

## POULSBO CITY COUNCIL MEETING OF JANUARY 6, 2016

### MINUTES

**PRESENT:** Mayor Erickson; Councilmembers Henry, Lord, Nystul, Stern, Thomas.

Staff: Finance Director Booher, Office Clerk II Diehl, Deputy Police Chief Halsted, City Engineer Lenius, Human Resource Manager Kingery, Parks & Recreation Director McCluskey, IT Manager Stenstrom, Police Chief Townsend, IT Senior Technician Williamson. Police Officers: Gillen, Hoke, Keller, Smaaladen. Police Sergeants: Grossman & Leeming.

**ABSENT:** Councilmembers McGinty & Musgrove.

### MAJOR BUSINESS ITEMS

- \* \* \* Police Department Incident Update
- \* \* \* Noll Road Corridor Project Update
- \* \* \* Warrant Officer Services Interlocal Agreement
- \* \* \* Finance Department Reorganization
- \* \* \* City Clerk Reclassification
- \* \* \* Resolution No. 2016-\_\_, 2016 Salaries & Wages Amendment

#### 1. **CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

Mayor Erickson called the meeting to order in the Council Chambers at 7:00 PM and led the Pledge of Allegiance.

#### 2. **AGENDA APPROVAL**

Mayor Erickson announced she has added a discussion regarding the Police Department Incident.

**Motion:** Move to approve the agenda as presented with the amendment.

**Action:** Approve, **Moved by** Stern, **Seconded by** Lord.

Motion passed unanimously.

### 3. **COMMENTS FROM CITIZENS**

Rita Hagwell, Viking Avenue Resident, commented on the poor condition of Marelaine Lane and noted the bottom part of the road is in need of repair.

Kim Hendrickson, operator of a police accountability non-profit group, stated she has no tolerance for abuse of power by Police Officers and Police Chiefs. Hendrickson feels Poulsbo Police Chief Townsend has been a target for extensive criticism and hopes new policies are put in place to require outside agencies to investigate incidents involving local law enforcement.

### 4. **MAYORS REPORT AND COUNCIL COMMENTS**

Councilmember Thomas appreciated the time he was off for vacation and is glad to be back in Poulsbo.

Councilmember Stern noted he was recently appointed to the Kitsap Transit Board as the at large member for Kitsap County and will be working on obtaining double-decker buses for Poulsbo to Bainbridge riders and the Route 44 bus same day transfers.

Councilmember Nystul commented he attended the KRCC Transpol meeting in December and the main topic was the scoring process for the Transportation Project Allocation.

Mayor Erickson congratulated Mark Hood of Sound Brewery for his new beer bottle labels that depicts Poulsbo, being distributed all over the US and Canada and he will be producing a canned beer that has the story of Poulsbo on the back.

Councilmember Lord appreciated the citizens supporting her re-election and looks forward to working with her council colleagues in the upcoming year.

Councilmember Henry noted he spent the holidays in Chicago and there was a lot of snow. Henry brought back with him a two page newspaper article from the Chicago Defender on the regulations to keep a gun in your house which he found very interesting since we have an open carry law here in Washington.

## 5. CONSENT AGENDA

None.

## 6. BUSINESS AGENDA

### a. Police Department Incident

Police Chief Townsend reported on the events which took place with Jim Porter on October 16th: a 911 call was received from the Regal Cinemas in which Jim Porter was reported as walking as if he was impaired and getting into his vehicle; vehicle was legal parked in a space in the movie theater parking lot; Jim Porter sat behind the wheel of his vehicle; Officer Branes was dispatched to the call; Branes arrived several minutes later; there was ample opportunity for Porter to leave prior to Branes arriving, in which he did not; when Branes made contact with him he was in the driver seat of the vehicle, vehicle was not running, and keys to the vehicle were not in the ignition; Branes had a conversation with Porter and indicated he was impaired and offered him a ride home; Branes asked him for his identification which he refused to provide; Branes ran his license plate and did not know who James Porter from a Clear Creek address was; Branes treated him as she would anyone else in that situation; no one in that same situation would be arrested for DUI or physical control under those circumstances; Townsend feels under these circumstances this would not be under physical control of the vehicle since keys are not in the ignition, vehicle is not running, and was parked legally off the roadway; when a ride home was offered to Porter he was giving an opportunity to make a good decision; Poulsbo Police routinely offers citizens a ride home and are taken up on the offer quite often; Officer Corn in the past has gave a ride home to someone in a neighboring county; Branes encourages Porter to stay and take a nap in the car and then leaves the scene; 90 minutes pass and Porter assumingly drives the car home, since it is known he was in the car at the theater and he was in his car at his home off Clear Creek; an employee of the movie theater calls police stating the car had left the parking lot five minutes prior to the call; the call goes out to the North End units which includes Poulsbo, Kitsap County Sherriffs Office, and a few other agencies; at this time Officer Corn asks for the details of the call, which appear on the computer in her patrol car; Corn runs the license plate of the car and sees it belongs to a James Porter on Clear Creek Road; Corn provides a caretaking function and takes the most reasonable route from the movie theater to this residence; Corn takes that route and arrives at the residence to see a marked

sheriffs car in the driveway and realizes it is Jim Porter that she has known for 17 years; Corn got out of her car and activated her body camera and approached Porter who was inside the car; Porter was not in physical control, since the keys were not in the ignition, the vehicle was not running and he was parked in his driveway; Corn approaches him and has a conversation with him in which he encourages her to leave; Corn calls the Sheriffs Office Supervisor who is working and Townsend to respond; Townsend arrives and Corn de-activates her body cam to have a conversation with him which is acceptable in the Police Department Policy; five different versions of the Body Cam Policy have been drafted to date; Townsend wishes the camera would have not been turned off to dispel any rumors that something was trying to be hid; when Sergeant Dickson of the Sheriffs Office arrived it was explained to him this would be his call since it was in his jurisdiction and Poulsbo would remain on scene as back-up; Dickson went back to his car and called his Lieutenant and the Movie Theater for more information; the decision to make an arrest at the residence was all up to the Sheriffs Office not Poulsbo; the Sheriffs Office is very territorial about their calls and if they need back up while on a call from an additional agency, they have to call a supervisor to request permission; both Townsend and Corn suggested the State Patrol be contacted to take over the investigation.

Mayor Erickson questioned if an officer was not available to provide a ride home, would the person be left there. Townsend stated a cab would be called.

Mayor Erickson questioned the process for out of jurisdiction arrests. Townsend stated if Poulsbo follows someone breaking the law out of Poulsbos Jurisdiction they would continue to process the case, but they would not respond to a location outside their jurisdiction to process a case.

City Prosecutor Purves reported she cannot charge anything outside the city limits of Poulsbo. Purves noted if the Poulsbo Police cite someone outside the city limits of Poulsbo, those cases get referred to Kitsap County District Court.

Mayor Erickson asked council for guidance on future situations. Townsend stated they will be looking at their body cam policy and what they can legally do to people who dont take the ride when offered by a Police Officer.

Mayor Erickson stated she is frustrated with the lack of staffing by the Kitsap County Sherriffs Office in the north end. Erickson stated Poulsbo currently has a police officer serving as an SRO in Kingston High School because the Sheriffs Office would not do it. Erickson also expressed frustration that they have heard nothing from the Sheriffs Office regarding this incident and that Poulsbo is taking

all the heat for it.

Councilmember Stern stated he feels this incident right now falls in the court of public opinion and the importance of the following the appearance of fairness doctrine.

Councilmember Thomas reported the Public/Safety Committee will be reviewing the procedures which were followed in this incident and will work with the Police Department to come up with improvements to ensure this type of incident will not occur again.

Councilmember Henry stated he did not feel the Poulsbo Police should have responded to the Deputies home since it was outside the city limits and the principal existence of the Poulsbo Police is to protect the citizens of Poulsbo.

Councilmember Nystul agreed with Councilmember Henry in that he felt the Poulsbo Police should not have responded outside the city limits of Poulsbo.

Councilmember Lord commented: she feels this is how the negative feelings towards police are created when all the facts are not out there; the misperceptions the public is receiving due to the information they have available to them; finds it troubling with the current nation being up in arms with police departments, people are reaching conclusions based on suspicions or hearsay which takes away from the hard work the officers, that put their lives on the line daily, do; she feels incidents like this do not help in this situation; and she appreciated the Mayor creating this venue to show transparency and come up with improvements to make the Police the best they can be.

Mayor Erickson noted the next Public/Safety Legal Committee Meeting is on January 20th from 4pm to 5pm and they will be discussing creating and updating the policies and procedures.

**b.  Noll Road Corridor Project Update**

City Engineer Lenius mentioned the invitation distributed to council tonight for an Open House on the Noll Road Project on January 19th from 4:30pm to 7pm. Lenius updated the council on the milestones of the Noll Road Project: corridor study completed in 2008 by Parametrix; Intersection Feasibility Complete; Non

Motorized Coordination taking place; Design and Environmental Process Continues. Lenius presented some facts on the project: they looked at a roundabout versus a signalized intersection at Highway 305/Johnson Road/Noll Road; both options would work but a roundabout would offer a better level service; with a roundabout traffic continues to move as with a signal it would stop; cost and right of way acquisition were relatively the same for both options; they have received positive feedback from WSDOT; a roundabout would offer a gateway to the community; roundabouts are safer and less expensive to maintain; ultimate decision is up to WSDOT; the new Noll Road would contain a shared use path; an option put forth for non-motorized traffic crossing Highway 305 at Johnson Road was a tunnel; next phase of funding is to apply for construction grants during the 2nd and 3rd quarters; Right of Way acquisition will happen 2016/2017; Construction Phase I expected to begin 2017/2018; State transportation budget for Connect Washington included a 4 million dollar grant along with a 2.2 million grant for the design which was already received.

**c. ► Warrant Officer Services Interlocal Agreement**

Chief Townsend reported: this was a collaborative agreement between the City of Poulsbo and Bremertons Police Departments; the warrant officer will provide services for the Police Department and Municipal Court; they will provide court security, transport inmates, conduct pre and post sentencing hook ups; monitor defendants on home monitoring and community service; conduct minor code enforcement duties.

Councilmember Lord questioned the contract stating there would be a rate change in March and we currently have \$21,000 budgeted for this position this year. Townsend explained the current rate was an average of two veteran employees, in which one is retiring, and will be replaced by a new employee who will not be paid as much, so this clause in the contract will then give us a lower rate in March.

Councilmember Thomas questioned if our previous employee was a warrant officer. Townsend explained he was not and the State Legislature just recently amended the RCW to open up the warrant officer position to other cities as it was only previously open to the City of Seattle.

**Motion:** Move to authorize the Mayor and Police Chief to sign the Interlocal Agreement with the City of Bremerton for warrant officer services.

**Action:** Approve, **Moved by** Thomas, **Seconded by** Lord.

**Vote:** Motion passed (**summary:** Yes = 4, No = 1, Abstain = 0).

**Yes:** Lord, Nystul, Stern, Thomas.

**No:** Henry.

**d. ► Finance Department Reorganization**

Human Resources Manager Kingery noted: a Senior Budget Technician was approved in this years budget and an Administrative Assistant position has recently became vacant; the finance director is requesting to replace the Administrative Assistant position with an Accounting Technician (accounts payable) position which is on a lower scale and increase the Accounting Clerk (cashier) position to the same scale; these changes are budget neutral.

**Motion:** Move to approve as presented.

**Action:** Approve, **Moved by** Stern, **Seconded by** Nystul.

Motion passed unanimously.

**e. ► City Clerk Reclassification**

Human Resources Director Kingery presented: the salary range had previously been reduced; a salary survey was conducted with comparable cities; the salary was found to be at the low end of the scale and an increase would provide a larger pool of candidates for the current open position; it will be placed at range 12 of the management scale; the current position will be advertised at step A or B; this position was not included in the 2016 budget so it would be a \$14,000 budget increase if the person comes in on step B.

**Motion:** Move concurrence to include the increased salary with the 2016 Salaries and Wages Resolution that follows.

**Action:** Approve, **Moved by** Nystul, **Seconded by** Thomas.

Motion passed unanimously.

**f. ► Resolution No. 2016-01, 2016 Salaries & Wages Amendment**

Human Resources Manager Kingery stated this amendment is to incorporate the changes just approved in the Finance and Clerks Department re-organizations.

**Motion:** Move to approve Resolution No. 2016-01, adopting the 2016 Salaries and Wage schedules effective January 1, 2016.

**Action:** Approve, **Moved by** Thomas, **Seconded by** Stern.

Motion passed unanimously.

## 7. ► COUNCIL COMMITTEE REPORTS

Finance/ Administration Committee: Councilmember Thomas reported they have been extremely busy within the last couple months and this last meeting was the perfect opportunity to have a general discussion on a wide range of topics. Three things which arose from the conversation was: the committee is supporting a policy that the departments submit a quote or some sort of documentation to go along with their request for budget items which involve purchases; the committee is provided with a more detailed overview of the revenues and expenditure in the budget at one of the July meetings; the committee also wants explore the option of a bi-annual budget.

Kitsap Regional Coordinating Council: Councilmember Stern reported they discussed: the disbursement of transportation dollars coming from Seattle for the 4 county region, in which the grant award process for money allocated to Kitsap County is being re-vamped and their will now be a numerical ranking for specific standards and waiting is being adopted; the approval of the creation of a Land Use Technical Advisory Committee.

Mayor Erickson clarified there is not a numerical ranking but a high, medium, low ranking system. Erickson also noted the Land Use Technical Advisory Committee will meet more frequently to better inform the KRCC board of land use issues.

## 8. ► DEPARTMENT HEAD COMMENTS

City Engineer Lenius noted the smoke testing which was discussed at the last council meeting will start on Monday. Lenius stated businesses and residents have been notified, along with it appearing on the city's website and noticed in the newspaper. Lenius reported on the building department statistics: building permits were up 45% from 2014 to 2015; 128 single family permits were issued in 2015; 2 new employees were hired. Lenius mentioned the Pump stations at 6th and 9th are up and running.

Police Chief Townsend stated on January 14th at 1:30pm the legislature will be taking testimony in Olympia for the Body Cam Bill and Councilmember Henry, Mayor

Erickson, and Kylie Purves will be going to testify and represent the City of Poulsbo.

## 9. ► CONTINUED COMMENTS FROM CITIZENS

Missy Sewell, a 4th Avenue resident, questioned Police Chief Townsend on; the Police volunteers being short staffed; why she cant get a call back from the Police department after she has left messages for Officer Ziemann for over 3 months. Sewell questioned council on making improvements to 4th Avenue.

Rita Hagwell, a Poulsbo resident, stated Marelaine Lane is need of repair and the owner of it needs to fix it soon.

Dr. Nella Lee, a 4th Avenue resident, commented on lack traffic enforcement on 4th Avenue. Ms. Lee noted: she has a Bachelors, Master, and PH.D. in the administration of justice; she has taught in four major universities; is a published author; was the research director for the sentencing guidelines commission for Washington State. Lee stated: she filed a petition with the council on October 7th reiterating traffic problems on 4th Avenue, the city did a traffic count and found the average speed on 4th Avenue to be 22mph; after reviewing the data of 6432 cars that traveled on 4th Avenue she has found the numbers to be 86% of the cars traveling 25 to 29mph, 31% traveling 30 to 34mph, and 33% traveling over 35mph with one vehicle going as fast as 50mph; on December 2nd she emailed the Police & Deputy Chiefs with these statistics and asked them to enforce the traffic law.

## 10. ► COUNCILMEMBER COMMENTS/BOARD/COMMISSION REPORTS

Councilmember Henry stated in his hometown of Chicago they found five million dollars in their budget to place body cameras on all their officers and they are not to be turned off.

## 11. ► ADJOURNMENT

**Motion:** Move to adjourn at 8:48PM.

**Action:** Adjourn, **Moved by** Henry, **Seconded by** Stern.

Motion passed unanimously.

Rebecca Erickson, Mayor

ATTEST:

Rhiannon Fernandez, City Clerk, CMC

*Respectfully prepared and submitted by Kati Diehl*