



City of Port Orchard Council Meeting Agenda
April 9, 2019
6:30 p.m.

Mayor:

Rob Putaansuu
Administrative Official

Councilmembers:

Bek Ashby (Mayor Pro-Tempore)
Chair: ED/Tourism/LT Committee
Staff: Development Director
Finance Committee
KRCC / PSRC TransPol / KRCC TransPol
KRCC PlanPol-alt / PRTPO

Shawn Cucciardi
Finance Committee
Land Use Committee
PSRC EDD-alt

Fred Chang
Utilities Committee
Sewer Advisory Committee (SAC)
Staff: Development Director

Jay Rosapepe
ED/Tourism/LT Committee
Utilities Committee
Sewer Advisory Committee (SAC)
KRCC-alt / KRCC TransPol-alt

John Clauson
Chair: Finance Committee
Staff: Finance Director
Kitsap Public Health District-alt
KEDA/KADA-alt

Cindy Lucarelli
Chair: Utilities and SAC Committee
Staff: Public Works Director
Chair: Chimes and Lights Committee
Staff: City Clerk
KEDA/KADA

Scott Diener
Chair: Land Use Committee
Staff: Development Director
ED/Tourism/LT Committee

Department Directors:
Nicholas Bond, AICP
Development Director

Mark Dorsey, P.E.
Director of Public Works/City Engineer

Debbie Hunt
Court Administrator

Noah Crocker, M.B.A.
Finance Director

Geoffrey Marti
Police Chief

Brandy Rinearson, MMC, CPRO
City Clerk

Contact us:

216 Prospect Street
Port Orchard, WA 98366
(360) 876-4407

1. CALL TO ORDER

A. Pledge of Allegiance

2. APPROVAL OF AGENDA

3. CITIZENS COMMENTS

*(Please limit your comments to **3 minutes** for items listed on the Agenda and that are not for a Public Hearing. When recognized by the Mayor, please state your name for the official record)*

4. CONSENT AGENDA

(Approval of Consent Agenda passes all routine items listed below, which have been distributed to each Councilmember for reading and study. Consent Agenda items are not considered separately unless a Councilmember so requests. In the event of such a request, the item is returned to Business Items.)

A. Approval Vouchers and Electronic Payments

B. Approval of Payroll and Direct Deposits

C. Adoption of a Resolution Declaring Certain Personal Property as Surplus and Authorizing the Disposition Thereof (Marti) *Page 3*

D. Excusal of Councilmember Rosapepe Due to Personal Obligations

5. PRESENTATION

A. Kitsap Economic Development Alliance (Powers)

6. PUBLIC HEARING

7. BUSINESS ITEMS

A. Adoption of an Ordinance Amending Port Orchard Municipal Code Chapters 9.30 and 2.64 with Regard to Nuisance Vehicles and the Penalties for Violations of Chapter 9.30 (Bond) *Page 7*

B. Approval of Amendment No. 3 to Contract No. 038-17 with HDR Engineering Inc. for the 2017-2018 Well No. 9 Water Quality Retrofit – Engineering Support (Dorsey) *Page 29*

C. Approval of a Letter to Puget Sound Regional Council Regarding the City's Preferences on the Regional Growth Alternatives Presented in the Draft SEIS for Vision 2050 (Bond) *Page 37*

D. Approval of the March 26, 2019, Council Meeting Minutes *Page 41*

8. DISCUSSION ITEMS (No Action to be Taken)

A. Resolution Supporting the South Kitsap Community Events Center (Bond) *Page 47*

9. REPORTS OF COUNCIL COMMITTEES

10. REPORT OF MAYOR

11. REPORT OF DEPARTMENT HEADS

12. CITIZEN COMMENTS

*(Please limit your comments to **3 minutes** for any items not up for Public Hearing. When recognized by the Mayor, please state your name for the official record)*

13. EXECUTIVE SESSION: Pursuant to RCW 42.30.110, the City Council **will** hold a 20-minute executive session to discuss potential litigation.

14. ADJOURNMENT

COMMITTEE MEETINGS

	Date & Time	Location
Finance	TBD	City Hall
Economic Development and Tourism	April 8, 2019; 9:30am	City Hall
Utilities	April 15, 2019; 9:30am	City Hall
Sewer Advisory	April 24, 2019; 6:30pm	SKWRF*
Land Use	April 22, 2019; 9:30am	DCD**
Lodging Tax Advisory	April 10, 2019; 9:30am	City Hall
Festival of Chimes & Lights	April 15, 2019; 3:30pm	City Hall
Outside Agency Committees	Varies	Varies

* South Kitsap Water Reclamation Facility, 1165 Beach Drive East, Port Orchard

**DCD, Department of Community Development, 720 Prospect Street, Port Orchard

CITY COUNCIL GOOD OF THE ORDER

Please turn off cell phones during meeting and hold your questions for staff until the meeting has been adjourned.

The Council may consider other ordinances and matters not listed on the Agenda, unless specific notification period is required.

Meeting materials are available on the City's website at: www.cityofportorchard.us or by contacting the City Clerk's office at (360) 876-4407.

The City of Port Orchard does not discriminate on the basis of disability. Contact the City Clerk's office should you need special accommodations.



City of Port Orchard

216 Prospect Street, Port Orchard, WA 98366
(360) 876-4407 • FAX (360) 895-9029

Agenda Staff Report

Agenda Item No.: Consent Agenda 4C
Subject: Adoption of a Resolution Declaring Certain
Personal Property as Surplus and
Authorizing the Disposition Thereof

Meeting Date: April 9, 2019
Prepared by: Geoffrey Marti
Chief of Police
Atty Routing No.: N/A
Atty Review Date: N/A

Summary: The police department is requesting that the firearms listed in the attached resolution be declared as surplus.

Relationship to Comprehensive Plan: None.

Recommendation: Declare surplus.

Motion for consideration: I move to adopt a Resolution authorizing the police department to dispose of the listed firearms in the best interest of the City.

Fiscal Impact: Our standard procedure is to examine the firearms. Some will be traded for other department firearms or equipment, and others will be destroyed.

Alternatives: N/A

Attachments: Resolution.

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RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF PORT ORCHARD, WASHINGTON
DECLARING CERTAIN PERSONAL PROPERTY AS SURPLUS AND
AUTHORIZING THE DISPOSITION THEREOF.**

WHEREAS, certain personal property owned by the City of Port Orchard has become surplus to the needs of the City; and

WHEREAS, the City desires to dispose of said property in the best interest of the City; now, therefore,

**THE CITY COUNCIL OF THE CITY OF PORT ORCHARD, WASHINGTON, HEREBY RESOLVES
AS FOLLOWS:**

THAT: The property described below is declared as surplus to the needs of the City. Staff is instructed to dispose of the items in a manner that reflects the best interest of the City.

<u>Case#</u>	<u>Item #</u>	<u>Description/Make</u>	<u>Serial Number</u>
D08-2170	105722	New England Firearms	NL328886
D12-2067	102588	FM Hi Point	436390
D14-3390	107433	Ruger	127-41923
D14-3390	107435	Thompson Center Fire	K178793
D15-2420	108987	Mauser	D8926
D15-3161	109408	Winchester	None
D15-3318	109513	Browning	PP05181
D17-0354	111789	Mossberg	U510867
D17-0354	111790	Remington	106156
D17-0354	111791	Marlin	J37294
D17-1278	112122	Taurus	DP15975
D17-1951	112400	Mossberg	None
D17-2414	112628	Springfield	GM964608
D17-3018	112855	Taurus	TIY73753
D17-3490	113146	H&R	141531
D18-0208	113267	Ruger	337-51791
D18-0391	113351	Llama	07-04-10809-97
D18-1643	113991	Norinco	427712
D18-3515	114820	Mossberg	R171664
Surplus		Springfield XD-40	US229981
Surplus		Smith & Wesson 3000	FC48002
Surplus		Smith & Wesson 3000	FC47835
Surplus		Hawk 981	46397
Surplus		Winchester Defender	L1836864
Surplus		Smith & Wesson	BNZ7701
Surplus		Action Arms	SA30201

Surplus
Surplus

Stinger Arms
Springfield XD40

LCB0503
US229981

PASSED by the City Council of the City of Port Orchard, APPROVED by the Mayor and attested by the Clerk in authentication of such passage this 9th day of April 2019.

Rob Putaansuu, Mayor

ATTEST:

Brandy Rinearson, MMC, City Clerk



City of Port Orchard

216 Prospect Street, Port Orchard, WA 98366
(360) 876-4407 • FAX (360) 895-9029

Agenda Staff Report

Agenda Item No.:	<u>Business Item 7A</u>	Meeting Date:	<u>April 9, 2019</u>
Subject:	<u>Adoption of an Ordinance Amending Port Orchard Municipal Code Chapters 9.30 and 2.64 with Regard to Nuisance Vehicles and the Penalties for Violations of Chapter 9.30</u>	Prepared by:	<u>Nicholas Bond</u> <u>DCD Director</u>
		Atty Routing No.:	<u>020-19</u>
		Atty Review Date:	<u>March 22, 2019</u>

Summary: Port Orchard Municipal Code Chapter 9.30 (Nuisances) prohibits keeping vehicles that are “unused” and not currently registered with the State of Washington, unless the vehicles are kept inside a garage or under a well-secured tarp (one vehicle per residential lot), or are “useable,” but not required to be registered (eg: off-road vehicles). There are a number of problems with these provisions.

“Unused” and “useable” are not defined and may be hard to determine, especially for vehicles such as RVs, which may be used infrequently. Inoperable vehicles may be shielded from enforcement indefinitely by keeping them registered or by keeping the license plates obscured and denying the enforcement officer entry onto the property, so the registration cannot be determined. Older vehicles can be kept registered at minimal costs with collector vehicle plates. Owners of RVs and other vehicles that are only used occasionally may leave their vehicles unregistered and get 3-day trip permits as-needed.

It is not the lack of registration that makes a vehicle a nuisance to the community, but the condition of the vehicle and how it’s stored. A vehicle that is unused and unregistered for a time, but well-maintained and parked in a driveway would have no impact on a neighborhood, while a vehicle that is registered and used occasionally, or an inoperable vehicle under a blue tarp in a front yard, may be an eyesore and nuisance.

The proposed revision provides a definition of “vehicle” and replaces the usage and registration provisions with criteria based on the condition and storage of vehicles, parts, and equipment, and provides exemptions for certain vehicle-related businesses.

The proposed revisions would also revise the civil penalty for violation of the provisions of POMC 9.30 from “each five-calendar day period” to “each day” constituting a separate offense, and would create an optional criminal penalty. Limiting violations to five-day periods can slow down and complicate enforcement, especially of serious but intermittent nuisances. The lack of a criminal penalty option also limits the penalties available in the case of very serious and/or intentional or negligent nuisances and makes it impossible to obtain warrants to investigate nuisances. In the State of Washington, the courts can only issue warrants for criminal investigations, not for civil investigations.

The civil penalty for nuisance code violations would be revised from a maximum of \$100 per violation to a maximum of \$250 per violation. The penalty for creating or maintaining a public nuisance has not been revised in 25 years. For comparison, violations of the sign code and the commercial vehicle parking

ordinance, both added to Chapter 2.64 more recently, are \$250 each.

Relationship to Comprehensive Plan: Not applicable.

Recommendation: Staff recommends that the City Council adopt the proposed ordinance amending POMC Chapters 9.30 and 2.64 as they relate to nuisance vehicles and parts and to the penalties for violations of Chapter 9.30.

Motion for consideration: “I move to adopt an ordinance amending POMC Chapters 9.30 and 2.64 as they relate to nuisance vehicles and parts, and penalties for violations of Chapter 9.30.”

Fiscal Impact: None

Alternatives: Do not adopt the proposed amendments; revise the proposed amendments.

Attachments: Ordinance, redline copies of amendments.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PORT ORCHARD, WASHINGTON, RELATING TO NUISANCE VEHICLES AND PARTS AND THE PENALTIES FOR VIOLATION OF THE NUISANCE CODE; AMENDING CERTAIN PROVISIONS OF CHAPTERS 9.30 ("NUISANCES") AND 2.64 ("CODE ENFORCEMENT OFFICER") OF THE PORT ORCHARD MUNICIPAL CODE; PROVIDING FOR SEVERABILITY AND PUBLICATION; AND SETTING AN EFFECTIVE DATE.

WHEREAS, in accordance with RCW 35A.11.020, the legislative body of each optional municipal code city "shall have any authority ever given to any class of municipality or to all municipalities of this state;" and

WHEREAS, the Revised Code of Washington grants to first and second-class cities the authority "to declare what shall be a nuisance, and to abate the same, and to impose fines upon parties who may create, continue, or suffer nuisances to exist;" and

WHEREAS, neglected, wrecked, dismantled or partially-dismantled, or apparently inoperable vehicles and equipment, and the parts and components thereof, left in public view, other than at properly located, licensed, and screened businesses associated with such vehicles, parts, and equipment, may be nuisances adversely affecting the public health, safety, peace, and/or welfare; and

WHEREAS, objective criteria and definitions are needed for the determination of such nuisances and the enforcement to abate them; and

WHEREAS, the current civil penalty of \$100 per violation, per five-day period, is not a significant deterrent to the creation and continuation of public nuisances; and

WHEREAS, some nuisance conditions may be especially egregious and/or the result of intentional or negligent acts, warranting criminal prosecution; now, therefore,

THE CITY COUNCIL OF THE CITY OF PORT ORCHARD, WASHINGTON, DO ORDAIN AS FOLLOWS:

SECTION 1. The Port Orchard Municipal Code, Chapter 9.30, is hereby amended to read as follows:

Chapter 9.30 Nuisances.

Sections:

- 9.30.010 Definitions.
- 9.30.020 Types of nuisances.
- 9.30.030 Prohibited conduct.
- 9.30.040 Disposal of diseased animal carcass – Violation a misdemeanor.
- 9.30.050 Enforcement – Notice.
- 9.30.060 Abatement by the city.
- 9.30.070 Abatement by owner or other responsible person.
- 9.30.080 Appeal.
- 9.30.090 Immediate danger – Summary abatement.
- 9.30.100 Additional remedies.

9.30.010 Definitions.

The words and phrases used in this chapter, unless the context otherwise indicates, shall have the following meanings:

- (1) “Abate” means to repair, remove, replace or destroy or otherwise remedy the condition in question by such means and in such a manner and to such an extent as the enforcement officer in his/her judgement, determines is necessary in the interest of the general health, safety and welfare of the community.
- (2) “Enforcement officer” means an individual or group of individuals appointed by the city council for the purpose of enforcing this chapter.
- (3) “Premises” means any building, lot, parcel, real estate or land or portion of land whether improved or unimproved, including adjacent sidewalks and parking strips.
- (4) “Responsible person” means any agent, lessee or other person occupying or having charge or control of any premises, except the owner.
- (5) “Vehicle” means any device capable or designed to be capable of moving upon a roadway, off-road, or on or across the water, whether motorized or not, and in, upon, or by which any person or property is or may be transported, and shall include but not be limited to motor vehicles, trailers, recreational, utility, and sporting vehicles, farm and construction vehicles and equipment, boats, and campers designed or intended to be mounted on trucks or vehicle chassis, or parts or components thereof.

9.30.020 Types of nuisances.

Each of the following conditions, unless otherwise permitted by law, is declared to constitute a public nuisance and whenever the enforcement officer determines that any of these conditions exist upon any premises or in any lake, river, stream, drainageway, or wetlands, the officer may require or provide for the abatement thereof pursuant to this chapter:

- (1) The existence or any weeds, trash, dirt, filth, the carcass of any animal, waste shrubs,

accumulation of lawn or yard trimmings or other offensive matter;

(2) The existence of any dead, diseased, infested or dying tree that may constitute a danger to street trees, streets or portions thereof;

(3) The existence of any tree, shrub or foliage, unless by consent of the city, which is apt to destroy, impair, interfere or restrict:

(a) Streets, sidewalks, sewer, utilities or the public improvements,

(b) Visibility on, or free use of, or access to such improvements;

(4) The existence of any vines or climbing plants growing into or over any street tree, or any public hydrant, pole or electrolier, or the existence of any shrub, vine or plant growing on, around or in front of any hydrant, standpipe, sprinkler system connection or any other appliance or facility provided for fire protection purposes in such a way as to obscure the view thereof or impair the access thereto;

(5) The existence of grass or weeds exceeding 12 inches in height except for the following:

(a) Areas maintained for domestic livestock,

(b) Public right-of-way,

(c) Undeveloped publicly owned watershed lands,

(d) Private property designated as open space land, farm and agricultural land and timberland under Chapter 84.34 RCW and taxed at current use assessment,

(e) Wetlands and critical areas designated for protection under the Growth Management Act, Chapter 36.07A RCW,

(f) Natural vegetation buffers designated on a plat or a city of Port Orchard land use condition;

(6) The existence of any accumulation of materials or objects in a location when the same endangers property, safety or constitutes a fire hazard;

(7) The existence of a sidewalk or a portion of a sidewalk adjacent to any premises which is out of repair, and in a condition to endanger persons or property, or in a condition to interfere with the public convenience in the use of such sidewalk;

(8) The existence of caterpillar infestation;

(9) The burning or disposal of refuse, sawdust or any other material without a permit;

(10) The existence of any obstruction to a street, alley, crossing or sidewalk, and any excavation in or under any street, alley, crossing or sidewalk, which is by ordinance prohibited, or which is made without lawful permission or which, having been made by lawful permission is kept and maintained after the purpose thereof has been accomplished, or for an unreasonable length of

time;

(11) The erecting, maintaining, using, placing, depositing, leaving or permitting to be or remain in or upon any private lot, building, structure or premises, or in or upon any street, alley, sidewalk, park, parkway, or other public or private place in the city, any one or more of the following disorderly, disease-causing places, conditions or things:

(a) Any putrid, unhealthy or unwholesome bones, meat, hides, skins, the whole or any part of any dead animal, fish or fowl, or waste parts of fish, vegetable or animal matter in any quantity; but nothing herein shall prevent the temporary retention of waste in approved covered receptacles,

(b) Any privies, vaults, cesspools, sumps, pits or like places which are not securely protected from flies and rats, or which are foul or malodorous,

(c) Any filthy, littered or trash-covered dwellings, cellars, house yards, barnyards, stable yards, factory yards, vacant areas in the rear of stores, vacant lots, houses, buildings or premises,

(d) Any animal manure in any quantity which is not securely protected from flies or weather conditions, or which is kept or handled in violation of any ordinance of the city,

(e) Any poison oak or poison ivy, Russian thistle, tansy ragwort or other noxious weeds, whether growing or otherwise; but nothing herein shall prevent the temporary retention of such weeds in approved covered receptacles,

(f) Any bottles, cans, glass, ashes, small pieces of scrap iron, wire, metal articles, bric-a-brac, broken stone or cement, broken crockery, broken glass, broken plaster and all such trash, or abandoned material, unless it is kept in approved covered bins or galvanized iron receptacles,

(g) Any trash, litter, rags, accumulations of empty barrels, barrels, boxes, crates, packing cases, mattresses, bedding, excelsior, packing hay, straw or other packing material, lumber not neatly piled, scrap iron, tin or other metal not neatly piled, or anything whatsoever in which flies or rats may breed or multiply or which may be a fire hazard;

(12) The depositing or burning or causing to be deposited or burned in any street, alley, sidewalk, park, parkway or other public place which is open to travel, of any hay, straw, paper, wood, boards, boxes, leaves, manure or other rubbish or material;

(13) The existence of any fence or other structure or thing on private property abutting or fronting upon any public street, sidewalk or place which is in a sagging, leaning, fallen, decayed or other dilapidated or unsafe condition;

(14) The existence on any premises of one or more junk, wrecked, dismantled, partially dismantled, or apparently inoperable vehicles or engines or drive-train parts, body parts, wheels, tires, or any other parts, assemblies or components of automobiles and other vehicles, except as specifically permitted by this Chapter or any other City ordinance.

(a) For the purposes of this Chapter, "Apparently inoperable" means a vehicle that meets any of the following criteria:

1. has flat tires; is covered or partially covered by moss, leaves, needles or other vegetation; has grass or other vegetation growing up around the vehicle; or other conditions exist that support a reasonable belief that the vehicle has not been moved or maintained for 30 days or more;
2. has any visibly damaged, missing, or broken major parts or components, including but not limited to any of the following: windows, windshield, headlights, taillights, mirrors, body panels, hood, doors, bumpers, trunk lid, seats, steering wheel, grill cover, radiator, or any major mechanical or electrical parts or equipment; or for any reason appears in such a condition as to not be legally operable on a public road.

(b) The following are exempt from the prohibitions of this Chapter:

1. Vehicles or parts thereof which are completely enclosed within a building in a lawful manner where they are not visible from the street or other public or private property; or
2. Vehicles or parts thereof which are stored or parked in a lawful manner on private property in connection with the business of a properly licensed wrecking yard, vehicle repair shop, or similar business, where such vehicles are an integral and typical part of such business and where the vehicles are properly stored and screened in accordance with the applicable regulations for such business and location; or
3. A vehicle that is an individual's or family's sole source of transportation provided that all the following shall apply:
 - A. the vehicle exists and is maintained in such a condition as to be immediately legally operable on public roads and highways;
 - B. the vehicle is currently registered to an occupant of the property it is located on; and the burden of proof that the vehicle meets these criteria shall be on the owner, occupant, or person with responsibility for or control of the property.

(15) The storage or placement of household garbage, litter, construction debris or other trash in any trailer, house trailer, automobile, boat or other vehicle for more than 24 hours;

(16) The existence on any premises of any abandoned or unused well, cistern or storage tank without first demolishing or removing from the city such storage tank or securely closing and barring any entrance or trapdoor thereto or without filling any well or cistern or capping the same with sufficient security to prevent access thereto by children;

(17) The existence on any premises in a place accessible to children of any unattended and/or discarded icebox, refrigerator, or other large appliance;

(18) The existence of any goods, merchandise, or property of any kind on any streets, alleys or sidewalk of the city, which unreasonably obstructs pedestrian or vehicular traffic. (Ord. 1948 § 2, 2004; Ord. 1835 § 1, 2001; Ord. 1724 § 15, 1998).

9.30.030 Prohibited conduct.

(1) It is unlawful for any responsible person or owner to permit, maintain, suffer, carry on or allow, upon any premises or in lake, river, stream, drainage way or wetlands, any of the acts or things declared by this chapter to be a public nuisance.

(2) It is unlawful for any person to create, maintain, carry on or do any of the acts or things declared by this chapter to be a public nuisance.

9.30.040 Disposal of diseased animal carcass – Violation a misdemeanor.

Every person owning or having charge of any animal that has died or been killed on account of disease shall immediately bury the carcass thereof at least three feet underground at a place approved by the (city or county) health officer. No person shall sell or offer to sell or give away the carcass of any animal, which died or was killed on account of disease. Every violation of any provision of this section is a misdemeanor.

9.30.050 Enforcement – Notice.

Any enforcement officer appointed by the city council, having knowledge of any public nuisance, shall cause any owner or other responsible person to be notified of the existence of a public nuisance on any premises and shall direct the owner or other responsible person to abate the condition within 10 days after notice. (The notice shall be substantially in the following form):

NOTICE TO ABATE UNSAFE OR UNLAWFUL CONDITION

TO

(name and address of person notified)

As owner, agent, leasee or other person occupying or having charge or control of the building, lot or premises at _____ you are hereby notified that the undersigned pursuant to Ordinance ____ of the City of Port Orchard has determined that there exists upon or adjoining said premises the following condition contrary to the provisions of subsection ____ of City Ordinance _____:

You are hereby notified to abate said condition to the satisfaction of the undersigned within ten (10) days of the date of this notice. If you do not abate such condition within ten (10) days, the City may abate the condition at your expense. In addition, the City may begin issuing citations pursuant to subsection ____ of Ordinance No. _____.

Abatement is to be accomplished in the following manner:

You may appeal this Notice to Abate decision by filing a written notice of appeal with the City Council of the City of Port Orchard within five days after the date of this notice.

Dated

Name of Officer

9.30.060 Abatement by the city.

In all cases where the enforcement officer has determined to proceed with abatement by the city 10 days after notice the city shall acquire jurisdiction to abate the condition at the person's expense as herein provided. Upon the abatement of the condition or any portion thereof by the city, all expenses thereof shall constitute civil debt owing to the city jointly and severally by such of the persons who have been given notice as herein provided. The debt shall be collectable in the same manner as any other civil debt owing to the city.

9.30.070 Abatement by owner or other responsible person.

If and when an owner or other responsible person shall undertake to abate any condition described in this chapter, whether by order of the enforcement officer or otherwise, all needful and legal conditions pertinent to the abatement may be imposed by the enforcement officer. It is unlawful for the owner or other responsible person to fail to comply with such conditions. Nothing in this chapter shall relieve any owner or other responsible person of the obligation of obtaining any required permit to do any work incidental to the abatement.

9.30.080 Appeal.

Any person who has received a notice to abate a condition as determined by the code enforcement officer under POMC 9.30.050 may appeal said determination by filing written notice of appeal within five days after the date of said notice to abate, with the city council. Said notice shall set forth the grounds upon which the appeal is based. Upon receipt of notice of appeal the city council shall hold a hearing not more than 30 days after said appeal was filed. It shall be the duty of the code enforcement officer to present proof relating to the grounds for the issuance of the notice to abate. If the city council finds that a nuisance exists based on the criteria of this chapter the council shall order that such nuisance be abated pursuant to this chapter and shall set forth reasonable time limits for such abatement. If the council finds that a nuisance does not exist under this chapter, the council shall cancel the notice to abate. Upon the filing of a proper notice of appeal under POMC 9.30.070, the time limits specified in POMC 9.30.050 and 9.30.060 shall be stayed during the pendency of the appeal.

9.30.090 Immediate danger – Summary abatement.

Whenever any condition on or use of property causes or constitutes or reasonably appears to cause or constitute an imminent danger to the health or safety of the public or a significant portion thereof, the enforcement officer shall have the authority to summarily and without notice abate the same. The expenses of such abatement shall become a civil debt against the owner or other responsible party and be collected as provided in POMC 9.30.060.

9.30.100 Additional remedies.

(1) Civil Penalty

In addition or alternative to any other penalty provided herein or by law, any violation of, or failure to comply with, any provision of this Chapter or any lawful order issued hereunder, shall constitute a civil infraction subject to a penalty as specified in POMC 2.64.

(2) Criminal Penalty

In addition or alternative to any other penalty provided herein or by law, any violation of, or failure to comply with, any provision of this Chapter or any lawful order issued hereunder, shall constitute a misdemeanor, punishable by a fine of not more than \$1,000, or by imprisonment for not more than 90 days, or by both such fine and imprisonment.

(3) Each day in which a violation occurs or is allowed to continue shall constitute a separate offense and may be subject to separate penalties.

SECTION 2. The Port Orchard Municipal Code, Chapter 2.64, is hereby amended to read as follows:

**Chapter 2.64
Code Enforcement Officer.**

Sections:

- 2.64.010 Code enforcement officer position created – Authority.
- 2.64.020 Notice of civil infraction.
- 2.64.030 Enforcement.
- 2.64.040 Applicability.
- 2.64.050 Inspections.

2.64.010 Code enforcement officer position created – Authority

The position of code enforcement officer is established. The code enforcement officer and any designee shall be appointed by the city council and shall be designated by council resolution. The code enforcement officer shall be authorized to investigate compliance with the city regulations enumerated in POMC 2.64.030 and to take reasonable action to bring about compliance with such regulations, including but not limited to the issuance of notices of civil infraction. (Ord. 1844 § 1, 2002).

2.64.020 Notice of civil infraction

- (1) The code enforcement officer has authority to issue a notice of civil infraction:
 - (a) When a violation of the city regulations enumerated in POMC 2.64.030 is observed by the code enforcement officer; and/or
 - (b) When the code enforcement officer has reasonable cause to believe that a violation of city regulations as enumerated in POMC 2.64.030 has occurred.
- (2) Each day in which a violation occurs or is allowed to continue shall constitute a separate offense and may be subject to separate penalties.
- (3) A notice of civil infraction may be issued by the code enforcement officer to any

responsible person, firm, corporation or agent. The notice of civil infraction shall contain the information required by RCW 7.80.070 as it now exists or may hereafter be amended.

(4) A notice of civil infraction shall be served upon the person to whom it is directed in person, or by mailing a copy of the notice to such person at his/her last known address. Proof of service shall be made by a written declaration under penalty of perjury by the person serving the notice, declaring the date and time of service and the manner by which service was made. The notice of civil infraction, along with the declaration, shall be filed with the city of Port Orchard municipal court.

(5) A Notice of Civil Infraction – Jurisdiction. The city of Port Orchard municipal court shall have jurisdiction to hear and determine these matters. (Ord. 1844 § 2, 2002).

2.64.030 Enforcement

(1) A Civil Infraction. Any person who shall commit any violation of the provisions as set forth in this chapter shall have committed a civil infraction and, upon finding by the city of Port Orchard municipal court that such civil infraction has been committed, shall pay all billable court costs, and pay monetary penalty to the city of Port Orchard, as set forth on the schedule below (subsections below have been paraphrased as an aid in determining the penalty only and are not intended for any other purpose):

(a) Violation of the public nuisance laws: \$250.00;

(b) Violation of the zoning ordinance: \$150.00;

(c) Violation of the sign code: \$250.00;

(d) Violation of the conditions of approval for land use reclassification as approved by the city council: \$150.00;

(e) Violation of the conditions of approval for special use permits as approved by the city council: \$150.00;

(f) Violation of the conditions of approval for variances as approved by the planning commission: \$150.00;

(g) Violation of the conditions of approval for final plats as approved by the city council: \$250.00;

(h) Violation of the stormwater management ordinance: \$100.00 to \$1,000;

(i) Violation of the shoreline management program: \$100.00 to \$5,000;

(j) Violation of the critical areas ordinance: \$100.00 to \$1,000;

(k) Violation of the commercial vehicle parking ordinance: \$250.00;

(l) Provided, any violation for which a penalty is not set forth above shall contain a monetary penalty not to exceed \$100.00.

(2) Additional Remedies. In addition to any other remedy provided by the chapter,

the city may initiate injunction or abatement proceedings or any other appropriate action in the courts against any person who violates or fails to comply with any provision as set forth in this chapter or to restore a condition which existed prior to the violation. The violator shall pay the costs of such action including reasonable attorney fees.

(3) Authority Retained. Nothing in this chapter shall be construed to abridge the authority of other agents or officers of the city, including the city police department, to enforce the provisions of this code under authority otherwise granted such agents or officers. (Ord. 1892 § 1, 2003; Ord. 1844 § 3, 2002).

2.64.040 Applicability

The enforcement authority of this chapter shall apply to the following ordinances and regulations of the city, and any subsequent ordinance and/or regulation as set forth in this chapter:

- (1) Nuisances: Ordinance No. 1724 and amendments thereto;
- (2) Zoning ordinance: Ordinance No. 1748 and amendments thereto;
- (3) Subdivisions: POMC Title 16;
- (4) Sign code: Chapter 15.16 POMC;
- (5) Stormwater management ordinance: Chapter 15.32 POMC;
- (6) Critical areas ordinance: Ordinance No. 1784 and amendments thereto;
- (7) Shoreline master program;
- (8) Commercial vehicle parking ordinance: Chapter 10.13 POMC. (Ord. 1892 § 2, 2003; Ord. 1844 § 4, 2002).

2.64.050 Inspections

The code enforcement officer or the code enforcement officer's designee shall inspect properties as necessary to determine whether the permittee has complied with conditions of the respective permits and, whenever there is reasonable cause to believe that a permittee is in violation of the provisions as set forth in this chapter, may enter upon such premises at all reasonable times to inspect the same or to perform any other duty allowed by the code enforcement officer by this code. The code enforcement officer or designee shall present proper credentials to the owner or other person in charge of the premises before requesting entry. If such entry is refused or if the owner or tenant or person in charge of the premises cannot be located, the code enforcement officer or designee shall have recourse to every remedy provided by law to secure entry, including, but not limited to, application for a search warrant. In making such application, the code enforcement officer or designee shall be assisted by the police department. (Ord. 1844 § 5, 2002).

SECTION 3. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional or unlawful by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

SECTION 4. Publication. This Ordinance shall be published by an approved summary consisting of the title.

SECTION 5. Effective Date. This Ordinance shall take effect and be in full force and effect five days after publication, as provided by law.

PASSED by the City Council of the City of Port Orchard, APPROVED by the Mayor and attested by the Clerk in authentication of such passage this 9th day of April 2019.

Robert Putaansuu, Mayor

ATTEST:

SPONSOR:

Brandy Rinearson, MMC, City Clerk

Scott Diener, Councilmember

APPROVED AS TO FORM:

Sharon Cates, City Attorney

PUBLISHED:
EFFECTIVE DATE:

Chapter 2.64 CODE ENFORCEMENT OFFICER

Sections:

- 2.64.010 Code enforcement officer position created – Authority.
- 2.64.020 Notice of civil infraction.
- 2.64.030 Enforcement.
- 2.64.040 Applicability.
- 2.64.050 Inspections.

2.64.010 Code enforcement officer position created – Authority

The position of code enforcement officer is established. The code enforcement officer and any designee shall be appointed by the city council and shall be designated by council resolution. The code enforcement officer shall be authorized to investigate compliance with the city regulations enumerated in POMC 2.64.030 and to take reasonable action to bring about compliance with such regulations, including but not limited to the issuance of notices of civil infraction. (Ord. 1844 § 1, 2002).

2.64.020 Notice of civil infraction

- (1) The code enforcement officer has authority to issue a notice of civil infraction:
 - (a) When a violation of the city regulations enumerated in POMC 2.64.030 is observed by the code enforcement officer; and/or
 - (b) When the code enforcement officer has reasonable cause to believe that a violation of city regulations as enumerated in POMC 2.64.030 has occurred.
- (2) ~~Each five calendar day period that a violation exists constitutes a separate offense. Each day in which a violation occurs or is allowed to continue shall constitute a separate offense and may be subject to separate penalties.~~
- (3) A notice of civil infraction may be issued by the code enforcement officer to any responsible person, firm, corporation or agent. The notice of civil infraction shall contain the information required by RCW 7.80.070 as it now exists or may hereafter be amended.
- (4) A notice of civil infraction shall be served upon the person to whom it is directed in person, or by mailing a copy of the notice to such person at his/her last known address. Proof of service shall be made by a written declaration under penalty of perjury by the person serving the notice, declaring the date and time of service and the manner by which service was made. The notice of civil infraction, along with the declaration, shall be filed with the city of Port Orchard municipal court.
- (5) A Notice of Civil Infraction – Jurisdiction. The city of Port Orchard municipal court shall have jurisdiction to hear and determine these matters. (Ord. 1844 § 2, 2002).

2.64.030 Enforcement

- (1) A Civil Infraction. Any person who shall commit any violation of the provisions as set forth in this chapter shall have committed a civil infraction and, upon finding by the city of Port Orchard municipal court that such civil infraction has been committed, shall pay all billable court costs, and pay monetary penalty to the city of Port Orchard, as set forth on the schedule below (subsections below have been paraphrased as an aid in determining the penalty only and are not intended for any other purpose):
 - (a) Violation of the public nuisance laws: ~~\$100.00~~\$250.00;
 - (b) Violation of the zoning ordinance: \$150.00;
 - (c) Violation of the sign code: \$250.00;
 - (d) Violation of the conditions of approval for land use reclassification as approved by the city council: \$150.00;

- (e) Violation of the conditions of approval for special use permits as approved by the city council: \$150.00;
- (f) Violation of the conditions of approval for variances as approved by the planning commission: \$150.00;
- (g) Violation of the conditions of approval for final plats as approved by the city council: \$250.00;
- (h) Violation of the stormwater management ordinance: \$100.00 to \$1,000;
- (i) Violation of the shoreline management program: \$100.00 to \$5,000;
- (j) Violation of the critical areas ordinance: \$100.00 to \$1,000;
- (k) Violation of the commercial vehicle parking ordinance: \$250.00;
- (l) Provided, any violation for which a penalty is not set forth above shall contain a monetary penalty not to exceed \$100.00.

(2) **Additional Remedies.** In addition to any other remedy provided by the chapter, the city may initiate injunction or abatement proceedings or any other appropriate action in the courts against any person who violates or fails to comply with any provision as set forth in this chapter or to restore a condition which existed prior to the violation. The violator shall pay the costs of such action including reasonable attorney fees.

(3) **Authority Retained.** Nothing in this chapter shall be construed to abridge the authority of other agents or officers of the city, including the city police department, to enforce the provisions of this code under authority otherwise granted such agents or officers. (Ord. 1892 § 1, 2003; Ord. 1844 § 3, 2002).

2.64.040 Applicability

The enforcement authority of this chapter shall apply to the following ordinances and regulations of the city, and any subsequent ordinance and/or regulation as set forth in this chapter:

- (1) Nuisances: Ordinance No. 1724 and amendments thereto;
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- (5) Stormwater management ordinance: Chapter 15.32 POMC;
- (6) Critical areas ordinance: Ordinance No. 1784 and amendments thereto;
- (7) Shoreline master program;
- (8) Commercial vehicle parking ordinance: Chapter 10.13 POMC. (Ord. 1892 § 2, 2003; Ord. 1844 § 4, 2002).

2.64.050 Inspections

The code enforcement officer or the code enforcement officer's designee shall inspect properties as necessary to determine whether the permittee has complied with conditions of the respective permits and, whenever there is reasonable cause to believe that a permittee is in violation of the provisions as set forth in this chapter, may enter upon such premises at all reasonable times to inspect the same or to perform any other duty allowed by the code enforcement officer by this code. The code enforcement officer or designee shall present proper credentials to the owner or other person in charge of the premises before requesting entry. If such entry is refused or if the owner or tenant or person in charge of the premises cannot be located, the code enforcement officer or designee shall have recourse to every remedy provided by law to secure entry, including, but not limited to, application for a search warrant. In making such application, the code enforcement officer or designee shall be assisted by the police department. (Ord. 1844 § 5, 2002).

Chapter 9.30 NUISANCES

Sections:

- 9.30.010 Definitions.
- 9.30.020 Types of nuisances.
- 9.30.030 Prohibited conduct.
- 9.30.040 Disposal of diseased animal carcass – Violation a misdemeanor.
- 9.30.050 Enforcement – Notice.
- 9.30.060 Abatement by the city.
- 9.30.070 Abatement by owner or other responsible person.
- 9.30.080 Appeal.
- 9.30.090 Immediate danger – Summary abatement.
- 9.30.100 Additional remedies.

9.30.010 Definitions.

The words and phrases used in this chapter, unless the context otherwise indicates, shall have the following meanings:

(1) “Abate” means to repair, remove, replace or destroy or otherwise remedy the condition in question by such means and in such a manner and to such an extent as the enforcement officer in his/her judgement, determines is necessary in the interest of the general health, safety and welfare of the community.

(2) “Enforcement officer” means an individual or group of individuals appointed by the city council for the purpose of enforcing this chapter.

(3) “Premises” means any building, lot, parcel, real estate or land or portion of land whether improved or unimproved, including adjacent sidewalks and parking strips.

(4) “Responsible person” means any agent, lessee or other person occupying or having charge or control of any premises, except the owner.

(5) “Vehicle” means any device capable or designed to be capable of moving upon a roadway, off-road, or on or across the water, whether motorized or not, and in, upon, or by which any person or property is or may be transported, and shall include but not be limited to motor vehicles, trailers, recreational, utility, and sporting vehicles, farm and construction vehicles and equipment, boats, and campers designed or intended to be mounted on trucks or vehicle chassis, or parts or components thereof.

9.30.020 Types of nuisances.

Each of the following conditions, unless otherwise permitted by law, is declared to constitute a public nuisance and whenever the enforcement officer determines that any of these conditions exist upon any premises or in any lake, river, stream, drainageway, or wetlands, the officer may require or provide for the abatement thereof pursuant to this chapter:

(1) The existence or any weeds, trash, dirt, filth, the carcass of any animal, waste shrubs, accumulation of lawn or yard trimmings or other offensive matter;

(2) The existence of any dead, diseased, infested or dying tree that may constitute a danger to street trees, streets or portions thereof;

(3) The existence of any tree, shrub or foliage, unless by consent of the city, which is apt to destroy, impair, interfere or restrict:

(a) Streets, sidewalks, sewer, utilities or the public improvements,

(b) Visibility on, or free use of, or access to such improvements;

(4) The existence of any vines or climbing plants growing into or over any street tree, or any public hydrant, pole

or electrolier, or the existence of any shrub, vine or plant growing on, around or in front of any hydrant, standpipe, sprinkler system connection or any other appliance or facility provided for fire protection purposes in such a way as to obscure the view thereof or impair the access thereto;

(5) The existence of grass or weeds exceeding 12 inches in height except for the following:

(a) Areas maintained for domestic livestock,

(b) Public right-of-way,

(c) Undeveloped publicly owned watershed lands,

(d) Private property designated as open space land, farm and agricultural land and timberland under Chapter 84.34 RCW and taxed at current use assessment,

(e) Wetlands and critical areas designated for protection under the Growth Management Act, Chapter 36.07A RCW,

(f) Natural vegetation buffers designated on a plat or a city of Port Orchard land use condition;

(6) The existence of any accumulation of materials or objects in a location when the same endangers property, safety or constitutes a fire hazard;

(7) The existence of a sidewalk or a portion of a sidewalk adjacent to any premises which is out of repair, and in a condition to endanger persons or property, or in a condition to interfere with the public convenience in the use of such sidewalk;

(8) The existence of caterpillar infestation;

(9) The burning or disposal of refuse, sawdust or any other material without a permit;

(10) The existence of any obstruction to a street, alley, crossing or sidewalk, and any excavation in or under any street, alley, crossing or sidewalk, which is by ordinance prohibited, or which is made without lawful permission or which, having been made by lawful permission is kept and maintained after the purpose thereof has been accomplished, or for an unreasonable length of time;

(11) The erecting, maintaining, using, placing, depositing, leaving or permitting to be or remain in or upon any private lot, building, structure or premises, or in or upon any street, alley, sidewalk, park, parkway, or other public or private place in the city, any one or more of the following disorderly, disease-causing places, conditions or things:

(a) Any putrid, unhealthy or unwholesome bones, meat, hides, skins, the whole or any part of any dead animal, fish or fowl, or waste parts of fish, vegetable or animal matter in any quantity; but nothing herein shall prevent the temporary retention of waste in approved covered receptacles,

(b) Any privies, vaults, cesspools, sumps, pits or like places which are not securely protected from flies and rats, or which are foul or malodorous,

(c) Any filthy, littered or trash-covered dwellings, cellars, house yards, barnyards, stable yards, factory yards, vacant areas in the rear of stores, vacant lots, houses, buildings or premises,

(d) Any animal manure in any quantity which is not securely protected from flies or weather conditions, or which is kept or handled in violation of any ordinance of the city,

(e) Any poison oak or poison ivy, Russian thistle, tansy ragwort or other noxious weeds, whether growing or otherwise; but nothing herein shall prevent the temporary retention of such weeds in approved covered receptacles,

(f) Any bottles, cans, glass, ashes, small pieces of scrap iron, wire, metal articles, bric-a-brac, broken stone or

cement, broken crockery, broken glass, broken plaster and all such trash, or abandoned material, unless it is kept in approved covered bins or galvanized iron receptacles,

(g) Any trash, litter, rags, accumulations of empty barrels, barrels, boxes, crates, packing cases, mattresses, bedding, excelsior, packing hay, straw or other packing material, lumber not neatly piled, scrap iron, tin or other metal not neatly piled, or anything whatsoever in which flies or rats may breed or multiply or which may be a fire hazard;

(12) The depositing or burning or causing to be deposited or burned in any street, alley, sidewalk, park, parkway or other public place which is open to travel, of any hay, straw, paper, wood, boards, boxes, leaves, manure or other rubbish or material;

(13) The existence of any fence or other structure or thing on private property abutting or fronting upon any public street, sidewalk or place which is in a sagging, leaning, fallen, decayed or other dilapidated or unsafe condition;

(14) The existence on any premises of ~~any unused or abandoned trailer, house trailer, automobile, boat or other vehicle which is not currently registered with the state of Washington and does not have a current registration tab on the vehicle's license plate which is attached to that vehicle, with the following three exceptions: one or more junk, wrecked, dismantled, partially dismantled, or apparently inoperable vehicles or engines or drive-train parts, body parts, wheels, tires, or any other parts, assemblies or components of automobiles and other vehicles, except as specifically permitted by this Chapter or any other City ordinance.~~

(a) For the purposes of this Chapter, "Apparently inoperable" means a vehicle that meets any of the following criteria:

1. has flat tires; is covered or partially covered by moss, leaves, needles or other vegetation; has grass or other vegetation growing up around the vehicle; or other conditions exist that support a reasonable belief that the vehicle has not been moved or maintained for 30 days or more;
2. has any visibly damaged, missing, or broken major parts or components, including but not limited to any of the following: windows, windshield, headlights, taillights, mirrors, body panels, hood, doors, bumpers, trunk lid, seats, steering wheel, grill cover, radiator, or any major mechanical or electrical parts or equipment; or for any reason appears in such a condition as to not be legally operable on a public road.

(b) The following are exempt from the prohibitions of this Chapter:

1. Vehicles or parts thereof which are completely enclosed within a building in a lawful manner where they are not visible from the street or other public or private property; or
2. Vehicles or parts thereof which are stored or parked in a lawful manner on private property in connection with the business of a properly licensed wrecking yard, vehicle repair shop, or similar business, where such vehicles are an integral and typical part of such business and where the vehicles are properly stored and screened in accordance with the applicable regulations for such business and location; or
3. A vehicle that is an individual's or family's sole source of transportation provided that all the following shall apply:
 - A. the vehicle exists and is maintained in such a condition as to be immediately legally operable on public roads and highways;
 - B. the vehicle is currently registered to an occupant of the property it is located on; and the burden of proof that the vehicle meets these criteria shall be on the owner, occupant, or person with responsibility for or control of the property.

~~(a) An unregistered vehicle or trailer may be stored in a garage if that garage is secured with a door which can be closed;~~

~~(b) One unregistered vehicle or trailer per residential lot can be stored under a tarp if the tarp is well-maintained and secured to that vehicle;~~

~~(c) Any of the above listed items, which are usable but not required to be registered by the state of Washington or the state of residence of the legal owner(s);~~

~~(15) The existence on any premises of any major parts of a trailer, house trailer, automobile, boat or other vehicle, to include batteries, tires, and wheels;~~

~~(16) The storage or placement of household garbage, litter, construction debris or other trash in any trailer, house trailer, automobile, boat or other vehicle for more than 24 hours;~~

~~(17) The existence on any premises of any abandoned or unused well, cistern or storage tank without first demolishing or removing from the city such storage tank or securely closing and barring any entrance or trapdoor thereto or without filling any well or cistern or capping the same with sufficient security to prevent access thereto by children;~~

~~(18) The existence on any premises in a place accessible to children of any unattended and/or discarded icebox, refrigerator, or other large appliance;~~

~~(19) The existence of any goods, merchandise, or property of any kind on any streets, alleys or sidewalk of the city, which unreasonably obstructs pedestrian or vehicular traffic. (Ord. 1948 § 2, 2004; Ord. 1835 § 1, 2001; Ord. 1724 § 15, 1998).~~

9.30.030 Prohibited conduct.

(1) It is unlawful for any responsible person or owner to permit, maintain, suffer, carry on or allow, upon any premises or in lake, river, stream, drainage way or wetlands, any of the acts or things declared by this chapter to be a public nuisance.

(2) It is unlawful for any person to create, maintain, carry on or do any of the acts or things declared by this chapter to be a public nuisance.

9.30.040 Disposal of diseased animal carcass – Violation a misdemeanor.

Every person owning or having charge of any animal that has died or been killed on account of disease shall immediately bury the carcass thereof at least three feet underground at a place approved by the (city or county) health officer. No person shall sell or offer to sell or give away the carcass of any animal, which died or was killed on account of disease. Every violation of any provision of this section is a misdemeanor.

9.30.050 Enforcement – Notice.

Any enforcement officer appointed by the city council, having knowledge of any public nuisance, shall cause any owner or other responsible person to be notified of the existence of a public nuisance on any premises and shall direct the owner or other responsible person to abate the condition within 10 days after notice. (The notice shall be substantially in the following form):

NOTICE TO ABATE UNSAFE OR UNLAWFUL CONDITION

TO

(name and address of person notified)

As owner, agent, leasee or other person occupying or having charge or control of the building, lot or premises at _____ you are hereby notified that the undersigned pursuant to Ordinance ____ of the City of Port Orchard has determined that there exists upon or adjoining said premises the following condition contrary to the provisions of subsection ____ of City Ordinance _____:

You are hereby notified to abate said condition to the satisfaction of the undersigned within ten (10) days of the date of this notice. If you do not abate such condition within ten (10) days, the City may abate the condition at your expense. In addition, the City may begin issuing citations pursuant to subsection ____ of Ordinance No. _____.

Abatement is to be accomplished in the following manner:

You may appeal this Notice to Abate decision by filing a written notice of appeal with the City Council of the City of Port Orchard within five days after the date of this notice.

Dated

Name of Officer

9.30.060 Abatement by the city.

In all cases where the enforcement officer has determined to proceed with abatement by the city 10 days after notice the city shall acquire jurisdiction to abate the condition at the person's expense as herein provided. Upon the abatement of the condition or any portion thereof by the city, all expenses thereof shall constitute civil debt owing to the city jointly and severally by such of the persons who have been given notice as herein provided. The debt shall be collectable in the same manner as any other civil debt owing to the city.

9.30.070 Abatement by owner or other responsible person.

If and when an owner or other responsible person shall undertake to abate any condition described in this chapter, whether by order of the enforcement officer or otherwise, all needful and legal conditions pertinent to the abatement may be imposed by the enforcement officer. It is unlawful for the owner or other responsible person to fail to comply with such conditions. Nothing in this chapter shall relieve any owner or other responsible person of the obligation of obtaining any required permit to do any work incidental to the abatement.

9.30.080 Appeal.

Any person who has received a notice to abate a condition as determined by the code enforcement officer under POMC 9.30.050 may appeal said determination by filing written notice of appeal within five days after the date of said notice to abate, with the city council. Said notice shall set forth the grounds upon which the appeal is based. Upon receipt of notice of appeal the city council shall hold a hearing not more than 30 days after said appeal was filed. It shall be the duty of the code enforcement officer to present proof relating to the grounds for the issuance of the notice to abate. If the city council finds that a nuisance exists based on the criteria of this chapter the council shall order that such nuisance be abated pursuant to this chapter and shall set forth reasonable time limits for such abatement. If the council finds that a nuisance does not exist under this chapter, the council shall cancel the notice to abate. Upon the filing of a proper notice of appeal under POMC 9.30.070, the time limits specified in POMC 9.30.050 and 9.30.060 shall be stayed during the pendency of the appeal.

9.30.090 Immediate danger – Summary abatement.

Whenever any condition on or use of property causes or constitutes or reasonably appears to cause or constitute an imminent danger to the health or safety of the public or a significant portion thereof, the enforcement officer shall have the authority to summarily and without notice abate the same. The expenses of such abatement shall become a civil debt against the owner or other responsible party and be collected as provided in POMC 9.30.060.

9.30.100 Additional remedies.

~~In addition to any other remedy provided in this chapter, any owner, responsible person, firm, corporation or agent which violates, disobeys, omits, neglects or refuses to comply with any of the provisions of this chapter shall be deemed guilty of a civil infraction. Each five calendar day period that a violation exists constitutes a separate offense.~~

(1) Civil Penalty

In addition or alternative to any other penalty provided herein or by law, any violation of, or failure to comply with, any provision of this Chapter or any lawful order issued hereunder, shall constitute a civil infraction subject to a penalty as specified in POMC 2.64.

(2) Criminal Penalty

In addition or alternative to any other penalty provided herein or by law, any violation of, or failure to comply with, any provision of this Chapter or any lawful order issued hereunder, shall constitute a misdemeanor, punishable by a fine of not more than \$1,000, or by imprisonment for not more than 90 days, or by both such fine and imprisonment.

(3) Each day in which a violation occurs or is allowed to continue shall constitute a separate offense and may be subject to separate penalties.

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City of Port Orchard

216 Prospect Street, Port Orchard, WA 98366
(360) 876-4407 • FAX (360) 895-9029

Agenda Staff Report

Agenda Item No.:	<u>Business Item 7B</u>	Meeting Date:	<u>April 9, 2019</u>
Subject:	<u>Approval of Amendment No. 3 to Contract</u>	Prepared by:	<u>Mark Dorsey, P.E.</u>
	<u>No. 038-17 with HDR Engineering Inc. for</u>		<u>Public Works Director</u>
	<u>the 2017-2018 Well No. 9 Water Quality</u>	Atty Routing No.:	<u>N/A</u>
	<u>Retrofit - Engineering Support</u>	Atty Review Date:	<u>N/A</u>

Summary: On June 27, 2017, the Port Orchard City Council approved Contract No. C038-17 with HDR Engineering, Inc. for the 2017-2018 Well No. 9 Water Quality Retrofit Construction Phase – Construction Engineering Support in an amount not to exceed \$18,100.00. During the original scope and budget negotiations with HDR, the City’s Public Works Department intentionally minimized the engineering support scope and budget, with the understanding that City Staff would be able to manage the technical review of the numerous system components. In hindsight, the submittal review and approval process of the systems associated with this water quality retrofit project requires the expertise of the engineer of record. Change Order 1 (Amendment 1), which was approved on August 14, 2018, authorized additional work and an additional \$25,600.00, bringing the “not to exceed” amount of the contract to \$43,700.00. On December 26th, 2018 Amendment 2 was approved for a time extension only. At this time, additional hours are needed for startup and project completion, for an additional \$23,500.00, with the authorization of Amendment #3 (see attached), which would bring the new total “not to exceed” amount of the contract to \$67,200.00.

Relationship to Comprehensive Plan: Project 5 – Chapter 7: Utilities.

Recommendation: Staff recommends that the City Council authorize the Mayor to execute Amendment #3 to Contract No. C038-17 with HDR Engineering, in an amount not to exceed \$23,500.00, bringing the new Contract total to \$67,200.00.

Motion for Consideration: I move to authorize the Mayor to execute Amendment #3 to Contract No. C038-17 with HDR Engineering, in an amount not to exceed \$23,500.00, bringing the new Contract total to \$67,200.00.

Fiscal Impact: \$1.6M was allocated within the approved 2017-2018 Budget for this Project. On April 10, 2018, the City awarded \$1,838,252.30 to JMG Constructors via Budget Amendment. The additional engineering support and City staff time will need to be captured within the end of year Budget Amendment of Fund 304.

Alternatives: None.

Attachments: HDR Engineering, Inc. Amendment No. 3.

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Amendment No. 3 to Contract No. C038-17
CITY OF PORT ORCHARD AGREEMENT WITH
HDR ENGINEERING, INC.

THIS AMENDMENT to Contract No. C038-17 (“Amendment”) is made effective as of the 26th day of March 2019, by and between the City of Port Orchard (“City”), a municipal corporation, organized under the laws of the State of Washington, and HDR Engineering, Inc., a corporation organized under the laws of the State of Washington, located and doing business at 929 108th NE Suite 1300, Bellevue, WA 98004 (“Consultant”).

WHEREAS, on June 27, 2017, the City executed a Professional Services Agreement with the Consultant, for the provision of Well No. 9 Water Quality Retrofit Construction Phase – Construction Engineering Support (“Underlying Agreement”); and

WHEREAS, on August 14, 2018, both parties executed Change Order 1 authorizing additional work as detailed in Amendment No. 1, which was attached to the Change Order; and

WHEREAS, on December 26, 2018, the Consultant and the City agreed to an extension of the duration of the Underlying Agreement through May 20, 2019 via a document entitled “Amendment No. 1 to Contract No. C038-17”; this was a scrivener’s error, as the document should have been entitled “Amendment No. 2 to Contract No. C038-17”; and

WHEREAS, Section 1.B (“Terms”) of the Underlying Agreement, provides that “The City may from time to time require changes or modifications in the Scope of Work. Such changes, including any decrease or increase in the amount of compensation, shall be agreed to by the parties and incorporated in written amendments to the Agreement”; and

WHEREAS, the Consultant and the City have conferred and agreed to a modification to the Scope of Work and an increase in compensation for the additional Scope of Work; and

WHEREAS, the parties wish to memorialize their agreed modifications to the Scope of Work and the compensation due under the Underlying Agreement; NOW, THEREFORE,

In consideration of the mutual benefits accruing, it is agreed by and between the parties thereto as follows:

1. The Scope of Work set forth in Exhibit A to the Underlying Agreement, which was amended by Amendment No. 1 attached to Change Order No. 1, is hereby amended to include the additional services and materials necessary to accomplish the stated objectives as outlined in the attached Exhibit A Scope of Work, incorporated herein by this reference.
2. That the Eighteen Thousand One Hundred Dollars (\$18,100.00) set forth in Paragraph 4 of the Underlying Agreement as an amount that shall not be exceeded, which amount was amended by Amendment No. 1 attached to Change Order No. 1 by Twenty Five Thousand Six Hundred Dollars (\$25,600.00), is hereby amended to include an additional not to exceed amount of Twenty Three Thousand Five Hundred Dollars (\$23,500.00) for the additional scope of work identified in Exhibit A to this Amendment No. 3. As a result of this Amendment No. 3, the total contract amount is increased to a new not to exceed amount of

Sixty Seven Thousand Two Hundred Dollars (\$67,200.00).

3. In all other respects, the Underlying Agreement between the parties shall remain in full force and effect, amended as set forth in Amendment Nos. 1, 2 and 3, but only as set forth therein.

IN WITNESS WHEREOF, the parties have executed this Amendment on the day and year set forth above.

CITY OF PORT ORCHARD,
WASHINGTON

Robert Putaansuu, Mayor

HDR ENGINEERING, INC



Paul A. Ferrier

ATTEST/AUTHENTICATED:

Brandy Rinearson, MMC, City Clerk

APPROVED AS TO FORM:

Sharon Cates, City Attorney

AMENDMENT NO. 3

EXHIBIT A

CITY OF PORT ORCHARD – Well No. 9 Water Quality Retrofit Construction Phase, Construction Engineering Support - Additional Services

TERMS AND CONDITIONS

The Terms and Conditions of the June 27, 2017 Agreement are modified by the addition of the following two paragraphs.

18. OPINIONS OF PROBABLE COST (COST ESTIMATES). Any opinions of probable project cost or probable construction cost provided by ENGINEER are made on the basis of information available to ENGINEER and on the basis of ENGINEER's experience and qualifications, and represents its judgment as an experienced and qualified professional engineer. However, since ENGINEER has no control over the cost of labor, materials, equipment or services furnished by others, or over the contractor(s') methods of determining prices, or over competitive bidding or market conditions, ENGINEER does not guarantee that proposals, bids or actual project or construction cost will not vary from opinions of probable cost ENGINEER prepares.

19. CONSTRUCTION PROCEDURES. ENGINEER's observation or monitoring portions of the work performed under construction contracts shall not relieve the contractor from its responsibility for performing work in accordance with applicable contract documents. ENGINEER shall not control or have charge of, and shall not be responsible for, construction means, methods, techniques, sequences, procedures of construction, health or safety programs or precautions connected with the work and shall not manage, supervise, control or have charge of construction. ENGINEER shall not be responsible for the acts or omissions of the contractor or other parties on the project. ENGINEER shall be entitled to review all construction contract documents and to require that no provisions extend the duties or liabilities of ENGINEER beyond those set forth in this Agreement. OWNER agrees to include ENGINEER as an indemnified party in OWNER's construction contracts for the work, which shall protect ENGINEER to the same degree as OWNER. Further, OWNER agrees that ENGINEER shall be listed as an additional insured under the construction contractor's liability insurance policies.

SCOPE OF WORK

Background

HDR completed the construction documents for the City's Well No. 9 Treatment Facilities in December 2016. The City is now using the documents to bid and construct the project, with the City as the Contract Administrator and Construction Manager (CACM). The purpose of this scope is to amend the HDR support services to the CACM during the bidding, construction, and close-out phases of the construction contract.

The scope of work presented here pertains to the additional engineering services related to the Well No. 9 Retrofit Construction.

Task 100 – Project Management

Objective

The purpose of this task is to provide additional monitor, control and adjust scope, schedule, and budget as well as provide monthly status reporting, accounting, and invoicing.

HDR Services

1. Coordinate and manage the project team.
2. Prepare monthly status reports describing the following:
 - Services completed during the month
 - Services planned for the next month
 - Needs for additional information
 - Scope/schedule/budget issues
 - Schedule update and financial status summary
3. Prepare monthly invoices formatted in accordance with contract terms.
4. Provide project management

Assumptions

1. The project duration has been extended an additional 6 months (22 months total, versus previously estimated 16 months), with an anticipated construction completion date of May, 2019.

Task 300 – Construction Support

Subtask 300.2 – Additional RFI Review and Change Proposal Requests (modified)

Objective

Provide additional engineering services during construction to assist the City in review of requests for information (RFIs) from the contractor, development of change proposal requests, to provide assistance in system start-up, and development of Record Drawings.

HDR Services

1. Review and provide recommended resolution on up to four (4) additional RFIs.
2. Develop up to two (2) construction change proposal requests.
3. Site visit for start-up assistance and final punch list.
4. Development of final Record Drawings.

Client Responsibilities

1. Receive and select RFIs requiring review by HDR; review and respond to all other RFIs.
2. Review change proposal requests developed by HDR; distribute to Contractor; negotiate scope, schedule, and cost with Contractor; and issue work change directives and change orders.

Assumptions

1. Construction change proposal requests will only require modification of existing drawings.
2. No start-up or commissioning services will be provided by HDR.
3. Level of effort for the additional engineering services during construction is assumed to be 124 hours.

Deliverables

1. RFI review comments (emailed as either PDF or Word files).
2. Change proposal request documents (emailed as either PDF or Word files).
3. Punch list (emailed as either PDF or Excel spreadsheet).
4. Final Record Drawings in PDF, native CAD files, and two sets of 11 x 17 inch paper.

SCHEDULE

These additional services will be provided concurrent to the services being provided under the original contract. Revise project completion date to be no later than May 20, 2019.

BUDGET SUMMARY

Costs for these additional tasks are summarized below.

Table 1: Budget Summary

Task No.	Task Description	Total Estimated Hours	Total Cost
100	Project Management	15	\$2,800
300.2	RFI Review and Change Proposal Requests	109	\$20,700
	Totals	124	\$23,500

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City of Port Orchard

216 Prospect Street, Port Orchard, WA 98366
(360) 876-4407 • FAX (360) 895-9029

Agenda Staff Report

Agenda Item No.: Business Item 7C
Subject: Approval of a Letter to Puget Sound
Regional Council Regarding the City's
Preferences on the Regional Growth
Alternatives Presented in the Draft SEIS
for Vision 2050

Meeting Date: April 9, 2019
Prepared by: Nicholas Bond, AICP
DCD Director
Atty Routing No.: N/A
Atty Review Date: N/A

Summary: At the March 26 work-study meeting, the City Council reviewed a staff summary of the PSRC’s draft Supplemental Environmental Impact Statement (SEIS) for its VISION 2050 update. The draft SEIS evaluates three regional growth alternatives that are being considered by PSRC for VISION 2050 (Stay the Course, Transit Focused Growth, and Reset Urban Growth) along with potential impacts and mitigation opportunities. The Council directed staff to revise a draft letter to the PSRC, expressing the City’s preference for the Transit Focused Growth alternative, with a secondary preference for a “hybrid” of the Transit Focused Growth and Stay the Course alternatives.

Relationship to Comprehensive Plan: The City’s comprehensive plan is required to be consistent with the PSRC’s regional growth strategy plan and countywide planning policies, in order to receive PSRC funding or proceed with projects that are part of the Regional Transportation Improvement Program. The transportation element of the City’s comprehensive plan must be certified by the PSRC. These regional policies will be binding on the City when the next periodic update to the Comprehensive Plan is undertaken.

Recommendation: Staff recommends that the City Council approve the revised letter to the PSRC.

Motion for consideration: “I move to approve the letter to the Puget Sound Regional Council regarding the City’s preferences on the regional growth alternatives presented in the draft SEIS for VISION 2050.”

Fiscal Impact: This proposal is not expected to impact the city’s budget.

Alternatives: Do not approve the draft letter; revise the draft letter.

Attachments: Letter to the PSRC.

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CITY OF PORT ORCHARD
City Council

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councilmembers@cityofportorchard.us
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March 29, 2019

Paul Ingraham, Director of Growth Management
Puget Sound Regional Council
1011 Western Ave, Suite 500
Seattle, WA 98104-1035

Re: VISION 2050 Draft SEIS Comments

Dear Mr. Ingraham:

The Port Orchard City Council has reviewed the VISION 2050 Draft SEIS (February 2019) and its three proposed alternatives for an updated Regional Growth Strategy. The following comments are provided on behalf of the Port Orchard City Council.

Of the three Regional Growth Strategy alternatives (Stay the Course, Transit Focused Growth, Reset Urban Growth), the City prefers the Transit Focused Growth strategy. This alternative would continue VISION 2040's approach of promoting compact urban growth near the region's existing and planned high-capacity transit stations, to make the most effective use of regional investments in transportation infrastructure. The City believes that this alternative is the most supportive of the Growth Management Act's (GMA) goals of reducing sprawl, encouraging efficient multi-modal transportation systems based on regional priorities, and protecting the environment. It is also the most consistent with the Act's requirement that urban growth should be directed to urban growth areas (UGAs), and that growth outside UGAs should not be urban in nature.

According to the information provided in the SEIS, both the Stay the Course and Reset Urban Growth alternatives would direct a higher percentage of population growth into small cities and towns, unincorporated areas and rural areas than provided in VISION 2040. The Reset Urban Growth alternative, in particular, would significantly reduce the amount of moderate density housing and employment growth directed to urban areas and areas served by high-capacity transit, and would significantly increase the amount of new land being developed and the need for new and expanded local and regional infrastructure. This alternative appears largely inconsistent with the GMA and VISION 2040, and the City strongly urges that the PSRC not adopt it as the preferred alternative for VISION 2050.

If the PSRC does not move forward with the Transit Focused Growth alternative, the City requests consideration of a "hybrid" alternative that would combine aspects of both the Transit Focused Growth and Stay the Course alternatives, to continue directing growth to existing regional growth centers while giving preference to growth to regional centers with high-capacity transit to leverage the region's investments (ST3 and Kitsap Fast Ferries).

Mr. Paul Ingraham
PSRC – VISION 2050
March 29, 2019
Page 2 of 2

Additionally, the City requests that the PSRC consider policy language in VISION 2050 which would compel local governments that are growing in a manner inconsistent with their VISION 2040 targets to take corrective action and bring their growth back into established parameters. In particular, these policies should apply to cities and towns, and urban unincorporated areas within counties, whose growth under VISION 2040 has significantly exceeded their official population allocations. If unchecked, this trend will continue to move growth away from metropolitan and core cities and areas with high-capacity transit, and will be counterproductive to VISION 2050's regional strategy and multi-county planning policies.

Thank you for considering the City of Port Orchard's comments on the VISION 2050 Draft SEIS. We look forward to continuing work with the PSRC on the development and implementation of VISION 2050. If the City can be of further assistance at this time, please contact me.

Sincerely,

Robert Putaansuu
Mayor



**City of Port Orchard
Council Meeting Minutes
Regular Meeting of March 26, 2019**

1. CALL TO ORDER AND ROLL CALL

Mayor Putaansuu called the meeting to order at 6:30 p.m.

Roll call was taken by the City Clerk as follows:

Mayor Pro-Tem Ashby	Present
Councilmember Chang	Present
Councilmember Clauson	Present
Councilmember Cucciardi	Present
Councilmember Diener	Absent
Councilmember Lucarelli	Present
Councilmember Rosapepe	Present
Mayor Putaansuu	Present

Staff present: Public Works Director Dorsey, Finance Director Crocker, Development Director Bond, City Attorney Cates, City Clerk Rinearson and Deputy City Clerk Floyd.

A. PLEDGE OF ALLEGIANCE

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

2. APPROVAL OF AGENDA

MOTION: By Councilmember Cucciardi, seconded by Councilmember Clauson, to add the excusal of Councilmember Scott Diener from tonight’s meeting due to personal reasons.

The motion carried.

MOTION: By Councilmember Cucciardi, seconded by Councilmember Clauson, to approve the agenda as amended.

The motion carried.

3. CITIZENS COMMENTS

There were no citizen comments.

4. CONSENT AGENDA

- A. Approval of Voucher Nos. 76323 through 76343 and 76358 through 76416 in the amount of \$252,480.78 and Electronic Payments in the amount of \$278.53 totaling \$252,759.31.
- B. Approval of Payroll Check Nos. 76344 through 76357, including Bank Drafts and EFT's in the amount of \$243,194.65; and Direct Deposits in the amount of \$156,510.70, totaling \$399,703.35.
- C. New Item: Excusal of Councilmember Diener from Tonight's Meeting Due to Personal Reasons

MOTION: By Councilmember Clauson, seconded by Councilmember Rosapepe, to approve the consent agenda as modified.

The motion carried.

5. PUBLIC HEARING

There were no public hearings.

6. BUSINESS ITEMS

A. Adoption of an Ordinance Amending Port Orchard Municipal Code Chapter 2.74 City Hall Facilities

MOTION: By Councilmember Clauson, seconded by Councilmember Lucarelli, to adopt an ordinance approving the amendments to Port Orchard Municipal Code Chapter 2.74 City Hall Facilities, as presented.

The motion carried.
(Ordinance No. 013-19)

B. Adoption of a Resolution Amending Resolution No. 1880 Fees for Use of City Hall Facilities

MOTION: By Councilmember Cucciardi, seconded by Councilmember Clauson, to adopt an ordinance approving the amendments to Resolution No. 1880, adjusting the hourly rates of staff, as presented.

Councilmember Chang voiced his concerns with the change in the hourly staff rate.

Council and staff briefly discussed the volume of after-hours facility use and staff compensation.

The motion moved. Councilmember Chang voted no.
(Resolution No. 003-19)

C. Adoption of a Resolution Authorizing Code Enforcement Officer and City Attorney to Initiate a Lawsuit for Warrant of Abatement at 1691 SE Crawford Road

MOTION: By Councilmember Cucciardi, seconded by Councilmember Ashby, to adopt a resolution authorizing the Port Orchard Code Enforcement Officer and City Attorney to undertake such actions as are necessary and appropriate to initiate and pursue a lawsuit for a Warrant of Abatement for the property located at 1691 SE Crawford Road on behalf of the City of Port Orchard as presented.

**The motion carried.
(Resolution No. 009-19)**

D. Approval of an Updated Interlocal Agreement with Kitsap County Public Works Regarding Traffic Signal Repair and Maintenance

MOTION: By Councilmember Lucarelli, seconded by Councilmember Cucciardi, to approve a contract, thereby updating the Interlocal Agreement (ILA) between Kitsap County and the City of Port Orchard, related to annual Traffic Signal/Intersection Street Light Repair and Maintenance for a term of 2-years with two (2) 1-year renewal options upon prior consent from both parties.

**The motion carried.
(Contract No. 030-09)**

E. Approval of the March 12, 2019, Council Meeting Minutes

MOTION: By Councilmember Ashby, seconded by Councilmember Chang, to approve the Council meeting minutes from the regular meeting of March 12th as presented.

The motion carried. Cucciardi abstained.

7. PRESENTATION

A. Fathoms O' Fun Royalty Court

Helene Jensen, Fathoms O' Fun Festival, Inc., introduced the 2019 Royalty Court.

8. DISCUSSION ITEMS (No Action to be Taken)

A. PSRC Vision 2050 Update

Development Director Bond noted Puget Sound Regional Council (PSRC) is currently updating its long-term regional growth strategy plan, VISION 2040, to the 2050 planning horizon. A draft Supplemental Environmental Impact Statement (SEIS) for the VISION 2050 update has been released. He is asking if Council wishes to comment on the draft update. The draft includes 3 alternatives for

how we are going to grow as a region; 1) stay the course – no change, 2) transit focused growth; and 3) reset urban growth. He gave a brief description of each of the alternatives and asked Council which alternative they prefer, or a hybrid of 2 of the alternatives. He noted the staff recommendation is for the transit focused growth alternative.

Council and staff discussed the alternatives and growth and agreed they prefer transit focused growth along with stay the course.

Development Director Bond said he will draft a letter to PSRC letting them know the Council's preference. He will let Council review the letter before he sends it out.

In addition to commenting on the draft SEIS, PSRC is working on Vision 2050 policy language that would apply to all 3 alternatives. Currently, the "Environment" and "Development Patterns" chapters are under review. Comments on these chapters are needed this month. Council was shown the proposed amendments in strikethrough and underline and provided a draft letter with comments on the proposed policies. He discussed the policies and voiced some concerns over some of the changes.

After a brief discussion, Council had no concerns with him sending the letter to PSRC.

9. REPORTS OF COUNCIL COMMITTEES

In response to Councilmember Clauson, Finance Director Crocker reported on the City's current budget.

Councilmember Ashby reported the Economic Development and Tourism Committee is scheduled to meet April 8th.

Councilmember Lucarelli reported the Utilities Committee is scheduled to meet April 15th. The Sewer Advisory Committee is scheduled to meet April 24th. The Chimes and Lights Committee is scheduled to meet April 15th.

Councilmember Rosapepe reported the Lodging Tax Advisory Committee is scheduled to meet in April [April 10th].

Mayor Putaansuu reported on Housing Kitsap and their current financial and software situations.

In response to Councilmember Rosapepe, Mayor Putaansuu briefly discussed the ferries.

Councilmember Cucciardi reported on the March 25th Land Use Committee meeting.

10. REPORT OF MAYOR

The Mayor reported on the following:

- Community Service Day projects;
- Attended AWC (Association of Washington Cities) Lobby Days;
- Senate Capital proposal of \$250,000 for the lift station;
- Street Cut Ordinance;
- Facebook outreach updates;
- Police Chief interviews;
- Student questions received after a mock City Council meeting;
- Electric car charging stations;
- Replacement of the clock tower chimes;
- McCormick Village Park;
- Attended the KRCC (Kitsap Regional Coordinating Council) Affordable Housing Task Force with Councilmembers Ashby and Clauson; and.
- Feedback from local car dealerships regarding the ban of balloons.

11. REPORT OF DEPARTMENT HEADS

Public Works Director Dorsey reported on the Sidney / Kitsap intersection; clock tower chimes; next phase of the Tremont Widening Project; and the Rockwell park.

Finance Director Crocker reported on the finance software upgrade and upcoming Police Chief and HR interviews.

Development Director Bond reported the new zoning code goes into effect tomorrow.

12. CITIZEN COMMENTS

In response to **Gerry Harmon**, Mayor Putaansuu explained candidates running for election cannot use their government facilities for their campaign.

Gerry Harmon noted there is a sight issue at the Kitsap and Sidney intersection and spoke about growth on Bainbridge Island.

13. EXECUTIVE SESSION

At 8:04 p.m., Mayor Putaansuu recessed the meeting for a 20-minute executive session to discuss a potential litigation matter pursuant to RCW 42.30.110.(1)(i). City Attorney Cates, Development Director Bond and Finance Director Crocker were invited to attend.

At 8:24 p.m., Mayor Putaansuu extended the executive session an additional 10 minutes.

At 8:34 p.m., Mayor Putaansuu extended the executive session an addition 5 minutes.

At 8:39 p.m., Mayor Putaansuu reconvened Council back into regular session.

14. ADJOURNMENT

The meeting adjourned at 8:39 p.m. No other action was taken. Audio/Visual was successful.

Brandy Rinearson, MMC, City Clerk

Robert Putaansuu, Mayor



City of Port Orchard

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Agenda Staff Report

Agenda Item No.: Discussion Item 8A

Subject: Resolution Supporting the South Kitsap
Community Events Center

Meeting Date: April 9, 2019

Prepared by: Nicholas Bond, AICP
DCD Director

Atty Routing No.: N/A

Atty Review Date: N/A

Summary: Sound West Partners, in conjunction with public partners, proposes to develop a master plan project with 445,000 sq ft of new building space on approximately 7 acres within the City’s downtown area, including a 24,000 sq ft community events center, commercial and residential development, a new headquarters for Key Bank, a new home for the Port Orchard Public Library, public plazas and a parking garage. The proposal would also include shoreline restoration and enhanced public shoreline access. The project is expected to result in an investment of more than \$100 million in the City’s downtown, and a large portion of the requiring funding will be obtained through efforts by the public partners, including the Port of Bremerton and the City of Port Orchard. The City has been asked to confirm its support for a piece of the project, the South Kitsap Community Events Center, which is expected to provide substantial benefit to the residents of the City and the South Kitsap region, as well as create additional jobs and tourism opportunities in the downtown area.

Relationship to Comprehensive Plan: The development of the South Kitsap Community Events Center would support and implement several goals and policies of the City’s Comprehensive Plan:

Goal 9. Encourage the ongoing development of downtown as an active, vibrant community, commercial, social, and civic center while respecting its historic character.

Policy LU-28 In conjunction with the proposed Centers strategy, enhance downtown Port Orchard’s role as the center of the South Kitsap region, reflecting the following principles in development standards and land use plans:

- Encourage land uses that support transit centers and promote pedestrian activity.
- Promote a mix of uses, including retail, office, and housing.
- Encourage uses that will provide both daytime and evening activities.
- Support civic, cultural, and entertainment activities.
- Provide sufficient public open space and recreational opportunities.
- Enhance, and provide access to, the waterfront.
- Develop enhanced design guidelines and design review requirements that promote attractive, pedestrian-scale development and redevelopment within the City’s historic downtown area.

Policy LU-30 Ensure land use designations and development support existing maritime industries, promote creative uses of the waterfront, and facilitate the planning and construction of waterfront parks and gathering places.

Policy CN-19 Encourage residential use above commercial and retail ground floor developments, including incentives and public amenities.

Policy CN-21 Facilitate the planning and construction of waterfront parks or gathering places.

Policy ED-7 The City shall prioritize economic development and redevelopment in local centers.

Policy ED-39 As appropriate, work with other jurisdictions and agencies such as state and federal agencies, tribes, the Port of Bremerton, the cities, the Kitsap Economic Development Alliance (KEDA), Port Orchard Chamber of Commerce, and the Kitsap County Public Utilities Districts, in marketing and developing the City of Port Orchard.

Recommendation: Staff recommends that the City Council discuss the draft resolution confirming the City's participation as a public partner with the Port of Bremerton and Kitsap County to support the proposed South Kitsap Community Events Center and provide direction for next steps.

Fiscal Impact: This proposal is not expected to impact the city's budget.

Alternatives: Do not approve the proposed resolution; revise the proposed resolution.

Attachments: Resolution.

RESOLUTION NO. ____

A RESOLUTION OF THE CITY OF PORT ORCHARD, WASHINGTON, CONFIRMING ITS PARTICIPATION AS A PUBLIC PARTNER WITH THE PORT OF BREMERTON AND KITSAP COUNTY TO SUPPORT THE PROPOSED SOUTH KITSAP COMMUNITY EVENTS CENTER.

WHEREAS, the City of Port Orchard and the South Kitsap community have been lacking and in need of a central gathering place and community “Events/Activity Center” venue for decades; and

WHEREAS, this project would result in a more than \$100 million investment of Port Orchard’s downtown that would include a Corporate Headquarters for Kitsap Bank; and

WHEREAS, a regional development team has created a Master Plan for the redevelopment of an area of downtown Port Orchard including shoreline restoration, parking, retail and residential development; and

WHEREAS, this project would result in a more than \$100 million investment of Port Orchard’s downtown that would include a Corporate Headquarters for Kitsap Bank; and,

WHEREAS, the Kitsap Bank HQ and surrounding Master Plan project would create hundreds of jobs, retail activity, shoreline restoration, public spaces and result in Kitsap Bank remaining in the community of its founding for at least decades to come; and,

WHEREAS, the Kitsap Bank HQ and Master Plan project are dependent upon the construction and operations of a Community Events Center (CEC) as part of the project; and,

WHEREAS, the Kitsap Public Facilities District (KPFDD) is evaluating the proposed funding of a large portion of the CEC dependent upon the Public Partners raising the remaining funding by pursuing local, state, and federal grant sources, private benefactors and other appropriate sources; and,

WHEREAS, the Port of Bremerton (POB) has agreed to serve as a Public Partner for this purpose and is willing to facilitate the funding of the project; and,

WHEREAS, Kitsap County is also considering joining the City of Port Orchard and the Port of Bremerton as a Public Partner as described above; and,

WHEREAS, the KPFDD is seeking confirmation that the communities affected and benefitted by the CEC are willing to support the project; now, therefore:

THE CITY COUNCIL OF THE CITY OF PORT ORCHARD, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

THAT:

1. The City agrees to join the Port of Bremerton as a Public Partner in this project to assist with the effort to identify and secure funding for the CEC project, including local, state and federal grant sources, private benefactors and other appropriate sources for the funding of the project.
2. The Mayor and staff will provide expertise and participation as a joint applicant in funding requests.
3. The City will coordinate with Public Partners, including POB and Kitsap County, to determine underlying CEC ownership and operations funding sources.
4. Funding committed by the KPFD to the CEC project will not be fully awarded until the Public Partners raised the additional funds to for total project and operations details have been successfully completed.
5. The City of Port Orchard is willing to support the CEC operations as an applicant for the City's lodging funds.

PASSED by the City Council of the City of Port Orchard, SIGNED by the Mayor and attested by the City Clerk in authentication of such passage this ____ day of April 2019.

Robert Putaansuu, Mayor

ATTEST:

Brandy Rinearson, CMC, City Clerk