CALL TO ORDER AND ROLL CALL

Mayor Tim Matthes called the meeting to order at 7:00 p.m.

Roll call was taken by the City Clerk as follows:

- Councilmember Cartwright: Present
- Councilmember Chang: Present
- Councilmember Childs: Excused
- Councilmember Clauson: Present
- Councilmember Lucarelli: Present
- Councilmember Putaansuu: Present
- Mayor Pro-Tem Ashby: Present
- Mayor Matthes: Present

Staff present: City Clerk Rinearson, Public Works Director Dorsey, City Treasurer Martin, Development Director Bond, Human Resources Coordinator Howard, Police Commander Schuster, Deputy City Clerk Fernandez, and Interim City Attorney Morris were also present.

A. Pledge of Allegiance

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

1. CITIZENS COMMENT

Mr. Nick Whittleton spoke regarding Consent Agenda Items 4D, 4H, and 4I, and Business Item 7C.

Mrs. Elissa Whittleton spoke regarding Business Item 7H.

Ms. Luella Hammerstein spoke regarding Consent Agenda Items 4H and 4I.

2. APPROVAL OF AGENDA

MOTION: By Mayor Pro-Tem Ashby, seconded by Councilmember Clauson, to excuse Councilmember Childs from tonight's meeting and put it under the Consent Agenda.

The motion carried.
MOTION: By Mayor Pro-Tem Ashby, seconded by Councilmember Putaansuu, to move Consent Agenda Item 4C to Business Item 7I.

The motion carried.

MOTION: By Mayor Pro-Tem Ashby, seconded by Councilmember Cartwright, to move Consent Agenda 4H to Business Item 7J.

The motion carried.

MOTION: By Mayor Pro-Tem Ashby, seconded by Councilmember Cartwright, to hold an executive session as the first Business Item pursuant to the same RCW to discuss pending litigation.

The motion carried.

MOTION: By Councilmember Chang, seconded by Councilmember Lucarelli, to move Consent Agenda Item 4I to Business Item 7K.

The motion carried.

MOTION: By Councilmember Chang, seconded by Councilmember Lucarelli, to move Consent Agenda Item 4K to Business Item 7L.

The motion carried.

MOTION: By Mayor Pro-Tem Ashby, seconded by Councilmember Putaansuu, to approve the agenda as amended.

The motion carried.

3. APPROVAL OF CONSENT AGENDA
   A. Approval of Check Nos. 63886 through 64027 totaling $471,393.42, March Payroll totaling $592,428.43, and Electronic Payments in the amount of $2,336.96 and Treasurer’s Check Deposit in the amount of $2,833,038.96 from March 1, 2015 through March 31, 2015.
   B. Approval of Setting the April Work Study Session Meeting Date
   C. Approval of the March 17, 2015, Work Study Session Minutes Business Item 7I
   D. Approval of a Contract with TWISS Lab for 2015 Water Quality Testing (CONTRACT NO. 047-15)
   E. Approval of the Aquatic Lands Outfall Easement with Washington State Department of Natural Resources for the Joint Wastewater Treatment Facility
F. Approval of a Contract with Circuit of the Northwest for Use of the Bremerton Motorsports Park for Police Training (CONTRACT NO. 052-15)

G. Approval of a Contract with Ron Hemley Septic Installations, Inc. for the 2015 McCormick Woods STEP Conversion (CONTRACT NO. 050-15)

H. Approval of Amending the Code Enforcement Officer Job Description Business Item 7J

I. Approval of a Step Increase as Part of DCD Reorganization Business Item 7K

J. Approval of Public Event Applications: The Cruz, Summer Festival 2 Day Craft & Vendor Show, Festival by the Bay

K. Approval of a Letter for Support Concerning a Grant to Assess and Plan for the Blackjack Creek Watershed Business Item 7L

L. Excusal of Councilmember Childs from Tonight’s Meeting

MOTION: By Councilmember Putaansuu, seconded by Councilmember Cartwright seconded approving the Consent Agenda as amended.

The motion carried.

4. PRESENTATION

A. South Kitsap Water Reclamation Facility (SKWRF) Year End Budget Status and 2014 Achievements Report

Mr. Wilson and Mr. Screws gave a presentation, which included aerial photos of the plant, SKWRF cash flow activity, 2014 expenditures, revenues and expenditures, enterprise funds, internal service funds, debt service, operations and maintenance, and capital project achievements.

5. PUBLIC HEARING

A. Public Hearing and Approval to Continue the Effect of the Interim Zoning Regulations for the Tremont Street Corridor Overlay District for a Period of Six Months

Staff Report: Development Director Bond presented the staff report, outlining the procedure that the City will use in the adoption of an interim zoning ordinance for the Interim Tremont Overlay Regulations.

Mayor Matthes opened the Public Hearing, and there being no testimony, closed the Public Hearing at 7:42 p.m.

Council Consideration: - MOTION: By Councilmember Ashby, seconded by Councilmember Cartwright, to continue the effect of the Interim Zoning Regulations for the Tremont Overlay District for the six-month period, as set forth in Ordinance No. 007-15, adopted on February 24,
2015, and direct the Staff to prepare the necessary Findings of Fact to support this action, for the next Council meeting.

The Council acknowledged that they understood that: the schedule that has been provided by staff with regards to the timing of the next steps is necessary; it will take some time for the staff to go through this process; the City will hold a public hearing on any new regulations; and that is going to be the reason for the additional six months, at least, that is required.

The motion carried.

At 7:48 p.m., Mayor Matthes recessed the meeting for a 10-minute executive session regarding potential litigation in accordance with RCW 42.30.110(1)(i). Interim City Attorney Morris was invited to attend.

At 7:59 p.m., Mayor reconvened Council back into regular session. No action was taken.

6. BUSINESS ITEMS

A. Adoption of an Ordinance Amending Port Orchard Municipal Code Chapter 10.12, Establishing Regulations and Fees Related to Parking, Stopping, or Standing in Certain Areas of the City

Staff Report: Public Works Director Dorsey presented the staff report, noting as a housekeeping measure and in working with Parking Enforcement, the City’s Public Works Department annually inventory existing signage to compile corrections, revisions, and modifications to the current Port Orchard Municipal Code (POMC), Chapter 10.12.

In response to Mayor Pro-Tem Ashby, Public Works Director Dorsey said the addition of Saturday to Orchard Street was to keep the dates consistent with other streets. Also, if someone wants to use parking stalls for a pancake breakfast, that would be a right-of-way use issue, not a parking issue.

Discussion was held regarding chain parking.

Council Consideration: - MOTION: By Councilmember Lucarelli, seconded by Councilmember Putaansuu, to adopt Ordinance No. 008-15, thereby updating POMC Chapter 10.12, regarding Parking, Stopping or Standing in Certain Areas of the City, with final form approved by the City Attorney.

The motion carried.
(ORDINANCE NO. 008-15)
B. Adoption of a Resolution Repealing Resolution No. 070-09, Providing the Public Works Director with “Time Only Extension” Change Order Authority

**Staff Report:** Public Works Director Dorsey presented the staff report, noting the amended Resolution would provide the Public Works Director with contract ‘time only extension’ authority.

**Council Consideration: - MOTION:** By Councilmember Putaansuu, seconded by Councilmember Chang, to adopt Resolution No. 006-15, repealing Resolution No. 070-09 in its entirety, and providing the Public Works Director with Contract ‘time only extension’ authority for budgeted items, in addition to the Change Order authority previously defined.

The motion carried.

(RESENTION NO. 006-15)

C. Approval of an Interlocal Agreement with Kitsap Regional Coordinating Council for Developing County-wide Planning Policies under the Growth Management Act

**Staff Report:** At the March 10th Council meeting a motion was made and carried over until tonight’s meeting. The motion on the floor is:

**MOTION:** By Councilmember Childs, seconded by Councilmember Cartwright, to approve an Interlocal Agreement authorizing the Mayor to execute an agreement among Kitsap County, the four Kitsap Cities of Bremerton, Bainbridge Island, Port Orchard, and Poulsbo, and the Port of Bremerton to re-structure the Kitsap Regional Coordinating Council to provide a joint board for the purpose of collaborative decision-making with respect to land use, transportation, and other issues related to countywide growth management.

**MOTION:** By Mayor Pro-Tem Ashby, seconded by Councilmember Clauson that this item be continued to the first meeting in May.

In response to Councilmember Putaansuu, Mayor Pro-Tem Ashby said at the KRCC meeting, other items were under consideration, one of them being the voting structure of KRCC. This needs to be discussed at April’s Work Study Session.

The motion carried.

D. Approval of a Contract with Robinson Noble Inc. for the 2015 Hydrogeological Services – Water Rights Planning

**Staff Report:** Public Works Director Dorsey presented the staff report, noting as required by the Department of Ecology, the City of Port Orchard must process the pending Water Rights
Application for new water withdrawals at Well No. 10. As a precursor to this effort, the City requested assistance in planning the work necessary for processing the Application and for technical support in coordinating with a Water Rights Attorney in the near future (2015/2016).

**Council Consideration: - MOTION:** By Councilmember Putaansuu, seconded by Mayor Pro-Tem Ashby, to authorize the Mayor to execute Contract No. 041-15 with Robinson Noble, Inc. in an amount not to exceed $17,000.00 for the 2015 Hydrogeological Services – Water Rights Planning.

The motion carried.

*(CONTRACT NO. 041-15)*

**E. Confirmation and Approval of the City Attorney Contract with Carol Morris Law PC, for Legal Services**

**Staff Report:** Human Resources Coordinator Howard presented the staff report, noting the Port Orchard Municipal Code provides that the Mayor may appoint the City Attorney with confirmation by a majority vote of the City Council. The City followed a process laid out by the City Council, which resulted in interviewing three firms, all of which were considered qualified and responsive to the RFP. The Ad hoc committee met in a follow-up session to determine a consensus and recommendation for the appointment of City Attorney. The Mayor considered committee members comments, suggestions, and recommendations heard during the selection process.

**Council Consideration: - MOTION:** By Councilmember Chang, seconded by Councilmember Clauson, to confirm Carol Morris of Carol Morris Law, P.C. as the City Attorney, and approve a contract authorizing the Mayor to execute an agreement between the City of Port Orchard and Morris Law, P.C. for legal services.

**AMENDED MOTION:** by Councilmember Clauson, seconded by Councilmember Cartwright, to include “or City Council” to Section 2, Subsections 3 and 4.

In response to Councilmember Chang, Councilmember Clauson said “Council” refers to the majority of the Council, not an individual Councilmember.

Interim City Attorney Morris said in RCW 35.23.110, it states the city attorney shall represent the city in all actions brought by or against the city or the city officials in their official capacity. He or she shall perform such other duties as the city council by ordinance may direct. It can be put in an ordinance or the contract.

**AMENDED MOTION:** By Councilmember Clauson, seconded by Councilmember Cartwright, to reflect the state law, the RCW.
The motion to amend the main motion carried.

Councilmember Lucarelli read a letter from Councilmember Childs into the record.

The main motion passed 4 to 2. Councilmember Lucarelli and Putaansuu voted no. (CONTRACT NO. 051-15)

F. Confirmation and Approval of an Associate City Attorney Contract with Lighthouse Law Group PLLC, for Employment and Labor Law Legal Services

Staff Report: Human Resources Coordinator Howard presented the staff report, noting the Port Orchard Municipal Code provides that the Mayor may appoint the City Attorney with confirmation by a majority vote of the City Council. The City followed a process laid out by the City Council, which resulted in interviewing three firms, all of which were considered qualified and responsive to the RFP. The Ad hoc committee met in a follow-up session to determine a consensus and recommendation for the appointment of City Attorney. The Mayor considered committee members comments, suggestions, and recommendations heard during the selection process.

Council Consideration: - MOTION: By Councilmember Chang, seconded by Councilmember Clauson, to approve the contract for employment and labor law legal services between the City of Port Orchard and Lighthouse Law Group PLLC and authorize the Mayor to execute the same.

AMENDED MOTION: By Councilmember Clauson, seconded by Councilmember Cartwright, to amend the motion to include a modification to the Agreement, Section 2 under Duties, Number 5, “At the Mayor’s discretion with concurrence from the City Council, Ms. Cates may be assigned to represent the City in employment and labor law related lawsuits...”

The motion to amend the main motion carried.

The main motion passed 5 to 1. Councilmember Putaansuu voted no. (CONTRACT NO. 053-15)

G. Approval of March 24, 2015, Council Meeting Minutes

MOTION: By Councilmember Ashby, seconded by Councilmember Clauson seconded approving the minutes for March 24 meeting as submitted.

The motion passed 5 to 0. Councilmember Chang abstained.

H. Discussion: Possible UGA Expansion and Land Use Changes
Staff Report: Development Director Bond presented the staff report, noting the County has contacted the City seeking our position on citizen filed applications for land use changes in the UGA and for an area of rural land to be added to the UGA off of Anderson Hill Road. Staff recommends that the City Council make a motion to oppose the UGA expansion and to either oppose or remain neutral on the Land Use Amendments.

Discussion was held regarding the three proposed amendments.

COUNCIL DIRECTION: The Council directed staff to contact the County and state that the City's position would be neutral on Number 1, oppose Number 2, and the Council would prefer accepting the entire area east of Anderson Hill from Old Clifton to Cooks RD SW and not islands of property.

I. Approval of the March 17, 2015, Work Study Session Minutes

Council Consideration: - MOTION: By Councilmember Putaansuu, seconded by Councilmember Lucarelli, to approve the minutes.

Mayor Pro-Tem Ashby noted a typo on page two, and she read into the record her primary amendment that was under the Transportation Element in the second paragraph.

AMENDED MOTION: By Mayor Pro-Tem Ashby, seconded by Councilmember Clauson to amend the minutes as read into the record.

The motion to amend the main motion carried.

The main motion passed.

J. Approval of Amending the Code Enforcement Officer Job Description

Staff Report: Development Director Bond presented the staff report, noting in anticipation of filling the pending vacancy of the Code Enforcement Officer position, the roles and responsibilities were reviewed. It was found that the job description needed to be updated to ensure the next Code Enforcement Officer can perform the essential functions of the position. The Finance Committee reviewed the changes, made some minor changes, and supported the proposal.

Council Consideration: - MOTION: By Councilmember Ashby, seconded by Councilmember Clauson, to approve the revised Code Enforcement Officer job description as presented.
Discussion was held regarding changes needed in the Port Orchard Municipal Code, the major changes in the job description, workload, and what amount of code enforcement was complaint driven.

The motion carried.

K. Approval of a Step Increase as Part of DCD Reorganization

Staff Report: Development Director Bond presented the staff report, noting the pending retirement of the Code Enforcement Officer had the department review the job description and shift responsibilities around to accommodate the arrival and training of a new employee.

Council Consideration: - MOTION: By Councilmember Clauson, seconded by Councilmember Putaansuu, to approve a step increase for Associate Planner Stephanie Andrews for Step 2 to Step 4 effective May 17, 2015 in lieu of the normal anniversary increase from Step 2 to Step 3, which is schedule to take effect on May 17, 2015.

In response to Councilmember Chang, Councilmember Clauson said the Finance Committee was unanimous in recommending the step increase.

The motion passed 5 to 1. Councilmember Chang voted no.

L. Approval of a Letter for Support Concerning a Grant to Assess and Plan for the Blackjack Creek Watershed

Staff Report: Development Director Bond presented the staff report, noting the Suquamish Tribe approached the City seeking support for a grant to develop an assessment, protection, and restoration plan for the Blackjack Creek Watershed.

Council Consideration: - MOTION: By Councilmember Cartwright, seconded by Councilmember Lucarelli, to authorize that a letter of support to be sent on behalf of the City in support of the project described on the attached summary.

The motion carried.

8. COMMITTEE REPORTS

Councilmember Clauson reported the next Finance Committee meeting is scheduled for April 24, and the Port of Bremerton would like to give a presentation to the Committee.
Councilmember Ashby reported the Economic Development/Tourism Committee met yesterday and discussed the water trails system; the UGA expansion and land use changes; foot ferry service; LTAC contracts and the wayfinding logo; event toolkit, and public outreach for the comp plan meetings. She also reported on the Kitsap Regional Coordinating Council April 7 meeting, the Puget Sound Regional Council and PSRC Project Selection Task Force meetings on April 9.

Councilmember Putaansuu reported the Utilities Committee is scheduled for Friday at 7:30 a.m. and the Sewer Advisory Committee is scheduled for Wednesday evening at 6:30 p.m. at the sewer plant.

Councilmember Cartwright reported the Public Properties Committee met and discussed the Givens Playfield tennis courts; MindMixer; Hog Fest and Taste of Port Orchard Public Event Applications; Blackjack Creek grant letter of support; parking request; and park renaming requests. The next meeting is May 11. He also reported on the KRCC Transpol meeting on April 2.

Councilmember Chang asked City Clerk Rinearson to survey the Council for their input on whom they would like to serve on LTAC this year.

9. MAYOR’S REPORT

Mayor Matthes reported on the meetings he attended on April 7: CenCom and the Health Board. He invited the public to attend the Town Hall Meeting on Thursday.

10. REPORT OF DEPARTMENT DIRECTORS

Public Works Director Dorsey reported staff has spent additional time looking at references for Bethel Paving project; Dekalb Pier is in the current capital budget; and there may be more funding in Transportation Improvement Board, which could benefit Tremont.

City Treasurer Martin reported the annual report is finished.

Development Director Bond reported the Joint Planning Commission/City Council meeting is tomorrow covering the 2016 Comprehensive Plan update, which will be followed by workshop meeting next week.

City Attorney Morris thanked the Council for approving her contract as the City Attorney, and introduced Mr. Kelly and Ms. Cates.

Human Resources Coordinator Howard announced the City received the 2015 Well City Award again.
City Clerk Rinearson reported she is working with AWC to review properties in order to determine rates; there has been an increase in claims; the Waste Management, Newspaper Designation, and LTAC contracts will be coming before the Council soon; and she gave an update on the foot ferry partnership and funding.

Commander Schuster reported the Kitsap County Prosecutor determined the use of deadly force by the officers in June of 2014 was justified.

11. CITIZENS COMMENTS

Ms. Gerry Harmon spoke regarding the need for staff and elected officials not using abbreviations so the public can understand what they are talking about.

Ms. Ann Sevaaetasi spoke regarding the property behind McDonalds off of Sedgwick.

Mr. Gary Anderson spoke regarding the UGA discussion.

12. EXECUTIVE SESSION

An Executive Session was held earlier in the meeting.

13. ADJOURNMENT

The meeting adjourned at 9:39 p.m. No other action was taken.

Brandy Rinearson, CMC, City Clerk

Timothy C. Matthes, Mayor