1. CALL TO ORDER AND ROLL CALL

Mayor Tim Matthes called the meeting to order at 7:00 p.m. Mayor Pro-Tem Cindy Lucarelli, and Councilmembers Bek Ashby, Jeff Cartwright, Fred Chang, Jerry Childs, and Rob Putaansuu were present and constituted a quorum. City Clerk Rinearson, Public Works Director Dorsey, City Treasurer Martin, Development Director Bond, Deputy City Clerk Fernandez, and City Attorney Jacoby were also present.

Excused: Councilmember John Clauson

A. Pledge of Allegiance

Mayor Matthes led the audience and Council in the Pledge of Allegiance.

2. CITIZENS COMMENT

Randy Jones said taking the five homes above the water for the Bay Street Pedestrian Pathway is not about the bike path, it is about mitigation. He said the parking issue could be remedied. He said if the City takes their homes it will help other areas of the project, such as the 1800 block of Bay Street where the road drops off at the shoulder. There is no room for anything on that side. He does not want to see what happened with the City of Bremerton and Parr Ford deal. He does not want his home to be a mitigation piece for some future condominium developer on Bay Street.

Gerry Harmon spoke regarding Business Item 7G. She requested signs be moved because the trees she planted in the right-of-way are being mutilated by the City’s pruning regulation. There has to be a compromise between the trees that are planted and the way they are pruned. She said the City requires new development to put in trees, and then the City prunes them to the point where they are not nice to look at. She would like the City to look at each case, and use a little concern and care. The signs could be placed next to the utility poles.

Elissa Whittleton spoke regarding the fireworks issue that will be at a future work study. She thought one solution would be to only allow fireworks to be lit by property owners in front of their own homes. Most of the firework traffic at her home is not from the people who live there.

Kathy Hartwell and Dianna Lanskey, Port Orchard Farmers Market, requested that their organization be added to the list of organizations that are exempt from city personnel charges in Resolution No. 057-09.
Nick Whittleton questioned the duplication of fees between different contracts for appraisals in Business Item 7C.

3. APPROVAL OF AGENDA

The following item was added to the Consent Agenda:
- Excusal of Councilmember Clauson from tonight’s meeting

Councilmember Putaansuu MOVED and Councilmember Childs seconded the motion approving the Agenda, as amended. Upon vote, the motion passed unanimously.

4. APPROVAL OF CONSENT AGENDA
   A. Approval of Checks Nos. 61253 through 61354 totaling $293,640.73; January Payroll Warrant Nos. 145621 through 145681 in the amount of $815,213.41; and the Treasurer’s checkbook in the amount of $2,119,087.81
   B. Setting the February 18, 2014, Work Study Session Meeting
   C. Approval of January 21, 2014, Work Study Session Meeting Minutes
   D. Approval of Contract No. 027-14, Authorizing the Mayor to Execute a Contract with ACRA for 2014 Sidney Avenue Panel Repair
   E. Authorizing the Purchase of a 2014 Mitsubishi Outlander – Public Works Director SUV from Peninsula Auto Group
   F. Excusal of Councilmember Clauson

Councilmember Putaansuu MOVED and Councilmember Lucarelli seconded the motion approving the Consent Agenda, as amended. Upon vote, the motion passed unanimously.

5. PRESENTATION

No presentations were held.

6. PUBLIC HEARING

No public hearings were held.

7. BUSINESS ITEMS

A. Discussion: Interlocal Cooperative Agreement-South Kitsap Water Reclamation Facility

Treasurer Martin presented the staff report, noting the City and West Sound Utility District (WSUD) have worked collaboratively over a number of months to renew the Interlocal Cooperative Agreement for the South Kitsap Water Reclamation Facility (SKWRF). Working through the Utility and Sewer Advisory Committees, staff provided a number of draft documents leading to an updated agreement.
It is West Sound's desire to move forward with the Interlocal Agreement that has been provided to you this evening. Seeking to work with the City in a harmonious an amicable manner in adopting a comprehensive, equitable, and long-term cooperative agreement for the SKWRF, West Sound Commissioners requested to discuss the topic with the Council.

West Sound Utility District (WSUD) Chairperson James J. Hart and Vice Chairperson Jerry Lundberg were present to discuss the agreement with Councilmembers. They are joined by General Manager Michael Wilson.

Mr. Wilson said WSUD and the City have been working on the development of the new agreement for the last 19-20 months. Binders were provided to all Councilmembers that had a lot of the history of the old agreement, the transfer documents for the property, and the two loans that the District has with the Public Works Trust Fund that they paid for in concert with the City.

WSUD is concerned because they felt a consensus was reached at the last Sewer Advisory Committee meeting on an agreement that would work for everybody. The two areas with the most concern was the ownership of the property and the marina pump station. The goals of the District and City administration are to deal with many issues that are hanging out there that need to be resolved.

The first issue is the ownership of the property. Over the years WSUD and the City has reported in financial statements we own the facility on a 50/50 partnership. There is no agreement that addresses that, although there is a lot of documentation and back up support that this is a 50/50 partnership.

Second, the insurance has been an issue. The City purchases insurance for the property and the building, whereas the District and the City jointly purchase insurance for liability and contents. It should all be purchased jointly.

Third, the fact that there is a partnership in the operation management of the plant also means a partnership in the liability. The loans that were executed with the Public Works Trust Fund are solely in the name of the City. That does not make sense. From an ownership and liability standpoint, it should reflect both the City and the District. The Public Works Board wants this, and the City should want it from a liability standpoint.

The agreement that is before the Council has a couple of little tweaks back to the version that was discussed a month ago. One is that the City and the District jointly own the facility. This language was provided by the City’s legal counsel. It identifies the ownership at a 50/50 partnership. The District initially suggested that it be set on ERUs, which is in the current contract. What the District has paid through the formation of the ULID, payments of the ULID, and payments on the loan has actually been on a 55 percent/45 percent basis, but the Board has no problem with having it at a 50/50 partnership, because that has been the assumption over all of these years.
The District’s Board has the expectation to pass the agreement at their Board meeting tomorrow night. Otherwise, they will not have another Board meeting until the end of March. As a result, they are taking action tomorrow with the hope that the City Council will take action on the agreement at the February 25, 2014, Council meeting.

In response to Councilmember Putaansuu, Mr. Wilson said there is quite a history on the marina pump station. They have gone back and looked at minutes, records, and correspondence. The understanding of both parties, through correspondence and also consultant work that has been done, identifies the marina pump station has been owned, operated, and managed by the City. The confusion may stem from when the sewer treatment plant was constructed back in 1982-83; there was an agreement between the District and the City for the marina pump station to be part of the funding of the total sewer treatment plant project. There was a consensus that the renovation of the marina pump station went in concert and was needed in order for the sewer treatment plant project to move forward. But just because the District contributed towards it did not mean that they would own it. There was no reference at all about any responsibility of liability, maintenance, and operation. Just to the contrary, the agreement that has been in place for 35 years clearly states that the management and operation of the marina pump station is the sole responsibility of the City. There are many documents submitted in the binder that show that both the City and the District have clearly understood that the City owns it. There is no benefit to the District. The District does not use it; it is solely used by the City. The District believes that issue has been resolved many years ago.

In response to Councilmember Chang, Mr. Wilson said he is not sure what the basis is for the difference of opinion from some members of the Utility Committee. Records has been looked at by staff from both jurisdictions, both finance and legal. He does not know where there would be the confusion, other than maybe some assumption that because 35 years ago there was this agreement from the District to contribute money that somehow the District would place itself in a position of future responsibility. That does not make a lot of sense. When looking at the agreement we have been operating under for the past 35 years, it clearly says it is owned, managed, and operated by the City. The correspondence shows that the City owns it. There is no language in the current agreement that says ownership, but there is other correspondence that says it. If you look in the binder, you will see all that correspondence. This has been researched so many times. The District wants to get on with it.

In response to Councilmember Chang, Mr. Wilson said there is no missing document. He said there is no basis for the District to be put in a position of owning something that it does not use, maintain, or operate. It is not part of the District’s system; there is just no logic behind that. There needs to be a nexus between the benefit of the ratepayers of the District to tie into using, managing, and operating and having liability over a City facility. It just does not make a lot of sense. When putting together a rate study, you have to have a tie between the benefit, the basis for the rates, and the charges you are imposing. There also
has to be documentation to support that tie, and there is nothing. Everything that has been uncovered shows the contrary.

Mayor Matthes stated that staff has gone back for a third time to make sure we are not missing a document. He is not sure where this idea of a missing document came from.

Councilmember Putaansuu said he never heard there was a missing document. He believed Mr. Clauson spoke to what the intent was back in 1983, and none of the current Councilmembers were on the Council in 1983. Even if that was the intent, shame on our forefathers for not documenting it. It is not in the documentation, and he does not believe that it was the intent. He agrees with Mr. Wilson. The City could not participate in the plant, because our sewer did not flow downhill. The City would have to pump it to the plant. Our primary sewer station was where the observation deck is now. It was converted into a pump station, and without that being converted to a pump station and the transmission lines being built, we could not participate. That is why he believes the District helped the City pay for it. He is comfortable with the agreement that has been worked on for the last 18 months. The City has enjoyed 35 years of a great partnership, and he does not want to see this damage the City’s relationship with the District. He is going to ask that this item be put on Council’s February 25 agenda for the Council to discuss further. He hopes the City passes the agreement at that time.

Mr. Wilson said the district could be in a strict, hard-core presentation on negotiating the liability and the percentage of ownership if it wanted to take that posture. Over the last 35 years, the District has contributed more toward the debt of the facilities than the City has. When the facility was built in 1983, the property that the plant was built on was conveyed to the City, but solely paid for by the ratepayers of the District. All other property that has been acquired and used for the plant site was property that was jointly purchased with resources through the ULID and through revenues back in 1983. It is a great partnership, and what the District is trying to do with a 50/50 partnership is a good deal for the City.

Commissioner Jim Hart said the intent was to make this project work. In order to make it work, two things had to be done: 1) The District had to move their office out of the site, and 2) they had to get the sewage from downtown Port Orchard to the treatment plant. The intent of the agreement was the City would help the District move their office, and the District would help the City build the pumping station and force main. The City would maintain and own the pumping station and force main. It was very straightforward. The City was the lead agency due to the fact they had more power than the District, so they put the ULID together. That was the intent. He has been on the Board since 1976. The City and District worked together from Phase 1, which was planning where to put the facility; to Phase 2, which was the design; and Phase 3, which was the construction. There is no document stating otherwise.

Councilmember Putaansuu asked the Council to look through their binders and if they have questions to contact him, Mr. Dorsey, or Mr. Martin.
Councilmember Ashby wanted to verify the areas of concern are the 50/50 ownership and the maintenance and operation of the marina pump station and force main. Councilmember Putaansuu said the agreement that is being brought forward was the agreement in principal that they agreed to, or he and the district thought they had agreed to, at the SAC meeting. Councilmember Ashby said she attended that meeting and that was her understanding too.

Councilmember Putaansuu said the agreement was brought to the Work Study and the concerns about those two very issues were brought up, because historically we have had an operating agreement and we never addressed any of these other issues: its ownership and the debt. In 2007, the state audit came along and that is when assets were moved onto the plant’s books that were carried on the City’s books, but the debt never followed. If the assets are going to be on the plant’s books, why isn’t the debt? The City should not be holding the $8-9 million remaining in bond debt. The City should only be responsible for half of that amount. It should be carried on the books of the plant if the assets are going to be over on their books. This agreement is a shift from prior agreements, which only dealt with the operation of the plant. It is a cleanup of past accounting practices. That is where Mr. Clauson had some heartburn, and he had heartburn related to the marina pump station and the transmission lines.

Councilmember Ashby said regardless of the ownership of the pump station and force main, it is very clear in the original Exhibit A of the 1983 agreement that the management, operation, and maintenance of the Port Orchard marina pump station and transmission line and force main transition line from Port Orchard to the treatment plant and the responsibility thereof shall be the sole responsibility of the City. The City took that on. The question has been if something happens to the marina pump station, who is going to pay to fix it. In 1983, the City said that would be the City’s sole responsibility. She does not know why she would be inclined to step away from that piece of the agreement. She likes the idea that 50-50 percent ownership of the treatment plant has been defined and it has now been specified that the pump station, transmission line, and force main are owned by the City of Port Orchard.

In response to Chang, Public Works Director Dorsey said the two systems operate completely independent from one another. The treatment plant is what is owned in a 50/50 partnership. What is being discussed are the conveyances to get to the treatment plant. There is no co-mingling. The ratepayers in West Sound pay to have their system and the ratepayers in the City pay to maintain our system and there is no overlap.

Mayor Matthes totally supports the agreement the way it has been presented tonight. It fairly represents what we all know is true and what we have been doing. We need to move ahead with this so that we can clean these things up. He hopes the Council can study the information in the binders and approve the agreement just the way it is written.
B. Approval of Contract No. 026-14, Authorizing the Mayor to Execute a Professional Services Agreement with Ward C. Muller & Associates for the Prospect Alley Sewer As-Built

Public Works Director Dorsey presented the staff report, noting pursuant to a recent AWC request regarding insurer review of the Walsh Torte Claim, the City's Public Works Department is in need of a sanitary sewer as-built of the sewer mains, manholes and side-sewers located within and around the general area of Prospect Alley and Sidney Avenue. The sewer as-built will provide both the ability for AWC to review the Claim and the City to design modifications to the sanitary sewer system, if needed. A professional services topographic survey proposal of $4,145 was received by Ward C. Muller and Associates. The Public Works Department has confirmed 1) that professional services acquisition process was followed and 2) that the proposal is easily funded within the Sewer Utility Fund of the approved 2014 Budget.

In response to Councilmember Cartwright, Public Works Director gave some background of the claim, and said the City's insurer, AWC, is requiring this information to make sure the claim was handled properly.

Councilmember Putaansuu MOVED and Councilmember Ashby seconded the motion to authorize the Mayor to execute Contract No. 026-14 with Ward C. Muller and Associates in an amount not to exceed $4,145 for the Prospect Alley Sewer As-Built. Upon vote, the motion passed unanimously.

C. Approval of Contract No. 028-14, Authorizing the Mayor to Execute a Professional Services Agreement with Universal Field Services for Bay Street Pedestrian Pathway Right-of-Way Precursor

Public Works Director Dorsey presented the staff report, noting as a function of the Port Orchard City Council decision-making process in association with the five existing overwater structures located within the Bay Street Pedestrian Pathway project limits, and as a precursor to expending obligated FHWA Right-of-Way Acquisition funding, the City's Public Works Department requested and has received a professional services proposal from Universal Field Services, Inc. The Scope of Work is generally described as: 1) obtain Title Reports, 2) prepare Appraisals, 3) meet with property owners, and 4) summarize findings. It is anticipated that the results of this task will provide to Council, the necessary information required for staff direction in moving forward with the Project. The Public Works Department has confirmed 1) that professional services acquisition process was followed and 2) that the proposal can be funded within the Street Fund of the approved 2014 Budget.

Councilmember Putaansuu said this contract would allow the City do its due diligence. There was a previous contract approved in 2013, but that contract has been set aside. The Council wants to do some homework before spending federal dollars that could possibly need to be repaid.
Councilmember Cartwright said the Council has heard all of the comments from the public. They want to do their due diligence before making a decision on how to move forward with the project.

In response to Councilmember Childs, Public Works Director Dorsey said the federally funded acquisition process was for the whole project. This contract will look at the five overwater structures. This work will help the Council provide direction to staff. This is specifically appraising the properties, meeting with owners, and getting a sense if they are willing to sell or not, and then the results will be shared with Council. The City has been on hold since the approval of the first contract with Universal Field Services.

In response to Councilmember Childs, Public Works Director Dorsey said if it is the direction of the City to move forward with the acquisition on the properties, the applications will need to be made to different funding sources, state or federal. This process will at least provide the total dollar amount needed, so there is a benefit there. There is also a savings in the sense that if this project moves forward, the work that is being done now can be used as match. We are doing our due diligence for final decision making before we spend any more federal funds, because if we terminate the project, every federal dollar has to be returned.

Mayor Matthes said he has received about 30 comments from public. Nobody said they thought this was a good idea to take peoples' homes. He agrees with the public. There are other options for the project that are more palatable to the public.

Councilmember Chang said the Council received an email from Arlene Williams who is another property owner. He does take issue with one statement where she believes approving this contract would be the same as condemning the properties. He said this is not what is going on. This is a step that he believes will give the Council more objective information about the five properties and how the owners would react. Many people like the path, but they do not like condemnation. He will not vote for condemnation if it goes to that point.

Councilmember Lucarelli said she agrees with Councilmember Chang. She has the same concerns. She understands this to be information gathering. At this point, she would not be voting in favor of condemnation. It is an essential step that the Council has to take, so that they know what they are talking about and so they do not waste taxpayer dollars.

Councilmember Ashby said this contract has two sides to it. It will be doing due diligence to help the Council make a decision. The other piece of that the contractor will contact all of the homeowners and give them accurate information. This will be beneficial to the homeowners in question. They can get all of their questions answered.

Mr. Randy Jones said that the contractor will not be able to appraise the homes. There are no comparable properties that can be used to value the five homes on pilings. His home is also an income producing property, which will make it even harder.
Councilmember Cartwright MOVED and Councilmember Putaansuu seconded the motion to authorize the Mayor to execute Contract No. 028-14 with Universal Field Services, Inc. in an amount not to exceed $18,000 for the Bay Street Pedestrian Pathway Right-of-Way Services Precursor. **Upon vote, the motion passed unanimously.**

D. Approval of Contract No. 029-14, Authorizing the Mayor to Execute a Professional Services Agreement with Robinson-Noble, Inc. for Well Nos. 3 and 4 Decommissioning

Public Works Director Dorsey presented the staff report, noting as a result of the City’s recent Water System Sanitary Survey (late 2013) and as required by the Washington State Department of Health – Office of Drinking Water and the Kitsap County Health District, the City’s Public Works Department is in need of Hydrogeological Professional Services in the preparation of a Corrective Action Decommissioning Plan for existing Artisan Wells Nos. 3 and 4, located at City Hall. The City’s Hydrogeologist (Robinson-Noble, Inc.) will prepare the plans, specifications, estimates and bid documents needed for submission and approval in 2014, but the actual decommissioning of Well No. 3 will not occur until 2015. Additionally, Well No. 4 cannot be decommissioned until Well No. 10 is operational; therefore, an interim operations and testing plan for Well No. 4 will also be required. A proposal of $13,200 was provided by Robinson-Noble, Inc. The Public Works Department has confirmed: 1) that professional services acquisition process was followed, and 2) that the proposal is easily funded within the Water Utility Fund of the approved 2014 Budget.

In response to Councilmember Childs, Councilmember Putaansuu said the Utility Committee did not review this particular contract, but they do know it is part of Well No. 10. The City has to do this in response to requirements sent from the Board of Health. The City needs to protect the wellheads and keep the water safe.

Councilmember Lucarelli MOVED and Councilmember Putaansuu seconded the motion to authorize the Mayor to execute Contract No. 029-14 with Robinson-Noble, Inc. in an amount not to exceed $13,200 for Professional Hydrogeological services associated with the decommissioning of City artisan Well Nos. 3 and 4. **Upon vote, the motion passed unanimously.**

E. Approval of January 28, 2014, Council Meeting Minutes

Councilmember Putaansuu MOVED and Councilmember Cartwright seconded the motion to approve the January 28, 2014, Council meeting minutes. **Upon vote, the motion passed with six affirmative votes and one abstaining vote. Councilmember Childs abstained from the vote.**

F. Discussion: Mid-Block Crosswalk Policy
Public Works Director Dorsey presented the staff report, noting staff was directed to research and develop a mid-block crosswalk policy prior to proceeding with the installation of a mid-block crosswalk on Bay Street at the One Stop Plaza. Given several complex issues discovered during the initial findings, Staff is requesting direction as to 1) either continue with policy development via consultant involvement or 2) abort the task due to liability reasons.

This issue came before the City's Public Properties Committee via Citizen Request for the placement of a mid-block crosswalk on Bay Street, between the Kitsap Transit bus stop north of the Bay Street Pedestrian Pathway (Segment 5) terminus and the One Stop Plaza commercial mall.

The determination of mid-block crosswalk placement, or "marking", is a process that involves many factors. Based upon conversation with Roger Neal, AWC will support Mid-Block Crosswalk marking "if" properly engineered. The City does NOT have "jaywalking" within the POMC, just RCW 46.61.240 when needed. Mid-Block Crosswalks designed properly can be costly ($1k to 65k per KC). If the Council wishes to pursue a policy, Public Works recommends Fehr & Peers proposal.

Councilmember Ashby does not think this is a good use of money and resources. One of the requirements for mid-block crosswalks is to have at least 25 pedestrians per hour for four hours. She could not identify any areas in the City that have that amount of crossings.

Councilmember Childs does not believe mid-block crosswalks are safe. The pedestrians have an expectation of safety in the crosswalk, and that puts them in danger.

Public Works Director Dorsey said 85 percent of all crosswalk fatalities are in mid-block crosswalks.

Councilmember Cartwright said he has had a few instances of almost being hit in the crosswalks downtown, and feels mid-block crosswalks would not be safe.

Councilmember Lucarelli does not think it is safe.

Councilmember Chang said the City needs to find a way to become more pedestrian friendly. We cannot keep all of our business on one side of the road. How do we make it safer for walkers?

**Council direction:** Staff will not create a policy for mid-block crosswalks.

**G. Discussion: Tree Cutting and Pruning versus Sign Relocation**

Public Works Director Dorsey presented the staff report, noting staff was directed to look into the alternatives associated with street signage relocation versus tree removal and/or pruning. Given issues involving MUTCD standards, AWC insurance concerns and precedence setting, Staff is requesting direction whether to: 1) deal with this matter
singly; 2) establish a case-by-case policy; or 3) deny the request due to liability issues and ROW management rights.

This issue came before the City’s Public Properties Committee in 2013 via Public Works Complaint #357-13, requesting the relocation of current Parking/Snow Route signage along Kitsap Street, between Sidney & Seattle, so Public Works staff will stop trimming street trees so indelicately.

This issue involves several factors, such as MUTCD compliance, AWC insurance liability, precedence setting and ROW management rights and/or responsibility. Based upon a conversation with Roger Neal, AWC will not support sign relocation over tree removal/pruning as a policy. This particular sign can be relocated to deal with the sign obstruction issue, but this does not preclude City Public Works staff from needing to continue to maintain street trees for roadway and sidewalk clearance purposes or resolve the potential precedence setting issue.

City Attorney Jacoby said just like every other city, we prohibit vegetation to protrude into the right-of-way. The onus needs to be on the property owner to prune it. If they do not cut it, the City will and the City should send them a bill. He urged the Council to think twice about handling this on a case-by-case basis.

Councilmember Putaansuu agreed that the trees are butchered, but he understands the City needs to prune them. He said he has trees in front of his home, and if he wants them maintained in a certain manner, then he has to take care of it. He feels the property owner needs to maintain them if they have a sense of what they should look like.

Councilmember Cartwright said he is not in favor of having a case-by-case review. He believes in the city-wide ordinance. He does not know how to rectify the look of the trees being discussed. He is not in favor of arborists. He feels this is not a sign issue; this is about sign blockage, streets, and sidewalks.

Councilmember Lucarelli recalled a past experience she had with the Public Works staff before she was on the Council. The workers told her what she needed to do and they let her know when there is a problem. They educated her and let her take care of business.

Councilmember Chang said this was discussed in Public Properties Committee. He wondered if there was any flexibility in moving a sign. He questioned if the City was consistent in letting the homeowners know what they are doing. He did not feel this was city-wide, because there were several areas on Sidney that need maintenance.

Public Works Director Dorsey said his department has limited staff that takes care of roads, storm, parks, etc. Their work is largely based on complaints. He said to think that they would have the ability to send notices out to everyone would be a tall order. He said code enforcement works with property owners when there are issues on private property. His
staff responds to cutting back vegetation when it is in the right of way (blocking signs, sidewalks, and streets).

City Attorney Jacoby said all of these issues should go to code enforcement; both are the property owner’s responsibility.

Councilmember Ashby said that providing notice to property owners that pruning will occur is the issue that needs to be addressed. She suggested using the Mayor’s newsletter or utility bills to inform the public on the City’s procedures for maintaining vegetation in the right-of-way.

**Council direction:** Staff will use the City newsletter, website, and Facebook to communicate with the public regarding vegetation maintenance procedures.

**H. Discussion: Adding a New Section in the Port Orchard Municipal Code Regarding Plat Amendments**

Development Director Bond presented the staff report, noting the City currently has no language within its subdivision code, which provides for preliminary plat amendments. Often during plat construction, challenges are identified which require minor shifts in lot lines and road alignment which do not affect the overall character of the proposed development. Under the City’s current code, proposed plat amendments must be processed under the City’s preliminary subdivision regulations as if they are a new preliminary plat application. This requires a public hearing before the Hearing Examiner no matter how small the amendment at a cost of at least $3,000 to the applicant and up to 120 days for processing.

Most cities which utilize a hearing examiner have implemented a process for minor preliminary plat amendments which are processed administratively. This provides developers with a small degree of flexibility to accommodate unforeseen site development challenges without the considerable expense and time required for a public hearing before the hearing examiner. The proposed code provision would still require major amendments to be subject to a public hearing before the hearing examiner.

The City has many old vested plats. As the economy recovers, many of these plats will be constructed and recorded. Due to changing market conditions, consumer demands, and the possibility that the State will require developers to construct stormwater facilities which meet current standards, the demand for minor plat amendments is likely to increase. The City’s current code concerning plat amendments places an undue burden on developers and the City’s limited staff resources.

Development Director Bond and City Attorney Jacoby worked to develop this preliminary plat ordinance. It is a one-page document that sets out the criteria of when minor plat amendments could be approved.
Councilmember Cartwright finds the changes to be pro-business and still maintains the environmental issues within the EPA and stormwater. He is in favor of this.

Councilmember Ashby recalled that this issue was brought before the Planning Commission several years ago, but she cannot remember why it was not followed through. It probably did not move forward because at that time they were changing to using a Hearing Examiner. She requested that specific notice be sent to the Home Builders Association and the Kitsap County Association of Realtor to be invited to speak at the public hearing once it has been scheduled.

Public Works Director Dorsey said in his previous job experience in the private sector that he never worked in a jurisdiction that did not have a minor plat amendment code. He said having flexibility and not having to start over is very important to developers.

Councilmember Putaansuu said he would like staff to reach out to interested parties and make them aware of it. He supports the change; it should be in the code.

Councilmember Childs said he is in favor of the change.

In response to Councilmember Chang, Development Director Bond said it could result to minor shifts in the road and it looks at level of service. Provided the change would not affect LOS, it is something that could be approved as a minor plat amendment.

In response to Councilmember Chang, City Attorney Jacoby said the change would be in a plat where no one has bought any of the homes yet.

In response to Councilmember Chang, Public Works Director Dorsey said notification to the property owner will be left up to staff to determine if there was a specific issue with that house. If there was a change to the layout, the City may require the engineer to update their analysis and assure the City prior to administrative decision that there is not impact.

**Council direction:** Development Director Bond will notify the stakeholders regarding this matter, and will bring the code before the Council for a public hearing and action in March.

**8. COMMITTEE REPORTS**

Councilmember Ashby reported the Economic Development Tourism met yesterday and discussed the summer foot ferry extended service. They will present options to our partners on service and associated cost. The next meeting is scheduled for March 10, 2014.

Councilmember Putaansuu reported at the last Sewer Advisory Committee meeting they discussed the SKWRF agreement was discussed earlier this evening.

Councilmember Cartwright reported the Public Properties committee discussed the proposed public event application process; Givens bleachers being unsafe based on AWC
review; Van Zee Park improvements; RCO grants; flags on the marquee for the Art Walk; minor plat amendment code; a request to rename Frederick street to Baldwin Street; and a street vacation by the Marlee Apartments.

Councilmember Chang reported that the City Clerk will be emailing a matrix of past LTAC committee members to the Council, and there will be a deadline for committee member nominations. He also attended the Puget Sound Regional Council Growth Management Policy Board and will forward any minutes he gets from that meeting to the Council.

Councilmember Putaansuu reported on the progress that the Kitsap Regional Coordinating Council Action Review Team is making. They are half way through discussing the function of the agency.

Councilmember Cartwright reported that KRCC TransPol meeting is this Thursday at Kitsap Transit.

PSRC TransPol meets this Thursday in Seattle at 9:30 a.m. and the PRT Board meets this Friday at the Kitsap County Public Works Annex at 10:00 a.m.

9. MAYOR’S REPORT

The Mayor Matthes reported on the following:
- Ms. Barnhart thanked Public Works department for fast action she received today with a water leak. Tony and Dave were there within an hour and a half and took care of the issue.
- Town Hall Meeting scheduled for February 13, 2014 at 6:30 p.m.
- Economic development webinar on Monday, February 24 at 4:00 p.m. at City Hall

10. REPORT OF DEPARTMENT DIRECTORS

Public Works Director Dorsey reported that PSRC has approved KRCC’s proposal to allow the City of Port Orchard and the City of Poulsbo to be co-alternates at the PRSC Regional Planning Evaluation Committee. Andrea and Mark will be able to vote this year. He hopes to find the key to funding Tremont on this committee.

Development Director Bond reported the UW students visited on the 31st. They are scheduling their first community meeting for March 8 in the morning. A contract and scope of work for way finding signs will be presented to the Council next month.

City Clerk Rinerson said she is working on the policy regarding council emails. A solution will be presented in the March or April Work Study session. She has put together a committee to go over what we need in a new phone system and put together an RFP.

11. CITIZENS COMMENTS
Eric Gonnason said there was no issue with riding a bike along the path by the five homes on Bay Street, and he felt they did not impede bicycle traffic. He also invited Councilmembers Childs, Clauson, Cartwright, Lucarelli, and Putaansuu to attend the Town Hall meetings. He finds the Town Halls to be a good place for the people to talk; it is an open forum to learn and share. It would be good for Councilmembers to become better acquainted with the community. The Council seems to be detached or separated from the people. He also invited the same Councilmembers to show up at the Roger Brooks webinars. They are extremely informative and exciting to watch.

Elissa Whittleton asked if the Roger Brooks webinars could be incorporated into the Town Hall meetings.

Councilmember Ashby announced her office hours are the third Tuesday of each month from 4:00 to 6:00 p.m., and appointments could be made by emailing her at bashby@cityofportorchard.us.

12. EXECUTIVE SESSION

No executive session was held

13. ADJOURNMENT

At 9:18 p.m., Mayor Matthes adjourned the meeting.

Brandy Rinearson, CMC, City Clerk

Timothy C. Matthes, Mayor