

**City of Port Orchard
Council Meeting Minutes
Regular Meeting of July 27, 2010**

1. CALL TO ORDER AND ROLL CALL

Mayor Lary Coppola called the meeting to order at 7:00 p.m. Mayor Pro-Tem Rob Putaansuu and Councilmembers Fred Chang, Jim Colebank, Fred Olin, and Carolyn Powers were present and constituted a quorum. City Clerk Patti Kirkpatrick, Public Works Director Mark Dorsey, Court Administrator Debbie Hunt, Development Director James Weaver, Deputy Clerk Brandy Rinearson, and City Attorney Greg Jacoby were also present.

Excused: Councilmember Clauson and Childs.

A. Pledge of Allegiance

Mary Peterson led the audience and Council in the Pledge of Allegiance.

2. CITIZENS COMMENT

There were no citizen comments.

3. APPROVAL OF AGENDA

The following items were added as Business Items:

- Adoption of Ordinance No. 014-10, Amending Port Orchard Municipal Code Section 15.12 2009 Fire Code
- Discussion: Proposition No. 1 Regarding the Library Annexation

Councilmember Olin MOVED and Councilmember Colebank seconded the motion to approve the Agenda as amended. Upon vote, the motion passed unanimously. Councilmembers Clauson and Childs were absent.

4. APPROVAL OF CONSENT AGENDA

- A. Approval of Claim Nos. 53926 through 53995 in the amount of \$251,304.63
- B. Approval of the July 13, 2010, Council Meeting Minutes
- C. Setting Meeting for Work Study Session to August 17, 2010, at 7:00 p.m. at City Hall
- D. Adoption of Resolution No. 026-10, Authorizing the Surplus of One Public Works Vehicle

Councilmember Olin MOVED and Councilmember Putaansuu seconded the motion to approve the Consent Agenda. Upon vote, the motion passed unanimously. Councilmembers Clauson and Childs were absent.

5. PRESENTATION

There were no presentations.

6. PUBLIC HEARING

A. Six-Year Transportation Improvement Plan (STIP) for Years 2011-2016

Public Works Director Dorsey presented the staff report, noting that based upon Washington State Department of Transportation requirements, cities are required to submit their six-year transportation improvement plan (TIP) annually, which covers the years 2011-2016. This document is required to be financially constrained, which means that projects funding (either secured or proposed) must be realistic based upon the City's budget. The City has transportation needs that include upgrading its street and pedestrians facilities and providing maintenance activities on its streets and sidewalks. Federal and State funding, for the most part, is available on a very competitive basis. The City has to look at innovative ways of funding transportation shortfalls such as forming Local Improvement Districts (LIDs) by which residents agree to tax themselves to do these improvements. More discussion on this issue will be part of the City's upcoming budget preparation.

Mayor Coppola opened the Public Hearing, and there being no testimony, closed the Public Hearing at 7:08 p.m.

7. BUSINESS ITEMS

A. Adoption of Resolution No. 027-10, Approving the Six-Year Transportation Improvement Plan

Public Works Director Dorsey presented the staff report, noting the City Council held a Public Hearing earlier this evening, as required, to hear testimony regarding the Six-Year Transportation Improvement Program for the Years 2011-2016. One project, the Bay Street Seawall, was removed from the list due to construction completion. Further, the list sets for what projects need to be done, not necessarily the order of priority.

Councilmember Colebank MOVED and Councilmember Powers seconded the motion to adopt Resolution No. 027-10, approving the Six-Year Transportation Improvement Program for the Years 2011-2016. Upon vote, the motion passed unanimously. Councilmembers Clauson and Childs were absent.

B. Approval of Contract No. 052-10, Authorizing the Mayor to Execute Agreement for 2010 Sewer TV and Lining Maintenance with C-More Pipe Services

Public Works Director Dorsey presented the staff report, noting on June 9, 2010, the Public Works Department issued a Request for Proposal's (RFP's) to three (3) companies listed on the 2010 Small Works Roster. On June 14, 2010, a corrected copy of the specifications was sent out. Two (2) bids were ultimately received prior to the June 30, 2010, proposal deadline. The C-More Pipe Services bid was determined to be the lowest responsible bid at \$161,324.21; however, their bid exceeded the allocated budget amount for 2010 and the Public Works Department reduced the Scope of Work, by unit price as necessary, to remain within the 2010 allocated budget. C-More Pipe Services agreed to provide the same unit price for the reduced scope of service items. A summary of the proposals received are as follows:

Michels Corporation	\$200,815.52
C-More Pipe Services	\$161,324.21
Revised C-More Pipe Services	\$147,830.66
A-1 Services, Inc.	Did Not Submit Bid

Councilmember Putaansuu MOVED and Councilmember Chang seconded the motion to approve Contract No. 052-10, authorizing the Mayor to execute agreement with C-More Pipe Services for the 2010 Sewer TV and Lining Maintenance in an amount not to exceed \$147,830.66, with the contract term beginning August 1, 2010 and ending December 31, 2010. Upon vote, the motion passed unanimously. Councilmembers Clauson and Childs were absent.

C. Approval of Public Event Application: Celebrate Life Walk for Life and 5K

City Clerk Kirkpatrick presented the staff report, noting each year several organizations request permission to close certain City streets; request the use of City parking lots; or use City Parks. Kristin Williams with Celebrate Life Centers submitted an application for a 5K run/walk that will start and finish at the Port of Bremerton Waterfront Park on Saturday, September 25, 2010. The 5K run/walk will include use of the shoulders and sidewalks on Bay Street and Beach Drive with the turn-around point at Retsil. Further, the City Clerk would recommend that no parking be allowed inside the Farmers Market area.

Councilmember Putaansuu MOVED and Councilmember Colebank seconded the motion to approve the public event application for a 5K run/walk that will start and finish at the Port Orchard Marina Park on Saturday, September 25, 2010, and will include the use of shoulders and sidewalks on Bay Street,

Beach Drive to Retsil and back. *Upon vote, the motion passed unanimously. Councilmembers Clauson and Childs were absent.*

D. Authorization for the Mayor to Execute Change Order No. 4 for Well No. 11 Completion within 2010 with Charon Drilling, Inc.

Public Works Director Dorsey presented the staff report, noting on July 28, 2009 the Port Orchard City Council authorized the Mayor to execute a contract with Charon Well Drilling, Inc. for the Well No. 11 Cable-Tool Drilling Project (PW2009-01) at McCormick Woods, whereby existing Well Nos. 1, 2, and 3 are to be replaced by new Well No. 11 (formerly Well #5), being a deep aquifer well as required by the State Department of Health. Subsequent to the Notice to Proceed there have been three (3) contract time extension change orders issued, given associated drilling challenges, thereby extending the current contract to December 31, 2010. As reported to the City Council in June 2010 by Doug Dow, Senior Hydrogeologist for Robinson-Noble, Inc., the aquifer thickness encountered at the anticipated aquifer depth of approximately 700-ft was not suitable for producing the necessary well yield. Mud Rotary Drilling via subcontractor Nicholson Well Drilling (using the Charon Well Drilling, Inc. budget) was subsequently authorized and that work activity has now been successfully completed. A suitable aquifer (140-ft screened depth potential) has been identified between 810 and 950-ft depth. In order to develop this Well in 2010, and additional \$100,000 is needed for completion. If the final well development is delayed until 2011, an additional \$21,000 will be necessary to cover demobilization/remobilization expenses.

Councilmember Putaansuu explained that the Utility Committee reviewed this and determined this would be cheaper to do it now than to have them come back in a year and reset everything up; it was a cost savings of \$20,000.

Councilmember Putaansuu MOVED and Councilmember Olin seconded the motion to authorize the Mayor to execute Change Order No. 4, thereby providing an additional \$100,000 to the Charon Drilling, Inc. Contract for a new contract NTE amount of \$372,314.50 for the Well No. 11 Cable-Tool Drilling Project (PW2009-01) at McCormick Woods. *Upon vote, the motion passed unanimously. Councilmembers Clauson and Childs were absent.*

E. Adoption of Ordinance No. 014-10, Amending Port Orchard Municipal Code Section 15.12 2009 Fire Codes

Development Director Weaver presented the staff report, noting the Washington State Building Code Council periodically adopts revised Building and Fire codes. As such, on November 12, 2009, the Washington State Code Council voted to adopt the 2009 Edition of the 2009 International Fire code with an effective date of July 1, 2010. The Ordinance

adopts the new edition of the codes with local amendments in order to be in compliance with the state.

Councilmember Chang MOVED and Councilmember Olin seconded the motion to approve Ordinance No. 014-10, adopting the 2009 Fire codes effective July 1, 2010. Upon vote, the motion passed unanimously. Councilmembers Clauson and Childs were absent.

F. Discussion: Washington State Office of Public Defense – 2011 Grant

City Attorney Jacoby presented the staff reporting, noting staff is seeking input from Council as to whether to apply for a competitive 2011 grant from the Washington State Office of Public Defense (OPD) for \$18,000 to offset the increase in costs for public defense attorney compensation from 2009-2010. The grant must be received by Office of Public Defense by July 31, 2010. Should the City be awarded this grant, the City will be required to adopt an ordinance establishing public defense standards for service delivery. The guidelines for service standards are published in RCW 10.101.030. The City will also need to revise its contract with its current Public Defender to incorporate the provisions of these standards (which are required to be included in the contract for services). This was anticipated when the contract for the Public Defender was drafted, and a provision was included to specifically allow these revisions to occur. The City's public defense services would also be subject to increased oversight by a State agency. Staff is concerned that if the City applies for this grant and receives funding that the benefit to the City may be short lived. Of specific concern is that the conditions imposed by the State (as conditions of grant funding) would actually result in an overall increase to the City for the cost of public defense services, which may or may not be offset by grant funding in the future.

After a brief discussion, Council directed staff to submit the application, and should the City be awarded the grant, the City will review the pros and cons of the accepting the grant, with the option to decline the grant.

G: Discussion: Proposition No. 1 Regarding Library Annexation

In response to Councilmember Chang, City Attorney Jacoby stated the City can endorse a particular side, as long as a public meeting is held with the proponents "for" and "against" the ballot measure having the opportunity to speak.

Council directed staff to add to the August 10, 2010, Council Agenda a business item regarding the Library Annexation.

8. CITIZENS COMMENTS

There were no citizen comments.

9. COMMITTEE REPORTS

Councilmember Chang reported he attend a meeting with the County and other local jurisdictions regarding Lodging Tax and will be meeting again to discuss how all jurisdictions can support the VCB and Chambers; and attended the Sidney Art Museum's recognition of their building being placed on the National Historic Site register.

In response to Councilmember Chang, Development Director Weaver indicated his staff is working to digitizing photos of the City over each decade with photos provided by the Museum's staff to help preserve the Community's history.

Councilmember Putussuu reported the Utilities Committee was proud of the accomplishment to provide water to the south end of the County with the Well No. 11 project; he had observed fiber being placed onto Bay Street towards the Library, and Utilities Committee will not meet in August.

Councilmember Olin encouraged residents to visit Clayton Park where the new picnic tables had been installed and noted the benches would be arriving soon.

10. MAYOR'S REPORT

The Mayor Coppola reported on the following:

- Thanked Councilmember Colebank for filling in as a Judge during the Mustangs on the Waterfront contest;
- Had lunch with Councilmember Chang regarding updating the City's website;
- Met with Cary Bozeman regarding the waterfront trail funding assistance;
- Attended the Kitsap Regional Coordinating Council Executive board meeting;
- Attended the Kitsap Transit board meeting;
- Met with City Clerk and Court Administrator regarding debt collection for the court fines;
- Attended the Senior Action Committee Candidate Forum;
- Gave a tour to Cultural Homestay International of Port Orchard to Chinese students;
- Had lunch with City Attorney Jacoby regarding legal issues;
- Attended the Bay Street Association meeting; and
- Participated in the Kitsap County Housing Authority conference call.

11. REPORT OF DEPARTMENT DIRECTORS

City Clerk Kirkpatrick noted that the new City flag had been placed in the Council Chambers.

City Attorney Jacoby reported that the Department of Licensing (DOL) failed to update their model traffic ordinance; however, the state was working on procedures to reimburse cities that issued citations to those who were using their cell phones. Preliminary, should any offenders come forward to request a refund it would be approximately \$1,500, of which the DOL will reimburse the City. At this time, we have had one offender request the refund.

Public Works Director Dorsey stated the Department of Emergency Management will be holding training on Thursday, July 29, 2010, in the Council Chambers to prepare for the County-wide drill on September 22, 2010; and the Department of Transportation inspected the Seawall project and is requesting guardrails and cushioning be placed at the ends, of which he is getting estimates for.

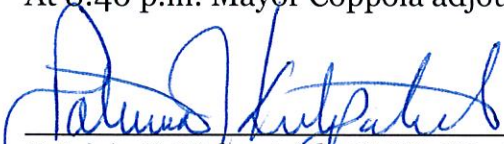
12. EXECUTIVE SESSION

At 8:17 p.m. Mayor Coppola recessed the meeting for a twenty-three minute executive session regarding potential litigation in accordance with RCW 42.30.110(1)(A). City Attorney Jacoby and Planning Director Weaver were invited to attend; and the Mayor announced that no action would be taken as a result of the executive session.

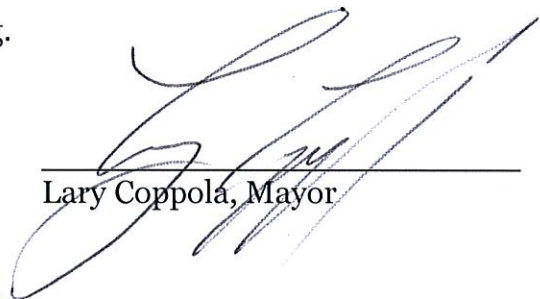
At 8:40 p.m. Mayor reconvened Council back into regular session.

13. ADJOURNMENT

At 8:40 p.m. Mayor Coppola adjourned the meeting.



Patricia J. Kirkpatrick, CMC, City Clerk



Larry Coppola, Mayor

