

POULSBO CITY COUNCIL MEETING OF JULY 10, 2019

MINUTES

PRESENT: Mayor Erickson; Councilmembers Lord, McGinty, Musgrove, Stern, Thomas.

Staff: Finance Director Booher, City Clerk Fernandez, Director of Engineering Kasiniak, Planning Director Boughton, Association Planner Coleman, Police Chief Schoonmaker, City Lobbyist McConaughy, IT Manager Stenstrom.

ABSENT: Councilmembers Garland and Nystul

MAJOR BUSINESS ITEMS

- * * * Budget Amendment/BA# 19-0301, SWAT Equipment
- * * * Budget Amendment/BA# 19-0302, Marine Patrol Boat Repair
- * * * Budget Amendment/BA# 19-0303, AXON
- * * * Budget Amendment/BA# 19-0304, Ventilation of Property Room
- * * * Legislative Briefing
- * * * Public Hearing: Clearing and Grading Ordinance Update
- * * * Resolution No. 2019-09, Intent to Adopt Legislation to Authorize a Sales and Use Tax to Support Affordable Housing
- * * * Resolution No. 2019-10, Finn Hill Road Shared Use Path Bid Update and Bid Rejection
- * * * Executive Session to Discuss Real Estate Matters

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

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

Mayor Erickson stated that it's been a tragic week for everyone. They are all grieving. She spoke regarding the relationship the City of Poulsbo has with the Suquamish Tribe.

2. AGENDA APPROVAL

Motion: Move to approve the agenda as presented.

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

Motion carried.

3. COMMENTS FROM CITIZENS

Brian Collins spoke against consent agenda item 5A. He wants those funds to be spent on de-escalation training instead of militarizing police.

Dana Steege-Jackson asked what the City is doing in regard to Initiative 940.

Cheri Wasous asked about the house bill for de-escalation training, especially the shoot-don't-shoot scenario training. She feels citizens who attend large events also need de-escalation training.

Cassandra George said her family is grieving, she understands that training will happen in time. She hopes the officers are held accountable with the procedures. She thinks that something better could have been done.

Erin Self spoke regarding the family and their loss, she's upset that this occurred, and she wants to know what happened and needs accountability in order to heal.

Robert Purser spoke regarding ignorance of his tribe's culture and people, their history is not taught to them in the schools. The history is relevant. This is too familiar, and the racist comments are hard to listen to.

Maria Fergus said Mexican history is not shared in schools. She shared her experience in California in 2007 with police and said implicit bias is real.

Luke Geoder stated that a tragedy occurred, and the second tragedy that will occur is the lack of reform to stop this from happening again.

Joe Rengstorf, middle school teacher, agreed they don't know the Suquamish Tribe history and he is ignorant of their culture. He wants the police to get all the training they need to be able to understand all citizens. He hopes the police are taking the new requirements seriously and communicate what they are doing.

Brenda Calderon, as an immigrant, said she is sometimes defined as not belonging. She demanded police accountability, de-escalation training, and wants it looked at through people who are targeted through bias.

Craig Jacob Brown said this kind of incident would most likely not have occurred in Indianola. He referenced Law 1064 and asked Poulsbo to pledge to be in front of most cities in Washington state with this new law.

Pam Keely said de-escalation needs to apply to everybody, including the police. She shared her experiences as an emergency room nurse for 47 years having to deal with violent patients.

Airen Lydick spoke regarding the incident, and he said there is no requirement to wait to begin the training. He feels the training also has to be rooted in the community and accountable to the Suquamish Tribe.

Felicia Cortez shared her personal experience in Orange County 29 years ago where there was no accountability. She wants accountability and feels disgusted and devastated.

Claudia Gorbman said the NK Community FB page had a lot of comments from people who said thank the police for keeping us safe. She does not agree with that position. She is calling on the Poulsbo leadership to be leaders and educate the public on thinking more critically once the investigation is complete.

Tina Jonelas extended her sympathy to Stonechild's family. She proposed the investigative panel includes community members.

Pedro Valverde recalled when he learned the phrase "police brutality" when he came to the US. He knows nothing can be resolved immediately, but he hopes the council can make a pledge and bring to life another phrase: "This would never happen again in Poulsbo."

Madalyn Squires sent her condolences to Stonechild's family. She is hoping an outline will be shared of how the investigation is completely independent from Poulsbo Police Department, wants community members on the investigative panel, and wants transparent proceedings.

Sophie Morse said implementation of the new law can start now and encouraged Poulsbo to go above and beyond the mandated requirements. There has to be a mindset shift for everyone, not just the law enforcement agency. She encourages transparency, accountability, and mutual respect.

Stacy Marshall shared her experience with developmentally disabled individuals and populations of marginalized individuals. She thinks we can change his story and we have great capacity to have integrity, follow through, and see to it that there is transparency and accountability.

Doug George said he has known Stonechild for 20 years; he feels there needs to be a truth that comes from somewhere, and we can come together. He prays the best for the family, and Poulsbo make the best decisions to help everyone be safe out there.

4. MAYOR'S REPORT AND COUNCIL COMMENTS

Councilmember Stern acknowledged everyone who spoke and that everyone has questions about what happened, including Chief Schoonmaker and the Council. He shared a small story of hope.

Councilmember Lord thanked everyone who came to speak and to those that came to support them.

Mayor Erickson stated that the Behavioral Health Department is organizing a community gathering with trauma-based counselors for the beginning of the coming week. She will get the word out to everyone once the details have been finalized.

Councilmember Musgrove thanked the community for attending the meeting.

Councilmember McGinty thanked everyone for attending and asked for everyone's patience until the report comes out.

Chief Schoonmaker noted that there are 26 investigators working on the case, Poulsbo is not part of the investigation. He needs the same answers as the community needs. He asked for patience and urged the community to support each other.

5. **CONSENT AGENDA**

Motion: Move to approve Consent Agenda items a through d.

The items listed are:

- a. Budget Amendment/BA# 19-0301, SWAT Equipment
- b. Budget Amendment/BA# 19-0302, Marine Patrol Boat Repair
- c. Budget Amendment/BA# 19-0303, AXON
- d. Budget Amendment/BA# 19-0304, Ventilation of Property Room

Action: Approve, **Moved by** McGinty, **Seconded by** Musgrove.
Motion carried.

6. **BUSINESS AGENDA**

a. **Legislative Briefing**

City Lobbyist McConaughy gave a legislative briefing. Presentation highlights included the Poulsbo Historical Society, Chief Kitsap School/Community Center, Morrow Rotary Park, House Bill 1406, Senate Bill 5748, and Initiative 967 (\$30 car tab initiative).

In response to Councilmember Stern, City Lobbyist McConaughy stated that all of North Kitsap would benefit from improvements to SR-104, and that the SR-305 project needs to be broken into sections in order to get funding. They will have to watch what happens to the car tab initiative.

Councilmembers Musgrove, Thomas, McGinty, and Lord thanked City Lobbyist McConaughy for the work he's done for Poulsbo

Mayor Erickson said they put together a local transportation package for North Kitsap, she concurs with fixing 104, and they will need about \$20M more for SR-305 (need to include the roundabout at Suquamish, which was not in the first ask).

Councilmember Stern asked City Lobbyist McConaughy what his number one deliverable was for the City of Poulsbo in the last session and what our most probably approach is for the next session. City Lobbyist McConaughy said his number one deliverable is insuring they are included when legislation is introduced and the negative impacts that could have occurred with proposed legislation. For example, there was utility bill legislation that would have created onerous amounts of additional work for a city of Poulsbo's size. Moving forward, he will continue to keep an eye out for the small city and addressing the transportation shortfall. He hopes conversations will continue with Senator Hobbs.

Councilmember Musgrove announced that at the annual Association of Washington Cities conference, Councilmember Stern was voted the president of AWC. He personally thanked him for representing the people of Washington.

b. Public Hearing: Clearing and Grading Ordinance Update

Associate Planner Coleman gave a presentation on Clearing and Grading Ordinance Update. Presentation highlights included:

- Review of schedule
- Separation of the grading and clearing ordinance into two separate chapters
- Purpose – tree cutting and clearing
 - Regulate the cutting of trees in order to help preserve the wooded character of the City of Poulsbo and to protect its urban forest.
 - Promote, protect and preserve the public interest by regulating land alteration, particularly the clearing of land in the City.

- Enhance the City’s physical aesthetic character by managing the removal of vegetation, trees and ground cover.
- Recognize there will be circumstances, such as land development, disease or danger of falling, that may require the removal of trees and ground cover.
- Purpose – Grading
 - Promote, protect and preserve the public interest by regulating land alteration, particularly the grading of land in the City.
 - To ensure prompt construction, restoration, replanting and effective erosion and sedimentation control in properties before, during, and after grading.
 - Prevent water quality degradation and the sedimentation of streams, wetlands and other water bodies, and preserve natural drainage paths and outfalls.
 - Minimize the impact of runoff, sedimentation or erosion caused by improper land development and maintenance practices.
 - Promote safety upon public and private property.
- Questions from June 12 Workshop
 - Forest Practices
 - Diameter at Breast Height
 - Process Chart/Table

At 8:31 p.m., Mayor Erickson opened the public hearing and hearing no comments, closed the public hearing at 8:32 p.m.

Councilmember McGinty asked on No. 5 why the square footage was changed. Associate Planner Coleman said it was for clarification. Developers come in asking if it is 7,000 or 7,001 and more. It was a matter of clarifying that 7,001 triggers it.

Councilmember Musgrove asked about high grading on page 3, and if we are implying an interest in the merchantable value as opposed to the overall forest quality or tree health. Associate Planner Coleman said this definition was requested by the Planning Commission and is the standard definition for high grading in the code where they are stating high grading is not allowed.

Councilmember Musgrove said he does not agree with the DBH (diameter breast height) being used as a sum of trunk diameters as opposed to a sum of trunk areas. His concern is if you have to replace a large tree with a small multi-trunk tree, then you tend to promote the use of small multi-trunk trees as replacements of large trees or conversely. Associate Planner Coleman said they can keep it on their radar. They have included additional language to give the city arborist some flexibility if they don’t agree with the DBH replacement.

Councilmember Musgrove asked about page 7, item C, Conversion, and if the UGA is part of Poulsbo or the County, and if it is the County, do we have authority over them. Planning Director Boughton said they have an interlocal agreement with Kitsap County that establishes if there is activity within Poulsbo's UGA, the County would consult with the City and use our development regulations.

Councilmember Musgrove noted page 7, item E seems to be a duplicate of item C. Associate Planner Coleman said that is correct, it will be deleted.

Councilmember Musgrove said on page 8, item C, he questioned why if an arborist is qualified, then why authorize a city arborist to override the first arborist. Associate Planner Coleman said they have a process set up that we have our city arborist on contract who works for the City of Poulsbo. They do they City's peer review. There have been disputes between different arborists, and the City's Arborist has the final authority in conjunction with the Planning Director.

Councilmember Musgrove asked about adding an item 4 to Page 9 to give flexibility. Associate Planner Coleman said that makes sense to include item 4 that states as authorized by the planning director upon consultation with the city arborist.

Councilmember Lord thanked staff for compiling her minor changes and clarifying Councilmember Nystul's concern for flexibility on street trees that exist that might have to go away because they are damaging sidewalks. She thanked Nikole and Karla for the great clarification on the forest practices. She noted page 2 of the handout under Class IV forest practices, paragraph b and d are duplicates.

Motion: Move to approve the 2019 Tree Cutting and Clearing Ordinance and Grading Ordinance updates as identified in Exhibit A and B in the July 10, 2019, Staff Report with modifications as identified by the City Council during its workshops and deliberations and direct the planning and economic development director to prepare an adopting ordinance in support of this decision.

Discussion: Director of Planning and Economic Development Boughton noted the modifications as identified in this motion would be the table in front of them, as well as the two modifications that were identified by Councilmember Musgrove, which would be the amendment to 15.35.150(B) adding a new paragraph 4 as discussed as part of your deliberations and 15.35.090(E) as a duplicate.

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

Motion carried.

c. Resolution No. 2019-09, Intent to Adopt Legislation to Authorize a Sales and Use Tax to Support Affordable Housing

Finance Director Booher presented the agenda summary, noting new House Bill 1406 (HB 1406) was adopted and allows cities and counties to delegate a share of the state's portion of sales tax to be distributed to local governments supporting affordable and supportive housing. The distributions will begin in 2020. A resolution of intent must be passed by the City Council in order to be eligible for these funds. Based on 2018 sales tax figures for the City of Poulsbo, the annual distribution will be approximately \$33,000.

Councilmember Thomas attended a workshop about HB 1406 at the AWC conference. One thing he noted is that the money can be used for rental assistance.

Councilmember Musgrove clarified that this is *intent*, and they might find staff time versus the amount given to the City is not worth it.

Mayor Erickson stated that the 1/10 of 1% tax is an applicable tax to get a match. She is hopeful that the County will double the allowed amount that the City can get.

Councilmember Stern supports this. He asked if the City received clarification on the line of a gift of public funds for personal use. Mayor Erickson said the utility fees for the boarding house are coming out of her budget, and she received the contract back tonight from the City Attorney for professional services. It is not a gift of public funds.

Councilmember Stern asked where we are at in relation to the KRCC Affordable Housing Task Force. Mayor Erickson said the task force will be passing a series of motions to go up to the KRCC board about pieces they can do, one of which is what is being done tonight. She thinks we are first in the County. Bremerton is also considering this right now.

Motion: Move to approve Resolution No. 2019-09, a resolution of the City of Poulsbo, Washington declaring the intent of the City of Poulsbo to adopt legislation to authorize a sales and use tax for affordable and supportive housing in accordance with Substitute House Bill 1406 (Chapter 338, Laws of 2019), and other matters related thereto.

Action: Approve, **Moved by** Musgrove, **Seconded by** McGinty.
Motion carried.

d. Resolution No. 2019-10, Finn Hill Road Shared Use Path Bid Update and Bid Rejection

Director of Engineering Kasiniak presented the agenda summary, noting the City opened bids for the Finn Hill Shared Use Path Project on Monday June 17. The engineer's estimate for the project was \$1.96M and the City received bids ranging from \$2.44M to \$4.04M. All bids were significantly higher than the engineer's estimate and the low bidder was about 20% over the estimate. Engineering proposes revisiting the design and value engineer elements of the project to reduce contractor risk. They will bid this project in the winter of 2019, which will allow the contractor some flexibility on the start date in order to work into their schedule. The goal, by value engineering the project and bidding at a more favorable time of the year, is to receive bids more in alignment with their estimate and allow them to construct the project within the constraints of their current project budget.

Their proposed schedule is:

- Value Engineer/Revise Specifications - Approximately 3 months
- Revise Contract Documents - 1-2 months
- Re-Advertise Project - Late Fall 2019
- Award Contract - Early 2020
- Flexible Project Start - April to June 1, 2020, with Project Completion by September 2020.

Councilmember Musgrove reiterated that the Public Works Committee concurred with the rejection of the bids.

Motion: Move to approve the Resolution No. 2019-10, a resolution of the City Council of the City of Poulso, Washington, rejecting any and all bids received on the Finn Hill Road Shared Use Path project.

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

Motion carried.

7. COUNCIL COMMITTEE REPORTS

Community Services Committee: Councilmember Thomas reported on special events: 1) Poulso Community Orchestra Fundraiser on September 7, 2019, and a new event request to use the waterfront park after hours on October 5, 2019 - WWU Retirement party.

They had a question regarding lodging tax and City support to public events, and they recommended applications be submitted to LTAC for consideration, but the full council would have to look at this for a possible policy change. Councilmember McGinty asked the committee to look at how other cities deal with it. Mayor Erickson added the City does not charge enough for providing services to the events.

The committee also reviewed Parks & Recreation's mid-biennium budget.

Public Works Committee: Councilmember Musgrove reported that on July 24 Lincoln & Caldart will get a flashing yellow light. Director of Engineering Kasiniak noted that they recently received two new grants: 1) DOE \$215K for design of the West Poulsbo Waterfront Park, and 2) Rural Town Centers for \$215K to do a study on traffic circulation in downtown Poulsbo and Viking Avenue.

8. DEPARTMENT HEAD COMMENTS

Director of Engineering Kaskiniak reported they finished Forest Rock Lane project today. They hope to open the road to the public by the end of the week.

Director of Planning and Economic Development Boughton said tonight's action concludes the last update that was required from 1995 Growth Management Act. She shared the Rucklehaus Center's final report is ready, and she will email it to the Council. She reported the Kitsap Public Facility District has a meeting on Monday. She said the PSRC Growth Management Policy Board will be voting tomorrow afternoon on a preferred alternative for the PSRC Vision 2050 Update.

9. BOARD/COMMISSION REPORTS

None.

10. CONTINUED COMMENTS FROM CITIZENS

Jo Walter wondered what will happen with the space where the incident happened and said there are opportunities to make better relationships with the tribal community.

Shannon Turner commended the Council; they are doing the right thing. It is a tragedy, it is going to be hard in the upcoming weeks, but Poulsbo is in the right hands right now. Poulsbo will learn and grow. He feels safe as a resident. He trusts them to do the right thing and knows they will show the community they will do the right thing.

Rick Eckert thanked the Council and apologized for the things that were the school board's responsibility. If it is an open meeting with the Tribe, he will be there. Regarding the legislature, they need to continue to coordinate on our asks because it is a finite pot of money.

Tom Evans agreed with Mr. Turner and expressed his support of the Police Chief and his team and said there needs to be some balance on how we approach this. He hopes we can come together as a community and grow and learn from this but do so in a balanced way and without all the emotions and issues that are conflating this one. On another topic, he asked if they will ask the City Lobbyist next year to consider our issue with less restrictive alternative housing and look for a solution for that problem.

11. MAYOR & COUNCILMEMBER COMMENTS

Councilmember Thomas said he has six months left, and he hopes to see some movement on the youth involvement in city government and the cemetery ordinance update.

Motion: Move to adjourn out of executive session.

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

Motion carried unanimously.

12. EXECUTIVE SESSION

At 9:40 p.m., a 30-minute executive session to discuss real estate matters pursuant to RCW 42.30.110(1)(b) was held. No action was taken.

13. ADJOURNMENT

The meeting adjourned at 10:10 p.m.

Rebecca Erickson, Mayor

ATTEST:

Rhiannon Fernandez, CMC, City Clerk