

**City of Port Orchard
Council Meeting Minutes
Regular Meeting of October 14, 2008**

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

PRESENT: Lary Coppola, Mayor

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

ALSO PRESENT: City Treasurer Tompkins, Development Director Weaver, City Clerk Kirkpatrick, Deputy Clerk Rinearson, and City Attorney Jacoby.

PLEDGE OF ALLEGIANCE

Tom Bonsell led the audience and Council in the Pledge of Allegiance.

CITIZEN COMMENT

There were no citizen comments.

APPROVAL OF AGENDA

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

APPROVAL OF CONSENT AGENDA

Councilmember Powers moved and Councilmember Clauson seconded the motion to approve the consent agenda. *Upon vote, the motion passed unanimously.*

- A. Approval of Claim Warrants #50496 through #50607 in the amount of \$319,965.24; September Payroll #414834 through #141869 in the amount of \$421,432.07; and Treasurer's check book in the amount of \$1,543,914.86
- B. Minutes of the September 16, 2008, Work Study Session
- C. Minutes of the September 17, 2008, Budget Retreat
- D. Minutes of the September 23, 2008, City Council Meeting
- E. Adoption of Resolution No. 047-08, Surplus of City Equipment
- F. Authorization for the Mayor to Sign Lease Agreement with Pitney Bowes for Postage Meter Equipment

PRESENTATIONS

Chamber of Commerce Tourism DVD

Coreen Haydock-Johnson, Port Orchard Chamber of Commerce, provided "The Adventure Begins with the Journey" tourism DVD that was paid for with the Hotel/Motel lodging tax. The

video featured local community activities for tourists and once finalized, the DVD will be on the Chambers website, in tourism packets and relocation packets.

PUBLIC MEETING

Parking Garage Site Alternatives

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

Development Director Weaver presented the staff report, noting in 2007, the City commissioned the preparation of a feasibility study to evaluate traffic and parking issues within the Downtown Overlay District (DOD), which was completed by Art Anderson & Associates and identified six potential parking structure sites. At its September 23, 2008, meeting, the Council directed staff to schedule a public meeting to receive public comments regarding the options discussed in the parking feasibility study as the process continues for determining a final site, as well as addressing design and financing issues.

Scott Harrison, Pastor of United Methodist Church, spoke in favor of the location, but voiced concern with how a parking garage would impact the church and daycare center.

Kathleen Wilson, Branch Manager of the Port Orchard Branch Library, spoke in favor the location and would like to see the library be part of the parking garage, noting this the library would be a great starting place for partnerships to incorporate a deli, gift shop, auditorium, and/or coffee shop, better enhancing the Community.

Heather Cole, 703 Kitsap Street, spoke in favor of the preferred location.

Gerri Harmon, 926 Kitsap Street, voiced concern that the parking garage will not be self sustaining and preferred the site at Pottery or in the mini-mart area.

There being no further comments, Mayor Coppola closed the Public Meeting at 7:23 p.m.

NEW BUSINESS

Adoption of Ordinance No. 035-08, Amending Port Orchard Municipal Code 2.60 Compensation for City Councilmembers

City Clerk Kirkpatrick presented the staff report, noting on November 25, 1991, the Council adopted Ordinance No. 1533, which established the rate of compensation for Councilmembers. However, this Code change did not take into account health/illness issues. Ordinance No. 035-08, allows for a Councilmember to miss a regular meeting due to an unavoidable job conflict and/or health/illness reasons and still receive compensation for that meeting so long as that Councilmember has not missed four (4) or more consecutive meetings. Staff recommends adoption of Ordinance No. 035-08, amending Port Orchard Municipal Code 2.60 Compensation for City Councilmembers.

Councilmember Olin moved and Councilmember Chang seconded the motion to adopt Ordinance No. 035-08, amend Port Orchard Municipal Code 2.60 Compensation for City Councilmembers. *Upon vote, the motion passed unanimously.*

Councilmember Olin moved and Councilmember Chang seconded the motion to amend by striking the word “Mayor” and replacing with the word “Council”. *Upon vote, the motion to amend passed unanimously.*

Upon vote, the motion as amended passed unanimously.

Adoption of Ordinance No. 036-08, Establishing a Storm Drainage Utility and Fund

City Attorney Jacoby presented the staff report, noting pursuant to the Federal Clean Water Act, the City of Port Orchard is subject to the National Pollutant Discharge Elimination System (NPDES) Storm Water Program (Phase II), and is required to have a storm water management program in place. In order to accomplish this task, the City must first establish a storm drainage utility by creating Chapter 13.06 of the Port Orchard Municipal Code. Staff recommends adoption of Ordinance No. 036-08, creating Port Orchard Municipal Code Chapter 13.06 establishing a storm drainage utility and a storm drainage utility fund.

Councilmember Colebank moved and Councilmember Childs seconded the motion to adopt Ordinance No. 036-08, creating Port Orchard Municipal Code Chapter 13.06 establishing a storm drainage utility and fund. *Upon vote, the motion passed unanimously.*

Adoption of Resolution No. 048-08, Identifying a Preferred Site for a Downtown Parking Garage

Councilmember Clauson moved and Councilmember Powers seconded the motion to adopt Ordinance No. 048-08, identifying the preferred site for a downtown parking garage as site #3 of the Art Anderson & Associates feasibility study and to authorize the Public Works Director to obtain preliminary geotechnical data to determine the site’s suitability for a parking garage. *Upon vote, the motion passed unanimously.*

Councilmember Clauson moved and Councilmember Powers seconded the motion to amend by striking the words “partially” and “adjacent to Kitsap Street and Sidney Avenue” in the ordinance. *Upon vote, the motion passed unanimously.*

Upon vote, the motion as amended passed unanimously.

Adoption of Resolution No. 049-08, Regarding Planning Commission Appointment

City Clerk Kirkpatrick presented the staff report, noting a vacancy on the Planning Commission was created with the resignation of Noel Larsen. The vacancy was duly advertised, with a filing deadline of Friday, October 10, 2008. Six applications were received and the Mayor requested the Council’s confirmation of his appointment of Vance Vaught to the Planning Commission to fill the unexpired term through December 31, 2010.

Councilmember Clauson moved and Councilmember Colebank seconded the motion to adopt Resolution No. 049-08, appointing Vance Vaught to the Planning Commission to fill an unexpired term ending December 31, 2010. *Upon vote, the motion passed unanimously.*

Accepting Lodging Tax Advisory Committee's Recommendations for Distribution of 2009 Hotel/Motel Tax Funds

City Clerk Kirkpatrick presented the staff report, noting the Lodging Tax Advisory Committee (LTAC) met on September 12, 2008, to review and make recommendations for the 2009 Hotel/Motel tax revenues. The City Treasurer projected 2009 Hotel/Motel tax revenues to be at \$93,000, which is significantly less than the 2008 projection of \$130,000. The Committee reviewed thirteen applications, including a funding request for half of the funds to be set aside for the creation of a Marketing/Economic Development Director position and chose to provide two funding recommendations. The first recommendation is for the new marketing position utilizing half of the funds (\$50,000), with the remainder (\$43,000) being distributed to the 2009 applicants based upon whether the applicant brings heads to beds as the main criteria. The second recommendation is based on the 2009 applicants receiving an additional \$20,000 for a total distribution amount of \$60,730, which would reduce the new marketing position to \$32,270. Staff recommends the Council accept receipt of the Lodging Tax Advisory Committee's recommendation for distribution of 2009 Hotel/Motel tax funds.

Councilmember Chang moved and Councilmember Clauson seconded the motion to accept receipt of the Lodging Tax Advisory Committee's recommendation for distribution of 2009 Hotel/Motel tax funds. *Upon vote, the motion passed unanimously.*

Meeting with Initiating Parties Regarding Notice of Intent to Petition for Sedgwick & Bethel Annexation

Development Director Weaver presented the staff report, noting a Notice of Intent to Petition for Annexation was received on September 5, 2008, to annex 37 parcels totaling approximately 91 acres. The parcels are located in the vicinity of SE Sedgwick Road and Bethel Road SE. The parcels are in the City's currently recognized Urban Growth Area. Thirty-three parcels have a County Comprehensive Plan designation of *Urban High-Intensity Commercial/Mixed Use* and zoning of *Highway Tourist Commercial*. Four parcels have a County zoning of *Residential – Urban Low*. 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 Clauson moved and Councilmember Colebank seconded the motion to allow the applicant to circulate a petition for annexation of the properties the east of the southern portion of the Sedgwick 16 intersection 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 amended motion passed unanimously.*

Councilmember Clauson moved and Councilmember Colebank seconded the motion to allow the applicant to circulate a petition for annexation of the properties that lay East of the City boundary on both sides of Sedgwick and the remainder of the proposed properties 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.*

Authorization for Mayor to Sign Contract with Apply-A-Line, Inc for thermoplastic of City intersections

City Treasurer Tompkins presented the staff report, noting that each winter, sand is placed on the streets to provide a safe driving surface; however, when that sand is removed the paint and thermoplastic on the streets is often partially removed as well. When this occurs, the paint and thermoplastic needs to be repaired and/or replaced during the summer and early fall. In early September, Public Works requested bids from three companies from the Small Works Roster for thermoplastic work. After receiving and reviewing the bids, Apply-A-Line was found to be just over \$12,000; however bids came in higher than budgeted of \$3,500. After internal discussion among staff, it was determined to modify the proposal from Apply-A-Line to work within the budgeted amount. Negotiations with Apply-A-Line returned a contract for \$3,040 and will include the removal and replacement of arrows at various locations within the City. Staff recommends approving the contract as the arrows that will be replaced this year will not be able to withstand another winter.

Councilmember Putaansuu moved and Councilmember Colebank seconded the motion to authorize the Mayor to sign a contract with Apply-A-Line for thermoplastic work in an amount not to exceed \$3,040. *Upon vote, the motion passed unanimously.*

Authorization for Mayor to Sign Contract for Janitorial Services for City Facilities with ABM Janitorial Service

City Clerk Kirkpatrick presented the staff report, noting for the past year ABM Janitorial Services has been providing cleaning services for City Hall, Library, Active Club building and Public Works Shop. City staff has been pleased with ABM Janitorial and would like to continue their services. The contract allows for one-year extensions, with the extensions not to exceed six (6) years. The City Clerk and ABM Janitorial reached agreement for 2009 janitorial services as follows:

Staff recommends the Council authorize the Mayor to sign a one-year extension with ABM Janitorial Services for the contract period of November 1, 2008 through October 31, 2009, in a monthly amount not to exceed \$5,922.41.

Councilmember Clauson moved and Councilmember Putaansuu seconded the motion to authorize the Mayor to sign a one-year extension with ABM Janitorial Services for the contract period of November 1, 2008 through October 31, 2009, in a monthly amount not to exceed \$5,922.41. Upon vote, the motion passed unanimously.

Council directed staff to provide a list of groups or individual that have requested the use of the Council Chambers; and requested a detail of Active Club income and expenses.

Authorization for Mayor to Sign First Amendment to Interlocal Telecommunications Agreement with Public Utility District No. 1 of Kitsap County

City Attorney Jacoby presented the staff report, noting on September 23, 2003, the City and the Public Utility District (PUD) No. of Kitsap County entered into an Interlocal Agreement regarding the PUD's use of the City's right-of-ways for installing the infrastructure for a telecommunication system. The Council and PUD agreed to a 30-day extension in order to allow the parties time to negotiate a specific schedule for providing fiber optic connections to identified locations within the City. These terms have now been memorialized in the attached first amendment. The PUD Commissioners met on the afternoon of October 14th and approved the first amendment. Staff recommends the Council to authorize the Mayor to sign the first amendment to the Interlocal Telecommunications Agreement between the City of Port Orchard and the Public Utility District No. 1 of Kitsap County.

Councilmember Powers moved and Councilmember Childs seconded the motion to authorize the Mayor to sign the first amendment to the Interlocal Telecommunications Agreement between the City of Port Orchard and the Public Utility District No. 1 of Kitsap County and to change the word "option" to "optic". Upon vote, the motion passed unanimously.

Authorization for Mayor to Sign Change Order No. 1 with PACE Engineers for Comprehensive Water System Plan

City Treasurer Tompkins presented the staff report, noting the Original Contract for the Comprehensive Water System Plan was approved by the City Council on March 28, 2005, in the amount of \$93,488. Change Order No. 1 was approved by the City Council on October 23, 2006, in the amount of \$29,500. Change Order No. 2 was authorized by former Public Works Director Abed on March 6, 2008, in the amount of \$1,000. Change Order No. 2 and proposed Change Order No. 3 are for work provided for the Water Use Efficiency portion of the Comprehensive Water System Plan. As a matter of housekeeping, staff recommends that the Council authorize the Mayor to sign Change Order No. 3 – Comprehensive Water System Plan between the City and Pace Engineering.

Councilmember Childs moved and Councilmember Powers seconded the motion to authorize the Mayor to execute the Comprehensive Water System Plan Change Order No. 3 in the amount of \$1,000, between the City and Pace Engineering for a total contract amount of \$124,988.00. Upon vote, the motion passed unanimously.

Authorization for Mayor to Sign Change Order No. 1 for Bay Street Utilities Underground Relocation with West Sound Engineering

City Treasurer Tompkins presented the staff report, noting on September 24, 2008, Mayor Coppola and Public Works Director Dorsey met with Mr. Craig Baldwin, P.E. of West Sound Engineering, Inc. to discuss two outstanding invoices totaling amount \$4,003.50. As a result of that meeting, a negotiated settlement was reached and a credit amount of \$2,003.50 was applied to the outstanding balance, thus reducing the total amount due to \$2,000. This is a house-keeping item, as the original contract was authorized on January 30, 2008, by former Public Works Director Abed in the amount of \$9,400 and Change Order No. 1 was approved by the Mayor on March 26, 2008, in the amount of \$10,000, but neither action was brought before the City Council for formal authorization. Staff recommends Council authorize the Mayor to execute Change Order No. 1 – Bay Street Utilities Underground Relocation between the City and West Sound Engineering, Inc., thereby formalizing the original contract and allowing the negotiated credit to be applied to the outstanding amount.

Councilmember Putaansuu moved and Councilmember Colebank seconded the motion to authorize the Mayor to execute the Bay Street Utilities Underground Relocation Change Order No. 1 in the amount of \$10,000, between the City and West Sound Engineering, Inc., thereby formalizing the total contract in the amount of \$19,400. Upon vote, the motion passed unanimously.

CITIZENS COMMENTS

Heather Cole, 703 Kitsap Street, requested a copy of the Lodging Tax Advisory Committee's recommendations.

COMMITTEE REPORTS

Councilmembers Putaansuu and Olin attended the West Sound Utility District meeting regarding the reuse of methane gas toxics, which the facility will be looking into.

Councilmember Olin announced the Districting Committee found that they would not be able to grandfather in existing Councilmembers unless they live within that district. This item will be continued to the October 21, 2008, Work Study Session.

MAYOR'S REPORT

Mayor Coppola announced the Kitsap County Consolidated Housing Authority (KCCHA) is looking for a new Executive Director; and reported on the KRCC ferry funding supported by the membership.

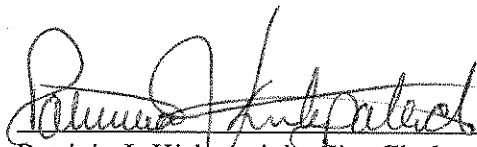
REPORT OF DEPARTMENT HEADS

Development Director Weaver corrected the newspaper article in that the first public meeting on the 2008 Comprehensive Plan will be held on Monday, October 20, 2008, at 7:00 p.m. He encouraged community participation and announced the meeting was open to the public.

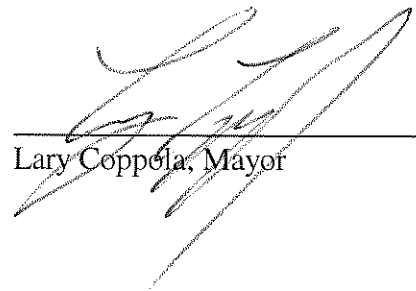
In response to Councilmembers, City Attorney Jacoby will provide an update on the contract regarding Westbay at the October 21, 2008, Work Study Session.

ADJOURNMENT

At 8:33 p.m. Mayor Coppola adjourned the meeting.



Patricia J. Kirkpatrick, City Clerk



Lary Coppola, Mayor