



**City of Port Orchard  
Council Meeting Minutes  
Regular Meeting of August 13, 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	Absent
Councilmember Cucciardi	Present
Councilmember Diener	Present
Councilmember Lucarelli	Present
Councilmember Rosapepe	Present
Mayor Putaansuu	Present

Staff present: Public Works Director Dorsey, Community 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 Lucarelli, to excuse Councilmember John Clauson for personal reasons.

**The motion carried.**

**MOTION:** By Councilmember Ashby, seconded by Councilmember Cucciardi, 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. 77284 through 77319, and 77324 77428 including bank drafts in the amount of \$1,968,582.97 and Electronic Payments in the amount of \$146,379.99 totaling \$2,114,962.96.
- B. Approval of Payroll Check Nos. 77320 through 77323 including bank drafts and EFT's in the amount of \$150,015.80; and Direct Deposits in the amount of \$182,417.36 totaling \$332,433.16.
- C. Approval of a Contract with South Kitsap School District for a School Resource Officer
- D. *New Item*: Excusal of Councilmember John Clauson for Personal Reasons

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

The motion carried.

**5. PRESENTATION**

**A. Saints Car Club**

Roger Jensen said this is the Cruz's 32<sup>nd</sup> year and noted this event could not happen without the approval of the Mayor, Council, and city staff. He provided brief information on this year's attendance at the event.

Bill Hubbell spoke to the number of cars in the event and amount of ferry passengers who came to town.

**B. Fathoms O' Fun Festival, Inc.**

Sharron King presented a Certificate of Special Appreciation to the City for dedication and commitment to service in working with Fathoms O' Fun Festival, Inc. for the past 52 years, and spoke about the Battle of the Bands and Grand Parade.

**6. PUBLIC HEARING**

**A. New Chapter 6.20 Plastic Bag Reduction of the Port Orchard Municipal Code**

Mayor Putaansuu opened the public hearing at 6:43 p.m.

**Tony D'Onofrio**, Sustainability Director for Town and Country and Central Markets and representing the Washington Food Industry Association (WFI), stated WFI acknowledged their support of the plastic bag ban for several reasons including environmental consequences. WFI recognizes the 8 cent pass through charge is a good solid fee to offset some of the costs.

**Heather Trim**, Executive Director of Zero Waste Washington, is pleased the ordinance is being considered tonight. Kitsap County last night voted in favor to an identical ordinance. Number of other cities are considering the same ban. They are concerned about the plastics in the environment because of the impact on wildlife and recycling systems. They support the ordinance and the charge.

**Susan Thoman**, Port Orchard resident and founder of the Compost Manufacturing Alliance, has worked in solid waste for 30 years. She stands in support of the plastic bag reduction ordinance. She spoke to compost and recycling.

**Chris Piercy**, program supervisor with Kitsap County Public Works, said yesterday Kitsap County Commissioners did approve the countywide ordinance. We are all hopefully going to be living under the same umbrella bag laws. We are happy to support the City in their outreach efforts should we move this ordinance forward. The downtown library has reusable bags for any resident to pick up.

**MOTION:** By Councilmember Rosapepe, seconded by Councilmember Lucarelli, to close the public hearing at this time.

**The motion carried.**

At 6:52 p.m., Mayor Putaansuu closed the public hearing.

Mayor Putaansuu noted we will have an ordinance to deliberate next week as well as reopen the public hearing for additional testimony.

## **7. BUSINESS ITEMS**

### **A. Adoption of an Ordinance Adopting Amendments to Chapters 20.12, 20.80 and 20.86 to the Port Orchard Municipal Code to Allow Nine-Lot Short Plats**

**MOTION:** By Councilmember Diener, seconded by Councilmember Cucciardi, to adopt an ordinance amending POMC Chapters 20.12, 20.80 and 20.86 to allow nine-lot short plats, as presented.

**The motion carried.**

**(Ordinance No. 028-19)**

### **B. Adoption of an Ordinance Adopting Revisions to Chapters 20.22, 20.140 and 20.150 of the Port Orchard Municipal Code Clarifying Requirements for Minor Land Disturbing Activity Permits and Tree Cutting Activities**

**MOTION:** By Councilmember Diener, seconded by Councilmember Ashby, to adopt an ordinance amending POMC Chapters 20.22, 20.140 and 20.150 to streamline and simplify the permit and review process for minor land disturbing activities and select tree cutting activities, as presented.

**The motion carried.**  
**(Ordinance No. 029-19)**

**C. Adoption of an Ordinance Adopting Chapter 20.100.130 Onsite Recreation Space for Subdivisions of the Port Orchard Municipal Code**

**MOTION:** By Councilmember Lucarelli, seconded by Councilmember Cucciardi, to adopt an ordinance adopting new section POMC Chapters 20.100.130 to require new residential subdivisions to provide onsite recreational space for their residents, as presented.

**The motion carried.**  
**(Ordinance No. 030-19)**

**D. Adoption of an Ordinance Adopting the Revised 2019 Zoning Map**

**MOTION:** By Councilmember Cucciardi, seconded by Councilmember Rosapepe, to adopt an ordinance to adopt the revised 2019 City Zoning Map, as presented.

**The motion carried.**  
**(Ordinance 031-19)**

**E. Adoption of a Resolution of Intent Related to SHB 1406**

**MOTION:** By Councilmember Ashby, seconded by Councilmember Chang, to adopt a resolution declaring the City of Port Orchard's intent to adopt legislation to authorize a sales and use tax for affordable housing in accordance with SHB 1406.

**The motion carried.**  
**(Resolution No. 023-19)**

**F. Adoption of a Resolution Supporting the TIB 2019 Urban Arterial Program Funding Application for the SW Old Clifton Road/Anderson Hill Road SW Intersection Project**

**MOTION:** By Councilmember Cucciardi, seconded by Councilmember Rosapepe, to adopt a resolution, thereby supporting the 2019 Urban Arterial Program (UAP) Funding Application for the SW Old Clifton Road/ Anderson Hill Road SW Intersection Project, as a requirement to obtain grant funding for a fully funded project phase.

**The motion carried.  
(Resolution No. 024-19)**

**G. Approval of Change Order Nos. 25, 26, and 27 to Contract No. 037-17 with Active Construction, Inc. for the Tremont Street Widening Project**

**MOTION:** By Councilmember Diener, seconded by Councilmember Rosapepe, to authorize the Mayor to execute Change Orders No. 25 through 27, with Active Construction, Inc. in an amount not to exceed \$145,010.18.

**H. Community Development Block Grant Entitlement Grantee**

**MOTION:** By Councilmember Lucarelli, seconded by Councilmember Diener, to move that the City of Port Orchard notify the US Department of Housing and Urban Development of the City's preference for Option 3, deferring status as an entitlement community and continuing as part of the Kitsap County Urban County for 2020-2022.

**The motion carried.**

**I. Approval of the July 16, 2019, Council Work Study Session Minutes**

**MOTION:** By Councilmember Rosapepe, seconded by Councilmember Lucarelli, to approve the July 16, 2019, Council work study session minutes.

**The motion carried. Councilmember Cucciardi abstained.**

**J. Approval of the July 23, 2019, Council Meeting Minutes**

**MOTION:** By Councilmember Rosapepe, seconded by Councilmember Cucciardi, to approve the July 23, 2019, Council meeting minutes.

**The motion carried. Councilmember Diener abstained.**

**8. DISCUSSION ITEMS (No Action to be Taken)**

**A. Public Facilities District (PFD) – Next Steps**

Mayor Putaansuu said we were the top rated project in PFD rankings for projects. He provided a document which outlined the next steps.

Mayor, Council, and staff discussed a draft agreement with PFD; funding studies; meetings with Kitsap County and PFD; bonding capacities; staff time in managing the process and project; cash contributions; possible Kitsap Bank financing; public outreach and community support; and project scope of work which included planning, outreach, design, cost estimates, shoreline permits, property acquisition, and construction documents and applications.

**Council Direction:** Council agreed to let Mayor Putaansuu provide the City's framework for tasks and deliverables and funding commitment to the PFD this week.

## 9. REPORTS OF COUNCIL COMMITTEES

Councilmember reported on the August 5<sup>th</sup> Economic Development and Tourism Committee. The next meeting is scheduled for September 7<sup>th</sup> [September 9<sup>th</sup>].

Councilmember Lucarelli reported on August 19<sup>th</sup> Utilities committee. The next meeting is scheduled for September 16<sup>th</sup>. The Sewer Advisory Committee is scheduled to meet this week [August 14<sup>th</sup>]

Mayor Putaansuu and Councilmember Diener reported the Land Use Committee is scheduled to meet August 26<sup>th</sup>.

Councilmember Rosapepe reported it was brought to his attention that the Lodging Tax Committee is down one member and the Mayor has been looking for additional members.

In response to Mayor Putaansuu, City Clerk Rinearson noted the Comfort Inn and Days Inn are both participating in the Lodging Tax committee this year. Additionally, she said the lodging tax application will be online this week and the committee will be meeting the week of September 23<sup>rd</sup>.

## 10. REPORT OF MAYOR

The Mayor reported on the following:

- Parking along Old Clifton Road by the McCormick Village Park;
- Replacing switches for our fiber;
- Bay Street parking stall updates and City vehicles;
- Chimes should be installed in the next 60 days;
- Councilmember and non-union employee life insurance policy changes;
- Personal policy changes;
- Land use attorney and billing; and
- No work study this month but there is a business meeting next week.

## 11. REPORT OF DEPARTMENT HEADS

Community Development Director Bond reported on the release draft Vision 2050.

City Clerk Rinearson reported she has been asked if the City would reconsider the pet sales ban ordinance and is asking for direction from Council.

Councilmember Diener would like to see this added to a work study meeting.

Councilmember Cucciardi asked to see an estimate of staff and attorney time to complete bring this to the finish line.

## **12. CITIZEN COMMENTS**

Mayor Putaansuu read into the record that the City of Port Orchard has never received a formal request from the owners of Whiskey Gulch to move our multi-modal path to the waterside of their property. If they were to make such a request, the City would gladly consider it, but we are aware of a Phase 1 ESA or an environmental records search that was performed by Kitsap Transit for their project on the adjoining property. This research indicates that contaminants may exist on Whiskey Gulch site. Should the City move forward on potentially moving the path to the waterside of the property, the owner would need to provide access to the property so the City could perform additional environmental testing. In the event the contaminants were found on the property, the owner would be responsible for the environmental cleanup similar to what was done at the Titus Ford site at the base of our bridge by Blackjack Creek. If our testing finds no environmental concerns, then our engineering staff could evaluate routes on the waterway side of the property. This route would also require the owner provide easements necessary to facilitate the pathway.

**Robert McGee, Albon Dougherty, Renee Curtoni, Christi McGee, Chuck Huck, Lindsey Dougherty, Shawn O'Dell, Connie Haworth, Samantha Smith, Gregory Godby, Stephen Sweeney, Jason (Whiskey Gulch employee), Carol Seversen, Nate Worder, and Harlan Morgan,** voiced concerns and displeasure with the proposed bike bath in Annapolis including lack of communication and transparency from the City; parking spaces; pedestrian safety; bicyclists; loss of business and property; concerns for employees; small businesses, speeders on Bay Street; jersey barriers; and urging the City to work with, and listen to their community.

**Astrid Gruenert, Nicole Vaught, Gregory Vance Vaught,** residents of Tremont Place, voiced concerns with the City's communication skills and the gas station to be built near their home.

**Cheryl Fowler,** is an ex-employee of Kitsap Transit. She personally did the Annapolis run and noted the boat can only take on 10 bikes at a time. If there are more bikes, they must remove passengers.

**Kim Seibens, Leah Spaulding, Ashley Dale, Margi Moore, and Elizabeth Droun**, spoke against puppy mills and encouraged Council to adopt an ordinance banning puppy mills in Port Orchard. Thanked Council for adding this discussion to the work study meeting in September.

Mayor Putaansuu noted Grocery Outlet is having a grand opening this Thursday.

At 8:58 p.m., Mayor Putaansuu recessed the meeting for a 5-minute break.

At 9:03 p.m., Mayor Putaansuu reconvened Council back into regular session.

### 13. EXECUTIVE SESSION

At 9:03 p.m., Mayor Putaansuu recessed the meeting for a 30-minute executive session to discuss potential and ongoing litigation pursuant to RCW 42.30.110. City Attorney Cates, Development Director Bond, Public Works Director Dorsey and legal counsel Robertson via telephone were invited to attend and Mayor Putaansuu announced no action would be taken.

At 9:33 p.m., Mayor Putaansuu extended the executive session an additional 20 minutes.

At 9:53 p.m., Mayor Putaansuu reconvened Council back into regular session.

### 14. ADJOURNMENT

The meeting adjourned at 9:53 p.m. No other action was taken. Audio/Visual was successful.

  
\_\_\_\_\_  
Brandy Rinearson, MMC, City Clerk

  
\_\_\_\_\_  
Robert Putaansuu, Mayor

