Develop (CTED)
- Weekly E-newsletter
- Implementation of the Kitsap 20/20 Plan
- Implementation of the state contract as outlined in the Kitsap 20/20 Plan

### **PUBLIC HEARINGS**

#### **Premier Rentals at Plisko Lane, Rezone and Conditional Use Permit, (R-1166/CUP 027-07)**

Assistant Planner Bonsell presented the staff report for a rezone proposed to allow a single, two-story equipment rental building totaling 10,000 square feet with a 1,500 square foot covered outside storage building on a 1.97 acre parcel located on the northeast side of Plisko Lane and north of Mile Hill Drive. At the Planning Commission's January 22, 2008 meeting, the Planning Commission amended Condition 3 to limit the westerly street improvements to an ADA approved curb return as shown on Exhibit A and attached to the Planning Commission Resolution No. 001-08, and removed Condition No. 18 as it was more clearly stated in the SEPA conditions.

City Attorney Jacoby reminded the Council they were sitting as a Quasi Judicial Body for this matter. Further, City Attorney Jacoby acknowledged that state law governing appearance of fairness, conflict of interest, and ex-parte communication apply to the City Council Members and asked each Council Member the following questions:

- To disclose if they had any financial interest in this project;
- If they could make a fair and impartial decision on this application, based upon facts that have been presented and facts that will be presented;
- If they have had any ex-parte communication prior to this Public Hearing; and
- If anyone in the audience feels any member of the Council should be disqualified due to appearance of fairness or conflict of interest.

No response was received from Council Members or the audience.

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Mayor Coppola commended Mr. Bonsell who went out of his way to help a citizen through the City's complex permitting process.

Mayor Coppola opened the Public Hearing at 7:42 p.m.

Mark Kulman of Team4 Engineering and representing Premier Rentals provided a brief overview of the project, noting building placement, covered storage area, open lot, and landscaping screening areas. He urged the Council to approve the conditional use permit and rezone request.

Council Members voiced a concern with the visual impact of the storage area, which would be easily viewed by motorists travelling along Mile Hill Drive. Development Director Weaver explained that the application process includes a bonding mechanism that allows the City to have final approval of landscaping plans prior to issuance of permits. Mr. Kulman stated that the conditions outlined in the Planning Commission's resolution were acceptable to him and he was willing to work with the Planning Department staff to provide a better landscaping plan.

Gil Michael, 228 Seattle Ave, voiced approval of the building design; however he recommended that the building location be relooked at from an aesthetic point of view and relocated if possible. Overall, Mr. Michael was in favor of the Council allowing the applicant to move forward on this project.

Council Members voiced a concern with allowing parallel parking along Plisko Lane and directed the City Engineer to work with the applicant and widen the road with curbs and gutters to discourage parking along this area.

There being no further testimony, Mayor Coppola closed the Public Hearing at 8:16 p.m.

**Council Member Putaansuu moved and Council Member Clauson seconded the motion to approve the Premier Rental Rezone/Conditional Use Permit R1166/CUP027-07, and direct staff to prepare both a Resolution and Ordinance for the next regularly scheduled City Council meeting. *Upon vote, the motion passed unanimously.***

#### **NEW BUSINESS**

#### **Authorization for the Mayor to Sign Contract for Engineering of the Sink Hole on Bethel Avenue**

Public Works Director Abed presented the staff report, noting that on December 3, 2007, Kitsap County, among others, experienced devastation due to a strong winter storm. Heavy rains caused a 50' x 30' sinkhole by the Hi-Joy Bowling Alley and two slide areas along Bay Street that closed the State Highway. The slide areas were cleared by Caseco, Inc. under an emergency contract. West Sound Engineering was hired under the same emergency contract to assess the sinkhole damage and prepare engineering drawings to fill the hole and replace the damaged concrete pipes. This work was being done in close coordination with FEMA who will be funding the sinkhole repair work.

In response to Council Members concerns, Public Works Director Abed explained that the engineering firm would submit invoices based on time and materials to the City who would then pay the invoices and seek reimbursement from FEMA. Public Works Director Abed stated there were sufficient funds to cover the necessary repairs in the Street Fund. Further, he explained that it was estimated the repairs should be completed by June 2008.

**Council Member Clauson moved and Council Member Chang seconded the motion to authorize the Mayor to sign West Sound Design Agreement to prepare the engineering plan and specifications to repair Bethel Avenue in an amount not to exceed \$80,000 with the understanding that 87.5% of the total repair costs will be paid by FEMA and the City will pay 12.5% of the total repair costs with funds allocated from the Street Fund. *Upon vote, the motion passed unanimously.***

**Authorization for the Mayor to Sign Contract with BHC, Update on Sewer Comprehensive Plan**

Public Works Director Abed presented the staff report, noting that the City conducted interviews to select a consultant to update the City's sewer comprehensive plan. The decision was to hire BHC to perform this task; however, at that time the City was informed that the County's new sub-area plan had been challenged in Court. Mr. Abed further advised new annexations were halted until the County had shown the Boundary Review Board that the cities/district could provide sewer service to their Growth Management Areas (GMA). Based on Council approval, BHC was tasked with preparing a GMA Compliance Technical Memorandum showing that Port Orchard could successfully provide sewer service within the GMA. The Memorandum was completed and forwarded to the County in December 2007. As a result, staff is ready to move forward with BHC updating the Sewer Comprehensive Plan.

**Council Member Olin moved and Council Member Colebank seconded the motion to authorize the Mayor to sign a contract with BHC Consultants to update the City's Sewer Comprehensive Plan for an amount not to exceed \$50,000. *Upon vote, the motion passed unanimously.***

**Authorization for the Mayor to Sign the Professional Services Agreement with Grant-Solutions Grant Writing Services**

Mayor Coppola presented the staff report, noting that at the Council's January 4, 2008, retreat Kathleen Byrnes-Barrantes addressed the Council regarding grant writing and many opportunities this could provide to the City. The Finance Committee approved the Mayor signing the Professional Services Agreement with Grant-Solutions in the amount of \$500 upon execution of the agreement and \$500 per month through March 1, 2010.

**Council Member Clauson moved and Council Member Putaansuu seconded the motion to authorize the Mayor to sign a professional services agreement with Grant-Solutions substantially in the form submitted to the Council and as approved by the City Attorney. *Upon vote, the motion passed unanimously.***

**Authorizing an Additional Part-Time Temporary Associate Planner**

City Development Director Weaver presented the staff report, noting that due to reorganization of the Planning Department and the importance of updating the Comprehensive Plan and Critical Areas Ordinances, the need for an additional part-time Associate Planner is critical to the efficiency of the Planning Department. The Finance Committee reviewed the additional part-time position and recommends funding on a temporary basis an additional part-time Associate Planner and reevaluate this position during the 2009 budget process.

**Council Member Clauson moved and Council Member Childs seconded the motion to approve an additional part-time position within the Planning Department on a temporary basis and reevaluate this position during the 2009 budget process. *Upon vote, the motion passed unanimously.***

**Approval of an Additional Eight Hours per Week for Administrative Secretary**

City Clerk Merlino presented the staff report, noting that by allowing the Administrative Secretary to become full-time would help in the productivity of the Clerk's office and reduce the number of hours the Deputy Clerk will have to cover the front desk allowing better utilization of her time. The Finance Committee recommended approval of the additional eight hours per week for the Administrative position within the City Clerk's Office.

**Council Member Colebank moved and Council Member Childs seconded the motion to approve an additional eight hours per week for the Administrative Secretary position within the City Clerk's Office to full-time status. *Upon vote, the motion passed unanimously.***

**Adoption of Resolution No. 010-08, Relating to Change Order Authorization**

City Clerk Merlino presented the staff report, noting that on May 10, 2004, the City Council authorized the Public Works Director to approve change orders up to \$15,000, and to call for a special City Council meeting within 24 hours if change orders of high dollar amounts were required. The Council is revising the authority of the Public Works Director to approve change orders up to \$1,000. Change orders between \$1,001 and \$15,000 shall be preapproved by the Mayor and all change orders over \$15,000 shall be approved by the City Council.

**Council Member Putaansuu moved and Council Member Olin seconded the motion to adopt Resolution No. 010-08, granting the Public Works Director authority to approve change orders up to \$1,000; change orders between \$1,001 and \$15,000 shall be preapproved by the Mayor; the change order dollar thresholds apply on a per project basis; and change orders in excess of \$15,000 shall be approved by the City Council at its next regularly scheduled meeting. *Upon vote, the motion passed unanimously.***

**Discussion Item: Going Green and City Council Agenda Packets:** Council Member Chang voiced appreciation that staff wanted to go green with the City Council agenda packets; however, felt that it was premature and asked that the packet be available for review online and staff still provide paper copies to Council Members.

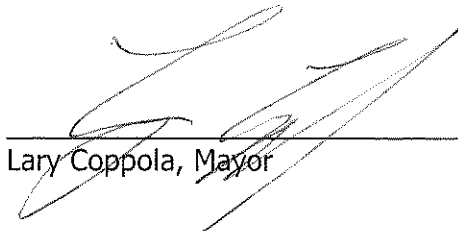
City Clerk Merlino stated that the agenda and packet are available online and would ensure that when the public requests a copy of the agenda that her staff would comply with that request.

**Council Member Olin moved and Council Member Clauson seconded the motion to add the Tremont Corridor Plan and roundabout discussion to the next work study agenda. *Upon vote, the motion passed unanimously.***

**ADJOURNMENT**

At 8:47 p.m. Mayor Coppola adjourned the meeting.

  
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Patricia J. Kirkpatrick, Deputy Clerk

  
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Larry Coppola, Mayor