

MINUTES OF GIG HARBOR CITY COUNCIL MEETING – May 9, 2011

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

CALL TO ORDER: 5:31 p.m.

PLEDGE OF ALLEGIANCE:

CONSENT AGENDA:

1. Approval of the Minutes of City Council Meeting of April 25, 2011.
2. Correspondence / Proclamations: a) Relay for Life Week; b) Letter from Trader Joe's.
3. Liquor License Action: a) Special Occasion Liquor License – GHYC Junior Sail Program; b) Application – Java and Clay Café.
4. Receive and File: a) Minutes of Council Retreat, April 22, 2011; b) Minutes of Boards and Candidate Review Committee, April 25, 2011; c) GHPD 1st Quarter Report.
5. Appointment to Park Commission.
6. SR16/Burnham/Borgen Interchange Improvements – Year 2 Wetland Monitoring / David Evans and Associates.
7. SR16/Burnham/Borgen Interchange Improvements – WSDOT Maintenance Agreement.
8. 2011 Pavement Maintenance and Repair Project – Construction Contract.
9. Approval of Payment of Bills for May 9, 2011: Checks #66824 through #66917 in the amount of \$375,479.31.
10. Approval of Payroll for the Month of April: Checks #6237 through #6253 in the amount of \$304,252.02.

MOTION: Move to adopt the Consent Agenda as presented.
Ekberg / Conan – unanimously approved.

Councilmember Kadzik noted the appointment of Amanda Stanton to the Parks Commission. He said that she is an excellent candidate.

PRESENTATIONS:

1. Proclamation: Relay for Life Week – Alexa Jones. Mayor Hunter presented Ms. Jones with a copy of the signed proclamation.

2. Recognizing Paul Nelson, Court Administrator. Mayor Hunter wished Paul the best in his new job. City Administrator Rob Karlinsey said Paul is leaving to work for Chelan County, and recognized him for fifteen years of service to the city. He described Paul as honorable, passionate, and understanding of the importance of access to an unbiased judicial system. Paul has touched many lives during his tenure with the city and will be missed. Paul was presented with a certificate of recognition.

Gretchen Wilbert – 1016 29th St. NW. Former Mayor Wilbert said she wanted to honor Paul for his vision over the years. She explained that he was instrumental in keeping the municipal court in Gig Harbor and the development of the Domestic Violence Kiosk. She presented Paul with a CD of “*Under a Gig Harbor Moon*,” so he wouldn’t forget us. She wished him luck and said he will be missed.

Paul Nelson voiced appreciation for the kind words, but said the credit goes to the entire team: Stacy Colberg, Jennifer Benak, Judge Dunn, and the prosecutors. He explained that one of the reasons he loves Gig Harbor is because of the decisions made and leadership displayed by the Mayors and Council over the years.

Judge Michael Dunn said that it’s been a pleasure serving with Paul over the years. He described Paul as visionary, and said that it will be difficult to replace him and he’d like to have him back some day.

OLD BUSINESS:

1. Second Reading of Ordinance – Establishing HBZ State Sales Tax Credit. Finance Director David Rodenbach presented the information on this ordinance and answered questions.

Councilmember Young recognized staff and bond counsel for coming up with a series of changes that will make this much more useful.

MOTION: Move to adopt Ordinance No. 1207 as presented.
Kadzik / Payne – unanimously approved.

2. Donkey Creek Daylighting Project – Construction Costs Presentation / Murray, Smith and Associates. City Administrator Rob Karlinsey presented background information and explained that at the recent Council Retreat, staff presented an alternative for this project that fits the scope and budget. Council requested the risks and cost for other options. He said that tonight’s presentation is informational and Council is not being asked to take action until after the public hearing scheduled for May 23rd.

Historic Preservationist Lita Dawn Stanton presented historic photos of the Donkey Creek Estuary before North Harborview Drive was constructed.

Chris Huber, Senior Vice President from Murray Smith and Associates presented information on the project goals, elements, options and funding sources. He explained that permitting was one key element of the project that presented constraints.

After the presentation he and staff addressed several questions from Council.

NEW BUSINESS:

1. Public Hearing and First Reading of Ordinance – Interim DB Parking Provisions for Existing Buildings. Senior Planner Jennifer Kester presented the information on this interim ordinance designed to allow existing buildings in the downtown area to change use without having to provide additional parking until the Planning Commission can do a more comprehensive review of the downtown parking regulations this fall.

Mayor Hunter opened the public hearing at 6:44 p.m. No one came forward to speak and the public hearing closed.

Councilmembers discussed the potential impacts and benefits of the interim ordinance. Ms. Kester mentioned an e-mail from Steve Lynn, who could not attend the public hearing, asking that the interim ordinance boundary be expanded to include North Harborview Drive.

MOTION: Move to re-open the public hearing to allow additional public testimony. Ekberg / Young – unanimously approved.

Randy Blue – 3908 105th St. Ct. NW. Mr. Blue, owner of Java and Clay Café located at 3210 Harborview Drive, spoke in favor of the interim ordinance. He said that creating vitality in the downtown area will benefit his business, although he agreed it could create a parking problem. He stressed the importance of fixing the economic problems. He voiced a need to create a shopping energy by encouraging more retail.

Nick Tarabochia – 8021 Shirley Avenue. Mr. Tarabochia, owner of Neptune Court and the corner of Judson and Soundview Drive, said that parking continues to be an issue. He said that the economic downturn is exacerbated by the parking issues. He said that anything to loosen regulations would be helpful to economic viability. He agreed that this may not be dealing fairly with all businesses, but because of the downturn we have to be open-minded. Parking may or not be fixed but this may bring some relief and is a step in the right direction. He said we should be more innovative in how we manage the city.

Mark Hoppen – 8133 Shirley Avenue. Mr. Hoppen said that as a means to economically stimulate downtown Gig Harbor, this is just a band-aid. He stressed that the city needs to know what it wants to turn into during this time of transition. He said Council needs to consider the equity of this ordinance because other areas are also suffering and may want the same consideration. He said that this may be a rational approach for the downtown area, but as policy he isn't so sure.

There were no further comments and the public hearing closed at 6:55 p.m.

Councilmembers discussed the unintended consequences of possible displaced parking into the residential areas. This will return for a second reading at the next meeting.

2. Public Hearing and First Reading of Ordinance – Restaurant Parking Requirements. Planning Director Tom Dolan introduced this ordinance that proposes to use a reasonable seating plan for a restaurant as a basis for determining parking rather than upon the maximum occupancy as determined by the International Building Code. He explained that the current method of calculating seating often results in a higher number of parking spaces than necessary.

Mayor Hunter opened the public hearing at 7:04 p.m.

John Chadwell – 19245 5th Avenue, Poulsbo. Mr. Chadwell spoke in favor of the ordinance saying it is more equitable and will promote economic stimulus.

There were no further comments and the hearing closed at 7:08 p.m.

Mr. Dolan addressed several Council questions. This will return for a second reading at the next meeting.

3. First Reading of Ordinance –Graffiti Control. Chief Mike Davis presented the background information on this ordinance that will establish a “zero tolerance” policy for graffiti vandalism. He addressed Council questions and comments.

Jim Pasin – 3212 50th St. Ct. NW. Mr. Pasin, owner of the Westside Business Center, spoke of his experience with graffiti and voiced his concerns. He said that if property owners are required to remove graffiti within 48 hours, then the city should have to do the same. He talked about the cost and time involved with repainting a wall only to have it marked up the next day. He said there is little chance of arrest and the penalties are so minimal that the person doesn’t show up to court or to community service, or do they pay much in restitution. He said it’s a good ordinance but asked for consideration for the property owners.

Nick Tarabochia – 8012 Shirley Avenue. Mr. Tarabochia, Chair of the Parks Commission, explained that this ordinance is based on some of the more successful processes in other jurisdictions. He stressed that graffiti is a crime and promotes economic downturn as well as gang activity. He stressed that if the graffiti is removed within 48 hours, the person doesn’t get the needed gratification. He talked about the failure of the “free wall” concept. Mr. Tarabochia said that this ordinance is a start in helping stamp out graffiti; with the fines and penalties for minors, the parents will intervene to prevent a record. He talked about partnering with the community to clean up graffiti and using technology such as cameras, databases of tags, and facial recognition software.

Michael Perrow – P.O. Box 1266. Mr. Perrow praised Mr. Tarabochia for doing a good job of removing graffiti all over town. He then said that the Parks Commission supports this ordinance because they want to empower the property owners to take care of the problem first and if they don’t, they will be charged for the removal. He said that the

ordinance is a good model for an illegal dumping ordinance as well. He cited several areas in which this is currently happening.

Chief Davis addressed the concerns voiced by Mr. Pasin by agreeing the city should also abide by the 48 hour rule. He talked about the ability to go after restitution and using the reward as a way to catch the person. In addition, the ordinance makes the parents of a minor responsible for their actions. This will return for a second reading at the next meeting.

4. First Reading of Ordinance – Solicitation of Vehicle Occupants on Public Roadways. Chief Davis presented the background information for this ordinance resulting from an influx of panhandlers and the resulting calls for police response.

Warren Harvey – 7400 Stinson Avenue No. 200. Mr. Harvey said he has been harassed and intimidated by the panhandlers as well as witnessing a near accident because of this activity. He said he has filed complaints with the police department but was told that there was nothing could be done. He shared a story from this January when he was confronted by a solicitor who became volatile. He registered another complaint with the police department at that time. He said he is confident that the ordinance will be pursued.

Mark Hoppen – 8133 Shirley Avenue. Mr. Hoppen cited the provision that this ordinance won't interfere with special events, saying the ordinance should be observed in all situations. He referred to one event in which fundraisers stand in the middle of the street to collect from drivers.

Jim Pasin - 3212 50th St. Ct. NW. Mr. Pasin explained that his business is 300' from where the panhandlers locate and from what he has observed these people are not as destitute as they lead you to believe. He voiced his concern that if they are forced off city right of way and once again come onto his property if he has any recourse.

Chief Davis responded that they would first be warned and if they persist, they can be arrested for criminal trespass. He then explained that the "Fill the Boot" special event goes through a fair and equitable review process to determine the safest time and location, and are required to submit an insurance policy to limit city liability.

Chief Davis addressed Council's questions about the ordinance. Councilmember Malich said he isn't in favor of the ordinance and recommended everyone read *Breakfast at Sally's* by Richard LeMieux to help understand what the homeless have to do to survive.

STAFF REPORT:

1. AWC Project of the Year Award. City Engineer Steve Misiurak presented the background information on the SR16/Burnham Drive NW Interchange and Roadway Improvement project that resulted in the city receiving the 2011 Municipal Excellence Award – Public Works Category. He said that the success of the project is an example of many entities and individuals working together. Mr. Karlinsey said that the credit for

this award goes to Steve and his staff for their creative management. He encouraged the Councilmembers to attend the AWC Conference in June when the award will be presented.

2. Harbor Hill Park Property. Mr. Karlinsey announced that John Chadwell presented the city with the deed for the Harbor Hill park property earlier this evening. The acceptance of the deed will be on the May 23rd agenda and the acceptance party is scheduled for June 8th.

3. Shoreline Management Plan Update. Mr. Karlinsey said that the Planning Commission approved the draft SMP last week and Senior Planner Peter Katich hand delivered it to the Department of Ecology. He said that this will return to the Council for adoption mid-summer and praised all the long hours of work by staff and the Planning Commission on this plan.

4. Rash of Burglaries. Chief Davis reported that officers responded to a 3:00 a.m. alarm at Kelly's Restaurant and caught the burglar responsible for not only this but for the burglary at Stroh's.

PUBLIC COMMENT:

Mark Hoppen – 8133 Shirley Avenue. Mr. Hoppen asked Council to remember when prioritizing the HBZ projects that the funds are sales tax dollars coming back to the General Fund. He explained that when the first Treatment Plant was built, General Obligation Bonds were used. He said that it would be appropriate to use HBZ funds to pay down the debt of the recent WWTP project which would prevent rate increases. He suggested using the money for normal general fund expenditures first; things such as roadway improvements and maybe an arts center. He said that the GH Arts Center Alliance has received a commitment for property located across from the YMCA and valued at almost 3 million dollars. If the city could promise to match that investment it would be a significant step in bringing this about. This would be an economic development project as illustrated by the one located in Lone Tree, Colorado.

Jim Pasin - 3212 50th St. Ct. NW. Mr. Pasin said he wanted to touch on five things:

- 1) Praise for Senior Planner Peter Katich for helping the Planning Commission get through the Shoreline Master Plan Update.
- 2) Suggestion for an ordinance prohibiting people from bringing their dogs into retail store unless they are registered service animals.
- 3) Adding a provision to the sign code to allow wood look-alike signs the same advantage as wood.
- 4) Do something about the faulty transponders that will result in an estimated \$600,000 to 2 million dollar loss in revenue and subsequent increase in tolls.
- 5) Donkey Creek Daylighting – proposed use of an 18' steel wall in a fish conservancy when other property owners aren't allowed to use the same. In addition, using

\$300,000 out of the stormwater fund to do nothing to really restore the habitat. The money could be better spent.

MAYOR'S REPORT / COUNCIL COMMENTS:

Councilmember Franich commented that if a councilmember doesn't have the time to listen to other Councilmembers or citizens, then maybe this isn't the place for them.

Councilmember Young reported that at the PSRC meeting the Highway 520 Bridge approval subject to final EIS passed and so tolls will begin as soon as the EIS is complete.

ANNOUNCEMENT OF OTHER MEETINGS:

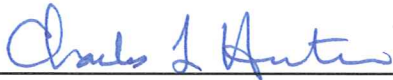
1. City Council / Planning Commission Joint Worksession: Thu. May 12th at 5:30 p.m.
2. City Council Worksession – HBZ Project List: Mon. May 16th at 5:30 p.m.
3. Operations & Public Projects Committee: Thu. May 19th at 3:00 p.m.
4. Harbor Hill Park Property Dedication, June 8th at 3:00 p.m.

Councilmember Payne explained that he won't be able to attend either worksession. He asked what the expectation for the HBZ worksession; just to discuss the projects or to finalize the list? Rob Karlinsey explained that he is hoping for both. Councilmembers were encouraged to submit their own list of projects for inclusion.

ADJOURN:

MOTION: Move to adjourn at 8:25 p.m.
Conan / Franich – unanimously approved.

CD recorder utilized: Tracks 1002 – 1040



Charles L. Hunter, Mayor



Molly Towslee, City Clerk