

City of Port Orchard Council Meeting Minutes Regular Meeting of July 8, 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: Commander Marti, Public Works Director Dorsey, Development Director Weaver, Interim City Clerk Kirkpatrick, and City Attorney Jacoby.

PLEDGE OF ALLEGIANCE

Michaela Hargrave led the audience and Council in the Pledge of Allegiance.

CITIZEN COMMENT

Dr. Brian Willyard, 1501 Pottery Avenue, voiced concern with relocating the roundabout and its affects on his building. He understood the need for change due to increased traffic volumes and supported either a roundabout or four lanes with traffic signals and requested that Tremont Corridor business owners and residents are informed of any future Council decisions.

Don Miller, Andrew Higgins, Gary Douthit voiced their support of traffic signals, four lanes, and widening of the Tremont Corridor.

Kerry Christofferson, Rosanna Wallace, and Greg Spiersey voiced their concerns with the residence located at 912 Taylor Street, noting that two registered Class 2 sex offenders were living at the residence and the owner was renting out rooms in an area that is zoned residential.

Warren VanZee, Ron Rice, Richard Wolfe voiced their support of roundabouts along the Tremont Corridor.

Leif Anderson and Michael Eslava, South Kitsap Fire and Rescue, stated the Fire Department was opposed to roundabouts as they will reduce response time and voiced concern for oncoming traffic safety. Both supported widening Tremont to support four lanes and traffic signals.

Gil Michael, 228 Seattle Avenue, voiced appreciation for the Tall Ships that were recently in town and urged the Council to pass a resolution thanking the Tall Ships Association and encourage them to return to our area.

APPROVAL OF AGENDA

The following item was added to the agenda:

- A fifteen minute Executive Session regarding potential litigation

The following item was removed from Consent Agenda and placed under Business Items:

- Minutes of the June 24, 2008, City Council Meeting

Council Member Clauson moved and Council Member Putaansuu seconded the motion approving the agenda as amended. *Upon vote, the motion passed unanimously.*

APPROVAL OF CONSENT AGENDA

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

- A. Approval of Claim Warrants #50034 through 50121 in the amount of \$340,179.89
- B. Minutes of the June 17, 2008, Council Work Study Session
- ~~C. Minutes of the June 24, 2008, City Council Meeting~~

PRESENTATIONS AND PROCLAMATIONS

Suzanne Patrick, Make-A-Wish Foundation, presented a slide show honoring recipient Michaela Hargrave's wish to become a ballerina and thanked local business and the community for their support.

Mayor Coppola presented a proclamation to Make-A-Wish recipient Michaela Hargrave whose wish to become a ballerina was granted on Saturday, June 28, 2008, at the South Kitsap High School where she participated in her own dance with the "Just for Kicks" Dance Studio.

PUBLIC HEARINGS

Six-Year Transportation Improvement Program for the Years 2009-2014

Public Works Director Dorsey presented the staff report, noting that the six-year TIP is required to be submitted annually and is financially constrained, which means that projects' funding must be realistic based upon the City's budget. The City of Port Orchard has transportation needs that include upgrading its street and pedestrian facilities and providing maintenance activities on its streets and sidewalks. Due to limited Federal and State funding, the City has to look at innovative ways of funding transportation shortfalls such as forming Local Improvement Districts (LID) by which residents agree to tax themselves in order to do the improvements. More discussion on this issue will be a part of the City's upcoming budget preparation.

At 8:03 p.m. Mayor Coppola opened the public hearing and there being no public testimony closed the public hearing at 8:03 p.m.

Rezone of 28 Parcels in Nine Land Use Actions

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 Councilmember had any ex-parte communication with anyone regarding this application. There was no response from any Councilmember. City Attorney Jacoby further asked if any Councilmember 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 Councilmember. City Attorney Jacoby asked if any Councilmember 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 Councilmember. City Attorney Jacoby asked if any member of the audience felt any of the Councilmembers should not participate in the hearing. There was no response from any audience member.

Mayor Coppola passed the gavel to Mayor Pro-Tem Clauson due to a conflict of interest on this item and recused himself from the room.

Development Director Weaver presented the staff report, noting the Planning Department at the direction of the Planning Commission is seeking to allocate zoning to a total of 28 parcels from nine previous land use actions. The requested action will complete the Annexation/Comprehensive Plan Amendment process by designating a zoning designation that either matches the current Comprehensive Plan designation or the recommended zoning that was outlined in the enabling ordinances previously issued. The Planning Department has researched these properties and found that the properties have been properly assigned a Comprehensive Plan designation. Upon Council approval, the requested zoning designations would then be consistent with the respective Comprehensive Plan Designation and zoning designations that have been recommended in the individual enabling ordinances.

At 8:13 p.m. Mayor Pro-Tem Clauson opened the public hearing.

Gil Michael, Planning Commission Chair stated the Planning Commission had voted against the Herstad rezone, noting their concern was that it did not fit in the commercial zoning designation and voiced his opposition to approving the Herstad property rezone.

Dave Walden spoke in favor of passing Ordinance No. 021-08.

Gerry Harmon, 906 Kitsap Street, voiced concern with approving the Herstad zoning, noting the current zoning would allow the property to potentially become a big box store and that ongoing discussions regarding the Tremont Corridor had centered on business professional.

Ron Rice spoke in favor of the ordinance, noting this was a housekeeping item that should not be revisited.

Councilmember Putaansuu moved and Councilmember Olin seconded the motion to amend the agenda to hear Business Item 7C following the public hearing. Upon vote, the motion passed unanimously.

There being no further testimony, at 8:40 p.m. Mayor Pro-Tem Clauson closed the public hearing.

NEW BUSINESS

Adoption of Ordinance No. 021-08, Regarding the Rezone of 28 Parcels in Nine Land Use Actions

Development Weaver presented the staff report, noting the Council held a public hearing earlier this evening to hear testimony regarding the rezoning of 28 parcels in nine previous land use actions. The Planning Department at the request of the applicants is seeking to allocate zoning designations to parcels that have previously completed the Annexation/Comprehensive Plan Amendment. The designation of zoning for the 28 parcels is consistent with previous Council decisions and that either matches the current Comprehensive Plan designation or the recommended zoning that was outlined in the enabling ordinances of: 045-07; 021-07; 044-07; 018-06; 020-06; 020-07; 024-07; 038-07; and 1914. Staff recommends adoption of Ordinance No. 021-08, granting approval of the requested zoning designations listed in table form on said resolution.

Councilmember Chang moved and Councilmember Powers seconded the motion to adopt Ordinance No. 021-08, approving the requested zoning designations indicated in the attached zoning designation table with the exception of the Herstad Property. Upon vote, the motion passed with one dissenting vote. Councilmember Olin cast the one dissenting vote.

Councilmember Chang moved and Councilmember Powers seconded the motion to review an ordinance relating to the Herstad Parcel Rezone at the July 22, 2008, meeting. Upon vote, the motion passed unanimously.

At 8:43 p.m. Mayor Pro-Tem Clauson passed the gavel back to Mayor Coppola.

Councilmembers discussed whether the Herstad property meets the requirements of the current comprehensive plan. Development Director Weaver explained that the applicant Herstad had requested a zoning designation at the time of application and Council had approved the Comprehensive Plan designation. At this time the applicant believes they have been approved for rezone as well. Further, this was a housekeeping item and he recommends the Council approve the Herstad property rezone.

Councilmember Putaansuu moved and Councilmember Powers seconded the motion to table the Herstad property rezone to the July 22, 2008, Council meeting. *Upon vote, the motion passed unanimously.*

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

This item had been tabled from the June 24, 2008, City Council meeting with the below motion remaining before the Council for action.

Councilmember Olin moved and Councilmember Clauson seconded the motion to change the Tremont/Pottery Intersection from a roundabout to a signalized intersection. *Councilmembers Olin and Clauson withdrew their motion.*

Public Works Director Dorsey presented the staff report, noting the Council tabled this business item to this meeting. At the June 17, 2008, Work Study Session, the following information was presented: the total project costs are approximately \$12 million with an estimated \$3 million in contingencies, consisting of 10% estimating, 12% inflation, and 10% construction. The Public Works Director Dorsey recommended the Council consider a third alternative as follows:

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

Councilmember Putaansuu moved and Councilmember Olin seconded the motion to authorize the selection of Alternatives Analysis Option No. 3, as the preferred design approach for project continuation, including but not limited to the continued pursuit of Right-of-Way acquisitions, the pursuit of additional funding sources and the renegotiation of the Berger/Abam contract for 2010 project availability.

Councilmembers Colebank and Childs voiced their opposition to moving forward with roundabouts along Tremont and Pottery, noting that increasing the radius of the roundabout would still not resolve the issues of safety and funding. They would vote no on the motion.

Upon vote, the motion passed with five affirmative votes and two dissenting votes. Councilmembers Childs and Colebank cast the two dissenting votes.

Adoption of Ordinance No. 020-08, Amending the 2008 Budget for Street Fund

Councilmember Putaansuu moved and Councilmember Clauson seconded the motion to adopt Ordinance No. 020-08, amending the 2008 Budget in the amount of \$50,000 for Street Fund. *Upon roll call vote, Councilmembers Clauson, Olin, Powers, Chang, and*

Putansuu voted in favor and Councilmembers Childs and Colebank cast the two dissenting votes.

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

Public Works Director Dorsey presented the staff report, noting the Council held a public hearing earlier this evening to hear testimony regarding the Six-Year Transportation Improvement Program. Staff recommends adoption of the Six-Year Transportation Improvement Program for the years 2009-2014.

Councilmember Clauson moved and Councilmember Olin seconded the motion to adopt Resolution No. 032-08, Six-Year Transportation Improvement Program for the Years 2009-2014. Upon vote, the motion passed unanimously.

Adoption of Resolution No. 034-08, Creating an Additional Salary Step Schedule for Temporary Clerk/Receptionist Position

Councilmember Childs moved and Councilmember Colebank seconded the motion to adopt Resolution No. 034-08, creating an additional salary step schedule for the Temporary Clerk/Receptionist position to include the steps as outlined in the attached Exhibit A spreadsheet (\$9.00-\$16.99). Upon vote, the motion passed unanimously.

Confirmation of Appointment of Patricia Kirkpatrick to City Clerk/Assistant to the Mayor

Councilmember Childs moved and Councilmember Chang seconded the motion to confirm the Mayoral appointment of Patricia Kirkpatrick as City Clerk/Assistant to the Mayor. Upon vote, the motion passed unanimously.

CITIZEN COMMENTS

There were no citizen comments.

REPORTS OF COUNCIL COMMITTEES

Councilmember Putansuu voiced concern with the State only wanting to pave just the moving lanes and not the parking areas along Bay Street.

Councilmember Putansuu moved and Councilmember Clauson seconded the motion to direct staff to write a letter to WSDOT requesting the replacement paving be from curb to curb along Bay Street. Upon vote, the motion passed unanimously.

Councilmember Childs announced the Tourism Committee would meet on Wednesday, July 9th at 2:00 p.m. and the Festival of Chimes and Lights would meet on Wednesday, July 9th at 6:00 p.m. at City Hall.

In response to Councilmember Powers, Development Director Weaver reported the Parks Grant would undergo final review in August and recommended holding a Public Property Committee meeting after the final review.

Councilmember Powers noted the triangle planter area at the corner of Bay Street and Cline Avenue needed watering and she announced that the Council would meet with the Port Commissioners on Thursday, July 10, 2008 at 2:00 p.m. at the Port's office in Bremerton.

Councilmember Putaansuu moved and Councilmember Colebank seconded the motion to extend the meeting through completion of the executive session. *Upon vote, the motion passed unanimously.*

REPORT OF MAYOR

Mayor Coppola voiced pleasure at being a part of Michaela Hargrave's Make-A-Wish event, noting it was a gratifying experience.

REPORT OF DEPARTMENT HEADS

Development Weaver provided an update on the Comprehensive Plan which focused around the project schedule and how to accommodate additional opportunity for public input; the schedule was shifted out two months, with an anticipated document delivery date of September 2nd with a subsequent 60-day comment public period. It was noted that there was an exceptional interest in any changes in the Tremont Corridor sub-area and that time to collect additional information would be needed in preparation of a draft plan for comment. Additionally, the online public surveys that were originally slated to conclude on June 15th have been extended to the September 2nd date as well. The schedule change was within the additional contingency time and the final plan would be slated for completion by December 2008.

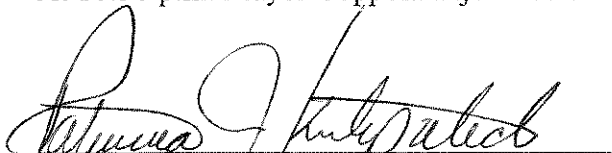
EXECUTIVE SESSION


Mayor Coppola recessed the meeting for a fifteen minute Executive Session regarding potential litigation pursuant to RCW 42.30.110(1). City Attorney Jacoby was invited to attend and announced no action would be taken as a result of the Executive Session.

At 10:30 p.m. Mayor Coppola reconvened the meeting.

ADJOURNMENT

At 10:30 p.m. Mayor Coppola adjourned the meeting.


Patricia J. Kirkpatrick, City Clerk


Lary Coppola, Mayor