



**City of Port Orchard
Council Meeting Minutes
Regular Meeting of November 10, 2009**

1. CALL TO ORDER AND ROLL CALL

Mayor Lary Coppola called the meeting to order at 7:00 p.m. Councilmembers Mayor Pro-Tempore Carolyn Powers, Fred Chang, Jerry Childs, John Clauson, Jim Colebank, Fred Olin, and Rob Putaansuu were present and constituted a quorum. Public Works Director Mark Dorsey, Assistant City Engineer Archer, City Treasurer Martin, Police Chief Townsend, City Clerk Patti Kirkpatrick, Deputy Clerk Brandy Rinearson, and City Attorney Jacoby were also present.

A. Pledge of Allegiance

Bob MacFann led the audience and Council in the Pledge of Allegiance.

2. CITIZENS COMMENT

There were no comments.

3. APPROVAL OF AGENDA

Councilmember Clauson MOVED and Councilmember Colebank seconded the motion approving the Agenda. *Upon vote, the motion passed unanimously.*

4. APPROVAL OF CONSENT AGENDA

- A. Approval of Claim Warrant Nos. 52564 through 52659 in the amount of \$324,584.99; October's Payroll Warrant Nos. 142746 through 142745 in the amount of \$653,071.20; and Treasurer's check book in the amount of \$1,693,361.28.
- B. Approval of the October 20, 2009, Work Study Session Minutes
- C. Approval of the October 27, 2009, Council Meeting Minutes
- D. Adoption of Resolution No. 109-09, Authorizing a One-Time Credit for 2009 Storm Drainage Utility Assessed Penalties

Councilmember Colebank MOVED and Councilmember Childs seconded the motion approving the Consent Agenda. *Upon vote, the motion passed unanimously.*

5. PRESENTATION

A. Proclamation: Pancreatic Cancer Awareness Month.

Mayor Coppola presented the proclamation to Jillian Johnson, who thanked the Council for their continued support.

B. Proclamation: Appreciating the Efforts of Delilah Rene for the "Paint the Town" Event.

Mayor Coppola presented the proclamation to Delilah Rene, who thanked the Council for their continued support and presented plaques to the following businesses thanking them for all the effort and dedication during the "Paint the Town" event:

- BJC Group
- EHT Enterprises
- CHC Painting
- Ecklund Painting
- Nail Painting

C. Presentation by Officer Bob MacFann.

Officer MacFann stated he has been with the City of Port Orchard for over twelve years and served in the National Guard and he recently completed a tour in the combat zone; and noted that without the Country's support there would be no National Guard. He stated the Nation Guard takes great pride in serving its citizens and presented a plaque, medallion, and a Unites States Flag that was flown over his base camp to the Mayor and a lapel pin to the Police Chief.

Police Chief Townsend conveyed his continued support for Sergeant MacFann and voiced appreciation in having him back safely home.

D. Presentation: Councilmember Chang.

Mayor Coppola announced Councilmember Chang successfully completed the Association of Washington Cities (AWC) Municipal Leadership training program and presented Councilmember Chang with his Certificate of Municipal Leadership.

6. PUBLIC HEARING

No Public Hearings were held.

7. BUSINESS ITEMS

A. Adoption of Ordinance No. 025-09, Setting the Amount of Property Taxes to be Levied for the Year 2010, Including Administrative Refunds.

City Treasurer Martin presented the staff report, noting that on October 27, 2009, a public hearing on revenue sources for the current expense (general fund) budget was held. The hearing included a discussion on any increases in the property tax being considered. This ordinance reflects a 1% increase in property taxes from 2009. The 2010 levy rate of 2.155089 calculates a tax of \$215.51 on a house with an assessed value of \$100,000.

Councilmembers Childs, Colebank, and Olin voiced their opposition to raising taxes, especially during this economy.

In response to Councilmember Putaansuu, City Treasurer Martin stated that the balanced budget presented to the Finance Committee does include the substantial need increase of 1%.

Councilmember Clauson MOVED and Councilmember Powers seconded the motion to adopt Ordinance No. 025-09, setting the 2010 property tax levy and the amount of property taxes to be raised for the budget year of 2010. Upon vote, the motion passed unanimously.

B. Adoption of Ordinance No. 026-09, Making a Declaration of Substantial Need for Purposes of Setting the Limit Factor for the Property Tax Levy for 2010.

City Treasurer Martin presented the staff report, noting the amount of property tax cities can collect is limited. Cities with a population over 10,000 are limited to an annual increase in the property tax of one percent or the rate of inflation, whichever is less. Inflation is defined as the percentage changed in the Implicit Price Deflator (IPD) for personal consumption expenditures for the United States as published for the most recent 12-month period by the Bureau of Economic Analysis of the Federal Department of Commerce in September of the year before the taxes are payable. The IPD, which tracks the rate of inflation for the City's purposes, is a minus (-) 0.848 percent and the limit factor is 99.152. This year the negative rate of inflation is the limiting factor. The City legislative body may, with a finding of a "substantial need," pass an ordinance, by a majority plus one of the Council, to raise the limit to 101%. "Substantial need" is not defined in statute leaving broad definitional discretion to the City Council. The ordinance sets the limit at 101% and the passage of this ordinance results in the collection of approximately \$16,337 property tax, which translates to approximately 0.013996 (1¢) per thousand of assessed valuation.

Councilmember Clauson voiced his support of the substantial need ordinance, noting that while he didn't relish the idea of increased taxes, he believes the citizens would support this increase and that it is a wise use of taxes.

Councilmember Olin voiced his opposition to the ordinance, noting that the time is not right to increase taxes and that the City always seems to find the money when it needs things.

Councilmember Colebank voiced his opposition to the ordinance, noting that he ran on a platform of no tax increases and he planned to keep his promise to the citizens.

Councilmember Childs voiced his opposition to the ordinance, stating that the amount of money they were discussing is not a huge amount and felt that staff would be able to reduce costs further.

Councilmember Powers voiced her support of the substantial need ordinance.

Councilmember Chang agreed that the property tax increase was not a substantial amount; however it was a matter of principle and he would vote no.

Councilmember Putaansuu stated with the unknown increased employee medical benefits this ordinance would help offset some of those costs.

Mayor Coppola noted that should the ordinance fail the opposing Councilmembers were invited to attend to the November 13, 2009, budget meeting to help staff determine which project(s) should be pulled for lack of funding.

Councilmember Clauson MOVED and Councilmember Putaansuu seconded the motion to adopt Ordinance No. 026-09, making a declaration of substantial need for purposes of setting the limit factor for property tax levy for 2010 be raised for the budget year of 2010. Upon vote, the motion failed with three affirmative votes and four dissenting votes. Councilmembers Putaansuu, Clauson, and Powers voted in favor; Councilmembers Colebank, Chang, Childs, and Olin cast the dissenting votes.

C. Adoption of Resolution No. 110-09, Approving the Job Description and Step Schedule for an Engineering Technician II.

Public Works Director Dorsey presented the staff report, noting due to the current work load of the Public Works/Engineering Department, and the importance of the City of Port Orchard's role to meet Storm-water permit compliance, the need for a full-time Engineering Technician II is critical to the efficiency of the Public Works/Engineering Department. This person would be responsible for aiding the Engineers with Storm-water Compliance with the National Pollution Discharge Elimination System Permit, GIS and AutoCAD mapping and some plan review. At its November 6, 2009, meeting, the Finance Committee recommended approval of this job description for a full-time position within the Public Works/ Engineering Department.

Councilmember Putaansuu MOVED and Councilmember Olin seconded the motion to adopt Resolution No. 110-09, approving the job description and step schedule for an Engineering Technician II position in the Public Works/Engineering Department. Upon vote, the motion passed unanimously.

D. Adoption of Resolution No. 111-09, Approving Changes to the Position of Assistant City Engineer Job Description.

Public Works Director Dorsey presented the staff report, noting based upon the current duties and level of responsibility in the supervision of the Engineering Technical II position it was determined appropriate to revise the Assistant City Engineer's position to supervise that position. The salary step schedule shall remain in effect. Staff recommends the approval of the revised job description to reflect direct supervision and coordination of the work assignments of the Engineering Technician II to the Assistant City Engineer.

Councilmember Putaansuu MOVED and Councilmember Colebank seconded the motion to adopt Resolution No. 111-09, revising the Assistant City Engineer job description to reflect the increased job responsibility of supervision of the Engineering Technician II position. Upon vote, the motion passed unanimously.

At 7:58 p.m. Mayor Coppola reconvened the meeting after an eight-minute recess.

E. Adoption of Resolution No. 112-09, Authorizing the Mayor Pro-Tempore to Execute a Contract Extension for Tremont Widening Project with Universal Field Services, Inc.

In response to City Attorney Jacoby, Mayor Coppola and Councilmember Colebank recused themselves from the discussion of this item due to conflict of interest; and Mayor Pro-Tempore Powers presided over the discussion.

Public Works Director Dorsey presented the staff report, noting on November 18, 2007, the City of Port Orchard entered into a contract with Universal Field Services, Inc. for right-of-way acquisition for the Tremont Widening Project. The contract was extended in October 2008 to conclude by December 31, 2009. Due to the needs of this project, Universal's contract needs to be extended to allow time to acquire the property required for the Tremont Widening Project. The contract extension needs to extend the contract from December 31, 2009 to December 31, 2011. Through this extension the City should be able to acquire and certify the right of way to reach construction. At the direction of the City Attorney, the Mayor Pro-Tempore should execute any extension to the contract due to potential conflicts of interest of the Mayor and/or City Councilmember Colebank who own property on Tremont.

Councilmember Childs voiced his opposition to the contract extension, noting that the City was working on many projects and that the Tremont Widening project was a huge undertaking with many problems.

Councilmember Olin MOVED and Councilmember Putaansuu seconded the motion to adopt Resolution No. 112-09, authorizing the Mayor Pro-Tempore to execute Supplement No. 2 extending the termination date of the contract between the City of Port Orchard and Universal Field Services, Inc. from December 31, 2009 to December 31, 2011. Upon vote, the motion passed with four affirmative votes and one dissenting vote. Councilmember Childs cast the dissenting vote; and Councilmember Colebank was recused.

F. Adoption of Resolution No. 113-09, Authorizing the Mayor to Execute an Interlocal Agreement for Purchasing Various Equipment, Supplies, and Services with Kitsap County.

City Clerk Kirkpatrick presented the staff report, noting in June of 1999, the City entered into an Interlocal Agreement with Kitsap County for cooperative governmental purchasing agreement for various equipment, services and supplies that Kitsap County has competitively awarded by contract. The purpose of the Interlocal Agreement is to allow the City to purchase similar equipment without having to go through the bid process. The City Attorney has reviewed the Interlocal Agreement and recommends its approval.

Councilmember Colebank MOVED and Councilmember Chang seconded the motion to adopt Resolution No. 113-09, authorizing the Mayor to execute an Interlocal agreement for purchasing various equipment, services and supplies that Kitsap County has competitively awarded by contract. Upon vote, the motion passed unanimously.

G. Authorizing a Waiver of Fees for Use of the Active Club Building for the Annual Alkathon.

Public Works Dorsey presented the staff report, noting on November 2, 2009, the City received a request for special 24-hour use of the Active Club by Alcoholics Anonymous (AA). The nature of the event is round-the-clock AA meetings during the annual Alkathon scheduled for November 25 through 29, 2009. In the tradition of one alcoholic helping another, Port Orchard AA and the Active Club has always been a point of contact for the alcoholic who is looking for help, as well as an "understanding" gathering place for the AA member who finds it hard to survive during the holiday season. The Alkathon has become a tradition in its own right, and AA is grateful that the City continues to allow them to serve the community in a beneficial manner. Due to the downturn in the economy, the donations by members for the costs of the program are much lower than in past years. For this reason, AA is requesting that the fees for the additional hours be waived. (For 2009, the combined groups will pay \$7,124 for the use of the Active Club.) Staff recommends that the Council approve the request for a special 24-hour use of the Active Club building by Alcoholics Anonymous beginning November 25 through November 29, 2009, and waive any additional fees. Mr. Arnison is in the audience should you have any questions.

Mr. Arnison stated that the Alkathon is an important event to our Community and that it has been self-supportive for 49 years.

Councilmember Chang expressed his displeasure of waiving fees for one particular organization and he would vote no on the matter.

Councilmember Clauson MOVED and Councilmember Olin seconded the motion to approve the request by Alcoholics Anonymous for a special 24-hour use of the Active Club building beginning November 25 through November 29, 2009, and to waive any additional fees. Upon vote, the motion passed with six affirmative votes and one dissenting vote. Councilmember Chang cast the dissenting vote.

H. Authorization to Issue RV Parking Permit Exemption.

City Clerk Kirkpatrick presented the staff report, noting Mr. and Mrs. Strader, 531 Perry Avenue N, have submitted a request for exemption of their parking permit for a 2000 Alpen Fifth Wheel Travel Trailer, License No. 6654 TJ, which was previously exempted for the past five years. Port Orchard Municipal Code 10.18.050 sets forth the criteria for allowing an RV exemption. The Public Property Committee met on October 21, 2009, and reviewed the criteria for exemption and recommend the Council approve the requested RV exemption permit. Section 10.18.0503(a-d) allows the Council to set conditions of approval and based on the Public Property Committee's recommendation, staff requests the Council authorize issuance of a recreational vehicle parking permit exemption to expire when the vehicle is sold or no later than December 31, 2012.

Councilmember Putaansuu voiced his opposition to the parking permit exemption, noting that the Council has denied other permits and that parking RV's in the City's rights-of-way created an eye sore to the community.

Councilmember Olin MOVED and Councilmember Chang seconded the motion to authorize the issuance of a recreational parking permit exemption for a 2000 Alpen Fifth Wheel Travel Trailer, License No. 6654 TJ, to expire when the vehicle is sold or

no later than December 31, 2012. Upon vote, the motion passed with six affirmative votes and one dissenting vote. Councilmember Putaansuu cast the dissenting vote.

8. CITIZENS COMMENTS

Gerry Harmon suggested the Council look into a similar program that Mason County is offering regarding rain gardens to help reduce stormwater runoff.

Ron Rice thanked the Council for waiving the incurred fees for 2009 storm drainage utility assessed penalties.

9. COMMITTEE REPORTS

The Council voiced its support for the Public Works Director to write a letter to the Joint Wastewater Facility Treatment Plant in support of a grant to capture Methane Gas.

Councilmember Clauson announced the Finance Committee will meet on Friday, November 13, 2009, to review the proposed 2010 budget.

Councilmember Colebank reminded the community to honor veterans on Wednesday, November 11, 2009, and voiced his appreciation to Staff Sergeant Richard Woodside for his service to our Country.

Councilmember Childs MOVED and Councilmember Colebank seconded the motion to excuse Councilmember Powers from the November 24, 2009, City Council meeting. Upon vote, the motion passed unanimously.

In response to Councilmember Chang, City Attorney Jacoby explained that citizens can donate money to the City, if they desire.

10. MAYOR'S REPORT

Mayor Coppola reported on the following:

- Met with the Advantage Avenue residents and have come to a resolution regarding the parking issues;
- Attended ribbon cutting ceremony honoring Harrison's new clinic;
- Attended the Kitsap County Consolidated Housing Authority meeting regarding re-branding;
- Met with Councilmember Powers and Dick Davis regarding the process of a new park in McCormick Woods;
- Attended the Kitsap Transit Budget and Personnel Committee meetings;
- Attended the Board of Health Committee meeting;
- Met with developers who are interested in a public/private partnership regarding the parking garage and downtown development; and
- Met with two representatives with the Senior Action Committee who are interested in being a part of the proposed parking garage.

11. REPORT OF DEPARTMENT HEADS

There were no Department Director reports.

12. ADJOURNMENT

At 8:41 p.m. Mayor Coppola adjourned the meeting.



Patricia J. Kirkpatrick, CMC, City Clerk



Lary Coppola, Mayor