

**City of Port Orchard  
Council Meeting Minutes  
Regular Meeting of March 11, 2008**

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

**PRESENT:** Lary Coppola, Mayor

Council Members: Mayor Pro-Tem Clauson, Chang, Childs, Colebank, Olin, Powers, and Putaansuu

**ALSO PRESENT:** Police Chief Townsend, City Treasurer Tompkins, Public Works Director Abed, Associate Planner Haro, City Clerk Merlino, Deputy Clerk Kirkpatrick, and City Attorney Jacoby.

**PLEDGE OF ALLEGIANCE**

Judy Oke led the audience and Council in the Pledge of Allegiance

**CITIZEN COMMENT**

Sheila Cronan, 250 Flower Meadows opposed to allowing a hair salon business to continue to operate during the City's permitting process. She voiced concern with the high volume of traffic and that the City was allowing this person to operate in violation of City Code.

Development Director Weaver stated the Code Enforcement Officer has gone out and identified the issues and the applicant has a permit pending. The public hearing would be set shortly to address the issues and other neighboring residents can present their arguments at that time. Further, the City has not issued any permits to allow the applicant to operate a business out of her home.

Mayor Coppola stated that he would meet with the Development Director and the City Attorney and then would follow up with Ms. Cronin later this week.

Lauren Keehn, 300 Flower Meadows, spoke in favor of allowing the applicant to operate a hair salon out of home, noting that there is a daycare in the neighborhood.

Dick Davis, 7009 Killeen Place, requested an opportunity to meet with the City Council and McCormick Woods residents to discuss where annexation is going and provide information in order for the residents to make an informed decision.

Gerry Harmon, 906 Kitsap Street, requested an update on the status of the property across from the Post Office that was cleared.

Development Director Weaver explained that there is a code enforcement action on that parcel and he is working with the City Attorney on the legal ramifications of the property owner's failure in not following the tree retention plan on file with the City.

Kathy Michael, 228 Seattle Avenue, requested that the new changes in the sewer bills for Bed and Breakfasts be added to a future Council agenda.

### **APPROVAL OF AGENDA**

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

Item 4E, 4G2 and 4H were moved to Business.

The following Consent Items were removed from the Consent agenda and placed under Business Items:

- Authorization for the Mayor to Sign Petition of Support of the New Life Business Incubator
- Approval of 2008 Public Event Applications – Cub Scout Day Camp
- Authorization for the Mayor to Sign Contract for Lawn Maintenance

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

### **APPROVAL OF CONSENT AGENDA**

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

- A.** Approval of Claim Warrants, Payroll & Treasurer's check book
- B.** Minutes of the February 16, 2008, City Council Retreat
- C.** Minutes of the February 26, 2008, City Council Meeting
- D.** Approval of a Job-Share Position between the Planning Department and Engineering/Building Department
- ~~**E.** Authorization for the Mayor to Sign Petition of Support of the New Life Business Incubator~~
- F.** Adoption of Resolution No. 018-08, Repealing Resolution No. 010-08, in its Entirety, and Providing the Public Works Director and Mayor with Change Order Authority
- G.** Approval of 2008 Public Event Applications
  1. Farmer's Market
  - ~~2. Cub Scout Day Camp~~

3. Rock Around the Block

~~H. Authorization for the Mayor to Sign Contract for Lawn Maintenance~~

**PRESENTATIONS AND PROCLAMATIONS**

**Superior Court Judge Jay Roof Regarding Kitsap Drug Court**

Superior Court Judge Roof provided a brief program overview of the Kitsap Drug Court, noting the Drug Court has been a successful program for the past 9 years and ensures that Drug Court clients are following the Court's orders. This is a judicially supervised treatment and currently there are 100 people in the program and another 20 on the waiting list. Drug Court lost some of its funding, which resulted in the loss of the person who went into the community to individually check to ensure program participants were complying with the Court's order.

The Mayor and Council Members complimented the Judge on the innovative program and voiced support of the program, noting it provided a good return on investment.

**Judy Oke**

Judy Oke provided a brief presentation on renaming the new Narrows bridge the "Bob Oke Bridge" and asked for the Council's support in the form of a resolution that they could take to the Washington State Transportation Committee.

**Council Member Clauson moved and Council Member Powers seconded the motion to add a resolution renaming of the new Narrows Bridge to the next Council meeting agenda. *Upon vote, the motion passed unanimously.***

**PUBLIC HEARINGS**

**Street Vacation Regarding Unnamed Alley Adjacent to Sidney Avenue**

Development Director Weaver presented the staff report, noting that Chuck Childress of Blue Cascade Construction submitted a request on behalf of three owners of the real property abutting an unnamed alley adjacent to Sidney Avenue to vacate a portion of that alleyway. A certified check in the amount of \$2,400 for the appraised value of the requested vacated area was received in the City Clerk's office. The request is for a trapezoidal shaped area approximately 20 feet wide by 40 feet long and 806 square feet in an area diagonally across the alley right of way that would allow Mystery Lane to cross the undeveloped alley as a private drive to access homes east of the alley. The alley was platted as part of Sweaney's 2<sup>nd</sup> Addition to Sidney and has never been improved. The applicant has built a few homes that are accessed off Sidney via a private drive known as Mystery Lane. Vacation of this portion of the right-of-way would prevent the City from doing construction of improvements in the future. However, topography and sensitive areas in the vicinity may prove unlikely for future City improvements. In addition, the Planning Department recommends the proposed vacation be redefined as a complete vacation of the unnamed alleyway extending from

the east side of the right-of-way at Lots 17, 18, & 19 to the west side of the right-of-way at Lots 24, 25, & 26. An approximate calculation of the redefined area of the vacation would be 75 feet length by 20 feet alley width at an approximate area of 1,500 square feet. The appraised value of \$3.00 per square foot as submitted by the applicant would be redefined as a total value of \$4,500. The recommended area of vacation would require a revised legal description and an additional submission of funds to the City at the appraised rate. Redefining the vacation will result in each of the affected lots owning to the center line of the alley. The additional fees and documentation have been provided by the applicant.

Mayor Coppola opened the public hearing at 7:40 p.m.

Chuck Childress, 510 Cedar Canyon Place, sought approval to vacate the entire alley as presented by the Planning Department staff.

The Council briefly discussed the development of the area, noting the following concerns:

- appeared some grading had been done;
- potential for hammerhead at end of the road rather than a cul-de-sac;
- safety of the slope; and
- the need for future access

City Attorney Jacoby explained that failure to approve the vacation does not stop the project, rather it stops the developer from being able to develop a road across the right-of-way. Further, the issue before the Council is whether or not they want to vacate the area. Their approval did not give Mr. Childress the authority to move forward with future development until all permitting issues have been resolved.

Public Works Director Abed stated the City has no plans to open the alley due to the steep slopes and the City would have to grade and lay asphalt in order to build the ally to standard.

Gil Michael noted two concerns:

- Splitting the vacation down the middle could allow for the vacated area to be deeded to one entity; and
- The Planning Commission usually takes a site visit of areas where the applicant's intent is not clear.

There being no further testimony, Mayor Coppola closed the public hearing at 8:10 p.m.

**Council Member Clauson moved and Council Member Colebank seconded the motion to authorize the vacation.**

Council Member Clauson noted it was hard to separate the two issues – vacation versus development problems and urged the Council to focus on the issue of vacating the right-of-way.

Council Member Putaansuu voiced support of the vacation request and trusted that staff would deal with the code enforcement issues and permitting requirements.

Council Member Chang urged staff to keep a close watch on the future development of this property. Public Works Director Abed stated Mr. Childress would need to submit site development and drainage plans to the City Engineer prior to moving forward with development.

**Council Member Olin moved and Council Member Powers seconded the motion to amend, directed staff to prepare an ordinance for adoption at the next council meeting to approve the vacation of a portion of an unnamed alley adjacent to Sidney Avenue, subject to: 1) redefinition of the vacated area as 75 feet by 20 feet between the west side of the right-of-way at Lots 17, 18, & 19 to the east side of the right-of-way at Lots 24, 25, & 26; 2) submission of a new legal description for the redefined area; and 3) submission of additional funds pertaining to the redefined vacated area at the appraised value of \$3.00 per square foot. *Upon vote, the motion to amend passed unanimously.***

***Upon vote, the main motion as amended passed unanimously.***

**John Grice Multi-Family Rezone, Case No. R-1170**

City Attorney Jacoby reminded Council that while they normally operate in a legislative capacity, during this Public Hearing the Council is acting as a quasi-judicial body. City Attorney Jacoby asked if any Council Member had any ex parte communication with anyone regarding this application. There was no response from any Council Member. City Attorney Jacoby further asked if any Council Member had any financial interest in this property, with the applicant or representative of the applicant, either directly or indirectly relating to the property involved. There was no response from any Council Member. City Attorney Jacoby asked if any Council Member had any reason to believe they would not be able to render a fair and impartial decision based on the information they receive today. There was no response from any Council Member. City Attorney Jacoby asked if any member of the audience felt any of the Council Members should not participate in the hearing. There was no response from any audience member.

Associate Planner Haro presented the staff report, noting the proposal is for a site-specific rezone of a parcel from *Residential 8 (R8)* to *Residential 20 (R20)* to allow for the construction of four new residential units totaling approximately 7,400 square feet on a total of .19 acres. The property is designated *High-density Residential* in the Comprehensive Plan. The Planning Commission heard testimony at its February 19, 2008 meeting, and recommends approving the John Grice Multi-family Rezone request with the conditions as set forth in the Planning Commission Resolution No. 002-08, with one additional condition regarding a survey as there was some question as to the location of the property line.

Mayor Coppola opened the public hearing at 8:21 p.m.

Nels Rosendahl, agent for the applicant stated his availability to answer any questions regarding the rezone request.

There being no further testimony, Mayor Coppola closed the public hearing at 8:29 p.m.

**Council Member Olin moved and Council Member Chang seconded the motion to approve the requested Site-Specific Rezone, Case No. R-1170 for John Grice and direct staff to submit an ordinance for review at the next regularly scheduled Council meeting. *Upon vote, the motion passed unanimously.***

### **NEW BUSINESS**

#### **Rejection of Bay Street Utility Undergrounding Project Bids**

Public Works Director Abed presented the staff report, noting that the original project had been scaled down to address the main thoroughfares to keep costs down. The project bidding was closed on February 29, 2008, and six bids were received with the lowest bidder being Ceccanti for \$473,000.93, including sales tax. The Engineer's estimate was projected at \$299,973.31. The project bid came in higher than was projected by the Engineer's estimate and was for only the contractor's costs for items such as digging trenches, installing PSE and Quest conduits and does not include the additional costs for the design, PSE construction cost, library overhead power conversion and street illumination. The overall project costs will increase substantially in an approximate amount from \$610,876.67 to \$680,067.67, making this an expensive endeavor for the City. The City Finance Committee reviewed this issue and has recommended that the Council reject all bids and refer the matter to the Utilities Committee for project scope modification.

Council Member Putaansuu explained the Utilities Committee worked on breaking the project up into three phases in order to stay within budget and supported the rejection of the bids.

**Council Member Clauson moved and Council Member Powers seconded the motion to authorize the Mayor to reject all bids for the Bay Street Utility Undergrounding Project and to refer the project to the Utilities Committee for project scope modification.**

In response to Council Members concerns, Public Works Director Abed explained that the engineer's estimate was prepared by West Sound Engineers and he would work with them and the Utilities Committee to determine the discrepancy between the engineer's estimate and the bid amounts received. Further, he would contact Grant Solutions to pursue infrastructure grants to help offset project costs.

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

Mayor Coppola recessed the meeting for a five-minute break and reconvened at 8:47 p.m.

**Authorization for the Mayor to Sign Professional Services Agreement with Ted Hunter for Hearings Examiner Service**

Development Director Weaver presented the staff report, noting that on December 19, 2007, the Council adopted Ordinance No. 047-07, creating a Hearings Examiner position for certain land use matters. Staff solicited for a Hearing Examiner Service through a Request for Statement of Qualifications. Two proposals were received: 1) Mart Kask, Kask Consulting; and 2) Ted Hunter, Sound Law Center. Interviews were conducted on February 25, 2008, and after a careful review and reference checks, the interview panel recommends Ted Hunter with Sound Law Center for Hearings Examiner Services.

**Council Member Powers moved and Council Member Putaansuu seconded the motion to authorize the Mayor to sign the Professional Services Agreement for Hearings Examiner with Ted Hunter, Sound Law Center. *Upon vote, the motion passed unanimously.***

**Adoption of Resolution No. 019-08, Relating to Hearings Examiner Fee Schedule**

Development Director Weaver presented the staff report, noting that with the establishment of a Hearings Examiner, the creation of a fee schedule was necessary. Planning and Development Department staff prepared the proposed fee schedule, which was reviewed by the Finance Committee and recommended that the Council implement the pilot project for one year and then reevaluate the fees as outlined in Resolution No. 019-08.

**Council Member Powers moved and Council Member Clauson seconded the motion to authorize staff to present a resolution with the conditions outlined in the staff report at the March 25, 2008 meeting.**

Council directed staff to include in the resolution, an additional condition of returning the applicant's fees if the applicant wins on appeal.

Michelle McFadden stated that when she submitted her application on February 4, 2008, she was unaware that additional fees for the hearings examiner would be due.

Development Director Weaver explained that the pre-application letter included a disclaimer for the hearings examiner fees and described the process for the fees to be put in place.

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

**Approval of Payment Expenditure to Kitsap Drug Court**

Police Chief Townsend presented the staff report, noting that the Drug Court had lost some of its funding due to a grant not being renewed. The loss of funding resulted in the elimination of the Drug Court's probation officer who goes out and checks to ensure the Drug Court clients are following the orders of the Court, which is a critical component of the program. The Drug Court, through the KRCC, has asked each jurisdiction to put in funding to help retain the probation officer position. Chief Townsend recommended that funding from the Serious Habitual Offender Community Action Program (SHOCAP), which is no longer in existence be applied towards the Drug Court in the amount of \$900.

**Council Member Clauson moved and Council Member Powers seconded the motion to authorize the expenditure of \$900 from criminal justice funds to Kitsap County Drug Court and to authorize the replacement of SHOCAP with Kitsap County Drug Court for future funding from this criminal justice program account up to \$2,000 per year. *Upon vote, the motion passed unanimously.***

**Authorization for the Mayor to Sign Petition of Support of the New Life Business Incubator**

Mayor Coppola explained he received a request that the Emmanuel Apostolic Church was trying to establish a business incubator program and was asking for show of support only.

**Council Member Powers moved and Council Members Clauson seconded the motion to authorize the Mayor to Sign the Petition of Support of the New Life Business Incubator. *Upon vote, the motion passed unanimously.***

**Approval of 2008 Public Event Application - Cub Scout Day Camp**

In response to Council Member Powers, City Clerk Merlino explained that the confirmation letters included in the packet were drafts and would go out to the applicants upon passage by the Council.

**Council Member Powers moved and Council Member Childs seconded the motion to approve the Public Event Application for Cub Scout Day Camp. *Upon vote, the motion passed unanimously.***

**Authorization for the Mayor to Sign Contract for Lawn Maintenance**

Public Works Director Abed provided the staff report, noting the total cost for the lawn maintenance contract is \$6,247.66, including sales tax; that the Library park maintenance be removed, and the contractor provided photos of the areas to be maintained.

Council Members discussed that fertilization was not included in the revised contract and asked that the following items be clearly stated in the new contract after the Public Works Director rebid for fertilization:

- Roundabout – maintained
- Etta Turner Park – maintained
- Grassy areas in front of the marina – maintained
- All the islands in the water front park – maintained
- In front of the Marina office, behind Myhre's, to the east of the library, and in front of Amy's Restaurant, but not the Port's park area at the eastern end of the parking lot – maintained
- Prospect Street properties – maintained
- Contract to include:
  - Everything, including fertilization, mowing, weeding, etc.
  - Does not include watering, which will be done by public works staff

City Attorney Jacoby explained that this did not have to go through the formal bid process and staff would be able to obtain the information in a relatively short time-frame. Staff would bring the contract back at the next meeting with the properly identified sites and scope of work as outlined above.

**COMMITTEE REPORTS**

Council Member Colebank reported on the South Kitsap Skateboard organization, and provided handouts regarding their next meeting date and fundraising efforts. The

Skateboard group was looking at putting in a skate park at the corner of Jackson and Lund where it would be visible to passersby.

The Finance Committee would meet on Monday, March 24, 2008, at 7:30 a.m. at Myhre's. The Finance Committee would meet with Grant Solutions to discuss future Parks grants.

Mayor Coppola thanked Council Member Powers for putting together the public property tours, noting the tour was very informative. In addition, the Mayor stated the Local MOMS club had expressed an interest in working with the City to improve the City's parks.


City Attorney Jacoby invited the Council and staff to its annual St. Paddy Day's party at the Law Offices of McGavick and Graves.

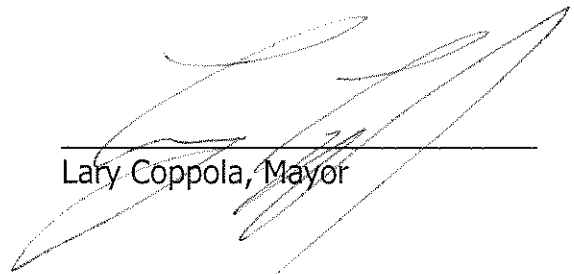
Utilities Committee would meet on Wednesday, March 12, 2008, at 8:00 a.m. at Myhre's.

Lodging Tax Advisory Committee (LTAC) would meet on Wednesday, March 12, 2008, at 3:30 p.m. at City Hall.

**ADJOURNMENT**

At 9:36 p.m. Mayor Coppola adjourned the meeting.

  
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Patricia J. Kirkpatrick, Deputy Clerk

  
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Larry Coppola, Mayor