

GIG HARBOR CITY COUNCIL MEETING OF AUGUST 13, 2007

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

CALL TO ORDER: 6:01 p.m.

PLEDGE OF ALLEGIANCE:

CONSENT AGENDA:

1. Approval of the Minutes of City Council Meeting of July 23, 2007.
2. Receive and File: City Council Budget Retreat.
3. Burnham Interchange Level II Screening - Consultant Services Agreement/HDR Engineering, Inc.
4. 56th Street/Olympic Drive Road Improvement Project Construction Management and Materials Testing Contract/HDR Engineering, Inc.
5. 56th Street/Olympic Drive Road Improvement Project Consultant Services Contract Amendment No. 1 – Updating the Final Plans, Specifications and Estimate.
6. 56th Street/Olympic Drive Road Improvement Project Construction Surveying and Technical Support Contract Authorization/DEA Inc.
7. Donkey Creek Right of Way Survey Contract – AHBL.
8. On-Call Plan Review Consultant Services Contract– Bureau Veritas Corporation.
9. Plan Review Consultant Services Contract for Hunt Highlands Project – Eagle Eye Consulting Engineers
10. Wagner Way/Wollochet Drive Traffic Signal Consultant Services Contract / W&H Pacific.
11. Resolution – Declaration of Surplus Property.
12. Liquor License Application: The Great Australian Bite.
13. Approval of Payment of Bills for Aug.13:
Checks #54907 through #55115 in the amount of \$1,168,444.31.
14. Approval of Payment of Payroll for July:
Checks #4746 through #4789 and direct deposits in the amount of \$335,806.09.

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

RECOGNITION CEREMONIES:

1. Reserve Officer Ryan Menday. Chief Davis presented a recognition award in absentia to Reserve Office Menday, recently hired by Jefferson County and currently enrolled in the six-month police academy. Chief Davis praised the level of service given by Officer Menday during his seven years of service.
2. Recognition of State and County Representatives. Mayor Hunter explained that our state and county representatives work extremely hard for the city. The CERB Grant,

the Hospital Benefit Zone, the Eddon Boat Heritage Grant, the WWRP Westside Park Grant, the Barn Bill, the Pierce County Conservation Futures, and reduced bridge tolls are just a few examples of how these representatives have worked to help the citizens of Gig Harbor. He asked Senator Derek Kilmer, Representatives Pat Lantz and Larry Seaquist, and County Councilmember Terry Lee to come forward and be recognized.

Mayor Hunter presented Senator Kilmer with a rendering of the new hospital, Representative Lantz with a photo of the Wilkinson Barn, Representative Seaquist with a photo of a historic Skansie Shipyard Ferryboat, and County Councilmember Lee with a photo of the Austin Estuary Park.

Councilmembers Young, Kadzik, Payne, and Dick took turns expressing gratitude for their hard work on behalf of the City of Gig Harbor.

RECESS TO STUDY SESSION: Gig Harbor Boys and Girls Club.

Mayor Hunter announced that Council would recess to a study session to discuss the Boys and Girls Club for approximately thirty minutes at 6:20 p.m.

The Council meeting reconvened at 7:21 p.m.

OLD BUSINESS:

1. Third Reading of Ordinance – Amendment to Skateboarding Ordinance. Mike Davis, Chief of Police, described the latest changes to further clarify this ordinance to prohibit skateboarding on “striped streets.” Other changes were made to reduce the penalty from \$100 to \$50, and to clarify that rollerblades and skates are not prohibited in crosswalks.

Ian Ward, Administrative Intern, addressed Council questions regarding faded striping and other concerns. Rob Karlinsey, City Administrator stressed that the determination of which streets would be striped will be left to city engineers.

MOTION: Move to adopt Ordinance No. 1097.
Payne / Conan – unanimously approved.

2. Second Reading of Ordinance – Lighted Materials Ban in City Parks. David Brereton, Interim Community Development Director, presented this ordinance prohibit lighted materials in city parks while providing for limited use for camp fires and barbeques in designated areas.

Councilmember Kadzik asked about past fire danger. Mr. Brereton responded that it hasn’t been a problem to date.

Councilmember Franich said that he thinks this is an unfair ordinance. He explained that he hasn’t heard any health reasons to enact this ordinance, and smokers should have

the same rights as everybody else. He said that he would like to at least see designated smoking areas in the parking areas.

MOTION: To adopt Ordinance No. 1098.
Payne / Young –

After discussion, the following amendment was offered.

AMENDMENT TO MOTION: Move to amend Ordinance No. 1098, Section 9.24.020 to add at the end, “Notwithstanding the foregoing, the Director of Operations shall have the discretion to designate areas in city parks where smoking is permitted.”
Franich / Young -

Councilmember Dick spoke against the amendment. He said that it would be better to do nothing than adopt the ordinance with the proposed amendment, which results in arbitrary action.

Councilmembers discussed the issue further and the following motion was made.

MOTION: Move to table adoption of this ordinance.
Young / Payne – unanimously approved.

3. Second Reading of Ordinance – Three Ordinances Adopting Text Amendments Recommended in Phase 1c of the Design Review Process Improvements Initiative (ZONE 07-0026, 07-0027 and 07-0028). Tom Dolan, Planning Director, presented these ordinances, gave a quick overview of each and answered questions.

MOTION: Move to adopt Ordinance 1098 defining what constitutes a quorum for project review meetings.
Kadzik / Franich – unanimously approved.

The second ordinance came up for discussion. Councilmember Dick raised questions regarding two transition buffers adjacent to another, and averaging building heights in the transition zone. Tom Dolan explained that an earlier ordinance states that the more intense zone provides the buffer. He then said that the language building height averaging only makes the existing code consistent; it doesn't change the intent.

Councilmembers further discussed the intent of a transition zone standard, how it applies to the more intense zoning, and how the language in the ordinance is confusing. Because the Planning Commission, Design Review Board and staff recommend approval, it was agreed to proceed with adoption of the ordinance as is.

Councilmember Kadzik said that buffers such as those along Highway 16 and adjacent to the prison are effective. Councilmember Young voiced opposition to buffers in general.

MOTION: Move to adopt Ordinance 1099 relating to zone transition dense vegetative buffers, footprint size and building heights.
Kadzik / Conan – five voted in favor. Councilmember Dick voted no.

MOTION: Move to adopt Ordinance 1100 relating to prominent facades.
Kadzik / Conan – unanimously approved.

4. Gig Harbor BoatShop Lease at the Eddon Boat Property. Rob Karlinsey explained that this is a 20-year lease in exchange for public programming in the Eddon Boat facility. He introduced Chris Erlich and John McMillan, who he has been working with in Guy Hoppen's absence.

Rob pointed out that the one million dollar Heritage Grant is the funding source, but it isn't tied to this lease. He went through the main points of the contract and the conditions of the grant, clarifying that the city will not be obligated to go beyond the one million dollar grant for improvements to the structure. He stressed that code issues will be addressed first.

Rob then spoke to the addendum to the lease. He explained that once the environmental cleanup is complete, Gig Harbor BoatShop may want to request other portions of the Eddon Boat Property such as the dock and marine railways. This lease does not commit the city to add these other areas, but it allows Gig Harbor BoatShop to make the request. If an agreement is not met, they have the option to terminate the lease.

Councilmember Young voiced concern and asked the City Attorney for further clarification on the addendum. Ms. Morris said that language was added to say that Gig Harbor BoatShop has no recourse if the city decides not to enter into an additional lease or addendum.

Councilmember Franich voiced concern that the lease could be broken if the city doesn't agree to lease further areas. Staff explained that they could pay the remainder of the lease, a minimal amount, at any time if they wanted out.

MOTION: Move to authorize the Mayor to sign this 20-year lease with Gig Harbor BoatShop at the Eddon Boatyard Building.
Conan / Payne – unanimously approved.

NEW BUSINESS:

1. On Shore Sewer Outfall Extension Project – Consultant Services Contract / Cosmopolitan Engineering Group. Steve Misiurak, City Engineer, presented this contract for design revisions of the on-shore portion of the outfall project.

MOTION: Move to authorize the Consultant Services Contract with Cosmopolitan Engineering Group in the amount of \$21,088.00. **Payne / Conan** – unanimously approved.

2. Wastewater Treatment Plant Phase 1 Final Design and Permitting – Contract Amendment / Cosmopolitan Engineering Group. Steve Misiurak explained that this contract is for Phase 1 design improvements for the Wastewater Treatment Plant improvements. He stressed that the design will take eight to twelve months, and funding is through the Public Works Trust Fund.

Councilmember Dick asked if there are sufficient appropriated funds available, and whether a separate action would be required. David Rodenbach, Finance Director, responded that the funds will go to the Sewer Capital Fund which has a line-item for this purpose that will easily cover the project.

Councilmember Payne asked if all six of the Cosmopolitan Teams will be involved. Mr. Misiurak answered that yes, they had all competed in a previous bid process when the original contract was awarded.

MOTION: Move to authorize the Mayor to execute a Consultant Services Contract Amendment #1 for Cosmopolitan Engineering Group not to exceed \$1,083,200.00. **Kadzik / Conan**– unanimously approved.

3. 56th Street/Olympic Drive Road Improvement Project – Bid Award / Ceccanti Construction. Steve Misiurak said he was pleased to bring this to Council, as this project has been in the works for many years and represents the hard work and dedication of many individuals and entities. These include the Transportation Improvement Board, private developers, city engineering and operations staff, and the citizens of Gig Harbor. Steve particularly thanked the City Council and Mayor for their support of this project. He said that he is proud to be a part of this and believes everyone will be pleased upon completion. He then recommended award of the bid to Ceccanti Construction.

Councilmembers and the Mayor thanked Steve for his involvement in this significant project. Councilmember Young congratulated him because the bid came in 10% under budget.

MOTION: Move to authorize the award and execution of a construction contract for the 56th Street NW and Olympic Drive NW Street Improvements Project to Ceccanti, Inc. for their bid in the amount of four million, six hundred thirteen thousand three hundred fourteen dollars and eighty cents (\$4,613,314.80). **Dick / Payne** – unanimously approved.

4. Street Naming: Shaw Place at the Highlands/Harbor Development. Rob Karlinsey explained that the Development Manager of Highlands at the Harbor off Harborview Drive is requesting that the street through the development be named “Shaw Place.”

Councilmember Franich said that he thinks this is appropriate and a nice way to commemorate the family.

Councilmember Payne commented that if this development had not been located in this area where C.E. Shaw had such presence, he would hesitate to approve the request.

MOTION: Move to approve the proposed naming of the closed street in the Highlands at the Harbor Development in the 3900 block of Harborview Drive, Shaw Place.
Payne / Conan – unanimously approved.

Councilmember Dick left the meeting.

5. Resolution – Amending Historical Names List – Crescent Cove. Rob Karlinsey presented this request to name a street in a new 4-lot subdivision off Vernhardson “Crescent Cove.” He said that this name is not on the historic names list, and so the developer is asking that it be added. In addition, there is a letter from the Historical Society recommending that the developer instead chose from a selection of names on the existing list.

Councilmember Young asked why this wasn’t referred to the Historical Society for a recommendation before the request came to Council. He then said that he spoke to Jennifer Kilmer, Peninsula Historical Society, and in their view they do not feel that “Crescent Cove” is a historical name and should not be added to the list, but they did not specifically say they are opposed to the use of the name if Council wishes to exempt the property from the requirement.

Councilmember Payne pointed out that per City Code, Council is not required to choose from the historical names list, but has the option to choose from other lists as well. In addition, there is no process in code that requires a recommendation come from the Historical Society.

Councilmember Young stressed that he prefers the practice of having a recommendation from the Historical Society at the beginning of the process.

Councilmember Franich said that it is an appropriate name for the location of the project and he has no problem adding it to the list.

Councilmember Conan said that there is a historical names list in order to honor important people. This would be a great chance to use one of those names rather than

adding to the list, because there are a limited number of new streets in this historical area.

Councilmember Young said he would like to refer this back to the developer and ask him to choose from the historic names list. Councilmember Payne responded by reading from the code, which does not require that the name be historical in the historical naming district and allows for choosing a name from other “approved” lists.

Councilmember Young said that he doesn’t agree with adding a non-historical name to the historical names list which is the action being requested by this resolution.

Mark Bonsell – 9608 Jacobsen Lane. Mr. Bonsell said that the developer has fixed this area up nicely. He urged Council to approve the use of Crescent Cove Lane.

Joyce Taylor – 156 Raft Island. Ms. Taylor said that she knows the property and the developer well. Each of his projects is well thought out, and anyone who has walked down there can see how well the proposed name fits the project. This is not much more than a driveway and historic names should be used for bigger streets.

Chuck Meacham – 9509 Wheeler. Mr. Meacham said he wants to go on record in support of the resolution to add Crescent Cove to the historic names list to be considered for this road. He added that Mr. Beck’s efforts are greatly appreciated; he is paying for the street himself, and the name Crescent Cove lane is in keeping with the area.

Larry Beck – 925 34th Ave., Gig Harbor. Mr. Beck gave a history of the development of this property, shared pictures of what it looked like before, and a rendition of his project that illustrates the need for a new access street. He commented that the parcels have a Rust Street address, but no access off Rust Street. He said that he collected the history of the people who developed the site, but there are no names on the list that have anything to do with the area. He asked to be able to call the small, new street Crescent Cove Lane because this area has been called Crescent Cove for awhile.

Councilmember Young again asked why staff hadn’t followed tradition by contacting the Historical Society. He asked that they be contacted to do a little more research on this site and come back with a recommendation at the next meeting.

6. Ordinance – Concurrency and Comprehensive Plan Amendments. Carol Morris explained that the procedure in the recently adopted Comp Plan Amendment Ordinance is inconsistent with the concurrency procedure. She recommend that Council repeal Section 19.09.100 because a prohibition on processing comp plan amendments until issuance of a certificate of concurrency will unnecessarily delay the city’s process. Because the August 15th deadline, she suggested that Council adopt this ordinance at its first reading this evening.

Councilmember Franich asked for clarification on why the sentence was added back in April and if there was a specific reason it was included. Ms. Morris said that the origin of the amendment was a compilation of a number of ordinances from different jurisdictions in an attempt to come up with the best procedure. That language was in another city's code and staff failed to check and see if it was consistent with the current concurrency ordinance.

MOTION: Move to adopt Ordinance No. 1001.
Payne / Conan – unanimously approved.

STAFF REPORT:

1. Second Quarter Financial Report – David Rodenbach. Mr. Rodenbach reported that all funds are on track except Building Permit Revenues, which are way ahead of pace. He offered to answer questions.

2. Gig Harbor Police Department – July Report. Chief Davis gave an overview of the report, emphasizing that there has been an increase in infractions (tickets), and a decrease in traffic accidents. He said that the new officer, Sharon Cox, is doing well and will complete her field training quickly. He then said that last week, officers trained with the Sheriffs Department and Peninsula School District for an “active shooter,” in case there would ever be an incident in one of the schools.

PUBLIC COMMENT:

Douglas Slayback – 7412 Northcreek Loop. Mr. Slayback said that he found Mr. Karlinsey's comment about correcting code issues at the Eddon Boat Building interesting, and suggested that the City Attorney take note. He read an e-mail sent to Council two weeks ago, which chronicles his effort to rectify water runoff from his neighbor's property. Mr. Slayback said that the City Attorney has no basis to alter the Engineer's findings, and without justifiable cause withdraw their enforcement letter. He said that there are clear violations of the Washington State Building Code on the Vasquez Property, which have caused him to be recipient of water runoff. He stressed that the city's codes must be enforced in a fair, equitable, and consistent manner, not by picking and choosing as Carol Morris would like to do. He asked the city to follow through with its charged responsibilities.

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

Board / Commission Candidate Review Committee - Recommendation for Design Review Board openings.

Councilmember Young asked that in the future this be listed under the business section of the agenda because action is being requested.

Councilmember Kadzik said that the committee met and is recommending the reappointment of John Jernejcic and Chuck Carlson, and the first-term appointment of Jane Roth Williams to the Design Review Board.

MOTION: Move to approve the committee's recommendations to the Design Review Board.
Young / Conan – unanimously approved.

Councilmember Payne referred to the article on a successful Mainstreet Program that he e-mailed out to other Councilmembers, adding that the program has been ongoing since 1994.

Councilmember Kadzik said he would like to see an option for a smoking ban where kids congregate.

Councilmember Young suggested that staff bring back a couple of different options: one for just the Skateboard Park, one with that bans smoking where kids congregate, and one that is discretionary for the Public Works Director to determine where smoking should be allowed.

ANNOUNCEMENT OF OTHER MEETINGS:

1. Cancellation: August 27th City Council Meeting
2. Operations and Public Projects Committee Meeting – Thursday, August 16th, at 3:00 p.m. in Engineering/Operations Conference Room.
3. Planning and Building Committee Meeting – Wednesday, September 5th, at 4:00 p.m. in Planning/Building Conference Room.
4. GH North Traffic Options Committee – Wednesday, September 12th, at 9:00 a.m. in Community Rooms A & B.

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

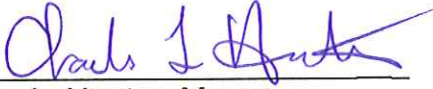
MOTION: Move to adjourn to Executive Session at 9:18 p.m. for the purpose of discussing pending and potential litigation for approximately fifteen minutes.
Payne / Young – unanimously approved.

MOTION: Move to return to regular session at 9:35 p.m.
Conan / Kadzik - unanimously approved.

ADJOURN:

MOTION: Move to adjourn at 9:36 p.m.
Conan / Young – unanimously approved.

CD recorder utilized:
Disk #1 Tracks 1- 7
Disk #2 Tracks 1-16
Disk #3 Tracks 1-11


Charles L. Hunter, Mayor


Molly Towsee, City Clerk