

MINUTES OF GIG HARBOR CITY COUNCIL MEETING – MARCH 8, 2010

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

CALL TO ORDER: 5:33 p.m.

PLEDGE OF ALLEGIANCE:

CONSENT AGENDA:

1. Approval of the Minutes of City Council Meeting of February 22, 2010.
2. Receive and File: a) GHPD Year-end Report.
3. Liquor License Actions: a) Renewals: Water to Wine; Costco; Eagles; Gig Harbor 76; Il Lucano; Tokyo Teriyaki; Judson Street Café; Gateway to India; Hot Iron 750; Gourmet Essentials; and Tides Tavern. b) Special Occasion – St. Nicholas Catholic School. c) Change: The Green Turtle.
4. Correspondence/Proclamations: none
5. Resolution – Surplus Equipment.
6. Thurston Lane.
7. 2010 Traffic Model Update, 2010 Capacity Availability Report – Consultant Services Contract - PTV America, Inc.
8. Pierce County Storm Water Mapping Inventory Annual Service Agreement.
9. Street Names – Hunt Highlands Residential Development.
10. Wastewater Treatment Plant Phase 1 – Change Order No. 2.
11. Amendment to Contract for Specialized Attorney Services/Environmental - Salter Joyce Ziker, PLLC.
12. Eddon Boat Dock Reconstruction Project – Engineering Contract.
13. Approval of Payment of Bills for March 8, 2010: Checks #63040 through #63192 in the amount of \$1,232,427.05.
14. Approval of Payroll for the month of February: Checks #5649 through #5661 and direct deposit transactions in the total amount of \$337,894.56.

Councilmember Payne asked that Consent Agenda Item No. 6 be moved to New Business for further discussion.

MOTION: Move to adopt the amended Consent Agenda as amended to move Agenda Item No. 6 - Thurston Lane to New Business.
Kadzik / Malich – unanimously approved.

OLD BUSINESS:

1. Second Reading of Ordinance – Providing for the Issuance and Sale of Water and Sewer Revenue Bonds. David Rodenbach announced that during the past week the city received an “AA-” Bond Rating which equates to approximately \$100,000 savings on this current bond issue. He introduced David Trageser to present the information.

David Trageser – Senior Vice-President for D.A. Davidson. Mr. Trageser handed out a summary of the bond results, encouraging Council to review the Standard and Poor's Rating Report on file with the city. He said the final results of the bond rating are better than projected and gave a brief overview of the information.

MOTION: Move to adopt Ordinance No. 1184.
Kadzik / Payne – unanimously approved.

MOTION: Move to authorize the bond purchase agreement with D.A. Davidson date March 8, 2010.
Ekberg / Kadzik – unanimously approved.

2. Nomination to Pierce Transit Board of Commissioners. City Administrator Rob Karlinsey mentioned that the Board meets at 4:00 p.m. on the second Monday of each month and meetings last approximately one to three hours. Due to the conflict with the city's Council meetings, no one offered to be nominated at this time.

NEW BUSINESS:

1. First Reading of Ordinance – Revising Grease Interceptor Ordinance 1107 to Reflect Uniform Plumbing Code Update. Wastewater Treatment Plant Supervisor Darrel Winans presented the background information for this ordinance that addresses the regulation of the installation, maintenance, generation and disposal of grease interceptor waste. He addressed Council questions on several topics such as the effects of grease on the infrastructure, definitions, implementation, inspections, compliance, and penalties. This will return for a second reading at the next meeting.

2. First Reading of Ordinance – Establishing a Process for Street Latecomers Agreements. Mayor Hunter announced that Senior Engineer Emily was not able to present and this would return at the next meeting for a first reading.

3. Thurston Lane. Mayor Hunter invited those in the audience who signed up to come forward and speak.

David Yando – 4041 Ruston Way, Tacoma. Mr. Yando explained that Thurston Lane is a private road owned by his client, Doug Clark. He handed out a letter sent to surrounding property owners from the Public Works Department dated December 2, 2009 that says Thurston Lane is private property and this is a private land issue. He addressed the unrecorded Ordinance No. 306 saying it does not establish Thurston Lane; there is no legally recorded street. He also handed out copies of the city's survey given to his client at the time he purchased the property in 2003 which does not show Thurston Lane. He said his client was assured in the Purchase and Sale Agreement that he could develop the entire two lots. Mr. Yando supplied copies of the current Assessor's Map and other older maps, saying that none show Thurston Lane on record. He said that this is a land use action affecting his client, who was not notified of the action to affirm Thurston Lane as a public street tonight. He said that this action should

be stricken and the city needs to deal with the property owner. He said that Council should not be involved until the city owns the property.

Councilmember Young asked why this didn't come up during the property purchase. Mr. Yando responded that it's not a recorded street and only serves that building. It's been barricaded since BCT purchased the property and is marked as a private road on the adjacent telephone pole.

Doug Clark – 9720 Harborview Place. Mr. Clark, owner of property at 3105 Judson Street, said he bought the building through the city who acted as their own representation without an insurance agent. The City Manager at the time walked the property with him and sold him on the benefits of the property which included the fact that he could build clear to the property line which would have immediately removed any opportunity for a pass-through access. From time to time he barricades the property just to keep the context of a private access. He said at this time he has no intent to barricade the access but he wants to reserve the right of value for future development. He said he was uncomfortable enough with the Purchase and Sale Agreement to have it indemnify him against any claims by any party any time in the future, including all legal costs. He stressed that no roads were identified in the Purchase and Sale Agreement or the Statute Warranty Deed; said he has been paying full taxes on the property; that there is no exclusion, no easement, no grant nor any documentation that this is more than private access for his tenants. He said he is willing to help out, but the idea that someone can come in and take this is hard for him to hear. He voiced concern that he has lived here fifty years and yet no one from the city has called him to say there still is a problem; he thought this had been resolved after meeting with David Stubchaer and speaking with Dick Bower.

Councilmembers asked questions of Mr. Clark about the roadway and the purchase and sale agreement.

Gary Allen, Baseline Engineering – 4619 Bear Creek Lane. Mr. Allen said he looked at Mr. Clark's documents and he agrees that on the Boundary Line Adjustment drawings prepared for the city, Thurston Lane was not showing at all. It should have shown if it was a road similar to Adams and Judson.

Councilmember Malich asked about any disclaimer language in case of the discovery of information unknown at the time of the survey. Mr. Allen said that there is no disclaimer on this survey.

David McGoldrick. Mr. McGoldrick, attorney for the adjacent property owner, said that he hopes that Council votes to affirm Thurston Lane as a public street as his client's development is being help up due to fire hydrant access. He said that other property owners on Harborview that use Thurston daily to access the back of their property and would also be jeopardized if this does not occur. He stressed certain points that the County Assessor's Map does show Thurston Lane, ordinances generally are not recorded, and this street which has been open to the public for decades cannot be

vacated by a purchase and sale agreement. He again encouraged Council to affirm Thurston as a public street.

City Attorney Angela Belbeck explained that Council can vote tonight or hold consideration until this can be discussed in Executive Session.

Councilmembers asked for further documentation and directed staff to bring this back at the next meeting.

STAFF REPORT:

1. Wastewater Treatment Plant Clarifier No. 4. City Administrator Rob Karlinsey explained that the number of ERUs that will be freed up by Clarifier No. 4 continue to be adjusted; he will come back at the next meeting with final numbers.

2. Path Forward for Skansie/Jerisich Parks and the PROS Plan. Mr. Karlinsey reported on a proposed schedule of meetings. He said that the recommendations from the Skansie/Jerisich Parks Plan will be incorporated into the PROS Plan which will then be included in the Comprehensive Plan to be adopted in the fall.

3. Anti-Panhandling Ordinance. Chief Davis said they have received quite a bit of community input on the panhandler activity on Point Fosdick. He reassured Council that there would be a process and dialog in response to these concerns. He said that this will be on the Finance and Safety Committee agenda for March 22nd.

PUBLIC COMMENT: None.

MAYOR'S REPORT / COUNCIL COMMENTS:

Pierce Conservation District 2009 Municipal Partner Award. Mayor Hunter reported that the city received this award for participating in the conservation program.

ANNOUNCEMENT OF OTHER MEETINGS:

1. Finance / Safety Committee: Mon. Mar 15th at 4:00 p.m. **Rescheduled to Monday, March 22nd at 4:30 p.m.**
2. Operations Committee: Thu. Mar 18th at 3:00 p.m. **Rescheduled to Thursday, March 25th.**
3. Gig Harbor's Traffic Demand Model Presentation: Thu. Apr 8 from 8:30 a.m. to noon.

EXECUTIVE SESSION: For the purpose of discussing potential litigation per RCW 42.30.110(1)(i); for the purpose of discussing a personnel issue and Guild Negotiations per RCW 42.30.140(4)(a); and to discuss the acquisition of real estate per 42.30.110(1)(a).

MOTION: Move to adjourn to Executive Session at 6:40 p.m. for the purpose of discussing potential litigation per RCW 42.30.110(1)(i); to discuss a personnel issue and Guild Negotiations per RCW 42.30.140(4)(a); and to discuss the acquisition of real estate per 42.30.110(1)(a) for approximately forty minutes.

Payne / Kadzik – unanimously approved.

MOTION: Move to return to regular session at 7:24 p.m.
Ekberg / Franich – unanimously approved.

ADJOURN:

MOTION: Move to adjourn at 7:24 p.m.
Ekberg / Franich – unanimously approved.

CD recorder utilized: Tracks 1002 – 1027



Timothy Payne, Mayor Pro Tem



Molly Towslee, City Clerk