

GIG HARBOR CITY COUNCIL MEETING OF JANUARY 10, 2005

PRESENT: Councilmembers Ekberg, Young, Franich, Conan, Dick, Picinich, Ruffo and Mayor Wilbert.

CALL TO ORDER: 7:03 p.m.

PLEDGE OF ALLEGIANCE:

PUBLIC HEARINGS:

1. Update to Title 15 of the Gig Harbor Municipal Code. The purpose of this hearing is to discuss the proposed adoption of the International Codes adopted by the State of Washington effective July 1, 2004, revised flood plain regulations, and the establishment of the Building Code Advisory Board. The Mayor opened the public hearing at 7:04 p.m. and asked Dick Bower, Building Official/Fire Marshal, to present the background of these ordinances that will update the city's construction codes. Mr. Bower gave an overview of all three ordinances.

There were no public comments, and the Mayor closed the public hearing and opened the next public hearing at 7:08 p.m.

2. Acceptance of a Portion of North Creek Lane as a Public Street. John Vodopich, Community Development Director, explained that the city entered into a settlement agreement with the Northcreek Homeowners Association regarding accepting a portion of North Creek Lane, which requires a public hearing. He added that Steve Misiurak, City Engineer, was present to answer questions.

Dave Otto – 4916 Eagle Creek Lane. Mr. Otto spoke in favor of the resolution accepting North Creek Lane as a city street. He explained that this has been a long and contentious struggle, and voiced gratitude to the City Administrator and Planning Department for bringing this to conclusion. He said that the neighbors look forward to the safety, police protection and peace of mind that this action will bring.

There were no comments and the public hearing was closed at 7:10 p.m.

CONSENT AGENDA:

These consent agenda items are considered routine and may be adopted with one motion as per Gig Harbor Ordinance No. 799.

1. Approval of the minutes of the City Council Meeting of December 13, 2004.
2. Purchase Authorization for Xerox Large Plans Copier.
3. Water Leak Detection Survey Inspection Services – Consultant Services Contract.
4. Emergency Response Plan – Consultant Services Contract.
5. 2005 Hotel / Motel Tax Distribution Contracts.
6. Notice of Intention to Commence Annexation Proceedings - McCormick Ridge LLC Request (ANX 04-02).

7. Liquor License Renewals: Gourmet Essentials; Harbor Arco Minimart; Harbor Inn Restaurant; El Pueblito Family Mexican Restaurant.
8. Approval of Payment of Bills for December 27, 2004:
Checks #45825 through #45930 in the amount of \$215,459.53.
9. Approval of Payroll for the month of December, 2004:
Checks #3551 through #3594 and direct deposit entries in the amount of \$256,739.63.

MOTION: Move to approve the consent agenda as presented.
Picinich / Ruffo – six voted in favor. Councilmember Franich abstained.

OLD BUSINESS:

1. Resolution – City Support for Peninsula School District Levy. Mayor Wilbert said that she personally supports this effort. She said that this is not a tax increase, but a renewal of the levy. Mark Hoppen clarified that the packet includes the actual dollar amount of the levy approved by the school board.

MOTION: Move to adopt Resolution No. 637 as presented.
Ekberg / Ruffo – unanimously approved.

2. Second Reading of Ordinance – Update of Building Codes. Dick Bower explained that he presented the information on this ordinance during the public hearing. He clarified modifications in the International Building Code at the request of Councilmember Dick. The requested amendments are to Section 105.3. Application for Permit. The first amendment is to paragraph A.1 to change it to read "...legal description ~~or~~ and tax parcel numbers and the ...". Mr. Bower explained that this request is due to the possibility of multiple tax parcel numbers assigned to one parcel. The second change was to the same section, paragraph A.6, to insert the word "septic" to clarify that houses on septic would have to provide information to assure a sanitary sewer system.

MOTION: Move to adopt Ordinance No. 983 with amendments to Section 105.3 as recommended.
Picinich / Dick – unanimously approved.

3. Second Reading of Ordinance – Building Code Advisory Board. Dick Bower explained that this ordinance re-establishes the Building Code Advisory Board, adding that the six members have all agreed to continue to serve on the board.

Councilmember Dick clarified that under this change, the board would now serve an appeal function that they previously did not have.

Councilmember Young asked if the even number of members could create a problem with a tie vote. Carol Morris, City Attorney, explained that the existing code allows them to make a final decision on appeals. They are a recommending body only on code

amendments. There was further discussion on what would happen if a tie vote were to occur. Ms. Morris explained that they would follow their adopted rules of procedure.

MOTION: Move to amend the ordinance to add another board member.
Young / Ruffo –

Councilmember Dick said that if a tie occurred, the decision to leave it alone is a good resolution of an appeal, as there is no compelling reason to change the decision made by the Building Official. He said that he was okay with the even number on the board. Councilmember Ekberg asked if operating with six had been successful in the past. Mr. Bower said that to his knowledge, there had been no problems reaching consensus. After further discussion, the motion and its second were withdrawn.

MOTION: Move to adopt Ordinance No. 984 as presented.
Young / Ekberg – unanimously approved.

4. Second Reading of Ordinance – Flood Plain Regulations. Dick Bower said that the Flood Plain Ordinance would give guidance on how to allow development within the flood-prone areas.

Councilmember Dick asked for clarification on enforcement and whether there is a lien provision in case a property owner was to do unauthorized filling. Carol Morris explained that the enforcement provisions in Chapter 15.26 adopted previously would be sufficient. She added that there are no lien provisions in the enforcement chapters of the building code or the zoning code, as this is only in the Uniform Code for the abatement of dangerous buildings or for non-payment of utilities. She said that the property owner would be responsible to do the cleanup rather than the city trying to do the abatement and try to recover the cost.

MOTION: Move to adopt Ordinance No. 985 as presented.
Picinich / Dick – unanimously approved.

5. Pierce County 2005 Comprehensive Plan Amendments – Submitted Applications. John Vodopich gave a brief overview of the three applications that had been reviewed by the City Council at the December 13th meeting and brought back for further consideration. He explained that other correspondence had been received on the applications, which had been placed in Councilmember's mailboxes. Mr. Vodopich asked for direction on whether or not the city supports the applications and if so, he would write a letter to the County Executive indicating the support.

The Mayor recommended discussing each issue separately, beginning with Map Amendment #6.

Carl Halsan – Po Box 1447, Gig Harbor. Mr. Halsan addressed Map Amendment #6, which is the re-designation of 24 acres from residential to employment center. He highlighted key points. First, that the only access to this site from the Swede Hill

Interchange area is through the business park, and second, there is a topographic separation from this area to the lower valley. He added that the powerline right-of-way is the proposed separation. He explained that the surrounding uses are all businesses, and the market has not attracted buyers as a residential zone designation. Mr. Halsan continued to explain that this proposed amendment and the city's Comprehensive Plan is consistent, and gave an overview of several policies that support the amendment. He then addressed Council questions regarding the property involved.

Councilmember Dick asked for clarification on whether there is an issue with split zoning on a parcel. John Vodopich responded that there is no formal policy, but a common accepted practice that property lines or other physical features such as roads or waterways as separations for comprehensive plan and zoning designations. He added that you would look to transitional zoning issues in comprehensive planning.

Councilmember Franich stressed that the access to the area is dangerous now, and that by adding more homes or more businesses, it would be an even more dangerous situation. He said that he did not personally believe anything should be added until the access issue is addressed. He read from the Environmental Impact Statement done in conjunction with the Narrows Bridge Corridor, which addresses concerns raised by the city and states "No preferred option for the frontage road is being recommended at this time. An option will be selected in the future subject to funding of mainline improvements at the west end of the project area." He said that this suggests that some time in the future, the state and possibly the county, is thinking about a frontage road or other access improvements to eliminate the existing, dangerous situation. Until that time, he would not be willing to support turning that into a more commercialized area.

Councilmember Young pointed out that the area is going to develop regardless, and the only question now is the appropriate use. He said that he agrees that the access is not ideal, but the area seems to suit commercial rather than residential use. He continued to explain that the bridge EIS is not a promise for funding, and a frontage road there is not a high priority, nor does not appear on any transportation plans. This forces the property owners to hang on to the property or to develop it as residential. The county should require them to mitigate the access.

Councilmember Ekberg agreed with comments made by Councilmember Franich, adding that he had yet to see a compelling argument that 24 acres of residential property with access issues needs to be turned into an employment district. This area should be developed only when there is other access.

Councilmember Dick agreed, adding that if there was adequate access to the property, it would make more sense to be zoned commercial. As it is, it would be better not to develop it until there is adequate access. It would aggravate both safety and density issues to recommend that it be re-designated to Employment District. This may be a preferred solution when a frontage road is constructed.

There was discussion on what it would cost to construct a frontage road. Mark Hoppen explained that the preferred solution would be to have a frontage road that connects to 96th, adding that the state will not commit until they determine the cost of the HOV lanes through the corridor. After further discussion the following recommendation was made.

MOTION: I move that in regards to Map Amendment No. 6, Council direct staff to notify the Pierce County Executive that the City of Gig Harbor recommends that he should not initiate this change.
Ekberg / Franich –

Councilmember Ruffo asked for clarification on whether Council is not in favor of any zoning changes from residential to commercial or if this was site specific. Councilmember Dick clarified that this was site specific until access issues could be addressed.

Restated Motion: I move that in regards to Map Amendment No. 6, Council direct staff to notify the Pierce County Executive that the City of Gig Harbor recommends that he should not initiate this change.
Ekberg / Franich – Councilmembers Ekberg, Franich, Dick, and Conan voted in favor of the motion. Councilmembers Young, Picinich and Ruffo voted against. The motion carried 4-3.

Council then moved on to Map Amendment #7.

Carl Halsan. Mr. Halsan said that he sent Councilmembers an information packet on Map Amendment #7 with colored maps. He used the maps to illustrate his presentation on this request to change 5.1 acres from low-density residential to community employment. Mr. Halsan then addressed Council's questions.

Councilmember Young said that he supports this amendment and made the following motion.

MOTION: Move we recommend to the Pierce County Executive that they approved this Comprehensive Plan Amendment.
Young / Conan – unanimously approved.

Council moved on to consider Map Amendment #8. John Vodopich discussed the letter received from the attorney representing the property owners with suggested language supporting the initiation.

Councilmembers discussed the amendment, stressing that it is outside the city's UGA. Councilmember Young suggested using some of the language recommended in the attorney's letter.

MOTION: Move to respond to the Pierce County Executive to the effect that the City Council is not interested in commenting on this application

as it is far outside the city's Urban Growth Boundary, and there is no interest in adjusting the UGA for reasons independent of this application.

Young / Ekberg – unanimously approved.

NEW BUSINESS:

1. Resolution – Acceptance of a Portion of North Creek Lane as a Public Street. John Vodopich presented the resolution accepting a portion of North Creek Lane adjacent to the North Creek Estates neighborhood. He pointed out that a copy of the plat map should have been attached to the resolution. He said that the City Engineer was present to answer questions, and recommended approval.

Councilmember Franich asked how much it would cost to bring the street up to city standards. Steve Misiurak explained that there are two estimates; one for \$130,000 which involves a series of dig-outs and replacement of the failed areas, and the second estimate is for a total removal and rebuild, which would cost approximately \$152,000. He added that there is no immediate safety issue and the street is acceptable as it is. With yearly evaluations, the road should be serviceable for the next four to five years.

Councilmember Franich commented that this road has been the subject of concern for several years. He said the problems exist because easements were granted that allowed Northcreek Lane to become a through street. He said that the city should not be the one to bear the responsibility, adding that the property owners could remedy the problem with a gate.

MOTION: Move to adopt Resolution No. 638.
Ekberg / Picinich – six voted in favor. Councilmember Franich voted no.

2. Domestic Violence Victim Advocacy Interlocal Agreement – 2005. Mike Davis, Chief of Police, presented this agreement to replace the one that just expired. The costs have already been approved in the 2005 Budget.

Councilmember Dick asked if the contract with Westlaw is tied to this agreement. Chief Davis clarified that the two are separate. He then responded to the question of how many people used the kiosk in 2004. Through October, there were close to 89 people, one-third of which were connected to the Harbor. A more complete year-end report will be made available shortly.

Councilmember Franich said that he would support this agreement for 2005 as it is a politically correct issue, but it seems to be a duplication of services that could be done in Tacoma. He added that there is a lot of money going out to domestic violence these days, and he would like to look at a cost / benefit analysis.

Councilmember Young said that as time goes on and information is gathered, the proportionate share will become more apparent. Chief Davis agreed and said that the next year would provide the needed data to do a comparison.

MOTION: Move to authorize the Mayor to sign the Domestic Violence Victim Advocacy Interlocal Agreement for 2005.
Ruffo / Conan – unanimously approved.

3. Consideration of Ordinance Extending Building Size Moratorium for an Additional 90 Days. Steve Osguthorpe, Planning Manager, presented the background information on the six-month moratorium adopted on July 12, 2004. The purpose of extending this moratorium an additional 90 days would allow time to complete text amendments addressing those issues that prompted the City Council to first adopt the moratorium. Since adoption, several things have been done to address concerns, such as adoption of the Design Manual updates that address building size, mass, and size within the view basin area.

In addition, the Community Development Committee has identified other areas of concern as a result of the public hearings held on building size. The committee determined that additional standards would be needed to address views in the view basin. Mr. Osguthorpe gave an overview of the proposed amendments, explaining that in order to complete those changes, additional time was needed to finalize the text and to forward the language to the state for comment. This additional time would also allow time for a public hearing before the Planning Commission and to obtain input from the Design Review Board.

Mr. Osguthorpe continued to explain that target dates had been included in the ordinance to ensure completion of the review before the expiration of the 90 day extension of the moratorium, with April 11th being the final Council action.

Mr. Osguthorpe then discussed the recommended exemption of short plats and boundary line adjustments submitted by Mary Souza. He said that he drafted a separate ordinance adopting those exemptions to the moratorium for Council's consideration. He pointed out that short plats could potentially vest, so if there were development standards adopted as part of the moratorium; it is possible for someone to submit an application and identify things on the plat that would be vested. Although unusual, it would nevertheless be possible.

Mr. Osguthorpe continued by saying that the committee recommended text amendments could be back before Council by the January 24th meeting for adoption. These would then be considered Council-initiated text amendments that would go before the review bodies as any other application. A recommendation would then come back to Council. He then offered to answer questions.

Councilmember Young asked when the charrettes are scheduled. Mr. Osguthorpe said that the funds for the charette had been budgeted for this year, adding that the

committee recommended processing these proposed amendments before going forward with the charette process. The request for proposals would go out as soon as possible.

Councilmember Franich commented that he was not aware that the Community Development Committee amendments would go forward so quickly. He said that the floor area ratio direction is new information of which he is unfamiliar, and he is not sure it is the answer to the square footage problems. Mr. Osguthorpe said that that amendment was included for the full Council consideration at the recommendation of the committee, and it can be removed.

There was continued discussion on the recommendations from the Community Development Committee. Councilmember Franich voiced concern that the floor area ratio option would be "railroaded through" without further consideration of other options. Councilmember Dick stressed the importance of continuing the moratorium, including a timetable, until changes could be made to protect the view corridor. He added that the draft language is a tool that will allow consideration of language to address the concerns that came from the meetings.

Councilmember Ruffo addressed concerns voiced by Councilmember Franich by stressing that it is the function of the Planning Commission to consider the text amendments and to make a recommendation back to Council. Steve Osguthorpe clarified that whatever text amendment was approved at the January 24th meeting would be forwarded to the state for review. Councilmember Ekberg commented that effort had been made to address the reasons for the moratorium.

Dale Harrison – PO Box 157, Gig Harbor. Mr. Harrison spoke on behalf of Mr. and Mrs. Dennis Graham, who could not be present. He explained that he is the builder for the Grahams for their home located within the height restriction area. He proposed that the Grahams be granted an exemption from the moratorium. He said that their specific property, located at 9025 North Harborview Drive, may give direction to the issues being considered. He said that the Grahams have been waiting six months and are concerned about how much longer it will take and gave a description of the property. He said that the new home would be more attractive from the water, and asked if they could submit plans for consideration in order to move forward. He continued to explain that they would be removing several large poplars, which would improve the view corridor.

Councilmember Ekberg asked if a 90 day extension would be crucial, adding that the Council intends to hold to the 90 days. Councilmember Dick explained that minimal protections needed to be in place until some of the major concerns were addressed. Councilmember Young said that he was opposed to the extension due to the hardships that it imposes, but there are issues that remain to be addressed. He stressed that the city cannot exempt one single property owner, also adding that he plans to stick to the deadline. Councilmember Ekberg suggested that Mr. Harrison work with staff in order to dovetail with the termination of the moratorium.

Carol Morris explained that what Council is asked to do tonight is to make a decision on whether to impose an extension to the moratorium, keeping in mind that a public hearing must be scheduled on the maintenance of the moratorium within 60 days. She recommended that people save their comments until the public hearing when the record will be established on why the moratorium is to be kept in place.

Mary Souza (no address given). Ms. Souza recommended that the moratorium not be extended. She said that there are a tremendous number of issues to be considered in a 90 day period such as vegetation, site line, and view corridors when there has already been a six-month moratorium. This is a great length of time for a property owner wanting to construct to wait. In addition, they may be affected by any one of the issues being discussed for adoption. She said that at the end of the 90 days, there is a possibility of consensus on only one issue without any time to address the other issues. She then addressed the exemption for boundary line adjustments, short-plat applications or subdivision applications, explaining that these issues are so preliminary that they should not come under the moratorium.

Chuck Hunter – 8829 Franklin Avenue. Mr. Hunter asked for clarification on whether the information that had been discussed during the public hearings had been thrown out. Councilmember Dick addressed his concern by explaining that much of the testimony gathered during those hearings led to the conclusion that building size alone does not solve the worry of preserving the view basin, and that other things needed to be taken into consideration. Once minimal protections are in place, it allows time to deliberate on what should happen in some of the other zones. Then those could be moderated when a more comprehensive view has been developed.

Councilmember Ruffo said that the moratorium would not be in place if the BDR Building and the Luengen Building had not been constructed. He added that he too is opposed to moratoriums, but the process must be completed.

Mr. Hunter said that it seems that the process is going in a different direction, and asked if all the work done at the building size meetings would be lost. Councilmembers explained that those recommendations will be going to the Planning Commission, and these new recommendations are additional issues. Mr. Hunter stressed that design review will address some of those issues and that may be the place to make the changes.

Jack Bujacich – 3607 Ross Avenue. Mr. Bujacich voiced concern with delays with the hospital permitting, asking that this remain a high priority.

Councilmembers explained that the issue being discussed only affects the view basin and has nothing to do with the hospital proposal.

MOTION: Move to adopt Ordinance No. 986 that was contained in the packet without the exemptions for short plats and boundary lines.
Dick / Ruffo –

Councilmember Young asked for clarification on vesting. Ms. Morris said that Council could add boundary line adjustments and not affect vesting, but short plats would be vested.

AMENDED MOTION: Move to amend the ordinance to exempt boundary line adjustments to the list of exemptions in the moratorium.
Young /

There was no second and the motion failed. Carol Morris recommended that the motion include a hearing date on the continuation of the moratorium.

AMENDED MOTION: Move to adopt Ordinance No. 986 that was contained in the packet without the exemptions for short plats and boundary lines and to insert February 14, 2005 for a public hearing before Council on the continuation of the moratorium.
Dick / Ruffo – unanimously approved.

4. Reconsideration of R-1 Development Standards. John Vodopich presented background information on the request by Councilmembers Franich and Young that this issue be brought back for reconsideration. He said that staff is not recommending any further changes to the R-1 zone.

Councilmember Franich voiced his concern with the 7200 s.f. minimum lot size. He said that he would like to see a higher, 10,000 s.f. minimum lot size as the higher density affects the character of the city.

MOTION: Move for reconsideration of the previously adopted regulations under Chapter 17.16, to change the minimum lot size from 7,200 s.f. to 10,000 s.f.
Franich / Picinich – Councilmembers Franich and Picinich voted in favor. Councilmembers Ekberg, Young, Conan, Dick and Ruffo voted no. The motion failed five to two.

5. Comprehensive Plan Update - Consultant Services Contract Amendment. John Vodopich explained that in the absence of a city-wide wetland inventory, Council directed staff to bring back an amended contract that would provide for such an inventory. The scope of work and proposal is to not only perform a wetlands inventory within the city limits, but also the entire UGA. The proposal is for \$33,609.00 and would take approximately a month to complete. This cost was not anticipated in the budget, but adequate funds are available.

MOTION: Move to authorize the Mayor to execute the amendment to the consultant services contract with AHBL Inc. for the Comprehensive Plan Update to provide for a wetland inventory in an amount not to exceed thirty-three thousand six-hundred and nine dollars (\$33,609.00).
Dick / Conan –

Councilmember Young said that due to the cost and previous comments, he thought it considerably more than he had anticipated. He asked if staff could obtain another quote to do the work.

Mark Hoppen commented that due to the extent of the scope of work, this cost seems lower than what he had expected. John Vodopich explained that although the statutory deadline for amending the Critical Areas Ordinance was December 1st, the general feeling is that if you have outlined a plan to continue the work into 2005 you most likely will not be appealed, but there is no guarantee that someone might appeal for failure to comply with the statutory deadline.

RESTATED MOTION: Move to authorize the Mayor to execute the amendment to the consultant services contract with AHBL Inc. for the Comprehensive Plan Update to provide for a wetland inventory in an amount not to exceed thirty-three thousand six-hundred and nine dollars (\$33,609.00).
Dick / Conan –

Councilmember Ruffo asked if it would be possible to obtain comparison quotes. Mr. Vodopich said that he would try and come back with a recommendation at the next meeting.

MOTION: Move to table this motion until the next meeting.
Conan / Young – unanimously approved.

6. Resolution – Construction and Fire Code Permit Fees. Dick Bower presented this resolution adopting a new building permit fee schedule for permits issued under Title 15 and fire code permit fee schedules for operational permits under the International Fire Code. In addition to the fee schedules, it adopts a building permit valuation table which will give a square foot valuation for construction of new buildings and additions.

MOTION: Move to adopt Resolution No. 638 adopting construction and fire code permit fees.
Young / Ruffo – unanimously approved.

Councilmember Ruffo suggested amending the agenda to adjourn to Executive Session at this point in the meeting, as there were people present in the audience waiting for the item that was to be discussed. The Mayor suggested allowing the public comment before adjourning to Executive Session.

STAFF REPORTS: None scheduled.

PUBLIC COMMENT:

John McMillan – 9826 Jacobsen Lane. Mr. McMillan explained that last year, he participated in the Eddon Boat campaign, and volunteered to act as contact person to the community who has supported this effort. He reminded Council that the community has made an extraordinary statement in committing their dollars for the purchase of the property. Mr. McMillan stressed the importance of honoring Gig Harbor’s historic legacy, adding that since the passage of the bond measure, there has been little information about the negotiations with Harbor Cove. He said that he is at a loss how to respond to concerned residents in regards to the recently added “For Sale” signs on the property, and asked what he could tell them.

Lita Dawn Stanton – 111 Raft Island. Ms. Stanton asked for clarification on the comment about adjourning to Executive Session. Councilmember Ruffo responded that Council would adjourn to Executive Session at the regular time on the agenda. Ms. Stanton continued to say that she echoed the comments made by Mr. McMillan, stressing that they had worked really hard on the campaign and had requested communication from the city during negotiations. She said that they had been appointed to an Ad Hoc Committee, but they have been given no information and the signs are back up on the property. She said that she would prefer to have her questions addressed in the committee setting rather than in a Council meeting, and requested that Council discuss allowing the community to be part of the process during their Executive Session.

COUNCIL COMMENTS / MAYOR'S REPORT:

Mayor Wilbert announced that Councilmember Ekberg has accepted her offer to serve as Mayor Pro Tem in 2005. Mayor Wilbert then thanked Councilmember Young for serving on the Puget Sound Regional Council, asking if he would consider continuing to serve. He too agreed to do so.

The Mayor said that another meeting that she attends regularly is the Pierce County Cities and Towns Association, but she is unable to attend the February 3rd meeting. She asked if Mayor Pro Tem Ekberg would be willing to go. He offered to check his calendar.

ANNOUNCEMENT OF OTHER MEETINGS: None.

EXECUTIVE SESSION: For the purpose of discussing property acquisition per RCW 42.30.110(1)(b).

MOTION: Move to adjourn to Executive Session at 9:39 p.m. for approximately twenty minutes for the purpose of discussing property acquisition.
Ruffo / Franich - unanimously approved.

MOTION: Move to return to regular session at 10:01 p.m.
Franich / Ruffo – unanimously approved.


MOTION: Move that on the Eddon Boat Property, we authorize the Mayor to sign the purchase and sale agreement, and we propose to the sellers a purchase price for the property, which was already negotiated, for \$3.25 million dollars, and that the purchase price will increase by \$100,000 if the sale does not close by February 15, 2005; secondly, the purchase price for the property will increase by another \$100,000 if the sale does not close by March 15, 2005; and thirdly, the agreement will terminate if the sale does not close by April 15, 2005.
Ruffo / Picinich –

Councilmember Franich commented that this is an important issue, but one that has become messed up from what he envisioned. He said that he is having a hard time supporting the way it has come down.

RESTATED MOTION: Move that on the Eddon Boat Property, we authorize the Mayor to sign the purchase and sale agreement, and we propose to the sellers a purchase price for the property, which was already negotiated, for \$3.25 million dollars, and that the purchase price will increase by \$100,000 if the sale does not close by February 15, 2005; secondly, the purchase price for the property will increase by another \$100,000 if the sale does not close by March 15, 2005; and thirdly, the agreement will terminate if the sale does not close by April 15, 2005.
Ruffo / Picinich – unanimously approved.

MOTION: Move to adjourn at 10:03 p.m.
Young / Picinich – unanimously approved.

CD recorder utilized:
Disc #1 Tracks 1 – 18.
Disc #2 Tracks 1 – 17.



Gretchen A. Wilbert, Mayor



Molly Towslee, City Clerk