



City of Port Orchard Council Meeting Agenda
December 10, 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: Public Works Director

Jay Rosapepe

ED/Tourism/LT Committee

Utilities Committee

Sewer Advisory Committee (SAC)

KRCC-alt / KRCC TransPol-alt

Kitsap Transit-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

Tim Drury

Municipal Court Judge

Noah Crocker, M.B.A.

Finance Director

Matt Brown

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

B. EXECUTIVE SESSION: Pursuant to RCW 42.30.110(1)(i), the City Council will hold a 15-minute executive session to discuss a potential litigation matter.

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 of Vouchers and Electronic Payments

B. Approval of Payroll and Direct Deposits

C. Approval of the November 19, 2019, Council Work Study Session Minutes *Page 3*

D. Approval of the November 26, 2019, Council Meeting Minutes *Page 7*

E. Adoption of a Resolution, Authorizing the Mayor to Execute a Letter of Understanding to Extend Contract No. 024-15, with Waste Management of Washington, Inc. for Solid Waste Services (Rinearson) *Page 15*

F. Approval of Amendment No. 1 to Contract No. 012-19, with Kitsap County for the Provision of Juvenile Detention Facilities (Brown) *Page 21*

G. Approval of Amendment No. 2 to Contract No. 002-18, with Kitsap County for Incarceration of City Prisoners (Brown) *Page 25*

H. Approval of a Memorandum of Understanding with the South Kitsap School District for Additional Off-Duty Law Enforcement Officers for Designated School Events (Brown) *Page 31*

5. PRESENTATION

A. Kitsap County Courthouse Campus

6. PUBLIC HEARING

7. BUSINESS ITEMS

A. Continuation of: Adoption of an Ordinance Approving the Petition to Vacate City Right-of-Way, an Alley Between Cline Avenue and Dekalb Street (Rinearson) *Page 37*

8. DISCUSSION ITEMS (No Action to be Taken)

- A. Extension to the Purchase and Sale Agreement for 640 Bay Street (Bond)
- B. Sunshine Fund (Crocker)
- C. Citizen Art Display Request (Mayor) **Page 55**

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. ADJOURNMENT

COMMITTEE MEETINGS

	Date & Time	Location
Finance	December 17, 2019; 5:30pm	City Hall
Economic Development and Tourism	TBD	City Hall
Utilities	December 16, 2019; 9:30am	City Hall
Sewer Advisory	February 19, 2019; 6:30pm	City Hall
Land Use	TBD	DCD*
Lodging Tax Advisory	October, 2020	City Hall
Festival of Chimes & Lights	January 13, 2020; 3:30pm	City Hall
Outside Agency Committees	Varies	Varies
Council Holiday Neighborhood Light Tour	December 16, 2019; 5:30pm	Starts at City Hall
Council Retreat	January 17, 2020; 9:00am	Puerta Vallarta**

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

**1599 SE Lund Ave, 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
Council Meeting Minutes
Work Study Session Meeting of November 19, 2019**

CALL TO ORDER AND ROLL CALL

Mayor Pro-Tem Ashby 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	Present
Councilmember Lucarelli	Present
Councilmember Rosapepe	Present
Mayor Putaansuu	Absent

Staff present: Public Works Director Dorsey, Community Development Director Bond, Finance Director Crocker, Operations Manager Lang, City Attorney Cates, City Clerk Rinearson and Office Assistant II Whisenant were also present.

Pledge of Allegiance

Mayor Pro-Tem Ashby led the audience and Council in the Pledge of Allegiance.

1. Chimes and Lights Event and Marque

Mayor Pro-Tem Ashby explained the concerns regarding the electrical issue and safety concerns on the marquee, and the precautionary measures taken to prevent a hazardous situation. Also stated that the title of the item may have been better named as, *'Marquee Electrical Circuits'*.

Finance Director Crocker introduced Operational Manger, Tony Lang, in the audience to discuss City's concerns and public safety. Action was taken to eliminate the immediate concerns by cutting the power to the marquee, after the Fire Marshal was notified by a citizen of the electrical concerns.

Operation Manager Lang joined the table to discuss the holiday lights and how they receive power, which is against fire and building code. The code violations were identified, and an interim solution was explained, with the understanding to address the overall concerns for a permanent solution to be discussed next year.

Councilmembers and staff discussed the options for solution, the POBSA's icicle light replacement, and timeframe of possible solutions.

MOTION: By Councilmember Clauson, seconded by Councilmember Lucarelli, to authorize staff to make the necessary fixes for the tree lighting concerns, as well as purchase and install the appropriate lights for the icicle lighting issue to fix as expeditiously as possible up to \$10,000.

The motion carried.

2. Parks Plan Update – Scope of Work and Consultant Contract

Community Development Director Bond stated the City has selected a consultant, Beckwith Consulting Group, to update the City's Park Plan and discussed the next steps.

Councilmembers and staff discussed coordinating the community center with the parks plan and recommended some revisions.

Council Direction: Staff to bring forward at next council meeting.

3. SMP Public Participation Plan, Schedule and Work Plan

Community Development Director Bond informed that a grant was approved by the Department of Ecology to partially fund an update to the Shoreline Master Program. The grant requires development of a public participation plan, a tentative schedule, and a work plan, to be adopted by resolution by the City Council. Planning Commission has reviewed the plan and the other required items and are ready for Council's approval.

Council Direction: Staff was directed to bring forward at next council meeting.

4. Title 20 Housekeeping Amendments

Community Development Director Bond highlighted the amendments to Title 20 and reviewed with council. Also, stated that the Planning Commission held a public hearing on the Title 20 housekeeping amendments and recommended that City Council approve the amendments.

Council Direction: Staff to bring forward at next council meeting.

5. POMC 9.30 - Amending Deadline for Abatement Order Appeals

Community Development Director Bond discussed transferring responsibility on nuisance appeals to the hearing officer, instead of the Council.

Councilmembers and staff discussed if there was concern with possible conflict another judge would fill in.

Council Direction: Staff to bring forward at next council meeting.

6. McCormick Communities LLC – Amendment to 2007 Reimbursement Agreement for Utility System Improvements

Community Development Director Bond discussed moratorium on McCormick Woods and moving forward with provisions to resolve the issue through the proposed amendment. This amendment will result in the construction of a new reservoir serving the 580 zone, as well as the transmission main needed to connect that reservoir to developments in the 580 zone. The proposed improvements will also allow for the separation of the Port Orchard and Bremerton Water Systems. The three agreements have been negotiated, (1) between Bremerton and McCormick Communities for improvements to the Bremerton Water System, (2) between Port Orchard and Bremerton concerning shared water facilities (approved 11/12/19), and (3) between Port Orchard and McCormick Communities.

Councilmembers and staff discussed the separate documents provided, additional minor revisions, previous agreements, and public review of agreements.

Council Direction: Staff to bring forward at next council meeting.

7. Local Road Safety Plan-Street Safety Grant

Public Works Director Dorsey summarized the overall framework with the different plans and systems (i.e. ADA transition plan, pavement management system, ADHOC committee). Expressed utilizing the current sidewalk funding so the City can start working on projects that will help in the long run to apply for other funding.

Councilmembers and staff discussed funding sources and the safety plan.

Council Direction: Staff will move forward with pursuing grants.

8. Vacation of City Right-of-Way Process

Public Works Director Dorsey explained past practice concerns with recently expressed change in the process and emphasized that it is important to look at unopened right of way and potential public access easement.

City Clerk Rinearson discussed the past practice for vacating City right of way and previous updates leading to the current process.

Councilmembers and staff discussed impact to adjacent property owners and how the process would be preferred in the future.

Council Direction: Staff was to proceed with the street vacation as originally presented by the Petitioner.

9. Vacate City Right-of-Way: 2451 Sidney Avenue

City Clerk Rinearson and Public Works Director discussed the proposed vacation of the city right of way. Public Works Director Dorsey explained the multiple requests for the specifically asked survey.

Councilmembers and staff explained that there is no opposition to the request, but a surveyed drawing is needed in order to move forward.

Council Direction: No direction was given to staff.

OTHER DISCUSSION:

Mayor Pro-Tem Ashby expressed need to enter into an agreement or have a memorandum of understanding (MOU) with Port Orchard Bay Street Association (POBSA) regarding their current responsibilities, access to City infrastructure, and involvement to downtown properties.

Staff and council discussed responsibilities, potential liabilities, and necessary improvements to the marquee.

Councilmember Lucarelli announced that all the trees, with the Tree Decorating Contest, have sold.

ADJOURNMENT

The meeting adjourned at 8:44 p.m. No other action was taken. Audio/Visual was successful.

Brandy Rinearson, MMC, City Clerk

Robert Putaansuu, Mayor



**City of Port Orchard
Council Meeting Minutes
Regular Meeting of November 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	Present
Councilmember Lucarelli	Present
Councilmember Rosapepe	Present
Mayor Putaansuu	Present

Staff present: Public Works Director Dorsey, Community Development Director Bond, City Attorney Cates, Police Chief Brown, Utility Manager Brown, City Clerk Rinearson, and Office Assistant II Whisenant.

A. PLEDGE OF ALLEGIANCE

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

2. APPROVAL OF AGENDA

MOTION: By Councilmember Diener, seconded by Councilmember Cucciardi, to add the consent agenda the excusal of Councilmember Chang for personal reasons from this evenings meeting.

The motion carried.

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

The motion carried.

3. CITIZENS COMMENTS

Bill Mahan, Port Orchard’s representative of the Kitsap Public Facilities District, spoke on the history of Port Orchard projects through interlocal agreements for funding projects through partnerships, such as the Community Events Center that is being presented tonight.

Councilmember Clauson extended his gratitude to Mr. Mahan on his past, and continued efforts.

Eric Campbell, representative of McCormick Communities, LLC., thanked Council, staff, and Mayor for lifting the moratorium.

4. CONSENT AGENDA

- A.** Approval of Voucher Nos. 78144 through 78275 including bank drafts in the amount of \$447,263.61 and Electronic Payments/EFT's in the amount of \$543.06 totaling \$447,806.37.
- B.** Approval of Payroll Check Nos. 78141 through 78143 including bank drafts and EFT's in the amount of \$132,418.42; and Direct Deposits in the amount of \$187,892.75 totaling \$320,311.17.
- C.** Adoption of an Ordinance Amending Port Orchard Municipal Code Chapter 10.12 Establishing Regulations and Fees Related to Parking, Stopping or Standing in Certain Areas of the City
- D.** Adoption of a Resolution Approving a Contract with Beckwith Consulting Group for an Update to the City's Comprehensive Parks Plan and Additional Parks and Recreation Professional Services
- E.** Adoption of a Resolution Approving the Shoreline Master Program Update Public Participation Plan, Schedule and Work Plan
- F.** Approval of a Grant Agreement with the Department of Ecology for 2019-2021 Stormwater Capacity
- G.** Approval of a Contract with the Kitsap Humane Society for Animal Control Services
- H.** Approval of an Agreement with South Kitsap Fire & Rescue Regarding Water Storage Capacity in the City's 580 Zone
- I.** Approval of the November 12, 2019, Council Meeting Minutes
- J.** Added Item: Excusal of Councilmember Chang for Personal Reasons from Tonight's Meeting (Arrived at 7:01pm)

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

Councilmember Cucciardi acknowledged the involvement and support of South Kitsap Fire and Rescue with lifting the moratorium, as well.

The motion carried.

5. PRESENTATION

There were no presentations.

6. PUBLIC HEARING

There were no public hearings.

7. BUSINESS ITEMS

A. Adoption of a Resolution Adopting the 2019-2021 [2020] Legislative Agenda

MOTION: By Councilmember Clauson, seconded by Councilmember Cucciardi, to adopt a Resolution, thereby approving the 2019-2021 [2020] Legislative Agenda.

**The motion carried.
(Resolution No. 041-19)**

B. Adoption of a Resolution Approving the First Amendment to the 2007 Reimbursement Agreement with McCormick Communities, LLC for Utility System Improvements

MOTION: By Councilmember Lucarelli, seconded by Councilmember Clauson, to adopt a Resolution, thereby approving the 1st Amendment to the 2007 Reimbursement Agreement for Utility System Improvements.

**The motion carried.
(Resolution No. 042-19 and Amendment No. 1 to Contract No. 003-07)**

C. Adoption of an Ordinance Terminating the Emergency Water Moratorium Imposed by Ordinance No. 020-19, as Amended by Ordinance Nos. 020-19A and 039-19

MOTION: By Councilmember Clauson, seconded by Councilmember Cucciardi, to adopt an Ordinance terminating the Port Orchard Emergency Water Moratorium that was imposed by Ordinance No. 020-19, as amended by Ordinance Nos. 020-19A and 039-19, and declaring an emergency necessitating that this Ordinance take effect immediately upon its adoption.

Councilmember Chang arrived at the meeting.

Councilmember Cucciardi discussed impacts to all involved with the moratorium, which is why he is voting in favor to lift the moratorium.

**The motion carried.
(Ordinance No. 053-19)**

D. Adoption of an Ordinance Authorizing a Part-Time Position and Pay Rate for an Intern Position in the Department of Community Development

MOTION: By Councilmember Clauson, seconded by Councilmember Ashby, to adopt an Ordinance authorizing the creation of one part-time, temporary planning intern position for the Department of Community Development, and approving a pay rate for the position as provided for in the Ordinance.

The motion carried.

(Ordinance No. 054-19)

Upon support of the councilmembers Business Item 7J was moved up to be discussed at this point, with continuation of the items as published thereafter.

J. Approval of an Interlocal Agreement with the Kitsap Public Facilities District for the South Kitsap Community Events Center

MOTION: By Councilmember Rosapepe, seconded by Councilmember Clauson, to authorize the Mayor to approve an interlocal agreement with the Kitsap Public Facilities District for the South Kitsap Community Events Center.

**The motion carried.
(Contract No. 082-19)**

E. Adoption of an Ordinance Amending the Appeal Provisions of Port Orchard Municipal Code Chapter 9.30

MOTION: By Councilmember Ashby, seconded by Councilmember Lucarelli, to adopt an ordinance amending the appeal provisions of POMC Chapter 9.30.

**The motion carried.
(Ordinance No. 055-19)**

F. Adoption of an Ordinance Approving the 2019 Port Orchard Municipal Code Title 20 “Housekeeping” Amendments

MOTION: By Councilmember Diener, seconded by Councilmember Rosapepe, to adopt an ordinance approving the 2019 Title 20 ‘housekeeping’ amendments.

**The motion carried.
(Ordinance No. 056-19)**

G. Adoption of a Resolution Confirming Mayoral Appointments to Boards, Committees and Commissions

MOTION: By Councilmember Ashby, seconded by Councilmember Clauson, to adopt a Resolution confirming the Mayor’s appointments to the Boards, Committees, and Commissions, as set forth in the Resolution presented.

The Mayor provided a brief summary of the appointees professional background and how they were a good fit to the boards they will be serving.

**The motion carried.
(Resolution No. 043-19)**

H. Adoption of a Resolution Approving a Contract with KPFF Consulting Engineers for the 2020-2025 On-Call Bridge Management Program and Procurement Procedure Documentation

MOTION: By Councilmember Lucarelli, seconded by Councilmember Diener, to adopt a Resolution, thereby approving Contract No. C001-20 with KPFF Consulting Engineers in the 6-year total amount not to exceed \$212,145 for the 2020-2025 On-Call Bridge Management Program and documenting the Professional Services procurement procedures pursuant to RCW 39.80.

**The motion carried.
(Resolution No. 001-20 and Contract No. 001-20)**

I. Approval of Amendment No. 2 to Contract No. 052-18 with Northwest Urban Law, PLLC for Special Projects and Land Use Attorney Services

MOTION: By Councilmember Chang, seconded by Councilmember Rosapepe, to approve Amendment No. 2 to Contract No. 052-18, with Northwest Urban Law, PLLC for special projects and land use attorney services, as presented.

**The motion carried.
(Amendment No. 2 to Contract No. 052-18)**

K. Approval of Amendment No. 1 to Contract No. 040-12 with Kitsap County Department of Emergency Management for Emergency Management Services

MOTION: By Councilmember Rosapepe, seconded by Councilmember Diener, to move to authorize the Mayor to execute Amendment No. 1 to Contract No. 040-12 with Kitsap County Department of Emergency Management for emergency management services.

**The motion carried.
(Amendment No. 1 to Contract No. 040-12)**

L. Approval of HB 1923 Grant Agreement with the Department of Commerce for a Grant to Develop a Subarea Plan and Planned Action EIS

MOTION: By Councilmember Diener, seconded by Councilmember Cucciardi, to authorize the Mayor to sign Contract 20-63314-045 between the Department of Commerce and the City of Port Orchard, for a \$50,000 grant to develop a subarea plan and planned action EIS for the Downtown and County Government Campus Centers.

The motion carried.

(Contract No. 081-19)

M. Approval of a Memorandum of Understanding for Denial of Restrictive Covenant in Right-of-Way Located at 639 Bay Street

MOTION: By Councilmember Cucciardi, seconded by Councilmember Diener, to authorize the Mayor to sign the attached MOU as presented.

The motion carried.

N. Approval of Change Order Nos. 28 and 29 to Contract No. 037-17 with Active Construction, Inc. for the Tremont Street Widening Project

MOTION: By Councilmember Clauson, seconded by Councilmember Diener, to authorize the Mayor to execute Change Orders No. 28 and No. 29, with Active Construction, Inc. in an amount not to exceed \$385,522.99.

The motion carried.

8. DISCUSSION ITEMS (No Action to be Taken)

A. City Employee Turnover

Mayor Putaansuu presented the City's turnover rate for the last three years and discussed the current job openings. Salary survey plans and a salary consultant is being considered to not only look at the organizational chart, but plan for future growth.

9. REPORTS OF COUNCIL COMMITTEES

Councilmember Ashby reported the Economic Development and Tourism Committee is scheduled to meet December 9th.

Councilmember Lucarelli reported the next Utility Committee meeting is scheduled for December 16th. The Sewer Advisory Committee is scheduled to meet February 19th. The next Festival of Chimes and Lights Committee meeting is scheduled for January 13th.

Councilmember Lucarelli asked Operations Manager Tony Lang to give an update on the lighting and power concerns on the electrical issue to downtown. To which he stated his confidence in the Public Works crew to resolve the issue by midday tomorrow [November 27, 2019].

Public Works Director Dorsey thanked the Public Works crew working on the electrical issue.

Councilmember Diener reported the next Land Use Committee meeting is to be determined.

Councilmember Rosapepe reported that Lodging Tax Advisory Committee is to meet in October next year.

Mayor Putaansuu informed Council of his elected Housing Kitsap Chair position for 2020, and Council retreat scheduled for January 17, 2020.

Discussion was had on scheduling the Holiday Light Tour with the councilmembers.

10. REPORT OF MAYOR

The Mayor reported that the judgement for I-976 will be held tomorrow.

11. REPORT OF DEPARTMENT HEADS

Public Works Development thanked Council for the chimes repair.

Community Development Director Bond asked council preference on scheduling the joint meeting of council with Planning Commission at January's work study, which agreed to schedule then.

Police Chief Brown stated that the bear spotted in town earlier has been captured and relocated.

12. CITIZEN COMMENTS

Bob Bonjukian expressed frustration towards the amount of long-term parking available downtown.

13. EXECUTIVE SESSION

No executive session was held.

14. ADJOURNMENT

The meeting adjourned at 8:18 p.m. No other action was taken. Audio/Visual was successful.

Brandy Rinearson, MMC, City Clerk

Robert Putaansuu, Mayor

This Page Intentionally Left Blank



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>Consent Agenda 4E</u>	Meeting Date:	<u>December 10, 2019</u>
Subject:	<u>Adoption of a Resolution, Authorizing the Mayor to Execute a Letter of Understanding to Extend Contract No. 024-15 with Waste Management of Washington, Inc. for Solid Waste Services</u>	Prepared by:	<u>Brandy Rinearson, MMC City Clerk</u>
		Atty Routing No:	<u>N/A</u>
		Atty Review Date:	<u>N/A</u>

Summary: On July 1, 2005, the City of Port Orchard entered into a 5-year agreement with Waste Management of Washington, Inc. to be the City’s solid waste hauler which included a 5-year extension allowance. On June 23, 2015, the City entered into another 5-year agreement for the continued collection and disposal of garbage and recyclable materials as required for all residential and commercial customers, which also included an additional 5-year extension allowance. Therefore, pursuant to Section 1.2 of Contract No. C024-15, a 3-year extension is needed via mutual agreement of both parties.

Relationship to Comprehensive Plan: Section 7.3 Non-City Managed Utilities

Recommendation: Staff recommends that the City Council adopt a Resolution, thereby authorizing the Mayor to execute a Letter of Understanding to extend the Contract No. 024-15 expiration date from June 30, 2020 to June 30, 2023, being the first of two (2) allowed extensions.

Relationship to Comprehensive Plan: Chapter 7.3 – Non-City Managed Utilities

Motion for Consideration: I move to adopt a Resolution, thereby authorizing the Mayor to execute a Letter of Understanding to extend the Contract No. C024-15 expiration date from June 30, 2020 to June 30, 2023.

Fiscal Impact: N/A

Alternatives: N/A

Attachments: Letter of Understanding (dated 12/3/2019)

This Page Intentionally Left Blank

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF PORT ORCHARD, WASHINGTON, AUTHORIZING THE MAYOR TO EXECUTE A LETTER OF UNDERSTANDING TO EXTEND THE TERM OF THE CONTRACT FOR WASTE DISPOSAL SERVICES WITH WASTE MANAGEMENT OF WASHINGTON, INC, dba BREM-AIR DISPOSAL

WHEREAS, on July 1, 2005, the City of Port Orchard entered into a 5-year agreement with Waste Management of Washington, Inc. dba Brem-Air Disposal (“Waste Management”) for the collection and disposal of garbage and recyclable materials as required for all residential and commercial customers, which included an additional 5-year extension allowance; and

WHEREAS, on June 23, 2015, the City of Port Orchard entered into another 5-year agreement with Waste Management of Washington, Inc. dba Brem-Air Disposal (“Waste Management”) for the continued collection and disposal of garbage and recyclable materials as required for all residential and commercial customers, which also included an additional 5-year extension allowance; and

WHEREAS, pursuant to Section 1.2 of the current agreement, staff has again worked with Waste Management of Washington, Inc. to extend the Contract expiration date from June 30, 2020 to June 30, 2023 via execution of the Letter of Understanding; and

WHEREAS, Waste Management of Washington, Inc. has agreed to extend the current agreement expiration date to June 30, 2023; and

WHEREAS, the City of Port Orchard may, at its option, extend the agreement up to two (2) extensions, the first being three (3) years and the second being (2) years; now, therefore,

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

THAT: The City Council authorizes the Mayor to execute a Letter of Understanding, thereby extending the current agreement expiration date from June 30, 2020 to June 30, 2023, for the continued collection and disposal of garbage and recyclable materials as required for all residential and commercial customers with Waste Management of Washington, Inc. dba Brem-Air Disposal.

PASSED by the City Council of the City of Port Orchard, SIGNED by the Mayor and attested by the Clerk in authentication of such passage this 10th day of December 2019.

Robert Putaansuu, Mayor

ATTEST:

Brandy Rinearson, City Clerk, MMC



WASTE MANAGEMENT

720 4th Ave, Ste 400
Kirkland WA 98033

December 3, 2019

Mark Dorsey
Public Works Director
City of Port Orchard
216 Prospect Street
Port Orchard, WA 98366

Re: Contract Extension

Dear Mark,

The purpose of this Letter of Understanding (“LOU”) is to extend the Term of the Contract for Solid Waste Services between the City of Port Orchard and Waste Management of Washington, Inc.

Pursuant to Section 1.2 of the Contract, the parties hereby agree to extend the Term of the agreement through June 30, 2023. One mutual extension option for two (2) years remains.

By signing below, each of the City and Waste Management acknowledges its approval and acceptance of the terms of this LOU and acknowledges that this LOU: (a) creates a legally binding obligation upon the parties, (b) shall be governed and constructed in accordance with the laws of the State of Washington regardless of any conflict of law provisions, (c) sets forth the entire agreement between the City and WM with respect to the subject matter hereof and supersedes all prior negotiations, representations, understandings and agreements with respect to the subject matter hereof, and (d) may be executed in two or more counterparts, each of which shall be deemed an original and all of which together shall constitute one and the same instrument.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Rostami".

Mindy Rostami
Senior Manager, Strategic Contracting & Municipal Legal Affairs
Waste Management of Washington, Inc.

Acknowledged and agreed upon by:

CITY OF PORT ORCHARD

WASTE MANAGEMENT OF
WASHINGTON, INC.

By: _____

By: _____

Its: _____

Its: _____

This Page Intentionally Left Blank



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 4F
Subject: Approval of Amendment No. 1 to Contract
No. 012-19 with Kitsap County for the
Provision of Juvenile Detention Facilities

Meeting Date: December 10, 2019
Prepared by: Matt Brown
Chief of Police
Atty Routing No.: N/A
Atty Review Date: N/A

Summary: This is an updated contract between the City of Port Orchard and Kitsap County to provide for the secure custody of juvenile criminal offenders.

Recommendation: Recommend the council to approve this contract.

Relationship to Comprehensive Plan: N/A

Motion for consideration: I move to approve the Mayor signing a contract between the City of Port Orchard and Kitsap County to provide for the secure custody of juvenile criminal offenders.

Fiscal Impact: There is no additional fiscal impact.

Alternatives: Not approve the contract and lose the ability to house juvenile criminal offenders.

Attachments: KC-078-19A First Contract Amendment.

This Page Intentionally Left Blank

**KC-078-19A
FIRST CONTRACT AMENDMENT**

This CONTRACT AMENDMENT is entered into by Kitsap County, a Washington state political subdivision, having its principal offices at 614 Division Street, Port Orchard, Washington 98366 (“County”) and the City of Port Orchard, a municipal corporation of Washington State (“City”) having its principal offices at 216 Prospect Street, Port Orchard, Washington 98366.

In consideration of the mutual benefits and covenants contained herein, the parties agree that their Contract, numbered as Kitsap County Contract No. KC-078-19, and executed on January 14, 2019, shall be amended as follows:

1. Term: The contract term shall extend to terminate on December 31, 2020.

Except as expressly provided in this Contract Amendment, all other terms and conditions of the original Contract, and any subsequent amendments, addenda, or modifications thereto, remain in full force and effect.

This amendment shall be effective upon execution by the parties.

DATED this ___ day _____, 2020.

DATED this ___ day _____, 2020.

CITY OF PORT ORCHARD

**BOARD OF COUNTY COMMISSIONERS
KITSAP COUNTY, WASHINGTON**

ROBERT B. PUTAANSUU, Mayor

CHARLOTTE GARRIDO, Chair

ATTEST:

ROBERT GELDER, Commissioner

Brandy Rinearson, City Clerk

EDWARD E. WOLFE, Commissioner

ATTEST:

Dana Daniels, Clerk of the Board

This Page Intentionally Left Blank



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 4G
Subject: Approval of Amendment No. 2 to Contract
No. 002-18 with Kitsap County for
Incarceration of City Prisoners

Meeting Date: December 10, 2019
Prepared by: Matt Brown
Chief of Police
Atty Routing No.: N/A
Atty Review Date: N/A

Summary: In 2017, the City entered into an agreement with Kitsap County for the incarceration of City prisoners for the calendar year 2018. This agreement was extended through the end of the 2019 calendar year by the First Amendment to that agreement. The parties are proposing a Second Amendment to the agreement to further extend it through the 2020 calendar year and to provide for an increase in the daily rate to be paid and other minor amendments.

Recommendation: Recommend the City Council approve the Second Amendment to the City's prisoner incarceration agreement with Kitsap County as presented.

Relationship to Comprehensive Plan: N/A

Motion for consideration: I move to authorize the Mayor to sign the Second Amendment to the prisoner incarceration agreement between the City of Port Orchard and Kitsap County as presented to continue providing for the custody of the City's adult prisoners.

Fiscal Impact: Although the daily base rate has been raised to \$115.79 for each 24-hour period, or portion thereof, there is no anticipated fiscal impact to the current budget.

Alternatives: Not approve the Second Amendment to the agreement and lose the ability to provide secure custody for the City's adult prisoners or propose revisions to the Second Amendment.

Attachment: KC-249-17-B Second Amendment Kitsap County and City of Port Orchard Agreement for Incarceration of City Prisoners.

This Page Intentionally Left Blank

KC-249-17-B

**SECOND AMENDMENT
KITSAP COUNTY AND CITY OF PORT ORCHARD
AGREEMENT FOR INCARCERATION OF CITY PRISONERS**

This Second Amendment to the Kitsap County and City of Port Orchard Agreement for Incarceration of City Prisoners ("Second Amendment") is made between Kitsap County, a Washington state municipal corporation ("County"), and the City of Port Orchard, a Washington state municipal corporation ("Contract Agency").

In consideration of the mutual benefits and covenants contained herein, the parties agree that Kitsap County Contract No. KC-249-17 ("Agreement"), shall be amended as follows:

1. Section 3 (Contract Representatives) is amended to remove the reference to the name and email for the contract representative for both parties.
2. Subsection 6 (a) (Base Rate for House) is amended to change the base rate to \$115.79 for each inmate for a 24-hour period, or portion thereof.
3. Subsection 7 (c) (Emergency, Non-emergent and Non-hospital Care Outside the Jail – Notification) is deleted and replaced with the following:

Emergency, Non-emergent and Non-hospital Care outside the Jail - Notification.
County has an obligation to provide medical care to inmates housed in its facilities. The County will use its best efforts to notify the Contract Agency when outside medical care is necessary for inmates. For emergency care, the County will notify the Contract Agency within four (4) business hours of transport (Monday through Friday, from 8 a.m. to 5 p.m. PST). For non-emergent and non-hospital care outside of the jail, the County will notify the Contract Agency before noon on the next business day. Notice will be provided by email to the Contract Agency at

4. Section 22 (Duration) is amended and replaced with the following:

The Agreement shall be effective January 1, 2020 through December 31, 2020, unless terminated or extended by agreement of the parties. Nothing in this Agreement shall be construed to make it necessary for the Contract Agency to continuously house prisoners with the County.

5. Effective Date. The effective date of this Second Amendment is January 1, 2020.
6. Insurance. If this Second Amendment extends the expiration date of the Agreement, then the Contract Agency shall provide an updated certificate of insurance and endorsement evidencing that any required insurance coverages are in effect through

the new contract expiration date. The Contract Agency shall submit the certificate of insurance to: Kitsap County Risk Management Division, 614 Division Street, MS-7, Port Orchard, Washington 98366.

7. Terms Unchanged. Except as expressly provided in this Second Amendment, all other terms and conditions of the Agreement, and any subsequent amendments, addenda, or modifications thereto remain in full force and effect.
8. Counterparts. This Second Amendment may be executed in several counterparts, each of which will be deemed an original, but all of which together will constitute one and the same agreement.
9. Authorizations. The signatories to this Second Amendment represent that they have been appropriately authorized to enter into this Second Amendment on behalf of the Party for whom they sign, and that no further action or approvals are necessary before its execution.

(Signatures on next page)

DATED this ____ day of _____, 2019

DATED this ____ day of _____, 2019

CITY OF PORT ORCHARD

KITSAP COUNTY SHERIFF’S OFFICE

Robert Putaansuu, Mayor

Gary Simpson, Sheriff

ATTEST:

Brandy Rinearson, City Clerk

**BOARD OF COUNTY COMMISSIONERS
KITSAP COUNTY, WASHINGTON**

DATED this ____ day of _____, 2019

EDWARD E. WOLFE, Chair

CHARLOTTE GARRIDO, Commissioner

ROBERT GELDER, Commissioner

ATTEST:

Dana Daniels, Clerk of the Board

This Page Intentionally Left Blank



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 4H
Subject: Approval of a Memorandum of
Understanding with the South Kitsap
School District for Additional Off-Duty Law
Enforcement Officers for Designated
School Events

Meeting Date: December 10, 2019
Prepared by: Matt Brown
Chief of Police
Atty Routing No.: N/A
Atty Review Date: N/A

Summary: This is an updated contract between the City of Port Orchard and the South Kitsap School District to provide additional off-duty law enforcement officers at designated SKSD events.

Recommendation: Recommend the council to approve this contract.

Relationship to Comprehensive Plan: N/A

Motion for consideration: I move to approve the Mayor signing a contract between the City of Port Orchard and the South Kitsap School District for continuing to provide additional off-duty law enforcement officers at designated SKSD events for the 2019-2020 school years.

Fiscal Impact: There is no fiscal impact.

Alternatives: Not approve the contract and lose the ability to provide additional law enforcement services to the SKSD at no cost to the City.

Attachments: 2019-2020 Law Enforcement Off-Duty Services MOU.

This Page Intentionally Left Blank

LAW ENFORCEMENT OFF-DUTY SERVICES

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (MOU) is entered into by the City of Port Orchard ("City"), a municipality of the State of Washington; and South Kitsap School District ("District"), for the provision of services by off-duty regular commissioned Police Officers.

LOCATION AND DESCRIPTION OF WORK TO BE PERFORMED: This MOU provides off-duty police services to the District at premises designated by the District. Port Orchard Police Officers agree to provide routine law enforcement services, exercise law enforcement powers, provide security, protection of life and property, and the enforcement of relevant laws.

DATES AND TIMES OF WORK: Days and hours of work are to be requested at the discretion of the District. Whenever possible, at least one week advance notice will be given in order to ensure that officers have adequate notice to sign up for off-duty jobs. Nothing in this MOU shall be interpreted as an obligation of the City to guarantee coverage of such off-duty service requests.

NUMBER OF OFFICERS: The number of officers needed to fill each separate duty assignment shall be requested by the District and reviewed by the City. The decision to schedule officer(s) shall be made by the City, in its sole discretion, based on the type of event, needs of the City, and relevant officer safety issues. Nothing herein shall be interpreted to require the provision of officers at any given time or location and the City reserves the right to call away officers assigned to this special duty in the event of an emergency or other public safety situation which requires the resources of the City's law enforcement personnel.

UNIFORMS, VEHICLES, AND EQUIPMENT: Officers will be required to wear department uniforms except when undercover work is pre-approved by the City. Use of a department vehicle or other equipment will be determined by the City depending on the availability of said vehicles/equipment and the type of work to be provided.

HOURLY BILLING RATE: District shall pay to the City \$100.00 per hour for each service hour rendered by an officer with a MINIMUM of THREE hours pay.

DURATION/TERMINATION: This MOU shall become effective on the date of signing and shall remain in effect through August 31, 2020, and may be extended thereafter by written mutual agreement. The agreement may be terminated by either party upon written notice delivered to the other party. Termination of the agreement shall not relieve either party of any obligation incurred prior to the termination date.

ENFORCEMENT: In any suit or action instituted to enforce any right granted in this MOU, the substantially prevailing party shall be entitled to recover its costs, disbursements, and reasonable attorney's fees from the other party. Any action for claims arising out of or

relating to this agreement shall be governed by the laws of the State of Washington. Venue shall be in Kitsap County Superior Court.

LICENSE AND CERTIFICATE: District is responsible for any and all licenses, fees, or insurance required or necessary to perform its normal business within the City.

INDEPENDENT CONTRACTOR: Police officers assigned pursuant to this MOU are neither agents nor employees of the District. The Port Orchard Police Department shall have full control and supervision of its officers at all times. The City will hold final approval of contract and manpower for the peace and safety of officers and citizens of the City. Nothing shall limit the City's authority to exercise law enforcement powers.

INDEMNITY AGREEMENT: The City shall defend, indemnify and hold the District, its officers, officials, employees and volunteers harmless from any and all claims, injuries, damages, losses or suits including attorney fees, arising out of or resulting from the acts, errors, or omissions of the City, its officers, officials, employees and volunteers in performance of this agreement, except for injuries and damages caused by the sole negligence of the District. District shall defend, indemnify and hold the City, its officers, officials, employees and volunteers harmless from any and all claims, injuries, damages, losses or suits including attorney fees, arising out of our resulting from the acts=, errors or omissions of the District, its officers, officials, employees and volunteers, except for the injuries and damages caused by the sole negligence of the City.

CALCULATION OF SERVICE HOUR: Law enforcement action taken during contracted time could result in an incident or arrest report and prisoner processing. Hours worked to complete contracted work will be billed to the District and may be in excess of normal hours expressly requested pursuant to this agreement. District agrees to pay unrequested costs to the extent necessary to prepare adequate reports, and process prisoners regardless of whether hours are beyond requested, contracted service hours.

COSTS TO BE BILLED: Costs incurred under this agreement shall be billed to:

**South Kitsap School District
1962 Hoover Ave., SE
Port Orchard, WA 98366
Attn: Jennifer Farmer**

ENTIRE MOU/AMENDMENTS: This MOU, together with attachments or addenda, represents the entire and integrated MOU between the parties hereto and supersedes all prior negotiations, representations, or agreements, either written or oral. This MOU may be amended, modified or added to only by written instrument properly signed by both parties.

AGREED:

CITY OF PORT ORCHARD, WASHINGTON

SOUTH KITSAP SCHOOL DISTRICT

By: _____

Matt Brown
Chief of Police

By: _____

Title: _____

Date: _____

Date: _____

By: _____

Robert Putaansuu, Mayor

ATTEST/AUTHENTICATED:

Brandy Rinearson, MMC, City Clerk

APPROVED AS TO FORM:

Sharon Cates, City Attorney

This Page Intentionally Left Blank



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 7A
Subject: Continuation of: Adoption of an
Ordinance Approving the Petition to
Vacate City Right-of-Way, an Alley
Between Cline Avenue and DeKalb Street

Meeting Date: December 10, 2019
Prepared by: Brandy Rinearson, MMC
City Clerk
Atty Routing No: 060-19
Atty Review Date: December 5, 2019

Summary: Petitioner, Minh Chau Trinh, owner of 314-316 Cline Avenue, submitted a petition to vacate City right-of-way (ROW). The ROW is an alley between Cline Avenue and Dekalb Street. The Petitioner is requesting to vacate approximately 2,421 square feet of ROW. This vacation is at the request of the City’s Code Enforcement Officer to clean up the encroachment on to the City’s ROW.

The adjacent property owners, Harold and Shirly Vlist, who together with the Petitioner own more than two thirds of the abutting property, have signed the petition, as required by RCW 35.79.010 and POMC 12.08.010.

On November 12, 2019, a Public Hearing was held to take testimony on whether the City Council should vacate City Right-of-Way. At that hearing, no members of the public spoke in opposition of the vacation.

Staff has determined the following with regards to the proposed street vacation:

The area sought to be vacated was dedicated to the City in 1886 as part of the S.M. Stevens’ Town Plat of Sidney. To date the City has not opened the ROW.

The City Engineer has reviewed the street vacation petition and has indicated the following:

1. The area sought to be vacated is not needed for public travel now or in the foreseeable future.
2. The functionality of the area sought to be vacated for public purposes is nonexistent. Portions of an abutting property owner’s improvements are encroaching into the area.
3. The vacation of the area would not adversely affect any City utilities, such as water, sewer, or storm.
4. The City has not included any projects within the proposed vacation area as part of its six-year road plan, nor has the City any scheduled capital facilities projects on this property.

The Community Development Director stated the following:

1. Vacation of the proposed area does not create potential or actual land uses that are inconsistent with City growth plans and goals. This area has not been identified in the City’s Comprehensive Plan.

2. This vacation is at the request of the City's Code Enforcement Officer as the house has unpermitted additions of unknown age (house built 1891, additions much more recent) that occupy almost the entire width of the unopened ROW. The vacation would be the first step in cleaning up the encroachment on the City's ROW and neighboring property.

Legal Counsel comments:

1. Although the vacation would not resolve the issue of the structure being on the adjacent property owner's property, it is the best course of action for the City to proceed with the street vacation process. This would be the first step, before the property owners can proceed with any negotiations and/or civil action(s) relating to the encroachment. If the owners of the underlying property want to proceed with steps to resolve the encroachment issue, such actions would be civil matters between the two of them and would not require the legal involvement of the City.

Land Use Committee:

1. Requests the remainder of the alley be vacated with this vacation. This would be approximately an additional 120' length of ROW for an additional approximate 1,190 square feet. However, after further discussion by the full Council at their November 19, 2019 work Study Session, council directed staff not to pursue the additional vacation.

The Current motion of the floor is:

I move to adopt an Ordinance, vacating the City's right-of-way, an alley between Cline Avenue and DeKalb Street, as presented [November 12, 2019].

Recommendation: Based on the report provided to the Council and conversation held during the November 19, 2019 Work Study Session, staff recommends approving the street vacation petition as presented by the Petitioner.

Motion for consideration: I move to adopt an Ordinance, vacating the City's right-of-way, an alley between Cline Avenue and DeKalb Street, as presented by the Petitioner.

Fiscal Impact: TBD, upon approval of the Council a property appraisal may be needed. The value of the property determined by an appraisal is to be paid by the petitioner. The adjacent property owners will have an adjustment of property and to their property tax.

Alternatives: Deny the street vacation.

Attachments: Ordinance, Resolution Setting the Public Hearing date, Plat Map, and petition.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PORT ORCHARD, WASHINGTON, VACATING AN ALLEY BETWEEN CLINE AVENUE AND DEKALB STREET AT BLOCK 3, S.M. STEVENS TOWN PLAT OF SIDNEY, LOCATED IN PORT ORCHARD, WASHINGTON; ESTABLISHING THE CONDITIONS OF SUCH VACATION; PROVIDING FOR SEVERABILITY AND PUBLICATION; AND SETTING AN EFFECTIVE DATE.

WHEREAS, a petition for vacation of an alley between Cline Avenue and DeKalb Street was submitted to the City by Ms. Minh Chau Trinh (“Petitioner”); and

WHEREAS, Harold and Shirley Vlist are the adjacent property owners. These property owners, along with the Petitioner, represent the owners of more than two thirds of the abutting property, and all have signed and are in support of the petition; and

WHEREAS, on October 8, 2019, the City Council adopted Resolution No. 035-19, fixing November 12, 2019, as the date for a public hearing on the street vacation petition, which is not more than 60 days or less than 20 days after passage of the Resolution (POMC Section 12.08.010(3) and RCW 35.79); and

WHEREAS, the City Clerk provided public notice of the pending street vacation petition and public hearing thereon as required by law (POMC Section 12.08.020(1) and RCW 35.79); and

WHEREAS, staff reviewed the petition and, in light of the provisions of POMC chapter 12.08.060, determined this proposed street vacation is not subject to the 1889-1890 Laws of Washington, Chapter 19, Section 32 (the nonuser statute) as it was part of the original creation of the City boundaries in 1890; and

WHEREAS, the City Council held a public hearing on November 12, 2019, on the proposed street vacation; now, therefore,

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

Section 1. Non-user Statute. Under POMC Section 12.08.060(5), staff has determined the area proposed for vacation has not been vacated by lapse of time under the non-user statute.

Section 2. Public Notice. The City Council finds that the City Clerk provided at least 20 days’ and not more than 60 days’ notice of the pendency of the street vacation petition and the public hearing thereon, as required by POMC Section

12.08.020 and RCW 35.79, including notice being posted on the street or alley sought to be vacated.

Section 3. Staff Report. Staff has prepared a report and recommendation on the proposed vacation, which is dated November 12, 2019. A copy of this report was available to the public prior to the public hearing.

Section 4. Public Hearing. The public hearing was held on the petition for street vacation on November 12, 2019.

Section 5. Testimony at Public Hearing. The Public Hearing was held and no one in opposition commented on this street vacation.

Section 6. City Council Findings. After hearing the testimony of the public, and considering the staff report and all other relevant facts, the City Council finds as follows:

- a. The area sought to be vacated was dedicated to the City in 1886 as part of the S.M. Stevens' Town Plat of Sidney. To date the City has not opened the ROW.
- b. The area sought to be vacated is not needed for public travel now or in the foreseeable future.
- c. The functionality of the area sought to be vacated for public purposes is nonexistent. Portions of an abutting property owner's improvements are encroaching into the area.
- d. The vacation of the area would not adversely affect any City utilities, such as water, sewer, or storm.
- e. The City has not included any projects within the proposed vacation area as part of its six-year road plan, nor has the City any scheduled capital facilities projects on this property.
- f. Vacation of the proposed area does not create potential or actual land uses that are inconsistent with City growth plans and goals. This area has not been identified in the City's Comprehensive Plan.

Section 7. City Council Conclusions. The City Council has determined that the area proposed for vacation submitted by the Petitioner may be vacated and hereby approves the street vacation petition.

Section 8. Compensation and Recording. A certified copy of this Ordinance vacating the proposed area shall be recorded by the City Clerk with the Kitsap County Auditor's office, as required by RCW 35.79.030, upon the Petitioner compensating the City in an amount which does not exceed one-half the appraised value of the area so vacated. The adjacent property owners will have an adjustment of property and to their property tax.

Section 9. **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 10. **Publication.** This Ordinance shall be published by an approved summary consisting of the title.

Section 11. **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 City Clerk in authentication of such passage this 10th day of December 2019.

Rob Putaansuu, Mayor

ATTEST:

Brandy Rinearson, MMC, City Clerk

APPROVED AS TO FORM:

SPONSOR:

Sharon Cates, City Attorney

Scott Diener, Councilmember

PUBLISHED:

EFFECTIVE DATE:



City of Port Orchard

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

RECEIVED

JUL 29 2019

CITY OF PORT ORCHARD
CITY CLERKS OFFICE

STREET VACATION PETITION

TO THE CITY COUNCIL OF THE CITY OF PORT ORCHARD:

- 1. The undersigned, owners of two-thirds of the real property abutting upon that public street described below, do hereby petition the City of Port Orchard to vacate said street/alley, described as follows:

Legal description: See attached
(Legal description of portion of right-of-way, which is subject of petition)

all situated in the City of Port Orchard, County of Kitsap, State of Washington, and request that said City Council by Resolution fix a time and place when this Petition shall be heard and determined by that authority, which time shall not be more than sixty (60) days nor less than twenty (20) days after passage of such Resolution.

- 2. The undersigned proposes the following:
 - a. Proposed use of the vacated Right-of-Way: to cleanup property line / Row
 - b. The proposed vacation is located in _____ zoning district.
 - c. The property is approximately 116' feet wide by approximately 147' feet long, containing approximately 2421 total square feet.
 - d. Provide a map with Right-of-Way proposed to be vacated outlined or highlighted.
 - e. The undersigned hereby agree to pay the full appraised value of the vacated right-of-way to the City of Port Orchard, and comply with all conditions required by the City, upon approval of the petition. The petitioner hereby requests that:

N/A

Obtain an appraisal of right-of-way proposed to be vacated. In lieu of an appraisal value of the land may be based on the following square foot valuations: residential \$5; Commercial \$10; and Industrial \$10.

N/A

Certified check is an amount equal to the full appraised or estimated value of land. *(Certified check to be held until vacation is approved or denied by Council)*

- 3. Verification by the City of Port Orchard of the undersigned who are the legal property owners representing one hundred (100) percent of the abutting property.

Brandy Rinearson, CMC, City Clerk

4. The undersigned has paid to the City Clerk the \$100 application fee. It is understood that this fee is not refundable, that it is for the purpose of partially defraying the normal administrative, engineering and legal expenses in processing the petition for vacation, and that it does not constitute a payment for the street vacation requested in the petition.

Receipt No: 7958 Date 7/29/19

These pages are a group of pages containing an identical text and prayer intended by the signers of this Petition to be presented and considered as one Petition and may be filed with other pages containing additional signatures, which cumulatively may be considered as a single Petition.

WARNING: Every person who signs this Petition with any other than his true name, or who knowingly signs more than one of these Petitions, or signs a Petition when he is otherwise not qualified to sign, or who make any false statement shall be guilty of a misdemeanor.

PRAYER OF PETITION: For the vacation of a portion of that street/alley commonly known as City right-of-way and called 314-316 Clive Ave

Signatures of petitioners (Note: all persons who have an ownership interest **must sign** the petition. This includes co-owner(s) and/or spouse.

Minh Chau Trinh 12925 SE 69th Pl, Bellevue WA 98006
Name Address Phone Tax Parcel Number
MINH CHAU TRINH 4650-003-007-0002
(Name Printed or Typed)

Minh Chau Trinh
(Signature)

Name Address Phone Tax Parcel Number

(Name Printed or Typed)

(Signature)

Name Address Phone Tax Parcel Number

(Name Printed or Typed)

(Signature)

Update: April 2012



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

**PROCEDURE TO SUBMIT PETITION TO VACATE CITY
 RIGHT-OF-WAY**
 (RCW 35.79/City Resolution No. 1990)

- 1) Obtain an appraisal of right-of-way proposed to be vacated. In lieu of an appraisal value of the land may be based on the following square foot valuations: residential \$5; Commercial \$10; and Industrial \$10.
- 2) Submit to the City Clerk's office a Petition to Vacate signed by all abutting property owners* with following information or attachments:
 - a. Full Appraisal; — email from park shore RE
 - b. Legal Description of portion of right-of-way proposed to be vacated; — 2 mail —
 - c. Dimensions of area proposed to be vacated;
 - d. Copy of Kitsap Co. Assessor's map with right-of-way proposed to be vacated outlined or highlighted; ✓
 - e. Application fee of \$100;
 - f. Certified check in an amount equal to the full appraised or estimated value of land. — OK see email

**In the event an abutting property owner does not oppose the request to vacate, but is not interested in ownership of the portion abutting their property, a notarized statement may be submitted by the non-interested property owner, to allow another abutting property owner to receive ownership of that portion of vacated right of way.*

PROCESSING PROCEDURE:

- 1) Staff review Petition package prior to actual acceptance of Petition to confirm all information, fees and attachments are included.
- 2) Accepted petition is transmitted to Public Property Committee and the City Engineer for review and recommendation. Review standards consist of, but are not limited to:
 - a. The City does not have a foreseeable or possible use of the property.
 - b. The removal of public access does not adversely affect access to other property(s).
 - c. The vacation of the property does not adversely affect utilities such as water, sewer, storm, electric, and others. Mail copy of the application to: Attn: Kitty Ogg, Puget Sound Energy, 6522 Kitsap Way, Bremerton, WA 98312
 - d. The enlarging of property area does not create potential or actual land uses that are inconsistent with city growth plans and goals.
 - e. The City receives the fullest monetary amount allowed by law. (The cost of vacating public property must be paid by the applicant. A non-refundable \$100 Application Fee is paid by the petitioner(s). In the event the administrative cost to process a Petition to Vacate exceeds \$100, the petitioner will be assessed additional fees.)
 - f. There has been a public hearing as set forth by RCW 35.79, with adjacent property owners receiving notification.

- 3) After Public Property Committee and the City Engineer review, Clerk's Office shall prepare draft resolution for Council consideration setting date and time for Public Hearing on Petition to Vacate. Such Public Hearing shall not be more than 60 days and not less than 20 days after date of passage of such Resolution.
- 4) After passage and publication of resolution the following notification process shall be followed:
 - a. Resolution published in official newspaper
 - b. Post notice of Public Hearing at the following locations:
 - (1) Subject property
 - (2) City Hall bulletin board
 - (3) Library bulletin board
 - (4) Kitsap County Courthouse bulletin board
 - c. Mail notice (copy of Resolution) to all abutting property owners as provided by the County Treasurer/Auditor.

Aug 26th
 PH
 Sept 10, 14 9

Oct 8th
 Action -

Public Hearing

- 1. Staff report
- 2. Committee report and recommendation
- 3. Public input/comment
- 4. Council consideration and action

Petition approved/denied:

1) DENIED:

- a. 50% of abutting property owners file writes objection to the Clerk 15 days prior to hearing the City is prohibited from proceeding with the Resolution.
- b. Process ends, should Council deny the Vacation request. Certified check returned to petitioner(s) on _____.

2) APPROVED:

_____ Certified check of the appraised value received by Clerk's Office with copy of receipt provided to Petitioner(s)

_____ Ordinance is prepared and submitted for legislative approval at next regular meeting of City Council.

_____ Approving ordinance or a summary thereof shall be published in the City's official newspaper. Vacation of right of way is effective five (5) days after date of such publication.

0.00

CHANGE

100.00

_____ Ordinance is recorded with Kitsap County Auditor's Office.

100.00

APPLIED

~~SHOULD YOU HAVE ANY QUESTIONS, PLEASE CONTACT THE CITY CLERK'S OFFICE AT; 216 PROSPECT STREET, PORT ORCHARD, WA OR BY PHONE (360) 876-4407~~

Faid Bv Minh Chau Trinh 314-316 Cline

2-Check 100.00

Faid Bv Minh Chau Trinh 314-316 Cline

Minh Chau Trinh 100.00

=====

TKBY : Finance User

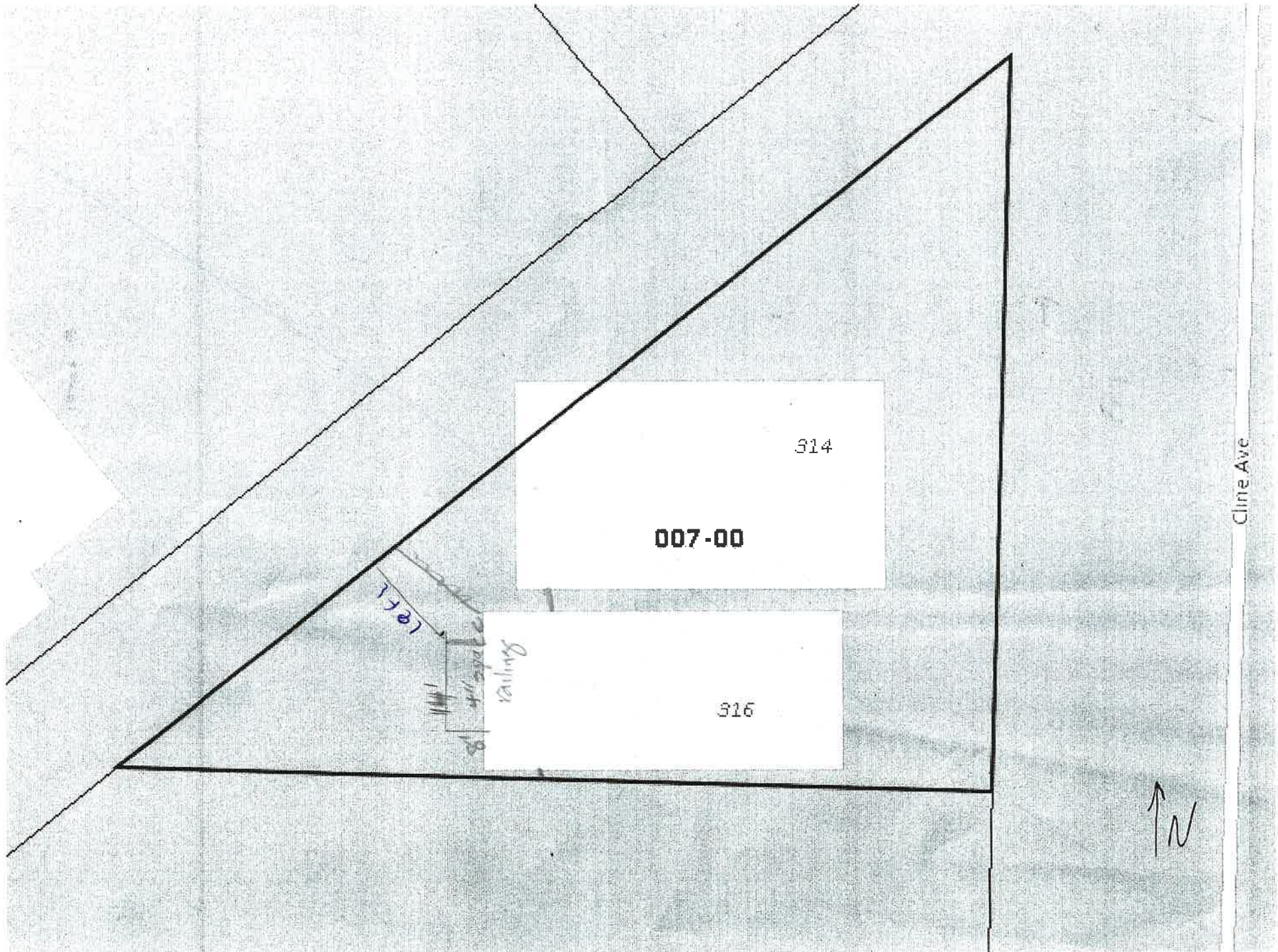
OPER: PS TERM: 1

App

TRAN: STREETVACAPP CityStreet Vacation

REC#: R00007958 7/29/2019 11:15 AM

City of Port Orchard



Cline Ave





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

**STREET VACATION PETITION TO
 NEIGHBORING PROPERTY OWNERS**

Property Owner Name Seeking Vacation: Harold H Vlist & Shirley J. Vlist

Address: 514 Bay St Port Orchard WA 98366
Street City State Zip

Contact Information: 360-876-4428 vlistmotors@earthlink.net
Phone Email

Address of Requested Vacation: Same as above | 316-314 Cline Ave
Street Port Orchard, WA 98366

Parcel Number of Requested Vacation: 4450 003-007-0002

Signatures of petitioners (Note: all persons who have an ownership interest **must sign** the petition. This includes co-owner(s) and/or spouse.

HAROLD H. VLIST
First and Last Name

[Signature]
(Signature)

SHIRLEY J. VLIST
First and Last Name

[Signature]
(Signature)

514 BAY ST, PORT ORCHARD
Address

360-876-4428
Phone

003-00 AND 006-00
Tax Parcel Number

EXHIBIT "A"

LEGAL DESCRIPTION FOR 16 FOOT WIDE ALLEY VACATION
BLOCK 3, S.M. STEVENS TOWN PLAT OF SIDNEY
AS RECORDED IN VOLUME 1 OF PLATS ON PAGE 1
RECORDS OF KITSAP COUNTY, WASHINGTON

PREPARED FOR: MINH CHAU TRANH

THAT PORTION OF BLOCK 3, S.M. STEVENS TOWN PLAT OF SIDNEY AS RECORDED IN VOLUME 1 OF PLATS ON PAGE 1, RECORDS OF KITSAP COUNTY, WASHINGTON, IN GOVERNMENT LOT 3 IN THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 24 NORTH, RANGE 1 EAST, W.M., DESCRIBED AS FOLLOWS:

COMMENCING AT SOUTHEAST CORNER OF LOT 7 OF SAID BLOCK 3; THENCE NORTH $01^{\circ}41'48''$ EAST ALONG THE EAST LINE OF SAID LOT 7, 75.00 FEET; THENCE NORTH $88^{\circ}18'12''$ WEST, PARALLEL TO THE SOUTH LINE OF SAID LOT 7 103.10 FEET TO THE NORTHWEST LINE OF LOT 8 IN SAID BLOCK 3 AND THE TRUE POINT OF BEGINNING; THENCE CONTINUING NORTH $88^{\circ}18'12''$ WEST 24.75 FEET TO THE SOUTHEAST LINE OF LOT 4 IN SAID BLOCK 3; THENCE NORTH $51^{\circ}25'49''$ EAST 167.56 FEET TO THE SOUTHEAST CORNER OF LOT 6 IN SAID BLOCK 3; THENCE SOUTH $01^{\circ}41'48''$ WEST 20.97 FEET TO THE NORTHEAST CORNER OF LOT 7 IN SAID BLOCK 3; THENCE SOUTH $51^{\circ}25'49''$ WEST 135.12 FEET TO THE TRUE POINT OF BEGINNING.

SAID PARCEL CONTAINING 2421.4 SQUARE FEET OR 0.06 ACRES, MORE OR LESS.

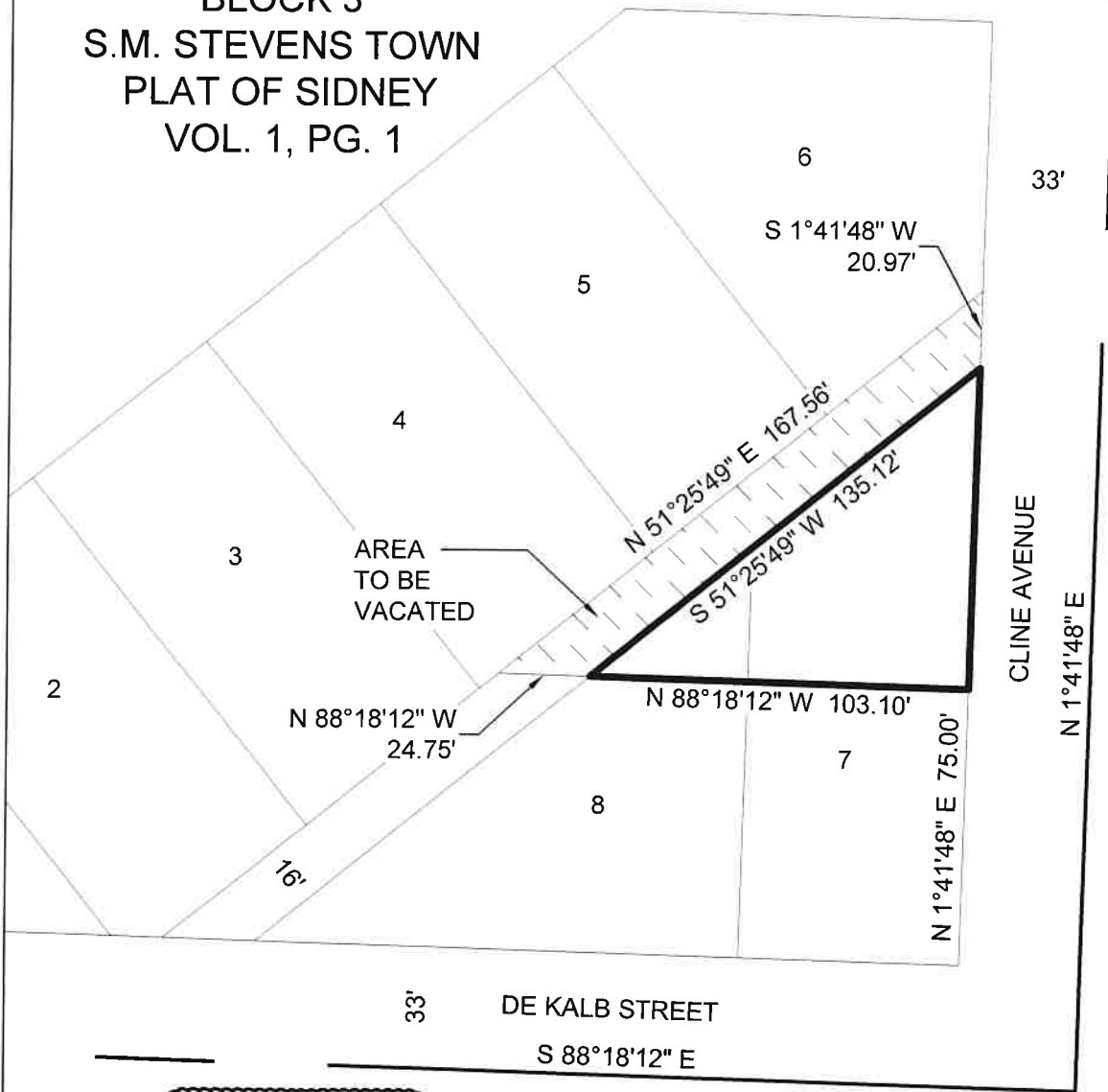


7-19-19



EXHIBIT "B"

BLOCK 3
S.M. STEVENS TOWN
PLAT OF SIDNEY
VOL. 1, PG. 1



7-19-19

WSE
WestSound Engineering, Inc.
217 S.W. Wilkins Drive Port Orchard, Wa. 98366
Phone (360) 876-3770 Fax (360) 876-0439
E-mail: wse@wsengineering.com
JOB No. **2806** SHT **2** OF **2** SHTS



Minh Chau Trinh <mctrealestatellc@gmail.com>

Price option on alley behind 314-316 Cline Ave, Port Orchard, WA 98366

Aaron@cbparkshore.com <Aaron@cbparkshore.com>

Fri, Jul 19, 2019 at 12:21 PM

To: MCT REAL ESTATE LLC <mctrealestatellc@gmail.com>

That alley has no real value, if not attached, but it looks like it was vacated. So the alley would be split between the two adjacent lots (the dealership and the lot with 2 homes).

Without seeing the insides of the homes I would value the whole parcel anywhere from 350k-400k. Could be higher potentially but I feel comfortable in the 350k-400k range.

I could provide a more detailed CMA, if allowed access to the properties.

Are you the owner? I couldn't help but notice your email.com

Aaron Smith
Coldwell Banker Park Shore Real Estate
4235 SE Mile Hill DR
Port Orchard WA 98366
(360) 271-1928
Visit my website!
[Quoted text hidden]

CERTIFICATE

This is to certify that Mr. Sidney M. Stevens and Mary E. Stevens, his wife are the owners in fee simple of Lot 3, in Section 26, Township 24 North of Range 1, East, Willamette Meridian, Kitsap County, W.T. and that we have this day laid out the same, into Lots, Blocks, Streets and Alleys, according to this Plat.

In witness whereof, we have hereunto set our hands and seals this 27th day of January, A.D., 1886. In presence of William L. Pond, Sidney M. Stevens, Mary E. Stevens

S.M.S. STEVENS' TOWN PLAT OF

SIDNEY.

KITSAP CO. W.T.

Whitworth & Thompson, Engineers & Surveyors Seattle, W.T.

Explanation This Plat of S.M. Stevens' Town Plat of Sidney, Kitsap Co., W.T., occupies Lot 3, Sec. 26, Tp. 24, N. R. 1, E. W.M. The initial point is the S.E. corner of Lot 5, Block 18, which point is 40 ft North (Var 21° 15' E) and 37.5 ft West of a marked fir tree, 20 inches in diameter, regular Lots and 60x120 feet, Lots 6, 7, 8 and 9, in Block 17, and Lots 1, 2, 3, 4, 5, 6, 7 and 8, in Block 18 are 60x150 feet. Irregular Lots are as noted on Plat. Bay Street is 75 feet wide, Sydney 37.5 feet wide. All other streets are as noted, and shown on Plat. Lots in Blocks 4, 10, 11, 12 and 13 are water front Lots, and extend to deep water in Port Orchard Bay, or to where converging lines meet.

ACKNOWLEDGMENT

State of Illinois 1st. County of De Kalb. I, William L. Pond, Notary Public for said County, do hereby certify that the foregoing plat was filed for record in my office on the 27th day of January, A.D., 1886, and that the same is a true and correct copy of the original as shown to me by the said Sidney M. Stevens and his wife, Mary E. Stevens, who are the owners in fee simple of the premises therein mentioned. In witness whereof, I have hereunto set my hand and official seal this 27th day of January, A.D., 1886. William L. Pond Notary Public

Notarial Seal

Filed for Record at request of L.A. Cline March 6th 1886, at 10:30 A.M. Recorded March 13th 1886, at ten o'clock P.M. Nelson McCallum County Auditor



UN

RESOLUTION NO. 035-19

A RESOLUTION OF THE CITY OF PORT ORCHARD, WASHINGTON, FIXING THE DATE OF PUBLIC HEARING ON A PETITION TO VACATE A PORTION OF CITY RIGHT-OF-WAY, AN ALLEY LOCATED BETWEEN CLINE AVENUE AND DEKALB STREET.

WHEREAS, the petitioner, Minh C. Trinh, submitted a petition to vacate a portion of City right-of-way, an alley located between Cline Avenue and Dekalb Street; and

WHEREAS, the petitioners constitute the owners of more than two-thirds (2/3) of the property abutting the area proposed for vacation pursuant to RCW 35.79.010; and

WHEREAS, the property sought to be vacated is approximately 2,421 square feet; and

WHEREAS, the legal description for 16' wide by 167' long alley to be vacated is as follows:

THAT PORTION OF BLOCK 3, S.M. STEVENS TOWN PLAT OF SIDNEY AS RECORDED IN VOLUME 1 OF PLATS ON PAGE 1, RECORDS OF KITSAP COUNTY, WASHINGTON, IN GOVERNMENT LOT 3 IN THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 24 NORTH, RANGE 1 EAST, W.M., DESCRIBED AS FOLLOWS:

COMMENCING AT SOUTHEAST CORNER OF LOT 7 OF SAID BLOCK 3; THENCE NORTH 01°41'48" EAST ALONG THE EAST LINE OF SAID LOT 7, 75.00 FEET; THENCE NORTH 88°18'12" WEST, PARALLEL TO THE SOUTH LINE OF SAID LOT 7 103.10 FEET TO THE NORTHWEST LINE OF LOT 8 IN SAID BLOCK 3 AND THE TRUE POINT OF BEGINNING; THENCE CONTINUING NORTH 88°18'12" WEST 24.75 FEET TO THE SOUTHEAST LINE OF LOT 4 IN SAID BLOCK 3; THENCE NORTH 51°25'49" EAST 167.56 FEET TO THE SOUTHEAST CORNER OF LOT 6 IN SAID BLOCK 3; THENCE SOUTH 01°41'48" WEST 20.97 FEET TO THE NORTHEAST CORNER OF LOT 7 IN SAID BLOCK 3; THENCE SOUTH 51°25'49" WEST 135.12 FEET TO THE TRUE POINT OF BEGINNING.

SAID PARCEL CONTAINING 2421.4 SQUARE FEET OR 0.06 ACRES, MORE OR LESS.

WHEREAS, the petitioner has requested that proceedings be had hereon for the vacation of said portion of the city right-of-way in the manner prescribed by RCW 35.79; and

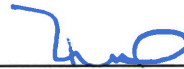
WHEREAS, the street vacation is needed to clean up the encroachment so the owner can make repairs to a deck and staff recommends moving the petition forward to the full City Council to conduct a public hearing; now, therefore,

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

THAT: A Public Hearing upon said proposed street vacation shall be held in the Robert G. Geiger Council Chambers at City Hall located at 216 Prospect Street, Port Orchard, Washington on Tuesday, November 12, 2019 at 6:30 p.m., at which hearing all persons interested in said street vacation are invited to appear.

THAT: The City Clerk is directed to post notice of the petition in three of the most public places in the city and a like notice in a conspicuous place on the street sought to be vacated, pursuant to RCW 35.79.020. The Clerk shall also post the notice on the City's website.

PASSED by the City Council of the City of Port Orchard, SIGNED by the Mayor and attested by the Clerk in authentication of such passage this 8th day of October 2019.



Robert Putaansuu, Mayor

ATTEST:



Brandy Rinearson, MMC, City Clerk



This Page Intentionally Left Blank

This Page Intentionally Left Blank

Jenine Floyd

From: Lee Reyes <LReyes@co.kitsap.wa.us>
Sent: Wednesday, December 4, 2019 3:13 PM
To: Jenine Floyd
Subject: Chihuly Inspired Chandelier

Hi Jenine,

Sarajane Rants (Artist) stopped by and wanted to see if anyone would be interested in hanging this beautiful Chihuly inspired chandelier. This piece was constructed by hand with 400 recyclable colored water bottles by youths at South Kitsap High School. This piece measures at 8' x 4' and should be displayed in a well lit area to help illustrate the natural beauty of the piece.



I am sending this to see if anyone would be interested in having this displayed with the City of Port Orchard.

Sarajane is not looking to sell it, they want to donate it in return for a permanent home.

Thank you,
Lee Reyes
Kitsap County
Department of

Administrative Services

Tel.: (360) 337-4471

lreyes@co.kitsap.wa.us

Hours:

Monday through Thursday 0730 - 1700

Friday 0800 - 1200

NOTICE: All emails and attachments sent to and from Kitsap County are public records and may be subject to disclosure pursuant to the Public Records Act (RCW 42.56).