1. CALL TO ORDER AND ROLL CALL

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

Excused: Councilmembers Clauson and Putaansuu

A. Pledge of Allegiance

Suzanne Griffin and Donovan Vliet led the audience and Council in the Pledge of Allegiance.

2. CITIZENS COMMENT

There were no citizen comments.

3. APPROVAL OF AGENDA

The following item was pulled from the agenda and sent to the Finance Committee for further consideration:

- Adoption of Resolution No. 004-14, Repealing Resolution No. 022-06 and Establishing Fee Schedules for the Departments of Community Development and Public Works

The following item was pulled from the Consent Agenda and moved to Business Items:

- Approval of Contract No. 031-14, Authorizing the Mayor to Execute Professional Services Contract with N.L. Olson & Associates for the Sidney Road Stabilization Design at the Ruby Creek Crossing

Councilmember Cartwright 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. 61417 through 61506 totaling $353,399.91; February Payroll Warrant Nos. 145682 through 145726 in the amount of $574,106.72; and the Treasurers checkbook in the amount of $1,584,710.94
B. Approval of the February 18, 2014, Council Work Study Session Minutes
C. Approval of February 25, 2014, Council Meeting Minutes
D. Setting the March 18, 2014, Work Study Session Meeting
E. Approval of Public Event Applications:
   - Fathoms O' Fun Festival Grand Parade
   - Fathoms O' Fun Summer Festival Craft & Vendor Show
F. Approval of Contract No. 030-14, Authorizing the Mayor to Execute an Agreement with Ron Hemley Septic Installations, Inc. for the 2014 McCormick Woods STEP Conversion
G. Approval of Contract No. 031-14, Authorizing the Mayor to Execute Professional Services Contract with N.L. Olson & Associates for the Sidney Road Stabilization Design at the Ruby Creek Crossing

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

Councilmember Cartwright MOVED and Councilmember Lucarelli seconded the motion to excuse Councilmembers John Clauson and Rob Putaansuu from tonight’s meeting. Upon vote, the motion passed unanimously.

5. PRESENTATION

A. Fathoms O' Fun 2014 Royal Court

Helene Jenson had the new Fathoms O' Fun Royal Court introduce themselves to the Mayor and Council. They are Queen Devon Miller, whose platform was the Holly Ridge Center; Princess Sami Newhouse, whose platform was peer and youth mentoring; Princess Soriandy Sutman, whose platform was the Love for Running; and Ambassador Jenni Le Pregnell, whose platform was educating children about child abuse.

Ms. Jenson further thanked Mayor Matthes and Councilmember Chang for supporting their pageant this year; announced it was Ambassador Jenni Le Pregnell's birthday; they are always accepting scholarship donations; and this year, their buttons and pins are a western theme.

B. Proclamation: Meals on Wheels Week

Mayor Matthes read the Meals on Wheels Week proclamation into record.

C. Proclamation: March as Brain Injury Awareness Month

Mayor Matthes read the Brain Injury Awareness Month proclamation into the record and presented the proclamation to Suzanne Griffin, who noted the Brain Injury Association of
Washington has partnered with the Brian Injury Association of America and changed their name to the Brain Injury Alliance of Washington. Also on July 20, 2014, there will be a walk at Lions Field Park in Bremerton for brain injury awareness.

Donovan Vliet works with the coordinating committee for the walk/run/roll event in Seattle and this is their 4th annual year of raising awareness for brain injuries.

6. PUBLIC HEARING

A. Administrative Approval of Minor Preliminary Plat Amendments

Community 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.

Mayor Matthes opened the Public Hearing at 7:22 p.m.

**Teresa Osinski**, Executive Vice President of the Home Builders Association in Kitsap County, is in support of the proposed code. Anything the Council can do to facilitate and support this is appreciated. She further thanked Development Director Bond for reaching out to her in regards to this issue.

Mayor Matthes closed the Public Hearing at 7:24 p.m.
B. Department of Community Development (DCD) and Public Works Fee Schedules

Development Director Bond presented the staff report, noting Port Orchard has not updated its DCD and Public Works fees since 2006. In 2013, DCD generated revenue, which equaled 54% of department expenditures. Since 2006, COLA’s and benefit costs have increased substantially and the department is now due for a major permitting software upgrade. After researching department fees, staff brought forward a recommendation to the Finance Committee and to Council Work Study on February 18, 2014. It was the consensus at those meetings to bring the proposal forward for a Public Hearing on March 11, 2014.

Mayor Matthes opened the Public Hearing at 7:24 p.m.

Teresa Osinski, Executive Vice President of the Home Builders Association (HBA) in Kitsap County, thanked Community Development Director Bond for bringing this to the HBA. The City needs to understand that HBA members are affected every time rates change. She understands it has been many years since the City has changed rates; however, she cautions the Council to look at the magnitude of the increases, since some of them have an increase of 100% or 400%. She also has concerns with the proposed fee to add a $10 technology surcharge, and would like the City to look at the legality of the fee.

In response to Councilmember Chang, she stated at one time, Port Orchard was considered the most affordable place to get a permit. It does bother her that just because another jurisdiction has certain fees, does not mean Port Orchard needs to have the same fees.

In response to Councilmember Childs, she said she is not aware of any other jurisdictions charging a technology fee.

There being no further testimony, Mayor Matthes closed the Public Hearing at 7:32 p.m.

7. BUSINESS ITEMS

A. Adoption of Ordinance No. 001-14, Amending POMC Chapter 16.72 by Adding a New Section to Allow for Administrative Approval of Minor Preliminary Plat Amendments

Community 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.

The need for this ordinance has been precipitated by a specific project. However, since the code currently requires a hearing examiner decision for all plat amendments and since the City Council would ultimately hear any appeal of a hearing examiner’s decision, it is important that the Council not discuss the specifics of that project to ensure that a future decision is not prejudiced and in violation of the appearance of fairness doctrine. The attached draft code provision has been submitted to the Department of Commerce for a 60-day review and can be acted on as soon as March 10, 2014.

Councilmember Cartwright MOVED and Councilmember Lucarelli seconded the motion to adopt Ordinance No. 001-14, amending POMC Chapter 16.72 by adding a new section to allow for administrative approval of minor preliminary plat amendments. Upon vote, the motion passed unanimously.

B. Approval of Public Event Application-Fathoms O’ Fun Port Orchard Seagull Splat Run 5K

City Clerk Rinearson presented the staff report, noting Sharron King with Fathoms O’ Fun Festival, Inc. is requesting use of City streets and right-of-ways.

The Port Orchard Seagull Splat Run 5K is scheduled for Saturday, May 24, 2014. They are anticipating up to 500 runners; with registration beginning at 9:00 a.m. The event will start at 12:30 p.m., and will last approximately 2 to 2 ½ hours. The run will begin at Westbay Center and runners will run along Bay Street to Olney Avenue, turnaround, and end at the concrete area above the waterfront playground.

This is their first run event and it is in conjunction with the Seagull Calling Contest. This will bring people to Port Orchard to help support the military and veterans, and enjoy the other festivities happening downtown.
In addition, there was a meeting with public works and the police department to discuss the event. Chief of Police was very supportive of the run being proposed in the application presented. Event organizers understand they have to pay for police support.

Councilmember Ashby MOVED and Councilmember Childs seconded the motion to approve the public event application from Fathoms O’ Fun Festival Inc., and allow them to hold their event using a portion of the City streets and right-of-ways. **Upon vote, the motion passed unanimously.**

Sharron King thanked the Council for approving the application and looks forward to seeing how this will bring more people downtown.

**C. Approval of an RV to Park on City Right-of-Way for 30 Days**

City Clerk Rinearson reported Rob Conkle is asking the City Council to allow a 30 day exempt parking permit to park his RV on City right-of-way. He lives on S. Flower Avenue and right now the code prohibits parking of recreational vehicles within the public right-of-way for more than 24 hours except Saturday, Sunday, and holidays unless specifically approved by the City Council. This was brought before Public Properties on Monday, who then recommended this be brought to the full Council for a 30-day exemption, allowing the homeowner to look into other possibilities. He is having septic issues and this RV will be used to allow his family to use the restroom as a backup.

Councilmember Cartwright noted the RV is to be used an emergency basis when he is having issues with his septic drain field due to the amount of water and he is looking at several alternatives. The 30-day permit will allow him to work with City staff or do a short sale.

In response to Councilmember Ashby, Mr. Conkle agreed his RV has been parked on the street off and on for the past several months with no inconvenience to his neighbors.

In response to Councilmember Cartwright, Mr. Conkle agreed in order to park his RV on his property, he would have to park on the drain field which is not recommended.

Councilmember Chang is in support of this exemption, however, he is not clear on what the process should be for future exemptions, including neighbor input.

In response to Councilmember Lucarelli, City Clerk Rinearson stated upon Council action, her department will issue a temporary 30-day permit, which will be visible on the vehicle to notify neighbors, as well as police enforcement.

Councilmember Ashby MOVED and Councilmember Cartwright seconded the motion to allow a 30-day parking permit for Mr. Conkle’s RV and he has met
all the requirements for granting that approval. *Upon vote, the motion passed unanimously.*

**7D. Approval of Contract No. 031-14, Authorizing the Mayor to Execute Professional Services Contract with N.L. Olson & Associates for the Sidney Road Stabilization Design at the Ruby Creek Crossing**

Public Works Director Dorsey presented the staff report, noting in general, the east side of Sidney Road at the Ruby Creek crossing must be stabilized in order to protect the existing distribution water main. Having met with several consultants in 2013, both local and semi-local, to discuss the design and permitting parameters anticipated for this road stabilization project, and in advance of the 2014 Budget preparation process, it was determined that the local firm of N.L. Olson & Associates, Inc. (NLO) provided all required services for the project. The City’s Public Works Department has received a proposal from NLO in the amount not to exceed $44,500 for topographic survey, geotechnical analysis, storm analysis, PS&E, and permit assistance. The Public Works Department has confirmed the professional services acquisition process was followed and the project proposal is funded within the City Street Fund and the Storm Drainage Utility of the approved 2014 Budget.

Councilmember Lucarelli recused herself at 7:48 p.m. from this discussion, declaring a conflict of interest.

**Councilmember Childs MOVED and Councilmember Chang seconded the motion to authorize the Mayor to execute Contract No. 031-14 with N.L. Olson & Associates, Inc. in an amount not to exceed $44,500 for the Sidney Road Stabilization Design at the Ruby Creek Crossing. *Upon vote, the motion passed unanimously.***

Councilmember Lucarelli returned to the meeting at 7:49 p.m.

**8. COMMITTEE REPORTS**

Councilmember Childs reported the next Finance Committee meeting is March 27, 2014, and they will be discussing the technology fee and its impact on the budget.

Councilmember Ashby reported the Economic Development Tourism Committee met on Monday. They discussed the wayfinding system plan and summer foot ferry schedule. The next meeting is scheduled for Monday, April 14, 2014.

Councilmember Lucarelli reported the next Utilities Committee meeting is Friday, March 14, 2014.

Councilmember Cartwright reported the Public Property Committee met on Monday. They discussed art at City Hall; the Alder property regarding transitional housing; reviewed the
public event special process; the RCO Grant; the hot dog stand at the Sidney-end compass rose; Van Zee upper parking lot and parking lease; Givens baseball field bleachers; and RV parking as discussed earlier in the meeting. The next meeting is scheduled for April 14, 2014, at 8:30 a.m.

Councilmember Lucarelli reported the Sewer Advisory Committee scheduled for March 12, 2014, was cancelled.

Councilmember Childs reported the KEDA annual luncheon is scheduled for March 20, 2014. They are encouraging them to bring their social media person. He also attended the REALTORS quarterly luncheon. The Port Orchard City Council was acknowledged for a quality of life award.

Councilmember Ashby noted on Thursday, she will attend the Puget Sound Regional Council Transportation Policy Board meeting, as well as the Kitsap Regional Coordinating Council Transportation Policy Board meeting.

9. MAYOR'S REPORT

No Mayor’s report was given.

10. REPORT OF DEPARTMENT DIRECTORS

Public Works Director Dorsey reported they looked at the hot dog location and the most cost effect way is to pave the area; sent out for revised bids for the Van Zee Park; the 18th Work Study will have the final draft of the Developers Guidelines; will be going out for bids on the McCormick Park improvements on the 21st; and the City applied today for a 15 million dollar grant for the Tremont Street Widening.

Development Director Bond reported the McCormick Park project public works is bidding on is moving forward, since they determined the RCO grant they thought they might pursue, the funds would not be available until June 2015, which would push the project back more than a year. So they are going to go forward with the grant application for Phase 2, but will be for a smaller scope; and they kicked off the 2016 Comprehensive Plan update process with the University of Washington students on Saturday.

City Clerk Rinearson reported Briahna Taylor will be at the next Work Study session to give a legislative session recap and firework safety outreach will also be discussed at the work study session.

Mayor Matthes reported the next Work Study session is scheduled for March 18, 2014, at 7:00 p.m.
11. CITIZENS COMMENTS

Jerry McDonald said the Saint Patrick's Day parade is this Saturday, in Bremerton, and a concierge tour is scheduled for April 10, 2014.

Merlyn Lehmkuhl noticed Silverdale has a sign which says Welcome to Silverdale, Home of Whaling Days'. Port Orchard does not have a sign like that. He would like to see a sign which says 'Welcome to Port Orchard, Home of Fathoms O' Fun Festivals' since Fathoms has been established since 1968.

Mayor Matthes believes this is a good idea, and they are currently working on wayfinding signs.

12. EXECUTIVE SESSION

No executive session was held.

13. ADJOURNMENT

At 8:17 p.m. Mayor Matthes adjourned the meeting.

Brandy Rinearson, CMC, City Clerk

Timothy C. Matthes, Mayor