

**City of Port Orchard
Council Meeting Minutes
Regular Meeting of November 25, 2008**

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

PRESENT: Lary Coppola, Mayor

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

ABSENT: Councilmember Powers, **excused.**

ALSO PRESENT: Police Chief Townsend, Commander Marti, Court Administrator Hunt, City Treasurer Tompkins, Public Works Director Dorsey, Development Director Weaver, City Clerk Kirkpatrick, Deputy Clerk Rinearson, and City Attorney Jacoby.

PLEDGE OF ALLEGIANCE

Jim James led the audience and Council in the Pledge of Allegiance

CITIZEN COMMENT

Jerry Arnett, 288 Goldenrod Street, voiced his opposition to the City renewing their contract with McGavick Graves, noting that a restraining order issued March 19 2006, against he and his wife remained open and wondered when that might be closed.

Ron Bates, 204 Rockwell Street, spoke to the need to reduce property taxes and the effects the current economy will have on future land development and tax revenues, noting the City should prepare for a reduction in services and possibly layoffs.

Gerry Harmon, 906 Kitsap Street, questioned why residents were being charged for a recycling bin that they were not using. Mayor Coppola advised staff would investigate the matter and follow up with her.

Julia Albertson, 716 Prospect Street, voiced concern that a Mr. Eric Casino was misrepresenting himself as a real estate agent acting on behalf of the City of Port Orchard to residents and businesses on Prospect Street. City Attorney Jacoby explained that a letter was being sent to all residents on Prospect Street advising that Mr. Casino was not representing the City.

APPROVAL OF AGENDA

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

Added to Public Hearing:

- Surplus of water/sewer equipment

APPROVAL OF CONSENT AGENDA

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

- A. Approval of Claim Warrants #50754 through #50804 in the amount of \$121,064.51
- B. Minutes of the November 12, 2008, City Council Meeting
- C. Adoption of Resolution No. 050-08, Authorizing the Mayor to Sign Agreement to Extend the State Contract for Court Interpreter Services
- D. Adoption of Resolution No. 052-08, Authorizing the Mayor to Sign Contract with Public Safety Testing for Police Recruitment
- E. Adoption of Resolution No. 053-08, Authorizing the Mayor to Sign Contract with AWC for 2009 Retrospective Rating Program Re-enrollment

PUBLIC HEARINGS

Resolution Regarding Surplus of Water/Sewer Equipment

At 7:22 p.m. Mayor Coppola opened the public hearing and announced the public hearing regarding surplus of water/sewer equipment would be continued to the December 9, 2008, regular meeting; and closed the public hearing at 7:22 p.m.

Comprehensive Plan

Development Director Weaver presented the staff report, noting the City of Port Orchard has proposed to update the Port Orchard Comprehensive Plan as required by the Washington Growth Management Act (GMA) and the Revised Code of Washington (RCW). Public participation is an invaluable component of the approval process for jurisdictions intent on meeting the required ten-year update of the Comprehensive Plan; and this Public Hearing is proposed to collect citizen comment and testimony on the draft 2008 Port Orchard Comprehensive Plan Update, prior to recommendations or adoption of the Plan. Planning Department staff would prepare and analyze the comments and provide to the Council for review, comment, and action at the December 9, 2008, meeting.

Mayor Coppola voiced his appreciation to Mr. Weaver and his staff in completing the Comprehensive Plan by year's end, noting this was a huge accomplishment.

At 7:26 p.m. Mayor Coppola opened the Public Hearing.

Jerry Arnett, 288 Goldenrod Street, thanked the Planning Department for their hard work on bring the Plan into compliance, noting this document would be a good planning guide for future development within the City.

Mike Desmarteau and Randal Brand, provided a brief report on proposed changes to the existing property located at 429 Bay Street, noting this was a landmark location and a gateway into the

City. They proposed the Council increase the height restrictions in order to allow the redevelopment of the property to include a restaurant, office space, 32 residential units, and surface parking.

Nicole Vaught, 243 Tremont Place, voiced appreciation to the Planning Department staff in bringing the Comprehensive Plan into compliance and requested the Council work with the County to keep residential property tax at the appropriate levels despite increased commercial development within the Tremont Corridor.

John Lackey, 709 Smith Street, spoke in favor of the proposed Comprehensive Plan, noting the impacts the Courthouse development has had on the residential area.

Beck Ashby, 429 Farragut, spoke to three issues:

- Downtown Overlay District and Wings. Ms. Ashby urged the Council to have an open process should they consider raising the height restrictions.
- Comprehensive Plan map. Recommend zoning south of Melcher to Tremont and Sidney on the East side and to complete a traffic impact study to show how future development will affect that area.
- Development of a Pottery/Sidney Corridor Plan. Create a master plan of this area to better prepare for future of more high density, churches, and medical facilities, which create more pressure on the roads.

Ron Bates, 204 Rockwell Street, spoke in favor of a designated high rise area of up to 120 feet.

Gerry Harmon, 906 Kitsap Street, spoke in favor of keeping the height restrictions to 39 feet in order to have the least impact to upland residents.

There being no further testimony, Mayor Coppola closed the public hearing at 8:14 p.m.

In response to Councilmember Clauson; Development Director Weaver explained staff did extensive noticing regarding the Comprehensive Plan, noting ads were put in the Port Orchard Independent and the Kitsap Sun, emailed to various residents, on the City's website, flyers, direct mailings, and at Planning Commission meetings.

Approval of Annexation of Blackjack Terrace

Development Director Weaver presented the staff report, noting the property owner submitted a Petition for Annexation on September 4, 2008, to annex a parcel that totals approximately 25 acres, located east of existing City limits at the terminus of Goldenrod Street. The parcel is located in the SW ¼ of the NE ¼ of Section 2, Township 23 North, Range 1 East. The site is adjacent to low and medium density zoned properties, as well as *Greenbelt* and *Urban Restricted*. Kitsap County incorporated this property into the City's Urban Growth Area as part of the 10-year update of the Kitsap County Comprehensive Plan in December 2006 with a County Comprehensive Plan designation of *Urban Restricted* (1 to 5 dwelling units per acre).

The applicant is requesting to be annexed with a City comprehensive plan designation of *Medium-density Residential* and a zoning designation of *Residential 8 (R8)* but would prefer R12. The property contains steep slopes, and is roughly bisected by Blackjack Creek, which flows through the middle of the property from South to North. There is also an unnamed tributary to Blackjack Creek that heads toward the Creek from the Northeast. The steep slopes, the creeks, and the required buffers prevent a large portion of the property from being developed and those areas are recommended for *Greenbelt* zoning.

At 8:28 p.m. Mayor Coppola opened the Public Hearing.

Mark Kuhlman with Team 4 Engineering explained that the applicant was requesting annexation into the City in order to develop the property into 30-35 apartments, which he felt was a compatible use of the property within the surrounding area. Further, if the City chose not to rezone the property, then Mr. Kuhlman requested the Council deny his request for annexation.

Jerry Arnett voiced objection to the annexation request and urged the Council to deny the request and let the County handle the zoning, noting that the roads would need to be brought up to legal standards.

There being no further testimony, Mayor Coppola closed the public hearing at 8:41 p.m.

Approval of Annexation for Martin Reynolds Property with Zoning and Comprehensive Plan Designations

Development Director Weaver presented the staff report, noting property owner submitted a Petition for Annexation on June 27, 2008, to annex a parcel totaling 4.16 acres, located at the east end of E 4th Street, north of Veterans' Memorial Park, Tax Parcel Number 4538-010-005-0007. This property was incorporated into the City's Urban Growth Area by Kitsap County as part of the 10-year update of their Comprehensive Plan in December 2006 with a Kitsap County Comprehensive Plan designation and zoning of *Urban Low-Density Residential (UL)*. In UL, residential units are allowed up to nine dwelling units per acre. The applicant is requesting to be annexed with City Comprehensive Plan designation of *Medium Density Residential* and zoning of *Residential 12 (R12)*:

At 8:43 p.m. Mayor Coppola opened the Public Hearing.

William Palmer, representing the property owners, explained that water and sewer was not on-site yet, but was available and would be connected at the time of development.

There being no further testimony, Mayor Coppola closed the public hearing at 8:46 p.m.

NEW BUSINESS

Adoption of Ordinance No. 037-08, Establishing Storm Drainage Utility Rates and Amending Port Orchard Municipal Code Chapter 13.06

Public Works Director Dorsey presented the staff report, noting the NPDES Phase II Storm Drainage Utility rate timeline as follows:

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|-------------------|---|
| October 14, 2008 | City of Port Orchard adopted Ordinance No. 036-08, Storm Drainage Utility Chapter 13.06 of the Port Orchard Municipal Code (POMC) |
| October 28, 2008 | Public Hearing - Storm Drainage Utility Rates |
| November 12, 2008 | Discussion - Storm Drainage Utility Rate Ordinance |
| November 18, 2008 | City Council Work Study Session – Continued Discussion
Staff direction for 11/25/2008 City Council Meeting |

Staff recommends adoption of Ordinance No. 037-08, establishing the Storm Drainage Utility Rate.

Councilmember Putaansuu moved and Councilmember Colebank seconded the motion to adopt Ordinance No. 037-08, establishing Storm Drainage rates and amending Port Orchard Municipal Code Chapter 13.06 “Storm Drainage Utility” by adding sections regarding rates, billing, and payment. *Upon vote, the motion passed with five affirmative votes and one dissenting vote. Councilmember Olin cast the dissenting vote. Councilmember Powers was absent.*

Councilmember Clauson stated for the record that this is a mandated function and voiced his appreciation with staff for developing a bare bones budget for the new utility.

Councilmember Olin moved to amend the utility rate to \$7.50 monthly, which failed for a lack of a second.

Adoption of Resolution No. 051-08, Denying the Poplar Heights Birthing Center Rezone R-1172 Based on Council’s Findings and Conclusions

City Attorney Jacoby presented the staff report, noting the applicant requested a change in zoning designations from R-4.5 to R-20 that was reviewed and upon consideration of the record was denied by the City Council on October 28, 2008, and that action was reflected in Resolution No. 051-08.

Councilmember Putaansuu voiced his opposition, noting this was not a permitted use and the applicant should not have been able to proceed with putting in a birthing center in a residential neighborhood.

Councilmember Chang moved and Councilmember Childs seconded the motion to adopt Resolution No. 051-08, denying the Poplar Heights Rezone R-1172. *Upon vote, the motion passed with five affirmative votes and one dissenting vote. Councilmember Putaansuu cast the dissenting vote. Councilmember Powers was absent.*

Approval of the 2009 Joint Wastewater Treatment Facility Budget

Public Works Director Dorsey presented the staff report, noting on November 12, 2008, Larry Curles, P.E., General Manager for West Sound Utility District (WSUD), presented to Council the 2009 Joint Wastewater Treatment Facility (JWWTF) Budget. The proposed budget reflects \$2,688,088 in revenues (not including grants), inclusive of the City's contribution of \$1,222,926. The expenditure budget is \$2,656,200, being approximately 1.0% higher than 2008. The Capital Improvement budget is \$49,500 (not including grant funded improvements). Staff recommends approval of the 2009 Joint Wastewater Treatment Facility (JWWTF) Budget.

Councilmember Olin moved and Councilmember Clauson seconded the motion to approve the 2009 Joint Wastewater Treatment Facility Budget. *Upon vote, the motion passed unanimously.*

Authorization for Mayor to Sign Change Order No. 1 with Art Anderson Associates, Inc. for Town Center Project and Parking Garage

Public Works Director Dorsey presented the staff report, noting on November 12, 2008, the City Council authorized the Mayor to sign a contract with Art Anderson Associates, Inc. (pursuant to Resolution No. 048-08) in the amount not to exceed \$15,000, to complete the first step in the conceptual design, project cost estimate and project schedule with the necessary documentation to begin the task of securing Federal, State, and grant project funding opportunities. Change Order No. 1 with Art Anderson Associates, Inc. is for an additional amount not to exceed \$15,000, as contemplated previously. The total contract will be completed in 2008 to satisfy the 2008 funding deadline and staff will pursue a Request for Qualifications to start the contract design process in 2009. Staff recommends the Mayor to sign Change Order No. 1 to the contract with Art Anderson Associates, Inc. in an amount not to exceed \$15,000, for a revised total contract amount not to exceed \$30,000.

Councilmember Clauson moved and Councilmember Olin seconded the motion to authorize the Mayor to sign Change Order No. 1 with Art Anderson Associates, Inc. in an amount not to exceed \$15,000, for a revised total contract amount not to exceed \$30,000. *Upon vote, the motion passed unanimously.*

The Council directed staff to work with Congressman Norm Dicks and Senator Maria Cantwell in pushing the Tremont Corridor Plan and the Town Center Project and Parking Garage forward for funding from the Federal and State governments.

COMMITTEE REPORTS

Councilmember Clauson advised the Finance Committee will meet on December 3, 2008, at 7:30 a.m. at Myhre's.

Councilmember Childs reported that the Festival of Chimes and Lights would be held on Saturday, December 6, 2008, and invited the Committee and Council to a social engagement after the Festival on the marina float.

The Council scheduled their annual Holiday Tour of Lights for Thursday, December 18, 2008, at 5:00 p.m. This is open to the public and it is asked that members of the public contact the Clerk's office to reserve a spot on the tour.

Councilmember Olin announced that the Public Property Committee would meet on Monday, December 1, 2008, at 3:00 p.m. at City Hall.

Councilmember Putaansuu announced the Sewer Advisory Committee would not meet in December and their next meeting would be in January 2009.

Councilmember Colebank reported on his attending a mock-election and speaking to the students at Sunny Slope elementary school about citizenship. He found it to be a rewarding experience and renewed his faith in the public school system.

MAYOR'S REPORT

Mayor Coppola reported that the Housing Authority issues were taking up a significant amount of his time; and explained that he had met with representatives regarding the new market tax credit and financing for the parking garage.

REPORT OF DEPARTMENT HEADS

There were no reports from Department Heads.

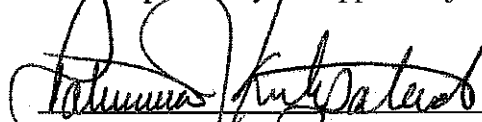
CITIZENS COMMENTS

There were no citizen comments.

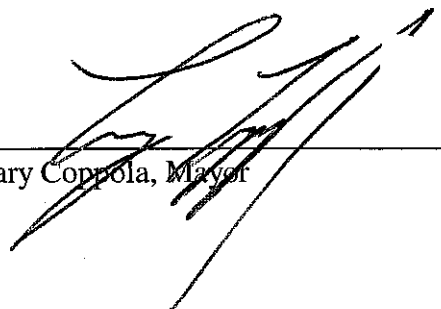
At 9:25 p.m. Mayor Coppola adjourned into a 15-minute Executive Session to discuss personnel, real estate, and potential litigation. City Attorney Jacoby was invited to attend and announced no action would be taken as a result of the executive session.

ADJOURNMENT

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



Patricia J. Kirkpatrick, City Clerk



Lary Coppola, Mayor