

ITEMS DISCUSSED

1. CALL TO ORDER
2. EXECUTIVE SESSION: Potential Litigation RCW 42.30.110(1)(i)
3. SWEARING IN CEREMONY
4. PUBLIC COMMENT
5. CITY COUNCIL COMMITTEE REPORTS
  - A. AB 0822 PUBLIC WORKS AND TRANSPORTATION COMMITTEE: GROW AVENUE NON-MOTORIZED IMPROVEMENTS
6. RESOLUTIONS
  - A. AB 0676-6 RESOLUTION NO. 2006-45, KITSAP TRANSIT BOUNDARY ADJUSTMENT
  - B. AB 0675-6 RESOLUTION NO. 2006-44, PINE, FIR AND SPRUCE
  - C. AB 0680-6 RESOLUTION NO. 2006-46, OPPOSING INITIATIVE 933 ENTITLED "AN ACT RELATING TO PROVIDING FAIRNESS IN GOVERNMENT REGULATION OF PROPERTY"
7. CONSENT AGENDA
  - A. VOUCHER AND PAYROLL APPROVAL
  - B. SPECIAL CITY COUNCIL WORKSHOP MINUTES SEPTEMBER 20, 2006
  - C. AB 0677-6 INTERLOCAL AGREEMENT WITH B.I. SCHOOL DISTRICT TO PURCHASE SURPLUS EQUIPMENT (PICKUP TRUCK)
  - D. AB 0678-6 INTERLOCAL AGREEMENT WITH B.I. METROPOLITAN PARK AND RECREATION DISTRICT TO PURCHASE SURPLUS EQUIPMENT (FLAT BED TRUCK)
  - E. AB 0943 SUNDAY COVE PUMP STATION UPGRADES, EQUIPMENT ACQUISITION (SOLE SOURCE) S&B, INC. - \$46,237.43
  - F. AB 0306 WWTP SCADA SYSTEM EQUIPMENT ACQUISITION (SOLE SOURCE) S&B, INC. - \$21,700
  - G. AB 0860 HORIZON VIEW PLACE SEWER LID NO. 21 PROJECT ACCEPTANCE AND FINAL CHANGE ORDER, LYDEL CONSTRUCTION - \$21,894.90
  - H. AB 1003 FLETCHER BAY WELL BOOSTER PUMP REPLACEMENT, BID AWARD, MCCONNELL CONSTRUCTION - \$21,481.40
  - I. AB 6416 TRANSPORTATION PLANNING FOR THE FERRY/GATEWAY DISTRICT, PROFESSIONAL SERVICES AGREEMENT, CHARLIER AND ASSOCIATES - \$26,657
  - J. AB 0660-6 LONG-TERM DISABILITY INSURANCE FOR EXEMPT STAFF
8. MEETING EXTENSION
9. RECESS
10. ITEMS OVER \$100,000: AB 0580 NIKKEI MEMORIAL, PHASE I CONSTRUCTION CHANGE ORDER #2, WYSER CONSTRUCTION - \$147,093.30
11. UNFINISHED BUSINESS: AB 5000-6 WATERFRONT PARK CONVERSION
12. CITY COUNCIL COMMITTEE REPORTS (CONTINUED)
  - B. AB 0679-6 HARBOR COMMISSION RECOMMENDATION TO IMPROVE ACCESSIBILITY AND SAFETY OF BAINBRIDGE ISLAND HARBORS
13. CITY ADMINISTRATOR'S REPORT
14. ADJOURNMENT

**1. CALL TO ORDER**

Mayor Kordonowy called to order the special/regular City Council meeting at 6:33 PM with Councilmember's Knobloch, Scales, Snow, Stoknes, Tooloee and Vancil, City Administrator Briggs, City Attorney McMurray, Police Chief Haney, Public Works Director Witt, Interim Planning Director Harris, City Engineer Earl, Director Fischer and Harbor Master Allen. Councilmember Llewellyn was absent and excused. City Clerk Lassoff monitored the recording of the meeting.

**2. EXECUTIVE SESSION**

At 6:33 PM, Mayor Kordonowy adjourned the special/regular City Council meeting to executive session to discuss potential litigation (RCW 42.30.110(1)(i)). The Mayor, City Attorney, and aforementioned City Council members convened in the Long-range Planning Conference Room. The recording system was turned off and the door to the Council Chambers was posted. Mayor Kordonowy reconvened the special/regular City Council meeting at 7:07 PM noting that no action taken and led everyone in the pledge of allegiance.

### 3. SWEARING IN CEREMONY

Judge Carruthers swore in Deputy Police Chief Mark Duncan. Chief Haney said he was pleased to have Mark on board and has looked forward to having a Deputy Police Chief here for quite some time.

Deputy Police Chief Duncan introduced his family and friends and thanked them for coming.

### 4. PUBLIC COMMENT

Mayor Kordonowy explained Initiative 933 would be up for public comment during the resolutions portion of the meeting and that anyone wishing to speak in favor or against the initiative should do so during that time.

Doug Hotchkiss, 941 Grow Avenue, 20-year resident, asked that the city look at all needs and alternatives and not just a one-size fits all approach when it came to Grow Avenue and requested the city reject the grant to allow us to go through the appropriate process.

Katherine Hjerrild, 1161 Grow Avenue, read from a prepared statement; she asked that as City Council considered the recommendation to accept the grant, the one question they should be asking is not whether we could afford to give up the grant money but could we afford to accept it.

Jane Allan, 330 Grow Avenue, said the Senior Center supported the Waterfront Park Conversion; she believed a lot was being done on Winslow Tomorrow to create a great downtown and there was opportunity to strengthen the existing Grow Avenue neighborhood too however that opportunity would be lost if the city went forward with the grant; she explained Grow Avenue was one of the few affordable downtown neighborhoods; she said the AASHTO grant spoke of Grow Avenue as a commuter and school corridor (as more and more subdivisions are developing on the south end of the island); however it did not recognize Grow as a residential community as the non-motorized plan did; she felt a holistic approach (how can we use public space to foster the community, provide for safe pedestrians and bicycles and accommodate the car) was the way to go; she believed the process as been frustrating and requested the city take a deep breath and really think about the process.

Tom McDonald, 164 Grow Avenue, said he's been up to this podium many times over the last three years; he said it seemed everyone was on the same page going forward with what the community spent hundreds of hours developing through a public process then at the last minute we find out we are going to have something else which was not only not what the community wanted but precluded any change of implementing what the community wanted in the future; he said the current proposal addressed one of the four major concerns which was the impious of the original planning sessions however it did not address any of the other three concerns which, for many people, were more important than the one concern it did address; he said if the city decided to accept the grant and go forward with the plan, they should know that it would make for a lot of unhappy people in the neighborhood.

Robert Morris, waterfront property owner south side of the harbor, commented on item #12 (Harbor Commission Recommendations to Improve Accessibility and Fifty of Bainbridge Island Harbors); he commended the City Council and Harbor Commission for coming up with a plan that was about as close to workable as it could possibly be; he said if the city did decide to take on the task of leasing the center of the harbor from DNR and proceeding with the plan as he last read it, it was a commendable effort.

Don Willott, Gideon Lane, Non-Motorized Transportation Advisory Committee (NMTAC) Vice-Chair; said he was designated by the NMTAC to serve as point of contact person with neighbors and others in the community from March to December 2004; he said during that time, more than 50 different people at three different public meetings and an unprecedented effort to carry out the directions of the adopted Non-Motorized Transportation Plan (NMTP) enlisted neighbors in planning facilities affecting them; he personally spent hundreds of hours in this effort; he said the process resulted in a strong consensus for a preferred conceptual design outlined in the recommendation sheet the City Council received for tonight's meeting; he said this design did not adequately address the grant application and preliminary design by the public works department; he said the current City Engineer, to his considerable credit, attempted to address the community vision when he was made aware of it, however; he simply was not able to make a silk purse out of a sow's ear; he said it was his opinion the current design should not be built explaining it would not be an improvement over the existing conditions for pedestrians, bicyclists and motorists; he added the process would also destroy much of the vegetation along the road; he believed this to be a poor use of federal, state and city funds as it's currently designed; he asked the City Council to agree to let the grant money go noting the RFP recommended by the Transportation Standards Scoping Committee should be put out as they recommended without delay in order that the city can develop street design standards in keeping with context sensitive design.

Rick Hauptman, 8687 NE Oddsfellows Road; said he received a consensus statement from the NMTAC stating it was their recommendation that City Council not approve going forward with the Grow Avenue project as it's currently designed; he said the design and the public process that led up to it did not, in the committee's opinion, comply with current AASHTO standards and practices; he said as a result the proposal fails to address and balance the full range of ascetic, safety and community character values which those standards and practices are designed to foster and protect; he said the implications of this decision go far beyond this project since approval would put City Council in the position of endorsing that failure and would be a tacit endorsement for the Public Works Department to continue applying obsolete standards and practices to subsequent projects; he said these standards and practices are not in compliance with the city's adopted goals and principles of constructing an intergraded transportation system with easy access to alternative transportation options while preserving the special character of the island, protecting fragile water resources and promoting sustainable development; he said the committee gave full endorsement to the recent recommendations of the Transportation Standards Scoping Committee and the RFP proposal created in that process.

Dee McComb, NE Tolo Road, B.I. Rowing Club President, commented on the request to the State of Washington's IAC for conversion of use for Waterfront Park to allow additional desirable activities which could included rowing club moorage, kayak racks and Senior Center expansion; she thanked the Mayor, Harbor Master and City Council for their support in proceeding with the request for conversion, the time and funding to allow human powered craft activities and storage in Waterfront Park.

Bob Burkhalter, 131 Madison Avenue, addressed the City Council regarding his support of Councilmember Stoknes' resolution on opposing Initiative 933; he thought it was time for the City to join other thinking communities and over 200 diverse organizations that oppose 933 and do the right thing; he doubted that any City Council members would support I-933 or even abstain from voting it down; he said if anyone had any doubts at all, he asked Council members to ask themselves four questions 1) how much would it cost and who will pay (Oregon's initiative is now costing them \$6.1 billion dollars of taxpayer's money); 2) what about the legal mess it creates and who pays for that? (the way the initiative is written, the public pays both attorneys on both sides which is terribly unfair) 3) he said hundreds of family farmers oppose 933; 4) if you want to know who's behind the initiative, just follow the money; he pleaded with City Council to support Councilmember's Stoknes resolution as well as vote no on November 7.

## 5. CITY COUNCIL COMMITTEE REPORTS

### A. AB 0822 PUBLIC WORKS AND TRANSPORTATION COMMITTEE: GROW AVENUE NON-MOTORIZED IMPROVEMENTS

Councilmember Vancil explained since she did not attend the committee meeting where it was decided this item be placed on tonight's agenda, she asked Councilmember Snow to give a brief introduction.

Councilmember Snow said at the outset that Director Witt was also not present during the meeting and was represented by City Engineer Earl to whom the request was made to report on the timeline the city would need to follow in order to complete the necessary steps to exercise the grant; he briefly explained where matters stood in the discussions with the community and the planning process.

Director Witt thought it would be helpful to step back and discuss the project's history; he explained a few years ago, Grow Avenue was selected by the Non-Motorized Committee as the first street to plan out; he noted the Non-Motorized Plan spoke to a series of streets which were left in the plan without noting their specific improvements; he explained those streets were defined by a dash line on the map which indicated a minimum of one sidewalk and/or one bike lane (which varies by street) and a need to go through community process; he said in the case of Grow Avenue, it became the first street to go through the process; he said staff sought and received a grant from the non-motorized aspects of that plan and in 2005, City Council authorized the project as part of the budget process; he said there was a key turning point in that City Council was very clear in that authorization was for the non-motorized portions and that we were to look into phasing other elements in later; he thought city staff and the consultants have done a good job trying to mesh all concerns; he said there has been some discussion as to whether this is the right perhaps ultimate design or first element of the phase or is it the right project to bring forward; he said the timeline has raised the question of whether the city builds something that maybe the community doesn't support or is it the City Council's desire to step backwards, perhaps redo the planning process (as the community would like us to do), and bring it forward again.

City Engineer Earl said much as been said about the incompatibility of the current design with the vision of the community as expressed in the plan that was adopted by resolution in 2004; he did not agree with that opinion and did not think anything in

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the current design precluded execution of the overall preferred alternative in a phased manner; he said lower Grow has a 50-foot right-of-way and upper Grow (north of Wyatt Avenue up to High School Road) has a 60-foot right-of-way; he said in the lower portion below Wyatt, it's not possible to meander the sidewalk very much and what we would end up with was a sidewalk directly abutting the driven road way with no curb (cars would park on it and there would be no true refuge or safety for pedestrians; he said this could be resolved with another 5-10 feet of right-of-way however the current timeline would not allow acquisition at this time; he said traffic calming was not part of the authorized project however the current design provides a meandering pedestrian path wherever possible, a northbound bicycle lane, open bio-swale drains and landscaping with native species, a rain garden in Gideon Park and provides for the beginning of construction of the preferred alternative the community came up with; he said the proposed project would not change the character of Grow Avenue from rural to suburban or urban, degrade or harm water quality or resources (the drainage passages in that area would be essentially unchanged and may be enhanced); he said it was his opinion the project was entirely compatible with the community's value and with interim traffic calming measures that could be effective now if City Council wished to authorize that; he believed the project was the best the city could do at this time being sensitive to the existing street in the neighborhood and recommended going ahead with it.

Councilmember Snow asked if the current plan was developed since the last community meeting to which City Engineer Earl replied it was developed over two meetings with the community hearing many comments about the design itself and about what the design was not (parking plan, traffic calming, reduced speeds, drainage, a sidewalk and bicycle facilities).

Council Chair Scales asked whether the grant was transferable to another non-motorized project to which Director Witt replied no it was specific to Grow. Council Chair Scales then asked if there were any specific penalties for returning the money and not performing what the city said it would do. Director Witt replied this was a gray area since the city already returned a grant two years ago and if City Council decided to return this one, it would be the second time in three years; he explained there was no specific penalty however there could be a credibility problem.

Councilmember Tooloee asked why had there been such short notice that this item would be on tonight's agenda to which Councilmember Snow replied it came up October 2 as well as the last City Council meeting agenda where it was determined the item was not quite ready to go forward. Councilmember Tooloee then asked why the process broke down to which City Administrator Briggs replied it did not break down explaining it was announced at the PWTC meeting was part of the packet coming forward tonight. Councilmember Tooloee recalled City Council did not say to do Grow in phases but did explicitly say that for Wing Point (and those residents did not want to do it in phases but rather in an integrated design); he explained what City Council wanted with Grow was don't pay for relocating the road, traffic calming or other things non-motorized out of the non-motorized pot (pay for those things out a different pot of money). Director Witt added that during the budget process, staff or City Council did not include funds for those items.

Councilmember Vancil felt fundamental to the entire process was that the sidewalk be moved to the west; she said phasing was good and was parse a bit with comments about whether the City Council agreed to phase the project or not; she said it was her understanding City Council did, in fact, request one sidewalk be put in rather than two however it was not clear by choosing to do one sidewalk now and another later, the entire project would change or whatever we did now much of it would have to be taken out or torn up; she did not understand why City Council was being asked to accept the grant.

Councilmember Stoknes wanted to know what the design requirements were under AASHTO that precluded the alternative the neighborhood wanted; he said what he was finding out tonight was that with a deadline of March 1, 2007 and the dissatisfaction of the neighborhood, the only alternative is to go ahead with the current plans as there aren't options to go back to the designing board, redraw it and get a contractor in time; he said he disliked the idea of letting go of \$450,000 however he would rather make this decision deliberately here then let it go by default and not talk about it; he said this would not be an easy decision but it was not hard either way explaining he did not want to destroy a neighborhood over \$450,000.

Councilmember Knobloch said he was familiar with Grow Avenue and inclined to support neighborhood issues; he asked why the NMTC disagreed with the Public Works Department's recommendation to which Mr. Willott replied it just could not be done and was too much of a conversation to get into evening however he did reply there was too much being lost in vegetation, the design was not really suited for pedestrians, bicycles or citizens with vision or movement issues

Mayor Kordonowy said for the record, the City Council received the following three emails: Robert Conoley – not accept the grant, Dee Dumont – reject the grant funds and Phillip Boucher – abandon the grant.

*Councilmember Vancil moved that the City Council return the grant. Councilmember Tooloe seconded the motion. He added it was his understanding what the Grow Avenue neighborhood was expecting to see was content sensitive solutions or standards/next generation of how you design and build things as opposed to traditionally used standards, which appears, based on the materials he's read is what the grant application is based on. Director Witt replied when talking about content sensitive standards, it is often not the width or materials of the sidewalk necessary but it is more fundamentally the community processes involved in how to apply the standards – it works through both. He said the city uses the currently approved AASHTO standards and methods in design processes.*

Councilmember Snow asked whether the AASHTO, content sensitive or otherwise, was in a state of flux, evolving or are they set now. City Engineer Earl replied in earlier incarnations, AASHTO promulgated a set of design guidelines or standards that were recognized nationwide with efficient operation and safety being paramount in the guidance of the standards; he said as standards tend to be, they mandated the use of certain types of materials and minimal line width, sidewalk widths, curbside heights, etc; he said the standards are in a state of flux nationwide and he believed the NMTC's statement that they are mandated was incorrect; he believed the community's vision was captured in the current design except it was not the entire vision and this is what the debate turns on is that the community is not getting the entire street they desire.

After a brief discussion, Mayor Kordonowy called for a vote.

Council Chair Scales said it appeared from the beginning when we started increasing funding for non-motorized and the NMTC wanted Grow to be the pilot project receiving the bulk of the money, he had concerns because it seemed like we were trying to fit a square non-motorized project into a round Grow Avenue community needs whole; he said there are many issues Grow Avenue residents have and non-motorized never seemed to be one of the primary issues however we chose Grow, recommendations were made and the City Council chose to fund a non-motorized project; he said he was most persuaded by City Engineer Earl's comments regarding accepting the grant and beginning to incorporate the project into an overall vision for Grow Avenue; he knew this was not what everyone wanted but the reality was when you have very grand visions of what you would like your community and road to look like, there's usually a hefty price tag; he said the important thing to bear in mind was if the grant was rejected, the City could not come up with \$2M+ in a short period of time; he was afraid if the city rejected the grant, it would hurt it's credibility and delay Grow Avenue improvements.

*The motion to reject the grant was approved 4-2 with Councilmember Scales and Snow voting against rejecting the grant.*

## **6. RESOLUTIONS**

### **A. AB 0676-6 RESOLUTION NO. 2006-45, KITSAP TRANSIT BOUNDARY ADJUSTMENT**

Director Witt gave a brief introduction. Dick Hayes, Executive Director, Kitsap Transit, requested the City Council approve Resolution No. 2006-24, which nominates Mayor Kordonowy or her designee as it's elected representative to attend and represent the City of Bainbridge Island at the Public Transportation Improvement Conference; that the city confirms its desire to continue to be included within the boundaries of the Kitsap County Transportation Benefit Area; that the city shall reconsider it's desire to be included.

*Councilmember Tooloe moved to nominate Mayor Kordonowy as the city's elected representative to attend and represent the city at the Public Transportation Conference. The motion was seconded by Councilmember Snow and unanimously approved 6-0.*

*Councilmember Stokes then moved to approve Resolution 2006-45. The motion was seconded by Councilmember Snow and approved 5-0-1 with Councilmember Tooloe abstaining due to not being in attendance during the discussion.*

### **B. AB 0675-6 RESOLUTION NO. 2006-44, PINE, FIR AND SPRUCE VACATION**

Director Witt explained back in the late 1800's many roads were paper plated and it became a pretty difficult situation for the State; the legislator later passed a law stating if a road had not been opened or constructed within five years, it was automatically vacated; he added the state was trying to slow down the creation of lots without improvements.

Councilmember Knobloch asked whether any of these designated roads used in any way as gravel roads, sandy road or a trail to which Director Witt replied it did not matter because the law gave them the first five years.

*Councilmember Knobloch moved to approved Resolution No. 2006-44 Vacating a Portion Pine, Fir and Spruce Streets by operation of law. The motion was seconded by Councilmember Vancil.*

Councilmember Stoknes asked whether any of these lots become land locked or taken by adverse possession by use to which Director Witt replied he could not speak to that however, it was an operation by law anyway.

*The motion was unanimously approved 6-0.*

**C. AB 0680-6 RESOLUTION NO. 2006-46, OPPOSING INITIATIVE 933 ENTITLED "AN ACT RELATING TO PROVIDING FAIRNESS IN GOVERNMENT REGULATION OF PROPERTY"**

Mayor Kordonowy read the title of the resolution; she said after Councilmember Stoknes introduced the resolution, she would like to see if there's anyone who would like to comment before City Council discussion and City Attorney comment.

Councilmember Stoknes stated this resolution would take a stance on behalf of the city to oppose Initiative 933; he explained it came before the City Council two weeks ago at the last regular meeting as a proposed motion and City Attorney McMurray has redrafted it into a resolution format; he believed this item was adequately publicized.

City Attorney McMurray noted the resolution itself was simply based upon other resolutions approved in other municipalities in the State of Washington and that they are available on MRSC's (Municipal Research Service Center) website.

Councilmember Stoknes asked City Attorney McMurray whether the resolution format was the preferable way to which City Attorney McMurray replied as a City Council, if you choose to oppose or support I-933, you could indicate that support or opposition through resolution or a motion, either one.

Mayor Kordonowy asked if there was anyone that would like to either speak in favor or oppose Initiative 933. Hearing no one, she then mentioned one member of the audience had spoke in favor during public comment; she added it was City Council practice to, and at the advice of the City Attorney, be sure everybody was aware that they could speak in favor of or oppose the resolution.

Councilmember Vancil said in her five years on City Council, she had never supported a recommendation for ballot initiatives however was doing so believing this was an extreme situation; she said the GMA (Growth Management Act) has been around for a long time and although it may not be perfect, it's the status quo; she said this particular initiative, in her opinion and the opinion of many others, would bring instability to our real estate market (a few builders sometimes do very well when property values increase due to restricted development but the mom and pop's don't do every well so everyone's going to be punched a bit); she mentioned the regulatory consequences that could flow from I-933 outweigh any perceived good it might do and it most likely will result in tax increases and it could impact development, litigation and confusion; she felt the initiative would offer predictability to no one; she expected those who brought this forward would perhaps do a better job next time and it will be more difficult to oppose it - however this time it's not.

*Councilmember Stoknes moved to that City Council approve Resolution No. 2006-46. Councilmember Knobloch seconded the motion.*

Councilmember Tooloee stated he did not support I-933 and, as a private citizen when came time to vote in November, he would not vote for it; he read from a prepared statement; he then abstained from voting feeling there was a conflict of interest as a member of the City Council who enact those very land use laws.

Council Chair Scales thought it was important for the city to educate citizens about the potential impacts of any initiative and in our role as a city it's valuable to collect that information and disseminate to the citizens either by resolution or other means, to let them know about how a particular initiative would impact the city on how it does it business; he did not think he was elected to give his opinion on how citizen's should vote on a particular initiative; he was concerned that by taking a stand it might have the opposite effect knowing there could be citizens out there that believe if the City Council thinks one thing, the opposite may be a good idea; he did not see any benefit for the City Council to make a statement saying a citizen should vote this way - we oppose it so should you; he did not see that as in his charge as a City Councilmember however said he would support it if it was fact and not opinion based; he said he too would be abstaining.

Councilmember Snow agreed with most of what Council Chair Scales said particularly regarding the inappropriateness of the City Council passing a motion even advising, let alone instructing, citizens on how they should vote. *He then amended the motion to strike out the last phrase from... and urges voters to consider rejecting I-933 due to the sweeping and detrimental impacts outlined above. The amendment was seconded by Councilmember Vancil and passed unanimously 6-0.*

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Councilmember Snow commented that although he was new on the City Council, philosophically he was not in favor of the City Council passing motions on issues before them having no impact on the city however, as an elected official, he felt a responsibility regarding the city's fiscal interests and the big, big impact of I-933 is fiscal - \$8 billion dollars estimated by the AWC (Association of Washington Cities) is what it would cost cities throughout our state to deal with the implications; he endorsed the amended motion wholeheartedly without any reservation.

Councilmember Knobloch understood the conflict in endorsing the resolution however said there comes a time when something as bad as this initiative needs to go down in defeat; he supported the resolution as amended.

Councilmember Stoknes affirmed Councilmember Snow's earlier comments regarding the fiscal implications and impacts not only on Bainbridge Island but statewide.

Council Chair Scales thanked Councilmember Snow for making the amendment explaining with this amendment, the city was not telling people how to vote or urging them to vote a particular way but simply stating the impacts of the initiative would be detrimental to the city; he supported the amendment.

Councilmember Tooloe agreed noting if your not urging voters to do this he did not feel he had a conflict of interest but rather a fiduciary responsibility.

*The amended motion was unanimously approve 6-0.*

**7. CONSENT AGENDA**

- A. VOUCHER AND PAYROLL APPROVAL
- B. SPECIAL CITY COUNCIL WORKSHOP MINUTES SEPTEMBER 20, 2006
- C. AB 0677-6 INTERLOCAL AGREEMENT WITH B.I. SCHOOL DISTRICT TO PURCHASE SURPLUS EQUIPMENT (PICKUP TRUCK)
- D. AB 0678-6 INTERLOCAL AGREEMENT WITH B.I. METROPOLITAN PARK AND RECREATION DISTRICT TO PURCHASE SURPLUS EQUIPMENT (FLAT BED TRUCK)
- E. AB 0943 SUNDAY COVE PUMP STATION UPGRADES, EQUIPMENT ACQUISITION (SOLE SOURCE) S&B, INC. - \$46,237.43
- F. AB 0306 WWTP SCADA SYSTEM EQUIPMENT ACQUISITION (SOLE SOURCE) S&B, INC. - \$21,700
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- I. AB 6416 TRANSPORTATION PLANNING FOR THE FERRY/GATEWAY DISTRICT, PROFESSIONAL SERVICES AGREEMENT, CHARLIER AND ASSOCIATES - \$26,657
- J. AB 0660-6 LONG-TERM DISABILITY INSURANCE FOR EXEMPT STAFF

**Voucher and Payroll Approval**

Vouchers audited and certified by the auditing officer as required by RCW 42.24.080, and those expense reimbursement claims certified as required by RCW 42.24.090, have been recorded on a listing that has been made available to the City Council.

As of this date October 25, 2006, the City Council by unanimous vote does approve for payment those vouchers included in the above list and further described as follows: prepaid check numbers 311776 through 311786 in the amount of \$5,329.95, regular run check numbers 311787 through 311950 in the amount of \$867,938.66 for a total amount of \$873,268.61. Payroll check numbers consisting of direct deposit check numbers 007275 through 007401 in the amount of \$227,269.11; regular run check numbers 102304 through 102320 in the amount of \$23,478.63; vendor check numbers 102321 through 102332 in the amount of \$53,179.65, and federal tax electronic transfers in the amount of \$94,073.28 for a total amount of \$398,000.67.

*Council Chair Scales moved to approve consent agenda items A through J. The motion was seconded by Councilmember Tooloe and unanimously approved 6-0.*

**8. MEETING EXTENSION**

*Council Chair Scales moved to continue the meeting until the agenda was completed. Councilmember Tooloe seconded the motion. The motion passed 5-1 with Councilmember Vancil voting against.*

**9. RECESS**

The special/regular City Council meeting of October 25, 2006 recessed for a 5-minute break. The special/regular meeting resumed immediately following with the aforementioned Mayor & City Councilmembers present.

**10. ITEMS OVER \$100,000: NIKKEI MEMORIAL, PHASE I CONSTRUCTION CHANGE ORDER #2, WYSER CONSTRUCTION - \$147,093.30**

Director Witt explained this item was a change order, which exceeded the Mayor's authority requiring City Council approval.

*After a brief discussion, Councilmember Knobloch moved to approve the change order #2 for the Nikkei Memorial, Phase I Construction Project for \$147,093.30 and authorized the Mayor to execute the agreement. The motion was seconded by Councilmember Snow and unanimously approved 5-0.*

**11. UNFINISHED BUSINESS: AB 5000-6 WATERFRONT PARK CONVERSION**

Harbor Master Allan explained the last time she had addressed City Council regarding Waterfront Park conversion was for the cost of the appraisals; she explained a non-compliance with IAC triggered a conversion to convert its use; she explained it would be up to the IAC board to accept or reject the city's request.

Councilmember Vancil said within the last year or so, City Council has heard a lot about IAC and it's restrictions on Waterfront Park and it's not a secret that the city find itself overly restricted by IAC; she felt those restrictions would be best applied to Strawberry Park; she said what she did not see in the packet was what the IAC allows and what does it focus on to which Harbor Master Allen replied there's a list of restrictions for the use; it's public and transient use (i.e. you can not store a privately owned vehicle in a public access IAC state agency land); she added when Waterfront Park was acquired in 1975 and again in 1984 we had these restrictions, IAC did however acknowledge the Senior Center, it's footprint and use in it's current size and shape.

Councilmember Tooloe said he wanted to understand what the restrictions would do to encumber Strawberry Park and until he understood those restrictions, he was not sure Strawberry Park was the right site to place those restrictions; he asked if restrictions would not allow the opportunity to build a dock there. Harbor Master Allen replied transient docks were very different to IAC from permanent moorage marina so you would not be able to build a permanent moorage marina where privately owned would moor however IAC was keen on any type of increased activity for public access.

City Administrator Briggs added IAC might not have any further restrictions however there are shoreline restrictions and other regulations that may or may not allow use.

Councilmember Tooloe felt this type of transfer potentially would encumber a large property that the city owns; he thought encumbering city property would require City Council approve even though this was brought forward as an informational item only.

City Attorney McMurray replied he would need to research the issue further however if City Council wanted to offer or approve a simple motion to authorize this transfer may be the easiest way to deal with this rather than delay it further.

*Councilmember Tooloe then moved to authorize the transfer of IAC restrictions from Waterfront Park to Strawberry Park subject to what we understand to be the only restriction that will be placed on Strawberry Park would be no private facilities may be located according to IAC grant. Councilmember Snow seconded the motion.*

Councilmember Stoknes asked if a dock was built at Strawberry Park and if all parties agreed that the rowing club wanted to be there, was there space for them outside of the restricted area. Harbor Master Allen replied no because they looked at the property before there were restrictions. Councilmember Stoknes then asked whether the limiting condition on the motion would be a problem to which Harbor Master Allen replied it would not because the minutes would be attached to the letter going to the IAC board, which would help explain Council's intentions.

*The motion was unanimously approved 5-0.*

Councilmember Tooloee wanted to make sure that his request was left with the City Attorney for clarification later that if property is to be encumbered, it was his understand it requires City Council approve and if that's not the case, just educate him so he would not operate under that assumption.

**12. CITY COUNCIL COMMITTEE REPORTS (CONTINUED)**

**B. LAND USE COMMITTEE: HARBOR COMMISSION RECOMMENDATIONS TO IMPROVE ACCESSIBILITY AND SAFETY OF BAINBRIDGE ISLAND HARBORS**

Councilmember Tooloee reported several members of the Harbor Commission attending a Land Use Committee meeting where there was a lengthy discussion relating to their set of recommendations to improve accessibility and safety the city's harbors; he explained when the anchoring and mooring plan comes together, these recommendations and changes to the city's existing codes and policies will be necessary to enable the plan and without them the anchoring and mooring plan can not be implemented. *He then said given the Land Use Committee unanimously recommended that the City Council adopt the recommendations as policy, he moved that City Council adopt the recommendations of the Harbor Commission (titled "Recommendations for Managing the City's Waters") be adopted as policy. Councilmember Knobloch seconded the motion.*

Councilmember Vancil said she had identified eight different policies that will need an ordinance; she asked whether the City Council was being asked to accept or approve the recommendations.

City Administrator Briggs cautioned everyone as far as expectations especially when it came to ordinances which require legal review; she said an implementation meeting was scheduled for next week to go over them and see what one's are easy pickings to begin with; she added these recommendations entail the city to take on a more regulatory role than before so more than everything else, that's a policy that should be reaffirmed this evening.

Councilmember Knobloch said the work of the Harbor Commission has been painfully slow, not because it's their fault, but because of trying to address the community issues and concerns; he said the commission hung in there and this is the first step in the process; he felt this was monumental for the city because they will have added responsibility regarding enforcement and regulations; hoped the City Council would not complicate the issue because city administration has a firm grasp on what is needed; he heartedly endorsed this first step and thanked everyone for their hard work.

Councilmember Tooloee said clearly there would be some code and operational changes; he personally felt these policies were necessary but not sufficient basics for managing the waters; he said we need a community bargain regarding this shared resource and how are we going to share it.

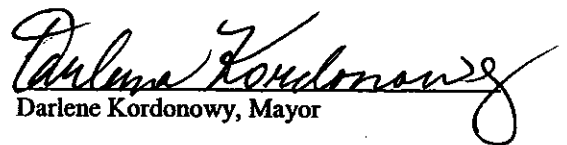
The motion to adopt these recommendations as policy was unanimously approved 6-0.

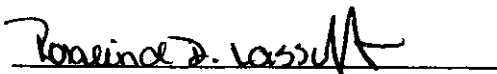
**13. CITY ADMINISTRATOR'S REPORT**

City Administrator Briggs distributed the proposed meeting schedule and there was brief discussion regarding proposed dates.

**14. ADJOURNMENT**

The special/regular City Council meeting of October 25, 2006 was unanimously adjourned at 9:42 PM.

  
Darlene Kordonowy, Mayor

  
Rosalind D. Lassoff, CMC  
City Clerk