

SPECIAL GIG HARBOR CITY COUNCIL MEETING OF NOVEMBER 16, 2006

PRESENT: Councilmembers Ekberg, Young, Franich, Kadzik and Mayor Hunter. Councilmembers Conan, Dick, and Payne were absent.

CALL TO ORDER: 5:35 p.m.

PLEDGE OF ALLEGIANCE:

OLD BUSINESS:

1. Harbor Hill Development Agreement.

Mayor Hunter asked if any Councilmembers wished to reveal any ex parte oral or written communications on this matter, or to disclose any potential appearance of fairness issues, or if any member of the audience had any appearance of fairness challenges to any of the Councilmembers or Mayor.

Councilmember Ekberg responded that none since the last meeting. There was no other response to this query.

Mayor Hunter asked if any member of the Council would receive financial or any other benefit as a result of this hearing. There was no response.

Mayor Hunter then asked if anyone in the audience thought that a member of the Council could not make a fair or objective ruling on this agenda item. No one responded, and Mayor Hunter asked Carol Morris, City Attorney, to present.

Ms. Morris explained that one proposed change had been made to make the Development Agreement implicitly clear. The change is a new subsection E to read "In the event that any or all of the trees are cut before the developer had obtained a building permit for the construction of building (a, b, c, d, or e) within the residual parcels, the city shall be entitled to the entire security deposit in the cash set aside."

Ms. Morris then said that there is adequate language in Section 11 to protect the city from anything that may arise.

John Chadwell – OPG. Mr. Chadwell said that he hadn't seen the amendment.

Ms. Morris handed him one and said that she sent the changes to Mr. de Sa e Silva this afternoon. His previous comment was that the agreement in the packet was acceptable, but he wanted to make changes to the Cash Set Aside. They are working on that together. She said that the set aside is not before Council tonight, as the form of this agreement is approved by the city attorney and signed by staff. She added that she had not heard back from Mr. de Sa e Silva regarding this latest amendment to the Development Agreement.

Mr. Chadwell said that he doesn't mind the agreement being explicit, but asked for clarification on clearing trees for the utility lines. Ms. Morris said that no changes had been made to Section 9A of the agreement.

MOTION: Move to authorize the Mayor to sign the Harbor Hill Development Agreement and Cash Set-Aside Agreement as presented.
Young / Kadzik – unanimously approved.

ADJOURN:

MOTION: Move to adjourn at 5:43 p.m.
Ekberg / Conan – unanimously approved.

CD recorder utilized:
Disk #1 Tracks 1 – 6



Charles L. Hunter, Mayor



Molly M. Towslee, City Clerk