

**CITY OF PORT TOWNSEND  
MINUTES OF THE REGULAR SESSION OF MARCH 5, 2012**

**CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

The City Council of the City of Port Townsend met in regular session the fifth day of March, 2012, at 6:30 p.m. in the Council Chambers of City Hall at 540 Water Street, Mayor David King presiding.

**ROLL CALL**

Councilmembers present at roll call were Robert Gray, David King, Catharine Robinson, Michelle Sandoval, Deborah Stinson, Mark Welch, Kris Nelson, and City Attorney John Watts.

Staff members present were City Manager David Timmons, Public Works Director Ken Clow, Development Services Director Rick Sepler, Finance Director Michael Legarsky, and City Clerk Pam Kolacy.

**CHANGES TO THE AGENDA**

Mr. Timmons asked that Item D on the Consent Agenda (Resolution 20-010) be placed under Old Business as Item C. He also noted there would be an executive session at the end of the meeting to discuss litigation, with no action anticipated.

**COMMENTS FROM THE PUBLIC**

**Public comment**

Todd Wexman commented on the Library capital project.

Earl Murman commented on the pool closure.

Julie Jaman commented on the Library, other capital projects, and cooperation with the schools.

Mr. Timmons and Mr. Sepler made comments in response to the issues raised by the public.

**CONSENT AGENDA**

**Bills, Claims and Warrants**

Vouchers 117061 through 117076 in the amount of \$3,698.35  
Vouchers 117077 through 117160 in the amount of \$176,572.78

Vouchers 117162 through 117169 and EFTs in the amount of \$225,950.20

**Approval of Minutes: February 13, 2012**

**Advisory Board Appointments - Non-motorized Transportation Advisory Board**

Jolly Wahlstrom (Position 3, Term expires May 1, 2015).  
Tim Eaton (Position 4, Term expires May 1, 2015).

**Line Item Transfer - Professional Services funds (Non-Departmental to City Clerk)**

*Motion: Kris Nelson moved to approve the remaining items on the Consent Agenda (Item D moved to Old Business). Catharine Robinson seconded.  
Vote: motion carried unanimously, 7-0 by voice vote.*

**OLD BUSINESS**

**Ordinance 3057 - Residential Street Use Regulations**

City Attorney John Watts reviewed the packet materials, noting the only changes to the Ordinance and attachments since the first reading on February 21, are in Attachment 3 under "minor landscaping" in the "safe harbor" section.

Mr. Watts clarified the difference between the rules regarding minor maintenance of an existing item in the right of way (allowed) and a teardown and re-build (not allowed to remain in right of way).

Jim Todd commented that repairs should trigger removal from the right of way.

Ken Hamner described a right of way code enforcement issue involving trees he planted in the right of way. His concern is fairness in application of the law.

Mr. Watts noted that the intent of the regulation is not to require removal of existing landscaped areas in the right of way but to provide some definition from the Council to administration to implement what can occur in landscaped areas in the rights of way. This does not roll back the clock but sees to review existing or recent situations for compliance with the definition of minor landscaping.

Considerable discussion ensued about the long history of the creation of the ordinance and the difficulties of regulating allowable uses in the rights of way. The ordinance as written is a compromise after studying a number of options, but with the rules, the staff will have guidelines and the public will have

predictability about what is and is not allowed. There is a need to have public space minimally privatized so that it is still available for all the public; this issue is the source of many neighbor to neighbor complaints and solving these problems without guidelines was difficult.

The appeal process was discussed. Mr. Watts stated that informal appeals to the City Manager and Council could be made to try and solve at the staff level but if a code enforcement is initiated an appeal could be made to the Hearing Examiner.

Additional need for control of plantings in the right of way include underground public utilities in the rights of way and plantings that may be within appropriate limits when placed but might grow to be much higher and be out of compliance. Other plantings may impinge on the sidewalk after time.

*Motion: Catharine Robinson moved to approve Ordinance 3057 on Residential Street Uses, with the revisions incorporated in the attachments. Kris Nelson seconded.*

*Vote: motion carried unanimously, 7-0 by voice vote.*

### **Ordinance 3071, Amending the Port Townsend Municipal Code Chapter 13.05 Utility Rates and Charges and Establishing an Effective Date**

Mr. Timmons reviewed the packet materials. He noted that the only change to the Ordinance and Attachments since the first reading on February 21, was a delay in the start date from March 1, 2012 to April 1, 2012.

He said that rates are set for five years rather than annually so that staff can benchmark the budget. He added that the consultants did review rates out to 2016 after the original study (which ended in 2015).

There was discussion about the impact of the rate increase on consumers; Mr. Timmons noted that they City does have a low income program for those who are below a certain level of income. The City has a statistically low rate of water shutoffs compared to the number of customers.

Public comment:

Jim Todd stated he would like to pay his utility bills by direct withdrawal.

Finance Director Legasrky stated this will be a component of the proposal for a new banking services contract.

Mr. Gray stated he would not support the ordinance because he does not see anything in the budget that would require this increase and that there is money in reserves to cover the increase. He believes people do not have a clear

understanding of why the increase is necessary.

Other councilors noted that several small increases are easier on the consumer than a very large increase at the end of a two or three year period, the system must be maintained and operated for the good of the community and operation and maintenance costs are rising, that the original 15% suggested increase has been reduced to 3%, and that the capital costs of water line repairs will depend on loans and other sources of funding, and that funding a study and then ignoring the results would not be responsible.

*Motion: Michelle Sandoval moved to approve Ordinance 3071, Amending the Port Townsend Municipal Code Chapter 13.05 Utility Rates and Charges and Establishing an Effective Date Kris Nelson seconded.*

*Vote: motion carried, 6-1 by voice vote, Robert Gray opposed.*

**RESOLUTION 12-010, AUTHORIZING THE CITY MANAGER TO EXECUTE AN INTERLOCAL AGREEMENT REGARDING EMERGENCY DISPATCHING, COMMUNICATIONS AND OTHER PUBLIC SAFETY SERVICES WITH A TERMINATION DATE OF DECEMBER 31, 2017**

Mr. King introduced the item and stated that the Fire District has approved a slightly different draft. Mr. Timmons gave considerable background information on the JeffComm Board process.

Both recommended approving the version of the contract before Council and making changes later if necessary to conform with other entities.

There was no public comment.

*Motion: Mark Welch moved to approve Resolution 12-010, authorizing the City Manager to execute an Interlocal Agreement regarding emergency dispatching, communications and other public safety services with a termination date of December 31, 2017. Kris Nelson seconded.*

*Vote: motion carried unanimously, 7-0 by voice vote.*

Ms. Sandoval asked the Council move New Business Item B to the first item under new business as several citizens are present for that item.

**NEW BUSINESS**

**Resolution 12-011 Supporting the "Move to Amend" Campaign to Call for an Amendment to the Constitution to Abolish Corporate Personhood**

Special Projects Chair Sandoval noted that the Committee agreed that because there is only one action requested and the issue is straightforward, they recommended it be taken up at the Council level. Mr. Welch provided an

alternative resolution which is very similar but more to the point for Council review.

Public comment

Jackie Aase, League of Women Voters, spoke in support of the resolution.

Steve Hamm spoke in support of the resolution. He said he has a petition with 1,200 signatures at this time in support of such a resolution and he will continue collecting.

Dianne Diamond, co-organizer of Jefferson County Move On Council spoke in support of the resolution.

Carol Gallup spoke in support of the resolution.

Jim Todd spoke in support of the resolution.

Ms. Sandoval suggested that the fifth "whereas" in the new version of the resolution be expanded to include the language in the similar paragraph (ninth "whereas") of the original resolution. There were no objections.

Mr. Robinson noted a typo in the title to correct the word "Constitution."

Ms. Nelson requested an additional "whereas" clause stating that we do not object to the concept of the abilities of corporations to enter into legal actions such as contracts, sue and be sued, etc.). There were no objections.

*Motion: Michelle Sandoval moved to approve Resolution 12-011 Supporting the "Move to Amend" Campaign to Call for an Amendment to the Constitution to Abolish Corporate Personhood Catharine Robinson seconded.*

*Vote: motion carried unanimously, 7-0 by voice vote.*

### **Strategy to Meet the Recent Mandate to Amend Floodplain Management Ordinances to Comply with Endangered Species Act (ESA) Requirements**

Mr. Sepler reviewed the packet materials. Council is asked to approve a letter to the Federal Emergency Management Agency concerning the City's strategy to respond to FEMA floodplain requirements. The strategy, approved by FEMA, would be to comply project by project by consulting with the federal services and preparing a habitat assessment pending adoption of code updates. FEMA has requested a letter stating the City's strategy.

Changes suggested included noting more prominently that Phase I is already completed and changing "Early 2012" to "Spring 2012" and adding Ms. Surber's phone contact.

The Port will be copied on this correspondence.

There was no public comment.

*Motion: Mark Welch moved to authorize City Manager to sign the attached letter to FEMA notifying them of our strategy and timeline.with suggested changes  
Kris Nelson seconded.*

*Vote: motion carried unanimously, 7-0 by voice vote.*

### **Approve Special Projects Committee Work Plan**

Ms. Sandoval reviewed the proposed Special Projects Committee workplan for the year.

It was noted that several e-mails have been received from citizens regarding the "biomass committee" but that a new committee is not planned. The committee referred to in the minutes is the Special Projects committee and that will be specified in the final minutes.

Mr. Gray stated that he would prefer that the Special Projects committee take up the biomass issue first. Mr. Welch noted that the committee reviewed the issues and believes that action in regard to plastic bags is clear cut and under local jurisdiction while the biomass issue is much more complicated. It was also noted that some components of the biomass issue, such as attorney review, would run concurrently with the plastic bag issue.

*Motion: Kris Nelson moved to approve Special Projects committee work plan outline contained in draft minutes of Feb. 15, 2012 but to strike the timeline placing biomass after plastic bags, subject to staff constraints so the issues can move forward concurrently. Catharine Robinson seconded.*

*Vote: motion carried unanimously, 7-0 by voice vote.*

### **PRESIDING OFFICER REPORT**

Mayor King reported on upcoming City Council office hours; Young Professionals meeting, and the dedication of the Library Learning Center.

### **CITY MANAGER REPORT**

#### **Exploratory Regional Parks and Recreation Committee**

Mr. Timmons gave an update on the Exploratory Regional Parks and Recreation Committee.

He also stated that progress toward the Public Development Authority having a

role at Fort Worden State Park has been stalled and there appears to be no legislative support at this time for the Building 202 project.

The Taylor Street project is underway and the contractor is making good progress.

**SUGGESTIONS FOR NEXT OR FUTURE AGENDA, REGULAR MEETING  
AND/OR STUDY SESSION**

**COMMENTS FROM COUNCIL**

**EXECUTIVE SESSION**

Mr. Watts stated that the Council would adjourn to executive session regarding pending litigation, that the session would take about 15 minutes and that no action would be taken. Council held a brief break and went into executive session at 9:55 p.m.

**ADJOURN**

The meeting was reconvened at 10:15. There being no further business, the meeting was adjourned.

Attest:

Pamela Kolacy, MMC  
City Clerk