



**City of Port Orchard
Council Meeting Minutes
Regular Meeting of July 23, 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, Community Development Director Bond, City Attorney Cates, Legal Counsel Robertson, HR Coordinator Lund, 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 Ashby, seconded by Councilmember Rosapepe, to add to the consent agenda the excusal of Councilman Diener for personal reasons from this evening's meeting.

The motion carried.

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

The motion carried.

3. CITIZENS COMMENTS

There were no citizen comments.

4. CONSENT AGENDA

- A. Approval of Voucher Nos. 77172 through 77271, including bank drafts in the amount of \$350,903.91 and Electronic Payments in the amount of \$0 totaling \$350,903.91.
- B. Approval of Payroll Check Nos. 77169 through 77171 and 77272 through 77283, including bank drafts and EFT's in the amount of \$391,556.92; and Direct Deposits in the amount of \$350,676.45 totaling \$742,233.37.
- C. Added Item: Excusal of Councilmember Diener for Personal Reasons from Tonight's Meeting

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

The motion carried.

5. PRESENTATION

There were no presentations.

6. PUBLIC HEARING

A. Emergency Moratorium Ordinance in the 580 and 660 Water Zones

Mayor Putaansuu opened the public hearing at 6:39 p.m.

Eric Campbell, McCormick Communities, said our goal is to build infrastructure that meets the needs of the residents of McCormick Woods and citizens of Port Orchard. He spoke to collaboration between all parties. He is disappointed the moratorium was put forth.

Greg Krabbe, representative of McCormick Communities, provided a letter that he said was used to instigate this moratorium. They hired HDR to do a full analysis. This report was scoped to find a solution, not to represent the problem. He believes there is a resolution that is short term until a new tank can be constructed and asks the City to lift the moratorium. He noted that a meeting with the City of Bremerton has been scheduled for tomorrow and that he and City staff will be attending. He discussed the pumping rate represented on BHC's more recent analysis and water pumping into Bremerton's service area. In addition, some weeks ago, he received a letter from the Fire Marshall that calculated the fire storage requirement for the Church, and he has concerns this was calculated incorrectly. Because of that, he hired an architect who concluded the building should be classified differently than what the Fire Marshall has indicated. Lastly, he asked the Council to take a few extra weeks to look at some of these things and get it right.

Pat Schneider, legal representative of McCormick Communities, provided a letter to Council, Mayor, and staff. He asked to consider the contents before taking action this evening. The ordinance that

was enacted was based upon information presented in executive session. We have filed action saying this was in violation of the Open Public Meetings Act. Additionally, he discussed the information provided in the BHC and HDR reports and water pumping. He said in the ordinance there are multiple "whereas clauses" that are inaccurate or misleading. He provided several examples. His client is trying to reach an agreement with the City, but the City has not moved forward as they want to enlarge the size of the tank. The 350 gallons of water purchased from the City of Bremerton, since 2001, is not a crisis or an emergency, or new information. The City could have gone to the City of Bremerton and negotiated for more water. During the meeting tomorrow, we believe both of our consultants will reach an agreement. To say there is a public health and safety emergency that justified a moratorium is simply not appropriate. He strongly encourages to continue the public hearing for 2 more weeks, and then make a decision, in light of the additional information if the moratorium is appropriate. He concluded this moratorium has already caused damages to his clients and he may seek to recover those damages.

Karen Vandacker, spoke on behalf of the McCormick Residents Advocacy Group. Commended the Mayor and Council for taking a forward looking approach to our antiquated water system. Questions why the moratorium was issued while a six-year capital improvement program is under way. Requests a published update on each water project. Answers to these questions will help us understand why you have called for an emergency moratorium, of particular interest is an update of the three existing domestic wells for McCormick Woods. It is our understanding that purchase of water from Bremerton is expensive. We have been trying to get out of the agreement for some time. Engineer Krabbe is advocating to get more water from Bremerton and she does not agree. She does not want the moratorium lifted until things are straightened out. Will the emergency moratorium cause higher water rates? The City will need to secure funding through other sources that raising rates. How much does the City charge developers in the way of impact fees, as it might not be enough.

Linda Fischer, has been tasked by the newly formed McCormick Residents Advocacy Group to share their interest in the emergency moratorium ordinance. Our residents don't want to see the moratorium as a reason for another dramatic increase in water rates. We encourage the City to secure funding through state and federal grants and mitigate future rate increases to facilitate continued growth. Even today, existing water provisioning is unreliable. McCormick residents in 580 finding water to their homes unreliable with periodic reduced water pressure and water flow. She spoke to the 2015 water rate increase and tiers. Residents have compared this to other cities and find it very high. We live in one of the fastest growing cities in Kitsap County. We urge Council to consider adding into the city's 2020 Comprehensive Plan amendments establishing an impact fee program that guides you on how to grow equitably. Residents expect to see water rate increases stabilize.

Chris Hutchinson, resident of Port Orchard, spoke to water and well issues on his property and noted he draws water from an aquifer that runs nearly parallel with Anderson Road. He spoke to new

development and deforestation and issues that have arose from the development and the lack of water from the aquifer. He noted those who have lived here a long time appreciate the new changes and the effects on the community, but it has detrimental effects to our neighborhood. He applauds the moratorium and encourages an extension.

Denise Geigos, Port Orchard resident, addressed the last speaker's comments regarding the aquifer and said it is directly about the moratorium. He is saying there is not enough water. She spoke that streams were almost dry during a time when they shouldn't have been. If adequate means are not forefront and plans for construction in the Port Orchard area, we need to stop and think about how we are going to go forward. To put a moratorium on, for a period of time, to investigate this for a while seems a very small investment. She spoke to low water in wells.

Nick Tosti, McCormick Communities, noted long term, we will need a reservoir tank and if we can get the proper information it would take six to twelve months to be operating in the field.

Rukas, Port Orchard resident, said most of our water comes from the Gold Mountain reservoir. Most of the water in Port Orchard is ground water. Putting in another tank will not matter. Not only looking at logistics, but there is not enough coming down. The Gold Mountain reservoir also feeds Poulsbo, and there are a lot more people coming in the north sound which is getting a lot more development. If the rainfall is not coming down, Class A wells will not fill up as fast.

MOTION: By Councilmember Ashby, seconded by Councilmember Lucarelli, to close the public hearing.

The motion carried.

At 7:17 p.m., Mayor Putaansuu closed the public hearing.

Mayor Putaansuu thanked everyone for coming tonight as it is important to hear from our community. He also thanked McCormick Communities for working collaboratively with the City on this water issue.

7. BUSINESS ITEMS

A. Adoption of an Emergency Moratorium Ordinance in the 580 and 660 Water Zones

Council, Mayor and staff briefly discussed the process of the moratorium and agreement; the amended version of the moratorium; and upcoming meetings.

MOTION: By Councilmember Ashby, seconded by Councilmember Clauson, to adopt Ordinance No. 020-19-A, imposing a temporary six-month moratorium on the acceptance of certain development

in the 580 and 660 water zones of Port Orchard; setting forth findings of fact in support of this moratorium; imposing the moratorium; stating the effect on vested rights; providing for exclusions; authorizing interpretative authority; providing for the severability; declaring an emergency; setting the duration; and establishing an immediate effective date.

Councilmember Ashby said she read all the technical reports and found conflicting numbers and assumptions. It is important that those differences get reconciled before the moratorium is lifted.

**The motion carried.
(Ordinance No. 020-19-A)**

At 7:31 p.m., Mayor Putaansuu recessed the meeting for a 2-minute break.

At 7:33 p.m., Mayor Putaansuu reconvened Council back into regular session.

B. Adoption of an Ordinance Repealing Ordinance No. 952, Codified in Port Orchard Municipal Code Chapter 2.40 "Affirmative Action Program"

MOTION: By Councilmember Cucciardi, seconded by Councilmember Lucarelli, to adopt an Ordinance which repeals Ordinance 952, codified at Chapter 2.40 of the Port Orchard Municipal Code, to allow staff time to evaluate the impacts to the City of the passage of the Washington State Diversity, Equity and Inclusion Act, proposed by the citizens as Initiative 1000.

**The motion carried.
(Ordinance No. 025-19)**

C. Adoption of an Ordinance Revising Ordinance No. 010-19 and Clarifying Benefits for Non-Union Employees

MOTION: By Councilmember Rosapepe, seconded by Councilmember Clauson, to adopt an Ordinance which revises Ordinance 010-19 and clarifies the benefits offered to non-union City employees.

**The motion carried.
(Ordinance No. 026-19)**

At 7:37 p.m., Mayor Putaansuu recessed the meeting for 10-minutes regarding collective bargaining pursuant to RCW 42.30.140(4)(b). City Attorney Cates, Finance Director Crocker and HR Coordinator Lund were invited to attend.

At 7:47 p.m., Mayor Putaansuu reconvened Council back into regular session.

D. Adoption of an Ordinance Ratifying the Collective Bargaining Agreements with the Port Orchard Police Guild Representing the Patrol Officers and Sergeants

MOTION: By Councilmember Lucarelli, seconded by Councilmember Cucciardi, to adopt an Ordinance ratifying the terms of the Collective Bargaining Agreements with the Port Orchard Police Guild representing Patrol Officers and Sergeants bargaining unit and authorizing the Mayor to execute the same.

The motion carried.

(Ordinance No. 027-19 and Contract Nos. 046-19 and 047-19)

E. Adoption of a Resolution Approving the Purchase of Vehicles for the Equipment Rental Revolving Fund 500

MOTION: By Councilmember Cucciardi, seconded by Councilmember Rosapepe, to adopt a Resolution providing City Council approval of the purchase of vehicles in accordance with the City's fleet standardization policies and the 2019-2020 Biennial Budget.

The motion carried.

(Resolution No. 019-19)

F. Approval of Change Order No. 24 to Contract No. 037-17 with Active Construction, Inc. for the Tremont Street Widening Project

MOTION: By Councilmember Chang, seconded by Councilmember Ashby, to approve Change Order No. 24 with Active Construction, Inc. in an amount not to exceed \$32,486.20.

The motion carried.

G. Approval of the July 9, 2019, City Council Meeting Minutes

MOTION: By Councilmember Ashby, seconded by Councilmember Clauson, to approve the Council meeting minutes from the July 9th meeting, as presented.

The motion carried. Councilmember Cucciardi abstained.

8. DISCUSSION ITEMS (No Action to be Taken)

There were no discussion items.

9. REPORTS OF COUNCIL COMMITTEES

Councilmember Ashby reported on the exit interview with the Auditor's.

Councilmember Ashby and Mayor Putaansuu reported the Economic Development and Tourism Committee is scheduled to meet August 12th.

Mayor Putaansuu and Councilmember Lucarelli reported the Utilities Committee is scheduled to meet August 19th and the Sewer Advisory Committee is scheduled to meet August 14th.

Development Director Bond reported the Land Use Committee is scheduled to meet August 26th. There will be no September meeting.

Councilmember Lucarelli reported the Chimes and Lights Committee is scheduled to meet August 19th.

Mayor Putaansuu reported on the Housing Kitsap Board Meeting.

10. REPORT OF MAYOR

The Mayor reported the following:

- Tremont celebration, updates, and pictures;
- JAWS (July Abnormally Wet Weather);
- Well 13 updates; and
- Plastic bag reduction and public hearing.

11. REPORT OF DEPARTMENT HEADS

Public Works Director Dorsey thanked the Finance department for a good 2018 Public Works audit. The splash pad is being used by a lot of people, but it is causing people to park on Old Clifton road. This will be discussed at the next Land Use Committee meeting.

Finance Director Crocker reported the affordable sales tax intent resolution will be on the August agenda; and this was a great audit.

Community Development Director Bond reported he received a call from a planner with Peninsula Parks asking what lessons we learned with our splash pad.

12. CITIZEN COMMENTS

Gregory Vance Vaught voiced concerns regarding the proposed gas station location off Tremont Street. He met with Nick Bond and found they may be able to do a parcel swap if the owner of the property and the City Council will agree to it. He emailed the Deputy Fire Marshall and the Fire department does not have any problem with this plan. He proposes a solution with the City, but finds it impossible to follow any procedures with the City. He also submitted a public records request to help understand this process.

Nicole Vaught said 11 years ago they were warned their area was rezoned commercial. She voiced concerns, including safety issues with the location of the proposed gas station. She thanks Council for whatever they can do.

13. EXECUTIVE SESSION

There was no executive session.

14. ADJOURNMENT

The meeting adjourned at 8:14 p.m. No other action was taken. Audio/Visual was successful.



Brandy Rinearson, MMC, City Clerk



Robert Putaansuu, Mayor

