

GIG HARBOR CITY COUNCIL MEETING OF DECEMBER 9, 2002

PRESENT: Councilmembers Ekberg, Young, Franich, Owel, Dick, Picinich, and Ruffo. Mayor Wilbert was absent and Councilmember Young acted as Mayor Pro Tem.

CALL TO ORDER: 7:03 p.m.

PLEDGE OF ALLEGIANCE

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 City Council Meeting of November 25, 2002.
2. Correspondence/Proclamations: a) Letter from Jonathan Schlaudraff
3. Appointment of Mayor Pro Tem for 2003.
4. Pump Station 2A Replacement – Contract Amendment #1.
5. Olympic Drive/56th Street Project – Contract Amendment #1.
6. Liquor License Assumption – Fred Meyer Marketplace.
7. Approval of Payment of Bills for December 9, 2002.
Checks #38590 through # 38720 in the amount of \$420,044.83.
8. Approval of Payroll for the Month of November:
Checks #2191 through #2243 and direct deposit entries in the amount of \$208,210.64.

MOTION: Move to approve the consent agenda as presented.
Picinich/Ekberg – unanimously approved.

OLD BUSINESS:

1. Second Reading of Ordinances – 2001 Comprehensive Plan Amendments. John Vodopich presented the second reading of two ordinances, both adopting and denying several amendments to the 2001 Comprehensive Plan. He said that he had provided ariel photos of applications #01-07 and #01-10, area 9, in response to questions from the last meeting. He added that Council also received a letter dated December 3, 2002, from Paul Kaltinick and Richard Baerg regarding application #01-07, and offered to answer questions.

Larry Gillette – 5615 39th Ave. NW. Mr. Gillette recommended against changing the land use from R-1 to R-2 on application #01-07 due to congestion in this area. He said that he lived just north of this property and currently has trouble getting out of his driveway on 38th. He said that the additional cutting of the trees to get nine units on this property would also affect the sound barrier and drainage. He said that this increase would affect the quality of life.

Geoff Moore – 9216 Randall Drive. Mr. Moore spoke on behalf of Paul Kaltinick. He clarified for the record that they submitted a letter showing a standard, single-family subdivision, adding that they have no intention to build apartments on this property.

Les Wilson – 3719 53rd NW. Mr. Wilson explained that if amendment 01-07 was approved, the property owner would be able to build more than single-family houses, and it would change the neighborhood. He said he was one of those who signed the petition against approval and would like to see the property remain residential.

Mayor Pro Tem Young opened the discussion on the ordinances to Councilmembers. Carol Morris, Legal Council, recommended a motion on each application, then a motion on the final adoption of the ordinances.

Councilmember Ekberg said he would like to recommend that applications #01-01 and #01-02 be denied, as the R-2 zone intent is to be a buffer to residential property. Councilmember Franich concurred, voicing concern that this would set a precedent.

Mayor Pro Tem Young clarified that this request was a change from residential low-designation to residential medium-designation, which would allow a RB zone, but would not be automatic. He continued to say that as he reviewed other neighborhoods, he found it unusual for single-family residences to be located at major intersections with more intense uses across the street. Councilmember Picinich agreed.

Councilmember Dick said that if you follow that logic, you would never use streets as boundaries for zones. He said you should give thought to what works as a boundary. Each zone has to have an adjacent zone, and roads makes a logical boundary. Derek agreed, but said that a busy intersection is an inappropriate location for single-family dwellings, and perhaps a multi-family or other use would be a more appropriate use at this location.

Councilmember Ruffo asked for clarification from Councilmember Ekberg. Councilmember Ekberg explained that his concern is that this change would lead to a transition all along Grandview and down Pioneer. He said a street makes a good stopping point, and made the following motion.

MOTION: Move to delete application #01-01 Uddenberg.
Ekberg/Franich – the results of the roll call vote are as follows:
Ekberg – yes. Franich – yes. Owel – yes. Dick – no. Picinich – no. Ruffo – no.

The clerk asked Mayor Pro Tem Young to vote to break the tie. He voted no and the motion failed, 4 – 3.

MOTION: Move to delete application #01-02 Uddenberg.
Ekberg/Franich – the results of vote:
Ekberg – yes. Franich – yes. Owel – yes. Dick – no. Picinich – no. Ruffo – no.

Mayor Pro Tem Young to voted no to break the tie. The motion failed, 4 – 3.

MOTION: Move to accept application #01-05 Burnham Construction LLC.
Picinich/Ekberg – unanimously approved.

MOTION: Move to accept application #01-06 Burnham Construction LLC.
Picinich/Franich – unanimously approved.

MOTION: Move to accept application #01-010 Gig Harbor/Pierce County Peninsula
Community Plan.
Picinich/Ekberg – unanimously approved.

Carol Morris asked for motions on applications #01-07 and #01-011 before the ordinances were passed. She referred to the request to approve application #01-07, and explained that if Council were to make any significant changes to the ordinance this evening, the ordinance would require another public hearing and subsequently, hold up all the other applications. Councilmember Ruffo asked if there would be a way to limit the amount of dwellings on this property. Carol explained that this could be done through a development agreement, but at this late date, it would require a change to the ordinance and trigger another public hearing. Councilmembers discussed the options. Carol said that the applicant had the option to either have their application denied, or to withdraw the application and submit it at a later date with a development agreement. Mayor Pro Tem asked the application to come forward and let their wishes be known.

Paul Kaltinick said that in view of what he had heard, he asked to have their application #01-07 withdrawn.

Councilmember Owel then offered to withdraw her application #01-11 for Low Impact Development Guidelines, which also been recommended denial by staff. She gave an overview of these guidelines and the recommendation to deny, adding that her withdrawal of the application would make the ordinance recommending denial of the two applications moot.

MOTION: Move to adopt Ordinance No. 921 Amending the City's Comprehensive Land Use Plan.
Dick/Ruffo – unanimously approved.

2. Second Reading of Ordinance – Providing for extension of the LID No. 99-1 Bond. David Rodenbach, Finance Director, explained that this is a one-year extension of a bond due on December 19th. He said that the interest rate would drop to 1.88%.

MOTION: Move to adopt Ordinance No. 922.
Ruffo/Picinich – unanimously approved.

3. Second Reading of Ordinance – Civic Center Revised Hours of Operation. Molly Towslee, City Clerk, presented the second reading of this housekeeping ordinance to amend the code to reflect the actual hours of operation.

MOTION: Move to adopt Ordinance No. 923.
Dick/Picinich – unanimously approved.

NEW BUSINESS:

1. Resolution – Replacing the Shared Leave Section of the Personnel Regulations. Mark Hoppen, City Administrator, explained that this proposal would liberalize the shared leave policy already in place to include the ability to include sick leave. He said that the current vacation leave sharing is not adequate to maintain support to an employee with unforeseen circumstances. He explained that many jurisdictions use shared leave, and that the city's personnel legal representative, Scott Snyder, has reviewed this proposal.

Councilmember Franich asked for an explanation on a shared leave policy. Mark described how employees have the ability to donate leave to another employee going through an extraordinary illness, and who has exhausted their own vacation and sick leave. He said that the

city has a policy in place to donate vacation leave, and this would allow the use of sick leave as well. He said there is a great deal of limitations built into this policy.

Councilmember Picinich said he was familiar with the policy as they have it at the school district. He asked what the total amount that you can donate. Mark explained that this is a value judgment, as we are such a small organization each situation is handled on an ad hoc basis, and as long as it doesn't cost the city a significant amount of money.

Councilmember Dick asked for clarification on the existing sick leave policy. Mark explained that 1440 hours accrual was the limit, and of that, 25% could be paid out upon termination, consistent with the state.

Councilmember Ruffo asked what the 75% remaining would equate to, voicing concerns that this amount would be a potential liability. He then recommended further review of the policy.

Councilmember Young said that the policy is designed to prevent abuse from someone acquiring the shared leave needlessly. He said the purpose of the policy about the point is not having to replace a valuable employee, and that the city is small enough not to need a cap to avoid the risk of abuse. Councilmember Ruffo said that policies are for protection, and as long as the current administration is in place, but there may be a risk with a change in administration. He said he would like to understand the fiscal implications.

Mark stressed that there have been few instances of the need for this policy, adding that this is about retaining a valuable employee and lend support in a rare situation. He said he does not view this as a risk, but as a way to support an employee in extreme conditions. He reminded Council that this is a resolution that can be changed at any time.

Councilmember Ekberg recommended that language be added to require an annual report on how the leave had been used during the year, then if it necessary, change it at that time.

Councilmember Owel pointed out that this policy was to address catastrophic illness, not a series of illnesses. Mark added that to be eligible, there can be no history of abusive sick leave. Councilmember Franich said he would like to table this to allow more time to learn more about it.

MOTION: Move to table this resolution.
Franich /

The motion failed for lack of a second.

Councilmember Dick said he thought there was a limit on changing anything that affects retirement calculations. He said voiced concerns that once the policy was in place, that it could not be changed or deleted. Councilmember Ruffo asked if this were meant to cover employees in a collective bargaining unit. Mark explained that it covered all employees, and Councilmember Ruffo voiced concerns that once in place, the policy would become a bargaining issue.

Councilmember Young clarified that it wasn't a change in the employee benefit package, but Councilmember Ruffo said that it still could trigger a problem. He said that he was sensitive to the current situation, but thought there may be a better way to deal with this than making policy changes. He said that it would be prudent to have the attorney look at it. Mark explained that

Scott Snyder, the city's personnel attorney, had drafted it. Mark said that he would check with Scott and address the additional concerns, and bring it back at the January meeting, unless it became necessary to accommodate the current situation. If it is necessary, a second meeting in December would be announced.

2. Shurgard Reservoir Tank Repainting Project Award. John Vodopich presented this project for the interior sand blasting, exterior pressure washing, and complete tank repainting of the city's Shurgard steel water tank. He asked David Brereton, Director of Operations, to respond to Council's questions on why the amount exceeded the budgeted amount by such a large amount.

Dave explained that the way the tank was constructed warranted expensive scaffolding measures to complete the interior work. He described the 3-part application process, explaining that the last time the tank was painted was in 1979, a 20-year time period.

MOTION: Move to authorize the award and execution of the contract for the Shurgard Reservoir Tank Repainting to Western Industrial, Inc. in the amount of one hundred ten thousand five hundred thirty-five dollars and forty eight cents (\$110,535.48) and includes retail sales tax.
Picinich/Dick – unanimously approved.

3. Grandview Street Improvement Project CSP-0025, Change Order No. 2. John Vodopich presented this change order and explained that this would increase the contract amount by approximately \$12,000, well below the budgeted amount. He explained the scope of work in the change order, adding that some of the work included small jobs included as alternates in the contract. John clarified that a credit would be received from Porter Brothers for roughly \$4600 for a portion of this change order.

MOTION: Move to authorize execution of Change Order No. 2 for the Grandview Street Improvement Project in the amount of twelve thousand four dollars and thirty-six cents (\$12,004.36), including retail sales tax.
Ruffo/Picinich – unanimously approved.

STAFF REPORTS:

John Vodopich, Community Development Director - Shoreline Master Program Process. John gave an update on the meeting with the Shoreline Master Program Committee and their assessment of proposed direction for the adoption process. He gave an overview of the three alternative paths that came about as a result of the invalidation of the rule to update the SMP by the Department of Ecology. Councilmember Ekberg talked further in the committee meeting, explaining their recommendation to continue to move forward and work toward obtaining more public input.

PUBLIC COMMENT: None.

COUNCIL COMMENTS / MAYOR'S REPORT:

Councilmember Ruffo announced that he would not be present at the January 13, 2003 meeting. He then asked for an update on the Mayor's recovery from surgery. The City Clerk explained that the Mayor was improving and would be released from the hospital shortly.

Councilmember Franich asked for a timeline for improvements to the Skansie Property. John

Vodopich explained that there were no funds identified in the 2003 Budget, but that they have filled the oil tank in the house/ to keep the pipes from freezing. He said that the city had been approached by the Olympic Youth Kayak Club, who would like to use the netshed.

Councilmember Picinich asked about moving the fence. Mark Hoppen said that they would work to identify funds to be able to match the existing fence at Jerisich Park, secure the waterfront / bulkhead, and also to replace the roof on the netshed.

Councilmember Ekberg complimented the Public Works crew on the holiday decorations around town.

ANNOUNCEMENT OF OTHER MEETINGS:

Mayor Pro Tem Young said that there would be no second Council Meeting in December unless something came forward making it necessary.

EXECUTIVE SESSION: For the purpose of discussing potential litigation per RCW 42.30110(i).


MOTION: Move to adjourn to executive session at 8:15 for approximately five minutes to discuss potential litigation.
Picinich/Ruffo – unanimously approved.

MOTION: Move to return to regular session at 8:22.
Picinich/Owel – unanimously approved.

ADJOURN:

MOTION: Move to adjourn at 8:22 p.m.
Picinich/Ruffo - unanimously approved.

Cassette recorder utilized:
Mini Disc #1 Tracks 1-3


Derek Young, Mayor Pro Tem


City Clerk