

**City of Port Orchard
Council Meeting Minutes
Regular Meeting of June 24, 2008**

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

PRESENT: Lary Coppola, Mayor

Councilmembers: Mayor Pro-Tem Clauson, Chang, Childs, Colebank, and Putaansuu

ABSENT: Councilmembers Olin and Powers (excused)

ALSO PRESENT: Commander Marti, City Treasurer Tompkins, Public Works Director/City Engineer Dorsey, Development Director Weaver, Interim City Clerk Kirkpatrick, and City Attorney Jacoby.

PLEDGE OF ALLEGIANCE

Gil Michael led the audience and Council in the Pledge of Allegiance

CITIZEN COMMENT

Gil Michael, 228 Seattle Avenue, requested Consent Item 4D regarding the 2008 Budget Amendment be moved to Business Items in order to allow for public comments.

Diane Hubert, 261 Tremont, voiced support of the signalized intersection at Tremont and Pottery, noting many people do not understand roundabouts and voiced her concern for safety of children and other pedestrians living in the area.

APPROVAL OF AGENDA

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

- Adoption of Ordinance No. 016-08, Amending the 2008 Budget for Street Fund
- Authorization for the Mayor to Sign Berger/Abam Engineers, Inc., Change Order No. 6 of the Tremont Widening Project

The following items were removed from Public Hearing and Business Item and moved to the July 8, 2008 Agenda:

- Six Year Transportation Improvement Program for the Years 2009-2014
- Adoption of Resolution No. 032-08, Regarding the Six-Year Transportation Improvement Program for the Years 2009-2014

Councilmember Clauson moved and Councilmember Colebank seconded the motion to approve the agenda as amended. *Upon vote, the motion passed unanimously.*

APPROVAL OF CONSENT AGENDA

Councilmember Clauson moved and Councilmember Putaansuu seconded the motion approving the Consent Agenda as amended. *Upon vote, the motion passed unanimously.*

- A. Approval of Claim Warrants #49966 through #50033 totaling \$97,697.72
- B. Minutes of the June 10, 2008, City Council Meeting
- C. Approval of 2008 Fourth of July Fireworks Display Permit
- ~~D. Adoption of Ordinance No. 016-08, Amending the 2008 Budget for Street Fund~~
- E. Adoption of Resolution No. 030-08, Appointment to the Public Facilities District
- F. Adoption of Resolution No. 031-08, Surplus of Police Department Vehicles
- G. Authorization for the Mayor to Sign Tremont Street Widening, SR 16 to Port Orchard Blvd/Closing Procedures and Title Clearing Policy
- ~~H. Authorization for the Mayor to Sign Berger/Abam Engineers, Inc. Change Order No. 6 of the Tremont Widening Project~~

NEW BUSINESS

Tremont/Pottery Intersection: Motion to Change Intersection from Roundabout to Signal Intersection

Public Works Director Dorsey provided the staff report, noting that at its May 27, 2008, meeting the Council tabled this item to the June 24, 2008 meeting. Three options were presented at the June 17, 2008, work study session as follows:

- Baseline: Current roundabout design at both SK Boulevard and Pottery Avenue
- Option 1: Signals provided at both SK Boulevard and Pottery Avenue
- Option 2: Roundabout at SK Boulevard and a Signal at Pottery Avenue

In addition, alternative Option No. 3 was presented as follows:

- Maintain current roundabout design at SK Boulevard
- Increase the Pottery Avenue roundabout diameter from 170-ft to 190-ft
- Shift the Pottery Avenue roundabout to the north by approximately 20-ft
- Provide emergency vehicle signage
- Move pedestrian crossings back from the roundabout yield bars

There is a motion on the floor, ***“Councilmember Olin moved and Councilmember Clauson seconded the motion to change the Tremont/Pottery Intersection from a roundabout to a signalized intersection.”***

Councilmember Putaansuu moved and Councilmember Clauson seconded the motion to table the item to the July 8, 2008, meeting. *Upon vote, the motion passed unanimously.*

Authorization for the Mayor to Sign Berger/Abam Engineers, Inc., Change Order No. 7 of the Tremont Widening Project

Public Works Director Dorsey provided the staff report, noting that Berger/Abam was given verbal authorization by the previous Public Works Director to proceed with additional design work for the Tremont Widening Project. Berger/Abam moved forward in good faith to complete the tasks at an additional cost incurred to date in the amount of \$55,579. This change order will allow Berger/Abam's contract to extend for another nine months from September 30, 2008 to June 30, 2009. Staff recommends the Council approve the authorization of Change Order No. 7 in an amount not to exceed \$55,579.

Councilmember Clauson moved and Councilmember Chang seconded the motion to authorize the Mayor to sign City Change Order No. 7 and State DOT Supplemental Agreement No. 7 in an amount not to exceed \$55,579, for work completed by Berger/Abam Engineers, Inc. and to extend the contract to June 30, 2009. Upon vote, the motion passed unanimously.

Closed Record Public Hearing Regarding Sidney Avenue Rezone R1167 and Adoption of Ordinance No. 018-08

City Attorney Jacoby explained this was a new procedure as outlined in the new Land Use Regulations previously adopted by the Council. Arguments were heard from both staff and the project proponent and a decision was rendered by the Hearings Examiner, with a recommendation for the Council to approve the Hearings Examiner decision.

City Attorney Jacoby further advised the Council that while they normally operate in a legislative capacity, during this Closed Record 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.

Development Director Weaver presented the staff report, noting the applicant submitted an application for a rezone of two parcels located at 2205 and 2207 Sidney Avenue of approximately .77 acres. Each parcel contains a single-family residence with associated accessory structures. The request is to rezone the parcels from R4.5 to R12, which will bring the properties' zoning into conformance with the Comprehensive Plan. The current Comprehensive Plan designation is Medium Density Residential which is inconsistent with the R4.5 zoning designations. On April 15, 2008, the Hearing Examiner conducted a Public Hearing where

testimony was taken, finding of facts were made, and ten days after the Hearing, the Hearing Examiner issued a recommendation for approval to the City Council. Staff recommends confirming the Hearing Examiner's recommendation by approving the requested rezone.

At 7:12 p.m. Mayor Coppola opened the Closed Record Public Hearing and there being no public testimony, Mayor Coppola closed the Closed Record Public Hearing at 7:13 p.m. and reconvened the regular meeting.

Councilmembers voiced their appreciation of the Hearings Examiner's decision, noting it was very easy to understand and that he had done an outstanding job.

Councilmember Clauson moved and Councilmember Colebank seconded the motion to adopt Ordinance No. 018-08, and affirm the Hearing Examiner's recommendation to approve the request to rezone property located at 2205 and 2207 Sidney Avenue from R4.5 to R12. Upon vote, the motion passed unanimously.

Adoption of Ordinance No. 019-08, Amending Annexation Ordinance No. 028-07, Approving the Annexation Request for Brown, Blackstock & Dow Properties

City Attorney Jacoby presented the staff report, noting at its September 24, 2007, meeting the Council approved the annexation request subject to the property owners' execution of a release and indemnification agreement. The property owners elected not to sign the agreement and therefore the annexation was never affected. A recent ruling by the Growth Management Hearings Board removed the cloud over the City's expanded urban growth area and therefore the City no longer requires a release and indemnification agreement. The purpose of Ordinance No. 019-08 is to amend Ordinance No. 028-07, and allow the annexation to take effect without conditions.

Councilmember Colebank moved and Councilmember Clauson seconded the motion to adopt Ordinance No. 019-08, Amending Ordinance No. 028-08, relating to the annexation of 21 parcels owned by William Brown, Errol Dow, and Jeffrey Blackstock. Upon vote, the motion passed unanimously.

Adoption of Resolution No. 033-08, Relating to Final Plat of Leora Park II

Development Director Weaver presented the staff report, noting Chuck Childress applied for the preliminary plat of Leora Park II in February 2004 and received preliminary plat approval by the Council on April 24, 2006. The plat allowed the subdivision of 11.96 acres of property into 18 single-family residential lots. The applicant has installed roads, storm drainage improvements, and landscaping. Further, staff noted that the applicant installed sidewalks on the south side of the street and have met all the conditions.

Councilmember Clauson moved and Councilmember Putaansuu seconded the motion to adopt Resolution No. 033-08, as presented, granting final plat approval for Leora Park II. *Upon vote, the motion passed unanimously.*

Meeting with Initiating Parties Regarding Notice of Intent to Petition for Annexation of the Washburn/Grant/Crothers Property

Development Director Weaver presented the staff report, noting the applicants submitted a Notice of Intent to Petition for Annexation to annex four parcels totaling approximately 11.25 acres contiguous to the City limits. The parcels are located on Glenwood Road about one-half mile east of Sidney Road. These parcels are in the City's currently recognized urban growth area and have a County comprehensive plan designation and zoning of *Urban Low*. The applicant intends to request a City comprehensive plan designation of *Residential Low Density* and R4.5 zoning. Staff recommends that the Council allow a petition to be circulated for annexation of the property described in the Notice of Intent and require the simultaneous adoption of comprehensive plan and zoning designations, and the assumption of existing City indebtedness by the area to be annexed.

Councilmember Putaansuu moved and Councilmember Childs seconded the motion to allow the applicant to circulate a petition for annexation of the property described in the Notice of Intent and to require the simultaneous adoption of comprehensive plan and zoning designations, and the assumption of existing City indebtedness by the area to be annexed. *Upon vote, the motion passed unanimously.*

Approval of Public Event Application for the Portland Avenue Family Block Party

Deputy Clerk Kirkpatrick provided the staff report, noting that the residents of Portland Avenue had submitted an application for public event to hold a "family block party" on July 19, 2008, beginning at 1:00 p.m. City Departments have reviewed the application and recommend its approval.

Councilmember Clauson moved and Councilmember Colebank seconded the motion to approve the Public Event Application for the Portland Avenue Family Block Party. *Upon vote, the motion passed unanimously.*

Adoption of Ordinance No. 016-08, Amending the 2008 Budget for Street Fund

City Treasurer Tompkins provided the staff report, noting that at its June 10, 2008, meeting the Council directed staff to place Ordinance No. 016-08, on the June 24, 2008, Agenda for action. The City experienced a severe winter storm in December 2007, which caused a sinkhole to develop on Bethel Avenue, and was subsequently declared a disaster and the City is eligible to receive reimbursement on the repair costs of the sinkhole under the Public Assistance Program for the December 2007 Severe Storms and Flooding event. In addition, the City conducted a downtown parking feasibility study in 2007 and at the May 20, 2008, Work Study Session, the

Council concurred to moving forward with a public parking garage design. Staff recommends the 2008 budget amendment in order to cover the costs of the Bethel Avenue sinkhole repair and to appropriate funds to finance the design of a public parking garage.

Councilmember Clauson moved and Councilmember Putaansuu seconded the motion to adopt Ordinance No. 016-08, amending the 2008 Budget in the amount of \$500,000 for Street Fund.

Gil Michael 228 Seattle Avenue questioned the location of the parking garage and stated it was premature to begin designs on a building without a site located.

Upon vote, the motion failed with three affirmative votes and two dissenting votes. Councilmembers Clauson, Chang and Putaansuu cast the affirmative votes and Councilmembers Childs and Colebank cast the two dissenting votes.

City Attorney Jacoby recommended that the Council separate the Bethel Avenue Sinkhole repairs from the Parking Garage Design budget amendment in order to allow staff to move forward with repairs to the sinkhole.

Councilmember Colebank moved and Councilmember Childs seconded the motion to approve the 2008 Budget Amendment in the amount of \$450,000 to allow for repairs to the Bethel Avenue Sinkhole and directed staff to place the parking garage budget amendment ordinance on the July 8, 2008, agenda. Upon vote, the motion passed unanimously.

Authorization for the Mayor to Sign Berger/Abam Engineers, Inc., Change Order No. 6 of The Tremont Widening Project

Councilmember Childs moved and Councilmember Clauson seconded the motion to sign City Change Order No. 6 and State DOT Supplemental Agreement No. 6 in an amount not to exceed \$15,000, for work requested of Berger/Abam Engineers, Inc. and to extend the contract to September 30, 2008. Upon vote, the motion passed unanimously.

COMMITTEE REPORTS

Councilmember Putaansuu reported that the Bay Street Utility Undergrounding was proceeding smoothly.

In response to Councilmember Putaansuu, Development Director Weaver reported that a meeting had been scheduled for June 26, 2008 at 11:30 a.m. with Kitsap County staff and respective counsels to discuss McCormick Woods Annexation issues. The meeting would be held in the County Administration building.

Councilmember Childs congratulated the City on its “2008 The Best of South Kitsap” award for the Festival of Chimes and Lights, which received First Place in the “Best Holiday Activity” category. He announced the Tourism Committee would meet on Wednesday, July 9th at 2 p.m. in City Hall and the Festival of Chimes and Lights Committee would meet on Wednesday July 9th at 6 p.m. at City Hall.

Councilmember Colebank reported that the Housing Grant Programs Review Committee met five times during the months of May and June, 2008, to review the programs’ operation and results. The final results will be presented to the Kitsap Regional Coordinating Council.

Councilmember Clauson announced the next Finance Committee meeting would be held July 17th at 7:30 a.m. at Slip 45. He invited Councilmembers and the Community to Michaela Hargrave’s Make-A-Wish dance recital and reception to be held on Saturday, June 28th at the South Kitsap High School at 11:30 a.m.

MAYOR’S REPORT

Mayor Coppola reported on the Kitsap County Consolidate Housing Authority (KCCHA) Board Retreat, noting the KCCHA Board was fully briefed on the budget and has a better understanding of where funding resources and allocations.

Mayor Coppola announced the Boys and Girls Club would be meeting on Friday, June 27th at 10 a.m. at City Hall regarding program expansion.

Development Director Weaver voiced appreciation with the new code and Hearings Examiner, noting the applicants like the predictability of the procedures.

Commander Marti reported on the downtown parking issues, suggesting making several parking stalls on Frederick Avenue be turned into six to eight hour stalls and available on a first come/first served basis in order to allow local business owners closer parking to their businesses. Councilmember Clauson explained that business owners can pay a reduced merchant parking rate to park in the lot behind Kitsap Bank.

CITIZENS COMMENTS

Gerry Harmon, 906 Kitsap Street, commented on:

- the need for clear process for impact fees
- what the process is for the Hearing Board
- why the City can’t afford to fix Cline Street, but can afford to set funds aside for a parking garage.

Mayor Coppola explained that staff was working on analyzing impact fees and Development Director Weaver stated that in order to justify impact fees the City has to have a completed Capital Facilities Plan in place.

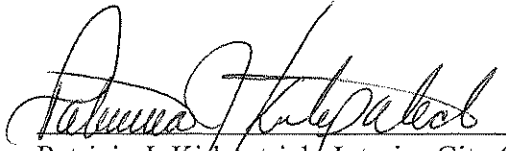
EXECUTIVE SESSION

At 8:05 p.m. Council moved into Executive Session for fifteen minutes for the purpose of discussing personnel matters per RCW 42.30. The City Attorney and City Treasurer were invited to attend the Executive Session, with action to be taken. At 8:20 p.m. Mayor Coppola reconvened the Council back into regular session.

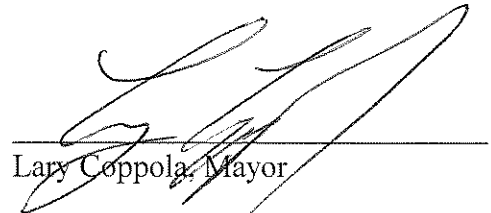
Councilmember Childs moved and Councilmember Putaansuu moved to authorize the Mayor to sign a severance package with the City Clerk as approved by the City Attorney. Upon vote, the motion passed unanimously.

ADJOURNMENT

At 8:20 p.m. Mayor Coppola adjourned the meeting.



Patricia J. Kirkpatrick, Interim City Clerk



Larry Coppola, Mayor