

**City of Port Orchard  
Council Meeting Minutes  
Regular Meeting of August 26, 2008**

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

**PRESENT:** Lary Coppola, Mayor

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

**ABSENT:** Jerry Childs (excused)

**ALSO PRESENT:** Police Commander Marti, Public Works Director Dorsey, Development Director Weaver, City Clerk Kirkpatrick, Deputy Clerk Rinearson, and Assistant City Attorney Forbes.

**PLEDGE OF ALLEGIANCE**

Leana Pittinger led the audience and Council in the Pledge of Allegiance.

**CITIZEN COMMENT**

Jerry Arnett, 288 Goldenrod, voiced disappointment that the Hearing Examiner didn't understand his concerns for the Williams Property Rezone and asked the Council to review the 2006 Public Works Plan, noting that if the rezone is allowed, it would be a disaster for the City.

Curtis Manti, 2985 Royal Wood Place SE and the Principal for the Bethany Lutheran School, introduced his daughter, Leana Pittinger who had initiated the request for school signs along Tremont and noted she was attending to learn a civics lesson.

Cindy Lucarelli, 926 Kitsap Street, announced the Cedar Cove Days website would have tickets on sale soon; explained they had received press coverage and an article in the Coastal Living magazine; and voiced appreciation for Hotel/Motel Lodging Tax support.

Gerry Harmon, 906 Kitsap Street, voiced concern that the City and County allowed property owners to change zoning from residential to commercial, which adversely increased a neighboring residential property owner's property tax. Assistant City Attorney Forbes will provide the Council and Ms. Harmon a copy of the Revised Code of Washington (RCW) that allows the rezoning to occur.

**APPROVAL OF AGENDA**

**Councilmember Olin moved and Councilmember Colebank seconded the motion approving the Agenda. Upon vote, the motion passed unanimously.**

Councilmember Colebank moved and Councilmember Clauson seconded the motion to excuse Councilmember Childs. *Upon vote, the motion passed unanimously.*

**APPROVAL OF CONSENT AGENDA**

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

- A. Approval of Claim Warrants #50291 through #50353 in the amount of \$135,272.14
- B. Approval of Public Event Application - Third Annual Murder Mystery Weekend

**PUBLIC HEARINGS**

**Reading of Ordinance No. 031-08, Approving the Zoning Request for the Cousins2 Property**

At 7:11p.m. Mayor Coppola opened the Public Hearing.

Assistant City Attorney Forbes reminded the Council that while they normally operate in a legislative capacity, during this Public Hearing the Council is acting as a quasi-judicial body. Assistant City Attorney Forbes asked if any Councilmember had any ex parte communication with anyone regarding this application. There was no response from any Councilmember. Assistant City Attorney Forbes 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. Assistant City Attorney Forbes 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. Assistant City Attorney Forbes 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.

Development Director Weaver presented the staff report, noting Terry Cousins, the property owner, submitted a Petition for Annexation on September 28, 2007, to annex one parcel totaling 2.24 acres, located at 6200 Glenwood Road SW. The parcel is adjacent to a *Mixed Use* zoned area and intends to extend additional commercial uses on this parcel. This property was incorporated into the City's Urban Growth Area (UGA) by Kitsap County as part of the 10-Year update of their Comprehensive Plan in December 2006, with a County Comprehensive designation of *Urban High-Intensity Commercial/Mixed Use*. The applicant is requesting to be annexed with City comprehensive plan and zoning designations as *Commercial*. Staff recommends the Council conduct the second hearing.

Terry Cousins, 6200 Glenwood Road SW, requested approval of her zoning request.

There being no further testimony, Mayor Coppola closed the Public Hearing at 7:15 p.m.

**Closed Record Public Hearing Regarding Overlook Rezone R-1161**

At 7:15p.m. Mayor Coppola opened the Public Hearing.

Assistant City Attorney Forbes reminded the Council that while they normally operate in a legislative capacity, during this Public Hearing the Council is acting as a quasi-judicial body. Assistant City Attorney Forbes asked if any Councilmember had any ex parte communication with anyone regarding this application. There was no response from any Councilmember. Assistant City Attorney Forbes 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. Assistant City Attorney Forbes 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. Assistant City Attorney Forbes 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.

Development Director Weaver noted that the City Council shall review the Hearing Examiner's recommendation in a closed record hearing to ensure that no mistakes have been made. The closed record hearing does not allow for the introduction of new evidence or testimony. The City Council's decision must be made based solely on the record that was created during the proceedings before the Hearing Examiner. Assistant City Attorney Forbes further clarified that no new testimony or any new factual evidence could be heard.

Patrick Lucas, 232 Goldenrod Street, voiced appreciation with how well City staff has handled situations coming before the Council.

Cindy Lucarelli, 926 Kitsap Street, requested clarification as to whether or not the Hearings Examiner rejected or approved the rezone request. Development Director Weaver explained that on August 10, 2008, the Hearing Examiner approved the rezone request from R8 to R12 and noted the full decision was included in the Council's packet.

There being no further testimony, Mayor Coppola closed the Public Hearing at 7:27 p.m.

**Closed Record Public Hearing Regarding Williams Rezone R-1171**

At 7:27p.m. Mayor Coppola opened the Public Hearing.

Assistant City Attorney Forbes reminded the Council that while they normally operate in a legislative capacity, during this Public Hearing the Council is acting as a quasi-judicial body. Assistant City Attorney Forbes asked if any Councilmember had any ex parte communication with anyone regarding this application. There was no response from any Councilmember. Assistant City Attorney Forbes 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. Assistant

City Attorney Forbes 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. Assistant City Attorney Forbes 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

Development Director Weaver presented the staff report, noting that in coordination with a proposed 18 lot subdivision application, the applicant requested a rezone of the property from *Residential Mobile Home Park (R4.5)* to *Residential (R12)*. The application was submitted on May 21, 2008, and a notice of complete application was issued on June 6, 2008. The rezone would allow a proposed zoning designation of R12 and thus be in conformance with the Comprehensive Plan Designation of *Medium Density Residential*. Staff recommends the City Council approve the rezone request.

Jerry Arnett, 288 Goldenrod Street, voiced opposition to the Williams property rezone and urged the Council to carefully review the Hearing Examiner's decision and conditions of approval.

Patrick Lucas, 232 Goldenrod Street, voiced concerns with public safety and whether or not the City has adequate funding to improve and maintain the road.

There being no further testimony, Mayor Coppola closed the Public Hearing at 7:38 p.m.

### **NEW BUSINESS**

#### **Minutes of the June 24, 2008, City Council Meeting**

**Councilmember Colebank moved and Councilmember Clauson seconded the motion to approve the June 24, 2008, City Council Meeting minutes. Upon vote, the motion passed unanimously with one abstention. Councilmember Powers cast the abstaining vote.**

#### **Minutes of the August 4, 2008, Council Special Work Study Session**

**Councilmember Putaansuu moved and Councilmember Chang seconded the motion to approve the August 4, 2008, Council Special Work Study Session minutes. Upon vote, the motion passed unanimously with two abstained votes. Councilmembers Olin and Colebank cast the abstaining votes.**

#### **Minutes of the August 12, 2008, City Council Meeting**

**Councilmember Clauson moved and Councilmember Olin seconded the motion to approve the August 12, 2008, City Council Meeting minutes. Upon vote, the motion passed unanimously.**

**Adoption of Ordinance No. 031-08, Approving the Zoning Request for the Cousins2 Property**

Councilmember Putaansuu moved and Councilmember Clauson seconded the motion to approve the adoption of Ordinance No. 031-08, approving the zoning request for the Cousins2 property. *Upon vote, the motion passed unanimously.*

**Adoption of Ordinance No. 028-08, Approving the Overlook Subdivision Rezone R-1161**

Councilmember Olin moved and Councilmember Colebank seconded the motion to approve the adoption of Ordinance No. 028-08, approving the Overlook subdivision rezone R-1161.

In response to Councilmembers' concerns, Development Director Weaver explained:

- The City currently uses Kitsap County's standards for picnic table designs
- The picnic tables are submitted as part of the landscaping plans and approved by the Public Works department during final plat approval process
- This is one of the last plats allowed to use "hammer heads" under the old Municipal Code

*Upon vote, the motion passed unanimously.*

**Adoption of Ordinance No. 029-08, Approving the Williams Rezone R-1171**

Councilmember Clauson moved and Councilmember Putaansuu seconded the motion to approve the adoption of Ordinance No. 029-08, approving the Williams rezone R-1171.

In response to Councilman Chang, Public Works Director Dorsey explained that South Kitsap Fire and Rescue had approved the street and the City was looking into widening the street to address public safety.

*Upon vote, the motion passed with four affirmative votes and two dissenting votes. Councilmembers Chang and Colebank cast the two dissenting votes.*

**Adoption of Ordinance No. 030-08, Amending Port Orchard Municipal Code Chapter 12.16 Undergrounding Utilities**

Public Works Director Dorsey presented the staff report, noting that based upon previous City Council discussions dating back to 2007, there was consensus that the City would like to pursue adopting a new franchise utilities undergrounding ordinance. By doing so, the City would have the mechanism to require developers to underground their internal franchise utilities from overhead to underground facilities along the main City streets. On July 23, 2007, the City Council voted unanimously to adopt Ordinance No. 019-07, thus adding a new Chapter 12.16 entitled "Undergrounding of Utilities" to the Port Orchard Municipal Code (POMC). Puget Sound Energy (PSE) has since suggested clarifications to POMC 12.16 and staff recommends incorporating PSE's suggested language clarifications and amending certain sections as well as adding new sections to POMC 12.16.

Councilmember Putaansuu moved and Councilmember Powers seconded the motion to approve the adoption of Ordinance No. 030-08, amending Port Orchard Municipal Code Chapter 12.16 Undergrounding Utilities. *Upon vote, the motion passed unanimously.*

**Approval to Change Job Title for Public Works Foreman to Public Works Supervisor**

City Clerk Kirkpatrick presented the staff report, noting a review of the current duties and level of responsibilities for the Public Works Foreman have been reviewed and determined appropriate; this would not change any of the duties or responsibilities of the Public Works Foreman; nor does it provide for a salary increase; and Union Representative John Witte and the Finance Committee approve the requested job title change. Staff recommends approval to change the job title of Public Works Foreman to Public Works Supervisor.

**Councilmember Clauson moved and Councilmember Olin seconded the motion to approve the change of job title for Public Works Foreman to Public Works Supervisor. Upon vote, the motion passed unanimously.**

**Adoption of Resolution No. 040-08, Setting the Date and Time for a Street Vacation on Portions of Sroufe Street & Rockwell Avenue**

Development Director Weaver presented the staff report, noting Lars S. Kvinsland submitted a request to vacate a portion of City right-of-way on Sroufe Street and Rockwell Avenue. Certified checks in the amount of \$4,000 (Sroufe Street) and \$2,500 (Rockwell Avenue) for the full appraised value were received. Staff recommends adoption of Resolution No. 040-08 and setting the public hearing for September 23, 2008 on the petition to vacate a portion of City right-of-way on Sroufe Street and Rockwell Avenue.

**Councilmember Clauson moved and Councilmember Colebank seconded the motion to adopt Resolution No. 040-08, setting the Public Hearing for September 23, 2008, to occur during the regular Council meeting, on a petition to vacate a portion of City right-of-way on Sroufe Street and a portion of City right-of-way on Rockwell Avenue as submitted by Lars Kvinsland. Upon vote, the motion passed unanimously.**

**Authorization for Mayor to Sign Change Order No. 1, Bay Street Utility Undergrounding**

Public Works Director Dorsey presented the staff report, noting that during the course of construction several changes occurred in the field at Sidney Avenue and Bay Street and at Frederick Avenue and Bay Street, which are being presented as two separate change orders. Staff recommends approval of two change orders with Caseco Associates as follows: Change Order No. for Bay Street at Sidney Avenue will increase the contract by \$17,000 from \$162,800 to \$179,800; and Change Order No. 1 for Bay Street at Frederick Avenue will decrease the contract by \$12,500 from \$92,500 to \$80,000.

**Councilmember Putaansuu moved and Councilmember Olin seconded the motion to authorize the Mayor to sign two change orders with Caseco Associates as follows: Change Order No. 1 for Bay Street at Sidney Avenue increasing the contract amount by \$17,000, going from \$162,800 to \$179,800; and Change Order No. 1 for Bay Street at Frederick Avenue decreasing the contract amount by \$12,500, going from \$92,500 to \$80,000. Upon vote, the motion passed unanimously.**

**Authorization for the Mayor to Sign Proposal with Heath & Associates To Place Signs along Tremont and Port Orchard Boulevard**

Public Works Director Dorsey presented the staff report, noting that pursuant to discussions at the July 15, 2008, City Council Work Study Session, the Public Works Department staff commenced negotiations with a traffic engineering consultant to prepare a traffic safety analysis. This analysis is required to support proposed traffic channelization and signage modifications to mitigate public safety concerns at the Bethany Lutheran Church & School frontage along Tremont Street. Heath & Associates, Inc. submitted a Proposal for Safety Analysis in the amount of \$2,650.00. Staff recommends that the City Council authorize the Mayor to sign the Heath & Associates, Inc. proposal in the amount of \$2,650.

In response to Councilmembers' concerns, Public Works Director Dorsey stated this is the most cost effective way to meet the required standards, further this was out of his level of expertise and his stamp of approval would not support the plans. Assistant City Attorney Forbes advised the Council that anytime you are dealing with roads, you must meet standards, sight distances, and turning times.

**Councilmember Powers moved and Councilmember Colebank seconded the motion to approve the authorization for the Mayor to sign proposal with Heath & Associates to place signs along Tremont and Port Orchard Boulevard. *Upon vote, the motion passed unanimously.***

**COMMITTEE REPORTS**

Councilmember Clauson mentioned the meeting with the Kitsap PUD was productive and they have submitted a letter initiating the first step, which would bring fiber to the City of Port Orchard.

Councilmember Colebank supported the South Kitsap Skate Park Association, noting they are having a benefit dance featuring four bands and food Labor Day Weekend, the cost is \$5.00 and all proceeds will benefit the Skate Park Association.

Councilmember Olin will be meeting with the Kitsap County Auditor to discuss the redistricting on September 12, 2008 at 10:00 a.m.

Councilmember Powers announced a Public Property Committee meeting will be held on Thursday, September 11, 2008 at 8:00 a.m. at Myhre's.

**MAYOR'S REPORT**

Mayor Coppola reported he had met with Sherri Williams of Norm Dicks' office who has taken an interest in the Tri-Care billing error issue affecting local medical businesses nationwide.

**COUNCIL REPORTS**

In response to Councilmember Clauson, Development Director Weaver explained that staff was in the process of finalizing the Comprehensive Plan, which would need to go before the Planning Commission and general public prior to the end of the year deadline.

Councilmember Powers wanted to congratulate the Kiwanis Club for the hard work they did on the flower beds and suggest Mayor Coppola send a letter of appreciation.

**EXECUTIVE SESSION**

Mayor Coppola recessed the meeting for a ten-minute Executive Session regarding real estate matters. Assistant City Attorney Forbes was invited to attend and announced no action would be taken as a result of the Executive Session.

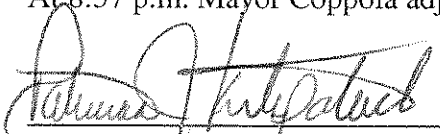
At 8:57 p.m. Mayor Coppola reconvened the meeting.

**CITIZEN COMMENTS**

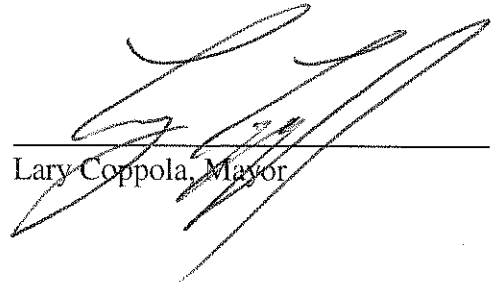
There were no citizen comments.

**ADJOURNMENT**

At 8:57 p.m. Mayor Coppola adjourned the meeting.



Patricia J. Kirkpatrick, City Clerk



Lary Coppola, Mayor