

GIG HARBOR CITY COUNCIL MEETING OF FEBRUARY 26, 2007

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

CALL TO ORDER: 6:02 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 February 12, 2007.
2. Annual Emergency Management Contract.
3. Resolution No. 701 – Surplus Property.
4. Liquor License Renewals: Water to Wine; Eagles; Tokyo Teriyaki; Judson Street Café; Hot Iron Grill; and Gourmet Essentials.
5. Approval of Payment of Bills for February 26, 2007:
Checks #52869 through #52998 in the amount of \$364,850.76.

MOTION: Move to approve the Consent Agenda as presented.
Franich / Ekberg - unanimously approved.

OLD BUSINESS:

~~1. Second Reading of Ordinance – Relating to Annexation and Zoning – Hansen (ANX-1313). (Item taken off at the request of the applicant).~~

1. Second Reading of Ordinance – Reauthorizing Speed Limit on Portions of Certain City Streets. Steve Misiurak, City Engineer, presented this ordinance that would adopt a new speed limit on certain city streets as well amend the code to specify the maximum speed limit within the city at 25 miles per hour except as designated. He offered to answer questions.

MOTION: Move to adopt Ordinance No. 1071 as presented.
Payne / Franich - unanimously approved.

2. Second Reading of Ordinance – St. Anthony Zoning Map Amendment. John Vodopich, Community Development Director, presented this ordinance to amend the zoning map to reflect a site-specific rezone request for the St. Anthony's Hospital site. This ordinance changes the official city zoning map to reflect the rezone.

MOTION: Move to adopt Ordinance No. 1072 as presented.
Ekberg / Young - unanimously approved.

3. Second Reading of Ordinance – Reconsideration of Hearing Examiner's Decisions. Carol Morris, City Attorney, presented this ordinance that allows the City Council and

any other interested party to ask for a reconsideration of the Hearing Examiner's Decision. This would allow the person requesting reconsideration to submit information to the Hearing Examiner so that he could issue a new decision without a hearing.

Councilmember Dick voiced reservation with the process. He explained that the Hearing Examiner reviews all evidence and it is unlikely that there would be a change in the legal conclusion based upon a motion to reconsider. He said that he is concerned with the delay that would result from the reconsideration process, adding that if a mistake is discovered, it could be brought to the Hearing Examiner's attention and it could be fixed by the petitioner or by the city. This process would result in arguing the same issues twice because you cannot bring new evidence. Although it is lawful to adopt this process, he said that he cannot see the benefit.

Councilmember Ekberg said that these are good points. He said that he would be in favor of instituting the process to see what happens. It would be a useful process to correct minor technical mistakes. If it is used to delay a project, then he agreed that this isn't beneficial.

Councilmember Dick asked the City Attorney if the Hearing Examiner's decision would be stayed during the reconsideration period. Ms. Morris responded yes. There would be no hearing so the length of time would not be extensive. She added that the process would be helpful to correct errors so that people don't feel the need to appeal to court to correct minor errors or to bring attention to new case law.

Mayor Hunter asked for clarification on whether or not someone from the opposite viewpoint could ask for an additional reconsideration of a new decision. Ms. Morris said that only one request for reconsideration is permitted. The second step would be an appeal. She added that she agreed it is going to be unusual for the Hearing Examiner to grant reconsideration. Findings of Facts and Conclusion will be made on the major portion of the decision, and then if other case law is brought to light in a request for consideration, it will not require lengthy findings. It may be reason for the Hearing Examiner to reverse or deny a decision. That is when you would go to court. She said that this process would eliminate unnecessary appeals.

Councilmember Franich said that he has similar concerns as Councilmember Dick. When this came up last fall, Council discussed whether they should hold a closed-record hearing on Hearing Examiner's decisions. The City Attorney responded that it could be done, but there are quasi-judicial restrictions to consider and recommended a reconsideration process as an alternative. This is another way to help Council rectify an error.

MOTION: Move to adopt Ordinance No. 1073 as presented.
Ekberg / Payne –

Councilmember Payne asked for clarification on who has standing to appeal or to ask for reconsideration. He said that he assumes that Council would have to act as a body rather than individually. Ms. Morris responded that yes, this is correct.

Councilmember Franich asked if a Councilmember, as a party of record as a citizen, can file a motion for reconsideration. Ms. Morris explained that you would have to be a party of standing under the code; someone who has entered a document into the record and therefore a participant. She said that she would advise Councilmembers against doing so because of the Appearance of Fairness Doctrine.

Councilmember Franich asked if this is part of the rights that you give up when you become a Councilmember. Ms. Morris said that yes, and suggested that a Councilmember could have a relative appear to provide testimony in their stead.

MOTION: Move to amend Ordinance No. 1073 to add a provision so that Council can hold a closed-record hearing.
Franich /

Councilmember Young pointed out that a reconsideration and a closed record hearing are two separate issues, and that this might better be discussed at the retreat. Councilmember Franich agreed.

Ms. Morris added that a provision for a closed record hearing would require additional items such as dates for a person to file an appeal and how long it would take to file.

Councilmember Franich withdrew his motion to amend the ordinance. He stressed that Council needs to do all that they can to have control over land use decisions in light of several recent Hearing Examiner's decisions.

MAIN MOTION: Move to adopt Ordinance No. 1073 as presented.
Ekberg / Payne – six voted in favor. Councilmember Dick voted no.

NEW BUSINESS:

1. Neighborhood Crime Mapping Web Service. Chief Mike Davis presented this Memorandum of Understanding with Pierce County to allow people to view real time crime statistics around a specific address or within a particular neighborhood. He explained that by utilizing these statistics, communities and law enforcement can work together more effectively to develop crime prevention strategies.

Councilmember Payne asked for an example in which this could be used. Chief Davis used vehicle thefts as an example in which this tool would assist the department to be more proactive. Currently the tracking is being done by hand. This system will be much faster and will help to develop ways to be more efficient and effective.

Rob Karlinsey, City Administrator, commented that this is a great rumor control tool. Citizens can look to see what happened in their neighborhood on their own.

Councilmember Dick voiced privacy concerns with pre-conviction information being accessible to the public.

Chief Davis explained that the information would not identify anyone involved. He added that this system has been in place for quite some time, with no legal issues or liability. He said that the statistics are for any jurisdiction that subscribes to the service including Pierce County.

Councilmember Young asked if any crimes would be filtered, also citing privacy concerns for minors, rape, and domestic violence victims. He said property crimes are no big deal, but if you can identify a specific address and identify the crime, in some cases it will identify the victim.

Mr. Karlinsey said that he understands that the data being made available is already available in paper form under the Public Records Disclosure Act.

Chief Davis clarified that when you do a query, the information is not specific to an address, but within a ½ mile circumference which would afford some protection. He explained that there are several benefits to the system and that he understands the privacy concerns. He said that if this isn't a benefit, the decision to discontinue the service will be made.

Les Rosenthal – Pierce County. Mr. Rosenthal said that his brother had his house broken into and it was published in the Gateway with his address, and within a week, they were broken into again by someone who saw the address. He said that he wrote a letter to the editor and now the paper has stopped publishing addresses.

MOTION: Move to authorize the MOU No. 053681 with Pierce County allowing access to the Neighbor Crime Mapping Service. Payne / Conan – unanimously approved.

2. Gig Harbor Arts Commission Project Support Program – Mini-grant(s) Authorization. John Vodopich explained that a budgeted objective for 2007 included the continued support of the Gig Harbor Arts Commission project support. He said that thirteen applications for grants had been received and that the Arts Commission is recommending funding for twelve of the programs.

MOTION: Move to authorize the Mini-grant agreements as attached for the 2007 Gig Harbor Arts Commission Project Support in an amount equal to \$25,000.00. Ekberg / Young – unanimously approved.

Councilmember Ekberg said that he would like to thank the Arts Commission for their work on this difficult task.

Mayor Hunter added that the work that comes from the program is wonderful and he is glad that the city is involved.

STAFF REPORT:

1. Steve Misiurak, City Engineer – WWTP Update. Mr. Misiurak said that included in the packet is a synopsis of a recent presentation that had been shown to the Operations and Public Projects Committee. The presentation is a brief overview of the water quality issues associated with the Sewer Outfall and the Wastewater Treatment Plant improvements. Mr. Misiurak gave a brief overview of the presentation and answered questions. He clarified that this would be discussed further at the upcoming Council Retreat.

Councilmember Ekberg commented that the committee wanted the other Councilmembers to know that there will be future expenditures relating to these subjects.

2. Steve Misiurak, City Engineer – Gig Harbor North Traffic Charrette Update & Next Steps. Mr. Misiurak explained that the purpose of this design Charrette meeting was to brainstorm potential ideas to improve the infrastructure. He said that members of city staff, the Department of Transportation, and a design consultant discussed options for five hours. The result was a list of nine options to explore. He said that he would put together a matrix outlining the pros and cons, the cost estimate, as well as the capacity for each option.

Rob Karlinsey commented that when a project gets identified and then costed out, the goal is to come back with a financing plan to be approved by years end.

Councilmember Franich asked if the Operations Committee would be choosing the final design. Mayor Hunter responded that it is up to the Engineers to come up with the best option based on the maximum traffic flow. Council will then have the opportunity to look at the option and will have the final approval authority. Councilmember Franich said that he hopes that there is ample opportunity to make sure that the chosen design will result in the best traffic flow at the best price, because the current design does not work.

3. Jennifer Kester, Senior Planner – Planning Commission Work Program. Ms. Kester said that the last time the Planning Commission Work Program was approved was in 2006. She gave an explanation of the three work plan tiers and asked for a motion to approve the work program as is, or with amendments.

Councilmember Payne said that he thought the RB-1 Zones had been sent back to the Planning Commission for review.

Councilmember Young clarified that Council would like the Planning Commission to review the appropriateness of RB-1 zones in certain areas, and then Council would handle the text amendment.

Councilmember Conan said that this was to be assigned to a tier at the next Planning/Building Committee meeting. Ms. Kester said that this meeting will be held in March and it will be assigned at that time. She offered to add this to the schedule now before Council approves the work program.

Councilmember Payne then asked for clarification on the desire to review the building size limits in the south end waterfront commercial area.

Ms. Kester said that the Planning Commission has been directed to include this in the underground garages / gross floor area / parking standards review.

Councilmember Young said that he feels this is a low-priority item, as it is a lengthy process that would probably take a Comprehensive Plan Amendment, and which will probably not make it into this year's amendment cycle. He suggested that this should be moved to the end of the year for next year's Comp Plan Amendments. Councilmember Payne said that he views this as a tier-three item, but he would like to see it added to the work plan as a place-holder.

Councilmember Franich asked Ms. Kester where she feels it would fit best as this is an important issue, especially in light of the discussion to eliminate the maximum 5000 square feet building per lot.

Ms. Kester responded that this would be an intensive process to look at each zone, the comprehensive land use designation, and the surrounding uses. Each one will take a detailed discussion. She suggested that it could be added as a tier-two review if Council feels it is a priority. It relates to some of the changes being discussed through the land-use matrix, but she does not see it coming up until the third or fourth quarter of the year.

Councilmember Franich said that he would prefer it be added to the second tier. He asked for clarification on how this relates to the discussion to eliminate the maximum 5,000 square feet building per lot. Mr. Karlinsey responded that this issue is part of the tier-one underground garages, gross floor area review and so that will be a priority.

Ms. Kester clarified that the RB-1 zone and that change will come back to Council as an ordinance. She said that they are in the process of issuing SEPA and will have to wait for the comment period to expire. It would be approximately four months before that ordinance would be in place.

MOTION: Move we accept the Planning Commission Work Program as proposed by the Planning / Building Council Committee.
Ekberg / Kadzik –

AMENDMENT: To have the RB-1 Zoning reviewed by the Planning / Building Committee to be assigned to the Planning Commission Work Program.
Young / Conan – unanimously approved.

MAIN MOTION: Move we accept the Planning Commission Work Program as proposed by the Planning / Building Council Committee with the amendment.
Ekberg / Kadzik – unanimously approved.

3. Gig Harbor Police Department - January Stats. Chief Davis offered to answer questions on the report.

Councilmember Payne asked why the infractions dropped so significantly. Chief Davis responded that it may have been due to the weather.

SPECIAL PRESENTATION: Narrows Bridge Lights

Desa Coniff. Ms. Coniff thanked Councilmember Payne for his guidance and for the opportunity to come before the City Council. She gave an overview of the group of individuals with a desire to have permanent lighting on the bridges. She described the concept and asked for Council support in obtaining legislative support. She said that they have the informal support of Congressman Norm Dicks and interest from the Council for a Greater Tacoma Foundation to assist with funding, and will approach the Pierce County and Tacoma City Councils. Ms. Coniff talked about the economic advantages that would come from this concept, adding that Gig Harbor would be the recipient of tour boat and air tour packages. She said that the estimated cost of the project is four million dollars, stressing that they are not asking the city for funding nor are they going to touch the tolls. Support is being sought from different areas with the assistance of the local newspapers. She introduced Dick Keikendahl, retired 3M Engineer.

Mr. Keikendahl used a PowerPoint presentation to illustrate the key points of their proposal. He touched on the fact that the solar powered LED lighting makes this a “green project” that would generate its own power during peak seasons. In the off-season, you buy back energy that has been generated and banked. He stressed that keeping the operations and maintenance budget low is very important. Mr. Keikendahl referred to the Narrows Bridges as a “Signature Landmark.” Lighting the structures at night will make this navigatable gateway to the port facilities visible and then it could be recognized from all methods of transportation. He explained that the lights could be changed for seasonal events. He referred to other lighted bridges as examples. He finalized by saying that they will not give up until they get the project, because there is a groundswell of support in the community to come up with a positive local landmark.

Ms. Coniff completed the presentation by handing out a recap of the group's efforts to date. She asked City Council for a motion to pass a resolution in support of the concept

to put lights on the bridge. She then requested Council's assistance in Olympia, either in an official capacity or as individuals. She asked for some of the city lobbyist's time to help talk up the issue to legislators and said that she had a draft resolution of support, stressing the urgency because of the ten-day submission deadline in Olympia. She offered to read the resolution into the record if Council wanted to consider passing it this evening.

Councilmembers and staff discussed the time constraints and the best way to adopt a resolution. A suggestion was made to wait until the Wednesday morning Council Retreat to allow time to review the final document.

Mr. Karlinsey said that because this is a regular meeting, one option would be to read the resolution into the record and pass it this evening even though it wasn't previously noticed on the agenda. Ms. Coniff was asked to read the draft resolution, which she did.

PUBLIC COMMENT:

Randy Boss – 27 year veteran of Gig Harbor. Mr. Boss said he was pleased to see the presentation and spoke in favor of the proposal to light the bridges. He added that they have met with Tacoma Public Utilities and they are very positive about applying conservation issues to funding specifically the power usage. He explained that due to the short session in Olympia, it would be helpful to have a resolution as soon as possible to assist them in funding. He asked for an informal show of hands so that they would be able to say Council is or is not in favor of the project.

Ms. Morris responded that this is a legal process and Council should either vote for a resolution or wait until the retreat. Councilmember Payne and Young assured him that any action would be decided upon after public comment.

Les Rosenthal – 4108 Forest Beach Drive. Mr. Rosenthal also spoke in favor of the proposal, adding that it would be spectacular to coordinate events such as the Fourth of July with a light show and music. Local students could hold a competition to write the show which would be quite a public attraction.

Tom Oldfield - 2222 Warren Drive. Mr. Oldfield said that as he flies into SeaTac, he can pick out the bridge. He called the Space Needle an icon and said that this could be our icon to draw attention to the South Sound and urged support for the proposal from the Gig Harbor side.

Councilmember Franich voiced concern with passing a resolution without reviewing the final version. Carol Morris agreed, and then offered an amendment to the resolution that Council and appropriate staff is "authorized but not required to assist the Narrowsbridgelights.org in identifying and obtaining, if reasonable, appropriate and in the best interest of the city, sources of funding from established energy and

conservation and economic development programs to which the city may be a party or other sources for the permanent lighting of the Tacoma Narrows Bridges.”

Councilmember Young pointed out that a resolution has no binding effect.

Councilmember Franich said that he hasn’t experienced the negative connotation of associating Gig Harbor with “Gallopig Gertie.” He said that he was not in favor of the Narrows Bridge to be built in the first place, and now to turn it into a tourist attraction doesn’t set well with him. He said that he would like to see these grass roots organizations who want to raise money for the bridge to work towards helping low income people with tolls or just paying the tolls down in general. That is where any money from the state needs to go.

MOTION: Move to adopt Resolution No. 702 as read into the record and amended by legal counsel.
Young / Kadzik –

Councilmember Payne asked for clarification on what is being adopted with all the amendments and asked Ms. Coniff to forward her changes to Ms. Morris.

Councilmember Ekberg said that he doesn’t like crafting items at a meeting when it isn’t an agenda item. He said that he understands the time constraint, adding that he favors the project; but pointed out that there would only be a two-day delay if this was addressed at the retreat.

Councilmember Young said that he agrees, but even a short delay is critical. If it helps the organization, and because Council isn’t committing dollars or being asked to do anything, he would like to pass this tonight.

Mayor Hunter and Councilmember Conan agreed that the best option is to wait until the retreat.

Councilmember Payne commended the citizens for coming together quickly and said that he hopes that they understand Council’s reluctance to adopt something without having a chance to review it first. He said that because green technology is being emphasized, and because this has the potential to sell back power to fund the operations and maintenance, he is in support of this effort.

MOTION: Move that we table the motion until Wednesday morning at 8:00 a.m.
Ekberg / Conan – unanimously approved.

MAYOR’S REPORT / COUNCIL COMMITTEE REPORTS / COUNCIL COMMENTS:

1. Pierce Transit – Request for Nominations. Mayor Hunter asked if any Councilmembers are interested in serving, to let him know. He said that the city is trying

to gain support in partnerships and it would be good to have a representative serve on the committee. He said that Gig Harbor hasn't done enough of that in the past.

Councilmember Young agreed, adding that it builds relationships that may pay off down the road. Councilmember Kadzik pointed out that the meetings conflict with the City Council meetings the second Monday of the month.

2. 2007 AWC Nominating Committee. Mayor Hunter asked if anyone would be interested in serving on the Association of Washington Cities Nominating Committee. No one offered.

4. Business Plan for Gig Harbor Boat Shop – Guy Hoppen. Mayor Hunter explained that Gig Harbor Boat Shop was chosen as the best use of the Eddon Boat facility. He said he would like a joint meeting of the Operations / Public Projects Committee and Finance / Safety Committees to review the proposal and report back to the full Council.

Councilmember Ekberg thanked Mr. Hoppen for the comprehensive proposal.

Councilmember Payne said that he is very impressed and excited for what will be a gem for the community.

ANNOUNCEMENT OF OTHER MEETINGS:

1. Operations and Public Projects Committee – Thursday, March 15, 2007 at 3:00 p.m. in the Engineering/Operations Conference Room.
2. GH North Traffic Options Committee – Wednesday, March 21, 2007, at 9:00 a.m. in Community Rooms A & B.
3. Council Retreat – Wednesday, February 28, at 8:00 a.m. in the Community Rooms A & B.
4. Gig Harbor North Visioning, March 14, 6 p.m., Community Rooms A & B.
5. St. Anthony's Hospital Groundbreaking Celebration – April 26th through 28th.

EXECUTIVE SESSION: For the purpose of discussing pending litigation per RCW 42.30.110(1)(i).

MOTION: Move to adjourn to Executive Session at 8:00 p.m. to discuss pending litigation for approximately 20 minutes.
Franich / Young - unanimously approved.

MOTION: Move to return to regular session at 8:15 p.m.
Conan / Kadzik - unanimously approved.

MOTION: Move to adjourn back to Executive Session for an additional 30 minutes.
Conan / Young - unanimously approved.

MOTION: Move to return to regular session at 8:45 p.m.


Kadzik / Conan - unanimously approved.

MOTION: Move to direct the City Attorney to bring back a contract for Rick Aramburu at the next council meeting.
Young / Ekberg – unanimously approved.

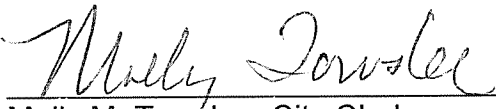
ADJOURN:

MOTION: Move to adjourn at 8:45 p.m.
Franich / Conan – unanimously approved.

CD recorder utilized:
Disk #1 Tracks 1- 26
Disk #2 Tracks 1- 19



Charles L. Hunter, Mayor



Molly M. Towslee, City Clerk